



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 Predstavništvo Svobodnega Tržaškega Ozemlja
Provisorische Internationale Vertretung des Freien Territoriums Triest

SG/2019/03/01-en

11 March 2019

**To Mr. President of the Council of Ministers
of the Italian Government**
Giuseppe Conte

And, for information:

to Mr. President of the Italian Republic
Sergio Mattarella

to the Ambassador of the People's Republic of China in Italy
His Excellency Li Ruiyu

Mr. President of the Council of Ministers,

this Representative, exercising the roles delegated to it, has the duty and honor to express an official protest to the Italian Government for the following facts.

Certain members and officers of the Italian Government are since long negotiating with the People's Republic of China to offer it a leading position in the international Free Port and in the customs port of Trieste in exchange of significant investments.

The main offer consists in allowing P.R.C. State investors to purchase strategic quotas of Italian companies that work in the international Free Port or in the customs port of Trieste under long-term concessions (up to 90 years) granted by an Italian Port Authority, as well as to let the same P.R.C. State investors purchase areas of the Northern Free Port and of the customs port.

Said negotiations are based on the premise that the international Free Port and the customs port of Trieste belong to the Italian Republic and to the EU, and therefore are subject to Italian and Community law, which would make these operations possible.

However, this premise is deceptive, because the international Free Port and the customs port of Trieste do not belong to the Italian Republic, and their special legal status forbids those operations.

Indeed, the two ports are a State corporation and a State property of the present-day Free Territory of Trieste respectively, and the Italian Government exercises only temporary civil administration on them, as it is sub-entrusted with a special trusteeship mandate.

Pursuant to the Treaty of Peace between the Allied and Associated Powers and Italy signed at Paris on 10 February 1947, art. 21 and Annex VII art. 1.2, and since its coming into force on 15 September 1947, the present-day Free Territory of Trieste is under a special trusteeship mandate entrusted to the Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland on behalf of the U.N. Security Council.

Since 1954-1955, the primary administering Governments of the United States of America and of the United Kingdom have sub-entrusted the temporary civil administration of the Free Territory to the Italian Government (not to the Italian State), and entrusted its military defense to NATO.

The relations of the Italian Republic and of the Italian Government respect to the present-day Free Territory of Trieste, as well as the consequent relations with other States, are established under the same Treaty of Peace with Italy (U.N.T.S. vol. 49, No. 747) and with a Memorandum of Understanding signed at London on 5 October 1954 (U.N.T.S. vol. 235, No. 3297).

Both multilateral legal instruments are in force (cfr. U.S. Department of State, *Treaties in Force, 2018-2019*) and fully implemented in the legal orders of the Italian Republic and of the Free Territory of Trieste, defining also the State border between the two Countries.

Indeed, the legal effects of the Italian-Yugoslav bilateral political agreement of 10 November 1975 (U.N.T.S. vol. 1466, No. 24848) are limited, pursuant to its art. 7, exclusively to mutual relations between the two signatory States.

Instead, the border of the Free Territory of Trieste with the Republic of Slovenia is defined under U.N. 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, by virtue of art. 30.3 of the Vienna Convention on the Law of Treaties.

Also, the legal status of both the international Free Port and the customs port of the Free Territory of Trieste, as well as the consequent port rights of all other States, are established under U.N.S.C. Resolution S/RES/16(1947) and under the provisions at Annexes VI (enforced under Annex VII, arts. 1 and 3, fourth paragraph), VIII and X of the Treaty of Peace with Italy.

The mandate of temporary civil administration sub-entrusted to the Italian Government obliges it to comply also with the provisions of the Treaty of Peace regarding the international Free Port, in particular, to enforce the provisions of arts. 1-20 of Annex VIII, and to not hamper the enforcement of arts. 21-24.

In particular, Annex VIII forbids that any State gains exclusive control of the Free Port areas (art. 3.2), it entrusts their management to a Director of the Free Port, who cannot be a citizen of either Italy or former Yugoslavia (art. 18), and it places that management under the control of an International Commission of the Free Port (arts. 21, 22, 23).

