

Setting Human Rights at the Centre of the Euromediterranean Agenda: From the Promotion of Intercultural Dialogue in the Region to the Recognition of Euromediterranean Citizenship Rights

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According to the milestone documents of the Barcelona Process – from the Euromediterranean Partnership (EMP) to the Union for the Mediterranean (UfM) – human rights are both a goal and an essential element to provide nourishing to Euromediterranean cooperation. As a consequence, part of the policies and initiatives promoted in the region regard issues related to human rights (education, citizens' participation, intercultural dialogue, gender equality, health, human development, non discrimination, employment, environment), especially in the context of the first and the third baskets of the Barcelona Declaration (1995). Human rights have also been intended as the essential element of all the bilateral association agreements of the EMP between the European Commission and the southern and eastern partners. Moreover, with the development of the European Neighborhood Policy (ENP) action plans, the centrality of human rights in regional policies has formally increased. Finally, their guidance role among the objectives of the Barcelona Process has been further confirmed in the official documents of the Union for the Mediterranean¹. Despite the institutional support and remarkable efforts by transnational civil society and local authorities networks, however, the Euromediterranean framework still misses an organic shared strategy to promote human rights in the region, as it is, for example, in some fields of the economic partnership.

On the contrary, the hypothesis at the basis of this essay is that the development of a specific, holistic initiative for the promotion and the protection of human rights in the Euromediterranean area – which may be embodied by the adoption of a new inclusive human rights regional charter – would support and facilitate the realisation of projects and policies undertaken in all the fields of the Barcelona Process

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¹ In particular, the Paris Declaration and the Marseille Final Statement, both adopted in 2008.

(including those in the second basket). Moreover, moving in this direction would introduce substantive innovations to a prospective Euromediterranean integration, such as the recognition of specific citizenship rights for all the people living in each of the 43 (44 including Libya, the only observing state) partner countries of the Union for the Mediterranean.

Since the development of similar initiatives has not been included in the Euromediterranean agenda yet, interstices are to be found in the contextual regional strategic policies which have received more attention and support so far. The essay wants to demonstrate that these openings can be met in the *acquis* of the Barcelona Process and in the recent efforts to promote intercultural dialogue as an ineluctable element to improve relations and advancement in the region².

In its first part, the article will consider and analyse the position reserved to human rights in the broader Barcelona Process and the formal commitment of Euromediterranean partners to international and regional human rights treaties. The latter is considered as an important indicator to evaluate states' aptitude towards the adoption of a prospective regional human rights charter, which is the operative proposal discussed in this essay. Then the attention will be focused on the thorough connection between human rights and the intercultural approach and on the weight of cultural elements in the conceptualisation of the proposed Euromediterranean Charter of Human Rights (EmCHR). Finally, the article will try to delineate the main elements of a would-be Euromediterranean citizenship and to suggest how specific citizenship rights may be identified and included in the proposed EmCHR.

² See, as essential documents for the development of a cultural strategy in the Mediterranean: F. Bouquerel, B. El Husseney, *Towards a Strategy for Culture in the Mediterranean Region. Needs and Opportunities Assessment Report in the Field of Cultural Policy and Dialogue in the Mediterranean Region*, EC preparatory document, November 2009, at http://ec.europa.eu/culture/key-documents/doc/studies/report_mediterranean_region.pdf and the *Report by the High-Level Advisory Group Established at the Initiative of the President of the European Commission on «Dialogue Between Peoples and Cultures in the Euro-Mediterranean Area»*, 2003, at <http://www.euromedalex.org/about/our-mandate/groupe-des-sages>.

1. Human Rights in the Barcelona Process: A Brief Overview

In order to discuss and evaluate the formal position of human rights in the broader Euromediterranean integration process, the article will focus on the outcomes of the major interministerial conferences held from 1995 up to 2010. Specifically, the attention will be directed to the three events which have *de facto* set the evolution of the Barcelona Process or, in

other words, the «Euromediterranean Agenda»: the first Barcelona Conference of 1995, the Barcelona «Plus 10» Conference of 2005 and the first Summit of the Union for the Mediterranean in Paris (2008)³. Moreover, the article will briefly take into consideration the scope of the «human rights clauses» contained in both the bilateral Association Agreements (EMP) and Action Plans (ENP).

In the Preamble of the Barcelona Declaration the parties declare themselves «convinced that the general objective of turning the Mediterranean basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity requires a strengthening of democracy and respect for human rights [...]»⁴ and, in the section dedicated to the first basket – the political and security partnership –, this conviction is exemplified through the recognition of the importance of exchanges of information about fundamental rights and human rights education. No direct references (except to the social right to development) appear in the section of the Declaration dedicated to the third chapter – the partnership in social, cultural and human affairs – where, however, the emphasis is put on intercultural relations, youth exchanges and education, decentralised cooperation and migrations.

