

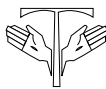
Conferences in the OFM

*Historical–legal development
and new challenges towards the future*



CONFERENCES IN THE OFM

*Historical-legal development
and new challenges towards the future*



CURIA GENERALIS ORDINIS FRATRUM MINORUM
ROMAE 2024

INTRODUCTION

The General Chapter of 2021 formulated a mandate (No. 31) that goes like this:

The Minister General and his Definitory must undertake a complete review of the current structure of the Conferences and, where necessary, make the appropriate adjustments in the configuration of the Conference structure, favoring dialogue and exchange between the General Definitory and the Entities and Conferences.

To carry out this mandate, the General Definitory at the end of 2022, appointed a Commission to carry out a study on the Conferences of the Order.

The Commission comprises Br Claudio Durighetto, Br Francisco Gomez Vargas, Br César Kulkamp, and Br Cesare Vaiani. The Commission drafted a text which aims to offers some elements to understand better the past history and current reality of the Conferences of Ministers Provincial in the Order of Friars Minor.

The text is composed of four chapters, which are more or less brief: the first proposes a brief “institutional” history of the Conferences and the second, the evolution of the Order’s legal norms that have regulated them; the third chapter offers the qualitative assessment of the Order’s governance structures that emerged from the 2021 General Chapter, and the fourth attempts to elaborate some germinal reflections looking to the future.

1

INSTITUTIONAL HISTORY OF THE CONFERENCES OF FRIARS MINOR

The context in which the Conferences of Minister Provincials are born

Episcopal Conferences:

In order to understand the Ofm Conferences of Minister Provincials it is good to look at the origin of Episcopal conferences as our models. What we now call Episcopal Conferences arose spontaneously from the need for bishops to meet to exchange views, to deal with matters of common interest. The first example was in Belgium in 1830, then during the 19th century, others in Europe, America, and Australia, with the applause and approval of the Roman Pontiffs.

The Code of Canon Law of 1917 mentions five-year regional Episcopal Conferences. In the Second Vatican Council, it was the decree *Christus Dominus* that introduced Episcopal Conferences: *And since Episcopal Conferences - in many nations already established - have already given remarkable proof of apostolic fruitfulness, this holy Synod considers it most useful that throughout the world the bishops of the same nation or region should meet periodically among themselves, so that from an exchange of experiences and opinions a holy harmony of forces may spring forth, for the common good of the Churches (n. 37).*

The *Motu Proprio Ecclesiae Sanctae* (1966) implements what was requested by *Christus Dominus*, calling for establishing Episcopal Conferences in nations or territories where they do not yet exist (No. 49).

The Code of Canon Law of 1983 treats Episcopal Conferences in canons 447-459. The *Motu Proprio* of John Paul II, *Apostolos Suos* (1998) would define more precisely the theological and juridical nature of the Conferences of Bishops. Pope Francis has repeatedly expressed his desire to provide further value to the Conferences in their potential as subjects of concrete attributions (EG 32), giving concreteness to the joint exercise of certain pastoral functions (PE 9).

Conferences of Major Superiors

The Conciliar Decree *Perfectae Caritatis* recognised and formalised the movement of union between Institutes since the post-war period. The then Sacred Congregation for Religious supported this movement in various ways, especially by convoking International Congresses of Superiors and with the invitation to form Councils or Conferences of Superiors in various countries. In 1961 the first study day was held for the Secretaries of the National Conferences of Major Superiors; in 1972, a meeting was held for representatives of the Conferences of Superiors. It was attended by envoys of Conferences from 85 nations.

For the first time, the institution of the Conferences of Major Superiors is codified in the Code of Canon Law of 1983 in two canons: the first indicates its nature, purpose and competence (canon 708), and the second specifies the authority that approves its statutes and can erect it as a juridical person (709).

It is an institutionalised form of collaboration between major superiors; this can be distinguished from supreme moderators and other major superiors at the regional, national, continental and international levels.

The Conferences of Major Superiors are not deliberative bodies that can bind the individual Superiors of individual Institutes. Instead, they are organisms of study, dialogue, and consultation; moreover, they are suitable instruments for the not-always-easy dialogue between diocesan clergy and religious.

According to the Apostolic Exhortation, *Vita Consecrata*, the Conferences of Major Superiors “have as their principal purpose the promotion of consecrated life within the framework of the Church’s mission. Through them, Institutes express communion among themselves and seek the means to strengthen it while respecting and valuing the specificities of the various charisms” (n. 53).

The Conferences of Minister Provincials in the OFM

The Legislation on the Conferences was drafted at the General Chapter of 1967, where the new GGCC were worked on; this Chapter lasted a full two and a half months (4 May-17 July 1967).

Already in September of that same year, Minister General Constantine Koser decreed the entry into force of some chapters of the new GGCC,

including Chapter VIII, *Constitution and Government of the Order*, to which Title XX belongs (articles 278-281), dedicated to Conferences of *Minister Provincials and Regional Conferences of Superiors*; it deals with the issue of Conferences, introducing it for the first time in the Order's legislation.

Other parts of the Constitutions did not come into force until 10th February 1970, the date of their promulgation in full, which is why these GGCC are often referred to with that date.

Therefore, the Conferences were introduced into the Order by the new GGCC¹ already in September 1967, although the official promulgation was in 1970.

