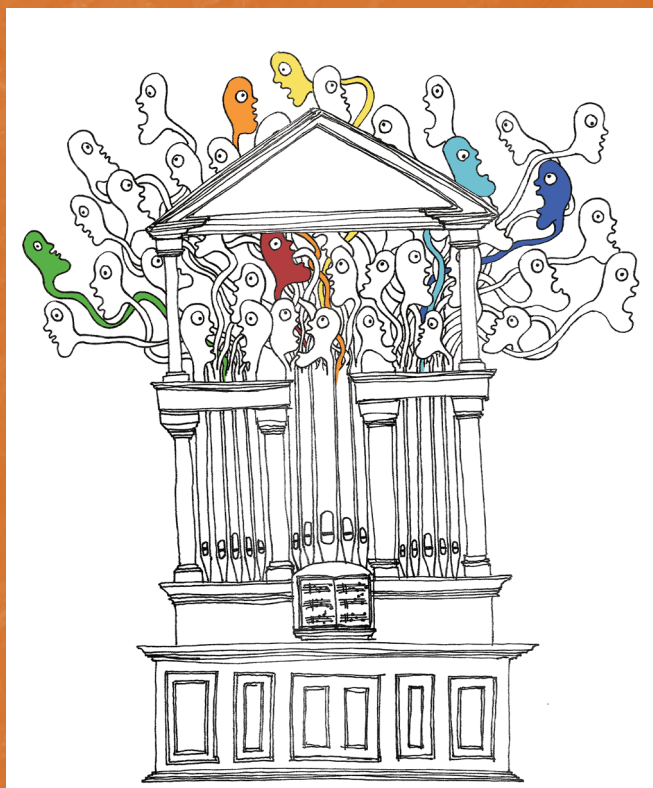


# Intercultural Dialogue and Multi-level Governance in Europe

A Human Rights Based Approach

Léonce BEKEMANS (ed.)



P.I.E. Peter Lang

This book offers an interdisciplinary and in-depth analysis of the relationship between intercultural dialogue and multi-level governance, seen from a human rights-based perspective. It brings together papers that were originally presented at international workshops organised by the Jean Monnet Centre of Excellence of the University of Padua in 2010-2011 with some additional contributions. The authors deal with a broad and diversified framework of concepts, policy approaches and linkages between multi-level governance and intercultural dialogue, particularly in the fields of education and civil society participation. The volume follows a multi-disciplinary approach and presents these readings and reflections for an audience of scholars, as well as individuals and organisations interested in issues around human rights, governance, education and civil society. Its innovative approach addresses the complex issues of today's societies, which are in need of sustainable, coherent and responsible answers at both the conceptual and the policy level.

In short, the book proposes a reading of interconnecting trajectories from governance building, education and civil society to intercultural dialogue in Europe. It is grounded in a human rights perspective and responds to the need for a policy-oriented but value-driven European future.

**Léonce BEKEMANS** holds the Jean Monnet Chair for Globalisation, Intercultural Dialogue and Inclusiveness in the EU at the University of Padua, where he is academic coordinator of the Jean Monnet Centre of Excellence and collaborates with the Interdepartmental Centre on Human Rights.





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Bruxelles · Bern · Berlin · Frankfurt am Main · New York · Oxford · Wien



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# **Intercultural Dialogue and Multi-level Governance in Europe**

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Multiple Europes  
No.47



UNIVERSITÀ  
DEGLI STUDI  
DI PADOVA

Interdepartmental Centre  
on Human Rights and  
the Rights of Peoples



Jean Monnet European Centre of Excellence  
“Intercultural Dialogue, Human Rights & Multi-level Governance”

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Education and Culture DG  
Lifelong Learning Programme

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*I would like to live in this kind of cosmopolitan Europe, one in which people have roots and wings. (Ulrich Beck)*

*I do not want my house to be walled in on all sides and my windows to be stuffed. I want the culture of all the lands to be blown about my house as freely as possible. But I refuse to be blown off my feet by any.*  
(Mahatma Gandhi)

*Ideas have wings; they fly like birds. (Youssef Chahine, Destiny, 1997)*



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## Editorial Note

I would like to express my sincere gratitude to the Jean Monnet Programme of the European Commission. It has allowed for an ongoing support to teaching and research activities on the subject of intercultural dialogue from a multi-, inter- and transdisciplinary perspective. The Interdepartmental Centre on Human Rights and the Rights of People of the University of Padua, in particular Prof. Antonio Papisca and Prof. Marco Mascia provided a permanent stimulating content and context setting. The various authors of this book present valuable and diversified contributions which are relevant to a fuller and in-depth reading and comprehension of the ongoing debate on the complex relation between intercultural dialogue and multi-level governance. Last but not least I wish to thank the students of my Jean Monnet Course “Globalisation and Inclusiveness in the EU” as well as the many students who participated to various workshops organised by the Jean Monnet Centre of Excellence of the University of Padua. Their active interest in the theme resulted in a fertile process of mutual learning of teaching and research which gave ample satisfaction and content impact.

I would also like to thank the administrative staff of the Interdepartmental Centre for their continuous support and assistance. Without the diversified help of many this book would not have seen the light on time. An especially warm word of gratitude to Claudia Pividori, who as a research assistant helped with caring precision to develop in a short time many versions of the written word and vision to the final book. She was helped by Federica Napolitano. A last word of thanks goes to the editing house P.I.E. Peter Lang for its swift and efficient collaboration to produce the final outcome in its “Multiple Europes” series.

Léonce Bekemans

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University of Padua*



# **General Introduction**

Léonce BEKEMANS

## **I. Premises**

Various political, economic, social and cultural processes of transformation are taken place in the era of globalisation. Europe presents itself to this globalising world with an immense wealth of cultural, social and linguistic diversities. However, in today's global era Europe is confronted with the preoccupation and responsibility to maintain its proper socio-economic model of integration and diversity in the rapidly changing world system. Within this context the shared values which bind societies together, such as freedom, loyalty, democracy, human rights, the rule of law, tolerance and solidarity, are crucial for Europe's future. However, all the changes and uncertainties felt in the political, economic, social and cultural areas call for a safeguarding of these values through (innovative) institutional mechanisms and true policies of internal and external dialogues.

We are confronted with a cultural environment that is rapidly transforming and becoming more diversified. The management of cultural diversities in societies becomes crucial. This requires a real dialogue, fertile but open to cultures and peoples within and outside Europe, but also a better understanding of formal, informal and non-formal learning processes and education practices to dialogue, citizenship and human rights as well as various forms of civil participation.

The term of dialogue touches many aspects and problems of cohesive and sustainable society building. This also represents one of the major challenges for a development of a new plural and democratic citizenship in Europe. Intercultural dialogue has sense to the extent that the sharing of values is translated in a "doing together," in inclusive policies on local, regional, national, European and international level.

Dialogue and cooperation, management of cultural diversity and multiple identities, intercultural dialogue, human rights and citizenship, respect for the other, the European dimension of education and mutual learning are all focal key issues of reference for developing a multi-level and multi-actor Europe. It requires an open and respectful dialogue to

obtain participative governance at various levels, from the city, the regions, Europe to the international organisations. In urban and local contexts, regional and territorial cooperation become crucial instruments for an active conviviality between citizens and institutions in which regions and cities are more and more shaping actors. In short, since multi-cultural situations and processes have become a crucial cross-cutting governance issue at local, national, regional and international levels, the subject needs to be addressed, in a more specific, articulated and interconnected way than in the past by political sciences, economics, international law and international relations.

## **II. Setting**

The Interdepartmental Centre on Human Rights and the Rights of Peoples, established in 1982, is the structure of the University of Padua devoted to carry out educational, training and research activities in the field of human rights. Within its existing pluridisciplinary structure and interdisciplinary approach (including political sciences, economics, international law, international relations, philosophy and education sciences), a focused package of various teaching and research activities within the University and in partnership at the local, regional, national and international level is offered. Many of these activities centre on the role of the EU in the dialogue between peoples and cultures and the relation between intercultural dialogue and human rights in a global perspective. The Centre disposes of a good regional, national and European network in the interdisciplinary area of intercultural dialogue, human rights and governance. Recent developments and events in Europe and the world have intensified the policy-oriented debate on human rights, democratic citizenship, cultural diversity and intercultural dialogue.

Aware of the broad political priorities of connecting Europe to the citizens and, in particular pursuing applied reflection on intercultural dialogue, the University of Padua, in particular the Interdepartmental Centre on Human Rights and the Rights of Peoples has strengthened the European and international profile of its existing curriculum of teaching and research activities by setting up a Jean Monnet Centre of Excellence on “Intercultural dialogue, Human Rights and Multi-level Governance” in September 2000.

The purpose is to strengthen and consolidate the European and international profile of the existing curriculum of teaching and research activities with a specific focus on capacity building and curriculum development in the area of intercultural dialogue, human rights and multi-level governance. In the current confusing times policy-oriented debate on dialogue of cultures and peoples has gained a new momentum

and necessitates an extended and deepened analysis of the relation between intercultural dialogue and human rights within a European and global perspective. The Centre further focuses its activities on strengthening cooperation and networking with the civil society, the regional authorities and other Jean Monnet Centres and Chairs active in the field of intercultural dialogue, human rights and multi-level governance.

The vision, mission and working of the Centre are rooted in the “*acquis*” which has been gained in ongoing participation in various Jean Monnet activities, from contributions to structural reflection on the dialogue between cultures and peoples, from activities in lifelong learning programmes in the territory of North-east Italy as well as from its existing network of international cooperation. More precisely, the Centre’s activities are built on the action-oriented interuniversity Jean Monnet research project (2006/2007) on “The role of intercultural dialogue in the development of a new, plural and democratic citizenship.” The subsequent publication “*Intercultural dialogue and citizenship. Translating Values into Action. A Common project for Europeans and their Partners*”<sup>1</sup> illustrates an action-oriented and innovative research approach in the relation between intercultural dialogue and citizenship. It was a major contribution to the European Year for Intercultural Dialogue in 2008.

From September 2007 the Centre also benefits from the experience of the Jean Monnet Chair on “Globalisation, Intercultural dialogue and Inclusiveness in the EU.” The Chair was initiated at the occasion of the 2008 European Year of Intercultural dialogue and has allowed introducing new degree and post-degree courses at the University. It has also contributed to extra-curricular training courses outside the University.

