



**To the Italian Government**

for its role of trustee of the Free Territory of Trieste  
represented by the President of the Council of Ministers pro-temp;

**To the United Nations Security Council**

as international guarantor of the Free Territory of Trieste  
represented by its President pro-temp;

**To the Governments of the Countries holding interests and rights**

as for the international Free Port of Trieste;

**FORMAL INTERNATIONAL NOTICE TO THE ITALIAN GOVERNMENT  
entrusted with the administration of the Free Territory of Trieste  
to fully implement the norms concerning the international regime  
and the naval registers of the Free Port of Trieste  
by issuing the annexed Decree**

The Movimento Trieste Libera – Gibanje Svobodni Trst – Bewegung Freies Triest - Free Trieste Movement, as representative of its members and supporters, which are citizens of the Free Territory of Trieste or of other Member States of the United Nations, acting in the legitimate interest

– **of a significant part of the citizens of the Free Territory of Trieste** - Territorio Libero di Trieste, Svobodno Tržaško Ozemlje (FTT – TLT – STO) as sovereign Member State of the United Nation and, since 1947 subject to a special trusteeship mandate;

– **of the International Community** that holds the rights to use, without restrictions, the international Free Port of Trieste for the ships and goods of all Nations;

– **of the States** that hold the right to participate to the management of the international Free Port of Trieste: France, United Kingdom, United States, Russia and other successor States of the USSR, Slovenia and other successor States of Yugoslavia, Italy, Czech Republic, Slovakia, Poland, Switzerland, Austria, Hungary;

– **of European States** holding the right to register in the Free Territory of Trieste ships which flying their flags and would use the Port of Trieste: Czech Republic, Slovakia, Switzerland, Austria, Hungary.

**1. Confirms** and supplements, with the present formal notice, the contents and the demands of the COMPLAINT AND NOTICE OF DEFAULT of June 18th, 2013 that the Free Trieste Movement has notified to the administering Italian Government and to its local bodies, as well as mailing that to the United Nations Security Council and to all Member States of the General Assembly, with which the Movement complaining about the violations of the

sovereignty of the Free Territory of Trieste and of the rights of its citizens, committed by the Italian Government in its role of trustee and by bodies of the Italian State.

**2. Has to recognize** that more than one year later, the administering Italian Government has not provided an answer yet, has not interrupted nor remediated any of the detected violations, and it has not reassigned from the mandate of trusteeship administration, while Italian judicial authorities acting in the Free Territory of Trieste do not just provide answers which are unfounded on a legal bases, but such answers do even contradict each other, and are currently taking illegal, repressive measures against the Free Trieste Movement.

**3. Makes clear** to the entrusted, administering Italian Government, to the United Nations Security Council and to the Member States of the United Nations General Assembly what follows:

### **3.1. International Status of Free Territory of Trieste.**

The Free Territory of Trieste has been established as a sovereign State, ex officio member of the United Nations, in execution of Resolution No. 16/1947 of the Security Council, on September 15<sup>th</sup>, 1947, with the coming into force of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947 between the Allied and Associated Powers and Italy, as established with Articles 4, 21, 22, 48 (sub-paragraph 5) 78, No.7 and with the following Annexes of the Treaty:

Annex VI – Permanent Statute of the Free Territory of Trieste; Annex VII – Instrument for the Provisional Regime of the Free Territory of Trieste; Annex VIII – Instrument for the Free Port of Trieste; Annex IX – Technical dispositions regarding the Free Territory of Trieste; Annex X – Economic and financial provisions relating to the Free Territory of Trieste.

With the coming into force of the Treaty of Peace, on September 15<sup>th</sup>, 1947, the Allied and Associated Powers and Italy have recognized without prejudice (Article 21, sub-paragraphs 1 and 2) the Free Territory of Trieste as sovereign State whose integrity and independence shall be assured by the Security Council of the United Nations, as ruled with Article 2, Annex VI.

The frontier between Italy and the Free Territory of Trieste is established with Article 4 of the Treaty and Annex I, section A, table A “The italo-yugoslav frontier – Frontier of the Free Territory of Trieste”

The Treaty of Peace of Paris of February 10<sup>th</sup>, 1947 is an international, multilateral, normative instrument, it is into force and an integral part of the international legal order, as well as of the legal order of all signatory States or their successors, which includes the legal system of Italy (Law No, 811/1947; D.L.C.P.S. – *Ordinance of the Temporary Chief of State* -No. 1430/1947; Law No. 3054/1952; Italian Constitution, Article 10, sub-paragraph 1 and Article 117, sub-paragraph 1).

So, the international status and the rights of the Free Territory of Trieste and of its sovereign are protected and regulated even by the pertinent international agreements, especially the Charter of the United Nations, the Convention of Vienna on the Law of Treaties, the

Helsinki final act that concluded the Helsinki conference of 1975, and by the international and communitarian conventions concerning human, civil and political rights.

On the contrary, the legal status and order of the Free Territory of Trieste cannot be affected by acts committed by its bordering States or other international subjects, which hold no title to represent the Free Territory itself.

### **3.2. Territorial extension.**

Following international acts and instruments mentioned at paragraph 3.6, the Free Territory of Trieste currently consists in the Municipality of Trieste with the international Free Port and five smaller municipalities: Muggia, Dolina, Repentabor-Monrupino, Zgonik-Sgonico, Devin Nabrežina – Duino Aurisina.

The Free Territory of Trieste has no territorial claims against its bordering States or these nearby (Italy, Slovenia, Croatia).

### **3.3. International regime of the Port of Trieste.**

The Treaty of Peace establishes the following as for the international regime of the Port of Trieste:

**a)** at Article 33 of Annex VI the institution of registers for the registration of ships flying the flag of the Free Territory and for ships flying the flag of Czechoslovakia (now Czech Republic and Slovakia) of Switzerland, of Austria or Hungary that would regularly use the Free Port of Trieste;

**b)** at Article 34 of Annex VII the institution of an international Free Port, administered on the bases of the provisions of an instrument drawn up by the Council of Foreign Ministers, approved by the Security Council and annexed to the Treaty as Annex VIII;

**c)** as established by the norm of Annex VIII, that the Free Port is instituted as a State corporation of the Free Territory of Trieste and shall be allowed unrestricted access to the ships and goods of all Countries, under the control of an International Commission formed by the representatives of France, United Kingdom, United States of America, USSR (now Russia and other successor States), Italy, Czechoslovakia (now Czech Republic and Slovakia) Poland, Switzerland, Austria, Hungary;

### **3.4. Provisional regime for the government of the Free Territory of Trieste.**

At the coming into force of the Treaty of Peace on September 15<sup>th</sup>, 1947, the Security Council of the United Nations has constituted the Free Territory of Trieste as sovereign State under a Provisional Government envisioned with Article 21, sub-paragraphs 2 and 3 and regulated in accordance with Annex VII pending the coming into force of the Permanent Statute described in Annex VI of the Treaty.

Article 10 of the Provisional Regime assigns legislative powers to the organ of Provisional Government, which consists in the Governor, supported by the Provisional Council of

Government and, until the appointment of the Governor, the administration of the Free Territory is entrusted to a Military Government (Article 1, sub-paragraph 2) then substituted with an entrusted, administering civil Government.

Article 2, sub-paragraphs 3, 4 and 5 of Annex VII sets as general principles of the Provisional regime of Government that its main purpose must be taking care of the needs of the population and its wellbeing and, to do this, it shall exercise the provisions of the Permanent Statute (Annex VI) as and when these provisions prove to be applicable and in so far as they are not substituted by the norms of the Provisional Regime.

So, among the provisions of Annex VI that must be either applied the way they are or after being adapted during the Provisional Regime there are the norms disposing: the neutrality and demilitarization of the Free Territory (Article 3); its democratic provisions as for Human Rights and Fundamental (Article 4) Civil and Political Rights (Article 5); citizenship rights (Article 6); official languages (Article 7); the State insignias (Article 8); the structure and the representatives of the State bodies (Articles 9 and 29); the principle of Constitutional Law (Article 10); the structure of judicial authority (Articles 14, 15, 16); the direct and exclusive dependence on the Security Council (Articles 17 and 25, including the principle of international settlement of disputes for the Free Port mentioned within Article 24 of Annex VIII); budget (Article 21); special and pardon powers (Articles 22 and 23); foreign relations (Article 24); the criteria for the appointment and removal of Administrative Officials (Article 26); public security and police force (Articles 27 and 28); railways (Article 31); register of commercial aviation (Article 32); naval registers for the Territory and other (Article 33); the international Free Port (Article 34); the freedom of transit to goods transported from and to the Free Port (Article 35); the interpretations and amendment of these provisions, including the right to petition (Articles 37 and 36).

The Regime of Provisional Government for the Free Territory of Trieste must also apply the provisions of Annex IX concerning technical dispositions and Annex X as for economic and financial provisions.

