

«Europe 2020»: What Compass, What Soul, Which Kind of Architecture for the EU Governance? The Need for Human Rights Mainstreaming

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1. Starting Process of Truly Human Development

The Communication of the European Commission, *Europe 2020. A European Strategy for Smart, Sustainable and Inclusive Growth* (COM [2010] 2020, 3 March 2010), is a highly ambitious document which analyses the trilogy of «growth» – smart, sustainable, inclusive – by identifying five priorities assumed to be «mutually reinforcing»: employment for 75% of the population between twenty and sixty-four years of age, 3% of the EU's GDP destined for R&D, climate/energy goals to be met by 20-20-20, reduction in number of early school leavers to below 10%, reduction in number of persons risking poverty to below 20%. These are concrete goals, defined by the Commission as representative but not exhaustive: in fact, they are meant to trigger a number of other initiatives on the national, European and international levels.

The Commission launches a set of seven «flagship initiatives» which, taken together, are expected to make up an effective catalyst for the development of target programs indicated as priorities: «Innovation Union», «Youth on the move», «A digital agenda for Europe», «Resource efficient Union», «An industrial policy for the globalisation era», «An agenda for new skills and jobs», «European platform against poverty».

The undoubtedly virtuous intent of «Europe 2020» is to offer «a credible exit strategy» from the enormous crisis that erupted in 2008 (*felix culpa*), and which wiped out years of economic and social progress, revealing structural weaknesses in Europe's economy, and at the same time, to carry on the European integration process as a whole, primarily «within the Economic and Monetary Union». Considering the current scenario, in which the world is changing at a heady pace, while long-term challenges – globalisation, above all – are intensifying, the

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Commission's document states that «*stronger economic governance* will be required to deliver results» (italics added): in part by adopting «integrated guidelines at EU level to cover the scope of EU priorities and targets». Let us take a look, then, at section 5, entitled «Delivering results: stronger governance». It is divided into two parts, «Proposed architecture of Europe 2020» and «Who does what».

The type of governance proposed by the Commission aims at results. Such governance would be strictly functional, in the sense that it would use a thematic approach perennially focusing on the five priorities mentioned before. At the same time, it would help member states to pursue those goals through the practice of setting up guiding lines and «country reporting». To this purpose, the Commission foresees institutionalising the strategy by fixing «a small set of integrated “Europe's 2020 guidelines”» that would integrate guidelines for employment and a comprehensive economic policy. The Commission will then enhance the functioning of a permanent monitoring system, evaluating states' behavior and making specific recommendations that will vary according to topic and country.

– As for «who does what?» in the decision-making process, the Commission's architectural scheme would evolve on several levels, both territorial and functional, in compliance with the principles of partnership, coordination, and commitment: «We need greater ownership». On the European level, a prevalent role is assigned to the European Council and to the Commission, while rather ancillary importance is attributed to the European Parliament. The document suggests that on the national level, the goals of Europe 2020 be achieved in partnership among different national authorities, sub-national government agencies, social partners and representatives of the civil society: that is, in participative actions, where one explains «clearly why reforms are necessary». In the section entitled «Stakeholders and civil society», the Committee of Regions and the Economic and Social Committee are described as actors capable of benchmarking, networking, and exchanging best practices.

– Indeed the Commission's Communication is an interesting and necessary starting, but it lacks the political impetus – I should say, it also lacks the impetus of the soul – necessary to

successfully pursue the five named goals. With all due respect, the five appear to be an adaptation, *ratione territorii*, of the Millennium Development Goals. As regards governance «technicalities» the perspective is one of *coordination* and *monitoring*, rather than one of integrated policies: that is, policies unified by supra-national *government*. Considering the chaos now threatening the world, a document that calls itself «strategic» should have an approach and content of a markedly *structural* nature. In a situation like today's, where even the existence of the European single currency is subject to argument, how could we even think of attributing major importance to «reporting» as a lever of European governance? Nobody would deny that in the mid term a single currency without a «state» type of government – in our case, without a supra-national one – would be nonsense, by even the most elementary logic; finally it would end up harming social peace itself.

– In this regard, we should consider the observations made by Dario Velo, in consonance with Stiglitz, in referring to the world economy in an era of planetary interdependence. Velo starts out with a precise diagnosis: «In the absence of state institutions which can ensure the government of global economy, a substitutive role has been developed by the process leaders which have a greater governance capacity, both on a macro and micro economic level»¹.

