New Governance and Multiple Identities

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The theme of governance has become part of mainstream studies of the European Union (EU). The EU's evolution in terms of normative output, legislative capacity and institutional complexity made possible the adoption of the concept of governance as the key to understanding this system which, even though not a *government* in the classical understanding of the term, fully enacts *the functions of a government*.

Despite the increase in the number of theories and approaches that use governance as a point of reference to describe the complex mechanisms of power that exist within the Union, a unanimously agreed-upon and definitive definition of this concept has not yet been reached. According to Mayntz (1999) the broadest meaning of this concept indicates a new model of government which is different from hierarchical control. The concept of governance is characterised by a process of rules elaboration based on cooperation and interaction among the authorities and the non-state actors in the background of mixed public-private networks.

It is the purpose of this work to connect the concept of governance to the theme of citizenship in the EU and to identify the mode(s) of governance for European Union better contributing to harmonise national and European identity by means of participation.

In the European Union the process of «European citizenship» formation is strictly connected with the process of reformulation of national citizenship. It is very important, in this perspective, that the process of constructing European identity is to be promoted paying attention to avoid this latter is perceived as a domination on national identity.

The starting assumption is that the process of identity formation is strongly affected by the levels of political participation at the policy processes. The more policy processes permit social and

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political actors to participate the more individuals and groups will identify themselves with the political system.
Since governance is both a theoretical concept referred to the «art of governing» and a practical way for managing policy-processes, it can be usefully used to link European and national identities by exploring how the concept and the practices of European governance affects the understanding and the harmonisation of national and European identities through the mechanism of (a larger) political participation.
Governance is considered as a fruitful research tool because it is based on the pluralist model of participation and describes a form of distribution of power and competences at horizontal level (among European institutions) and at vertical level (from EU to cities/municipalities passing through national and regional authorities). The study of political participation of different actors at different level of the European policy process is considered as an appropriated methodological instrument for understanding how participation affects identity and how (a larger) participation at the European policy process could represent an incentive for multiple identities.
The main research questions are: What is governance? What are the differences between governance and government? What is/are the actual mode/s of European governance? How local/national actors participate at the European governance?

The Governance Approaches

The connotation of governance as an alternative model to the hierarchical structure of the management of power has made the term extremely useful for the discipline of international relations inasmuch as it offered a theoretical interpretative instrument for the complex relations among states. Since the 1980s international political relations appeared «disturbed» (Rosenau 1990) by mechanisms interfering with the liberty of states, thus making it difficult to interpret the international system as the result of choices made by a few state actors. It was in that very period that a new phase emerged, a phase in which international relations were no longer dealt with by a group of powerful states. Furthermore, international relations were no longer strictly hierarchical. On the contrary, decision making in the

international arena appeared decentralised and de-territorialised. The decisions taken were the result of a network of interactions among state and non-state actors that went beyond the territorial frontiers of states and aimed at promoting interests which no longer necessarily coincided with the national ones. Global interests (environment protection), interests of regional cooperation (security), or private economic interests (profits of multinational companies) became part of the international relations agenda. They created a global political system[1] in which all actors were connected by a network of complex interdependence at the regional and global levels. They thus became reciprocally vulnerable with regards to the individual and collective choices and actions.

In this context the concept of governance is useful for the interpretation of the international structure of power, understood as the capacity to manage resources and to contribute to their distribution. According to Rosenau and Czempiel (1992) the concept of governance is the key to the understanding of the power setting in international relations. International relations do not have a government where a numerically restricted and clearly defined state actors control the rules. This is not to say that the contemporary international system lacks rules. The source of this rules is actually governance, which consists in the capacity to manage and control the network of relations that the relevant actors impose in order to reach their objectives. This lack of a central authority that has the legal monopoly of decision-making power, a characteristic of international relations, leads to a model of «governance without government»[2] in which the states are made to cooperate through international organisations and regimes where power is shared and decisions are the result of collective negotiations. These activities of international cooperation create a system of widely shared rules and of procedures capable to protect or modify the content of the rules. All this is part of a global government activity, and thus of governance, which, according to Rosenau, can be defined as «systems of rules, as the purposive activities of any collectivity, that sustain mechanisms designed to ensure its safety, prosperity, coherence, stability and continuance» (Rosenau 2000, p. 171).

