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Office address and contact details:

Department of Law - University of Perugia
Via Pascoli, 33 - 06123 Perugia (PG) - Telephone 075.5852437
Email: complawreview@gmail.com

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This paper carries out a diachronic comparison of official documents of the Council of Europe concerning cultural diversity, in order to elaborate on the evolution of its approach, with particular reference to interculturalism. It provides the example of intercultural cities, which confirms the essential role of local government in the pursuit of better arrangements of diversity and finally explains to what stream of interculturalism the CoE's understanding can be ascribed.

INTRODUCTION

This paper examines the evolution of the approach to the management of diversity within several documents of the Council of Europe (CoE), particularly focusing on the rise and application of an intercultural approach. In fact, the progression seems similar to the evolution of the scholarly and political debate, endorsing at first assimilation, then multiculturalism and finally interculturalism.

It embraces a bottom-up approach, assessing the concept in the light of the documents instead of infusing the conceptual framework into their interpretation. A diachronic comparison of a selection of official descriptions of policies is performed to understand the evolution of the approach (§ I), while providing the example of the Intercultural Cities programme - ICC (§ II). Finally, the paper provides a critical assessment of the findings explaining to what extent the European supranational approach respects the standards of majoritarian multiculturalism (§ III).

I. THE EVOLVING UNDERSTANDING OF CULTURAL DIVERSITY MANAGEMENT IN THE OFFICIAL DOCUMENTS

The historical reconstruction of the CoE's approach to the management of cultural differences must start with a reference to the *European Cultural Convention* (1954). Its objective was «to

foster among the nationals of all members, and of such other European States as may accede thereto, the study of the languages, history and civilisation of the others and of the civilization which is common to them all¹. The focus was on the promotion of cultural understanding among States and the protection/diffusion of their own cultural elements.

Such approach, which explicitly referred to cultural exchange, could seem *prima facie* respectful towards cultural diversity. Nevertheless, the exchange which was envisaged then was addressed to the signing European States, therefore fostering a Eurocentric strategy devoted to the spread of local cultures independently of the diversities within domestic societies.

The posterior *European Convention on the Legal Status of Migrant Workers* (1977)² clearly promoted assimilation³. The premise of such document was that «the legal status of migrant workers who are nationals of Council of Europe member States should be regulated so as to ensure that as far as possible they are treated no less favorably than workers who are nationals of the receiving State in all aspects of living and working conditions» and that the Member States of the CoE wished to «facilitate the social advancement of migrant workers and members of their families» through the granting of rights and privileges to each other's nationals. Several actions of the Convention were directed to encourage foreign workers to accept the prevalent cultural models in the hosting country.

The first shifts occurred in the 90s.

One may mention the *Convention on the Participation of Foreigners in Public Life at Local Level* (1992)⁴, which defined the residence of foreigners on the national territory as «a permanent feature of European societies», being these foreigners subject to the same duties as citizens at local level. The signing States were then «aware of the active participation of foreign residents in the life of the local community and the development of its prosperity, and convinced of the need to improve their integration into the local community, especially by enhancing the possibilities for them to participate in local public affairs». As a consequence, they committed to guarantee their right to freedom of expression, including «freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers» (art. 3); the right to peaceful assembly and enter into associations, particularly local associations of their own «for purposes of mutual assistance, maintenance and expression of

¹ Available at: <https://rm.coe.int/168006457e>. Last accessed on the 14th of November 2021.

² Available at: <https://rm.coe.int/1680077323>. Last accessed on the 14th of November 2021.

³ Contrarily to what could be expected, the *European Social Charter* (1961) did not contain significant elements in this respect. Critical on this point J.L. Fuentes, *Cultural diversity on the Council of Europe documents: The role of education and the intercultural dialogue*, in *Policy Futures in Education*, 14(3), 380 (2016).

⁴ Available at: <https://rm.coe.int/168007bd26>. Last accessed on the 14th of November 2021.

their cultural identity or defence of their interests in relation to matters falling within the province of the local authority» (again, art. 3). In addition to consultations of foreign residents, chapter B regulated the possibility to establish consultative bodies to represent foreign residents at local level and chapter C referred to the right to vote and to stand in local elections. The preservation of cultural identity of foreigners seemed to be one of the targets of the Convention.