Currently it hosts the Jean Monnet Chair *ad honorem* held by Professor Antonio Papisca, the Jean Monnet Chair on “Globalisation and Inclusiveness in the European Union,” held by Prof. Léonce Bekemans, the Jean Monnet Chair on “European Union Political System” held by Prof. Marco Mascia and the Jean Monnet Module on “Sport and Human Rights in European Union Law” held by Prof. Jacopo Tognon. The activities and events cover teaching modules, lectures by invited experts on policy-related topics and an action-oriented research programme. The thematic network activities of the

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<sup>1</sup> Bekemans, L. et al. (eds.), *Intercultural Dialogue and Citizenship. Translating Values into Actions. A Common Project for Europeans and Their Partners*, Venezia, Marsilio Editori, 2007.

research programme focus on capacity building and curriculum development in the area of intercultural dialogue and multi-level governance.

It operates in an interdisciplinary and proactive synergy within and outside university and possesses a wide-ranging expertise in international relations, human rights, political sciences, intercultural dialogue and interdisciplinary studies with a focus on policy-oriented research. Its various activities benefit from the international networking of the three existing Jean Monnet Chairs and a pluridisciplinary staff, able to relate to the multidisciplinary and multidimensional programme of the Centre of Excellence.

### **III. Structure**

The book presents a structured and interdisciplinary in-depth analysis of the relation between intercultural dialogue and multi-level governance seen from a human rights-based perspective. It collects updated workshop contributions together with some additional papers by Jean Monnet professors relevant to the general theme.

Most papers were originally presented at international workshops organised by the Jean Monnet Centre of Excellence “Intercultural Dialogue, Human Rights and Multi-level Governance” of the University of Padua in 2010-2011: “*Governance of Intercultural Dialogue*” (23-24 March 2010), “*Education to Intercultural Dialogue*” (22-23 March 2011) and “*Civil Society Participation in Intercultural Dialogue*” (9-10 May 2011). The workshops were organised in collaboration with the Interdepartmental Centre of Human Rights and with the support of the Education and Culture DG of the European Commission, the Unesco Chair “Human Rights, Democracy and Peace” and the Veneto Region.

The papers in the book deal with the broad framework of the concept, the policy approach and the linkage between multi-level governance and intercultural dialogue; some papers are policy-based contributions, others are more scientifically oriented, proposing either a general or specific focus of the general theme; other contributions propose case studies and policy applications in the specific areas of local governance, education and civil society participation.

The book is structured along four parts. The first part collects contributions which introduce some general concepts, tools and frameworks for analysing and understanding the issues at stake. The three other parts deal with specific fields of application, i.e. the governance of intercultural dialogue, the education to intercultural dialogue and the civil society participation in intercultural dialogue. Each part presents papers which deal with the general perspectives and

challenges of the topic, introduce some sectoral approaches and illustrate a few case studies.

The publication, containing a wide variety of contributions provides a timely, wide-ranging and diversified survey of the various dimensions of intercultural dialogue in the radical transformation of societies, in particular dealing with the governance of intercultural dialogue, the education to intercultural dialogue and the civil society participation in intercultural dialogue. It proposes approaches to the understanding of the complexities of current realities and of managing diversities, oriented towards a common destiny and future.

Its many contributions present, analyse and assess various aspects and dimensions of internal and external political, legal and institutional dimensions of intercultural dialogue, conceived as a fundamental and integral component of a human-rights based approach to social cohesion and human security. In many respects the analyses that are contained in this book provide applied reflections, sectoral approaches, case study analyse and illustrations, involving multi-level and multi-actor trajectories which ensure the human rights perspective as point of departure in the building of sustainable and cohesive societies. Finally the action-oriented papers contain general and specific policy recommendations and illustrate good practices which are meant to be a valuable input and reference to the interested reader.

The book offers a general applied reading to policy-oriented academics, International Relations and Human Rights scholars, regional, national and European institutions as well as civil society organisations dealing with human rights, governance, education and civil society issues. Its innovative, interdisciplinary and interconnecting approach deals with crucial issues and challenges that address the European future seen from a human rights point of departure. In all its diversity of contributions, from scientific reflections to policy papers and case studies, the message of the book clearly refers to the fundamental importance of governance of institutional, political and societal diversity, as an expression of experiences rooted in the respect for human rights, being a cross-cutting and cross-border building stone for the Europe of the future.





# **PART I**

## **GENERAL CONCEPTS**



# Introduction

Léonce BEKEMANS

Part I on “General Concepts” deals with the conceptual and valorial framework of the relation between intercultural dialogue and governance. The papers in this part explore the conceptual frontiers and possibilities of governing intercultural dialogue from different (inter)disciplinary and policy angles. They all start from a human rights perspective, discuss its impact on curriculum development activities and suggest policy recommendations. They also provide the broad framework for the applied analysis of the various contributions proposed in the next three parts.

The paper by Antonio Papisca introduces “*Value Roots for Multi-level Governance and Intercultural Dialogue*,” and focuses on the legal and institutional aspects of multi-level governance. He argues that the human rights paradigm is the steering compass for good governance in the era of interdependence and globalisation, set within the dynamics of the key principle of subsidiarity. The author argues that multi-level governance opens the way to extend the practice of democracy beyond the state borders. He reclaims a more substantial role for local governments in the overall multi-level governance architecture. They are considered the basic territorial pole of subsidiarity and the most direct bearer of the responsibility to protect human rights in daily life. They are most suitable to respond to the challenge of inclusion, intercultural dialogue and plural citizenship.

In the paper “*Values, Intercultural Dialogue and Making it Pay to Be Good: a Research Agenda and Policy Approach for the European Union*,” Peter G. Xuereb, a Maltese Jean Monnet professor, strongly pleads for a structured and functional values-dialogue with a view to identifying and committing to the common good. He argues that focussing on the common good means focussing on values to be observed at global, European and national level, with institutions and policies inspired by those values and directed towards the perceived common good. Therefore he suggests to rely on the lived experience of the European integration process and to make a re-assessment of the theoretical analysis and the reshaping of the international political,

economic and legal landscape in view of new insights and paradigms beyond disciplinary borders. In the pursuit of the global common good, academics have a vital role in proposing policy approaches to construct a new world order, a European order and national orders.

In “*The Future for European Society: Subsidiarity, Federalism, New Humanism*” Dario Velo, an Italian Jean Monnet professor, explains that the current crisis dominated by globalisation, liberalism and post-modernity has confirmed the supremacy of the market on the state, of individualism on universal values and the absence of rules in democratic institutions. It is argued that the crisis offers the opportunity to propose a new model of economy, society and state. The social market economy is the European model rooted in freedom, solidarity and subsidiarity. This opens up a new cycle for a new humanism which sets the centrality of man to guarantee the right of citizenship.

Jan De Groof, a very high-level expert on European education presents in his excellently referenced in-depth paper “*Thoughts on the Autonomy in Policy and Law within the European Higher Education Space*.” The first part analyses the changing concepts of multi-level governance in the European education system, international and university context. A second part concerns the international legal setting of education policy, its European dimension and national legal framework. The third part focusses on the implementation of standards and principles for the creation of the European higher education area referring to competences, various legal methods and European citizenship. The final part of the paper applies the whole reasoning to the university concepts of autonomy and accountability in governance.

The last paper in this part is the policy paper “*Multi-level Governance and Intercultural Dialogue: the Prospects for 2020*” presented by Luc Van den Brande, the former president of the Committee of the Regions. The article departs from the recognition that the concepts of intercultural dialogue, human rights and multi-level governance are crucial for the vision of a political union based on common values. The trends in current EU policy are said to be an ideal for realising an inclusive political union by 2020. It is therefore argued that the EU 2020 Strategy is reinforced by the development of new platforms for intercultural dialogue such as the European Grouping for Territorial Cooperation (EGTC), the emerging “macro-regions” in Europe, and the Assembly for Regional and Local Politicians of the Mediterranean (ARLEM). Finally, the author provides a broad policy assessment of the EU 2020 strategy in view of the pursuit of a European “multi-actor” unity.

# **Value Roots for Multi-level Governance and Intercultural Dialogue**

Antonio PAPISCA

*Professor Emeritus at the University of Padua,  
UNESCO Chair “Human Rights, Democracy and Peace”*

## **I. Local Governments in the Front Line of Human Rights**

Manifold globalisation processes going on across the planet are affecting all levels of governance, including local governments (communes, provinces, regions, *Länder*) as providers of basic social services.

World complex interdependence is the human condition of present time. By saying “complex” we mean that not only states, but also social, economic, cultural, political realities inside states are immediately sensible and vulnerable. Needless to point out that the extent of vulnerability varies in the different contexts and that even the richest countries have become not self-sufficient.

Current governance crisis is a structural one, because it affects not only government capacities – in this case it would be a conjunctural crisis, but also, and in depth, the very “form” of statehood as it has been shaped and realised in the last centuries: the state as a national-sovereign-armed-border legal entity.

Statehood crisis is accompanied by the crisis of democracy which is mainly due to the fact that crucial issues relating to the representative and participatory articulations of democratic practice continue to be addressed only with reference and within the “space” of nation-state. This happens notwithstanding of a political and economic reality in which huge and heavy decisions are taken outside and beyond that suffocating space.

World multilateralism and regional integration processes and institutions continue to be heavily conditioned by what I would call the barbarian syndrome of the easy war<sup>1</sup> in spite of a worldwide civil society claiming for their strengthening. In this schizophrenic moment of history, a few powerful leaderships, also in response to terrorist behaviours and economic failures, are attempting to drive back to the Westphalian era the “new” international law that has been developing since the United Nations Charter (1945) on the assumption that the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”<sup>2</sup> In short, it is under way the attempt to push back history and to rescue that baleful right to make war (*ius ad bellum*) that has been *de iure* deleted, once for all, by the UN Charter.

A Latin saying could suitably describe the situation: “Quod Barbari non fecerunt, Barberini fecerunt” (“What Barbarians did not make, Barberini did make”), even by destroying portions of the Coliseum and other ancient monuments to build up their sumptuous *Palazzi* in Rome and around Rome.

In the presence of a situation that makes very difficult to achieve goals of satisfactory social, economic and territorial cohesion, appropriate instruments and forms of governance are needed in a “glocal” space where internal living realities, that is families, groups, labour, associations, firms, should be allowed, through their municipal and regional authorities, to have voice and play active roles along a *continuum* of processes that cross states boundaries and involve multilateral institutions.

Needless to remind that local governments are the venue of vital administrative and social services, incorporating economics, educational and landscape infrastructures as well as artistic and cultural heritage. In accordance with the Universal Declaration of Human Rights and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms,<sup>3</sup> widely known as the *Magna Charta* of human rights defenders, local governments as “organs of society” share with states the “responsibility to protect” all those who live in their territories. Committed to defend life and pursue well-being

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<sup>1</sup> Papisca, A., “Article 51 of the United Nations Charter: Exception or General Rule? The Nightmare of the Easy War,” in *Pace diritti umani/Peace human rights*, no. 1, 2005, pp. 13-28.

