



CHARTER OF RIGHTS OF THE CITIZENS AND OF THE ENTERPRISES OF THE FREE TERRITORY OF TRIESTE

Carta dei diritti dei cittadini e delle imprese del Free Territory of Trieste

drawn up by the Movimento Trieste Libera - Gibanje svobodni Trst - Bewegung Freies Triest - Free Trieste Movement, as international subject representing the rights and legitimate interests of the citizens of the current Free Territory of Trieste by virtue of more than 20,000 signatures collected for this purpose, 15,000 of which have already been sent to the Security Council of the United Nations in order to obtain the restoration of the correct special trusteeship and to defend the interests of the International Community of States to the complete, rightful and undisturbed functioning of the international Free Port of Trieste:

We the people of the Free Territory of Trieste

premising that

since 1382 the city of Trieste, located in the North of the Adriatic see, did freely associate with Austria, which declared it a Free Port since 1719 and a Commodity Exchange since 1955, as well as developing its natural role of international and cosmopolite city, respecting all folks and religions, in the name of free maritime commerce between Central Europe, the Mediterranean and all States of the World (in 1797, Trieste hosted the second Consulate of the United States in Europe) and, in 1850, gave to is a special Constitution as Immediate City of the Empire: *Reichsunmittelbare Stadt Triest*;

since 1918, after the First World War, during which 98% of Triestines had fought for Austria, Trieste has been occupied and annexed for 27 years to Italy, which removed its status of free city, paralyzed its development to favor Italian ports as well as violating the human and civil rights of the population of Trieste and of the territories near the city in order to cancel their history, languages, culture and traditions by the physical and moral violence of Italian nationalism, in time of peace as in time of war, and carrying out discriminations, expropriations, persecutions, murders and massacres against the Slovene, Croatian, Jewish and Roma population, as well as against political opponents;

in 1945, at the end of the Second World War, the Allied and Associated Powers did free Trieste from Italian and German occupation, and they did administer both the city and the Free Port under a regime of military government unrelated to the Italian State, restoring the human and civil rights granted by the Charter of the United Nations;

since 1947, the Allied and Associated Powers did restore the independence and the international economic role of Trieste with Resolution No. 16/1947 of the Security Council of the United Nations with the Treaty of Peace with Italy, signed in Paris on February 10th, 1947, establishing the Free Territory of Trieste as an independent Sovereign State, under the direct protection of the Security Council of the United Nations and equipped with the only international Free Port in the World;

for this purpose, the Treaty of Peace has established the Free Territory (Articles No. 4, 21, 22, 48 point 5, 78 point 7, 79 point 6 g, 85) including the city of Trieste, its Free Port and part of the areas nearby, providing these with State borders (Annex I, D), sovereign population, the legal order and rights established under a Permanent Statute (Annex VI), a Provisional Regime of Government (Annex VII), an Instrument for the international Free Port (Annex VIII), Technical Dispositions (Annex IX) and Economic and Financial Provisions (Annex X) ;

the Treaty of Peace rules that the international Free Port of the Free Territory of Trieste is used for the trade, the storing, the industrial manufacturing and the handcraft processes of the goods of all States, without duties and without discriminations, under the control of an International Commission formed by representatives of France, the United Kingdom, United States of America, Russia and other Successor States of the USSR, Slovenia, Croatia and other Successor States of Yugoslavia, Italy, Czech Republic, Slovakia, Poland, Switzerland, Austria, Hungary;

the Treaty of Peace does also rule that Trieste becomes the port of registration of the non-military ships flying the flag of five States without access to the sea: Switzerland, Austria, Hungary, Czech Republic, Slovakia;

the Free Territory of Trieste has been established as a sovereign State with the rights of membership of the United Nations and under a provisional regime of government, at the coming into legal force of the Treaty of Peace, on September 15th, 1947, with the ceasing without conditions of Italian sovereignty;

