

The Lateran Treaty of 1929

between the Holy See and Italy

Translated by Graeme A Hunter

In the name of the Most Holy Trinity

IT IS DECLARED

that the Holy See and Italy have recognised the expediency of eliminating any reason for disagreement which may exist between them by coming to a definitive arrangement of reciprocal relations, which conforms with the law and dignity of both Parties and which, by ensuring the Holy See a permanent status in fact and in law, guarantees it absolute independence to carry out its most exalted mission in the world and enables the Holy See itself to consider the “Roman question”, which arose in 1870 with the annexation of Rome to the Kingdom of Italy under the Royal House of Savoy, to be definitively and irrevocably settled;

that in order to ensure the Holy See absolute and visible independence, indisputable sovereignty particularly in an international context must be guaranteed, and the need to create the Vatican City is recognised, with appropriate formality, as is the full ownership, exclusive and absolute sovereign authority and jurisdiction over the same.

His Holiness the Supreme Pontiff Pius XI and His Majesty Vittorio Emanuele III, King of Italy, have agreed to conclude a Treaty and, to this end, have appointed two Plenipotentiaries namely, on behalf of the Holy See, His Eminence the Most Reverend Cardinal Pietro Gasparri, Secretary of State, and on behalf of His Majesty, His Excellency *Cavaliere* Benito Mussolini, Prime Minister and Head of Government; the aforementioned have exchanged their full and respective powers and found them to be in due and proper form, and have agreed upon the following terms:

- 1 Italy recognises and reaffirms the principle established by Article 1 of the Crown Statute of 4th March 1848, in which the Roman Catholic and Apostolic religion is the sole religion of State.
- 2 Italy recognises the sovereignty of the Holy See in an international context as an inherent part of its nature, according to its tradition and the requirements of its mission in the world.
- 3 Italy recognises the Holy See’s full ownership of, exclusive and absolute power and sovereign jurisdiction over the Vatican, as it is currently, and with all of its property and effects, and in such a way as to create the Vatican City for the particular ends and formalities of this present Treaty. The boundaries of the City are shown in the plan which makes up Appendix I of the present Treaty, of which it forms an integral part.

It remains understood, however, that St. Peter’s Square (despite belonging to the Vatican City) shall normally remain open to the public and be subject to the authority of the Italian police, who will patrol it on foot as far as the steps of the Basilica. Even though the Basilica remains open for public worship, the Italian police will refrain, however, from climbing the steps and entering the Basilica, except where invited by the relevant authorities.

In the event of a particular function and when the Holy See should see fit to temporarily restrict

public access to St. Peter's Square, the Italian authorities (unless invited to remain by the relevant authorities) shall retire to beyond the outer lines of the Bernini colonnade along its full extent.

4 The Holy See's exclusive sovereignty and jurisdiction over the Vatican City, which is recognised by Italy, requires that interference on the part of the Italian Government in the City be impossible and that there shall be no other authority therein than the Holy See.

5 In order to carry out that which is established by the previous Article 4 and before the present Treaty comes into force, the territory which makes up the Vatican City must be freed, under the management of the Italian Government, from all encumbrances and any possible occupiers. The Holy See will arrange for the closure of all entrances by fencing off the open areas except for St. Peter's Square.

It is agreed, moreover, that where existing buildings located therein and belonging to religious bodies and institutions are concerned, the Holy See will arrange for the normalisation of its relations with them, and the Italian State will distance itself from them.

6 Italy will arrange, by any necessary agreements with the appropriate organisations, that the Vatican City be assured of an adequate supply of water into its territory.

In addition, Italy will arrange a connection to its State Railways network by building a railway station within the Vatican City, in the location indicated in the attached plan (Appendix I), and by allowing the circulation of the Vatican's own rolling stock on Italian State Railways.

Furthermore, Italy will arrange for the direct connection of the Vatican City's telegraphic, telephonic, radiotelegraphic, radiotelephonic and postal services to its own and also directly to those of other countries.

Finally, Italy will also arrange for the coordination of all the other public services.

All of the above will be arranged at the expense of the Italian State and within one year of the present Treaty's coming into force.