The *European Charter for Regional or Minority Languages*⁵ was adopted in 1992 as well, recognizing the value of linguistic pluralism and promoting the protection of historical regional or minority languages for the «maintenance and development of Europe's cultural wealth and traditions», as well as the «the right to use a regional or minority language in private and public life». The Charter emphasized the importance of interculturalism and multilingualism, still stressing that «the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them». Additionally, it expressly mentioned the aim to build a Europe based on democracy and cultural diversity «within the framework of national sovereignty and territorial integrity». It devoted to the States the decision about which languages to protect and how, without necessarily taking into account migrants' languages. The word “interculturalism” was introduced into this document, but it is just an anecdote, as it is exclusively present in the Preamble without further developments or implications.

A genuine change of perspective may derive from the *Framework Convention for the Protection of National Minorities* (1995)⁶, which is the first obligatory multilateral instrument dealing with national minorities, seeking the promotion of their equality vis-à-vis nationals and fostering conditions for them to “express, preserve and develop their identity”. Similarly to the *Convention on the Participation of Foreigners in Public Life at Local Level*, it fixed rights related to the public sphere (like freedom of peaceful assembly, freedom of association, freedom of expression, etc.) and again to languages and education. The Preamble stated that «the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society».

Interestingly, this Convention proclaimed the failure of assimilation⁷, as it clearly emerges from art. 5: «1. The Parties undertake to promote the conditions necessary for persons belonging to

⁵ Available at: <https://rm.coe.int/1680695175>. Last accessed on the 14th of November 2021.

⁶ Available at: <https://rm.coe.int/168007cdac>. Last accessed on the 14th of November 2021.

⁷ Multiculturalism as well can be considered as a defective model, particularly if one takes into account that such approach treated diversity as a minority issue and not as something involving the entire society. See R. Zapata-Barrero, *Interculturalism in the post-multiculturalism debate: A defence*, in *Comparative Migration Studies*, 5 (2017). An assessment of the dichotomy can be found in N. Meer, T. Modood, R. Zapata-Barrero

national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage. 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall *refrain from policies or practices aimed at assimilation* of persons belonging to national minorities against their will and *shall protect these persons from any action aimed at such assimilation*». This document may be considered as a keystone in the evolutionary path of the CoE's approach to cultural diversity. Notably, the ratifications/accessions are numerous, reaching a total of 39.

The start of the new Century was characterized by several meetings at the CoE among experts and national Ministers of foreign affairs, migration, culture, and education, leading to discussions on new approaches to cultural differences. After the *Declaration on Cultural Diversity* (2000)⁸, the *Final Declaration of the 7th Conference of Ministers responsible for Migration Affairs*, Helsinki 16-17 September 2002⁹ (the general theme of the conference was “Migrants in our societies: policy choices in the 21st century”) dealt with the importance of comm social participation of migrants and nationals for social cohesion, while stating that foreigners make a substantial contribution to the host society, not only from an economic perspective.

This document set a renewed path in the consideration of cultural issues, as it is proven by the later *Declaration of Opatija* (2003)¹⁰, which defined a European cooperation framework, in order to lead to the necessary conditions for the «promotion and construction of a society based on intercultural dialogue and respect for cultural diversity and fostering the prevention of violent conflicts, conflict management and control and post-conflict reconciliation». The actions envisaged shall involve all generations, bringing cultures closer thanks to “constructive dialogue” and “cultural exchanges” concerning all facets of culture, from the arts to economy and language.

(eds), *Multiculturalism and Interculturalism: Debating the Dividing Lines* (2016), as well as C. Piciocchi, *L'interculturalismo nel diritto costituzionale: una storia di parole*, in **DPCE Online**, 39(2) (2019).

⁸ *Declaration on cultural diversity* (Adopted by the Committee of Ministers on 7 December 2000 at the 733rd meeting of the Ministers' Deputies). Available at: <https://rm.coe.int/16804bfc0b>. Last accessed on the 14th of November 2021.

⁹ Available at: <https://rm.coe.int/09000016809274a6>. Last accessed on the 14th of November 2021.

¹⁰ Council of Europe (2003), *Opatija Declaration*, – Declaration on intercultural dialogue and conflict prevention, Conference of the European Ministers for Cultural Affairs. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805de16e. Last accessed on the 14th of November 2021.

The *Framework Convention on the Value of Cultural Heritage for Society*¹¹ (2005) contained the commitment to «promote cultural heritage protection as a central factor in the mutually supporting objectives of sustainable development, cultural diversity and contemporary creativity» and «recognise the value of cultural heritage situated on territories under their jurisdiction, regardless of its origin», somehow anticipating the approach adopted by the *White Paper on Intercultural Dialogue*¹² (2008, same year in which the EU proclaimed the European year of intercultural dialogue¹³). It stated that cultural diversity is a feature of European identity, as well as a basic condition for the development of societies based on solidarity. In spite of being difficult to define, intercultural dialogue is intended as a means to prevent ethnic, religious, linguistic and cultural divides, while promoting awareness, understanding, reconciliation and tolerance, as well as avoiding conflicts.