Little documentation exists of the actual establishment of the individual Conferences because at this time they were not formed on the initiative of the General Curia but on the initiative of the Minister Provincials, who joined together in a Conference and were then recognised by the Minister General.

We managed to gather some information about the Conference of Minister Provincials of Spain, which was recognised by decree of the Minister General on 12th March 1969.²

Some years later, Portugal also requested to be incorporated into CONFRES and in January 1981, a decree of the Minister General sanctioned this incorporation.

The Conferences that existed in the 70s and later had different starting dates and changed in the number of members during their lifetime. We give a general list of them up to 2005 when there was a revision and legal system:

1 Guido Zegarra Ponce, 50 Años de la UCLAF. Hacia una historia franciscana de la UCLAF, 40 pp., 2018. In this booklet published for the 50th anniversary of UCLAF, a Decree of MG Constantine Koser dated 10 September 1967 is cited as the date of the beginning of the Conferences in the Order; the same decree is cited in another document in the Order's Archives, regarding the beginning of COMPI.

2 Source: Luis Pérez, XXV aniversario de la Conferencia de Ministros Provinciales de España y Portugal (Confres), Madrid 1994.

CONFRES

(Conferencia Franciscana de España) of 8 Provinces in Spain (to which Portugal was added in 1981) total 9 Entities.

MEFRA

(5 French Provinces plus the French-speaking Belgian Province) to a total of 6 Provinces; in 1996, the 6 Provinces merged into 2 Provinces.

COPEF

(4 German Provinces, the Dutch one, 2 Hungarian, 1 in Romania, 2 in Austria) a total of 10 Provinces; in 2004, the two Hungarian Provinces were merged into one making a total of 9 Provinces.

COMPI

(Conference of Minister Provincials of Italy) were formed at that time by 20 Provinces in Italy (to which Albania was added in 2005).

SLAN

(North Slavica): initially was formed by 6 Provinces (4 Polish, Czech Province and Slovak Province), with the addition in 1991 of the new Polish Province of St. Francis and in 2004 of the Province of St. Michael in Ukraine: for a final total of 8 Provinces.

SLAS

(South Slavica): was formed by 6 Provinces, initially belonging to Yugoslavia, in the 1990s into the new states of Slovenia (1), Croatia (3) and Bosnia-Herzegovina (2), making a total of 6 Provinces.

COMONA

(Middle East and North Africa Conference): probably founded in the 1990s and formed by the Custody of the Holy Land, the Holy Family Vice-Province erected in 1992 (which became a Province in 2004), the Franciscan Federation in Morocco (erected in 1991 by 2 dependent Custodies plus a Foundation and which in 2010 became a dependent Custody on the Minister General), and presences in the 2 Apostolic Vicariates of Tripoli and Benghazi.

SUB-SAHARIAN CONFERENCE

We have not been able to trace any documents on its erection, but it probably came into being in the 1980s, with the erection in 1983 of the Vicariate of St. Francis (East Africa and Madagascar), in 1985 the Vicariate of St. Benedict (DR Congo) and the Vicariate of Our Lady Queen of Peace (South Africa), followed in 1991 by the Foundation of Congo Brazzaville (at that time dependent on COMPI) and the West African Federation (Togo, Ivory Coast, etc.), and in 1993 by the Central African Foundation, dependent on the Vicariate of St. Benedict; in 1999 South Africa became a Province, as did the Provinces of St. Benedict (Congo), St. Francis (Nairobi) and the Incarnate Word (Togo) in 2004, making a total of 6 Entities.

ESC -*English Speaking Conference*-

Was first made up of 6 US Provinces, which became 7 in 1985 (due to the erection of Our Lady of Guadalupe) and 2 Canadian Provinces, the Province of England, the Province of Ireland, the Province of Malta and the Province of Lithuania, present in the ESC from the beginning as a Lithuanian Foundation in the USA, then in the 1990s as a Vice-Province and since 2004 as a Province: making a total of 13 entities.

GUADALUPE

Was formed by 3 “historical” Provinces of Mexico (St. Evangelio, Jalisco and Michoacán) and the Custody of the Caribbean dependent on Arantzazu, since 1983/1987 Vicariate then Province of Central America and Panama, since 1995 Province St. Phillip of Jesus, since 1996 Province of St. Junipero Serra, making a total of 7 Entities.

BOLIVIAN

Was formed by the Provinces of Ecuador, Colombia, 2 Provinces of Peru (XII Apostles and St. Francis Solano), since 1982/1989 Vicariate and Province of St. Paul the Apostle in Colombia, since 1984/1993 Vicariate and Missionary Province of St. Anthony in Bolivia, Custody of Venezuela dependent on Santiago, making a total of 7 Entities.

BRAZILIAN

Was formed by the Provinces of the Immaculate Conception (São Paulo), St. Antonio (Recife), Holy Cross (Belo Horizonte), St. Francis (Porto Alegre), since 1988 Vice Province of 7 Joys, since 1988/2004 Vice Province and Province of St. Benedict of Amazon, since 1990 the Custody of St. Benedict of Amazon, since 1992/2004 Vice Province and the Province of the Assumption of Blessed Virgin Mary, the Custody St. Coração de Jesus dependent on Naples and since 2012 Autonomous Custody, making a total of 9 Entities.

CONO SUR

Was formed by 3 Provinces in Argentina (Asunción, San Miguel from 1987 to 2014, and San Francisco Solano), that of Chile and the Custodies of Paraguay and Uruguay. The two Custodies were then incorporated into the Province of Asunción, as was the Province of San Miguel in 2014: making a total of 6 Entities before 2005.