The Holy See will arrange, at its own expense, for the arrangement of existing points of entry to the Vatican and any others that it should subsequently see fit to open.

Agreements will be undertaken between the Holy See and the Italian State for the circulation on Italian territory of the Vatican City's land vehicles and aircraft.

7 In the territory surrounding the Vatican City, the Italian Government undertakes to prohibit new buildings which may overlook it and, to the same end, to arrange the partial demolition of any such buildings already in existence from the *Porta Cavalleggeri* and along the *Via Aurelia* and the *Viale Vaticano*.

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

In *Piazza Rusticucci* and in areas adjacent to the Bernini Colonnade not covered by extraterritoriality as set out in Article 15, any modifications whatsoever to buildings or thoroughfares which may affect the Vatican City will only be undertaken by mutual consent.

8 By considering the Supreme Pontiff's person to be sacred and inviolable, Italy declares that attempting harm upon his person or incitement to do so will incur the same penalty as stipulated for attempting harm upon the King or incitement to do so.

Public outrage to and insult against the Supreme Pontiff's person committed on Italian territory in deed, in speech or in writing are punishable in the same way as for outrage to and insult against the King's person.

9 In accordance with International Law, all persons having permanent residence in the Vatican City are subject to the sovereignty of the Holy See. Such residency shall not be deemed lost by the

simple fact of taking temporary residence elsewhere, if not accompanied by the loss of the residence within the City or other circumstance demonstrating abandonment of the said residence. Any person who ceases to be subject to the sovereignty of the Holy See in the manner mentioned in the previous paragraph, and who, according to Italian law and independently of the circumstances mentioned above, is not believed to hold citizenship of another country, shall be naturally considered to be an Italian citizen.

Whilst subject to the sovereignty of the Holy See and within territory belonging to the Kingdom of Italy, even in circumstances where a person's status must be considered (and where not governed by rules issued by the Holy See), such a person shall be subject to Italian law, and, where a person is believed to hold citizenship of another country, the laws of that other country.

10 Church dignitaries and persons belonging to the Pontifical Court, who are to appear on a list to be agreed between the Contracting Parties, and even where they may not be Vatican citizens, shall always and in all cases be exempt from military service, jury service or any other personal obligation in Italy.

This exemption applies particularly to ordinary officials with a fixed stipend whose roles are declared indispensable by the Holy See and who are employed on a permanent basis by the offices of the Holy See, its ministries or other offices external to the Vatican City and detailed below in Articles 13, 14, 15 and 16. Such officials will appear on another list to be agreed as above and formally declared, and which will be updated annually by the Holy See.

Whilst on official business, any clerics who participate in the issuing of the Holy See's notices shall not, because of this, be subject to any impediment, investigation or harassment by the Italian authorities. Any foreign national in Rome holding ecclesiastical office shall enjoy the personal protection appropriate to Italian citizens as enshrined in the laws of the Kingdom.

11 The Catholic Church's governing bodies are exempt from any interference on the part of the Italian State (except for the provisions of Italian law governing the acquisition of charitable organisations), and from conversion with respect to real estate.

12 Italy recognises the Holy See's right to send and receive legations according to the general rules of International Law. Envoys sent by foreign governments to the Holy See will continue to enjoy all the prerogatives and immunities in the Kingdom of Italy (as enshrined in International Law) which are owed to diplomatic delegations, and their missions may continue to remain on Italian territory enjoying the immunity owed to them through International Law, even if their countries do not maintain diplomatic relations with Italy. It is agreed that Italy will always and in every case undertake to allow the free passage of correspondence to the Holy See from all countries, friendly and unfriendly, and vice-versa, and allow bishops from around the world free access to the Apostolic See. The Contracting Parties undertake to establish normal diplomatic relations between themselves, by accreditation of an Ambassador from Italy to the Holy See and a Papal Nuncio to Italy, who shall be the head of the Diplomatic Corps, according to the customary terms of engagement recognised by the Congress of Vienna of 9th June 1815. As a result of the sovereignty which has been recognised and without prejudice to that which is granted in Article 19 hereafter, diplomats from the Holy See and correspondence sent in the name of the Supreme Pontiff will enjoy, even in time of war, the same treatment on Italian territory as is due to diplomats and official correspondence of other foreign governments, according to International Law.

