



I.P.R. F.T.T. Member State *de jure*  
of the United Nations

# International Provisional Representative of the FREE TERRITORY OF TRIESTE

Rappresentanza Internazionale Provvisoria del Territorio Libero di Trieste  
Začasno Mednarodno Predstavnštvo Svobodnega Tržaškega Ozemlja  
Provisorische Internationale Vertretung des Freien Territoriums Triest

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## **The Italian Government had to recognize the temporary administration of the present-day Free Territory of Trieste and of its international Free Port**

### Statement of the Secretary General of the I.P.R. F.T.T.

The International Provisional Representative of the Free Territory of Trieste – I.P.R. F.T.T. is satisfied that the Italian Government decided to officially recognize, with a new legislative act, that it is exercising temporary administration over the present-day Free Territory of Trieste and its international Free Port under a special trusteeship mandate received by the Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland, as primary administrators on behalf of the United Nations.

The new legislative act, with which the Italian Government confirms to recognize the mandate of temporary administration over the Free Territory of Trieste, which is established as an independent Sovereign State by virtue of the Treaty of Peace with Italy of 10 February 1947, is the Decree (without number) issued on 13 July 2017 by the Italian Minister of Infrastructures and Transport together with the Italian Minister of Economy and Finance, published on the Official Gazette of the Italian Republic No. 177 of 31 July 2017, to decide the “*Administrative organization for the management of the free zones included within the area of the Free Port of Trieste*”.

Indeed, the decree is issued in compliance with the international obligations established by the Treaty of Peace and with the additional Memorandum of Understanding of London of October 5th, 1954 between the Governments of Italy, of the United States, of the United Kingdom, and of Yugoslavia «*regarding the regime of temporary administration of the Free Territory of Trieste, provided at Annex VII of the Treaty of Peace*».

Annex VII of the Treaty is the *Instrument for the Provisional Regime of the Free Territory of Trieste, which implements* (art. 2) also all compatible norms of Annex VI – *Permanent Statute of the Free Territory of Trieste*, including the establishment (art. 34) of the international Free Port of the Free Territory, and its regulation established under Annex VIII – *Instrument for the Free Port of Trieste*. The provisional Italian administration has the obligation to maintain the international Free Port «*in general accordance*» with articles 1 to 20 of Annex VIII under art. 5 of the 1954 Memorandum of Understanding.

However, this International Provisional Representative of the Free Territory of Trieste has the duty to warn the administering Italian Government, the Governments of other States, and all investors that some of the organizational provisions included in the Decree of 13 July 2017 do not comply with the international obligations that the act should implement, in particular, with arts. 1.2, 2.1, 2.2, 3.2, 3.2, 18.1, 18.2, 18.3 of Annex VIII of the 1947 Treaty of Peace, as well as being in breach of the commitment for provisional international management undertaken with Note No. 4166 of 5.10.1954 of the Italian Ambassador in London to the Ambassador of Yugoslavia.

Those noncompliances constitute a breach of the Italian obligations to maintain the international Free Port as established with the 1954 Memorandum of Understanding as well as of the Italian laws recalled in the Decree of 13 July 2017 itself, which give full and complete effect to the Treaty of Peace and to the Memorandum of Understanding within the legal system of the Italian State, with a rank higher than national legislation as reconfirmed by the Italian Constitution (Legislative Decree of the Provisional Head of State No. 1430/1947, ratified with Italian Law 3054/1952, articles 10, first paragraph, and 117, first paragraph, of the Italian Constitution, Decree of the President of the Italian Republic of 27 October 1954, Italian Constitutional Law No. 1/1963, art. 70).

To prevent damages to the investors, to the international Free Port, and to the administered Free Territory, it is therefore necessary that the Italian Government takes care to correct those noncompliances included in the decree before their enforcement gives rise to legal actions for invalidity of industrial, commercial, or other port concessions awarded under the decree itself.