– When I read «process leaders» here, what comes to mind are trans-national corporations, savage competition, financial speculation, concentration of heavy political power in private hands. To get good governance in the present globalised world the imperative duty is to lift the world economy out of the «state of nature» or «primitive or anarchic system» (*bellum omnium omnibus*) theorised by political scientists in reference to the system triggered by the Peace of Westphalia. I would say to liberate economy from meta-economic determinisms.

– As Dario Velo argues, our great challenge will be to draw «the market as a reality back within a state order, responsible for safeguarding the general interest in relation to the particular interests developed on the initiative of individual operators»². The EU system is anything but a primitive system: indeed, it is a highly sophisticated system of governance; but the increasingly complex governance it contains needs a

¹ D. Velo, *The European Model. The Evolution of the European Economic and Institutional Order Towards a Social Market Economy*, November 2010, p. 14, paper submitted to the European University Council for the Jean Monnet Program.

² *Ibidem*.

«government» that can act within an authentically democratic «public space», as theorised by Hannah Arendt.

2. Social Europe as a Legal Duty

As we presently realise, «Europe 2020» is the topic of wide-ranging discussion and consultation. Any value the discussion may have will hinge on the degree to which the different critics can furnish project-oriented suggestions, along with their criticism. My modest contribution in discussing the document will be to indicate those points of ethical, juridical and institutional importance which may give the «European Strategy for 2020» a more coherent structural projection, that is an effective government.

In the Commission's document we find words like «employment», «poverty», «education», «research», «subsidiarity», «well-being», «environment», «social justice», «inclusion». Such terms invoke a concrete type of policy making. They should be considered in light of the juridical and institutional «new deal» which formally opened up on 1 December 2009, when the Treaty of the European Union (TEU) went into force.

Article 2 enshrines the founding values or principles: «The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the role of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the member states in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail».

In its constitutional founding importance³, TEU Article 2 is completed and reinforced by Article 6:

«1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted in Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties [...]. 2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms [...]. 3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result

³ It should be emphasised that any norm which includes the recognition of human rights is constitutional by nature, whatever form it may take. In the EU system, the framework of values and principles today emerges complete with constitutional force.

from the constitutional traditions common to the member states, shall constitute general principles of the Union's law». Such sources should be considered in light, too, of the TEU Preamble, in which the representatives of member states «confirm their attachment to fundamental social rights as defined in the European Social Charter signed in Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers».

As an organic whole, this framework establishes the identity of a «European public space», which TEU Article 3 defines as «an area of freedom, security and justice without internal frontiers».

Within this «public space» – following Hannah Arendt's thought – we find the goals expressed by the very Article 3: in particular, sustainable development based on balanced economic growth and price stability (the Commission's Communication takes up the theme of «growth» again), a highly competitive social market economy, full employment, social progress, quality of the environment, scientific and technological advancement, social justice and protection, equality between women and men, solidarity between generations, protection of the rights of the child, economic, social and territorial cohesion, solidarity among member states. As regards the system of international relations, Article 3 establishes that the Union will not only protect its own citizens, but will also contribute to peace, security, sustainable development, the uprooting of poverty, the protection of human rights, and the development of international law, including respect for the principles of the United Nations Charter.

With the Treaty of Lisbon, as specified and enriched *in re* human rights by the Charter of Fundamental Rights, the European Union has entered a phase of human-centric legal development which we define as *plenitudo iuris*, fullness of the law: a state of legal grace, so to speak, embracing, at least formally, those systems that are founded on respect for the supreme value of human dignity and of the rights inherent in that dignity. As a matter of principle, such systems are and must be inclusive of all the individuals situated in territories of their competence: *plenitudo iuris*, in fact, implies *plenitudo civitatis*, fullness of citizenship, which means «plural citizen-

ship», translatable in the formula: «universal citizenship + national citizenship + EU citizenship».

