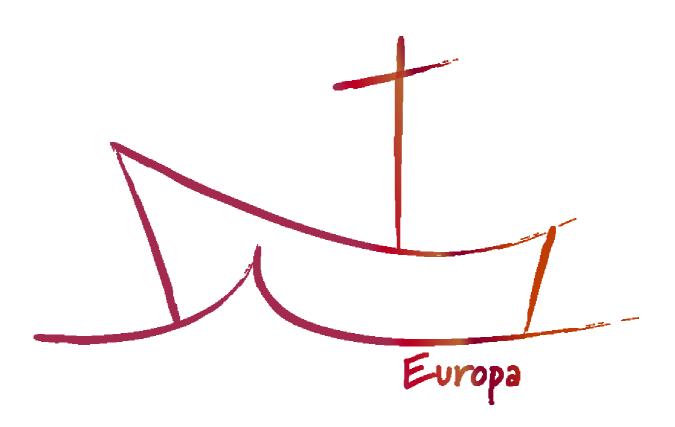
Conference of European Churches Church and Society Commission

The Relation of the European Union and Turkey from the Viewpoint of the Christian Churches

Discussion Paper



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1. Introduction

The accession of ten new Member States in 2004 will bring about significant modifications of the political, economic and social dynamics of the European Union. The character of the Union will change substantially. The 2004 enlargement of the Union is often described as, in reality, the end of the Cold War; it is synonymous with the expansion of freedom, justice and reconciliation in Europe. 2007 will mark the next step in the enlargement of the Union through the accession of Romania and Bulgaria. This will complete the large-scale accession of the countries of Central and Eastern Europe for which the Union and its new members have been working for more than a decade. In December 2004, however, the Union is set to make a further significant decision regarding its enlargement. It will have to give a definite answer to the application of Turkey for membership of the Union and the eventual start of accession negotiations.

In December 1999 Turkey became the European Union's (EU) first candidate country for full membership with a predominantly Moslem population. The history of the relationship between the EU and Turkey goes much further. Turkey applied for full membership of the European Economic Community (EEC) in 1959 - resulting in the 1963 Association Agreement. In 1987 Turkey applied for full membership of the EU. In the 1995 a Customs Union between the EU and Turkey was completed. The definitive response to the application of Turkey to become a full member of the Union has been not given vet. This situation raises a number of comments and serious deliberations on the level of the EU member states and the Union, and also amongst influential decision-makers in Europe and overseas, lobbying groups, civil society, academia and the churches.

Much has been said about the political and economic criteria of EU membership. These have been the subject of scrutiny particularly from the Council of Europe, European Parliament and the European Commission. Careful attention in the scrutinising process is being paid also to other dimensions of political and social life of Turkey, and in particular to the implementation of structures of democratic governance. The central role in this process is given to the scrutiny of the standards of human rights. The European Commission has provided detailed information regarding the progress of Turkey towards accession on the basis of the economic and political conditions known as the 'Copenhagen criteria', according to which a prospective member of the Union must:

- be a stable democracy, respecting human rights, the rule of law, and the protection of minorities;
- have a functioning market economy;
- adopt the common rules, standards and policies that make up the body of EU law.

The efforts and positive achievements of the current Turkish government's reform packages, which has been intensified in the last period of time have been recognised. It has, however, been stated that, *'in spite of some positive developments on the ground, the reforms have produced limited practical effects. So far, implementation has been slow and uneven.'* ¹

Churches in Europe are fully engaged in the discussion about the European integration process. Individual churches or church ecumenical organisations have expressed their positions on various aspects of the process.² Churches have been its strong supporters. At the same time, however, the churches have reminded that the process of European integration could be successful only if it is not limited exclusively to political and economic dimensions. A functional common market, though recognised as an important component of the process, must not be seen as the principal objective. The European Union has been founded as a community of shared values. Recognition, observance and respect for these shared values are the fundamental principle of the Union as well as the major driving force of the

¹ European Commission, 2003 regular report on Turkey's progress towards accession.

² e.g. Churches in the Process of European Integration, CEC, 2001.

European integration process. Against this background the churches also look on the perspective of Turkish participation in this process. Some of the CEC member churches have close relations with the minority Christian population in Turkey and some are based in Turkey; they are especially interested in being actively involved in discussions about the role of Turkey in relation to European integration - notably the Ecumenical Patriarchate, the Church of Greece and the Evangelical Church in Germany. There are also a number of other churches in Europe following this process with close attention.