The specific contextual situation of the start of the new millennium was considered as a key-element to understand cultural diversity as a result of migration, but also of technological developments and globalization: «In recent decades, cultural diversification has gained momentum. Europe has attracted migrants in search of a better life and asylum-seekers from across the world. Globalization has compressed space and time on a scale that is unprecedented. The revolutions in telecommunications and the media – particularly through the emergence of new communications services like the Internet – have rendered national cultural systems increasingly porous. The development of transport and tourism has brought more people than ever into face-to-face contact, engendering more and more opportunities for intercultural dialogue» (section 2.1). Within such factual situation, the risks of non-dialogue become clear (section 2.4), being the spread of stereotypical perceptions of the others, tension, anxiety, and the development of intolerance and discrimination. On the contrary, dialogue is essential for inclusive societies aiming at mediation, mutual understanding and respect. Therefore, dialogue is conceived as an instrument for integration and social cohesion, but there is no clear explanation of how it shall contribute to intercultural arrangements.

The White Paper established five “policy approaches” to the promotion of intercultural dialogue, which was based on the democratic governance of cultural diversity, involving participation and democratic citizenship: 4.1 Democratic governance of cultural diversity; 4.2

¹¹ Available at: <https://rm.coe.int/1680083746>. Last accessed on the 14th of November 2021.

¹² Council of Europe, White Paper on Intercultural Dialogue “Living Together As Equals in Dignity”, Launched by the Council of Europe Ministers of Foreign Affairs at their 118th Ministerial Session, Strasbourg 7 May. Available at: https://www.coe.int/t/dg4/intercultural/source/white%20paper_final_revised_en.pdf. Last accessed on the 14th of November 2021.

¹³ The text of the MoU for the cooperation agreement between the EU and the CoE of 2007 listed intercultural dialogue and cultural diversity among the Shared Priorities and Focal Areas for Cooperation. See M. Kolb, *The European Union and the Council of Europe*, 148 ff. (2013).

Democratic citizenship and participation; 4.3 Learning and Teaching Intercultural Competences; 4.4 Spaces for Intercultural Dialogue; 4.5 Intercultural Dialogue in International Relations. It focused on substantive, not formal equality (4.1.3 From equality of opportunity to equal enjoyment of rights) and again emphasized the importance of education¹⁴, recalling previous documents such as the *European Charter for Regional or Minority Languages* (1992), the abovementioned *Framework Convention for the Protection of National Minorities* (1995), which identified education as the major tool for protecting and fostering the promotion of languages and cultures, as well as the *Framework Convention on the Value of Cultural Heritage for Society* (2005), which stated that education is a means to «develop knowledge of cultural heritage as a resource to facilitate peaceful co-existence by promoting trust and mutual understanding with a view to resolution and prevention of conflicts», and also to «encourage reflection on the ethics and methods of presentation of the cultural heritage, as well as respect for diversity of interpretations» (Article 7)¹⁵, and the *Reference Framework of Competences for Democratic Culture*¹⁶. A paramount role is allotted to territorial bodies, as «Every actor – whether NGOs, religious communities, the social partners or political parties – is implicated, as indeed are individuals. And every level of governance – from local to regional to national to international – is drawn into the democratic management of cultural diversity» (section 1.3).

¹⁴ See sections 4.1: «It entails an education system which generates capacities for critical thinking and innovation, and spaces in which people are allowed to participate and to express themselves»; 5.2: «Public authorities and all social forces are encouraged to develop the necessary framework of dialogue through educational initiatives and practical arrangements involving majorities and minorities» and particularly section 5.3: “Learning and teaching intercultural competences”: «The learning and teaching of intercultural competence is essential for democratic culture and social cohesion. Providing a quality education for all, aimed at inclusion, promotes active involvement and civic commitment and prevents educational disadvantage. [...] Intercultural competences should be a part of citizenship and human-rights education. Competent public authorities and education institutions should make full use of descriptors of key competences for intercultural communication in designing and implementing curricula and study programmes at all levels of education, including teacher training and adult education programmes. Complementary tools should be developed to encourage students to exercise independent critical faculties including to reflect critically on their own responses and attitudes to experiences of other cultures. All students should be given the opportunity to develop their plurilingual competence. Intercultural learning and practice need to be introduced in the initial and in-service training of teachers [...]».