in fulfillment of the norms of the Provisional Regime, which consists in a form of special trusteeship under the guarantee of the Security Council of the United Nations, the first government of the Free Territory of Trieste was assigned to the Military Commands already in the area;

for this purpose, the Free Territory of Trieste has been divided into two temporary administration zones: the main area, namely said "Zone A", consisting in Trieste, the international Free Port and five Municipalities nearby, assigned to an Anglo-American Commander, and an additional, accessory area namely said "Zone B" consisting in a coastal strip in order to extend the territorial waters for port uses, assigned to a Yugoslav Commander;

in their role of military Governors, the Allied Commandos established the first structures of State and Government of the Free Territory of Trieste (*Allied Military Government of the Free Territory of Trieste - AMG FTT; Vojaška Uprava Jugoslovanske Armade Svobodnega Tržaškega Ozemlja - VUJA STO*), as well as representing it in the relations with the

Security Council of the United Nations and the Anglo-American Commander did represent it in international relations and he did allow it to join international and European organizations, where he represented it;

in 1954, since the political conflicts of the Cold War extended the short time that had been envisioned for the temporary military administration, that was transformed into a temporary civil administration, entrusted to the Governments (not to the States) of Italy and Yugoslavia under a Memorandum of Understanding between the Governments of the United States and United Kingdom - which were withdrawing their military commandos and the two Government about to take over the mandate of special trusteeship over the Free Territory of Trieste;

this Memorandum of Understanding, signed in London on on October 5th, 1954, by representatives of all four Governments as an additional, executive instrument of the Treaty of Peace, transfers to the Italian and Yugoslav Government the responsibility - respectively - over Zones A and B of the Free Territory of Trieste and, for this purpose, it allows them to extend over each administration zone their civil administration, which consists in the administrative structures of the two Governments, but not the laws of their States;

for this purpose, both provisional Governments established in the Zones under their competences a special civil administration, which the Italian Government has assigned to a specific *Commissario del Governo* - Commissar of Government (a General Commissar until 1964 and, since this date and currently, to a Commissar at the Region) with full legislative and administrative powers of Government of the Free Territory of Trieste, which had been previously exercised by the Allied Commander in each Zone;

the special trusteeship over the Free Territory of Trieste, divided in two Zones and entrusted to the Italian and Yugoslav Government continued for decades, since the political contrasts of the Cold War and the dissolution of the Yugoslav Federation induced the Security Council of the United Nations to suspend the procedure to appoint the civil and sole Governor envisioned by the second phase of the Provisional Regime (Article 1 of Annex VII of the Treaty of Peace);

instead, both administering Governments - Italian and Yugoslav - did take advantage of the extended period of the Cold War to abuse, in different times and by different means, of the powers of temporary civil administration, in order to simulate that the Zones entrusted to them were respectively subject to the sovereignty of Italy and Yugoslavia and, by doing so, they did also favor population shifts from Zone B to Zone A, as well as a large-scale emigration from Zone A, especially to Australia, Canada and the USA;

in order to support this simulation of sovereignty, Italy and Yugoslavia did also adopt provisions under domestic laws and concluded bilateral agreements (1975) which, as such, have no legal efficacy over superior, international obligations like the multilateral Treaty of peace and the executive Memorandum of 1954: therefore, both remain in legal force;

the Yugoslav Government did gradually favor the economic development of Zone B, it developed its port of Koper-Capodistria and it granted the rights of the population whose first language was Italian, while the Italian Government has slowly suffocated the economy

of Zone A and the international Free Port of the Free Territory of Trieste to favor Italian Ports, it forced once again Italian nationalism and it has discriminated the part of the population who spoke Slovenian;

the legal existence of the Yugoslav Government, entrusted with the administration of “Zone B” has ceased in 1991-1992, when all the States of the International Community have recognizes the new independent Republics of Slovenia and Croatia within borders that do also include this Zone, after national plebiscites for the sovereignty and independence held, respectively, on December 23rd, 1990 and on May 9th, 1991;

