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THE EUROPEAN UNION «DIALOGUES» STRATEGY
AS AN EFFECTIVE WAY TOWARDS A WORLD ORDER
BASED ON HUMAN RIGHTS

ABSTRACT

Arguing as the «dialogues» in the era of planetary interdependence, of internationalisation of human rights, and of development of the global civil society, are a crucial instrument for the construction of a new international order based on human rights and democratic principles, the author describes the increasing EU dialogues policy. The essay starts from the construction of a typology, with reference to both internal and external EU dialogues, in order to identify the specific objectives of each type of dialogue as well as the relationships between dialogues. The aim of the essay is firstly to identify the actors of the dialogues, to see if the reference paradigm of value is the same for all, if all the actors interested participate in the work, what results have been reached so far. The focus is placed on the institutional actors, without leaving out the actors of a different nature. The author addresses two main questions: in the complex system of EU dialogues – civil dialogue, social dialogue, political dialogue, human rights dialogue – what position does a specific «intercultural» dialogue have? Should it be a sectoral dialogue as many other, or should it be incorporated into human rights dialogue, or even should it be transversal to the already existing dialogues? The author opinion is that intercultural dialogue should be carried out on a global stage comprising the relations of the Southern and also Northern countries of the world, rich countries and poor ones, non-democratic countries and ones with advanced democracy.

I. THE EU DIALOGUES POLICY

The European Union (EU) is an example of actor in *dialogue* within itself and world-wide, it is an example of institutional facilitator of intercultural dialogue¹.

Since the beginning of the European integration process, dialogue has guided the political will of a group of states that chose to renounce their individual identity in favour of a new political, juridical, economic and social identity giving way to a system of distinct and autonomous supra-national governance. Dialogue was and is a fundamental element of the relations between governing classes, populations and civil society organisations in Europe. The building of common institutions and policies, alongside the enlargements that followed over the years up to culminate in the largest one on 1 May 2004 with the entry of 10 new states into the EU, demonstrates that the method of *dialogue* can achieve great results as the realisation of lasting peace in Europe.

In the EU's current phase of constitutionalisation² and frantic search of external political unity, once again *dialogue*, which the EU embeds in universal human values and in democratic principles, traces the relations with the «others». In the Treaty establishing a Constitution for Europe the motto that was chosen by the Union was «united in diversity». The universalist value of this dialogic identity is in particular valorised by the content of Article II-82 that states, «the Union shall respect cultural, religious and linguistic diversity». In the Preamble it is furthermore stated that, «the peoples of Europe are determined to transcend their former divisions and, united ever more closely, to forge a common destiny»³. Under a constitutional perspective of this nature, Europe appears to the entire world as a political entity that «proposes» and does not «impose» values and principles, which strives to communicate with other cultures without imposing itself, therefore using a legitimate soft power. Yet in the EU, dialogue is both a means and an end, a value and an objective, a law and politics. In fact, when speaking about dialogue one refers to the current practice of relations between the European institutions on the one hand and the social partners (social dialogue), the organisations of civil society (civil dialogue), third countries, regional groups and international institutions (political dialogue and human rights dialogue), on the other.

«Intercultural» dialogue is what the EU has launched recently. Its dimension become tendentially transversal to the various dialogic expression. Especially within a EU that is more and more multi-cultural, the promotion of intercultural sensibilities, competences and behaviours has become a priority of the EU institutions. Intercultural dialogue has turned into an important element of Community action that involves both public authorities and civil society as a whole contributing to a number of strategic priorities such as the promotion of cultural diversity, solidarity, social justice and cohesion. It is becoming a horizontal priority for all relevant Community programs, especially those related to culture, education, youth and citizenship. In this field, EU programmes and actions include academic conferences, cultural projects and education initiatives. In particular the conferences provide political actors in the field of culture and civil society with the opportunity to exchange views on the appropriate means to integrate intercultural dialogue in future actions, at the local, national and European levels⁴.

Following 11 September 2001, intercultural dialogue has turned into a priority even in the EU's field of foreign policy. To advance in its commitments the EU actively participates in the initiatives and programmes generated by important international institutions as and in particular, the United Nations (UN), Council of Europe, OSCE, etc⁵. The EU is looking into ways of working with other international actors in the Muslim world, like the Organisation of the Islamic Conference (OIC) and the Arab League, to foster tolerance as well as respect for other religious beliefs and convictions. The Commission is actively promoting the prompt ratification of the Convention on Cultural Diversity, almost unanimously adopted by UNESCO General Conference on 20 October 2005. It is also considered an important tool for the improvement of relations in our diverse societies.

In the EU external relations, the importance of intercultural dialogue is emphasized by the Cotonou Agreement with the ACP states⁶. Article 27 states that the «cooperation in the area of culture shall aim at: (a) integrating the cultural dimension at all levels of development cooperation; (b) recognising, preserving and promoting cultural values and identities to enable *inter-cultural dialogue* [...]». This is one of the few cases in which an EU partnership agreement contains an explicit reference to

intercultural dialogue. This is cited in more recent documents like the Vienna Declaration adopted in May 2006 at the closing of the 4th EU-Latin America/Caribbean Summit, in which the following is asserted: «We recognise that cultural cooperation is essential in fostering intercultural dialogue and mutual understanding».

Dialogues intertwine, are interdependent, sharing the same objectives of peace and human security. They are founded on shared values as the ones that are proclaimed in the Treaty on European Union, in the Charter of Fundamental Rights of the Union and in the European Constitution, as well as, at a universal level, in the United Nations Charter and in the international legal instruments on human rights. They are among the main instruments of the EU strategy of «norms-promoter»⁷ and of the use of «soft power»⁸. To the EU, dialogue is a means to back «preventive diplomacy» even when faced by global terrorist threats, regional conflicts, and the proliferation of weapons of mass destruction⁹. In today's international architecture, dialogues and cooperation are essential instruments for the development of international politics and for the promotion of effective multilateralism.

There are several definitions or conceptions of dialogues in the EU internal system and in the EU external relations. There is consensus on the fact that the dialogues are, *ad intra*, an instrument for promoting democracy and participation in EU decision-making process and, *ad extra*, an instrument to implement EU common foreign and security policy (CFSP) following the human security approach¹⁰. The dialogues provide a clear framework for EU policy-making and would increase the democratic legitimacy that is needed to gain the vital support of the European civil society and public opinion.

The present essay starts from the construction of a typology, with reference to both internal and external dialogues, in order to identify the specific objectives of each type of dialogue as well as the relationships between dialogues.

The aim of the essay is firstly to identify the actors of the dialogues, to see if the reference paradigm of value is the same for all, if all the actors interested participate in the work, what results have been reached so far. The focus is placed on the institutional actors, without leaving out the actors of a different nature.

2. THE EU INTERNAL DIALOGUES: CIVIL DIALOGUE AND SOCIAL DIALOGUE

«Civil dialogue» is one of the expressions that, together with «civil society», is ever more recurrent in the language of political *milieux*, in particular in the system of the European Union. Refined political scientists and philosophers of the calibre of P. Schmitter and J. Habermas view this expression as a sort of last resort to recover and develop democracy and good governance¹¹.

The theme is certainly linked to, the more general and demanding, democratisation of international institutions and the decision-making processes connected to it. In such a context, civil dialogue would, fundamentally, indicate the «participatory» dimension of democracy at the European level.

In the EU, the Treaty establishing a Constitution for Europe promotes the overcoming of reticence and ambiguity in facing the theme of the role of civil society actors in the context in which it naturally fits, that of political participation at a transnational way. In fact it devotes Title VI to «The democratic life of the Union», declaring in Article I-46 «The principle of representative democracy» and in Article I-47 «The principle of participatory democracy»¹².

The inclusion of the latter article in the treaty resulted from the effective *lobbying* of civil society organisations (SCOs) towards the members of the «European Convention on the Future of Europe»¹³, as well as a cultural maturing of the political elites of the various member states of the Union, that arose also, starting in the mid 90s owing to the constructive debate promoted, first of all by the European Commission and by the European Economic and Social Committee (EESC)¹⁴.

In the «White Paper» on European governance the Commission binds itself to establish a more systematic dialogue with representatives of regional and local governments through national and European associations, and to improve the dialogue with non-governmental organisations of third countries when developing policy proposals with an international dimension. The Commission underlines that civil society organisations «play an important role as facilitators of a broad policy dialogue»¹⁵.

Empirical evidence in the EU provides data on the higher political profile of the subject compared to the ones encountered in other multilateral institutional contexts, in spite of the fact that as of

yet EU institutions have not formally defined the terms «civil dialogue»¹⁶. In the current evolution, it can be said, by exclusion, that civil dialogue is not a formal system of SCOs certification in the EU, and that, most do not consider it an alternative path or a competitor to «social dialogue» – for which the Treaty establishing the European Community, expressly defined the actors and competence – but it viewed complementary to it.

