

Declassified E.O. 12356 Section 3.3/NND No. 7850/6

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POLITICAL,
OCT., NOV. 19

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

7850/6

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POLITICAL, PUBLICATION OF ARMISTICE TERMS
OCT., NOV. 1945

MINUTE SHEET NO. 1

- 1 -

TO: Executive Commissioner.

I am unaware whether comments are required on 4C but attention is drawn to the following:

As regards the commentary on Clause 26, much of the context of the original drafting has been removed. If the comment is for public consumption it is somewhat ironical to say that "there is nothing to prevent him leaving Italian territory". Really, the words "except transportation limitations" require inserting after "nothing".

Tel. Ext. 525.
2 Nov 45.

MS 3/11

ML

M. CARR, Brig.,
VP CA Section.

copy

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

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8 NOV 1945

FOR YOUR INFORMATION

8 NOV 1945

The Armistice clauses together with other relevant documents will be given to the Press by the Italian Government at 1900 hrs, today, November 6. They are being simultaneously released by the US and UK governments in Washington and London. All material issued by the Italian Government will be in Italian. For the convenience of English speaking journalists we are issuing the text of the clauses of the "long terms" the commentary on these terms, and the Cunningham-de Courten Naval agreement with comment. These four, together with the Macmillan aide memoire of 24 February 1945, the major part of the Italian Government release. Please note release date and hour.

PUBLIC RELATIONS BRANCH
ALLIED COMMISSION
APO 384

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

PUBLIC RELATIONS BRANCH
ALLIED COMMISSION
APO 394

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ADDITIONAL CONDITIONS OF ARMISTICE WITH ITALY

(Long Terms)

Whereas in consequence of an armistice dated September 3rd, 1943, between the United States and the United Kingdom Governments, acting in the interests of all United Nations, on the one hand, and the Italian Government on the other hand, hostilities were suspended between Italy and the United Nations on certain terms of a military nature;

And whereas in addition to those terms it was also provided in the said Armistice that the Italian Government would themselves to comply with other conditions of a political, economic and financial nature to be transmitted later;

And whereas it is convenient that the terms of a military nature and the said other conditions of a political, economic and financial nature should without prejudice to the continued validity of the terms of the said Armistice of September 3rd, 1943, be compiled in a further instrument;

The following together with the terms of the Armistice of September 3rd, 1943, are the terms on which the United States, United Kingdom and Soviet Governments, acting on behalf of the United Nations are prepared to suspend hostilities against Italy so long as there military operations against Germany and her Allies are not curtailed and Italy does not assist those Powers in any way and complies with the requirements of those Governments.

These terms have been presented by General Dwight D. EISENHOWER, Commander-in-Chief, Allied Forces, duly authorized to that effect.

And have been accepted unconditionally by Marshal Pietro BADOLIO, Head of the Italian Government, representing the Supreme Command of the Italian land, sea and air forces and only

These terms have been presented by General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, duly authorized to that effect:

And have been accepted unconditionally by Marshal Pietro Badoglio, Head of the Italian Government, representing the Supreme Command of the Italian land, sea and air forces and duly authorized to that effect by the Italian Government.

Words and sentences in italics, including the title, do not appear in the original document signed at Malta on September 20, 1943 but have been subsequently added or modified in agreement with the Protocol of November 9, 1943 (See No. 12b).

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ADDITIONAL CONDITIONS OF ARMISTICE WITH ITALY

(LONG TERMS)

1.

(A) The Italian Land, Sea and Air Forces wherever located, hereby surrender.

(B) Italian participation in the war in all Theaters will cease immediately. There will be no opposition to landings, movements or other operations of the Land, Sea and Air Forces of the United Nations. Accordingly, the Italian Supreme Command will order the immediate cessation of hostilities of any kind against the Forces of the United Nations and will direct the Italian Navy, Military and Air Force authorities in all Theaters to issue forthwith the appropriate instructions to those under their Command.

(C) The Italian Supreme Command will further order all Italian Naval, Military and Air Forces or authorities and personnel to refrain immediately from destruction of or damage to any real or personal property, whether public or private.

2. The Italian Supreme Command will give full information concerning the disposition and condition of all Italian Land, Sea and Air Forces, wherever they are situated and of all such forces of Italy's Allies as are situated in Italian or Italian occupied territory.

3. The Italian Supreme Command will take the necessary measures to secure airfields, port facilities, and all other installations against seizure or attack by any of Italy's Allies. The Italian Supreme Command will take the necessary measures to insure law and order, and to use its available armed forces to insure prompt and exact compliance with all the provisions of the present instrument. Subject to such use of Italian troops for the above purposes, as may be authorized by the Allied Commander-in-Chief, all other Italian Land, Sea and Air Forces will proceed to and remain in their barracks, camps or other pending directions from the United Nations as to their future status and disposal. Exceptionally such Naval personnel shall proceed to shore establishments as the United Nations may direct.

4. Italian Land, Sea and Air Forces will within the periods to be laid down by the United Nations withdraw from all areas outside Italian territory referred to the Italian Government by the United Nations and proceed to areas to be specified by the United Nations. Such movement of Italian Land, Sea and

4. Italian Land, Sea and Air Forces will within the periods to be laid down by the United Nations withdraw from all areas outside Italian territory notified to the Italian Government by the United Nations and proceed to areas to be specified by the United Nations. Such movement of Italian Land, Sea and Air Forces will be carried out on conditions to be laid down by the United Nations, and in accordance with the orders to be issued by them. All Italian officials will similarly leave the areas notified except any who may be permitted to remain by the United Nations. It is permitted to remain will comply with the instructions of the Allied Commander-in-Chief.

5. No requisitioning, seizures or other coercive measures shall be effected by Italian Land, Sea and Air Forces or officials in regard to persons or property in the areas notified under Article 4.

6. The demobilization of Italian Land, Sea and Air Forces in excess of such establishments as shall be notified will take place as prescribed by the Allied Commander-in-Chief.

7. Italian warships of all descriptions, auxiliaries and transports will be assembled as directed in ports to be specified by the Allied Commander-in-Chief, and will be dealt with as prescribed by the Allied Commander-in-Chief. (Note. If at the date of the Armistice the whole of the Italian Fleet has been

assembled in Allied ports, this article would run - "Italian warships of all descriptions, auxiliaries, and transports will remain until further notice in the ports where they are at present anchored, and will be dealt with as prescribed by the Allied Commander-in-Chief."

8. Italian aircraft of all kinds will not leave the ground or water or ships, except as directed by the Allied Commander in Chief.

9. Without prejudice to the provisions 14, 15 and 28 (A) and (D) below, all merchant ships, fishing or other craft of whatever flag, all aircraft and inland transport of whatever nationality in Italian or Italian-occupied territory or waters will, pending verification of their identity and status, be prevented from leaving.

10. The Italian Supreme Command will make available all information about routes, military and air defenses, installations, and defenses, about all transport and communication systems established by Italy or her allies on Italian territory or in the approaches thereto, about minefields or other obstacles to movement by land, sea or air and about other particulars as the United Nations may require in connection with the use of fighter bases, or with operations, security, or welfare of the United Nations land, sea or air forces. Italian ground and equipment will be made available as required by the United Nations for the removal of the above mentioned obstacles.

11. The Italian Government will furnish forthwith lists of quantities of all war material showing the location of the same. Subject to such use as the Allied Commander-in-Chief may make of it, the war material will be placed in store under such control as he may direct. The ultimate disposal of war material will be prescribed by the United Nations.

12. There will be no destruction of nor damage to nor except as authorized or directed by the United Nations any removal of war material, wireless, radio location or meteorological stations, railroad, port or other installations or in general, public or private utilities or property of any kind, wherever situated, and the necessary maintenance and repair will be the responsibility of the Italian authorities.