The lack of a supreme decision-making authority is the most obvious characteristic of the system of governance without

[1] Attinà 2003, p. 141.

[2] Rosenau and Czempiel 1992.

government. It has as a further defining feature the lack of fixed hierarchical relations among the actors taking part in the activities of government. If the concept of government is defined not only as the monopoly on decision-making process, but also as hierarchical relations among the various power centers of the network, the concept of governance encompasses fluid and non-predetermined hierarchical relations among the social, political, public and private actors among which a high degree of interdependence is reached. This interdependence will in its turn determine the transformation of the relations among the society and institutions, thus enhancing their complexity[3].

Power appears to be redistributed, and sometimes dispersed, among a multitude of subjects. The centers of power are not fixed on an indeterminate basis, but are rather determined by the historic context and the issues to be dealt with. Another characteristic of the system of governance is the nature of the participating actors, as they are both numerous and no longer exclusively states. States and governments remain the primary actors of governance of the international system, but they are accompanied by private and public ones. International and multinational institutions, NGOs, organised groups of interests, civil society organisations are just a few examples of non-state actors that contribute to the shaping of behaviors in the international system government.

The lack of a sole centre of authority, the non-hierarchical characteristic of the relations among power centers and the pluralism of decision-making processes are the three defining characteristics of the model of governance. Governance thus appears as particularly adapted to describe the dynamics of political relations creating an international system in which there is an activity of collective solving of problems even in the absence of a central authority. However – as Fabbrini (2002) observes – if, from a methodological perspective, governance is clearly distinctive from government, from the empirical point of view it is difficult to clearly distinguish between the two, not only when they are applied to the international political system, but also to all political systems. This perspective is extremely interesting because it makes it possible to define governance as the capacity to reach collective decisions and to make them efficient and applicable to a political system characterised by complexity and heterogeneity of components.

[3] Higgot 2005.

Furthermore, it makes it possible to adopt the concept of governance not only in the field of the global international system, where there is a «realm of anarchy», but also in the study of the processes of organisation and decision making of political systems that have these characteristics.

The originality of this approach to governance consists in the interpretation given to the power relations among the various levels of government. This is a non-zero-sum-game, in which the power lost by some actors – the states – is gained by other actors; power is rather diffused in a fluid and continuously changing network of relations. As a result the process of identifying the responsible for governmental decisions is an ongoing process done through politics and phases of the process of government.

At the beginning of the 1990s the concept of governance was adopted for the analysis of EU power structures. It led to the elaboration of numerous theoretical interpretations and models of analysis in which different definitions of the term coexist. In some cases European governance is understood as a process of power organisation where power is «dispersed» among various decision-making and political centers either at the horizontal level (among actors of the Union) or at the vertical level (among national and subnational authorities of the Union[4]). Other studies define governance as a model in which the content of the rules and of the norms are the result of a complex decision-making process in which a high number of social and political actors are involved. These actors are not subordinated to the central authorities, but rather interact with them to such a degree that the final decision is the result of extremely fluid (but at the same time extremely relevant) relations among social actors which represent interests, agencies, relevant sector groups and institutions[5]. The model of network governance[6] is thus created. The starting point of the approaches to governance is the observation that the process of European integration has developed a politics – forms and processes to exercise power and government – and a polity – a political community defined by a territory and by frontiers with specific structures of maintenance and control – apart from a system of policies – public policies through which sectors of collective life are regulated and redefined. According to Jachtenfuchs (2001) the approaches using governance as a key to the study of European

4 Marks *et al.* 1996.

5 Jachtenfuchs 2001.

6 Kohler-Koch and Eising (eds.) 1999.

integration have as a scientific objective the understanding of the impact this «political environment» has on the national politics and policies and of the mechanisms that connect the European polity to its politics and policies.

Marks (1992) applies the model of multilevel governance to the study of the EU decision-making process in the fields of cohesion politics so as to study the power relations among the European, national and sub-national actors in the various phases of the decision-making process. The concept of multilevel governance was adopted by social sciences during the last decades in their attempt to analyse the changes of government models in the contemporary political systems. In the field of international relations the concept of multilevel governance proves particularly useful in explaining the role of the international institutions and regimes in dealing with government activities of the global system considering the absence of a central authority. The shared division of competencies and powers among international institutions, states and sub-state actors make the multilevel governance approach the appropriate methodological approach to the understanding of power relations among various actors involved in the government processes. This analysis makes possible interpretations of contemporary political systems which share the common assumption that authority of political systems is diffused from a central level (i.e. the government) to inferior and superior levels. This diffusion goes along political processes involving groups and networks of social and institutional actors.

