

**Responses from Provinces to Section 4 of the Ridley
Cambridge Draft of the Anglican Covenant**
Including responses received after the working group meeting

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The Anglican Church in Aotearoa, New Zealand and Polynesia

Introduction

The Dioceses of the Anglican Church in the Province of Aotearoa, New Zealand and Polynesia are grateful for a further opportunity to comment on the Ridley Cambridge Draft ("RCD) of the proposed Anglican Covenant. They are also extremely grateful for the committed and sacrificial work of the Covenant Design Group, the members of which have been commissioned to undertake this challenging and at times controversial project on behalf of the Communion.

This submission represents the views of only one constitutional strand (Tikanga) of our Church and does not reflect the views of either indigenous Maori or Polynesia Anglicans within our Province. Unfortunately the time frame was simply too tight to enable these groups to gather and formulate a response. However the Tikanga Māori response to the earlier St Andrews Draft was overwhelmingly against an Anglican Covenant in any form and that Tikanga has verbally confirmed that its position has not changed.

Discussion

The following is an amalgamation of the statements, responses and themes expressed in the various Diocesan and individual responses to the Ridley Cambridge Draft. These ranged from full support of the RCD as it stands, through to total rejection of even the concept of an Anglican Covenant. The most common responses however were that either that Section 4 be omitted without replacement or that it be substantially rewritten with all mention of punitive or disciplinary measures removed.

It appears that a primary concept underpinning the move towards an Anglican Covenant, and the RCD in particular, is to find a way to sustain conversations and to reaffirm and intensify the bonds of affection that hold the Anglican Communion together. Within this Province deep uncertainty has been expressed as to whether any Covenant can achieve these ends, particularly where it implicitly proposes to subjugate those bonds of affection, that is the actual relationships of goodwill and faithful engagement, with a commitment to a document that appears to focus more on enforcing doctrinal agreement and applying discipline where it is absent.

There is concern that the existence of a Covenant which Churches are invited to adopt¹ risks an emergence of two classes of membership of the Communion; those who adopt the Covenant and those who do not. It has never been made clear in any Draft whether adoption of the Covenant can occur at Church level, which in many countries is understood as Parish level, or only at Provincial level. If individual Churches seek to

¹ Entering the Covenant is described in 4.1.1 as a '*commitment to relationship in submission to God*'. It was suggested that entry for some Churches would be a submission to the Covenant and fear of exclusion from relationship, funding and influence rather than any sense of submission to God.

adopt the Covenant but the overall Province does not, then this has the potential for the creation of the very situation which the Covenant seeks to avoid - namely internal strife, conflict and division. In this Province of Aotearoa, New Zealand and Polynesia which covers five nations and three Tikanga the situation could be complicated further. The scenario could arise where one Tikanga (Constitutional Strand) wanted to adopt the Covenant and the other two did not, and as each Tikanga holds a right of legislative veto, adoption of the Covenant might be blocked. Although legislative amendment could be possible in time, the right of Tikanga veto is an important equality mechanism within this Province and it is unlikely that the governing body: the General Synod Te Hinota Whanui, would enforce adoption through creative legislation, rather than consensus.

In this latest Draft, a key tension remains between concepts of '*constitutional accountability*' in the sense of foreswearing independent action on matters affecting the unity of the Communion, openness to correction and commitment to a process of the Communion's shared discernment; and '*independence or autonomy*' which in the Anglican context has traditionally involved decision making and freedom in a local context but always with regard to the common good of the Communion. It is the inherent difficulty in resolving this tension that exercises many respondents to the RCD.

A further concern in earlier drafts was the failure to underpin the Covenant text with a theological or scriptural foundation. Although the RCD goes some way to addressing that failure, some respondents felt that it was not enough just to appeal to the authority of scripture without defining the interpretative processes and providing a coherent underlying theological framework.

Differing Viewpoints

The following sections summarise the three primary themes of respondents.

Unqualified Support of the Covenant

Two of the seven New Zealand Dioceses support the RCD in its entirety and commends it as it stands. These responses consider an Anglican Covenant to be the only substantial mechanism which attempts to sustain communication and provide a way forward when schisms threaten within the Communion. The RCD is seen as a positive development as it spells out an obligation to consult on issues which have the potential to cause division in both the individual Province and across the Communion. In causes of common concern the RCD recommends a process of testing by debate, reflection, study and seeking a common mind consistent with scripture, common standards of faith and the Canon laws of the Provinces.

One writer considers that the consequences of having no covenant or of the acceptance of a Covenant without a judicial element carried two dangers:

The relational consequences for our membership of the world wide Anglican Communion and as a consequence the diminishing ability of our Province to contribute to the witness of the whole Church; and

The relational consequences within each Diocese or Province if the autonomy of local dioceses allowed them to take 'controversial actions' on any issue without Communion consultation

B) No Support for the Covenant"

As with earlier submissions, a number of respondents in the New Zealand Dioceses consider that the Covenant is a reactionary response to poor individual behaviour rather than a carefully discerned manifestation of God's will and direction at this time. It is believed that a Covenant will not achieve unity, will exclude rather than include, will judge one part of the Church with the expectations of other parts of the Church, will stifle change and innovation and will curtail the ability of Provinces to respond to their own mission context. Local expressions of mission or missional engagement tend to be deeply rooted in Provincial reflection on Anglican scriptural tradition in light of contemporary circumstances. It is feared that '*adoption*' of the Covenant will commit a Province to a document that is not scripture, creed, nor formulary and yet might impinge on that local mission. This could arise where Provinces, who have not done or do not intend to do the work on particular issues such as the importance of indigenous ministry, may be able to inhibit the mission of other Provinces that as a result of their local and pastoral involvement with those issues have proceeded in good faith to explore and come to a place where they want to respond. ²

In a similar vein some respondents felt that the Communion has committed a vast amount of time and resources into the search for covenantal wording that would be acceptable to the whole Church and yet it has not addressed the insurmountable problem of the complete intransigence of some Dioceses to any process that would accept certain '*debated categories*'³ of people as full members of the Church. These categories might be episcopally ordained women⁴ or people of differing sexual orientation. It is feared that those opposed will not proceed on any Covenant, regardless of wording, which remotely allows for inclusion of such groups. This type of response could lead to theological retrenchment. If a policing group were to insist on inclusion of '*a debated category*', the concern is that dissenting groups will either disobey the finding of the policing group or argue that the decision is an innovation that should not be accepted across the Communion. Further faction is likely to be the result.

Despite the continual reassurance by the Covenant Design Group that the Covenant acknowledges the autonomy of Churches and leaves Canons and Constitutions untouched (which is inevitable given any change can only be at a Provincial level) most

² One writer opined that it would be perilously slow if we were to wait for a consensus to develop across an international communion which is located in a multiplicity of different local contexts.

³ The term is coined for ease of reference only

⁴ An interesting test case would be if a question was raised suggesting that the failure of a Church / Province to episcopally ordain women was '*a controversial action*'.

respondents remained concerned about Provincial autonomy.⁵ They reiterated the previous response from this Province that had an earlier Covenant been in place, it is unlikely that the ordination of women, the Constitutional Changes which enabled this Church to act more justly to our indigenous partner, and the Shared Primacy, may not have been accomplished.

“Omit / Rewrite Section 4”

This Province welcomed the decision to remove the Appendix of the St Andrew’s Draft and in the Preamble of the RCD, the Covenant Design Group describe how the earlier disciplinary Sections (primarily Section 6 of the Nassau Draft) were ‘*an attempt to describe how the Communion was living out its life at the time, rather than to invent new ways forward.*’⁶ While the punitive and complex juridical language of the Appendix appears to have been subsumed in a more sanitized form into Section 4, some say the underlying intent is unchanged.

Section 4 has caused the greatest concern in the responses and apart from two Dioceses, even those who were guardedly open to the covenantal concept, had significant misgivings about this addition. The wording has been described as a lawyer’s dream as it is often ambiguous and confused. It mixes voluntary terms such as ‘*invitation*’ (4.1.4) with mandatory terms such as ‘*must be maintained*’ (4.1.4).

The issue of the identity of the body/instrument issuing the invitation to adopt the Covenant has not been made clear and respondents questioned whether it would be the Archbishop of Canterbury or one other of the Instruments of Unity? This led to some debate regarding their independence. Many respondents felt that whilst each Instrument will inevitably be informed by any Covenant, as they seek to maintain a climate of appropriate unity in appropriate diversity, each should continue to have the right to issue invitations, and to host meetings of their respective constituents and of covenanting and non covenanting Churches as they discern what is best for the Anglican Communion as a whole.⁷

Section 4 outlines the procedure to be followed when a Province or Church acts in a way which is controversial and potentially divisive and yet the language is internally inconsistent. In 4.2.2 it states that if a question should arise (there is no guidance as to the origin of ‘*the question*’ whether it can come from an individual or a Church or a Province, nor the type of action which could legitimately trigger concern) then a Church could be asked to ‘*defer action*’. the assumption being that action has occurred and will

⁵ They remain unconvinced by the statement in 4.1.1. that adoption of the Covenant did not represent submission to any external ecclesiastical jurisdiction.

⁶ Report of the CDG on the Ridley Cambridge Report, April 2009, pg 4.

⁷ Their unique ministries are expressed in 3.1.4.

continue. In 4.2.3 the type of triggering action is escalated to '*controversial action*' although at no point is either the term 'action' or the term 'controversial' defined.⁸

The Joint Standing Committee of the Anglican Consultative Council and the Primate's Meeting ("JSC") is the final arbiter on deciding whether to request a covenanting Church to '*defer action*' and it is this body which will decide on punishment if the covenanting Church does not defer as demanded. Possible punishment will consist of either limitation, or suspension of involvement in the structures or instruments of the Communion.⁹

The creation of this hierarchical, 'magisterium' or central committee was described by one writer as by far the greatest and most far reaching innovation the Communion has contemplated since the Anglican Church in its current form was established. The JSC is seen as unrepresentative of this three House Communion, too weighted to Episcopal and Archiepiscopal influence and with little or no accountability other than to itself. Its role is viewed by some respondents as in direct conflict with the current model of Provincial independence through Synodical /Provincial autonomous governance within the umbrella of all four of the instruments of unity.¹⁰

Section 4.3 was also a source of concern. The sub section states that if a Church decides to '*withdraw*' from the Covenant, even if there has been no '*action*' nor '*controversial action*' then 4.2 is 'triggered'. The concept that a Church might do nothing wrong and yet be automatically subjected to the disciplinary processes of section 4 and be treated in the same way as a Church who has 'acted controversially' goes against

⁸ The wording of the sub clauses jump quickly from a '*question*', to an '*action*', to a '*controversial action*' to an outcome without any reference to mediation or reconciliation.

⁹ While the JSC can make a request that a Church defer action on a controversial issue, until the commitments of Section 3 have been fulfilled, there is no obligation on the constituent Church to follow this course. Potentially any constituent Church can in the end act against the recommendations of the JSC and yet expect to remain a member of the Communion.

¹⁰ A particular irony would arise if the Primate of a 'non covenanting' Church remained a member of the Primate's Meeting and thus part of an Instrument of Communion. Another potentially concerning scenario would arise if an '*other Church*' (not defined - 4.1.5) in a particular geographical area was recognised as a '*covenanting Church*' while the local Anglican Church or Province, which had not adopted the Covenant was therefore '*non covenanting*'. The long history and tradition of Communion, bonds of affection and relationship of the latter Church would become subservient or of secondary importance, due to the act of adoption, to the covenantal '*other Church*'. A further difficulty could arise if a '*covenanting other Church*' in time did something which was incompatible with the Covenant. It appears that under 4.2.7, unless they were members of the Instruments of Communion, they could not participate in the Section 4 processes, not even to defend the action.

the traditional (and in our Province what is described as very Anglican) sense of fairness.¹¹

In Section 4.4.2 it was noted that any subsequent amendment of the Covenant would be operational once ratified by three quarters of the 'bodies' comprising the JSC, ACC, Primates Meeting and 'any other body' as it may consider appropriate. With respect this would become fraught with potential for challenge. It would be far more practical to use the same benchmark for adoption of the Covenant which on page 7 of the Preamble is 'the consent of three quarters of the covenanting Churches.'

Conclusion

The difficulties with the language and the punitive nature of Section 4 led many respondents to request that it either be re-written without any juridical or disciplinary language, or simply removed altogether. Either of these options would better fit the stated intention that the Covenant be aspirational and relational and would remove Provincial fears of being thrust into the Covenant simply to stay in relationship, or to avert criticism.

As stated there is no consensus across this Province about the Covenant and that is probably reflective of the Communion as a whole. There is however consensus that this Province has great love and genuine bonds of affection for the Communion and it wants to remain part of the conversation and to keep talking and keep talking regardless of the differences that are held, until a way ahead is found. That is the prayer shared by us all.

¹¹ Others worried that should an impoverished or under resourced, Covenanting Church act in a way that gives rise to 'a question', it would be forced into complex, protracted and potentially expensive processes to defend their position. The removal of section 4 was seen as a way to ally that fear.

PROVINCE OF AUSTRALIA

Introduction

In response to Resolution 14.11 of the Anglican Consultative Council, the Secretary General of the Anglican Communion, the Rev'd Canon Kenneth Kearon, invited each Province to respond to the working group appointed by the Archbishop of Canterbury on the provisions of Section 4 of the Ridley Cambridge Draft. In particular the Provinces were invited to identify issues of unclarity or ambiguity in the text. The Province of Australia has considered the full text of Section 4 in accordance with this invitation. The suggested amended Section 4 is attached to this report.

In adopting a relational rather than a juridical approach, the Covenant aims to intensify relationships between covenanting churches of the Anglican Communion and to define how those relationships are to be lived out. This is a positive development in the life of the Communion. It would be unrealistic, however, to expect that the covenant itself will create unity where the Instruments of Communion have not been able to do so. The Communion is first and foremost an expression of relationship, not an administrative structure. The common commitments encapsulated by a document such as the Covenant cannot of themselves create Communion. They can, however, clarify, nurture or sustain the relationships which already exist across the Communion.

While a covenant has the potential to clarify and sustain relationships within the Communion, its purpose and functioning still seems ambiguous. How will the Covenant function in the life of the Anglican Communion? Will entering into the Covenant become the identifying marker/defining condition as to what makes a church Anglican? Which churches may be considered to be members of the Anglican Communion? At present, is it only those Churches which are included in the Schedule to the Constitution of the ACC? Or is the test of membership the Archbishop of Canterbury's invitation to participate in the Lambeth Conference? It is clear that being in full communion with the Church of England is not a sufficient test, as this would include, for example, the Porvoo Lutheran Churches.

Section 4 seems to express a belated assumption that the Covenant might function as a vehicle for future ecumenical dialogue. While we recognise that such a Covenant may be a useful focus for ecumenical discussions, we suggest that, at this stage, its primary function of supporting the internal relationships within the Anglican Communion must take priority over this ecumenical agenda, which should be deferred.

Preliminary notes

The following suggested revisions propose changing the language from 'adoption of' the Covenant, to 'entering into' the Covenant.

Section 4 is structured differently to Sections 1-3. This does not seem warranted. Each of the previous Sections consists of affirmations followed by commitments. Section 4 could and should follow the same structure, thereby ensuring consistency. The revised Section 4 proposed in this report does not take that step.

There is a need for clarity about the subject matter of Section 4. Is it referring to matters involving the whole Communion, or only to matters affecting the covenanting churches? There seems to be a lack of clarity about this throughout the Section and it raises the question of whether and how the provisions of the Covenant may be applied even to those Provinces which choose not to enter into the Covenant. There is a further ambiguity about which bodies may enter into the Covenant. Is it limited to provinces, or will dioceses or other bodies also have the opportunity to become signatories? How might this affect relationships between provinces and across the Communion?

