



SOVEREIGN MILITARY HOSPITALLER ORDER
OF ST JOHN OF JERUSALEM OF RHODES AND OF MALTA

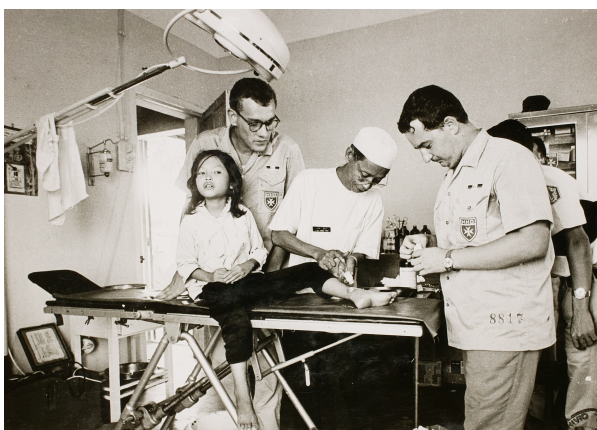
A brief description of its sovereignty, diplomacy,
government structure and history

Main characteristics

The Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta (Order of Malta) is one of the oldest institutions of Western and Christian civilization. The Order of Malta is a unique institution in the world. It is at the same time a lay religious order of the Catholic Church, a subject of international law and a humanitarian institution.

Mission and worldwide activities

Following its historic mission to help the sick, the needy and the most disadvantaged in society, regardless of race, religion or origin, today the Order provides medical assistance, humanitarian aid and social services in more than 120 countries.



Order of Malta's members helping the wounded during the Vietnam War

The Order of Malta operates through 6 Grand Priorities, 6 Sub Priorities and 47 national Associations, 133 diplomatic missions, 1 worldwide relief agency and 33 national relief corps, as well as numerous hospitals, medical centres and specialist foundations. It has 13.500 members worldwide (Knights, Dames, Chaplains), over 80,000 trained volunteers and 42.000 employees, most of them medical personnel.

Why it is Sovereign but not a State?

Formally recognized as an order of the Church in 1113 by Pope Paschal II, the Order has remained independent through the centuries. Since its origin, the Order of Malta has maintained its autonomy and absolute independence vis-à-vis other States, being endowed with an autonomous internal organization which exercises legislative, executive and judiciary powers. As a consequence, the Order of Malta's existence has never depended upon a territory. It is for this reason that the sovereignty of the Order of Malta has known no interruption throughout the centuries, in spite of the loss of its territories of Rhodes (1310-1523) and of Malta (1530-1798). The Sovereign Order of Malta occupies a special place in international law: it is not a State, because it has no longer a territory nor citizens and it is not an international organization, because it is not a derived one. Fundamentally, the Order of Malta was not created as the result of an agreement between States.

The Order of Malta's diplomatic relations

Today the Sovereign Order of Malta has bilateral diplomatic relations with 107 States¹ and the European Union, and permanent observer status at the United Nations, its specialized agencies and to the main international organizations. It is always neutral, impartial and apolitical.

Purpose of diplomatic relations

The humanitarian activities of the Order of Malta around the world are largely facilitated by the existence of its diplomatic network, which strengthens the relationships with the governments of the countries in which it operates. Diplomatic relations mean direct access to national governments and international organizations. They exist to provide a diplomatic channel to help the Order's entities develop medical and humanitarian projects in accordance with the country needs.



The Order's flag in front of the European Parliament

The Sovereignty and Diplomatic network play a pivotal role in the Order's ability to serve people in need and is an asset for the Catholic Church and for the countries where it operates. The neutrality and impartiality allow the Order to provide assistance in situations where other organizations have difficulty of access.

Thanks to international cooperation agreements signed between more than 50 States and the government of the Sovereign Order of Malta, the organisations of the Order on the ground have an operating framework that favours the efficacy and the durability of its actions. This allows it to be integrated into national and regional healthcare systems and to obtain customs facilities for the importing of essential healthcare equipment. In these relations, the Order and the States are equals; the Order is always recognised and defined as "Sovereign"; the agreements stipulated take the form of international accords, although the Order is currently a non-territorial power.

Moreover, the diplomatic relations offer stronger protection for humanitarian personnel on the field in crisis regions.