In virtue of the Charter of Fundamental Rights and of the imminent adhesion of the EU to the European Convention of 1950, the European Union is about to face changes of great structural importance: 1) the EU Court of Justice will become *fully* competent to judge cases of alleged human rights violations; 2) citizens of the EU will be able to accuse the EU itself before the European Court of Human Rights. This is a wholly new element in the law world scenario: a supra-national organisation, the EU, will be subject to a judicial authority which is *per se* supra-national, and which belongs to a different institutional framework, the Council of Europe. In short, two great international organisations will bring their respective systems to meet in the sign of respect for human dignity.

We should point out here that the Charter of Fundamental Rights of the European Union, unlike the European Convention of 1950, embraces both civil and political rights, on one hand, and economic, social and cultural rights, on the other. Their enforcement implies the principle of interdependence and indivisibility of all human rights: one of the founding principles of international human rights law, whose primary sources are the Charter of the United Nations, the Universal Declaration of Human Rights, and the two International Covenants of 1966, dealing, respectively, with civil and political rights and with economic, social and cultural rights.

The so-called «social Europe» is on the way to becoming a reality, *rectius* a legal duty for the EU decision makers; indeed, an obligation in compliance with the constitutional law of the Union.

As is well-known, scholars who study European integration, the functionalists in particular, have been very good at identifying the independent variables (all too numerous, perhaps) of European unification. However, they have left open the question of the dependent variable: state, or federation, or confederation, or a syncretic *quid?* Philip Schmitter abandoned the attempt to answer that question. He ended up by saying that we find ourselves facing a «European polity» which, in order to be sustained, needs more consistent legitimation and participation by the civil society.

With the Treaty of Lisbon the European Union has fully assumed the rule of law and welfare as its institutional «form», the two faces of the same coin: indivisible.

3. Human Rights Mainstreaming

The Lisbon Treaty's constitutional import implies that the EU is obliged to further adjust bodies' competences and powers, as well as policy content, so that they harmonise with the paradigm of fundamental rights, according to the above-mentioned principle of interdependence and indivisibility of all human rights. In virtue of this principle, citizens can claim their economic and social rights before the EU Court of Justice. They may do so even in initiating class action before the same Court.

The European Commission has lost no time in taking the initiative to activate human rights mainstreaming in the legislative process of the Union.

With the Communication on *Strategy for the Effective Implementation of the Charter of Fundamental Rights by the European Union* (COM [2010] 573, 19 October 2010), the Commission takes care, first of all, to point out that the European Parliament and the European Council have made the promotion of fundamental rights in the Union one of their priorities for the future of the sphere of justice, freedom and security, and that the Lisbon Treaty has confirmed the place of human rights at the heart of the Union's external action, creating «a new legal environment» for governance of the EU. Recalling as well that «the Charter applies primarily to the institutions and bodies of the Union» (Article 51.1 of the Charter), the Commission emphasises that «it concerns in particular the legislative and decision-making work of the Commission, Parliament and the Council, the legal acts of which must be in full conformity with the Charter». Clarifying the fact that the Charter «is not a text setting out abstract values, it is an instrument to enable people to enjoy the rights enshrined within it when they are in a situation governed by Union law», the Commission declares that «the Union must be exemplary in this respect». Its exemplary nature must extend even beyond its internal policies: as before advanced, in

accordance with TEU Article 21, Union action within the international system «is designed to advance in the wider world democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and the respect for the principles of the United Nations Charter and international law».

Therefore, partly thanks to the energetic initiative taken by its Vice President Viviane Reding, the Commission is equipping itself in order to use human rights paradigm in controlling its legislative proposals and the measures it enacts, «to ensure that they are compatible with the Charter of Fundamental Rights». With this goal in mind, as the Commission's Communication stresses, «we must promote a *fundamental rights culture*, at all stages of the procedure, from the initial drafting of a proposal within the Commission to the impact analysis, and right up to the checks on the legality of the final text». In order to achieve these targets, the Commission will step up internal training on fundamental rights. Let us recall here that the members of the European Commission promise in a solemn undertaking before the Court of Justice to «respect the Treaties and the Charter of Fundamental Rights of the European Union in the fulfilment of all» their duties. The Communication accents the fact that «the Commission will pay particular attention to “sensitive” proposals and acts, that is all legislative proposals and implementing acts (Article 291 of the Treaty on the Functioning of the European Union, TFEU) and delegated acts (TFEU Article 290) which raise specific issues of compatibility with the Charter or which are designed to promote a specific fundamental right under the Charter».