The Joint Standing Committee

There is some unease with the proposed role of the Joint Standing Committee, or as it is called following ACC-14, simply the “Standing Committee” (SC). Several areas of concern may be highlighted.

First, it appears that in delegating the role of overseeing and administering the Covenant to the SC, the ACC is creating, de facto, a fifth Instrument of Communion. The Covenant proposal is a derogation of powers which properly belong to the existing four instruments, not to another body. If this is the intention, it needs to be explicit.

Secondly, it can be argued that there are already challenges in managing and balancing the relationships between the Provinces and the existing four Instruments. This network of relationships may become more complex and difficult should the SC also take on a role of oversight.

Thirdly, through the power which Section 4 appears to delegate to it, the SC may in effect accrue greater authority than the existing four Instruments. This may result in the SC acting like a curia, which would represent a significant change to existing Anglican polity.

Finally, the powers of the SC appear to have been delegated by the ACC through the terms of the Covenant without reference to the other Instruments. As the four existing Instruments are the current vehicles for unity within the Communion, it would be preferable that one of the Instruments does not appear to be acting unilaterally.

Clearly there is a need for a body to act in some of the roles proposed for the SC. In particular there needs to be a body which meets more regularly and can therefore respond more quickly than the ACC, the Primates’ Meeting and the Lambeth Conference. However any decision-making powers should remain with the existing four Instruments. The SC should not usurp the proper authority of the existing Instruments. Further, any such body should represent all four Instruments. The membership of this body would preferably reflect a balance between episcopal, clergy and lay membership.

The following diagram represents the process we envisage might be followed based on the changes to Section 4 proposed here. The object of these proposed changes is to

retain the existing polity of the Anglican Communion while reflecting the need for a more efficient and timely process to address controversial matters.

Proposed Covenant Process

QUESTION

Raised by a Church itself

Raised by another Church/Province

Raised by an Instrument of Communion



REFERRAL TO STANDING COMMITTEE

Advises the Church itself, the other Provinces

and the Instruments that there is a question

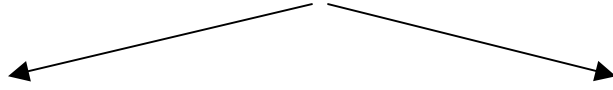
Decides if deferral of an action is to be requested

if yes, it makes a recommendation for advice to:



ACC and

PRIMATES' MEETING



If both of these bodies agree that the development is with the Covenant

If one or both of these bodies do not agree that the development is compatible with the Covenant



STANDING COMMITTEE

Declares a period of open reception within the Communion

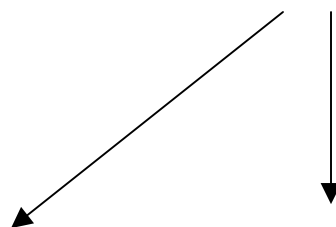


The Church may proceed with the proposed action and other Provinces are free to proceed.



STANDING COMMITTEE

Declares incompatibility



The Church accepts the declaration, and can refer the question back to ACC/Primates/SC at a later time.

The Church decides to proceed with the incompatible action



Other Churches and Instruments consider and declare relational consequences as it concerns them.

Section Four: Our Covenanted Life Together

Each Church affirms the following procedures, and, reliant on the Holy Spirit, commits itself to their implementation.

4.1 Entering into the Covenant

(4.1.1) Each Church entering into this Covenant affirms that it does so as a commitment to relationship in submission to God. Participation in the covenant expresses a loyalty grounded in mutuality that one Church freely offers to other Churches, in whom it recognises a common faith and order, a common inheritance in worship, life and mission, and a readiness to live in an interdependent life, but does not represent submission to any external ecclesiastical jurisdiction.

(4.1.2) In entering into the Covenant for itself, each Church recognises in the preceding sections a statement of faith, mission and interdependence of life which is consistent with its own life and with the doctrine and practice of the Christian faith as it has received them. It recognises these elements as fundamental to the relationships among the covenanting Churches.

Are the elements referred to really fundamental to the life of the Anglican Communion? If they are, then all Anglican churches need to sign the Covenant. If a Church can not enter into the Covenant and remain Anglican, then perhaps the elements are not after all fundamental?

(4.1.3.a) The Covenant expresses the common commitments which hold each Church in the relationship of communion one with another. Recognition of, and fidelity to, the text of this Covenant, expresses mutual recognition and communion.

(4.1.3.b) This Covenant does not alter any provision of the Constitution and Canons of any Church of the Communion, nor does it limit any Church's autonomy of governance. Under the terms of this Covenant, no one Church, nor any Instrument or agency of the Communion, can control or direct the internal life of any other covenanted Church.

The break-up of s4.1.3 into two subclauses reflects the change of tone in the two halves of the original clause, from the statements of affirmation in the first part, to the statements about structure in the second part.

(4.1.4) Every Church of the Anglican Communion, as listed in the Schedule of the Constitution of the Anglican Consultative Council, or as recognised by any one of the Instruments of Communion is invited to enter into this Covenant according to its own constitutional procedures. Entry into the Covenant by a Church does not in itself imply any change to its Constitution and Canons, but implies a recognition of those elements affirmed within this Covenant which must be maintained in its own life in order to sustain the relationships established by this Covenant.

The issue of who might be able to enter into the Covenant is one of the pressing questions of the document. Perhaps the hope that this might in future be used as a tool in ecumenical dialogues has led to an overly broad phrasing which needs to be more closely defined in the first instance. We have therefore suggested a formula for determining which churches are able to enter into the Covenant.

(4.1.5) Entry into this Covenant does not bring any right of recognition by, or membership of, the Instruments of Communion. Such recognition and membership are dependent on the satisfaction of those conditions as may be required by each of the Instruments.

The bulk of this clause is struck out. This affirms that the primary function of the covenant is on the internal relationships of the communion and not on ecumenical relationships or dialogues.

(4.1.6) This Covenant becomes active for a Church when that Church enters into the Covenant through the processes of its own constitution and canons.

4.2 The Maintenance of the Covenant and Dispute Resolution

(4.2.1) The Joint Standing Committee of the Anglican Consultative Council and of the Primates' Meeting, or any body that succeeds it, shall have the duty of facilitating the functioning of the Covenant in the life of the Anglican Communion. The Joint Standing Committee may nominate or appoint another committee or commission to assist in carrying out this function and to advise it on questions relating to the Covenant.

We propose that the Joint Standing Committee, or subsequently the Standing Committee, should be more representative of all four Instruments of Communion. The change of language from "overseeing" to "facilitating" is intended to convey the intention to retain authority in the existing Instruments of Communion and to resist any devolution of authority to this body.

(4.2.2) If a question relating to the meaning of the Covenant, or of compatibility to the principles incorporated in it, is raised by a Church itself, by another Church, by an Instrument of Communion or by the Standing Committee, the Standing Committee may request any covenanting Church to defer action until the processes set out below have been completed. The Standing Committee will also inform the Provinces and Instruments that a question has been raised and that a recommendation for deferral has been made. It shall further take advice from such bodies as it thinks appropriate on the nature and relational consequences of the matter. The Standing Committee will then make a recommendation for advice to both the Anglican Consultative Council and the Primates' Meeting.

It is envisaged that a Church contemplating a controversial course of action should be able to refer the matter for consideration to the Standing Committee of its own accord, and not be restricted to a reactive response to a referral by another province or instrument. It is also desirable that the Standing Committee informs the Church contemplating the action, the other Provinces and the four Instruments that a question has been raised. The raising of a question should imply a request for deferral in order for the Instruments to have an opportunity to consider the question.

(4.2.3) If a Church declines a request to defer a controversial action, the Standing Committee may recommend to any Instrument of Communion relational consequences

which specify a provisional limitation of participation in, or suspension from, that Instrument until the completion of the process set out below.

Under existing Anglican polity the responsibility for making a decision remains with the Instruments of Communion, although the Standing Committee has a role in declaring the decision, and of investigation and consultation on behalf of the instruments.

(4.2.4) If either the Anglican Consultative Council or the Primates' Meeting advises that such an action or decision of a Church would be incompatible with the Covenant, then the Standing Committee will make a declaration of incompatibility. A declaration of incompatibility with the Covenant shall not have any force in the Constitution and Canons of any covenanting Church unless or until it is implemented by the canonical procedures of the Church in question.

(4.2.5) On the basis of the advice received, the Standing Committee may make recommendations as to relational consequences to the Churches of the Anglican Communion or to the Instruments of the Communion. These recommendations may address the extent to which the decision of any covenanting Church to continue with an action or decision which has been found to be "incompatible with the Covenant" impairs or limits the communion between that Church and the other Churches of the Communion. It may recommend whether such action or decision should have a consequence for participation in the life of the Communion and its Instruments. It shall be for each Church and each Instrument to determine its own response to such recommendations.

This amendment seeks to clarify that a covenanting church implements the effects of a declaration rather than receiving them. It is acknowledged that a diocese within a Province may choose to act in a controversial manner independently of the will of the Province. Such an action, however, cannot be the subject of a question to the Standing Committee, or of a declaration of incompatibility. It remains a matter for the internal life of the Province in question, although a question may be raised concerning the response of the province to the action in question.

(4.2.6) Each Church undertakes to put into place such mechanisms, agencies or institutions, consistent with its own Constitution and Canons, to uphold the affirmations and commitments of the Covenant in the life of that Church, and to relate to the Instruments of Communion on matters pertinent to the Covenant.

S 4.2.7 is deleted altogether. It would be unworkable to exclude non-covenanting churches which remain members of the Instruments from any discussions by the Instruments of matters concerning the covenant. This represents something of the difficulty in managing the post-covenant Communion, depending on the take up of the covenant by eligible churches within the Communion.

4.3 Withdrawing from the Covenant

(4.3.1) Any covenanting Church may decide to withdraw from the Covenant. Such withdrawal does not imply an automatic withdrawal from the Instruments or a repudiation of its Anglican character.

4.4 The Covenant Text and its amendment

(4.4.1) The Covenant consists of the text set out in this document in the Preamble, Sections One to Four and the Declaration. The Introduction to the Covenant Text, which shall always be annexed to the Covenant text, is not part of the Covenant, but shall be accorded authority in understanding the purpose of the Covenant.

(4.4.2) Any covenanting Church or Instrument of Communion may submit a proposal to the Standing Committee to amend the Covenant. The Standing Committee shall send the proposal to the Anglican Consultative Council and to the Primates' Meeting for decision, and to any other body it may consider appropriate for advice. If either the Anglican Consultative Council or the Primates' Meeting declines to approve a proposed change, then it shall not proceed. The Standing Committee shall make a recommendation on the proposal in the light of advice offered, and submit the proposal with any revisions to the constitutional bodies of the covenanting Churches. The amendment is operative when ratified by three quarters of such Churches. The Standing Committee shall promulgate the amendment.

The process for amendment of the Covenant reflects the process for dealing with questions raised under the provisions of S4. The Standing Committee may provide advice and support to the ACC and Primates' Meeting but those instruments must approve any suggested change before it goes to the covenanting churches for ratification. It should be noted that there is potential in this process for a covenanting church to find itself excluded from the covenant by a future amendment, if sufficient other covenanting churches ratify the proposal.

Our Declaration

With joy and with firm resolve, we declare our Churches to be participants in this Anglican Communion Covenant, offering ourselves for fruitful service and binding ourselves more closely in the truth and love of Christ, to whom with the Father and the Holy Spirit be glory for ever. Amen.

"Now may the God of Peace, who brought again from the dead our Lord Jesus, the great shepherd of the sheep, by the blood of the eternal covenant, make you complete in everything good so that you may do his will, working among us that which is pleasing in his sight, through Jesus Christ, to whom be the glory forever and ever. Amen."

(Hebrews 13.20, 21)

Received after the meeting of the Working Party

Anglican Episcopal Church of Brazil

Almighty God, to whom all hearts are open, all desires known, and from whom no secrets are hid: Cleanse the thoughts of our hearts by the inspiration of your Holy Spirit, that we may perfectly love you, and worthily magnify your holy Name; through Christ our Lord. Amen.

(Collect for Purity, IEAB Book of Common Prayer)

Foreword

The Anglican Episcopal Church of Brazil (IEAB) received the Ridley-Cambridge draft of the Anglican Covenant for study and reflection after the last meeting of the ACC in Jamaica. The procedure adopted was to convene a Special Commission of the Bishop Primate, formed by bishops, clergy and laypersons for an initial two-day meeting of prayer and reflection.

Besides the Bishop Primate, the Rt Rev Mauricio Andrade, the following people also participated: two Diocesan bishops (the Rt Rev Jubal Pereira Neves and the Rt Rev Sebastião Armando Gameleira), three presbyters (IEAB General Secretary, Rev Francisco de Assis Silva; the President of the House of Clergy, Rev. Luiz Alberto Barbosa; and the Director of the Centre for Anglican Studies, Rev. Carlos Eduardo Calvani) and two laypersons, our representative in the ACC, Dr Joanildo Burity, and Mrs Erica Furukawa.

Our meeting took place peacefully, and included Morning Prayer and Holy Communion. We heard the detailed report from our representative in the ACC and gave full consideration to the study of the Ridley-Cambridge Draft.

After careful analysis, a report was written singling out some of the difficulties raised by the document. This report was sent to all the dioceses with the request that internal groups of study and reflection would be set up and that their results returned to the Commission by 20th October for reappraisal.

Not all dioceses managed to conduct the study in time. but on the basis of the contributions received from some dioceses and the exhaustive work done by the Commission members during two days of gathering, we can now offer the following comments on the Ridley-Cambridge Draft.

1. The Current Situation in the Anglican Communion

We acknowledge that the Anglican Communion has historically gone through moments of crisis from its inception, and that these crises and tensions form part of the history of Anglicanism since its rupture with the Roman Church. Despite this, it has always managed to maintain throughout its history, the ability to dialogue with mutual respect, to affirm interdependence and to respect provincial boundaries.

We acknowledge that Anglicanism is not a “Church”, but a fellowship of national, autonomous and interdependent churches, united not only through bonds of affection, but also by a classic tradition developed over centuries, centred on worship, the incarnation, and the upholding of each culture’s *ethos* and contextual mission, as well as having a set of Instruments of Communion in which the various orders are represented, offer their particular contributions, and make decisions within their respective legitimate spheres of action.

We understand that there are situations specific to each country, region or context that must be faced according to criteria appropriate for the national churches, while being open to listening and counselling from other churches in the Communion. Our view is that the Anglican Communion cannot be identified with the Church of England, which is only part of the former.

We note that there has never been a normative statement of faith binding each of the national churches in the Anglican Communion, nor a central source of authority, but a dispersed authority according to the 1930 Lambeth Conference report and the encyclical signed by the bishops attending that Conference, whose Resolution 49 reads: The Anglican Communion is a fellowship, within the one Holy Catholic and Apostolic Church, of those duly constituted dioceses, provinces or regional Churches in communion with the See of Canterbury, which have the following characteristics in common:

- a. they uphold and propagate the Catholic and Apostolic faith and order as they are generally set forth in the Book of Common Prayer as authorised in their several Churches;
- b. they are particular or national Churches, and, as such, promote within each of their territories a national expression of Christian faith, life and worship; and
- c. they are bound together not by a central legislative and executive authority, but by mutual loyalty sustained through the common counsel of the bishops in conference¹².

We recognise that the current instruments of unity in the Anglican Communion need to be revised and strengthened in order to fulfil their purpose to keep the various churches interdependent in their understanding of the gospel and mission.