13. The manufacture, production and construction of war material and its import, export and transit is prohibited, except as directed by the United Nations. The Italian Government will comply with any directions given by the United Nations for the manufacture, production or construction and the import, export or transit of war material.

12. There will be no destruction of nor damage to nor except as authorized or directed by the United Nations any removal of war material, wireless, radio location or meteorological stations, railroad, port or other installations or in general, public or private utilities or property of any kind, wherever situated, and the necessary maintenance and repair will be the responsibility of the Italian authorities.

13. The manufacture, production and construction of war material and its import, export and transit is prohibited, except as directed by the United Nations. The Italian Government will comply with any directions given by the United Nations for the manufacture, production or construction and the import, export or transit of war material.

14.

(A) All Italian merchant shipping and fishing and other craft, wherever they may be, and any construction or completed during the period of the present instrument will be made available in good repair and in seaworthy condition by the competent Italian authorities at such places and for such purposes and periods as the United Nations may prescribe. Transfer to enemy or neutral flags is prohibited. Crews will remain on board pending further instructions regarding their continued employment or dispersal. Any existing vessels to repurchase or re-acquire or to resume control of Italian or former Italian vessels sold or otherwise transferred or chartered during the war will notwithstanding be exercised and the above provisions will apply to all such vessels and their crews.

(B) All Italian inland transport and all port equipment will be held at the disposal of the United Nations for such purposes as they may direct.

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15. United Nations merchant ships, fishing and other craft in Italian hands wherever they may be (including for this purpose those of any country which has broken off diplomatic relations with Italy) whether or not the title has been transferred as the result of prize court proceedings or otherwise, will be surrendered to the United Nations and will be assembled in ports to be specified by the United Nations for disposal as directed by them. The Italian Government will take such steps as may be required to secure any necessary transfers of title. The neutral merchant ship, fishing or other craft under Italian operation or control will be assembled in the same manner pending arrangements for their ultimate disposal. Any necessary repairs to any of the above mentioned vessels will be effected by the Italian Government, if required, at their expense. The Italian Government will take the necessary measures to insure that the vessels and their cargo are not damaged.

16. No radio or telecommunication installations or other forms of communication, radio or other, under Italian control whether belonging to Italy or to any other country, shall be used for the purpose of transmitting or for the control of these installations have been described by the Allied Commander-in-Chief. The Allied authorities will continue to give instructions for the maintenance of these forms of other installations, of theatres and other forms of communication, of broadcasting, and any of all forms of communication and the Allied Commander-in-Chief may direct the Allied Commander-in-Chief to take such steps as may be required to insure that the communication station.

17. The Allied authorities, territories, transports and other vessels and aircraft in the service of the United Nations will have the right freely to use the territorial waters around and the air over Italian territory.

18. The forces of the United Nations will require to occupy certain parts of Italian territory. The territories or areas concerned will from time to time be notified by the United Nations and all Italian Land, Sea and Air Forces will thereupon withdraw from such territories or areas in accordance with the instructions issued by the Allied Commander-in-Chief. The provisions of this article are without prejudice to those of article 4 above. The Italian Supreme Command will guarantee immediate use and access to the allies of all airfields and Naval ports in Italy under their control.

19. In the territories or areas referred to in article 18 all Naval, Military and Air installations, power stations, oil refineries, public utility services, all ports and harbors, all transport and all inter-communication installations, facilities and equipment and such other installations or facilities and all such stocks as may be required by the United Nations will be made available in good condition by the competent Italian authorities with the personnel required for working them. The Italian Government will make available such other local resources or services as the United Nations may require.

and will guarantee immediate use and access to the Allies of all airfields and Naval ports in Italy under their control.

19. In the territories or areas referred to in article 18 all Naval, Military and Air installations, power stations, oil refineries, public utility services, all ports and harbors, all transport and all inter-communication installations, facilities and equipment and such other installations or facilities and all such stocks as may be required by the United Nations will be made available in good condition by the competent Italian authorities with the personnel required for working them. The Italian Government will make available such other local resources or services as the United Nations may require.

20. Without prejudice to the provisions of the present instrument the United Nations will exercise all the rights of an occupying power throughout the territories or areas referred to in article 18, the administration of which will be provided for by the issue of proclamations, orders or regulations. Personnel of the Italian administrative, judicial and public services will carry out their functions under the control of the Allied Commander-in-Chief unless otherwise directed.

21. In addition to the rights in respect of occupied Italian territories described in articles 18 to 20,

(A) Members of the Land, Sea or Air Forces and officials of the United Nations will have the right of passage in or over non-occupied Italian territory and will be afforded all the necessary facilities and assistance in performing their functions.

(B) The Italian authorities will make available on non-occupied Italian territory all transport facilities required by the United Nations including free transit for their war material and supplies, and will comply with instructions issued by the Allied Commander-in-Chief regarding the use and control of airfields, ports, shipping, inland transport systems and vehicles, intercommunication systems, power stations and public utility services, oil refineries, stocks and such other fuel and power supplies and means of producing same, as United Nations may specify, together with connected repair and construction facilities.

22. The Italian Government and people will abstain from all action detrimental to the interests of the United Nations and will carry out promptly and efficiently all orders given by the United Nations.

23. The Italian Government will make available such Italian currency as the United Nations may require. The Italian Government will withdraw and redeem in Italian currency within such time-limits and on such terms as the United Nations may specify all holdings in Italian territory of currencies issued by the United Nations during military operations or occupation and will hand over the currencies withdrawn free of cost to the United Nations. The Italian Government will take such measures as may be required by the United Nations for the control of banks and business in Italian territory, for the control of foreign exchange and foreign commercial and financial transactions and for the regulation of trade and production and will comply with any instructions issued by the United Nations regarding these and similar matters.

24. There shall be no financial, commercial or other intercourse with or dealings with or for the benefit of countries at war with any of the United Nations or territories occupied by such countries or any other foreign country except under authorization of the Allied Commander-in-Chief or designated officials.

25.

(A) Relations with countries at war with any of the United Nations, or occupied by any such country, will be broken off. Italian diplomatic, consular and other officials and members of the Italian Land, Sea and Air Forces accredited to or serving on missions with any such country or in any other territory specified by the United Nations will be recalled. Diplomatic and consular officials of such countries will be dealt with as the United Nations may prescribe.

(A) Relations with countries at war with any of the United Nations, or occupied by any such country, will be broken off. Italian diplomatic, consular and other officials and members of the Italian Land, Sea and Air Forces accredited to or serving on missions with any such country or in any other territory specified by the United Nations will be recalled. Diplomatic and consular officials of such countries will be dealt with as the United Nations may prescribe.

(B) The United Nations reserve the right to require the withdrawal of neutral diplomatic and consular officers from occupied Italian territory and to prescribe and lay down regulations governing the procedure for the methods of communication between the Italian Government and its representatives in neutral countries and regarding communications emanating from or destined for the representatives of neutral countries in Italian territory.

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26. Italian subjects will pending further instructions be prevented from leaving Italian territory except as authorized by the Allied Commander-in-Chief and will not in any event take service with any of the countries or in any of the territories referred to in article 25 (A) nor will they proceed to any place for the purpose of undertaking work for any such country. Those at present so serving or working will be recalled as directed by the Allied Commander-in-Chief.

27. The Military, Naval and Air personnel and material and the merchant shipping, fishing and other craft and the aircraft, vehicles and other transport equipment of any country against which any of the United Nations is carrying on hostilities or which is occupied by any such country, remain liable to attack or seizure wherever found in or over Italian territory or waters.

28.

(A) The warships, auxiliaries and transports of any such country or occupied country referred to in article 27 in Italian or Italian occupied ports and waters and the aircraft, vehicles and other transport equipment of such countries in or over Italian or Italian occupied territory will, pending further instructions, be prevented from leaving.

(B) The Military, Naval and Air personnel and the civilian nationals of any such country or occupied country in Italian or Italian occupied territory will be prevented from leaving and will be interned pending further instructions.

