



Treaty Series No. 29 (1952)

# Exchange of Notes

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

regarding the recovery by Italcable Company  
of submarine cable lying disused between  
Gibraltar and Casablanca

[With Exchange of Notes of 9th/14th June, 1949, as Appendix]

London, 12th November, 1951

*Presented by the Secretary of State for Foreign Affairs to Parliament  
by Command of Her Majesty  
June 1952*

LONDON,  
HER MAJESTY'S STATIONERY OFFICE  
THREEPENCE NET

**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF ITALY REGARDING THE RECOVERY BY ITALCABLE COMPANY OF SUBMARINE CABLE LYING DISUSED BETWEEN GIBRALTAR AND CASABLANCA**

*London, 12th November, 1951*

No. 1

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

*Foreign Office, S.W. 1,  
12th November, 1951.*

Your Excellency,

I have the honour to refer to the request of the Government of the Italian Republic, communicated by a member of your Excellency's staff, on behalf of the Italcable Company that the latter might be allowed to recover for their own use a length of submarine cable lying disused between Gibraltar and Casablanca, and to inform your Excellency that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are prepared to agree to the recovery of this length of cable in the spirit of co-operation and goodwill of the Anglo-Italian Exchange of Notes of 9th/14th June, 1949,<sup>(1)</sup> upon the following conditions.

His Majesty's Government's agreement to the request of the Italian Government is made without prejudice to the generality of the provisions contained in the third paragraph of their Note of 9th June, 1949. Furthermore, they wish to stipulate that the recovery of the cable shall be so executed as to avoid damage to the cables of Cable and Wireless Limited, and that, if such damage should occur during the course of the operations, it shall be repaired at Italian expense to the satisfaction of Cable and Wireless Limited.

If the Italian Government agree to the conditions set out above, I have the honour to propose that the present Note and your Excellency's reply in the same sense shall be regarded as constituting an Agreement between the two Governments on this matter.

I have, &c.  
(For the Secretary of State),  
W. HARPAM.

No. 2

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

*Italian Embassy,  
London, 12th November, 1951.*

Sir,

I have the honour to acknowledge the receipt of your Note of to-day's date, the text of which reads as follows:—

[As in No. 1.]

I have the honour to inform you that the proposals contained in your Note are acceptable to the Italian Government and that your Note and the present reply will be regarded as constituting an Agreement between our two Governments on this matter.

I have, &c.  
T. GALLARATI SCOTTI.

(1) See Appendix.

APPENDIX

EXCHANGE OF NOTES OF 9TH-14TH JUNE, 1949

No. 1

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

*Foreign Office, S.W. 1,  
9th June, 1949.*

Your Excellency,

His Majesty's Government in the United Kingdom have been giving consideration to the most appropriate means of clarifying the position regarding Italian submarine cables which were captured or diverted during the war and subsequently returned voluntarily to Italian ownership.

2. His Majesty's Government returned these cables as a gesture of goodwill towards Italy, by means of a special arrangement outside the terms of the Peace Treaty. The purpose of this aide-mémoire is to place on record the terms of this special arrangement.

3. His Majesty's Government had originally stipulated that all those cables whose terminals had been diverted from Málaga to Gibraltar should continue to run through Gibraltar. They are willing, however, to waive this stipulation provided that the Italian Government will confirm their formal acceptance of the following terms:—

- (a) any repairs or replacements of broken or truncated sections of cable shall be at Italian expense;
- (b) there shall be no question of replacement by the United Kingdom of any section of an Italian cable that is missing;
- (c) Italy will make no claims against His Majesty's Government in respect of any alleged damage to, or deterioration of, or loss of, any length of cable;
- (d) the decision as to the ultimate disposal of the cables whose terminals lie in territories of which the sovereignty is not yet decided must remain subject to the final settlement of the territories concerned.

4. His Majesty's Government will make freely available to the Italian authorities any necessary technical information regarding the present condition of the Italian cable system, and welcome the opportunity, afforded by recent negotiations on the subject, of resuming full and effective co-operation between the two countries in matters relating to the operation of submarine cables.

I have, &c.  
ERNEST BEVIN.

No. 2

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

*Italian Embassy,  
London, 14th June, 1949.*

Your Excellency,

I acknowledge the receipt of your Note of 9th June, 1949, regarding Italian submarine cables.

2. I can assure you on behalf of the Italian Government that they share the desire of the British Government to place on record the terms on which the Italian submarine cables were handed back to the Italian Authorities concerned and to the Italcable Company, and I am authorised by my Government

to confirm the conditions upon which the return of these cables was effected:—

- (a) any repairs or replacements of broken or truncated sections of cable shall be at Italian expense;
  - (b) there shall be no question of replacement by the United Kingdom of any section of Italian cable that is missing;
  - (c) Italy will make no claims against the British Government in respect of any alleged damage to, or deterioration of, or loss of, any length of cable;
  - (d) the decision as to the ultimate disposal of the cables whose terminals lie in territories of which the sovereignty is not yet decided must remain subject to the final settlement of the territories concerned.
3. The Italian Government wish to observe that the British Government have already declared that they will make no claim against them in respect of any damage sustained by British-owned cables during the war.

4. The Italian Government take note that the British Government will make freely available to the Italian Authorities any necessary technical information regarding the present condition of the Italian cable system, and look forward with pleasure to the prospect of fruitful co-operation between Italy and the United Kingdom in the matter of submarine communications.

I have, &c.

T. GALLARATI SCOTTI.

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