We believe that Communion is a gift of God and that the Anglican Communion is one of the many signs of this gift. Hence we commit ourselves to remain in communion and prayer with the other churches of the Anglican Communion, to share the same gospel, to uphold the principles of the Book of Common Prayer (which, however varied, maintains the same liturgical structure everywhere), to reaffirm our allegiance to the Lambeth Quadrilateral, to express our commitment to the “five marks of mission”, and to uphold our firm resolve to strengthen the already existing instruments of unity.

12 *The Lambeth Conference. Resolutions Archive from 1930.* Anglican Communion Office, 2005, p. 15. Available at <http://www.lambethconference.org/resolutions/downloads/1930.pdf>. Access 20 Aug 2009.

We acknowledge and value the work of the Ridley-Cambridge drafting committee, as well as recognise their intention to preserve the unity and interdependence of the churches of the Communion. However, we lament the fact that this process has been conducted without broad consultation with missiologists and liturgists, as well as the polemic circumstances, marked by mutual mistrust and judgement, which conferred a judicial character particularly on Section 4 of the Draft, showing little emphasis on spirituality, liturgy and mission, and accentuating traces of institutionalisation that significantly alter the ecclesiological nature of the Anglican Communion, bringing it closer to the idea of a denominational macro-structure.

2. Observations and doubts with regard to the Ridley-Cambridge Draft

2.1. On the first three sections

The Anglican Episcopal Church of Brazil expresses its agreement with sections 1 to 3 of the proposed Covenant, in the understanding that these sections merely reaffirm the Baptismal Covenant (Pact) and what has been accumulated throughout the history of Anglicanism since the Lambeth Quadrilateral. The feeling of near consensus expressed by many churches in the Communion about these points, confronts us, at the same time, with a curious question: if such an affirmation is sufficient to identify us, while adding nothing to what has already been extensively shared, what is it that the Communion lacks which cannot be achieved through the existing instruments at its disposal?

2.2. On doubts and imprecision in relation to Section 4

2.2.1. We have a theological problem with the term “covenant”. The use of the term as a verb, in the preamble to the document raises theological issues that should merit more careful analysis. In the Scriptures, any initiative towards a “Covenant” or “Alliance” comes from God and not from us, contrary to what the document suggests, when it reads “*we... solemnly covenant together in these following affirmations and commitments*”. This is much closer to a contract in the modern Western political tradition appropriate for the state as a form of a binding political association. In the Scriptures, the term “covenant” or “alliance” is always used with reference to the relationship between God and his people. In the Book of Common Prayer of the Anglican Episcopal Church of Brazil we use the expression “Baptismal Alliance” in the Holy Baptism and Confirmation rites¹³. We understand that the Covenant that binds us to God and to one another is Holy Baptism, and recommend that, in the Preamble to the text of the Covenant, the Baptismal Alliance be affirmed as sufficient to keep us united in mission.

13 Cf. *Livro de Oração Comum, Igreja Episcopal Anglicana do Brasil*, Rites of Baptism and Confirmation. Likewise, the *Book of Common Prayer* of TEC uses the expression “the Baptismal Covenant” in its rites of Baptism and Confirmation.

2.2.2. The Commission members in Brazil were struck by the different literary style of Section 4 as compared to the previous ones, with sentences which resemble a legal canonical statute and not a proper mutual theological and missionary commitment. The text of the Covenant therefore assumes a legalistic tone of an instrument to resolve conflict, which goes beyond the existing instruments of communion.

2.2.3. We observe that Section 4 creates absolutely new and strange relational mechanisms. It has never been necessary in the history of Anglicanism to resort to such procedures because we have always tacitly experienced a state of “permanent covenanting”, trusting the Church consensus (*sensus fidelium*) without the need for written agreements. This consensus was understood in the sense of requiring a double focus: to deal with the emergence of new issues and theological and missiological challenges, and for the need not to rush into ultimate decisions before the “time of the Spirit”. That is, in the midst of controversies, consensus takes time to emerge and is the result of patient and merciful listening to God and to one another; it cannot be the expression of a final judgement about the faith or communion with one another, nor can it be a precedent for any change to our practices and beliefs.

2.2.4. We also express our doubt in relation to section 4.1.1, which deals with the formal acceptance of the Covenant. By speaking of “other Churches” that could subscribe to it, the possibility arises for Churches other than the current members of the Communion to be accepted, which raises doubts about the schismatic Anglican churches that have broken communion within existing Provinces, and today gather groups in open theological conflict with the Anglican Communion. It also opens, for lack of clarity, the possibility for other Christian confessions to join the Covenant, which then ceases to be specifically Anglican and becomes ecumenical. Though this last hypothesis is part of a deep Anglican aspiration, it is not a justification for the Covenant, nor does the Covenant seem to us to be an adequate instrument for that purpose. The outcome of this open-endedness would be otherwise: a disfiguration of Anglicanism through the incorporation of practices and traditions alien to its history or through the breaking of the theological, pastoral and spiritual balance that has historically been built within the Anglican Communion.

2.2.5. We understand that Section 4 of the Covenant inevitably leads to the creation of a fifth instrument of unity in the Anglican Communion. One of our dioceses stated that the reading of this Section caused an apprehensive reaction among those participating in the discussion, as they understood that the attribution of power to arbitrate on issues between Churches of the Communion to the Joint Standing Committee of the ACC and the Primates’ Meeting, an affront to the Anglican view of the “bonds of affection”. Another diocese, however, considered it positive in that the creation (*sic*) of this Committee would represent an opportunity for “re-founding the Anglican Communion”.

2.2.6. Besides this innovation, an apprehension also emerged among some dioceses that the Joint Standing Committee may exercise powers of oversight in the internal life of national Churches, by receiving the *munus* to recommend that a Province be temporarily barred from participation in the instruments of unity where it is represented.

It thereby wrongly establishes the principle of suspension even before any divergence can be effectively clarified, thus characterising a prejudgement without the right to defence. We note here a great internal contradiction in the document, for it also states that no Church will be subject to any external ecclesiastical jurisdiction. The fact that the composition of the Joint Standing Committee is drawn from the existing instruments of unity does not guarantee that it will act as a merely executive instance of Section 4 provisions. The way in which procedures are laid out will always imply assessment, judgement and decision-making that will give the Committee powers of decision above all the current instances, inevitably resulting in interference in internal matters of provinces, even if the existing legal provision there is being fully complied with. We are particularly concerned about the fact that while none of the instruments of unity possesses decision making or arbitration powers over the provinces, a representation of these may be given such powers, especially considering the asymmetry in the character of representation and forms of appointment of such participants in each of the instruments. The Joint Committee therefore has a normative and legitimate deficiency which Section 4 does not clarify nor duly sorts out.

2.2.7. We are also of the opinion that Section 4 lacks clarity in regard to the form in which controversial matters will be dealt with. For example, can any kind of divergence be addressed to the Joint Standing Committee so as to start off the described process? Should the existing instruments of unity not be the preliminary instances of any process of questioning and clarification of disputes that may eventually be referred to the Committee? Alternatively, should the plenary of the Anglican Consultative Council, the most representative of the instruments of unity, not be the decision arena on any matters in which the breaking of communion or conflicts threatening the Communion, since all the provinces of the Communion are there represented (absolutely and in proportion of their relative size)? A properly amended ACC constitution, so as to reflect such an extraordinary role, would allow for the procedures to be taken by the Joint Standing Committee to have an *ad referendum* nature between the Council meetings, thus giving provinces the juridical safety that decisions would not take place without their direct participation.

2.2.8. The ambivalence or silence found in Section 4 provisions and the process of formal entry into the Covenant also give reason for doubt. For instance, what is the status of those provinces who will not subscribe to the Covenant or who may withdraw from it? In principle, the Churches that violate it will not necessarily lose their Anglican nature, that is, they would be declared in breach of the Covenant, but would not be declared non-Anglican. Nevertheless, in relation to those Churches that choose not to join the Covenant, it is not clear what status they would bear. Would they become second-class provinces within the Communion? What would the membership relation between these Churches and those signatories of the Covenant be? Would there be a possibility of adhering to the first three sections alone as sufficient to solve this potential status imbalance, leaving the adoption of Section 4 a matter of supplementary adherence? What would be the relationship between partner dioceses, in case one of them belongs to a province that has signed the Covenant while the other does not? Or,

in the case when one of the two provinces receives a disciplinary sanction from the Joint Standing Committee? In our view, section 4 creates more doubts than certainties. Although one of our dioceses has manifested its support to the Covenant, another one asked for more clarification with reference to the criteria and procedures to be employed by the Joint Standing Committee. Another diocese expressed its concern that a “pact” in a normative sense may not unite us, and may even accentuate our differences, disuniting us further.

3. Our pledge

3.1. The fact that we are considering a Covenant to regulate the relationships between the provinces of the Communion points to yet another concern: that the current instruments of unity face a crisis of legitimacy and effectiveness. We believe that the way for the maintenance of the Communion passes through the strengthening of those instruments, rediscovering and reconfiguring their roles. Therefore, the reconstruction of the internal links within the Communion should be the condition prior to the adoption of any covenant, through mutual respect, dialogue, prayer and practical reflection in view of our mission.

3.2. We believe that the Communion needs, instead of a pact (Covenant), a joint commitment through which the missionary nature of the Church is reasserted. The Anglican International Mission Commissions have produced, during the last decades, excellent documents about the nature of the Church and of its Mission (MISAG I and II, MISSIO and IASCOME). All this material, elaborated over years of work seems to be disregarded in this conjuncture of conflict in the Communion.

3.3. In the current stage of the process, IEAB cannot commit itself to either the immediate adoption or refusal of the proposed Covenant. Thus, the question remains open for the Brazilian province. In addition, while we express in this statement positions formerly manifested with regards to the idea of an Anglican Communion Covenant, we have attempted to stick to what was expressly required for the consideration of IEAB: its assessment of the proposed draft of Section 4, which had not until now been the object of analysis in the province, in view of the date of its original publication. This document represents our position on the referred section 4 and is not a final judgement on the whole of Ridley-Cambridge Draft, whose content largely reflects our province’s position.

3.4. We are convinced, according to the Anglican tradition experienced in Brazil, that any decision on the immediate adoption or rejection of the Covenant would be precipitated. The Anglican Episcopal Church of Brazil has its own canonical procedures. Our process will require referring the matter to the General Synod (2010), the highest provincial instance gathering bishops, clergy and laypeople from all dioceses and missionary districts, recommending the appointment of a special inter-Synod commission that will study the text and monitor the developments regarding the Covenant within the Anglican Communion during the inter-Synod period, and will submit a report to the 2013 Synod, recommending the adoption or not of the Covenant, or a longer process of listening and observation.

3.5. We hope that even if the adoption process of Covenant begins as a result of the present consultation on Section 4 of the Ridley-Cambridge Draft, the provincial canonical procedures will be respected and that the promptness shown by some provinces to adopt it will not be used as an evidence of a supposed unwillingness or indecision of others to do so. This would be good Anglican practice and a sign that the process of formalisation and eventual adherence to the proposed Covenant will not be viewed by an implicit agenda to judge the depth of provincial commitment to the Communion or to the solution of the serious conflicts currently afflicting it.

3.6. We reaffirm, finally, our sincere and unequivocal Anglican identity, inherited from our forebears, and which we intend to pass on to the future generations, by praying the Collect for the Church Unity (IEAB Book of Common Prayer, p. 151):

Most holy Father, whose blessed Son before his passion prayed for the disciples that they may be one, as you and he are one; grant that your Church, united in love and obedience to You, may be united in one body by the one and only Spirit, that the world may believe in the one you have sent, your Son Jesus Christ, our Lord, who lives and reigns with you and the Holy Spirit, one God, now and forever. Amen.

Anglican Church of Burundi

I. Preamble

The House of Bishops of the Anglican Church of Burundi has noted the request from ACC-14 that Provinces participate in a consultation regarding Section 4 of the Ridley Cambridge Draft of the Anglican Communion Covenant in order to identify issues of ambiguity and lack of clarity in the text.

It is clear that “the bonds of affection” that have held us together as a communion in the past are severely strained and, for some, are already deemed broken.

We are convinced that without some form of accountability there can be no real communion. An ordered life requires mechanisms to govern it that go beyond mere moral force. Such mechanisms should facilitate genuine, possibly mediated, discussion of contentious issues and offer wise theological discernment and advice to the Instruments of Unity.

It is necessary for section 4 to provide procedures that can be agreed upon for addressing actions that threaten the covenanted life of Churches. In light of the events over recent years, it is important that such procedures prohibit unilateral actions on issues that might threaten relationships between covenanted Churches. As the saying goes, “what touches all should be decided by all.”

II. Our comments on section 4

In our discussions, the House of Bishops has noted that section 4 provides:

a framework for adopting, maintaining, withdrawing from, and amending the Covenant.
a framework for governing relationships with other covenanted churches based on commitment, mutuality, commonality, and interdependence without undermining autonomy of governance.

a less juridical and complex approach to disputes than the one outlined in the appendix to the St Andrew’s Draft.

procedures by which actions can be assessed and responses to issues can be formulated.

the task of overseeing the maintenance and respect of covenanted life is assigned to the Primates’ Meeting and the ACC along with the JSC assigned

However we raise the following issues about section 4:

That further clarification and definition of terms and concepts that are familiar and used in an Anglican context are still needed. An appendix glossary might facilitate this and avoid confusion or misunderstanding in the future. (The terms needing explanation might be - “Church”, “Churches”, and “other Churches” – the notion of “controversial

action”, “relational consequences” and “limitation of participation” that remain unclear – interdependence, shared discernment, accountability, and autonomy)

Further clarification is needed regarding who may sign to the Covenant.

It is generally indicated that Provinces sign. However, may there be circumstances when individual dioceses might wish to sign where and when a Province does not?

No indication of time scale is given for the completion of processes relating to decisions pertaining to actions that are considered incompatible with the Covenant or breach it.

Regarding 4.2.2 it is unclear as to which specific principles would be applied to decide whether actions are incompatible with the Covenant. In 3.2.4 there is reference to the notion of seeking a “*shared mind*” with other Churches but no mechanisms are identified for its facilitation.

It is unclear at what point in the dispute resolution process the terms of the Covenant might actually be deemed to be impaired, and how a church in obvious violation of the Covenant is ultimately responded to. In 4.2.5 the JSC may only “make recommendations as to *relational consequences* to the Churches of the Anglican Communion or to the Instruments of the Communion”. It is then referred back to the *Churches*, or to any Instrument, so that it can make its own decision. It is unclear what actions appropriately follow this stage in the process and what level of response would be needed for some final decision or action to be taken regarding consequences for a Church that is in obvious violation of the Covenant, or threatening its life.

The matter of some level of consistency between the covenanted Churches arises from 4.2.6 regarding what is put in place to oversee the maintenance of the Covenant. Without some guidelines the emphasis on the preservation of the autonomy of the Churches could undermine the integrity of the commitments made and render it impossible to ever reach conclusions on those actions deemed incompatible with the Covenant.

The question of how covenanting and non-covenanting Churches participate together is not addressed. How do we define the Anglican identity of those Churches that have not signed the Covenant?

III. Conclusion:

“... we recognise the importance of renewing in a solemn way our commitment to one another, and to the common understanding of faith and order we have received, so that the bonds of affection which hold us together may be re-affirmed and intensified. We do this in order to reflect, in our relations with one another, God’s own faithfulness and promises towards us in Christ.” (RCD introduction para.5)

It is important that the final text of section 4 renders the Covenant meaningful and has sufficient integrity and coherence so that those desiring to covenant may do so with confidence.

