

ARMISTICE WITH ITALY: EMPLOYMENT AND DISPOSITION OF ITALIAN FLEET AND MERCHANT MARINE

*Instrument of amendment signed at Brindisi, Italy, November 17, 1943;
statement by Minister of Italian Navy November 17, 1943
Entered into force November 17, 1943
Terminated September 15, 1947, upon entry into force of treaty of peace
of February 10, 1947*¹

61 Stat. 2769; Treaties and Other
International Acts Series 1604

AMENDMENT TO AGREEMENT BETWEEN THE NAVAL COMMANDER-IN-CHIEF, MEDITERRANEAN, ALLIED FORCES AND THE ROYAL ITALIAN MINISTER OF MARINE WITH RESPECT TO THE EMPLOYMENT OF THE ITALIAN NAVY

The aforementioned agreement² is amended as follows:

The following phrase to be added to the Preamble:

“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 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.”

Final sentence of last paragraph to be amended to read:

“will be manned so far as possible by crews provided by Italian Ministry of Marine and will fly the Italian flag.”

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 on the 17th November 1943 at BRINDISI.

For the Naval Commander-in-Chief
Mediterranean, Allied Forces.

R. MCGREGOR
*Rear Admiral,
Flag Officer Liaison, Italy*

AM. R. DE COURTEN
Ministro della Marina

¹ TIAS 1648, *post*, vol. 4.

² TIAS 1604, *ante*, p. 771.

STATEMENT BY ADMIRAL DE COURTEN

[TRANSLATION]

By order of His Excellency, Marshal Badoglio, Chief of the Government, I have signed the clauses added to the Preamble and to the last paragraph of the Cunningham-de Courten Agreement, which were requested by the Allied Governments as conditions of the signature of the amendments to the Armistice.

In signing, I request that note be taken of the following statement:

“I believe it my duty to make clear that the request for insertion of these clauses, put forth less than two months after the meeting with Sir Andrew Cunningham, then Commander-in-Chief of the Allied Mediterranean Fleet, alters the spirit of the agreement concluded between Admiral Cunningham and me. The clauses of this Agreement had been put forward in accordance with the Armistice, by Admiral Cunningham himself, who invited me to examine them and make known to them my observations and comments. In as much as there was complete agreement in regard to the text presented by the Allies, and as the Agreement has up to now been carried out in the widest and most complete manner without opposition either in letter or spirit, I did not and do not have any reason to believe it should be modified and completed by a subsequent safeguarding clause. This clause seems to be at odds with the active collaboration given up to now by the Italian Navy and with the visible demonstration of the loyalty with which the Italian Fleet is contributing to the utmost to the conduct of the war against the common enemy in the spirit of existing co-belligerency”.

ADMIRAL DE COURTEN
Minister of the Navy

BRINDISI, 17 November 1943