



Treaty Series No. 115 (1961)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Republic of San Marino

concerning a Payment made to San Marino
in respect of War Damage

Florence and San Marino, July 17/22, 1961

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
December 1961*

LONDON

HER MAJESTY'S STATIONERY OFFICE

EIGHTPENCE NET

**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE REPUBLIC OF SAN MARINO
CONCERNING A PAYMENT MADE TO SAN MARINO IN
RESPECT OF WAR DAMAGE**

No. 1

*Her Majesty's Consul-General at Florence to the Secretary of State for
Foreign Affairs of San Marino*

Your Excellency,

Florence, July 17, 1961.

On the instructions of Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to convey to Your Excellency Her Majesty's Government's offer to pay to the Republic of San Marino the sum of £80,000 as a gesture of sympathy for the sufferings of the people of San Marino, as a result of the bombing of their territory on the 26th of June, 1944, and as a token of regret that it should have been Allied Forces under a British Commander which were obliged by the harsh exigencies of war to inflict damage on the territory of San Marino. This offer is made by Her Majesty's Government without any admission of legal liability for the consequences of the action of the Allied Forces and on condition that the Government of San Marino withdraw all claims against Her Majesty's Government in connexion with any injury or damage to the Republic or to any persons or property in the Republic caused as a result of the action of such forces at any time during the war.

The text of a Statement made in the House of Commons by the Lord Privy Seal on the 7th of July, 1961, is annexed to this Note.

I have, &c.

EDMUND HOWARD

Her Majesty's Consul-General.

SAN MARINO (WAR DAMAGE CLAIM)

STATEMENT MADE IN THE HOUSE OF COMMONS BY THE LORD PRIVY SEAL
ON JULY 7, 1961

In October, 1945, the Government of the Republic of San Marino presented Her Majesty's Government with a claim totalling 732 million lire as compensation for damage caused to San Marino by the bombing carried out by units of the Desert Air Force under British Command on 26th June, 1944, and thereafter by the occupation of San Marino by the German Armed Forces fighting against the Allied Forces in August, 1944, by the fighting in San Marino after the entry of the Eighth Army in September, 1944, and by the presence of allied troops after the capitulation of the German forces in Italy.

Her Majesty's Government made clear that although they much regretted the damage caused to San Marino they could not accept any liability to pay compensation for it.

Her Majesty's Government have throughout maintained that their action in bombing San Marino was justified on the basis of the information available to them at the time, to the effect that the neutrality of San Marino had been violated by German forces.

In 1949, as a gesture of sympathy for the suffering and losses caused to the citizens of the Republic through no fault of their own, Her Majesty's Government made an offer of an *ex gratia* payment of £26,000 in respect of the San Marinese claim against Her Majesty's Government. This was renewed on several subsequent occasions and the necessary sum was twice voted by Parliament; but the Government of the Republic of San Marino maintained their decision not to accept any such offer. They asserted that the neutrality of the territory of San Marino had not been violated before the bombing of 26th June, 1944, occurred and that they had taken strenuous measures to safeguard the neutrality of their territory.

In February, 1952, the Government of San Marino agreed to limit their claim only to compensation for damage caused by the bombing on 26th June, 1944, as they considered—and still consider—that the damage which occurred after the bombardment on 26th June, 1944, was the responsibility of the German Armed Forces.

In answer to a Question on 2nd July, 1952, the then Parliamentary Under-Secretary of State for Foreign Affairs referred to the fact that up to that time, the Government of San Marino had adduced no evidence in support of their contention that it was the Allied Forces who first violated their territory. In May, 1953, however, the Government of San Marino addressed a further Note to Her Majesty's Government enclosing various documents in support of this claim. Her Majesty's Government gave the most careful consideration to the evidence submitted by the Government of San Marino. As a result of this examination, Her Majesty's Government came to the conclusion that there may be some reason to doubt the reliability of some of the information on which the original decision to bomb the territory of San Marino was based. In addition they accepted that the documents submitted contain substantial evidence of the firm measures adopted by the Republic during the war in order to maintain the Republic's traditional policy of neutrality and to deny military occupation of its territory to the German forces. Her Majesty's Government are nevertheless unable to alter their original view that they are under no legal liability for the consequences of the raid.