Among other things, Annex X rules, at Article 1, that the Free Territory shall receive, without payment, Italian State and para-statal property within its (state property of the Free Territory), and at Article 5, it rules that the Free Territory shall be exempt from the payment of the Italian public debt.

### **3.5. Special trusteeship mandate.**

In fulfillment to Annex VII, Article 1, sub-paragraph 2, at the coming into force of the Treaty (September 15<sup>th</sup>, 1947) and until the Security Council of the United Nations appoints a Governor, the Provisional Regime of the Free Territory was assigned to the Allied Military commands which, since 1945, were present within the respective occupation zones, Anglo-American (“Zone A”) and Yugoslavian (“Zone B”).

This provision has ended the regime of Allied occupation of 1945-1947 and substituted that with an Allied Military Government of the Free Territory of Trieste, in charge to exercise, on behalf of the Security Council of the United Nations, the powers and duties of the Provisional Regime of government established in Annex VII.

Since, due to the international contrasts of “Cold war” the appointment of the Governor could not take place within the short times initially envisioned by the Treaty, the military forces assigned to the Allied Military Government have been released with the Memorandum of Understanding of London of October 5<sup>th</sup>, 1954, which is an additional executive instrument of the Treaty of Peace.

The Memorandum has substituted, as a practical arrangement, meaning without changes to the Treaty, the temporary military administration with the temporary civil administration, which, as for “Zone A” was entrusted to the Italian Government and, as for “Zone B”, it became a responsibility of the Federal Yugoslav Government, and both government bounded themselves to respect their mandates.

These mandates of temporary military and then civil administration of the Free Territory of Trieste have the characteristics of a special trusteeship mandate since, on the contrary of ordinary trusteeship mandates, they both regard the administration of a constituted sovereign State, so they are entrusted to Governments, not to States, their purpose is to apply, temporary substituting the Governor, the Provisional Regime of government established with the Treaty of Peace, and they do directly depend on the Security Council (rather than on the Trusteeship Council) of the United Nations.

The special trusteeship mandate of the Free Territory of Trieste that, under these terms, back in 1954 has been assigned to the Governments of Italy and now Yugoslav as representatives, in this role, of the Security Council of the United Nations, is different from the role of the same governments as administrators of their own sovereign States, meaning Italy and what then was Yugoslavia.

So, the entrusted Government shall keep the trusteeship administration of the Free Territory of Trieste separate from that of its own State, it must exercise its mandate in the exclusive interest of the administered population and the International Community, in fulfillment of the Provisional Regime, and it must give up on the mandate in case of conflict of interests between the Free Territory and its own State.

The special trusteeship mandate for the administration of the Free Territory of Trieste gives to the administering Government the possibility to exercise the legislative powers listed at Article 10 of Annex VII, but it does not allow the administering Government to act or to stipulate international agreements that would modify, by any means, the status of the Free Territory of Trieste established with the Treaty of Peace or the consequent rights of its citizens.

### **3.6. Inefficacy of the agreements concluded among third States.**

The following acts have no legal efficacy as for the status of the Free Territory of Trieste, the rights of its citizens and the rights of other States as for the use and control of the international Free Port of Trieste as these are set by the pertinent norms of the Treaty of Peace of Paris and of the Memorandum of understanding of London:

- a) acts committed or agreements concluded by the entrusted administering Government in violation to its mandate;
- b) acts committed and agreements concluded by signatory States or other, third international subjects which are not authorized to represent the Free Territory of Trieste (Articles 8 and 34 of the Convention of Vienna on the law of treaties);
- c) interpretations of said norms under principles different from these established with Articles 31 and 32 of the Convention of Vienna on the law of Treaties;
- d) modifications concluded or claimed in violation of the principles and provisions of the Convention of Vienna on the Law of Treaties, especially these stated with Articles 30, 41, 44, 57, 59 concerning the modification, extinction, suspension of multilateral treaties, as well as of the principles established with Articles 61, sub-paragraph 2, and 62, sub-paragraph 2, a – b (whoever violates a Treaty cannot invoke the impossibility of perform that, nor the fundamental change of circumstances – the so called “*rebus sic stantibus*” clause – which cannot be invoked when it comes to borders anyways.
- e) acts committed and agreements concluded in violation of the self-determination rights of the sovereign population of the Free Territory of Trieste (Charter of the United Nations, International Covenant on Civil and Political Rights, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, Conference on Security and Co-operation in Europe – Final Act of the Helsinki Convention).

In particular, the bilateral Treaty of Osimo of 1975 between the Republic of Italy and the F.S.R. of Yugoslavia, now dissolved, belongs to the abnormal categories mentioned above at paragraphs b) and d). So, it doesn't have legal efficacy as for the international, legal status of the Free Territory, nor as for the rights of its citizens and not even as for the rights of other States concerning the international Free Port of Trieste.

This means the Treaty of Osimo has legal efficacy only in its parts, which do not directly or indirectly affect the State frontiers, the properties and the rights of the Free Territory or its citizens, as well as the rights of other States related to the international Free Port of Trieste.

The Treaty of Osimo has an abnormal characterization as it was forced by western strategies in 1974-1975 in order to defuse, without modifying the international status of the Free Territory, Italian territorial claims that could have destabilized Yugoslavia after the imminent death of Tito.

So, the Treaty of Osimo is a mutual acknowledgment of the frontier between Italy and Yugoslavia, it has a bilateral value and it does not mention the Free Territory, since that is a third State and neither of the others could represent it. Because of all of this, the Security Council of the United Nations did not oppose it, and it did only suspend the procedures concerning the Free Territory, but without declaring that extinct. The population of Trieste, never consulted, reacted firmly but with confusion against the Treaty of Osimo, but Italian nationalists misled that.

### **3.7. Territorial modifications occurred since 1991-92.**

The Free Territory of Trieste has recently faced territorial modifications as it has preserved its main part, but has lost an accessory zone due to the consent of all Signatory States of the Treaty of Peace and of the population residing there.

The main part of the Free Territory is “Zone A” formed by the Municipality of Trieste with the Free Port and five minor municipalities nearby, entrusted to the special, military trusteeship of Allied military and then to the civil trusteeship of the Italian Government. Because of this, no change affected its status under international.

The accessory part of the Free Territory of Trieste was “Zone B”, formed by 7 Municipalities of coastal Istria to grant the Free Port (“Zone A”) direct access to international waters, and that was entrusted to the special, military trusteeship of Yugoslavia and then to the civil trusteeship of the Yugoslav Government, which had split that between the Federal Republics of Slovenia (Koper-Capodistria district) and of Croatia (Buje-Buie district).

The boundary between the two Zone coming under trustee, civil administration of the Governments of Italy and of Yugoslavia has been defined with the Memorandum of London of 1954, Article 3 and Annex 1 – Map.

In 1991-92 the Federal Yugoslav Government ceased to exist and, along with it, the mandate for the administration of “Zone B” entrusted to it was extinct as well. Due to its legal nature of trusteeship mandate it did not regard the succession of States between Federal Yugoslavia and the new, independent Republics of Slovenia and of Croatia, and the Security Council should have assigned it again.

The mandate has not been reassigned since in 1991-92 all Signatory States of the Treaty of Peace and all Member States of the United Nations have recognized the new independent Republics of Slovenia and of Croatia within their current borders, which include the mutual parts of “Zone B” where Slovenia did also hold a referenda for sovereignty and independence.

So, the international recognition and Slovenia’s referenda have fulfilled the conditions of the Convention of Vienna on the Law of Treaties, Article 30, No. 3, concerning the modification of multilateral treaties following the consent of all Signatories and the exercising of the right to self-determination, making it impossible to apply the provisions for the Free Territory of Trieste in the Treaty of Peace and of the Memorandum of London for former “Zone B” only.

This is how former “Zone B” has become subject to the sovereignty of Slovenia and of Croatia, and the demarcation line established by the Memorandum of London between former zones A and B has become the state border of the Republic of Slovenia with the Free Territory of Trieste under temporary administration, entrusted to the Italian Government.

Due to this, since 1991-92 the present-day Free Territory of Trieste is constituted by former “Zone A” which remained under uninterrupted special trusteeship administration of the Italian Government, and that has no territorial claims against Slovenia and Croatia.

Free access to international waters is granted to ships using the Free Port of Trieste are granted under the Treaty of Peace and under international conventions in force; this does also regard the international transit of its goods travelling by land.

### **3.8. Current conditions for the appointment of the Governor.**

The end of the Cold war, the dissolution of the Federation of Yugoslavia, the international recognition of Slovenia and Croatia within their current borders, as well as the interest of international economy as for the use and development of the Free Port of Trieste have determined the political and economic conditions to obtain as soon as possible that the Security Council of the United Nations appoints the Governor that, under the norms included in Annexes VI and VII of the Treaty of Peace must substitute the entrusted, administering Government in order to enforce the Permanent Statute of the Free Territory of Trieste.