¹ For the full list of bilateral relations, see:
<https://www.orderofmalta.int/diplomatic-activities/bilateral-relations/>

Difference with diplomatic activities of all other Nation states

The diplomatic activity of the Sovereign Order of Malta is distinct from that of nation states. It has another dimension and other aims: having no longer a territory to defend, economic or trade interests to promote, the Order of Malta does not position itself in international conflicts. The Sovereign Order of Malta acts to promote ethical and spiritual values, which have guided it for nearly a thousand years, through charitable works, especially in the medical, social and humanitarian fields, or emergency situations. It does not pursue any economic or political goal and does not depend on any other state or government.

Multilateral diplomacy

Since the end of the Second World War, multilateral diplomacy has come to play a growing role in international relations. Official representations to the principal international organizations² allow the Sovereign Order of Malta to take its expertise from the field to the diplomatic table. Through its ambassadors and diplomatic representatives, the Order's views on issues at the core of its commitment – peace and stability, human rights, healthcare, refugees, food security - are represented on an international stage.



Amb. Marie-Thérèse Pictet-Althann, Permanent Observer of the Sovereign Order of Malta to the UN in Geneva

The Sovereign Order of Malta contributes with its expertise to global consultations and to the definition of possible fields of cooperation in healthcare, social assistance, emergency relief, and implementation of humanitarian principles.

The Order of Malta and the UN

In 1994 the United Nations granted the Order of Malta Observer Status³. Since then, the Order has maintained Permanent Missions to the United Nations in New York, Geneva, Vienna, Rome, Paris, and more recently in Nairobi and Bangkok.

The Order is represented at the UN by a Permanent Observer Mission which is headed by an Ambassador, Oscar R. de Rojas y Villa. The staff currently consists

of nine part-time delegates, one full time Administrative Officer, and three full time interns. They ensure that the Sovereign Order of Malta's work is widely respected and highly visible.



Amb. Oscar R. de Rojas, Permanent Observer of the Sovereign Order of Malta to the UN in New York, with former UN Secretary-General Ban Ki-Moon

The Permanent Observer reports to the Grand Chancellor. The Order's Permanent Observer Mission has no voting privileges in the decisions making bodies of the UN in New York. The Mission is permitted to attend daily meetings of the Security Council, when not meeting in private session. The Order is permitted to attend and address and have statements distributed in meetings of the General Assembly and its six committees and numerous subsidiary bodies. As a respected Member Representative to the UN, the Permanent Observer is given unique opportunities for enhancing relationships with States, UN Agencies, International organizations, non-state actors⁴.

Ambassadors' role

An ambassador of the Sovereign Order of Malta enjoys the same status of all other ambassadors. However, he is not called to exercise his mission like other ambassadors who are meant to protect the interests of the sending state.

Rather, the Order of Malta's ambassador aims - through his action in the country to which he/she is accredited - to favour the interests of the suffering and the needy. This is something that is clearly seen in the humanitarian and medical activities that he/she seeks to promote. This is an approach, which is similar to the diplomacy of the Holy See.

The Order's Diplomatic Corps is recruited both from the ranks of professional diplomats who are leaving active service but seeking to make positive use of their skills and experience in a voluntary capacity, and from members of the Order who have the necessary knowledge and expertise thanks to their professional

² For the full list of multilateral relations, see: <https://www.orderofmalta.int/diplomatic-activities/multilateral-relations/>

³ UN General Assembly Res. 48/265, August 24, 1994

⁴ Such as corporations, religious groups, aid agencies, mass media, etc.

experience. Ambassadors of the Order remain in office four years and may be renewed for additional four-year terms. Ambassadors' missions are strictly humanitarian, always impartial and totally voluntary.

The head of the Order's diplomacy: the Grand Chancellor

The Grand Chancellor is responsible for the foreign policy and the diplomatic missions of the Order. In the implementation and exercise of their mission, Order of Malta's ambassadors are subject to the authority and guidance of the Grand Chancellor and the Foreign Affairs department of the Grand Magistracy in Rome. They are not career civil servants but they are, nevertheless, at the service of the Order. Appointment and recall of Order of Malta's ambassadors pertain to the Grand Master, on the recommendation of the Grand Chancellor, having heard the Sovereign Council.



The Grand Chancellor's official visit to Romania with the Foreign Minister, Bogdan Aureescu.

Relations with the Holy See

The Order of Malta was officially recognized as a religious lay Order by Pope Paschal II in 1113⁵.

