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

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ITALIAN DECREES AFFECTING COLONIES
APR. - JUN. 1945

FILE CLOSED : 18 June 1945

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 12203/57/CA.

CIVIL AFFAIRS BRANCH,
 G.H.Q., A.E.F.

Tel. M.L. "George",
 Ext. 27.

18th June, 1945.

Legal Sub Commission,
 H.Q., Allied Commission,
 A.E.O. 394.

I am directed to acknowledge receipt of your letter AC/4113/2/L dated the 26th May, 1945 and its enclosures.

2. The following decisions have been taken by the C.C.A.O. with regard to these Decrees:-

- (a) they should not be extended to the occupied territories in Africa by a Proclamation of the B.A.A. concerned;
- (b) as they are not to be extended they will not affect the Custodian in the territories.
- (c) no regulations will be issued in the territories as a result of these or any similar decrees which may subsequently be issued;
- (d) the attention of the Custodian of Enemy Property in each territory has been drawn to these decrees in so far as they affect him in case he should have occasion to communicate with Italy or to dispose of any of the assets of any of the companies concerned in the territory.

3. I am further to point out that it is held that in view of the Proclamation which has been published in each

- (a) they should not be extended to territories in Africa by a Proclamation of the B.A.A. concerned;
- (b) as they are not to be extended they will not affect the Custodian in the territories.
- (c) no regulations will be issued in the territories as a result of these or any similar decrees which may subsequently be issued;
- (d) the attention of the Custodian of Enemy Property in each territory has been drawn to these decrees in so far as they affect him in case he should have occasion to communicate with Italy or to dispose of any of the assets of any of the companies concerned in the territory.

3. I am further to point out that it is held that in view of the Proclamation which has been published in each territory in the terms of the Tripolitania Italian Legislation Proclamation No. 93 a copy of which is enclosed herewith these Italian decrees have no effect in the territories and accordingly the occupying power's rights over the statal and parastatal property of the enemy state are unimpaired.

LEGAL SUB COMMISSION

CLO

DCLO

Chief

CLO

Italian Section

CL RKS

21 JUN 1945

THT/EM.

(T.H. THACKER),
Lieut.-Colonel,
for CHIEF SECRETARY.

u ← Humphrey Thacker

reg ← info.

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One copy

COPY

BRITISH MILITARY ADMINISTRATION

TRIPOLITANIA

ITALIAN LEGISLATION

PROCLAMATION No. 93.

WHEREAS it is desirable that the inhabitants should be left in no doubt as to the applicability to the occupied territory of legislation enacted by or under the authority of the Italian state since the British military Occupation;

NOW THEREFORE, I, CHARLES HENRY GOMMEY, Colonel, Officer of the Most Excellent Order of the British Empire,

HEREBY PROCLAIM :-

ARTICLE 1.

As from the 23rd day of January 1943 no Law, Decree-Law or other legislative enactment of any kind made or passed by or under the authority of the Italian State on or after the occupied territory or any part thereof unless expressly proclaimed by the Chief Administrator to be applicable thereto.

DATED at Tripoli this 2nd day of May 1945.

C.H. GOMMEY,

Colonel, -
Acting Chief Administrator,

occupied territory of legislation enacted by or under the
authority of the Italian state since the British military
Occupation;

NOW THEREFORE, I, CHARLES HENRY CORRIE, Colonel,
Officer of the Most Excellent Order of the British Empire,

HEREBY PROCLAIM :-

ARTICLE I.

As from the 23rd day of January 1943 no Law, Decree-
Law or other legislative enactment of any kind made or passed
by or under the authority of the Italian State on or after the
occupied territory or any part thereof unless expressly
proclaimed by the Chief Administrator to be applicable thereto.

DATED at Tripoli this 2nd day of May 1945.

C.H. CORRIE,

Colonel, -
Acting Chief Administrator,
Tripoli, S.A.

/Em.

File

QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

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AC/4113/2/L.

ART/mt.
26 May 1945.

SUBJECT : Italian Decrees affecting Colonies.

TO : Civil Affairs Branch, GHQ., M.E.F.

1. Recently the Italian Government has passed without previous reference to this Sub-Commission six decrees concerning the administration of State and parastatal bodies in Libya and Italian East Africa.

These are as follows:-

DL of 15 Feb 45, No. 43 (G.U. No. 29)	Suppression of the African Italian Police Corps.
MD of 7 Oct 44 (G.U. No. 34)	Nominating a Receiver for the Ente for construction of Aqueducts in Italian East Africa.
MD of 26 Jan 45 (G.U. No. 37)	Appointment of liquidator for the ARAS.
MD of 10 Oct 44 (G.U. No. 40)	Appointment of Receiver for the Libyan Savings Bank.
MD of 15 Feb 45 (G.U. No. 40)	Substitution of administrator of CIAAG.
MD of 21 Mar 45 (G.U. No. 46)	Nominating an Extraordinary Receiver for the "Ente di Colonizzazioni della Libia".

