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The Future of the European Union

Hope for a promising future is part of the attractiveness of the European Union, member states know whom and what scale of values they belong to, as well as the direction they are heading. At least, that is what outsiders think. Nevertheless, there are significant differences in perceptions of the European Union between those countries that are just becoming members and those that are already members. Hungary – together with the rest of the new member states – has just been over this change in perception. Since May 2004, the European Union has been playing a fundamentally different role in our lives than it did in the preceding period. However, neither the public, nor politicians comprehended this change yet. The Union is still referred to as a separate entity; whether it gives or denies, permits or rejects, prohibits or supports etc. It is seldom heard that “we” are the European Union or that we – primarily the government – are active participants in the Union’s decision-making process. According to an appropriate – and still valid – statement, “for the Hungarian political elite, the European Union is on the other side of the moon.”¹ Nevertheless, Hungary as a member state has vital interests attached to which way the Union is heading. Europe has been seriously occupied with this question since the referendum in France on May 29, 2005, which is threatening with a constitutional crisis.

THE ELEMENTS OF THE FUTURE OF THE EUROPEAN UNION

In the beginning, the Western-European integration had a definite expectation of the future; its declared long-term goal was the establishment of a unified Europe. The idea of a unified Europe and its latest composition are evidently a product of war. Desire for a historical reconciliation between France and Germany as well

as other nations is embedded in the political processes that emerged because of the two wars fought by European powers for acquiring spheres of influence around the world. Voluntary union of sovereign states, or in other words, integration had begun and developed in this context. This process was historically parallel with the emergence and expansion of the two World powers, the United States of America and the Soviet Union, that are located outside Europe but have European cultural and political roots. Expansion of these two powers determined the fate of the world for half a century. They established – among others – a new experiment for a “World Government,” – the United Nations (UN) that is hopelessly struggling with its duties after sixty years. One of the major reasons of the chronic crisis of the UN is that ex-colonies became independent during the same period, at least in a sense of international public law. Today 191 countries – most of them from the developing world – seek protection and enforcement of their interests by this World Organization. However, the UN is still ruled by the victorious powers of World War II, making it impossible to establish a World leadership according to the real power relations and challenges. In the background of these political processes, the world has been approaching a unified market and economic sphere with an enormous sweep. This process is the so-called globalization. These processes have gradually transformed the worldwide system of goals, apparatuses, organizations and power relations, thus creating new conditions for the European unification project.

It appeared that the Western half of Europe has found the right answers to multiplying global challenges in the transnational, close cooperation and actions of governments. This opinion has been confirmed by the numerous successes of

the integration, from the establishment of the common market and certain common policies to the common currency. The model of the European Union is also praised by its unique appeal exercised on its neighborhood. This appeal has incited nearly all of its close neighbors to give priority to joining the Union for decades. This trend has been reinforced since 1990 as the political division of Europe ceased as a result of the Soviet collapse, and the phrase of “joining the European Union by every European state,” that is consistently repeated in the basic treaties, has become a real opportunity.

Encouraged by its own successes, the European Union began an energetic double expansion in the last decade of the past century. On one hand, it continued integration “deepening” – in other words, intensification and extension to new fields of governance – that was always successful before. By the millennium, the common currency envisaged in 1991 has been successfully introduced in twelve member states. Reassured by this result, the Union immediately declared itself as the soon-to-be winner of the worldwide contest of competitiveness.² On the other hand, it took new, brave steps for enlargement. In 1998, it started membership negotiations³ with twelve potential countries simultaneously. Shortly thereafter, at the end of 1999, Turkey – that applied for membership twelve years earlier, in 1987 – was announced to be a potential candidate for acceptance. Finally, in June 2003, a membership was promised to every country in the Western Balkan.⁴ These events have outlined the future of the integration for the first half of the 21st century in two directions. On one hand, they outlined – although somewhat obscurely, and in fact, with growing uncertainty – the further internal development of the integration. “Deepening” in the field of economy is close to the limits of realistically achievable integration, while political integration – interior security, defense, and foreign policy – encounter the resistance of member states. Due to the growing number of members, this could be more challenging as their position is dispersed on a

broader scale regarding the willingness and ability of integration. On the other hand, the steps taken by the Union quite specifically signaled the growth of the organization as the outlines of a thirty-three members union emerged from the above-mentioned series of events. Meanwhile, in the spring of 2002, a third significant step took shape in a form of an organized program, the renewal of the governance of the Union. After the publication of a thorough “White Paper” on the issue, first the European Convention, and later an inter-governmental conference dealt with the wording of a draft constitution and development of a mixed-form “constitutional treaty.”