Article 4 of the Order's Constitution affirms:

“The religious nature of the Order does not prejudice the exercise of sovereign prerogatives pertaining to the Order in so far as it is recognized by States as a subject of international law”.

The Order of Malta is represented in the Vatican by an embassy. The Order of Malta's ambassador is currently Antonio Zanardi Landi, former Italian diplomat. The Holy Father is represented in the Order with a Cardinal whom he nominates, who has the title of 'Cardinal Patron'⁶. The Holy See appoints a Nuncio - a Bishop or

⁵ Address of Pope Benedict XVI to the members of the Order of Malta - 9 February 2013:

https://w2.vatican.va/content/benedict-xvi/en/speeches/2013/february/documents/hf_ben-xvi_spe_20130209_ordine-malta.html

an Archbishop - in the countries with which it has diplomatic relations. Considering the religious nature of the Order, the Pope appoints as his 'ambassador' to the Order of Malta a Cardinal. The Cardinal Patron is in charge of promoting the spiritual interests of the Order and of its members, as well as the relationships between the Holy See and the Order of Malta.

The Order's Prelate is the religious superior of the clergy of the Order with priestly functions.

He ensures that the religious and priestly life of the Chaplains and their apostolate are followed according to the discipline and spirit of the Order. He supports the Grand Master and the Grand Commander in supervising the religious life and devotion of the members of the Order and in any aspect related to the spiritual nature of the Order's initiatives. The Prelate is appointed by the Pope, who chooses from among three candidates presented by the Grand Master.



Pope Francis receives Fra' Giacomo Dalla Torre del Tempio di Sanguinetto

Each year the Grand Master and the Sovereign Council are formally received by the Holy Father on the feast day of St. John the Baptist. On the same occasion, the Grand Master and the Grand Chancellor are received by the Cardinal Secretary of State.

Diplomatic passports

All the States with which the Sovereign Order of Malta maintains diplomatic relations – currently 107 - accept the diplomatic passports of the Sovereign Order of Malta as a valid travel and identification document.

Diplomatic passports of the Sovereign Order of Malta are granted only to the Grand Master, members of the Sovereign Council, to heads and members of its Diplomatic Missions (as well as their consort and minor children), and – with very few exceptions – to senior figures in charge of a special mission within the Order of Malta. The validity of the passport is of four years and is strictly linked to the duration of the assignment. In total, about 500 passports are currently in circulation. The Sovereign Order of Malta diplomatic passports include biometric features and are compliant with the International Civil Aviation Organization (ICAO) standards.

⁶ Following the appointment by Pope Francis of Mons. Angelo Bacci as his Special Delegate in February 2017, the office of the Cardinal Patron is currently suspended.



The first ambassador of the Sovereign Order of Malta presents his credentials to the President of the German Federal Republic, January 2018



Thanks to an International agreement with Italy, the Order's medical personnel saves migrants lives in the South of Mediterranean



Address of the Lieutenant of the Grand Master to the Diplomatic Corps accredited to the Sovereign Order of Malta, January 2018

13. The Order of Malta's legal system

Unlike so many other religious-chivalric Orders, the Order of Malta has managed to survive intact throughout its historical vicissitudes. This is basically because, besides its continuity and its hospitaller and welfare activities, it has possessed since its foundation a particularly well-structured internal organisation, still able to generate an autonomous and distinctive set of regulations.

Over the centuries the Order has always kept itself independent of any State, since it has never appeared in any sense as an organ of the States to which its members belong.

The Order has always asserted its “sovereign” quality in its constitutions, and this assertion is vital for assessing the independence of its system. Its sovereignty is full and not functional, even if it is currently only exercised in non-territorial matters. Benefitting from all the prerogatives of sovereignty, it has its own constitution and independent magistracy and tribunals, and creates public institutions endowed with independent juridical personality.

The Order's present structure still basically maintains its original design, although important amendments have been made to its Constitutional Charter of 27 June 1961 by resolution of the Extraordinary Chapter General of 30 April 1997.

An analysis of how the Order's legal system currently exercises its three internal functions (legislative, executive and judicial) confirms that we are looking at an autonomous and independent system, whose functioning is based on the regulatory framework provided by its Constitutional Charter to which all the other juridical sources are subject.