(C) All property in Italian territory belonging to any such country or occupied country or its nationals will be impounded and kept in custody pending further instructions.

(D) The Italian Government will comply with any instructions given by the Allied Commander-in-Chief concerning the internment, custody or subsequent disposal, utilization or employment of any of the above-mentioned persons, vessels, aircraft, material or property.

29. BENITO MUSSOLINI, his Chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations and who now or in the future are on territory controlled by the Allied Military Command or by the Italian Government will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with.

30. All Fascist organizations, including all branches of the Fascist Militia (MVSN), the Secret Police, (OVRA), all Fascist youth organizations will insofar as this is not already accomplished be disbanded in accordance with the directions of the Allied Commander-in-Chief. The Italian Government will comply with all such further directions as the United Nations may give for abolition of Fascist institutions, the dismissal and internment of Fascist personnel, the control of Fascist funds, the suppression of Fascist ideology and teaching.

30. All Fascist organizations, including all branches of the Fascist Militia (MVSN), the Secret Police, (OVRA), all Fascist youth organizations will insofar as this is not already accomplished be disbanded in accordance with the directions of the Allied Commander-in-Chief. The Italian Government will comply with all such further directions as the United Nations may give for abolition of Fascist institutions, the dismissal and internment of Fascist personnel, the control of Fascist funds, the suppression of Fascist ideology and teaching.

31. All Italian laws involving discrimination on grounds of race, color, creed or political opinions will insofar as this is not already accomplished be rescinded, and persons detained on such grounds will, as directed by the United Nations, be released and relieved from all legal disabilities to which they have been subjected. The Italian Government will comply with all such further directions as the Allied Commander-in-Chief may give for repeal of Fascist legislation and removal of any disabilities or prohibitions resulting therefrom.

32.

(A) Prisoners of war belonging to the forces of or specified by the United Nations and any nationals of the United Nations, including Abyssinian subjects, confined, interned, or otherwise under restraint in Italian or Italian-occupied territory will not be removed and will forthwith be handed over to representatives of the United Nations or otherwise dealt with as the United Nations may direct. Any removal during the period between the presentation and the signature of the present instrument will be regarded as a breach of its terms.

(B) Persons of whatever nationality who have been placed under restriction, detention or sentence (including sentences in absentia) on account of their dealings or sympathies with the United Nations will be released under the direction of the United Nations and relieved from all legal disabilities to which they have subjected.

(C) The Italian Government will take such steps as the United Nations may direct to safeguard the persons of foreign nationals and property of foreign nationals and property of foreign states and nationals.

33.

(A) The Italian Government will comply with such directions as the United Nations may prescribe regarding restitution, deliveries, services or payments by way of reparation and payment of the costs of occupation during the period of the present instrument.

(B) The Italian Government will give to the Allied Commander-in-Chief such information as may be prescribed regarding the assets, whether inside or outside Italian territory, of the Italian state, the Bank of Italy, any Italian state or semi-state institutions or Fascist organizations or residents in Italian territory and will not dispose or allow the disposal, outside Italian territory of any such assets except with the permission of the United Nations.

34. The Italian Government will carry out during the period of the present instrument such measures of disarmament, demobilization and demilitarization as may be prescribed by the Allied Commander-in-Chief.

35. The Italian Government will supply all information and provide all documents required by the United Nations. There shall be no destruction or concealment of archives, records, plans or any other documents or information.

36. The Italian Government will take and enforce such legislative and other measures as may be necessary for the execution of the present instrument. Italian military and civil authorities will comply with any instructions issued by the Allied Commander-in-Chief for the same purpose.

37. There will be appointed a control commission representative of the United Nations charged with regulating and executing this instrument under the orders and general directions of the Allied Commander-in-Chief.

38.

(A) The term "United Nations" in the present instrument includes the Allied Commander-in-Chief, the control commission and any other authority which the United Nations may designate.

(B) The term "Allied Commander-in-Chief" in the present instrument includes the control commission and such other officers and representatives as the Commander-in-Chief may designate.

37. There will be appointed a control commission representative of the United Nations charged with regulating and executing this instrument under the orders and general directions of the Allied Commander-in-Chief.

38.

(A) The term "United Nations" in the present instrument includes the Allied Commander-in-Chief, the control commission and any other authority which the United Nations may designate.

(B) The term "Allied Commander-in-Chief" in the present instrument includes the control commission and such other officers and representatives as the Commander-in-Chief may designate.

39. Reference to "Land, Sea and Air Forces in the present instrument shall be deemed to include Fascist Militia and all such other military or paramilitary units, formations or bodies as the Allied Commander-in-Chief may prescribe.

40. The term "Acquired Territory" in the present instrument denotes all material specified in such lists or definitions as may from time to time be annexed by the control commission. 5198

41. The term "Italian Territory" includes all Italian colonies and dependencies and shall for the purposes of the present instrument (but without prejudice to the question of sovereignty) be deemed to include Albania. Provided however that except in such cases and to such extent as the United Nations may direct the provisions of the present instrument shall not apply in or affect the administration of any Italian colony or dependency already occupied by the United Nations or the rights or powers therein possessed or exercised by them.

42. The Italian Government will send a delegation to the Headquarters of the control commission to represent Italian interests and to transmit the orders of the control commission to the competent Italian authorities.

43. The present instrument shall enter into force hours after its signature. It will remain in operation until superseded by any other arrangements or until the voting into force of the peace treaty with Italy.

44. The present instrument may be denounced by the United Nations with immediate effect if Italian obligations hereunder are not fulfilled or, as an alternative, the United Nations may penalize contravention of it by measures appropriate to the circumstances such as the extension of the areas of military occupation or air or other punitive action.

The present instrument is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation, the decision of the control commission will prevail.

Signed at MALTA on the 29th day of September 1943.

Marshal
PIETRO BADUOLIO
Head of the Italian Government

General, United States Army
Dwight D. EISENHOWER
Commander-in-Chief
Allied Forces

AMENDED BY PAN. 624.

SECRET

ADDITIONAL CONDITIONS OF ARMISTICE WITH ITALY.

COMMENT:

The extent to which certain articles of the following agreement signed on behalf of the United Nations on the one hand and the Italian Government on the other have been implemented or modified is shown in italics under the relevant articles. The remaining articles have either been superseded by events and are therefore dormant, or are still in force. These articles are not commented upon.

(NOTE: Articles of armistice terms to be inserted above each applicable comment)

Article

Text of article.....

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Were complied with.

Text of article.....

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With the cooperation of the Italian Government, the Italian Armed Forces have been used to the maximum useful extent in the services of the United Nations and have contributed materially towards the liberation of Italy and final

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13. Text of article.....

No comments.

14. Text of article.....

While Italian merchant ships have been employed in the general interests of the United Nations, they have been primarily employed in the Italian interest. Italian inland transport and ports have now been largely returned to Italian administration except insofar as redeployment and maintenance of Allied Forces has had to be effected.

Sheet 1.

With the cooperation of the Italian Government, the Italian Armed Forces have been used to the maximum useful extent in the services of the United Nations and have contributed materially towards the liberation of Italy and final victory. The Italian Navy has operated with Allied warships in the Mediterranean and elsewhere and since the cessation of hostilities has largely been employed in the Italian interests in mine sweeping and the transport of displaced persons. The Army fought alongside Allied formations during the campaign in Italy and the Air Force took its place with the Allied Air Forces.

Sheet 2.Article

15. Text of article.....

The provisions of the article as regards small vessels and craft have not been fully satisfied owing to the difficulty of locating and identifying the vessels and craft concerned.

16. Text of article.....

Control of radio has been returned to the Italian Government. All military and rehabilitated civilian telecommunications are being handed over to the Italians as military requirements decrease. Internal censorship has been abolished in the areas under Italian Government control.

17. Text of article.....

No comments.