As an approximation, I suggest to intend civil dialogue in the general sense as the interactive dynamics expressed by virtue of the extensive and complex net of channels of access that EU is providing to actors of non-state or non-governmental nature, especially those pursuing human promotion objectives.

More than other institutions and organs of the EU, the European Economic and Social Committee, has shown great continuity and has taken onto itself to elucidate the concepts on the issue, with reference both to subjects and content.

The EESC considers three kinds of civil dialogue: firstly, dialogue within European organisations that represent civil society on the theme of development and the future of the European Union and its policies; secondly, structured, regular dialogue between these organisations as a whole and the European Union; and thirdly, day-to-day sectoral dialogue between civil society organisations and their partners in legislative and executive bodies¹⁷.

In this tripartite context, the term «civil dialogue» implies discussions about the possible ways in which organised civil society can become a player at Community level¹⁸. Civil dialogue is perceived as an essential instrument to realise governance principles (openness, participation, accountability, effectiveness, and coherence), and make a vital contribution towards enhancing transparency and creating a European public arena as a fundamental characteristic of European identity¹⁹. At the EU level it contribute to give practical substance to the concept of participatory democracy.

SCOs too, have proposed their reflection on the concept of civil dialogue. For instance, the definition proposed by the platform of European social NGOs (with around 40 active networks in EU member states) seems meaningful: «Civil dialogue is not just about consultation, it is about ensuring all stakeholders are given the opportunity to influence policy issues where they have expertise. [...] It is part of an on-going process involving all levels: local, national and European, within a specific sector as well as on

horizontal issues. This process is channelled up to the EU institutions by the European NGOs who have been mandated by their constituencies to represent them and advocate on their behalf. This close link between the EU NGOs and their national networks explains why the EU institutions value so much the direct consultation with civil society organizations»²⁰.

«Social dialogue» is essentially a decision-making process based on consensus, in which social partners represent the interests and aspirations of the working world, ranging from work conditions to the human development. Since the enforcement of the Amsterdam Treaty, the parties in this process act on a «quasi-constitutional basis»²¹. The importance of social dialogue in core areas of social policy, especially labour relations, is undisputed. It serves as a model for applying a form of communication intrinsic to civil society, in which dialogue is a constantly developing, goal-oriented process. Social dialogue indeed proves to be a pioneering example of improved consultation and application of the subsidiarity principle in practice and its essential contribution to good governance has been recognised.

The social partners «have thus set standards for a new type of political culture which should embrace areas outside the social dialogue»²². They are also entitled to conduct dialogue which may culminate in collective European agreements on all the issues they cover. Social dialogue «is a component of democratic government and also of economic and social modernisation» with high-quality social protection²³. The task of the social partners within the framework of social dialogue is an excellent example of the effective implementation of the democratic principles of supra-national governance²⁴.

Today prevailing opinion among the «social partners», both the SCOs, is that social dialogue and civil dialogue constitute two levels or articulations of «social governance» that are distinct but complementary. Distinct, because social dialogue represents the affairs that include entrepreneurs and labour unions, whereas civil dialogue embodies political questions on general affairs, therefore its character is substantially public. The competences of the social dialogue concern the industrial relations and jobs, while civil dialogue stretches to comprise plural sectors, practically all the politics of the Union, with the evident risks of becoming overly generic. Civil dialogue belongs to a system of governance that, for

the amplexness of its objectives and the sectors of intervention, is naturally suited to be in liaison with all the EU institutions.

In relation to the complementarity of the two «dialogues», both rooted in the same functional pole of subsidiarity, in fact, civil dialogue is assigned to counterbalance the predominant influence of the interest groups of the economic sector²⁵.

Positive examples of interaction between social dialogue and civil dialogue are those concerning the sectors of the struggle against social exclusion, for equal treatment and conditions at the workplace, social protection, sustainable development, protection of the environment, etc.

It is foreseeable that such «dialogue» among «dialogues» can produce an improvement of the European governance overall, in the sense of greater receptiveness of its institutions, and at the same time can enhance the visibility of the actors of the civil dialogue.

With regard to the juridical-formal aspect, social dialogue is «legally based» on Articles 138 and 139 of the TCE while, as we mentioned above, civil dialogue will have its legal base if and when the Treaty for the Constitution of Europe will enter into force.

As it concerns the process of consultation and the channels of access to the community decision-making, Article 138 attributes a real obligation of consultation to the Commission and foresees a system of accreditation of the social partners. For civil dialogue, an institutionalised system of consultation of the SCOs is not foreseen. The Commission has partly remedied the legislative void with the Communication «Towards a Reinforced Culture of Consultation and Dialogue - General Principles and Minimum Standards for Consultation of Interested Parties by the Commission»²⁶, but we are still very far from an organic system of consultation that sets precise formal obligations. In fact, much depends on the discretion and good will of the officials of the Commission. There is no «roster», SCOs are consulted case by case, and the network CONECCS, an acronym for «Consultation, the European Commission and Civil Society» is intended only for information and does not constitute any formal recognition on the part of the Commission²⁷.

An important exception, regarding the external relations of the Union, is represented by the process of consultation of the SCOs, as foreseen by the ACP-EU Cotonou Agreement.

What are the relapses of the two dialogues on intercultural

dialogue? Social dialogue is already proving to be an important promotion tool for intercultural dialogue, especially since the world of employment is more and more characterised by a multicultural dimension. Immigrants constitute an increasing percentage of the work force in EU member states and indeed, some civil society environments start speaking about a specific «dialogue on immigration». Immigrants as well, through their associations, promote intercultural dialogue both with civil society and the local governments.

The connection between civil dialogue and intercultural dialogue is even more evident. The solidaristic SCOs are naturally directed to interculturality for three reasons: they have a transnational structure and cross-cutting functions, they have a strong bond with the local communities, and a common paradigm of values of reference on internationally recognised human rights.

The European civil society networks that operates in the sectors of the cooperation to development, the promotion of human rights and democracy, the protection of the environment, the rights of the women, etc., constitute a basin that *per se* favours intercultural dialogue. The EU has the role to stimulate the communication, coordination and synergism between the networks of civil society and the latter to increase awareness of the political profile of their action.

A further element of interconnection between civil dialogue and intercultural dialogue is, in fact, that the Community-based organisations (CBOs), as actors of civil society, face the day-to-day challenges of the «inclusive city» and are charged with transferring their appeals to the European level so that the EU itself turns into an inclusive «polity».

The synergism between civil dialogue and intercultural dialogue are strengthened as both these dialogues, as stressed previously, share the same paradigm of axis and lead to common objectives of «inclusive city»: from the right to a house, education, health, employment, to the right for everyone to share equal opportunities and be free of discrimination.

On the international level, the sharing of values and objectives is translated in a common vision of international order founded on the centrality of all human beings and their inherent rights.

3. THE EU EXTERNAL DIALOGUES

The most significant external dialogues are the «political dialogue» and the «human rights dialogue» that the EU is carrying out with many third countries world-wide (China and Iran are the most important and well-known examples) and with regional groups (for instance with the Rio and ACP groups). The two dialogues have become an essential element of all partnerships, trade and cooperation agreements, as well as of the stabilisation and association agreements concluded by the EU.

3.1. The Political Dialogue

Political dialogue is a current expression in the Community language as well as a commitment of both the EU and member states marked by formal agreements with third countries and regional groups. It contributes to define the identity of the European common foreign and security policy. Furthermore it has become a real style and method of bargaining, turning into a structural characteristic of the system of relations in which international threats to security are planetary, more diverse and interconnected, less visible and predictable, and affect in a direct way the European interests. Political dialogue is a process that has a certain continuity and regularity as well as an «inclusive», «flexible» and «transparent» character in both content and participation.

The objectives, mechanisms and actors of the political dialogue in the EU with reference to two third countries, China and Iran, and two regional groups – the ACP and Rio groups – will be reviewed rapidly. With Latin America, the EU has developed a complex and articulate scheme of relations, as the so-called San José Dialogue between the EU and Central American countries (since 1984), the political dialogue between the EU and the Rio Group (since 1990), the political dialogues with Mercosur (Mercado del Sur), SICA (Central American Integration System), and the Andean Community. The EU-Rio Group is a key forum for political dialogue and one of the main platforms through which EU-Latin American relations are enhanced. Today, it comprises all of Latin America as well as representatives from Caribbean countries.

The following paragraph will refer to some of the political dialogue mechanisms, without the pretence of treating the subject thoroughly.

3.1.1. *The Objectives*

The objectives of the political dialogue are formally specified in the agreements and political declarations that the EU signed with third countries and regional groups. The general objectives are to strengthen existing relations between the parties, to exchange information, to foster mutual understanding, to establish agreed priorities and shared agendas, to facilitate consultations between the parties within multilateral institutions. Through dialogue, countries are committed to contribute to peace and security, to prevent, manage and resolve violent conflicts and to promote a stable and democratic political environment.

The specific objectives are different on the basis of the country or of the regional group involved in the dialogue.