<sup>2</sup> Universal Declaration of Human Rights, 1948.

<sup>3</sup> UNGA, Res. 53/144 of 9 December 1998.

for all, local governments are entitled to claim active participation in the construction of a peaceful world order following Article 28 of the Universal Declaration: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can fully be realised.”

The meaning of peace for local polities cannot but be multi-dimensional and comprehensive, that is including both social peace and international peace. Hence local governments can rightly claim to be formally recognised as fundamental human security and human development public stakeholders, then as institutions that directly contribute to the construction of positive peace.

To carry out tasks of comprehensive institutional peace building from below up to the United Nations system, local authorities should be aware of the strength of “soft power” and of the skills that are required to use it in the most effective way. A strong resource of soft power for local governments is their commitment to build up “inclusive cities,” that is to provide all those living in the local community equal opportunities for the enjoyment of all human rights (civil, political, economic, social, cultural) and political participation.

The very fact of taking over this global responsibility fits well in the inner nature of the local territorial polity as being genuine “territory,” not artificial “border.”

The current official doctrine on the “responsibility to protect” emphasises the international-interventionist role of states saying that they are in the front line of security and the United Nations in the second. It calls upon states and the international community to intervene in internal affairs even by using force though only as last resort and in strict compliance with principles and objectives of the UN Charter. Also to avoid abuses of such sound principle and bearing in mind that human rights protection and violation are “local” events – they took place in the street, in the village, in the cities, where daily life is going on, it should be stressed that the matrix of the responsibility to protect lies with both the multidimensional concept of human security and the principle of local self-government more than with state sovereignty as emphasised by the official doctrine *in re*.<sup>4</sup>

At the same time the international recognition of fundamental rights is disengaging territory from the border-sovereignty of states. This revolu-

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<sup>4</sup> International Commission on Intervention and State Sovereignty-ICISS, *The Responsibility to Protect*, Ottawa, 2001; UN General Assembly, Report of the Secretary General, *In a Larger Freedom: Towards Development, Security and Human Rights for All*, A/59/2005, 21 March 2005.

tionary process is taking place in parallel with the de-territorialisation of politics as a consequence of the above mentioned world processes of structural change. Local governments should take advantage from this dynamics in order to give visibility, as already pointed out, to their being human territory, not marked by arms or borders.

Being in the front line of human rights, local government institutions are forced to deal directly with problems (for instance, migration flows), that belong to the political agenda of world order. At the same time they provide substantial effectiveness to the international law of human rights: we could rightly say, justiciability on the spot. Hence, as the primary (territorial) pole of subsidiarity, they benefit from a full legitimacy to participate in the functioning of a system of global governance which, to be good and capable, cannot but be multi-level, supranational whenever possible, and democratic.

## **II. Thinking “Federalist” without Saying it: Multi-level Governance from Arithmetic Calculus to Moral Foundation**

Multi-level governance (MLG) has become a popular topic in the academic establishment as well as in the political business.

In a view to be further developed in the EU institutional framework, MLG philosophy cannot but be considered an *aggiornamento* of the classical doctrine of federalism, for we enter the constitutional domain. Nowadays this is not a popular discourse in the EU high spheres and in the cabinets of some member states. As a matter of fact we do not dare even to say the word “federal.” needless to remind what happened to the “constitutional treaty” or the non “literal” inclusion of the articulated content of the EU Charter of Fundamental Rights in the Lisbon Treaty.

Nevertheless a consolidate ground does exist to overcome this kind of humiliating determinism.

The European Union is already a system of multi-level governance with a supranational *noyau dur* in a continuous evolution, hence a very interesting laboratory that benefits from the rich *acquis* provided by: a) *ius commune*; b) an institutional architecture that combines, in an original and evolutionary way, the twofold dimension of inter-governmentalism and supranationalism; c) a large and varied range of democratic access channels in the decision-making processes; d) the EU citizenship; e) the practice of social dialogue and civil dialogue; f) the increasingly political relevance of the role of regional and local authorities and finally g) an *acquis* that already benefits of appropriate methods and concrete means of government and makes realistic to



enquire on how to further improve both the quality and the efficiency of the system.

Taking into due consideration this wealth, the question to answer, as already advanced, is not “why” MLG, but “what” MLG for the EU. The “what” means “good,” that is an MLG based on the strong paradigm of universal values and principles set forth in the Lisbon Treaty and in the EU Charter of Fundamental Rights.

We should be aware of the perpetual challenge of “Europe leading by example,” leading also in imagining new architectural schemes, indeed a virtuous conviction to continuously address the challenge of “unity in diversity.”

Looking ahead, we should further be aware that without a link to a specific moral-legal paradigm, MLG risks to be used as a neutral *pass-partout* or as a formula for only arithmetic distribution of competences, functions and powers between different tiers of government, often emphasising governmental institutions (the territorial pole of subsidiarity, vertical subsidiarity) whilst neglecting civil society organisations (the functional pole of subsidiarity, horizontal subsidiarity). Good (democratic) MLG is intended to balance the two dimensions allowing civil society organisations, local communities and the private sector to have voice in the policing process at different levels.

MLG benefits of a lot of definitions, which are more or less similar in focussing both architectural and processual aspects. A significant example provided by Léonce Bekemans reads as follows:

If we focus on the general policy characteristics of multi-level governance, the changing relationships between actors situated at different territorial levels, but from the public and the private sectors, are put at the centre of the analysis. This implies frequent and complex interactions between government actors and the increasingly important dimension of non-state actors. In particular, multi-level governance crosses the traditionally separate domains of domestic and international politics: it highlights the increasingly fading distinction between these domains in the context of European integration and supranational, national, regional and local governments are interrelated in territorially overarching networks.<sup>5</sup>

This definition summarises the overall blueprint referring to dynamics, actors, and space of MLG, briefly it describes the “why” and the “how.”

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<sup>5</sup> Bekemans, L. *Multi-level Governance and the EU in a Global Context: Some Introductory Reflections*, Brussels, Ateliers for the Committee of the Regions, October 2008, pp. 2-3.

The question “for what” is still open, I mean what marks MLG as a “good governance.”

The Committee of the Regions’ *White Paper on Multi-level Governance*<sup>6</sup> provides a convincing qualitative definition:

The CoR considers multi-level governance to mean coordinated action by the European Union, the member states and local and regional authorities, based on partnership and aimed at drawing up and implementing EU policies. It leads to responsibility being shared between the different tiers of government concerned and is underpinned by all sources of democratic legitimacy and the representative nature of the different players involved. By means of an integrated approach, it entails the joint participation of the different tiers of government in the formulation of Community policies and legislation, with the aid of various mechanisms (consultation, territorial impact analyses, etc.).

The CoR further points out that:

MLG dynamic process with a horizontal and vertical dimension does not in any way dilute political responsibility. On the contrary, if the mechanisms and instruments are appropriate and applied correctly, it helps to increase joint ownership and implementation. Consequently, MLG represents a political ‘action blueprint’ rather than a legal instrument and cannot be understood solely through the lens of the division of powers [...].

The CoR White Paper emphasises the indissociability of subsidiarity and MLG: “[...] one indicates the responsibility of the different tiers of government, whilst the other emphasises their interaction.”

My first comment is that MLG, being a “political action blueprint” cannot but be marked by a permanent teleological tension: in other words MLG is a goals-oriented domain which entails value choices, then moral foundation.

Subsidiarity is a key principle of good governance: economic, social, cultural, civil, and political. Before being a political and legal principle, subsidiarity is a moral value because it refers directly to the human person’s basic needs – inherent rights, that is to the life of the original and central subject of whatever system of governance. This is clearly stated by the Universal Declaration of Human Rights which proclaims that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

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<sup>6</sup> Committee of the Regions, *White Paper on Multi-level Governance*, doc. CoR 89/2009, Brussels, June 2009.

The encyclical *Caritas in Veritate* of Benedict XVI provides interesting moral, even anthropological arguments for the genuine foundation of the principle of subsidiarity. This is “an expression of inalienable human freedom [...] first and foremost a form of assistance to the human person via the autonomy of intermediate bodies [...] it fosters freedom and participation through assumption of responsibility.” The principle “must remain closely linked to the principle of solidarity” for it “respects personal dignity by recognising in the person a subject who is always capable of giving something to others.” Furthermore, subsidiarity “is able to take account both of the manifold articulation of plans – and therefore of the plurality of subjects – as well as of the coordination of those plans.” Hence it is “particularly well-suited to managing globalisation and directing it towards authentic human development.” A severe warning:

In order not to produce a dangerous universal power of a tyrannical nature, the governance of globalisation must be marked by subsidiarity, articulated into several layers and involving different levels that can work together. Globalisation certainly requires authority, insofar as it poses the problem of a global common good that needs to be pursued. This authority, however, must be organised in a subsidiary and stratified way, if it is not to infringe upon freedom and if it is to yield effective results in practice.

We should be aware that if these ontologic and moral roots are not clearly specified, subsidiarity risks to share with MLG the same destiny of neutral *passe-partout*.

### III. The Benchmarks

The benchmarks of (good) multi-level governance are human rights, democracy, the rule of law and subsidiarity, interconnectedness and mutually reinforcing.

As reminded above, the world legal field has undergone a genetic mutation, from state-centric to human-centric. It is well known that this process is the outcome of a long historic movement marked by peoples suffering and reacting, intellectual endeavour, mass mobilisations, and political commitment that has brought democratic processes inside individual states. With the UN Charter and the Universal Declaration of Human Rights, the “constitutional” rationale of the national legal systems has been extended to the world level, over-reaching the legal-territorial border of state sovereignty. The human being (*la personne humaine*) has been recognised as subject, not as mere object, of international law.

The “new” international (pan-human) law that is developing since 1945-1948 as a coherent *corpus* of norms and provisions, comple-

menting and updating the first part of the UN Charter, includes principles such as the universality of human rights, their interdependence and indivisibility, the proscription of war, the prohibition of the use of force for the settlement of international disputes, the universality of criminal justice, personal responsibility for war crimes, crimes against humanity and genocide.

It should be pointed out that the Universal Declaration of Human Rights enshrines principles of *ius cogens*, owing the highest degree of legal obligations *erga omnes*. In order to identify who are the *omnes* – the “all” legally equal – the very Universal Declaration provides the response while proclaiming itself:

as a common standard of achievement for all peoples and all nations, to the end that *every individual and every organ of society*, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance [...].