The Province of the Anglican Church of Burundi supports and approves the Covenant proposal as presented in the Ridley Cambridge Draft and therefore prays that the Covenant will enable the Anglican Communion to move forward as an effective witness in the world as it engages in the mission to which it has been called by Christ.

House of Bishops
Province of the Anglican Church of Burundi
Date: 10 November 2009

Anglican Church of Canada

1 The Anglican Communion Working Group (ACWG) is charged by the Council of General Synod with the preparation and presentation of Comments on Drafts of the Covenant for the Anglican Communion to the Council for ratification and transmission to the Anglican Communion Office. The Working Group comprises members from the following: The House of Bishops, the Faith Worship and Ministry Committee of the General Synod, the Partners in Mission and Eco-justice Committee and the members of the Anglican Church of Canada delegation to the Anglican Consultative Council. Following ACC-14 in Jamaica, the ACWG was tasked with reviewing Section 4 of the Ridley- Cambridge draft and preparing comments to assist the Covenant Review group in their work of reviewing and if necessary revising Section 4.

2 The ACWG collected individual comments from members and then met by Conference call on June 30th 2009. The comments were collated and sent, in August, to members of the Council of General Synod and the House of Bishops for their response. The following represents the views of the Anglican Church of Canada with respect to section 4. It is important to reiterate that we remain pleased with the substance and detail of Sections 1-3 and would be gravely concerned if they were to be subjected to any significant amendment.

3 We wish to commend the Covenant Design Group for once more hearing the concerns of the Provinces and for their efforts in revising and drafting Section 4. We had in the past been highly critical of its antecedents in both the Nassau and St Andrew's Drafts. Our comments which follow are, for the most part, designed to provide greater clarity and precision.

AFFIRMATIONS

4 We are pleased to note that the underlying principle of Section 4 is the desire of members of the Communion to walk together even where there may be areas of divergence or even difference, and that any action contemplated to be taken is preceded by thorough consultation and discussion with the leadership of the Provinces involved. We value the way in which the drafters have endeavored to emphasize the relational aspects of communion and wish to acknowledge that. We note that at ACC-14 the phrase was used on several occasions that "The Communion guides, each Church decides" and we are pleased to see this sentiment expressed throughout Section 4. We believe that it might be helpful to all if that phraseology were to occur in the text itself perhaps in an introduction to Section 4.

SUGGESTIONS AND CONCERNS

5 We believe that the final phrase of (4.1.1) "... a readiness to live in an interdependent life, but does not represent submission to any external ecclesiastical jurisdiction." is critical and must remain in that paragraph.

6 We suggest that the word “fundamental” in 4.1.2 has unfortunate connotations in many parts of the Communion and might better be replaced with “foundational”.

7 We have some concern with the language in (4.1.3) since we do not believe that “Recognition of, and fidelity to the text of this Covenant” is either helpful or meaningful. We suggest instead “Recognition of and fidelity to our mutual life and ministry as expressed in this Covenant enables mutual recognition”.

8 We had much discussion concerning (4.1.5) and believe that it would serve its intended purpose if the paragraph ended after the first sentence. The balance of the paragraph serves rather to confuse than clarify and for that reason we believe its retention to be unhelpful. As currently drafted, the final sentence of Section 4.1.5 provides that adoption of the Covenant “may” be accompanied by a request for recognition by the Instruments of Communion. It is not clear to me what the purpose of that request is to be. Is this meant to apply to existing Provinces adopting the covenant? If so, then the Instruments have a veto as to whether the adopting Church continues in the Communion. What happens if an existing Province adopts the Covenant and doesn't make the request? If it is meant to apply to new applicants, then what happens if some but not all of the Instruments recognize the requestor? This lack of clarity is a good reason for deletion of the whole concept.

9 Our greatest area of concern is focused in 4.2, especially as it relates to any body to whom the Standing Committee may choose to delegate any or all of its responsibility. Any such body must represent the breadth and depth of Anglicanism and be representative of all orders- bishops, clergy and laity. A particular concern for the Anglican Church of Canada relates to the time line to be used. When we are dealing with issues of membership it is important to us that substantial time be taken to consider consequences, overcome immediate reactions and to ensure prayerful, thoughtful and consultative deliberation. Membership is an area in which speed of action is not in the best interests of the body as a whole. Our experience following ACC-13 in Nottingham has been that the intervening four years provided time for deliberation and consultation, which although it may not have changed opinions, provided time for healing and a vastly more welcoming Communion. Perhaps more importantly, the description of Section 4.2 as “Dispute Resolution” is misleading. There is no mechanism in the section for resolution of disputes. It is merely a provision for the Joint Standing Committee to make decisions respecting the compliance with the Covenant by a member Church. That is not a resolution of a dispute. There is no provision for input into the decision making from the Church undergoing scrutiny. There is no provision for review of the decisions made by the Joint Standing Committee. There is no provision for mediation or even discussion with the Church under review.

10. While it is reasonably clear that Section 4.2 does not require a Church to adhere to the recommendation or declaration of the Joint Standing Committee in Sections 4.3.3 , 4.3.4 and 4.3.5, the consequences are not clear. Section 4.2.5 provides that each Church is to decide on its own response. However, the Instruments are to determine their response separately in the same provision and this is where there appears to be some serious issues. The Constitution of the Anglican Consultative Council in Section 3 (a) permits the membership to be altered by the Council with the assent of two-thirds of the Primates. This means that the Primates are, in effect, being given two opportunities to take

a position on membership. By way of example, if the Anglican Consultative Council failed to get two-thirds of the Primates to agree to remove a Church from membership, they might still by majority exclude a Primate from Primates' meetings. We do not believe the Primates to have any written constitution nor the Archbishop of Canterbury to have any constitutional written basis on which to make the decision referred to in Section 4.2.5. This could lead to different positions being held by each of the Instruments which would be chaotic. It is our view that the consequences of a Church's position on a recommendation or declaration ought to be left to the already adopted provisions of the constitution of the Anglican Consultative Council and eliminate any reference to the other two Instruments in Section 4.2.5.

11. Although 4.2.2 speaks of both “a question relating to the meaning of the covenant” and a question of compatibility, the following sections do not establish a process for answering a question about the meaning of the covenant. Either those words should be removed from 4.2.2 or the process provisions should be expanded.

12 Section (4.2.3) which addresses “refusal to defer an action” poses for us particular difficulty. We suggest that it might better read:

“(4.2.3) If a Church refuses to defer a controversial action, the Standing Committee examines the consequences for the relationships between churches who are signatories to the Covenant and may recommend action to an Instrument of Communion.”

CONCLUSION

13 It is our hope that the above comments will be of assistance to the Covenant Review Group and look forward to seeing the final text of the Covenant as it begins the consideration/adoption/acceptance process.

The Rt. Rev George Bruce
Bishop of Ontario
Chair of the Anglican Communion Working Group

Church of England

The following is a submission from the Church of England in response to a request from the Anglican Consultative Council that provinces should suggest revisions to section four of the Ridley Cambridge draft, to address issues of ambiguity and lack of clarity. The work was undertaken on behalf of the Church of England by the House of Bishops' Theological Group and the Faith and Order Advisory Group.

The principles that have shaped this submission
Should an Anglican Covenant along the lines proposed in the Ridley draft begin to be adopted by the churches of the Anglican Communion, there will be a transition period in which there will be three possible categories of Anglican churches.

Firstly, there will be churches that are listed on the Anglican Consultative Council (ACC) schedule of member churches and are members of the Instruments of Communion that have signed the Covenant.

Secondly, there will be churches that are on the ACC schedule and are members of the Instruments of Communion that have not signed the Covenant.

Thirdly, if the proposal in 4.1.5 comes into effect, there will be churches that have signed the Covenant, but are not necessarily on the ACC schedule or members of the Instruments of Communion.

The existence of these three possible categories of churches means that the proposal in the Ridley Covenant Draft (RCD) that the Joint Standing Committee (JSC) should be given oversight of the Covenant (4.2.1) and advise the Instruments on various matters relating to the Covenant (4.2.2- 4.2.6) faces the problem that both the JSC and the Instruments will include both covenanting and non-covenanting churches. This raises the possibility of non-covenanting churches making decisions relating to a covenant of which they are not a part whilst some of the covenanting churches have no voice on how the Covenant is implemented.

The Ridley Covenant Draft (RCD) addresses this issue briefly in 4.2.7, which "limits participation in the arbitration process of the Covenant to representatives of churches who have either adopted or are in the process of adopting the Covenant" (Commentary, p7). However, this short clause is not clear on various counts. For example:

What counts as being "in the process of adopting"?

Are those churches "in the process of adopting" subject to being challenged for acting in a manner incompatible with the Covenant or only in judging any such challenges to those who have already signed?

The 'arbitration process' refers to the Instruments responding to JSC recommendations, but does this mean the Instruments as a whole or only those members who fit with 4.2.7? The rule in 4.2.7 does not appear to apply to amendment of the Covenant as set out in 4.4 and it is not clear whether or not this was intentional.

Further work therefore needs to be undertaken to address this issue and this work needs to be based on the following principles:

In order to ensure that there is the minimum number of anomalies, as many of the churches on the ACC Schedule as possible should be covenanting churches and vice versa. This means that there should be a presumption that the 'other churches' mentioned in 4.1.5 are, in signing the Covenant, requesting membership of the Instruments.

Where the RCD makes reference to the JSC having oversight of the implementation of the Covenant, reference should be made instead to a sub-group consisting of those members of the JSC belonging to covenanting churches, with the possible addition of other members co-opted from covenanting churches while the number of covenanting churches on JSC is still small.

The Instruments, even while comprising covenanting and non-covenanting churches, should each manage their own internal life.

Even while the Instruments are mixed bodies, they should stand in the same relation to the Covenant and its oversight as covenanting churches by receiving recommendations relating to the Covenant and determining how to respond to them. As the number of covenanting churches grows, the more purchase Covenant recommendations will have within the Instruments.

After ten years have elapsed a decision will need to be made about the status of non-covenanting churches in the Instruments.

Summary of key proposals

In the proposals that follow the main central concerns of RCD are maintained (eg the Instruments each order their own life, the JSC plays a key role, the covenanting churches cannot be bound but do recognise the need to take counsel and that there are relational consequences of actions). The key cause of ambiguity and lack of clarity is the transition period discussed above, but the proposals also seek to move from emphasising what the Covenant does not do, to stating both what it does and what it does not do and to offer more rationale for what this section does (e.g. Proposed 4.1.3, 4.1.4).

In each section the key points in the recommendations are:

Section 4.1 on Adoption

Make the purpose of section four clearer (in the proposed new opening section and proposed 4.1.5)

Clarify how "life of the Anglican Communion" and "relationships among covenanting churches" are each understood, especially in the transition period (proposed 4.1.2 and 4.1.7).

Remove the ambiguity about "direction" in RCD 4.1.3 by reference to "juridical direction" (proposed 4.1.4)

Remove ambiguity about who else can sign and how signing relates to application for recognition by the Instruments in RCD 4.1.5 (proposed 4.1.6)

Remove the lack of clarity about the implications of signing by establishing a schedule of covenanting churches (proposed 4.1.7)

Section 4.2 on Maintenance of Covenant and Dispute Resolution

Clarify whose task it is to maintain and resolve disputes, especially during the transition period. This is clearly the task of the covenanting churches as represented on JSC (here RCD 4.2.1 as qualified by RCD 4.2.7 is reworked as proposed in 4.2.2).

Confirm that no binding decision can be imposed on churches but add (cf St Andrew's Draft) that covenanting churches are obliged to receive and respond to requests (Proposed 4.2.3)

Reintroduce mediation and reconciliation as imperatives of the gospel that are lacking in RCD (Proposed 4.2.4 and 4.2.8)

Incorporate covenanting churches more explicitly so that requests from JSC go to covenanting churches as well as Instruments (Proposed 4.2.5)

Section 4.3 on Withdrawal

Remove reference to withdrawal as this undermines the binding commitment of covenant and should not be necessary given other parts of the Covenant (RCD 4.3.1)

Address the implications of not signing the Covenant (Proposed 4.3.2)

Section 4.4 on Amendment

Include Introduction of Covenant so integrated and amendable (Proposed 4.4.1)

Clarify amendment needs to involve only covenanting churches (Proposed 4.4.2)

Proposed revision of the Ridley text

What follows sets out:

each clause of section 4 of the Ridley Covenant Draft (RCD),
a commentary on it and
a proposed redraft with any additions to a clause marked in bold.

Proposed Preamble

Each church affirms the following framework of procedures, necessary for the Covenant's effective adoption, implementation, oversight, and ongoing engagement in a life of mutual Christian commitment and discipline and, reliant on the Holy Spirit, each church commits itself to a life according to these guidelines.

Commentary

In its present form this section of the Covenant assumes that the Communion will consist of both covenanting and non-covenanting Churches. However, the long-term goal of the Covenant process is a situation in which every church that is part of the Communion will also be a covenanting church.

4.1 Adoption of the Covenant

Ridley Draft	Comment	Proposal
	<p>In order to make clear the purpose of section four, it probably needs an introduction that says something like this:</p>	<p>In order for the Covenant to be effective there needs to be a framework to allow for churches to adopt the Covenant, for oversight of the implementation of the Covenant in the life of the Communion and for issues concerning potential or actual breaches of the Covenant to be addressed in accordance with the need for mutual commitment and discipline referred to in paragraph 4 of the Introduction to the Covenant. This section of the Covenant provides such a framework.</p>
<p>(4.1.1) Each church affirms that it enters into the Covenant as a commitment to relationship in submission to God. Participation in the Covenant expresses a loyalty grounded in mutuality that one church freely offers to other churches, in which it recognises the bonds of a common faith and order, a common inheritance in worship, life and mission, and a readiness to live an interdependent life, but does not represent submission to any external ecclesiastical jurisdiction.</p>	<p>The clear statement that the Covenant does not establish an extra-provincial jurisdiction to which covenanting churches are subject is an important addition. The relationship between “an interdependent life” and “autonomy”, understood as non-submission to “any external ecclesiastical jurisdiction”, is a key issue about which this section needs to be clearer in a number of places.</p> <p>There are no obvious problems or ambiguities that need amendment,</p>	<p>(4.1.1) Each church affirms that it enters into the Covenant as a commitment to relationship in submission to God. Participation in the Covenant expresses a loyalty grounded in mutuality that one church freely offers to other churches, in which it recognises the bonds of a common faith and order, a common inheritance in worship, life and mission, and a readiness to live interdependently; participation does not represent submission to any other ecclesiastical jurisdiction.</p>

	except that an additional 'participation' helps to clarify what is proposed.	
(4.1.2) In adopting the Covenant for itself, each church recognises in the preceding sections a statement of faith, mission and interdependence of life which is consistent with its own life and with the doctrine and practice of the Christian faith as it has received them. It recognises these elements as fundamental to the life of the Anglican Communion and to the relationships among the covenanting churches.	<p>The conclusion of this clause refers to “the life of the Anglican Communion” and “the relationships among the covenanting churches”.</p> <p>The nature of the distinction and relationship between these two categories is another key issue about which this section needs to be clearer in a number of places.</p> <p>There are no obvious problems or ambiguities that need amendment.</p>	(4.1.2) In adopting the Covenant for itself, each Church recognises in the preceding sections a statement of faith, mission and interdependence of life that is consistent with its own life and with the doctrine and practice of the Christian faith as it has received them. It recognises these elements as fundamental to the life of the Anglican Communion and to the relationships among the covenanting churches.
(4.1.3) The Covenant operates to express the common commitments that hold each church in the relationship of communion one with another. Recognition of, and fidelity to, the text of this Covenant, enable mutual recognition and communion.	<p>The current clause tends to emphasise what is <u>not</u> being done by the Covenant. It would be good for the clause to express “mutual recognition and communion” more fully. The additional words seek to express this drawing on the CDG’s Commentary on RCD.</p>	<p>(4.1.3) The Covenant operates to express the common commitments which hold each church in the relationship of communion one with another. Recognition of, and fidelity to, the text of this Covenant, enable mutual recognition and communion.</p> <p>The Covenant involves a willingness by each church, for the sake of mission and unity, voluntarily to limit its own freedom of action (including its right to determine matters of doctrine) on the basis of the discernment of the wider Church. It also involves an</p>