The EU-China political dialogue, formally established in 1994, has gradually broadened to cover issues ranging from the non-proliferation to the security situation in Asia, from global warming to the fight against illegal migration and trafficking in human beings. Since its establishment, 22 sectoral dialogues among others on regional policy cooperation, intellectual property rights, trade and investment, industrial policy, environmental protection and climate change, labour and social affairs, development of agriculture and rural areas, energy and transport, financial, and information society have taken place. Recently, the EU has also incorporated issues on racism, xenophobia, migration and asylum questions in the political dialogues²⁸.

The EU-Iran political dialogue, as a «comprehensive dialogue» on a broad range of issues in the economic, political and security fields, was established in 1998. It covers global issues (terrorism, human rights, and proliferation), regional issues (Iraq, Gulf, Central Asia, the Middle East peace process), and areas of cooperation (drugs, refugees, energy, trade, and investment). In that respect, two high-level working groups were established respectively on energy and transport in 1999 and on trade and investment in 2000. Negotiations for an EC-Iran Trade and Cooperation Agreement (TCA), linked to negotiation on a Political Dialogue Agreement (PDA), were launched in Brussels, in December 2002. Because of the pending nuclear issues with Iran, negotiations have stalled from June 2003.

In Article 8 of the ACP-EU Cotonou Agreement, dialogue is finalised to develop cooperation strategies as well as global and sectoral policies, including environment, gender, migration and

questions related to cultural heritage²⁹. The dialogue agenda focuses on specific political issues such as arms trade, military expenditure, drugs and organised crime, and ethnic, religious or racial discrimination. It includes regular assessment of the developments on human rights, democratic principles, the rule of law and good governance³⁰.

In the Political Declaration adopted in Madrid, in 2002, at the EU-Latin America and Caribbean Summit, the specific objectives of the dialogue include: the strengthening of the multilateral system on the basis of the purposes and principles of the United Nations Charter and international law; to reinforce the democratic institutions and the rule of law, and to protect human rights; the support the International Criminal Court; the fight against terrorism in all its forms and manifestations, in accordance with the UN Charter and fully respecting international law including human rights and humanitarian law; the consolidation of cooperation to combat the scourges of illicit drugs and related crimes, corruption and organised crime; the eradication of racism, racial discrimination, xenophobia and related intolerance and in this regard to work together in the implementation of the commitments of the Durban Declaration and Programme of Action adopted in the UN World Conference of 2001; the promotion of gender equality and the empowerment of women as well as the protection of children's well-being; the reinforcement of bi-regional political dialogue in international arenas and consultations in the UN system and in major UN conferences on the main questions of the international agenda.

The objectives of political dialogue presented herein, though limited, should offer a picture of the high level of coherence these objectives share with those announced in the Treaty on European Union by CFSP. Both the general objectives of dialogue and sectoral ones are carried out within a broader unitary EU strategy for human security. Its multidimensional features of political dialogue emerge to include the economic, social, environmental, humanitarian, as well as political-military sphere.

3.1.2. The Mechanisms and Modalities

The mechanisms have the aim to ensure a regular and comprehensive flow of information between all bodies involved in political dialogue and to facilitate making joint decisions and conclusions in the spirit of partnership.

The actors conduct political dialogue through contacts, infor-

mation exchanges and consultations, especially the meetings of various institutions and the full use of diplomatic channels. Political dialogue is both formal and informal according to the need, and conducted within and outside the institutional framework, at the regional, sub-regional or national level. Civil society organisations through their representatives are not always involved in formal dialogue but the main actors are part of informal dialogue as forums, reports, international campaigns like the one against the death penalty, torture, freedom of expression, and releasing «the conscientious prisoners», etc.

In the EU-China dialogue regular series of meetings are structured at different levels: EU Troika Foreign Ministers, Political Directors, Heads of Missions, Regional Directors, technical meetings of high officials. Annual EU-China Summits at heads of government level, which were initiated in April 1998, in London, have contributed a great deal to improve dialogue by providing a strategic vision for the fast-growing relations.

In the EU-Iran dialogue, the Troika meetings are held every six months, seeing the cooperation between the European Commission and Iran through technical working groups and expert meetings on areas of mutual interest and concern³¹. At present, the EU does not have any contractual relations and any significant financial cooperation with Iran, this factor is naturally limiting for the development of their cooperation.

The dialogue mechanisms are described in the Joint Declaration on political dialogue between the European Union and Mercosur³²: «a) regular meetings between the Heads of State of the countries of Mercosur and the highest authorities of the European Union; b) an annual meeting of the Ministers for Foreign Affairs of Mercosur and of the Member States of the EU; c) meetings of other Ministers responsible for matters of mutual interest; d) periodic meetings of senior officials from both Parties».

In the ACP-EU Cotonou Partnership, the mechanisms and modalities of the political dialogue are more structured and complex. There are the relations between the EU and the member states of the European Union, of the one part, and each ACP state of the other part, the joint institutions established by the Cotonou Agreement (the Council of Ministers, the Committee of Ambassadors and the Joint Parliamentary Assembly), and, of course, many working groups and experts meetings. There are the ACP-EU mechanism for the

negotiations of the Economic Partnership Agreements (EPAs), the ACP-EU Water Facility that provides a useful parallel and complementary mechanism to the EU Water Initiative³³, etc.

In a recent Resolution of the ACP-EU Joint Parliamentary Assembly especially devoted to political dialogue³⁴, some of the useful mechanisms that should be instituted as soon as possible are illustrated. For example an «ACP early-warning mechanism» as described in the «Framework and General Principles for intra-ACP Political Dialogue»³⁵, to identify, at the earliest possible stage, any new or re-emerging crisis or conflict and help find solutions through political dialogue; a «Brussels-based Peer Group», in line with the guidelines of the intra-ACP political dialogue; a communication system according to which the joint ACP-EU Council of Ministers report to the ACP-EU Joint Parliamentary Assembly after ministerial meetings; measures to ensure the participation of women on both the ACP and the EU side in all forms and at all stages of political dialogue and the consultation procedure; regular hearings in national parliaments on the ongoing substance of political dialogue; the systematic inclusion of updates on the political dialogue under Article 8 (content, procedures, organisation, and results) as a regular item on the agenda of the ACP-EU Joint Parliamentary Assembly.

Regarding the consultation and participatory mechanisms established by Articles 96 (consultation procedure and appropriate measures as regards human rights, democratic principles and the rule of law) and 97 (consultation procedure and appropriate measures as regards corruption) of the Cotonou Agreement, the Resolution stresses that it is very important to involve members of the ACP-EU Joint Parliamentary Assembly and non-state actors, as well as representatives of non-affected ACP regions, in order to provide effective support for political dialogue at all stages.

The mechanisms and the formalities of the political dialogue have assumed, with reference to the involved actors, a double dimension that is proper of the principle of subsidiarity. They are in fact developed along a vertical axis that involves the institutions at different levels of governance, from that local to that supra-national, and horizontal, in the sense that, thanks to the action of the trans-national actors of civil society, crosses the national, regional and continental frontiers to stretch and comprise a world-wide space.

It must also be underlined that the mechanisms of dialogue have

multiplied and diversified with the enlargement of the political dialogue agenda giving way to mechanisms that are specifically devised around international issues like maintaining peace and security, protecting human rights, assuring economic and commercial cooperation, and to attain the Millennium Development Goals (MDGs), etc.

Also worth noting is the way the diffusion of political dialogue in relations of the EU with third countries and regional groups has activated an increasingly strong and legitimate demand for the establishment of effective mechanisms of consultation and participation. The theme, of extraordinary interest, being the democratisation of political dialogue.

3.1.3. *The Actors*

The principal actors of political dialogue are the states (local, regional, and national institutions), the European institutions, the joint institutions if provided for by the partnership agreement, the non-state actors that include the private sector (economic and social partners, including trade union organisations), and the civil society organisations.

The Leaders Summits have become a practice of dialogue. For instance, at the 9th EU-China Summit, in Helsinki on 9 September 2006, the EU was represented by the President of the European Council (the Prime Minister of Finland) and the President of the European Commission, and the People's Republic of China by the Premier. At the 4th EU-Latin America/Caribbean Summit, in Vienna on 12 May 2006, there were Heads of State and Government of the European Union and of Latin America and the Caribbean. The summits closed with the adoption of a Common Declaration.

The acting presidencies of the EU and the Council have a driving role. The European Commission is fully involved in political dialogue, with a special role of promoting dialogue by financing of specific projects. The delegations of the European Commission have a pivotal role – to act as centres of communication between the parties. The European Council, in its external action policy, is constantly involved in political dialogue, as for instance with the relations with Iraq³⁶, the African Union³⁷, the United Nations³⁸, and to fight terrorism³⁹. Parliamentary institutions also have an active role. European Parliament has adopted a number of resolutions on political dialogue⁴⁰. The main forum for political dialogue between

the EP and parliamentarians from African, Caribbean and Pacific countries is the EU-ACP Joint Parliamentary Assembly⁴¹.