The Free Trieste Movement has already sent to the Security Council of the United Nations the first 15.000 signatures of the citizens of the Free Territory requesting the appointment of the Governor.

### **3.9. The trusteeship administration of the Italian Government.**

Currently, the Italian Government is the only titular of the mandate of special, trusteeship administration of the Free Territory of Trieste, in execution of the pertinent norms of Annex VII of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947 and of all consequent, administrative duties.

For the reasons explained above, at paragraphs 3.1, 3.2 and 3.3, the Italian Government must exercise the trusteeship administration of the Free Territory of Trieste and of its population:

- a) as a special, trusteeship mandate, on behalf of the Security Council of the United Nations, meaning not on behalf of the Italian State;
- b) maintaining separated the administration, fiscal regime and state properties of the State and population of Italy respect to that of Trieste;
- c) in the interest of the Free Territory of Trieste to the complete enforcement of their rights;
- d) for the complete use of the Free Port of Trieste in the interest of the citizens of the Free Territory of Trieste, of the International Community and of the third States holding special rights on that;
- e) enforcing the Provisional Regime established with Annex VII of the Treaty as well as compatible norms of the Permanent Statute in Annex VI;
- f) resigning the mandate of trusteeship administration in case of conflict of interest between its roles of Provisional of the Free Territory of Trieste and that of Government of the Republic of Italy.



### **3.10. International obligations of the administering Italian Government concerning the Port of Trieste**

By accepting the special mandate of trusteeship administration of the Free Territory of Trieste, the Italian Government did also assume the following, main obligations in regarding to the Port of Trieste:

- a) the obligation, set with Article 33 of Annex VI, to open naval registers of the Free Territory of Trieste for ships and vessels flying the flag of the Free Territory, of Czech Republic, of Slovakia, of Switzerland, of Austria and Hungary which do often use the Port of Trieste;
- b) the obligation, set with Article 5 of the Memorandum of London, to maintain, as long as it is entrusted with this mandate, the Free Port at Trieste in general accordance with the provisions of Articles 1-20 of Annex VIII of the Italian Peace Treaty and to summon, in order to do that, an International Consulting Commission.

### **3.11. Violations committed by the administering Italian Government**

The Anglo-American Allied Military (1947-54) has respected the special, mandate for the trusteeship administration of the Free Territory of Trieste received from the Security Council, and it has established the bodies of the Provisional Government of the Free Territory in then “Zone A”.

On the contrary, the administering Italian Government that seceded to it 1954 has violated the mandate, as did the ceased Government of Yugoslavia, in order to simulate the sovereignty of the State of Italy over the Free Territory of Trieste.

In order to do that, the Italian Government has slowly destroyed the bodies of the Provisional Government that had been established by the Allied Military Government, and it illegally substituted these with the bodies of the Italian State, to simulate sovereignty of the Republic of Italy over Trieste and over the Free Port of Trieste.

Italian authorities illegally simulated the sovereignty of the Italian State using violence and cheating (nationalist propaganda, press censorship, false juridical thesis, financing nationalist and neo-Fascist parties, sabotage and repression of local opposition, etcetera) taking advantage of Western strategic tolerance towards Italy in the Cold war era (see: Complaint and Notice of default, Chapter VIII).

From the legal perspective, from 1954 to 1963 the Italian Government has simulated Italian sovereignty by maintaining the formal asset of trusteeship administration through a Commissar-General of Government with legislative powers. Since 1963, that special, administrative body has been abolished and, through illegal actions and acts, the administrative bodies and insignias of the Republic of Italy were directly introduced in the Free Territory of Trieste.

By doing so, the Italian Government has committed serious violations of the Treaty of Peace, of the Memorandum of London, of international law, damaging the Free Territory of Trieste, the rights of the citizens of Trieste and the rights of the International Community as for the use of the Free Port of Trieste.

In particular, the entrusted, administering Italian Government:

**a)** has violated the political independence of the Free Territory of Trieste, since it has substituted its bodies and rules of government and its foreign (Articles 9, 29 and 24 of Annex VI) with these of the Italian States, which are even affected by serious levels of corruption;

**b)** has violated the obligation to depend directly and exclusively from the Security Council of the United Nations as for the administration of the Free Territory (Articles 17, 25 and 37 of Annex VI, Article 3 of Annex VII, Article 25 of Annex VIII), since it has excluded that from the administration;

**c)** has violated the duty to keep the entrusted administration of the Free Territory of Trieste separate from the administration of the Italian State, even as for their budgets (Article 21 of Annex VI);

**d)** has violated the duty to act for the interest of the population of the Free Territory of Trieste (Article 2, sub-paragraphs 3, 4 and 5 of Annex), because it acted against it, for the interest of the State and population of Italy;

**e)** has violated Article 1 of Annex X subtracting to the Free Territory of Trieste all of its State Properties to illegally assign these to the State of Italy;

**f)** has violated Article 5 of Annex X by having the Free Territory of Trieste (which has no public debt) paying the enormous public debt of Italy, as well as all other forms of inappropriate Italian taxes, which are some of the highest in the world due to the corruption of Italian political system.

**g)** has violated the legal and judicial independence of the Free Territory (Articles 10, 14, 15, 16, 22 and 23 of Annex VI) forcing the judicial and justice system of the Italian State, including its corruptions and injustices;

**h)** has violated the neutrality and demilitarization of the Free Territory (Article 3 of Annex VI) forcing on it Armed Forces as well as the recruitment of soldiers of the Italian States without the authorization of the United Nations;

**i)** has violated the provisions regulating the citizenship of the Free Territory of Trieste (Articles 27 and 28 of Annex VI) by forcing, illegally, the citizenship of the Republic of Italy to its citizens;

**j)** has violated the norms concerning public security and police forces of the Free Territory (Articles 27 and 28 of Annex VI) dismissing the police forces of the Free Territory that had been created by the Allied Military Government and imposing the police forces of the Italian

State (yet, without recognizing to them the legal and economic provisions for missions abroad; same goes for other Italian officers);

**k)** has violated the duties concerning the naval registers of the Free Territory of Trieste and of the Countries holding right on these, as the Italian Government did not open these;

**l)** has violated the duties regarding to the maintaining of the international Free Port of Trieste, because it omitted to apply to it the Articles from 1 to 20 of Annex VIII, substituting these with Italian laws about ports, as well as omitting to summon on a regular bases the International Commission in charge to provide the advice of interested States.

**m)** has violated the duties regarding railways and the free transit of good from and to the Free Port of Trieste (Articles 31 and 35 of Annex VI) because it has allowed the State of Italy to take possession of the railways of the Free Territory and to force inefficient services, as well as harmful charges.

**n)** has violated the duty to open a register for the commercial aviation flight of the Free Territory of Trieste (Article 32 of Annex VI).

**o)** has violated the provisions concerning human and civil rights (Articles 4 and 5 of Annex VI) as well as these concerning the official languages of the Free Territory (Article 7 of Annex VI; Memorandum of London, Annex II), because it has exposed the Slovene minority and language to serious discrimination, as well as to nationalist and racist aggressions, as well as limitation to their equality rights;

**p)** has officially accredited, sustained with propaganda and supported with massive financing, both public and secret, Italian nationalism and neo-Fascism in Trieste, violating the moral rights concerning the equality (Articles 4 and 5 of Annex VI) of the citizens with different ethnic origins, language and religion which form the multiethnic population of the city and Free Territory of Trieste.

### **3.12. Damages caused to the Free Territory, to other States and to the international community.**

By committing said violations of the trusteeship administration mandate, the administering Italian Government and the Italian State have caused, and keep causing, very serious damages to the economy and to the development of the Free Territory in order to favor the concurrent ports of the Italian peninsula.

Said actions of the Government and State of Italy have as well damaged the international community which holds the right to freely use the Free Port of Trieste for the ships and goods of all Nations, especially when it comes to the States that have the rights to participate to the management of the Free Port and to register there ships waving their own flag.

The States that, under the Treaty of Peace, are entitled with the right to register within special registers of the Free Territory of Trieste ships waving their own flag that use the Port of Trieste are Czech Republic, Slovakia, Switzerland, Austria and Hungary.

The States to which the Treaty of Peace recognizes the right to participate to the management of the international Free Port of Trieste are: France, United Kingdom, United States of America, Russia and other successor States of the USSR, Slovenia and other successor States of Yugoslavia, Italy, Czech Republic, Slovakia, Poland, Switzerland, Austria, Hungary.

The block of the development of the Free Port of Trieste caused by the actions of the administering Government and State of Italy did as well prevent the economic recover of Southeastern Europe, whose direct maritime terminal is the strategic port system of North-Eastern Adriatic, formed by Trieste (Free Territory), Koper (Slovenia) and Rijeka (Croatia).

The three strategic ports for South-Eastern Europe do actually complete each other, but only Trieste has an international free port, and blocking this facility causes a direct damage to the Countries which have the right and major need to benefit the tax advantages offered by the port and Free Territory of Trieste: Austria, Hungary, Slovenia, Croatia, Bosnia and Herzegovina, but also Czech Republic, Slovakia, Serbia, Switzerland and many Italian companies.