4. Thinking «Federalist» Without Saying It

In the new legal environment as highlighted by the Commission's Communication of 10 October 2010, mentioned above, also «Europe 2020» strategy must be addressed (and completed) according to the whole human rights paradigm. Needless to remind that any reference to rights automatically implies reference to the public institutions which have the duty of guaranteeing those rights: the fundamental rights are

inherent to the person, but their protection should come from outside. Hence respect for human rights obliges to increase the Union's capacity of «government» as Union in all sectors, not merely in the juridical sphere. Under the scrutinising lens of human rights, «sensitive» topics such as employment, poverty, education, citizenship, youth, subsidiarity and inclusion become even more sensitive; they demand not only an increasingly coherent production of case law, but also, and above all, integrated public policies and positive measures of the EU institutions. I mean more and stronger supra-national government.

How, then, to adopt the recurrent reference to human rights? Let us consider, for example, employment. As we have seen, «Europe 2020» states that the challenge to implement inclusive growth must be met by «fostering a high-employment economy delivering social and territorial cohesion»; that we must ensure employment for 75% of the population of working age; and that persons at risk of poverty must diminish in number by 20 million.

The correct way to deal with this and other items on the agenda of Europe 2020 must start out with an explicit reference to the pertinent constitutional provisions of the TEU and the Charter of Fundamental Rights. As regards the latter, in particular, see Articles 15 (Freedom to choose an occupation and right to engage in work), 27 (Workers' right to information and consultation within the undertaking), 28 (Right of collective bargaining and action), 29 (Right of access to placement services), 30 (Protection in the event of unjustified dismissal), 31 (Fair and just working conditions), 32 (Prohibition of child labor and protection of young people at work), 33 (Family and professional life), 34 (Social security and social assistance), 34 (Health care), 36 (Access to services of general economic interest).

Earlier, I pointed out that the function of guaranteeing human rights both judicially and politically, reinforces the power of the EU institutions and organs. The human rights mainstreaming initiated by the Commission under the guidance of Commissioner Reding leads in this direction, and has considerable strategic importance.

Needless to underline that any method used to demand the protection of fundamental rights can only be a democratic one:

democracy is a fundamental right and, at the same time, a natural method for achieving respect for human rights.

Local governments (municipalities, regions, districts, *länder*) are on the front line of human rights claims. Rights are violated, and demand respect, in the places where people live their daily lives. According to current international law, the responsibility for protecting human rights calls simultaneously on national, international, and sub-national public institutions. In awareness of this fact, local governments are demanding a more visible, direct role in policy making at various levels, including the European and the international ones.

If the public space of the economy is to avoid lending itself to forms of oppressive planning, governance and government responsibility must be shared at various levels. There needs to be pluralism provided by associations, political parties, centres of economic power. In this context we also need constantly to ensure protection and incentives for the small and medium firms, fitting in with a sound democratic principle and the principle of subsidiarity.

In such an original, complex system as the European Union, an exemplary laboratory for the new governance, the architecture of governance can only be structured according to a scheme of multi-level, supra-national governance.

Multilevel governance (MLG) is becoming a popular topic in the academic as well as in the political business. Without linking it to a specific ethic-legal paradigm, it risks to be used as a neutral *passe-partout* or as a formula for geometric 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 and corporations (the functional pole of subsidiarity, horizontal subsidiarity). Good (democratic) MLG is intended to balance the two dimensions allowing non-state actors and the private sector to have voice in the policymaking process at different levels. MLG benefits of a lot of definitions, which are more or less similar in focussing both architectural and processual aspects.

The White Paper on Multilevel Governance prepared by the Committee of the Regions (2009)⁴ provides a convincing *qualitative* definition:

«The CoR considers multilevel governance to mean coordin-

⁴ See also Committee of the Regions, *The Contributions to the 2008 and 2009 Ateliers on Multilevel Governance*, Bruxelles 2009.

ated 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 impacts 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 multilevel governance: «one indicates the responsibility of the different tiers of government, whilst the other emphasises their interaction». This definition summarises the overall blueprint referring to dynamics, actors, and space of MLG – briefly it describes the «why» and the «how».

MLG «crosses the traditional separate domains of domestic and international politics», it is for subsidiarity to work, in a dynamic peer to peer context.