Civil society provides direct support and impetus to the EU political dialogue.

In the EU-China political dialogue the parties are committed to facilitate direct links between civil society groups in the EU, and China, in all areas, to include them in sectoral dialogues. Official links with non-governmental organisations have been strengthened and expanded over the years. Furthermore, European Parliament plays an important role and has developed a closed cooperation with the Chinese National People's Congress⁴².

In the «Political Dialogue and Cooperation Agreements», signed in Rome in December 2003, between EU and Latin America countries⁴³ respectively and between the EU and the Andean Community⁴⁴, it is recognised the role and potential contribution that civil society provides in the cooperation process, and the necessity to promote effective dialogue with civil society. Article 43 is dedicated to the participation of civil society in the cooperation process. It should be consulted during the policy-making process at country level according to democratic principles; it should be informed and should participate in consultations on development and cooperation strategies and sectoral policies, particularly in areas concerning them, including all stages of the development process; supported with financial resources, and capacity building support in critical areas; involved in the implementation of cooperation programmes in the areas that concern it.

In recent years, the involvement of civil society in partnership agreements or sub-regional relations (EU-Andean Community, EU-Mercosur, EU-Central America) and country relations (EU-Mexico and EU-Chile) has been very positive. Representatives of numerous networks and social organisations, movements, NGOs and trade unions of both regions, the EU and Latin America, and the Caribbean have discussed EU-LAC relations at the III Euro-Latino-American and Caribbean Civil Society Forum, on 30 March to 1 April 2006 in Vienna⁴⁵.

The Cotonou Agreement is the only political agreement with third countries that clearly states and makes the consultation of civil society on cooperation policies, strategies and priorities compulsory⁴⁶. It provides a framework for the involvement of non-state actors in the development and implementation of EU strategies and

programmes. The Agreement points that the partnership objectives include: «the building of an active and organized civil society» (Article 1) and the principles include participation, specifying that the partnership is open to various types of actors «comprising the private sector and organizations of civil society» (Article 2). The dispositions in Article 4 are also significant (the actors of the partnership) as it establishes that non-state actors «be informed and involved in consultation on cooperation policies and strategies [...], and on the political dialogue», «be provided with financial resources [...]», «be involved in the implementation of cooperation project and programmes [...]», «be provided with capacity-building support in critical areas in order to reinforce the capabilities of these actors, and the establishment of consultation mechanisms [...]».

Article 7 of the Agreement identifies the need for capacity building of civil society organisations to participate effectively: «The contribution of civil society to development can be enhanced by strengthening community organizations and non-profit non-governmental organizations in all spheres of cooperation. This will require that the creation and development such organizations be encouraged and supported; to enable such organizations to be involved in the design, implementation and evaluation of development strategies and programmes».

The Treaty chapter on political dialogue sets out that «representatives of civil society organizations shall be associated with this dialogue» (Article 8, para. 7). Consultation is then foreseen in Articles 15 and 17 of the Treaty, respectively establishing that «the Council of Ministers shall conduct an ongoing dialogue with the representatives of the social and economic partners and other actors of civil society in the ACP and the EU. To that end, consultations may be held alongside its meetings» and that «the Joint Parliamentary Assembly shall organise regular contacts with representatives of the ACP-EU economic and social partners and the other actors of civil society in order to obtain their views on the attainment of the objectives of this Agreement».

On this basis, civil society observers, 4 from the EU and 4 from the ACP countries, are regularly attending the Joint Parliamentary Assembly and the Council of Ministers to undertake ongoing dialogue with representatives of social and economic partners and other actors of civil society. The first meeting was held in May 2003 and focused on good governance.

In virtue of the dispositions of the Cotonou Agreement, the European Commission has adopted, in 2002, a special Communication on the participation of civil society in EU development policies⁴⁷, and in 2004 the *Guidelines on Principles for the Participation of Non-State Actors*⁴⁸.

NGOs, aside from participating in official mechanisms of consultation, gave rise to independent forums whose aim is to guarantee the grease participation of the many organised expressions of civil society. In 1997, following the first ACP-NGO Conference in Entebbe Uganda was set up by the ACP Civil Society Forum as a platform for civil society organisations from the ACP regions⁴⁹. The Forum is a network working on ACP-EU cooperation issues from within ACP countries. It strives for an appropriate, democratic and transparent framework of the ACP-EU Partnership Agreement.

In 2004, owing to an ACP Civil Society Forum initiative, European Centre for Development Policy Management (ECDPM), Europe's Forum on International Cooperation (EUFORIC), European Solidarity Towards Equal Participation of People (EUROSTEP), and Interchurch Organisation for Development Cooperation (ICCO) established the ACP-EU Civil Society Information Network Project⁵⁰ with the aims to extend and enhance the appropriate use of information and communication technologies by civil society actors in the ACP and Europe. Through the network, organisations become better informed about evolving ACP-EU policies and ongoing initiatives. The project will bring greater equality to policy debates and also raise awareness in Europe about ACP development problems. In its first three years, the project has focused on knowledge sharing and partnership-building on issues in the Cotonou Agreement, including programming, international trade arrangements, poverty reduction, conflict, ACP-EU parliamentary relations and sustainable development.

The challenge for the SCOs is to find a way to turn the provisions of Cotonou Agreement into concrete actions and policies, to ensure a systematic consultation between civil society and EU through effective channels of dialogue, and to strengthen local civil society capacity in order to guarantee access to information, advocacy skills, conflict analysis capability, coalition and network building, etc.

The SCOs operating in the South not only implement the projects funded both by official donors and NGOs but are also

uniquely placed to monitor the effectiveness of development cooperation activities and play an increasingly important role in dialogue and promoting citizenship.

«The *added value* that such participation can bring is not only based on the knowledge and experience provided by civil society, but also their ability to bridge a critical *gap* between strategic goals and their practical realisation»⁵¹.

All EU agreements and regulations applying to cooperation with developing countries should fully integrate the principles of civil society participation in policy-making and implementation. The provisions included in the Cotonou Agreement should be extended to other regional cooperation agreements or frameworks. A genuine culture of consultation and participation should be implemented which respects the NGO values, autonomy and capacity.

3.2. The Human Rights Dialogues

In tandem with democratisation, the rule of law and good governance, and human rights are the main substantive subjects of the ongoing process of political dialogue.

The human rights dialogue (HRD) «provides a forum for a non-confrontational exchange of views and a vital opportunity to foster a culture of human rights, including through the transfer of experience in the ratification and implementation of international human rights instruments»⁵². The HRD is the EU's most important instrument to promote improvements in the human rights situation in third countries. Dialogue becomes a channel of communication which allows the EU to express concern about abuses and seek information about human rights developments. It is also a way to expose the highest level of governments to international human rights standards and best EU practice as well as a vehicle to identify concrete cooperation projects. The HRD is complemented by human rights seminars, which bring together academic experts, NGOs and other representatives from the EU and third country.

This dialogue is determined on a case-by-case basis and include the signing, ratification and implementation of international human rights instruments, cooperation with international human rights procedures and mechanisms, fighting against the death penalty, torture, all forms of discrimination, promoting children's rights, women's rights, freedom of expression, the role of civil society,

international cooperation in the field of justice, the processes of democratisation and good governance, and the prevention of conflict. HRD also includes the preparation and the follow up of the work of the UN Human Rights Council, of the Third Committee of the UN General Assembly and of UN international conferences⁵³.

To facilitate informed dialogue, the EU has recently instituted a system of regular confidential reporting on human rights, including torture, by its heads of mission in third countries and has provided heads of mission with a checklist designed to assure a solid basis to raise the issue in political dialogue.

The Working Party on Human Rights (COHOM), on the basis of the EU Council conclusions of 25 June 2001, adopted the «European Union Guidelines on Human Rights Dialogues». HRD is considered an instrument of the EU external policy, and a measure which the EU may use to implement its policy on human rights. It constitutes an essential part of the EU strategy finalised to promote human development, peace, security, and stability.

The guidelines on HRD have several aims. In particular, to identify the role played by HRD in the global framework of the CFSP and the EU's policy on human rights; to promote a more coherent EU approach in its external relations; to establish the conditions in which it is to be applied and made effective.

HRD objectives include: a) discussing questions of mutual interest and enhancing cooperation on human rights in multi-national forums such as the United Nations; b) registering the concern felt by the EU at the human rights situation in the country concerned, gathering information and endeavouring to improve the human rights situation of that country.

The decision to initiate a HRD lies with the EU Council and requires an assessment of the human rights situation in the country concerned that is undertaken by COHOM. The assessment will look at the developments in the human rights situation, the extent to which the government is willing to improve the situation, the commitment of the government in respect of international law of human rights, the government's readiness to cooperate with United Nations' human rights bodies and procedures as well as the government's attitude towards civil society organisations. The evaluation will then be based on reports by heads of mission, UN bodies and other international or regional organisations, European Parliament and non-governmental organisations, and Commission

strategy papers for the countries concerned. The COHOM is also the responsible for following up the dialogue.

