

## TREATY BETWEEN THE HOLY SEE AND ITALY

### IN THE NAME OF THE MOST HOLY TRINITY

Whereas:

The Holy See and Italy have recognized the desirability of eliminating every existing reason for dissension between them by arriving at a definitive settlement of their reciprocal relations, one which is consistent with justice and with the dignity of the two Parties and which, by assuring to the Holy See in a permanent manner a position in fact and in law which guarantees it absolute independence for the fulfilment of its exalted mission in the world, permits the Holy See to consider as finally and irrevocably settled the "Roman Question", which arose in 1870 by the annexation of Rome to the Kingdom of Italy under the Dynasty of the House of Savoy;

Since, in order to assure the absolute and visible independence of the Holy See, it is required that it be guaranteed an indisputable sovereignty even in the international realm, it has been found necessary to create under special conditions Vatican City, recognizing the full ownership and the exclusive and absolute power and sovereign jurisdiction of the Holy See over the same;

His Holiness the Supreme Pontiff Pius XI and His Majesty Victor Emanuel III King of Italy have agreed to conclude a Treaty, appointing for that purpose two Plenipotentiaries, namely, on behalf of His Holiness, His Eminence Cardinal Pietro Gasparri, his Secretary of State, and on behalf of His Majesty, His Excellency Sir Benito Mussolini, Prime Minister and Head of Government; which persons, having exchanged their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

#### Art. 1

Italy recognizes and reaffirms the principle established in the first Article of the Statute of the Kingdom of 4 March 1848, according to which the Catholic, Apostolic and Roman Religion is the only religion of the State.

## Art. 2

Italy recognizes the sovereignty of the Holy See in the international realm as an attribute inherent in its nature in conformity with its tradition and with the requirements of its mission to the world.

## Art. 3

Italy recognizes the full ownership and the exclusive and absolute power and jurisdiction of the Holy See over the Vatican as it is presently constituted, together with all its appurtenances and endowments, creating in this manner Vatican City for the special purposes and under the conditions given in this Treaty.

The boundaries of the said City are set forth in the map which constitutes Attachment I of the present Treaty, of which it is forms an integral part.

It remains understood that St. Peter's Square, although forming part of Vatican City, will continue to be normally open to the public and to be subject to the police power of the Italian authorities, who will stop at the foot of the steps leading to the Basilica, although the latter will continue to be used for public worship, and they will, therefore, abstain from mounting the steps and entering the said Basilica, unless they are asked to intervene by the competent authority.

Whenever the Holy See consider it necessary, for the purpose of particular functions, to close St. Peter's Square temporarily to the free passage of the public, the Italian authorities will withdraw beyond the outer lines of Bernini's Colonnade and their extension, unless they have been asked to remain by the competent authority.

## Art. 4

The sovereignty and exclusive jurisdiction over Vatican City which Italy recognizes as pertaining to the Holy See means that within the same City there cannot be any interference on the part of the Italian Government and that there is no other authority there than that of the Holy See.

#### Art. 5

In order to put the provisions of the preceding Article into effect, before the present Treaty comes into force the Italian Government will see to it that the territory forming Vatican City is freed from every lien and from possible occupants. The Holy See will arrange to close the means of access to the City, enclosing the open parts, except St. Peter's Square.

It is furthermore agreed that, in respect of the buildings existing there and belonging to religious institutes or entities, the Holy See will make provisions directly to regulate its relations with them, with the Italian State abstaining from any involvement.

#### Art. 6

Italy will see to it, by means of agreements made with the entities concerned, that an adequate supply of the water in its possession is fully assured to Vatican City.

Italy will furthermore provide for connection with the State railways by constructing a railway station within Vatican City, in the location indicated on the attached map (Attachment I), and by permitting the movement of railway vehicles belonging to the Vatican on the Italian railways.

It will further provide for the connection, even directly with other States, of the telegraph, telephone, radiotelegraph, radiotelephone, broadcasting, and postal services in Vatican City.

Finally, it will also provide for the coordination of other public services.

All the provisions just mentioned will be made at the expense of the Italian State and within the period of one year from the entry into force of the present Treaty.

The Holy See, at its own expense, will see to the arrangement of the existing means of access to the Vatican, and those others which it may consider necessary to open in the future.