13 Italy recognises the Holy See's full ownership of the Patriarchal Basilicas of San Giovanni in Laterano, Santa Maria Maggiore and San Paolo, and adjoining buildings (see Appendix II, Articles 1,

2 & 3).

The State will transfer the administration and management of the aforementioned Basilica San Paolo and its adjoining monastery unconditionally to the Holy See, together with monies equal to the sum allocated annually in the Education Ministry's budget for the aforementioned Basilica. It is likewise agreed that the Holy See is the outright owner of the ancillary building of San Callisto by Santa Maria in Trastevere (see Appendix II, Section 9).

14 Italy recognises the Holy See's full ownership of the Papal Palace at *Castel Gandolfo* with all of its property, annexes and lands (See Appendix II, Section 4), which are now already in the possession of the Holy See itself, as well as the obligation to hand over the Villa Barberini in *Castel Gandolfo* with all its property, annexes and lands (See Appendix II, Section 5), again with outright ownership, and to officially declare the said obligation within six months of the present Treaty coming into force. In order to complete ownership of the properties situated on the north side of the *Colle Gianicolense* which belong to the Holy Congregation of Propaganda Fide and other Church bodies and those facing onto the Vatican Palaces, the State undertakes to transfer ownership of buildings situated in the aforementioned areas, which are owned either by the State or by third parties, to the Holy See or to those bodies to be designated by it. Those buildings owned by the aforementioned Congregation and other bodies which are to be transferred are indicated on the attached plan (see Appendix II, Section 12).

Finally, Italy will transfer to the Holy See the full and outright ownership of the former convent buildings in Rome which are adjacent to the Basilica of the Twelve Holy Apostles and the churches of Sant'Andrea della Valle and San Carlo ai Catinari, along with all annexes and lands (see Appendix III, Sections 3, 4 & 5), and to deliver them free of occupancy within one year of the present Treaty coming into force.

15 The buildings indicated in Article 13 and in the first and second paragraphs of Article 14, including the Palaces of Dataria, the Chancellery, the Propaganda Fide in the *Piazza di Spagna*, the Palace of Sant'Offizio and annexes, the Palace of the Convertendi (now known as the Congregation for the Eastern Church) in *Piazza Scossacavalli*, the Palace of the Vicariate (see Appendix II, Sections 6, 7, 8, 10 & 11) and the other buildings in which the Holy See in the future sees fit to install its other Ministries, and which, even if they form part of Italian territory, will enjoy the immunity afforded by International Law to the diplomatic offices of foreign countries. The same immunity will apply also with respect to other churches, when they are not open to the public, even outside Rome, during the time in which religious services are conducted in them by the Supreme Pontiff.

16 The buildings indicated in the three preceding Articles, as well as those used as headquarters for the following pontifical institutions:

Gregorian University, Biblical, Oriental & Archaeological Institutes, Russian Seminary, Lombard College, the two palaces of Sant'Apollinare and the House of Spiritual Contemplation for the Clergy of St. John and St. Paul (see Appendix III, Sections 1, 1b, 2, 6, 7, 8) will never be subject to any encumbrance or expropriation for reasons of public utility, except upon prior agreement with the Holy See, and shall be exempt from normal or emergency taxes payable to the State or to any other body. It is the preserve of the Holy See to modify all of the above buildings indicated in the present and the three preceding Articles as it sees fit, without the need for authorisation or consent on the part of Italian governmental, provincial or local authorities, who can when necessary rely on the noble artistic traditions which the Catholic Church possesses.

17 Payments of any nature made by the Holy See, other central bodies of the Catholic Church and other bodies managed directly by the Holy See even outside Rome, to its dignitaries, managers and employees (even temporary) stationed on Italian territory shall be exempt from 1st January 1929 from any Italian taxation be it levied by the State or by any other body.

18 The artistic and scientific treasures held in the Vatican City and the Lateran Palace will remain accessible to academics and visitors, although the regulation of public access will remain the sole preserve of the Holy See.