¹⁵ See D. Faas, C. Hajisoteriou, P. Angelides, *Intercultural education in Europe: Policies, practices and trends*, in *British Educational Research Journal*, 40(2), 300–318 (2014). According to these authors, intercultural education encompasses the development and implementation of policies and reforms fostering equal education opportunities to culturally (and/or ethnically) diverse groupings, “regardless of origin, social rank, gender or disability”. Teachers shall contribute adjusting their pedagogy so as to support and empower their marginalised students.

¹⁶ Available at: <https://www.coe.int/en/web/campaign-free-to-speak-safe-to-learn/reference-framework-of-competences-for-democratic-culture>. Last accessed on the 14th of November 2021. See M. Barrett, *The Council of Europe's Reference Framework of Competences for Democratic Culture, Policy context, content and impact*, in *London Review of Education*, 18(1), 1–17 (2020).

This vision was then developed by the *Recommendation 261 (2009) on intercultural cities* of the Congress of Local and Regional Authorities of the Council of Europe¹⁷, as well as the *Recommendation of the Committee of Ministers on intercultural integration (2015)*¹⁸, which explicitly recalls the previous document as it recognized «the importance of creating spaces for cross-cultural exchange and debate, facilitating access to and exercise of citizenship and fostering intercultural competence, particularly at the local level» (Preamble). It recalls scholarship and studies which have demonstrated «the value of diversity for human and social development and cohesion, economic growth, productivity, creativity and innovation and that these benefits of diversity can only be realised on condition that adequate policies are in place to prevent conflict and foster equal opportunities and social cohesion».

The Recommendation affirms that culture and cultural heritage are essential for the construction of the city «as a shared common public space by encouraging people in exploring the plurality of identities through the diversity of heritage and contemporary cultural expressions, and in fostering a sense of a shared past and an aspiration to a common future». Cities, then, become the major territorial dimension for the enhancement of cultural differences from a strategic perspective, as they are «at the front line of integration and diversity management, are laboratories for policy innovation».

Therefore, the Committee of Ministers recommended that the governments of member States:

- a. take note of the guide “The intercultural city step by step: Practical guide for applying the urban model of intercultural integration” and facilitate its dissemination, including via its translation into their official languages;
- b. bring the urban model of intercultural integration and the tools which have been designed to facilitate its implementation and measure its impact, to the attention of local and regional authorities, as well as relevant national, regional and local institutions, organisations and networks, via the appropriate national channels;

¹⁷ Available at <https://rm.coe.int/168071ae5f>. Last accessed on the 14th of November 2021. This document affirmed that strong inclusive intercultural cities have successfully managed intercultural diversity making citizens of diverse origins identify with their cities. In 2019, the Congress published as well the *Human rights handbook for local and regional authorities*. One chapter is devoted to policies to tackle discrimination against refugees, asylum seekers, migrants and internally displaced persons. Examples are provided with best practices of local and regional authorities. Available at <https://www.coe.int/en/web/congress/migration-and-integration>. Last accessed on the 14th of November 2021.

¹⁸ **Recommendation CM/Rec(2015)1 of the Committee of Ministers to member States on intercultural integration** (Adopted by the Committee of Ministers on 21 January 2015 at the 1217th meeting of the Ministers’ Deputies). Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c471f. Last accessed on the 14th of November 2021.

c. encourage within their means of competences the implementation of the urban model of intercultural integration at the local level and support the setting-up of city networks for the exchange of experience and learning in this respect;

d. take the urban model of intercultural integration into account when revising and further developing national migrant integration policies or policies for intercultural dialogue and diversity management.

II. INTERCULTURAL CITIES (THE EXAMPLE)

The programme Intercultural Cities implements the guidelines and prescriptions indicated in the abovementioned documents¹⁹, in order to provide support to municipal entities in the design and adjustment of policies «through an intercultural and intersectional lens» and help them adopt intercultural strategies for a positive management of diversity and its exploitation. The programme proposes a set of analytical and practical tools to help local stakeholders through the various stages of the process. It involves nowadays more than 140 cities in Europe and beyond (e.g., individual cities from Australia, Canada, Israel, Japan, Korea, Mexico, Morocco, Turkey, and the United States). The achievement of these results was construed as a progression, therefore one of the targets of the “intermediate policy” was the controlled expansion of the network’s membership, with a timeline of 100 cities by end 2017, and 120 cities by end 2019. By 2020, 117 cities had completed the full ICC index²⁰, assessing and monitoring their progress over time vis-à-vis their starting point.

