

APPENDIX H

A memorandum from the EU Working-group of the Church in Society Committee

The European Union is at a turning point. On 1 May 2004, during the Irish presidency, ten new states will join. There will be over 100 million new citizens of the Union, and a re-integration of the nations of Western, Central and Eastern Europe, together with the Baltic area, such as has not existed for almost a century.

The challenges of this greatly enlarged EU are many, not least the administrative ones, which is why a new constitutional treaty is at present under discussion by the heads of all the governments involved. All aspects of the Union are being scrutinized, partly to simplify the structures, and partly in an effort to reduce the gap that has widened between Brussels and the citizens of the EU.

More than that, the new constitution will emphasize that this is a union of mutual values as well as of peoples. Not only do countries wishing to join have to achieve certain economic standards, but they must also sign up to a political system based on parliamentary democracy, respect for fundamental rights, and the rule of law. The founding fathers of the European process, in seeking to build a peaceful and secure future, envisioned from the outset a community that was more than a free trade area. This has been an enormous incentive for those nations recently released from Soviet control.

The European churches, through COMECE (the Roman Catholic hierarchies of the Community) and the Church and Society Commission of CEC (the Conference of European Churches, Orthodox, Anglican and Protestant) have kept closely in touch with the Convention which, chaired by former President Valéry Giscard d'Estaing, prepared the draft constitutional treaty. They have emphasized their commitment, not only to the interests of the churches, but also to the concerns of society. The European churches through these institutions have maintained a significant presence in Brussels, building up valuable contracts and communication with the institutions of the Union, although at an informal level. The question in relation to the proposed European Convention is fundamentally about the degree of recognition that should be accorded to the churches. Are the churches simply one aspect of the institutions of civil society, or should they be accorded formal recognition in their own right? If so, how does this impact upon the separation of church and state?

The draft constitutional treaty, in article 51, formalizes for the first time a relationship between the churches and the EU as follows:

‘The Union respects and does not prejudice the status under national law of Churches and religious associations or communities in the Member States.... Recognizing their identity and

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specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organizations.’

There are those in some member states that object to such guarantees being given to the churches, and one state, Belgium, formally rejects the proposal. Their argument is that Article 46, governing the Union’s relations with civil society, permits relations with the churches without specifically recognizing them, or according them a special status.

At the same time, there are those among the churches, especially Pope John-Paul II, who would wish to see in the Preamble to the treaty a recognition of the role played by Christianity in European history. The relevant part of the Preamble at present reads:

‘Drawing inspiration from the cultural, religious and humanist inheritance of Europe, the values of which, still present in its heritage, have embedded within the life of society the central role of the human person and his or her inviolable and inalienable rights, and respect for law..

The Vatican, and several countries, believes that this formula does not do justice to the Christian contribution. The UK government will resist an attempt to interfere with either article 51 or the Preamble. The Irish government has expressed its support for the inclusion of a mention of Christianity.

In our opinion, article 51 provides the churches with a guaranteed role of a substantial nature, and we would consider it regrettable if any effort to change the Preamble led to a further polarization of opinion, as a consequence of which the place of article 51 might be at risk. It needs to be borne in mind that, unlike the articles, the preamble has no legal effect or consequence.

Therefore, should our view be sought, we would advise that the Church of Ireland should express satisfaction with both the Preamble and article 51 as they now stand in the draft constitutional treaty.

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