18. Text of article.....

The second sentence of this article has never been invoked except in two frontier areas, i.e., on the Franco-Italian frontier and Venezia Giulia.

19. Text of article.....

Care has been taken to conserve, wherever possible, Italian resources for the use of the civil economy and to utilise local goods and services only when military necessity demanded.

The Allied Forces Local Resources Board, an the committees of which Italian representatives have sat, was established as the allocation agency. While the legal rights of the Allied Forces under this article have not been modified, in practice it has been administered with as much regard as possible for Italian needs. With the redeployment of

Italian resources for the use of the civil economy and to utilise local goods and services only when military necessity demanded.

The Allied Forces Local Resources Board, on the committees of which Italian representatives have sat, was established as the allocation agency. While the legal rights of the Allied Forces under this article have not been modified, in practice it has been administered with as much regard as possible for Italian needs. With the redeployment of Allied troops from Italy the utilisation of local resources and facilities is diminishing rapidly. In addition, large quantities of food, coal, clothing and other commodities have been imported into Italy by the United Nations, largely in United Nations ships, to supplement local resources and to alleviate distress.

20. Text of article.....

was rigorously enforced in combat zones for obvious operational reasons. This was progressively relaxed as the battle moved forward until territories were handed over wholly to Italian administration.

21. Text of article.....

As Allied forces are redeployed facilities are progressively being handed back to Italian control.

22. Text of article.....

With the declaration of war upon the Germans by the Italian Government in October 1943, there has never been any necessity to invoke this article.

Sheet 2.

Sheet 3.Article

23. Text of article.....

The Italian Government has been informed that the Allied Commission will no longer intervene in Italian internal financial affairs, except in cases of Allied military necessity, and that with certain exceptions in Italy's own interests the Italian Government may no longer obtain the approval of the Allied Commission prior to the execution of external financial transactions. The Italian Government is now free to fix to negotiate exchange rates for the lire without prior consultation with the Allied Commission.

24. Text of article.....

Private export trade may now be resumed and all types of commercial and financial correspondence may now go forward from Italy to the non-enemy world, subject to the Italian Government putting into force certain trade control measures similar to those employed by the United Nations, against enemy interests.

25. Text of article.....

No comments.

26. Text of article.....

This article is no longer enforced and provided an individual has the necessary civil documents such as passport, visa, etc., there is nothing to prevent him leaving Italian territory, subject of course to the immigration laws and regulations of the countries of intended destination.

27. Text of article.....

No comments.

26. Text of article.....

This article is no longer enforced and provided an individual has the necessary civil documents such as passport, visa, etc., there is nothing to prevent him leaving Italian territory, subject of course to the immigration laws and regulations of the countries of intended destination.

27. Text of article.....

No comments.

28. Text of article.....

No comments.

29. Text of article.....

No comments.

30. Text of article.....

Text of article.....

The Italian Government has of its own volition done all that would have been required.

32. Text of article.....

This article has been complied with and is in the case of clauses (a) and (b) no longer applicable. As regards clause (c), the Italian Government has cooperated loyally in carrying out such instructions as have been given concerning the conservation and administration of United Nations property in Italy previously sequestered by the Italian Government.

Sheet 3.

Sheet 4.Article

33. Text of article.....
The part of clause 33 (b) that deals with the disposal of foreign assets has been modified in favour of the Italian Government. (See under Article 23).
34. Text of article.....
No comments.
35. Text of article.....
No comments.
36. Text of article.....
37. Text of article.....
The execution of these clauses has been modified by the Macmillan Aide Memoir of 24 February 1945.
38. Text of article.....
No comments.
39. Text of article.....
No comments.
40. Text of article.....
No comments.
41. Text of article.....
In practice the Armistice conditions have not been applied

40. No comments. Text of article.....

No comments.

41. Text of article.....

In practice the armistice conditions have not been applied to ALBANIA or to any former Italian territories overseas.

42. Text of article.....

No comments.

43. Text of article.....

No comments.

44. Text of article.....

No comments.

MEMORANDUM OF AGREEMENT OF 23 SEPTEMBER 1943 ON THE
EMPLOYMENT AND DISPOSITION OF
THE ITALIAN FLEET AND MERCANTILE MARINE BETWEEN THE ALLIED NAVAL
COMMANDER IN CHIEF, MEDITERRANEAN, ACTING
ON BEHALF OF THE ALLIED COMMANDER IN CHIEF AND THE
ITALIAN MINISTER OF MARINE AS ATTENDED BY PROTOCOL OF
17 NOVEMBER 1943

1. The armistice having been signed between the Head of the Italian Government and the Allied Commander-in-Chief under which all Italian warships and the Italian Mercantile Marine were placed unconditionally at the disposal of the United Nations, and H.M. The King of Italy and the Italian Government having since expressed the wish that the Fleet and the Italian Mercantile Marine should be employed in the Allied effort to assist in the prosecution of the war against the Axis powers, the following principles are established on which the Italian Navy and Mercantile Marine will be disposed.

It is understood and agreed that the provisions of this Agreement as to immediate employment and disposition of Italian warships and merchant ships do not affect the right of the United Nations to make such other dispositions of any or all Italian ships as they may think fit. Their decisions in this respect will be notified to the Italian Government from time to time.

- (A) Such ships as can be employed to assist actively in the Allied effort will be kept in commission and will be used under the orders of the Commander-in-Chief, Mediterranean, as may be arranged between the Allied Commander-in-Chief and the Italian Government.
- (B) Ships which cannot be so employed will be reduced to a care and maintenance basis and be placed in designated ports, measures of disarmament being undertaken as may be necessary.
- (C) The Government of Italy will declare the names and whereabouts of
 - (i) Warships
 - (ii) Merchant ships

(B) Ships which cannot be so employed will be reduced to a care and maintenance basis and be placed in designated ports, measures of disarmament being undertaken as may be necessary.

(C) The Government of Italy will declare the names and whereabouts of

- (i) Warships
- (ii) Merchant ships

now in their possession which previously belonged to any of the United Nations. These vessels are to be returned forthwith as may be directed by the Allied Commander-in-Chief. This will be without prejudice to negotiations between the Governments which may subsequently be made in connection with replacing losses of ships of the United Nations caused by Italian action.

(D) The Allied Naval Commander-in-Chief will act as the agent of the Allied Commander-in-Chief in all matters concerning the employment of the Italian Fleet or Merchant Navy. Their disposition and related matters.

(E) It should be clearly understood that the extent to which the terms of the armistice are modified to allow of the arrangements outlined above and which follow, are dependent upon the extent and effectiveness of Italian co-operation.

2. Method of Operation. The Commander-in-Chief, Mediterranean, will place at the disposal of the Italian Ministry of Marine a high ranking Naval officer with the appropriate staff who will be responsible to the Commander-in-Chief, Mediterranean, for all matters in connection with the operation of the Italian Fleet, and be the medium through which dealings will be carried out in connection with the Italian Merchantile Marine. The Flag Officer acting for these duties

(Flag Officer Liaison), will keep the Italian Ministry of Marine informed of the requirements of the Commander-in-Chief, Mediterranean, and will act in close cooperation as regards issue of all orders to the Italian Fleet.

3. Proposed disposition of the Italian Fleet.

(a) All battleships will be placed on a care and maintenance basis in ports to be designated and will have such measures of disarmament applied as may be directed. These measures of disarmament will be such that the ships can be brought into operation again if it so seems desirable. Each ship will have on board a proportion of Italian Naval personnel to keep the ships in proper condition and the Commander-in-Chief, Mediterranean, will have the right of inspection at any time.

(b) Cruisers. Such cruisers as can be of immediate assistance will be kept in commission. At present it is visualized that one squadron of four cruisers will suffice and the remainder will be kept in care and maintenance as for the battleships but at a rather greater degree of readiness to be brought into service if required.