<p>Nothing in this Covenant of itself shall be deemed to alter any provision of the Constitution and Canons of any Church of the Communion, or to limit its autonomy of governance. Under the terms of this Covenant, no one church, nor any agency of the Communion, can exercise control or direction over the internal life of any other covenanted church.</p>	<p>The wording of this part of 4.1.3 is now best made a separate clause. The language of “direction” is ambiguous – it could be argued that later provisions amount to a loose form of “direction”. It would be best to clarify this by including an adjective such as “juridical”.</p>	<p>acknowledgment that the exercise of its autonomy to ignore or reject decisions taken by, or on behalf of, the covenanting churches as a whole would have consequences for its relations with other churches, as discussed more fully in 4.2.5 to 4.2.7 below.</p> <p>(4.1.4) Nothing in this Covenant of itself shall be deemed to alter any provision of the Constitution and Canons of any Church of the Communion, or to limit its autonomy of governance. Under the terms of this Covenant, no one church, nor any agency of the Communion, can exercise juridical control or direction over the internal life of any other covenanted church.</p>
<p>(4.1.4) Every church of the Anglican Communion, as recognised in accordance with the Constitution of the Anglican Consultative Council, is invited to adopt this Covenant in its life according to its own constitutional procedures. Adoption of the Covenant by a church does not in itself imply any change to its Constitution and Canons, but implies a recognition of those elements which must be</p>	<p>This clause is the obvious place to add the rationale for the procedures that follow in 4.2.6 of RCD. While there is no longer the TWR proposal of a Communion Canon and each church will determine its own way of implementing the Covenant in its own jurisdiction, it is important that those adopting the Covenant acknowledge its significance on their autonomous internal</p>	<p>(4.1.5) Every church of the Anglican Communion, as recognised in accordance with the Constitution of the Anglican Consultative Council, is invited to adopt this Covenant in its life according to its own constitutional procedures. Adoption of the Covenant by a church does not in itself imply any change to its Constitution and Canons. However, it does imply:</p> <p>(a) a recognition of those</p>

<p>maintained in its own life in order to sustain the relationship of covenanted communion established by this Covenant.</p>	<p>decision-making.</p>	<p>elements which must be maintained in its own life in order to sustain the relations with the other covenanting churches established by this Covenant,</p> <p>(b) a commitment to take these relations into account when considering proposed innovations in its teaching, mission, or practice,</p> <p>(c) a willingness to be held accountable for such innovations to the other churches belonging to the Covenant and to the Anglican Communion as set out more fully in 4.2.3-4.2.7 below.</p>
<p>(4.1.5) It shall be open to other churches to adopt the Covenant. Adoption of this Covenant does not bring any right of recognition by, or membership of, the Instruments of Communion. Such recognition and membership are dependent on the satisfaction of those conditions set out by each of the Instruments. However, adoption of the Covenant by a church may be accompanied by a formal request to the Instruments for recognition and membership to be acted upon according to each Instrument's procedures.</p>	<p>A clause of this form is important for a number of reasons:</p> <p>(a) the Covenant must be outward-looking beyond those invited to join in the preceding clause;</p> <p>(b) the Covenant offers the future possibility of healing both historic and more recent fractures within global Anglicanism;</p> <p>(c) the Covenant must not, however, offer itself as a replacement for ecumenical dialogue as if we expect all other churches to sign;</p> <p>(d) as noted in the Lambeth Commentary, a diocese should be able to sign up for the Covenant, where permitted by provincial law;</p>	<p>(4.1.6) It shall be open to particular churches of the Anglican tradition not otherwise included in this Covenant, including dioceses, to adopt the Covenant. Adoption of the Covenant by a church does not bring any right of recognition by, or membership of, the Instruments of Communion but shall constitute a formal request to the Instruments of Communion for recognition and membership to be acted upon according to each Instrument's procedures, as it pursues as far as possible the goal of maintaining and developing full visible unity among Anglicans in concert with continuing efforts to reach this goal more fully among all Christian churches.</p>

	<p>(e) while the national/ regional church (province) is the norm, the ACC Schedule already includes the United Churches of South Asia and extra-provincial churches, dioceses and one parish.</p> <p>As the Instruments are recognised in section 3 of the Covenant and play a key role in maintaining the Covenant, it is desirable that becoming a Covenant signatory begin a relationship with the Instrument. However, the Instruments must not be bound to accept any body which subscribes to the Covenant or to act within a rigid timetable.</p>	
<p>(4.1.6) This Covenant becomes active for a church when that church adopts the Covenant.</p>	<p>The following sub-section of RCD refers to “covenanting churches” and it is therefore helpful that these are defined and that the Covenant states how they can be identified by requiring the maintenance of an official schedule.</p>	<p>(4.1.7) A church becomes a covenanting church when it adopts the Covenant. A schedule of covenanting churches, though it does not in itself signify membership in the Communion, shall be maintained by the Instruments of Communion.</p>

4.2 The Maintenance of the Covenant and Dispute Resolution

<p>(4.2.6) Each church undertakes to put into place such mechanisms, agencies or institutions,</p>	<p>The current (4.2.6) should be moved to open this section in order to emphasise that the</p>	<p>(4.2.1) Each covenanting church undertakes to put into place such mechanisms, agencies or institutions,</p>
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<p>consistent with its own Constitution and Canons, as can undertake to oversee the maintenance of the affirmations and commitments of the Covenant in the life of that church, and to relate to the Instruments of Communion on matters pertinent to the Covenant.</p>	<p>primary responsibility for maintenance of the Covenant and dispute resolution rests with the covenanting churches themselves. Similarly the new mechanisms, agencies or institutions should relate to other covenanting churches and not simply to the Instruments.</p>	<p>consistent with its own Constitution and Canons, as can undertake to oversee the maintenance of the affirmations and commitments of the Covenant in the life of that Church, and to relate to other covenanting churches and the Instruments of Communion on matters pertinent to the Covenant.</p>
<p>(4.2.1) The Joint Standing Committee of the Anglican Consultative Council and of the Primates' Meeting, or any body that succeeds it, shall have the duty of overseeing the functioning of the Covenant in the life of the Anglican Communion. The Joint Standing Committee may nominate or appoint another committee or commission to assist in carrying out this function and to advise it on questions relating to the Covenant.</p>	<p>The wording in RCD 4.2.1 is qualified by RCD 4.2.7 but in a highly ambiguous manner (see the introduction and the commentary on 4.2.7 below). It would be better for the maintenance of the Covenant and dispute resolution to be clearly undertaken by those representing covenanting churches.</p>	<p>(4.2.2) Those members of the Joint Standing Committee of the Anglican Consultative Council and the Primates' Meeting (or any body that succeeds it) that represent covenanting churches ("covenanting members of the JSC") shall have the duty of overseeing the functioning of the Covenant in the life of the Anglican Communion.</p> <p>Until such time as a majority of the JSC represent covenanting churches, those representing covenanting churches may co-opt either JSC members whose provinces they recognise as being in the process of adopting the Covenant or the Primate or ACC member of covenanting churches not represented on the JSC to assist them in providing guidance on the functioning of the Covenant.</p>
<p>(4.2.2) If a question relating</p>	<p>The additions are</p>	<p>(4.2.3) If a question should</p>

<p>to the meaning of the Covenant, or of compatibility to the principles incorporated in it, should arise, the Joint Standing Committee may make a request to any covenanting church to defer action until the processes set out below have been completed. It shall further take advice from such bodies as its feels appropriate on the nature and relational consequences of the matter and may make a recommendation to be referred for advice to both the Anglican Consultative Council and the Primates' Meeting.</p>	<p>designed to make clear what is meant by the phrase 'compatibility to the principles incorporated in it'.</p> <p>The request should have a right to be considered so "may make a request" is better as "shall consider whether to make a request"</p> <p>The covenanting members of the JSC will need to consult about both the meaning of the Covenant and its application to a particular issue. We do not think that the text needs to specify to whom they should look for advice.</p> <p>The request should not be limited to deferral of future actions but also include suspension of past actions.</p> <p>Covenanting churches are not bound by such a request but are bound to consider it – this restates what was explicit in St Andrew's 3.2.5d,e but is not made explicit in RCD.</p>	<p>arise about the meaning of the Covenant or the compatibility of a course of action (either taken or proposed) by a covenanting church with the principles of the Covenant, the covenanting members of the Joint Standing Committee shall respond. In doing so, they shall:</p> <p>consult with the other covenanting churches and such advisers as they deem appropriate about the meaning of the Covenant and the application of the Covenant to a particular form of action by a covenanting church;</p> <p>consider whether to make a request that the church involved suspend or defer such action until the processes set out below have been completed;</p> <p>make public their determination and reasons behind it.</p> <p>Covenanting churches commit themselves to receive any such requests through their own canonical procedures.</p>
	<p>On the basis of both Scripture (eg Mt 18) and the commitment enshrined in 3.2.6, this section needs to go beyond discussion of "relational</p>	<p>(4.2.4) In considering their response to any controversial action, the covenanting members of the Joint Standing Committee shall consider whether to</p>

	consequences” and consider actions to effect reconciliation.	propose a process of mediation either alongside or prior to making other recommendations. All covenanting churches commit themselves to participate in and support such a process as requested.
(4.2.3) If a Church refuses to defer a controversial action, the Joint Standing Committee may recommend to any Instrument of Communion relational consequences which specify a provisional limitation of participation in, or suspension from, that Instrument until the completion of the process set out below.	<p>Especially in the time of reception of the Covenant, the Instruments will be a mix of covenantal and non-covenantal churches; thus it is important that recommendations are made not simply to the Instruments but primarily to the covenanting churches (who can then act upon them within the Instruments if they wish).</p> <p>Although it is the churches rather than the Instruments of Communion that adopt the Covenant, the Instruments are responsible for acting on behalf of the Communion as a whole which has decided to introduce the Covenant as part of its corporate life. Hence it makes sense for the Instruments to commit themselves to receive and determine their response to recommendations relating to the Covenant.</p>	(4.2.5) If a covenanting church refuses to suspend or defer a controversial action as requested above, the covenanting members of the Joint Standing Committee, in consultation with the other covenanting churches, shall make recommendations to any Instrument of Communion and to covenanting churches as to the relational consequences of this refusal, addressing the extent to which it damages both the communion between that church and the other covenanting churches and that church’s participation in that Instrument. Each covenanting church and each Instrument commits itself to receive and determine its own response to such recommendations.
(4.2.4) On the basis of advice received from the Anglican Consultative	Most of the changes here reflect those noted above but there is also added the	(4.2.6) After further consultation with the Covenanting churches and

<p>Council and the Primates' Meeting, the Joint Standing Committee may make a declaration concerning an action or decision of a covenanting church that such an action or decision is or would be "incompatible with the Covenant". A declaration of incompatibility with the Covenant shall not have any force in the Constitution and Canons of any covenanting church unless or until it is received by the canonical procedures of the church in question.</p>	<p>positive effect of such a declaration rather than simply the limits noted in the current clause.</p>	<p>such advisers as it deems appropriate, the covenanting members of the Joint Standing Committee shall decide whether to make a declaration that an existing or proposed action or decision of a covenanting church is or would be "incompatible with the Covenant". A declaration of incompatibility with the Covenant shall have moral authority among and within the covenanting churches but shall not have any force in the Constitution and Canons of any covenanting church unless or until it is received by the canonical procedures of the church in question.</p>
<p>(4.2.5) On the basis of the advice received, the Joint Standing Committee may make recommendations as to relational consequences to the churches of the Anglican Communion or to the Instruments of the Communion. These recommendations may address the extent to which the decision of any covenanting church to continue with an action or decision which has been found to be "incompatible with the Covenant" impairs or limits the communion between that church and the other churches of the Communion. It may recommend whether such</p>		<p>(4.2.7) On the basis of the advice received, the covenanting members of the Joint Standing Committee shall also make recommendations as to relational consequences to the covenanting churches and to the Instruments of the Communion. These recommendations shall address the extent to which the decision of any covenanting church to continue with an action or decision which has been found to be "incompatible with the Covenant" damages the communion between that church and the other churches of the Communion. It may recommend whether</p>

<p>action or decision should have a consequence for participation in the life of the Communion and its Instruments. It shall be for each church and each Instrument to determine its own response to such recommendations.</p>		<p>such action or decision should have a consequence for participation in the life of the Communion and its Instruments. Each covenanting church and each Instrument commits itself to receive and determine its own response to such recommendations.</p>
<p>(4.2.6) Each church undertakes to put into place such mechanisms, agencies or institutions, consistent with its own Constitution and Canons, as can undertake to oversee the maintenance of the affirmations and commitments of the Covenant in the life of that church, and to relate to the Instruments of Communion on matters pertinent to the Covenant.</p>	<p>This has been moved to become (4.2.1) above for reasons given there.</p>	
<p>(4.2.7) Participation in the processes set out in this section shall be limited to those members of the Instruments of Communion who are representatives of those churches who have adopted the Covenant, or who are still in the process of adoption.</p>	<p>This clause is clearly addressing the problem that those who have rejected the covenant cannot be involved in its maintenance but it creates major questions:</p> <p>(1) What does it mean to be “still in the process of adoption”?</p> <p>(2) Does it refer simply to the JSC or to all the Instruments in relation to any of the above? The latter means covenanting churches can determine involvement of other</p>	

	<p>covenanting churches in the Instruments irrespective of views of others.</p> <p>(3) It would need to refer also to the amendment processes in RCD 4.4.2 below. For these reasons the alternative set out in response to RCD 4.2.1 above is preferred here.</p>	
	<p>Restoration and reconciliation must be the ultimate goal in any of these processes; this needs to be made explicit as it was in earlier drafts</p>	<p>(4.2.8) If a covenanting church is judged to have acted in a manner “incompatible with the Covenant”, the covenanting members of the Joint Standing Committee, in consultation with the other covenanting churches, must as soon as is practicable urge a process of restoration with the church involved.</p>

4.3 [Withdrawing from and] deciding not to sign the Covenant

<p>(4.3.1) Any covenanting church may decide to withdraw from the Covenant. Although such withdrawal does not imply an automatic withdrawal from the Instruments or a repudiation of its Anglican character, it raises a question relating to the meaning of the Covenant, and of</p>	<p>Including a provision for churches to withdraw from the Covenant changes the character of membership of the Covenant from being a binding commitment to being a contract. Such a provision should therefore not be included.</p> <p>It has been suggested that a provision for withdrawing from the Covenant is</p>	
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<p>compatibility with the principles incorporated within it, and it triggers the provisions set out in section 4.2.2 above.</p>	<p>necessary to cover situations in which covenanting churches need to withdraw from the Covenant in order to enter into new forms of ecumenical relationship that would be incompatible with Covenant membership. However, this suggestion overlooks the point that a covenanting church ought not to enter into a new ecumenical relationship incompatible with its existing commitment to the Covenant. Provision should not be made for something that a church ought not to do.</p>	
	<p>The RCD addresses the consequences of acting in a manner judged to be incompatible with the Covenant and of withdrawal but not of choosing not to be a Communion member. Given that the Covenant states that the elements of the Covenant are “fundamental to the life of the Anglican Communion” the determined decision not to become a covenanting church will impact the life of the Communion.</p> <p>The RCD Commentary touches on this in its penultimate paragraph and expresses the hope that “how both covenanting and non-covenanting churches</p>	<p>(4.3.1) Ten years after the first church has signed the Covenant the covenanting members of the Joint Standing Committee shall make a report with recommendations regarding the integration of the Covenant with the life of the Communion as a whole. This report will be shared with the full JSC and the Instruments. The Joint Standing Committee shall then make recommendations as to relational consequences to the covenanting churches and to the Instruments of the Communion of the decision, active or <i>de facto</i>, by a church of the Communion not to become a covenant member. These recommendations shall address the extent to</p>

