

**Alternative Report submitted to the UN Committee on Economic,  
Social and Cultural Rights for the consideration of the Fifth Report  
on the Italian Republic during its 56th Session**

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**FOCUS ON:**  
Free Territory of Trieste  
and International Free Port of Trieste  
abuses committed by  
the Italian Government

**WITH REQUESTS:**  
for recommendations of the Committee  
to the UN Security Council  
to the UN General Assembly  
to the UN Secretary-General

## **ORGANIZATION THAT PRESENT THE REPORT**

This Alternative Report was compiled and submitted by the **Movimento Trieste Libera - Gibanje Svobodni Trst - Bewegung Freies Triest - Free Trieste Movement** (from hereon, "FTM") on the occasion of the 56th Session of the Committee on Economic, Social and Cultural Rights - CESCR (henceforth, "the Committee") in Geneva, 21 September - 9 October 2015.

The FTM is a political organization with the character of an international subject that represents the rights and interests of the citizens *de jure* and of the residents of the current Free Territory of Trieste or "FTT" as well as protecting the interests of the International Community and its States to the full, correct and undisturbed functioning of the international Free Port of Trieste.

For this purpose, since years, the FTM conducts a strong, legal and political-diplomatic action, consisting in formal acts submitted to Italian authorities, to diplomacies of other States and to the United Nations Security Council<sup>1</sup>. All those writs are fully recalled in this Communication to this Committee as evidences of the founded legal information and requests made.

The FTM has its registered office and headquarter in Trieste and it acts on behalf of its members and by virtue of more than 20,000 signatures of citizens, 15,000 of which have already been sent to the United Nations Security Council requesting as a matter of urgency the re-establishment of the temporary administration of the Free Territory of Trieste, in the best interest of the international Community of States and to full, correct and undisturbed functioning of the international Free Port and Free Territory of Trieste.

## **IN REQUEST TO THE COMMITTEE**

The Alternative Report here provides information and brings forward concerns in the relation to the Free Territory of Trieste with the Government and with the State of Italy.

In (?) August 2015, the U.N.P.O. (from hereon UNPO) presented an "Alternative Report" that has been published by the Committee, referred to "INT\_CESCR\_CSS\_ITA\_2143\_E", and it seems like it will be also considered during the 56th Session on 23 or 24 September 2015.

The information is that UNPO, in its Report to the Committee, omits to give rise to the actual legal status of the Free Territory of Trieste and of the international Free Port, and it makes no mention of the non-observance of

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<sup>1</sup> Link to the Documents and international actions of the Free Trieste Movement: <http://www.movimentotriestlibera.net/wp/archives/2976>

<sup>2</sup> Email sent on 6 June, subject: "Communication for the Directorate of UNHCHR".

Italy of the international status of the FTT.

Incomplete information, rather than protect the current Free Territory of Trieste and its international Free Port, and other States rights, may lead Italy to safeguard its own State's interests and cause unsubstantiated territorial claims made against the Republic of Slovenia and the Republic of Croatia.

The FTM reported the circumstances above to the UNHRC<sup>2</sup> on 6 June 2015.

Nevertheless, the FTM is herewith and by means of this Alternative Report requesting to the Committee in the 56th Session to compare and verify the factual, legal and political information concerning the Free Territory of Trieste and its international Free Port.

### **SECTION A: Content of the Report**

This Alternative Report is formally submitted to the United Nations Committee on Economic, Social and Cultural Rights (from hereon Committee) in accordance with the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*.

The specific matter referred to in this Alternative Report cannot be attained via domestic remedies due to the special international obligations given to the Government of Italy, under the aegis of the United Nations Security Council, therefore any judicial, political, and administrative intervention of the bodies of the State and of the Government of Italy would result in conflict of interest.

Thus, this Report to the Committee is in request to evaluate infringements with respect to the International Covenant on Economic, Social and Cultural Rights (from hereon CESCR) in relation to the Government of Italy entrusted with the temporary Mandate in civil administration. Similarly, the State, the Republic of Italy occupying the Free Territory of Trieste by taking ungranted sovereignty.