The decree on the administrative management of the free zones was issued after a 23 years wait (from 1994), and the Italian Government had to issue it under increasing international pressing, especially from the United States and from the United Kingdom, the primary administrators, and because of the interest of China, after three years of extensive informative, legal, and political-diplomatic actions of the Free Trieste Movement and of the International Provisional Representative of the Free Territory of Trieste – I.P.R. F.T.T.

In particular, the decree was issued after the I.P.R. F.T.T. summoned, on the same legal bases, the administering Italian Government, its Ministry of Economy and Finance, and its Fiscal Agencies before Court because they are illegally forcing the enormous taxes of the Italian State to the Free Territory of Trieste and to the international Free Port. This fiscal legal action has already become a class action after the adhesion of hundreds of citizens and enterprises of the Free Territory and from other States.

The new Italian act of recognition of the sovereignty, independence, and provisional administration of the present-day Free Territory of Trieste, of the regime of its international Free Port, and of the consequent international obligations of the Italian Republic and of its Government ends decades of absurd political simulations that they were under the sovereignty of the Italian State.

Even the explanatory Report and the technical Report attached to the decree recognize the «*acceptance of international responsibility*» of the Italian Government, which

exercises temporary civil administration of the present-day Free Territory of Trieste, and of its international Free Port, through bodies of the Italian Republic, therefore regarding both as a political territory (*territorio politico*), not as territories under the sovereignty of the Italian State.

The International Provisional Representative of the Free Territory of Trieste expects that, following this political and diplomatic orientation, there won't be any more misunderstandings with the bodies in charge of the Italian Administration in Trieste on the matter, and also that the whole question of taxation, now brought before Court, can be faced and solved with satisfactory negotiations as well.

At the same time, this Representative invites the administering Italian Government to take care, under art. 2, penultimate paragraph, of Annex VII of the Treaty of Peace with Italy – *Instrument for the Provisional Regime of the Free Territory of Trieste*, fully executed also in the Italian legal system and with a rank higher than national law:

- to officially provide that the bodies of the Italian administration in Trieste as well as all ships and vessels entering, moored at, or leaving the port of Trieste do correctly fly the flag of the administered Free Territory (art. 8 of Annex VI – *Permanent Statute of the Free Territory of Trieste*) near that of the administering Italian Government;

- to establish, in compliance with art. 33 of Annex VI of the Treaty of Peace with Italy, the registers for the ships and vessel flying the flag of the Free Territory of Trieste, of Switzerland, of Czechia, of Slovakia, of Austria, and of Hungary.



Paolo G. Parovel  
Secretary General of the I.P.R. F.T.T.

Clarifications for the press:

1. This subject does not give raise to territorial problems, because the border with the present-day Free Territory of Trieste with Italy remains the same established at art. 4 of the 1947 Treaty of Peace, while its territorial extension and border with Slovenia are consolidated in international law since 1992, by virtue of United Nations Resolutions S/RES/753(1992), A/RES/46/238, S/RES/754(1992), A/RES/46/236, S/RES 777(1992), A/RES/47/1 that recognize the independent Republics of Slovenia and of Croatia in their present borders, after plebiscites of self-determination.

2. The news, broadcast by Italian media, according to which the Italian Government has “established” or “enforced” the international Free Port of Trieste as a port of the Italian State and, therefore, of the European Union are false. Neither Italy nor the EU has the legal power to do that, since the international Free Port of Trieste is established as a «*state corporation of the Free Territory of Trieste*» by the 1947 Treaty of Peace (Annex VI, artt. 35 and 36; Annex VIII, art. 2). Therefore, the Free Territory of Trieste and its international Free Port do not belong to the customs area of the Italian State, or to that of the European Union (art. 351 TFEU, Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013).

3. Are equally false the news claiming that the issuing of the decree is the result of the work of Italian national and local politicians; the truth is, did always sabotaged it, simulating Italian sovereignty over the Free Territory of Trieste.