

No. 3297

**UNITED STATES OF AMERICA,
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,
ITALY and YUGOSLAVIA**

**Memorandum of Understanding (with annexes and exchange
of notes) regarding the Free Territory of Trieste.
Signed at London, on 5 October 1954**

Official text: English.

Registered by the United States of America on 25 April 1956.

**ÉTATS-UNIS D'AMÉRIQUE,
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD,
ITALIE et YOUGOSLAVIE**

**Mémorandum d'accord (avec annexes et échange de notes)
relatif au Territoire libre de Trieste. Signé à Londres,
le 5 octobre 1954**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 25 avril 1956.

No. 3297. MEMORANDUM OF UNDERSTANDING¹ 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. SIGNED AT LONDON, ON 5 OCTOBER 1954

1. Owing to the fact that it has proved impossible to put into effect the provisions of the Italian Peace Treaty² relating to the Free Territory of Trieste, the Governments of the United Kingdom, the United States and Yugoslavia have maintained since the end of the war military occupation and government in Zones A and B of the Territory. When the Treaty was signed, it was never intended that these responsibilities should be other than temporary and the Governments of Italy, the United Kingdom, the United States and Yugoslavia, as the countries principally concerned, have recently consulted together in order to consider how best to bring the present unsatisfactory situation to an end. As a result they have agreed upon the following practical arrangements.

2. As soon as this Memorandum of Understanding has been initialled and the boundary adjustments provided by it have been carried out, the Governments of the United Kingdom, the United States and Yugoslavia will terminate military government in Zones A and B of the Territory. The Governments of the United Kingdom and the United States will withdraw their military forces from the area north of the new boundary and will relinquish the administration of that area to the Italian Government. The Italian and Yugoslav Governments will forthwith extend their civil administration over the area for which they will have responsibility.

3. The boundary adjustments referred to in paragraph 2 will be carried out in accordance with the map at Annex I.³ A preliminary demarcation will be carried out by representatives of Allied Military Government and Yugoslav Military Government as soon as this Memorandum of Understanding has been initialled and in any event within three weeks from the date on initialling. The Italian and Yugoslav Governments will immediately appoint a Boundary Commission to effect a more precise demarcation of the boundary in accordance with the map at Annex I.

¹ Came into force on 5 October 1954 by signature.

² United Nations, *Treaty Series*, Vols. 49 and 50.

³ See insert between p. 120 and p. 121 of this volume.

4. The Italian and Yugoslav Governments agree to enforce the Special Statute contained in Annex II.¹
5. The Italian Government undertakes to maintain the Free Port at Trieste in general accordance with the provisions of Articles 1-20 of Annex VIII of the Italian Peace Treaty.
6. The Italian and Yugoslav Governments agree that they will not undertake any legal or administrative action to prosecute or discriminate against the person or property of any resident of the areas coming under their civil administration in accordance with this Memorandum of Understanding for past political activities in connexion with the solution of the problem of the Free Territory of Trieste.
7. The Italian and Yugoslav Governments agree to enter into negotiations within a period of two months from the date of initialling of this Memorandum of Understanding with a view to concluding promptly an agreement regulating local border traffic, including facilities for the movement of the residents of border areas by land and by sea over the boundary for normal commercial and other activities and for transport and communications. This agreement shall cover Trieste and the area bordering it. Pending the conclusion of such agreement, the competent authorities will take, each within their respective competence, appropriate measures in order to facilitate local border traffic.
8. For a period of one year from the date of initialling of this Memorandum of Understanding persons formerly resident (*pertinenti - zavičajni*) in the areas coming under the civil administration either of Italy or of Yugoslavia shall be free to return immediately thereto. Any persons so returning, as also any such who have already returned, shall enjoy the same rights as the other residents of these areas. Their properties and assets shall be at their disposal, in accordance with existing law, unless disposed of by them in the meantime. For a period of two years from the date of initialling of this Memorandum of Understanding, persons formerly resident in either of these areas and who do not intend returning thereto, and persons presently resident in either area who decide within one year from the date of initialling of this Memorandum of Understanding to give up such residence, shall be permitted to remove their movable property and transfer their funds. No export or import duties or any other tax will be imposed in connexion with the moving of such property. Persons wherever resident who decide to sell their movable and immovable property within two years from the date of initialling of this Memorandum of Understanding will have the sums realised from the sale of such property deposited in special accounts with the National Banks of Italy or Yugoslavia. Any balance between these two accounts will be liquidated by the two Governments at the end of the two year period. Without prejudice to the immediate implementation of the provisions of this paragraph the Italian and

