



**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/2019/05/01-en

6 May 2019

**To the Government of the Italian Republic**  
represented by the President of the Council of Ministers  
Giuseppe Conte

**To the Government of the People's Republic of China**  
through its Ambassador in Italy  
H.E. Li Ruiyu

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This Representative presents its compliments the Government of the Italian Republic and to the Government of the People's Republic of China and, recalling its protest notes SG/2019/03/01-en of 11 March 2019 and SG/2019/03/09-en of 26 March 2019, considers it important clarifying the following circumstances.

The Memorandum of Understanding signed in Rome on 23 March 2019 between the Government of the Italian Republic and the Government of the People's Republic of China on cooperation within the framework of the Silk Road Economic Belt and the 21st Century Maritime Silk Road Initiative envisions, at its Paragraph IV "*the full use of existing bilateral mechanisms*".

It is mechanisms established under Italian-Chinese bilateral agreements concluded since 1971, including the "*Agreement between the Government of the People's Republic of China and the Government of the Republic of Italy concerning the Encouragement and Reciprocal Protection of Investments in the territory of the other country*" signed in Rome on 28 January 1985, ratified in 1987 and establishing, at art. 11, the procedure to settle "*disputes between the Contracting Parties concerning the interpretation and application*" of that same Agreement.

Therefore, this Representative has the honor and duty to draw the attention of the Government of the Italian Republic and of the Government of the People's Republic of China on the legal fact that neither the 23 March 2019 MoU nor previous bilateral Italian-Chinese agreements can be enforced within the present-day Free Territory of Trieste, because it is a third Country bordering with Italy (since 1947) and with Slovenia (since 1992). Furthermore, the international Free Port of the Free Territory is subject to the rights of all States.

Indeed, the Treaty of Peace with Italy of 10 February 1947 establishes the Free Territory of Trieste as a sovereign State under the U.N. Security Council's own protection and subject to a provisional regime of Government, the first phase of which is entrusted to the Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland.

The two primary administering Governments have sub-entrusted to the responsibility of the Italian Government the temporary civil administration of the present-day Free Territory of Trieste, and its military defense to NATO.

Foreign relations of the Free Territory of Trieste under this Provisional Regime of Government, as well as the international status of its Free Port, are established and regulated under the same Peace Treaty, in particular at its Annexes VI (arts. 24 and 34), VII (art. 1 first paragraph, and art. 2, fourth paragraph), and VIII respectively, furthermore, they are both subject to that Treaty's provisions for the settlement of disputes (arts. 83, 86, 87 of the Treaty; Annex VI, art. 36; Annex VIII, art. 24; Annex IX, art. 7; and Annex X, art. 19).

It follows that all international agreements involving the present-day Free Territory of Trieste or its international Free Port must comply with said provisions and with the rights they establish and grant to all other States, and also with the obligations established at art. 8 of the North Atlantic Treaty.

Furthermore, the legal force of any agreement discussed or concluded on behalf of the Free Territory of Trieste by the sub-administering Italian Government depends on the consent of both the primary administering British and U.S. Governments as well as on the consent of the U.N. Security Council.

This is why, to date (6 May 2019) State relations of the present-day Free Territory of Trieste – the temporary civil administration of which is sub-entrusted to the Italian Government – with the People's Republic of China only consist of the pertinent legal obligations established under the multilateral 10 February 1947 Treaty of Peace between the Allied and Associated Powers and Italy (previously signed by the R.O.C.), by the U.N. Charter, and by U.N. Resolutions S/RES 16(1947), S/RES/753(1992), A/RES/46/238, S/RES/754(1992), A/RES/46/236, S/RES 777(1992), A/RES/47/1.

Possible investments of P.R.C. enterprises in the present-day Free Territory of Trieste and in its international Free Port or customs port are therefore subject only to the aforementioned provisions of international law, and cannot be regulated or protected with bilateral Italian-Chinese agreements.

This Representative considers that economic and cultural cooperation between the People's Republic of China and the present-day Free Territory of Trieste is desirable, however, it must be established with enforceable agreements that grant the general and special rights of both Parties, of all other States concerned, of their enterprises, and also the legal protection of all investments.

The International Provisional Representative of the Free Territory of Trieste avails itself of this opportunity also to renew to the Government of the Italian Republic and to the Government of the People's Republic of China the assurances of its highest consideration.



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