At the same time, in Trieste, Italian nationalism and neo-Fascism, supported and sponsored by the Italian Government, has parlayed the historic role of Trieste as catalyst of the culture of mixed national identities of Mitteleuropa, of the Balkans and of the Eastern Mediterranean.

### **3.13. Necessity to urgently reactivate the international Free Port of Trieste.**

The political and strategic circumstances that, up to now, allowed the Italian Government to violate its trusteeship mandate in order to illegally prevent the development and the well-working of the international Free Port as well as of the Free Territory of Trieste have ceased at the end of the Cold war and with the dissolution of Yugoslavia and were then substituted by the current, strategic necessity to reduce political and economical imbalances in South-eastern Europe, currently worsened by the generalized economic crisis.

The strategic role of the Free Port and Free Territory of Trieste as for the political and economic stabilization of South-Eastern Europe is also increased by the development of European traffic arteries whose marshaling centers are Vienna and Bratislava and, as for their maritime terminals, the port system of the international Free Port of Trieste, nearby Slovene port of Koper and the Croatian port of Rijeka.

We are especially talking about the Baltic-Adriatic axis, which connects the Mediterranean to the Arctic route to America and the Far East, the transsiberian railway corridor to China and their respective junctions, through the Adriatic, the Suez Canal, expected to double its capacity, as well as to Atlantic routes to Gibraltar.

So, the role of those three Eastern, Adriatic Ports is essential, and, among these, the international Free Port of Trieste has a key position as economics and financial free-zone center, whose importance is confirmed by the development of free ports and free zones all over the world.

But this strategic development of South-Eastern Europe is threatened by an abnormal operation of the Italian Government that, up to now, has been under evaluated.

Because the Italian Government is taking advantage of the paralysis of the Free Port and Free Territory of Trieste, as well as of the economic weakness of Slovenia and Croatia to attempt the ultimate block of the Free Port of Trieste (eliminating a part of it and blocking the other with incompatible activities) and to divert the traffics of the Adriatic-Baltic corridor and these of the transsiberian corridor from Trieste, Koper and Rijeka to the Port of the Italian peninsula.

This deviation would seriously weaken the economy of South-Eastern Europe, and it would unnecessarily enforce the system of the ports of the Italian peninsula, which is overloaded and firmly controlled by Italian organized criminality, which is as well involved in the instabilities of the whole Eastern Europe, especially the Balkans.

Because of this, reactivating the international Free Port of the Free Territory of Trieste, in collaboration with Slovenia and Croatia, to coordinate its traffics with these of the Ports of Koper and Rijeka, is a present-day, strategic necessity, not a question referred to the past.

Yet, from a practical and legal perspective, to reactivate and develop the international Free Port of Trieste is necessary reactivating the Free Territory of Trieste as an international enclave that must grant the strategic independence of the Free Port from the opposing interest of any other State.

So, the international community has interest in providing an urgent regulation to the trusteeship administration of the Free Territory of Trieste, either forcing the Italian Government to respect its mandate or assigning that to another Government that has no conflict of interests with the Free Territory itself, or else, to a temporary, administrative Authority of the United Nations.

### **3.14. Receivers of the complaints**

The complaints for the violation of the mandate of trusteeship administration of the Free Territory of Trieste and its international Free Port must be addressed to the Italian Government as such (Republic of Italy), that must be charged with the simulation of sovereignty, the subtraction of the State properties of the Free Territory, collecting non-payable taxes, as well as other damages caused by substituting the administrative bodies of the Free Territory of Trieste with its own.

All complaint must as well be notified to the Security Council of the United Nations, as guarantor of the Free Territory, to other competent bodies of the United Nations and to the Countries that are either directly or indirectly damaged by the non-application of the provisions concerning the Port and international Free Port of Trieste.

### **3.15. International warning and demands.**

After noting and considering all of this, the Free Trieste Movement, as representative of the interests and will of a significant part of the sovereign population of the Free Territory of

Trieste, whose administration is currently entrusted to and under the responsibility of the Italian Government

**warns**

**the entrusted, administering Italian Government:**

**a) to execute, within six months, in good faith and with the highest efficiency and correctness, the duty accepted with the Memorandum of London of October 5<sup>th</sup>, 1954 to maintain the international Free Port of Trieste in accordance with Articles 1 – 20 of Annex VIII of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947, and the obligation to open national and foreign naval registers of the Free Territory of Trieste established in Article 33 of Annex VI of the Treaty, approving, in order to do this, approving and issuing the following implementing Decree mentioned at paragraph 3.16;**

**b) to verify and regularize, within six months, all the actions of the bodies of the Italian State within the Free Territory of Trieste and within the international Free Port of Trieste, conforming these to the of trusteeship administration;**

**c) to immediately suspend, until the above mentioned verification and regularization, fiscal measures taken by organs of the Italian State against citizens or companies of the Free Territory of Trieste;**

**d) to communicate, as soon as possible, said provisions to the Security Council of the United Nations as well as to all interested States;**

reserves the right

whenever the measures listed above are not enforced, to take action before the competent national or international court, even to require a remediation for past, present and future damages caused by the administering Italian Government and by the Italian State to the citizens of the Free Territory of Trieste;

**demands**

**to the Security Council of the United Nations to oversee the execution of these as well as any other obligations following the mandate of the Italian Government, special trustee of the Free Territory of Trieste and, in case of default, to either take care of assigning said trusteeship mandate to the Government of a Country that is not in conflict of interest with the Free Territory of Trieste, (Austria, Switzerland or else) or to a special Authority of the United Nations, until the appointment of the Governor;**

**invites**

**all States interested to use the international Free Port of Trieste, especially the States holding the right to participate in the management of the Free Port and to register their own ships in the Free Territory of Trieste, to support, both within international relations and before the United Nations, the rights of the Free Territory of Trieste, as well as the demands presented by the Free Trieste Movement.**

### 3.16. Text of the legislative Decree.

The following text is the text of the legislative Decree that the Free Trieste Movement requests the Italian Government, as special trusteeship administrator of the Free Territory of Trieste, to approve within six months:

**Legislative Decree to implement, within the legal order of the Free Territory of Trieste, the obligations assumed the Italian Government as entrusted civil administrator of the Free Territory under the Memorandum of Understanding of London of October 5<sup>th</sup>, 1954, concerning the maintaining of the international Free Port of Trieste in adherence to articles from 1 to 20 of Annex VIII of the Treaty o peace of Paris of February 10<sup>th</sup>, 1947.**

THE PRESIDENT OF THE COUNCIL OF MINISTERS OF THE ITALIAN GOVERNMENT, which, under the Memorandum of Understanding of London of October 5<sup>th</sup>, 1954, has received the responsibility to take care of the civil administration of the Free Territory of Trieste, then Zone A, in fulfillment of the Treaty of Peace of February 10<sup>th</sup>, 1947 between the Allied and Associated Powers and Italy, including its Annexes, and Resolution No. 16/1947 of the Security Council of the United Nations, for the purposes and in fulfillment of the requirements of the Provisional , established and regulated with Article 21, No. 3 of Annex VII of the Treaty, whose dispositions shall be enforced until the coming into force of the Permanent Regime, established and regulated with Article 21, No. 3 and Annex VI of the Treaty,

considering

that this mandate is a special trusteeship, assigned to the Italian Government, not to the Italian State, in order to substitute, as practical arrangement, the Allied Military Government with a Government in charge of civil administration, as established with Article 1, sub-paragraph 2, of Annex VII of the Treaty as for the Free Territory of Trieste, a sovereign, Member State of the United Nations since September 15<sup>th</sup>, 1947;

that said role of temporary – military first, then civil – Government of the Free Territory must be exercised in a similar mode as that of the Governor appointed by the Security Council of the United Nations, and its purpose is to temporary substitute the role of the Governor, acting guided by the same purposes and general principles assigned to them with Annexes VI and VII of the Treaty of Peace, in particular:

– respecting the general principle established in Article 2, sub-paragraphs 4 and 5 of Annex VII, that the Provisional Government shall apply the

provisions of the Permanent Regime established in Annex VI, as and when these prove to be applicable within the provisional regime;

– respecting the general principle established in Article 3 of Annex VII that the Provisional Government takes seat in Trieste and address their reports directly to the Chairman of the Security Council of the United Nations;

– respecting the general principle established with Article 2, last subparagraph of Annex VII, that the Provisional Government's actions will be guided mainly by the needs and well being of the population of the Free Territory of Trieste;

and, due to this, the Italian Government must respect the mandate of Provisional Government of the Free Territory of Trieste, as administrative function completely separated respect to its parallel role of Government of the Republic of Italy, acting in full respect of the duties following the mandate and in order to grant the legitimate interests of the administered population;

that the nature of this mandate makes it auspicious that, as a matter of efficiency, the entrusted Government exercises that through representatives, functionaries and employees appointed for this purpose,

thus acting

in its role and temporary jurisdiction of entrusted Government of the Free Territory of Trieste

in order

to lawfully implement:

– the duty in Article VI of the Treaty of Peace, to provide the Free Territory of Trieste with its own registers to register both ships and vessels flying the flag of the Free Territory of Trieste as well as ships and vessels flying the flags of the Czech Republic, Slovakia, Switzerland, Austria and Hungary based on the Port of Trieste and regularly and permanently serving the needs of their respective countries through the Port of Trieste.

