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ITALY



Treaty Series No. 3 (1952)

# Exchange of Notes

between the Government of the United Kingdom  
of Great Britain and Northern Ireland and  
the Italian Government

regarding the revision of certain clauses  
of the Italian Peace Treaty

London, 8th/21st December, 1951

*Presented by the Secretary of State for Foreign Affairs to Parliament  
by Command of His Majesty  
January 1952*

LONDON  
HIS MAJESTY'S STATIONERY OFFICE  
THREEPENCE NET

Cmd. 8450

**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE ITALIAN GOVERNMENT REGARDING THE REVISION OF CERTAIN CLAUSES OF THE ITALIAN PEACE TREATY**

*London, 8th/21st December, 1951*

No. 1

*The Italian Ambassador in London to the Secretary of State for Foreign Affairs*

Signor Segretario di Stato,

*Londra, 8 dicembre, 1951.*

Ho l'onore di riferirmi alle dichiarazioni ripetutamente fatte dal Governo italiano e alla dichiarazione del 26 settembre fatta dai Governi del Regno Unito, della Francia e degli Stati Uniti, nonché alle dichiarazioni fatte da rappresentanti di altri Governi circa l'anomalia venutasi a creare tra l'esistenza del Trattato di Pace italiano e la posizione che occupa oggi l'Italia.

La posizione dell'Italia quale membro attivo a parità di condizioni della famiglia delle Nazioni democratiche e amanti della libertà, è stata universalmente riconosciuta. Lo spirito del Trattato di Pace, pertanto, non si accorda più con la situazione oggi esistente.

Il Trattato di Pace contemplava che l'Italia sarebbe stata ammessa come membro delle Nazioni Unite. Presupposto essenziale era che l'adesione universale ai principi dello Statuto delle Nazioni Unite avrebbe garantito la sicurezza dell'intera comunità delle Nazioni democratiche e perciò avrebbe anche garantito la posizione dell'Italia come un membro a parità di condizioni di tale comunità.

Questo presupposto, sulla base del quale il Trattato di Pace italiano fu firmato e ratificato non è stato soddisfatto. Sebbene il preambolo del Trattato prevedesse che l'Italia sarebbe divenuta membro, con pieni diritti, delle Nazioni Unite, l'ammissione dell'Italia, pur avendo ricevuto in tre occasioni l'appoggio della maggioranza degli Stati membri che votarono nell'Assemblea Generale, è stata resa impossibile per quattro volte, da veti ingiustificati, quando essa venne esaminata in seno al Consiglio di Sicurezza.

Poiché l'Italia non fa parte delle Nazioni Unite, essa non può contribuire pienamente al pacifico sviluppo delle relazioni internazionali su una base di parità con le altre Nazioni né farsi valere in seno alle stesse Nazioni Unite per una revisione delle clausole del Trattato nella maniera in esso prevista.

Frattanto, l'Italia ha ristabilito le istituzioni democratiche, partecipa in concerto con le altre Nazioni a numerose organizzazioni internazionali che operano per stabilire pacifiche e feconde condizioni di vita tra i popoli del mondo, amministra un territorio sotto tutela in nome e per incarico delle Nazioni Unite e appoggia gli sforzi delle Nazioni Unite per mantenere la pace e la sicurezza internazionale.

In queste circostanze, come già è stato dichiarato, lo spirito e certe disposizioni restrittive del Trattato di Pace non risultano appropriate.

Su istruzioni del mio Governo ho l'onore di proporre perciò che il Governo di Sua Maestà e gli altri firmatari del Trattato, cui identiche note sono state indirizzate, riconoscano che lo spirito del preambolo più non sussiste e che è stato sostituito dallo spirito dello Statuto delle Nazioni Unite; che le clausole politiche, articoli 15 a 18, sono superflue e che le clausole militari, limitatrici

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del diritto e della capacità di provvedere alla propria difesa, articoli 46 a 70 e relativi allegati, non sono conformi alla posizione dell'Italia quale membro, a parità di condizioni, della famiglia delle Nazioni democratiche e amanti della libertà.