Focusing on the second element of this analysis – the Barcelona «Plus 10» Conference – two institutional outcome documents are of particular importance: the Chairman's statement and the five-year work program. Human rights find a general reference in the Preamble of both documents and among the pledges undertaken by national representatives in order to create an area of peace and stability in the Mediterranean. In the work program, in particular, it must be noticed that the most operative reference to the promotion of human rights in the region comes in the framework of bilateral EU/south-eastern countries relations, since it is stated that «partners will deepen dialogue on human rights issues in the framework of the Association Agreements»⁵. As in the first Barcelona Declaration, the general expression «human rights» is included only in the paragraphs related to the first basket, and, despite not being directly referred, much space to human-rights-related issues is included in the recommendations of the third basket, namely: improve education and intercultural

³ One of the reasons for this choice is that a multi-annual framework plan of action has been adopted at the end of each of these meetings.

⁴ *Barcelona Declaration* (Final Declaration of the Barcelona Euro-Mediterranean Ministerial Conference of 27 and 28 November 1995), at http://trade.ec.europa.eu/doclib/docs/2005/july/tradoc_124236.pdf.

⁵ *Euromediterranean Partnership, Euromediterranean Summit's Five-Year Work Plan*, Barcelona, 27-28 November 2005, at http://eeas.europa.eu/euromed/summit105/five_years_en.pdf.

dialogue, strengthen the quality and relevance to the labor market of primary and secondary education and training, cooperate to combat discrimination, racism and xenophobia and to increase tolerance.

Finally, in the Paris Declaration of 2008 – the unofficial «Statute» of the Union for the Mediterranean – Heads of State and Governments underline their commitment to strengthen democracy and political pluralism by the expansion of

participation in political life, the embracing of all human rights and fundamental freedoms and to build a common future based on the full respect of democratic principles, human rights and fundamental freedoms, as enshrined in international human rights law, such as the promotion of economic, social, cultural, civil and political rights, strengthening the role of women in society, the respect of minorities, the fight against racism and xenophobia and the advancement of cultural dialogue and mutual understanding⁶.

Moreover, human rights are referred to in the eighth paragraph of the Declaration in relation to the characteristics of the prospective legal framework to be adopted in order to tackle terrorism in the region.

Therefore, despite institutional innovations and problematic overlapping with the previous *acquis*⁷, the Union for the Mediterranean seems to be moving in the same value-oriented framework of the preceding partnership. When it comes to its additional projects, however, the Paris Declaration lists a series of fields in which the cooperation between the parties is expected to be reinforced. These fields include: business development, trade, the environment, energy, water management, agriculture, food safety and security, transport, maritime issues, education, vocational training, science and technology, culture, media, justice and law, security, migration, health, strengthening the role of women in society, civil protection, tourism, urban planning, ports, decentralised co-operation, the information society, and other competitive clusters, but not human rights. This broad range of priority fields is well represented also in the six projects proposed in Paris and officially adopted and launched in Marseille following the first Inter-ministerial Conference of the UfM⁸. Once again, most of these commitments are directed to issues related to a broader human rights enjoyment in the region, but no projects or

⁶ *Paris Declaration* (Joint Declaration of the Paris Summit for the Mediterranean), Paris, 13 July 2008, at http://www.eu2008.fr/webdav/site/PFUE/shared/import/07/0713_declaration_de_paris/Joint_declaration_of_the_Paris_summit_for_the_Mediterranean-EN.pdf.

⁷ Part of these problems is discussed in R. Aliboni, F.M. Ammor, *Under the Shadow of «Barcelona»: From the EMP to the Union for the Mediterranean*, Euromesco Paper no. 77, January 2009, at http://www.euromesco.net/index.php?option=com_content&task=view&id=1142&Itemid=48&lang=en.

⁸ *Marseille Final Statement* (Final Statement of the Inter-Ministerial Meeting of the Union for the Mediterranean), Marseille, 3-4 November 2008, at <http://www.eu2008.fr/webdav/site/PFUE/>.

cooperation fields are specifically identified to undertake an organic development of fundamental rights in the whole region.

In order to complete the brief overview on the position of human rights in the broader Barcelona Process (EMP, ENP, and UfM), it is necessary to include also a study on the role and scope of the so-called «human rights clauses» in the bilateral agreements between the European Commission and its partners. In the EMP Association Agreements, as well as in all European/third-country agreements since 1992, «the basis for a dialogue on human rights and democracy is the essential elements clause included»⁹. The provision is normally stipulated in Article 2 of the Agreements and has been formulated in two different ways. Two states are now taken into consideration in order to compare the differences in the range of the human rights clause between the EMP Association Agreements and the ENP Action Plans: Israel and Morocco. In the 2000 Agreement between the EU and Israel, which represents the most common formulation of the clause, Article 2 states:

Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement¹⁰.

⁹ Euromesco Annual Report, *Benchmarking Human Rights and Democratic Development Within the Euro-Mediterranean Partnership*, 2006, p. 14, at <http://www.euromesco.net/images/hr%20benchmarking%20draft%20final.pdf>.

¹⁰ Euromediterranean Agreement, *Establishing an Association Between the European Communities and Their Member States, of the One Part, and the State of Israel, of the Other Part*, 2000, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:147:0003:0156:EN:PDF>.

¹¹ Euromediterranean Agreement, *Establishing an Association Between the European Communities and Their Member States, of the One Part, and the Kingdom of Morocco, of the Other Part*, 2000, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:070:0002:0190:EN:PDF>.