Failure to act non in accordance with the CESCR Protocol leads to denial of rights of the citizens of the Free Territory of Trieste, and to be deprived of inner resources and economic and cultural development.

### **SECTION B: the Free Territory of Trieste, its international Free Port and their relations with the Government of the Republic of Italy as provisional trustee and with the Republic of Italy as third State condition.**

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<sup>2</sup> Email sent on 6 June, subject: "Communication for the Directorate of UNHCHR".

1. The Free Territory of Trieste is on the Northern edge of the Eastern coast of the Adriatic Sea. Trieste - Trst - Triest is the historical and cosmopolitan port of *Mittleuropa* and its population is formed by the coexistence of many cultures and religions.

2. The Free Territory of Trieste is established and recognized since 15 September 1947 as a Member State *de jure* of the United Nations and under the expected Provisional Regime of Government, implementing Resolution No. 16/1947 of the United Nations Security Council and the Treaty of Peace between the Allied and Associated Powers and Italy signed at Paris on 10 February 1947<sup>3</sup>.

3. The provisions of the Treaty of Peace establish and regulate the Free Territory of Trieste in articles 4, 21, 22, 48 paragraph 5, 78 paragraph 7, 79 paragraph 6 g, 85, and Annexes I D (Borders), VI (Permanent Statute), VII (Provisional Government), VIII (Instrument for the International Free Port), IX (Technical Dispositions), X (Economic and financial provisions).

Both Resolution No. 16/1947 and the Treaty of Peace assign the defence of the integrity and independence of the Free Territory of Trieste to the United Nations Security Council, directly.

The Provisional Regime of Government of the Free Territory of Trieste given in a form of special trusteeship of the United Nations, between the *International Trusteeship System* and the more recent *UN Transitional Administration*, and under the aegis of the Security Council (not to the UN Trusteeship Council).

The Paris Treaty of Peace establishing the international Free Port as a State Corporation of the Free Territory of Trieste destines the store-houses, traffics, manufacturing and goods processing to the benefit of all States, tax-free and without discrimination, all of which under the control of an International Commission consisting of representatives of: the Free Territory of Trieste, France; 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 and Hungary. Also, the Treaty of Peace assigns to the Port of Trieste the maritime registers for commercial ships registration of Switzerland, Austria, Hungary, Czech Republic and Slovakia.

The preceding sovereignty of Italy (1920-1947) over the FTT region ceased permanently and without reserves at the coming into force of the Treaty of Peace, on 15 September 1947 (Treaty of Peace, article 2) and it has never

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<sup>3</sup> United Nations Treaty Series (UNTS) Volume 49 and Volume 50.

been re-established.

The Treaty of Peace of Paris is a multilateral normative Treaty, cannot be amended without it violating the provisions and procedures of international law as is consolidated with the Vienna Convention on the Law of Treaties. In particular, it cannot be amended with bilateral agreements like the Italian-Yugoslav Osimo Treaty of 10 November 1975, neither by national laws and judgments nor by changes in circumstances regarding borders designated by the parties involved by tracing of territorial boundaries.

4. Therefore, all provisions of the Treaty of Peace concerning the Free Territory of Trieste are in force to this date with the exception of the territorial clauses of former "Zone B", for inapplicable since 1992 ex-article 30 paragraph 3 of the Vienna Convention on the Law of Treaties and taken effect of the recognition of the Republics of Slovenia and Croatia by Signatory States of the Treaty and by the United Nations Security Council<sup>4</sup>.

5. The current Free Territory of Trieste [FTT] consisting of the capital city of Trieste, an international Free Port, and five smaller nearby Municipalities, formerly known as "Zone A". Since 1992, the former "Zone B" has been internationally recognized under the sovereignty of Slovenia and Croatia.

6. With the implementation of the Treaty of Peace, the provisional administration of the current Free Territory of Trieste on behalf of the United Nations Security Council was entrusted, since 15 September 1947 to a first Government of State established as "Allied Military Government - Free Territory of Trieste" (AMG - FTT).

