

ARMISTICE WITH ITALY: EMPLOYMENT AND DISPOSITION OF ITALIAN FLEET AND MERCHANT MARINE (CUNNINGHAM-DE COURTEN AGREEMENT)

*Memorandum of agreement concluded at Taranto, Italy, September 23, 1943*¹

Entered into force September 23, 1943

*Amended by agreement of November 17, 1943*²

*Terminated September 15, 1947, upon entry into force of treaty of peace of February 10, 1947*³

61 Stat. 2766; Treaties and Other
International Acts Series 1604

OFFICE OF THE COMMANDER-IN-CHIEF,

MEDITERRANEAN.

23rd September, 1943

MEMORANDUM OF AGREEMENT ON THE EMPLOYMENT AND DISPOSITION OF THE ITALIAN FLEET AND MERCANTILE MARINE BETWEEN THE ALLIED NAVAL COMMANDER-IN-CHIEF, MEDITERRANEAN, ACTING ON BEHALF OF THE ALLIED COMMANDER-IN-CHIEF AND THE ITALIAN MINISTER OF MARINE

The armistice having been signed⁴ between the Head of the Italian Government and the Allied Commander-in-Chief under which all Italian war-

¹There is apparently no signed copy of this agreement between Sir Andrew Cunningham, Allied Naval Commander in Chief, Mediterranean, acting on behalf of the Allied Commander in Chief, and Admiral Rafaella de Courten, Italian Minister of Marine. On Aug. 8, 1944, in response to a query from the Italian Foreign Office, Admiral de Courten wrote, "The agreement made at Taranto September 23, 1943, with Admiral Cunningham is not registered in a document signed by the two parties. Admiral Cunningham submitted to me the draft agreement attached to my letter 1465/S of September 27, 1943, to the High Command; I made verbally the observation registered in the letter, receiving the replies therein reported. Even Marshal Bagdolio's adhesion was communicated verbally. It was therefore a 'gentlemen's agreement.'"

²TIAS 1604, *post*, p. 856.

³TIAS 1648, *post*, vol. 4.

⁴TIAS 1604, *ante*, p. 769.

ships and the Italian Mercantile Marine were placed unconditionally at the disposal of the United Nations, and H. M. The King of Italy and the Italian Government having since expressed the wish that the Fleet and the Italian Mercantile Marine should be employed in the Allied effort to assist in the prosecution of the war against the Axis powers, the following principles are established on which the Italian Navy and Mercantile Marine will be disposed.

(A) Such ships as can be employed to assist actively in the Allied effort will be kept in commission and will be used under the orders of the Commander-in-Chief, Mediterranean as may be arranged between the Allied Commander-in-Chief and the Italian Government.

(B) Ships which cannot be so employed will be reduced to a care and maintenance basis and be placed in designated ports, measures of disarmament being undertaken as may be necessary.

(C) The Government of Italy will declare the names and whereabouts of

- (i) Warships
- (ii) Merchant ships

now in their possession which previously belonged to any of the United Nations. These vessels are to be returned forthwith as may be directed by the Allied Commander-in-Chief. This will be without prejudice to negotiations between the Governments which may subsequently be made in connection with replacing losses of ships of the United Nations caused by Italian action.

(D) The Allied Naval Commander-in-Chief will act as the agent of the Allied Commander-in-Chief in all matters concerning the employment of the Italian Fleet or Merchant Navy, their disposition and related matters.

(E) It should be clearly understood that the extent to which the terms of the armistice are modified to allow of the arrangements outlined above and which follow, are dependent upon the extent and effectiveness of Italian co-operation.

2. *Method of Operation.* The Commander-in-Chief, Mediterranean will place at the disposal of the Italian Ministry of Marine a high ranking Naval officer with the appropriate staff who will be responsible to the Commander-in-Chief, Mediterranean, for all matters in connection with the operation of the Italian Fleet, and be the medium through which dealings will be carried out in connection with the Italian Mercantile Marine. The Flag Officer acting for these duties (Flag Officer Liaison), will keep the Italian Ministry of Marine informed of the requirements of the Commander-in-Chief, Mediterranean, and will act in close co-operation as regards issue of all orders to the Italian Fleet.

3. *Proposed disposition of the Italian Fleet.*

(a) All battleships will be placed on a care and maintenance basis in ports to be designated and will have such measures of disarmament applied as may be directed. These measures of disarmament will be such that the ships can be brought into operation again if it so seems desirable. Each ship will have on board a proportion of Italian Naval personnel to keep the ships in proper condition and the Commander-in-Chief, Mediterranean, will have the right of inspection at any time.

(b) *Cruisers.* Such cruisers as can be of immediate assistance will be kept in commission. At present it is visualised that one squadron of four cruisers will suffice and the remainder will be kept in care and maintenance as for the battleships but at a rather greater degree of readiness to be brought into service if required.

(c) *Destroyers and Torpedo Boats.* It is proposed to keep these in commission and to use them on escort and similar duties as may be requisite. It is proposed that they should be divided into escort groups working as units and that they should be based on Italian ports.

(d) *Small Craft.* M.A.S., Minesweepers, auxiliaries and similar small craft will be employed to the full, detailed arrangements being made with the Flag Officer (Liaison) by the Italian Ministry of Marine for their best employment.

(e) *Submarines.* In the first instance submarines will be immobilised in ports to be designated and at a later date these may be brought into service as may be required to assist the Allied effort.

4. *Status of Italian Navy.* Under this modification of the armistice terms, all the Italian ships will continue to fly their flags. A large proportion of the Italian Navy will thus remain in active commission operating their own ships and fighting alongside the forces of the United Nations against the Axis Powers.

The requisite Liaison officers will be supplied to facilitate the working of the Italian ships in co-operation with allied forces. A small Italian liaison mission will be attached to the Headquarters of the Commander-in-Chief, Mediterranean, to deal with matters affecting the Italian Fleet.

5. *Mercantile Marine.* It is the intention that the Italian Mercantile Marine should operate under the same conditions as the merchant ships of the Allied Nations. That is to say, all mercantile shipping of the United Nations is formed into a pool which is employed as may be considered necessary for the benefit of all the United Nations. In this will naturally be included the requirements for the supply and maintenance of Italy. The system will be analogous to that used in North Africa, where the North Africa Shipping Board controls all United States, British and French shipping under certain agreements which will have to be arranged in detail

in so far as Italian ships are concerned. While it may be expected that a proportion of Italian ships will be working within the Mediterranean and to and from Italian ports, it must be appreciated that this will not always necessarily be the case and ships flying the Italian flag may be expected to be used elsewhere as is done with the merchant ships of all the United Nations. Italian ships employed as outlined in this paragraph will be manned by crews provided by Italian Ministry of Marine and will fly the Italian flag.