

instruction within the meaning of the Christian confessions. It shall in particular take care that those entitled to bring up the children, if they are concerned, shall be regularly referred to the instruction events coming into question.

Section 3

The Land shall in the sphere of university facilitate academic preparatory training for instruction in different religions. The teaching assignment issued at the Pedagogical University of Lower Saxony, Hanover department, for religious science and didactics of instruction in different religions shall remain.

Section 4

The Land shall with regard to broadcasting corporations in which it holds a share continue to be deliberate that the statutes contain provisions in accordance with which the Non-denominational Religious Land Community is given suitable on air times and that it is facilitated a suitable representation of its interests in questions of programming.

Section 5

The freedom of the Non-denominational Religious Land Community to act in adult education shall be ensured.

Section 6

The Non-denominational Religious Land Community and its communities shall be entitled to collect from its members for non-denominational and charitable purposes.

Section 7

(1) The Land shall pay to the Non-denominational Religious Land Community from the year 1970 onwards as an annual subsidy towards personnel costs the sum of one hundred thousand Deutsche Mark. The amount of the sum shall be adjusted to the changes in the remuneration of the Land civil servants, as in the case of comparable public subsidies.

(2) The public subsidy shall be paid on a quarterly basis with one quarter each of the annual amount being paid in advance.

(3) The Land Court of Audit shall be entitled to check the use of the financial support in situ, to inspect the required documentation and to require information.

4. Saxony-Anhalt:

Treaty between the Land of Saxony-Anhalt with the Jewish Community in Saxony-Anhalt (Vertrag des Landes Sachsen-Anhalt mit der Jüdischen Gemeinschaft in Sachsen-Anhalt) of 23 March 1994 (Law and Ordinance Gazette [GVBl.] of the Land of Saxony-Anhalt p. 795)

The Land of Saxony-Anhalt (hereinafter referred to as the Land), represented by the Prime Minister, Mr. Dr. Christoph Bergner, and the Jewish communities in Saxony-Anhalt, represented by the Land Association of Jewish Communities in Saxony-Anhalt, Mecklenburg-

Western Pomerania and Brandenburg (hereinafter referred to as the Land Association), as well as the Land Association of Jewish communities in Saxony-Anhalt, Mecklenburg-Western Pomerania and Brandenburg (hereinafter for the Jewish contracting party: the Jewish Community in Saxony-Anhalt), represented by the statutory representatives,

- in responsibility before the history of Germany also shaped by the persecution and destruction of people of the Jewish faith and Jewish origin,
- in the knowledge of the measures of bare or hidden violence in the time of the Communist tyranny,
- conscious of the great loss suffered by the Land of Saxony-Anhalt through the destruction of Jewish life and Jewish culture,
- in the desire to make it easier for the Jewish Community in Saxony-Anhalt to rebuild a community life,

have agreed as follows for the territory of the Land of Saxony-Anhalt:

Article 1 Freedom of Faith and Independence

(1) The Land guarantees on the basis of its Constitution and of the Basic Law for the Federal Republic of Germany the unrestricted freedom of the Jewish faith, and grants statutory protection of the practice of religion.

(2) The Jewish congregations in the Land of Saxony-Anhalt and the Land Association shall regulate and administer their affairs in accordance with Jewish traditions and laws within the limits of the law applies to all.

Article 2 Coaction

(1) The Land Government and the Land Association shall regularly and where needed meet to discuss questions that are tangential to their relationship to each other or other questions which are of mutual interest.

(2) In intended law-making and manifestos in fields directly concerning the interests of the Jewish Community in Saxony-Anhalt, the Land Government shall suitably involve the Land Association.

(3) The Land will involve the Land Association in particular within the scope of work concerned with memorials where Jewish concerns are affected.

Article 3 Protection of the Jewish Community

The Land shall ensure the protection of the institutions of the Jewish Community in Saxony-Anhalt and shall promote the maintenance of historical sites.

Article 4 Holidays

The Land shall ensure the rights of indemnity contained in the Act on Sundays and Holidays (Gesetz über die Sonn- und Feiertage) of 22 May 1992 (GVBl. LSA p. 356) on Jewish holidays.⁸⁹

⁸⁹ Note: The wording of the referenced section 6 of the Act on Sundays and Holidays [of the Land of Saxony-Anhalt] of 22.5.1992 (GVBl. LSA p. 356), last amended on 16.12.1994 (GVBl. LSA p. 1044) is as follows:

Article 5 Property Protection

In applying expropriation law provisions the Land and the municipal territorial authorities shall take account of the concerns of the Jewish Community in Saxony-Anhalt and where appropriate shall assist in acquiring indemnity land of equal value.

Article 6 Cemeteries

(1) The Land and the municipal territorial authorities will observe the intangibility of the authorised Jewish burial places that have not been abandoned.

(2) Jewish cemeteries shall enjoy the same state protection as municipal cemeteries. The Jewish communities shall have the right to establish new cemeteries within the framework of the legal provisions. When establishing new cemeteries, the Land and the local territorial authorities shall examine possibilities for promotion within the framework of the budgetary funds available.

