

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

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POLITICAL
NOV. 1943

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

7850/6

10000/105/678

POLITICAL, REVISION OF ARMISTICE TERMS
NOV. 1943 - JUNE 1946

7/16
 War Armistice
 MC 7/1/46

40 DRAFT No. 1.

INTERIM DOCUMENT TO REPLACE EXISTING ARMISTICE TERMS.

This Memorandum of Agreement is entered into between the undersigned Lt. General Morgan, etc., Supreme Allied Commander Mediterranean Theatre on behalf of the United Nations and the undersigned _____ representing the Italian Government and duly authorized to sign on its behalf.

Whereas in the course of the conduct of their war against the Axis powers which at that time included Italy, then subject to Fascist domination, it became necessary for Allied Forces to invade and occupy certain portions of Italy and set up Allied Military Government therein.

And Whereas after the fall of the Fascist Ministry formerly in power, the Italian Government applied to the Allies for an armistice and an agreement of armistice was executed on 3 September 1943 at Fairfield Camp in Sicily, the provisions of which were subsequently amplified by a document executed in Malta on 29 September 1943 and known, in accordance with a protocol executed at Brindisi on 9 November 1943 as "Additional Conditions of Armistice with Italy".

And Whereas in pursuance of the provisions of the "Additional Conditions of Armistice with Italy" above referred to, the Allied Commission (originally designated the Allied Control Commission) was established in Italy with the object of regulating and executing the terms of such conditions of armistice under the orders and general direction of the Allied Commander-in-Chief.

September 1943 and known, in accordance with a [redacted] executed at

Brindisi on 9 November 1943 as "Additional Conditions of Armistice with Italy".

And Whereas in pursuance of the provisions of the "Additional Conditions of Armistice with Italy" above referred to, the Allied Commission (originally designated the Allied Control Commission) was established in Italy with the object of regulating and executing the terms of such conditions of Armistice under the orders and general direction of the Allied Commander-in-Chief.

And Whereas the Italian Government declared war on Germany on 13

October 1943,

5224

And Whereas the Italian Government has cooperated with the Allies and has been of substantial assistance to them in the prosecution of the war against Germany.

And Whereas, because of the increased ability of the Italian Government to re-create their administrative machinery and to resume the functions of Government, it has been possible successively to hand back territory to their jurisdiction subject to the reservation to the Allied forces within such territory of certain powers and rights.

And Whereas it is and has been the desire and intention of the Allies to assist the Italian Government in the difficult tasks which lie before

-2-

it and, pending the signing of a Treaty of Peace between the Italian Government and the United Nations, to encourage the Italians in the light of the declaration made 26 September 1944 by Prime Minister Churchill and the late President Roosevelt.

Now therefore it is agreed:

I. ~~Annexation of Italian Territories.~~

The conditions of Armistice executed at Fairfield Camp in Sicily dated 3 September 1943, and the document executed in Malta on 27 October 1943 and known in accordance with the protocol executed at Brindisi on 9 November 1943, as "Additional Conditions of Armistice with Italy", and the Terms of Restoration of Italian Territory effective 11 February 1944 and similar documents executed thereafter respecting specified areas of Italian territory shall from the date of execution of this agreement be null, void, and of no further force or effect, and the following provisions shall govern the relations of the parties hereto.

1. The Italian Government will do all in its power to assist the interests of the United Nations and of the Allied Forces in Italy.
2. The United Nations will continue to assist the Italian Government and people towards the speedy restoration of their economic life.
3. Relations between the Italian Government and Nations of the Allied Forces in Italy are covered by Arrangements for Civil Administration and

The Italian Government will do all in its power to assist the interests of the United Nations and of the Allied Forces in Italy.

2. The United Nations will continue to assist the Italian Government and people towards the speedy restoration of their economic life.

3. Relations between the Italian Government and Nations of the Allied Forces in Italy are covered by Arrangements for Civil Administration and Jurisdiction concerning Allied Forces in Italy" attached to this agreement.

5223

4. The Italian Government shall have full jurisdiction and power of administration over all territory restored to them, free of control by the Allied Forces except as set forth in this Agreement, or in case of military necessity or when assistance or advice may be requested by the Italian Government. The right is reserved by the Supreme Allied Commander to

establish total or partial Allied Military control over any area in Italy if he considers that the military situation renders such a step necessary.

5. Italian diplomatic relations with other States will be solely within the competence of the Government of Italy.

6. The Italian Government recognize as likewise binding upon it the allied pledge to the Italian people that they may determine their own form of Government. To ensure the fullest possible expression of the wishes of

-3-

the Italian people on this important question, the Italian Government undertakes to submit the institutional question to the Italian people in the form of a plebiscite or a national referendum notwithstanding previous Italian legislation to the contrary.