those international recognition produced the effects of inapplicability envisioned at Article 30, sub-paragraph 3 of the Vienna Convention on the Law of Treaties on the parts of Article 4 and Annex 1 of the Treaty of Peace of 1947 and of the Memorandum of London of 1954 referring to Zone B, resulting in a change of the territorial extension of the Free Territory of Trieste;

as a consequence of this modification, the current Free Territory of Trieste consists in the main Zone A, which has remained entrusted to the Italian Government under a temporary civil administration regulated by the pertinent norms of the Treaty of Peace and of the Memorandum of London, both in legal force (see also U.S. Department of State: *Treaties in force*, 2013);

to this day, the Italian Government continues to exercise this temporary administration directly and through a Commissar of Government but, at the same time, it does impose to the Free Territory of Trieste, illegally and deceptively, as well as by threatens, force and propaganda, the interests, laws, military forces, elections and taxes of the Republic of Italy, burdened by its enormous public debt, as well as seriously sabotage the international Free Port of Trieste in order to artificially divert its traffics to Italian Ports, which constitutes a further violation of the Treaty of Peace (Annex VIII, Article 16, point 3);

with said illegal actions, the Italian Government violates the independence and the sovereignty of the current Free Territory of Trieste, international law, Resolution No. 16/1947 of the Security Council of the United Nations, the pertinent Treaties and the mandate of special trusteeship, it ruins the citizens, families and enterprises of the Free Territory by violating their rights, and it violates the rights of all other States and their enterprises to use the international Free Port of Trieste and control its management;

with the same illegal actions, both the Government and the State of Italy are violating the legal order in force within the Republic of Italy, in the parts where that does fully implement the Treaty of Peace of Paris as a constitutional and international obligation (Law No. 811/1947; Legislative Decree of the Provisional Head of State No. 1430/1947; Law 3054/1952; Articles 10 sub-paragraph 1 and 117 sub-paragraph 1 of the Constitution of the Republic of Italy) which is superior to domestic laws;

at the same time, the provisional Italian Government, which imposes illegal heavy taxes to the citizens of the Free Territory of Trieste, prevents them from electing their own political representatives under the institutional and electoral system established with the Treaty of Peace, and it does not represent them as such before international and European

organizations: that abuse results in the violation of the fundamental principle that associates taxation to the right of representation: *no taxation without representation*;

facing the protests of the citizens of the current Free Territory of Trieste, the representatives of the Italian Government and of the Italian States react by illegal means, as they threaten them with political, economic and judicial repression, going as far as denying the very existence of the Free Territory as if that were a colony subject to Italian political powers, which is among the most inefficient and corrupted in Europe, and it causes serious damages to Italian citizens as well;

the current Free Territory of Trieste is one of the eight small-size independent States in Europe, along with Monaco, Liechtenstein, Luxembourg, San Marino, Vatican City, Andorra and Malta, and it has the only international Free Port of the Mediterranean, of Europe and in the World, as well as having financial sovereignty, no public debt and it is not a Member State of the European Union, as it has been aggregate to it only in a temporary form;

the independence of the current Free Territory of Trieste and the optimum functionality of its Free Port do therefore have a relevant economic and strategic international values, which will increase with the development of the commercial Baltic-Adriatic and Transsiberian routes and with the doubling of the Suez Canal, on which depend the prosperity of the people of many European and non-European countries;

in view of and upon evaluating the above,

considering

that it is time for the people of the current Free Territory of Trieste to live with dignity in legality, as it is its natural right, must dissolve the political and legal bounds with the unfaithful administration of the Italian Government, and it must affirm and defend its political and economical independence from any abuse, as their independence is established and granted by the United Nations;

that the people of the current Free Territory of Trieste has the right to act peacefully, with honesty and courage, for this rightful and legitimate purpose, under the very principles which inspired the Declaration of Independence of the United States of America:

because whenever any form of government denies the principles of truth, justice and solidarity committing abuses, misappropriations, injuries and usurpations, therefore becoming tyrannical and unbearable, the oppressed people has the right to change or to abolish that in order to establish a new Government founding on those principles, and to organize the powers in the forms that it considers to be most suitable to grant its safety for its future and happiness;

therefore, as Citizens of the Free Territory of Trieste

trusting our good reason and the rightfulness of our intentions, under the instruments of international law in force, Resolution No. 16/1947 of the Security Council of the United Nations and the Treaty of Peace of Paris of February 10th, 1947, which do already establish

out freedom and independence, our legal order as a State and the mutual rights and duties towards all other States, including Italy,

recalling

the principles of the Declaration of Independence of the United States of America, the Charter of the United Nations, the Montevideo Convention of the Rights and Duties of States, the Vienna Convention on the Law of Treaties, the Final Act of the Conference on Security and Cooperation in Europe and of the Charter of Paris,

and calling

the solidarity, the powers and legitimate interests of other Nations, their people, their Governments and of international organizations

d e c l a r i n g

that all citizens of the current Free Territory of Trieste, of any ethnic group, gender, language, faith and nationality, free and equal to each other and to all the people in the world, have and want to exercise, for themselves and for their interests, the following fundamental rights, established by the international legal system, demanding their immediate respect and fulfillment to the administering Government and to the Security Council of the United Nations, awaiting the decisions of the Security Council as for the means of continuation of the temporary administration until the establishment of the permanent Government of the current Free Territory of Trieste:

- 1) the right that their legal status of citizens of the current Free Territory of Trieste is recognized and respected by the provisional Government or by the Authority acting as such, by all the States and by the Organization of the United Nations, under the direct protection of the Security Council (Resolution No. 16/1947; Treaty of Peace of Paris, Article 21, point 1);
- 2) the right to have a provisional regime of government (Article 21 and Annex VII) that is honest and correct, exercised under the Treaty of Peace, entrusted to a reliable Government of a reliable State, which has no interests conflicting with these of the current Free Territory of Trieste and of its international Free Port, or to an Authority of the United Nations;
- 3) the right that this provisional administration is carried out like that of the Allied Military Government of the Free Territory of Trieste (AMG - FTT), under the official State insignias of the Free Territory of Trieste (Annex VI, Article. 8) and of no other State;
- 4) the right that this administration enforces, in the provisional regime, all compatible norms of the Permanent Regime of the Free Territory of Trieste (Annex VII, article 2, subparagraphs 3 and 4), as well as the needed updates and integrations as for technical, economical, citizenship, languages and other current matters;
- 5) the rights that this provisional administration issues rightful laws suiting the situation and needs of the current Free Territory of Trieste, with special regard for the human rights

and the rights of other living beings, freedom of enterprise, working rights, housing rights, health care, social assistance, the protection of the environment;

6) the right to be officially and correctly represented in foreign relations by this provisional administrations, as previously done by the Allied Military Government of the Free Territory of Trieste, at the United Nations and before international organizations, in the relations with other European States and with the European Union, as well as under Article 24 of Annex VI ;

7) the right that this provisional administration and the Security Council of the United Nations take care to enforce compliance of all the rights and obligations of other States as for the international Free Port and current Free Territory of Trieste, including the obligations of Italy in regard to social insurances, related reserves and the payment of pensions (Annex X, articles 7 and 8);

8) the right to have their own honest and equal financial and fiscal State administration, separated from that of other States (Annexes VI and VII) not burdened by the fiscal impositions and abnormal public debts of the State of Italy (Annex X, article 5) or that of any other State;

9) the right not to be unfairly expropriated of their house by bodies and laws of the State of Italy, as that has no sovereignty nor jurisdiction over the Free Territory of Trieste (Article 21, point 2 of the Treaty of Peace);

10) the right to the immediate public recognition and re-establishment of the State and Demanial Property of the current Free Territory of Trieste and that of its international Free Port under the provisions of the Treaty of Peace (Annex X, Article 1; Annex VIII, Article 2, point 2);

