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CITIZENSHIP AND CITIZENSHIPS *AD OMNES INCLUDENDOS*: A HUMAN RIGHTS APPROACH

ABSTRACT

The starting assumption is that intercultural dialogue, to be fruitful, must be developed from a basic code of values, that aside from being universal in character and therefore possible to share, must also be a trans-cultural facilitator. Arguably, the international law of human rights provides the axio-legal paradigm for the human-centric foundation of citizenship, then for its re-definition as plural citizenship whose references are no longer only the ius sanguinis *and the* ius soli, *but primarily the* ius humanitatis. *It presents the human rights approach to citizenship* ad omnes includendos, *that is for the inclusion of all human beings, as «members of the human family» in a large and multi-level space. The horizon for active citizenship is much broader than the territorial dimension of the traditional nation-state; it is the European and world space of internationally recognised human rights. In this light, the European integration process and system, being a laboratory of «constituent» activities, provide an evolutionary context in which new citizenship and inclusion practices can be built. Thus an implementation of plural citizenship is strictly linked to re-launching a democratic practice beyond the national borders, and rescuing statehood providing it with new sustainable dimensions. Arguments are raised in favour of the thesis according to which the promotion of universal citizenship strengthens the eligibility of local government institutions to have a more visible place in the architecture and functioning of the world political system. Emphasis is put on the primacy of the international law of human rights over national and sub-national legal systems. Human rights mainstreaming in local and international public policies is considered one of the greatest challenges for reshaping and developing inclusive infrastructures. In this large context of multiple challenges and opportunities, education is asked to help maturing a new «transcend civic identity».*

I. CHALLENGES TO AN (ONLY) NATIONAL CITIZENSHIP

The traditional concept of citizenship, marked by the horizon of the nation-state, is questioned not only for ethical reasons but also because of the large processes of structural change that are transversal to the different national realities that affect, in a direct way, both the sphere of public institutions and the daily life of persons and groups. I am referring to complex interdependence, trans-nationalisation of relationships and structures, permanent organisation of cooperation in the intergovernmental and non-governmental field, economic globalisation, internationalisation of human rights, and of course to European integration as carried through the institutional architecture of the European Union. In this planetary context that launches positive and negative challenges, governance is facing a deep crisis, and the experience of democracy is suffering even in the countries with a longstanding tradition on the matter. The crisis of governance affects not only the routine capacities of national governments – in this case it would be a conjunctural crisis – but also the very «form» of the state as characterised by the dimensions of nationality, sovereignty, border, and army. We are facing a «structural» crisis of statehood as it was being constructed and carried out in the last centuries. The crisis of (the practice of) democracy is strictly linked with the structural crisis of national statehood. Crucial decisions are increasingly taken in extra-national contexts: in a transparent way if we refer to international institutions, in a less transparent way in other venues. The space of nation-state is no longer sufficient to assure the physiologic life of democracy because what should be legitimated, supervised and controlled is no longer, to a great extent, within the domestic jurisdiction of the individual states. Hence citizenship rights are in danger, even the most consolidated rights. If Parliament and the Executive of my country no longer have the real power to decide, what is the meaning of political elections, of my democratic role to legitimate and participate? If the state and other public institutions withdraw from their welfare commitments, giving up the protection of economic and social rights, what is the difference between being and not being a citizen? If the nation-state is unable to provide all those living in its space security from transnational organised crime and wars, what is the difference between being and not being a citizen? If using the remaining part of its power, the national-sovereign-armed-border-

marked statehood succumbs to temptation of exasperating its authoritarian (punitive, repressive) functions, which and how many constitutional guarantees will survive? Why and how to live in such a permanent «state of exception»?

A useful way of addressing this magmatic situation is to re-conceptualise citizenship starting from below, that is from the roots of the political community up to the governance institutions, to see the latter in the light of their *telos* and democratic legitimacy before considering them in the light of authority, power and capacities. Such bottom-up operation is even more urgent if we consider the heavy conflicts that are still going on and even increasing in many territories where different ethnic, religious and cultural groups have been living there for ages, with xenophobia and discrimination growing in the countries where large groups of human beings, bringing different cultures, are entering our territories and rightly advocate the same citizenship rights as the nationals.

Hopefully the world scenario is not entirely negative. Even the dynamics of planetary interdependence has a two-fold dimension, a positive and one negative, where the positive lies mainly in the increasing awareness that we can actually pursue objectives of global governance and use, in a joint and solidaristic way, international and supra-national institutions and decision-making processes to manage and equitably distribute the *global goods* that are included in the interconnected baskets of human security and human development. These positive aspects are more than mere «interstices» for peaceful changes.