7. Italian Armed Forces.

- (a) The Italian Army. The Italian Army will be under the control of the Italian Government and will be limited to a force of 140,000 troops and 65,000 Carabinieri.

The Italian Government will assume full administrative and supply responsibilities of those forces.

- (b) Italian Navy.

- (c) Italian Air Force.

8. The Italian Government agrees that no new fortifications or 5222

military installations shall be constructed and no new armaments or other defences added to existing fortifications without permission of the Supreme Allied Commander.

5222

8. The Italian Government agrees that no new fortifications or military installations shall be constructed and no new armaments or other defences added to existing fortifications without permission of the Supreme Allied Commander.

9. The Italian Government agrees to limit the manufacture, production and construction of, research and experimentation upon, war material and its import, export and transit, ^{with the exception of those agreed upon by the United Nations.}

10. ^{Italy shall} ~~These~~ shall ^{have full} ~~maintain~~ commercial intercourse, ^{and shall} ~~and~~ dealings, with or for the benefit of any foreign country subject to limitations ^{which shall remain in force until such limitations shall be hereafter notified.}

11. The Italian Government will ^{and shall} ~~establish~~ and maintain an effective foreign exchange control agency for the purpose of implementing the international economic objectives of the United Nations Governments and to assure the most effective use of Italy's foreign exchange resources. The Italian Government will ^{and shall} ~~work out~~, in consultation with the appropriate United Nations Diplomatic missions in Rome, measures to be adopted in support of the international economic objectives of the United Nations.

-4-

12. It is not intended in this Agreement to dispose of any question or ~~predetermine~~ any controversy which may arise respecting the ultimate disposition of any territory heretofore Italian, nor ~~be adjudicated~~ upon any matter relating to any boundary which ~~may~~ ^{may be} hereafter be in dispute. All such questions and any questions relating to sovereignty are for disposition by and ^{between the} ~~between~~ the United Nations and the Italian Government.

13. Nothing in this ~~Agreement~~ ^{Agreement} is to be considered as constituting a final settlement of or impairing the full rights of the Allied Forces and of the United Nations to reparation from the Italian Government for war damage suffered by them at the hands of the Italian people or Government or settlement by the Italian Government including the full cost of the Allied occupation of Italy. The Italian Government recognises the obligation to make restitutions or reparation to the United Nations for the full cost of the Allied occupation of Italy and the Italian campaigns.

17. In the event of the Italian Government's failure to observe or comply with any of the terms contained in this agreement, the Supreme Allied Commander reserves the right to take such action, including the re-imposition of restrictions and control and the use of armed force, as he deems necessary.

Italy and the Italian campaigns.

17. In the event of the Italian Government's failure to observe or comply with any of the terms contained in this agreement, the Supreme Allied Commander reserves the right to take such action, including the re-imposition of restrictions and control and the use of armed force, as he deems necessary.

18. An Allied Mission shall be established, under the authority of the Supreme Allied Commander, ^{for all his activities} to coordinate the ~~work~~ ^{and make} of the Army, Navy and Air Force Missions, and to act as intermediary between the Supreme Allied Commander and the Italian Government for the mutual regulation of the terms of this agreement and the solution of any questions which may arise therefrom.

5221

Declassified E.O. 12356 Section 3.3/NND No. 785216

~~TOP SECRET and CONFIDENTIAL~~
HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

*Downgraded in
agreement with E.C.
22/6. McAuliffe*

Ref: 2621/EC.

20 June 1946.

SUBJECT: Revised Armistice Terms.

TO : Director,
Navy Sub-Commission
Land Forces Sub-Com.
Air Forces Sub-Com.
V. CA Section.
A/VP, Economic Section.
Director, Communications Sub-Com.
Director, Displaced Persons Sub-Com.

Herewith for your personal retention copy of the
Revised Armistice Terms.

*Z. W. Hurd Smith
Lt. Col*
for Brigadier,
Executive Commissioner.

5220

TERMS OF AGREEMENT MODIFYING ITALIAN ARMISTICE AGREEMENT.

Whereas hostilities have ceased;

Whereas after the Armistice, Italian forces contributed to the war against Germany, Italy declared war on Germany as from 13 October 1943 and thereby became a co-belligerent against Germany;

Whereas the Armistice Terms have thereby become in part obsolete or have been superseded by events;

Whereas the Government of Italy has requested and the Governments of the United States, United Kingdom, Union of Soviet Socialist Republics and France have agreed to a modification of the Armistice regime in the light of existing circumstances;

Accordingly, the afore-mentioned Governments have decided that the Armistice Terms shall be modified as follows, pending the coming into force of a Treaty of Peace.

