



*To the President of the Committee on Petitions  
European Parliament - B-1047 BRUSSELS*

## **PETITION TO THE EUROPEAN PARLIAMENT**

– art. 227 TFEU –

### **and urgent requests for examinations and interventions**

#### **TO DENOUNCE SERIOUS VIOLATIONS of international law and of the law of the European Union**

in the legal, political and economic relations of the European Union and of the Republic of  
Italy toward the current Free Territory of Trieste  
and toward the other Member States of the EU and of the International Community

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The petition is presented in Italian and English,  
both versions are authentic, by:

Roberto Giurastante, citizen *de jure* Free Territory of Trieste and citizen of the EU ex art. 355 No. 3 TFEU, personally and as President of the Movimento Trieste Libera – Gibanje svobodni Trst – Bewegung Freies Triest – Free Trieste Movement, with legal office in Trieste, piazza della Borsa 7;

Paolo G. Parovel, citizen *de jure* Free Territory of Trieste and citizen of the EU ex art. 355 No. 3 TFEU, personally and as Responsible of Foreign Relations of the Movimento Trieste Libera – Gibanje svobodni Trst – Bewegung Freies Triest – Free Trieste Movement, with legal office in Trieste, piazza della Borsa 7;

The Movimento Trieste Libera – Gibanje svobodni Trst – Bewegung Freies Triest – Free Trieste Movement is a political organization, with the characteristics of an international subject, which represents the rights and legitimate interests of the citizens *de jure* of the current Free Territory of Trieste and of the people residing there, as well as defending the interests of all States of the International Community and of the European Union to the full, correct and undisturbed use of the international Free Port of Trieste.

The Free Trieste Movement acts under the mandate of its members and of more than 20.000 signatures it has already collected for this purpose, especially 15.000 to address the Security Council of the United Nations, which is the direct, international guarantor of the Free Territory of Trieste, for it to restore its correct, special trusteeship, established under

Resolution No. 16/1947 of the Security Council and under the Treaty of Peace between the Allied and Associated Powers and Italy, signed in Paris on 10 February 1947.

The petition is open for signature for further adhesion and support, on paper of in digital, to other citizens and organizations of both the Free Territory of Trieste and the European Union.

## **I. SUBJECT OF THE PETITION**

### **I - 1.**

The Free Territory of Trieste is a sovereign State, member *de iure* of the United Nations and, since 15 September 1947, it is recognized and established under the prescribed Provisional Regime of Government and it is under the direct protection of the Security Council of the United Nations in accordance with Resolution No. 16/1947 UNSC and of the Treaty of Peace between the Allied and Associated Powers and Italy, signed in Paris on 10 February 1947.

Therefore, the Free Territory of Trieste is one of the eight micro-states of Europa, along with Monaco, Liechtenstein, Luxembourg, San Marino, Vatican City, Andorra and Malta. It has an established tradition of independence since the XIII century, confirmed through half a millennium of voluntary connection with Austria (1382-1918), interrupted by 27 years of Italian occupation and annexation (1918-45) and restored by the Treaty of Peace of 1947.

Since 1957, the European Union recognizes the legal status and of Provisional Government of the Free Territory of Trieste established under the Treaty of Peace of Paris of 1947 and under the Memorandum of Understanding of London of 1954 (see following point II - 1).

### **I - 2.**

The Free Territory of Trieste is neither a Member State nor an Associated State of the European Union, to which it is temporarily aggregate since 1957 under the provisions of Article 355, point 3 TFEU (see following point II - 6), but this aggregation has never been refined with the needed agreements, leading to a discrimination respect to the other Member and Associated States.

This discrimination violates the law of the European Union and it has allowed a Member State of the EU to commit, at its own, unfair advantage, severe violations of international law and of the law of the European Union itself, at the expenses of the Free Territory of Trieste, of its population and of the other Member States, but also at the expense of the International Community.

The violations committed by that Member State this therefore constitute a complex legal and economic controversy within the European Union but also as for its relations with the International Community.

This petition denounces said controversy and it demands that it is discussed and solved under the instruments of international law and of the law of the European Union, since all the subjects suffering unfair damages because of that have responsibility, duty and interest on that.

