

# FUNDAMENTAL AGREEMENT BETWEEN THE HOLY SEE AND THE STATE OF ISRAEL

December 30, 1993

Preamble

The Holy See and the State of Israel,

Mindful of the singular character and universal significance of the Holy Land;

Aware of the unique nature of the relationship between the Catholic Church and the Jewish people, and of the historic process of reconciliation and growth in mutual understanding and friendship between Catholics and Jews;

Having decided on 29 July 1992 to establish a 'Bilateral Permanent Working Commission', in order to study and define together issues of common interest, and in view of normalizing their relations;

Recognizing that the work of the aforementioned Commission has produced sufficient material for a first and Fundamental Agreement;

Realizing that such Agreement will provide a sound and lasting basis for the continued development of their present and future relations and for the furtherance of the Commission's task,

Agree upon the following Articles:

## Article 1

The State of Israel, recalling its Declaration of Independence, affirms its continuing commitment to uphold and observe the human right to freedom of religion and conscience, as set forth in the Universal Declaration of Human Rights and in other international instruments to which it is a party.

The Holy See, recalling the Declaration on Religious Freedom of the Second Vatican Ecumenical Council, 'Dignitatis humanae', affirms the Catholic Church's commitment to uphold the human right to freedom of religion and conscience, as set forth in the Universal Declaration of Human Rights and in other international instruments to which it is a party. The Holy See wishes to affirm as well the Catholic Church's respect for other religions and their followers as solemnly stated by the Second Vatican

Ecumenical Council in its Declaration on the Relation of the Church to Non-Christian Religions, 'Nostra aetate'.

## Article 2

The Holy See and the State of Israel are committed to appropriate cooperation in combatting all forms of antisemitism and all kinds of racism and of religious intolerance, and in promoting mutual understanding among nations, tolerance among communities and respect for human life and dignity.

The Holy See takes this occasion to reiterate its condemnation of hatred, persecution and all other manifestations of antisemitism directed against the Jewish people and individual Jews anywhere, at any time and by anyone. In particular, the Holy See deplors attacks on Jews and desecration of Jewish synagogues and cemeteries, acts which offend the memory of the victims of the Holocaust, especially when they occur in the same places which witnessed it.

## Article 3

The Holy See and the State of Israel recognize that both are free in the exercise of their respective rights and powers, and commit themselves to respect this principle in their mutual relations and in their cooperation for the good of the people.

The State of Israel recognizes the right of the Catholic Church to carry out its religious, moral, educational and charitable functions, and to have its own institutions, and to train, appoint and deploy its own personnel in the said institutions or for the said functions to these ends. The Church recognizes the right of the State to carry out its functions, such as promoting and protecting the welfare and the safety of the people. Both the State and the Church recognize the need for dialogue and cooperation in such matters as by their nature call for it.

Concerning Catholic legal personality at canon law the Holy See and the State of Israel will negotiate on giving it full effect in Israeli law, following a report from a joint subcommission of experts.

## Article 4

The State of Israel affirms its continuing commitment to maintain and respect the 'Status quo' in the Christian Holy Places to which it applies and the respective rights of the Christian communities thereunder. The Holy See affirms the Catholic Church's continuing commitment to respect the aforementioned 'Status quo' and the said rights.

The above shall apply notwithstanding an interpretation to the contrary of any Article in this Fundamental Agreement.

The State of Israel agrees with the Holy See on the obligation of continuing respect for and protection of the character proper to Catholic sacred places, such as churches, monasteries, convents, cemeteries and their like.

The State of Israel agrees with the Holy See on the continuing guarantee of the freedom of Catholic worship.

#### Article 5

The Holy See and the State of Israel recognize that both have an interest in favouring Christian pilgrimages to the Holy Land. Whenever the need for coordination arises, the proper agencies of the Church and of the State will consult and cooperate as required.

The State of Israel and the Holy See express the hope that such pilgrimages will provide an occasion for better understanding between the pilgrims and the people and religions in Israel.

#### Article 6

The Holy See and the State of Israel jointly reaffirm the right of the Catholic Church to establish, maintain and direct schools and institutes of study at all levels; this right being exercised in harmony with the rights of the State in the field of education.

#### Article 7

The Holy See and the State of Israel recognize a common interest in promoting and encouraging cultural exchanges between Catholic institutions worldwide, and educational, cultural and research institutions in Israel, and in facilitating access to manuscripts, historical documents and similar source materials, in conformity with applicable laws and regulations.

#### Article 8

The State of Israel recognizes that the right of the Catholic Church to freedom of expression in the carrying out of its functions is exercised also through the Church's own communications media; this right being exercised in harmony with the rights of the State in the field of communications media.