SAAOC – *South Asia, Australia, Oceania* –

South Asia, Australia, Oceania – was formed by the Province of Australia, since 1983 Province St. Michael Archangel in Indonesia, since 1985 Vicariate St. Francis Papua New Guinea, since 1985 Province St. Thomas in India and Vicariate of St. John the Baptist in Pakistan, since 1987/2017 Custody, then Province of St. Francis Herald of Peace in West Papua, since 1991 Custody of St. Anthony (dependent on the Province of Australia) in Malaysia, Singapore and Brunei, since 2008 Dependent Custody of Mary Mother of God in India: making a total of 8 Entities.

EAC – *East Asia Conference* –

East Asia Conference was formed by the Province of Japan, Province of Vietnam, since 1983 Province of St. Pedro Bautista in the Philippines, since 1987 Province of the Most Holy Korean Martyrs in South Korea, since 1989, Province Blessed Virgin Mary Queen of China in Taiwan, since 2007 Autonomous Custody of St. Anthony in the Philippines.

At the end of 1990s there were almost 15 conferences with approximately 116 Entities. This situation remained stable up to the year 2005.

Year 2005

A significant fact can also be found in the archives: in 2005, an erection decree was issued for all individual conferences, as follows.

Conferencaes	Erection	Comment
COTAF	14.01. 2005	with the deletion of the two previous MEFRA (French and French-speaking Belgian Provinces) and COPEF (German, Dutch, Hungarian, Austrian provinces) conferences.
AFRICAN	17.03. 2005	with suppression of the two previous COMONA and SUBSAHARIAN conferences.
BOLIVARIAN	17.03. 2005	
COMPI	14.01. 2005	with the addition of Albania.
CONFRES	17.03. 2005	
EAC	17.03. 2005	
ESC	17.03. 2005	
GUADALUPANA	17.03. 2005	
SAAOC	17.03. 2005	
SLAN	17.03. 2005	
SLAS	17.03. 2005	
CUSTODY Holy Land	17.03. 2005	(ad instar conferentiae)
BRAZILIAN	17.03. 2005	
CONO SUR	17.03. 2005	

In this regard, a question arises: why was this canonical erection of all the conferences, many of which already existed since the late 1960s? The explanation lies in the 2004 General Statutes, which for the first time prescribed that the Conferences *be erected by the Minister General*, with the consent of his Definitory, after consulting the Ministers, Custodes and Presidents concerned (cf. the following chapter on this).

Until then, the Conferences were constituted by a spontaneous decision of the Minister Provincials, not erected but recognised by the Minister General.

Final Consideration

The history of the Conferences, in little more than fifty years, reflects the changes in the growth and decline of the Order's reality. It can also be noted that with the decrees of erection in 2005, there was a real restructuring of the Conferences, which from 15 became 13 plus the Holy Land *ad instar Conferentiae* (with the merging of two Conferences into COTAF and two others into AFRICAN).

A further downsizing took place in 2021, with the merger of the two Conferences of Brazil and Cono Sur, which further reduced the number of Conferences to the current 12 plus the Holy Land.

From this quick glance at the history of our Conferences, it can be said that there have already been restructuring and changes in the past.

2

HISTORY OF OFM LEGISLATION ON THE CONFERENCES OF FRIARS MINOR

Conferences of Minister Provincials in OFM legislation

The General Constitutions of 1955

In the GGCC of 1955, which followed the General Chapter of 1951, at the end of Title XXII, dedicated to the Minister Provincial, Art. 501, says that, “Once a year, as far as possible, after giving advance notice to the Minister General, a Congress of all the Ministers and Provincial delegates [those who preside over a group of friaries of a Province, erected by the Minister General into a Commissariat] of each nation or of several nations is to be held, to deal with the affairs that concern the common good of the Provinces, under the presidency of the Minister General or his delegate, or of the Minister of the Province in which the Congress is held”.

Until then, there were no other references to territorial divisions of the Order, except for the election of the General Definitors, who according to the GGCC 1955, were to be: “One for Latin America, one for the English language, one for the French language, one for the German language, one for Spain and Portugal, one for the Italian language, one for the Slavonic languages and the Hungarian language” (Art. 404).

Previously, the GGCC 1897 spoke of 12 Circumscriptions: “For the proper functioning of the Order and to ensure distributive justice, all the Provinces are to be divided into twelve Circumscriptions, as many as there are Definitors General: so that from each Circumscription only one Definitor can be taken”: 1) Papal State; 2) Tuscany, Sardinia, Liguria, Piedmont, Lombardy, Veneto; 3) Abruzzi, Sannio, Apulia, Bari, Lecce, Terra di Lavoro; 4) Principality, Basilicata, Calabria, Sicily, Malta; 5) Custody of the Holy Land, Bosnia and Herzegovina, Dalmatia, Carniola, the two Tirols; 6) Bohemia, Galicia, Hungary, i.e. St.

Mary, St. John of Capistrano, SS.mo Salvatore, Transylvania, Croatia; 7) Germany, Bavaria, Russia, Holland, Belgium; 8) France, Corsica, England, Ireland; 9) St. James of Compostella, Andalusia, Cantabria, Portugal; 10) Valencia, Cartagena, Catalonia, St Gregory of the Philippines; 11) South America; 12) Mexico and the United States of North America (Art. 357).