In particular, the internationalisation of human rights and the process of European integration provide several strategic opportunities to re-define the concept of citizenship and to open new paths for its practice. The first provides the legal-axiological paradigm for the human-centric foundation of citizenship, the second the real space to exercise the (new) citizenship, both elements offer great opportunities to develop education as a creative process.

The international legal recognition of human rights allows us, I would say obliges us, to re-construct citizenship starting, as already stated, not from state institutions (the traditional citizenship top-down), but from its original holder, the human being (citizenship bottom up): I mean citizenship not as a status *octroyé* by the state, but as an endowment that is inherent to the human being, equal for

all human beings as members of the human family. Needless to point out that bills and decrees are required to regulate the practice of citizenships within the states, though they should be devised respecting the principles of universal citizenship, primarily the principle of non-discrimination.

The European integration process and the EU institution system allow the experimenting of a new, enlarged citizenship in an evolutionary context of «institution building» which strongly requires substantive legitimacy, participation and active citizenship as foundational elements for the construction of the macro polity.

Both realities, the human rights internationalisation and the European integration, do provide further logical and empirical evidence as well as new dimensions to the categories of «identity» and «belonging»:

– a universal ontological parameter: the identity of human being (*personne humaine*) as member of the «human family», whose original status is now formally acknowledged by the international law of human rights, beyond and above the individual domestic jurisdictions;

– a spatial and functional reference: the identity of being «European» – to complement other more restricted identities – and the belonging to the European space and hopefully, to the EU polity.

Both references keep citizenship and governance institutions in strict relationship. And this is consistent with the intrinsic logic of any serious educational project.

2. HUMAN RIGHTS, *PLENITUDO IURIS*

The legal recognition of human rights and fundamental freedoms at the international level is the paramount outcome of the long historic movement that brought democratic constitutions inside states; a movement marked by people suffering and claiming, intellectual endeavours, mass mobilisations, and political commitment. With the United Nations Charter of 1945, and the Universal Declaration of Human Rights of 1948, the «constitutional rationale» has been extended to a world level, overcoming the borders of state sovereignty. For the first time in the history of humanity, the human being has been recognised as a subject, not as a mere object, of international law: or better, as *the* original subject

of law. Article 1 of the Universal Declaration is explicit regarding the «inherence» of fundamental rights: «All human beings are born free and equal in dignity and in rights. They are endowed with reason and conscience and should act towards each other in a spirit of brotherhood».

Furthermore, the Preamble of the Universal Declaration states 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». This means that human dignity is assumed as the founding value of world order and of whatever legal and political system. According to the international law in force, and in perfect consonance with domestic «constitutional» law, sovereignty belongs to the peoples and to the human family as a whole, because each one of their members is endowed with inherent human dignity and with equal fundamental rights. We could rightly say that the human-centric rationale of domestic constitutional law is now being reinforced by the «new» international law, a true *ius novum universale*, or pan-human law, that has become a comprehensive and coherent *corpus* of principles and norms that complement and update the first part of the UN Charter. The DNA of a just, peaceful and democratic world order is made up of basic principles that include: the universality of human rights, their interdependence and indivisibility, the indissociability of women human rights from internationally recognised human rights, the proscription of war, the prohibition of the use of force for the settlement of international disputes, the rule of law, democracy both as a right and the natural method for implementing human rights, the universality of international criminal justice, the international personal responsibility for war crimes, crimes against humanity, and genocide[1].

International legal recognition entails that states and any other organised system should be considered as «derived» entities, instrumental to pursuing the primary aims related to human rights and fundamental freedoms[2]. To underline the native primacy of the human being over derived systems, Article 28 of the Universal Declaration proclaims the right to positive peace as a fundamental right: «Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised». The purport of this article is absolutely revolutionary if we consider that the right to peace (*ius ad pacem*), together with

the right to war (*ius ad bellum*), is one of the traditional strong endowments of state sovereignty. Also by virtue of this article, that highlights and reinforces the purport of other pertinent norms of the United Nations Charter, it can be argued that if peace is recognised as a human right, the right to war cannot but disappear from the dictionary of state endowments and of inter-state relationships, with the logical consequence that the right of states to peace has become the duty of peace (*officium pacis*)[3].

States, the inter-state system, the UN, the EU, as «artificial» systems created for a pre-established *facere*, do not have in themselves the *raison d'être* and, of course, are not provided with «free will» as in the case of the human being. Since human beings, wherever they live, have the same basic needs that are recognised as fundamental rights by the international law in force, all states and international organisations have to comply with the same human-centric deontology.