	<p>participate together in the life of the Instruments of the Communion...may become the subject of agreed conventions alongside the Covenant". This proposed clause applies the principles set out in our revised 4.2.5 and 4.2.7 above to address this situation.</p>	<p>which such a decision damages the communion between that church and the other churches of the Communion. It may recommend whether such action or decision should have a consequence for participation in the life of the Communion and its Instruments. Each covenanting church and each Instrument commits itself to receive and determine its own response to such recommendations.</p>
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4.4 The Covenant Text and its amendment

<p>(4.4.1) The Covenant consists of the text set out in this document in the Preamble, Sections One to Four and the Declaration. The Introduction to the Covenant Text, which shall always be annexed to the Covenant text, is not part of the Covenant, but shall be accorded authority in understanding the purpose of the Covenant.</p>	<p>The Church of England has consistently asked for the Introduction to be included. In the RCD it continues to have an ambiguous (and now also unamendable) status. It is preferable to include it within the Covenant as a whole.</p>	<p>(4.4.1) The Covenant consists of the text set out in this document in the Introduction, Preamble, Sections One to Four and the Declaration.</p>
<p>(4.4.2) Any covenanting church or Instrument of Communion may submit a proposal to the Joint Standing Committee for the amendment of the Covenant. The Joint Standing Committee shall send the proposal to the Anglican Consultative Council, to the Primates' Meeting and any other body as it may consider appropriate for advice. The Joint Standing Committee shall make a recommendation on the proposal in the light of advice offered, and submit the proposal with any revisions to the constitutional bodies of the covenanting churches. The amendment is operative when ratified by three quarters of such bodies.</p>	<p>This process needs to be adapted slightly to remove the anomaly of non-covenanting JSC members being so involved in amending the Covenant. Presumably RCD 4.2.7 was intended to apply also to this clause, although strictly speaking it does not do so.</p>	<p>(4.4.2) Any covenanting church or Instrument of Communion may submit a proposal to the covenanting members of the Joint Standing Committee for the amendment of the Covenant. They shall send the proposal to the Anglican Consultative Council, to the Primates' Meeting and any other body as they may consider appropriate for advice. They shall then make a recommendation on the proposal in the light of advice offered, and submit the proposal with any revisions to the constitutional bodies of the covenanting churches. The amendment is operative when ratified by three quarters of such bodies. The covenanting members of the Joint Standing Committee shall adopt a procedure for</p>

The Joint Standing Committee shall adopt a procedure for promulgation of the amendment.		promulgation of the amendment.
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Indian Ocean received after the meeting of the Working Party

LA COMMUNION ANGLICANE

La Province Ecclésiastique de l'Océan, par son Comité permanent qui était réuni, a Mahajanga le 12-20 Octobre 2009 :

A / SA POSITION PAR RAPPORT A L'ALLIANCE

Confirme que la Province Ecclésiastique de l'Océan Indien, après avoir donné le temps nécessaire a la prière et a la réflexion tant au niveau de chaque Diocèse et au Niveau provincial, s'engage positivement pour l'adoption de l'Alliance de la Communion Anglicane.

Les Sept Diocèses de la Province, représentés par leur Évêque respectif, ont adopté a l'unanimité les principes de l'Alliance.

La Province Ecclésiastique de l'Océan Indien est aussi favorable pour la progression de la Communion Anglicane comme une un signe vers la réalisation finale de la Communion éternelle avec Dieu et entre toutes les Eglises et entre toutes les créatures de Dieu (Préambule para.2)

B/ SA POSITION PAR RAPPORT AUX TEXTES

Elle souhaite aussi apporter sa contribution quant au texte de l'Alliance. La Province de l'Océan Indien souhaite vivement vivre dans une Communion des Eglises qui soient en mesure de se respecter mutuellement mais surtout de s'entraider mutuellement pour avancer ensemble pour l'avancement e la Mission de Dieu dans le monde selon la spiritualité Anglicane.

La Province Ecclésiastique de l'Océan Indien trouve que les Sections 1, 2, & 3 , malgré quelques amendements mineurs, tels que des précisions linguistiques pour le texte en Français , ont rencontré une réaction favorable dans l'ensemble. Par contre, quelques amendements s'avère nécessaire quant a la section 4 de la troisième version provisoire (Ridley Cambridge version). En tant qu'une Province bilingue (Français et Anglais) nous avons utilisés les deux textes en Français(texte provisoire non corrigé) et en Anglais(texte officiel) :

1. D'une façon générale, L'Eglise de la Province de l'Océan Indien, propose une 4eme section qui met en relief La communion comme un engagement mutuel de toutes les Eglises en tant que a la fois une communion d'Eglises signes et témoins de la Communion Trinitaire et de la mission Trinitaire dans le monde.
2. La Province souhaite une communion plus responsable par rapport à Dieu et vis--vis des autres Eglises de la Communion et des autres qui ne sont pas membres de la Communion mais en collaboration, ou en partenariat suivant leur statut vis-à-vis de cette alliance.
3. Finalement, La Province de l'Océan Indien ne souhaite pas avoir une communion affaiblie ni endommagé : Existence des membres adoptant et non-

adoptant de l'Alliance au sein de la Communion. Il y a ceux qui ne sont pas favorables à l'Alliance, de facto, ils sont aussi en dehors de la Communion Anglicane. CPIO croit que Dieu veut, dans son amour infini, réaliser sa volonté mentionnée en Jean 17, 9-11 : glorification de Dieu par son peuple sanctification et unification de son peuple. Ainsi, Elle croit en une communion, libératrice, vivante, organique, en mouvement vers cette volonté de Dieu.

C/ LES AMENDEMENTS

ADOPTION DE L'ALLIANCE

- a- 4.1.1 : Nous voulons amender la 2eme phrase comme suit : La participation à l'alliance exprime une loyauté enracinée dans une mutualité que Dieu offre librement à ses églises dans laquelle elles reconnaissent mutuellement les liens d'une foi, d'une constitution, d'un héritage commun à la prière, la vie qui honore Dieu et sa mission et d'un consentement à vivre une vie d'interdépendance. Cela ne signifie pas une soumission quelconque sous une autre forme de juridiction ecclésiastique externe que ce soit.
- b- 4.1.2 : pas d'amendement
- c- 4.1.3 : L'Alliance est l'expression des engagements communs, envers la vrit qui est fondée dans les Ecritures Saintes, dans la raison naturelle humaine et dans la tradition de l'Église du Christ, qui maintiennent chacune des églises en une relation de communion mutuelle **étroite**. L'acceptation du texte de la présente Alliance et la fidélité à son égard rendent possible une reconnaissance et une communion mutuelle. **L'acceptation de ce texte peut entraîner une modification d'une disposition constitutionnelle et des canons d'une Eglise autonome de la Communion. Par contre** Aux termes de cette alliance, aucune Eglise, ni agence de la Communion ne peut ni contrôler, ni orienter la vie interne d'une autre Eglise membre de l'Alliance.
- d- 4.1.4 : Pas d'amendement
- e- 4.1.5. Les autres Eglises sont libres d'adopter l'Alliance. **L'adoption entraîne de facto la reconnaissance par les instruments de communion. Et le droit d'appartenance à ces mêmes instruments devrait être une condition préalable.** Cette reconnaissance et cette appartenance sont tributaires la conformité aux conditions déterminés par chacune des instruments. L'adoption de l'Alliance par les autres Eglises **doit** être accompagnée d'une requête formelle de reconnaissance et d'appartenance adressée aux instruments, ces derniers y donnant suite conformément à ses propres procédures.
- f- 4.1.6 : pas d'amendement

Sauvegarde de l'Alliance et règlement des différences

- g- 4.2.1 : pas d'amendement
- h- 4.2.2 : pas d'amendement
- i- 4.2.3 : pas d'amendement
- j- 4.2.4 : Se fondant sur les conseils donnés par le conseil consultatif et l'assemblée des primats **sparment, le comité permanent conjoint** peut déclarer, au sujet d'une action ou d'une décision d'une Eglise membre à l'Alliance, quelle est incompatible avec l'alliance. Une déclaration d'incompatibilité avec **l'alliance**

possède en soi et en pratique un effet de mise l'index pastoral sur une Eglise membre a l'Alliance, admise par des procédures canoniques.

- k- 4.2.5 : pas d'amendement sauf la fin on ajoute : dans un temps déterminé
- l- 4.2.6 : pas d'amendement
- m- 4.2.7 : pas d'amendement

RETRAIT DE L'ALLIANCE

- n- 4.3.1: **on garde sauf on ajoute il soulève une question quant a la signification de l'alliance et a la compatibilité des principes, et aux instruments de la Communion qui y sont incorporés**

LE TEXTE DE L'ALLIANCE ET SON AMENDEMENT

- o- 4.4.1: **Le texte de l'Alliance consiste**
- p- 4.4.2: pas d'amendement

Notre déclaration : Nous déclarons avec joie et avec fermeté par la grâce de Dieu le créateur du monde et par son Fils le sauveur du monde, et par la sagesse du saint esprit que (tel Diocèse) fait parti de l'alliance de la Communion Anglicane, et nous offrons nos prières, nos services, que nous voulons que la Communion perde des fruits pour le Seigneur, et nous croyons fermement que Dieu que nous resserrions encore plus étroitement nos liens dans la vérité et l'amour du Christ a qui, avec le Père et le saint Esprit, soit la Gloire éternelle. Amen

Church of Ireland

On behalf of the Honorary Secretaries I would like to inform you that at the meeting of the Standing Committee on 15 September the following resolution was adopted:

That the Standing Committee adopts the Anglican Covenant Working Group's report as a response of the Standing Committee of the General Synod of the Church of Ireland to Section 4 of the Ridley Cambridge draft of the Anglican Covenant, and that the response be forwarded to the Anglican Communion Office.

Report of the Anglican Covenant Working Group

Having considered Section 4 of the Draft Anglican Covenant very carefully, and bearing in mind a full range of points of view, we believe that the text of Section 4 as it stands commends itself in the current circumstances. The term 'Joint Standing Committee' clearly needs to be updated following its re-styling at ACC-14. We appreciate the work of the former Covenant Design Group, not least in taking into account the Church of Ireland's views, and encourage the Archbishop of Canterbury and his new group under the chairmanship of the Archbishop of Dublin as they seek to conclude the work on the text of the Covenant.

Yours sincerely,

Jenny Polden
Synod Officer

Jerusalem & the Middle East (The ACO apologises that although this was emailed to the ACO before the meeting, due to technical problems it was not seen until after the Working Party had met)

The Province of Jerusalem and the Middle East discussed at our Provincial Synod (9-10 October 2009) the Anglican Covenant. We have the following questions and comments:

1. What is the definition of the word "Church" as referring to any body other than a Province of the Anglican Communion?
2. In Section 4.2.3, how does the word controversial relate precisely to surrounding paragraphs? Would it be helpful in Section 4 to spell out who decides that an action falls into the definition of controversial action?

I personally, as the Bishop of Egypt, have the following questions/comments:

1. If a Province refuses to sign the Anglican Covenant, but dioceses within the Province should want to adopt the Anglican Covenant as an expression of affirming the covenantal relationship with the rest of the Anglican Communion, would this be possible? I think it would be unfair to ignore the request of such dioceses, especially after the Apostolic Constitution of Pope Benedict XVI that welcomes them to be in communion with Rome. Should the Anglican Communion open its arms to these dioceses, or should we desert them? I remember that Archbishop Rowan mentioned that the diocese is the "basic unit" within the Communion. This was prior to sending the invitations for Lambeth 2008.
2. What would happen if a Province, which already is the reason for an unresolved crisis (such as TEC), wanted to adopt the Anglican Covenant? Will she be allowed to do this, or will she need to resolve the reason for the crisis before adopting the Covenant?
3. I suggest that once a Province of the Anglican Communion adopts the Anglican Covenant, it should become a constituent member of the Communion immediately.
4. May I further suggest that by the end of 2011 (2 years after submitting the final Covenant), any Province that has not signed the Covenant, should not be allowed to participate in the Anglican Councils (i.e. Primates Meetings, ACC, Standing Committee, etc...) until the time when it finally adopts the Covenant.

May the Lord bless you!

Yours in Christ,

+Mouneer
The Most Rev. Dr. Mouneer Hanna Anis

Bishop of the Anglican/Episcopal Diocese of Egypt
with North Africa and the Horn of Africa
President Bishop of the Anglican/Episcopal
Province of Jerusalem and the Middle East

Nippon Sei Ko Kai

Greetings from the Nippon Sei Ko Kai (Anglican Church in Japan).

I am terribly sorry that our response comes to you so late.

But, the good news is that we, the House of Bishops of the NSKK, do not have any problem with the draft text of the Anglican Covenant Section 4.

Thank you very much.

Please convey to the Covenant Working group that we pray for their work.

The Most Rev. Nathaniel M. Uematsu
Primate of NSKK and Bishop of Hokkaido

Church of North India

The CNI has refused to affirm the Instruments of Unity and has made its intention not to sign the proposed covenant very clear. It is understood that the CNI like the CSI is a province in the Anglican Communion by virtue of the presence of Anglican churches within it. By its own constitution and by the law of the country, India, Places of Worship Special Provisions Act, 1991, a status quo for each constituent Church in the united church is in place since August 15, 1947. In other words no changes can be made and it is mandatory for Anglican doctrine, rituals and practices, especially the threefold ministry of bishops, priests and deacons be conformed to in Anglican churches in the united church.

Please refer to Supreme Court (India) Case, 1988. District Council of United Basel Mission Church and Others *versus* Salvador Nicholas Mathias and Others. The district council's decision to join the CSI which was challenged by a group opposing union. The judgement states: (1) Form of worship can not be changed. (2) The CSI can not take possession of the Basel Mission's property and (3) The bishops of the CSI are not in the apostolic succession since the CSI has accepted the historic episcopate in a constitutional form as in the case of the CNI.

The Anglican Communion is understood to be the guardian of worldwide Anglicanism, it is therefore difficult to comprehend when the laws of India guarantees the protection and preservation of all faiths the inability for the Communion to preserve Anglicanism in India. And because of the failures of the Anglican Communion individual Anglican churches in the CSI have had to take the matter to law courts in accordance with the laws of the country.

Therefore the autonomy of the CNI will not be violated if it affirms the Instruments of Unity and signs the proposed Covenant.

Anglican Church of Papua New Guinea

The Anglican Church of PNG has valued her place in the Anglican Communion since the establishment of the Province in 1977. Our priority is mission – all five marks are important for us in this beautiful but often unstable land. As a founder member of the Melanesian Council of Churches we approach this task alongside our brothers and sisters in other churches. Our ecumenical commitment is shown in many educational, medical and social initiatives and also through a long standing regional theological dialogue with the RC Church.

We are a Province on the traditional and catholic side of the present Anglican spectrum. We have not ordained women for both cultural and theological reasons. We have not been able to accept that the episcopal ordination of a practicing gay person and the blessing of same-sex unions are legitimate developments. We have been saddened that some Provinces have proceeded with these things without there first being a much greater Communion wide consensus.

