

St Andrew's Draft- Appendix

Framework Procedures for the Resolution of Covenant Disagreements

1. General Principles

1.1. All processes for the resolution of covenant disagreements which threaten the unity of the Communion and the effectiveness or credibility of its mission shall be characterised by the Christian virtues of charity, humility, patience and gentleness and the canonical principles of fairness, transparency, and reasoned decision-making.

1.2. No process shall affect the autonomy of any Church of the Communion. The term “Church” and all terms in this Appendix take their meaning from the Covenant itself.

1.3. No process shall exceed five years as from the date upon which a Church consults under Paragraph 3 of this Appendix.

1.4. Any matter involving relinquishment by a Church of the force and meaning of the Covenant purposes must be decided solely by that Church or by the Anglican Consultative Council in accordance with Paragraph 8 of this Appendix.

1.5. Each Communion body or instrument involved in the following procedures shall make its own rules, in consultation with the other Instruments of Communion, for the transaction of its business in accordance with the Covenant, the Framework Procedures and the Christian virtues and canonical principles set out in Paragraph 1.1 of this Appendix.

2. The Principle of Informal Conversation

2.1. If a Church (X) proposes to act or acts in any way that another Church (Y) or an Instrument of Communion (Z) claims to threaten the unity of the Communion and the effectiveness or credibility of its mission, then X Church, Y Church and Z instrument shall engage in informal conversation, as an act of communion, to try to resolve the matter.

2.2. The Anglican Consultative Council shall be disqualified from making a claim under 2.1, on the basis that it may later make a decision as to the relinquishment on the force and meaning of the Covenant purpose under paragraph 8, but it shall not be disqualified from entering into informal conversation under 2.1..

[ie 2.2 is about natural justice and keeps ACC in reserve for Paragraph 8]

3. The Principle of Consultation

3.1. If informal conversation fails in the view of X, Y or Z, or if X Church itself considers that an action or proposed action might threaten Communion unity and mission, then X Church must consult the Archbishop of Canterbury on the matter.

3.2. Within one month of being consulted, the Archbishop of Canterbury must either (a) seek to resolve the matter personally through pastoral guidance or (b) refer the matter to three Assessors, appointed as appropriate by the Archbishop.

3.3. If after one month of its issue, the pastoral guidance of the Archbishop is unsuccessful as determined by the Archbishop, the Archbishop shall as soon as practically possible refer the matter to the Assessors who shall act in accordance with Paragraph 3.4.

3.4. Having considered whether the matter involves a threat to the unity and mission of the Communion according to Article 3.2.5 of the Covenant, the Assessors shall recommend to the Archbishop, within one month of receiving the referral, one of the following routes:

(a) if it is clear in the opinion of the Assessors that the matter involves a threat to the unity or mission of the Communion and that time may be of the essence, a request from the Archbishop of Canterbury;

(b) if it is unclear in the opinion of the Assessors whether the matter involves a threat to the unity or mission of the Communion and time is of the essence, referral to another Instrument of Communion;

(c) if it is unclear in the opinion of the Assessors whether the matter involves a threat to the unity or mission of the Communion, if time is not of the essence, and if the case would benefit from rigorous theological study, referral to a Commission for evaluation; or:

(d) if it is clear that the matter does not involve a threat to the unity or mission of the Communion, mediation.

3.5. The Archbishop of Canterbury, having considered the Assessors' recommendation, and within one month of its receipt, shall either: (a) as an Instrument of Communion, issue a request to any Church involved; (b) refer the matter to another Instrument of Communion; (c) refer the matter to a Commission of the Communion for evaluation; or (d) send the matter for mediation.

4. Route 1: A Request of the Archbishop of Canterbury

4.1. When the Archbishop of Canterbury makes a request to a Church, that Church must within six months of receiving it (a) accept the request or (b) reject the request. The absence of a response will be considered as a rejection.

4.2. If a Church rejects the request, that Church may within three months of rejecting the request appeal against it to the Joint Standing Committee of the Anglican Consultative Council and the Primates. The Church may appeal when it considers that there has been no threat to the unity or mission of the Communion.

4.3. On appeal, and within three months, the Joint Standing Committee must decide whether there has been a threat to the unity or mission of the Communion.