The text of these decrees are contained in the attached marked copies of the "Official Gazette" sent for easier reference.

2. It was represented to the Italian Government that the enactment of decrees of this nature, without limitation as to the territory to which they refer, might cause confusion and create legal difficulties as to the effect of measures taken by the Military Administrations which are at present governing Italian Colonial territories.

3. To this the Italian Government has replied by suggesting, that to obviate possible difficulties, this Sub-Commission should request the Military Administrations concerned to advise what regulations if any have been issued by them in respect of these and any further decrees of a like nature issued in the future, so that steps may be taken to co-ordinate the administrative functions and financial position of the institutions affected.

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4. In the event that this suggestion is considered workable will you kindly advise this Sub-Commission so that a suitable reply may be made to the Italian Government.

For the Chief Commissioner:

W. E. BEARDS
W. E. BEARDS,
Colonel,
Deputy Chief Legal Advisor.

Incls: 5 Gazettes.

Translation

The President of the Council of Ministers

325

Rome, 17 May 1945

19 MAR 1945

Dear Admiral,

I have received your letter of April 11th about the decrees for the Administration of parastatal institutes in Libya and in Italian East Africa.

For what concerns the decree which suppresses the Italian Africa Police Corps, we agree; it is understood that this decree can change neither the status of the officers and other ranks who belonged to this corps and as such are still prisoners of war in Africa, nor the action which has been taken by the Allied Military Authorities for the possible utilization of elements of the P.A.I. in the Italian Colonies.

For what concerns the other regulations, as you have seen, their aim is to take care of the patrimony of the parastatal Institutes, which exercise an industrial or commercial activity, and administer their property placed under the administration of the Italian Government, and settle the question of the personnel, in the service of these Institutes, and at present in liberated Italy. I am also very anxious that these regulations shouldn't create juridical difficulties, for what concerns our commercial laws, in relation with analogous regulations for the patrimony and personnel of the said Institutes in Africa, which might be issued by the Allied Military Government in the territories of Italian Africa. To avoid future difficulties, I think it would be advisable, meanwhile, to agree with the Allied Military Administrations concerned to an exchange of informations. These Administrations might be told about the regulations which we have issued up to now, and we might ask information about the similar regulations which might have been made, thus reaching a periodical exchange of news on the administrative functioning of the various Institutes, to assure here as well as there, a regular administration of their balance.

I remain,

Truly yours,

S. I. Bonomi

LEGAL SUBCOMMISSION

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ADJUTANT

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English

CA

Legal

15 May 1945

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

taken by the Allied Military Authorities for the possible utilization of elements of the P.A.I. in the Italian Colonies.

For what concerns the other regulations, as you have seen, their aim is to take care of the patrimony of the parastatal Institutes, which exercise an industrial or commercial activity, and administer their property placed under the administration of the Italian Government, and settle the question of the personnel, in the service of these Institutes, and at present in liberated Italy. I am also very anxious that these regulations shouldn't create juridical difficulties, for what concerns our commercial laws, in relation with analogous regulations for the patrimony and personnel of the said Institutes in Africa, which might be issued by the Allied Military Government in the territories of Italian Africa. To avoid future difficulties, I think it would be advisable, meanwhile, to agree with the Allied Military Administrations concerned to an exchange of informations. These Administrations might be told about the regulations which we have issued up to now, and we might ask information about the similar regulations which might have been made, thus reaching a periodical exchange of news on the administrative functioning of the various Institutes, to assure here as well as there, a regular administration of their balance.

I remain,

Truly yours,

S. I. Bonomi

LEGAL SUBCOMMISSION

20 MAY 1945

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

Chief Counsel

Italian

REC Dist - 18 MAY 45

ACTION: C.A. Sec 121

INFO: CHIEF COMMR

EXEC COMMR

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taken by the Allied Military Authorities for the possible utilization of elements of the P.A.I. in the Italian Colonies.

