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INTERCULTURAL DIALOGUE IN EUROPE
AND THE MEDITERRANEAN IN THE CONTEXT
OF THE EURO-MEDITERRANEAN PARTNERSHIP

ABSTRACT

In the first part of the paper the author argues that we in the European Union must be prepared, in the context of our debate as to whether or not we wish to adopt the Constitutional Treaty, but hoping that it can in substance be adopted, to open our hearts and minds to all cultures and develop, in the framework of secular democracy based on human rights, a value in policy-making approach. This means real dialogue about values. Secondly, dialogue with our neighbours, especially in the Mediterranean, must also include real dialogue about values. The Euro-Mediterranean Parliamentary Assembly is a forum where this deeper dialogue can occur. The bilateral approach of association agreements, action plans and so on may be beginning to yield real fruit. However, it is argued that we should consider a stronger, more effective, framework than the Barcelona Declaration, possibly in the form of a Framework Treaty, in order to give greater cohesion to Euro-Mediterranean cooperation and integration, and that the model for this can be the Union model itself. Above all, we need to adopt with our partners the model of maximum cohesion with necessary differentiation through procedural and substantive solidarity. It is argued that willingness on all sides to employ the tried and tested tools of integration, with the member states and the Union «doing with others as we do among ourselves», will, because it is a model that works, lead to greater mutual understanding to mutual benefit, and to better cohesion and integration results. The second part of this paper introduces the papers of the other participants in the group, highlighting themes of relevance to the development of intercultural dialogue in the Euro-Mediterranean area, themes that will be seen to find their resonance in the papers in the other sections of this volume.

INTERCULTURAL DIALOGUE AND THE EURO-MEDITERRANEAN
PARTNERSHIP: A NEW GOLDEN RULE AND A NEW START

The history of Europe is also in large measure the history of the Mediterranean, the history of East, West and South. All poles have crossed paths, shared rulers, and crossed over, so that in the course of time what is Northern, Southern, Western and Eastern have gelled and merged to the point that we in the North and West have almost forgotten just how much of us is Southern and Eastern. And we have forgotten some home truths. Eastern mysticism, science and trade have shaped even our Europe. Today's Western progress in economic terms is due in large measure to Europe's strides in the last two centuries in science and technology, a dominance achieved at some cost to Europe's spirituality. Southern «laggardliness» inversely is due in no small measure to the inability or unwillingness of the South to follow the European way. There are lessons to be learned on both sides. Economism and individualism may have gone too far in the West. But arguably the Southern and Eastern Mediterranean have remained rooted in practices that have held back the development of the region in economic and democratic terms at least.

Globalisation forces us to engage in real and deep dialogue, and raises the questions: what should dialogue be about and how should we do it? My answer is that dialogue should be about what unites and divides us, without holding back. We need to face the essential issues that keep us from living in harmony with one another, from cooperating towards the common good, not just of our region but of our world. If we find answers in the Mediterranean, we find them also for Europe and also for the whole world. If we shed light on them here, we do so for each and every European country and society also.

I see the possibility of finding many of the answers to the questions that we all need to ask in the prospect of real dialogue about values, so that we can identify truly the values that we can share and identify as common values, even if we do not see them clearly now. I firmly believe that our common human destiny, our destiny as human beings, binds us together in ways that we do not yet see. We have a duty to our own and all future generations to arrive at this common understanding of our destiny and to structure our world so that we can pursue it. The key idea here is, in my view

and that of all of the contributors to this section of the book, the progressive development of the human person.

Speaking as a lawyer, I know that comparative legal study will often uncover the original but forgotten, or otherwise hidden, «moral oughts» implicit at least in current human law across legal systems. More importantly, I believe that an approach that makes the «ought» – justice and right – central can and must underlie the efforts of all in guiding our policy-makers towards the moral «ought» as underpinning all future legislative development. This can only be achieved through the fullest dialogue, especially with civil society or its equivalents, across the Euro-Mediterranean region. I call this the «values in law and policy» approach. Gross once asked: «Is there an indispensable minimum moral foundation for any legal system determined by certain universal features of the human condition and by principles of procedure that cannot be systematically ignored?» Our answer must be «Yes», and in my view it would only be a partial step forward to proceed to a European Constitution, and to what it proposes in terms of the Union's wider relations, without making it central to the future of all decision-making that there be a full dialogue between cultures across the member states and the Mediterranean partners on the values, explicit or implicit, in the current and future *acquis*, internal and external of the Union. This requires the procedural imperative of full dialogue at the earliest stage in the framing of policies and legislative proposals, recognising that there can be no separation between so-called internal and external measures, for the *acquis* is in substance one. The Union either stands for certain values or it does not. Such values either can be pursued and acted upon in common («shared») or not. The Euromed Partnership either stands for certain shared values or it does not.