A consistent and far-reaching solution of the triple duty of deepening, enlargement and governance could have outlined the significant characteristics of the 21st century configuration of European integration, in other words, the future of the Union. However, the negative results of the French referendum, and the referendum just three days later in the Netherlands – on June 1, 2005 – poured cold water on the daydreaming political devotees of integration and its officials, who became indolent in their well-paid jobs. The debate about the constitution sheds light on the uncertainties of the “deepening” plans, the exaggerations in expansion visions, and raise doubts even on the possibility of governing the whole assembly. However, the only hope for new member states is a successful and operating model of European integration. What could be done now, after all, to save the constitution and even the European Union?

TIMELINESS OF THE CONSTITUTIONAL PROCESS

Constitutional process as a political action is essentially associated with significant turning-points in the life of a community. Such an event was doubtlessly the decision on and elaboration of the legal basis for the Western-European integration in the nineteen-fifties. Until now, the “Constitution” of the Union was built

on the basic treaties that defined the goals, means, and extent of common actions. It determined the necessary scopes of authority, and established the bodies of integration with their order of operation by reflecting the joint will of the community. The basic treaties were continuously amended and extended, and this increasingly complicated “patches over patches” legal construction have resulted in the desire to develop a short and permanent basic treaty, the so-called “European Constitution.” It appeared that the long-term development of the integration, and its gradual “deepening” provides sufficient content and a political basis that needed to be topped with a legal “headstone.” President of the European Convention, *Valéry Giscard d’Estaing*, repeated many times that the Constitutional Treaty would be the foundation of the Union for the next fifty years. The question is whether this was the due time for the constitutional process. With respect to the past progress and construction of the Western-European integration it was, according to all likelihood. The unification process includes the three largest countries, the Federal Republic of Germany, France, and the United Kingdom. In Western Europe, only those countries are not members of the Union that did not want to be for some reason.⁵ In the area of usually encouraged and supported economic integration, the leadership has reached the highest imaginable level that is still realistic, the use of a common currency. This level is bordering the delicate limits of national sovereignty as in the interest of maintaining the common currency, the Union claims the right to interfere with budget policy. Beyond this level, there are those types of governance areas of which consolidation would painfully interfere with the political apparatus of governments. Among all, such policy is the taxation policy that firmly resists any attempt for harmonization. Government activities related to interior security are also on the perimeter of the scope of authority with a potential for unification. For example, no matter how desirable and rational would be an integrated organization to fight against international terrorism; the secret services of member states resent-

fully guard their sovereignty and information. Finally, foreign policy interests can be quite unmistakably defined on the level of national communities and identities, and member states only intend using unified action occasionally as a supplementary framework. Consequently, we can state that after a half a century development and at the end of the 20th century, the European Union has reached a point where it has the possibility – in respect to both enlargement and depth of integration – of being crowned by a new, permanent basic treaty, or if you like, by a kind of constitution. This statement essentially refers to the stage of integration reflected by the 1993 Treaty of the European Union and the union that was reached in 1995 by the fifteen member states. The concept and substantial innovations of the Constitutional Treaty indicate an extension to this development, its refinement and improvement, without the intention of creating a new model that could better adapt to answer future challenges.

A constitutional process can be timely and justified when a process culminates. Should we only examine the Western-European process after World War II, we can find the signs of this. However, the well-constructed plan encountered a new enlargement and the enormous wave of new applications in its wake. Leaders of the European Union certainly did not disregard this anticipated event and would-be members as well as candidates were all invited to participate in the European Convention. At the beginning of the Convention, in the spring of 2002, it was already known that ten of the twelve negotiating states would join the Union first. In addition to these, the less rapidly progressing Romania, Bulgaria, and the new candidate Turkey also received invitation. Consequently, in addition to the fifteen previous members another thirteen European countries were represented in the constitutional process, with practically equal rights and chances.⁶ After the Convention, the inter-governmental conference held its meeting with the same participants and approved – with some modification – the draft verbiage of the Constitutional Treaty for ratification.

