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Friend or Foe? The European Union and Subnational Independence Movements

Being a Thesis submitted for the Degree of Master of Science in Political Science

By

Mr Thomas Edward Chadwick Scarff

ID: s1426729

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Supervisor: Dr .Adam Chalmers
Second Reader: Prof. Dr. Madeleine O. Hosli
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List of Abbreviations

CiU – Convergencia I Unio / Convergence and Union

COM – European Commission

CoR – The Committee of the Regions

EEC- European Economic Community

EP – European Parliament

EU – European Union

MEP – Member of European Parliament

MLG – Multilevel Governance

PNV – Partido Nacionalista Vaso / Basque Nationalist Party

RAI – Regional Authority Index

SGEUO - The Scottish Government European Union Office

SLP – Scottish Labour Party

SNP – Scottish National Party

TCE - Treaty Establishing a Constitution for Europe (European Constitution)

TEU – Treaty on European Union (Maastricht Treaty)

UK – United Kingdom of Great Britain and Northern Ireland

UKREP - UK Permanent Representation in Brussels

Part One

Introduction

> Our civic nationalism promotes internationalism; our independence movement embraces interdependence. We seek sovereignty, knowing that we will then choose to share that sovereignty.[1] *Alex Salmond*

Europe is currently experiencing a politically turbulent period in its recent history, economic instability precipitated by the Euro-crisis has provoked a questioning of the political merits of European integration and the European Union (EU) writ large across member states.[2] As the prognosticated 'sleeping giant' of Euro-scepticism[3] gradually comes to the fore across Europe, with widespread discontent for the status quo with the structural deficits of the EU translating into electoral gain*s* for anti-Euro and populist parties, it would appear antithetical in the current climate for a movement to campaign on more, not less, Europe.[4] Taking into account the political situation currently engulfing European politics, at the national and supranational level, the opening quote by Scottish First Minister Alex Salmond stems the tide of opinion harboured by a disaffected public, the malaise typifying the response of established national parties and as a counter to anti-EU populist parties.[5] A staunchly pro-European subnational movement vying for increased integration in the midst of a public crisis of confidence, emphasises that contrary to musings regarding the 'paradox of separatism in the midst

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[1] Salmond, A. (2014). ''Scotland's Place in Europe.'' Speech at the College of Europe, Brugge 28th April 2014. [Available at: https://www.coleurope.eu/speeches]

[2] Kohut, A. et al (2013). The New Sick Man of Europe: European Union. *Pew Research Centre,* [Available at:http://www.pewglobal.org/files/2013/05/Pew-Research-Center-Global-Attitudes-Project-European-Union-Report-FINAL-FOR-PRINT-May-13-2013.pdf] [Accessed: 18 Jan 2014]: & Zalewska, M. & Gstrein, O.J. (2013). National Parliaments and their Role in European Integration: The EU's Democratic Deficit in Times of Economic Hardship and Political Insecurity. *Bruges Political Research Papers*, 28, p.4.

[3] van der Eijk, C. & Franklin, MN. (2004). Potential Contestation on European Matters at National Elections in Europe': In Marks, G. and Steenbergen, M.R (eds), *European Integration and Political Conflict.* Cambridge: Cambridge University Press, p. 32-50.

[4] Parker, G. et al. (2014). UKIP and Front National Lead Populist Earthquake. *Financial Times* [online], May26th.[Availablwathttp://www.ft.com] [Accessed: 27 May 2014]

[5] Mair, Peter (2009). 'Representative versus Responsible Government', MPIfG Working Paper 09/8. Cologne: Max Planck Institute for the Study of Societies, 2009. p. 5.

of integration' [6] that the current situation can be more aptly surmised as the paradox of separatism for integration.[7]