Achieving this Euromed «society» (*socii* are partners) will work only if the law concerns itself with essential values. It has been said that if a body of law is to be sound, it must correspond with a community's actual feelings and aspirations. But this includes the feelings and aspirations of the minority also, if we are to have inclusive societies rather than societies within societies, rendering the whole unstable. And here is the challenge. We must interpret, in the context of the Euro-Mediterranean Partnership, the terms «partnership» and «common good», as referring to all partners in that partnership on as equal a footing as can be produced.

The starting point of dialogue on substance must be on what have been called the basic liberties, on the circumstances in which such basic liberties may be prescribed (e.g. to prevent harm to others), and on what is public and what is private. The huge challenge is for us in the Pan-Euromed region to begin to regard ourselves as members of one «society», with the difficulty and challenge of establishing the conditions for the operation of measures in pursuit of the common good, this identification of the common good and the measures determined to achieve it having been rendered acceptable by reference to a common morality, while not only preserving, but strengthening our own identities within the whole. This may mean a «thin» value base at the Union «level» that enables, indeed encourages, the play of the thicker value base at the «level» of each «sub-polity», but would nevertheless be a major advance on the current position of «opt-out from value dialogue» in favour of «political correctness (sic)» or a brand of secularism or laicism that denies the role of collective and individual morality in policy development and law-making. At the same time, secularity is a *sine qua non* condition for the play of democratic forces and respect for human and fundamental rights. Pluralism must be accepted and embraced by all.

In summary, what I argue for is not rooted in a blanket Aristotelian absolutism, and certainly espouses no more than a very weak form of cultural relativism, yet it borrows from the Aristotelian idea of purpose, asking that we seek to legislate as far as possible with the purpose of spreading «goods» to all. Having made the leap from this to the means, that is the aims of the Euromed Partnership, of the EU itself, and of all multilateral endeavour since WW II, properly mobilising those means is dependent in turn on cooperation in the use of those means, which in turn requires full mutual understanding. Hence, dialogue and participation.

We surely recognise our obligation at this point in human history of working (dialoguing) to establish human law that is «common» on a historically unprecedented scale. We surely must see that this cannot be done *without securing as universally as possible the application in this common human law of our respective sets of values.*

THE EU INSTITUTIONAL AND DECISION-MAKING MODEL? CAN IT BE ADOPTED AS A FRAMEWORK FOR THE EUROMED PARTNERSHIP?

I have argued therefore that what is required from all sides is that we follow the precept of «do unto others as you would have done unto you». This is the «Golden rule». As citizens of the European Union our starting point must be this. But also we must adopt a new Golden Rule: to offer to «do *with* others as we do among ourselves». We must offer the use of our model, based on shared values, to the rest of the world, starting with our neighbours, if we truly believe in it. Is this asking others to play by our rules? Yes it is, but only in the sense of inviting them to share in a system that has been proven to lead to the common good while respecting and promoting essential identities. We must, however, recognise that we are not perfect. We must be prepared to examine our own consciences. Equally, our neighbours must meet us half way, opening their hearts and minds to the European way. For them to do this, we must agree about the framework for dialogue. We must be creative in fashioning the institutions that will ensure this dialogue.

We must also be clear about why we are talking. We are talking because we want to find a common way forward. This cannot be merely about our neighbours adopting «our ways». The whole point is «common ownership of the way». The dialogue will be about what that way should be as well as how to follow it. Before we do that we must dialogue about the procedures necessary to lead us to dialogue on points of substance (policies and main legislative proposals), and this on the basis of the over-riding principle and right of individuals and collectivities «to be taken into respectful consideration of what the common good requires». This is fundamental, perhaps the most fundamental of imperatives at this point in human history. To achieve this, we would have to agree a format in which, in principle, all future «EU» policy-making follows dialogue with our neighbours. Our neighbours must become partners in what becomes a truly common endeavour. In my view, this presupposes that the North and the South and East and West discuss all policy areas, and this before entrenched positions are developed. It also means that we do not look for a clear «North» or «South», or «East» or «West» position before talks, but that we talk to produce jointly formulated guidelines, leading to policies and then, yes, law, in order that the rule of law be established.