(3) Within the framework of agreements between the Federation and the Länder, the Land shall grant subsidies for the maintenance and care of those Jewish cemeteries or parts thereof which cannot be reoccupied in accordance with the provisions of the community⁹⁰.

Article 7 Preservation of Monuments

(1) The Jewish Community in Saxony-Anhalt undertakes to maintain and preserve buildings with a value as monuments together with the appurtenant real estates, as well as their works of art and culture where these obligations do not lead in an individual case to unacceptable strains on the Jewish community concerned or on the Land Association. The monument authorities shall with cultural monuments of the Jewish Community in Saxony-Anhalt which are intended to serve the purposes of religious services or other acts of worship to pay prior regard to the worship and religious concerns to be ascertained by the competent board. Prior to the implementation of measures, the authorities shall consult with the competent board.

(2) In allocating the Land funds for the preservation of monuments, the Jewish Community in Saxony-Anhalt will be suitably taken into consideration with due regard to the regulations of the Monument Protection Act. The Land shall advocate that the Jewish Community in Saxony-Anhalt also receives assistance from facilities active at national and international level for the preservation of culture and other monuments.

Article 8 Schools Beared by Jewish Organisations

(1) The Jewish Community in Saxony-Anhalt shall have the right to establish and operate general schools beared by Jewish organisations on a confessional basis.

(2) Detailed regulations of the procedure for governmental approval and recognition of such schools and their co-financing from public funds shall remain reserved to Land law.

Section 6 Release on Religious Holidays

(1) Members of a church or religious community in training or employment shall on application be granted unpaid release on the religious holidays of their confession unless opposed by operational necessities.

(2) In order to observe the religious holidays of their church or religious community, pupils shall obtain release from instruction on application.

⁹⁰ Note: This refers to the religious provisions of the Jewish communities.

Article 9 Own Educational and Social Facilities

The Jewish Community in Saxony-Anhalt shall have the right to maintain its own facilities in the educational and social fields, as well as in health care.

Article 10 Synagogue Gröbzig

The Contracting Parties shall advocate giving the only remaining synagogue building of this type in Germany in Gröbzig an enduring basis and to make it permanently accessible to the public.

Article 11 Culture Promotion

(1) The Contracting Parties shall strive to hold Jewish cultural festivals at intervals of three years preferably, where needed also in cooperation with other facilities and organisations.

(2) The Land shall support within the bounds of its possibilities the Jewish Community in Saxony-Anhalt in researching Jewish history and in dealing with German-Jewish heritage.

Article 12 Broadcasting

The Land shall work towards providing suitable on air times by the public broadcasting corporations to the Jewish Community in Saxony-Anhalt for broadcasting religious programmes. In the supervisory bodies (broadcasting councils, programme committees and comparable bodies) the Jewish Community in Saxony-Anhalt should be represented.

Article 13 Public Subsidy

(1) The Land shall pay to the Land Association a total subsidy (public subsidy). Over and above this public subsidy, further benefits shall only be effected to the Jewish Community in Saxony-Anhalt if they are provided for in this treaty or by the general statutes.

(2) The public subsidy shall be:

1991 DM 1,150,000

1992 DM 1,150,000

1993 DM 1,450,000

1994 DM 1,500,000.

(3) If subsequently the remuneration of civil servants in the service of the state changes, the public subsidy shall change *mutatis mutandis* on the basis of the amount agreed for 1994. The starting office for the higher, non-technical, general administrative service shall be taken as a basis, salary group A 13 of the Federal Remuneration Ordinance, 7th grade of seniority, two children.

(4) The public subsidy shall be paid monthly in advance to the Land Association in twelfths of the annual amount.

Article 14 Fees

The Land shall extend the remission of fees based on Land law for the Land to the Jewish Community in Saxony-Anhalt and its public-law institutions, foundations, associations and clubs.

Article 15 Parity

If the Land in treaties with other comparable religious communities should grant rights and benefits over and above those in this treaty, the Contracting Parties will examine together whether amendments to this treaty are required because of the principle of parity.

Article 16 Friendship Clause

The Contracting Parties will settle any difference of opinion occurring between them in future as to interpreting a provision of this treaty in an amicable manner.

Article 17 Linguistic Equation

Persons and function designations in this treaty shall apply equally in male and female forms.

Final Protocol⁹¹ in re Article 2 Para 1

(1) Compliance exists between the Contracting Parties that "regular meetings" signifies conventions which preferable are to take place once per year.

(2) The Land Association shall inform the Land Government of vacancies in and new appointments as to the senior offices (e.g. Chairpersons of the Land Association and of the Jewish communities).

Final Protocol in re Article 2 Para 2

The "suitable" participation in intended law-making shall as a rule consist of a timely hearing before resolution by the Land Government on the introduction of the draft bill.

Final Protocol in re Article 3

Details shall remain reserved for special agreements.