In the wake of the impending and proposed referenda on Scottish and Catalonian independence the EU is a very relevant actor both for these movements and the nation states involved. With membership of the EU being used as a political tool to both legitimise and derail these movements they have become a critical actor in a political impasse between subnational and national governments, with significant influence to effect either outcome. The Scottish National Party's (SNP) bid to convince voters on the laurels of independence from the United Kingdom in the upcoming referendum has taken on a decidedly European dimension. The assertion on the part of the SNP that an independent Scotland would automatically attain membership of the EU based on *Continuity of Effect*[8] has been publically rejected by high profile figures within the EU jeopardizing the integrity of the SNPs campaign. [9] Secession within an EU member country is without precedent and has implications for likeminded movements such as that in Catalonia in Spain which is gaining momentum inspired by events in Scotland.[10] The Catalonian case highlights the limitations of the EU in influencing the domestic constitutional competencies of the nation state. With calls for support from the EU to ameliorate the current constitutional stalemate regarding secession referenda between the Spanish state and Catalonian Government falling on deaf ears within the EU. [11]

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[6] ; Connolly, C. K. (2014). Independence in Europe: Secession, Sovereignty, and the European Union. *Duke Journal of Comparative and International Law*, 24 (51), p. 55.

[7] *Ibid*, p. 53. & Laible, J. (2008*). Separatism and Sovereignty in the New Europe: Party Politics and the Meanings of Statehood in a Supranational Context*. Basingstoke: Palgrave Macmillan, p. 4-5.

[8] Scottish Government. (2013). *Scotland's Future: Your Guide to an Independent Scotland* Edinburgh: Scottish Government, p.216.

[9] Syal, R. (2014). Independent Scotland 'would find it extremely difficult to join EU'. *The Guardian* [online], 16th Feb. [Available: http://www.theguardian.com/politics/2014/feb/16/independent-scotland-extremely-difficult-join-eu] [Accessed: 15 Mar 2014] and The Economist. (2014). Homage to Catalonia*. The Economist Newspaper Limited* [online], 22ⁿᵈ Feb. [Avaiable: www.economist.com][Accessed: 15 Mar 2014].

[10] Connolly*, Independence in Europe: Secession, Sovereignty, and the European Union*, p. 60.

[11] Perez, A. & Moffett, P. (2013). Almunia Says Catalonia Would Need to Leave EU if it Secedes From Spain: Comments Disappoint Catalan Secessionists. *Wall Street Journal* [online], 16ᵗʰ September. [Available: www.wallstreetjournal.com] [Accessed: 20 June 2014]: Traynor, I. (2012). Catalan leader Artur Mas Presses EU on Secession Issue. *The Guardian* [online], 7ᵗʰ March. [Available: www.theguardian.com] [Accessed: 20 June 2014]. & Moffertt, M. (2014). Catalonia's European Election Litmus Test: European Parliament Election on Sunday Will Serve as a Test of

Motivated by these unfolding events I will investigate to what extent supranational organisations (EU) really empower subnational secessionist movements in the form of political parties, in this case the SNP in Scotland and Convergence and Union (CiU) in Spain. Examining the relationship between subnational secessionist movements and the EU with emphasis on how the EU, with increasing integration, has empowered regions through available opportunity structures above that of the state. My specific research question is: to what extent does the European Union empower subnational movements?

The thesis will argue that there is a limit to how much the EU really empowers subnational movements, and that in terms of fulfilling subnational aspirations for regionalist movements the EU is a reluctant ally.[12] Despite the pro-European rhetoric and ideology which characterises many subnational movements, the argument rests on the dichotomy between how they mobilize European integration as a cornerstone of their nationalist platform but the seeming unwillingness on the part of the EU to openly support this agenda in these states.[13]

I will demonstrate that there are three dimensions to subnational empowerment, firstly in the opportunity structures facilitated by the EU, the national context of these subnational movements and lastly but perhaps most crucial the process of political isolation. The principle argument of the thesis is a simple one, that political isolation in the national sphere and the opportunity structures of the EU is the mechanism driving secession in my chosen cases. Political isolation of subnational parties has contributed to a self-fulfilling prophecy on behalf of nation states, by fortifying their power as the primary actor in the EU at the determinant of subnational parties they have compelled these parties to seek independence. National governments consecrating their status as the

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Strength for Secessionist Parties. *Wall Street Journal* [online], 23rd May. [Available: www.wallstreetjournal.com] [Accessed: 20 June 2014].