In the field of EU studies, the multilevel governance model was adopted by many scholars as a useful analytical tool not only for the cohesion policy, but for the entire power structure of the Union. The Union has in fact proved to be able to regulate entire areas of policy through complex, but clearly defined procedures that produce directives and rules binding for the state and non-state actors affected. The so-called «communitarian method», which is adopted for all the policies in the first pillar, has produced a decision-making structure based on «continuous negotiations among reciprocally involved governments[7] at various territorial levels» (Marks 1993, p. 392) which is highly sensitive[8] to the activities and influences of non-state actors concerned. Marks[9] singles out some institutional and political mechanisms that characterise the European model of

[7] Marks uses the term *nested governments*.

[8] «Supranational, national, regional and local governments are enmeshed in territorially overaching policy networks» (Marks 1993, p. 402).

[9] Marks *et al.* 1996, p. 342 (translation made by the author).

multilevel governance: the rules limiting the powers of the states in collective processes (for example, the mechanism of qualified majority voting, political and economic sanctions for those that violate the common rules), rules limiting the power of the collective institutions over the member states (for example, the process of revision of the treaties, which is still under strict member states control and the persistence of unanimity voting for certain political sectors) and rules allowing the EU system to act as a government of the territory, with particular emphasis on the institutional and political powers of the European Commission and of the networks that connect it with social and political actors of the various policy-making process phases.

The interpretation of the EU as a political system in which power is shared between several levels of government is already to be found in the 1980s in the works of Scharpf (1988) who describes the European Union as a system of government comparable to cooperative federal model of the Federal Republic of Germany. Here the process of decision making requires the agreement among its federal states (Länder) which, in addition, hold the monopoly of the administrative services since the central authority does not have its own administration in the territory of its federal states. This type of federalism determines a good relation based on constant cooperation between the central government and the federal states. Furthermore, the institutional asset itself is structured so as to guarantee the equilibrium of powers between the two levels. There are two fundamental political rules underlying the German institutional framework: the direct dependence of the central government's decisions on the agreement of the member governments and the necessity for a (quasi)unanimous agreement of the member governments. These rules determine a particular type of consensus and of conflict resolution based on constant contact and on the search for a decision perceived as optimal by the single participants to the decision-making process. This structure of power, based on the logic of aggregation of all the interests (Scharpf 1999) has its systemic limits because it produces political solutions that are not the best for the entire political system in terms of cost-benefit calculus. The power relations between the central and federal levels, which materialise in the characteristics of the decision-making process, influence the quality of the normative

decisions and make them sub-optimal because the principal objective of every political decision is to maintain this equilibrium between the two levels rather than identify the best solution to the problem or the best regulation for the respective policy. This interpretation allows Scharpf (1999) to describe the features of the Union's evolution as characterised by the paradox of «persistence without progress». This «paradox» resides in a situation where, even if there is never a materialisation of the possibility for the disintegration of the system, agreements on the full realisation of a completely supranational structure are not reached. The continuous search for equilibrium between common institutions and the governments of the member states and the necessity to agree on solutions accepted by all the member states create a so-called situation of «the trap of common decision»: the Union's decisions have a minimal component as compared to the necessity to operate structural reforms of the system. The result is closer to the minimum common denominator rather than the Paretian optimum.

However, this view presents a model of multilevel government in which the system is strictly subdivided into a limited number of decisional levels (Marks and Hooge 2004), all of which are states which share the responsibilities of government and control each other through a complex and delicate system of equilibrium and clear division of powers. The meaning given by Scharpf to the governance appears to be that of «institutionalism focused on actors» (Mayntz 1999, p. 17) inasmuch as the inter-agent actors are stable and organised and there is a clear division of power.

The model of multilevel governance adopts a profoundly pluralist perspective in its analysis of the EU powers and its assessment of the role of political networks, coalitions of support, interest groups and all the social, organised and non-organised actors which are formally or informally involved in the procedures and practices of European policy making.