– the duties at Article 5 of the Memorandum of London, which bounds the Italian Government to maintain the Free Port at Trieste, established with Article 34 of Annex VI of the Treaty of Peace, in general accordance with the provisions of Articles 1-20 of Annex VIII, drawn up by the Council of Foreign Ministers, approved by the Security Council of the United Nations.

taking into account



that Annexes from VI to X of the Treaty of Peace concerning the Free Territory of Trieste are entirely in force as normative parts of the Treaty;

that the right of the Free Territory of Trieste as for naval registers is as well a special right of the successor States of Yugoslavia, of the Czech Republic, of Slovakia, of Switzerland, of Austria and Hungary.

that Article 1 of Annex ensures that the Free Port and transit facilities of Trieste will be available for use on equal terms by all international trade and by Yugoslavia (now its successor States), Italy and the States of Central Europe,

that Articles 5 and 10 of Annex VIII grants merchant vessels and goods of all countries shall be allowed unrestricted access to the Free Port, as well as no discrimination as for the levying of charges;

that Article 21 of Annex VIII states the right of certain Third Countries to participate also to the management of the Free Port as members of a specific International Commission, under the conditions, means and purposes set in Articles 3.3, 18.1, 19 and 20.3, as well as Articles from 22 to 26,

that said Third States are: France, United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, meaning its successor States, the United States of America, the Socialist Federal Republic of Yugoslavia, meaning its successor States, Italy, Czechoslovakia, meaning Czech Republic and Slovakia, Poland, Switzerland, Austria and Hungary;

that Articles 37 of Annex VI and Article 25 of Annex VIII reserves to the exclusive competence of the Security Council of the United Nations any amendment to the full texts, in force, of the two Annexes;

that, due to this, the provisional, partial application of Annex VIII, to which the Italian Government is bounded after its role of trustee, allows it to implement, within the present, implementing Decree, the texts of Articles 1 to 20 temporary adjusting or adding only the implementations, improvements and updates necessary to the proper functioning of the Free Port under the regime of temporary, civil trusteeship of the Free Territory of Trieste within the changes of international circumstances defined above;

that said implementations, improvements and updates do also regard the provisions mentioning Yugoslavia and its successor States, as well as the functional, temporary supplanting of the bodies of the Permanent Regime holding decisional or consulting roles, in Articles 3.3, 3.4, 18.1 and 20.3 of Annex VIII;

that said bodies, whose function must be supplanted, in order to grant the functioning of the international Free Port of Trieste during the trusteeship administration are:

– the Governor, the Council of Government and the Popular Assembly envisioned as for the Permanent Regime regulated with Annex VI of the Treaty;

– the International Commission envisioned in Article 21 of Annex VIII which, as for its adaptation to the Provisional Regime, is identified as a temporary, international Consultative Commission;

recognizing

that the law of the Free Territory of Trieste, under special trusteeship, includes the law of its Free Port as well as not being subject to bounds different from these established with the instrument that established the Free Territory, with the conventions of the United Nations and with agreements legally signed by an entrusted Government of the Free Territory in its name and on its behalf.

Decrees:

**A)** In order to rightfully execute Article 33 of Annex VI of the Treaty of Peace of February 10<sup>th</sup>, 1947, within the Provisional Regime as trusteeship assigned and under the responsibility of the Italian Government:

1. **1.** Within thirty days since the coming into power of the present, implementing Decree, the ordinary Register to register ships and vessels belonging either to bodies of the entrusted, administering Government of the Free Territory of Trieste that do regularly serve the needs or interests of the Free Territory, or to any natural or legal persons residing in the Free Territory shall be open;
- 2.** After sixty days since the coming into power of the present, implementing Decree, at any moment, upon request of each State involved, the special registers of the Free Territory for the registration of ships and vessels flying the flag of Czech Republic, Slovakia, Switzerland, Austria or Hungary are opened, as long as such ships and vessels have Trieste as their rigging port and are regularly serving the needs of their own countries through the port of Trieste.
- 3.** As for enforcing the previous measures, and in full respect of all international convention that, as for this matter, would be concluded through the participation of the Government entrusted with the administration of the Free Territory, the latest shall have the right to establish the conditions regulating the register, presence or removal from said registers to prevent all the abuses that would derive from the advantages of doing so.
- 4.** the administrative management of all above mentioned naval registers of the Free Territory of Trieste is assigned to the *Commissario Generale di*

*Governo* (Commissar-General of Government) in Article 20 bis, No. 2.1. of the present implementing Decree.

**B)** in order to rightfully execute the Provisional Regime of trusteeship as for Articles 1 to 20 of Annex VIII of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947:

#### **Article 1.**

**1.** To make sure that the port and transit facilities of Trieste are available for use on equal terms by all international trade and by the successor States of Yugoslavia, Italy and the States of Central Europe, in such manner as is customary in other free ports of the world:

**a)** a custom duty free Port shall be established in the Free Territory of Trieste, whose administration is currently entrusted to the Italian Government, within the boundaries fixed and envisioned in Article 3 of the present implementation Decree;

**b)** Goods passing through the Free Port of Trieste shall enjoy freedom of transit as stipulated in Article 16 of the present implementing Decree.

**2.** The international regime of the Free Port (in short: international Free) of Trieste shall be regulated by the provisions of the present, implementing Decree until the end of the administration mandate entrusted to and under the responsibility of the Italian Government; the *Decreto Commissariale* (Commissaries' Decree) No. 29 of January 29<sup>th</sup>, 1955, concerning the Free Port of Trieste is repealed.

**2 bis.** In such manner as is customary in other free ports of the world:

**a)** all areas, including all water pools within certain functional criteria yet to be defined, the structures of the international Free Port and the activities that take place in it are to be considered outside the custom boundaries of the Free Territory of Trieste whose administration is currently entrusted to and under the responsibility of the Italian Government;

**b)** the prerogatives of the international Free Port of Trieste include all modern financial services within a regime of international free zone: this includes commodities exchanges, stock exchanges and bank or insurance services.

#### **Article 2.**

**1.** The Free Port is constituted and administered as a State corporation of the Free Territory, whose administration is currently entrusted to and under the responsibility of the Italian; said corporation has all the attributes of a juridical person and functioning in accordance with the provisions of this implementing Decree.

**2.** The administering, entrusted takes action so that all state and para-statal properties within the boundaries of the Free Port that, in fulfillment of the provisions of Annex X of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947

that shall pass to the Free Territory are transferred, without payment, to the Free Port.

### **Article 3.**

1. The area of the Free Port shall include the territory (seashore and waters) the installations and the facilities of the free zones of the Port of Trieste within the limits of the 1939 boundaries, as well as of other free zones established with successive laws.

2. The establishment of special zones in the Free Port under the exclusive jurisdiction of any State is incompatible with the status of the Free Territory and of the Free Port.

3. In order, however, to meet the special needs of Italian shipping in the Adriatic, as well as the needs of the successor States of Federation of Yugoslavia, the Director of the Free Port, on the request of the Government of each of these Country, and with he concurring advice of the consultative International Commission provided for in Article 20 bis, No. 2,1.3.g of the present implementing Decree, may reserve to merchant vessels flying the flags of either of these States the exclusive use of berthing spaces within certain parts of the area of the Free Port.

4. In case it shall be necessary to increase the area of the Free Port, such increase may be made upon the proposal of the Director of the Free Port by decision of the *Commissario Generale del Governo* mentioned in Article 20 bis, No. 2.1 of the present Decree, with the approval of the provisional Popular Assembly mentioned in Article 20 bis, No. 2,1.3.f of the present Decree.

### **Article 4.**

1. Unless otherwise provided for by Annex VIII of the Treaty of Peace of February 10<sup>th</sup>, 1947 and by the present implementing Decree, the laws and regulation in force in the Free Territory, whose administration is currently entrusted to and under the responsibility of the Italian Government, shall be applicable to persons and property within the boundaries of the Free Port.

**1. 2 bis.** For the purposes of the present, implementing Decree, are to be considered authorities of the Free Territory of Trieste: its guarantor, the Security Council of the United Nations, the Government entrusted with its administration and the authorities they expressly appoint on the bases of said roles and to fulfill said purposes.

### **Article 5.**

1. Merchant vessels and goods of all countries shall be allowed unrestricted access to the Free Port for loading and discharge both goods in transit and goods destined for proceeding from the Free Territory, currently under trusteeship mandate.