The second way to formulate the human rights clause is slightly softer since, in this case, the respect of human rights is intended as an inspiration rather than as the basis of the partners' internal and external policies; in both it is however considered an essential element. An example can be found in the text of the EU Association Agreement with Morocco:

Respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights shall inspire the domestic and external policies of the Community and of Morocco and shall constitute an essential element of this Agreement¹¹.

In the ENP Action Plans, the democracy and human rights agenda is formally more developed. All plans begin with a

chapter on political dialogue and political reform which takes into consideration the specific priorities of democracy and the rule of law and the respect of human rights and fundamental freedoms in each European Union's partners. As a consequence, the formulation of the chapters differs from country to country since one of the major peculiarities of the ENP is providing custom-tailored plans for each neighbor: «like the accession negotiation process, the method was to be essentially bilateral and differentiated according to the ambitions and capabilities of the individual partner states»¹². Therefore, regarding the specific issue of human rights, in the ENP EU/Israel Action Plan the parties are committed «to achieve closer political co-operation and dialogue on the basis of their common values: the respect for human rights and fundamental freedoms, democracy, good governance and international humanitarian law»¹³. In the ENP EU/Morocco Action Plan, on the other hand, particular attention should be given to «pursuing legislative reform and applying international human rights provisions; enhanced political dialogue on the CFSP and ESDP and enhanced cooperation on combating terrorism»¹⁴. Both plans include also a detailed section listing precise actions to be undertaken by the partner state in the short, medium and long term to improve human rights enjoyment in its territory. The major reward for these advancement is a gradual opening of the European market for the state complying with the required reforms.

In conclusion, the data collected in this overview demonstrate a clear but dispersive institutional commitment to the promotion and protection of human rights in the Mediterranean, both from a holistic regional and a bilateral EU/partner states point of view. This commitment should be further reinforced and transformed in something more organic and effective to ensure a better and more homogeneous protection of human rights in all the partner states of the UfM. A further basic element in the path of this development will be later discussed analysing the formal aptitude of Euromediterranean partner states to international and regional human rights legal instruments. Before proceeding in that direction, however, it is necessary to investigate the tight relation between human rights and intercultural dialogue since it is in that relation that the development of an inclusive regional human rights charter,

¹² M. Emerson, G. Noutcheva, *From Barcelona Process to Neighborhood Policy, Assessments and Open Issues*, CEPS Working Documents No. 220, 1 March 2005, p. 92, at http://aei.pitt.edu/6664/01/1209_220.pdf.

¹³ European Commission, *ENP Action Plan with Israel*, 2005, at http://ec.europa.eu/world/enp/pdf/action_plans/israel_enp_ap_final_en.pdf.

¹⁴ European Commission, *ENP Action Plan with Morocco*, 2005, at http://ec.europa.eu/world/enp/pdf/action_plans/morocco_enp_ap_final_en.pdf.

with specific citizenship rights in it, could find its concrete and operative basis.

2. An Indissoluble Link: Intercultural Dialogue and Human Rights

As highlighted in the previous paragraphs, since 1995, specific attention in the Mediterranean has been focused on cultural issues, promoting initiatives and policies which interconnect several fields directly related to a general improvement of human rights enjoyment in the region. These initiatives have been considered important elements to «clarify and enrich a Euromediterranean relationship still littered with obstacles and denials»¹⁵. The attention on the intercultural dimension has been substantially increasing for the last ten years following a progressive global evolution which is briefly summarised in the following lines.

Since the end of the twentieth century, and especially following the terror attacks of 11 September, almost every international organisation has included in its agenda the promotion of intercultural dialogue initiatives concentrating its attention on different subjects and geo-political regions depending on its own areas of competence and scope. There was a strong need to confront and defeat the paradigm of the clash of civilisations, brought to fame by the homonymous essay written in 1997 by Samuel H. Huntington, who, in brief, affirmed that: «the fundamental source of conflicts in this new world will not be primarily ideological or primarily economic. The great divisions along humankind and the dominating source of conflict will be cultural»¹⁶. As a consequence, the United Nations General Assembly and the UNESCO (at the global level), the Council of Europe, the European Union, the OSCE, but also the Arab League's ALECSO and the Organisation of the Islamic Conference's ISESCO (at the regional level), together with several networks of civil society organisations, local authorities and «enlightened» politicians, started promoting a dialogic process among groups and individuals coming from different cultural backgrounds. A common element of their actions has been the refusal of the paradigm of the clash and the commitment to develop a «new

¹⁵ *Report by the High-Level Advisory Group Established at the Initiative of the President of the European Commission on «Dialogue Between Peoples and Cultures in the Euro-Mediterranean Area»*, cit., p. 3.

¹⁶ S.P. Huntington, *The Clash of Civilizations?*, in «Foreign Affairs», Summer 2003, p. 22, at http://www.hks.harvard.edu/fs/pnorris/Acrobat/Huntington_Clash.pdf.

humanism»¹⁷, in other words, to build a shared, non conflictual, future on the basis of the promotion of intercultural education, the respect of cultural differences, the sharing of common values and the principle of the equal dignity of every culture/civilisation.