Agreements will be subsequently concluded between the Holy See and Italy concerning the circulation, on and over Italian territory, of land vehicles and aircraft belonging to Vatican City.

#### Art. 7

The Italian Government undertakes not to permit the construction within the territory surrounding Vatican City of any new buildings which have a view into the Vatican, and for the same purpose undertakes to provide for the partial demolition of such buildings already standing, from the Porta Cavalleggeri and along the Via Aurelia and the Viale Vaticano.

In accordance with the provisions of International Law, it is forbidden for aircraft of any kind whatsoever to fly over the territory of the Vatican.

In Piazza Rusticucci and in the areas adjoining the Colonnade, wherever the extra-territoriality referred to in Art. 15 does not extend, any alterations of buildings or streets that could affect Vatican City will be effected by mutual agreement.

#### Art. 8

Italy, considering the person of the Supreme Pontiff to be sacred and inviolable, declares that any attempt against his person or any incitement to commit such an attempt is punishable by the same penalties as all similar attempts and incitements to commit the same against the person of the King.

Offences and public insults committed within Italian territory against the person of the Supreme Pontiff, whether by means of speech, deeds or writing, are punished in the same manner as offences and insults against the person of the King.

#### Art. 9

In accordance with the provisions of International Law, all persons having permanent residence within Vatican City are subject to the sovereignty of the Holy See. Such residence is not lost by reason of the mere fact of temporary residence elsewhere, unless accompanied by the loss of a dwelling place in the City itself or by other circumstances proving that such residence has been abandoned.

On ceasing to be subject to the sovereignty of the Holy See, the persons referred to in the preceding paragraph who, according to the provisions of Italian law, independently of the

factual circumstances considered above, are not to be considered as possessing another citizenship, will be regarded in Italy as certainly being Italian citizens.

While such persons are subject to the sovereignty of the Holy See, the provisions of Italian legislation will be applicable to them within the territory of the Kingdom of Italy, even in those matters wherein personal law must be observed (when such matters are not regulated by rules issued by the Holy See) and, in the case of persons considered to possess another citizenship, the legislative provisions of the State to which they belong.

#### Art. 10

The dignitaries of the Church and the persons belonging to the Papal Court, who will be indicated in a list to be agreed upon by the Contracting Parties, will always and in every case, even when not citizens of the Vatican, be exempt, as far as Italy is concerned, from military service, jury duty, and any other obligation of a personal nature.

This provision also applies to regular officials whose services are declared to be indispensable by the Holy See, who are permanently employed with fixed salary by the offices of the Holy See as well as the Dicastries and Offices to be indicated in Articles 13, 14, 15, and 16, existing outside of Vatican City. The names of such officials will be set forth in another list to be agreed upon as above mentioned, and which will be brought up to date each year by the Holy See.

Ecclesiastics who, for reasons of office, participate outside Vatican City in the issuance of enactments of the Holy See are not subject, on that account, to any hindrance, investigation, or disturbance on the part of the Italian authorities.

Every foreign person holding an ecclesiastical office in Rome enjoys the personal guarantees belonging to Italian citizens in virtue of the laws of the Kingdom.

#### Art. 11

The central entities of the Catholic Church are exempt from any interference on the part of the Italian State (except as provided by Italian law in regard to acquisitions made by

corporate persons) and from conversion with regard to real estate.

#### Art. 12

Italy recognizes the right of the Holy See to active and passive Legation, according to the general rules of International Law.

Envoys of foreign Governments to the Holy See continue to enjoy, within the Kingdom, all the prerogatives and immunities enjoyed by diplomatic agents under International Law, and their headquarters may continue to remain within Italian territory enjoying the immunities due them under International Law, even if their States do not have diplomatic relations with Italy.

It is understood that Italy commits itself to leave free always and in every case the correspondence from all States, including belligerents, to the Holy See and vice versa, as well as to allow free access to the Apostolic See by Bishops from all over the world.

The Contracting Parties commit themselves to establish normal diplomatic relations between them, by means the accreditation of an Italian Ambassador to the Holy See and of a Papal Nuncio to Italy, who will be the Dean of the Diplomatic Corps, in accordance with the customary right recognized by the Congress of Vienna by the Act of 9 June 1815.