Subsequently, as early as 1914, the GGCC speak of six Definitors: “one for the English language, one for the French language, one for the German language, one for the Spanish language, one for the Hungarian and Slavonic languages and one for the Italian language.”

First Plenary Council of the Order (1968)

The first PCO which was established by the General Chapter of Assisi in 1967 and celebrated in the General Curia in 1968, elected members from the Circumscriptions and participated as Councillors: from Latin America, the English-speaking, French-speaking, German-speaking, Iberian Peninsula, Italian-speaking, Slavonic and Hungarian languages, plus some delegates from the missions designated and elected by the General Definitory.

However, in the *Litterae indictionis Consilii*, the Minister General, Brother Constantine Koser, begins by saying that “among the things that the recently celebrated General Chapter has ordered to promote the renewal of the Order is the Plenary Council of the Order. The Plenary Council is responsible, according to the Chapter’s intentions, for fostering communication between the General Curia and the Conferences of Minister Provincials and the Circumscriptions, as well as between the Conferences and the Circumscriptions themselves.”

During Session 12 of the first PCO, they also dealt with the Conferences of Minister Provincials that were being constituted.

The General Constitutions of 1970

The GGCC of 1970, which was followed the General Chapter of 1967, dedicates Title XX (5 Articles: 278-282) in Chapter VIII (*Constitution and Government of the Order*) to the *Conferences of Minister Provincials and Regional Conferences of Superiors for mission realities*. They are constituted by mutual agreement of the Superiors and have no power of government so that for each significant step (decision to constitute

the Conference, drafting of the Conference Statutes or for common activities), the Ministers need the consent of their respective Provincial Definitory as well as the General Definitory. The purpose of the Conferences is to “promote the life and activity of the friars, to evaluate particular conditions of people and places, and to foster and cultivate relations with the ecclesiastical hierarchy and with religious Institutes or even with others, to deal with the list of matters transmitted by the Minister General and to be dealt with in the PCO, and to enact common Statutes for the Provinces of the respective territory” (Art. 281). The references to the Conferences of Minister Provincials in these GGCC can be found in 9 Articles, which deal with: inviting the establishment of hermitages and retreat monasteries in the territory of the Conference; choosing Spiritual Assistants for the Third Order at the national level; coordinating inter-provincial cooperation initiatives; drawing up Statutes for particular forms of apostolate (with prior approval of the respective Provincial Chapters and the General Definitory); collaborating with the Provinces to identify areas for which suitable personnel can be formed. In addition, the Conferences were encouraged to adopt or increase missionary initiatives and were involved in the PCO. As can be seen, we are at the beginning of the Conferences, and the Articles dealing with them are 14 in number bearing in mind that these GGCC have as many as 349 Articles since there are were no General Statutes yet.

Note on PCO

The PCO (*Plenary Council of the Order*) was intended to be an “enlarged Council” of the Minister General: in fact, it is called a “council” itself, has a consultative function and, at this stage, has the following purposes, to help the Minister General and the Definitory in the government and animation of the Order; to promote contacts between the Curia and the Conferences (which are still in their infancy); to see to the execution of Chapter decisions and to adopt decisions by mandate of the Chapter, valid until the next Chapter; to interpret the GGCC; to help prepare the next Chapter; to deal with the economic problems of the Order; it was also the PCO’s responsibility to elect the Minister General outside the Chapter. It comprises members elected by the Conferences and others appointed by the Minister with the consent of the Definitory. Initially, it had to meet at least once a year, excluding

the General Chapter year, at the discretion of the Minister General or at the request of the majority of the Conferences. Evidently, the PCO was not as successful as hoped, probably because of the difficulty of convoking and gathering such an assembly, undoubtedly more than the Chapter, but nonetheless very complex since a large part of the members had to be elected in the regions.

The 1973 General Constitutions

This was followed by the Extraordinary General Chapter of Medellín (1971) and the Madrid Chapter (1973). Within Chapter VII (Constitution and Government of the Order), Title XIX, dedicated to the Conferences of Minister Provincials and Regional Conferences of Superiors, still consists of 5 Articles (263-267). The Conferences are composed of Ministers and other Superiors; they arise from their mutual agreement, with the consent of the respective Definitories or Councils and the approval of the General Definitory. The same applies to the approval of the Statutes; they have a geographical or political basis or linguistic or cultural affinity; their task is to promote the life and activity of the brothers, foster relations with the hierarchy and with other Institutes, deal with matters to be dealt with in the PCO, enact common Statutes, with the approval of the respective Definitories and the confirmation of the General Definitory. It is confirmed that the Conferences do not have the power of jurisdiction. Still, it is added and specified: “unless the Statutes of the individual Conferences establish otherwise for particular cases” (265 §2). The Conferences are invited to create commissions of experts according to their activities and to organise congresses to study problems in the life and activities of the Provinces. Nothing new, therefore, only a second paragraph is added to Art. 266, in which the Conferences are invited to develop mutual relations through reports and invitations to sessions.