There is however a long history of amicable relations between this country and the Republic of San Marino, and Her Majesty's Government attach considerable importance to maintaining this cordial relationship. For this reason and after careful consideration of the evidence produced by the Government of San Marino, Her Majesty's Government have offered to the Government of San Marino to increase their original offer to the sum of £80,000 as a gesture of sympathy for the sufferings of the people of San Marino as a result of the bombing of 26th June, 1944, and as a token of regret that it should have been Allied Forces under a British Commander

which were obliged by the harsh exigencies of war to inflict damage on the territory of San Marino.

The Government of San Marino have accepted this payment and in so doing have agreed to withdraw all claims against Her Majesty's Government in connexion with any damage to the Republic caused by British Forces during the war.

Parliament will be asked in due course to vote the money by means of a Supplementary Estimate to the Foreign Office Grants and Services Vote. In the meantime an advance is being obtained from the Civil Contingencies Fund.

No. 2

The Secretary of State for Foreign Affairs of San Marino to Her Majesty's Consul-General at Florence

Signor Console Generale, *San Marino, 22 luglio 1961/1660 d.F.R.*

ho l'onore di accusare ricevuta della Sua Nota del 17 luglio 1961 che dice come appresso:

“Dietro istruzioni del Primo Segretario di Stato per gli Affari Esteri di Sua Maestà Britannica, ho l'onore di trasmettere a Vostra Eccellenza l'offerta del Governo di Sua Maestà Britannica di pagare alla Repubblica di San Marino la somma di Lstg. 80.000.-, quale gesto di simpatia per le sofferenze subite dalla popolazione di San Marino a causa del bombardamento di quel territorio avvenuto il 26 giugno 1944, e come espressione di rincrescimento per il fatto che forze alleate agli ordini di un Comandante Britannico si siano dovute trovare obbligate dalle dure esigenze della guerra ad infliggere danni al territorio di San Marino.

Questa offerta viene fatta dal Governo di Sua Maestà senza che essa comporti alcuna ammissione di reponsabilità giuridica per le conseguenze dell'azione delle forze alleate ed a condizione che il Governo di San Marino ritiri tutte le pretese contro il Governo di Sua Maestà relative ai danni causati alla Repubblica o a persone o beni nella Repubblica come effetto dell'azione esercitata dalle forze suddette in qualsiasi tempo durante la guerra.

Allegato alla presente Nota ho altresì l'onore di trasmettere il testo di una Dichiarazione fatta il 7 luglio 1961 nella Casa dei Comuni dal Lord del Sigillo Privato.”

Il Governo della Repubblica di San Marino accetta l'offerta del Governo di Sua Maestà Britannica di Lstg. 80.000.- e ritira tutte le pretese contro il Governo di Sua Maestà relative a danni alla Repubblica o a beni nella Repubblica causati dall'azione esercitata dalle forze alleate in qualsiasi tempo durante la guerra.

Ho altresì l'onore di accusare ricevuta del testo di una Dichiarazione fatta il 7 luglio 1961 nella Casa dei Comuni dal Lord del Sigillo Privato.

Ho l'onore, ecc.

-Il-Segretario di Stato

FEDERICO BIGI.

[Translation of No. 2]

Sir,

I have the honour to acknowledge receipt of your Note of July 17 which reads as follows:

[As in No. 1]

The Government of the Republic of San Marino accept the offer of Her Britannic Majesty's Government of £80,000 and withdraw all claims against Her Majesty's Government concerning damage to the Republic or to property in the Republic caused by the action of the Allied Forces at any time during the war.

I have also the honour to acknowledge receipt of the text of a Declaration made on July 7, 1961 in the House of Commons by the Lord Privy Seal.

I have, &c.

The Secretary of State
FEDERICO BIGI.

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London w.c.2
423 Oxford Street, London w.1
13A Castle Street, Edinburgh 2
109 St. Mary Street, Cardiff
39 King Street, Manchester 2
50 Fairfax Street, Bristol 1
2 Edmund Street, Birmingham 3
80 Chichester Street, Belfast 1
or through any bookseller

Printed in England