Though seriously hampered by the several events that happened in the first ten years of the new millennium (for instance, the war in Afghanistan and that in Iraq, the failure of the Oslo cycle of the Israeli-Palestinian Peace Process, the terror attacks in London, Madrid and Bali) this global effort to transform the destructive clash into a constructive dialogue saw remarkable outcomes and processes of institutionalisation, most notably with the establishment of the Alliance of Civilisations in the UN framework (2006), the adoption and entry into force of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), the publication of the Council of Europe's White Paper on Intercultural Dialogue (2008), the EU decision to celebrate 2008 as the European Year of Intercultural Dialogue¹⁸. All these institutional outcomes, as well as the several agreements and memorandums concluded among regional and international organisations, civil society and local authorities associations and networks, consolidated a transformation from initial scattered (but intensive) efforts for the promotion of intercultural dialogue into an actual, shared, global and universally promoted strategy which, in the Mediterranean, has seen the establishment of the Anna Lindh Foundation for the dialogue among cultures in 2005 as its major outcome.

Analysing, even superficially, the documents, reports and theoretical reflections inspiring and guiding these initiatives¹⁹, it is rather evident that international human rights law has been widely identified as the universal paradigm of reference for any step forward in the promotion of intercultural dialogue. Each of these documents has a section, a paragraph or an article (in the case of the 2005 UNESCO Convention on Cultural Diversities) where it is stated, with minor differences, that «the Charter of the United Nations, the Universal Declaration of Human Rights of 1948 which seeks to free humanity of fear and misery, as well as the other fundamental documents on cultural and religious rights are the basic reference for these principles»²⁰ (i.e. the principles

¹⁷ The expression has been recently promoted and sustained by the Director General of UNESCO, Irina Bokova, who explained to intend new humanism as a «universal vision open to the entire human community»; I. Bokova, *Message from the Director-General of UNESCO on 2010 - International Year for the Rapprochement of Cultures*, January 2010, at <http://unesdoc.unesco.org/images/0018/001866/186683e.pdf>.

¹⁸ In the framework of the events promoted in 2001, proclaimed by the United Nations «Year of Dialogue among Civilisations», it is also important to highlight the several efforts undertaken by the Organisation of the Islamic Conference and by the Arab League and the resulting publication of the ISESCO's *White Book of Dialogue among Civilisations*, 2002, at <http://www.isesco.org.ma/english/publications/dlg/Menu.php>.

¹⁹ See, for example, the *Report of the High Level Group on the Alliance of Civilization*, 2006, at http://www.unaoc.org/repository/HLG_Report.pdf; the Conceptual framework, the Declaration and the Conclusions of the EU Symposium «Intercultural Dialogue», especially Session 4, at http://ec.europa.eu/education/programmes/llp/jm/more/confidialoz_en.html, and the already quoted *Report by the High-Level Advisory Group Established at the Initiative of the President of the European Commission on «Dialogue Between Peoples and Cultures in the Euro-Mediterranean Area»*, cit.

²⁰ *Report of the High Level Group on the Alliance of Civilization*, cit., p. 5.

guiding intercultural dialogue). This recognition is further stressed by the Council of Europe:

No dialogue can take place in the absence of respect for the equal dignity of all human beings, human rights, the rule of law and democratic principles. These values, and in particular respect for freedom of expression and other fundamental freedoms, guarantee non-domination and are thus essential to ensure that dialogue is governed by the force of argument rather than the argument of force²¹.

An essential feature of the theoretical notion of intercultural dialogue lies in its flexibility to consent a dialectic synthesis between relativism and universalism: on the one hand, it recognises and sets as its fundamental basic principle the acceptance and the respect of the diversity of each culture and, on the other hand, it recognises that all cultures have equal dignity and are rooted in universal values. Therefore, to be successful and not only an aseptic exchanges of opinions, traditions, beliefs and languages, intercultural dialogue must «motivate individuals and groups of different cultures to share universal values by doing together»²². In order to reach this ambitious achievement a common reference tool, equal for all the actors involved in the process, is needed. Since the basic unit of any dialogic interaction is (and it can't be otherwise) the human person, once postulated its centrality, it comes nearly incontestably that the international human rights paradigm provides the most suitable symbolic code to foster the exchange of cognitive data and to focus on common projects²³. Summing up, international human rights law constitutes the legal-axiologic paradigm for a genuinely humanocentric foundation as it is sustained and, as previously highlighted, reiterated at all levels of the global action to promote intercultural dialogue worldwide. Finally, it is important to underline that the relation between intercultural dialogue and human rights constitutes a bidirectional process, since an effective dialogue needs to be rooted in the international human rights law contributing, at the same time, to its effectiveness.

Once explained how the *ratio* of intercultural dialogue is deeply grounded in the paradigm of universal human rights, building on the important achievements reached by its spread

²¹ Council of Europe, White Paper on Intercultural Dialogue, *Living Together as Equals in Dignity*, 2008, p. 19, at http://www.coe.int/t/dg4/intercultural/default_en.asp.

²² L. Bekemans, *General Conclusions*, in L. Bekemans et al. (eds.), *Intercultural Dialogue and Citizenship. Translating Values into Actions. A Common Project for Europeans and Their Partners*, Venezia, Marsilio, 2007, p. 654.

