

AGREEMENT
BETWEEN
THE PORTUGUESE REPUBLIC
AND
THE ISMAILI IMAMAT

8th May 2009

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WHEREAS the 1976 Constitution of the Portuguese Republic and the Religious Freedom Act enshrine, and Portugal acknowledges, the social importance of the religious phenomenon, the commitment to the principle of non-discriminatory treatment for the different churches and religious communities and the need to establish enabling conditions for all citizens to enjoy the freedom of conscience and the right to freely practise religion and worship;

WHEREAS the *Shia Imami Ismaili Muslims* constitute a worldwide religious community whose members are historically united not only by a common allegiance of spiritual loyalty, devotion and obedience to the *Shia Ismaili* Imam of the time, hereditarily designated according to the applicable customary law, but also by a common outlook guided by the Islamic ethic of respect for the inherent nobility of the human person, trust in the liberty and capacity of human will for responsible choice as well as by the belief in a shared humanity, building good relations with other religious and social communities among whom they live;

WHEREAS apart from this permanent spiritual bond with the Imam of the Shia Imami Ismaili Muslims, a supranational entity, formally, no autonomous local or national religious authority resides in, and specifically for, each country and, from an institutional perspective, this circumstance permits the conclusion of an agreement between the Portuguese Republic and the Ismaili Imam, similar to, within non-religious scope, the Co-operation Protocol between the Portuguese Republic and the Ismaili Imam;

WHEREAS by virtue of his office and in accordance with the tenets and tradition of *Shia Ismaili* Islam, the Imam of the time has ordained for the *Shia Imami Ismaili Muslims* worldwide the Ismaili Constitution in order to foster fruitful cordial relationships among different peoples, to optimise the use of resources and to enable the *Shia Imami Ismaili Muslims* to make a valid and meaningful contribution to the improvement of the quality of life of the societies in which they live;

The Portuguese Republic and the Ismaili Imam, cherishing the common objective of reinforcing the historic and present links uniting them and to enable the best conditions for the activity of the Ismaili Imam and of the *Shia Imami Ismaili Muslim* community in Portugal for the benefit of its members and of the Portuguese community as well as internationally, especially in the Portuguese speaking countries, while acknowledging the social value of such activity;

The Portuguese Republic and the Ismaili Imam undertake to work together towards fulfilling their shared commitment and responsibilities to uphold and enhance the supreme value of human dignity as also reflected in the Constitution of the Portuguese Republic and in the international Conventions binding the Portuguese Republic, aiming at a more fraternal society, co-operation and inter-religious dialogue among the various communities and a world less divided by conflicts, where the living standards of the dispossessed improves and where the values of justice and peace might be tirelessly sought:

The Government of the Portuguese Republic and the Ismaili Imam acknowledge and affirm the following:

Article 1 Acknowledgment as legal entity

1. The Portuguese Republic acknowledges the Ismaili Imam as a legal entity and as the utmost manifestation of the Community of *Shia Imami Ismaili Muslims*.
2. The Ismaili Imam is understood to mean the institution (or office) of the Imam of the *Shia Imami Ismaili Muslims*, chosen by successional designation in the terms of the applicable customary law.
3. The rights, duties and authority attributed to the Imam, understood to mean His Highness the Aga Khan or his legitimate successors to the Imam, regarding the fulfilment of this agreement in Portugal can be delegated to his personal representative.
4. The relations between the Portuguese Republic and the Ismaili Imam are maintained according to the provisions of the Protocol of Co-operation published on 15th March 2006.

Article 2 Co-operation

1. The co-operation between the Portuguese Republic and the Ismaili Imam towards the establishment of an ambiance of harmony and inter-confessional dialogue, of peace and justice and of fulfilment of the shared values, shall be manifested both internally and internationally, particularly, but without restriction, within the European Union and in the Portuguese speaking countries.
2. The Portuguese Republic and the Ismaili Imam share the principles and values that honour the ethical meaning of human life, the pluralism of societies and the respect for the dignity of human beings, without any distinction of gender, race, creed, political persuasion or any other discriminating factor.