7. This, first, provisional State Government of the current Free Territory of Trieste on behalf of the United Nations Security Council was entrusted to the responsibility of troops Commands of United States and of United Kingdom that were already in the area since 1945 as occupying government by virtue of the clauses of the armistice with Italy of 3 and 29 September 1943.

8. Since 1954, to disengage the Anglo-American armed forces, the function of provisional Government of State of the current Free Territory of Trieste on behalf of the United Nations Security Council was turned from military administration of the AMG - FTT to a civil administration, entrusted to the responsibility of the Italian Government by virtue of the Memorandum of Understanding signed at London on 5 October 1954, an executive instrument of the Treaty of Peace put into force.<sup>5</sup>

The special function of the Italian Government as temporary civil government

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<sup>4</sup> S/RES/753 (1992); S/RES/754 (1992); US Department of State, *Treaties in Force*, 2013

<sup>5</sup> United Nations Treaty Series (UNTS) Volume 235 and US Department of State. *Treaties in Force*, 2013

of the Free Territory of Trieste on behalf of the United Nations Security Council is different and separate from the ordinary function of the Italian Government within the Republic of Italy and that of the Italian Parliament. For functions are different and over two distinct separate States.

9. The Rules of the Treaty of Peace regarding the Free Territory of Trieste are also Rules enforced by the State of Italy, by virtue of its own laws as ratified and implemented as follows: Law No. 811 of 2 August 1947; and Legislative Decree of the Provisional Head of State No. 1430 of 28 November 1947, and Law No. 3054 of 25 November 1952. The said laws constitute, within the Italian legal system, that international obligations prevail over national and regional legislation (Constitution of the Republic of Italy, article 10, paragraph 1 and article 117, paragraph 1).

10. The Republic of Italy, as third State, is therefore obliged to observe the provisions of the Treaty of Peace, but it does not and it cannot obtain sovereignty or jurisdiction over the Free Territory of Trieste and its international Free Port.

The Italian Government continues to date (2015) to maintain and exercise, directly and through a delegated Commissar, its jurisdiction over the current Free Territory of Trieste and over its international Free Port, on the basis of temporary civil administration on behalf of United Nations Security Council.

The provisional Government, by fact, is not adhering to the mandate of the United Nations Security Council, for it has permitted to the State of Italy to act sovereign over the Free Territory of Trieste and its international Free Port, supported by the political and State bodies in order to maintain FTT in such condition.

By fact, the State of Italy has taken possession of tax revenues and property of the FTT State, it has that the People and Enterprises of the FTT are forced to exorbitant taxation fees by fiscal authorities of Italy, and emoluments collected used to pay Italy's public debt and not put to the FTT State budget. The nationalistic propagandas publicized by Italy since decades have served to obscure the rights of the FTT citizens including economic rights, including suppression of traffic of the international Free Port to favour Italian ports to Italy's benefit.

An appeal has been submitted by the FTM, so far with 15,000 signatures of FTT citizens, to the United Nations Security Council, to find re-established the temporary administration of the Free Territory of Trieste and to protect also the interests of the international Community of States to full, correct and undisturbed functioning of the international Free Port of Trieste.

The level of non-compliance of the Italian Government has been that of an

undependable provisional trustee. As for the State, the Republic of Italy, it has served to occupy the FTT State. The situation is having to this day serious consequences on the rights of the sovereign population of the Free Territory of Trieste, that finds itself rather than kept under the Protocol of CESCR, a total denial of its own resources and economic, social and cultural development.

### **SECTION C: Compliance with CESCR**

#### **Article 1.**

*1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

*2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*

#### **Article 15.**

*2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.*

The situation as described does not constitute breach of the first part of the norm, in relation to the right to political, internal and external self-determination, which allows oppressed or non represented people to freely claim their own sovereignty within domestic or international legal system(s).

This occurs due to the population of Trieste being already the Sovereign People of an independent State, as established and recognized member *de jure* of the United Nations, under protection of the Security Council and provided with its own legal system established under UNSC Resolution No. 16/1947 and under the Treaty of Peace, which includes both the Permanent Regime of Government and the Provisional Regime, still in progress.