4.4. If the appeal is successful, the Joint Standing Committee shall certify immediately that the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.

4.5. If the appeal is lost, the Archbishop shall submit the request, rejection and appeal decision to the Anglican Consultative Council which shall deal with the matter in accordance with Paragraph 8.

5. Route 2: A Referral to another Instrument of Communion

5.1. When the Archbishop of Canterbury refers the matter to another Instrument of Communion, that Instrument must within one year of receiving the referral decide whether there has been a threat to the unity or mission of the Communion. Having considered the matter, the Instrument shall make a request to any Church involved.

5.2. A Church shall within six months of receiving the request either (a) accept the request or (b) reject the request. The absence of a response will be considered as a rejection.

5.3. If a Church accepts the request, the Instrument of Communion to which referral is made shall as soon as is convenient certify that the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.

5.4. If a Church rejects the request, the Instrument of Communion to which the referral is made shall at its next meeting submit the request and rejection to the Anglican Consultative Council which shall deal with the matter in accordance with Paragraph 8.

6. Route 3: An Evaluation by a Commission

6.1. When the Archbishop of Canterbury decides to refer the matter to a Commission in the Communion, he shall choose which Commission in consultation with the Secretary General of the Anglican Communion.

[NOTE: This is without prejudice to the entitlement of any other Instrument of Communion requesting the Archbishop to set up Commissions or to any other Instrument of Communion likewise setting up such Commissions.]

6.2. The Commission shall engage in study of the issues involved in the matter, bringing in expertise as needed, and shall evaluate the acceptability of the act or proposed act of any Church involved.

6.3. Within eighteen months of the referral, the Commission shall submit its evaluation to an Instrument of Communion other than the Anglican Consultative Council as determined by the Archbishop of Canterbury. Having considered the evaluation, the Instrument shall issue a request to any Church involved.

6.4. If a Church accepts the request, the Instrument of Communion to which the evaluation is submitted shall certify as soon as is convenient that the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.

6.5. If a Church rejects the request, the Instrument of Communion to which the evaluation is submitted shall send the request and rejection to the Anglican Consultative Council which shall process the matter in accordance with Paragraph 8.

7. Route 4: Mediation

7.1. When the Archbishop of Canterbury decides on mediation, the Assessors shall work with the parties to set up a mediation process.

7.2. The parties shall appoint an independent third party who shall assist the parties involved to achieve a mutually acceptable resolution of the points of disagreement.

7.3. The mediator shall participate actively in the mediation, offering suggestions for resolution, trying to reconcile opposing assertions, and appeasing feelings of resentment between the parties.

7.4. The mediator has no decision-making authority and cannot compel the parties to accept a settlement.

7.5. On each anniversary of the establishment of the mediation, the Assessors shall report on the process to the Archbishop of Canterbury. Within three years of the establishment of the mediation, the Archbishop of Canterbury together with the Joint Standing Committee of the Anglican Consultative Council and Primates' Meeting shall certify the conclusion of the mediation process.

7.6. If a party refuses to enter mediation, it will be presumed to have threatened the unity of the Communion and the effectiveness or credibility of its mission, under Article 3.2.5 of the Covenant, and the matter shall be dealt with at the next meeting of the Anglican Consultative Council in accordance with Paragraph 8.

8. Rejection of a Request from an Instrument of Communion

8.1. If a Church rejects a request of an Instrument of Communion, that Instrument shall send the request and rejection to the Anglican Consultative Council.

8.2. At its next meeting, the Council shall decide whether the rejection of the request is compatible with the Covenant.

8.3. If the Council decides that the rejection of the request is compatible with the Covenant, the matter is closed subject to Articles 3.2.1, 3.2.4 and 3.2.5b of the Covenant.

8.4. If the Council decides that the rejection is incompatible with the Covenant, then during the course of that meeting of the Council either (a) the Church involved may declare voluntarily that it relinquishes the force and meaning of the purposes of the

Covenant, or (b) the Council shall resolve whether the Church involved may be understood to have relinquished the force and meaning of the purposes of the Covenant.

8.5. If a declaration or resolution of relinquishment is issued, the Anglican Consultative Council must as soon as is practicable initiate a process of restoration with the Church involved in consultation with all the Churches of the Communion and the other Instruments of Communion.