Like the political dialogue, the institutionalised HRD are based on regional or bilateral agreements or treaties⁵⁴. These include the ACP-EU Cotonou Agreement (the more structured dialogue); the Trade, Development, Partnership and Cooperation Agreement with third countries⁵⁵; the Barcelona Partnership (Mediterranean countries)⁵⁶; the Stabilisation and Association Agreements (Western Balkans)⁵⁷; bilateral relations in the framework of association and cooperation agreements; relations with candidate countries and regional organisations (ASEAN, ASEM, Mercosur, Andean Community, etc.)⁵⁸.

Article 9 (Essential Elements and Fundamental Elements) of the ACP-EU Cotonou Agreement, recalls the words of the UN Declaration on Human Development (1986) stating that «cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development» and that respect for all human rights – civil, political, economic, social, and cultural – and fundamental freedoms including democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development. The article recalls the principles of universality, indivisibility and interdependence of all human rights as well as the principles of the equality of men and women and of the participatory democracy. It states that democratisation, development and the protection of fundamental freedoms and human rights are interrelated and mutually reinforcing. Respect for human rights, democratic principles and the rule of law are *essential elements* and good governance is a *fundamental element* of the Agreement⁵⁹. The parties pledge to respect their international obligations and commitments concerning human rights. They reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. These areas are considered «an important subject for the political dialogue».

There is another kind of dialogue in the context of special relations with third countries like USA, Canada, Australia, Japan, New Zealand, and associated countries. The implementation of these dialogues is carried out at meetings taking place on a six-monthly basis attended by experts and representatives of civil society and of European Union institutions. For instance, these dialogues take place

before the annual sessions of the UN Commission on Human Rights (replaced by the UN Human Rights Council) and the UN General Assembly. The main objectives are to discuss issues of common interest and to identify sectors of cooperation within multilateral organisations. In addition to dialogues at EU level, each member state promotes dialogues with third countries at national level.

The more regular and institutionalised HRD with a third country is the one between EU and China. The EU is committed to help promoting human rights in China in an active, sustained and constructive way. Human rights are mainly discussed in the framework of both the larger political dialogue as well as a specific dialogue on human rights. This dialogue was set up in 1996⁶⁰. Two rounds of the dialogue take place every year, under EU Presidency. It allows the EU to channel all issues of concern, such as the death penalty, re-education through labour, ethnic minorities' rights, civil and political freedoms, individual cases, etc., in a forum where China is committed to responding. The dialogue has yielded some concrete results: visits to China by the UN Commissioner for Human Rights, signing of the UN Covenant on Civil and Political Rights, ratification of the UN Covenant on Social, Economic and Cultural Rights, release of prisoners, setting up of Commission cooperation projects. But the EU has made it clear, on several occasions, that it wanted the dialogue to lead to more tangible improvements in the human rights situation.

Another relevant dialogue was set up in 2002 with Iran. The primary aim of the dialogue was to improve the human rights situation. It was expected that Iranian and European institutions cooperate on various activities which will in time add to the interest for and bring into focus the human rights situation in the country. The cooperation included, among other things, the training, research and exchange of information between the Parliament, the judicial system, universities, NGOs and national human rights institutions⁶¹. The Agenda of Iran human rights dialogue includes issues on discrimination and torture, fair trial, freedom of expression and the right to development, administration and justice, as well as the enhancement of international cooperation and solidarity in the field of human rights. No EU-Iran human rights dialogue sessions have followed since 2005.

4. CONCLUSION

In the complex system of EU dialogues – civil dialogue, social dialogue, political dialogue, human rights dialogue – what position does a specific intercultural dialogue have? Should it be a sectoral dialogue as many other, or should it be incorporated into human rights dialogue, or even should it be transversal to the already existing dialogues? In other terms, must a «intercultural mainstreaming» take place? We have already mentioned that it has (still) not formally entered in the EU dialogues agenda. Unquestionably, intercultural dialogue can and must be included in human rights dialogue and in the amplest political dialogue as «emergent issue». Only thus will it be able to be transmitted through channels of communication, consultation and participation that are already active and are being consolidated so as to bring added with regard to both the enhancement of dialogue between supra-national, governmental and non-governmental, and local actors, as well as the development of a debate on world order.

Following a now consolidated routine at the United Nations, the tendency is to enlarge the agenda on dialogue so as to make it functional to satisfy the needs of human communities, that have become a priority compared to those of states. I believe there is an «added value» that must not be disregarded which strengthens the position of the EU in a world-wide political dialogue, it is the European model of supra-national integration. The unique political-institutional development in the European integration process, makes the EU an exemplary model for the regional integration processes launched by Africa, Latin America and Asia. Proof of its appeal is provided by the current process of enlargement.

At present, the possible results of EU dialogues are difficult to imagine in terms of greater democracy, rule of law and the respect of human rights, in short, in terms of internal peace and world peace, both in national political systems and in world political system. Even in 1975, when the «process of Helsinki» between East and West was launched the results were unclear. In 1989 everyone understood that those dialogues, that lasted 14 years, had yielded extraordinary results in terms of structural transformation of world order: ending a bipolar era and of opposing blocks, fall of the Soviet empire, the start of democratisation processes, the entry of many former communist countries into NATO and the EU.

Undoubtedly, the success of the dialogue depends, first of all, on a greater opening to the human rights, to democratic principles and to civil society institutions on the part of third countries. Yet I must be pointed that often the latter seem at times more interested in economic cooperation, than in the adoption of international human rights standards or of joint security strategy, simply do not seem interested in reforming their domestic political systems. Their adhesion to EU principles of democracy and human rights in some cases appears more formal than substantial, and it is motivated by the fact that the EU considers them an essential element of partnership agreements.

The realisation of the state of things is necessary, in which once again the spill-over mechanism can prove useful and favour the ferrying from a technical, not conflicting cooperation to one that is more political. Thus, economic interests are the points of departure to gradually incorporate other interests as well. But it also depends on the EU's ability to develop a unity of objectives, priorities and strategies of foreign policy. The EU is still hindered by the two-fold gap between its «normative power of attraction and its weak empirical power to do things» and between the position it takes in response to international crisis and its institutional ability to deal with the issues properly⁶². Ginsberg joins many other scholars in saying that the EU «is instead an economic superpower and a partially developed international political actor: more than a dwarf and less than a superpower»⁶³.

This paper demonstrates that the actors involved in the dialogue reflect today's reality of international relations which is not exclusively related to the community of states, but is characterised by the presence of a plurality of subjects that are extremely diverse in terms of structure and in the aim of action. The consequence being that international interactive processes become complex directly affecting the functioning and the very structure of the entire system.

The EU has to interact with states and inter-state subjects, non-governmental-transnational organisations, transnational corporations, peoples and individuals, as well as sub-national entities like local government institutions. Clearly, the ability of adaptation of all actors to the processes of transformation taking place on a world scale is not homogeneous. The ability of the states, for example, is the one that is most hindered. The propensity for actors to coexist is also different. One needs only to think, for example, about the

difficulties of the super powers to cooperate with the multilateral international organisations, particularly the United Nations, or the restrictions that countries as Russia or of the Southern part of the Mediterranean place on local and international organisations of civil society. The EU is therefore challenged to promote, according to a «multi-stakeholder approach», greater dialogue in an increasingly complex context of «multi-level governance» inside which the mixed networks acting as public/private governance, the so-called «global public policy networks», and the aggregations of «like-minded» countries are strengthened.

Synergic partnerships need to be created in the various «dialogues», with better division of labour among the actors involved which would improve the «dialogues governance». Once again, the principle of subsidiarity could work as a guide principle in «dialogues decision-making» and in the implementation of «dialogue policies». Foremost, there should be a clearer distribution of the tasks of governments, intergovernmental bodies and supra-national institutions.

The EU could serve as a model of reference: with heads of state and government meetings (summits) having the role of setting out the general orientations and the priorities of dialogue; inter-governmental bodies and supra-national institutions having the role of elaborating programmes on the base of orientations and the priorities devised by the summits (with the active participation of parliamentary institutions); and national governments and the European Commission having the role of implementing the programmes and carrying the policies through.

Following the approach of subsidiarity, it is clearly evident that civil society organisations and of local government bodies should have the guarantee of more transparent and effective channels of participation.

A positive aspect of dialogue is that it challenges the traditional «secret diplomacy» and introduces new principles like openness, transparency and rough consensus into global negotiations. On this regard, one must distinguish between «official» dialogue and «hidden» dialogue. The former is set out in the agreements of association, cooperation, and partnership mentioned herein, as well as in the final declarations of the bilateral or multilateral summits, in the documents of the European institutions.