The Positions of the churches on the concerns of society in Europe express their basic respect for human rights and religious freedom. They are, however, not limited to these areas. Churches' concerns also include a respect for history, reconciliation and the overcoming of wounds caused by the historical relationship between Turkey and its neighbours.

2. Vision of the European Union

The possibility of Turkish accession into the Union is a step with far-reaching consequences. The accession of Turkey cannot be compared with previous enlargements of the EU. If the accession of ten new countries in 2004 (including eight from central and eastern Europe) has been compared with the creation of a new Union, the same should be considered with Turkey. Population size, the cultural-religious background and strategic-political deliberations lead to a conclusion that this would be a step with no less significance. Is the Union ready for serious deliberations and effective work on the definitive preparation of such a step so soon after the 2004 enlargement? What would be the political, economic and social consequences of such decision? The question of the ability of the Union to get along with social changes in a sensible way, as well as the question of internal social stability in the Union have to be raised as a significant part of the deliberations. In preparation for a decision on the future relationship of Turkey to the Union, the structural elaboration of a vision for the Union is necessary, which would include not just economic, but also political and social analyses, as well as an analysis of the ultimate goal of the Union.

The opening of negotiations suggests a conclusion in a foreseeable timescale. The Union is now in the midst of the process of its own re-evaluation. The 2004 enlargement and its implementation is fully on the way. The Constitutional Treaty is not yet finalised. Even if the Union were able to find a solution to the current difficulties and would reach an agreement on the Constitutional Treaty by the end of 2004, a number of Member States will afterwards be obliged to organise referenda which would confirm the proposed text and open a way for its implementation. By starting accession negotiations with Turkey, the Union would be taking a serious risk in embarking upon new and significantly challenging procedures before the previous one is finalised and fully implemented. Stability of the Union needs to be a primary issue and the question of the accession of Turkey needs to be evaluated from this perspective.

The fact that a decision about Turkey's accession will also be required from the governments of the Union's new Member States joining the Union in 2004, in which societies still have to go a long way before they are fully familiarised with Union's impact on their everyday life also needs be taken into consideration. Successful enlargement of the Union is indeed not limited to/completed at the moment of celebration on 1 May 2004 but it means a process, in which it is absolutely necessary to tackle the significant question "what is the Union about?" on the various levels of the societies in those countries. This substantial question has to be answered not only on the level of governments, but also on the level of hearts and minds of individual people in society. What will mostly matter for the new EU citizens is their personal experience with the Union. It would be preferable not to mix this gradually developing experience of new EU membership with other significant new elements, which would considerably

change the content of the original question.

The eventual enlargement of the Union by the accession of Turkey must not be seen only as a next step in the continuing expansion of the Union. The European Union must not be built against the background of perceived geopolitical The decision about interests. the accession of Turkey to the Union has to be based on the agreed and declared Union's values and the way they are lived. How far would this accession contribute to the enhancing of justice and freedom not only on the territory of the potential new Member State but also on its existing territory? How far would it contribute to the stability of the Union and the continent? How far would it contribute to the improvement of the life of its citizens? The Union's expansion and the quality of life of its citizens are two motifs, which need be identified to and distinguished in this process.

By the accession of Turkey, the Union may potentially increase its political and economic prestige on a global scale. The Union may also increase its valuable multicultural richness. There is, however, a real danger that this will be achieved in this particular time at the expense of its internal cohesion and internal stability. The Union could potentially increase its power and international recognition. Yet at the same time the Union may find itself on the edge of loosing a substantial part of its own raison d'être. The danger of overstretching the Union is at the current stage a real one.

The concern of churches is primarily the life of the people. The arguments of the churches follow their vision, which is life in its fullness, neither limited purely to the area of specific concerns nor influenced by power. considerations of geo-political the Churches may come to same conclusions as other institutions, which provide deep analyses of some particular areas which influence the quality of life, as e.g. human rights. Churches are however not bound by that. In a number of areas they are ready to contribute by their own insides to uphold a vision of quality of life for people in its fullness. Impacts of the process of integration in Europe and the question of accession Turkey to the European Union are evaluated by the churches in Europe from this perspective.