19 The Holy See's diplomats and envoys, and those of foreign governments sent to the Holy See and Church dignitaries travelling from abroad directly to the Vatican City on passports issued by the country of origin and endorsed by a papal representative abroad, shall be allowed entry to the Vatican City through Italian territory, without further formality. The same applies to the aforementioned persons holding normal pontifical passports and who will be travelling abroad from the Vatican City.

20 Merchandise which is addressed to institutions and offices of the Holy See in the Vatican City, arriving from or leaving abroad, shall always be admitted by any Italian border crossing and in any port of the Kingdom, crossing Italian territory with full exemption from import and export duties or tolls.

21 All Cardinals will enjoy all the honours due to Royal Princes in Italy and those resident in Rome, even outside the Vatican City, are to all intents and purposes citizens of the Vatican. During periods of *sede vacante* or vacancy in the Pontifical See, Italy will ensure especially that the Cardinals' entry to and free passage through Italian territory to the Vatican is not impeded, and shall not place impediments or limitations on their personal freedom. Moreover, Italy will ensure that no acts are committed on its territory or inside the Vatican City which may disturb the meetings of the Conclave. The aforementioned procedures also apply for Conclaves which may be held outside the Vatican City, and likewise for Councils presided over by the Supreme Pontiff or his Legates and for Bishops who may be called upon to attend them.

22 At the request of the Holy See and by its delegation which may be given in an individual case or on a permanent basis, Italy will arrange for the punishment on Italian territory of criminal acts committed in the Vatican City, except where the perpetrator of the crime has taken refuge on Italian territory, in which case Italy will of course proceed against him according to Italian law. The Holy See will hand over to the Italian State those persons who may have taken refuge in the Vatican City and who may be accused of acts committed on Italian territory and which are proscribed by the laws of both States. Equally, persons accused of crimes who may have taken refuge in properties declared immune in Article 15 will be handed over, unless those in charge of said properties prefer to ask the Italian authorities to enter therein and arrest them.

23 Sentences handed down by Vatican City courts and carried out in the Kingdom of Italy will be subject to International Law. However, sentences and orders issued by ecclesiastical authorities applicable to clergymen or members of religious orders which have been officially communicated to the Italian civil authorities and concern matters of discipline or of a spiritual nature, will have immediate and full legal force in Italy.

24 In relation to the sovereign status due to it including in an international context, the Holy See declares that it wishes to and shall remain outside of the temporal rivalries between other countries and of the international congresses set up for that purpose, unless the opposing parties make a mutual call to its mission of peace. The Holy See reserves the right at all times to demand

respect for its moral and spiritual authority. As a result of this, the territory of the Vatican City shall forever and in all cases be considered neutral and inviolable.

25 By special arrangement signed hereunder and attached to the present Treaty, and forming Appendix IV of this document and an integral part thereof, it shall be arranged for all debts owing to Italy by the Holy See to be liquidated.

26 With the agreements signed here today, the Holy See considers itself adequately assured of having what it requires to provide, with due freedom and independence, the pastoral governance of the Diocese of Rome and of the Catholic Church in Italy and around the world. The Holy See declares the "Roman Question" to be definitively and irrevocably settled and therefore eliminated and recognises the Kingdom of Italy under the Royal House of Savoy with Rome as the capital of the State of Italy. In turn, Italy recognises the State of the Vatican City under the sovereignty of the Supreme Pontiff.

The law No. 214 of 13th May 1871 is abrogated as is any other statute contrary to the present Treaty.

27 The present Treaty will be subject to ratification within four months of signing by the Supreme Pontiff and the King of Italy and will come into force immediately upon exchange of the instruments of ratification.

Rome, on the eleventh day of February, nineteen hundred and twenty-nine.

Signed by:

Pietro Cardinale Gasparri

Benito Mussolini

- Appendix I: Plan of the territory of the State of the Vatican City.
- Appendix II: Plans of buildings with extraterritorial privileges and exemption from expropriation and taxation (Table XII).
- Appendix III: Plans of buildings exempt from expropriation and taxation (Table VIII).
- Appendix IV: Financial Agreement.

(The plans are omitted)