2. In connection with importation or exportation from or transit through the Free Territory under trustee administration shall not levy on said goods custom duties or charges other than those levied for services rendered.

Said rendered services include, as for imported or exported or transiting goods consist in verifying, examining, registering and certifying these when loaded or discharged, when deposited, transshipped, transported, stored, processed or transformed, as well as these connected to ordinary or extraordinary maintenance and when it comes to the fencing of the areas of the Free Port

3. However, in respect of goods, imported through the Free Port for consumption within the Free Territory under trustee administration or exported from this Territory through the Free Port, appropriate legislation and regulations in force in the Free Territory under trustee administration shall be applied.

#### **Article 6,**

Warehousing, storing, examining, sorting, packing and repacking and similar activities which have customarily been carried on in the free zones of the port of Trieste shall be permitted in the Free Port under the general regulations established by the Director of the Free Port.

#### **Article 7**

1. The Director of the Free Port may also permit the processing of goods in the Free Port.

2. Manufacturing activities in the Free Port shall be permitted to those enterprises which existed in the free zones of the port of Trieste before the coming into force of Annex VIII of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947, and before the coming into power of the present, implementing Decree. Upon the proposal of the Director of the Free Port, the Council of Government may permit the establishment of new manufacturing enterprises within the limits of the Free Port.

1. **2 bis.** Yet, it is confirmed that, within the Free Port, the enterprises which existed before the coming into power of the present Decree, shall continue their activity.

2. **2 ter.** As for the establishing or continuation of activities which have major implications for the environment, the Director of the Port, the *Commissario Generale* and the temporary Council of Government may require, even separately, the bounding opinion of the temporary Popular Assembly.

#### **Article 8.**

Inspection by the authorities of the Free Territory shall be permitted within the Free Port to the extent necessary to enforce the customs or other regulations of the Free Territory for the prevention of smuggling or any other crime. All economic activities within the international Free Port shall respect both international Law and the regulation of the Free Territory of Trieste

against money laundering, against other illegal activities and against the activities of illegal organizations.

**Article 9.**

1. The authorities of the Free Territory under trusteeship administration will be entitled to fix and levy harbor dues in the Free Port.
2. The Director of the Free Port shall fix all charges for the use of the facilities and services of the Free Port. Such charges shall be reasonable and be related to the cost of operation, administration, maintenance and development of the Free Port.

**Article 10.**

In the fixing and levying in the Free Port of harbor dues and other charges under Article 9 above, as well as in the provision of the services and facilities of the Free Port, there shall be no discrimination in respect of the nationality of the vessels, the ownership of the goods or on any other grounds.

**Article 11.**

The passage of all persons into and out of the Free Port area shall be subject to such regulations as established by the authorities of the Free Territory under trusteeship administration. These regulations, however, shall be established in such a manner as not unduly to impede the passage into and out of the Free Port of nationals of any State who are engaged in any legitimate pursuit in the Free Port area.

**Article 12.**

The rules and bye-laws operative in the Free Port and likewise the schedules of charges levied in the Free Port must be made public.

**Article 13.**

I Coastwise shipping and coastwise trade within the Free Territory shall be carried on in accordance with regulations issued by the authorities of the Free Territory, the provisions of the present Instrument not being deemed to impose upon such authorities any restrictions in this respect.

**Article 14.**

Within the boundaries of the Free Port, measures for the protection of health and measures for combating animal and plant diseases in respect of vessels and cargoes shall be applied by the authorities of the Free Territory under trustee administration.

**Article 15.**

It shall be the duty of the authorities of the Free Territory under trustee administration to provide the Free Port with water supplies, gas, electric light and power, communications, drainage facilities and other public services and also to ensure police and fire protection.

#### **Article 16.**

1. The Government entrusted with the administration of the Free Territory of Trieste assures that the Free Territory and the States whose territories are traversed to goods transported by railroad between the Free Port and the States which it serves grant to said goods freedom of transit, in accordance with customary international agreements, without discrimination and without custom duties or charges other than those levied for services rendered.

2. The Government entrusted with the administration of the Free Territory of Trieste takes measures so that The Free Territory and the States assuming the obligations of Annex VIII of the Treaty of Peace of February 10<sup>th</sup>, 1947 through whose territory such traffic passes in transit in either direction shall do all in their power to provide the best possible facilities in all respects for the speedy and efficient movement of such traffic at a reasonable cost, and shall not apply with respect to the movement of goods to and from the Free Port any discriminatory measures with respect to rates, services, customs, sanitary, police or any other regulations.

3. The Government entrusted with the administration of the Free Territory of Trieste takes measures so that the Free Territory and the States assuming the obligations of Annex VIII of the Treaty of Peace of February 10<sup>th</sup>, 1947, takes measures so that these do not take measures regarding regulations or rates which would artificially divert traffic from the Free Port for the benefit of other seaports. Measures taken by the Governments of the successor States of Yugoslavia to provide for traffic to ports in southern former Yugoslavia shall not be considered as measures designed to divert traffic artificially.

4. For the purposes of the present, implementing Decree, a State is considered as having assumed the obligations of Annex VIII of the Treaty of Peace of February 10<sup>th</sup>, 1947, if that is a signatory State of the Treaty, or if that has notified either the Government of the Republic of France of the Government entrusted with the administration of the Free Territory of Trieste as for the assuming of said obligations either following a direct assumption or a succession of States.

5. The Government entrusted with the administration of the Free Territory of Trieste shall inform the Security Council of the United Nations of any violation, committed by any State, to the aforementioned freedoms of traffic and transit, to and out of the Free Port of Trieste.

#### **Article 17.**

The Government entrusted with the administration of the Free Territory of Trieste acts so that the Free Territory and the States assuming the obligations of Annex VIII of the Treaty of Peace of February 10<sup>th</sup>, 1947, grant in

accordance with customary international agreements, within their respective territories and on non-discriminatory terms, freedom of postal, telegraphic, telephonic, electronic, computer and satellite-supported communications, in accordance with international regulations, between the Free Port area and any country for such communications as originate in or are destined for the Free Port area.

#### **Article 18.**

**1.** The administration of the Free Port shall be carried on by the Director of the Free Port who will represent it as a juridical person. The provisional Council of Government shall submit to the *Commissario Generale di Governo* a list of qualified candidates for the post of Director of the Free Port and the *Commissario* shall appoint the Director from among the candidates presented to them after consultation with the provisional Popular Assembly. In case of disagreement the matter shall be referred to the Security Council of the United Nations. The *Commissario Generale di Governo* may also dismiss the Director upon the recommendation of the International Commission or the provisional Popular Assembly.

**2.** The Director shall not be a citizen of the Republic of Italy or of the successor States of Yugoslavia. Following their appointment, the Director shall assume, *ex officio*, the additional or exclusive of the Free Territory, as well as its related rights and duties. The candidates to the post of Director that are either citizens of the Republic of Italy or of one of the successor States of Yugoslavia shall bound themselves, through a written commitment, to accept, along the eventual post of Director, the exclusive citizenship of the Free Territory, and to keep it as long as they are in office.

**3.** All other employees of the Free Port will be appointed by the Director. In all appointments of employees, in case of equally qualified applicants, preference shall be given to citizens of the Free Territory.

**3 bis.** As for this purpose and until a different definition of that is established, are citizens of the Free Territory all people who were domiciled within the boundaries of the Free Territory under trusteeship mandate, after the coming into force of the Treaty of Peace of Paris of February 10<sup>th</sup>, as well as all the people that, having lived there, have emigrated since that date.

#### **Article 19.**

The director of the Free Port, in accordance with the provisions of Annex VIII of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947 and of the present, implementing Decree, shall take all reasonable and necessary measures for the administration, operation, maintenance and development of the Free Port as an efficient port adequate for the prompt handling of all the traffic of that port. In particular, the Director shall be responsible for the execution of all kinds of port works in the Free Port, shall direct the operation of port installations and other port equipment, shall establish, in accordance with legislation of the Free Territory, conditions of labor in the Free Port, and shall



also supervise the execution in the Free Port of orders and regulations of the authorities of the Free Territory in respect to navigation.

#### **Article 20.**

1. The Director of the Free Port shall issue such rules and bye-laws as he considers necessary in the exercise of his functions as prescribed in Article 19 of the present, implementing Decree.
2. The autonomous budget of the Free Port will be prepared by the Director, and will be approved and applied in accordance with legislation in of the Free Territory under trustee administration.
3. The Director of the Free Port shall submit an annual report on the operations of the Free Port to the *Commissario Generale di Governo*, to the provisional Council of Government and to the provisional Popular Assembly of the Free Territory. A copy of the report shall be transmitted to the International Consulting Commission.