When a legal system founds itself on human rights, it enters a new stage of human-centric maturation that we can easily call of *plenitudo iuris*, of law plenitude. The international law of human rights indicates that this achievement is also marking the world system. Being the «ferryman» that brings universal human ethics into the political and economic arenas, it is also the core of any genuine educational strategy. To this very regard, the Universal Declaration explicitly emphasizes that its effectiveness should be pursued primarily through teaching and education. It should be pointed out that the pan-human law, as the *noyeau dur* of the human rights knowledge – *le savoir des droits de la personne* – is a particularly useful tool for pedagogical purposes because it permits to refer to values that, for the very fact that are included in international legal norms, cannot but be assumed as less arbitrary than others.

Europe is certainly the historical source of both the coherent philosophy and the juridical language and technicalities of human rights, but the culture of human rights as it is currently developing and disseminating is the result of the confluence of intellectual (and political) contributions of the different regions of the world. For instance, the principle of interdependence and indivisibility of human rights was formally set forth in December 1977 by the UN General Assembly upon proposal and pressure coming from non-European countries[4]. The same principle has been included in the Vienna Declaration issued by the United Nations Conference on Human

Rights in 1993. 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: governments, intergovernmental organisation, non-governmental organisations, academics, and supra-national courts (with their creative case law). Thousands of «institutional» human rights monitors are currently deployed in field operations world-wide. The «human rights dimension» is mainstreaming the mandate and the operational structure of the UN military operations. Amnesty International and a myriad of civil society organisations act along a *continuum* of roles (including the delicate role of *amici curiae*) that start in local communities and go up to the sanctuaries of international politics. Starting from Rio 1992, the big world conferences, convened by the United Nations, mobilise large civil society from all continents and regions, and provide the human rights culture the opportunity to express itself in the form of «value politics» and of trans-national participatory democracy. In fact, the human rights paradigm constitutes a code of shared symbols that are used by significant actors of global civil society to communicate among themselves and with national and international institutions. It should be stressed that the topic of international legality based on human rights and multi-lateralism has become familiar to the trans-national world of civil society not only for denouncing, with competence and full legitimacy, dictatorships, hegemonisms, economics without justice, *Realpolitik* behaviours, but also for conceiving and proposing suitable policies, 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, that is active citizenship, are no longer limited to the intra-state space, and that a suitable «geometry» for democracy, as advanced before, is really extending and building up in the world space. The traditional inter-state system was like an exclusive club of «rulers for rulers» the nourishment of which was assured by what cybernetics call «withinputs» (that is, demands and supports by rulers for rulers, summitry practice), not by physio-logical «inputs» coming from the «ruled people», that is from those human beings that we call «citizens». Now the very «citizens», especially through transnational organisations and movements, have

visibility and legitimate room – already *de iure condito* – in the world constitutional space. Democratising international institutions and politics in the true sense of democracy – that means not «one country, one vote» (a procedural translation of the old principle of states sovereign equality), but more direct legitimacy of the relevant multilateral bodies and more effective political participation in their functioning – has become the new frontier for any significant human-centric and peaceful development of governance. Advocating an international-transnational democracy is already putting new citizenship into practice.

This large mobilisation is further legitimated, in a very specific and innovative way, by the United Nations Declaration «on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms», endorsed by the General Assembly Resolution A/RES/53/144 (8 March 1999). By virtue of this instrument, known as the «Magna Charta of the Human Rights Defenders», «everyone has the right, individually and in association with others, to promote and to strive for the protection and the realisation of human rights and fundamental freedoms at the national and international levels» (Article 1). Emphasis is put on the right to «strive» (this verb is stronger than to act or to operate), to overcome any domestic border. Article 7 states 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». Article 18, points 2 and 3, goes on further: «Individuals, groups, institutions and non-governmental organisations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes. Individuals, groups, institutions and non-governmental organisations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realised». Needless to point out that the tasks relating to the defence of democracy and the construction of world order have a high political profile. Reference to civic and «public» roles of individuals and associations is clearly to be carried out from the city

up to the world sanctuaries. The only legitimacy condition that is specified by the Declaration is that such roles should be realised «peacefully», that is in perfect consistency with the logic of human promotion.

3. CITIZENSHIP AS THE TREE OF CITIZENSHIPS

According to international law that recognises 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. As already pointed out, this enlarged constitutional space coincides with the vital space of all members of the human family. The legal status of the human being does not stem from the anagraphical power of the state, it is a citizenship not *octroyée* but simply «recognised», for the holder is an «original» holder, not the «national» or the «subject» of whatever state. All human beings, being formally recognised as *born* with dignity and 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 didactical purpose: citizenship is like a tree, whose trunk and roots are the juridical status of the human being, 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 intra* around the symbols of national history and national statehood, and of exclusion *ad extra*, with respect to what does not fit in with national borders. It should be reminded that the paradigmatic French Declaration of 1789 referred to the *droits de l'homme et du citoyen*, which gave way to interpreting fundamental rights as a privilege for those who already are anagraphical citizens of a particular state. Its implicit rationale is *ad alios excludendos*, as such contradictory to the immanent universality of human rights.