Voglia gradire, &c.

T. GALLARATI SCOTTI.

(Translation)

Sir,

*London, 8th December, 1951.*

I have the honour to refer to declarations repeatedly made by the Italian Government and to the declaration of 26th September made by the Governments of the United Kingdom, France and the United States, as well as to statements made by officials of other Governments regarding the anomaly created by the existence of the Italian Peace Treaty<sup>(1)</sup> and the position which Italy occupies to-day.

Italy's status as an active and equal member of the democratic and freedom-loving family of nations has been universally recognised. The spirit of the Peace Treaty, therefore, no longer accords with the situation prevailing to-day.

It was contemplated by the Peace Treaty that Italy would be admitted to membership in the United Nations. The basic assumption was that universal adherence to the principles of the United Nations Charter<sup>(2)</sup> would assure the security of all the democratic family of nations and therefore would also assure Italy's status as an equal member of that family.

The above assumption, on the basis of which the Italian Peace Treaty was signed and was ratified, has not been fulfilled. Even though the preamble of the Treaty contemplated that Italy would become a full member of the United Nations, Italy's admission, although receiving on three occasions the support of the majority of member States voting in the General Assembly, has been prevented by unjustified vetoes in the Security Council on the four occasions when it was considered.

Since Italy is not a member of the United Nations, she can neither contribute fully to the peaceful development of international relations on a basis of equality with other Nations, nor take any action within the United Nations, with a view to obtaining the revision of the clauses of the Treaty as provided for by the Treaty itself.

Meanwhile, Italy has re-established democratic institutions, participates in concert with other Nations in a number of international organisations working to establish peaceful and improved conditions of life for the peoples of the world, administers a trust territory in the name and on behalf of the United Nations, and supports the efforts of the United Nations to maintain international peace and security.

In these circumstances, as it has been already stated, the spirit and certain restrictive provisions of the Peace Treaty no longer appear to be appropriate.

Upon instructions of my Government I have, therefore, the honour to propose that His Majesty's Government and other signatories of the Treaty, to whom similar notes have been addressed, should agree that the spirit reflected by the Preamble no longer exists, and has been replaced by the spirit of the United Nations' Charter; that the political clauses, Articles 15-18 are superfluous and that the military clauses, Articles 46-70 and the relevant

<sup>(1)</sup> "Treaty Series No. 50 (1948)," Cmd. 7481.

<sup>(2)</sup> "Treaty Series No. 67 (1946)," Cmd. 7015.

Annexes, which restrict Italy's right and capacity to provide for her own defence, are not consistent with Italy's position as an equal member of the democratic and freedom-loving family of nations.

Please accept, &c.

T. GALLARATI SCOTTI.

No. 2

*The Secretary of State for Foreign Affairs to the Italian  
Chargé d'Affaires in London*

Sir,

21st December, 1951.

I have the honour to refer to His Excellency Duke Gallarati Scotti's Note of 8th December regarding the preamble and certain clauses of the Italian Peace Treaty.

I am glad to inform you that, in accordance with the terms of the Declaration of 26th September last by the Governments of the United Kingdom, France and the United States of America, His Majesty's Government in the United Kingdom welcome the proposals of the Italian Government.

His Majesty's Government in the United Kingdom accordingly hereby agree that the spirit reflected by the preamble no longer exists, and has been replaced by the spirit of the United Nations Charter; that the political clauses, Articles 15 to 18, are superfluous; and that, since the military clauses are not consistent with Italy's position as an equal member of the democratic and freedom-loving family of nations, Italy is released from its obligations to His Majesty's Government in the United Kingdom under Articles 46 to 70 and annexes relevant thereto.

I have, &c.

ANTHONY EDEN.

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1952

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PRINTED IN GREAT BRITAIN