In the CoR vision, MLG is intended to be a rational and reasonable answer to the huge processes of structural change going on across the planet which are making untenable not only the government capacities of states, but the same «form» of statehood as national, centralised, marked by physical borders.

The MLG philosophy for a new «division of political labor» between different territorial levels and tiers of government is to be considered as a help for the active adaptation of EU member states in the interdependent and globalised world. In their own interest it is convenient for states to be more generous towards local and regional authorities by prising decentralisation and local and regional self-government.

5. Moral Foundation for Subsidiarity

As a *political action* blueprint, MLG cannot but be marked by a constant teleological tension: the overall scheme is goals-oriented, entailing values choices. Before being a political and legal principle or a neutral *passe-partout*, subsidiarity is a moral value because it refers directly to the human person's basic needs and inherent rights, that is to the life of the original and central subject in 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».

The encyclical *Caritas in Veritate* of Benedict XVI provides interesting moral, even anthropological arguments for the very 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».

As already underlined, MLG, in a view to be further enhanced in the EU institutional framework, is a semantic *aggiornamento* of the classical doctrine of federalism. As already noted, when

we say human dignity, human rights and fundamental freedoms, democracy, the rule of law, we do enter the constitutional domain. Nowadays in the EU high spheres of government, this is not a popular discourse. For many reasons we do not dare even to say the word «federal»: needless to remind what happened for the unfortunate «constitutional treaty» or the fact that the articulated content of the EU Charter of Fundamental Rights is not «literally» included in the Lisbon Treaty...

Nowadays the ground does exist to facilitate overcoming this kind of humiliating determinism. The European Union is already a system of multilevel governance in a continuous evolution, hence a very interesting laboratory that benefits from a rich *acquis* provided by a supranational *ius commune*, by an institutional architecture that combines, in an original and evolutionary way, the two-fold dimension of intergovernmentalism and supranationalism, by a large network of democratic access channel to the decision-making process, by the EU citizenship, by the practice of social dialogue and civil dialogue, by a single currency, by the increasingly political relevance of the role of regional and local authorities: finally an *acquis* that makes realistic to further improve both quality and efficiency of the system.

Quoting once again from the CoR White Paper: «The European Union is underpinned by a set of common values and fundamental rights that has been the basis for the emergence of a common political culture at the level of the European Union. Subsidiarity, proportionality, proximity, partnership, participation, solidarity and mutual loyalty are the key principles that inspire and guide common action. They shape the European model of protection for fundamental rights, which include local and regional autonomy and respect for diversity. Promoting and preserving this model requires responsibility to be shared between all tiers of government». In this context we should welcome the establishment of European Groupings of Territorial Cooperation as a good practice of transnational cooperation that helps achieving more social and territorial cohesion and foster balanced development.

Finally, the need for enlarging the subsidiarity game at the world level with special reference to the United Nations system as the fourth level of government, is not utopia. Due to

interdependence and globalisation, local and regional polities do interdepend no less than states. The EU ability to adapt to the new global context actually depends largely on the potential of its regions and municipalities to react, act and proact. The European MLG model should be a response for active adaptivity in order to overcome the two-fold danger that our societies will become completely omologated, and that inequalities will grow within and between EU member states. Local and regional governments should be formally legitimated to achieve more visible and effective role through the establishment of a UN Committee of local and regional authorities. This would contribute to actively participate in the construction of a world order accordingly with good MLG benchmarks, that is following the model of a «universal system», the opposite of the «balance of power» or «multipolar» models. To this purpose, worth quoting is Article 28 of the Universal Declaration of Human Rights: «Everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realised».

6. Education for «Innovative Ideas» (*idées innovantes*)

«Europe 2020» sets its sights on «smart growth», to be implemented by developing an «economy based on knowledge and innovation». Such an economy requires «innovative ideas» translatable in terms of products and services which, in turn, should create growth and jobs. The very «Europe 2020» urges for «innovative ideas», *idées innovantes*, hence the discourse on education, on what education, has a strategic relevance.

Well, now: innovative ideas can ripen only in a context of education, formation, and training to carry out in the context of formal, non formal, informal education, through the active collaboration of higher education institutions, political parties, cultural and religious groups, and local governments. Needless to underline that research itself cannot exist outside an educative and formative context.