The explicit reference is to a plurality of subjects. The same plurality is relevant also for the prohibition set forth in Article 30: “*Nothing in this Declaration may be interpreted as implying for any state, group or person any rights to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein*” (italics added).

The inclusive logic of the Universal Declaration is further elucidated by the UN Declaration of 9 December 1998, mentioned above. Also this important instrument refers directly to individuals and “organs of society” stating that they have “*the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels*” (Article 1, italics added). It should be recalled what we have already emphasised, that is that local governments are (public) “organs” of the society, not of the state, and this is perfectly consistent with the rationale of local autonomy (self-government). Moreover Article 7 of this modern *Magna Charta* proclaims that “everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.”

The implicit metaphor is that of a large human rights “laboratory” in which individuals, groups and organs of society, in their capacity of human rights defenders, are formally entitled to imagine and disseminate new ideas, models and strategies for good governance. Local governments, the NGO “United Cities and Local Governments,” the many transnational networks of local governments, the EU

Committee of the Regions through its “Forward Studies Unit” and “Ateliers,” as relevant actors in the global human rights yard, can actually appeal also to Article 7 quoted above in order to feel more free and courageous in shaping the architecture of multi-level governance inside and outside the EU system.

In this context it should be stressed that for the effective protection of human rights, the judiciary (courts, tribunals, sentences) is absolutely necessary, but to fully satisfy all vital needs acknowledged as “fundamental rights” and to meet the crucial challenge of social cohesion, public policies and positive actions are necessary as well. Key-principle is the interdependence and indivisibility of all human rights – economic, social, cultural, civil, political rights, a principle which is consistent with the ontologic truth of the integrity of the human being: body and soul, spirit and flesh.

Article 25 of the Universal Declaration is explicit to this regard. It provides a manifesto of welfare for social cohesion, hence for good governance:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Compliance with this norm has the character of legal obligation, not only of moral duty or optional political choice, then implying the government of economy accordingly to the principles of social justice (distributive and redistributive). Article 25 should be read in connection with Article 28 which refers to “social and international order” as a fundamental right. The meaning of these two norms is that rule of law and welfare as well as internal peace and international peace are the faces of the same coin and that social and territorial cohesion inside states is a fundamental part of the peaceful world order envisaged by the Universal Declaration.

“Human rights mainstreaming” has become a universal password to assess the formal and substantive quality of institutions, political strategies, educational projects, peace operations, development cooperation, humanitarian field missions.

In the EU system, besides specific references to fundamental rights in the Lisbon Treaty and in the EU Charter of Fundamental Rights, human rights mainstreaming is significantly advocated in documents such as the EU Guidelines on Human Rights (children, torture, death penalty, humanitarian law, human rights defenders), the EU Annual Report on Human Rights issued by the EU Presidency in cooperation

with the European Commission, the 2008 Report of the Council entitled “*Mainstreaming Human Rights and Gender into European Security and Defence Policy*.”

It should be reminded that human rights issues were addressed in the European system long before the 1990s, thanks to the enlightened case-law of the Court of Justice of the European Communities and to the passionate advocacy of the European Parliament. Furthermore, we should not forget that human rights were included in the first draft of the European Constitution (Altiero Spinelli draft), endorsed in 1984 by the European Parliament, but not by the Council.

Since 1999, the human rights reports of the European Parliament have been accompanied by the annual EU Report, above mentioned. In the field of external relations, human rights, linked with education and civil society structures, have high visibility in the framework of development cooperation with the ACP countries (Lomé and now Cotonou system). Since the early 1990s, a human rights clause has been included in treaties with third states establishing that implementation can be suspended if the concerned state does not comply with human rights and democratic principles.

The important role of the EU institutions in fostering the establishment and the functioning of the International Criminal Court should also be emphasised. The European Union is endowing itself with specialised machinery to deal with human rights. The European Parliament has the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Petitions, the Subcommittee on Human Rights, the Committee on Foreign Affairs, and the Human Rights Unit at the Secretariat General.

The Council has a specialised standing human rights working group (COHOM). The High Representative of the EU for Foreign Affairs and Security Policy deals with human rights in external relations. Within the Commission, a Commissioner has a specific human rights portfolio, and the Directorate General for External Relations has a Directorate for multilateral relations and human rights and a Unit for human rights and democratisation. A European Agency for Fundamental Rights is functioning in Vienna. And of course, since the Maastricht Treaty there is the European *Médiateur* who, since its establishment, is carrying out its functions following an approach that is explicitly human rights-oriented. More recently, the consolidated practice of “social dialogue” has been complemented by the so-called “civil dialogue,” with the aim of involving civil society organisations in EU policy-making in a greater

and more substantive way. In this context, a specialised “human rights network” is developing.<sup>7</sup>

#### IV. It is Time for a New, Plural Citizenship

In the multi-level governance scheme based on the human rights paradigm, the concept and the practice of citizenship cannot but be revised and reconstructed.<sup>8</sup>

Nowadays, owing to the very paradigm of universally recognised human rights, we are in the middle of a process of cross-fertilisation of cultures and political visions. In this “universal yard,” a rich variety of actors are playing significant roles. It should be stressed that the topic of international legality based on human rights and multilateralism has become familiar to the transnational world of civil society; not only far denouncing, with increasing competence and full legitimacy, dictatorships, hegemonies, illegal use of force (for instance the so-called preventive war), economics without social justice, *Realpolitik* behaviours, but also far conceiving and proposing suitable policies and institutions, positive measures, and good practices to achieve goals of global (good) governance.

The passionate and creative reality of civil society organisations and movements acting across and beyond state borders demonstrate that civic and political roles, as part of active citizenship, are no longer limited to the intra-state space, and that a suitable “geometry” for democracy is really extending and building up.

According to international law of human rights, citizenship should be defined as the legal status of the human being (*statut juridique de la personne humaine en tant que telle*) in the space that is proper of that law. This enlarged constitutional space coincides with the common vital space of “all members of the human family” (Universal Declaration). The legal status of the human being does not stem from the anagraphical power of the state, it is not *octroyé* but simply “recognised,” because the holder is an “original” subject of law, not the “national” or the “subject”

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<sup>7</sup> For an up-to-date survey on EU policymaking *in re*, Benedek, W. *et al.* (eds.), *European Yearbook on Human Rights*, Antwerp-Graz-Vienna, Intersentia, 2010.

<sup>8</sup> Papisca, A., “Citizenship and Citizenships ad omnes includendos: A Human Rights Approach,” in L. Bekemans *et al.* (eds.), *Intercultural Dialogue and Citizenship. Translating Values into Actions. A Common Project for Europeans and Their Partners*, Venezia, Marsilio Editori, 2007, pp. 457-480; *id.*, “European Citizenship, Migration and Intercultural Dialogue: The EU Leading by Example,” in European Commission (ed.), *A Europe of Achievements in a Changing World. Visions of Leading Policymakers and Academics*, Brussels, European Commission, 2009.

of whatever state. All human beings, being formally recognised as born with dignity and equal rights (Universal Declaration), are by nature citizens of the planet Earth. The primary or universal citizenship is a common citizenship. Anagraphical, national or European citizenships are secondary or complementary citizenships, as such they should be consistent with the original (universal) legal status of the human being.

A metaphor could serve our didactic purpose: citizenship is like a tree, whose trunk and roots are the juridical status of the human being, that is the universal citizenship (*la citoyenneté de la personne*), and the branches are national and sub-national citizenships. Citizenship is a plural conceptual and legal category.

National citizenship is traditionally theorised and taught as a matter of collective identification *ad intro* around the symbols of national history and national statehood, and of exclusion *ad extra*, with respect to what does not fit within the national borders. It should be remembered that the paradigmatic French Declaration of 1789 referred to *les droits de l'homme et du citoyen*, which gave way to interpreting fundamental rights as a privilege for those who already are registered citizens of a particular state. Its implicit rationale is *ad alios excludendos*, and as such is contradictory to the immanent universality of human rights.

As already pointed out, before the advent of the international human rights law, citizenship was essentially characterised as being national, unilateral, *octroyée* by the state, and based on the *ius sanguinis* (right of blood) or/and on the *ius soli* (right of land), in a perspective of distinction-discrimination, in short *ad alios excludendos*.

Today, in the globalised world, we have entered the phase of *plenitudo iuris*, whose principles postulate the *plenitudo civitatis*, the civilisation of full citizenship. Human dignity is the central value of *plenitudo iuris*, implying equal dignity of all members of the human family.

The “new” citizenship is modelled on such a statute that is therefore fundamentally universal, *ad omnes includendos*, and it is articulated in the plural, in the sense that the universal dimension does not cancel particular citizenships but rather opens towards the experience of a richer identity. The universal citizenship is not *octroyée* and particular citizenships (the branches of the tree) must be regulated according to the respect of universal citizenship (the trunk and roots of the tree).

This implies that the *ius humanae dignitatis* parameter should prevail over the traditional parameter of the *ius sanguinis*, making the *ius soli* complementary compared to the *ius humanae dignitatis*, and functional for the harmonious exercise of identities. Even for the identity of individuals with universal citizenship, the expression “united in



diversity” applies: in this case, “unity” means the ontic identity of the “human being,” which is enriched by and develops in different cultural and institutional contexts. Universal citizenship sums up and harmonises anagraphical citizenship, and the inclusive city is a place that favours this process, thus plural citizenship and the inclusive city postulate each other.

In the inclusive city, particularly through intercultural dialogue, evolutionary dynamics of identity develop in a direction of a “transcendental civic identity,” a superior identity that is authentically secular because it is universalistic, trans- and meta-territorial, and trans-cultural. This new identity is the *plenitudo iuris* that is interiorised by individuals, an identity that is open to sharing responsibilities in the inclusive city, in the inclusive European Union, and in the inclusive United Nations.

New citizenship in tandem with the impact of the necessary intercultural dialogue aimed at democratic inclusion can revitalise the public sphere in a perspective of multi-level and supranational governance. Thus this kind of political architecture is congruous with the need to guarantee universal citizenship rights in the enlarged space that belongs to all. And it is in fact the “phenomenology in the plural” of citizenship – dialogue and inclusion – that obliges institutions to redefine themselves according to *telos*, and therefore to open up and develop multiple channels of representation and democratic participation.