The Euro-Mediterranean Parliamentary Assembly will be a vitally important forum for this dialogue. Its resolutions should be a crucial consideration in the fashioning for adoption then by the European Institutions of «EU» policy and legislative decisions. The debate in that assembly on the issue of the «Danish cartoons» is a prime example of what can be achieved by dialogue, for it dealt no less with clarifying, even for Europeans, the European position within a process of dialogue with others about fundamental principle. The final resolution is much to be welcomed. It was rooted in respect for all religions. But it was not immediately obvious what any European consensus would be, and it was equally welcome to those Europeans, in their millions, who had come to fear that European society had lost this sense of respect even for the «European» religions.

However, the proposal goes beyond this. The High Level Group of Experts in 2003¹ had mooted the idea of creating institutions for the Euromed region modeled on the EU structure. Of course, the same arguments can be made for all neighbours. The issues of religion, morality, economic and enterprise policy and so on are essentially the same. Perhaps, after the Commission has consulted the member states as to a future proposal, but before the tabling of such, steps could be taken to activate «Neighbourhood Consultation», with proposals of common interest being submitted to the Euromed Parliamentary Assembly for its opinion. From there, the normal internal processes of the Union could take over, leading ideally to the adoption of an EU measure of Euromed relevance that was at the same time «applicable» internally and «externally». This would be an extension of the EEA model but with some Euromed (or wider) institutionalism. The main benefit lies in the multilateralism of the approach. The focus being the common good, the mechanisms of solidarity would play a full part, including the mechanisms of maximum cohesion with essential differentiation, assistance, enhanced cooperation, etc., but having the merit of securing real agreement to common goals and the broad means of achieving them². We need to consider creating a stronger multilateral framework, in the form of a Framework Treaty going beyond the Barcelona Declaration in its force and scope, and overarching the bilateral approach that appears to be yielding results in the context of the Barcelona Process and the European Neighbourhood Policy through the action plans but which does not

provide for sufficient multilateral institutionalism. The proven model of maximum cohesion with essential differentiation through the application in practice of the principle of solidarity, with appropriate institutions to fit the task, will surely advance the cause of mutual understanding and integration so needed in the Euro-Mediterranean area. This would take further the new «Golden rule» of «doing with others as we do among ourselves». Far from some European hegemony, this should be seen for what it is: the exercise of goodwill and the offer to share that which has been best and most successful about the European idea.

HUMAN RIGHTS AND DEMOCRACY

It follows from the above that the challenge this poses to the EU is a huge one, calling upon it to practice democracy and solidarity not only internally but fully also externally. The above thoughts move in that direction; towards common ownership of our common destiny. For it is worse than useless to have internal policy measures, agreed by the member states, but that further separate us from, rather than uniting us with, our neighbours. And common measures can only be jointly «owned» if jointly agreed.

The Barcelona Declaration set out the common undertaking to respect human rights. However, as is well known, there is disappointment as to the reality of a common vision of human rights across the Euro-Mediterranean area.

Much of this is due to misconceptions on all sides. Even within the Union. The Union is not, and arguably could not and should not become, a hierarchical constitutional space, despite the classic language of the European Court of Justice, and the federal state ambitions of some. Even the Constitutional Treaty would maintain, indeed strengthen, the horizontal constitutionalism that makes it possible for ultimately sovereign states to come together in a framework where decisions will be made largely by majority vote. It is true that there is a certain special commonality among the member states and other states parties to the European Convention on the Protection of Human Rights and Fundamental Freedoms. However, it is equally true that such conventions and their interpretation and application leave it to each state to decide in certain circumstances on limitations and restrictions of rights or

their exercise in case of serious need and justification, without central prescription. This does not, and must never, compromise the essence. Dialogue will always clarify for us all our reasons and our motives, and advance solutions where previously it seems they have eluded us, if we have the courage to face our own reasons and motives and the obstacles to achieving the ideal. We need to rethink and rework, in dialogue with our neighbours, our brand(s) of capitalism, our family values and so on, if we are to achieve true progress in integration and cooperation. We would invite the same open approach from our neighbours.

This is the New Start that is called for, in my view. It will take courage and goodwill and imagination. It will take the courage of leaders prepared to lead the people in this direction. But above all it will take the courage of civil society to require this also of their political leaders.

THE ROLE OF CIVIL SOCIETY

It is here that civil society must play its part. There are difficulties with civil society and intercultural dialogue because there are difficulties with civil society itself in several Mediterranean states. One or two invitees to contribute to this section of the book felt that they could not in the end participate for such reasons. The election of a Hamas government in the Palestinian Authority has shown that, above all, citizens want their day-to-day concerns to be addressed. And these are the same everywhere. They are the elements of security: food, shelter, education, a good standard of living and health, personal human development and fulfillment, and therefore employment and opportunity. Human rights underpin these goods; they are the basic human goods. They must be delivered. It is this delivery that underpins security. And they must be delivered to all without discrimination. Our common aims are as simple (and as complicated) as that. The Euromed Partnership is as simple in aim (and as complicated) as that. Association agreements, action plans, financial instruments, the human rights declarations and democracy clauses, the Euromed Parliament, the Civil Forum, the Anna Lindh Foundation and all other instruments and mechanisms are, in aim, as simple and as complicated as that.