Thus, the draft constitution can be formally considered as the common work of twenty-eight countries. However, in reality this is not the truth for several reasons. First, newcomers did not have any experience of the internal ways of the Union. Although numerous excellent integration experts were delegated by the candidate countries to the Convention, and their governments could rely on their expertise during preparation as well as governmental approval, the difficulties associated with the operation of the Union were not perceived by these governments as real and genuine problems. Some of the candidates only looked on the occurrences as observers. Active participants mainly protected principles, primarily the equal treatment of the would-be members. Under the given condition, this consideration appeared to be the most important one. This is the reason why the self-conscious small member states of the EU15 – e.g., Ireland, Portugal, Finland etc. – and the candidate countries discovered each other and formed the militant group of the “identically thinking” countries opposing the larger old member states. Regarding the aspirations “of the EU15,” they relied on their long-time experiences in the constitutional process and insisted on perpetually represented principles. Their knowledge and objectives were based on earlier experiences of integration and did not reckon to the least extent with the expectable impacts of the coming enlargement. Since a prominent condition for membership was the complete and fastest possible implementation of the legislation and institutions of the Union; the EU15 considered the enlargement as a – not too significant – expansion of the existing Union; a simple physical change instead of a change with qualitative results. This is why the French “rejection” of the constitution was a political explosion. In fact, an analysis of the expectable effects of wage differences between the old and new member states or taking into account the consequences of Turkey’s acceptance were not on the agenda of the European Convention at all. In addition to the Convention, the governments and parliaments of

member states, the European Commission, and other responsible EU bodies simply disregarded these problems. Attention was called impetuously to their significance by the political impact of the French and Dutch voters and the European representatives of the often-missed “demos,” the people. Attention should be given to this sign as the future of the integration can depend on internal support for the European project of governments and other political organizations.

THE CONSTITUTION IN RESPECT OF THE PAST AND THE FUTURE

The draft constitution supplied for existing needs in certain respect and corrected former basic treaties. Such a correction is primarily the proposed introduction of the so-called double majority system of qualified majority voting. Even today, the number of votes possessed by a country in the main decision-making body of the Union, the Council of the European Union, is decided by political negotiation. The vulnerability and controversy of this system was demonstrated by the division at the Nice Summit that would also be applicable to the would-be Union with its twenty-seven members. As dispersion of the sizes of member states has increased in the enlarged Union, the scale had to be extended so that differences that are more refined could be reflected. The total number of votes granted to the fifteen member states increased from 87 to 237. Because of long negotiations between the member states, the four largest countries received 29 votes each that are nearly triple of their former 10-10 votes. As opposed to this, the number of Spain’s votes – and Poland’s, a new member of similar size – grew from eight to 27, exceeding the triple value of the voting scale. It was expected that later on, these two states stubbornly insisted on the decisions of Nice that appreciated their weight to a high extent, even though the system was controversial. This problem was one of the main debate subjects during the inter-governmental conference for the approval of the Constitution. As opposed to this, the new Constitution

recommends the introduction of a simple, transparent as well as just system. The so-called double majority requires a certain proportion of majority by member states on one hand, and the population of the Union on the other hand in order to pass a decision. Of course, determination of percentages in respect of the two elements of majority was subject to a heated debate. Fifty-five percent of member states and sixty-five percent of the population could be more favorable for some member states or coalitions than for others. However, there is no doubt that taking into consideration these two specific factors is acceptable and fair for every member state. In this respect, the constitutional process supplied a need.