Yes, «stronger economic governance», of course. But we need to educate new generations of citizens and policy makers. We need to use the content assigned by international human rights law to the fundamental right to education, in order to develop

a culture of growth in harmony with human development and human security strategies.

For the flagship initiative «Youth on the Move», «Europe 2020» mentions the need to enhance the performance of education systems and to facilitate the entry of young people into the labor market. However, the education and culture which we need does not pertain to the labor market alone: we need to develop education programs which help to form «European political awareness», as established by TEU Article 10, para. 4.

In other words, economic governance which, by constitutional obligation, must be democratic and participative, entails the civic and political education of European citizens, using the integrated approach furnished, for this type of education, by both the United Nations and the Council of Europe; and in particular by the European Charter on Education in Democratic Citizenship and Human Rights Education, adopted through a Recommendation by the Committee of Ministers of the Council of Europe on 10 May 2010.

The CoR White Paper calls on policy makers, especially on political parties to helping «to develop strategies for infusing human rights as a cross-cutting issue in all higher education disciplines – not only law, social studies or history but also disciplines in the technical and scientific fields».

The call is for a large mobilisation to build up and disseminate a new political culture through appropriate education and training programs action- and policy-oriented in accordance with what has been already elaborated by the United Nations, UNESCO and the Council of Europe involving a wide spectrum of institutional actors and stakeholders, in particular public administration personnel.

The most recent instrument that addresses this topic in a coherent and comprehensive way is the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, mentioned before. This instrument provides some basic concepts, in particular it specifies that «education for democratic citizenship and human rights education are closely interrelated and mutually supportive. They differ in focus and scope rather than in goals and practices. Education for democratic citizenship focuses primarily on democratic rights and responsibilities and active participation, in relation to the civic, political, social, economic, legal and cultural

spheres of society, while human rights education is concerned with the broader spectrum of human rights and fundamental freedoms in every aspect of people's lives». The Charter further states that «effective learning in this area involves a wide range of stakeholders including policy makers, educational professionals, learners, parents, educational institutions, educational authorities, civil servants, non-governmental organisations, youth organisations, media and the general public». Unfortunately reference to firms and economic corporations is missing. It is further stated that «an essential element of all education for democratic citizenship and human rights education is the promotion of social cohesion and intercultural dialogue and the valuing of diversity and equality, including gender equality». The title of Point 8 of the Charter is «Democratic governance»: «Member states should promote democratic governance in all educational institutions both as a desirable and beneficial method of governance in its own right and as a practical means of learning and experiencing democracy and respect for human rights».

It should also be reminded that in this same field it is being finalised by the United Nations Human Rights Council a UN Declaration on Human Rights Education and Training, that is expected to be endorsed by the General Assembly by 2011. Furthermore the World Program for Human Rights Education launched by the UN in 2005 is entering the second phase of implementation. The related Action Plan points out that the Program aims to achieve the following specific objectives: a) to promote the inclusion of human rights in higher education and in training programs for civil servants, law enforcement officials and the military; b) to support the development, adoption and implementation of relevant sustainable national strategies; c) to provide guidelines on key components of human rights education in higher education and in training programs for civil servants, law enforcement officials and the military; d) to facilitate the provision of support to higher education institutions and member states by international, regional, national and local organisations; e) to support networking and cooperation among local, national, regional and international governmental and non-governmental institutions and organisations. Point 20 says that «higher education institutions, through their core functions (research,

teaching and service to the community), not only have the social responsibility to educate ethical citizens committed to the construction of peace, the defense of human rights and the values of democracy, but also to generate global knowledge to meet current human rights challenges, such as eradication of poverty and discrimination, post-conflict re-building, sustainable development and multicultural understanding».

The UN document emphasises the key concept of «human rights *through* education and human rights *in* education». In view of implementing «Europe 2020», the concept could usefully be translated into «human rights *through* Europe 2020 and human rights *in* Europe 2020».

In order to enhance effective government for sustainable good governance, the EU must promote an educational mobilisation at every possible level.

7. Exemplary Leaderships for Exemplary Europe

Together with innovative ideas, we need innovative political leaderships capable of meeting today's challenges: those linked not only to «exit strategies», but also to the establishment of an effective government for the EU.