## **II. REASONS OF THE PETITION**

### **II – 1.**

The provisions of the Treaty of Peace of Paris establishing the Free Territory of Trieste, its legal order and its relations with the United Nations and with other States are articles 4, 21, 22, 48 point 5, 78 point 7, 79 point 6 g, 85 and Annexes I D (Frontiers), VI (Permanent Statute), VII (Provisional Regime), VIII (Instrument for the international Free Port), IX (Technical dispositions), X (Economic and Financial Provisions).

The Provisional Regime of government of the Free Territory of Trieste is a form of special trusteeship of the United Nations, halfway between the International Trusteeship System and the more recent UN Transitional Administration.

The legal and administrative status of the Free Territory of Trieste has been recognized and confirmed also under the international and European agreements in which it became a Contracting State, along with the European State currently belonging to the EU, with Turkey and the USA, between 1947 and 1958: GATT, ICPO, ERP, OEEC, EPU, ECMT, and others, and with bilateral agreements signed between the Free Territory of Trieste and Italy (1948), with the USA (1949, 1951) and with the UNO (1952).

Since 1992, the international recognitions of the independent Republics of Slovenia and of Croatia produced effects of Article 30, point 3 of the Vienna Convention on the law of treaties, preventing only the enforcement of the norms of the Treaty of Peace regarding the inclusion of former “Zone B” within the Free Territory of Trieste.

For these effects, the current Free Territory of Trieste consists in the capital city, Trieste, with the international Free Port and five smaller municipalities (*see annex I*) and it has not territorial disputes with its bordering (Italy, Slovenia) and nearby States (Croatia).

Since 1954, the current Free Territory of Trieste is entrusted under the temporary civil administration of the Italian Government (not that of the Republic of Italy) under a Memorandum of Understanding added to the Treaty of Peace to update the enforcement of the norms of the Treaty regarding the Provisional Regime of government. Both the Treaty of Peace and this Memorandum are in force (*see also: US Department of State, Treaties in Force, 2013*).

### **II - 2.**

The port of Trieste has a special, international and European strategic value as it is the most Northern port of both the Adriatic and the Mediterranean seas (*see annex I*) and it benefits of the only status of international Free Port in the World.

The international and European, political and economic, consolidation of the Free Territory of Trieste within its current borders has gained a strategic relevance also for the stabilization of the region of former Yugoslavia, since it will put an end to the well-known political claims of Italy against the Free Territory and against Slovenia and Croatia (see following point III - 4).

## **II - 3.**

Other than being equipped with an international Free Port, the Free Territory of Trieste has no public debt, it has the right to its own monetary system, the right to its own stock exchange, its own naval and aircraft register and also the right to hold the registers for the ships and vessels of five European States without a direct access to the sea: Switzerland, Austria, Hungary, Czech Republic, Slovakia.

The regime of international Free Port of the Free Territory of Trieste recognizes to the maritime, commercial, artisan, industrial and financial enterprises of all States of the World the right to free traffic, store-housing, trading and manufacturing their goods, without taxes and without discriminations.

The Treaty of Peace does as well establish that the management of the international Free Port is overseen by an International Commission, whose membership rights are held by both European (France, United Kingdom, Switzerland, Austria, Hungary, Poland, Czech Republic, Slovakia, Slovenia, Croatia and other Successor States of Yugoslavia, Italy), and extra-European States (United States of America, Russia and other Successor States of the USSR).

After the end of the Cold War and of the dissolutive crisis of Yugoslavia, the international Free Port of the Free Territory of Trieste has gained new strategic roles for the free development of European and international economy, especially when it comes to the increasing of traffics on the Baltic-Adriatic and Transsiberian Routes and the doubling of the Suez Canal, through the natural, strategic terminals consisting in three ports of Eastern Adriatic: Trieste (Free Territory), Koper (Slovenia) and Rijeka (Croatia).

## **II - 4.**

The legal and administrative status of the current Free Territory of Trieste and of its international Free Port is established under multilateral normative instruments that have not been amended by other instruments of international law ranking *pari passu* and cannot be amended with interpretations, national laws or bilateral agreements.

The Republic of Italy has recognized, without reserves, this legal and administrative status of the Free Territory of Trieste and of its international Free Port by signing, ratifying and executing both the Treaty of Peace and all other multilateral and bilateral agreements of which Italy and the Free Territory of Trieste are Contracting States.

Therefore, the provisional Italian Government has, to this day, jurisdiction over two different States and under different titles: over the Republic of Italy, on behalf of the Italian

Parliament, and over the current Free Territory of Trieste on behalf of the Security Council of the United Nations.

