

V. Free Territory of Trieste (1947)

Brief chronology of events

1. After the Second World War, the territory of Trieste and the area around it became contested between Italy and Yugoslavia.

2. The Council of Foreign Ministers composed of France, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, submitted to the Security Council a draft peace treaty between Italy and Yugoslavia, which suggested a Free Territory of Trieste whose independence and integrity were to be ensured by the Security Council.

3. The Security Council, by its resolution 16 (1947), approved the instrument for the provisional regime of the Free Territory of Trieste, the Permanent Statute for the Free Territory of Trieste, and the instrument for the Free Port of Trieste, all of which were contained in the annexes to the Peace Treaty, and accepted the responsibilities devolving upon it under these instruments.

4. The Peace Treaty entered into force on 15 September 1947, and terminate Italy's sovereignty over the Territory (article 21 (2)). The Security Council, however, never discharged its responsibilities under the Treaty with respect to the Territory due to its inability to appoint a Governor for the Territory. Instead, pursuant to the 1954 Memorandum of Understanding regarding the Free Territory of Trieste, Italy and Yugoslavia respectively installed civilian administration in the two zones in the Territory previously administered by the United Kingdom and the United States on the one hand, and by the Yugoslav Army on the other.

Legal basis

5. The following instruments provided a legal basis for the role of the United Nations in Trieste:

1. (1) 1947 Treaty of Peace with Italy (Arts. 4, 21 and 22; Annexes VI to VIII);
2. (2) Security Council resolution 16 (1947).

Structure

6. Pursuant to article 9 of the Permanent Statute, the Government of the Territory was to be composed of:

1. (1) A Governor, appointed by the Security Council;
2. (2) A Council of Government, formed by the popular Assembly;
3. (3) A popular Assembly, elected by the people of the Territory;
4. (4) A Judiciary, appointed by the Governor.

Role of the United Nations

7. The United Nations was given the following main tasks:

1. (1) Security Council: Ultimate responsibility to assure the integrity and independence of the Territory by ensuring the observance of the Permanent Statute and the maintenance of public order and security in the Territory (Peace Treaty, article 21 (1); Permanent Statute, article 2);

2. (2) Governor:

- (i) Supervise the observance of the Permanent Statute (Permanent Statute, article 17);
- (ii) Propose legislation and return legislation for further consideration (Permanent Statute, article 19);
- (iii) Conduct foreign relations (Permanent Statute, article 24);
- (iv) In exceptional cases, directly order and require the execution of appropriate measures (Permanent Statute, article 22).

References

1. Draft peace treaty between Italy and Yugoslavia submitted by the Council of Foreign Ministers, composed of France, the United Kingdom, the United States and the Union of Soviet Socialist Republics, to the Security Council, [S/224/Rev.1](#), annex.
2. Treaty of Peace with Italy, 10 February 1947, United Nations, Treaty Series, vol. 49, p. 126, containing the Permanent Statute of the Free Territory of Trieste (annex VI), the Instrument for the Provisional Regime of the Free Territory of Trieste (annex VII) and the Instrument for the Free Port of Trieste (annex VIII).
3. Memorandum of understanding between the Governments of Italy, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia regarding the Free Territory of Trieste, 5 October 1954, United Nations, Treaty Series, vol. 235, No. 3297, p. 100.
4. Security Council resolution 16 (1947) of 10 January 1947.