Numerous rules of the draft Constitutional Treaty represent new and mostly brave progress. Such advancements are, for example, the new type of classification of scope of authority, declaration of the Union's homogenous legal identity, establishment of the possibility of closer cooperation of countries that are willing and capable of a more rapid integration, etc. The already wealthy literature on the Constitution mostly deals with such questions. We must add that the Convention went too far in case of certain issues and infringed the delicate limits of political tolerance of the member states. For example, the inter-governmental conference rejected the separation of a "legislative council" from the presently operating meetings of Ministers, where the ministers responsible for a certain subject approve the EU regulation of their specific field of action. Just as brave and somewhat controversial ideas are those of the Prime Ministers' Summit or electing a president specifically to reside over the Council of the European Union. The government head of the member state holding the Presidency fulfills this function currently. This person draws his prestige and information from practical experiences of his high position. By acting only as a "European official," it is likely to be more difficult to chair the debates of prime ministers. The actions of the proposed "super president" would result in collisions and parallelisms with

the President of the European Commission in everyday practice, and maybe even with the envisioned Minister of Foreign Affairs of the Union. In these – and in other similar – cases the Convention and the inter-governmental conference might have gone too far compared to realities and genuine requirements. However, these were not the concerns that dominated the debates over the Constitution and resulted in the rejection by the aforementioned referendums; rather, it was the lack of facing new challenges.

In retrospect of the more than two years of the constitutional process, the definite conclusion is that the participants only modeled the past and did not contemplate for future conditions. In accordance with the customs of the Union, old member states were seeking the way out mainly in the transformation of institutions. The legal-institutional structure of the Western-European integration is truly admirable of its kind. However, it is also obvious that this level of precision, meticulous economic regulation, legal regulation of all activities, legislation provided and directly applicable in all native tongues, can be only accepted, endured and efficiently implemented on the grounds of European cultural – including public administration – heritage. In other parts of the world, for example in the United States, Japan or in developing countries, this model would not be viable. However, even in Europe only the people who operate the integration directly – politicians, officials, and analysts – find pleasure in the perfection of the *acquis communautaire*. The business world generally has an aversion for excessive intervention by the state and is not fond of the meticulous regulation of market processes. Colloquialisms do not have a positive message for citizens either, it makes the impression of being elitist, isolationist, and secretive. These are all well-known facts, yet the Convention did not deter from its traditional path and considered its advice on legal-institutional structure reforms as its greatest achievement. The text, which resembled a true constitution at first, became over-complicated due to an offi-

cious change – insertion of the technical verbiage of Part Three – and as indigestible for the public as its precedents used to be. This step discredited the entire constitutional process and obscured the otherwise excellent proposals hidden in the inflated text.

THE PROBLEM OF THE “FOUR LIBERTIES”

The future of the enlarged Union was actually not on the agenda during the constitutional process. Old member states simply did not want to recognize that the acceptance of new members could involve qualitative changes as well. They considered enlargement as a mechanical extension of the existing model to their Eastern and Southeastern relatives. According to the “old-boys-club-mentality,” they mainly derived from the principle that entering countries should adapt completely and unconditionally to the Union. Candidate countries as well as other states that wish to join the Union accept this principle without a dispute, but political willingness does not eliminate objective changes or solve the problems that inevitably result from the enlargement of the integration. These problems are mainly associated with the common budget and the “four liberties” that constitute part of the Union’s foundation. The draft Constitution mechanically repeats the thesis of free movement of people, goods, capital, and services that are fundamental rights in the classical model of the European Union. As the integration took a significant step – by adopting the Charter of Fundamental Rights and suggesting its inclusion in the Constitution – towards defining and enforcing individual (or rather EU citizens’) rights, these “liberties” emerge more definitely as individual rights besides being governmental deeds.

Regarding the debates on the French and Dutch referenda, it is obvious that most of the criticisms and aversions were associated with the extension of the four liberties to the new member states. In France, the threatening figure of a “Polish plumber” became a symbol of cheap competitors flooding the labor markets

of old member states. There was less talk about the fact that the governments of the EU15 heavily restrict the immigration of the work force of new member states and they are entitled to do so for seven years following the enlargement. The real figures of labor force mobility give as little reason for serious alarm as they did at the time of acceptance of Spain and Portugal, when the alarm bells were also rang.