3. Human Rights

The problem of respecting, honouring and implementing human rights in Turkey have taken an enormous amount of time and energy by European political institutions, national governments and a number of civil society groupings. In summarising the outcomes from available studies and reports in this particular area we would like to underline the arguments and opinions presented by the Parliamentary Assembly of the Council of Europe, the European Parliament and the European Commission. The main conclusion presented in the official documents of these organisations is that at the present stage, despite a significant effort by the Turkish government in recent years in making progress towards the implementation of changes in the judicial system and country's democratic procedures, the standard of human rights in Turkey is still not compatible with the standard of the Union and the standards expressed in the European Human Rights Convention signed also by Turkey.

The Parliamentary Assembly of the Council of Europe in its Resolution 1297 (2002)³ which was followed by the Resolution 1576 (2002)⁴ paid attention to the most important and still unresolved cases in area of human rights. These cases notably raise issues relating to:

- respect for life (Article 2 of the European Convention on Human Rights) and the prohibition of torture (Article 3);
- freedom of expression (Article 10);
- the right to a fair trial (Article 6);

³ Resolution 1297 (2002) Implementation of decisions of the European Court of Human Rights by Turkey.

⁴ Recommendation 1576 (2002) Implementation of decisions of the European Court of Human Rights by Turkey.

• the problem of missing persons and violations of the human rights of the Greek Cypriots in northern Cyprus.

It was noted that 'despite the progress recently achieved, the Assembly cannot but regret that **a number of important problems remain outstanding.** These include insufficient protection of the rights of minorities – ethnic as well as religious – notably the right to use minority languages. The Assembly also 'deeply regrets that the new legislation on the reopening of proceedings adopted by Turkey in August 2002 expressly excludes any possibility of complying with the Court's judgement.' ⁵

These outcomes have been underlined also in the report of the European Parliament on Turkey's application for membership of the European Union. Notwithstanding, Turkey has made progress in regard to international conventions on human rights, for example it is stated that:

- Turkey has not yet deposited the relevant instruments of ratification with the UN and the Council of Europe.
- Turkey has not signed the Optional Protocol to the UN International Covenant on Civil and Political Rights, the Council of Europe Framework Convention for the Protection of National Minorities, the Revised European Social Charter or the Statute of the International Criminal Court.
- Turkey still faces problems in relation to the execution of judgments of the ECtHR.
- Turkey has not yet taken all the necessary measures – prescribed by the Court in 1999 – to redress a number of violations of the right to freedom of expression, namely the striking out of criminal convictions unjustifiably imposed and the restoration of civil rights. Neither has Turkey fully rectified the problems caused by a number of erroneous

payments of just satisfaction in the period 2000-2002.6

4. Religious Freedom

With respect to freedom of religion, Turkey has recently concentrated on the adoption of measures in the areas of property rights and the construction of places of worship. But the impact of these reforms has been limited up. However, much more important is that non-Moslem religious minorities continue to face serious obstacles with respect to legal personality, internal management and a ban on the training of clergy. This goes hand in hand with an obstructive approach by the Turkish authorities towards non-Moslem religious communities. As an example, the public use of the title Ecumenical Patriarch has been a cause of tension. In June 2003 Turkish public officials were instructed not to attend a lecture delivered by the Orthodox Patriarch Bartholomaeos I on the grounds that the invitation to the ceremony referred to the Patriarch as Ecumenical.

In September 2003, representatives of four major non-Moslem religious communities (Greek-Orthodox, Catholic, Armenian and Syriac) made a joint appeal to the Turkish authorities calling on them to solve all outstanding problems. Regarding these concerns we have to underline following findings presented in the European Commission report:⁷

Property Rights

As regards property rights, the Law on Foundations was amended as part of the further reform package and a Regulation was issued in January 2003. The Regulation removed the need for foundations to obtain permission from the Council of Ministers in order to acquire, dispose of and register properties (as required by an earlier regulation issued in October 2002). The regulation still however creates problems for non-Moslem religious communities,

⁵ Report of the European Parliament on Turkey's application for membership of the European Union, COM(2002)700-C5-0104/2003-2000/2014(COS), May 2003.

⁶ European Commission, 2003 regular report on Turkey's progress towards accession, p.23-24.

⁷ European Commission, 2003 regular report on Turkey's progress towards accession, p.34, ff.

including the Roman-Catholic and Protestant communities. The question of confiscated properties, which is a major for non-Moslem religious concern communities, has still not been addressed. Given these communities' lack of legal status, their properties are permanently at risk of being confiscated and attempts to recover property by judicial means encounter numerous obstacles. The Greek Orthodox community, in particular, has recently resorted to the ECtHR in order to regain possession of some of its seized property. With regard to the registration of property, foundations have encountered significant difficulties. Official sources state between 2001 and 2003 that 406 foundations were dissolved. The boards of foundations encounter particular problems with respect to elections, which if not held can threaten their existence. As boards require an electorate in the catchment area surrounding the foundation, and electors may have moved out of these areas over time, it is not always possible to hold the elections. If elections are not held in due time, property confiscation may result. There are a few examples of catchment areas being enlarged to accommodate this problem, but the vast majority of foundations have not been able to benefit from these changes.