“EU citizenship” was formally established by the Maastricht Treaty in 1992, exactly forty years after the first European Community Treaty. By the subsequent Amsterdam Treaty in 1997, human rights were proclaimed as part of the founding principles of the European Union. Finally, on 10 December 2000, in Nice, the Presidents of the European Parliament, of the Council and of the European Commission, jointly proclaimed the EU Charter of Fundamental Rights, which was prepared by the *ad hoc* European Convention. The Charter, now recognised as legally binding by the EU Treaty (Lisbon Treaty), is at the same time an achievement, because it makes the matter more coherent and systematic, and a starting point for further developments towards the full “constitutionalisation” of the EU system; in particular providing a suitable ground for a more correct foundation for EU citizenship.

There are suitable grounds for revising the present “EU citizenship” for which (as it is explicitly stated in the Treaty establishing the European Community)<sup>9</sup> – belonging to an EU member state constitutes a

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<sup>9</sup> Consolidated version, Part Two, Citizenship of the Union, Articles 17-22.

prerequisite. This means that “nationality” still remains the primary requirement and the overall philosophy is still *ad alios excludendos*.

In the present EU legal system, provisions regarding citizenship give way to a paradox: the “tree of citizenship” is enriched without overcoming discrimination and contradictions.

The least we can say is that the EU Charter of Fundamental Rights legitimates wondering why EU citizenship is not based directly on human rights as is any national democratic citizenship. Such a logical, natural foundation, while in principle not incompatible with the parameter of complementarity of national and European citizenship, would allow the latter to become physiological and consistent with the international law of human rights and the principle of non-discrimination, a well-known principle of *ius cogens*, or customary law. Furthermore the principle of interdependence and indivisibility of all human rights should make sense also in the EU legal system. This implies that the special rights that mark EU citizenship (in particular, freedom of movement, eligibility at the municipal level, right of petition, and diplomatic protection abroad) cannot be separated from the comprehensive set of all other fundamental rights (civil, political, economic, social and cultural), that is, from their natural womb.

No doubt the specific rights of present “EU citizenship” are justifiable in a concrete way, but this argument should not give way to discrimination between those who are citizens of an EU member state and those who regularly live in the EU territorial space without that “privilege.” I think that advocating a correct and consistent foundation of EU citizenship with reference to the universal paradigm of “all human rights for all” cannot but become an important part of the active implementation of the present (though limited, privileged) European citizenship, a cause deserving great commitment, especially in the field of immigration.

## **V. Intercultural Dialogue and “Transcended Civic Identity” in a Context of Human Security**

The topic of intercultural dialogue, in its natural global and transnational context, is strictly linked with the topic of citizenship as it is with the democratic practice. Sharing the human rights paradigm as the same axio-legal roots, democracy (national and transnational), citizenship and intercultural dialogue are interlinked. There is also an instrumental function of that paradigm as a code of communication symbols, as a transcultural tool that facilitates moving from the potentially conflicting condition of multiculturalism to the dialogic stage of interculturalism. But dialogue could still be limited to only an

exchange of information, a reciprocal exchange of images and stereotypes. This is certainly a prerequisite but not enough to achieve the principal aim that is: the inclusion of all in the political community to benefit from equal fundamental rights. The right answer to the question “intercultural dialogue for what?” is: dialogue for working together, to imagine and put into practice common projects for achieving goals of common good.<sup>10</sup>

To be fructuous, dialogue among individuals and groups with different cultures should occur among equals; if not, the case will be another kind of interaction, for instance the deliberate homologations from one side or another. Equality in our case is the ontic equality of human beings as assumed and explicitly highlighted by the law and the orthodox doctrine of human rights. The “equals” are the original holders of universal citizenship. The dialogue we are interested in is one that should be carried out in the context of daily life. If we start from the human rights paradigm, dialogue should be carried out more than on abstract principles – education should play a major role to help internalise values. Above all, it is on how principles are translated into behaviour and policies, and what should be done together, as equal beings, in the same polity. As mentioned above, dialogue should be goal-oriented more than comparison-oriented. The strategic common goal is building up and developing the inclusive city as the result of the contributions of many cultures. The fertiliser of this democratic inclusion-building is once again the human rights paradigm.

Once more, we emphasise that the culture and strategy of inclusion has a direct relationship with both internal peace (social cohesion) and international peace. As already emphasised, these are the two faces of the same coin: the inclusive city is the ground of a peaceful and a just world.

In the light of its citizens’ “transcended civic identity,” Europe is urged “to transcend” the negative part of its historical “Western world” identity, that is of hegemonic power of “conquest,” colonialism, world wars. To “transcend” for Europe means to redefine itself on the basis of the positive part of its historical identity, reflecting on the meaning of a universal European polity that promotes itself before the world as an inclusive space within its borders and as an actor of inclusion on a world scale.

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<sup>10</sup> Papisca, A., “Droits de la Personne et Démocratie. Les Cultures à la Source de l’Universel,” in European Commission (ed.), *Intercultural dialogue/Dialogue interculturel*, Brussels, European Commission, 2003.

In particular Europe is challenged to overcome the “utilitarian” (and “securitised”) approach to immigration.

In the current context of multi-ethnic and multicultural conflicts that need new forms of political organisation of the world, it should be stressed once more – *opportune et inopportune* I would say – that citizenship should be considered as an evolutionary concept, as is the case for security and development, I mean in a multidimensional vein. Analogies are clear and convincing. Until recently, security was meant as “state,” “national” and “military” security, aimed at pursuing the national interest, nowadays we speak of human security as primarily “people” security, a multidimensional concept including social, economic, and environmental aspects, as well as reference to a collective and supranational machinery. In the years following the Second World War, development was addressed as an economic concept for purposes of quantitative growth; today we say “human development” relating to a rich basket of both quantitative and qualitative indicators, relying on the principle of the centrality of the human being as emphasised by the United Nations Declaration on the Right to Development in 1986.

A common EU policy on immigration, balancing both economic and demographic needs and human rights obligations, should be conceived accordingly, as pointed out before, with interconnection between human security and human development.

## **VI. Extending the Arena of Democratic Practice**

The human rights discourse on democracy is at the same time elementary and strongly demanding. It could be summarised as follows. The source of democracy is “the people.” A people is sovereign *in toto* because each of its members, as human beings with inherent rights internationally recognised, is sovereign *pro quota*. Fundamental rights should be protected and realised where people live: local governments are closer to the source of sovereignty than the state.

The judiciary belongs to the state, but social services are provided primarily by local governments, then the state is obliged to endorse policies which facilitate and complement the front line-tasks of local authorities.

The nation-sovereign state has proven not to be sufficient to protect and nurture the physiologic elements of democracy. Whilst nobody would deny that nation-states have been the fertile kindergarten of democracy, current empirical evidence demonstrates that they are not capable to address in a suitable and democratic way the impact of interdependence, globalisation and transnationalisation.

The traditional inter-state system has been an exclusive club of “rulers for rulers.” Now it is citizens, especially through their transnational organisations and movements, who are legitimately claiming substantial participative roles at all levels of governance.

This transnational political demand entails that the practice of democracy, in its twofold articulation of representation and participation, should be extended and deepened: upward, in terms of international and cosmopolitan democracy, and downward for more direct democracy.

For both quality and effectiveness of governance, it is urgent to recuperate genuine democracy, that is “all democracy” – political, social and economic democracy – but to achieve this strategic goal it is necessary to extend democratic practice in a suitable space, from the local community up to the institutional sanctuaries of international politics and economics. “All democracy” also means local, national, and international democracy.

By extending democratic practice beyond its historical geographic borders, the “local territory” becomes a new frontier to be duly represented also at the macro-level of multilateral sanctuaries. In such enlarged “constitutional” space of multi-level governance, local governments share with states and multilateral institutions the responsibility to enhance the democratic practice.

Democratising international institutions and politics in the true sense of democracy – that is more direct legitimacy of the relevant multilateral bodies, including the United Nations, and more effective political participation in their functioning – has become the new frontier for any significant human-centric and peaceful development of governance. “One country, one vote” is the procedural translation of the old principle of equal sovereignty of states, it is not democracy we are talking about. Human rights paradigm for multi-level governance necessarily affects both the organisational infrastructure and the substantive political agenda on all levels.

To be legitimate and sustainable, a human rights political agenda should aim at producing social policies and positive actions, hence it should constantly refer to the principle of interdependence and indivisibility of all human rights to be implemented in the light of the comprehensive and interconnected strategies of “human development” and “human security.” Both strategies are anchored to the human rights paradigm, both hold the human being as the central subject. In this multidimensional context which fits in well with the multi-level dimension of governance, emphasis is put on the access of individuals and groups to welfare and better quality of life.

In order to be effective in pursuing goals of security in the daily life of citizens, local governments should have more suitable channels to participate in the decision-making processes on the international plan. They can rightly claim to be formally recognised as human security and human development public stakeholders.

Local and regional governments are already active in carrying out several initiatives to effectively play this role within a multi-level architecture of governance, following the example of the Council of Europe and of the European Union where regional and local governments have a consolidated formal representation, respectively the Congress of Regional and Local Authorities and the Committee of the Regions.

From a legal point of view, a very interesting phenomenology regards the adoption at local level of legal instruments which refer directly to the international law of human rights and establish specialised infrastructures in cooperation with civil society organisations, schools and universities.

The Italian case is amazing and (still) unique also from a cultural and political point of view. In 1991, municipalities and provinces were allowed by a national bill to exercise a larger degree of autonomy in revising their statutes. The result is that thousands of (new) statutes include the so-called “peace human rights norm” that reads as follows:

The Commune X (the Province X), in conformity with the Constitution principles that repudiate war as a means to resolve international disputes, and with the principles of international law on human rights, recognises peace as a fundamental rights of the human being and of peoples. To this purpose it pledges to take initiatives and cooperate with civil society organisations, schools and universities.

In several statutes explicit mention is made of the Universal Declaration, the International Convention on Children’s Rights, the EU Charter of Fundamental Rights. Owing to this “norm” many communes and provinces (and regions) have established councils and departments dealing specifically with human rights, peace education, (decentralised) development cooperation, and international solidarity. This field is actively coordinated by the “National Network of Local Governments for Peace and Human Rights,” a legal association of public institutions which currently include more than 700 communes, provinces and regions, representing over half of the Italian population.