## Article 9

The Holy See and the State of Israel jointly reaffirm the right of the Catholic Church to carry out its charitable functions through its health care and social welfare institutions, this right being exercised in harmony with the rights of the State in this field.

## Article 10

The Holy See and the State of Israel jointly reaffirm the right of the Catholic Church to property.

Without prejudice to rights relied upon by the Parties:

The Holy See and the State of Israel will negotiate in good faith a comprehensive agreement, containing solutions acceptable to both Parties, on unclear, unsettled and disputed issues, concerning property, economic and fiscal matters relating to the Catholic Church generally, or to specific Catholic Communities or institutions.

For the purpose of the said negotiations, the Permanent Bilateral Working Commission will appoint one or more bilateral subcommissions of experts to study the issues and make proposals.

The Parties intend to commence the aforementioned negotiations within three months of entry into force of the present Agreement, and aim to reach agreement within two years from the beginning of the negotiations.

During the period of these negotiations, actions incompatible with these commitments shall be avoided.

## Article 11

The Holy See and the State of Israel declare their respective commitment to the promotion of the peaceful resolution of conflicts among States and nations, excluding violence and terror from international life.

The Holy See, while maintaining in every case the right to exercise its moral and spiritual teaching-office, deems it opportune to recall that, owing to its own character, it is solemnly committed to remaining a stranger to all merely temporal conflicts, which principle applies specifically to disputed territories and unsettled borders.

## Article 12

The Holy See and the State of Israel will continue to negotiate in good faith in pursuance of the Agenda agreed upon in Jerusalem, on 15 July 1992, and confirmed at the Vatican, on 29 July 1992; likewise on issues arising from Articles of the present Agreement, as well as on other issues bilaterally agreed upon as objects of negotiation.

#### Article 13

In this Agreement the Parties use these terms in the following sense:

The Catholic Church and the Church - including, inter alia, its Communities and institutions,

Communities of the Catholic Church - meaning the Catholic religious entities considered by the Holy See as Churches sui juris and by the State of Israel as Recognized Religious Communities;

The State of Israel and the State - including, inter alia, its authorities established by law.

Notwithstanding the validity of this Agreement as between the Parties, and without detracting from the generality of any applicable rule of law with reference to treaties, the Parties agree that this Agreement does not prejudice rights and obligations arising from existing treaties between either Party and a State or States, which are known and in fact available to both Parties at the time of the signature of this Agreement.

#### Article 14

Upon signature of the present Fundamental Agreement and in preparation for the establishment of full diplomatic relations, the Holy See and the State of Israel exchange Special Representatives, whose rank and privileges are specified in an Additional Protocol.

Following the entry into force and immediately upon the beginning of the implementation of the present Fundamental Agreement, the Holy See and the State of Israel will establish full diplomatic relations at the level of Apostolic Nunciature, on the part of the Holy See, and Embassy, on the part of the State of Israel.

#### Article 15

This Agreement shall enter into force on the date of the latter notification of ratification by a Party.

Done in two original copies in the English and Hebrew languages, both texts being equally authentic. In case of divergency, the English text shall prevail.

Signed in Jerusalem, this thirtieth day of the month of December, in the year 1993, which corresponds to the sixteenth day of the month of Tevet, in the year 5754.

FOR THE GOVERNMENT OF THE STATE OF ISRAEL

FOR THE HOLY SEE

Additional Protocol

In relation to Art. 14 (1) of the Fundamental Agreement, signed by the Holy See and the State of Israel, the 'Special Representatives' shall have, respectively, the personal rank of Apostolic Nuncio and Ambassador.

These Special Representatives shall enjoy all the rights, privileges and immunities granted to Heads of Diplomatic Missions under international law and common usage, on the basis of reciprocity.

The Special Representative of the State of Israel to the Holy See, while residing in Italy, shall enjoy all the rights, privileges and immunities defined by Art. 12 of the Treaty of 1929 between the Holy See and Italy, regarding Envoys of Foreign Governments to the Holy See residing in Italy. The rights, privileges and immunities extended to the personnel of a Diplomatic Mission shall likewise be granted to the personnel of the Israeli Special Representative's Mission. According to an established custom, neither the Special Representative, nor the official members of his Mission, can at the same time be members of Israel's Diplomatic Mission to Italy.

The Special Representative of the Holy See to the State of Israel may at the same time exercise other representative functions of the Holy See and be accredited to other States. He and the personnel of his Mission shall enjoy all the rights, privileges and immunities granted by Israel to Diplomatic Agents and Missions.

The names, rank and functions of the Special Representatives will appear, in an appropriate way, in the official lists of Foreign Missions accredited to each Party.

Signed in Jerusalem, this thirtieth day of the month of December, in the year 1993, which corresponds to the sixteenth day of the month of Tevet, in the year 5754.

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