Article 3 Protection of religious identity

1. The Portuguese Republic acknowledges that the Shia Imami Ismaili Muslim Community designation, as well as the designations and names of bodies referred to in the Ismaili Constitution or whatever variations of such designations and names shall be decided by the Imam of the time, shall only be used by the members of the religious community whose religious loyalty, devotion and obedience, are manifested towards the Imam, under the terms and conditions established by the above mentioned Constitution and by the pronouncements, guidance, commandments or regulations issued by the Imam of the time.
2. These designations cannot be used without the previous authorisation in writing, in each instance from the Imam of the *Shia Imami Ismaili Muslims*, especially if used for the constitution and registration of any church or religious community in Portugal or for any other aim.

Article 4 Organisation

1. In Portugal the community of the *Shia Imami Ismaili Muslims*, hereinafter referred to as the Ismaili Community, may be freely organised consistent with the rules of the Constitution of the *Shia Imami Ismaili Muslims*.
2. The ministers of religion of the Ismaili Community are the persons as such considered and appointed by the Imam or whose appointment was authorised by him.
3. The position of minister of religion is certified by the Chairman of *The Shia Imami Ismaili Tariqah and Religious Education Board*, which, acting upon the guidance of the Imam, equally defines which acts can be performed by them within the scope of the religious activity.
4. The Imam shall be able freely to approve and issue any pronouncement, guidance, commandment or regulation relating to religious issues, to community matters and tradition and the Ismaili Community's activity and freely communicate with the ministers of religion and believers, as these persons shall be able to do freely with the Imam.

Article 5 Religious schools and ecclesiastical culture

1. The Portuguese Republic confirms the Imam's right to establish and maintain religious schools and ecclesiastical cultural institutions, and their internal organisation shall not be subjected to State supervision.
2. The academic ranks, titles and diplomas obtained in the establishments mentioned in the previous paragraph are acknowledged, under the terms established by Portuguese Law, for establishments which are similar in their nature and quality.

Article 6 Non-religious schools

1. The Portuguese Republic ensures the Imam and the Ismaili Community, within the freedom of teaching, the right to create and direct schools in all training and teaching levels, according to Portuguese law, without being subject to any kind of discrimination.
2. The degrees, titles and diplomas obtained in the schools referred to in the previous paragraph are acknowledged under the provisions set up by Portuguese law to schools which are similar in nature and quality.
3. The Aga Khan University, the University of Central Asia, and The Institute of Ismaili Studies or any other academic/educational institutions and programmes that are sponsored, established and operated under the aegis (and control) of the Ismaili Imam may each carry out its activity according to Portuguese law, as provided for in the previous paragraphs, with respect to its institutional specificity.

Article 7 Designation of representatives for various organs

1. The Minister of Justice may appoint a representative designated by the Imam to serve on the Commission of Religious Freedom, under the terms established by Portuguese law.
2. The Government after hearing the Commission of Religious Freedom may appoint a representative designated by the Imam to the Commission for the Religious Persuasions Broadcasting Time, under the terms and time frame established by the law.

Article 8 Subsidiary application of the law

1. Law No. 16 / 2001 of 22nd June shall be applicable to all matters which are not contemplated under the present agreement.
2. The present agreement does not affect the entitlement and the exercise by the Imam and by the Ismaili Community of other rights applicable to inscribed and settled churches and religious communities, under Portuguese Law.

Article 9 Possibility of supplementary agreements with the State in matters pertaining to common interests

The current agreement may be amended or implemented through partial supplementary agreements, whenever this proves to be adequate for both parties.

Article 10 Complementary legislation and regulations

The Portuguese Republic and the Ismaili Imamatus shall pursue the implementation, revision and publication of legislation and regulations required for the implementation and development of the current agreement, and for that purpose they will make reciprocal consultations.

Article 11 Entering into force

The current agreement is binding 30 days after the compliance of tramitation foreseen under Portuguese Law, in view of validity and effectiveness of international conventions.

Signed in Lisbon, this eight day of May 2009 in two original copies in the Portuguese and English languages, both texts having the same value.

FOR THE GOVERNMENT OF THE
PORTUGUESE REPUBLIC

FOR THE ISMAILI IMAMATUS

LUÍS FILIPE MARQUES AMADO
MINISTER OF STATE AND
FOREIGN AFFAIRS

HIS HIGHNESS THE AGA KHAN
49th HEREDITARY IMAM OF THE
SHIA IMAMI ISMAILI MUSLIMS