As a merely rhetorical exercise, we could even wonder whether in the era of planetary interdependence and international law of

human rights, the *ad alios excludendos* philosophy makes any sense. The answer has already been advanced by the UN Charter and the Universal Declaration which both assume human rights as the inherent rights of the human being as such, not as «the rights of the human being and of the citizen». In the pertinent international legal instruments there is no distinction between human being and citizen, the human being is originally the citizen, and vice versa. The philosophy of the new international law is clearly *ad omnes includendos*. Consistent with this approach is also the answer from a sociological point of view, saying that processes of adaptive socialisation should be facilitated in order to make individuals, families, groups aware of the magnitude of the present world challenges, and capable of actively participating in the construction of internal and international peace.

In the current context of multi-ethnic and multi-cultural conflicts that need new forms of political organisation of the world, citizenship should be considered as an evolutionary concept, as is the case for security and development, I mean in a multi-dimensional 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 multi-dimensional concept including social, economic, and environmental aspects, as well as reference to a collective and supra-national machinery[5]. In the years following WW II, 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 emphasized by the United Nations Declaration on the Right to Development of 1986.

Of course, the discourse raises serious, even dramatic problems if we consider that, from a historical point of view, national citizenships are pre-existent to universal citizenship. The big challenge that lies ahead is for culture, politics and education to help change minds, harmonise national legal systems with the international law of human rights, carry out adequate national and international social policies, and foster the inclusion of all in the framework of a multi-level architecture of governance. A new frontier for human promotion and democracy has been opened.

4. EU CITIZENSHIP AND HUMAN RIGHTS: WHICH CONSISTENCY?

The first most significant message stemming from both system and process of European integration can be summarised as follows[6]. Since it was possible to overcome territorial borders and selfishness of states sovereignty, it should also be possible to overcome prejudices and cleavages amongst groups and peoples. It is a peace and liberation message that provides «national» citizens real opportunities to enter new territorial and functional spaces for human development, human security, democratic roles, and to experiment new forms of statehood, of «sustainable statehood». We should not forget that the European integration project, as it was imagined by the inspired «fathers» of Europe, is a true peace-building project. The method to carry out the project was in accordance with the functionalist approach of gradualism, this explains why the key-subjects considered for integration purposes were entrepreneurs, burocrats and lobbyists, not primarily the human being as such. But as we know, since the beginning, the institutional architecture and functioning of the European system, even its founding principles have been involved and metabolised in a permanent evolutionary process. The so-called democratic deficit with regard to the European Parliament power was soon raised. It was realised that it would have been impossible to speak of supranational democracy and the rule of law without linking them to the paradigm of human rights and fundamental freedoms.

The «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 of 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», that was prepared by the *ad hoc* European Convention. The Charter, now included in Part II of the «Treaty establishing a Constitution for Europe», 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.

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In fact, human rights issues were addressed in the European system much before the nineties, 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 European Constitution (Altiero Spinelli Draft), endorsed by the European Parliament in 1984, but not by the Council. The European Commission, mainly through its «unit on human rights and democratisation», has been very active in the field, providing political and financial support to NGOs and universities for projects on information and education to human rights and democratisation[7].

Since 1999, the Human Rights Reports of the European Parliament, have been accompanied by the annual EU Human Rights Report, prepared by the Council and discussed at the annual session of the «EU Human Rights Forum» that takes place under the EU Presidency, with the participation of representatives of the EU member states, EU institutions and organs, NGOs and academics. 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 90s, a «human rights clause» was included in the treaties with third states establishing that implementation can be suspended if the concerned state does not comply with human rights and democratic principles[8]. The important role of the EU institutions in fostering the establishment and the functioning of the International Criminal Court should also be emphasized.

The European Union is endowing itself with a specific machinery dealing with human rights. The European Parliament has the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Petitions, the Sub-Committee on Human Rights, of 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). Its Secretary General-High Representative has a Personal Representative for Human Rights. The Commission, DG-External Relations, has a Directorate on Multilateral Relations and Human Rights and a Unit on Human Rights and Democratisation. A European Agency on Human Rights is being set up. And of course, there is the European «Médiateur» which, 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 to involve in the EU policing, in a larger and more substantive way, civil society organisations (OSC). In this context, a specialised «human rights network» is developing[8].

There are suitable grounds for revising the present «EU citizenship».

As it is explicitly stated in the Treaty establishing the European Community (consolidated version), Part Two (Citizenship of the Union, Articles 17-22) and in the homologous provisions of the first part of the would-be «European Constitution» (Part I, Title II, Fundamental Rights and Citizenship of the Union, Articles 1-10), belonging to a EU member state constitutes the pre-requisite of the EU Citizenship. This means that «nationality» still remains the primary requirement.

