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

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(VOL. II)

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

10000/142/178
(VOL. II)

COMMUNICATIONS SUB-COMMISSION
JAN. - SEPT. 1946

HEADQUARTERS ALLIED COMMISSION
APO 794
Communications Sub-Commission

SEP 23 1946

P.7.606/CS

20th September 1946

Subject: Date Stamp Used on W.R.S. Sticker Labels.

To : Revd. Stephen A. Bernas
War Relief Services
Via di Villa Gabrielli 16
ROMA

Further to my letter P.7.571/CS of 25th April 1946
and your letter reference W7/469/MB of 6th May 1946.

1. Although your above quoted letter states that the obliterating date stamp used on the "W.R.S. sticker labels", had been destroyed, it appears that this is entirely incorrect as it has now been stated, that this Post Office type date stamp bearing the words "Posta Osieldi w Italii - Barletta Trani", is in your personal possession for retention as a souvenir.
2. It is hoped that you will immediately recognise the extreme dissatisfaction which this statement causes after the earlier correspondence which gave the impression that the matter was satisfactorily closed.
3. To enable the Minister of Posts and Telecommunications to be finally assured that this "official type" of date stamp is no longer available for any possible misuse, I have to request that you will surrender the stamp to this Office, as early as conveniently possible, when it will be destroyed, and a certified statement of its destruction prepared and forwarded to the Ministry by this Headquarters.
4. The following details of the location of this Sub-Commission's Office are given for your convenience: "Sottocommissione per le Comunicazioni - Quartier Generale della Commissione Alleata - Palazzo del Ministero delle Corporazioni, Via Vittorio Veneto, IV piano, stanza n. 34. Telefono n. 489031 - Interno 333 oppure 444".

Copy to:

G-2 : A.F.H.C.
Displaced Persons & Repatriation Sub-Commission.
Legal Sub-Commission.

C. R. Humbert
L.R. HUMBERT
Lt. Colonel, Sig.C.
Director.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/COM/1/-

MI/ns
1 February 1946.

SUBJECT : Mobilization of Italian Telecommunications :
Personnel in Emergencies.

TO : Labour Sub Commission.

1. Reference your LSC/523/1002 of 11 January to
Communications Sub Commission.

2. Para 2 of your letter asks the opinion of this Sub
Commission "on the validity of the statement at Para 7 (c) of the
enclosure to AMM memorandum 6/311.3 of 10th December 1945, viz., that
under the terms of the Armistice the Allies have the right to demand
the services of Italian civilian employees as labour to maintain the
essential requirements of the Forces of Occupation, and that this right
of the Allies is an obligation of these Italian civilians."

3. Art. 16 of the Armistice gives the Allied C.-in-C.
the right to take over any communication stations. Art. 18 states that
Allied Forces will occupy certain parts of Italian territory.

4. Art. 19 says that "in the territories or areas
referred to in article 18," i.e. the parts of Italy occupied by Allied
forces, ".....all inter-communication installations..... which be
made available in good condition by the competent Italian authorities
with the personnel required for working them." It should be noted that
this obligation only relates to the parts of Italy occupied by Allied
forces.

5. After stating in Art. 20 that the United Nations
will exercise all the rights of an occupying power in the areas occupied
by Allied Forces the Armistice terms go on to provide that "in addition
to the rights in respect of occupied Italian territories described in
Arts. 13 to 20....the Italian authorities will make available on non-
occupied Italian territory all transport facilities required by the
United Nationsand will comply with instructions issued by the
Allied C.-in-C. regarding the use and control of airfields....inter-
communication systems." (Art. 19). The obligation to comply with such
Allied instructions appears to relate only to non-occupied Italian
territory.

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6. The terms upon which each restoration of territory to the Italian Government is made are "without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian Government, all of which remain in full force and effect throughout all Italian territory."

7. The obligation under Art. 19 upon the Italian authorities to make available in good condition all ports and harbours, and all intercommunication installations is imposed in "the territories or areas referred to in Art. 18," which are stated to be certain parts of Italian territory which the forces of the United Nations will require to occupy and which will from time to time be notified by the United Nations. Although, as mentioned in para 6 above, it has been a condition of each restoration of territory that all the Armistice terms remain in full force in all Italian territory, it is open to doubt whether the obligations imposed under Art. 19 still exist in those parts of Italian territory which are no longer occupied by Allied forces. There remains, however, an obligation under Art. 21 B that the Italian authorities will on Italian territory not occupied by Allied forces comply with instructions issued by C. in C. regarding the use and control of intercommunication systems. This is an obligation not imposed upon any persons or class of persons to perform particular services, but an obligation upon "the Italian authorities" to carry out any instructions issued by the Allied C. in C. regarding the use and control of airfields, ports, shipping, transport systems, and intercommunication systems. 5

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

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C/4011/1/L.