Capital transfer from old member states to new ones is also subject to heavy criticism. There is no distinction made between the capital that remains within the European Union and the one that actually leaves the area of common economic activity and moves to other regions. However, the two cases are not identical as location of industrial investment inside the Union serves common interests by increasing potential exports, improving employment indicators, and – hopefully – competitiveness as well. Compared to the rejection of free movement of people and capital in the Union, the stormy reaction to the draft of the *Bolkestein*-directive for the increased freedom of services is just “icing on the cake.” It is common in the intentions of restricting the movement of capital, work force, and services that the major reason for resistance was the competitiveness – primarily due to the lower level of wages – of new member states.

Since technical elements of the Convention’s work were limited to the aforementioned legal-institutional aspects, there were no means and demand either for economic analyses or for measuring the expectable reaction of the public, and polling the political acceptance of the planned measures. However, it would have been better to think over in advance the consequences of codifying the “four liberties” – the fundamental rights of every member state and citizen – in conjunction with maintaining unchanged political willingness for accepting the application of “every European country.” Rejection of the Constitution now calls the attention to the fact that above a certain level of wage difference, the practical enforcement of the “four liberties” infringes the political tolerance

of member states that have higher living standards and income levels. The majority of French and Dutch voters do not agree either with the free entrance of the work force of new member states to their domestic labor market or with the transfer of domestic capital to new member states of the Union that offer cheaper wage costs. Thus, they have retrospective misgivings about the respective sections of the accession agreements and do not want to hear about other poor countries becoming members of the Union under the same conditions. In this respect, their own citizens do not support the governments of the EU15. Moreover, interests of employers and entrepreneurs are confronted as well. The latter has directed mostly and typically the actions of the Union. Establishment and continuous development of market freedom and field of play have allowed free crossing of internal frontiers and connection of national markets in the interest of entrepreneurs, so that they could unify factors of production in an optimal combination in their expanding sphere of operation. The masses of employees have rejected this opportunity in respect of the enlarged Union. Since their governments acted – admitted new countries in the Union and promised membership for others – without their consent, they voted no in a context that is difficult to manage politically, and which is a very important subject, the Constitution. This outcome also raised doubts on the further development of the integration.

In any circumstance of continuing the constitutional process, it will be inevitable to revisit the validity and conditions of the four liberties of integration. It is obvious that the issue cannot be managed on a political level and by political means, because it creates anger, generates conflicts, and results in rejection. Rather, experts should initiate the analysis of this problem. Market expanding and enterprise optimizing impacts envisioned under homogeneous conditions of integration should be transposed to an economic area of increasing heterogeneity.

Upon completion of the analysis, experts must determine the limits within which posi-

tive effects dominate, and the point at which idealized mechanism of integration will turn wrong, such as where integration starts undermining industry and jobs, reducing economic performance and increasing various costs. Unlimited enforcement of integration liberties is an open-minded idea; it generates positive effects in a homogeneous economic environment, and under favorable economic conditions. Market liberalization primarily serves entrepreneurs' interests in the integration when an activity involves several national markets, meaning that it is worth and possible to optimize the factors of production inside – or outside – the Union. Exploitation of the integration dimensions prepares for international competition by increasing the number of competitors. However, there are short-term losers (employees who lose their jobs and enterprises that go bankrupt) on the way of achieving long-term advantages, and these provoke political discontent. The European Union outlines a continent-size empire in which the “provinces,” such as the member states, govern and control the central bodies. In such a distribution of power, partial interests rule over common interest. The partial interests of old member states – that have higher living standards and a more refined social welfare network – require the restriction of integration liberties related to the enlarging and increasingly heterogeneous economic area.

MANAGEMENT OF HETEROGENEITY

One of the key questions of the further development of European integration is generally the management of heterogeneity. This task has primarily been reduced to regional policy from the beginning until now. Managing the differences in levels of economic development used to be limited to the development of and assistance provided to regions within a member state (e.g., Southern-Italy). Later enlargement resulted in the requirement of developing entire states (e.g., Ireland, Portugal etc.). Because of the most, recent expansion towards the East, new and potential future member states consti-

tute a transnational region; the Eastern part of Europe which is waiting for transfer of funds provided by the contributions of the original group of wealthy member states.