The States entitled to establish the International Commission of the Free Port and to be represented in it are: the Free Territory (permanent Chairman), the United States of America, the United Kingdom of Great Britain and Northern Ireland, France, Switzerland, Austria, Hungary, Czechia, Slovakia, Poland, the successor States of the S.F.R. of Yugoslavia the successor State of the U.S.S.R., and Italy.

When it comes to the management of the customs port of Trieste, the sub-administering Italian Government is bound to respect the State Property of the Free Territory of Trieste (Annex X, art. 1) and the right to register ships and vessels of the Free Territory, of Switzerland, of Austria, of Hungary, of Czechia and of Slovakia (Annex VI, art. 33).

This is why the current management of the international Free Port and of the customs port of Trieste through an Italian Port Authority is illegitimate; its provisions, including concessions, can only be regarded as temporary and impugnable, thus, once the legitimate Director of the Free Port is appointed, they can confirm, amend, or declare them all null and void.

Furthermore, since February 2015, the Italian Port Authority in Trieste supports a enormous fraud to deactivate the Northern sector of the international Free Port and to sell its areas on the real estate market in breach of the legislation on the matter (Treaty of Peace, Annex VI art. 36; Annex VIII arts. 2 and 31.1).

Since 2017-2018, this Representative summoned the Italian Government before the Court of Trieste with two legal actions (cases No. 1757/17 and 4277/18) to obtain the enforcement of the correct taxation of the Free Territory of Trieste and of its international Free Port.

Since 2018, this Representative opened two more legal actions against bodies of the provisional Italian administration, again before the Court of Trieste, to defend the State Property of the Free Territory (case No. 941/18) and the Northern Free Port (case No. 2370/18).

After receiving the first writ of summon (22 May 2017), the administering Italian Government issued a decree to partially rectify its management of the international Free Port (13 July 2017), while the Italian Parliament amended one of its previous laws, which was making the fraud on the Northern Free Port look seemingly legal (27 December 2017).

However, the administering Italian Government continues to entrust the management of the international Free Port to the illegitimate Italian Port Authority, riving rise to an ambiguous situation that allows severe violations of the legal order of the Free Territory as well as of its strategic Euro-Atlantic position.

In facts, the President in office of the illegitimate Italian Port Authority simulates that Trieste is an Italian port, does not prevent the fraud to dismiss the Northern Free Port, develops contacts with the Maduro regime in Venezuela, with Iran,

openly supports state investments of the P.R.C., and in his public statements shows open hostility to the United States.

Therefore, this Representative has the duty to invite the sub-administering Italian Government to immediately exclude the international Free Port and the customs port of Trieste from all agreements, with any State, that constitute a breach or eludes their legal status and the rights of all other States.

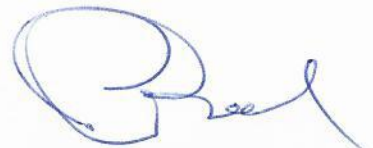
To prevent further misunderstandings and damages on that matter, this Representative must also invite the sub-administering Italian Government to comply, at the earliest possible time, with its obligation to appoint the legitimate Director of the international Free Port of Trieste, and to not hamper the envisioned International Commission of the Free Port from taking office.

In case the sub-administering Italian Government fails to promptly comply with said invitation, this Representative must take care to summon it before Court disputing the violations of the legal status of the international Free Port and of the customs port of Trieste, as well as the nullity and voidness of the port concessions and of other acts of the current illegitimate Italian Port Authority.

Furthermore, in case it proves necessary, this Representative reserves the right to request the activation of the international procedures for the settlement of disputes concerning the interpretation or execution of the 1947 Treaty of Peace with Italy envisioned at arts. 87 of the same Treaty and at art. 24 of its Annex VIII.

Indeed, the present-day Free Territory of Trieste wishes to consider all other States, including the Italian Republic and the People's Republic of China as friendly Countries, appreciated economic partners, and natural users of its international Free Port, however, it must also defend its integrity and independence, which are placed under the direct protection of the U.N. Security Council by virtue of art. 21 of the 1947 Treaty of Peace with Italy.

Trusting the reasonableness and timeliness of the decisions of your Government on these matters, please accept, Mr. President of the Italian Council of Ministers, the assurances of our highest consideration.



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