4 February 1946.

SUBJECT : Mobilisation of Italian Telecommunications.

TO : Communications Sub-Commission.

1. Reference your T.24.126.CS of 17 January.
2. The draft Decree submitted by the Minister sets out how the personnel of the new corps are to be chosen, their duties and the conditions under which they have to be performed, and by reference to an earlier law provides certain punishments. A person who fails to perform his duty can be punished with imprisonment up to a year, and, if the failure in duty is the result of a trick, from 1 to 5 years. Where a breach of duty ~~is~~ results from negligence the punishment is up to 6 months.
3. The terms of the proposed Decree appear to be adequate to ensure that the duties performed by the mobilised civilians of the new corps will be effectively carried out.

WISGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Encls. Retd.

HEADQUARTERS ALLIED COMMISSION
APO 204
LABOR SUB-COMMISSION

WHD/rmv

TEL : Ext. 204

18 January 1946

REF : LSC/BAC/1002

SUBJECT: Mobilization of Italian Telecommunications
Personnel in Emergencies.

TO : Communications Sub-Commission

1. This is in reply to Communications Sub-Commission's memorandum T.24.126.CC of 17 January 1946.

2. I should be glad to have the view of Legal Sub-Commission on the validity of the statement at Para 7(c) of the enclosure to AFH memorandum G/311.2 of 10 December 1945, viz., that under the terms of the Armistice the Allies have the right to demand the services of Italian civilian employees as labor to maintain the essential requirements of the Forces of Occupation, and that this right of the Allies is an obligation of these Italian civilians. It would be useful if reference could be made to the specific clause of the Armistice terms which imposes this obligation upon individual Italian civilians. It is possible that there is an obligation upon the Italian Government to maintain essential requirements, but it may not follow that the Italian Government must discharge this obligation by the employment of particular civilians.

3. The circumstances envisaged in which an interruption of communications might occur include strike action on the part of Italian civilian labor. The proposal is that individual strikers should be compelled to resume work under the threat of punishment in accordance with Law No. 461 dated 24 May 1940. In other words, it is suggested that a law made by the Fascist Government should be invoked in order to break a strike. It should be noted that the telephone employees are not necessarily State employees but may be employees of the telephone companies.

4. The Minister of Posts and Communications has prepared a draft decree on which he requests the observations of the Allied Commission. It seems inadvisable to instigate or approve a decree establishing a corps of strike-breakers in the event of a trade dispute of workers who are not Government employees.

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5. The situation would be different if this Decree proposed to set up a volunteer corps to maintain essential services instead of a corps compulsorily enrolled; but it is doubtful if the appropriate Italian trade union will permit their membership to volunteer for such a corps.

6. The above observations may be modified on evidence that the Armistice terms can be interpreted in the way suggested but on present consideration it appears that some other way must be sought of maintaining essential services either by the use of military personnel or by arriving at agreement between the Italian Government and the appropriate trade union as to the circumstances in which special services would be maintained although other services would be interrupted by a trade dispute.

W. H. Braine

W. H. BRAINE
Director
Labor Sub-Commission

cc: Legal Sub-Commission

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HEAD QUARTERS ALLIED COMMISSION

AFO 394
Communications Sub-Commission

HTWR/ec

T.24.126.CS

17 January, 1946

SUBJECT: Mobilisation of Italian Telecommunications
Personnel in Emergencies.TO : ~~Labour S/C~~
Legal S/C ✓1. Allied military telecommunications are now being
maintained by the Italian Civil organisations.2. Serious difficulties may arise should the Italian
employees cease work during an emergency. A Memo., was
received from AFHQ dated 10 Dec. 1945 dealing with this
question (Copy attached).3. Ensuing correspondence with the Italian Government
is enclosed (A.C. n°. T.24/103/CS of 22 Dec 1945, and Italian
n°. 1761036 of Jan. 1946 with enclosures).4. Your advice would be appreciated in order that a
reply may be sent to the last sentence of the Italian Govt.
letter n°. 1761036 of 7 January 1946.

→ CIO
→ DCIO
Enclosures: As Above.

H. H. SCUDDER, *Wol*
Col. Sig. C.
Director.

Recd. 18 Jan 46.

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