In consequence of the sovereignty hereby recognized and without prejudice to the provisions established by Article 19 hereafter, the diplomats of the Holy See and the diplomatic couriers dispatched in the name of the Supreme Pontiff enjoy within Italian territory, even in time of war, the same treatment as that enjoyed by diplomatic personages and official couriers of other foreign Governments, according to the provisions of International Law.

#### Art. 13

Italy recognizes the full ownership of the Holy See over the patriarchal Basilicas of St. John Lateran, Saint Mary Major and St. Paul, with their annexed buildings (Attachment II, 1, 2 and 3).

The State transfers to the Holy See the free management and administration of said Basilica of St. Paul and its attached Monastery, also paying over to the Holy See the sum of

capital corresponding to the sums set aside annually for that Basilica in the budget of the Ministry of Education.

It is likewise understood that the Holy See is the free owner of its dependent building of San Callisto, adjoining Santa Maria in Trastevere (Attachment II, 9).

#### Art. 14

Italy recognizes the full ownership by the Holy See of the Papal Palace of Castel Gandolfo, together with all endowments, appurtenances, and dependencies thereof (Attachment II, 4), which are now already in the possession of the Holy See, and Italy also obliges itself to hand over to the Holy See, within six months after the coming into force of the present Treaty, Villa Barberini in Castel Gandolfo, together with all endowments, appurtenances, and dependencies thereof (Attachment II, 5).

In order to consolidate the ownership of the real estate situated on the northern side of the Janiculum Hill belonging to the Sacred Congregation of Propaganda Fide and other ecclesiastical institutions, and facing the Vatican Palaces, the State commits itself to transfer to the Holy See or other bodies indicated by it, all real estate belonging to the State or to third parties existing in said area. The properties belonging to said Congregation and other institutions and those to be transferred are marked on the attached map (Attachment II, 12).

Finally, Italy transfers to the Holy See, in full and free ownership, the former conventual buildings in Rome attached to the Basilica of the Twelve Holy Apostles and to the churches of San Andrea della Valle and San Carlo ai Catinari, with all annexes and dependencies thereof (Attachment III, 3, 4 and 5), and will hand them over, free of all occupants, within one year after the entry into force of the present Treaty.

#### Art. 15

The properties indicated in Article 13 hereof and the first and second paragraphs of Article 14, as well as the Palaces of the Dataria, of the Cancelleria, and of Propaganda Fide in Piazza di Spagna, the Palace of the Holy Office with its annexes, that of the Convertendi (now

the Congregation for the Eastern Church) in Piazza Scossacavalli, the Palace of the Vicariate, and the other edifices in which the Holy See will in the future desire to locate others of its Dicasteries, even if such edifices form part of the territory of the Italian State, will enjoy the immunities granted by International Law to the headquarters of the diplomatic agents of foreign States.

The same immunities apply also with regard to other churches (even if situated outside Rome) during such time in which, without such churches being open to the public, religious ceremonies are celebrated in them with the participation of the Supreme Pontiff.

#### Art. 16

The buildings mentioned in the three preceding Articles, as well as those used as headquarters of the following Pontifical institutions: the Gregorian University, the Biblical, Oriental, and Archaeological Institutes, the Russian Seminary, the Lombard College, the two Palaces of St. Apollinaris, and the Clergy Retreat House of Sts. John and Paul (Attachment III, 1, *1bis*, 2, 6, 7, 8), will never be subject to liens or to expropriation for reasons of public utility, save by previous agreement with the Holy See, and will be exempt from taxes, whether ordinary or extraordinary, whether payable to the State or to any other body whatsoever.

It is possible for the Holy See to give all the buildings above mentioned or referred to in the three preceding Articles the arrangement it deems fit, without need of the authorization or consent of the Italian governmental, provincial, or communal authorities, which authorities can in this regard rely safely on the noble artistic traditions which the Catholic Church possesses.

#### Art. 17

As from 1 January 1929, compensation of whatsoever nature payable by the Holy See, by other central bodies of the Catholic Church and by bodies administered directly by the Holy See even outside of Rome, to dignitaries, employees and paid workers, even temporary ones, will be exempt within Italian territory from any tax whether payable to the State or to any other body.