Consequently, when it comes to the People of the Free Territory of Trieste there is no question as to political self-determination, but in relation to its rights to freedom: it is to have accomplished that the United Nations Security Council to a re-establish of a correct Command of Government by virtue of the Treaty of Peace, in order to end the illicit occupation with a designated border of State and to replace the undependable provisional Government with

a new other.

Furthermore, the FTM draws attention to the the fact that two unseemly Italian judgments (T.A.R. FVG No. 4/2013 and 530/2013) that appear to repress the rights of the Sovereign People of the Free Territory of Trieste.

Both judgments are public attempts to establish a non-existent Italian sovereignty over the Free Territory of Trieste and its international Free Port, this with merely political and nationalistic statements. Also, the second judgment (T.A.R. FVG 530/2013) that any declaration on the part of citizens of non-Italian sovereignty is to be prosecuted with crime of *subversion against the State*, and penalties up to 12 years of imprisonment.

On the breach of provisions of the CESCRC in regard to the rights of economic, social and cultural self-determination, precisely:

- the second part of paragraph 1 of article 1, affirming the right to economic, social and cultural (freely pursue their [...] development) self-determination;
- of paragraph 2 of article 1, which specifies the nature the social-economic rights, relating these to the right to freely dispose of their natural wealth and resources, as well as the fundamental right to subsistence ;
- of article 15, paragraph 2, in regard to the section that bounds the State Parties to grant the conservation and the development of the culture of the populations.

#### **SECTION D: infringement of economic and social rights**

The economic and social rights of the sovereign population of the Free Territory of Trieste are those established under the Treaty of Peace and under international conventions<sup>6</sup>.

The Sovereign People of the Free Territory of Trieste have the Right to make use of its internal natural wealth and resources for its economic development that are those assigned by the geo-economic position under the Treaty of Peace.

Therefore, among FTT internal resources, the sovereignty of State of the territory and territorial waters, port facilities and the status of the international Free Port are especially valuable.

The non-observance of the entrusted provisional Government of Italy of all

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<sup>6</sup> See: Charter of the Rights of the Citizens and of the Enterprises of the Free Territory of Trieste.  
LINK: <http://www.movimentotriestelibera.net/wp/wp-content/uploads/2015/05/2-Charter-of-Rights.pdf>



economic and social rights<sup>6</sup> of the Sovereign People of the Free Territory of Trieste, has been to lead the State, Republic of Italy to turn into an occupying Country which is contrary to as established by the Paris Treaty.

The escalating situation is cause and it continues to cause serious economic and social damages to the Sovereign People of the Free Territory, to have reached an increasing number of FTT enterprises driven to bankruptcy thus generating an increase in unemployment, poverty and the emigration of young people.

The condition of poverty is also an increasing portion of the population and worsened by the fact that the administering Italian Government does not take care to provide social assistance in accordance with article 11 of the CESCR «to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions»<sup>7</sup>.

The primary reason for this crisis is constituted by the fact that the administering Government of Italy does not separate the properties, finances and treasury of the Free Territory of Trieste from those of Italy allowing total take over the entrusted territory<sup>8</sup>.

The kind of financial administration adopted is not that of the international trusteeship mandate entrusted to the Government of Italy. Severe prejudices to the economic rights of the sovereign population of the Free Territory of Trieste, are mainly caused by the following facts:

– the fact that the occupying State of Italy has taken hold, administers and sells all public FTT properties, they being those of the Treaty of Peace under article 1 of Annex X and to the international Free Port at article 2, paragraph 2 of Annex VIII, including public maritime domain<sup>9</sup>.

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<sup>7</sup> See: "International Complaint versus the Italian Government as trustee of the Free Territory of Trieste under an international mandate and criminal complaint versus the mayor and other administrators of the Municipality of Trieste for violation of the fundamental economic rights of the citizens of the Free Territory of Trieste as for the right to work, equal retribution and taxation, social assistance, basic income, right to house".