#### **Article 20 bis.**

For the purposes of the present, implementing Decree and, in particular as for the practical provisions of Annex VIII that, at Articles 3 No. 3 and 4, 7 No. 2, 18 No.1 and 20 No.3, bound the administration of the international Free Port of Trieste to the legal system and decisional or consultative bodies of the Free Territory of Trieste envisioned within the Permanent Statute, regulated at Annex VI of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947 and, precisely, to the Governor, the Council of Government and the Popular Assembly, as well as to the role of the International Commission envisioned and regulated at Articles 21, 22 and 23 of Annex VIII, the following, temporary norms adjusting the current regime of trusteeship administration of the Free Territory of Trieste are adopted:

**1. Legal order.** Are to be considered sources and norm constituting the legal order of the Free Territory of Trieste and the international Free Port of Trieste, currently under trustee administration: Resolution No. 16/1947 of the Security Council of the United; all provisions of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947 concerning the Free Territory; all pertinent international convention and resolutions adopted by the United Nations; international agreements stipulated by its entrusted Governments (both military and civil) as for this role in fulfillment of a mandate and with the consent of the Security Council of the United Nations; the Memorandum of Understanding of London of October 5<sup>th</sup>, 1954, the measures rightfully maintained of adopted as for the Free Territory of Trieste by the Security Council of the United Nations or by its entrusted Governments (both military and civil) either directly or through actions of officials or offices delegated to do so.

**1.1.** Within the legal order of the Free Territory of Trieste and of the international Free Port of Trieste have no legal efficacy: measures enforced

and international agreements negotiated and arranged by Italian authorities in any role other than their role under the mandate of trustee administration. The entrusted, administering Government shall take action so that said measures and agreements are recognized as null and void even by the Italian authorities that has issued or concluded them.

**1.2.** Demilitarization and neutrality of the Free Territory of Trieste and its international Free Port are regulated at Article 3 of Annex VI of the Treaty of Peace.

**1.3.** All norms of the legal order of the Free Territory of Trieste and its international Free Port and their enforcement must harmonize to the Constitutional principles as well as to the civil and political rights established at Articles 4 and 5 of Annex VI of the Treaty of Peace.

**1.4.** Rights concerning the citizenship of the Free Territory of Trieste established at Article 6 and related to Article 5 of Annex VI of the Treaty of Peace are extended and defined as at aforementioned Article 18.3 bis.

**1.5.** The official languages and insignias of the Free Territory of Trieste and of the Free Port of Trieste are these established at Articles 7 and 8 of Annex VI of the Treaty of Peace.

**1.6.** The Free Territory of Trieste has its own, independent judicial system, as set at Articles 14, 15 and 16 of Annex VI of the Treaty of Peace.

**1.7.** The Free Territory of Trieste and its international Free have their own budget and tax system, as set at articles 20 and 21 of Annex VI of the Treaty of Peace; the Free Territory is exempt from the payment of the Italian public debt, as established with Article 5 of Annex X.

**1.8.** The Free Territory of Trieste has its own Director of Public Security and its own police, as set with Articles 26 and 27 of Annex VI of the Treaty of Peace.

**1.9.** The election of the organs of local government within the Free Territory of Trieste takes place according to democratic principles, universal suffrage and proportional representation, as set with Article 29 of Annex VI of the Treaty of Peace.

**2.** Within thirty days since the coming into force of the present Decree, the entrusted administrator, so the Italian Governor, shall demand to the Security Council of the United Nations the authorization to establish, within sixty days since the date of said authorization the following, special bodies of the Free Territory of Trieste and of the international Free Port of Trieste, as temporary and partial substitutes of their homologues, envisioned within Annexes VI, VII and VIII of the Treaty of Peace:

**2.1. a *Commissario Generale di Governo*** (Commissar-General of Government) for the Free Territory of Trieste, that shall be appointed and, as delegate of the entrusted, administering Government, shall exercise part of the powers and duties assigned to the Governor during the Provisional regime, as précised below.

**2.1.1.** The *Commissario Generale di Governo* shall remain in office for five years, their appointment shall be renewable, as well as not being a citizen of the Free Territory, nor of its bordering Countries, ad shall be proposed before the Security Council of the United Nations by the entrusted, administering Government, which confers the task upon positive opinion of the Security Council.

**2.1.2.** The *Commissario Generale di Governo* shall assume office in Trieste and submit their reports right to the Head of the entrusted, administering Government and they shall send these forward to the President of the Security Council, to whom all needed information concerning the administration of the Free Territory.

**2.1.3.** The actions of the *Commissario Generale di Governo* will be guided shall be mainly guided by the needs of the population and its well being and they shall exercise the following powers and functions:

**a)** the power to constitute and modify a **Provisional Council of Government**, appointing their members among people domiciled within the Free Territory. Ex-officio members of the Provisional Council of Government shall be the Director of the Free Port and the Director of Public Security. The Commissar-General must take care of constituting the Council of Government in order to realize a balanced and competent representation of the interests of economic groups, social classes and ethnic-linguistic communities.

**b)** along with the Provisional Council of Government, the functions listed at Articles. 3 No. 4, 7 No. 2, 7 No. 2 ter, 18 No. 1, 20 No. 3 of the present implementing Decree, the functions whose norms are collected within the provisions of the Permanent Statute (Annex VI of the Treaty of Peace) as and when these provisions prove to be applicable and in so far as they are not superseded by the Instrument for the Provisional Regime or the present Decree. Likewise all other provisions of the Permanent Statute shall be applicable during the period of the Provisional Regime as and when these provisions prove to be applicable and in so far as they are not superseded by Permanent Statute or the present Decree

**c)** the power and duty to prepare, in accordance with the Provisional Council of Government, the provisional budget and the provisional export and import programs, making sure that all appropriate arrangements are made for the administration of the finances of the Free Territory.

**d)** the power to amend and issue laws and regulations, in agreement with the majority of the Provisional Council of Government. Existing laws and

regulations shall remain valid, unless and until revoked or suspended by the *Commissario Generale di Governo*.

e) the power to appoint a provisional a **Director of Public Security**, as chief and supervisor of all forces of civil and military police recruited or assigned to the Free Territory by the United Nations or by its entrusted administrator, following the approval of the Security Council of the United Nations. The administering, entrusted Italian Government shall take over compensations and extraordinary expenses for missions abroad to the members of the Italian police forces assigned to the Free Territory.

f) the power and duty, in consultation with the Provisional Council of Government, shall be responsible for organizing the elections of Members of the **provisional Popular Assembly of the Free Territory of Trieste** in accordance with the conditions provided for in the Statute for elections to the Popular Assembly. The elections shall be held not later than four months after the *Commissario Generale's* assumption of office. In case this is technically impossible the *Commissario* shall report to the Head of the administering, entrusted Government, and they shall report to the Security Council.

g) the power and duty to summon and establish, as long as the Free Territory of Trieste remains under administration, entrusted to and under the responsibility of the Italian Government, an **International Consulting Commission for the Free Port of Trieste**, hereinafter called “the International Consulting Commission”, consisting in a representative of the administered, entrusted Government of the Free Territory, with the role of chairman, and one representative from each of the States which, either following an invitation or their own request to the administering Government, their interest to truly participate to the use and development of the international Free Port of Trieste.

**3. The Popular Assembly of the Free Territory of Trieste**, immediately after taking seat, shall exercise the following functions as representative of the sovereign population of the Free Territory:

a) the prerogatives listed at Articles 3, 4, 7 No.2 ter, 18 No. 1 e 20 No.3 of the present, implementing Decree;

b) other, administration functions that are not assigned to the *Commissario Generale di Governo*;

c) the right to consider, discuss and decide, through voting, all matters relating to the interest of the Free Territory; its consultative decisions shall be reported to the *Commissario Generale* and to the Provisional Council of Government, that shall take these into account.

d) the right to petition to the Security Council of the United Nations, in case of dispute as for the actions of the administering entrusted Government, of the *Commissario Generale di Governo* or that of the Provisional Council of; the right to petition may be exercised by both the majority or the minority of the Assembly.