The references to the Conferences are contained in 8 Articles, which concern: hermitages or retreat friaries (28), in which the Rule for hermitages is to be followed, or statutes eventually issued by the Conference (29); interprovincial initiatives coordinated by the Conference, statutes for particular forms of apostolate, preparation of expert personnel (105); increasing missionary activity and fostering missionary initiatives (127). Among the competencies of the PCO is that of promoting contacts between the General Curia and the Conferences and

between Conferences (205); the PCO is to be convened at least once a year except for the Chapter year or when it is requested by the majority of the Conferences (207); the General Definitors are invited to maintain frequent contacts with the Conferences and Provinces (212 §2). For his part, the Minister General, with the consent of his Definitory, may give decrees for a Province or a region whose Ministers constitute a Conference after consulting the Definitory of that Province or the Conference of Ministers Provincial (214). When the office of General Definitor becomes vacant, another one is elected, *ad complendum*, by the General Definitory, after consulting the Ministers of the Conferences from which the Definitor who has vacated the office was elected.

The General Constitutions of 1987

They are the fruit of the 1985 Chapter of Assisi. Title XV (*Conferences of the Ministers Provincial*) of Chapter VII (*Constitution and Government of the Order and Administration of Goods*) now has only one Article dedicated to the Conferences, Art. 227, foresees that the Ministers and other Superiors “may constitute, by common consent” the Conferences of the Ministers Provincial (§1), which are governed by the norms of the GGSS and by their own Statutes, approved by the members of the Conference and approved by the General Definitory (§2). It should be noted that the Conferences are not obligatory and that the consent of the respective Definitors is no longer necessary, either to be part of the Conference or to approve its Statutes. The required consent of the General Definitory obviously remains.

It should be noted that the GGSS have also been drawn up so that more specified regulations flow into them. Only the essential regulations remain in the GGCC.

The references to Conferences in these GGCC are found in 8 Articles and relate to coordinating interprovincial activities and fostering collaboration (114 §1); creating meetings between the brothers involved in formation for the exchange of experiences, collaboration and unity of orientation (**new**, 143); the Minister General can convoke an Extraordinary Chapter with the consent of the Definitory and after consulting the Presidents of the Conferences (**new**, 190 §2); the PCO also serves to promote relations between the General Curia and the Conferences and between the Conferences (194); the election of the Minister General *ad complendum sessenniumis* done by the Gen-

eral Definitory together with the Presidents and Vice-Presidents of the Conferences (**new**, 201 §1); the Minister, the Vicar, the General Definitors are invited to have frequent relations with the Conferences, “to participate in the experience of life of the whole Order” (partial **novelty**, 203 §2); the Minister may issue decrees for Provinces and for regions that correspond to Conferences, after consulting the Definitory of the Province, or the Conference (197 §2); when the office of Definitory becomes vacant, the General Definitory elects a successor *ad complendum*, after consulting the Conferences concerned (210).

The General Statutes of 1991

Drawn up and approved in the Assisi Chapter of 1985 (following the promulgation of the new Code of Canon Law), they were promulgated *ad experimentum* in 1987 and then amended in the Chapter of San Diego, California, in 1991.

In Chapter VII (Constitution and General Government of the Order) is Title XVI (Conferences of Ministers Provincial), which dedicates 4 Articles to the Conferences (176-179): the duties of the Conferences remain unchanged, to promote the life and activity of the brothers, to foster relations with the hierarchy and others, to consult on PCO matters, to enact common Statutes, to be approved by the respective Definitors and the General Definitory (176 §1) it is required that the President of the Conference always be a Minister Provincial (**new**, 176 §2); the Conferences do not have the power of governance unless it is expressly provided in the Statutes for particular cases (177); relations between Conferences, especially if they are neighbouring, are encouraged, as is the communication of information, experience and common research (178).

Regarding references to Conferences, we find them in 16 Articles: the Conference may give itself special Statutes, in accordance with the Statutes of the Conference itself (4 §2); within the Province or Conference there should be a hermitage or house of prayer (14 §1); the Provinces and Conferences should give themselves norms for evangelisation activities, adapted to the directives of the Bishops’ Conferences (40 §1) and they should identify tasks and services which require the formation of experts, and provide for them (40 §2) the General Secretariat for Missionary Evangelisation is assisted by a Council made up of the Delegates of the Conferences, one from each Conference, and others

in accordance with the special Statutes (49) each Conference should, if possible, establish an Interprovincial Secretariat for Missionary Evangelization, for the promotion of missions and collaboration among the Provincial Secretariats and between them and the General Secretariat (**new**, 51); an International Council for Formation and Studies should assist the General Secretariat, and will be formed by the Delegates of each Conference (**new**, 69) a Secretariat for Formation and Studies should be set up in each Conference, if possible, to promote dialogue and collaboration, to maintain contact with the General Secretariat and the Provincial Secretaries (**new**, 72); the Ministers are invited to promote intellectual activity through study institutes and congresses both in the Provinces and in the Conferences (**new**). Before establishing a new entity, the region's Conference is to be consulted (**new**, 108); each Conference elects a lay brother for the General Chapter (**new**, 126 §5). Concerning the PCO, it is to be convened at least once in a sexennium - no longer at least once a year - or at the request of the majority of the Conferences (128); each Conference elects at least one Councillor, other Councillors may be appointed by the Minister General with the consent of the Definitory, but in such a way that their number does not exceed half the number of the Conferences (129); the Minister makes the themes known to the Conferences at least six months in advance, for appropriate consultation (130); an important **new feature**: the Meeting of Presidents is instituted with a separate Tit. Important novelty: the Meeting of the Presidents of the Conferences with the Minister and the General Definitory is established in its own Title (Chapter VII, Title VI, Art. 131): one meeting in a six-year term of a consultative nature on issues and matters of greater importance for the Order; the meeting is convened and chaired by the Minister General, who prepares it together with the Definitory. Another **novelty**: the General Definitory can establish a Commission for economic matters composed of experts proposed by the Conferences (142 §1). Another important **novelty**: houses dependent on several Provinces or Conferences may be established with their own Statutes (194 §2).