Due to this, the Italian Government and its Ministry of Foreign Affairs do also act as foreign representatives and they represent, before the European Union, two different sovereign States: the permanent representation abroad of the Republic of Italy and the temporary foreign representation of the current Free Territory of Trieste.

## **II – 5.**

The European Union, founded in 1957 with the EEC Treaties, has recognized in its official acts this legal administrative status of the current Free Territory of Trieste and of its international Free Port as established under the Treaty of Peace of 1947 and under the Memorandum of Understanding of 1954, which it has no power to repudiate nor to amend, either directly or indirectly.

The recognition of the European Union is due to:

a) article 351 TFEU (ex Article 307 TEC and ex Article 234 TEEC) : *«The rights and obligations arising from agreements concluded before 1 January 1958 or, for acceding States, before the date of their accession, between one or more Member States on the one hand, and one or more third countries on the other, shall not be affected by the provisions of the Treaties.»*

The norm implies that all applications of the law of the EU conflicting with the obligations established under the Treaty of Peace of Paris of 1947 and under the Memorandum of London of 1954 do also constitute a violation of the legal order of the EU;

b) by point 1 of the Declaration of the European Council and of the European Commission annexed to the minute of the adoption of Directive 69/75/EEC harmonizing the regulation of community free zones, that *«su comunicazione della delegazione italiana e in relazione con l'art. 234 del Trattato»* («following communication from the Italian delegation and in regard to Article 234 of the Treaty of Rome») imposing respect for the previous rights and international obligations, recognizes that *«Il Porto Franco di Trieste è stato istituito dall'Allegato VIII del Trattato di pace fra l'Italia e le potenze alleate ed associate, firmato a Parigi il 10 febbraio 1947, e ha formato oggetto del memorandum di Londra del 5 ottobre 1954»* («The Free Port of Trieste has been established under Annex VIII of the Treaty of Peace between Italy and the Allied and Associated Powers, signed in Paris on 10 February 1947, and has been the subject of the Memorandum of Understanding of London of 5 October, 1954»).

The declaration constitutes a recognition of the fact that the status of the international Free Port cannot be amended by Community laws and it must be enforced in compliance with the Treaty of Peace, which establishes it as a state corporation of the Free Territory of Trieste (Annex VIII, Article 2), even by the Italian Government which is its provisional government under the Memorandum of Understanding of London of 1954.

c) by the fact that, consequently, the European Union does not recognize that either the Free Territory of Trieste or its international Free Port belong to the custom or custom-free territory of the State of Italy and of the EU itself (Council Regulations EEC No. 1496/68, 2151/84, 450/2008; Special report No 2/93 of the European Court of Auditors).

## **II – 6.**

The current Free Territory of Trieste is not a Member State of the European Union, entrusted under a mandate of temporary administration and foreign representation to the Government of a Member State, Italy.

Due to this, the provisions of the Treaties establishing the EU can be enforced within the current Free Territory of Trieste only by activating the special provision at Article 355, point 3 TFEE (ex 227 point 4 TEEC, former 229 TEE) regarding *«to the European territories for whose external relations a Member State is responsible // aux territoires européens dont un État membre assume les relations extérieures»*, therefore, without the title of sovereignty, but due to particular situation of international law.

The entrusted, provisional Italian Government has activated this norm by adding to the legal order of the Free Territory of Trieste the Italian law of ratification and execution of the EEC Treaty of 1957, by publishing that on the *Bollettino Ufficiale del Commissariato Generale del Governo per il Territorio di Trieste* (Official Bulletin of the General Commissariat of Government for the Territory of Trieste) No. 3/1958, but it has never concluded the agreements needed to implement that.

## **II – 7.**

The special norm referred above has the purpose to allow the temporary aggregation of an independent Territory (which, as for this case, has the status of a State and it is recognized and administered as such) to the entitlement of rights and duties of a Community of States with which that does not have ordinary agreements of adhesion or association regulating the relations between other States and the EU.

Therefore, the enforcement of the special norms requires special implementing agreements, contracted and formalized under the provisions of customary international law or according to a specific regulation of the EU, which would grant to all parties (out of which, the Territory to be temporarily aggregated is the weakest one) the needed guarantees as for free consent, equal treatment, convenience, legal certainty and the prevention of possible discriminations and abuses.