In the present EU legal system, provisions regarding citizenship give way to a paradox: discrimination and contradictions are not only in the text of the Treaty on the European Community, but also in the Draft «Constitution for Europe». In the latter document, Part I refers to the «Maastricht citizenship» (where there is no human rights foundation), Part II (Charter of Fundamental Rights) proclaims in its Preamble that the Union «places the individual at the heart of its activities, by establishing the citizenship of the Union» (here the reference would be to the «human being»), while Title V «Citizenship» refers to the «EU citizen» listing only some specific rights, not the fundamental rights that are the label of the Charter. Also Part III, Title II («Non-discrimination and citizenship») regards the already privileged «national»-EU citizens.

What comments? The less we can say is that the Nice Charter legitimates to wonder why the EU citizenship is not based on human rights as is any national democratic citizenship. Such 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* according to 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 specific-special rights that mark the EU citizenship (in particular, freedom of movement, franchise and 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 the EU citizenship are justiciable in a concrete way, but this argument should not give way to discrimination between those who are citizens of a 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 committment.

5. THE SPATIAL HORIZON OF PLURAL CITIZENSHIP

The practice of plural citizenship requires deep awareness of founding values as well as knowledge of legitimacy sources, operational roads, the methods and instruments. Educational work should aim at transmitting cognitive data (and many innovations can be conveyed), to help internalise values and motivate action. The approach cannot but be global, interdisciplinary, participatory and action-oriented as emphasized in particular by UNESCO, starting with its Recommendation of 1974 on «education for international understanding, cooperation and peace and education relating to human rights and fundamental freedoms».

Under educational perspective, due consideration should be given to the definition of the right to education, provided by Article 13 of the International Covenant on Economic, Social and Cultural Rights of 1966: «The State Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable persons to participate effectively in a free society,

promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace».

In elucidating and transmitting values, it must be made clear that values are not a matter of contemplation, they have to be translated into objectives for action following the axio-practical approach that is proper of the human rights culture. Needless to underline that concrete protection of human rights means satisfying basic needs and that this entails, besides bills and court judgements, public policies and positive measures.

Relationship with the closest territory, I mean the local polity, is essential not only because people should have, in that site, concrete opportunities to exert their citizenship rights, but also because, as in particular regards the European dimension of citizenship, local and regional government institutions are formally asked to endow themselves to «create and strengthen the vertical connection between the European citizenship and the citizenship of regions and municipalities» (EU Committee of the Regions)[9].

In Europe, the branches of the tree of plural citizenship are the regional, municipal and provincial citizenships. Citizens' interest in European institutions and politics grows if they are provided with real opportunities and suitable channels for political participation. Following the EU Committee quoted above, «European citizenship represents to a large extent a prolongation of the citizenship of regions and municipalities», among other that part of the EU citizenship that refers to the right to vote and to be voted in the communal elections of the residence place.

For educational purposes, it should be underlined that since regions and municipalities are «territory» in the most genuine sense, but not «border», they have an inner vocation to overcome borders and should offer ground to develop the same peaceful and inclusive identity towards the inside and the outside of their native jurisdictions: «European citizenship cannot and should not be assessed and developed without taking into account other types of citizenship. The success of European citizenship depends to a large extent on how much it will be incorporated into the present civil and political-democratic structures and on the measures by which it is promoted by regional and local administrations»[10]. This opens the way to a strategic alliance between local authorities, civil society organisations and educational actors.

As already pointed out, the ongoing crisis of democracy, that some want to export even by bombing, is mainly due to the fact that issues relating to representative and participatory articulations of democracy continue to be addressed with sole reference to «space» of the nation-state despite a political reality in which huge and heavy decisions are taken outside and beyond that suffocating space. Since local government institutions are forced by their nature to deal directly with problems that belong to the political agenda of world order, local authorities are fully legitimated to claim and actually play a visible role in international affairs. Being closer than other institutions to the vital needs of citizens, local government institutions cannot but be the protagonists of the game of subsidiarity. Because of the ongoing processes of globalisation and transnationalisation, to be effective the game should be played in the world space where multilateral institutions are the upper pole of subsidiarity. Then local polities have a crucial interest in strengthening and democratising the United Nations, the European Union and other legitimate international venues, the same goals that are also pursued by NGOs and transnational social movements of global civil society. Achieving a more adequate space in those institutions is a central goal of cities diplomacy, necessary for their institutional health as well as for the health of multilateral organisations[11].