11) the right to directly elect its representatives on the bases of proportional representation and as part of the independent institutions of the Free Territory of Trieste, as established by the Treaty of Peace (Annexes VI and VII);

12) the right to the complete and free development of the international Free Port of the Free Territory of Trieste in fulfillment of Article 34 of Annex VI and of all the provisions of Annex VIII of the Treaty of peace, including the International Commission for the Free Port (articles 21, 22 and 23), as well as the needed updates and free competition with the ports of other States, but without being subject to their interests and with no artificial actions to divert traffics in their favor (Annex VIII, Article 16, point 3);

13) the right of preference, in case of equal qualification, to the citizens in the appointment of employees of the international Free Port of the Free Territory of Trieste (Annex VIII, article 18, point 3);

14) the right to open and use the Naval Register of the ships flying the flag of the Free Territory of Trieste, and of the Naval registers for the registration, upon demand of their governments, of the ships flying the flag of Switzerland, Austria, Hungary, Czech Republic or Slovakia (Annex VI, article 33);

15) the right to open and use the registry of Commercial Aviation of the Free Territory of Trieste (Annex VI, article 32);

16) the right of State ownership and use of the railways of the current Free Territory of Trieste (Annex VI, article 31);

17) the right to re-open and develop the Stock Exchange of Trieste, illegally shut down by the administering Italian Government and by the State of Italy in 1996;

18) the right that the provisional administration arranges in the best possible way and at the earliest possible time the coming into force of the Permanent Statute of the Free Territory of Trieste;

19) the right that the provisional administration fulfills, rapidly and efficiently, the revision and abolition of all norms and provisions that were implemented in the Free Territory of Trieste under the responsibility of the administering Italian Government in violation of the provisions and obligations of the Treaty of Peace of February 10th, 1947 and of the Memorandum of Understanding of London of 1954;

20) the right, in case the provisional administration commits further - active or omissive - violations of the international status of the Free Territory of Trieste and of its international Free Port, to exercise the right to self-determination of peoples, established and recognized under the *Charter of the United Nations* (ratified by Italy with Law No. 848/1957), under the *Declaration of Principles of International Law, Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations* (UN General Assembly Resolution 2625/1970), under the *International Covenant on Civil and Political Rights* (ratified by Italy with Law No. 881/1977) and under the *Final Act of the Conference on Security and Co-operation in Europe*.

Uses of this Charter of Rights

The Charter of Rights of the Citizens and of the Enterprises of the Free Territory of Trieste, drawn up by the Movimento Trieste Libera - Gibanje svobodni Trst - Bewegung Freies Triest - Free Trieste Movement and undersigned by the first signatories on May 20th, 2015, can be operated before any Court and it is open for signature to all the citizens and enterprises of the current Free Territory of Trieste in need to use it to claim their rights, both as individuals and as a company.

This Charter is also open for signature of adhesion of all other States and foreign enterprises in need to use it to claim their rights over the international Free Port of the Free Territory of Trieste or as part of any other foreign relation with the current Free Territory of Trieste.

Also, the Charter is open for signature to all the citizens of the current Free Territory of Trieste and of any other State who are supporting the current Free Territory of Trieste, to be used as a petition to international and European organizations in order to archive the

full implementation of the rights listed above, of Resolution No. 16/1947 of the Security Council of the United Nations and of the provisions of the Treaty of Peace of Paris of February 10th, 1947, in force, regarding the current Free Territory of Trieste and the rights of other States and their enterprises as for the international Free Port of the Free Territory of Trieste.

Open for signature in Trieste, on May 20th, 2015.

Roberto Giurastante,
citizen *de jure* of the Free Territory of Trieste,
president of the Free Trieste Movement

Paolo G. Parovel
citizen *de jure* of the Free Territory of Trieste,
responsible for Foreign Relations of the Free Trieste Movement

(the following signature are omitted)

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