At recent Primates' Meetings our former archbishop, Most Revd James Ayong, who retired in September 2009, consistently supported the Windsor process including the proposals for an Anglican Covenant. We have not signed up to GAFCON, all seven bishops attended Lambeth 2008 and there we supported the three moratoria.

We are happy to receive all four parts of the latest Ridley Cambridge Draft (RCD) of the Anglican Communion Covenant as a generous attempt to meet the objections to earlier drafts and to move the process forward constructively.

In a key phrase the RCD describes each Church as living “in communion with autonomy and accountability” (3.1.2). We see this as an important description of our covenanted life together in the Communion and much better than simply describing Provinces as autonomous. Clearly the Covenant must therefore reflect both autonomy and accountability, which is the upholding of our “mutual responsibility and interdependence in the Body of Christ, and the responsibility of each to the Communion as a whole” (3.2.2). In the RCD there is abundant concern for autonomy and we trust a willingness to say at some point that certain actions are indeed “incompatible with the Covenant” (4.2.4).

Any Anglican Covenant would have to be approved for Papua New Guinea by the Provincial Council, a body that meets once a year, usually in June, and which is made up of the diocesan bishops and elected clergy and laity from each of the five dioceses.

Scottish Episcopal Church

1. We would again like to express our thanks for the work that the Covenant Drafting Group have undertaken on behalf of our Communion and for the opportunity to comment upon the Third (Ridley Cambridge) Draft, and specifically upon the text of Section 4. Limitations have been experienced in the responding process because of the time constraint, the obligation to limit comments to section 4 and no opportunity to present previous, still valid, comments. We are concerned that there are still some areas which require clarification, such as who (Diocese or Province) would sign the Covenant.

This draft has been discussed widely and with great interest throughout the Scottish Episcopal Church during the past few months. The interest has grown, and although this response is limited to Section 4 as requested, we commend to you comments on Sections 1 – 3 contained in the submissions which are attached. They concern the issue of whether excessive powers would be invested in the committee; the need to discern the way forward in the light of Scripture, tradition and reason; the importance of deep cultural differences in our life together in the Communion.

2. The proposed Anglican Covenant remains a topic of real debate within the Scottish Episcopal Church. Some welcome the proposed Covenant, seeking unity and mutual accountability within the Anglican Communion, believing that we must develop strategies for dealing with disputes and set out boundaries. Many others are very uneasy, believing that a Covenant cannot resolve the problems currently facing the Anglican Communion, and might actually be significantly divisive when a decision has to be made about a particular diocese or Province.

3. The relational approach to conflict resolution enshrined in Section 4 has been welcomed. Nevertheless, there is a general feeling that Section 4 as it currently stands is, in places, unclear and ambiguous, and indeed, could even lead to, and enshrine schism.

In particular, comments focus on the following points:

Section 4.1 makes no mention of the status of a church that chooses not to sign the Covenant. We would welcome some clarity as to the status of such churches. Clarity would also be appreciated as to the status of dioceses or congregations within the Scottish Episcopal Church who find themselves at odds with a decision by the Scottish Episcopal Church regarding the acceptance or otherwise of the Covenant.

The declaration in Section 4.1.3 that “recognition of, and fidelity to, the text of this Covenant, enables mutual recognition and communion” appears to imply that mutual “recognition and communion” will be impaired if one does not recognise the Covenant. Clarification on this point would be welcomed.

The declaration in Section 4.1.3 that “nothing in this Covenant of itself shall be deemed to alter any provision of the Constitution and Canons of any Church of the Communion, or to limit its autonomy of governance” is undermined by the provisions of Section 4.2.

It is unfortunate that conflicts within the Communion are spoken of as future events (Section 4.2.2), when they are current and as yet unresolved.

The suggestion that a Covenanting Church may be asked to “*defer action*” (Section 4.2.2) implies that offence will only be caused by an action that is taken, when in fact offence may be caused by the failure of a church to take action when faced with a particular situation.

The role of the Archbishop of Canterbury in questions relating to the meaning of the Covenant or of principles incorporated in it (Section 4.2.2) needs to be clarified.

There should be a clear definition as to what constitutes “*a controversial action*” (Section 4.2.3).

The status of churches who are under investigation in terms of Section 4.2 seems unclear. At what stage would a church cease to be a Covenanting Church and at what stage would it cease to be able to vote on any proposed change to the Covenant (Section 4.4.2)?

Section 4.2.5 speaks of consequences of controversial actions “*for participation in the life of the Communion and Instruments*” but does not state whether such a church ceases to be a Covenanting Church or not. Clarity as to if and when a church ceases to be a Covenanting Church would be appreciated.

The implications for the Communion should the Church of England be deemed to have relinquished its status under the Covenant, should be set out. This issue arises because of the place of the Archbishop of Canterbury as definitive of unity in many parts of the Communion, deemed to be Anglican because they are in Communion with the See of Canterbury.

4. There remains within the Scottish Episcopal Church a great love and respect for the Anglican Communion. We believe that our life together is greatly enriched by our membership of the Communion and we hope and pray that God will help us to resolve our current difficulties.

October 2009

Province of the Anglican Church in South East Asia

Further to the study paper prepared on the proposed amendments to Section 4 of the Ridley Cambridge Draft of the Anglican Covenant, the Standing Committee of the Provincial Synod resolves to present the following as our Provincial considered recommendations and response on Section IV of the said Ridley Cambridge draft of the proposed Anglican Covenant.

1. Sub-Section 4.1.4

1.1 The proposed New Sub-Section 4.1.4(a) is accepted.

1.2 The proposed New Sub-Section 4.1.4(c) should be amended to read as follows:-

“Every such Church is required to signify its decision on acceptance or adoption by a date appointed by the Anglican Consultative Council after consultation with the Primates Meeting. Any such Church that does not do so by the appointed date or by such extended date as may be allowed, shall be treated as having rejected the Covenant and thereby to deny to itself membership of the Instruments of Communion. However, its relational status with the Instruments of Communion shall be such as would be determined by the Anglican Consultative Council and the Primates Meeting from any recommendation that may be made by the Joint Standing Committee.”

Rationale: The proposed amendment is to make the provisions with respect to the relational status with the Instruments of Communion in the proposed New Sub-Section 4.1.4(c) the same as that set out in the proposed amended Sub-Section 4.3.

2. Sub-Section 4.1.5

The proposed amendment to Sub-Section 4.1.5 is not accepted. Firstly there is no need to correct the “mistake” as to membership of the Instruments of Communion unless there is an intention to correct this “mistake” everywhere it occurs, e.g. even in the New Sub-Section 4.1.4(c). Secondly, if there already exists scepticism about the power and control of the Anglican Consultative Council, the proposed amendment to Sub-Section 4.1.5 would merely strengthen that power and control. If given the power to do so, the Anglican Consultative Council may well insist on membership of all Instruments of Communion to be based solely on the Constitution of the Anglican Consultative Council, which would then preclude other churches or networks from being admitted into membership (subject to any amendment that must have the agreement of at least 26 Provinces). It would therefore be preferable for the Instruments of Communion to maintain whatever current mechanisms they have for membership (or recognition) so as to allow to them a measure of flexibility. Admittedly such flexibility may be exercised in favour of non-orthodox Provinces, but this has to be balanced with the possible centralising control of the Anglican Consultative Council should the power of membership be given to it.

Therefore, the last sentence of Sub-Section 4.1.5 should remain as follows:-

“However adoption of the Covenant may be accompanied by a formal request to the Instruments for recognition and membership to be acted upon according to each Instrument’s procedure.”

3. Sub-Section 4.2.5

The proposed amendment to Sub-Section 4.2.5 is accepted.

4. Sub-Section 4.2.7

The proposed amendment to Sub-Section 4.2.7 is accepted.

5. Sub-Section 4.3

The proposed amendment to Sub-Section 4.3 is accepted.

Prepared as a minute of the proceedings of the Standing Committee of the Province of the Anglican Church in South East Asia by:
Andrew Khoo
Member of the Standing Committee of the
Province of the Anglican Church in South East Asia

Southern Africa



ANGLICAN CHURCH OF SOUTHERN AFRICA
FROM THE OFFICE OF THE PROVINCIAL EXECUTIVE OFFICER

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RAB/gea

NV

September 29, 2009

The Revd Canon K Kearon
Secretary General of the Anglican Communion
St Andrew's House
16 Tavistock Crescent
LONDON, ENGLAND W11, 1AP
UNITED KINGDOM

Dear Kenneth

PROVINCIAL STANDING COMMITTEE 2009

At our session of Provincial Standing Committee held earlier this month, the following resolution was passed:

“This PSC agrees in principle to support the adoption by ACSA of the Anglican Covenant, subject to ratification by the Provincial Synod of 2010.”

With all good wishes

Yours sincerely

R A Butterworth (The Revd)
Acting Provincial Executive Officer

Southern Cone

From the Executive Committee of the Province of the Southern Cone

The Province of the Southern Cone, South America, met in ordinary session in Argentina in the city of Salta, in the north of Argentina on 21- 23 October 2009 at which it was decided to support the text of the Covenant.

The Province decided unanimously to raise two very important points in section 4 of the document.

It must be made clear who will make decisions about:
the process by which provinces will join the Covenant
the process by which the Covenant is to be amended.
the process by which provinces that break the Covenant will be dismissed.

It is essential that all those who take decisions have signed the Covenant.

(ACO translation – the Spanish text is the original)

De: Comité ejecutivo Provincial del Cono Sur de America

A: Consejo Consultivo Anglicano (CCA)

La provincia del Cono Sur de America en su session ordinaria celebrada en la ciudad de Salta, en el Norte de Argentina los dias 21 a 23 de Octubre del 2009 resuelve respaldar el documento del pacto.

Ademas, la provincial por una unanimidad plantea dos aspectos que nos parecen de suma importancia en la seccion 4 del documento.

1. Se debe aclarar en identificar los que toman las decisiones sobre:
el proceso por el cual las provincias se adhieren al pacto,
el proceso por el cual el pacto es enmendado
el proceso por el cual las provincias que rompen el pacto son despedidas.
2. Es imprescindible que todos los que toman las decisiones hayan firmado el pacto.

Anglican Church of Tanzania

The meeting of the Standing Committee of the General Synod of the Anglican Church of Tanzania that met on September 18, 2009 resolved that the Province has found NO issues of unclarity or ambiguity in Section 4 of the Covenant Text that would need revising or re-wording. It therefore supports the entire 'Draft' Anglican Communion Covenant document that was presented by Archbishop Drexel at ACC - 14 in Jamaica.

With my best wishes,

Mwita
Dr R. Mwita Akiri
General (Provincial) Secretary
Anglican Church of Tanzania.

TEC The Episcopal Church

A Response to Resolution ACC 14.11: The Anglican Communion Covenant by the Executive Council of The Episcopal Church

1. Introduction

We are writing as the Executive Council of The Episcopal Church in response to Resolution 14.11: The Anglican Communion Covenant passed by the May 2009 meeting of the Anglican Consultative Council asking Provinces to consider and report on Section Four of the Ridley Cambridge Draft (RCD) and its possible revision. We are grateful to ACC 14 for giving the provinces the opportunity to consider the RCD in the hopes of realizing a fully matured Anglican Covenant.

Resolution A166 of the 2006 General Convention asked the Executive Council to facilitate The Episcopal Church's response to "the development of an Anglican Covenant that underscores our unity in faith, order, and common life in the service of God's mission." In furtherance of that role, the Executive Council provides the following response to the RCD with special attention to Section Four.

This response is made up of five sections. Following this brief introduction there is a discussion of the process by which the Executive Council solicited input in the drafting of this response from the diocesan deputations of the 2009 General Convention of The Episcopal Church. Next is a detailed exposition of responses received from across The Episcopal Church relating to Section Four of the RCD. Following that will be additional material related to the Anglican Communion Covenant generated by various bodies in The Episcopal Church before and after the 2009 General Convention. The document concludes with a presentation on the next steps that The Episcopal Church envisions as our church's ongoing participation in the development of an Anglican Communion Covenant.

2. Process

Upon receipt of the letter of 28 May 2009 from the Secretary General of the Anglican Communion asking that Section Four of the RCD be considered by each province, Presiding Bishop Katharine Jefferts Schori, President of the House of Deputies Bonnie Anderson, and Chair of the Executive Council's Task Force on the Anglican Covenant, Rosalie Simmonds Ballentine, communicated with the Bishops and Deputies to the 2009 General Convention in a letter of 29 June 2009 asking each deputation to consider the RCD and report back to the Executive Council by 1 September 2009 (See attached letter of 29 June, 2009). To facilitate the diocesan consideration of the RCD with particular attention to Section Four, the Executive Council's Task Force on the Anglican Covenant produced "Six Study Questions" (See attached).

The Executive Council's Task Force received 34 responses to the Six Study Questions from both diocesan deputations and from individual deputies. Full deputation responses were received from Atlanta, the Convocation of the Churches in Europe,

Massachusetts, Michigan, Rhode Island, Northern Michigan, San Joaquin, Springfield, and Western New York.

3. Responses to the RCD with Attention to Section Four

We observe that as we approach the third draft of an Anglican Covenant, we are beginning to address some of the most difficult matters and substance relating to such a covenant. While the task at hand was to respond specifically to Section IV, comments on the draft covenant as a whole are so interwoven that separating the two is difficult.

The majority of deputations and individual deputies that responded are not convinced that the covenant in its current form will bring about deeper communion. Several stated that the overall idea of a covenant is “un-Anglican.” One went as far as to say that the “document incorporates anxiety.” However, another deputy observed that the covenant is “a presentation of the Christian community as a dynamic spiritual body in which God-given freedom is inextricably bound up with God-given accountability.”

The majority of respondents do not support the fourth section of the draft covenant. One deputation stated that section 4 is “disturbing” because it creates a system of governance contrary to our understanding of Anglicanism and establishes a punitive system executed by a select committee. On the other hand, a deputation felt that the fourth section is important because a governance section is needed to maintain a covenant.

Many individuals and some deputations raised questions about internal contradictions in the draft. Some responses noted the tension between autonomy of provinces and having some central body in the Anglican Communion that would ensure compliance with the Anglican Covenant.

In addition to the above broad concerns, the following specific issues were raised: Several comments expressed concern about the silencing of prophetic voices by the proposed necessity of seeking a “shared mind.” There is the sense that this shared mind might mean a uniformity in which differences are not tolerated. One person commented that a shared mind is “not our goal as Christians. Our goal is to ‘put on the mind of Christ.’” One deputation felt that there was a “contradiction between statements affirming diversity and autonomy with those suggesting that certain ‘controversial actions’ might be deferred with the threat of ‘relational consequences.’”

- The phrase “relational consequences” raised many questions. Some felt that this was a euphemism for punishment. One person expressed concern that there is not sufficient provision for hearings, due process or a listening process before judgment may be rendered. On the other hand, a deputation felt that this phrase “remains intentionally ambiguous so as to allow the processes and procedures... to determine the ‘consequences.’”

- Some responses worried about the increased power abrogated to the Joint Standing Committee (now understood as the Standing Committee of the Anglican Communion) that constitutionally has not had such authority. There is some concern that the new standing committee could become a fifth or a super Instrument of Communion. If there were to be a body that determined membership and implementation of a covenant, deputies and deputations felt that should be exclusively the role of the Anglican Consultative Council. One deputation expressed its fears about 4.2.2 because the powers were so “ill-defined as to endanger the very essence of Anglicanism.” Further, some also wondered who would define “the highest degree of communion” and what this means.