²³ A. Papisca, *Dialogo interculturale, funzione di global (good) governance*, in «Pace diritti umani/Peace Human Rights», no. 2, 2004, p. 101.

promotion in the region, the reflection undertaken leads, therefore, to the identification in it of a propitious interstice on which developing an organic human rights strategy in the Mediterranean. As a consequence, the present essay hypothesises that the embodiment of this strategy may be represented by the adoption of a Euromediterranean human rights charter aimed at promoting and protecting the common ontological values of the population residing on both shores of the *mare nostrum* in the full respect of their cultural diversities.

3. The Formal Commitment of UfM Partners towards Regional Human Rights Treaties

In the first part of this essay, the formal commitment to human rights in the framework of the Barcelona Process has been analysed and evaluated. However, in order to provide a complete, more exhaustive, picture of the aptitude to human rights in the Mediterranean, even the individual commitment of UfM partner states to international and regional treaty needs to be taken into consideration.

In 2006 Euromesco, the Euromediterranean Study Commission, issued a report aimed at constructing a benchmarking system to measure how principles and values stated in the Barcelona Declaration are being effectively implemented²⁴. The report focuses on eight key areas identified as crucial for the evaluation of progress in human rights and democratic development in the Barcelona Process. The first of these areas²⁵ regards the states' formal commitment to human rights and studies the inventory of ratifications and reservations on the seven main United Nations covenants and conventions and the five fundamental optional protocols. The aim of the first part of the study has been to identify the deficits which should be the subject of a genuine dialogue among partners. The data collected by this research show a general compliance with the two 1966 UN International Covenants, that on civil and political rights (ICCPR) and that on economic, social and cultural rights (ICESCR). The situation changes markedly when addressing specialised treaties and the optional protocols where many ratifications are missing and the number of reservations increases. Although it provides important data on

²⁴ Euromesco Annual Report, *Benchmarking Human Rights and Democratic Development Within the Euro-Mediterranean Partnership*, cit.

²⁵ The other seven key-areas analysed in the Euromesco Report are: right to physical integrity, political participation, rule of law, civil liberties, civil society, women's empowerment and rights, migrants' and minority rights.

the formal aptitude towards international human rights legal instruments, the Euromesco Report is based only on the behaviour of eight Arab countries plus Israel and does not take into consideration the regional human rights charters and conventions, which are, on the other hand, essential for the conceptual path followed in this article. As a consequence, following the same methodological approach, these data will be completed by an analysis of the formal commitment of the 43 member states to their respective regional human rights documents.

A peculiarity of these instruments lies in the fact that they are the achievement of organisations which, beyond internal enlargement and further accession processes, base their own political and cultural identity on the geographical area they originally represent. The charters/conventions, therefore, tend to reflect this characteristic and show a rather marked cultural connotation which constitutes their specificity and, at the same time, substantially limits their geographical coverage. The measuring of the ratification status of these documents will thus provide a map of the variegated cultural approach to human rights existing, at present, in the Euromediterranean region.

The analysis is based on four charters/conventions, one for each of the systems for the promotion and the protection of human rights active in the sub-regions making up, as a whole or in part, the macro Euromediterranean region. They are all legally binding treaties with specific bodies (committees, commissions and/or courts) aimed at monitoring the compliance to their provisions and eventually sanction violations committed by states parties. They are: the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, 1950), the African Charter of Human and Peoples' Rights (African Union, 1981), the Charter of Fundamental Rights of the European Union (2000) and the amended Arab Charter of Human Rights (Arab League, 2004).

Through the review of the status of ratifications of these treaties it is possible to identify at least four categories of countries: 1) states which are party to two treaties. This group includes all EU states, which are simultaneously members of the Council of Europe (27), and a smaller group of southern

states – Algeria and Libya, at present – which have ratified both the African and the Arab charters; 2) states which are party to one treaty. The second category includes the members of the Council of Europe which are not (yet) members of the European Union (Turkey, Monaco and part of the Balkans) and southern partners which have ratified one charter, even if some of them – the northern African states – may have ratified the two of them. The group includes: Egypt, Jordan, Mauritania for the African Charter, and the Palestinian Authority, Syria and Tunisia for the Arab Charter; 3) states which are not party to any treaty but, being members of one or two regional organisations, might prospectively adhere to one of the quoted charters. This category includes Lebanon and Morocco²⁶; 4) states which are not party to any regional organisation and, therefore, to any regional treaty. This group includes only the state of Israel.

Despite the data show a sufficient, formal compliance of UfM partner states towards regional human rights instruments, many problems arise, the most manifest being the absence of Israel from any regional organisation and, consequently, from any regional human rights charter. However, the Euro-mediterranean Charter of Human Rights is proposed as an instrument to include the cultural specificities of all the peoples in the region and specific citizenship rights to be rooted on its shared principles. According to the methodology adopted, these principles should be identified through a comparative analysis of the preambles of the selected charters/conventions. Therefore, being impossible to avoid considering the specific approach to human rights of any population in the region, Israel will be studied as an artificial single-state organisation and the document to be included in the comparative analysis will be the Declaration of Independence of 1948, since the rights recognised in the Israeli Basic Law on Human Dignity and Liberty «shall be upheld in the spirit of the principles set forth»²⁷ in that declaration.