The perspective of governance in the EU studies had to face the problem of the multiplicity of policy processes present in the entire EU system. One can add the creation of other mechanisms for the decisions in the field of common foreign and security policy and the domestic security policy to the coexistence of different procedures related to the common policies within the «first pillar».

Furthermore, new ways can be added to this decision-making processes, ways through which the institutions and the member states coordinate and bring closer together political areas for which neither the communitarian nor the intergovernmental methods proved to be efficient.

Enforced cooperation, the new open method of coordination and the clauses of flexibility are only a few examples of new instruments that, even though profoundly different from one another and sometimes created out of opposed underlying logic, are all born out of the necessity to manage every single policy area with a method adapted to the specificity of the policies that at the same time impedes a decision-making stalemate. The multilevel governance manages to capture this characteristic of the political systems because it doesn't necessarily see in this coexistence of numerous policy-making models a proof of the EU «exceptionality» (i.e. consider it a unique form of political organisation different from the classical forms of international organisation and state actorness). It rather inserts the EU into a larger process of reorganisation of the political power and of statehood. Furthermore, it identifies in the new structure of power of multilevel governance a model of management of the new and extremely complex forms of functional and territorial interests that characterise the contemporary societies.

European Governance and Multiple Identity

The legitimacy of the European Union has been traditionally connected to the debate on the necessity of bringing the EU government system closer to the model of parliamentary democracy so as to diminish its democratic deficit (hereby defined as the rather minimal parliamentary control over the decisions taken by the Union).

This approach derives from a traditional European political thought according to which, as defined by Rousseau and many others, identifies the Parliament as the *locus* for the formulating of the general interest, and representative democracy as the means of giving the institutional setting its legitimacy. Therefore in European politics a representative system of citizens based on political parties was created; the parties' task was to aggregate and articulate demands and to solve the conflicting interests of

the society in the Parliament. This model is reproduced both in parliamentary democracies, which find in the political parties a source of legitimacy for the executive, and in the various forms of democracy in which the legitimacy of the executive is derived exclusively, or partially, from direct elections. In this case the parliamentary parties share the function of aggregation, articulation, and formulation of the social demands with factions of the party that act outside the Parliament.

Representative democracy has as its second constitutive element the centrality of the parliamentary law creation. The Parliament is, by its very paradigmatic definition, the holder of legislative power; within it tentative political solutions to social conflicts are transformed into authoritative decisions through the majority rule.

Many scholars held to be valid the hypothesis that enhancement of the European Parliament's powers promoted the democratisation of the European Union. The introduction of genuine mechanisms of representative democracy in the EU was often considered to be the only option that would provide the necessary legitimacy to govern to the institutional system.

Although elections provide *accountability* of the institutions, some observations on the nature of the electorate and of the population of the EU will emphasize the need to search for different legitimising mechanisms.

There is a view of the management of the *governance* function by a government politically legitimised by a majority of citizens that will thus produce a symbolic representation of the entire political community. This view is promoted by those who believe in the full coincidence between the objective *polity* and the perception of belonging to a political system. This latter characteristic does not appear in the EU. «European citizenship» is structured, both from the normative and social points of view, as a second level citizenship which is derived from a citizen's belonging to one of the *polities* of the member states. Under these circumstances the application of the representative democracy principle and of the majority rule as an expression of common interests appears to be problematic. This problem arises out of the Union's pluralist society, made up of both member states' citizens and of people who legally reside on the territory of the EU, even though they do not fulfill the requirements for citizenship of one of the member states. The

very concepts of «majority» and «minority» acquire a special significance in the EU based on the lack of a consolidated collective identity. This collective identity is an essential element for the legitimation of the government in which minorities are subject to the will of the majority.

It is possible to identify three key elements that make up the concept of citizenship: belonging, rights and participation[10]. The first is defined as the recognition by the individual of belonging to a certain well defined group and to a *polity* whose forms of organisation are accepted as legitimate. Rights relate to citizenship inasmuch as belonging to a certain *polity* translates into exclusive rights which belong to those who are legally part of the *polity*. Participation refers to the channels through which citizens take part in the organisation of the *polity* either as «civic involvement»[11] and as contribution to the assuming of the collective interest, or in terms of mechanisms that allow participation in the *policy-making* process so as to protect the interests and the values perceived as relevant.

The establishment of the presence of these three elements allows one to verify not only if the «citizenship» characteristic is present in a system of government, but also the particular configuration of this «citizenship».