An interesting new aspect in the EU scenario is the advent of Mr. Herman Van Rompuy, the first permanent President of the European Union. Van Rompuy's entry onto the stage of international high politics occurred quietly, contrary to the media sensation surrounding the entry – or rather the irruption – of President Barak Obama. However, there are also signs, for those capable of reading them, which indicate a commonality of deep universalistic sensibility between the two. Van Rompuy introduces himself with a masterly lesson, *Du personnalisme à l'action politique*. The lecture was given in Brussels on 7 December 2009 in the context of the «Grandes Conférences Catholiques», a structured tribune in existence since 1931 (text in «La Croix», 30 June 2010). The first section carries the provocative title, «Pas de Realpolitik sans Idealpolitik», and opens a wide-ranging reflection on values. Van Rompuy states: «In politics we are often dealing with numbers rather than dreams, with facts rather than ideas. [...] but the political man is also a human being, and the human being is more than a

calculating being». This contrasts with the opinion of the English politician George Canning, who in the eighteenth century stressed: «Measures, not men».

On the contrary, Van Rompuy states: «people are moved not by measures, but by values, by meaning [...]. Politics is a struggle for power, certainly, but it is also action at the service of mankind, meant to gain occasions of happiness for it»: we must seek to create a balance between political realism and ethical idealism, favoring the ethics of responsibility in a person-centered view of the human being, of society and of politics, aware that «the most sorely neglected value at this moment is responsibility».

The European Union President's lesson then proceeds to refer explicitly to two fundamental works by Jacques Maritain: *Integral Humanism* and *Man and State*, within a framework of world-wide governance. Van Rompuy observes: «political action on a national level remains essential, but by itself it is not sufficient; for «man must become capable of embracing the globalized world. Precisely because a man cannot be identified entirely with a nation or a people or a culture or a class, human relations have no sealed frontiers beyond which one would find only “foreigners” [...]. On the contrary, our bonds on the local level strengthen us so that we can participate fully in the cosmopolitan community [...]. In a globalized world, the perimeter of farthest bonds is expanding ceaselessly [...]. There are two aspirations inherent in man: the desire to be and become himself (the will and right to self-realization) and the desire to belong to a group (the need for social cohesion) [...]. In order to satisfy these two aspirations, we must find a new human dimension in the growing world-wide community». This points to the growing importance of the subsidiarity principle: in invoking it, we justify «the need for movement both downward and toward the higher levels». Van Rompuy asks: «How can we confront all the major problems – the financial and economic crisis, the climatic crisis, crime, migratory movements – without a European and international dimension?».

In Van Rompuy's thought, the philosophy of integral humanism calls upon the principles of equality and solidarity, and therefore, social justice: «People are not the same, but as people they are equal [...]. The equitable division of goods that takes into

account people's needs corrects a division functioning on the basis of merit». Starting from this ontological premise, President Van Rompuy emphasises the need to look to politics, to make politics in constant tension in order to transcend it: «Personalism starts out with the idea that respect for human dignity is not satisfied only by the growth of economic well-being and health (in confronting illness, disabilities and old age). The organization of such a society gives meaning to political action; however, man as such desires that his life have meaning as well». Man finds this meaning in «commitment for something external to him: a transcendence [...] love is the greatest transcendent force, love in its multiple forms [...] happiness is the result of a life full of meaning.» Therefore, «from the top of the pyramid, above politics and the economy and everything that fills man's life on earth, the spiritual meaning of man is soaring. And this spiritual meaning of humanism in its essence – to humanize the world by way of freedom, responsibility and solidarity – must nourish our entire personal and social life, with a heart, a spirit, a sense of hope». The President of the European Union, in stressing that such a vision applies, as well, «for these times, considered difficult», concludes his lecture by quoting Saint Augustine: «We are the times. Let us try to be good and the times will be good».

Van Rompuy further illustrates his vocation toward educated politics in the more explicitly political speech given at the Collège d'Europe in Bruges on 25 February 2010, entitled *The Challenges for Europe in a Changing World* (text at www.coleurop.be). He begins by citing the names of the founding fathers of a united Europe: Jean Monnet, Paul-Henry Spaak, Konrad Adenauer, and Charles De Gaulle, the last mentioned for having led the French resistance movement from London. Like President Obama, Van Rompuy grasps on the strong images: an analogy we might call axiological. The President states that the best way to honor the fathers is not to quote their beautiful sentences, but to ask ourselves how we can act in order to defend our interests and promote our values, aware that our «greatest challenge» today is how to relate, as Europe, to the rest of the world.