(c) Destroyers and Torpedo Boats. It is proposed to keep these in commission and to use them on escort and similar duties as may be requisite. It is proposed that they should be divided into escort groups working as units and that they should be based on Italian ports.

(d) Small Craft. M.A.S., Minesweepers, auxiliaries and similar small craft will be employed to the full, detailed arrangements being made with the Flag Officer (Liaison) by the Italian Ministry of Marine for their best employment.

(e) Submarines. In the first instance submarines will be immobilized in ports to be designated and at a later date these may be brought into service as may be required to assist the Allied effort.

4. Status of Italian Navy. Under this modification of the armistice terms, all the Italian ships will continue to fly their flags. A large proportion of the Italian Navy will thus remain in active commission operating their own ships and fighting alongside the forces of the United Nations against the Axis Powers.

(d) Small Craft. M.A.S., Minesweepers, auxiliaries and similar small craft will be employed to the full, detailed arrangements being made with the Flag Officer (Liaison) by the Italian Ministry of Marine for their best employment.

(e) Submarines. In the first instance submarines will be immobilized in ports to be designated and at a later date these may be brought into service as may be required to assist the Allied effort.

4. Status of Italian Navy. Under this modification of the armistice terms, all the Italian ships will continue to fly their flags. A large proportion of the Italian Navy will thus remain in active commission operating their own ships and aircraft alongside the forces of the United Nations against the Axis Powers.

The requisite Liaison officers will be supplied to facilitate the working of the Italian ships in co-operation with allied forces. A small Italian Liaison mission will be attached to the Headquarters of the Commander-in-Chief, Mediterranean, to deal with matters affecting the Italian Fleet.

5. Mercantile Marine. It is the intention that the Italian Mercantile Marine should operate under the same conditions as the merchant ships of the Allied Nations. That is to say, all mercantile shipping of the United Nations is formed into a pool which is employed as may be considered necessary for the benefit of all the United Nations. In this will naturally be included the requirements for the supply and maintenance of Italy. The system will be analogous to that used in North Africa, where the North Africa Shipping Board controls all United States, British and French shipping under certain agreements which will have to be arranged in detail in so far as Italian ships are concerned. While it may be expected that a proportion of Italian ships will be working within the Mediterranean and to and from Italian ports, it must be appreciated that this will not always necessarily be the case and ships flying the Italian flag may be expected to be used elsewhere as is done with the merchant ships of all the United Nations. Italian ships employed as outlined in this paragraph will be manned so far as possible by crews provided by Italian Ministry of Marine and will fly the Italian flag.

COMMENTS ON THE CUNNINGHAM-de COURTEN AGREEMENT.

1. As explained within the terms, this agreement was produced in modification of the Armistice Terms in order that the Italian Fleet and Mercantile Marine could assist in the prosecution of the war against the Axis Powers.

2. The additions to the agreement were inserted at the Allied request after the original agreements had been concluded and were accepted on the Italian side in view of an amelioration of certain articles in original terms of the Armistice. Signature was accompanied by the formal statement of Admiral de Courten printed above.

3. The provisions of this agreement have been carried out and those provisions which remain operative with the cessation of hostilities are still being carried out. Furthermore, many Italian warships are undertaking work of direct benefit to the Italians themselves, e.g. transport of displaced persons.

4. While the employment of Italian ships has been of use to the United Nations it is pointed out that considerable United Nations resources have been expended in Italy to help the Italian Government in keeping Italian ships running and the crews fed and clothed.

5. In addition to the use of the Italian Mercantile Marine shipping, under this agreement a number of smaller Italian merchant ships have been returned to the control of the Italian authorities.

SECRET.
HEADQUARTERS ALLIED COMMISSION

APO 394

2 NOV 1945 Office of the Executive Commissioner

14/8A/CH ✓
Ref: 2603/EC.

2 Nov 1945

SUBJECT: Publication of Armistice Terms.

TO : POLAD (A)
POLAD (B)
Dep Ex Com
VE, CA Sec
VP, Econ Sec

1. I refer to my minute 2603/EC of 1 Nov 45 addressed to Chief Commissioner, copy to you.
2. Please substitute the attached for Pages 1 and 5 of the commentary forwarded with the above quoted minute.

De Lave
Brigadier,
Executive Commissioner.

5193

SECRET.

1 - NOV 1945

1 Nov 1945.Ref: 2600/30.

SUBJECT: Publication of Amistice Terms.

TO : Chief Commissioner.

1. I attended a meeting at AMRO of the MJIS yesterday. The meeting had been called to decide on the draft of the commentary recorded in AMRO telegram IX 49644 of 20 Oct 45 and requested in WARREN telegram of 27 Oct 45.
2. It is important to note with respect to the proposed publication of the Amistice terms that the 12 Chiefs of Staff have indicated the matter and that at AMRO and all telegrams have been addressed to and sent by COMUSMACV, and not SACMRO.
3. At the opening of yesterday's meeting the chairman read a telegram to the effect that it was proposed to publish the terms of the Amistice with agreed documents and commentary on 2 November, if possible. As SACMRO had not consulted his service commanders, particularly C-12-C MACV, and as you had not been instructed to consult the Italian Government, it was agreed that the case was impossible. I understood that COMUSMACV is telegraphing to this effect and I urged C-5 strongly to request SACMRO to send a similar telegram on the lines that he had not yet received any instructions himself.
4. With regard to the publication of the terms, the State Department is considering the release of the terms together with PAM 483, PAM 487, PAM 640 and General MacArthur's letter of 29 September 1945.
5. The MJIS agreed on a commentary in the form of the attached paper. You will notice that it is considerably shorter and less defensive than the paper submitted by ourselves.

4. With regard to the publication of the terms, the State Department is considering the release of the terms together with 241485, 241487, 241489 and General Eisenhower's letter of 29 September 1945.

5. The HHS agreed on a commentary in the form of the attached paper. You will notice that it is considerably shorter and less definitive than the paper submitted by ourselves.

6. It was the general feeling at the meeting that there was a grave danger of unilateral publication of the terms and documents in the US. This was shared by the US chairman, although US Polad (Mr. Hamilton) assured us that he would do his best to prevent this.

7. The representative of the Royal Navy wished to make it perfectly clear that his consent to the commentary did not commit C-480 HED when he is consulting today.

8. I give it as my opinion that a week would be necessary between the presentation of the proposition and the documents to the Italian Government and the date for simultaneous release in the three countries.

5192

COPY TO: POLAD (A)
POLAD (B)
Dep Ex. Com
VP, CA Sec
VP, Econ Sec

7.2.2

Brigadier,
Executive Cardholder.

(7/1/46)

4B

Extract from :-

EMBASSY OF THE UNITED STATES OF AMERICA
DEPARTMENT OF STATE

ROME.

November 1 1945

RADIO BULLETIN 260

SECRETARY'S Press CONFERENCE.

Page 3. Paragraph 4.

" Answering a request for enlightenment on the final disposition of the Italian Fleet, Secretary said he could not give any information on that subject because it was involved in the treaty with Italy and must be considered in connection with the treaty, but assured correspondents that he would make available the Terms of the Italian Armistice before next Wednesday's press conference. He pointed out that the reason for the delay now was that the Commander of the Mediterranean Theater wished to make some commentaries as to the changes that have taken place in order to make it more intelligible and understandable. "

5191

5H/6

4C

SECRET.

ADDITIONAL CONDITIONS OF ARMISTICE WITH ITALY.

COMMENT: The extent to which certain clauses of the following agreement signed on behalf of the United Nations on the one hand and the Italian Government on the other have been implemented or modified is shown in italics under the relevant clauses. The remaining clauses have either been superseded by events and are therefore dormant, or are still in force. These clauses are not commented upon.

(NOTE: Clauses of armistice terms to be inserted above each applicable comment)

Clause

1. Text of clause.....

" " " "

" " " "

" " " "

" " " "

" " " "

Were complied with.