Otherwise, there already is discrimination in the very fact that a European Territory, which is also a Sovereign State, is temporarily aggregated to the European Community of States without receiving guarantees regarding negotiations and formal agreements equal to those offered to all other States and territories which are part of it under a title of adhesion, association or other.

This form of discrimination is not allowed, not under International law nor by the laws establishing the EU, which is a Union of States founded on mutual agreements under equal conditions (TEU, articles 1, 4 point 2, 8).

Follows that the special norm that the administering Italian Government and the European Union applied to the Free Territory of Trieste to subject it to the Treaties of the European Commission has legal effects only in execution of detailed, formal agreements establishing, under international and European law, a special regime of temporary aggregation that is equal and defined with the express consent of the population of the Territory to be aggregated and of its provisional foreign representatives, but also with the consent of the Member States of the Community.

As for the case of the Free Territory of Trieste, no such formal agreements exist, as the provisional Italian Government omitted to demand and stipulate these.

## **II – 8.**

This omission is malicious, because the Italian Government, instead of stipulating the agreements needed to implement the temporary aggregation of the Free Territory of Trieste to the EU, has simulated that the current Free Territory, as well as its international Free Port, is a province of the Republic of Italy, therefore mandatorily included in the EU as part of the national territory of a Member State.

This simulation committed by the Italian Government is an unprecedented, political-diplomatic deception, violating on different levels and at the same time international law and the law of the European Union and specific Treaties, to the unfair advantage of a Member State and to the disadvantage of the State, population and of the enterprises of the Free Territory of Trieste, as well as of the other Member or Associated States of the EU and of the International Community.

## **II – 9.**

To this moment, the deception committed by the Italian Government was endorsed - actively or passively - by the European Union, yet, that cannot amend the Treaties establishing the Free Territory of Trieste and its current status of provisional Government, which, on the other side, were also recognized by the Republic of Italy itself, by the EU and by its other Member States.

Therefore, to this day, all forms of enforcement of laws of the European Unions to the Free Territory of Trieste and to its international Free Port under the assumption that those are part of the national territory under sovereignty of the Republic of Italy constitute a violation of international law and of the law of the EU as well as being, *ipso facto*, illegitimate and legally null and void.

The nullity does also affect all the provisions adopted under this assumption towards other subjects, for example people and enterprises, within the Free Territory of Trieste and within its international Free Port.

Due to this, the enforcement of the laws of the European Union to the Free Territory of Trieste, to the international Free Port and to said subjects could only be legitimate for procedures in which both the Italian Government and the European Union formally recognize to be acting upon full recognition of the sovereignty of the Free Territory of Trieste, currently under a provisional, special trusteeship.

Anyways, all possible agreements between the current Free Territory of Trieste and the European Union remain completely to be negotiated according to the interests and the will of the parties: precisely, the European Union on one side and the Free Territory of Trieste on the other side.

## **II - 10.**

Also, in order to simulate the sovereignty of the Republic of Italy over the Free Territory of Trieste, the provisional Italian Government does not allow the sovereign population of the Free Territory of Trieste to elect, under this title, its exclusive representatives within the European Parliament, neither directly nor within Italian representation, which does not envision seats reserved to the representatives of the Free Territory.

This way, the Free Territory of Trieste is illegally subject to all legal, economic and fiscal (Italian and European) obligations of a Member State of the European Union, but without being recognized as one, and it is also denied the right to be officially represented within the EU with its own, democratic elections.

The unfair imposition of the Italian fiscal regime to the citizens and to the enterprises of the current Free Territory of Trieste even to maintain the structures of the European Union, yet, without them being represented as such, does violate also in the EU framework the fundamental principle of political and economic democracy which founds the independence of the United States of America: *no taxation without representation*.

## **II - 11.**

The treatment imposed this way to the Free Territory of Trieste, to its citizens and to its enterprises are not those owed to the EU by an independent European State entrusted to the foreign representation of the provisional Italian Government, rather, these equal to those of a forced colony of the State of Italy, which is also denied the guarantees of the formal agreements offered by the EU to the former, extra-European colonial territories.

The abnormal behaviors of the provisional Italian Government did therefore constitute a complex situation of serious illegitimacy in the relations between the Free Territory of Trieste, the European Union, the Republic of Italy, the other Members and Associated States of the EU and the other States of the International Community.

## **II - 12.**

The violations and discriminations committed by these means by the Government and the State of Italy do not have a mere formal nature, as those do cause concrete, severe damages to both the population of the Free Territory of Trieste and to the other Member or

Associated States of the European Union, but also to all the States of the international Community.