These instruments formally and transparently define relations

between EU and its partners and favour the «rhetoric» of dialogue. The «hidden» interests are instead those that serve to strengthen, in the different phases of a negotiation, the negotiation power of each actor. They often deal with matters that are beyond the subject of the specific negotiation. They can, for example, regard supporting a Draft Resolution at the General Assembly or at the Human Rights Council of the United Nations, the liberation of «political prisoners», the consolidation of the political position of a government within a regional agreement, the opening of new channels of funding for development, and so forth. Nevertheless, as previously underlined, it is ever more difficult to keep the interests at stake «hidden». The transparency is by now acquired within the parameters of good governance.

Another figure to emerge is that the paradigm of reference of the actors that participate in European dialogues is the same, that of internationally recognised human rights. Nobody dares, at least on paper, to question the historical datum of the international legal recognition of the fundamental rights of individuals and peoples⁶⁴. Then dialogues, more or less directly, contribute to making the international human rights effective. The EU political dialogue was crucial to elaborate and enforce the Treaty establishing the International Criminal Court and the Mine Ban Treaty (Ottawa Convention), as well as for the abolition of the death penalty in many countries. The EU has significantly influenced domestic and foreign policies of third countries who wish to become EU partners by asking them to comply with a set of prerequisites, political and legal, like respecting minority rights, the rule of law, the abolition of the death penalty, the strengthening of democratic institutions and of the civil society organisations⁶⁵. The EU linked substantial progress on respect for democracy, principles of international law and human rights in many development countries since the Lomé Convention.

The prospect of EU membership helped consolidate democracy and the rule of law in Central and Eastern European countries in the 1990s and today in Bulgaria, Romania, Croatia, and Turkey. In multilateral negotiations on human rights, human development and the global environment, the EU has played an important international political role, influencing the positions of other states and the outcomes of several international agreements.

A question arises: how much has dialogue with EU influenced

and continues to influence China on its adhesion to international conventions and the commitments it assumed in putting itself up to the Human Rights Council⁶⁶? How much does dialogue influence to keep an important part of civil society unified in Iran?

Political dialogue with the US is surely the dialogue that, paradoxically, presents many elements of criticism also due to the fact that its course directly influences other EU dialogues, particularly those with Iran and China. Moreover, the traditional bond of the United Kingdom towards the United States (US) constitutes an independent variable that considerably hampers a more autonomous role of the EU.

As generally known, the positions of the EU and the US diverges only not over specific economic, commercial and environmental items, but also and above all, on world order issues. The model of world order in the dialogue with US is what is at stake⁶⁷. The paradigm the EU supports is a model of world order that conforms to the principles and norms stated in the United Nations Charter and in international law, which emphasizes the centrality of the UN to maintain international peace and security, the principle and practice of effective multilateralism, the strengthening of the system of supra-national protection of human rights, and the importance of the role of civil society for the democratic qualification of the world system⁶⁸. In short, it is a model of world order that is consistent with the human security approach, according to which the interest of human beings and communities have precedence over the interests of states and the systems of states⁶⁹.

On the contrary, the US model that was made explicit in the National Security Strategy (NSS) of 2002 and 2006⁷⁰ is founded on «American internationalism that reflects the union of our values and our national interests». The US does not hesitate to affirm that «through our willingness to use force in our own defence and in defence of others, the United States demonstrates its resolve to maintain a balance of power that favours freedom». Furthermore, in the NSS it affirms that «The United States of America is fighting a war against terrorists of global reach. [...] we will not hesitate to act alone, if necessary, to exercise our right of self-defence by acting pre-emptively against such terrorists, to prevent them from doing harm against our people and our country. [...] we recognize that our best defence is to good offence. [...] To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre-emptively».

Faced with such Westphalian vision of security centred on the threats to national interests and values and therefore on «the right to wage war», the EU must find the path to launch dialogue with the US without raising doubts on the fundamental principles that shape its foreign policy. The Declaration of the EU-US Summit, in Vienna on 21 June 2006, is certainly an interesting departure point. Therein the two parties affirmed they «will work with the United Nations and international and regional organizations, civil society, non-governmental organizations and dedicated individuals committed to human rights, democracy and the rule of law». With reference to the problem of security and, particularly, to the struggle against terrorism the Declaration stated: «Consistent with our common values, we will ensure that measures taken to combat terrorism comply fully with our international obligations, including human rights law, refugee law and international humanitarian law. We attach great importance to our ongoing in-depth dialogue on our common fight against terrorism and our respective domestic and international legal obligations».

As a conclusion, we affirm that intercultural dialogue is set on a global stage and comprises the relations of the Southern and also Northern countries of the world, rich countries and poor ones, non-democratic countries and ones with advanced democracy. Intercultural dialogue ought to be cultivated as any other dialogue, throughout the seasons, but especially in stark periods as the one we are experiencing today.

¹ A. Papisca, *Droits de la personne et démocratie. Les cultures à la source de l'universel*, in European Commission, *Intercultural Dialogue. Dialogue Interculturel*, Bruxelles, European Commission, 2003, pp. 132-140.

² See «Journal of European Public Policy», special issue on *The Constitutionalization of the European Union*, vol. 13, n. 8, 2006.

³ Weiler points that a union that is increasingly close «is easier to attain if the differences among its components are eliminated, if they start becoming alike and aspire to become a single entity», a «single political body». See J.H.H. Weiler, *Un'Europa cristiana. Un saggio esplorativo*, Milano, BUR, 2003.

⁴ The European Commission organised in Brussels (Charlemagne Building), in cooperation with the European Community Studies Association (ECSA)-World, four major international conferences respectively on: «Intercultural Dialogue» (20-21 March 2002), «Peace, Security and Stability. International Dialogue and the Role of the European Union» (5-6 December 2002); «Dialogue between Peoples and Cultures. Actors in the Dialogue» (24-25 March 2004); «The European Union and Emerging World Orders: Perceptions and Strategies» (30 November-1 December 2004).

⁵ For instance, the EU presented, at UNGA 60, a Resolution on religious intolerance with an increased focus on dialogue between civilisations. The Resolution, which was adopted by

consensus, recognises the importance of promoting dialogue as a constructive means of enhancing understanding and knowledge. See in this book S. Valenti, *The Mainstreaming of Intercultural Dialogue in the Council of Europe, OSCE and UNESCO*.

⁶ Partnership agreement between the members of the African, Caribbean and Pacific group of states of the one part, and the European Community and its member states, of the other part, signed in Cotonou on 23 June 2000 and entered into force on 1 April 2003.

⁷ See I. Manners, *Normative Power Europe: A Contradiction in Terms?*, in «Journal of Common Market Studies», vol. 40, n. 2, 2002, pp. 235-258; R. Youngs, *Normative Dynamics and Strategic Interests in the EU's External Identity*, in «Journal of Common Market Studies», vol. 42, n. 2, 2004, pp. 415-435; I. Manners, *Normative Power Europe Reconsidered: Beyond the Crossroads*, in «Journal of European Public Policy», special issue on *What Kind of Power? European Foreign Policy in Perspective*, vol. 13, n. 2, 2006, pp. 182-199. For a neorealist analysis and critique of liberal-idealist notions of the EU as a «normative» or «civilian» power, see A. Hyde-Price, «Normative» Power Europe: A Realist Critique, in «Journal of European Public Policy», special issue on *What Kind of Power? European Foreign Policy in Perspective*, vol. 13, n. 2, 2006, pp. 217-234.

⁸ See J.S. Nye Jr., *Soft Power. The Means to Success in World Politics*, New York, Public Affairs, 2004; J.H. Matlary, *When Soft Power Turns Hard: Is an EU Strategic Culture Possible?*, in «Security Dialogue», vol. 37, n. 1, 2006, pp. 105-121. See also R.G. Whitman, *From Civilian Power to Superpower? The International Identity of the European Union*, London, Macmillan, 1998.

⁹ European Council, *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003.

¹⁰ On human security see, among others: R.G. McRae and D. Hubert, *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, Montreal, McGill-Queen's University Press, 2001; G. King and C. Murray, *Rethinking Human Security*, in «Political Science Quarterly», vol. 116, n. 4, 2001, pp. 585-610; R. Paris, *Human Security: Paradigm Shift or Hot Air?*, in «International Security», vol. 26, n. 2, 2001, pp. 87-102; N. Thomas and W.T. Tow, *The Utility of Human Security: Sovereignty and Humanitarian Intervention*, in «Security Dialogue», vol. 33, n. 2, 2002, pp. 177-192; L.C. Chen, S. Fukuda-Parr and E. Seidensticker (eds.), *Human Security in a Global World*, Cambridge, Harvard University Press, 2003; Commission on Human Security, *Human Security Now*, New York, Commission on Human Security, 2003; J.P. Burgess and T. Owen (eds.), *What Is Human Security?*, Special Section, in «Security Dialogue», vol. 35, n. 3, 2004, pp. 345-372; T. Owen, *Human Security - Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for a Threshold-Based Definition*, in «Security Dialogue», vol. 35, n. 3, 2004, pp. 373-387; R. Pettman, *Human Security as Global Security: Reconceptualising Strategic Studies*, in «Cambridge Review of International Affairs», vol. 18, n. 1, 2005, pp. 137-150; R. Paris, *Rational and Irrational Approaches to Human Security: A Reply to Ralph Pettman*, in «Cambridge Review of International Affairs», vol. 18, n. 3, 2005, pp. 479-481; Human Security Centre, *Human Security Report 2005. War and Peace in the 21st Century*, Oxford, Oxford University Press, 2005.