1. The additional conditions of Armistice of 29 September 1943 are hereby abrogated.
2. Relations between the United States, United Kingdom, Soviet and French Governments, acting in the interest of the United Nations, and Italy, shall be governed by the Armistice of 3 September 1943, as modified by the present agreement.
3. The Allied Commission is hereby abolished.
 - (a) A special section of Allied Force Headquarters under the orders of the Supreme Allied Commander, who will act as Chairman, shall be established to assume the control functions of supervision and direction of the Italian Armed Forces heretofore exercised by the land, Navy and Air Force Sub-Commissions in the Allied Commission. This Section shall control the production of armaments.
 - (b) The employment and disposition of the Italian Navy shall remain as at present under the command and control of the Supreme Allied Commander.
 - (c) Pending the coming into force of a Treaty of Peace, Allied Military Government shall be continued under the Supreme (Allied) Commander, Mediterranean, in Venezia Giulia and in the Province of Udine.

3. The Allied Commission is hereby abolished.

(a) A special section of Allied Force Headquarters under the orders of the Supreme Allied Commander, who will act as Chairman, shall be established to assume the central functions of supervision and direction of the Italian Armed Forces heretofore exercised by the Land, Navy and Air Force Sub-Commissions in the Allied Commission. This Section shall control the production of armaments.

(b) The employment and disposition of the Italian Navy shall remain as at present under the command and control of the Supreme Allied Commander.

(c) Pending the coming into force of a Treaty of Peace, Allied Military Government shall be continued under the Supreme (Allied) Commander, Mediterranean, in Venezia Giulia and in the Province of Udine.

4. The provisions of the Present Instrument shall not apply in or affect the administration of any Italian colony or dependency.

5. Simultaneously with the coming into force of the present agreement, further agreements shall be concluded between the United States and Italy, and between the United Kingdom and Italy, providing for the maintenance in Italy of Allied Forces under redeployment, and for the retention of the Allied Forces required for the Allied lines of communication to Austria.

6. Italian Prisoners of War now held under the jurisdiction of the United States, United Kingdom, the Soviet Union and France shall be repatriated as soon as possible.

7. The Government and people of Italy will abstain from all acts detrimental to the interest of the United Nations or of their nations' nationals.

8. The Italian Government will cooperate in the apprehension and surrender for trial or, or in making available as witnesses, Italian subjects or nationals of States at war with the United Nations designated by the United Nations War Crimes Commission or the International Military Tribunal established by the agreement signed at London on 8 August 1945.

9. The Italian Government will provide, at its own expense, all necessary facilities for and will cooperate with the United Nations in the search for and restitution of property wrongfully recovered from the territories of the United Nations and located in Italian territory.

10. The Italian Government, in full recognition of the absolute and untrammelled right of the people of Italy to choose by constitutional means the form of democratic government they desire, hereby renounces its pledge to submit to the will of the people. To this end the Italian Government undertakes to provide through free elections for an expression of the popular will on the democratic forms of government to be chosen by the people, it being understood that the choice shall be decided by the majority of the popular vote which shall be binding upon the present government and upon bodies constituted through such elections.

11. The present agreement shall be without prejudice to any claims of any of the United Nations against Italy arising out of hostilities conducted in or by Italy and shall in no way affect the final disposal of Italian territory or property, nor shall it impair any limitations or restrictions which may be imposed upon Italy in the Treaty of Peace.

12. The present agreement shall enter into force upon signature thereof by the President of the Council of Ministers of Italy, and by the supreme Allied Commander in Italy duly authorized thereto by the Governments of the United States, United Kingdom, Union of Soviet Socialist Republics and France and shall remain in force until superseded by other arrangements or until the coming into force of the Peace Treaty with Italy.

8 DEC 1945

~~CONFIDENTIAL~~
HEADQUARTERS ALLIED COMMISSION
APO 394

NTR/ps 3A

Subcommission for Monuments Fine Arts and Archives
(Tel. 489081, ext 442 & 254; 478480)

20909/20/1/MFAA

7 Dec 45

SUBJECT: Revised Armistice Terms.

TO : VF CA Section.

1. In response to your oral instructions, MFAA
S/C submits the following clause for possible inclusion
in the revised Armistice terms:

g. The Italian Government will adopt such
measures as may be needed to discover and
to return to their rightful owners such works
of art, the property of Allied Governments
or of Allied nationals, as may wrongly be
in Italy.

Norman T. Newton

NORMAN T. NEWTON
Major, Air Corps
Director.

5217

~~CONFIDENTIAL~~

8 DEC 1940

- (JA)
- and local government bodies
1. The I.G. to establish democratic legislative institutions/elected by universal suffrage upon a free, secret & independent ballot & to set up & establish based on democratic principles & to set up such institutions & bodies as soon as possible
 2. In the meantime, the I.G. to maintain the democratic character of the existing temporary local government institutions.
 3. The I.G. to make adequate provision for the rights & needs of all ethnic minorities
 4. Legislation affecting laws 1, 2 or 3 to be passed only after prior consultation with & the agreement of the Allies.