LINK:[http://www.movimentotriestelibera.net/wp/wp-content/uploads/2014/09/International\\_Complaint\\_Criminal\\_Complaint.pdf](http://www.movimentotriestelibera.net/wp/wp-content/uploads/2014/09/International_Complaint_Criminal_Complaint.pdf)

<sup>8</sup> See: "Formal invitation to comply within 90 days to the obligations established under international and Italian law in regard to the Free Territory of Trieste, its citizens and residents, its enterprises and its institutions".

LINK: <http://www.movimentotriestelibera.net/wp/wp-content/uploads/2015/06/90-Days-Comm-GVT.pdf>

<sup>9</sup> See: "Request of registration to complete the Land Registry (*Grundbuch*) by immediately registering this request in the Land Registry itself in regard to the Land Registry Numbers to be established"

LINK: <http://www.movimentotriestelibera.net/wp/wp-content/uploads/2015/04/Copy-Registration-Request-Free-Port-TS.pdf> - and: "New request, with new facts, reasons, exceptions and requests, to urgently complete the Land Registry (*Grundbuch*) by registering *ex lege* the ownership and constrains of public properties in the Northern Free Port (s.c. Old Port) of Trieste"

– the fact that the occupying State, Italy subjecting the FTT citizens, residents and enterprises to taxes of Italy, is in non-compliance with the specific provision of article 5 of Annex X of the Treaty of Peace<sup>10</sup> and, in order to collect those undue amounts, it uses ruthless measures to expropriate the properties of both individuals and enterprises;

– the fact that the administering Government of Italy and occupying State of Italy are paralyzing economic traffic of the international Free Port of the FTT and to eliminate a relevant part of it (Northern Free Port) and divert its traffics onto Italian ports, thus not in accordance with the provisions of article 16, paragraph 3 of Annex VIII of the Treaty of Peace<sup>11</sup>.

– the fact that the administering Government of Italy and the occupying State of Italy did also devastate the environment's natural resources (soil, underground and waters) belonging to the People of the FTT, by means of illegal landfills, maritime dumping sites and polluting the air, disposing huge quantities of hazardous and other waste<sup>12</sup>.

#### **SECTION E: infringement of cultural rights**

Article 15 of the CESC, concerning the obligation of the States Parties to grant the conservation and development of the culture of the populations refers to culture for its anthropologic aspects and values, its fundamental aspects of collective and individual identity, which consists in linguistic, social, behavioural models, as well as to the freedom to preserve, pass down, elaborate and express them.

As for this aspect, the population of the current FTT uses as main communication language the local romance dialect, and the Italian language, but its identity, history and origins are markedly multicultural and multi-religious, as well as being consolidated not only within specific religious communities (Christians, Jewish, Islamic and others) and linguistic or ethnic groups (Slovenian, Croatian, Serbian, Greek, German, French, Romanian,

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LINK: <http://www.movimentotriestelibera.net/wp/wp-content/uploads/2015/08/New-Request-Freeportpublic.pdf>

<sup>10</sup> See: "Official communication about the Campaign of Fiscal Liberation of the citizens and enterprises of the Free Territory of Trieste started by the Free Trieste Movement".

LINK: [http://www.movimentotriestelibera.net/wp/wp-content/uploads/2015/03/2\\_Official-Communication.pdf](http://www.movimentotriestelibera.net/wp/wp-content/uploads/2015/03/2_Official-Communication.pdf)

<sup>11</sup> See: "Formal international notice to the Italian Government entrusted with the administration of the Free Territory of Trieste to fully implement the norms concerning the international regime and the naval registers of the Free Port of Trieste by issuing the annexed Decree".

LINK: [http://www.movimentotriestelibera.net/wp/wp-content/uploads/2014/09/Draft\\_Port\\_COMPLETE\\_ENG.pdf](http://www.movimentotriestelibera.net/wp/wp-content/uploads/2014/09/Draft_Port_COMPLETE_ENG.pdf)

<sup>12</sup> See: Roberto Giurastante, "Tracce di Legalità" ISBN: 978-8896680-21-6 and judgments of the European Court of Justice in Cases C-135/05 and C-196/13.