What complicates the matter is in large measure disagreement on

the means of delivery. Firstly, by whom and how? and with whose input and consent? Only democracy and human rights can deliver personal responsibility and autonomy, as well as legitimacy and popular support and collaboration (so we would argue). Civil society is an expression of this, even in the case of Palestine.

The second «complicating factor» is the question of values, as relates also to the «how?». Again, civil society across the region has a vital role to play in inputting «values» into the debate on the «how?». Structured dialogue will lead to clearer mutual understanding. Indeed it will lead to the clearer perception of common values, to become truly shared because then jointly acted upon. The aim of all civil society interaction must be to identify commonality as a ground for common action – sharing by doing. This is how solidarity is built up, eventually leading to a sense of common citizenship even among those with originally apparently conflicting views. Who knows what might not emerge from this?

Several civil society fora at European and international level address issues of the rights of women and others. The interaction has raised points of congruence and divergence, but no one can deny that we have as a result a deeper understanding of the respective positions on the role of women in society, their rights and obligations, those of their husbands, children and of the wider family and therefore also of the obligations of the state in their regard. European civil society in general has a major role to play here. It can assist our law-makers in this respect. As a result of full dialogue across Europe and with Mediterranean civil society, an awareness of each others' values, and of common values «in identification», can be presented to all institutional players charged with the evolution of the Euromed *acquis* across the board.

Nor can we deny the relevance of religious and moral factors in the debate on these and other questions, whether the context of the debate be human rights or the economics of development or anything else. We are more aware than ever that it is moral values that determine the exercise of rights, for each individual towards other individuals, and that human rights discourse can mask motives of individualism that are considered misplaced if not outright obnoxious to all cultures. We are more than ever aware that for the EU to seek to present any mythical set or paradigm of European moral values is not the way forward. As the European Court of Human Rights itself has often held, there is often insufficient

commonality of moral values within and even among European states for any such approach to seem credible in Europe. We must be honest about this. We must also be honest and declare that individualism may have gone too far in Europe. But this must not mean moral neutrality, for we know, even if it be unclear to others, that there *is* morality in Europe. On the contrary, it heightens the urgency of moral dialogue. A secular society does not need less moral dialogue. And there is good reason for grounding this institutionally and in civil society.

The «Danish cartoons» issue highlighted that we Europeans ourselves have been neglectful of our own heritage. I fully subscribe to the view that religion must be respected, and that freedom of expression must meet its limit when its primary purpose is to cause offence, incite hatred, contempt or ridicule in order to mobilize negative attitudes and so on. Intercultural dialogue can bring to the fore many truths, truths that may have been forgotten in the scramble for material progress. The Churches and religions of Europe, and I include all of them here, would be given this role by the Constitutional Treaty. We must acknowledge the importance and political relevance of inter-religious dialogue, but more widely of dialogue about values, and human rights in particular, and assist and facilitate the work of civil society everywhere in their role of taking inclusive action based on shared values.

THE OTHER PAPERS IN THIS SECTION

The Malta Team in this project was charged with addressing the theme of intercultural dialogue and the Euro-Mediterranean Partnership. It took as its starting point the two conferences organised by the European Commission in 2002 and 2004³, the report of the High Level Group of Experts on the Dialogue between Cultures in the Euro-Mediterranean Area⁴, and the Proposal for a Decision of the Council and the European Parliament declaring 2008 the European Year of Intercultural Dialogue⁵. The Team decided to focus on a number of themes. These included: dialogue - for what? with whom? about what?; inclusive citizenship and a «sense of citizenship, of common destiny, of common values, of shared responsibility, shared decision-making and joint action»; youth as the focus of action and the future; the need for deep and

real dialogue focused on joint action for the common good. In one way or another, each of the papers in this section address one or more of these themes. Each seeks to make some concrete proposals and initiatives.

Deniz Ilgaz focuses on the nurturing of intercultural dialogue through Youth action and proposes the development of a programme of urban and rural institutes for the young. She makes a strong case for the argument that new structures like the suggested Euromed Urban and Rural Institutes, built upon universal values, will help to keep future generations of the Euro-Mediterranean in intercultural dialogue by «doing and earning» together. An equally inventive approach to the tackling of illiteracy and education is made by Aomar Ibourk, who focuses on the example of Morocco, and suggests the widespread use of the instrument of the cooperative as a means of tackling the employment challenge while instilling a much-needed culture of entrepreneurship and responsible citizenship. The crucial issue of education features strongly also in a number of the other papers in this section.

