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A European mediator for social inclusion

The pandemic emergency, amidst structural problems and economic trends in Europe

The Covid-19 pandemic emergency has indelibly marked 2020 and, probably, its profound effects will be observed for a long time. The impact of the virus was devastating first of all for the very high number of victims and for having been forced to urgently approve extraordinary plans to combat the spread of the pandemic. The extraordinary interventions had to consider all sectors of the legal system, as the negative effects of the pandemic and the application of the extraordinary measures have affected the entire society.

Alongside the sanitary requirements, therefore, the Authorities had to approve huge packages of welfare measures for the low-income families and the granting of loans and loans to secure the production structure. The European Union and the Member States, notwithstanding the ordinary accounting rules, make use of extraordinary public debt with multi-year support plans.

The pandemic crisis has exposed the numerous criticalities of Europe, not only in the management of the health emergency but more generally in the productive, social, and even political systems. To overcome the serious health emergency, a process of structural reforms must be launched with the involvement of all, to strengthen the economic and social cohesion of the Union.

The protection of health and guarantees for economic and social cohesion

Health policies to combat the spread of the pandemic have been starting to show positive signals, because not only of social distancing and the application of safety measures but also of the overall reorganization of health services. Health efforts are now aimed at the imminent mass vaccination campaign for the entire population, in order to make it immune to the virus and, finally, to guarantee the primary objective of protecting public health and that of individuals.

At the frontline of the fight against the coronavirus, a truly competitive challenge against the pandemic has been launched at the international and European levels. Huge financial resources have been committed, but also the best academic and research centers in the world have ventured into the study and testing of drugs, equipment, and vaccines against Covid-19. An alliance supported and financed by the public authorities and the productive sectors which in a very short time is leading to achieve results unimaginable in the past.

However, defeating the virus may prove insufficient in the absence of adequate reforms, which will also target other critical economic, social, and political aspects of the Union. Overcoming the pandemic crisis is not possible only by protecting health. In fact, in recent months the structural weaknesses, marginalization, and discrimination that characterize the difficult process of aggregation in the European Union have worsened.

In the absence of appropriate responses, there will be a wave of conflict due to the economic and social ramifications that have severely hit the population, especially in the weakest and most vulnerable groups. Emergency social subsidies will run out, and therefore organic society reform processes in a more inclusive and inclusive sense are needed. Once again, we have to deal with the policy of reform and innovation, allocating enormous economic resources and using the best research and development skills in these countries.

The imperative aim is to ensure the economic and social cohesion of the European Union and of all Member States that are embarking on extraordinary investment plans for reform. To develop plans and find the most effective solutions, participatory processes are needed that engage political, economic, and social forces in times of comprehensive reform.

Innovation in research, experimentation, and dissemination of knowledge

To scientifically support participatory reform processes, it is also necessary to involve universities so that they make research, experimentation, and knowledge dissemination available. So much has already happened with medical

science, placed first in the fight against Covid-19. It is equally important to support other legal, economic, and social sciences that are to be used in the processes of national reforms and systems of the European Union.

The pandemic crisis marks a moment of abrupt rupture and radical change between the before and after. Restoration of the previous normality is not conceivable, which would be impossible to achieve, would prove inappropriate concerning the new needs, and, by now, would be unacceptable for most. Rather, by building on the virtuous practices experienced during the emergency phase, it is necessary to develop a capacity for overall reorganization and reform of the various sectors of society.

A (re)constituent season of society is beginning, both in public organization and in private activities, which requires planning and rethinking skills to re-establish economic and social cohesion on new and more solid foundations. The huge economic resources allocated by the European Union and the member states must support investments to manage the reform processes.

The metaphor of the war with the virus indicates in many ways the necessity to face the processes of rebuilding our society. As the pandemic has hit the dimension of interpersonal relations hard, the reforms undertaken require a return to the basic values of belonging to the economic, social, and political community.

The wide use of technologies seems to be the most qualifying feature of the agile reorganization of production processes and, more generally, of the relational activities that took place during the pandemic. In fact, technology has not only made it possible to overcome health restrictions on the movement of people but has given new impetus and efficiency to production activities. An innovative process was launched which, in a short time, involved all sectors of activity.

The massive use of remote means of communication, however, made it possible to keep the threads of belonging to the community and the use of the main services connected. In fact, alongside the present dimension, a virtual dimension has developed which is equally important for strengthening relationality and, therefore, the sense of belonging to the community. In some respects, through the virtual connection, everyone participated in the community network, basically without exclusion or discrimination.

The virtual community, however, must be a stimulus for building inclusive reform processes that take place on an economic, social, and political level. The challenge is to overcome the limitations that existed before the pandemic, by developing participatory processes and mediation mechanisms.

