



To the Commissar of the Italian Government in Region Friuli Venezia Giulia delegated to exercise the powers of temporary civil administration over the present-day Free Territory of Trieste (Italian Constitutional Law No. 1/1963, art. 70), and through them to the Head of the Provisional Government

and for information:

- 1) To the International Provisional Representative of the Free Territory of Trieste** with a mandate to take all international actions on the matter
- 2) To the Foreign Minister of the Republic of Slovenia.**
- 3) To the Foreign Minister of the Republic of Croatia.**
- 4) To international organizations Alpe Adria Green and Greenpeace, as well as to the Italian committees that support the referendum.**
- 5) To the Italian Regional Councils that promote the referendum (Basilicata, Marche, Puglia, Sardegna, Abruzzo, Veneto, Calabria, Liguria, Campania and Molise).**

Subject: drilling in the Adriatic sea - calling, on 17 April 2016, of an abrogative referendum on the bases of Italian laws that were not extended to the Free Territory of Trieste, entrusted to the Italian Government under a mandate of temporary civil administration.

The Free Trieste Movement - FTM, as representative of the legitimate interests of a relevant part of the citizens *de jure* of the present-day Free Territory of Trieste, whose temporary civil administration is entrusted to the responsibility of the Italian Government, which exercises normative and administrative powers in the Free Territory by delegating most of them to this Commissar of the Government, and a minor part to the prefect and the Region (*art. 70 Italian Constitutional Law No. 1/1963*);

making evident

that the Italian laws in force concerning ratification and execution of the Treaty of Peace (*Law No. 811 of 2 August 1947; Legislative Decree of the Temporary Head of State No. 1430 of 27 November 1947; Law No. 3054 of 25 November 1952*) recognise the present-day Free Territory of Trieste as a sovereign State placed under the protection of the United Nations Security Council;

that, as a further and ultimate evidence, this legal status of the present-day Free Territory of Trieste established under international law is also recognised by the very recent UNSC document S/2015/809;

that since 1992, pursuant UN Security Council Resolutions S/RES/753, 754, 777 (1992) and A/RES/46/238, 46/236, 47/1, the present-day Free Territory of Trieste consists of its main zone, entrusted under a mandate of temporary civil administration to the Italian Government, and does not have territorial claims against the Republics of Slovenia and of Croatia;

that the territorial waters of State of the present-day Free Territory of Trieste consist in the most northern top of the Adriatic sea, as well as bordering with the territorial waters of State of the Republic of Slovenia and of the Republic of Italy;

that for this reason, the territorial waters of State and the coast of the of the Free Territory of Trieste, like those of the neighbouring Republics of Slovenia and of Croatia, are directly exposed to all effects and threatens of the present and future activities of research and of extraction of hydrocarbons in Italian territorial waters of Western Adriatic, which extend for 22 km along 800 km of the coast of the Italian peninsula.

that the bordering Republic of Italy summoned, on this matter, a popular referendum on date 17 April 2016 with Decree of the President of the Republic of Italy of 15 February 2016 concerning *“Summoning of the popular referendum for the abrogation of paragraph 17, third phrase, of article 6 of Legislative Decree 3 December 2015, No. 208, as for the following words alone: «over the lifetime of the deposit, in compliance with the safety and environmental safeguard standards».* (16A01356) (Italian Official Gazette, General Series No. 38 of date 16-2-2016);

that the request for a referendum has been presented to the Head Office for the Referendum, established at the Italian Court of Cassation in Rome by the Regional Councils of Italian Regions Basilicata, Marche, Puglia, Sardegna, Abruzzo, Veneto, Calabria, Liguria, Campania and Molise, and its admissibility was then confirmed by the Constitutional Court of the Republic of Italy with judgment No. 17/2016;

that the positive outcome of the referendum would end the above mentioned activities consisting in extracting hydrocarbons in Italian national waters, reducing or eliminating the consequent risks and potential damages also for the territorial waters of the Free Territory of Trieste, as well as for those of the neighbouring Republics of Slovenia and of Croatia;

the Italian Governor, for its role of temporary civil administrator of the present-day Free Territory of Trieste has the possibility to beneficially extend the referendum to the citizens of the administered Free Territory, by issuing an appropriate decree to extend and adjust to the Free Territory itself the above mentioned DPR 15 February 2016 that summons the consultation;

that this normative decree can be directly issued by the provisional Government, or by this Commissariat in accordance with the special powers that it is delegated to exercise;

that the absence of such decree of extension and adjustment of the Italian law, the eventual implementation of the referendum in the Free Territory of Trieste would be not

only arbitrary, but also null and void, as well as giving raise to the original nullity of the whole referendum;

that in such case, the nullity and voidness would constitute a Constitutional breach (articles 10, sub-paragraph 1 and 117 sub-paragraph 1 of the Constitution of the Republic of Italy), breach of the laws establishing international obligations relating to the Free Territory of Trieste as undertaken and enforced by Italy (*Law No. 811 of 2 August 1947; Legislative Decree of the Temporary Head of State No. 1430 of 27 November 1947; Law No 3054 of 25 November 1952*) and by the Italian Government pursuant the Memorandum of Understanding of London of 5 October 1954, implemented with specific instruments (*DPR 27 October 1954; Constitutional Law No. 1/1963, articles No. 2, sub-paragraph 1, No 4 sub-paragraph 1 and point 3), and No. 70; art. 1, sub-paragraph 618 of Italian Law No. 190 /2014*) as well as with all precedent and current decrees *ad hoc* of the Government itself, of the former General Commissioner of the Government and of the current Commissar of the Government in the Region (see. Commissarial Decree Prot. 19/8-5/2016 of date 26.1.2016);

#### requests

this Commissar of the Government to exercise the normative powers of temporary civil administration of the present-day Free Territory of Trieste delegated to them, or to solicit the provisional Government for their direct exercise:

- **to promptly extend** and adjust to the legal order of the administered Free Territory both the Italian laws that are subject to the referendum and DPR 15 February 2016 establishing said referendum with a specific legal act, in order to allow the citizens *de jure* of the Free Territory to participate to the referendum, which revolves on an environmental matter that interests them;
- **otherwise**, to dutifully declare the non-feasibility of the referendum in the Free Territory itself, and to revoke all administrative measures already issued on the matter.

Trieste, 18 March 2016

Roberto Giurastante  
President of the Free Trieste Movement

