



Trieste Libera  
Svobodni Trst  
Free Triest

**To the Minister of Infrastructures and Transports**  
of the entrusted, administering Italian Government  
Maurizio Lupi

and courtesy copies to:

**The governments of the Countries holding interests and rights**  
as for the international Free Port of Trieste

**To the Security Council of the United Nations**  
for its role of international guarantor of the Free Territory of Trieste  
represented by its President pro-temp

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To the Honorable Minister of Infrastructures and Transports

we are writing to you as you are a member of the Italian Government, holding a mandate concerning interventions within the ordinary Port and the international Free Port of Trieste, as well as interventions involving infrastructures related with its railroads and highways.

We must bring to your attention, as well as kindly ask you to inform the whole *Consiglio dei Ministri* (Council of Ministers of Italy) that the direct enforcement of Italian legislation to both the Port of Trieste and to its infrastructures violates the specific, international trusteeship mandate assigned to the Italian Government in 1954, bounding it, among all, to special measures which remain unfulfilled.

Our organization, Movimento Trieste Libera (Free Trieste Movement), represents and defends the legitimate interests of the legal and economic subjects demanding the complete and correct application of the provisions of International Law concerning the current Free Territory and Free Port of Trieste, since its correct administration remains entrusted to and under the responsibility of the Italian Government.

These are the provisions of the Treaty of Peace of Paris of February 10th, 1947 which have established the Free Territory of Trieste, with its international Free Port, as independent State and member ex officio of the United Nations, and the provisions of the additional, executive instrument, the Memorandum of Understanding of London of October 5th, 1954, which has converted the mandate for its temporary, trustee administration from a military government as it was in 1947-54 to a civil government, as it still is.

The norms concerning the current Free Territory of Trieste are a constituting part, in force, of both the international legal system - under direct guarantee of the Security Council of the United Nations (see also: U.S. Department of State - *Treaties in force*, 2013), and the legal system of Italy, which does even put these under Constitutional guarantee (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, paragraph 1 and Article 117, paragraph 1.).

In fulfillment of these norms, since 1954, the Italian Government has jurisdiction over Trieste, its regular Port and Free Port, as well as its infrastructures, as entrusted, special administrator in fulfillment of an international mandate, not because the Italian State would have sovereignty over Trieste.

Because Italian sovereignty terminated upon the coming into force of the Treaty of Peace on September 15th, 1947 and the contextual, international recognition of the Free Territory of Trieste - Territorio Libero di Trieste – Svobodno Tržaško Ozemlje (Article 21, Paragraphs 1 and 2 of the Treaty).

Follows that due to its role of entrusted administrator, the Italian Government is bounded to fulfill the obligations following from its mandate for the exclusive interest of the sovereign population of the Free Territory it administers as well as of the International Community, to exercise the powers deriving from said mandate under the form of an administration and a jurisdiction separate from these of the State and legislator of Italy, as well as directly responding for that to the Security Council of the United Nations.

Because of this, the jurisdiction of the entrusted, administering Government is correctly exercised only when executed through acts issued by the same Government and following from said role, and this does also apply to its ministers or delegates, like the specific *Commissario Generale di Governo* (General-Commissar of Government) in charge of this task from 1954 to 1963 or other, equivalent bodies.

The norms of International and Italian Law under exam do also establish the regulation of the international Free Port of Trieste (Annex VIII of the Treaty of Peace) as well as the duty of the entrusted, administering Italian Government to enforce, within the provisional regime established with Annex VII of the Treaty the articles from 1 to 20, under control of an international Consultative Commission (Memorandum of Understanding of London, Article 5 and exchange of letters).

The same norms do also establish the right of the whole International Community to an equal use of the international Free Port of Trieste, without any discrimination, as that is a State Corporation of the Free Territory, under the direct, international supervision of France, United Kingdom, United, successor States of the USSR, United States, successor States of Yugoslavia, Czech Republic, Slovakia, Poland, Switzerland, Austria, Hungary, Italy.

Also, the Treaty of Peace grants to Switzerland, Austria, Hungary, Czech Republic Slovakia the right to register their ships in special registers of the Free Territory of Trieste as long as these are based on the Port of Trieste.

So, the rightful respect of these norms by the entrusted, administering Italian Government is a legitimate and relevant legal, economic and social interest of both the sovereign population of the Free Territory of Trieste and of the above mentioned third States, including Italy, as well as of the whole International Community.

Instead, unfortunately, since decades, the Italian Government keeps violating its duties coming from the mandate and, by doing so, it violates International Law and the very Law of Italy, by treating the Free Territory, the ordinary Port, the international Free Port of Trieste and their infrastructures as if these were subject to the sovereignty of the Republic of Italy, as if these were part of its national territory and State properties.