Social mediation as a strategic activity for inclusion and resilience policies

Mediation is an out-of-court mechanism for the amicable settlement of conflicts that are characterized by the presence of a professional, the mediator, who in an impartial, independent, and confidential manner helps the parties to reach an amicable agreement (European Directive 2008/52/EC). The mediator has no power to impose solutions, but merely facilitates communication between the parties and encourages the search for points of understanding on which to reach an agreement on the settlement of their dispute that is satisfactory for both.

The European Union promotes the use of mediation to support the processes of building the common market, as a space for free movement of people and as well as for common market in goods and services. Mediation constitutes a mechanism of justice, complementary to jurisdiction, which is simpler, more informal, faster, and cheaper in proceedings.

By definition, mediation implements the agreement of the parties which ends the dispute and strengthens their relations. Precisely because it intervenes in conflicts, mediation takes on a strategic value in reassuring parties and ensuring economic and social cohesion in the various sectors of the legal system.

In the spirit of European integration, the usefulness of mediation is greater in cross-border disputes, that is, between parties coming from different states, although it can also be used in internal disputes. The European Directive 2008/52 / EC introduces a discipline of partial minimum harmonization, which establishes an essential common European statute of mediation. On the one hand, certain minimum legality requirements are directly imposed (access, confidentiality, impact on prescription and forfeiture, an executive force of the agreement) and, on the other hand, quality is expected to be achieved through codes of conduct of mediators and, above all, through specific training courses.

The „construction of a European mediator”, therefore, is entrusted to the elaboration of specific training courses which, also through adherence to the European code of conduct, go beyond the internal dimension of the individual Member States, to open up to cross-border and Community ones. To this end, a fruitful synergy must be created between training centers and mediation bodies to build and experiment together training courses for European mediators.

The outbreak of the pandemic crisis, which affects all Member States, could be an important opportunity to experiment with building a common training model for the European Ombudsman. It is assumed that there will be a wave of conflict generated by the pandemic that risks compromising the precarious economic and social cohesion of the European Union.

In particular, it would be useful to train European mediators specialized in social conflicts who are the most dangerous in times of crisis because they are liable to degenerate into episodes of violence and urban unrest. Indeed, the consequences of the pandemic crisis could hit, exasperating them, precisely those most marginalized sections of the population, which would eventually rise. In these cases, social mediation would be an effective preventive measure for pacification and amicable management of conflict.

The European LIMEDIAT project

In this context of conflict and post-pandemic reforms, an innovative European research project entitled „Limediat” could be placed: A license for a European social mediator, which was recently presented at the 5th International Congress CUEMYC (Conferencia Universitaria para el Estudio de la Mediación y el Conflicto) dedicated to mediation, conflict management, and Covid-19 pandemic, held online by the University of Cagliari from 17 to 19 November 2020 (<https://www.congresocuemyc2020.it/>).

The three-year research funded by the French Erasmus Agency is promoted by a cross-border partnership headed by the National Conservatory of Arts and Crafts in Paris and made up of the municipality of Limoges (France) and the universities of Minho (Portugal), Murcia (Spain) and Cagliari (Italy) and has the aim of building on a scientific basis, both theoretical and practical, a common training course for the social mediator, which is valid for all of Europe. The skills and experiences of the centers involved in research, training, and management activities in the field of mediation make it possible to build a training path that can be initially validated in the four countries involved, but which in perspective constitutes a common basis for all of Europe.

The choice of the professional profile of the social mediator responds to a need felt throughout Europe to activate mechanisms for the pacification of social conflicts, especially those of an intercultural and interreligious nature, which threaten peaceful coexistence in many cities. Mediation could contribute to pacification and social inclusion, as it helps to overcome the conflicts and tears in the jagged fabric of society.

The training courses will be developed on an electronic platform, capable of collecting teaching materials and encouraging remote interaction between teachers and students from the various states of the Union. In this way, however, technology is used in training and work as has become normal during the pandemic. The construction of the training courses will make use of the contributions of experts and professionals who are engaged in the management of social conflicts and can offer the best experiences gained in the field. Students

are expected to do a period of practical experience, internship, at the social mediation centers of the various states.

The training of European social mediators responds to a long-standing need in Europe to support participatory integration processes, which are made even more necessary following the pandemic crisis. The hypothesis of the structuring of a degree course (license) in social mediation expresses the desire that this training profile is structured stably and, therefore, that graduates find employment recognized throughout Europe in the professional management of conflicts.

A research project that, in conclusion, represents a proactive contribution that is proposed to support the structural reforms of training courses and employment opportunities in Europe, to ensure peaceful, inclusive, and resilient development.