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

5216

7 DEC 1941

CONFIDENTIAL.

U R G E N T.

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

- 7 DEC 1945

Ref: 2608/EC.

7 December 1945.

SUBJECT: Revision of Armistice Terms.

TO : A/VP, Economic Section
A/VP, Civil Affairs Section.
Dir, Navy Sub-Com.
Dir, Land Forces Sub-Com (LAFIA)
Dir, Air Forces Sub-Com..
Dir, Communications S/C.
Chief Financial Adviser.
Chief Legal Adviser.

1. I should be grateful if you could attend a meeting to discuss the revision and abrogation of the Armistice Terms at 1500 hours today in my office.

2. After preliminary study the way I propose to tackle the question is to have a very short document either in the form of conditions or preferably in the form of an agreement which will cover:

- (a) preamble terminating the present armistice regime;
- (b) political clauses;
- (c) future of Italian armed forces;
- (d) rights of Allied forces (this will take the form of a civil administration agreement already in draft);
- (e) economic clauses.

3. Will you be prepared to make recommendations on the points which affect your Section or Sub-Commission.

5215

Brigadier
Executive Commissioner



FOR YOUR INFORMATION

- 8 NOV 1943

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 form, 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

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

PUBLIC RELATIONS BRANCH
ALLIED COMMISSION
APO 894

5214

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 bound 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 contained 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 interrupted and Italy does not assist these Powers in any way and complies with the requirements of these Governments.

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

United Nations are required to suspend hostilities against Italy so long as these military operations against Germany and her Allies are not obstructed and Italy does not assist these powers in any way and comply with the requirements of these 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 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 29, 1943 but have been subsequently added or modified in agreement with the Protocol of November 9, 1943 (See Doc 12b).

5213

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 Theatres 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 sanctioned by the Allied Commander-in-Chief, all other Italian Land, Sea and Air Forces will proceed to and remain in their barracks, camps or ships

measures to insure Law and Order, and to insure prompt and exact compliance with all the provisions of the present agreement. Subject to such use of Italian troops for the above purposes, as may be sanctioned by the Allied Commander-in-Chief, all other Italian Land, Sea and Air Forces will proceed to and remain in their barracks, camps or ships 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 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 in 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. Those 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

5212

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 assembled, 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 23 (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 concerning naval, military and air devices, installations, and defenses, about all transport and inter-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 such other particulars as the United Nations may require in connection with the use of Italian bases, or with operations, security, or welfare of the United Nations land, sea or air forces. Italian forces 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 materiel, showing the location of the same. Subject to such use as the Allied Commander-in-Chief may make of it, the war materiel will be placed in store under such control as he may direct. The ultimate disposal of war materiel will be prescribed by the United Nations.

12. There will be no destruction of war damage to nor except as authorized or directed by the United Nations any removal of war materiel, 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.

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 forthwith 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.

7850/6

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 all such steps as may be required to secure any necessary transfers of title. Any 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 intercommunication, shore or afloat, under Italian control whether belonging to Italy or any nation other than the United Nations will transmit until directions for the control of these installations have been prescribed by the Allied Commander-in-Chief. The Italian authorities will conform to such measures for control and censorship of press and of other publications, of theatrical and cinematograph performances, of broadcasting, and also of all forms of intercommunication as the Allied Commander-in-Chief may direct. The Allied Commander-in-Chief may, at his discretion, take over radio, cable and other communication stations.

17. The warships, auxiliaries, transports and merchant 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.

17. The warships, auxiliaries, transports and merchant 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.

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.

5210

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 offenses 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

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 been 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 received 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.

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. References to Italian 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 "territory" in the present instrument denotes all material specified in such lists or definitions as may from time to time be agreed by the control commission.

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 BADOGLIO
Head of the Italian Government

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

AMENDED BY PAN. 624.

S E C R E T.

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. Those articles are not commented upon.

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

Article

1.	Text of article.....
2.	" " "
3.	" " "
4.	" " "
5.	" " "

Were complied with.

6.	Text of article.....
7.	" " "
8.	" " "
9.	" " "
10.	" " "
11.	" " "
12.	" " "

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

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.

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.

5208
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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, 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,

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.

Text of article.....

AWG 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.

Text of article.....

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

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 has no longer obtain the approval of the Allied Commission prior to the execution of internal financial transactions. The Italian Government is now free to fix the negotiate exchange rates for the time 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.

28.

Text of article.....

No comments.

29.

Text of article.....

No comments.

5207

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 compiled 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 Miscellan 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 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 AMENDED 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

- (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 the remaining losses of ships of the United Nations caused by Italian action.

(2) 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.

(3) It should be clearly understood that the extent to which the terms of the arrangements 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 Co-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

5200

(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.

being made with the Flag Officer (Liniaci) 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 flying their own flags 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.