²⁶ These two states, together with Tunisia and Egypt (among UfM states) have already signed the Arab Charter, while Mauritania has neither signed nor ratified it.

²⁷ *Israeli Basic Law: Human Dignity and Liberty - Amendment*, passed by the Knesset on 17 March 1992 and amended on 9 March 1994, at http://www.knesset.gov.il/laws/special/eng/basic3_eng.htm.

4. Shared Principles of a New, Inclusive Human Rights Charter

According to the preambles of their respective major human

rights legal instruments, Arab countries recognise the «Arab nation's belief in human dignity since God honoured it by making the Arab World the cradle of religions and the birthplace of civilizations which confirmed its right to a life of dignity based on freedom, justice and peace»²⁸, while among African states and peoples «the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights»²⁹ are underlined. At the same time the European Union declares itself «conscious of its spiritual and moral heritage»³⁰, while, at its origin, the fathers of the state of Israel, affirmed that their homeland would have been based «on freedom, justice and peace as envisaged by the Prophets of Israel»³¹. To complete the picture, the founding members of the Council of Europe agreed to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration «as the governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law»³².

In brief, every treaty explains on cultural and religious basis the reasons justifying the recognition of human rights and fundamental freedoms as shared and inviolable values of the peoples they are called to protect. These conceptions are the key to foster possible complementarities between universal values and cultural diversities and should therefore be extended to the Euromediterranean Charter in an inclusive way.

Moreover, beyond these differences the charters show also similarities. The most evident is the common anchorage to the International Bill of Human Rights. The 1948 Universal Declaration of Human Rights is referred to in most of the documents considered³³. Excluding the European Convention on Human Rights of the Council of Europe which, adopted in 1950, was the first international legal instrument (although regional) to start the development of the process of positivisation of human rights, all the charters generally include also a reference to the Charter of the United Nations and to other regional and international human rights treaties³⁴.

The comparative analysis of these instruments highlights also strong oppositions among different approaches which are apparently insurmountable: one for all, Zionism is included in the Arab Charter and in the African Charter among the major

²⁸ Arab League, *Arab Charter of Human Rights*, 2004, Preamble, at <http://www1.umn.edu/humanrts/instree/loas2005.html>.

²⁹ African Union, *African (Banjul) Charter on Human and People's Rights*, 1981, Preamble, at <http://www.africaunion.org/root/au/Documents/Treaties/Text/Banjul%20Charter.pdf>.

³⁰ European Union, *The Charter of Fundamental Rights of the European Union*, 2000, Preamble, at http://www.europarl.europa.eu/charter/default_en.htm.

³¹ *Declaration of Israel's Independence*, May 1948, at http://avalon.law.yale.edu/20th_century/israel.asp.

³² Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms*, 1950, Preamble, at <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=2/21/2008&CL=ENG>.

³³ Two documents do not refer to the Universal Declaration: the Israeli Declaration of Independence, which was proclaimed in May 1948, seven months before the proclamation of the Universal Declaration of Human Rights on 10 December 1948, and the Charter of Fundamental Rights of the European Union.

³⁴ For example: the Arab Charter includes a direct reference to the two 1966 UN Covenants on Human Rights and to the OIC's Cairo Declaration on Human Rights in Islam (1990); the Charter of Fundamental Rights of the European Union refers to the Council of Europe's main conventions and to the Court of Strasbourg's case law.

threats to be uprooted in order to achieve the full enjoyment of the rights and freedoms recognised in them. The proposed inclusive approach to be adopted for the Euromediterranean Charter, although not aimed at solving this deadlock, may however consent a softer compromise which blames foreign, civil and military, occupation without explicitly mentioning the concept of Zionism, thus letting room for future irenic developments in the region.

According to what has been highlighted in the paragraphs above, a possible list of principles guiding this Charter and the interpretation of the rights recognised in it may include:

- the recognition of the Mediterranean basin as the cradle of a great civilisation whose realisation every people residing in the region have historically contributed to – at the same level and according to their own specificity – with their cultures, languages, technological and scientific innovations and traditions;
- the recognition of the importance (without any hierarchical reference) of the region for the three monotheistic religions – having it seen their birth, development and spreading –, and of the great contribution these systems of belief have brought in spreading the values of humanity, tolerance and equality all over the world;
- the strong recognition of the principles contained in the Charter of the United Nations, in the Universal Declaration of Human Rights and in the two UN Covenants of 1966 (already ratified by all UfM partner states);
- the firm opposition to any form of racism and discrimination and of foreign occupations.

Passing now to the rights to be included and recognised in the EmCHR, following the same methodological approach – i.e. a comparative analysis among the contents of these documents –, it would be relatively easy and not controversial to draft a catalogue including all human rights commonly recognised in all the charters/conventions, underlining that their interpretations should be subject to the above-mentioned principles. The challenge addressed in this article is, however, more demanding: it is to identify new, peculiar citizenship rights for all the people living in the region.