Places for Worship

As far as permission for construction of places of worship is concerned, the Law on Public Works has been amended as part of the sixth reform package, followed by the issue of a circular in September 2003, replacing the word "mosque" with the phrase "places of worship", meaning that churches and synagogues will now be covered. The Protestant community in particular has experienced difficulties in finding places in which to worship. The Protestant church in Diyarbakýr still has no legal status, although in practice it has been open for worship since April 2003.

Religious Training

The ban remains on the training of clergy for religious minorities. Given the decreasing number of priests within their churches some religious minority communities feel threatened by this ban. In spite of repeated requests, the Halki seminary remains closed, although in August 2003 the authorities undertook to reconsider this matter and later expressed the intention to open it. Limited resources prevent the vast majority of minority religious communities from training their clergy abroad, and nationality criteria restrict the ability of non-Turkish clergy to work, for example, for the Syriac and Chaldean Churches, or to become the Ecumenical Patriarch. Moreover, non-Turkish clergy continue to experience difficulties with respect to the granting and renewal of visa and residence permits.

Difficulties persist in view of the fact that the deputy head of religious minority schools is a (Moslem) appointee of the Ministry of National Education, with greater authority than the head. The fact that clergymen and graduates from theological colleges are banned from teaching in schools has created difficulties related to the teaching of minority religions.

A positive development has been the finalisation of the exercise to redraft the descriptions of Christian denominations in religious education textbooks. These had been criticised by many religious minorities for being subjective and inaccurate. The communities are expecting textbooks to be revised accordingly. There is a ban on the publication and import of non-approved religious textbooks, and there have been cases of books being confiscated by customs officials.

An expert group meeting on freedom of religion took place in Ankara in July 2003, organised jointly by the Turkish authorities and the European Commission. Experts from EU Member States and Turkey exchanged information on the standards and practice of freedom of religion in EU Member States. They concluded that the legal reforms adopted so far were insufficient, that legislation in this area should be revised on the basis of the generally accepted principles of non discrimination, equality and cooperation, and that an overhaul of the laws on associations and foundations based on EU standards, and taking into account the case law of the ECtHR, was necessary.

5. Values of the European Union

Alongside the elaboration of the abovementioned issues, there are also other elements of the value debate which have not until now been sufficiently articulated and remained mostly outside the centre of attention. Next to respect for human rights, their observance and the full implementation of religious freedom - which are necessary components of the democratic life - there is also in question the whole set of values, which are inseparably connected to the life and existence of the European Union. Values which have been articulated at the foundation of the Union and then successfully developed, how they were observed during the existence of the Union on its territory and the way they were incorporated into the legally-binding documents of the Union.

Speaking about values and the European Union, the churches do not challenge the dominant Moslem values of Turkey as a principal obstacle for the eventual accession of Turkey to the Union. Unlike many of the supposedly "Christian" countries within the European Union, Turkey is mentioned in the Bible. The impact of Turkish locations, such as Antioch, has played a crucial role in the development of Christian history and theology. The conquest of Constantinople by the Islamic armies in 1453 paved the way for Turkey to develop a rather different identity. Turkey has thus become a meeting point between eastern and western cultures, creating tensions as well as opportunities.

The question of values and their implementation nevertheless plays a crucial role for the stability and internal cohesion of society. For this reason it is of utmost importance to ask: Are the values represented by Turkish society the same as the values on which the European Union is built? If not, are the different sets of values compatible? These are serious questions of fundamental and far-reaching importance. To achieve a proper answer to them, they need to be studied in the broad context of the evaluation of what values society generates and what place they have in dayto-day life. Consideration should be given to values anchored in the Charta of Fundamental Rights as well as the draft of the EU Constitutional Treaty. From the perspective of churches attention needs to be given in particular to a careful study of values such as:

- justice and freedom;
- reconciliation;
- peace and stability.

These values are a significant part of the Union's foundation. Compromising them would mean to compromise the real existence of the Union. Not respecting them would mean to seed elements, which could potentially endanger the foundation, stability and the future existence of the Union.