¹¹ See P.C. Schmitter, *Come democratizzare l'Unione europea e perché*, Bologna, il Mulino, 2000; B.J. Habermas, *Droit et démocratie*, Paris, Gallimard, 1997.

¹² Article I-47: «1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. 3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent. 4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution [...]».

¹³ See T. Venables, *The EU's Relationship with NGOs and the Issue of «Participatory Democracy»*, in «Transnational Association», n. 2, 2004, pp. 156-158.

¹⁴ Also refer to the following Communications of the European Commission: *Promoting the Role of Voluntary Organizations and Foundations in Europe*, COM/97/241 final, Brussels, 1997; *The Commission and Non-Governmental Organizations: Building a Stronger Partnership*, COM(2000) 11 final, Brussels, 18 January 2000; *European Governance - A White Paper*, COM(2001) 428 final/2, Brussels, 25 July 2001; *Towards a Reinforced Culture of Consultation and Dialogue - General Principles and Minimum Standards for Consultation of Interested Parties by the Commission*, COM(2002) 704 final, Brussels, 11 December 2002. European Economic and Social Committee (EESC) also see: Opinion of the EESC 851/1999, *The Role and Contribution of Civil Society Organizations in the Building of Europe*, Brussels, 22 September 1999; Opinion of the EESC 811/2000, *The Commission and Non-Governmental Organizations: Building a Stronger Partnership*, Brussels, 13 July 2000; Opinion of the EESC 535/2001, *Organized Civil Society and European Governance: The Committee's Contribution to the Drafting of the White Paper*, Brussels, 25 April 2001; Opinion of the EESC 357/2002, *European Governance - A White Paper*, Brussels, 20 March 2002; Opinion of the EESC 240/2006, *The Representativeness of European Civil Society Organizations in Civil Dialogue*, Brussels, 14 February 2006.

¹⁵ See COM(2002) 704 final, cit., p. 5.

¹⁶ See my book, M. Mascia, *La società civile nell'Unione Europea. Nuovo orizzonte democratico*, Venezia, Marsilio, 2004.

¹⁷ See Opinion of the EESC 535/2001, cit.

¹⁸ See Opinion of the EESC 811/2000, cit.

¹⁹ See Opinion of the EESC 357/2002, cit.

²⁰ See A.S. Parent, *The European Constitution, Civil Dialogue and the Democratic Life of the Union in the New Europe*, Statement at the EU Conference on «Participatory Democracy: Current Situation and Opportunities Provided by the European Constitution», Brussels, 8-9 March 2004.

²¹ See Opinion of the EESC 851/1999, cit.

²² See Opinion of the EESC 851/1999, cit.

²³ European Commission, *The European Social Dialogue, a Force for Innovation and Change*, COM(2002) 341 final, Brussels, 26 June 2002, p. 6.

²⁴ See Opinion of the EESC 357/2002, cit.

²⁵ See D. Obradovic, *L'avenir du dialogue civil et social: une approche coordonnée et globale?*, discours présenté au Séminaire «Dialogue social européen et dialogue civil. Différences et complémentarités», organisé à Bruxelles le 10 juin 2003 par le Comité économique et social européen et par le Groupement d'études et de recherches «Notre Europe», in www.esc.eu.int; P. de Buquois, discours présenté au Séminaire «Dialogue social européen et dialogue civil. Différences et complémentarités», cit., p. 15.

²⁶ COM(2002) 704 final, Brussels, 11 December 2002.

²⁷ CONECCS is a database, established on a voluntary basis, for the consultation of civil society organisations structured at the European level. It provides information about civil society actors, operating at EU level, who represent views on a wide range of European policy. It is part of the Commission's commitment to provide better information about its consultation processes.

²⁸ See Council of the European Union, *Ninth EU-China Summit-Joint Statement*, Presse 249, Brussels, 11 September 2006; European Commission, *EU-China: Closer Partners, Growing Responsibilities*, COM(2006) 631 final, Brussels, 24 October 2006. See also J. Holslag, *The European Union and China: The Great Disillusion*, in «European Foreign Affairs Review», vol. 11, n. 4, 2006, pp. 555-580.

²⁹ See *Guidelines for ACP-EU Political Dialogue (Article 8)*, adopted by the joint ACP-EU Council of Ministers at its 28th session in Brussels, 15-16 May 2003. See also *Framework and General Principles for Intra-ACP Political Dialogue*, adopted by the ACP Council of Ministers at its 76th session in Brussels in December 2002, which sets the broad parameters for political dialogue among ACP States. See A. Bradley, *Political Dialogue: One of the Main Tools for Effective ACP-EC Cooperation*, in «The Courier ACP-EU», n. 200, 2003, pp. 24-25; S.R. Hurt, *Cooperation and Coercion? The Cotonou Agreement between the European Union and ACP*

States and the End of the Lomé Convention, in «Third World Quarterly», vol. 24, n. 1, 2003, pp. 161-176.

³⁰ Examples of countries in which the parties have initiated an Article 8 dialogue are Angola, Botswana, Burkina Faso, Congo (Brazzaville), Gabon, Ghana, Kenya, Nigeria, Senegal, South Africa, Swaziland, Mauritania, Mozambique, Uganda, and Zimbabwe. It is to be carried out with regional organisations as well, such as the AU, SADC and ECOWAS. See Council of the European Union, *EU Annual Report on Human Rights 2006*, Brussels, 2006.

³¹ European Commission, *EU Relations with Islamic Republic of Iran*, COM(2001) 71 final, Brussels, 07 February 2001.

³² Adopted by the European Union and the Mercosur party states, Madrid, 15 December 1995.

³³ At the 2002 World Summit for Sustainable Development in Johannesburg, the EU launched a Water Initiative (EUWI) designed to contribute to the achievement of the Millennium Development Goals (MDGs).

³⁴ Resolution *The ACP-EU Political Dialogue (Article 8 of the Cotonou Agreement)*, adopted by the ACP-EU Joint Assembly on 25 November 2004 in The Hague.

³⁵ See note 29. The official document contains a number of proposals to improve the modalities and mechanisms for political dialogue.

³⁶ European Council, *Presidency Conclusion*, Annex 4, *Declaration on Iraq*, Brussels, 15-16 June 2006: «The European Union stands ready to renew its engagement with the new Iraqi government and Iraqi citizens in their efforts to bring peace, stability and prosperity to an independent and sovereign Iraq. The European Union looks forward to rapid and early *political dialogue* with the new government».

³⁷ *Ibidem*, Annex 6, *Declaration on Africa*: «The European Union remains committed to contributing to the African efforts to achieve the Millennium Development Goals, with a view to making the African continent stable and prosperous, laying emphasis on the principles of partnership, responsibility and ownership, good governance, rule of law and respect for human rights. In this context, it reiterates the importance of enhanced EU-Africa *political dialogue*».

³⁸ European Council, *Presidency Conclusion*, Goteborg, 15-16 June 2001: «Important decisions have been taken by the Council to reinforce the *political dialogue* and strengthen cooperation between the European Union and the UN. Substantial progress has been made in building an effective partnership with the UN in the fields of conflict prevention and crisis management as well as development cooperation, humanitarian affairs, asylum policies and refugee assistance».

³⁹ European Council, *Presidency Conclusion*, Extraordinary Meeting, Brussels, 21 September 2001: «The fight against the scourge of terrorism will be all the more effective if it is based on an in-depth *political dialogue* with those countries and regions of the world in which terrorism comes into being»; and European Council, *Presidency Conclusion*, Brussels, 17-18 June 2004: «Combating terrorism must be a key element in *political dialogue* with third countries, with particular emphasis on ratification and implementation of International Conventions, preventing the financing of terrorism, addressing factors which contribute to terrorism, as well as non-proliferation and arms control». In political dialogue with third countries the EU has consistently drawn attention to the imperative need to ensure that all measures taken against terrorism respect human rights, refugee law and international humanitarian law.

⁴⁰ See recently Resolution on *EU-China Relations*, Doc. P6_TA(2006)0346, 7 September 2006; Resolution on *Iran*, Doc. P6_TA-PROV(2006)0503, 16 November 2006; Resolution on *A Stronger Partnership between the European Union and Latin America*, Doc P6_TA(2006)0155, 27 April 2006.

⁴¹ See Resolution on *The ACP-EU Political Dialogue (Article 8 of the Cotonou Agreement)*, Adopted by the ACP-EU Joint Assembly on 25 November 2004 in The Hague.

⁴² European Commission, *EU-China: Closer Partners, Growing Responsibilities*, cit., p. 9.

⁴³ Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

⁴⁴ Its member countries are the following: Bolivia, Colombia, Ecuador, Peru, and Venezuela.