Italy's case is worth mentioning since the new statutes of thousands municipalities and provinces include the so-called «Peace human rights norm» that states: «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 of human rights, recognises peace as a fundamental right of the human being and of the peoples. To this purpose it is committed to take initiative and cooperate with civil society organisations, schools and universities». This interesting experience that, for its legal relevance, still remains unique in the world, has been going on in Italy since 1991-1992, when communes and provinces were allowed by a national bill to exert a larger extent of autonomy in drafting their new statutes. several regions have also adopted regional bills «for the promotion of the culture of human rights, peace and development cooperation to carry on in cooperation with schools, universities and non-governmental organisations». A good example is provided by the Veneto Region which, in 1988, advanced municipalities and

provinces by endorsing a formal bill with of innovative content[12].

By the statutory norm «peace human rights», Italian communes and provinces formally pledge to comply with the principles of the United Nations Charter and, in particular, with Article 28 of the Universal Declaration of Human Rights that refers to a «social and international order in which the rights and freedoms set forth in this Declaration can be fully realised».

The very fact of taking over such a «global» responsibility fits in well with the inner nature of the local *polity* as «being territory, not border».

Rightly, we can speak of a «cities diplomacy» to include all concrete initiatives, especially public policies that contribute to the construction of internal and international peace, that is to good global governance. The growing political profile of this institutional commitment, besides its educational impact for active citizenship, is self-evident: local authorities become directly involved in promoting the effectiveness of the international legal instruments on human rights.

The first help to such undertaking should be provided at home, by pursuing the goals of the «inclusive city», that is by offering to all those living in the city equal opportunities for the enjoyment of all human rights (civil, political, economic, social, cultural rights) as well as channels and means for political participation. The aim is to meet in a consistent way the requirements of «plural citizenship»[13].

Faced with unsuccessful experience of cooperation development as monopolised by central governments, it is absolutely necessary to mobilise more human and material resources to carry out direct cooperation between cities. Since genuine cooperation is a substantial contribution to good global governance, the «political» profile of the so-called decentralised cooperation cannot but increase.

Furthermore it is useful to know that the network of the «cities for human rights» is developing in Europe following the «European Charter of Human Rights in the City», endorsed in St. Dénis in 2000. The aim of this virtuous undertaking is to foster the translation of the international legal instruments on human rights into the daily life of local polities (*les droits humains dans la rue - los derechos humanos en la calle*).

To carry out tasks of comprehensive peace-building from below up to the United Nations, local authorities should be aware of the strength of «soft power», and of the fact that in using this kind of

power they will reinforce the European Union's identity as global civil actor endowed with the same soft power[14].

Relating to the European space, we should be aware that the practice of citizenship is asked to develop, as pointed out previously, in a context of continual institution-building processes, that is in a laboratory whose political institutions still have few and relatively feeble symbolic capacities of identification while summit or technocratic decision-taking still prevails on popular participation. It is then necessary to develop, as an element of identification and belonging, what I would call the sense of the «constituent behaviour»: in other words, the sense of shared responsibilities in constructing what is important and useful for all. To nurture this strategic tension it is also useful to keep active relations with regional and local government institutions that are playing new significant roles beyond their respective territories and beyond national borders in fields such as development cooperation, cultural exchanges, international solidarity, and humanitarian aid.

But the horizon for active plural citizenship is much larger than the European one, it is the world space of internationally recognised human rights, whose institutional focal points are the United Nations and its agencies. This space too is an evolutionary yard for institution-building, although more complex than those of the European polity laboratory. As regards in particular identification symbols, the UN ideals are still proving to be more appealing than that of the European Union, especially in the milieux of gobal civil society actors that are very sensitive to the political agenda and deal with the construction of a more just, peaceful, and democratic world order.

How can the European yard be connected with the world order yard? In the interdependent and globalised world, in search of effective, transparent and solidaristic steering, the European Union is recognised world-wide as a model of positive peace-building and human development, despite its many critical aspects. As a «civil» actor in the international system, the EU has the incumbent and huge responsibility to be a democratic protagonist in the construction of a world order whose DNA is made up of the UN Charter and the Universal Declaration. Besides its original institutional architecture and the achievement of lasting peace among the European states and peoples, Europe can actually offer to the world the example of a rich and fertile basin of human resources provided by the myriad of civil society structures and local

government institutions, indeed an immense living heritage that is deeply oriented in peace and human rights.

For those living in Europe, awareness of the EU positive peace-building task in the world system, while emphasizing the primary identity as universal citizens would contribute to shape the complementary identity as European citizens and to develop a genuine sense of belonging to the European polity.

For the educational undertaking, it is therefore necessary to transmit cognitive data on the world system of politics and economics, international legality, the United Nations system, issues of collective security and human development, ways and methods of democratising international institutions and politics, international criminal justice, and peace operations. Here again the approach cannot but be action-oriented, noting that also in this macro-space there are real opportunities for active citizenship roles, mainly by working with non-governmental organisations and social movements. «International Democracy» and «Economy with Justice» are increasingly mobilising civil society organisations and social movements.