Final Protocol in re Article 4

Jewish holidays are:

1. Rosh Hashanah (Jewish New Year) on the 1st and 2nd days, starting on the previous day at 4 p.m.
2. Yom Kippur (Day of Atonement), starting on the previous day at 4 p.m.
3. Sukkoth (Feast of Tabernacles) on the 1st and 2nd days, starting on the previous day at 5 p.m.
4. Shemini Azeret (Eighth Day of Sukkoth), starting on the previous day at 5 p.m.
5. Simchat Torah (Rejoicing of the Law), starting on the previous day at 5 p.m.
6. Pessach (Passover - exodus of the Jewish people from Egypt) on the 1st, 2nd, 7th and 8th days, starting on the previous day at 5 p.m.
7. Shavuoth (Feast of Weeks) on the 1st and 2nd days, starting on the previous day at 5 p.m.

⁹¹ Note: The final protocol forms an integral part of the treaty.

The Land Association shall communicate the dates of the holidays to the Land Government two years in advance.

Final Protocol in re Article 5

(1) Accord exists that article 5 shall not give rise to a right to conveyance of state or municipal land, but to support in looking for indemnity land and - within the bounds of the legal possibilities- where appropriate preference in allocation of public real estates if there are several interested parties.

(2) If in the case of expropriation of Jewish corporations, a claim to compensation is asserted in the form of land, and if recognition of this claim depends on weighing up the interests of the public and of those concerned, the Land and municipal authorities will take into consideration that the protection of the property of the Jewish Community in Saxony-Anhalt is a priority. If hindrances exist in respect of other corporations with regard to the acquisition of real estate, these shall, as a rule, also apply to the Jewish Community in Saxony-Anhalt; no general special regulation is possible.

Final Protocol in re Article 6 Para 2

The Land shall strive that the municipal territorial authorities, where necessary, conclude agreements with the bearers of Jewish cemeteries on the erection or maintenance of cemetery buildings.

Final Protocol in re Article 11 Para 2

The provision shall refer primarily to political and organisational support; this shall not give rise to a right to financial promotion.

Final Protocol in re Article 12

This request has been accommodated for the Central German Broadcasting Corporation by section 14 subsection 3⁹² and section 19 subsection 1 No. 5, subsection 2⁹³ of the Treaty on the

⁹² Note: The wording of the provision is as follows:

Section 14 [On Air Time for Third Parties]

(...)

(3) The Protestant churches, the Catholic Church and the Jewish communities shall be conceded if desired suitable on air times to broadcast religious programmes.

(...)

⁹³ Note: This provision contains the following directives:

Section 19 [Composition of the Broadcasting Council]

(1) The Broadcasting Council shall be composed of:

(...)

5. a member of the Jewish congregations from Saxony,

(...)

(2) In the cases falling under subsection 1 Nos. 3 to 5 and 10 to 15, the organisations and groups named therein may agree for the respective term of office of the Broadcasting Council a divergent Länder allocation. This may not change the number of members being apportioned to the respective Länder.

Central German Broadcasting Corporation of 30 May 1991 (Annex to the act of 25 June 1991, Law and Ordinance Gazette of the Land of Saxony-Anhalt [GVBl. LSA] p. 111) and for the German Television Channel II by article 3 section 11 para 3 and section 21 para 1 (f) of the Treaty on Broadcasting in the Unified Germany of 31 August 1991 (Annex to the act of 12 December 1991, GVBl. LSA p. 478)⁹⁴ and for the “Deutschlandradio” (Radio Germany) by article 11 para 3 first sentence⁹⁵ and article 21 para 1 (e)⁹⁶ of the Treaty on the Corporation under Public Law “Deutschlandradio” (Annex 1 to the act of 17 December 1993, GVBl. LSA p. 770, last amended by Treaty of 16.7.-31.8.1999, GVBl. LSA p. 364). In the event of amendments to the existing, and conclusion of new treaties on broadcasting, the Contracting Parties shall contact one another in advance concerning the consideration of the interests of the Jewish Community in Saxony-Anhalt.

Final Protocol in re Article 13 Para 1

The public subsidy shall be exclusively meant for the Jewish Community in the Land of Saxony-Anhalt. Accord exists that the public subsidy also covers subsidies for emerging communities and that the funds should flow proportionately to the communities, irrespective of their membership of the Land Association. Voluntary subsidies of the Land, for instance for the erection or maintenance of premises and facilities serving the purposes of worship, cure of souls and social tasks, shall not be ruled out by article 13.

Final Protocol in re Article 13 Para 3

The Contracting Parties agree that the escalator clause for the public subsidy shall apply from 1995, and shall become effective in the respective budget year.

Final protocol in re Article 13 Para 4

An examination of the use of the funds by state bodies shall not take place if the annual account is audited by an independent audit service.

⁹⁴ Note: The named provisions are printed in the second part at item D No. 3.

⁹⁵ Note: The provision reads as follows:

Section 11 [Right to On Air Time]

(...)

(3) The Protestant churches, the Catholic Church and the Jewish communities shall if desired be granted suitable on air times for broadcasting religious ceremonies and celebrations, as well as other religious programmes, including those relating to matters of their public responsibility. (...)

(...)

⁹⁶ Note: The provision reads as follows:

Section 21 [Composition of the Radio Council]:

(1) The Radio Council shall be composed of forty members, namely

(...)

e) a representative of the Central Council of the Jews in Germany,