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Italian request to declassify Bilateral Infrastructure Agreement (BIA)
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VZCZCXR09885
PP RUEHFL RUEHNP
DE RUEHRO #1322/01 3050923
ZNY CCCCC ZZH
P 310923Z OCT 08
FM AMEMBASSY ROME
TO RUEHC/SECSTATE WASHDC PRIORITY 1086
INFO RUEHMIL/AMCONSUL MILAN PRIORITY 9625
RUEHFL/AMCONSUL FLORENCE PRIORITY 3263
RUEHNP/AMCONSUL NAPLES PRIORITY 3419
RUEHNO/USMISSION USNATO PRIORITY 2979
RUEKJCS/JOINT STAFF WASHDC PRIORITY
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RUEKJCS/SECDEF WASHDC PRIORITY
C O N F I D E N T I A L SECTION 01 OF 02 ROME 001322

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STATE FOR EUR/RPM, PM/PPA, L/PM
SECDEF FOR OSD/ISP
JCS FOR J-5

E.O. 12958: DECL: 10/31/2018
TAGS: PREL PGOV MARR NATO IT
SUBJECT: ITALIAN REQUEST TO DECLASSIFY BILATERAL
INFRASTRUCTURE AGREEMENT

REF: A. A) 90 ROME 753
B. B) 08 ROME 1320

Classified By: Deputy Chief of Mission Elizabeth Dibble. Reasons 1.4 (B) and (D)

1. (U) This is an action request. See Paragraph 8.
2. (C) The GOI presented Embassy Rome with a Diplomatic Note on July 7, 2008 requesting the declassification of the 1954 Bilateral Infrastructure Agreement (BIA). As justification for the request, the note cites the length of time elapsed since the signing of the BIA as well as the fact that the 1995 Shell Agreement and the subsequent Technical Arrangements (TA) for the Sigonella, San Vito and Vicenza installations are all unclassified. The Note does not request declassification of the Annexes to the BIA or of the TAs, which contain specific information with respect to personnel levels, munitions storage, etc.
3. (C) Embassy Rome has considered the request at length and consulted via email with EUCOM. The Department has not agreed to previous GOI requests for declassification and post again recommends against declassification, especially given the nature of our recently-concluded host nation notification (HNN) negotiations regarding the standing-up of USAFRICOM Navy and Army Component Commands at Italian installations (ref B). Though much of the language in the BIA is reflected in subsequent unclassified Technical Arrangements, there still remain portions of the BIA that have not been reproduced in unclassified documents.
4. (C) In particular, Post believes it would be counterproductive to declassify Article 2, which governs the use to which U.S. Forces stationed in Italy may be put. Article 2 states that "The United States Government obligates itself to use the facilities agreed upon in the spirit and within the framework of NATO collaboration. The Government of the United States obligates itself to utilize the installations agreed upon exclusively in order to carry out its NATO responsibilities and, in any case, not to use them for warlike purposes unless pursuant to NATO dispositions or by agreement with the Italian Government." The U.S. has traditionally interpreted this language broadly to mean that U.S. forces may be used for non-NATO operations (such as Iraq or humanitarian missions in Africa) as long as the GOI gives its consent. Italian military and political authorities have generally accepted this interpretation and granted their consent in a relatively informal manner. However, it is likely that if the language were to be made public, political parties that oppose U.S. military presence in Italy and U.S. military involvement overseas would pressure the GOI to take a more restrictive reading of the language by demanding that no non-NATO actions be undertaken without extensive formal negotiations with the GOI.
5. (C) This and other related sections of the BIA, if made public, could also cloud public discussion regarding U.S. basing in Italy and complicate our efforts to provide AFRICOM Component Commands with the broadest possible range of authorized activity. It could also restrict our freedom of action with regard to forces currently based in Italy. For example, the recent deployment of the Sixth Fleet Flagship USS Mount Whitney, home-ported in Gaeta, to the Black Sea in support of U.S. operations there, could be called into question in public discussion if these sections of the BIA were to be made public.
6. (C) In addition, post notes that in the past the Department has declined to declassify the BIA in part out of concern that other countries with BIA or SOFA arrangements might find that their agreements are less favorable to their perceived interests than the Italian agreement.
7. The recent, unclassified IT-U.S. Technical Arrangements that have been negotiated since 1995, and those in draft, employ language that reinforces our preferred "broader" reading of Article 2. They therefore provide greater operational flexibility than the BIA as they do not limit the mission of the U.S. Forces on the bases to "exclusive" NATO responsibilities. The Technical Arrangements state that the primary - not exclusive - mission of U.S. Forces located at the U.S. bases in Italy is to support NATO, and require merely that U.S. Forces act in a manner consistent with the spirit of the NATO SOFA and Italian law. If Article 2 of the

BIA were to be declassified, it might encourage political opponents of U.S. basing in Italy to challenge this language.

8. (SBU) Action Request: Post requests Department evaluate the GOI request and provide instructions on how to proceed with a response to the Diplomatic Note.
9. (U) The translated text of the Note is as follows (entire text unclassified):
Prot. n. 238388 of 7 July 2008

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to make reference to the Agreement between the Republic of Italy and the United States of America relative to bilateral infrastructures, signed on October 20, 1954, and called Bilateral Infrastructure Agreement (BIA), to inform of the following.

The BIA disciplines the organizational procedures for the practical enforcement of bilateral infrastructural programs in pursuance of Art. 3 of the North Atlantic Treaty of 1949, and is still a classified agreement.

In consideration of the time elapsed and of the content of the agreement, also in light of the later agreements on the matter which are not classified, the Italians are considering the possibility to declassify said agreement, without prejudice to the respect of the principles and the commitments, both Atlantic and national, set to safeguard the interests of common security.

That being said, the Ministry of Foreign Affairs intends to obtain the necessary approval from the Government of the United States of America.

The Ministry of Foreign Affairs is looking forward to an answer and avails itself of the opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

Rome, 7 July 2008

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