The cities which are allowed to enter the programme shall have a population of at least 30.000 inhabitants (although smaller ones have been accepted) with a significant degree of diversity. Within Europe, Italy is the country with the most cities involved (almost 30), followed by Spain and Portugal.

Candidate cities are called to express their interest with a communication by the Mayor or a high-rank representative²¹. Afterwards, the city and the CoE sign a “statement of intent”, and the first fills in the abovementioned ICC index which is assessed comparatively with respect to other cities’ best practices. An expert visit follows, to start the dialogue with local

¹⁹ See <https://www.coe.int/en/web/interculturalcities/about>. Last accessed on the 14th of November 2021.

²⁰ See <https://www.coe.int/en/web/interculturalcities/about-the-index>. Last accessed on the 14th of November 2021.

²¹ See <https://www.coe.int/en/web/interculturalcities/how-to-join->. Last accessed on the 14th of November 2021.

administrators and stakeholders and provide the data for the report on the intercultural profile of the city, on which the posterior activities are based. Therefore, the cities establish an “intercultural support group” to review and amend their policies in an intercultural framework and commit to pay the yearly contribution of 5.000 euros. The rest of expenses is covered by the CoE, which provides experts and facilitators as well, fostering policy debates and changes. Strategic projects pursued by this action involve “anti-rumors” strategies (identifying stereotypes, collecting and spreading data on the impact of migration, creating anti-rumors networks at the local level, campaigning, etc.); “business and diversity” (focused on the advantages brought to business by diversities and the recognition of equal rights); “cultural heritage” (to promote knowledge, dialogue and map the presence of different cultures); “gentrification” (to foster access to housing in the entire city and avoid segregation); “intercultural competence” (implying educational activities for public officers – such as the “intercultural integration academies” aimed at different target groups); as well as policies concerning refugees and the elimination of systemic discriminations, or the achievement of sustainable cities.

III. WHAT SORT OF “INTERCULTURALISM”?

From a theoretical perspective, there are two elements which recall the discussion on interculturalism developed in this special issue, namely the “micro” approach to these measures, involving educational policies and local entities²², as well as the relevance of migration²³ as a factor pushing European countries towards the adoption of intercultural solutions.

Within such context, the idea of interculturalism drafted in the analyzed documents is particularly characterized, in my opinion, by two basic features, namely *heterogeneity* (involving different and overlapping aspects, such as nationality, language, ethnicity, gender identity, religious beliefs, etc.) and *utilitarianism*, somehow privileging the majority culture within the recognition and integration of diversity²⁴. In fact, interculturalism is construed as an advantage for societies in which communitarian connections can get stronger. With respect to ICC, for instance, the dedicated website explicitly states that «Realising the **Diversity Advantage** involves a commitment by the public authorities to recognise and preserve

²² On the importance of local policies, see R. Zapata-Barrero, *op. cit.*, 6.

²³ A. Delliós, E. Henrich (eds), *Migrant, Multicultural and Diasporic Heritage: Beyond and Between Borders* (2021).

²⁴ On this approach, see G. Bouchard, *What is interculturalism?*, in *McGill Law Journal*, 56(2), 45 (2011).

diversity as an intrinsic feature of human communities; and to pursue the ‘diversity advantage’ that accrues from the presence of diversity when coupled with specific policies and strategies that enable diverse contributions to shape the cultural, economic and social fabric of the city, and to manage conflicts which may threaten community cohesion». The “diversity advantage” is listed before the targets of real equality, respect for diversity and intercultural interaction between diverse groups. Therefore, in spite of the signs included in the White Paper which seemed inspired by horizontal or post-majoritarian interculturalism, the overall approach of the CoE seems to be more prone to majoritarian interculturalism²⁵, endorsing the permanence of a majority while ensuring peaceful and harmonious coexistence to the rest of cultures.

²⁵ See C. Joppke, *War of words: interculturalism v. multiculturalism*, in *Comparative Migration Studies*, 6 (2018). On the Canadian application of such model, see the article by Carla Maria Reale in this special issue; on the application of the horizontal/post-majoritarian model in Latin America, see S. Bagni, *Lo Stato interculturale: primi tentativi di costruzione prescrittiva della categoria*, in S. Bagni, G.A. Figueroa Mejia, G. Pavani (coords), *La ciencia del derecho Constitucional comparado. Libro homenaje a Lucio Pegoraro*, p. 111 ff. (II, 2017).