Justice and Freedom

Honouring justice and respect for freedom of the individual are core values of the Union. Churches fully respect the work being done in areas of protection of universal rights of justice and freedom by other organisations and they broadly share the presented conclusions. The standard of the Union is to respect traditions of all churches and faith communities. The situation of the Christian minority in Turkey, particularly the lack of respect for the history and traditions of Christian communities, does not suggest that this would be the case in this country. Support for interfaith dialogue and development of fair and full implementation religious freedom for religious of communities seems not to be shared by Turkey in the same way as it is in the European Union.

Reconciliation

Turkey is a country whose society is reconciled neither within its own border nor is the country reconciled with its immediate neighbours. Turkey has an immense problem in how to accommodate its ethnic minorities in a democratic manner living on its territory. There is at stake not only the numerous Kurdish population, but also unresolved problems with the Armenian one. Some questions of recent history in the country and, in particular, accusations of genocide in 1914 against Armenians were never given a satisfactory explanation. This situation raises questions about respect of human rights and respect for the dignity of a person. It also provides an indirect report about the internal status of society. The unresolved situation of Cyprus⁸, in which Turkey plays by its direct and indirect influence a decisive role, suggests that values of reconciliation have a different status in Turkish society compared with that which has developed on the basis of long and sometimes painful experiences in the countries of the Union.

Peace and Stability

Internal tensions within Turkish society and lack of peace, and reconciliation within its own borders have implication for relations with Turkey's neighbours. Turkey is not reconciled with and is not living in peace with its neighbouring countries, where particularly careful attention needs to be given to relations with Iraq and Armenia. In the event of Turkish membership of the EU this raises immediate questions about the quality of relations with the Union's immediate neighbours and also questions about status of the Union's external border. The EU's external border would become a boundary with a region of high tension and instability. The consequences this will have for the protection of the Schengen border should be of serious consideration. If Turkey would be not expected to become part of the Schengen area, this would significantly diminish the objective of EU membership, particularly after the standard requested from the 2004 accession countries. In that case, however, the question of double standards would need to be addressed.

Different Value Traditions

The question of values is of crucial importance. What values are generated and lived in the society? Over recent centuries Turkey went through a different history compared with the countries of Western as well as Central and Eastern Europe. The Islamic heritage of Turkey has its own considerable strengths, yet theses values can differ significantly from the Christian heritage prevalent in the rest of Europe. The historical period and outcomes of Enlightenment, which had so strong an impact on political culture and societal habits particularly in Western Europe, had no direct equivalent in Turkey.

Turkey experienced dramatic changes in the 1920s and beyond as a result of the political and social reforms introduced by Mustafa Kemal Atatürk. The new republican system of government introduced notable political reforms, including a formal separation of the state from religion and attempted at social reorientation towards Europe, which strongly influenced the country's legal system. The social and educational systems were significantly influenced by the change in alphabet, which was perhaps the most tangible sign of social reorientation towards the west. Though highly visible (and influential towards the thinking of the wealthy urban elite), how deep do such reforms run throughout Turkish society?

The question of production of values in society, their roots and tradition, implementation and application in day-to-day life are of crucial importance for social cohesion. Historic developments as well as analyses of the current status of society lead to the conclusion that in spite of Atatürk's reforms the values of Turkey are generated by sources differing from most of other countries in Europe. The influence and scope of these differences as well as their impact on the character of society need to be fully clarified and answered before crucial decisions are made which may eventually endanger social cohesion in the present Union. Before taking a decision on Turkey, the EU should consider whether the Union is ready for membership of a country where the social order and

⁸ In the middle of February 2004 the negotiations convened by the UN Secretary-General were concluded with a renewed hope that measures towards the reunification of Cyprus would possibly be formally agreed by 1 May 2004, the date of Cypriot accession to the European Union.

values radically differ from historical development elsewhere in Europe. The role of religion in society and the current status of the relationship between Christianity and Islam – the two major monotheistic religions of the region must not be in the social dynamics overlooked.