Said violations cause severe and useless damages to the rights and economy of the Free Territory of Trieste, of all third States above mentioned, including Italy, holding interest and special rights as for its international Free Port, as well as to the economic rights that the whole International Community holds on that.

The consequent degradation of the international Free Port of Trieste does as well rise illegal operations over it, operations currently under anti-Mafia and anti-corruption questions, which bot out organization, the Free Trieste Movement, and investigative newspaper "La Voce di Trieste" are bringing to attention since a long times.

Since 2011, the Free Trieste Movement took action to restore the legality that has been violated by the entrusted, administering Italian Government and the Italian State and, for this purpose, it has already brought to their attention specific acts, notified to the Security Council of the United Nations and to the States holding particular interests and rights as for the international Free Port of Trieste as well.

So, after the generic summary of the «Complaint and Formal Notice of Default» (Annex 1 to this document) and other, related documents, the Free Trieste Movement had also prepared the specific «Formal international notice» for the complete fulfillment of the norms regulating the legal status and naval registers of the Free Port of Trieste.

This September 9th the international notice act has been officially presented and distributed by our organization to Austrian press, the foreign correspondents of both press and embassies, awakening a new international interest as for the problem of the full activation of the international Free Port of the Free Territory of Trieste in its current provisional regime of trusteeship administration.

The act (Annex 2 to this document) does as well provide a complete, organized draft of a legislative Decree for the fulfillment of the international obligations that the entrusted, administering Italian Government has assumed as for the international Free Port of Trieste since 1954, yet, without honoring these yet in their needed, correct and complete terms.

As a matter of fact, up to now, the administering Italian Government has only enforced three, partial Decrees to fulfill its role; all of these are still in force, follows a list: Decreto N.29/1955, Decreto No. 53/1959 and Decreto 4/1962 of the *Commissario Generale del Governo italiano per il Territorio di Trieste*, appointed with a D.P.R. (Decree of the President of the Italian Republic) dated December 27th, 1954.

All the listed Decrees were followed by further, partial acts of Italian authorities, yet, these were adopted as part of the Italian legal system - which is alien to them - as well as constituting their direct violation (Article 2 of DM - Ministerial Decree - of December 20th, 1984; Article 2 of DM December 24th, 2012) of the forbidding to discriminate the States and goods in the international Free Port of Trieste, expressively established at Articles 1, 10 and 16 of the very Annex VIII of the Treaty of Peace, which are among these that the Italian Government is bounded to respect as entrusted administrator.

The draft of the Decree outlined back in 1996-97 by the Minister of Infrastructures and of Navigation of the time, Honorable Claudio Burlando, did partially adhere to the duties established in Annex VIII by adjusting the competence of the Italian Port Authority at Trieste and integrating the status of the Free Port, yet, as part of the Italian Law on Ports which, as such, cannot be directly applied to neither the regular nor to the international Free Port of Trieste.

Also, for the same reasons, the entrusted, administering Italian Government cannot, by any mean, treat as a supply, associate, coordinate not condition the regular and international Free Port of the Free Territory of Trieste to the port system of the Italian State, their activities or needs.

We are sure, Honorable Minister, that this deepening of information concerning the international status of the Port of Trieste may make it clear to your excellency as well as to the whole entrusted, administering Government both the exact nature of the problem, unresolved for a long time due to political and economic choices that, by now, are outmoded and counter-producing, as well as the economic relevance, especially in a period of economic crisis, of the correct solution we are requesting and of the draft of Decree we are proposing.

The required solution and the proposed Decree do not, actually, only put a rightful end to violations of Law - whose continuation would sustain a serious, international complaint, even as for the revoking of the international trusteeship and a compensation for the suffered damage.

An immediate transformation, with a limited cost easy to recover, the current, depressed micro-zone of Trieste in a special, economic engine of Free Port and duty free zone for all European regions nearby, including North-Eastern Italy, in fulfillment of the norms of International Law - which are above European Law and, due to this, are not subject to their limits.

We thank you, Excellency, for your kind attention and for whatever you would like to do for the fulfillment of the obligations of the Italian Government as trustee administrator of the Free Territory and Free Port of Trieste, for the legitimate interest of the

administered, sovereign population of the Free Territory of Trieste, of all other Signatories of the specific Treaties and Agreements, of our respective, two Countries and of international commerce.

Trieste, October 6th, 2014.

The President of the Free Trieste Movement

Roberto Giurastante

A handwritten signature in black ink, appearing to be 'GAT' followed by a stylized flourish.

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