6. CONCLUSIONS: TOWARDS A TRANSCEND CIVIC IDENTITY

The topic of intercultural dialogue, placed in its natural global and transnational context is strictly linked with the topic of citizenship, that 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 trans-cultural tool that facilitates moving from the potentially conflicting condition of multi-culturality to the dialogic stage of inter-culturality. But dialogue could still be limited to an exchange of information, a reciprocate exchange of images and stereotypes. This is certainly a pre-requisite 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 reply to the question «intercultural dialogue for what?» is: dialogue for working together, to imagine and put into practice common projects for good common goals[15].

To be fructuous, dialogue among individuals and groups bearing different cultures should occur among equals; if not, the case will be

another kind of interaction, for instance for 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 the 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 on how principles are translated into behaviour and policies, that is on 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 emphasize that the culture and strategy of inclusion has a direct relationship with both internal peace (social cohesion) and international peace. These are the two faces of the same coin: the inclusive city is the ground of a peaceful and a just world.

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* or on the *ius soli*, in a perspective of distinction-separation, in short *ad alios excludendos*.

Today, we are at an advanced phase of *plenitudo iuris*, the civilisation of rights, of full rights, whose principles postulate the *plenitudo civitatis*, the civilisation of full citizenship. Human dignity is the central value of *plenitudo iuris*, implying equal dignity among all members of the human family. Full citizenship is obtainable when it becomes institutionalised, departing from the internationally rocognised juridical statute of the human being.

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 humanitatis* parameter prevails on the traditional parameters of the *ius soli* and of the *ius sanguinis*, making them complementary compared to the former, 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 and develops in different cultural and institutional contexts. Universal citizenship sums up and harmonises anagraphic citizenships, 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 the identity/ies develops in a direction of a «transcend civic identity», a superior identity that is authentically secular because it is universalist, trans- and meta-territorial, and trans-cultural. This transcend civic 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 supra-national governance. Thus this kind of political architecture is congruous with the need to guarantee universal citizenship rights in the enlarged space that belongs to it. 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.

In the light of its citizens' transcend civic identity, Europe is urged «to transcend» the negative part of its historical «Western world» identity, that is of egemonic 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, as a basin of minds reflecting on the meaning of universal, a 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.

[1] A. Papisca, *L'internazionalizzazione dei diritti umani. Verso un diritto panumano*, in C. Cardia (ed.), *Anno Duemila, primordi della storia mondiale*, Milano, Giuffré, 1999, pp. 139-167.

[2] J. Maritain, *Man and the State*, Chicago, Chicago University Press, 1951.

[3] H. Gross Espiel, *Il diritto alla pace*, in «Pace, diritti dell'uomo, diritti dei popoli», s. II, n. 1, 1988, pp. 15-30; D. Roche, *Human Right to Peace*, Toronto, Novalis Press, 2003; A. Papisca, *The Nightmare of an Armed Multilateralism* à la carte *Urges for a UNESCO Declaration on the Human Right to Peace*, in European University Center for Peace Studies - EPU (ed.), *Collection of 100 Study Papers and Essays, 2001-2005, of UNESCO Chairs in Human Rights, Democracy, Peace and Tolerance*, Stadtschlaining, EPU, 2006, pp. 289-297.

[4] UN-GA Resolution 32/130 of 16 December 1977, which asserts (para. 1): «a) All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights; b) The full realisation of civil and political rights without the enjoyment of economic, social and cultural rights is impossible; the achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development, as recognised by the Proclamation of Teheran of 1968». This principle, that meets the requirements of the human being «integrality», is included in the Vienna Declaration on Human Rights of 1993.

[5] On human security see S. Alkire, *Concept of Human Security*, in L.C. Chen, S. Fukuda-Parr and E. Seidensticker (eds.), *Human Security in a Global World*, Cambridge, Harvard University Press, 2003, pp. 15-40; J.P. Burgess and T. Owen (eds.), *What Is Human Security?*, in «Special Section, Security Dialogue», vol. 35, n. 3, 2005, pp. 345-372; R. Pettman, *Human Security as Global Security: Reconceptualising Strategic Studies*, in «Cambridge Review of International Affairs», vol. 18, n. 1, 2005, pp. 137-150. See also the Report of the UN Secretary General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, March 2005.

[6] A. Papisca, *Reforming the United Nations by the Convention Method: Learning from the European Union*, in «The Federalist Debate», vol. XIX, n. 1, 2006, pp. 8-12.