**4. The International Consultative Commission**

- a)** the condition for each State to participate to the International Consultative Commission is that, within six months since the beginning of its participation, within the Free Port of Trieste are active traffics or industrial, trading or financial enterprises referred to it. The right to participate expires after said situation is ceased since longer than one year, and is restored when said situation is restored. The examination of this requirement and the communication are intransgressible duties of the Director of the Free.
- b)** the invitation to participate to the International Consultative Commission is directed to the Director of the Free Port and first, but not only, to the Governments of the following States: France, United Kingdom of Great Britain and Northern Ireland, Russia, Ukraine, Belarus, Lithuania, Estonia, Latvia, United States of America, Slovenia, Croatia, Bosnia and Herzegovina, Italy, Czech Republic, Slovakia, Poland, Switzerland, Austria, Hungary.
- c)** taking into consideration the development of international traffic related or that could be conducted within the Free Territory of Trieste, the aforementioned invitation is extended as well to the Director of the Free Port of the following: Free State of Bavaria (Freistaat Bayern), Israel, Serbia, Turkey, China.
- d)** other States interested of holding the right to take part to the International Consultative Commission shall inform directly the Director of the Free Port, for them to verify the subsistence of the conditions listed at sub-paragraph a) to notify the approval or denial of said request to the candidates State.
- e)** the International Commission shall have its seat in the Free Port but it can also hold “virtual” meetings on-line. Its offices and activities shall be exempt from local jurisdiction. The members and officials of the International Consultative Commission shall enjoy in the Free Territory and in the Free Port of Trieste such privileges and immunities as are necessary for the independent exercise of their functions. The International Commission shall decide upon its own secretariat, procedure and budget. The common expenses of the International Commission shall be shared by member States in an equitable manner as agreed by them through the International Commission.
- f)** the International Consultant Commission shall have the duties listed at Articles 3.3, 18.1 and 20.3 of the present Decree. Also, the members of the Commission shall communicate, either individually or in association, their views or recommendations on to the Director of the Free Port and they said recommendations useful for a better functioning and to development of the Free Port and its traffic to the Director of the Free Port, that shall consider these.
- g)** The International Commission shall have the right to investigate and consider, either on its own initiative or when such matters have been brought to its attention by any Member State, or by the Director of the Free Port, or following a complaint presented by economic operators, port workers’ trade unions or following a request of citizens of the Free Territory, all matters relating to the operation, use and administration of the Free Port of t he technical aspects of transit between the Free Port and the States which it serves, including unification of handling procedures.

**h)** the International Commission shall communicate its views or recommendations on such matters, both from the majority and minority of its Members, as for said matters. Said recommendations shall be taken into account by the entrusted, administering Government and by the Director of the Port and they shall take all needed measures.

**i)** whenever the notifying or complaining parties consider that such measures would be inconsistent with the provisions of the Treaty of Peace and its Annexes VI, VII, VIII, X, and these of the Memorandum of London of 1954, the matter may at the request of the Free Territory or any interested State be dealt with as provided in 6 below.

**5.** the provisions of the entrusted, administering Government, of *Commissario Generale di Governo*, the decisions of the Provisional Popular Assembly and possible communications of the International Consultive Commission shall be included in Official Gazette of the Free Territory of Trieste (*Bollettino Ufficiale del Territorio Libero di Trieste*).

**6.** Any dispute relating to the interpretation or execution of Annex VIII of the Treaty of Peace and of the present Decree of the entrusted, administering Government, not resolved by direct negotiations, shall, unless the parties mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a Committee of arbitration composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment. The decision of the majority of the members of the Committee shall be the decision of the Committee, and shall be accepted by the parties as definitive and binding.

**7.** all provisions conflicting with the present Decree are abolished.

**8.** the present Decree shall be inserted within the collection of the official acts of the Italian Government in its role of special holder of a trusteeship mandate to administer the Free Territory of Trieste, and it comes into as soon as it is published within the Official. Whoever has the duty to execute it or to have it executed is bounded to fulfill said duty.

### **3.17. Text of the legislative Decree to implement the legal order of the Republic of Italy.**

The following text is the text of the legislative Decree that the Free Territory of Trieste requests to the administering Italian Government of the Free Territory of Trieste to be approved and executed as part of the legal system of the Republic of Italy as for Article 16, No. 1,2,3, Article 17 and Article 20 *bis*, No. 1.2. of the text of the Decree aforementioned at paragraph 3.16:

THE PRESIDENT OF THE REPUBLIC OF ITALY

in view of Law No, 811 of August 2, 1947, allowing the Government of the Republic of Italy to ratify the Treaty of Peace between the Allied and Associate Powers and Italy signed in Paris on February 10<sup>th</sup>, 1947;

in view of Legislative Decree of the Temporary Chief of the Italian of November 27<sup>th</sup>, 1947, No. 1430, to execute the Treaty of Peace between the Allied and Associate Powers and Italy signed in Paris on February 10<sup>th</sup>, 1947;

in view of Law No. 3054 of November 25<sup>th</sup> to ratify Legislative Decree No. 1430 of November 28<sup>th</sup>, 1952, concerning the execution Treaty of Peace between the Allied and Associate Powers and Italy signed in Paris on February 10<sup>th</sup>, 1947, which is an integral part of the international legal order as recognized by the United Nations, to which Italy was admitted on December 14<sup>th</sup>, 1955;

in view of laws of the Constitution of the Republic of Italy that, at Article 10, sub-paragraph 1, harmonize the Italian legal system to the generally recognizes tenets of international, and at Article 117, sub-paragraph 1, confirm the legislative powers of the State and Regions in compliance with the constraints deriving from EU-legislation and international obligations;

in view of the conjunction with Articles 4, 21, 78 No. 7 and Annexes VI, VII, VIII, IX and X of the Treaty of Peace that establish the Free Territory of Trieste as sovereign State and member of the United Nations, recognized by the Allied and Associated Powers and by Italy, which agree that its integrity and independence shall be assured by the Security Council of the United Nations;

acknowledging that on September 15<sup>th</sup>, 1947, following the coming into force of the Treaty of Peace, the Free Territory of Trieste has been established and recognized as ex-officio State Member of the United Nations, under the direct guarantee of the Security Council of the United Nations and it has been administered following the rules of the Provisional Regime of government established and regulated by the Treaty;

acknowledging the territorial modification of the Free Territory of Trieste occurred in 1991-92 under Article 30, No. 3, of the Convention of Vienna on the law of Treaties following the international recognition of the Republics of Slovenia and Croatia within their current borders;

acknowledging that the Memorandum of London of October 5<sup>th</sup>, 1954 among the outgoing and incoming Governments has entrusted the present- Free Territory of Trieste to the administration and to the responsibility of the Italian Government, with an international mandate continuing so far;

acknowledging that the role of the Italian Government as special, entrusted administrator of the Free Territory of Trieste has as its direct point of contact

the Security Council of the United Nations, as well as being a different and separated role respect to that of the Italian Government as Government of the Republic of Italy;

acknowledging that after the Treaty of Peace Italy has assumed many obligations, still in force but not fulfilled yet in regarding to the Free Territory of Trieste, especially these concerning its international Free Port;

to rightfully fulfill said international obligations of the Republic of Italy towards the international Free Port and Free Territory of Trieste,

Decreases:

### **Article 1.**

All Italian state and para-statal property within the limits of the Free Port which, according to the provisions of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947, Article 2, No. 2 of Annex VIII and articles 1, 2 and 3 of Annex X, shall pass to the Free Territory shall be transferred, without payment, to the Free Port.

### **Article 2.**

1. That goods transported by railroad or by any other mean of transportation between the Free Port and the territory of the States it serves crossing the Republic of Italy States are granted freedom of transit, in accordance with customary international agreements, without any discrimination and without customs duties or charges other than those levied for services rendered;

2. the Republic of Italy will do everything it its power to provide such traffic passes in transit in either direction shall do all in their power to provide the best possible facilities in all respects for the speedy and efficient movement of such traffic at a reasonable cost, and shall not apply with respect to the movement of goods to and from the Free Port any discriminatory measures with respect to rates, services, customs, sanitary, police or any other regulations.

3. the Republic of Italy shall not adopt any measure as for regulations or fees that might artificially divert the traffic of the Free Port of Trieste to favor other sea ports; any measure that, eventually, has already been adopted as for this matter is immediately suspended and shall be abolished.

### **Article 3.**

All provisions adopted at any level by the Republic of Italy assuming its sovereignty over the Free Territory of Trieste and over the International Free Port Trieste since September 15<sup>th</sup> are to be considered null and void due to lack of jurisdiction whenever these have not been legitimated by the



Government entrusted to administer that within six months since the coming into power of the present Decree; so, these remain in conditional force until that date and, in the meantime, the actions of tax executions and evictions are suspended.

**Article 4.**

In updated fulfillment of the duties listed at Article 8 of Annex X of the Treaty of Peace, Italy shall continue to be liable for the payment of civil or military pensions earned, as of the coming into force of the present Treaty, for service under the Italian State, municipal or other local government authorities, by persons who under the Treaty acquire the nationality of the Successor State, including pension rights not yet matured. Arrangements shall be concluded between the Successor State and Italy providing for the method by which this liability shall be discharged.

**Article 5.**

The obligations of Italy listed in Article 78, No. 7 of the Treaty of Peace of Paris of February 10<sup>th</sup>, 1947 concerning lost or damaged goods or rights of the citizens of the United Nations within the Free Territory of Trieste before the coming into force of the Treaty shall be fulfilled with no limits of time.

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*The present warning is also notified to the Italian Government, represented by the President of the Council of Ministers pro-temp, to the United Nations Security Council, represented by its President pro-temp, as well as to the Governments of the Countries holding interest and rights as for the international Free Port of Trieste.*

Trieste- Vienna, September 9th, 2014

The President of the Movimento Trieste Libera - Free Trieste Movement

Roberto Giurastante

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