This is due to the fact that the Italian Government and the Republic of Italy use said violations of international and European law as antidemocratic instruments to violate, for the advantage of Italy, the freedoms and the civil, social, political, economical and fiscal rights of the citizens and of the enterprises of the Free Territory of Trieste, as well as to paralyze the development of the traffics and of the industries of the international Free Port of the Free Territory of Trieste in order to illegally divert those on certain ports of the Italian peninsula (see following points III - 1 and III - 2).

With said abuses, the Italian Government and the Republic of Italy do illegally subtract to the citizens, families and enterprises of the Free Territory of Trieste the main sources of work and about 80% of the produced and producible profits, as well as preventing all foreign enterprises and to all other States to exercise their general and special rights as for the international Free Port of Trieste and to gain economical, financial and market profits - direct and indirect.

Because, as a matter of fact, the damages caused by these means do affect, besides the Free Territory of Trieste, also the general rights of the States and enterprises of the European Union and of the International Community and the special rights of certain European States (France, United Kingdom, Switzerland, Austria, Hungary, Poland, Czech Republic, Slovakia, Slovenia, Croatia and other Successor States of Yugoslavia) and extra-European States (United States of America, Russia and other Successor States of the USSR).

## **II - 13.**

The violations of international and European law committed by the Italian Government and by the Republic of Italy against the Free Territory of Trieste, against its citizens and enterprises, against its international Free Port and against the other international subjects involved to therefore constitute a complex, legal and economic controversy.

This complex, multilateral controversy opposes the Italian Government and the Republic of Italy on one side, as violators, and on the other side, as offended parties, the Free Territory of Trieste (whose direct guarantor is the Security Council of the United Nations), the other States of the International Community, the European Union and its other Member States, as well as having implications on the interests of their trade, artisan, industrial and financial enterprises.

All damaged subjects, precisely, the citizens of the Free Territory of Trieste, their organizations and their enterprises, foreign enterprises and other States of either the EU or the International Community, are therefore legitimized to start, as individuals or jointly, this legal controversy before international competent Courts and before the EU.

## **II - 14.**

The right of the citizens of the Free Territory of Trieste and of their organizations and enterprises to start and to debate this controversy both with petitions to the European

Parliament and with legal actions and appeals to other institution of the European Union originates from the fact the EU has assigned to the citizens of the Free Territory of Trieste all rights related to citizenship of the European Union both under Article 355, point 3 TFEU and as a consequence of the abuses committed by the Italian representatives that are denounced in this petition.

The right of the other enterprises and of the other States of the EU and of the International Community to appeal to the institution of the EU to defend their rights on the international Free Port of Trieste is a consequence of the fact that said rights are violated by the illegal actions of a Member State with the - active or passive - endorsement of the EU.

#### **II - 15.**

The European Union has the right, duty and power to admit and tackle this controversy, both in its own and within the United Nations, since the Founding Treaties oblige both its domestic action and foreign policy:

a) to respect and have respected the international agreements stipulated by its Member States before 1.1.1958 (art. 351 TFEU, ex 307 of the TEC, previously 254 of the EEC Treaty), which the EU had no power to amend: such are the Treaty of Peace of Paris of 10 February 1947, the agreements for the execution of the Treaty and other international agreements in which the Free Territory is a Contracting State.

b) to promote, with all its actions, democracy and the rule of the law, to respect the United Nations Charter and international law, to promote multilateral solutions to common problems, and to take action, for this purpose, even within the United Nations when it comes to matters being or to be placed on the agenda of the Security Council of the United Nations (TEU, articles 2, 3 point 5, 34 ex Article 19 TEU).

#### **II - 16.**

The action of the EU in the international and European controversy regarding the Free Territory of Trieste does not constitute interference in the domestic affairs of foreign policy of a Member State, because:

a) the Free Territory of Trieste is a non-Member State of the UE and it does not belong to the Republic of Italy since 15 September 1947;

b) the Italian Government exercises the temporary civil administration of the Free Territory under a mandate of the Security Council of the United Nations, not under a mandate of the Italian Parliament, which has no jurisdiction on that, since 15 September 1947;

c) the violations committed by the State and Government of Italy denounced in this petition do directly involve responsibilities, rights and interests of the EU and of its Member-States.

d) the attempt of the Italian Government and of the State of Italy to simulate Italian sovereignty over the Free Territory of Trieste does as well constitute, *de facto*, a

renouncement to the foreign representation of the Free Territory of Trieste before the EU (see following point III - 6).