6. Text of clause.....

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

With the cooperation of the Italian Government, the Italian Armed Forces have been used to the maximum useful extent in the services of the United Nations and have contributed towards liberating Italy and final victory. The Italian Navy has operated with Allied warships in the Mediterranean and elsewhere and since the cessation of hostilities has largely been employed in Italian interests in mine sweeping and the transport of displaced persons. The Army fought alongside Allied formations during the campaign in Italy and the Italian Air Force took its place with the Allied Air Forces.

13. Text of clause.....

No comments.

14. Text of clause.....

5190

13.

Text of clause.....

No comments.

5190

14.

Text of clause.....

While Italian merchant ships have been employed in the general interests of the United Nations, they have been primarily employed in Italian interests. Italian inland transport and ports have now been largely returned to the Italian administration except insofar as the redeployment and maintenance of the Allied Forces have had to be effected.

15.

Text of clause.....

The provisions of this clause as regards small vessels and craft have not yet been fully satisfied owing to the difficulty of locating and identifying vessels and craft concerned.

16.

Text of clause.....

Control of radio has been returned to the Italian Government. All military and rehabilitated civilian telecommunications have been and will continue to be handed over to the Italians as military requirements decrease. Internal censorship has been abolished in the areas under Italian Government control.

17.

Text of clause.....

No comments.

Sheet 1.

5484

Sheet 2.Clause

18.

Text of clause.....

The second sentence of this clause has never been invoked except in two frontier areas.

19.

Text of clause.....

Care has been taken to conserve, wherever possible, Italian resources for the use of the civilian economy and to utilize local goods and services only when military necessity demanded.

The Allied Forces Local Resources Board, on committees of which Italian representatives sat, was established as the allocation agency. While the legal rights of the Allied Forces under this clause have not been modified, in practice it has been administered with as much regard as possible for Italian needs. With the redeployment of Allied troops from Italy the utilisation of local resources and facilities is diminishing rapidly. In addition, substantial supplies of food, coal, clothing and other commodities have been imported by the United Nations, largely in United Nations ships, to supplement internal resources and to alleviate distress.

20.

Text of clause.....

AiG was rigorously enforced in combat zones for obvious operational reasons. This was progressively relaxed as the battle moved forward until territories were handed over wholly to the Italian administration.

21.

Text of clause.....

As Allied Forces are redeployed facilities are being progressively handed back to Italian control.

22.

Text of clause.....

With the declaration of war upon Germany by the Italian Government in October 1943 and the cooperation and loyalty of the Italian people to the Allied cause, there has never been any necessity to invoke this clause.

22. Text of clause.....

With the declaration of war upon Germany by the Italian Government in October 1943 and the cooperation and loyalty of the Italian people to the Allied cause, there has never been any necessity to invoke this clause.

23. Text of clause.....

The Italian Government has been informed that the Allied Commission will no longer intervene in Italian internal financial affairs, except in cases of Allied military necessity, and that with certain exceptions the Italian Government no longer need obtain the approval of the Allied Commission prior to the execution of external financial transactions. The Italian Government is now free to fix to negotiate exchange rates for the lira without prior consultation with the Allied Commission.

24. Text of clause.....

Private export trade may now be resumed and all types of commercial and financial correspondence may now go forward from Italy to the non-enemy world, subject to the Italian Government putting into force certain foreign trade control measures similar to those employed by the United Nations.

Sheet 2.

5189

Sheet 3.Clause

25. Text of clause.....

No comments.

26. Text of clause.....

This article is no longer enforced. Provided an individual has the necessary civil documents such as passport, visa, etc., there is nothing to prevent him leaving Italian territory. The issue of the documents is, however, dependent on the immigration regulations of the countries of intended destination.

27. Text of clause.....

No comments.

28. Text of clause.....

No comments.

29. Text of clause.....

No comments.

30. Text of clause.....

Text of clause.....

The Italian Government has of its own volition done all that would have been required.

32. Text of clause.....

Complied with and in the case of sub-clauses (a) and (b) no longer applicable. is regards sub-clause (c), the Italian Government has cooperated loyally in carrying out such instructions as have been given concerning the preservation and administration of United Nations property in Italy previously sequestrated by the Italian Government.

33. Text of clause.....

32. Text of clause.....

Applied with and in the case of sub-clauses (a) and (b) no longer applicable. Is regards sub-clause (c), the Italian Government has cooperated loyally in carrying out such instructions as have been given concerning the preservation and administration of United Nations property in Italy previously sequestered by the Italian Government.

33. Text of clause.....

That part of sub-clause (b) that deals with the disposal of foreign assets has been modified in favour of the Italian Government.

34. Text of clause.....

No comments.

35. Text of clause.....

No comments.

36. Text of clause.....

Text of clause.....

The execution of these clauses has been modified by the Macmillan Memoir of 24 February 1945.

37. Text of clause.....

No comments.

Sheet 3.

5188

Sheet 4.

Clause

39.

Text of clause.....

No comments.

40.

Text of clause.....

No comments.

41.

Text of clause.....

In practice Albania is no longer included in the definition of Italian territory.

42.

Text of clause.....

No comments.

43.

Text of clause.....

No comments.

44.

Text of clause.....

No comments.

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

5187

Sheet 4

Sheet 5.

COMMENTS ON THE CUNNINGHAM-de COURTEN AGREEMENT.

1. As explained within the terms, this agreement was produced in modification of the Armistice terms in order that the Italian Fleet and Mercantile Marine could assist in the prosecution of the war against the Axis Powers.
2. In justice to Marshal BADOLLO and Admiral De COURTEN, it should be stated that additions to the Agreement were inserted after the original agreement had been signed, were only accepted by them under strong protest and in view of amelioration of certain clauses in the original terms of the Armistice.
3. The provisions of this agreement have been carried out and those provisions which remain operative with the cessation of hostilities are still being carried out. Furthermore, many Italian warships are undertaking work of direct benefit to the Italians themselves, e.g., transport of displaced persons.
4. While the employment of Italian ships has been of use to the United Nations, it is pointed out that considerable United Nations resources have been expended in Italy to help the Italian Government in keeping Italian ships running and the crews fed and clothed.
5. In addition to the use of the Italian Mercantile Marine shipping, under this agreement a number of smaller Italian merchant ships have been returned to the control of the Italian authorities.

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

In addition to the use of the Italian Mercantile Marine shipping, under this agreement a number of smaller Italian merchant ships have been returned to the control of the Italian authorities.

5186

5484

22 OCT 1945

EX 10011
REF 201345

22 OCT 1945

C.A.S. (3A)

W/1613

OUT DIVISION
OF PRIORITY

AFHQ CIONED CIONED CITY CIONED

AFHQ FOR CIONED INFO ALTON CIONED. THOMAS LONDON. COMNAVY.

SECRET.

Reur # 74806 (not to all)

1. The military implications of the publication of the Armistice terms with ITALY have been examined here on an Allied basis.
2. There is no purely military objection to publication, if such a course is considered to be politically desirable.
3. In order, however, to minimize the risk of publication of the armistice terms leading to Anti-Government or Anti-Allied agitation the following views are submitted for your consideration.

A. That the Italian government should be fully consulted and that if possible they should be induced to take the initiative by asking for publication.

B. That the following documents should be published simultaneously with the armistice terms: (1) MR MAGGIORANI's Aide Memoire for the Italian Government of 24 February 1945, which was based upon the ~~Althoff~~ directive contained in Combined Chiefs of Staff Signal H487. (2) A summary of the Combined Chiefs of Staff Supplementary Directives contained in their signals H483 and TAF 648 and in other modifying directives. (3) An agreed commentary, showing the extent in which interpretation of the armistice terms has been relaxed in conformity with the above directives. Such a commentary, which would require the most careful wording, could be drafted here if called for.