Citizenship has a legally derived character within the European Union. Article 17 of the Treaty stipulates that «Citizenship of the Union is hereby established. Every person holding the nationality of a member state shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship».

However, it is not possible to state that the three components of European citizenship are derived from national citizenship. They are rather to be defined in the specific European policy environment: European citizenship offers individuals specific rights that belong to the European *polity*[12], channels of participation in public policies decided on by the Union and incentives to belong to the system of the Union. However, the nature of European citizenship is of particular relevance here, since it supplements national ones, and, from this point of view, European belonging, rights and participation add to national ones.

This observation is particularly relevant when one tries to identify the political and institutional mechanisms that can

[10] Bellamy 2004.

[11] Bellamy 2005.

[12] The rights mentioned in the Second Part of the Treaty (Articles 17-22).

enhance the significance of «European citizenship» (and, consequently, the significance of belonging to the Union, the number of citizenship rights and the channels of participation in the Union's political system). These mechanisms have to favor the perception of the European citizenship as integral part of the national citizenships in a «multilevel citizenship» where the relation between the two levels is not of a hostile, but cooperative nature.

The relevant instrument for such a task is identifying mechanisms of *governance* used for such a purpose.

The Union is currently using three main means of *governance*: the Community Method, the Intergovernmental Cooperation and the Open Method or Coordination.

The Community Method refers to the management of almost all politics which belong to the first pillar and is characterised, despite its different variants, by the relevance of the Commission in the formulation of the *policy* phase, by the (almost) equal role of the EU Council and the European Parliament in the decision-making phase, and by the judiciary authority and legitimacy rested in the European Court of Justice.

The Intergovernmental Cooperation, which refers to the sphere of security, foreign affairs and judiciary coordination is characterised by the member states' monopoly over the decision-making process. These policies are decided through consensus by the European Council and the Council of Ministers, without the possibility for the European Court of Justice to perform its function of legitimacy control; furthermore, the power to create legislation belongs to the member states.

The Open Method of Coordination (OMC) was mentioned for the first time by the European Council of Lisbon in 2000 in an attempt to identify a mechanism for coordinating national economic and social policies. It has unique characteristics: it is made up of a «nucleus» that gives the Council the task of fixing objectives, options and indicators for the respective policies; the members states' responsibility to define National Action Plans to coordinate domestic politics around goals formulated by the Council. The National Action Plans then undergo peer review and joint evaluation by the Commission and the Council. Besides these characteristics, the OMC is diversified on the basis of the policies for which it is adopted. Starting from

common procedures, the Council in turn establishes the voting procedures, policy cycles, mandate of the Commission and of the Parliament, possible involvement of non-governmental actors, possible sanction mechanisms.

Therefore the OMC has an ever-changing character. The Council is the actor who gets to decide not only on the contents of the policy, but also on the structure of the policy-making process and on the rules of participation.

The OMC is used for three different policy sectors. The first sector is comprised of policies for which, even though aware of the necessity of coordination, the member states do not consider it necessary to lead under the classical Community Method. This is the case for social policy. The second sector is comprised of policies for which the member states need to identify new solutions because the existing regulation is ineffective. This is the case, for example, for employment and developmental policies, where the current system of management (both at the national and community levels) has proved incapable of facing new situations and challenges from the outside.

The third sector is comprised of the policies which were initially inserted into the European common political agenda as classical communitarian policies, but for which the process of coordination through the communitarian method proved to be extremely difficult due to the high degree of heterogeneity of national positions. This is the case, for example, for visa, asylum and immigration policies.

By making a comparative analysis of current procedures[13] one can see that the OMC varies in its application of procedures to different policies. There is therefore a passage from a highly intergovernmental model in which the most relevant role is played by the Council, especially for budgetary policy and pension reform, to models that include the participation of the Commission and the Parliament in the proposals, but also the participation of non governmental actors and the creation of sanction mechanisms for the employment policy[14].

These three different modes of governance influence citizenship and its three components in different ways, because they are different with respect to the political areas to which they apply, to the values and interests they defend, and to the actors that take part in them.

[13] Borras and Jacobsson 2004.

[14] On the OMC see the Special Issue of «Journal of European Public Polity», vol. 11, n. 2, 2004.