On the international-transnational level, many associations and networks of local governments’ institutions and authorities, such as the Human Rights Cities, the Intercultural Cities, Mayors for Peace are striving for human rights, peace and human development. An ambitious

instrument is the European Charter for the Safeguarding of Human Rights in the City.<sup>11</sup> Human rights mainstreaming is fertilising the legal systems of urban settlements: a meaningful example is provided by the Montréal Charter of Rights and Responsibilities, which was endorsed by that City Council in 2005. The growing political movement of “City Diplomacy,” strongly supported by “United Cities and Local Governments,” is working to make more visible the political role of local governments as an essential – I would even say providential – help to states and multilateral institutions in the framework of a peaceful and democratic multi-level governance. In this context, an explicit link of human rights with local self government in the multi-level governance perspective is enshrined in the *Hague Agenda on City Diplomacy*, a declaration-action programme that was endorsed at the end of the First World Congress on City Diplomacy (The Hague, 13 June 2008).<sup>12</sup>

## VII. Epilogue: Taking Advantage from New Opportunities

The establishment of the European Grouping of Territorial Cooperation (EGTC), with legal personality in the EU system (Regulation CE no. 1082/2006) is an opportunity that ought to be seized to affirm the peaceful involvement and support of local governments in the multi-level governance architecture. The opportunity of this revolutionary provision should be seized to include in the agreements and statutes of the EGTCs specific reference to the international law of human rights and to the EU Charter of Fundamental Rights, highlighting the principle of interdependence and indivisibility of all fundamental rights as the most appropriate for social and territorial cohesion. Needless to emphasise that the EGTC provides suitable ground to experiment plural inclusive citizenship. Hopefully the establishment of a human rights infrastructure, for instance, in the form of an EGTC Ombudsperson, should be envisaged as well.<sup>13</sup> A major objective could be the progressive enlargement of this European experience by extending, whenever possible, membership of the EGTC to local

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<sup>11</sup> Adopted in Saint-Denis on the 18<sup>th</sup> May 2000 by the European Conference Cities for Human Rights.

<sup>12</sup> Musch, A. et al. (eds.), *City Diplomacy. The Role of Local Governments in Conflict Prevention, Peace-building, Post-conflict Reconstruction*, The Hague, VNG International, 2008; Papisca, A., “International Law and Human Rights as a Legal Basis for the International Involvement of Local Governments,” *ibidem*, pp. 27-46.

<sup>13</sup> Papisca, A., “L’Avvento del Gruppo Europeo di Cooperazione Territoriale, GECT. Nuovi Orizzonti per la Multi-level Governance Democratica,” in *id.* (ed.), *Il Gruppo Europeo di Cooperazione Territoriale. Nuove Sfide allo Spazio dell’Unione Europea*, Venezia, Marsilio Editori, 2009, pp. 11-33.

governments and public agencies in third countries. In parallel within the United Nations, a process towards the establishment of “international” groupings of territorial cooperation in the name of the principle of local autonomy-self government-human rights and democracy could be carried out. In this perspective and in analogy with the EU Committee of the Regions, it should be pursued by the establishment of a Committee of Territorial Cooperation (or a Committee of Local Governments) within the UN system with formal advisory functions.

Needless to point out that the EU system is not sheltered from the worldwide turmoil. Its functioning, even its architectural structure, is increasingly conditioned by external-international variables. Achieving the European “single voice” in the world system has become a key element also for the internal strengthening of the EU. At present, the Committee of the Regions is the international supranational body that owns a high degree of formal and substantive authority and a large range of competences in the EU system as well as increasing visibility in the international scenario. The “regionalism” represented and carried out by the CoR in the EU institutional system is a “bottom-up regionalism” that balances and excels the primitive “top-down (charitable) regionalism” carried out by the European Community.

Briefly it is a high profile “political regionalism,” having constitutional implications for the future of the EU system. The production of opinions that increasingly refer to sensitive issues, like those dealing with human rights, plural citizenship, enlargement, environment, multiculturalism and intercultural dialogue, social and territorial cohesion, strengthens the “political” relevance of the CoR role for the extension of local self-government as a contribution to democratic multi-level governance. It is important to exploit these positional features as resources of power to carry out and consolidate roles within the EU system and in the system of world politics. The CoR Committee for External Relations has a lot to do in this direction. The liberation of “territoriality” from the determinism of the ties with the state “sovereignty *ad alios excludendos*” is the new frontier *ad omnes includendos*.



# **Values, Intercultural Dialogue and Making it Pay to be Good: a Research Agenda and Policy Approach for the European Union**

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The paper focuses on what I see as the key challenges facing us today and on the contribution that we as academics, in the course of projects such as the Jean Monnet Centre of Excellence at Padua, may yet make to the evolution of Europe in the world. The answer to the question: “What is the future of Europe, and what role for Europe in the world?” cannot be answered, in my view, by looking inwards. We can only begin to know the answer by first asking: “What kind of a world do we want?” Consequently Europe decides its shape and policy approach in which it will work in and for that world. But we need to “think global” first.

In answering this question, two points are central: first, there can be no answer worth anything without real intercultural dialogue, not least about values and virtue, that feeds into consensus at global level; and secondly, Europe has a degree of experience with intergovernmental and then deeper cooperation between sovereign and increasingly non-homogeneous states and their peoples. This cooperation can surely be brought to the forum of dialogue about the future shape of our world, including the instruments and techniques of dialogue and decision-making at global level, and therefore about that of our Europe.

I emphasise the word “experience.” I myself have used the word “model” in the past. This has been open to misinterpretation, to an interpretation that was never intended. The Union, the Europeans, have no ambition to expand to take-over the globe (I think!). Nor can we imagine that our values/systems/techniques can be taken wholesale and transplanted. What we have is a chequered experience of seeking always – even when, as in recent times, we seem to be stumbling and falling

back – to somehow keep the dynamic of further cooperation moving forward – with a large measure of success in these terms.

What we can offer for consideration is the whole complex of experiences, good or bad, and some key elements of working, thinking and studying together in a global context – a context that cries out for some new framework for deeper cooperation and joint endeavour. I will therefore focus on functional (decision-making and therefore institutional) intercultural dialogue, ultimately taking a global as well as European and Mediterranean perspective, rather than focussing on migration and Euro-Med relations as such. We can only succeed even in these spheres through dialogue at the regional and cross-regional and at the same time the global level. My key phrases therefore remain dialogue, values and the European experience of “part-global” governance.

## **I. Towards a New International Order**

I will try to transmit some ideas that in my view remain of key importance in addressing the greatest challenge that faces us today as European and global citizens, and one that we share on equal terms of interest with our fellow world citizens – the construction of a new global order based on justice and inter-generational solidarity or, as it has been put, “a new order of relations in the world,” a true international community characterised by shared responsibility for the “universal common good,” but respecting each other’s cultural achievements and differences. To this end I have proposed a research and policy agenda on which some of us have started to work, but which in my view needs to take centre stage, for the participants in this joint endeavour will be very many.

## **II. The Need to Work towards a Common Understanding of the Common Good**

It seems to me that what is required at the present time is a genuine and new commitment to the clarification of the philosophy of the common good in global and European terms. I see this as the key question to be addressed at this stage of our common history. What do we mean by the common good? What is it in any particular context? I would argue, again, that we have to think globally in the first place, and consequently develop a clearer view of the Union’s role in the world, as well as in its internal policy-making, including areas from energy to security, from trade and aid to state and human rights.

This could be translated into a coherent set of new long-, medium- and short-term policy objectives rooted in a new “deal” on state and

human rights. Without a new and clear sense of the common good we will stumble from quick fix to late quick fix. On the other hand, focussing on the common good means focussing on values to be observed at national, European and global level, with institutions and policies adapted, or newly-designed for and directed towards the common good. It seems to me that the common good can only be understood through a proper dialogue about values.

The dialogue must evidently be intercultural. For this purpose the academic community could work on and through such concepts as the “common heritage of mankind,” that of “common goods” and other related concepts. It will enable us to focus on preserving and sharing scarce planetary resources, reducing and then eliminating the waste of resources and human potential. These are currently absorbed in keeping a precarious power balance instead of their being channelled into the alleviation of poverty, misery and injustice in constructive ways.

I argue that a new or renewed global architecture is clearly needed for these purposes. Europe has “been there before” in many ways, with experiences over the last fifty years that offer a complex of concepts and elements which can also be used in designing a new global institutional architecture. But first and foremost, values need to be introduced. In and across Europe, as also outside it, a values-oriented new human rights discourse is taking place. Often, in the West this excludes religion, although this is changing too.

Yet, seen from a traditional cultural and religious perspective outside the core of Europe, a liberal humanist relativist discourse is the language of social turmoil if not sedition. Suddenly (or less so), for societies unused to relativism or cultural pluralism, the very foundations of society seem to be rocking: the definition of “marriage” is up for discussion; and within Europe as elsewhere the definition of “good capitalism,” “good management,” “good government,” indeed the definition of “good” itself is up for discussion. This in itself is not new in human history, but such soul searching always poses a challenge to each generation. As for any new challenge, a counter-reaction is experienced to any reaction.

From the liberal (neo-liberal?) relativist humanist perspective in Europe, any challenge to accepted “European values” of pluralism and individual rights and the economic and social progress that accompanied their evolution, or any call to dialogue about values, is seen as a call to admit a failure and reject the notion that “Western” values and notions of human rights, proclaimed as universal, are being put “up for discussion.” Therefore, no one is happy; for everybody’s fundamental societal underpinnings are “up for discussion.” Yet, they are! And increasingly so, in the global as well as the regional and the national

spheres. Surely, these must be discussed openly and with full respect for difference if we are to create a better international order.

On a broader canvas, it is worth asking: “How universally moral is it: to set up and use systems for the non-payment of one’s dues to society; to pollute the environment that is everyone’s heritage; to lure youngsters into self-damaging behaviour; to exploit the weak, the desperate and the vulnerable; to hold back the development of other nations which are perceived as potential competitors; to withhold needed resources including medicines from those in need of them for their health and survival; to put people’s lives or health at risk in numerous ways, often in the name of progress and scientific advancement; to keep women and children and others in servitude; to deny access to basic human necessities to millions of people; to put profit before caution in the face of possible harm?”

These are among the many moral dilemmas that call for a principled response to the complex considerations at play. It is increasingly clear that the international community must address them. We need to “evolve” together before our differences pull us any further apart. Only a major historic effort of true dialogue about virtue in the public sphere, while valuing and respecting differences, holds out the hope for the creation of a new common understanding around values, one that will work to reduce tension and heighten justice in the world. What is needed is not uniformity in all cases, but a new explicit basic common understanding of virtue in all contexts.