Art. 18

The treasures of art and science existing within Vatican City and the Lateran Palace will remain open to scholars and visitors, reserving to the Holy See full liberty to regulate the access of the public.

Art. 19

Diplomats and envoys of the Holy See, diplomats and envoys of foreign Governments accredited to the Holy See, and dignitaries of the Church arriving from abroad and travelling to Vatican City, holding passports of their States of origin, furnished with the visa of the Papal representative abroad, will be able to have access to Vatican City through Italian territory without any other formality. The same applies for the above-mentioned persons who, holding a regular pontifical passport, will travel to Vatican City from abroad.

Art. 20

Goods arriving from abroad and destined for Vatican City or destined for institutions or offices of the Holy See outside its boundaries, will always be admitted from any point of the Italian frontier and in any seaport of the Kingdom for transit through Italian territory, with full exemption from customs fees and duty.

Art. 21

All Cardinals enjoy in Italy the honours due to Princes of the Blood. Those Cardinals who reside in Rome outside Vatican City are, for all effects, citizens thereof.

During the vacancy of the Holy See, Italy shall make special arrangements to see that nothing impedes the free transit and access of Cardinals through Italian territory to the Vatican, and shall provide that no impediment or limitation is placed on their personal liberty.

Italy shall also see that within its territory surrounding Vatican City no acts are committed which could possibly disturb the meetings of the Conclave.

The same provisions also apply for Conclaves held outside of Vatican City and for Councils presided over by the Supreme Pontiff or his Legates, also with regard to all Bishops

summoned to attend them.

#### Art. 22

At the request of the Holy See, or by its delegation which may be given in individuals cases or permanently, Italy will provide within its territory for the punishment of crimes committed within Vatican City, except when the author of the crime will have taken refuge in Italian territory, in which event he will be certainly prosecuted according to the provisions of Italian laws.

The Holy See will hand over to the Italian State persons who may have taken refuge within Vatican City and who have been accused of acts, committed within Italian territory, which are considered to be criminal by the laws of both States.

The same provisions will apply in regard to persons accused of crimes who may have taken refuge within the buildings declared to be immune in Art. 15 hereof, unless the persons in charge of such buildings prefer to invite the Italian police agents to enter them in order to arrest such persons.

#### Art. 23

The regulations of International Law will apply for the execution, within the Kingdom, of sentences pronounced by the Courts of Vatican City.

On the other hand, all sentences and measures emanating from ecclesiastical authorities and officially communicated to the civil authorities, concerning ecclesiastical or religious persons and concerning spiritual or disciplinary matters, will without exception have full legal force in Italy, also with all civil effects.

#### Art. 24

In regard to the sovereignty appertaining to it also in the international realm, the Holy See declares that it desires to remain and will remain outside of any temporal rivalries between other States and the international congresses called to settle such matters, unless the contending parties make a mutual appeal to its mission of peace; it reserves to itself in any case the right to

exercise its moral and spiritual power.

Consequently, Vatican City will always and in every case be considered neutral and inviolable territory.

Art. 25

By a special Convention written below and joined to the present Treaty, which constitutes Attachment IV to the same and forms an integral part thereof, provision is made for the liquidation of the credits of the Holy See with respect to Italy.

Art. 26

The Holy See holds that with the agreements signed today it is guaranteed sufficiently what it requires in order to provide with due liberty and independence for the pastoral governance of the Diocese of Rome and of the Catholic Church in Italy and in the world; it declares that the "Roman Question" has been definitely and irrevocably settled and therefore eliminated and it recognizes the Kingdom of Italy under the Dynasty of the House of Savoy with Rome as the capital of the Italian State.

Italy, on its part, recognizes Vatican City State under the sovereignty of the Supreme Pontiff.

The law of May 13, 1871, no. 214 is hereby abrogated together with any other disposition contrary to the present Treaty

Art. 27

Within four months after the signature thereof, the present Treaty will be submitted to the Supreme Pontiff and the King of Italy for ratification, and will enter into force from the very act of the exchange of ratifications.

Given in Rome this eleventh day of February, One Thousand Nine Hundred and Twenty-Nine.

(L.+ S.)

PIETRO CARDINAL GASPARRI

(L. + S.)

BENITO MUSSOLINI