4. It may also be considered desirable to publish the terms of the CUMMINS-DE LOURDES agreement of 13 September 1943, regarding the employment of the Italian fleet and mercantile marine. There

5185

(5184)

SECRET

FX 74806 CONTINUED

PAGE TWO

is no Military objection to this but C in C Med points out that the omission of those clauses of the agreement which may be unacceptable to the Italian Government would vitiate the whole of it and that therefore there must be no omission from the agreement if it is published.

Dist

Info Action Exec Commissioner (2)

Info

Chief Commissioner

Polad (A)

Polad (B)

C.A.S.

File

5184

SECRET

785016

16 OCT. 1945

HEADQUARTERS ALLIED COMMISSION

394

✓ APO

Office of the Executive Commissioner

MEMORANDUM

Ref: 2608/EC

14th October, 1945

15 OCT. 1945

PUBLICATION LONG ARMISTICE TERMS

Secret

The last official demand we have received from the Italian Government for publication of Long Armistice Terms was in August 1944 from Bonomi.

2. AFHQ, in their letter of 3 November 1944, directed delaying action and added that when publication is made responsibility for initiative in the matter should lie with the Italian Government.
3. The present Government accepted the "Armistice and surrender instrument" but requested successfully that the title be changed to "Armistice and Additional Conditions of Armistice".
4. There have been demands made in the various political newspapers and the Prime Minister in his latest speech did not demand publication but rather enumerated the various limitations imposed on Italy by the Armistice.
There has, however, been no official request since 1944 from the Italians.
5. Unless the Allied Governments wish to publish the terms by way of reply to Patti's speech it is suggested that before publishing them at the initiative of the Allies it would be wise to consult the Italian Government as to their real wishes, pointing out to them that many of the clauses are now inoperative since hostilities have ceased and many have been modified in practice either as a result of directives from Allied Governments or because it was unnecessary to invoke the full force of the clauses.

There has, however, been no official request since 1944 from the Italians.

5. Unless the Allied Governments wish to publish the terms by way of reply to Parni's speech it is suggested that before publishing them at the initiative of the Allies it would be wise to consult the Italian Government as to their real wishes, pointing out to them that many of the clauses are now inoperative since hostilities have ceased and many have been modified in practice either as a result of directives from Allied Governments or because it was unnecessary to invoke the full force of the clauses.

6. If it is decided by the Italian and the Allied Governments that publication is desirable then we should insert a simultaneous publication of Mr. Macmillan's aide memoire of 24 February 45 (FAN 457) and a summary of FAN 583, 640 and other modifying directives. There should also be published an agreed commentary on the progressive modification of existing procedure adopted in implementation of the terms.

7. Unless this is done the publication will give an entirely distorted view of the effect of these terms, some of which have never been implemented and many of which have been implemented only partially.

8. We should also consider, subject to assent of C in C Mediterranean the publication of the Cunningham de Courtenay agreement. Allied Commission sees no objection to publication on the same lines as in para 6 above.

9. Detailed comments on the clauses of the document are attached.

DISTRIBUTION.

Attache (20)

CHIEF COMINT

FOURAD (4)

FOURAD (6)

CASAC

SECURITY

NAVY S/C

LAND FORCES S/C

AIR FORCES S/C

COMMUNICATIONS S/C

CHIEF LEGAL ADV

CHIEF FINANCIAL ADV.

BRIGADIER
Executive Commissioner

5183

HEADQUARTERS ALLIED COMMISSION

OFFICE OF THE EXECUTIVE
COMMISSIONER

A F O 394

12th October, 1945

ADDENDUM TO ALLIED COMMISSION

MEMORANDUM

1. It is also fair to state that the Long Armistice Terms have in fact been progressively modified by each Document A (Terms of Restoration of Italian Territory) signed by SACED and agreed by the Italian government as each portion of territory has been restored to the Italian Government.

2. These Terms of Restoration, although made without prejudice to the Armistice terms which remain in force do specify the requirements of the Allied Forces in virtual modification of the Armistice terms themselves.

BRIGADIER
Executive Commissioner

SECRETHEADQUARTERS ALLIED MISSION
APO 394Office of the Executive Commissioner
*****PROPOSAL FOR FULFILLATION OF LONG ARMISTICE TERMS.Clause No.Remarks.

1 - 5 Obsolete. Superseded by events.

- 6 At the time of the German surrender the Army numbered 313,000 plus 65,000 CC.RR. This figure included troops serving with the Allies. It is anticipated that the interim Army will number about 140,000 plus 65,000 CC.RR, when the demobilization of the older classes is completed. The present strength of the CC.RR, 65,000, was requested by the first Prime Minister and later by Bonomi and is believed to be the Metropolitan pre-war strength. The maximum ceiling for the Italian Air Force prior to and since the cessation of hostilities has been fixed at 31,000. The established maximum strength of the Italian Royal Navy has never been formally laid down, but it was agreed, soon after the armistice, that victuals would not be provided for more than 75,000 officers and men. The present strength is about 64,000. In effect no demobilization took place but on the contrary recruitment up to the strengths above was effected.

7 Standards.

- 8 Has been modified in favour of the Italian Air Force, as it was intended to ground all aircraft at the end of hostilities. Restriction of flying has been based on scarcity of aircraft and POL. Not only were the Italian Air Force not completely grounded but they were permitted to use all available aircraft. In addition Allied aircraft was made available to them. Italian civil aviation is not permitted, but consideration is being given to the re-establishment of civil aviation.

7 Stands.

8 Has been modified in favour of the Italian Air Force, as it was intended to ground all aircraft at the end of hostilities. Restriction of flying has been based on scarcity of aircraft and POL. Not only were the Italian Air Force not completely grounded but they were permitted to use all available aircraft. In addition Allied aircraft was made available to them. Italian civil aviation is not permitted, but consideration is being given to the re-establishment of civil aviation.

9 This has been considerably relaxed.

10 The Italian Ministry of Marine continue to provide such information as is demanded and personnel and material are disposed where necessary at the direction of the Flag Officer, Italy and Liaison, and the Navy Sub-Commission, Allied Commission. The same is being done with Land Forces and Air Forces. It is entirely in the interests of the Italian Government that they continue to do so.

11 The requirements of this clause have been complied with by the Italian Ministry of Marine although it has been impossible to provide complete detail of the war materials formerly at its disposal. More recently authority has been given for the return of all Italian navy materials and equipment to the Italian Royal Navy subject to any specific requirements of the Allies. Information has been provided by the Italian Government in its own interests.

- 1 -

5181

- 2 -

12 Largely carried out.

13 Stands. No comment.

14A It has been impossible for the Ministry of Marine to ensure that all merchant shipping, fishing vessels and other craft were made available in good repair and a seaworthy condition as priorities at all dockyards have, until recently, been accorded to the repair of Allied vessels. Italian ships have been repaired from time to time only as this priority arrangement for Allied vessels permitted.

14B Allied controls over Italian inland transport have been relaxed and such transport has now for the most part been returned to normal Italian administration, except insofar as the redeployment and maintenance of the Allied Forces have to be affected.

15 The provisions of this clause, as regards small vessels and craft, have not yet been fully satisfied owing to the difficulty of locating and identifying the vessels and craft concerned. Their recovery when established as Allied property has been regarded as a matter for representation by the Governments concerned to the Italian Government through diplomatic channels where these exist.

16 Control of radio has been returned to Italian Government. Only restriction remaining is necessity to apply for frequency allocation to Allied Military authorities who coordinate such requests on an International basis. A delegation from the Italian Ministry of Posts and Telecommunications attended the meeting of the European Radio Conference in London in September 1945. Other telecommunications facilities have been progressively passed to the control of the Italian Government. At the present all telecommunications facilities not needed for military purposes are under the control of the Italian Government; facilities not being used by the military are being returned to Italian control.

requests to Allied Military authorities who coordinate such requests on an International basis. A delegation from the Italian Ministry of Posts and Telecommunications attended the meeting of the European Radio Conference in London in September 1945. Other telecommunications facilities have been progressively passed to the control of the Italian Government. At the present all telecommunications facilities not needed for military purposes are under the control of the Italian Government; facilities not being used by the military are being returned to Italian control. Censorship has been abolished; operation of radio is in the hands of the Italian Government or parastatal companies; in AMG territory radio emission is subject to the requirements of AMG. Censorship has been military rather than political and has only been operated as military necessity dictated.