Most responses found that the concept of “church” in 4.1.5 of the RCD was 114 confusing, specifically: does the word, “church” mean other Anglican bodies that are not part of the scheduled membership of the ACC or does it refer to ecumenical partners? As one person wrote, “The use of ‘other churches’ in Section 4.1.5 is particularly unclear and it also seems to be aimed at a different purpose than the overall covenant proposal....” This individual suggests creating a glossary to flesh out this and other “broad brush terms.” Other persons queried whether “church” means a parish, or an Anglican religious order, or a competing province in a geographic location can join. If a province in one geographic area chose not to sign the Covenant, could a new “province” in that geographic area do so?

- Some deputations and deputies focused on the lack of attention given to the laity. As noted in our responses to previous drafts of the covenant, the role and authority of the laity — all the baptized — again is neglected. One deputation observed that Section 3.1.3 neglects the primacy of baptism. One deputation suggested that in lieu of using the word, “covenant,” the 131 document should be called a “Declaration of Communion.”

Another deputation wondered what would constitute enactment of the 134 covenant. No draft has specified who is needed or what percentage of the Anglican Communion needs to sign on for the covenant to go into effect. This deputation suggested 3/4 membership to affirm the covenant.

4. Additional discussions related to RCD

The Executive Council is aware that reactions to the RCD are not limited to the responses received to the “Six Study Questions” prepared by the Executive Council’s Task Force.

In response to some actions of the 2009 General Convention, 36 active and retired bishops of The Episcopal Church have signed the Anaheim statement, parts of which are germane to The Episcopal Church’s discussions related to the Anglican Communion Covenant process. Specifically the statement says, “We reaffirm our commitment to the Anglican Communion Covenant process currently underway, with the hope of working toward its implementation across the Communion once a Covenant is completed.” 5

In these many discussions and in the Executive Council's formal responses to both the Nassau and St. Andrew's drafts, it is clear that The Episcopal Church takes very seriously its role as a constituent member of the Anglican Communion and is committed to participating in the development processes of the Anglican Communion Covenant.

5. Next Steps

The 2009 General Convention of The Episcopal Church reaffirmed The Episcopal Church's ongoing commitment to participate in the development of an Anglican Communion Covenant. More specifically Resolution 2009-D020 states the following: Resolved, the House of Bishops concurring, That the 76th General Convention of the Episcopal Church commend the Anglican Covenant proposed in the most recent text of the Covenant Design Group (the "Ridley Cambridge Draft") and any successive drafts to the dioceses for study and comment during the coming triennium; and be it further Resolved, That dioceses report on their study to the Executive Council in keeping with Resolution 2006-A166; and be it further Resolved, That Executive Council prepare a report to the 77th General Convention of the Episcopal Church that includes draft legislation concerning this Church's response to an Anglican Covenant; and be it further

Resolved, That dioceses and congregations be invited to consider the Anglican Covenant proposed draft as a document to inform their understanding of and commitment to our common life in the Anglican Communion.

As the highest legislative authority of The Episcopal Church, the General Convention is the body that will ultimately decide The Episcopal Church's position with respect to its participation in an Anglican Communion Covenant. There are some in The Episcopal Church and beyond who want to prejudge The General Convention's decision on the Anglican Communion Covenant. We find such predictions and pronouncements premature and unhelpful.

As directed by Resolution 2009-D020, the Executive Council continues its commitment to facilitating The Episcopal Church's response to the Anglican Communion Covenant. We on the Executive Council entrust this work to the leading of the Holy Spirit and look forward to the next three years as we grow more deeply into our common life in the Anglican Communion.

Church of Uganda

Greetings from Uganda in Jesus' name!

We have been advised to provide your office with comments from the Church of Uganda on Section 4 of the Ridley-Cambridge Draft of the Covenant.

Archbishop Henry Luke Orombi did convene a group of theologians prior to the meeting of the ACC in Jamaica to review the text of the most recent draft, including Section 4, and to provide guidance to our delegates on the Covenant. It is a shame, however, that Uganda's clergy delegate was unjustly denied his place and was unable to duly represent us.

The Church of Uganda would like to provide you with the following requested feedback on Section 4:

1. The Ridley Cambridge Draft Covenant lacks a sufficient Enforcement Clause for disciplining erring members. It should be possible by the articles or provisions of this Covenant for an erring church to put itself out of the Communion until such time as it reforms and upholds the substance of the Covenant. We recommend the wording of such a clause as follows:

We acknowledge that in the most extreme circumstances, where member churches choose not to fulfill the substance of the covenant as understood by the Councils of the Instruments of Communion, we will consider that such churches will have relinquished membership in the Anglican Communion.

It should, therefore, be possible within the provisions of this covenant for the Communion to initiate expulsion proceedings against an erring member of the communion. Provisions are made for withdrawal but not expulsion.

1. In spite of this weakness of Section 4, there are several points that, in our opinion, *must* be retained and *unaltered* for the Church of Uganda to provide its continuing support:

Section 4.1.2

Section 4.1.5

Section 4.2 in its entirety, and especially Section 4.2.3

With these reflections, we do look forward to the continued forward movement of adopting the Covenant for our common life as Anglicans.

Yours, in Christ,

Rev. Canon Aaron Mwesigye

PROVINCIAL SECRETARY.

xc: Archbishop of Church of Uganda.

The Church in Wales

A Response to Section 4 of the Ridley Draft of the Anglican Communion Covenant Introduction

The Church in Wales welcomes the opportunity to respond to Section 4 of the Ridley Draft of the Anglican Communion Covenant.

We understand the Covenant to be first and foremost a document of unity and hope. It identifies the nature of our shared pilgrimage in Jesus Christ by pointing to what might be called ‘identifying marks of the Church’: the Scriptures, the inheritance of faith, the sacraments, the apostolic ministry, and catholic unity. At a most general level, the Doctrinal Commission is concerned that Section 4 of the Ridley Draft places into the hands of the Communion the formal means for dividing the Communion rather than a theological method for nurturing the unity of the Church.

Earlier drafts of what is now Section 4 have included lengthy descriptions of ecclesiastical legal procedure should there be a question over whether any Province has broken the Covenant. Concerns were expressed over the juridical and punitive tone of these earlier drafts, and, despite significant change and development, we remain concerned that Section 4 of the Ridley Draft is not wholly free of such a tone, and sounds at odds with the properly theological style and method of Sections 1 to 3. The Covenant appears to be understood in some quarters as a tool for the reordering of the Church which will be used to effect a rapid severance between Provinces whose contexts and understanding of Christian discipleship are, for now, too different to lie within a single ecclesial body. We hope that this is not the case, and that the Covenant will remain an instrument intended to unite Anglicans around a common and flexible understanding. We are concerned lest the current draft of Section 4 of the Ridley Draft could lead to chaotic, painful and *protracted* disputes with little, if any, sense of *how* such disputes are to be resolved.

This leads us to recommend, in Section B below, a reorientation of Section 4 of the Ridley Draft towards a theology of reconciliation. We are aware that the Covenant Design Group (CDG) and the Anglican Consultative Council have laboured for a very long time amidst wildly conflicting demands to produce the current draft for the Church’s consideration, and that any proposal for a wholesale re-writing of any portion of the Covenant will be greeted with – to say the least – a sigh. We are not necessarily suggesting that the CDG start all over again. We are also very aware that any portion of the Covenant must be succinct, very focussed and clear in its meaning and implications. However, we perceive real dangers in the current draft of Section 4, and believe that an opportunity remains here to provide the Church with a more positive and theological account of how we might work harder towards the unity of the Anglican Communion.

A: Authority and Procedure

Section 4 of the Ridley Draft addresses the question of authority in the interpretation and maintenance of Covenant. As the commentary makes clear, there has been unhappiness at placing authority exclusively in the hands of the Primates' Meeting or the Anglican Consultative Council, so the current draft proposes that authority for the maintenance of the Covenant be vested in *both*, in the form of the Joint Standing Committee. It would be beneficial if the theological rationale and practical implications for allocating this task to the JSC were further clarified. Requiring that the instruments of communion interpret the Covenant and administer sanctions is perhaps to demand of these bodies a role and function for which they were not originally intended and for which they may not be equipped. Should further consideration be given to the resources which the JSC will require in order to fulfil its role in relation to the Covenant? For example, might it be furnished with theological guidance from IASCUF0?

Despite authority being vested in the JSC for the interpretation of the Covenant, there is an overriding desire to maintain the autonomy of the Provinces and avoid any sense of central, curial power. However, the JSC may only *recommend* a certain course of action to the other instruments and to Provinces should the Covenant be deemed to have been broken. According to 4.2.5, 'It shall be for each Church and each Instrument to determine its own response to such recommendations.' Potentially, this could lead to chaos within the Church as Provinces reach wildly different conclusions following a recommendation from the JSC. It is not clear how this will lead to resolution of a conflict.

Earlier drafts of the Covenant which have evolved into Section 4 of the Ridley Draft have sought to achieve the impossible: to marry unassailable provincial autonomy with universal juridical authority. It seems that Section 4 of the current draft has responded to concerns about centralising authority by maintaining, in very strong terms, the autonomy of the Provinces. This is reinforced when we read in the commentary that, 'Section Four of the RCD is therefore constructed on the fundamental principle of the constitutional autonomy of each Church.' We should like to invite further reflection on the *nature* of the Provinces' autonomy. Of course, there is a vital *theological* sense in which the Provinces are *not* autonomous; the Church is one body under Christ its head, and this is why disputes across the Communion are so painful and seem to exhaust our resources. Provincial autonomy may concern governance, procedure and context. However, the current draft of the Covenant has overstated the case and needs to focus on our *theological* responsibilities to each other as a properly catholic and apostolic body. This needs to be married to a properly *theological* account of the Covenant's authority and the demands of discipline.

B: A Conciliar Theology of Reconciliation

We should like to offer a positive recommendation to the Covenant Design Group. While it may be necessary to clarify the consequences of breaking the Covenant, the Covenant *itself* may not be the appropriate place to identify such legal and procedural matters. We should like to propose that, rather than focussing on 'The Maintenance of the Covenant and *Dispute Resolution*' (4.2, italics added), Section 4 focus on a theology of reconciliation and hope which is in greater continuity with the method and tone of

Sections 1-3. Section 4 might continue this method and tone in delineating a theology of reconciliation which makes use of New Testament accounts of how the early Church negotiated myriad disputes and conflicts. We should like to commend to the CDG the recent report *Communion, Conflict and Hope: The Kuala Lumpur Report of the third Inter-Anglican Theological and Doctrinal Commission* (web site:

http://www.aco.org/ministry/theological/iatdc/docs/communion_conflict_&_hope.pdf) While the whole document constitutes a strong theology of reconciliation and hope, we note that paragraphs 96-106 are particularly valuable. Insofar as one body or 'council' of the Church (in this case, the CDG) might refer to the deliberations and authority of another (the IATDC), it renders Anglican theological deliberation more genuinely conciliar.

The report *Communion, Conflict and Hope* points to some fundamental texts concerning dispute and reconciliation, notably Acts 15.1-35 and 2 Corinthians 1.23-2.11 (although many other examples are cited and discussed from the Old and New Testaments). Through theological reflection, certain principles and virtues can be identified for movement towards reconciliation and the nurturing of the Church's unity. This requires considerable theological spade-work. To take just two examples, the nature of reconciliation needs to be clarified, as well as a proper understanding of the New Testament's very rich notion of *paraklesis*. This term is usually translated 'admonition', which leads to a sense amongst some that *disciplinary* authority is a fundamental characteristic of Christian relations and Episcopal oversight. However, as *Communion, Conflict and Hope* makes clear (para. 103), *paraklesis* can also be rendered 'comfort', 'encouragement', 'exhortation' and 'direction'. How might such an enhanced theological understanding of *paraklesis* as first and foremost the work of the Spirit and then, in the full breadth of its meaning, a characteristic of Christian relations, inform the way in which we deal with a dispute such as an apparent break in the Covenant?

Of course, Section 4 of the Covenant is not the place for a full-blown theology of reconciliation. A laconic theological statement which directs the Church's life is required. Nevertheless, the Doctrinal Commission believes that *Communion, Conflict and Hope* can inform a revised Section 4 towards a more positive and genuinely theological account of how the Church might respond to our call to be reconciled to one another. For example, the Council of Jerusalem in Acts 15 clearly implies the importance of face-to-face meetings between disputants. Prior to any Anglican Province announcing its action in response to an apparent break in the Covenant, should there first be a face-to-face meeting between disputants, overseen by the Archbishop of Canterbury? In a culture of very rapid but largely media-driven and impersonal communication, such encounters may prove surprisingly fruitful. The power of the face-to-face meetings in Indaba groups at the recent Lambeth Conference testifies to the rich potential for such encounters. Such meetings are clearly implied in other sections of the Covenant (3.3); would it be expedient to underline this in Section 4? This is an instance where greater continuity of style across the different sections of the Covenant would aid understanding and interpretation. It would further strengthen the sense that there is a strong and coherent vision of what our corporate Anglican life would look like.

C: Context

Finally, we offer a brief reflection which might contribute to the commentary on a revised draft of Section 4.

It is frequently observed that the culture of rapid global communication is detrimental to Church unity. However, analysis of *why* this is so is sometime a little thin. It is certainly true that news of communities' actions and reports of views within the Church are transmitted without deep consideration and in a fashion that accentuates conflict and readily gives the impression that we are lurching from one crisis moment to another. Such 'violent' interaction between cultures can be very damaging. It has been frequently observed that there is a very stark contrast between our current 'faceless' and rapid means of interaction and the protracted discussions of the Church's early Councils, many of which lasted years, if not centuries.

We should like to point out that free communication and easily available travel gives rise to unrealistic expectations of *uniformity* and sets up a series of false cultural norms. A false cultural norm of pseudo-uniformity is created when, in reality, the different norms of one place do not impinge upon the daily life of another. The 'flattening' of human culture – the sense that there is a certain 'default' setting – is characteristic of modernity. By contrast, Anglicanism has long celebrated diversity, but not for diversity's sake. Rather, the varied expression of Anglicanism is born of the conviction that the Gospel, because of its richness which exceeds all particularity, can be mediated in many ways.

For many, the disputes which face the Anglican Communion – same-sex relations, lay presidency at the Eucharist, the ordination of women to the priesthood or the Episcopate – are not matters of human culture but of divine authority in the ordering of the Church. Nevertheless, the Church is unavoidably culturally situated and the Gospel culturally mediated. We would welcome a brief reflection on the way in which our context drives our reception and interpretation of the Covenant, and our expectations for the Covenant's future.

This response is made by the Bench of Bishops following consultation with the Church in Wales Doctrinal Commission.

The Church in the Province of the West Indies

The communication from the Secretary General of the Anglican Communion, including a letter from the Archbishop of Canterbury, requested comments from the Province on Section Four of the Ridley Cambridge Draft of the proposed Anglican Covenant. The Standing Committee requested the House of Bishops to respond on behalf of the Province.

The House of Bishops considered the provisions of section Four and concluded that the draft was a significant improvement on the Appendix to the St. Andrew's Draft of the Covenant. The bishops agreed to support the draft in its present form but expressed concern over two issues contained therein:

In 4.1.5, concern was expressed over the provision "It shall be open to other churches to adopt the Covenant." It was generally felt that further clarification of this issue would be useful.

The bishops expressed the view that 4.2.5 should be revisited to achieve a greater degree of specificity in dealing with 'relational consequences' for actions or decisions deemed "incompatible with the Covenant." The bishops were not happy with the concluding sentence "It shall be for each Church and each Instrument to determine its own response to such recommendations."

Despite these concerns, the bishops agreed to support Section Four in its present form.