[7] The «European Master in Human Rights and Democratisation», that started in 1997 under the supervision of the University of Padua-Human Rights Centre in partnership with 10 European universities, is a significant, positive example of «infrastructural investment» of the European Commission. The partner universities are now 39, in 2003 the «European Joint Degree in Human Rights and Democratisation» was formally established; in the same year the participating universities created the «European Inter-University Centre for Human Rights and Democratisation» (EIUC), a university association endowed with legal personality, based in Venice. The EIUC is now formally included in the Regulation 1889/2006 of December 2006 of the European Parliament and of the Council «on establishing a financing instrument for the promotion of democracy and human rights world-wide» (see Point 21 and Article 13e). For more information on the first six year of functioning of this educational undertaking see A. Papisca, M. Nowak and H. Fischer, *Curriculum Development and Academic Institution Building in the European Union: The Experience of the European Master in Human Rights and Democratisation, EMA*, in «Pace diritti umani/Peace human rights», vol. 1, n. 3, 2004, pp. 123-146.

[8] H. Anheier, M. Glasius and M. Kaldor (eds.), *Global Civil Society 2003 Yearbook*, Oxford, Oxford University Press, 2003; C. Alger, *The Emerging Roles of NGOs in the UN System: From Article 71 to a People's Millennium Assembly*, in «Global Governance», n. 1, 2002, pp. 93-117; M. Mascia, *La società civile nell'Unione Europea. Nuovo orizzonte democratico*, Venezia, Marsilio, 2004.

[9] Committee of the Regions, Opinion 2000/C156/O3 on EU citizenship.

[10] *Ibidem.*

[11] A transnational movement for the promotion of «city diplomacy» is developing. The steering body is the City Diplomacy Committee, VNG International, established by «United Cities and Local Government», UCLG, ONG withy consultative status at the ECOSOC.

Many national and trans-national associations actively participate in the network, among others the «Italian Coordination of Local Authorities for Peace and Human Rights». On 14 May 1999, the Advisory Committee of Local Authorities, UNACLA, was established at the United Nations with the primary task of strengthening the dialogue between central governments and local authorities on the implementation of the Habitat Agenda.

The concept of «city diplomacy» is currently being elucidated through several meetings and conferences. «City diplomacy is the tool of local governments and their associations to help local governments in conflict and war by means of concrete and practical city-to-city cooperation with the aim of creating a stable environment in which the citizens can live together in peace, democracy and prosperity»: this is the provisional definition provided by the Working Conference of United Cities and Local Government, held in Perugia on 6-7 October 2006.

In this context it is worth mentioning the Declaration on Cities and Other Human Settlements in the New Millennium (Resolution S-25/2), endorsed by the UN General Assembly on 9 June 2001.

On the subject see A. Papisca, *Sussidiarietà, orizzonte mondiale. La «diplomazia delle città»*, in «Pace diritti umani/Peace human rights», s. III, n. 2, 2006, pp. 127-132.

[12] On the subject, several publications were edited by the Interdepartmental Centre on Human Rights and the Rights of Peoples of the University of Padua. In particular: G. Lombardi, P. Merlo and M. Mascia, *Pace e diritti umani negli Statuti comunali: il caso della Regione Ceneto*, Padova, CEDAM, 1997; *La politica della Regione del Veneto per la pace. I diritti umani e la cooperazione allo sviluppo*, Padova, CLEUP, 2005. See also the booklet *Pace, diritti umani e cooperazione decenatrata in Italia: le leggi regionali*, Padova, Centro Diritti Umani, 2005.

[13] The topic of «inclusion» and of «inclusive city» is increasingly addressed by individual scholars, research centres, local authorities, local government associations, NGOs, transnational social movements. Bibliography is increasing day by day. Some references: UNCHS (Habitat), *Cities in a Globalising World, Global Report on Human Settlements 2001*, Earthscan Publications. Useful material on «inclusion» is provided by AITEC, *Rapport introductif sur la ville inclusive*, Quatrième Forum International sur la Pauvreté Urbaine, Marrakech 16-19 octobre 2001. Interesting papers and reports are provided by «Inclusive Cities Canada: A Cross-Canada Civic Initative», ICC; Social Planning Council of Ottawa, *Our Homes, Our Neighbourhoods: Building an Inclusive City*, Report on the Community Forum (20 September 2003).

[14] J.S. Nye jr., *Soft Power. The Means to Success in World Politics*, New York, Public Affairs, 2004.

[15] The approach action- and policy-oriented is transversal to the conferences organised by the European Commission in cooperation with the networks of the Jean Monnet Project and the European Community Studies Association, ECSA-World. Precious materials are provided by the volumes edited by the European Commission, Directorate General for Education and Culture: «Intercultural Dialogue/Dialogue interculturel» (conference held in Brussels, 20-21 March 2002); «Dialogue between Peoples and Cultures: Actors in the Dialogue/Dialogue des peuples et des cultures: les acteurs du dialogue» (conference held in Brussels, 24-25 May 2004).

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