Conflicts about the next long-term budget of the European Union do not relate only and primarily to the income and expense items of the period between 2007 and 2013, but also to the potential long-term political consequences of present-day decisions. Net contributor states, led by Germany, are right about that their number is not going to increase, while there is a long line of potential net beneficiaries in front of the Union's gates waiting for admission and the associated large amount of supplementary funds. The reasons for granting these funds include a certain rebalancing of internal market conditions, supporting investments for public benefit (e.g., construction of transportation corridors, reinforcement of external frontiers, etc.), and expressing solidarity between member states. From these, the most tangible and defensible is promoting projects that represent a communal benefit. Today, it is obvious that the common agricultural policy, which requires significant funds, needs fundamental reforms. One way to escape from this situation is to stop the disoriented – surplus production encouraging – subsidization of produces and cultivated areas, and start transforming the determined objectives of rural development into a regional policy. This action might change the role and budget position of regional development. At the same time, it is less known regional policy also requires reforms, since not all of its actions serve the set rules of reducing the development gap of underdeveloped or less-favored regions, and strengthening the cohesion of the community. Moreover, the European Convention did not address the structural problems of the common budget, despite that it is also in a poor state and ready for reforms. These unresolved problems cause conflicts between member states when negotiating the final budget, furthermore, constitute reasons for political

tensions that can surface all of a sudden – such as the French referendum.

The constitutional process could have been a kind of conclusion to the integration process. By analyzing the lessons of the Western-European unification process while taking into account the expectable impacts of enlargement to the East, a model could be set up that would provide a real institutional basis for harmonious cooperation for another half a century. However, this work should be extended to assess the future as well. There are issues of great significance waiting for decision in the European Union that will determine the framework and objectives of the organization's operation for a decade. First, the 2007-2013 budgets must be finalized. At the same time, a critical analysis of the common budget must begin that does not back away from a fundamental transformation of agricultural, and consequently, regional policy. This analysis should also consider involving the new and would-be members in the system of fund transfers in a way that is acceptable for the net contributor countries. Heterogeneity must be put on manageable political tracks in the further expanding Union. The possibility partially existing and partially outlined in the draft Constitution for developing an “enhanced cooperation” must be confirmed by more rapidly integrating member states. At the same time, the economic preconditions for “integration freedoms” should be established. This would provide an appropriate way to integrate new member states, with relatively low levels of wage and economic performance, in the mechanisms of the common market. Finally, an enlargement schedule, as precise as possible, should be developed for the next decade. This would serve as a guaranty for those candidates that are prepared, but would not allow for unfounded hopes for countries that require a relatively longer waiting and transition period due to their unpreparedness or of that of the Union.

NOTES

- 1 By Attila Ágh, *Magyar Hírlap*, August 20, 2003.
- 2 According to the so-called Lisbon Agenda, “The new strategic goal of the European Union is, for the next decade, to become the most competitive, dynamic, and knowledge-driven economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion.” (Presidency Conclusions by the Lisbon European Council, point 5, March 23-24, 2000).
- 3 Ten countries – including Hungary – joined the European Union on May 1, 2004. Another two countries – Romania and Bulgaria – fell behind and presumed to become member states on January 1, 2007.
- 4 During the Saloniki Summit, Croatia, Serbia-Montenegro, Bosnia-Herzegovina, Macedonia and Albania were promised that, on condition of meeting the requirements, they would become members of the European Union.
- 5 The population of Norway rejected accession proposed and negotiated by the Government twice, in 1972 and in 1994. In 1992, Swiss voters rejected even the idea of the preceding stage of unification, the European Economic Area. Iceland deliberately stays out of the Union fearing that, being a small country, it would not be given sufficient weight in the organization.
- 6 The rights of the thirteen candidate countries differed in two aspects from those of member states. On one hand, they were not allowed to take a common position that would have been contrary to the ideas of the EU15; however, this would not have happened anyway. On the other hand, translation to their native languages was not provided to them, but they were allowed to organize translations at their own costs, by using their own translators brought from home. A couple of countries occasionally exploited this latter opportunity.

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