## **II - 17.**

Therefore, any refusal of the EU to intervene as for this international controversy, or to tackle it with appropriate actions would be unjustified, and it would lead to a controversy with the EU itself, which would expose it also to the complaints of all the enterprises and European or extra-European States damaged in their rights on the international Free Port of Trieste, including the United States, Russia, China, India, Brazil and the other States with a particular strategic and economical international importance.

## **III. GROUNDS OF URGENCY**

### **III – 1.**

The intervention of the EU in the current controversy is necessary and extremely urgent since, between 2014 and 2015, the Italian Government and the State of Italy, taking advantage also of the inertia of the EU, did accelerate to made irreversible the illegal dismissal of the economy of the Free Territory of Trieste and of its international Free Port before there can be any reaction from the local population, other States of the European Union itself.

To archive that, the Italian Government and the State of Italy:

a) increased, beyond any precedent limit, tax abuses against people, families and enterprises of the Free Territory of Trieste, who are forced to pay double the taxes due as their taxes are burdened by the enormous public debt of Italy, from which they are exempted (Treaty of Peace, Annex X, article 5: *«The Free Territory shall be exempt from the payment of the Italian public debt.»*), including the Italian contributions to the European Union, of which the Free Territory is not a Member State;

b) use and sell as if these were properties of the Demanial and State Property of the State of Italy properties which to actually belong, legally (Treaty of Peace, Annex X, article 1 and Annex VIII, article 2, point 2) to the Demanial and State Property of the Free Territory of Trieste and to that of its international Free Port;

c) do illegally impose to the international Free Port of the Free Territory of Trieste the jurisdiction of the Republic of Italy, in violation of the specific prohibition at article 3, point 2 of Annex VIII of the Treaty of Peace: *«The establishment of special zones in the Free Port under the exclusive jurisdiction of any State is incompatible with the status of the Free Territory and of the Free Port.»*

d) refuse to fully implement to the international Free Port of the Free Territory of Trieste even the minimum, temporary regime established under the Memorandum of Understanding of London of 1954 (article 5), so damaging the Free Territory and other European and extra-European States;

e) do illegally repel - by active and passive means of dissuasion - maritime, industrial and financial investors from the international Free Port of Trieste;

f) abandoned the Northern Free Port, strategic, equipped sector of the international Free Port of the Free Territory of Trieste, to attempt getting rid of it and to realize in it building and housing speculations, which are under relevant anti-mafia questions;

g) are attempting to paralyze the Southern Free Port and the TAL terminal (the Transalpine mineral oil pipeline that supplies Austria, Germany and Czech Republic) of the Free Territory of Trieste with a dense maritime traffics of gas carriers, which would damage the nearby Slovene port of Koper as well;

h) in order to realize said impediment to the ports, involving gas carriers, they are attempting to force, with the support of the EU, the construction of NGL terminals within the port of Trieste, where those would as well constitute an extremely serious risk due to both disastrous accidents or terroristic attacks;

i) levy illegal taxes from the port of Trieste, as well as increasing these higher than in Italian ports on both the anchoring of ships and on the loading or unloading of goods (Italian Ministry of Infrastructures and Transport, Decree of 24 December 2012, point 5);

j) do falsely claim that Italy has the right to move away, to Italian ports, the regime of international Free Port of the Free Territory of Trieste, and they did as well prepare this action;

By the mean of these abuses, the Italian Government is attempting to divert to the ports of the Italian peninsula (*see annex 2*) the enormous flows of traffics envisioned on the Baltic-Adriatic and Transsiberian Routes and with the doubling of the Suez Canal, whose natural operation ports are actually the international Free Port of the Free Territory of Trieste and the nearby ports of Koper (Slovenia) and Rijeka (Croatia).

As for the Free Territory of Trieste, the attempt to divert its traffics violates the specific international prohibition established under the Treaty of Peace, Annex VIII, Article 16, point 3: *«The States assuming the obligations of the present Instrument shall take no measures regarding regulations or rates which would artificially divert traffic from the Free Port for the benefit of other seaports.»* Therefore, this prohibition is one of the international obligations safeguarded under Article 351 TFUE.