With regards to the organizational structure, the Grand Master is the Head of the Order, covering both his position as Head of State and religious Superior. He enjoys the honours and privileges reserved for Heads of State. He is elected for life by the Council Complete of State from among the Professed Knights having specific requisites. According to the Constitutional Charter (art. 15,1), assisted by the Sovereign Council and exercising his supreme authority, he confers duties and offices and looks after the general government of the Order. The Sovereign Council's “assistance” is based on the fact that legislative measures are usually decided with its deliberative vote. In some limited cases, the Head of the Order issues the measure without the prior vote of the Sovereign Council.

The Chapter General has primary legislative power and is normally convened every five years. This body can issue new regulations and can also amend the Order's Code as well as its Constitutional Charter (with a qualified majority). The Chapter General also has the important function of electing the members of the Sovereign Council, the members of the Government Council (a consultative body of the Sovereign Council) and, more in general, of debating on the Order's essential policy lines, both domestic and international.

The Council Complete of State is similar to the Chapter General in its composition. It meets in the event of the

Grand Master's death, resignation or permanent incapacity with the specific function of electing his successor.

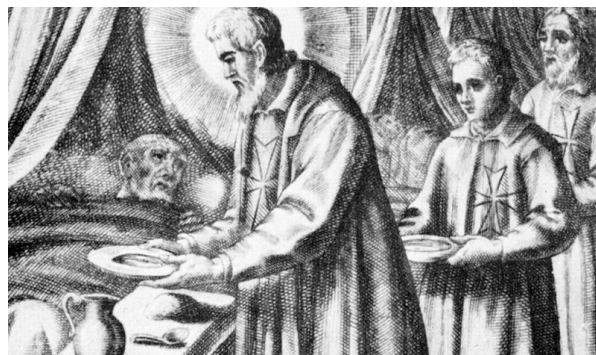


The Council Complete of State 2017

The Sovereign Council holds executive power and is elected for a term of five years. It is presided over by the Grand Master and is composed of the four High Offices: the Grand Commander (the religious superior of the Order's religious members); Grand Chancellor (Minister for Foreign Affairs and Minister of the Interior); Grand Hospitaller (Minister for Health and International Cooperation); Receiver of the Common Treasure (Minister for Finance), together with six other members.

14. Short history of the Order

The origins of the Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta date back to the Middle ages (before the first crusade), during which many other Orders of knighthood were also born (the Teutonic Order, the Order of the Holy Sepulchre, the Templars, the Orders of Compostella, St. Stephen, etc.), now no longer in existence or surviving as institutions within the individual States. The Order of St. John of Jerusalem was created first of all to shelter and provide medical care to the pilgrims in an hospital in Jerusalem and for the indigenous of any religious faith or race.



Blessed Gérard serving the pilgrims in the Holy Land

The original nucleus, founded in the mid of 11th century, was a church and hospice dedicated to St. John the Baptist, the Order's patron. The Order still possesses today the distinct features it had at its outset. It is no coincidence that its name recalls its hospitaller func-

tion, its creation in Jerusalem (*of Jerusalem*) and its dedication to its patron saint (*of St. John*).

With a solemn document issued on 15 February 1113, Pope Paschal II placed this hospital under the protection of the Church, giving to the Order the right to elect freely Gerard's successors without interference from any other ecclesiastical or lay authority⁷.

Not long after its foundation, the Crusaders established the Kingdom of Jerusalem and the subsequent political situation forced the Order, under its second head Fra' Raymond du Puy, to defend with arms the sick, the pilgrims and the Christian states released from Muslim dominion.

When in 1291 Saint-Jean d'Acre, the last Christian outpost in the Holy Land, had fallen, the Order moved to Rhodes. With the occupation of this island, concluded in 1310 under Grand Master Fra' Foulques de Villaret, the Order also acquired territorial sovereignty, becoming the spearhead of Christianity in the eastern Mediterranean. A naval force soon became necessary to defend Christendom and the Order created a powerful fleet which fought numerous battles.

With the occupation of Rhodes, the Order became more independent of the Pope and the Emperor in its government and external relations. Although it was still premature to speak of the Order's international sovereignty - because the international community had not yet been created - it is certain that the Order, by acquiring territorial sovereignty, became more similar to States, since it already possessed their administrative and judiciary legislative structure.