Chinese, Senegalese and others) but also by the fact that the majority of the population itself has mixed origins.

For these reasons, to preserve cultural rights as integral part of the population, especially the ones with Slovenian or of the other national or religious background does affect cultural communities of the Free Territory of Trieste.

The administering Government of Italy and the occupying State of Italy misuse their powers to systematically cancel or distort the historical heritage and the multicultural, individual or collective, identity of the population of the FTT by substituting with a history counterfeited, propagandas and ideologies belonging to Italian nationalism.

This operation of eradication and nationalistic cultural conditioning have the purpose to hide the political and economic breaches committed by Italian authorities, as well as to prevent, discourage and prosecute Triestines or those of the international community who verbally or legally retort.

The operation was and is still carried out systematically, through public schools, official political and administrative acts, mass media or those controlled by Italian public funds, the activities of Italian political parties, official and secret financing of Italian nationalist organizations and also by acting, actively or indirectly, to repress cultural resistance.

By those means of deformation and cancellation of the complex culture of the Free Territory of Trieste was consolidated through decades of moral and material violence carried out by authorities of Italy. This also includes eradicating personal and collective identity through the forced Italianization of names, family names, and historical names of places, which were never restored to their original forms<sup>13</sup>.

## **SECTION F: Recommendations**

The FTM - Movimento Trieste Libera - Gibanje Svobodni Trst - Bewegung Freies Triest - Free Trieste Movement, as political organization that represents the rights and legitimate interests of the FTT citizens *de jure* and of the residents of the current Free Territory of Trieste, as well as to protect the interests of the International Community and its States to the fullest. To have corrected and find undisturbed the functioning of the international Free Port of Trieste, and to urge the Government of Italy and the Republic of Italy to immediately cease all economic and cultural suppression as listed in this Alternative Report, and for this purpose to:

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<sup>13</sup> See: Paolo G. Parovel "L'identità cancellata", Trieste, 1985 and Croatian edition "Izbrisani Identitet" UDK 801.311/313::329.17/18", 949.713. Pula, 1993.

- recommend the administering Government of Italy to restore the (temporary) civil administration over the Free Territory of Trieste and its international Free Port, which was entrusted to its responsibility on behalf of the United Nations Security Council;
- recommend the administering Government of Italy to take care, at the same time, of the impoverished population of the Free Territory of Trieste by providing to it the social assistance needed to realize the rights established under article 11 of the CESCO «to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions»;
- recommend the Republic of Italy to refrain from obstructing this re-establishment and to publicly declare the sovereignty of the Free Territory of Trieste and its international Free Port;
- recommend the administering Government of Italy and the Republic of Italy to recognize, adopt and enforce in full all the pertinent provisions of the Treaty of Peace to the international Free Port of Trieste as well as to immediately cease any hindrance to the economic development of the Free Port, and to end any modification plan to reduce the port boundaries as established by the Treaty of Peace - and/or to divert its traffics to Italian ports;
- recommend the administering Government of Italy and the Republic of Italy to immediately cease all actions of propaganda, and of direct and indirect support for Italian nationalism and for the organizations and institutions that promote it within the Free Territory of Trieste;
- appeals to the Committee to report to the United Nations General Assembly, Security Council, and Secretary-General, as well as the ECOSOC (also in regard to article 21 of the CESCO), to the UNHRC and to the UNESCO the necessity to open official procedures to verify the violations of the economic, social and cultural rights of the sovereign population of the Free Territory of Trieste pointed out in the present Alternative Report, also in consideration of the guarantees granted by the Security Council to integrity and independence of the Free Territory of Trieste and its People (UNSC Resolution n. 16/1947; Treaty of Peace with Italy, article 21, paragraph 1).

Trieste, 16 September 2015

Movimento Trieste Libera - Gibanje Svobodni Trst  
Bewegung Freies Triest - Free Trieste Movement

The President, Roberto Giurastante