General Constitutions of 2004

The 2003 Assisi Chapter made some changes to the GGCC, but none that touch the Conferences.

General Statutes of 2004

First of all, we have Title XVI (*Conferences of Ministers Provincial and Custodes*) of Chapter VII (*Constitution and Government of the Order and Administration of Goods*), which includes 12 Articles from 191 to 202. Great importance is attributed to the Conferences for the life and mission of the Order; they are erected by the Minister General, with the consent of his Definitory, after consulting the Ministers, Custodes and Presidents concerned; all the Ministers, Custodes and Presidents of a territory or region must be members; for the erection or restructuring of the Conferences, geographical proximity, language and culture must be taken into account, and the number of at least five members must be taken into account (**new**, 191). Tasks and faculties of the Conferences to unite the entities that form them and work together for the common good; to help the Minister and Definitory in the animation and governance of the Order (**new**); to assist in the discernment for the erection, union, suppression of entities (**new**); to foster initial and ongoing formation, and the mission of the friars in the territory (**new**) to promote with the Minister and Definitory the pastoral and evangelising activity of the Order, the diffusion and *implantatio Ordinis* (**new**); to deal with problems and difficulties within the Conference, to help the entities of the Conference that need it (**new**); to discuss PCO issues; to draw up special Statutes and common Statutes; to foster relations with the hierarchy and other Institutes (192). To promote sharing in the governance of the Order and better consultation, the Minister and Definitory should meet “in council” at least once in the sexennium with the individual Conferences to communicate, discuss, consult, and propose (**new**, 193). The General Definitory must meet at least every two years with the Presidents of the Conferences to examine their status (**new**, 194). The Conferences exercise their task and authority in the plenary session under the direction of the President, who is elected by all the members with the right to vote and can be either a Minister or an autonomous Custos (**new**, 195); in the Assemblies, the Ministers and Custodes have a deliberative vote, the others according to the Statutes (**new**, 196); elections are by an absolute majority (**new**, 197 §1); the Conference has the power of governance only in those cases expressly foreseen by the GGSS and the Statutes of the Conference (**new** in positive formulation, 197 §2); the Conference, to be more effective, may establish a permanent Secretariat (**new**, 198). Relations between Conferences should be encouraged, especially between

neighbouring Conferences (199); commissions of experts and conferences to prepare the work of the Conference are recommended (200 §1); the establishment of a permanent apparatus between Conferences of the same continent, which should meet at certain intervals, for the animation of common activities, such as formation, studies, evangelisation, JPIC (**new**, 200 §2). Particularly large Conferences, especially if multicultural, can form Sub-Conferences; they can develop, with the Minister and the General Definitory, new ways of international and intercontinental meetings (**new**, 201); each Conference prepares its own Statutes to be approved by the Minister and Definitory. There are also 23 Articles containing references to Conferences: the Conference may approve particular Statutes, according to the norms of its own Statutes (4 §2); within the Conferences there should be at least one hermitage or house of prayer (14 §1); each Conference should have Statutes that integrate JPIC into the life and service of the Order (40 §1); each Conference should establish a Commission for JPIC, with members from each entity (41 §1); the General Secretary for Evangelization promotes collaboration between Provinces and between Conferences (45); the General Secretary for Evangelization is assisted by the International Council, composed of the Delegates of all the Conferences (47); possibly each Conference has a Secretariat for Missionary Evangelization; each Conference, if it deems it opportune, may constitute a Council for Missionary Evangelization (50); Provinces and Conferences must give themselves norms for evangelisation; they must also prepare experts for particular tasks and services (52); the alms collected within the Province or Conference are to be spent under the dependence of the respective Ministers (68). The General Secretary for Formation and Studies is assisted by an International Council for Formation and Studies, made up of Delegates from each Conference (76); the individual Conferences, Provinces and other entities draw up a *Ratio formationis* and a *Ratio Studiorum* (**new**, 77 §3); each particular Conference may establish a Secretariat for Formation and Studies, governed by its own Statutes, with a Secretary elected according to the Statutes of the Conference (79); the Ministers are invited to promote intellectual activity within the Province and the Conference through Institutes of Studies and Conferences (110 §2). In the process for the erection of a new Province, the council of the Ministers concerned should be heard (116); when a Province no longer has the necessary requirements, the friars and the Conferences con-

cerned should be consulted before proceeding further (**new**, 120); for the erection of a house in the territory of another entity, the Conference concerned should also be heard (**new**, 123 §2). Each Conference elects a lay brother for the General Chapter (136 §4). PCO: is convened by the Minister General where and when is established by the General Chapter, or at the discretion of the Minister General, or at the request of the majority of the Conferences (138); the Councillors are elected by the Conferences, even if they are not Ministers; others are appointed by the Minister with the Definitory, but these must not exceed half the number of the Conferences (139); the themes of the PCO are sent within six months to the members of the Conferences (140 §1). At this point, Tit. VI (meeting of the Presidents of the Conferences with the Minister General and the General Definitory.): in order to deal with matters of greater importance for the Order with a consultative vote at least every two years (previously, it was only once every six years) a meeting of all the Presidents of the Conferences or of some territory is called (141). The Definitory can constitute an International Commission for Economic Affairs, comprised of experts proposed by the Conferences (153 §1). Houses dependent on several Provinces or Conferences are governed by their own Statutes (217 §2).