Despite this, to this moment, the illegal diversion action of Italian politicians has been supported by the European Union and by Austrian political environments, especially in Carinthia.

### **III - 2.**

The illegal Italian operation to divert the traffics would also have negative serious, strategic consequences for the economic stabilization of South-Eastern Europe.

The synergic development of the Eastern Adriatic Ports of Trieste, Koper and Rijeka has a primary European strategic value, as it is decisive for the economy and stability of three States (Free Territory of Trieste, Slovenia, Croatia) and for the whole region, including Hungary, Bosnia and Serbia.

Contrarily to this, the Italian operation of diversion consists in a further weakening of this weak area, by taking away from the Eastern Adriatic region, against which Italy has abnormal political behaviors (see following point III - 4) relevant traffics, as well as supercharging the already rich system of ports of the Italian peninsula, with flows of traffics which do not belong to it nor does it need.

Especially, the diversion would reinforce the Italian ports used by big Italian criminal organizations that keep expanding their economic, logistic and political power both on the European and international level.

In the public activities of Italian politicians and public administrations who support this illegal attempt of diversion of European traffics there are, since long, documented evidences of the typical corruptions of the political, social and institutional Italian system.

### **III - 3.**

For the above mentioned reasons, the Government and the State of Italy do not answer to the official acts of complaint and warnings of the Free Trieste Movement, notified to them since June 2013, as well as trying to repress its opposition and the resistances of the citizens and enterprises of the Free Territory of Trieste by the means of serious campaigns of disinformation, news blackouts, public threatens, judicial abuses. To those means, currently were added Italian military demonstrations, which violate the neutrality and demilitarization of the Free Territory (Treaty of Peace, Annex VI, article 3).

The Italian politicians and institutions justify said actions of repression and intimidation by falsely claiming, even in official acts, that the Free Territory has never been established, that for this reason the provisions of the Treaty of Peace regarding it would have expired, and that therefore Italy has either maintained or regained sovereignty over Trieste and over the whole, original Free Territory.

This kind of political thesis of the Italian Government and of the Republic of Italy, as well as the acts they commit to enforce those, violate at the same time the specific Treaties and the international conventions on the matter (United Nations Charter, Vienna convention on the Law of Treaties, Final Act of the Helsinki Conference on Security and Co-operation in Europe and more).

### **III - 4.**

The false Italian thesis on the non-validity of the provisions of the Treaty of Peace regarding the Free Territory of Trieste are as well the main argument in Italian nationalistic political propaganda against Slovenia and Croatia.

In facts, between 1985 and 1996, in parallel with the dissolutive crisis of former Yugoslavia, Italian politicians did revitalise said thesis, along with official accreditations and massive founding, transforming these in doctrine of State to fuel political claims, as well as classified military projects during the Croatian-Serbian war (1991-95), as well as to oppose the entrance of Slovenia in the EU.

After said aggressiveness was stop, Italian politicians turned them in actions of political-economic penetration in Slovenia and Croatia. Since 2006, they added to that the unilateral "restitution" of Italian citizenship to Slovene and Croatian citizens in the territories ceded with the Treaty of Peace. This unilateral "restitution" is a direct violation of the sovereignty of Slovenia and of Croatia.

This kind of Italian actions of destabilization in the area cannot be ignored, being connected with analogue operations in other European region, as well as involving the interests of Italian organized criminality.

The international political-diplomatic and economic consolidation of the Free Territory of Trieste and of its Free Port is therefore a needed and efficacious instrument to contrast those actions of destabilization.

### **III - 5.**

All the circumstances exposed above to also make it clear that the administering Italian Government act for interests and by means that cannot be conciliated with the legitimate interests of the Free Territory of Trieste, of its international Free Port land of all States holding general and special rights on that, including other Member States of the European Union.

This conflict of interests of the administering Italian Government is therefore causing serious and increasing economical damages to those subjects, violates the fundamental principles of democracy and legality, of international law and of the law of the European Union, as well as being a factor of destabilization of the North-Eastern Adriatic area.

This does also contrast with the mutual interest of the International Community, of the European Union and of the Free Territory of Trieste to the maximum stability of the region and to its democratic and economic development at the service of international trade.

Also, the European Union has the right and duty to defend the Free Territory of Trieste as Territory and State aggregated to the EU in fulfillment of Article 355 point 3 TFEU.