The Knights remained on Rhodes until the end of 1522, when they were forced to capitulate following a siege by the great fleet of Sultan Suleyman the Magnificent, departing from the island on 10 January 1523. The Siege of Rhodes of 1522 was the second and ultimately successful attempt by the Ottoman Empire to expel the Knights from their island stronghold and thereby secure Ottoman control of the Eastern Mediterranean. The first siege in 1480 had been unsuccessful.

Over the next seven years the Order was without a territory and moved first to Messina, then to Civitavecchia and Viterbo, Nice and Villafranca, until the Emperor Charles V, as King of Sicily, granted it in sovereign fief the islands of Malta, Gozo and Comino, as well as Tripoli in North Africa. On 26 October 1530, the Grand Master Fra' Philippe de Villiers de l'Isle Adam took possession of Malta with the approval of Pope Clement VII.

The Turks attacked Malta several times, but in the Great Siege, lasting from 18 May to 8 September 1565, they were routed by the Knights led by the heroic Grand Master Fra' Jean de la Vallette, who subsequently founded the new capital of the island named after him. The Order's fleet fought fiercely during the battle of Lepanto of 1571 which definitively destroyed the Ottoman naval power. During its Maltese period, the Order consolidated its legislative and judiciary organisation, becoming similar to an autonomous subject

within the framework of the now existing international community.



The 49th Grand Master Fra' Jean de La Vallette-Parisot (1557 – 1568)

Sovereignty over Malta was exercised until 12 June 1798, when Napoleon, engaged in the Egyptian Campaign, occupied the island and forced the Order to leave. This meant that the Knights were left once again without a territory.

In 1801 the British occupied Malta and, although the Order's sovereign rights over Malta were recognised with the Treaty of Amiens (1802), it could not make use of them.

The Congress of Vienna of 1815, to which the Order of Malta sent its own delegation, marked a significant date in its history. Although the Order definitively lost its Maltese territory, subjected to British sovereignty by the Treaty of Paris of 1814, this Congress did in fact recognise its international sovereignty, qualifying it as "Sovereign" and thus confirming the custom of some States to treat it as a subject of international law.

After this the Order moved its headquarters to Italian territory and, after temporary bases in Trieste, Catania and Ferrara, since 1834 it has settled in Rome in the extraterritorial premises of the Magistral Palace, in Via Condotti 68, and of the Magistral Villa on the Aventine Hill.

The event which could have marked its end was the beginning of its recovery. Relieved of the difficulties of temporal government and released from all military duties, the Grand Masters that followed were able to build on the Order's original aspirations: serving the sick and poor.

⁷ Pope Paschal II Solemn Privilege in 1113:

<https://www.orderofmalta.int/history/1113-papal-recognition/>

During the nineteenth and twentieth centuries, the Order thoroughly reviewed and updated its statutes, its Constitution and its Code. The loss of the island of Malta also saw the end of the ancient internal division into Langues. The reorganisation that the Order managed to complete coincided with the foundation of national associations. The first to be founded was the German association in 1859, followed by the British association in 1875 and the Italian association in 1877.

Some years after settling in Rome, the Order opened a hospital with 500 beds on the left bank of the Tiber. In 1864 the St. Franziskus Hospital in Flensburg/Germany was established. In 1869 it opened another hospital near Jerusalem. Between 1850 and 1910 the hospital in Naples ran at full capacity, treating those wounded in the war of Ethiopia as well as some of those wounded in the Messina earthquake (1908). Several national associations ran ambulance services on battlefields in

1864, 1866, 1870 and in 1855 during the Balkan War.



Hospital train during the First World War

Medical and humanitarian activities were carried out on a large scale during the First and Second World Wars. Under Grand Masters Fra' Angelo de Mojana (1962-1988) and Fra' Andrew Bertie (1988-2008), the Order's programmes have further expanded to the point where they reach the farthest corners of the globe.

Bibliography

The following publications are available for download at this link:

https://www.dropbox.com/sh/xz7ezlxtac052tu/AABCCrLp0IQmS6r4-nrS_vfya?dl=0

- Regulations and Commentary (on membership in the Order of Malta)
- At a Glance (Institutional brochure)
- 2016 Activity Report
- 1997 Constitutional Charter and Code

For more information on the Order of Malta and its current activities:

International website

www.orderofmalta.int

Twitter

<https://twitter.com/orderofmalta>

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<https://www.youtube.com/user/OrderofMaltaGM>

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