The features of each mode of governance's *policy making* influence the sense of belonging, in relation to the various values and interests of the relevant policies. The development of a sense of belonging is actually based not only on policies whose objective is the structuring of homogeneous cultural models and systems of symbols determining an individual's immediate identification with the polity, but also on the creation of shared social structures (institutions of assistance and welfare policies)[15].

The influence of the mode of governance on the second component of citizenship rights is derived from the fact that through governance the Union creates a system of rules which directly or indirectly modify the corpus of rights the citizens living in the Union already have in their quality of citizens of a member state.

The participation variable is deeply relevant for understanding the effects of European governance inasmuch as the normative output of the Community has a defining influence on the distributive and re-distributive policies of the member states. This aspect has deeply changed the structure of citizens' participation in the policy-making processes, by increasing the number of channels, or by modifying the power relations between actors.

The structure of the relations in the three modes of governance mentioned above and the three components of citizenship can be represented as follows:

	Values and Interest	Rights	Participation
	Belonging	Policy Areas	Actor Involved
CM groups	Functional	Economics	Institutions/interest
			Policy networks
IC	Political	Foreign Policy/Internal and External Security	Governments
OMC	Social	Social security/MacroEconomic Coordination/Visa and Immigration	Defined case by case

[15] Rokkan 1982.

With regards to the initial pre-supposition – that the process of identity formation is deeply affected by the levels of political participation in the policy-making processes – and with the purpose of identifying whether the present model of European governance is functional for the development of a «European citizenship» which is not perceived as a domination on the national identity, it is necessary to analyse whether the current forms of governance respect two key elements: the sharing of power and the autonomy of the groups that make up society by inserting them as relevant variables for both the relations among states and among the social groups.

It is thus necessary to identify the political-institutional mechanisms that guarantee the participation of all social groups present on the territory affected by the decision-making processes. It is also necessary to identify a model for the sharing of competences that would give social groups the possibility to decide the policies relevant for the maintenance of their own identity within the larger political system.

The Union is the first experiment of a post-national political system defined by a complex institutional system not yet completed. The absence of a European demos, an ethical and cultural identity, a «civic identity» (Caporaso 2004), and the absence of direct taxing capacity are a few examples of the limitations of European democratic institutions and processes. The underlying principles of national democracy are not necessarily the underlying principles of post-national democracy (Sbragia 2004, p. 49). Thus the Union has taken a partially different road from that of the democracies that made it in the first place.

Therefore it is important to analyse the multiplicity of European governance models that aim at identifying for every sector the least hostile policy of managing the various dimensions of its own internal divisions.

However, the governance models applicable to policies with a high degree of «identification-value» (such as redistributive policies, frontier control and the domestic security policies) that do not allow for participation either through classical parliamentary channels (through the participation in the European or national Parliaments), or through channels of representation of groups, make the evolution of the European Union particularly difficult.

In fact neither the intergovernmental method nor the OMC guarantees that the (re)definition of the second component of citizenship (i.e. rights) derived from the new rules decided upon in Brussels will be decided through the participation of all territorial and social groups concerned. The lack of connection between rights and participation makes it extremely difficult to inculcate the individual's sense of belonging. From this point of view there is currently a risk of creating a «legal citizenship» that consists solely of one of its components (i.e. rights) and that is thus not only incomplete, but also perceived as a form of domination over national citizenship because imposed upon the citizens.

The models of EU governance developed during the last years, which are called the new modes of governance, are, in my opinion, incompatible with the necessity of harmonising European citizenship with national citizenship.

It is only the communitarian model, whose application created the model of the multilevel governance, that allows the participation of various territorial and social groups throughout the entire policy cycle.

The intergovernmental method gives representation to the executives of the member states, and by so doing it excludes direct participation. The problem with this mechanism relate first of all to the inexistence of mechanisms of political control and, secondly, to the risk that minority social or territorial groups might be constantly excluded from the process of policy making because they are not represented by their national executives.

The OMC has great potential to become a method of governance capable of dealing with the problems deriving from the increasing diversity of certain policies of EU member states and to organise a model of multilevel governance which is at the same time vertical – among the territorial powers involved – and horizontal – among the interested social and economic actors. However, it is important that the OMC became more institutionalised, at least for the mechanisms that relate to the participatory phase. Should that not be the case, there will be a risk of merely structuring a new version of an old mechanism: international cooperation.

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