¹ See p. 104 of this volume.

Yugoslav Governments undertake to conclude a detailed agreement within six months of the date of initialling of this Memorandum of Understanding.

9. This Memorandum of Understanding will be communicated to the Security Council of the United Nations.

London, the 5th of October, 1954

L. E. T.
(Llewellyn E. THOMPSON)
M. B.
(Manlio BROSIO)
G. W. H.
(Geoffrey W. HARRISON)
V. V.
(Dr. Vladimir VELEBIT)

ANNEX II

SPECIAL STATUTE

Whereas it is the common intention of the Italian and Yugoslav Governments to ensure human rights and fundamental freedoms without discrimination of race, sex, language and religion in the areas coming under their administration under the terms of the present Memorandum of Understanding, it is agreed :

1. In the administration of their respective areas the Italian and Yugoslav authorities shall act in accordance with the principles of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on the 10th of December, 1948,¹ so that all inhabitants of the two areas without discrimination may fully enjoy the fundamental rights and freedoms laid down in the aforesaid Declaration.

2. The members of the Yugoslav ethnic group in the area administered by Italy and the members of the Italian ethnic group in the area administered by Yugoslavia shall enjoy equality of rights and treatment with the other inhabitants of the two areas.

This equality implies that they shall enjoy :

- (a) equality with other citizens regarding political and civil rights as well as other human rights and fundamental freedoms guaranteed by Article 1 ;
- (b) equal rights in acquiring or performing any public services, functions, professions and honours ;
- (c) equality of access to public and administrative office ; in this regard the Italian and Yugoslav administrations will be guided by the principle of facilitating for the Yugoslav ethnic group and for the Italian ethnic group, respectively, under their administration

¹ United Nations, *Official Records of the General Assembly, Third session, Part I, Resolutions*, p. 71.

a fair representation in administrative positions, and especially in those fields, such as the inspectorate of schools, where the interests of such inhabitants are particularly involved ;

- (d) equality of treatment in following their trade or profession in agriculture, commerce, industry or any other field, and in organising and operating economic associations and organisations for this purpose. Such equality of treatment shall concern also taxation. In this regard persons now engaged in a trade or profession who do not possess the requisite diploma or certificate for carrying on such activities, shall have four years from the date of initialling of the present Memorandum of Understanding within which to acquire the necessary diploma or certificate. They will not be prevented from exercising their trade or profession because of failure to have the requisite documents unless they have failed to acquire them within the aforementioned four year period ;
- (e) equality of treatment in the use of languages as defined in Article 5 below ;
- (f) equality with other citizens in the general field of social assistance and pensions (sickness benefits, old age and disability pensions including disabilities resulting from war, and pensions to the dependents of those killed in war).

3. Incitement to national and racial hatred in the two areas is forbidden and any such act shall be punished.

4. The ethnic character and the unhampered cultural development of the Yugoslav ethnic group in the Italian administered area and of the Italian ethnic group in the Yugoslav administered area shall be safeguarded.