The 2010 General Constitutions, currently in force

Compared to its predecessors, only Art. 168 was modified in the Chapter of Assisi 2009.

The General Statutes in force

They are the result of modifications elaborated in the Assisi Chapter of 2010 and followed up by Chapter of 2021 in Rome.

First of all, we have Title XVI, which comprises 12 Art. 200 to 211. Here we will only consider the **changes and novelties**: whereas in the previous GGSS, it said that Ministers, Custodes and Presidents are obliged to constitute a Conference (191 §3), now it says that each Province, Custody and Foundation must belong to a Conference (200 §3); by shifting attention from a single person to an Entity. Furthermore, §5 has been added to Art. 200: if a Conference is no longer able to function or the number of entities falls below 5, Ministers and Custodes must initiate a process to change the juridical status, while

the President must send a report on the situation to the Minister General every year. In art. 201 b (corresponding to 191 §1 of the previous GGSS), where it is stated that the Conferences are to help the Minister General and Definitory General in the Government of the Order, it is added that in meetings with the General Government, the Presidents are to be consulted on matters of major importance for the Order.

References are found in 29 Articles. **Modifications or novelties** present: Provinces and Custodies of the same Conference may develop common PPSSs, to be approved by their respective Chapters and by the Minister General with the consent of his Definitory (3 §2). Several entities in the same area or Conference may establish common structures, procedures, resources and educational programmes, in collaboration with the particular Church, for the Safeguarding of Minors (45 §3). The Province establishing a new mission must first inform the President of the Conference in the region where the new mission is located (64 §2). To encourage collaboration between formators, Provinces and Custodies of the same territory or Conference may draw up a single *Ratio formationis* and *Studiorum* (81 §4). In particular cases, the Minister General with Definitory General may erect a house or entity or Foundation or Custody dependent (on the Minister General or on one or more autonomous Provinces or Custodies), even in the territory of another Province, after hearing the Conference President, the Ministers and local Custodes, the friars involved (127). The entities of a territory or Conference may, with the approval of the Minister General and having heard the Definitory General, unify certain secretariats or offices for greater structural collaboration regulated by particular Statutes approved by the Minister General with the consent of his Definitory (220).

Summary table

The following summary table shows the number of articles of the GGCC or GGSS in the “title” devoted to the Conferences (first row) and the number of articles outside the “title” itself (second row). The vertical columns refer to the years of the successive amendments of the GGCC; it should be noted that the GGSS only came into play in 1991, following the GGCC of 1987.

	CCGG 1970	CCGG 1973	CCGG 1987	SSGG 1991	CCGG 2004	SSGG 2004	CCGG viginti	SSGG viginti
In the title on Conferences: number of arti- cles	5	5	1	4	1	12	1	12
Number of other articles with ref- erences	9	8	8	16	8	23	8	28

3

EVALUATION OF CHAPTER 2021 ON THE ORDER ' STRUCTURES AND GOVERNANCE

After the previous two chapters, which were more *objective* or at least descriptive in the historical reconstruction of the institutional changes and legal regulations that have accompanied the history of the Conferences of Ministers Provincial in our Order from their birth to the present day, this Chapter attempts to give an *evaluative* approach to these structures. To do this, it has chosen to use the SWOT analysis carried out by the Order's Conferences in preparation for the 2021 General Chapter.

The summary presented to the Chapter was made by Br Carlos Esteban Salto Solá, Ofm, Br Marco Guida Ofm, Br Jean-Claude Muley-ka Kinombe Ofm, and Br Francis Lee Yong-Ho Ofm. This text can be found, in the three languages of the Order, in *Acta Capituli Generalis Ordinari OFM in domo "S. Laurentii a Brindisi" Romae a die 3 usque ad diem 18 Iulii 2021*, Curia Generalis OFM, Romae 2021, pp. 421-470.

The following is the introduction, which explains (no. 4) that the topics covered in the SWOT analysis were the five classic 'Priorities of Order', to which another item called 'Structure and Governance' was added.

After the introduction, *only* the analysis concerning 'Structure and Governance' (without the five priorities) can be found below.

Introduction

1. This document contains an overview of the reports that the 12 Conferences and the Custody of the Holy Land prepared in view of the 2021 General Chapter. This work was carried out using the SWOT analysis technique to identify the strengths, weaknesses, opportunities, and threats in each of them.

2. Two Conferences stated that some of their constituent entities did not carry out their own analysis work.
3. In general, the reports respect the SWOT scheme. However, a certain difficulty can be perceived when it comes to identifying opportunities and, even more so, threats.
4. The information in the reports has been organised according to the core of our charism, in the order in which they are presented in the General Constitutions: Spirit of Prayer and Devotion, Fraternal Life, Minority, Evangelisation, and Formation and Studies. In addition, it was felt necessary to add another point entitled Structure and Government.
5. As has been stated, this document presents an overview of the work undertaken by the 12 Conferences and the Custody of the Holy Land. Obviously, all the richness and diversity that characterise our Order, present on the five continents, cannot be contained in a few pages. For this reason, and because of the limited time at our disposal to present them, we have concentrated on identifying the common strengths, weaknesses, opportunities and threats, i.e. those present in most of the reports.