Before focusing on the concept and perspectives of Euro-mediterranean citizenship it is necessary to spend a few lines

analysing the institutional framework in which the Euro-mediterranean Charter should be adopted. Clearly the Union for the Mediterranean presents itself as the institution which inspires the deepest feeling of co-ownership among the different partners in the region. But despite its articulate structure, composed by executive bodies and several consultative dimensions – parliamentary (the UfM-Parliamentary Assembly), territorial (the Euromediterranean Regional and Local Assembly, ARLEM), cultural (the Anna Lindh Foundation) and civil society (the recent Assembly of Economic and Social Councils and Similar Institutions³⁵ and the Non-Governmental Platform for Euromed Civil Forums) – the UfM has not yet been transformed into a proper regional organisation. In particular, it lacks a formal statute where standard setting and follow-up functions are recognised and clearly specified. This means that the adoption of a legally binding treaty in its institutional framework is at present impossible. On the other hand, since no other entity share the Union for Mediterranean large geographical range and an equal ownership between northern and south-eastern partners, the only realistic alternative path to promote a regional document on human rights in the area of the 43 partner countries would be to focus on a politically binding document on the basis of the not yet adopted Euromediterranean Charter for Peace and Stability³⁶. A future institutional evolution of the UfM in the way of a regional organisation would however remain the best option. Remote possibilities in this direction may hopefully come from the next high level summit, if the status of Israeli-Palestinian direct negotiations will consent it³⁷.

³⁵ ENPI Info Centre, *EU and Mediterranean Civil Society Reach Historic Deal on a Joint Assembly*, 15 November 2010, at http://www.enpi-info.eu/mainmed.php?id_type=1&id=23147&lang_id=450.

³⁶ See R. Aliboni, *Building Blocks for the Euro-Mediterranean Charter on Peace and Stability*, Euromesco Paper No. 7, December 1999, at http://www.euromesco.net/index.php?option=com_content&task=view&id=140&Itemid=48&lang=en.

³⁷ The second high level Summit of the Union for the Mediterranean has already been postponed twice (in June and in November 2010) due to the delicate situation of direct negotiations between the Israelis and the Palestinians. According to the Paris Declaration a high level summit has to be held every two years.

5. On Euromediterranean Citizenship: Conception and Prospects

The final goal of this article is to propose the development of specific citizenship rights, equal for all the people living in the territory of each of the 43 partner states of the Union for the Mediterranean.

As already anticipated, Euromediterranean citizenship is to be intended as something new and not only as an extension of some rights, already recognised nationally or sub-regionally, to

a larger geographical area. It should be built following an inclusive approach, in order to respond genuinely to citizens' needs and to participation requirements other than to the multicultural situations today characterising our societies.

The essential element to support this visionary achievement is constituted by the promotion of intercultural dialogue (in the sense of dialogue in action) among Euromediterranean people in order to foster a sense of belonging to a unique civilisation among them and their active participation to the multicultural life of their societies. As a consequence, the proposed concept of citizenship is thought as inclusive, plural, multicultural and active: it should imply «citizens' participation in civil society, community and/or political life, characterised by mutual respect and in accordance with human rights»³⁸.

At this point, it must be highlighted that the feeling of being Mediterranean is not an artificial and utopian construction since, as empirically demonstrated by the recent Anna Lindh Report on the Intercultural Trends in the region, specific values are indeed common among these peoples although a stereotyped perception of them is widely spread among the peoples themselves, with huge differences between the Europeans and their south-eastern partners. Other than promoting these values, intercultural dialogue should rather work as a tool aimed at defying what the Anna Lindh Report has defined a «clash of ignorance»³⁹, by fostering active interaction and lessen misconception of the other. In this sense, transnational civil society networks and the institutions dedicated to their coordination, as the Anna Lindh Foundation and the other forums and platforms which are active in the Mediterranean, have an essential role since they are the key players in the interconnection of the domains of theoretical exercise and of action⁴⁰ and, consequently, can help in reducing distances among people coming from different backgrounds and places.

Since, as highlighted above, intercultural dialogue is deeply grounded in international human rights law:

assuming that equal dignity of all the members of the human family is the founding principle of whatever legal system, the intercultural dialogue marked by human rights and by the tension of the telos, of «what-to do-together-where», the question that needs to be reopened

³⁸ B.L. Hoskins, M. Mascherini, *Measuring Active Citizenship through the Development of a Composite Indicator*, in «Social Indicators Research», vol. 90, no. 3, 2009, pp. 459-488.

³⁹ Anna Lindh Foundation, *Euro-med Intercultural Trends 2010. The Anna Lindh Report*, 2010, p. 17, at <http://www.euromedalex.org/trends/report/2010/main>.

⁴⁰ M. Manonelles, *Civil Society Participation in Intercultural Dialogue*, in «Pace diritti umani/Peace Human Rights», no. 2, 2010, p. 133.

regards the traditional concept of citizenship in the sense of making it plural and extending the space it is exercised in⁴¹.

Thus, the process of redefinition proposed for the Euro-mediterranean citizenship goes in the direction of the notion of universal citizenship⁴², without, however the ambition of fulfilling it. The challenge is rather to foster the development of a formal, more plural and inclusive idea of citizenship by building a valuable institutional precedent towards the redefinition of the concept of citizenship itself, working on deeply different perceptions, political systems and conceptions of the society – as it is in the Mediterranean reality –, on the basis of universally-shared values, the respect of cultural diversity and the principle of equality of every culture/civilisation.