The Bruges speech, too, reveals a humanist; on that occasion Van Rompuy quotes a sentence by Shakespeare, useful as a metaphor for the workings of a political project: «There is a

tide in the affairs of men». Van Rompuy notes that we are living amid the currents of history; in the geo-political ocean, we must recognize the currents in order to trace out a route, to change direction, to pilot our ship safely to port. He then lists several currents, in the form of signs which Europe must heed, particularly in order to oppose the fashion of «declinism»: that is, of considering the decline of Europe or of the entire West as something irreversible. Van Rompuy attempts to explain this mood, arguing that the first stage of globalisation, the economic one has ended; now a second stage has begun: the political one. He sums up his analysis in these terms: as long as globalisation was seen prevalently as an economic process, it seemed that we could all win. In the new stage of globalisation, the political one, things are different. Politics has to do with relationships of force; and power is relative. Prosperity is expanding and power is changing.

People in Europe are becoming aware of this. People are anxious, says Van Rompuy, not because they are losing «power», but because they are losing their jobs, and the standard of living is worsening because of global competition. He offers a message of hope based on values and, at the same time – realistically – on concrete action. There is no reason, he says, to think that only elements of *force majeure* are at work. We still have a choice... Europe has a choice. The world is changing, and we must be ready for the change. We must find a political response... Economic governance can be strong only if foreign policy is united. What Van Rompuy calls «economic governance» must above all prompt better coordination among political forces aiming at structural reform, both of the macro-economy and of the micro-economy. The result of our economic efforts, he states, will also determine our place in the world; indeed, economic growth can make us strong. This condition is necessary, but not sufficient. In order to deal with global change, we need a second element: we must also be «united». To be so, however, we need a strategic vision capable of responding to questions such as: «Where are we going? Who are our partners? Where do we want to be during the next ten or twenty years?». Van Rompuy's answer is that we must establish «a shared sense of direction», starting from the premise that «building a market is different from being a *power*». To paraphrase his thought further, one thing is the

market, while another thing is true policy. The challenge for Europe, then, is steep: we must channel the current of globalisation... united even in diversity.

Van Rompuy's pragmatism is partly influenced by functionalist thought, which theorises the process of supra-national integration as a chain, a series of links progressing step by step. In fact, he believes that today the economic dimension of international affairs is the one which leads more fluently than others towards a «common position» and a common policy which involve other dimensions as well. As regards the partners with whom we can navigate in the «geo-political ocean», Van Rompuy indicates several: the United States, Canada, Russia, China, Japan, India, and Brazil, with a preference for the United States as the most appropriate partner in many areas. The attachment of our American friends to good transatlantic relations, he says, is destined to become stronger still in years to come.

This speech by the first permanent President of the EU ends with the metaphor of a geo-political ocean navigated by a convoy of 27 ships, the same number as the member states of the Union. The convoy, says Van Rompuy, is seeking out its route amid the geo-political waves. Each of the 27 ships has its own flag together with the flag of the European Union. Now and then the wind blows them apart; on other occasions it pushes them in the same direction. Some of the ships have a great capacity to manoeuvre, some are sturdier than others, some smaller, some larger; some sail along the flanks of the convoy, others in the middle. What we do not see is what the 27 captains know very well: under the sea's surface, their ships, like the 27 governments of the EU, are linked together, economically and monetarily. We cannot navigate separately. The European convoy does not have just one captain. Recently, though, it acquired a permanent President whose tasks, like mine – says Van Rompuy – include that of presiding over the meetings of the 27 captains and seeking out consensus over the route to follow. We must re-establish a sense of strategic direction. The captains know, we know, you know that we are all together in this adventure.

Van Rompuy concludes on a note of hope, decidedly a virtue active in its orientation toward planning. He is convinced, he says, that Europeans are capable of sailing through the

breakers, calming the storms and carrying forward our beloved convoy through the currents. This choice is near to hand: it is up to us to make it.

My personal conclusion: human rights mainstreaming in the EU system should start in the minds and hearts of the EU policy makers, stimulated by new, innovative intellectual elites that care education no less than the market and money.