### **III. Virtue and the Socio-economic, Business and Finance Model – an Example**

We have come to accept that when it comes to values below the level of core human rights there is often no single, fixed Union “view” on each and every issue. When it came to dialoguing with neighbours and the wider world we could not take “one view” on an issue to any regional or global dialogue forum. However, we can identify broadly accepted viewpoints in particular contexts. For example, as it was put in March 2009 at the University of Padua by Luc Van den Brande, as President of the Committee of the Regions, *“Our model is not a model of concentration of wealth, but a model of solidarity, equal opportunities, cooperation and partnership.”* This presents an example – an experience – of flexible multi-level or multi-sphere cooperation. However, and crucially, it is also an example of a construct that tends inherently towards ultimate enforceability and the rule of law – of a sense of “belonging” – of commitment to what has been agreed.

Our great challenge as human beings is to create the trust – through the construction of workable institutions and processes – that will allow such order to prevail beyond our particular sphere(s). The fact remains that, although there has been much convergence if not integration, there is still no one single European view, but indeed a lack of consensus, for example, over any economic, managerial or social model. Of course, there is always room for divergence but, utilising all our knowledge and experience and those of our fellow citizens of the world, can we not come closer to a core basic common ethical understanding of what is right and what is wrong in terms of the common good?

We must first agree that values – “virtues” as it is often referred to in business ethics, beyond the “value of profit-making” – should permeate trade and commerce. Recent catastrophic events are indeed spurring us in this direction. But can we then fail to also address together some of the harder issues about which we have for too long agreed to disagree, with the result that ethical considerations have perhaps given way to “market realities” without ethics?

For agreeing on core values means taking a hard look at national models, and the ways in which own convictions and institutions prevent us from working to a common understanding of virtue into economic activity. Surely we cannot accept on the one hand that trade and commerce are not ends in themselves, and that justice and human rights demand the pursuit of wealth in a proper manner, without on the other hand also facing and resolving questions of social justice in the production and distribution of wealth, created and generated by a market supported by the efforts and resources of all. This will mean looking with an open mind at one another’s “models,” and again at our own.

Subsidiarity, a principle often interpreted and employed in the EU context in order to keep social political discourse at national level, seems today to be pointing to the direction of requiring action at the EU level. It certainly seems to point to the need for discussion and consensus on a number of issues at global level if we are to create a moral playing field at global level, in other words if the aim is to “make it pay to be good” at global level. This makes it all the more important to involve regional and local actors. For again, such a moral playing field must be universal or it will not work, for if not universal it will pay to be bad when others are trying to be good. It will not pay to be good when others are allowed to be bad; indeed to be good then would be market-place suicide. This is the real lesson of the market failures that we have suffered: greed is infectious and will spread if unchecked. This implies that markets must be allowed to operate state, regional and even global bodies, but also be allowed to regulate in new ways. It means re-organising ideas of “good” market operation not only in technical

terms but especially in virtue (ethical) terms, and dialoguing about this in order that appropriate rules be put in place at all relevant levels (or spheres).

In this challenging context, academics have noted the changes required of their disciplines, including also the economic discipline. Similar “doctrinal crises” have presented themselves to international relations specialists, political scientists, social anthropologists, moral theologians, management and business scientists, to scientists in general, and even to law professors. Key debates have been coming to a head: Constitutionalism or not? Regulation or self-regulation, or no regulation, de-regulation or re-regulation? Free market or social market? Freedom of religion or freedom from religion?

Through all this, the underlying question: are supposed alternatives such as these false antagonists? Is the matter not so complex that we need to be able to employ a mix of strategies and tools, and the appropriate mix at the appropriate time and in the appropriate context? So, when is the appropriate time for what; what makes the right mix for which context? Some writers in the economics field use the phrase “complexity economics” to signify the complexity of the arguments and the fact that no one idea or theory can provide a full explanation and basis for action, unless it be perhaps a super-theory that gives due play to each relevant theoretical standpoint. If this is a new awakening to a truth in economics, are we not all guilty, to some degree, of mono-disciplinarity, and worse, within that mono-disciplinarity, of mono-theory?

Call that what is needed “complexity studies,” call it “cross-disciplinary-complexity studies.” But even these notions may not encapsulate the fullness of the idea. For underpinning all these efforts must also be the overriding preoccupation with values dialogue with a view to identifying the common good – which all disciplines should ideally serve. Again then, what is the common good as far as the business world is concerned? This approach and these kinds of questions are surely of prime relevance for the agenda of the Padua Jean Monnet Centre of Excellence, featuring a cross-disciplinary search for the criteria of the common good, of which (the common good *in concreto*) there surely can only be one in any particular context.

#### **IV. Articulating and Pursuing the Common Good: the Institutional and Decision-making Dimensions**

Our experiences in Europe must surely be relevant to a world that is crying out for a new international order. The successes, the failures, the “non-linear” evolution of the Union and its institutions and the relations

of these with the member states and their citizens – yet who are also Union “citizens” – all this, surely, can provide lessons and almost certainly some possible elements for consideration by those entrusted with developing a new international order. My argument is that we need to consider seriously whether the international order can develop as such on the basis of values, tools, instruments and institutions of a kind that the European experience has shown to be workable among sovereign states and peoples. We also need to ally future developments to real inter-cultural dialogue about values. Europe has an obligation, reflected in the Treaty on European Union, to further the (appropriate) development of international law. This must be done on the basis of agreed universal values.

### ***A. The Elements***

The equality of all “members” or “partners;” the principle of subsidiarity (to be applied at all levels from local to global); citizen representation and civil society dialogue; decision-making centred around cohesion allied to real and justifiable procedural and substantive solidarity and instruments of cohesion, yet with all necessary and proportionate flexibility and differentiation (including the use of soft law such as typified by the open method of co-ordination, regulated enhanced cooperation); the ultimate bindingness in principle of legitimately taken “majority” decisions in dialogue; the direct effect of clear and unambiguous norms; judicial review: so, the rule of law on the basis of general principles of law and institutions to match.

These and other elements of the European experience could transform governance at world level for the better, based as they are on fair, equal and solidary processes. Fair rules based on the equality of nations and peoples and individuals (but allowing for majority decision-making) must be agreed dialogically, but with a view to their being followed and ultimately enforced. Studies on the fight against poverty, on business ethics, on international trade, on overseas development aid, on external relations and sustainable development in all its aspects, all point to this conclusion. I will argue in a similar way later in this paper in connection with Euro-Med and wider cooperation.

### ***B. The “Vision”***

The international order would be rendered more orderly, it would be rendered more fair, it would be rendered wholly inclusive if all players, major and minor, were brought together to devise new institutions, affirm the values and adopt the general principles that will point these institutions towards the common good: equals producing a new international (global) order. Of course, such an initiative cannot be

driven or pursued unilaterally by the EU. Similar experiences exist elsewhere! In any case, the European elements are only some of the elements that could find their way into the ultimate result of a serious joint effort. However, whoever takes the lead, it must be clear from the outset that this has to be a joint global project. It is equally clear that those values, including moral values and ethics, not least those inspired and taught by the main religions, must be the subject of deep study.

I repeat this fundamental point. The main religions are far more than after-life and heaven and hell. He who sees them in this way misses the point. They are about values to be practised in this life – between individuals, in society, in government, in international relations, in international governance; they propose a set of social values that promote justice, peace and order – the ideals (and goals) that all of us speak of, and lament the absence of, day after day. To dismiss religions as dangerous or at best useless, is to deny a primary source of the values that can source the virtuous international order.

In a secular society, even and especially in a multicultural pluralist “European” society-in-the-making, some values can be hidden or even camouflaged. To many it can then appear as though they do not exist. Yet the more recent research done in many places has uncovered several such values beneath the layers of secular rules, and this in many policy areas. It is vital that these values be teased out into the light of day, lest we forget that they are at the base of national and European construction, lest the younger generations fail to learn their salience, and lest our neighbours near and far imagine that they do not exist or that we do not honour them. Of course they exist, but their salience has been diminished by the exclusion of moral language from our political discourse.

Recent and not-so-recent writing has also increasingly uncovered that in some cases we ourselves have committed the wrong of relegating certain moral values and ethics to the realm of the private, or at least to the non-material and non-public sphere. Short-termism in economic and financial activity is one symptom of this phenomenon. Turning a blind eye to the underlying causes (including breaches of human rights) of the ever-growing divide between rich and poor regions, states and people is another. It is possible for a state or its rulers to be rich while the people are (kept) poor. It is possible for some states to be (at least relatively) rich while their neighbours are poor.

One key theme of much recent writing is the relevance of values – and not least religion-inspired values – to policy making, to internal politics and increasingly to external relations. It is most valid subject of intercultural dialogue but also of political discourse within the individual member state polities, the emerging European polity and, not



least, in the external relations. Several writers have noted a moral, even spiritual resurgence in Europe, a phenomenon increasingly visible worldwide. United States' President Obama himself has written that the politician ignores the fact of religious faith as the guiding light of hundreds of millions in their public as well as their private lives at his peril, and at the peril of the common good. I highlight this because it shows, assuming that many are right and that indeed this kind of thinking is acquiring mass support and is growing across the Atlantic and beyond, that we are entering a new historic era, and facing a great historic opportunity and challenge. John Boli calls it the challenge of "rationalising virtue and values."<sup>1</sup>

Politics remains the art of the possible, and what is possible is constrained by differences. If there is common ground among religions, our common humanity and innate goodwill and love for peace, then the great players in the "West" (the USA and the EU) seem to make values and virtue count. There is reason to be hopeful, for openness to dialogue is much on the increase. However, dialogue is only possible if we use the same "language," and avoid the coyness of the West about using the language of moral values. This is likely to remedy misperceptions of the West and establish a closer dialogue and better cooperation across the globe.

Of course, it is not just a question of language. As Tsinisizelis and Xenakis have put it:

Accordingly a new 'hermeneutics of civilisational dialogue' emanates as a *praesumptio juris et de jure*; a dialectic of cultural self-realisation through a reciprocal exchange based on a philosophy of mutual understanding that does away with the subjectivist approach that wants the 'West' to act as a universal civilising force based on an almost metaphysical obligation to humanity.<sup>2</sup>

The same applies in reverse. We must strive to move forward together towards the global moral economy.<sup>3</sup> In his book on *Islam and the Moral Economy*, Charles Tripp concluded: "For Muslims and non-Muslims alike, part of the challenge for the future (is) to create the

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<sup>1</sup> Boli, J., "Religious Organisation," in P. Beyer and L. Beaman (eds.), *Religion, Globalization and Culture*, Leiden, Koninklijke Brill NV, 2007, pp. 203-232.

<sup>2</sup> Tsinisizelis, M.J., Xenakis, D.K., "Unity in Heterarchy: Security Complexity and Systematic Change in the Mediterranean," in F. Prausello (ed.), *Sustainable Development and Adjustment in the Mediterranean Countries Following the EU Enlargement*, Milano, Franco Angeli, 2006, pp. 73-101, p. 84.