Neila Akrimi takes up the issue of the definition of civil society, and her paper focuses on the role that has been allotted to civil society to enhance patterns of cooperation in the Euro-Mediterranean area as a full actor. Against the backdrop of past experience, she proposes guidelines and makes recommendations for the improvement of the effectiveness of civil society in fostering dialogue between social actors from both shores of the Mediterranean. A rather disturbing note is sounded by Gerald Steinberg, who argues, through his case-study of Arab-Israeli relations, that there is a need for a response to certain alarming questions relating to the role of civil society and in particular the funding by the EU of civil society organisations and the promotion of dialogue and common values in the Euro-Mediterranean Partnership process. A rather more hopeful tone is taken by Guy Harpaz in relation to the EU-Israeli context, with one proviso, namely that the EU position itself on a basis of heightened legitimacy, recommendations for which are made in his paper.

Fatiha Sahli raises the vital question as to whether the Euro-Mediterranean Partnership has led to real results in terms of the protection and promotion of human rights, and as to whether it has advanced dialogue in the Euro-Mediterranean area. She shows just how vital it is that there be real and sincere dialogue about values if

there is to be progress on human rights. She also raises concerns in relation to immigration and security that must be taken seriously if the credibility of the Union among the populations and civil society of the South is not to be damaged. The longest paper in this section, written by Erwan Lannon, Annelyn Van Bossuyt and Peter Van Elsuwege, draws attention to the status of minorities in the Euro-Mediterranean area, and explores the prerequisites for the launching of a fruitful intercultural dialogue. Their paper argues the need for a specific Euromed Intercultural Dialogue on Minorities (EIDM) in order to reinforce the participation and protection of minorities in the area. Among other themes of relevance to this project, the paper devotes specific attention to the role of «citizenship». The concept – described as an «emerging value» – of protection of minorities, from the perspective of the European Union's external relations is then examined. The analysis of challenges inherent in, and the benefits derivable from, their proposal for an EIDM leads the authors to make a number of operational recommendations for the launching and management of this initiative. Its potential for strengthening the EU's credibility at the grassroots level of society emerges clearly. Cigdem Nas then adds her voice to that of some other contributors to this section in arguing that intercultural dialogue, especially on democracy and values, should not be confined to political, social or academic elites, but must happen at all levels of society and civil society. At a time when religion is much used and abused, Nas argues that Turkey can usefully act as an instrument, as well as model, or facilitator of intercultural dialogue and a model of democratisation. The need for mediation and real intercultural dialogue is the main thrust of Slim Laghmani's paper. He argues that talk of a «clash of civilisations» is derived from a displacement of the need to regulate problems in the economic and political sphere to the cultural sphere. There is no clash of civilisations. There are problems of politics and economics to be resolved.

Together, these papers bring out many of the key issues identified as being relevant to this project. In my view, they point to the need for a stronger framework than the Barcelona Declaration itself. Crucially, they accept the need for real and sincere intercultural dialogue, mutual respect, but also mutual obligation among the Euro-Mediterranean partners and intensified interchange and collaboration at the level also of civil society, and between policy-

maker and civil society. Perhaps above all, the papers in this section emphasize the role of principle and values in policy-making, both internally within the European Union and in such institutions as exist and can be devised for joint policy and decision-making with our neighbours.

¹ See the Declaration of the Scientific Committee that supervised the first EU (Jean Monnet Project)-ECSA World Conference on «Intercultural Dialogue» (Brussels, 20-21 March 2002), European Communities, Office for Official Publications, 2004. See also *Intercultural Dialogue*, Brussels, European Communities, Office for Official Publications, 20-21 March 2003.

² See P.G. Xuereb, *Solidarity and Constitutionalism: Towards a Solidarity Model*, in «European Law Review», vol. 27, n. 6, 2002, pp. 643-662; Id., *Doing with Others as We Do among Ourselves*, in *Dialogue between Peoples and Cultures: Actors in the Dialogue*, Brussels, European Commission, European Communities, Office for Official Publications, 2005, pp. 39-63.

³ *Intercultural Dialogue*, cit., and *Dialogue between Peoples and Cultures...*, cit.

⁴ European Communities, Office for Official Publications of the European Communities, 2004.

⁵ See Proposal for a Decision of the European Parliament and of the Council concerning the European Year of Intercultural Dialogue (2008), COM(2005) 467 final.