It has always been the policy to have such censorship carried out by Italian personnel, and early in 1944 the direct operation of such censorship was turned over to the Italian General Staff with Allied control being reduced to a minimum. Censorship of external mails, telephone and telegraph has been continued as the only means of insuring to the Italian Government the control of foreign exchange and foreign commerce which is economically necessary. Such censorship is carried out by Italian personnel under general policy direction of a small Liaison Group of Allied Officers.

- 3 -

18 The second sentence of this paragraph has never been invoked, except in two frontier areas.

19 This article stands without modification, as it is one of the bases for Allied payments policy in Italy. All local goods and services procured by the Allied Forces in Italy are paid for by the Italian Government, either directly or by the Allied Forces in Allied military line which is charged to the Italian Government as an occupation cost. Care has been taken to conserve wherever possible Italian resources for the use of the civil economy, and to utilise local goods and services only when military necessity demanded. The Allied Forces Local Resources Board¹ was established as an allocation agency, before which the military agencies stated their needs and the Allied Commission appeared as a claimant for Italian civil needs. In other words, while the legal rights of the Allied Forces under Article 19 have not been modified, in practice it has been administered with as much regard as possible for Italian needs. With the redeployment of Allied Troops from Italy, the utilisation of local resources and facilities is diminishing rapidly.

* on the committees of which Italian representatives have sat.

20 Article 20 refers to the governance of AMG; Article 21 distinguished Italian Government territory. Article 20 was never fully enforced; no instruction issued for removal of Italian forces. It was the invariable practice to use Italian troops, e.g. CC.RR. The enforcement of Armistice terms was most rigorous in Army areas: where at times for operational reasons there was considerable restriction of movement, and offences against Allied troops, property or security were more frequently dealt with by Allied Courts.

This was progressively released in AMG Regional areas; the administration was almost entirely by Italian officials under AMG direction, restrictions were largely removed and cases except those of greater importance transferred to Italian Courts.

The third phase of relaxation was the handing over of the territory to Italian administration freed from AMG direction, the

where at times for operational reasons there was considerable restriction of movement, and offenses against Allied troops, property or security were more frequently dealt with by Allied Courts.

This was progressively released in AMG Regional areas; the administration was almost entirely by Italian officials under AMG direction, restrictions were largely removed and cases except those of greater importance transferred to Italian Courts.

The third phase of relaxation was the handing over of the territory to Italian administration freed from AMG direction; on the handing over the Allied reserved rights necessary for the maintenance and security of its armies including rights of trial but this latter was seldom enforced. AG officers left in Italian Government territory areas are not even advisers but have merely functions of observation and liaison.

At the time that Italy became a cobelligerent there was territory in all three phases of administration; in all three there were relaxations suitable to the new station of Italy as a cooperator.

Then came FAN 487 and the Macmillan aide memoire by which the functions of AG itself were in day to day matters of administration changed and it had in such matters no powers even to advise unless its advice was sought.

This aide memoire stated that in matters of ordinary day to day administration we would not enforce our rights but would leave the Italians to administer as they thought fit.

- 4 -

- 21B This article still stands, particularly the first part which deals with the availability of free transit for Allied Nations war materials and supplies. Although the latter part must still stand, with the departure of a large number of troops from Italy, and the handover of the greater part of Italy to the Italian Government, for some time past the powers conferred in this have rarely been exercised. It has been the function of ALRB to effect the progressive handing back of plant and stocks as much as possible.
- 22 This article must clearly be contained in any Armistice terms. However, with the early declaration of war upon the Germans by the Italian Government, the cooperation and loyalty of the Italian people to the Allied cause, there has never been any necessity to invoke it.
- 23 The first two sentences of this Article stand without modification. We are preparing to negotiate with the Italian Government a currency agreement whereby the Italian Government or its designated agency would be recognised as the issuing authority for all AM lire.
- The last sentence of Article 23 has been substantially modified and modification explained to the Italian Government. AG informed the Italian Government that the Allied Commission will no longer intervene in Italian internal financial affairs (except in cases of Allied military necessity) and that, with two exceptions, the Italian Government no longer needed to obtain the approval of the Allied Commission prior to the execution of external financial transactions. The Minister of the Treasury was informed that the Italian Government was now free to fix or negotiate exchange rates for the lira without prior consultation with the Allied Commission. The cooperation of the Italian Government in the execution of this Article is considered to have been very good.

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- 24 Modified by informing the Italian Government that private export trade may now be resumed and that all types of non-transactional and transactional commercial and financial correspondence may now go forward from Italy to the non-enemy world.

25A Obsolete

25B Obsolete

- 26A This has been modified so far as individuals are concerned to the extent that no Military Travel authorization is now required. Provided an individual has the necessary civil documents such as passport visa, etc. there is nothing to prevent him leaving Italian territory. If leaving Italy by land, movement is virtually unrestricted even though an AMG pass must be obtained before passing through the frontier Northern zone. Movement by air or sea is restricted by the fact that the United Nations control the transport services and an Allied travel order must be obtained before the journey can be made. As regards any mass movement of Italian subjects this continues to be controlled by AFHQ.

26B Ineffect obsolete.

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27 . Obsolete

28A Obsolete

28B Stands

28C Stands

28D Stands

29 Stands

30 First part carried out; second part revoked.
This article has never been enforced as expressed:
the Commander-in-Chief has not issued any instruction. The Italian
Government has of its own volition done all that would have been
required. The Government does in fact keep AG informed.

31 Stands. All Italian laws involving discrimination on ground
of race, colour, creed, or political opinion, have at the instance
of the Italian Government been repealed. It is believed that all
persons detained on any such grounds have been released, and those
suffering any legal disability have been relieved therefrom. It has
not been necessary for the Allied Commander in Chief to issue any
"further directions" under the Article.

32A Obsolete

32A Obsolete

32B Carried out and now obsolete

32C The Italian Government has cooperated loyally in carrying out such instructions as have been given concerning the preservation and administration of United Nations property in Italy, previously sequestered by the Italian Government.

33A Stands with explanation

33B Stands. The part relating to the furnishing of information stands. The part that deals with the disposal of foreign assets has been modified by FAN# 383, in that prior approval of the Allied Commission for such disposal is no longer necessary.

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34 Stands. No comments.

35 Stands. No comments.

36 Stands, but modified by Macmillan aide memoire of
24 February 1945.

37 Control has been dropped in Italian Government
territory. See Macmillan aide memoire.

38 No comments.

39 No comments.

40 No comments.

41 Stands, with the exception of Albania.

42 No comments.

No comments.

40

Stands, with the exception of Albania.

41

No comments.

42

No comments.

43

No comments.

44

5170

SECRET

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12 OCT 1945

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1. following is text of signal from AFHQ.

* growing within AFHQ feeling here that only very strong reasons should prevent prompt publication of armistice terms with ITALY. Understood Secretary of State has indicated to newspapers that only WAR DEPARTMENT is withholding publication. your view of publication from military standpoint desired at this time.

2. preliminary view here is that there are no strictly military objections to publication of armistice terms if such such a course is considered politically desirable by allied governments.

3. meeting is being held in G-5 conference room AFHQ 1400 hours 15 October to co-ordinate views of interested staff sections. you are invited to send representative or to furnish G-5 with written brief embodying your views

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1000.000

ACTION : IN COMMISSION (2)

INFO : CHIEF COMMISSIONER
 FIELD (A)
 POLAR (B)
 OR SEC
 FILE

SECRET

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