<sup>3</sup> See Tripp, C., *Islam and the Moral Economy: The Challenge of Capitalism*, Cambridge, Cambridge University Press, 2006.

space, imaginative and actual, in which acceptance is not read as subordination and in which active engagement becomes part of a process of self-definition.”<sup>4</sup> My wish for the Padua Jean Monnet Centre of Excellence is that deep study and reflection will lead, in the context of some of the most relevant global debates (human debates), to practical results for the sake of justice, peace and prosperity in a truly new world order. It is where we – as Europeans and as Europe – decide that we stand in these debates that define the essence of our citizenship, of the Union and of the world.

### ***C. The Really Big Question: What Does Europe Stand for?***

We have placed the citizen, and in a special way, civil society, at the centre of our inquiry. The really big question is: What does it mean to be a citizen of Europe and of the Union, with a particular identity and culture and therefore particular values, not least religious, but also democratic, family, and social, and these in view of a particular identity mix? How can this identity mix be made relevant in meeting this great challenge of the 21<sup>st</sup> century? What makes us proud to be European? What identifies us as European? What does Europe stand for in the European Year of the Fight against Poverty?

I wish to apply some of the above thinking to this scourge of largely innocent and dying humanity. This raises issues about the world order. We increasingly think not of nation-states or even of groupings of states but in global terms. Poverty is a global challenge. This has implications for the disciplines of law, economics, international relations, anthropology, sociology, philosophy, theology and so on. Poverty is also a multidimensional challenge; it can only be addressed by a coherent, comprehensive strategy that is rooted in principle and driven by the common will. However, the fight against poverty remains essentially a moral issue.

If we truly (increasingly) not only are, but also feel, morally responsible for each other across borders, then also law, in the sense of universal rights and institutions that recognise such, must follow this practical utopia.<sup>5</sup> The international regimes of international trade are under scrutiny. The UN framework, institutional and political, is under review. The policies of the World Bank and of the International Monetary Fund are constantly questioned. The role of the EU in the

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<sup>4</sup> *Ibidem*, p. 201.

<sup>5</sup> Midgley, M., “Towards an Ethic of Global Responsibility,” in T. Dunne, N.J. Wheeler (eds.), *Human Rights in Global Politics*, Cambridge, Cambridge University Press, 1999, pp. 160-165.

world is a matter of debate, and for many the practical implementation of the Lisbon Treaty holds forth the promise of a European Union that will play out its true vocation on the world stage as a beacon of practical solidarity.

Some, perhaps not many anymore, see the possibility of “the end of poverty” beyond achieving the Millennium Development Goals, through the use, with or without adaptation and with our without further development, of already existing mechanisms. Others quite simply do not see it (“the poor will always be with us”), and throw up their hands in defeat, whether through scepticism about the possibility of reform or about the reforms proposed.

We can ask the following questions: What are the values that should inform policy making at all levels? Do these differ according to level and scope of the initiative in question? Are new values emerging to inform policy making in the area of poverty? Has experience given new insight into the definition, the causes, the sufferers (the “faces of the poor”), the manifestations, the symptoms or results of the phenomenon? Understanding has changed of the way in which the poor see themselves and are perceived in turn, thus causing a change in the values applied to the categorisation and judgement of the situation of the poor by the policy maker and his or her electorate? What have we learned in the last few years about how we do trade, how we do aid, how we do business, how we work with others (or fail to) in the search for prosperity and security? Have we learned the lessons, often hard, of an often unrestrained “short-termism,” and what mechanisms can be employed to keep free the entrepreneurial spirit while at the same time curbing the excesses of the short-term pursuit of wealth on the individual, corporate, and even national planes?

Of course, it is implicit and vital that we all work from the same values. Do such universal values exist, or do we need to discover them through intensive inter-cultural dialogue? Bhikhu Parekh, for one, thinks the latter.<sup>6</sup> In this sense the call is for a full and frank dialogue in institutional and other fora that guarantee it. Such are the main themes of a volume published in Malta recently.<sup>7</sup> Solidarity is the key value at play. It is assumed, of course, that we want a solidary world rather than one at war, that we want security rather than insecurity, and that we want equality and justice rather than inequality and injustice. “We” in this are the ordinary citizens, rather than the profit-seekers and

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<sup>6</sup> Parekh, B., “Non-Ethnocentric Universalism,” in T. Dunne, N.J. Wheeler (eds.), *Human Rights in Global Politics*, *op. cit.*, pp. 128-160, especially p. 139.

<sup>7</sup> Xuereb, P.G. (ed.), *The Fight Against Poverty*, Malta, EDRC-PEG Ltd., 2008.

exploiters, those politicians who crave power above all else, and all those who would put their own personal power and wealth before the common good of mankind, however much they may protest that they are acting in the interests of the economy, prosperity, progress.

On these bases, the questions become ones of an instrumental nature. What instruments are available to address the key causes of poverty? What are the obstacles to their mobilisation or implementation? Not all states can (or wish to) join the EU, but the EU should wish them to wish to join something similar, and global solidarity should find in the EU something of a model for its own ordering. This must be done around agreed values as based on the dignity of the human person. Of these, the principal one is equality, implying equal access to opportunity, to the resources of security and economic independence. The right to freedom from fear and insecurity, freedom from want, is the first right of the human being.

Even the EU has its problems with identifying its optimal model. There is none such which can simply be taken and offered to the rest of the world. We all need to learn from the EU experience and think in ever-increasing circles. It is increasingly agreed that a multilateral approach is required, covering the EU member states and their neighbours. I have argued for this before and have suggested that the EU model of evolution of relations should guide us in devising the model for these relations, not least for the Euro-Mediterranean area but also for the Pan-Euro-Mediterranean area and beyond.<sup>8</sup>

We should not be in too much of a hurry, but nor can we afford to delay. This will require institutions that have the capacity to act as institutions for the common good. Just as capitalism owes its origins to economic development and the political reforms that led to the emergence of the nation-states of Europe, the financial scandals of the last century are testimony to greed, the herd instinct and the opportunities presented by globalisation to render all operations, including those predicated by greed and speculation, global. They are testimony to the failure to regulate or re-regulate at national, regional or global levels to dampen such behaviour and foster responsible and moral behaviour.

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<sup>8</sup> Xuereb, P.G., "Pan-Euro-Med Cooperation and Integration – Looking Ahead to Infusing the Euro-Med Partnership and the European Neighbourhood Policy with the Supranational Dynamic," in E. Lannon (ed.), *The European Neighbourhood Policy Challenges*, Brussels, P.I.E. Peter Lang, 2012. I here reproduce some passages from my contribution to this volume.

Values, and especially the key value of solidarity, expressed through practical solidarity at every level of society, from local to regional to world society, and through (new) institutions that lead and implement this practical solidarity via good governance, democracy and justice, are indispensable for the creation of a just world order. Underlying everything is the value of solidarity. So what does the European Union stand for? And, equally (and realistically) we must ask another question, for as we strive for global justice, and as we seek justice for others too, we must ask: what is it that matters most to the citizen of Europe? How would a European citizen answer this question in relation to his/her expectations of the European Union?

If I am honest and practical, I would answer this way. What finally matters to most people in Europe is the answer to this question: will decisions that might have an impact on the essence of my own individual identity, on my culture, on my habits, on my beliefs, on my way of life, on my life just as much as my livelihood, on my children's education, and most of all on my values, be decided with all due respect being accorded to them and without any imposition upon me to discard my loyalty to my country, my values and my community? If those who lead the Union can answer this question honestly and truthfully in the sense that the citizen of Europe has nothing to fear, a vitally important question for the peace of mind of the citizen will have been answered. The leaders of Europe will then be able to count upon the support of the citizen of Europe in developing the policies and taking the decisions that will advance the aims and objectives of the Union while remaining true to its declared values, whether the Union is acting internally or externally, that is whether the acts or decisions are intended to have effect within the Union or to be operative in the wider world as part of the Union's external relations policy.

However, one thing must be understood. Our common values are the starting and the end points. We need to ask whether the Union can adopt a neutral role in the field of values and ethics, leaving to others the duty of upholding its declared values, and still remain credible as an internal and external actor. We must decide to permit the Union to act to uphold our declared values (democracy, dialogue, human rights protection) in the outer world while of course demanding that the Union remains true to the pact of respect for the identity of each member state and its people, implying subsidiarity and proportionality.

I now take two main issues to illustrate the nature of dilemmas facing us: the first is that of combating people smuggling and trafficking as linked to asylum protection; the second is the putting into practice of our values in the Euro-Mediterranean region through what I call "doing with our neighbours as we do among ourselves" via the creation of

institutions and decision-making paradigms that truly respect our neighbours and involve them in the practice of common values in pursuit of the common good.

## **V. We Europeans and our Treatment of Irregular Immigrants**

The work of Matthew J. Gibney on the ethics and politics of asylum<sup>9</sup> addresses the fundamental question as asked in this paper: Where does the Union (and where do the Europeans) stand on asylum? Is the Union guilty of engaging in full rhetoric about human rights while in effect in some way denying full play to the right to asylum? I do not go here into the merits or demerits of the new Stockholm Programme of the European Union. Rather, for the purpose of this paper, I pose the fundamental question. It seems clear that the member states – and particularly the small and “vulnerable” states – are increasingly, if not exclusively, looking to “the Union” to resolve what Gibney terms their “asylum woes.” I take this phrase to refer to the logistical and financial burden, coupled with the “integration of the (im)migrant” burden, and all submerged under the political burden of governments in office of reassuring their citizens that immigration is under control, that their citizens’ jobs and futures and very identity and culture are not being put at risk by the national policy and practice relating to the treatment of asylum seekers.

The principle of burden-sharing solidarity among the member states of the Union, a principle now enshrined in the Treaty on the functioning of the European Union (Article 80), seen at once as a device for the extension of solidarity with the asylum seeker where otherwise this might be withheld, and at the same time one that might be used as a screen for less than proper individual state action on the ground that such inter-member state solidarity is lacking. Some member states such as Malta have in any event contended that there has been insufficient demonstration of inter-member solidarity in the past (the Lisbon Treaty should change this). What do member states expect of themselves and of each other, as they seek to ensure their security and at the same time act in accordance with respect for human rights and in accordance with European values towards all human beings? After all, we say that the Union exists in order to make certain objectives, which we share in common, attainable and sustainable. This does mean that we have to collaborate in spheres such as immigration and asylum policy in order to

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<sup>9</sup> Gibney, M.J., *The Ethics and Politics of Asylum*, Cambridge, Cambridge University Press, 2004.