⁴⁵ See the web site www.alop.or.cr. See also C. Freres, *The Euro-Latin American Partnership: Between the Process Today and a Different Possible Partnership*, paper presented at the III Euro-Latino-American and Caribbean Civil Society Forum, Vienna, 30 March-1 April 2006.

⁴⁶ VENRO, *Reality or Wishful Thinking. Does the Cotonou Process Strengthen Civil Society?*, Working Paper n. 13, Boon, VENRO, 2003.

⁴⁷ European Commission, *Participation of Non-State Actors in the EC Development Policy*, COM(2002) 598 final, Brussels, 07 November 2002.

⁴⁸ European Commission, *Guidelines on Principles and Good Practices for the Participation of Non-State Actors in the Development Dialogues and Consultations*, Brussels, November 2004.

⁴⁹ The leading organisations within the ACP Civil Society Forum include for Africa: ENDA Tiers Monde (Senegal/West Africa), Econews Africa (Kenya/East Africa), InterAfrica Group (Ethiopia/Horn Africa), MWENGO (Zimbabwe/East and Southern Africa), Third World Network (Ghana/West Africa); for Caribbean: Winward Islands Farmers Associations; for Pacific: Pacific Concerns Resource Centre. See www.mwengo.org/acp/.

⁵⁰ See the web site <http://acp-eu.euforic.org/civsoc/>.

⁵¹ CONCORD, *A CONCORD response to the European Commission Communication to the Council, the European Parliament and the Economic and Social Committee on Participation of Non-State Actors in the EC Development Policy*, adopted on 7 November 2002, COM (2002) 598 final, Brussels, 2002, p. 5.

⁵² See European Commission, *The European Union's Role in Promoting Human Rights and Democratization in Third Countries*, COM(2001) 252 final, Brussels, 08 May 2001.

⁵³ See K.E. Smith, *Speaking with One Voice? European Union Coordination on Human Rights Issues at the United Nations*, in «Journal of Common Market Studies», vol. 44, n. 1, 2006, pp. 113-137.

⁵⁴ L. Bartels, *Human Rights Conditionality in the EU's International Agreements*, Oxford, Oxford University Press, 2005.

⁵⁵ For example, Article 2 (General Principles) of the Partnership and Cooperation Agreements (PCAs) between the European Community and ten countries of the Eastern Europe and Central Asia (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, Ukraine, Uzbekistan) states that: «Respect for democracy, principles of international law and human rights as defined in particular in the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe [...], underpin the internal and external policies of the Parties and constitute *essential elements* of partnership and of this Agreement».

⁵⁶ In the Barcelona Declaration, adopted at the Euro-Mediterranean Conference on 27-28 November 1995, the participants commit themselves to «act in accordance with the United Nations Charter and the Universal Declaration of Human Rights, as well as other obligations under international law, in particular those arising out of regional and international instruments to which they are party; develop the rule of law and democracy in their political systems, while recognising in this framework the right of each of them to choose and freely develop its own political, socio-cultural, economic and judicial system; respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including freedom of expression, freedom of association for peaceful purposes and freedom of thought, conscience and religion, both individually and together with other members of the same group, without any discrimination on grounds of race, nationality, language, religion or sex; give favourable consideration, through dialogue between the parties, to exchanges of information on matters relating to human rights, fundamental freedoms, racism and xenophobia». See also European Commission, *Reinvigorating EU Actions on Human Rights and Democratization with Mediterranean Partners*, COM(2003) 294 final, Brussels, 21 May 2003. Per un'analisi critica vedi in questo volume F. Sahli, *Le partenariat Euro-Magrebain, droits humains et dialogue*.

⁵⁷ Always Article 2 of the Stabilisation and Association Agreements (SAA) state that: «Respect for the democratic principles and human rights as proclaimed in the Universal Declaration of Human Rights and as defined in the Helsinki Final Act and the Charter of Paris for a New Europe, respect for international law principles and the rule of law [...] shall form the basis of the domestic and external policies of the Parties and constitute *essential elements* of this Agreement». See S. Panebianco and R. Rossi, *EU Attempts to Export Norms of Good Governance to the Mediterranean and Western Balkan Countries*, Jean Monnet Working Papers in Comparative and International Politics n. 53, October 2004, Department of Political Studies - University of Catania.

⁵⁸ For example, the Interregional Framework Cooperation Agreement between the European Community and its member states, of the one part, and the Southern Common Market and its party states (Mercosur party states), of the other part, state in Article 1 that: «Respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights inspires the domestic and external policies of the Parties and constitutes an essential element of this Agreement».

⁵⁹ See K. Arts, *Political Dialogue Requires Investment: Meeting the Human Rights Commitment of the Cotonou Agreement*, in «The Courier ACP-EU», n. 200, 2003, pp. 21-23.

⁶⁰ The 20th EU-China Human Rights Dialogue was held in Beijing on 24 October 2005, and the 21st round was held in Vienna on 25-26 May 2006. The dialogues concentrated on restrictions on the freedom of expression and religion, the death penalty, administrative detention and the system of re-education through labour. The EU and Chinese authorities organised two human rights seminars within the framework of the dialogue, one in London on 12 and 13 December 2005 and one in Vienna on 22 and 23 May 2006. For a detailed reconstruction of this dialogue see Council of the European Union, *EU Annual Report on Human Rights*, Brussels, EU Council, Editions 1999-2006.

⁶¹ So far four dialogues have been held with the participation of representatives from the Parliament, the judicial system, and civil society respectively in December 2002 in Teheran, in March and October 2003 in Brussels, and in June 2004 in Teheran. For a detailed reconstruction of the dialogue see Council of the European Union, *EU Annual Report on Human Rights*, Brussels, EU Council, Edition 2003.

⁶² J. Zielonka (ed.), *Paradoxes of European Foreign Policy*, The Hague, Kluwer, 1998, p. 11.

⁶³ R. Ginsberg, *The European Union in International Politics. Baptism by Fire*, Lanham-Boulder, Rowman & Littlefield, 2001, p. 9.

⁶⁴ A. Papisca, *Les valeurs à la base de la coopération internationale: la contribution des Chaires UNESCO*, in S. Gandolfi, P. Meyer Bisch and V. Topanou (eds.), *L'éthique de la coopération internationale et l'effectivité des droits humains*, Paris, L'Harmattan, 2006, pp. 187-194.

⁶⁵ See *Conclusions du Conseil sur la mise en œuvre de la politique de l'UE en matière de droits de l'homme et de démocratisation dans les pays tiers*, 2770ème session du Conseil Affaires Generales, Bruxelles, 11 décembre 2006. See also R. Ginsberg, *The European Union in International Politics...*, cit.

⁶⁶ In the «Aide Memoire» the Chinese government presented its candidature to the Human Rights Council of the UN, it reads: «The Chinese Government is committed to the promotion and protection of human rights and fundamental freedoms of the Chinese people. [...] in 2004, the statement that “The State respects and safeguards human rights” was written into the Constitution [...]. The Chinese Government respects the universality of human rights and supports the UN in playing an important role in the protection and promotion of human rights. China has acceded to 22 international human rights instruments, including five of the seven core conventions [...]. Having signed the International Covenant on Civil and Political Rights (ICCPR), China is now in the process of amending its Criminal, Civil and Administrative Procedure Laws and deepening judicial reform to create conditions for ratification at an early date. [...] *Human rights dialogues and consultations have also been held between China and the European Union [...]. China is extensively engaged in human rights dialogues and exchanges within regional, sub-regional and inter-regional cooperation frameworks*» (emphasis added).

⁶⁷ See A. Papisca, *Article 51 of the United Nations Charter: Exception or General Rule? The Nightmare of the Easy War*, in «Pace diritti umani/Peace human rights», s. II, n. 1, 2005, pp. 13-28; id., *The «Conventional Way» for the Reform of the United Nations: Lessons from the European Integration Process*, in «Pace diritti umani/Peace human rights», s. I, n. 1, 2004, pp. 125-131.

⁶⁸ See European Council, *A Secure Europe in a Better World. European Security Strategy*, Brussels, European Council, 12 December 2003.

⁶⁹ See *A Human Security Doctrine for Europe. The Barcelona Report of the Study Group on Europe's Security Capabilities*, presented to EU High Representative for Common Foreign and Security Policy Javier Solana, Barcelona, 15 September 2004. See also M. Mascia, *La strategia dell'Unione Europea nel solco della human security, premessa per passare dalla potenza all'atto*, in «Pace diritti umani/Peace human rights», s. III, n. 1, 2006, pp. 45-81; id., *Il paradigma dei diritti umani per le missioni di sicurezza umana dell'UE. Il contributo del Rapporto di Barcellona*, in «Pace diritti umani/Peace human rights», s. III, n. 2, 2006, pp. 61-82.

⁷⁰ The White House, *The National Security Strategy of the United States of America*, Washington D.C., White House, 2002 and 2006.