For what concerns the other regulations, as you have seen, their aim is to take care of the patrimony of the parastatal Institutes, which exercise an industrial or commercial activity, and administer their property placed under the administration of the Italian Government, and settle the question of the personnel, in the service of these Institutes, and at present in liberated Italy. I am also very anxious that these regulations shouldn't create juridical difficulties, for what concerns our commercial laws, in relation with analogous regulations for the patrimony and personnel of the said Institutes in Africa, which might be issued by the Allied Military Government in the territories of Italian Africa. To avoid future difficulties, I think it would be advisable, meanwhile, to agree with the Allied Military Administrations concerned to an exchange of informations. These Administrations might be told about the regulations which we have issued up to now, and we might ask information about the similar regulations which might have been made, thus reaching a periodical exchange of news on the administrative functioning of the various Institutes, to assure here as well as there, a regular administration of their balance.

I remain,

LEGAL SUBCOMMISSION
CIC
CIC
Chief Counsel
CIC
Italian

Truly yours,

S. I. Bonomi

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REC Hist - 18 MAY 45

ACTION: C.A. SEC 121

INFO: CHIEF COMMR

EXEC COMMR

20 MAY 1945

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

S.C.

MAY 18 RECD

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Italian



*Al Presidente
del Consiglio dei Ministri*

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Roma, 17 MAG. 1945

19 MAG. 1945

Caro Ammiraglio,

ho avuto la Sua lettera dell'11 aprile circa i decreti per l'Amministrazione di istituti parastatali in Libia e nell'Africa Orientale Italiana.

Per quanto concerne il decreto che sopprime il Corpo di Polizia dell'Africa Italiana siamo d'accordo; ed è inteso che tale decreto non può incidere né sullo status dei militari già appartenenti a quel Corpo e come tali ancora prigionieri di guerra in Africa né sui provvedimenti che sono stati presi dalle Autorità Militari Alleate per la eventuale utilizzazione di elementi della P.A.I. nelle Colonie Italiane.

Per quanto concerne gli altri provvedimenti, come Ella ha ben visto, lo scopo di essi è la cura del patrimonio di Enti parastatali esercitanti un'attività industriale o commerciale e

Al signor Ammiraglio

Ellery W. STONE

Capo della Commissione Alleata

R O M A

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*Il Presidente
del Consiglio dei Ministri*

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l'amministrazione dei loro beni situati nei territori amministrati dal Governo italiano e la sistemazione del personale, in servizio presso quegli Enti, ora presente nell'Italia liberata. Mi preoccupa anche io che tali provvedimenti non creino difficoltà giuridiche, anche nei confronti delle nostre leggi commerciali, in relazione a provvedimenti analoghi che per il patrimonio ed il personale di quegli stessi Enti in Africa possa adottare il Governo Militare Alleato nei territori africani italiani. Mi sembra quindi opportuno che, ad evitarci future difficoltà, intanto, si addivenga di accordo con le Amministrazioni Militari Alleate interessate ad uno scambio di informazioni. Si potrebbero comunicare a quelle Amministrazioni i provvedimenti sin ora presi qui da noi e chiedere colà notizie sui provvedimenti analoghi che fossero stati adottati, giungendo ad un regolare periodico scambio di notizie sull'andamento amministrativo dei singoli Enti, in modo da assicurare qui e là una gestione regolare del loro bilancio.

Con molti cordiali saluti.

20-11-1945

B. Bonomi

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AG/4113/2/L.

11 April, 1945.

My dear Mr. Prime Minister,

The Italian Government has recently passed five decrees for the administration of parastatal institutions in Libya and Italian East Africa.

The decrees are:-

DIL of 15 Feb 45 No. 43.	Suppression of the African Italian Police Corps.
MD of 7 Oct 44 (G.U.No.34)	Nominating a Receiver for the Ente for construction of Aqueducts in Italian East Africa.
MD of 26 Jan 45 (G.U.No.37)	Appointment of Liquidator for the ARAS.
MD of 10 Oct 44 (G.U.No.40)	Appointment of Receiver for the Libya Savings Bank.
MD of 15 Feb 45 (G.U.No.40)	Substitution of administrator of CIAAO.

I appreciate that it is necessary to make provision for the management and administration of assets of such concerns which are at present situate in Italian Government Territory. I feel, however, that the enactment of decrees of this nature, without limitation as to the territory to which they refer, may cause confusion and may create legal difficulties as to the validity of measures taken by the Military Administrations which are at present governing Italian Colonial territories.

I must therefore request Your Excellency that if it is necessary in the future to issue further decrees of this nature, you will ensure that the decrees are so framed as to contain definite words of limitation which restrict the scope of the decrees to property or assets now situated in Italian Government territory and actually under the control of the Italian Government.

Yours very truly,

[Signature]

HENRY W. STONE
Rear Admiral, USNR
Chief Commissioner.

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His Excellency Ivo de Bonomi,
The President of the Council of Ministers,
Italian Government,
ROME.

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