Therefore, as for this purpose, the European Union does also have the right to support the necessity that the Security Council of the United Nation takes care, due to its role of guarantor of the Free Territory of Trieste (Resolution 16/1947, Article 21 of the Treaty of Peace) to efficiently and promptly solve the current conflict of interests caused by the actions of the provisional Italian Government.

### **III - 6**

The provisional Italian Government and the State of Italy did, *de facto*, renounce to the foreign representation of the Free Territory of Trieste (see previous points II - 4 and II - 6) with the attempt to simulate that it does not exist as it belongs to the Republic of Italy, and with the attempt to appropriate, by doing so, of the International Free Port of the Free Territory of Trieste, on which there are rights of all States.

Therefore, the permanent foreign representation of the Free Territory of Trieste can be exercised only by a new subject, to be appointed directly by the Security Council of the United Nations (UNSC Resolution 16/1947, Treaty of Peace of Paris of 10 February 1947).

Until this appointment takes place, international law allows that the foreign representation of the Free Territory of Trieste is temporarily exercised by an organization of citizens, established in order to defend from all violations the independence of the State and the freedom and civil, social, political, economical and fiscal rights of its sovereign population.

The Free Trieste Movement - Gibanje svobodni Trst – Bewegung Freies Triest – Free Trieste Movement declares to have this role and presents this petition, precisng that the main violations of the rights of the sovereign population and of the enterprises of the Free Territory of Trieste are listed in the «Carta dei Diritti dei Cittadini e delle Imprese del Free Territory of Trieste // Charter of Rights of the Citizens and of the Enterprises of the Free Territory of Trieste» (annex 3).

#### IV. REQUESTS

In consideration and after exposing this, we demand to the European Parliament, represented by its president *pro tempore* Martin Schulz, and, through him, to the European Commission, to take care, with specific resolutions:

- a) to urgently begin the official verification of the controversy opened with this petition, verifying the legal relations existing in 1957 between the European Union, the current Free Territory of Trieste and the Republic of Italy, also in regard to the exercise of the general and specific rights of the Member States of the EU, of third States and of their enterprises as for the international Free Port of Trieste;
- b) to report directly to the Security Council of the United Nations, represented by the President-In-Office, the controversy opened with this petition which, for this purpose, is presented in Italian and translated in English, as well as referring, in its premise, to the first 15,000 signatures of the citizens of the Free Territory of Trieste already collected to address the Security Council for it to restore the correct, special trusteeship established under Resolution 16/1947 UNSC and under Annex VII of the Treaty of Peace between the Allied and Associated Powers and Italy, signed in Paris on 10 February 1947;
- c) to formally invite the Italian Government to refrain, until the conclusion of the verification, from any action that might worsen the international and European controversy opened with this petition;
- d) to take all other political-diplomatic, legislative and economic measures needed to put an end to the circumventions of international and Community law that will detected in the

relations that existed in 1957 between the European Union, the Republic of Italy and the current Free Territory of Trieste, even when it comes to the exercise of the general and specific rights of the Member States of the EU, of third States and of their enterprises as for the international Free Port of Trieste;

e) to open the projects and negotiations to revise the relations between the European Union and the current Free Territory of Trieste, represented by its official representative appointed by the Security Council of the United Nations and in accordance with the rights of democracy and self-determination of the sovereign population of the Free Territory of Trieste;

f) to invite, for this purpose, the Security Council of the United Nations to facilitate said negotiations by perfecting the implementation of the ulterior phases of the provisional regime of the Free Territory of Trieste established under Resolution 16/1947 and Annex VII of the Treaty of Peace between the Allied and Associated Powers and Italy, signed in Paris on 10 February 1947;

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The Free Trieste Movement advocates the support of all Member States of the European Union, of all States of the International Community, and of all international subjects interested in this petitions for its contents and purposes of pacific re-establishment of violated legality.

The Free Trieste Movement reserves the right to provide to the European Parliament, to the European Commission, to the Member States of the EU and to other interested subjects any other information, analysis or document appropriate or necessary.

The petitioners ask to be heard by the Committee on Petitions and by all other competent bodies of the European Parliament and of the European Union.

The petitioners ask that any communication, request or answer about this petition or procedures related to it is sent to them at the following address:

Movimento Trieste Libera

Trieste, 3 June 2015

Roberto Giurastante, personally and as President  
of the Free Trieste Movement



Paolo G. Parovel, personally and as Representative  
of Foreign Relations of the Free Trieste Movement