- (a) They shall enjoy the right to their own press in their mother tongue ;
- (b) the educational, cultural, social and sports organisations of both groups shall be free to function in accordance with the existing laws. Such organisations shall be granted the same treatment as those accorded to other corresponding organisations in their respective areas, especially as regards the use of public buildings and radio and assistance from public financial means ; and the Italian and Yugoslav authorities will endeavour to ensure to such organisations the continued use of the facilities they now enjoy, or of comparable facilities ;
- (c) kindergarten, primary, secondary and professional school teaching in the mother tongue shall be accorded to both groups. Such schools shall be maintained in all localities in the Italian administered area where there are children members of the Yugoslav ethnic group, and in all localities in the Yugoslav administered area where there are children members of the Italian ethnic group. The Italian and Yugoslav Governments agree to maintain the existing schools as set out in the list attached hereto for the ethnic groups in the area under their administration and will consult in the Mixed Committee provided for in the final Article of this Statute before closing any of these schools.

Such schools shall enjoy equality of treatment with other schools of the same type in the area administered, respectively, by Italy and Yugoslavia as regards provision of textbooks, buildings and other material means, the number and position of teachers and the recognition of diplomas. The Italian and Yugoslav authorities shall endeavour to ensure that the teaching in such schools will be performed by teachers of the same mother tongue as the pupils.

The Italian and Yugoslav authorities will promptly introduce whatever legal prescriptions may be necessary so that the permanent organisation of such schools will be regulated in accordance with the foregoing provisions. Italian speaking teachers, who on the date of the initialling of the present Memorandum of Understanding are employed as teachers in the educational system of the Yugoslav administered area and Slovene speaking teachers who on the said date are employed as teachers in the educational system of the Italian administered area shall not be dismissed from their positions for the reason that they do not possess the requisite teaching diploma. This extraordinary provision shall not be used as a precedent or be claimed to apply to any cases other than the categories specified above. Within the framework of their existing laws the Yugoslav and Italian authorities will take all reasonable measures to give the aforementioned teachers an opportunity, as provided in Article 2 (*d*) above, to qualify for the same status as regular members of the teaching staff.

The educational programmes of such schools must not be directed at interfering with the national character of the pupils.

5. Members of the Yugoslav ethnic group in the area administered by Italy and members of the Italian ethnic group in the area administered by Yugoslavia shall be free to use their language in their personal and official relations with the administrative and judicial authorities of the two areas. They shall have the right to receive from the authorities a reply in the same language ; in verbal replies, either directly or through an interpreter ; in correspondence, a translation of the replies at least is to be provided by the authorities.

Public documents concerning members of these ethnic groups, including court sentences, shall be accompanied by a translation in the appropriate language. The same shall apply to official announcements, public proclamations and publications.

In the area under Italian administration inscriptions on public institutions and the names of localities and streets shall be in the language of the Yugoslav ethnic group as well as in the language of the administering authority in those electoral districts of the Commune of Trieste and in those other communes where the members of that ethnic group constitute a significant element (at least one quarter) of the population ; in those communes in the area under Yugoslav administration where the members of the Italian ethnic group are a significant element (at least one quarter) of the population such inscriptions and names shall be in Italian as well as in the language of the administering authority.

6. The economic development of the Yugoslav ethnic population in the Italian administered area and of the Italian ethnic population in the Yugoslav administered area shall be secured without discrimination and with a fair distribution of the available financial means.

7. No change should be made in the boundaries of the basic administrative units in the areas which come under the civilian administration of Italy or Yugoslavia with a view to prejudicing the ethnic composition of the units concerned.

8. A special Mixed Yugoslav-Italian Committee shall be established for the purpose of assistance and consultation concerning problems relating to the protection of the Yugoslav ethnic group in the area under Italian administration and of the Italian ethnic group in the area under Yugoslav administration. The Committee shall also examine complaints and questions raised by individuals belonging to the respective ethnic groups concerning the implementation of this Statute.

The Yugoslav and Italian Governments shall facilitate visits by the Committee to the area under their administration and grant it every facility for carrying out its responsibilities.

Both Governments undertake to negotiate forthwith detailed regulations governing the functioning of the Committee.