6. History of South-Eastern Europe and the Process of Reconciliation

The accession of Turkey to the Union should not be seen without its implications for the other countries of South-Eastern Europe. Discussions about the relationship of Turkey with the EU should not be completed and a final decision about Turkish membership should not be taken before those countries are fully part of the discussion. The EU started 28 а reconciliation project between France and Germany. The project has been up until now successful only because the initial member countries were able to find mutual guarantees that historic animosities - which caused major pain - must not be repeated. Any decision about accession to the Union should not be made before intensive discussions, sufficient clarifications and mutual guarantees are made between Turkey and its current and future EU neighbour countries. The process for the healing of memories should be fully in place before any formal political negotiations. This needs to be fully considered not only in the case of the relationship of Turkey to Greece and Cyprus, but also to Bulgaria and Romania. This will, however, not be possible before full membership of all the respective countries in the Union. If this step were omitted, a risk of development of new divisions along with a revival of old ones would be a major threat for the internal stability, cohesion and friendly relations among the nations inside the Union.

The history of the European continent should not be forgotten. Countries under the Ottoman occupation often had to live under severe conditions. This fact is not completely forgotten even though it happened in the 16th and 17th centuries. The

Ottoman expansion was halted at Vienna in 1683. Western Europe has not been touched by this experience as much as South-Eastern Europe. However the sensitivity of South-Eastern Europe to its history needs to be taken into consideration. Experience, present as well as past, and feelings of the people in South-Eastern Europe need to be fully valued. It needs to be recognised that modern Turkey is not the same political entity as that one from the 16th and 17th centuries. Nevertheless, the culture. traditions and way of life that characterise Turkey are far distant from the one, which has roots in the other countries of South-Eastern Europe. Reconciliation, healing of memories and overcoming of the heritage of the history need to be managed not only on the political level, but primarily on the level of society, culture and traditions.

7. Impact of Turkey's membership in the EU

Turkey is a large country with more than 70 million citizens. On becoming a member of the Union it would become, as far as the size of the population is concerned, the EU's second largest country. Demographic development in Turkey is moving in the opposite direction from that of other EU countries and this will further accentuate this situation in the foreseeable future. Adding to the EU structure a country as big and as different in terms of democratic, cultural and religious traditions as Turkey may create dynamics inside the Union with consequences that are difficult to detect beforehand. Taking into account all differences between Turkey and other European countries, the question is: would the Union be prepared in a given moment to have as a member a country as big as Turkey and with so different a religious cultural, social and background, without destabilising its own procedures and dynamics? Can the rapid increase of cultural and social variety in the Union, caused by the eventual accession of Turkey, be handled in a sensible way given the current situation of the Union?

Large Turkish communities are now already settled in many countries of the European Union. This population will most probably significantly expand after Turkey becomes a full member of the European Union, which guarantees free movement of person for all its citizens. Strong family ties traditional in Turkish society should not he underestimated. It is significant that a country such as Germany (with a large Turkish community), having presented such an anxiety from the potential flow of immigrants from the new member states of Central and Eastern Europe, out of internal political reasons does not raise the same concerns in the case of Turkey.

8. Conclusion

The question of opening the negotiations on the potential accession of Turkey to the Union should not be judged only as a question of short-term political and economic interest. It should be considered on the basis of serious deliberation about substance of the Union. the This discussion has been launched in relation to the work of the EU Convention on the future of Europe. It should not, however, be considered as finalised with the work of the The Union needs at the Convention. current stage a serious discussion and more clarity about its own substance and vision before further substantial decisions are made.

The decision about the future relationship of Turkey to the European Union is of principal importance for the Union. It is not a simple decision about having one more or one fewer member states in the Union. This decision is closely related to the correct judgement about the dynamics, which influence life, character and cohesion of society within the Union. A decision which will ultimately bring strong new elements into the mechanism of the greater Union needs considerably scrutiny, focusing not only on economic and political arguments but also those, which take into consideration the scope of social forces and relationships. There is a danger that a decision could be taken which fails to take into account such dynamics and this could potentially threaten the internal cohesion, raison d'être and substance of the existing Union.

The accession of ten new Member States in May 2004 provides not only an opportunity for the Union but also a challenge. It is not only the expansion of the Union by 100 million new citizens and a significant expansion of the European common market. By such a significant expansion the internal balance of the Union will be shifted. It will take some time before the new situation is stabilised and fully accepted on the operational level. Churches should not be and are not against accession of any country to the Union. They warn, however, against destabilisation, whatever future development the Union may embark upon. Clear answers to the questions about the substance of the Union need to be a part of the discussion. Do social and not only economic and political values lie at the true heart of the Union? Or is the Union built only on geopolitical and economic interests? The decision about the relation of Turkey to the Union is the acid test in looking for the answer to these crucial questions.

Brussels, February 2004.