For these reasons, the operative instrument aimed at formally recognising and protecting these values has been identified in the proposal of the EmCHR: «according to International Law of human rights, citizenship should be defined as the legal status of the human being [...] in the space that is proper of that law. This enlarged constitutional space coincides with the common vital space of all members of the “human family”»⁴³. In this conception, the Charter would help in advancing steps toward the concrete enlargement of this space.

Finally, reflecting on the peculiar rights that could be identified and defined for all the people living in the UfM partner states, the approach suggested is taking as main reference the European citizenship rights recognised in the fifth chapter of the Charter of Fundamental Rights of the European Union, trying to adapt and reshape them on the institutional structure of the Union for the Mediterranean. At a first glance, it is clear that none of those rights would have sense in the present architecture of the UfM: an institutional evolution is needed not only towards the adoption of a formal statute, but also towards a reinforcement of the role and the weight of those consultative bodies which complement its functions.

An example of this process could be found in Article 39 of the European Charter of Fundamental Rights, which recognises the right of every citizen of EU member states to vote and to stand as a candidate at elections to the European Parliament. As a matter of fact, the UfM has already a recognised

41 A. Papisca, *Intercultural Dialogue and Citizenship on the International Policy Agenda*, in «Pace diritti umani/Peace Human Rights», no. 1, 2007, p. 35.

42 For the concept of universal citizenship, see the following essays: S. Konopacki, *European Citizenship for Inclusive Europe*, in L. Bekemans et al. (eds.), *Intercultural Dialogue and Citizenship...*, cit., pp. 67-84, and A. Papisca, *Citizenship and Citizenships Ad Omnes Includendos: A Human Rights Approach*, in *ibidem*, pp. 457-480.

43 A. Papisca, *Value Roots for Multi-level Governance and Intercultural Dialogue*, in «Pace diritti umani/Peace Human Rights», no. 2, 2010, p. 106.

parliamentary dimension, the Parliamentary Assembly. This is, however, a second level assembly, meaning that its members are selected among representatives already elected to national legislative assemblies and to the European Parliament. In the effort of increasing a shared sense of belonging and ownership among the populations of the Mediterranean, a direct election of a common representative institution may push strongly in the proposed direction. However, in order to even think about such an achievement, it would be necessary to improve and reinforce the role of the UfM Parliamentary Assembly, following proposals which have been suggested by several sources including the Assembly itself⁴⁴. If this evolution was realised, a right to vote and to stand as a candidate at elections to a future Euromediterranean Parliament⁴⁵ may be considered as one of the peculiar Euromediterranean citizenship rights to be included among the human rights recognised in the EmCHR and a model to define others.

6. Conclusions

The essay has analysed the role and evolution of intercultural dialogue and human rights in the Euromediterranean region, discussed their thorough link and suggested ideal steps to implement their promotion and protection in the area, namely the adoption of a new regional charter of human rights and the formal recognition of specific citizenship rights for all Euro-mediterranean citizens. In doing so, the attention has been especially focused on the institutional actors which may consent the final destination of the ideas proposed: UfM member states and regional institutions/organisations and their consultative bodies. On the contrary, the actors which would play the effective preliminary role towards the concrete advancement of these proposals have received little or no attention so far. This is to say that, beyond the visionary, sometimes utopian, proposals and reflections put forward, one cannot forget that the only true precondition to support progress on thorny achievements such as the recognition of specific rights for Euromediterranean citizens, is the common recognition by the people themselves of the actual existence of those values mentioned in the essay. In other words, the

⁴⁴ Euro-mediterranean Parliamentary Assembly, *Recommendation to the First Meeting of the Ministers of Foreign Affairs of the Barcelona Process: Union for the Mediterranean on the Role of the Euro-Mediterranean Parliamentary Assembly within the Barcelona Process: Union for the Mediterranean*, Jordan, 12 October 2008, at http://www.emuni.si/Files//Declarations/EMPA%20Recommendation%20adopted%20Jordan,%2012%20October%202008_EN.pdf.

⁴⁵ A reference to a future Euromediterranean Parliament is included in the *Report by the High-Level Advisory Group Established at the Initiative of the President of the European Commission on «Dialogue Between Peoples and Cultures in the Euro-Mediterranean Area»*, cit., p. 20.

turning point lies in the clear (and common) recognition that despite present conflicts, cultural stereotypes, political difficulties and socio-economical contradictions a feeling of being Mediterranean does exist and is to be supported firstly by the bottom up and then by institutions and governments. In this context, Euromediterranean civil society organisations and networks have the further fundamental task to foster an indefeasible will to dialogue with *the other* realising intercultural and human rights education paths aimed, in particular, at training people to develop the necessary expertise to address these questions.

If the institutional evolutions prospected in the article are far away, it is then up to civil society organisations and Euro-mediterranean networks, but also to local authorities, motivated individuals, academics, students and young people, enlightened politicians and cultural and religious representatives to stimulate to the process of Euromediterranean co-operation/integrations, especially by means of intercultural dialogue initiatives within the two shores of the *mare nostrum*. This would provide the nourishing, while what is proposed in the article may work as a general guideline to put these efforts within an ambitious vision.