London, the 5th of October, 1954

M. BROGIO

Vladimir VELEBIT

LIST OF EXISTING SCHOOLS

Referred to in Article 4 (c) of Annex II (Special Statute) of Memorandum of Understanding

1. *Slovene Schools presently functioning in the area coming under the administration of Italy in accordance with the Memorandum of Understanding*

1. *Kindergartens*

a) Municipality of Trieste (Trst) :

Barcola (Barkovlje)
San Giovanni (Sv. Ivan)
Servola (Skedenj)
Longera (Lonjer)
Trebiciano (Trebce)
S. Croce (Sv. Kriz)
Via San Fortunato 1, Greta (Greta)
San Giacomo (Sv. Jakob)
San Saba (Sv. Sobota)
Basovizza (Basovica)
Villa Opicina (Opcine)
Prosecco (Prosek)

b) Commune of Duino-Aurisina (Devin-Nabrezina) :

Malchina (Mavhinje)
Aurisina (Nabrezina)
Duino (Devin)

c) Commune of Sgonico (Zgonik) :

Sgonico (Zgonik)
Gabrovizza (Gabrovica)

d) Commune of Monrupino (Repentabor) :

Monrupino (Repentabor)

e) Commune of S. Dorligo della Valle (Dolina) :

S. Dorligo d. Valle (Dolina)
S. Antonio in Bosco (Borst)
Bagnoli della Rosandra (Boljunec)
Domio (Domjo)

2. Elementary Schools

a) Municipality of Trieste (Trst) :

S. Giacomo (Sv. Jakob)
Via Donadoni (Ul. Donadoni)
Cattinara (Katinara)
S. Anna (Sv. Ana)
Barcola (Barkovlje)
Prosecco (Prosek)
Trebiciano (Trebce)
Basovizza (Bazovica)
Via S. Francesco (Ul. Sv. Franciska)
Servola (Skedenj)
Rioano (Rojan)
S. Giovanni (Sv. Ivan)
Villa Opicina (Opcine)
S. Croce (Sv. Kriz)
Gropada (Gropada)

b) Commune of Duino-Aurisina (Devin-Nabrezina) :

Aurisina (Nabrezina)
Duino (Devin)
Medeazza (Medja vas)
Malchina (Mavhinje)
S. Pelaggio (Sempolaj)
Sistiana (Sesljan)
S. Giovanni di Duino (Stivan)
Ceroglie (Cerovlje)
Slivia (Slivno)

c) Commune of Sgonico (Zgonik) :

Sales (Salez)
Sgonico (Zgonik)
Gabrovizza (Gabrovica)

- d) Commune of Monrupino (Repentabor) :
Monrupino (Repentabor)
- e) Commune of San Dorligo della Valle (Dolina) :
S. Dorligo della Valle (Dolina)
S. Antonio in Bosco (Borst)
Domio (Domjo)
Pese (Pesek)
Bagnoli della Rosandra (Boljunec)
S. Giuseppe della Chiusa (Ricmanje)
Caresana (Mackovlje)
- f) Commune of Muggia (Milje) :
Stramare (Stramar)
S. Barbara (Sv. Barbara)
- 3. *Professional Schools and Courses*
 - a) Municipality of Trieste (Trst) :
Industrial Professional School at Roiano (Rojan)
Industrial Professional School at S. Giovanni (Sv. Ivan)
Two-Year Industrial Professional Course at Villa Opicina (Opcine)
Two-Year Commercial Professional Course at Prosecco (Prosek)
Two-Year Commercial Professional Course at Cattinara (Katinara)
Professional Course at S. Croce (Sv. Kriz)
 - b) Commune of Duino-Aurisina (Devin-Nabrezina) :
Two-Year Industrial Professional Course at Aurisina (Nabrezina)
 - c) Commune of S. Dorligo della Valle (Dolina) :
Two-Year Industrial Professional Course at S. Dorligo d. Valle (Dolina)

