

**The Legal
Personality Agreement
between
Israel and the Holy See**

Jerusalem
10 November 1997

Article 1

This Agreement is made on the basis of the provisions of the "Fundamental Agreement between the State of Israel and the Holy See", which was signed on 30 December 1993, and then entered into force on 10 March 1994 (hereinafter: the "Fundamental Agreement").

Article 2

Recalling that the Holy See is the Sovereign Authority of the Catholic Church, the State of Israel agrees to assure full effect in Israeli law to the legal personality of the Catholic Church itself.

Article 3

1. The State of Israel agrees to assure full effect in Israeli law, in accordance with the provisions of this Agreement, to the legal personality of the following:

- (a) these Eastern Catholic Patriarchates: the Greek Melkite Catholic, the Syrian Catholic, the Maronite, the Chaldean, the Armenian Catholic (hereinafter: the "Eastern Catholic Patriarchates");
- (b) the Latin Patriarchate of Jerusalem, *id est* the Latin Patriarchal Diocese of Jerusalem;
- (c) the present Dioceses of the Eastern Catholic Patriarchates;
- (d) new Dioceses, wholly in Israel, Eastern Catholic or Latin, as may exist from time to time;
- (e) the "Assembly of the Catholic Ordinaries of the Holy Land".

2. The Holy See states, for the avoidance of doubt, that the listing in par. 1 does not prejudice in any way the established order of precedence of the Heads of the various entities, according to their personal rank and as it is fixed by traditional usage and accepted by them.

3. For the avoidance of doubt, it is stated that the question of assuring full effect in Israeli law to the legal personality of any new cross-border Diocese is left open.
4. For the purposes of this Agreement, a Parish is in integral part of the respective Diocese, and, without affecting its status under the canon law, will not acquire a separate legal personality under Israeli law. A Diocese may, subject to the canon law, authorise its Parishes to act on its behalf, in such matters and under such terms, as it may determine.
5. In this Agreement, "Diocese" includes its synonyms or equivalents.

Article 4

The State of Israel agrees to assure full effect in Israeli law, in accordance with the provisions of this Agreement, to the legal personality of the Custody of the Holy Land.

Article 5

The State of Israel agrees to assure full effect in Israeli law, in accordance with the provisions of this Agreement, to the legal personality of the following, as they exist from time to time in Israel:

- (a) the Pontifical Institutes of Consecrated Life of the kinds that exist in the Catholic Church, and such of their Provinces or Houses as the Institute concerned may cause to be certified;
- (b) other official entities of the Catholic Church.

Article 6

1. For the purposes of this Agreement the legal persons referred to in Articles 3-5 (hereinafter, in this Article: "legal person"), being established under the canon law, are deemed to have been created according to the legislation of the Holy See, being Sovereign in international law.

2.
 - (a) the law which governs any legal transaction or other legal acts in Israel between any legal person and any party shall be the law of the State of Israel, subject to the provisions of sub-paragraph (b).
 - (b) Any matter concerning the identity of the head, of the presiding officer or of any other official or functionary of a legal person, or their authority or their powers to act on behalf of the legal person, is governed by the canon law.
 - (c) Without derogation from the generality of sub-paragraph (b), certain kinds of transactions by a legal person concerning immovable property or certain other kinds of property, depend on a prior written permission of the Holy See in accordance with Its written Decisions as issued from time to time. Public access to the aforesaid Decisions will be in accordance with the Implementation Provisions.

3.
 - (a) Any dispute concerning an internal ecclesiastical matter between a member, official or functionary of a legal person and any legal person, whether the member, official or functionary belongs to it or not, or between legal persons, shall be determined in accordance with the canon law, in a judicial or administrative ecclesiastical forum.

- (b) For the avoidance of doubt it is stated that the provisions of 2(a) shall not apply to disputes referred to in the above sub-paragraph (a).
4. For the avoidance of doubt, it is stated:
- (a) a legal person, whose legal personality is given full effect in Israel, is deemed to have consented to sue and be sued before a judicial or administrative forum in Israel, if that is the proper forum under Israeli law.
 - (b) Sub-paragraph (a) does not derogate from any provision in Articles 6-9.

Article 7

The application of this Agreement to any legal person is without prejudice to any of its rights or obligations previously created.

Article 8

1. For the avoidance of doubt, nothing in this Agreement shall be construed as supporting an argument that any of the legal persons to which this Agreement applies had not been a legal person prior to this Agreement.
2. If a party makes a claim that such a legal person had not been a legal person in Israeli law prior to this Agreement, that party shall bear the burden of proof.

Article 9

Should a question with regard to the canon law arise in any matter before a Court or forum other than in a forum of the Catholic Church, it shall be regarded as a question of fact.

Article 10

The terms "ecclesiastical" and "canon law" refer to the Catholic Church and its law.

Article 11

1. Without derogating from any provision, declaration or statement in the Fundamental Agreement, the ecclesiastical legal persons in existence at the time of the entry of this Agreement into force are deemed as being legal persons in accordance with the provisions of this Agreement, if listed in the ANNEXES to this Agreement, which are specified in par. 4.
2. The ANNEXES form, for all intents and purposes, an integral part of this Agreement.
3. The ANNEXES will include the official name, respective date or year of establishment in the Catholic Church, a local address and, if the head office is abroad, also its address.
4.
 - (a) ANNEX I lists the legal persons to which Article 3(1) (a, b, c, e) and Article 4 apply, as the case may be;
 - (b) ANNEX II lists the legal persons to which Article 5(a) applies;
 - (c) ANNEX III lists the legal persons to which Article 5(b) applies.

Article 12

The other matters on which the Parties have agreed are included in the Schedule to this Agreement, named "Implementation Provisions", which forms, for all intents and purposes, an integral part of this Agreement, and references to the Agreement include the Schedule.

Article 13

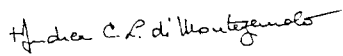
This Agreement shall enter into force on the date of the latter notification of ratification by a Party.

Done in two original copies in the Hebrew and English languages, both texts being equally authentic. In case of divergence, the English text shall prevail, except where explicitly provided otherwise in the Schedule.

Signed in Jerusalem this 10th day of the month of November in the year 1997, which corresponds to the 10th day of the month of Heshvan in year 5758.



For the Government
of the State of Israel



For the Holy See