Strengths

Structure and Governance

Most Conferences are undergoing a process of reorganisation. In some cases, these processes concern the whole conference, for example, the Southern Cone conference, which has merged with the Brazilian conference.

In other cases, the process involves only some entities of the same conference, such as the union of some provinces with each other in Spain and Italy or the process of unification being carried out by the USA's provinces. In general, there is a positive assessment of these processes, despite the presence of some resistance. The entities involved try to look to the future with faith, hoping that these processes will help revitalise the Franciscan charism.

Weaknesses

Structure and Governance

1. Communication between the centre and the periphery. Some Conferences report that there are sometimes difficulties in communication between the general Curia (the general Government, the various secretariats and offices) and the Provinces and Custodies which make up the Order. The same difficulties can also be observed within the Conferences and Entities. These shortcomings in communication hinder coordination and the achievement of many joint projects.

2. Some Entities argue that provincial Governments' decisions often respond to immediate needs, making it difficult to think about medium and long-term projects. Added to this is that it is not known how to assess and evaluate whether the decisions taken were the right ones or not, whether a project worked or not, etc.

3. Certain failures are evident in the animation of fraternal life on the part of provincial Governments and Guardians. In some Entities, the brothers who exercise the service of Government, because of the amount of work they have to do, often do not find the necessary time to stop and listen thoughtfully to the brothers. Sometimes the Ministers give too much importance to managing assets and structure, neglecting the personal relationship with the friars.

Opportunities

Structure and Governance

Many Entities are currently undergoing a process of reorganisation. Indeed, the decrease in numbers, the increase in the average age, financial and structural problems, etc., have led many Conferences and Entities to reconfigure themselves. This process, often complex and painful, can be an opportunity for a serious and profound discernment

of the structures and the form of life that the friars lead. Such discernment is indispensable if the re-dimensioning is to help the revitalisation of our charism.

Threats

Structure and Governance

In the face of the numerical reduction experienced by many entities, it is argued that postponing a serious discernment of works and structures becomes a threat to the quality of life of the friars since the burden of these structures ends up falling on only a few of them, who are overburdened with institutional responsibilities.

4

RESEARCH AVENUES FOR THE FUTURE

The previous three chapters covered the institutional (1) and legal history (2) and offered an assessment of the Governance Structures formulated by the Order's Conferences for Chapter 2021 (3).

This fourth chapter aims at indicating some avenues of research to be developed for the future; three have been identified, but certainly not all of them.

Communication

A theme that emerged in the SWOT analysis on the Order's Structure and Governance is that of communication. In this analysis one can distinguish three different levels of communication in as far as the conferences are concerned:

- **Communication in the conference itself.**

This means communication between different Provinces which make up the conference together with their Ministers.

The channels of communications do not function always correctly and in some cases the necessary channels of communication do not exist.

- **Communication between different Entities of the Order;**

in this regard they are two structures which have been already experimented. One is an annual meeting of Presidents of conferences that promote reciprocal dialogue and they are other three institutional organs that unite different conferences such as: UCLAF (for the Guadalupe, Bolivia and Brazil-Cono Sur), UFME (for the 5 European conferences) and FCAO (for the two Asian conferences).

- **Communication between the General Government and the Entities of the Order among themselves.**

It is a communication done from the Minister General with his General Definitory to the conferences and Entities and from Entities and Conferences to the General Government. In this level of communication a special role is played by the Definitory in reference to the conferences. In all the three levels it seems that there is a necessary revision and improvement in communication.

In all the three levels it seems that there is a necessary revision and improvement in communication.

Knowing and realising the tasks already set

The tasks already established for the Conferences must be better known and, above all, put into practice.

Our Law has indicated some norms and indications for the functioning of the conferences but not always these norms which are well presented to the same ministers that make up the conferences or the General Government of the Order.

For example: In the past, even in the recent past, the indications of the GGSS, which prescribe that in the establishment of new provinces resulting from the merger of previous provinces or in the suppression of Provinces, the Conference be consulted, have not been observed.

Therefore, it seems that little is known about the existing indications in the GGCC and GGSS, and that little is put into practice.

A similar argument can probably be made for the knowledge and implementation of the Particular Statutes of each Conference. One can also question how much the conferences are updated on the Statutes of the conference itself or such Statutes are put into periodical evaluation for the improvement.

Conference Presidents

It was noted that in the legislation, there has been a shift from an emphasis on the function of the Plenary Council as an aid to the Government of the Order (it was initially planned for every year) to its lesser importance, a process balanced by the growing importance attributed instead to the meeting of the Minister General and General Definitory with the Conference Presidents (it is foreseen at the beginning of every six years, then at least every two years, and in recent years carried out annually. SSGG art. 147). Therefore, this instrument of the meeting with the Presidents should be enhanced and valued which is certainly a precious instrument for promoting communication between the General Definitory and the conferences and the relationships among the conferences themselves. One can note the complementarity between the Definitory of the zone and that of the President (or Presidents) of the same zone: two roles that express the attention to an area of the Order seen from the side of the General Government or the Provinces. Perhaps this relationship should be put to test as a theme so as to make it efficacious for the service of the brothers of the Conference.

INDEX

Introduction	3
1. Institutional history of the Conferences of Friars minor.....	5
2. History of OFM legislation on the Conferences of Friars Minor.....	13
3. Evaluation of Chapter 2021 on the Order ' structures and governance ...	25
4 .Research avenues for the future	29