The above-mentioned professional courses shall be changed into professional schools in accordance with the Italian law.
- 4. *Secondary Schools-Trieste (Trst) :*
Junior High School, Via delle Scuole Nuove, S. Giacomo (Sv. Jakob)
Senior High School, Via Lazzaretto Vecchio, 9
State Teachers' School, Piazzale Gioberti, S. Giovanni (Sv. Ivan)
Commercial Academy, Piazzale Gioberti, S. Giovanni (Sv. Ivan)
- II. *Italian Schools presently functioning in the area coming under the administration of Yugoslavia in accordance with the Memorandum of Understanding*
 - 1. *Kindergartens*
Kopar (Capodistria)
 - 2. Italian classes in Kindergartens in :
Izola (Isola d'Istria)
Piran (Pirano)
Buje (Buie)
Secovlje (Sicciole)
Novigrad (Cittanova)
Umag (Umago)

3. *Elementary Schools*

Umag (Umago)
Kostajnica (Castagna)
Kopar (Capodistria)
Sv. Lucija (S. Lucia)
Buje (Buie)
Momjan (Momiano)
Izola (Isola d'Istria)
Semedela (Semedella)
Brtonigla (Verteneglio)
Novigrad (Cittanova)
Piran (Pirano)
Secovlje (Sicciole)
Groznjan (Grisignana)
Sv. Nikolaj (S. Nicolo)
Prade (Prade)
Strunjan (Strignano)

4. *Professional Schools*

Kopar (Capodistria)
Izola (Isola d'Istria)
Secovlje (Sicciole)
Buje (Buie)
Umag (Umago)
Novigrad (Cittanova)
Italian Division of Trade School for Girls (Three-year course) at Kopar (Capodistria)

5. *Secondary Schools*

Classical High School (eight years), Kopar (Capodistria)
Scientific High School (eight years), Piran (Pirano)
Commercial Technical School (two years), Izola (Isola d'Istria)

EXCHANGE OF NOTES

I

*The American Ambassador to the United Kingdom to the Italian Ambassador
to the United Kingdom*¹

Dear Mr. Ambassador :

October 5, 1954

My Government refers to the decision recorded in the Memorandum of Understanding of the 5th of October, 1954² between the Governments of Italy, the

¹ The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series 3099*, p. 12, footnote 1) : "Identical British note, *mutatis mutandis*, to the Italian Ambassador, dated Oct. 5, 1954 ; not printed."

² See p. 99 of this volume.

United Kingdom, the United States and Yugoslavia by the terms of which responsibility for the area of the Free Territory of Trieste administered by the United Kingdom-United States Military Government will be relinquished by it and assumed by Italy. In order to assure that the termination of Military Government and the assumption of administration by Italy as well as the withdrawal of United Kingdom and United States troops and entry of Italian troops take place promptly and smoothly, it is proposed that the Italian Government designate a representative to meet at an early date with the Commander of the United Kingdom-United States Zone to formulate the pertinent arrangements. My Government hopes to be able to carry out these steps within one month of the date of initialling of the Memorandum of Understanding.

Yours sincerely,

Llewellyn E. THOMPSON

His Excellency Signor Manlio Brosio
Ambassador Extraordinary and Plenipotentiary
Italian Embassy
London, England

II

*The Italian Ambassador to the United Kingdom to the American Ambassador
to the United Kingdom*

ITALIAN EMBASSY

4160

London, 5th October, 1954

Dear Mr. Thompson,

It give me pleasure to acknowledge receipt of your letter of 5th October, 1954.

My Government has designated General Edmondo de Renzi as its representative to meet with the Commander of the United Kingdom-United States Zone of the Free Territory of Trieste to formulate the arrangements for the change in administration in that area of the Free Territory of Trieste for which Italy will assume responsibility. It is understood that as soon as the boundary adjustments have been carried out the entry of Italy troops will take place at the time specified in these arrangements and simultaneously with the final withdrawal of British and American forces and the assumption of responsibility by Italy.

Yours sincerely,

Manlio BROGIO

Llewellyn E. Thompson, Esq.,
American Embassy
London