[12] An example being the attempt made by subnational governments to shape the 2004 European Constitution having marked limited success in trying to gain a stronger voice for regions. These movements saw the Constitution as a document consecrating 'a two level game between the EU and the state.' This caused a dilemma for subnational movements, as they could not support a document that constitutionally diminished their status whilst publically rejecting it would have contradicted their pro-European stance. See: Lecours, A. (2012). Sub-state Nationalism in the Western World: Explaining Continued Appeal. *Ethnopolitics*, *11* (3), p. 281. & Keating, M. (2004). European Integration and the Nationalities Question. *Politics & Society*, *32* (3), p. 382.
[13] Jolly, S. (2007). The Europhile Fringe?: Regionalist Party Support for European Integration. *European Union Politics*, 8 (1), p. 109-130

primary actor in the European Union has demonstrated to subnational parties that the only means to achieve adequate representation is to not transcend the status quo, but join it.[14] The opportunity structures for subnational parties facilitated by the EU provide inadequate access to the decision making process for these movements, the EU have not enabled these subnational parties to gain a seat at the table of decision making which satisfies their agenda fuelling the need for secession.

Overall this thesis finds that the EU both empowers and delimits the power of subnational secession movements. This paradox can be observed over time by analysing the relationship between all actors involved using the three dimensions of empowerment: national context, opportunity structures and political isolation. Surmised by analysing the chronological political events and processes concerning all actors involved: CiU, SNP, the British and Spanish Governments and EU institutions.

Globalization and Political Awakening: the European Union, Nation States and Subnational Movements

> Multilevel Governance… a system of continuous negotiation among nested governments at several territorial tiers – supranational, national, regional and local - as the result of a broad process of institutional creation and decisional reallocation that has pulled some previously centralised functions of the state up to the supranational level and some down to the local/regional level[15] *Gary Marks*

This literature review will act as a theoretical preface to the thesis in order to introduce the key concepts and ideas that will underpin forthcoming analysis. Addressing how the process of globalization has changed the political landscape for all actors in the international system, the review will explore how the EU is the forum for this political change. How political opportunity structures have endowed subnational movements with the agency to participate in the system and pursue independence, and how this process is perceived by national governments. Fundamental to this appreciation of the EU is an

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[14] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 60-61.
[15] Marks (1993), *Structural Policy and Multilevel Governance in the EU*, p. 392.

understanding of the phenomenon which has enabled sub nationalism to flourish and drives secessionist aspirations; globalization is cited as the foremost factor contributing to the 'political awakening' of nationalist movements throughout and specifically in the latter half of the 20th century. [16] Globalization is the term coined for the process whereby 'increased flows of goods, services, capital, people, and information'[17]cross borders and more specifically to political commentary as 'the intensification of world-wide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and visa versa.'[18]The prevailing argument posits globalization as the central phenomenon that 'has led to the rise of sub-state nationalism … [providing] minority nationalists with opportunities to promote their sub-state nationalist agenda in developed countries.'[19] To this effect globalization acts as the linchpin driving the phenomena of resurgent sub-state nationalism.[20]

The European Union, *sui generis*, as the archetype of multilevel governance (MLG)[21], epitomising the complex political and economic interdependence that characterises the contemporary international system, is a forum for understanding the relationship between the myriad of actors that comprise the international political and economic arena. The EU is not merely one body of governance but a heterogeneous synthesis of interconnected but distinct actors incorporating a variety of forms and competencies from the member state to the regional office, historic nation to city region, and supranational European

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[16] Guibernau, *Nations Without States: Political Communities in a Global Age*, p. 89.

[17] Jacoby, W., & Meunier, S. (2010). Europe and the Management of Globalization. *Journal Of European Public Policy*, *17* (3), p. 299.

[18] Giddens, A. (1990). The Consequences of Modernity. Cambridge Polity Press, p. 64.

[19] Anaid, A. (2014). Globalisation and Sub-State Nationalism: A Review and Analysis of the Interrelations Between Globalisation and the Rise of Minority Nationalism. *European Scientific Journal*, 10 (8), p. 377.

[20] Kohler-Koch, B. (1996). Catching up with Change: the Transformation of Governance in the European Union. *Journal Of European Public Policy*, *3*(3), p. 359-380.

[21] Multilevel Governance coined and developed by Marks to explain the new system of governance created by the EU, can be viewed as the institutional manifestation of globalization with European integration acting as a congruent process. First implicitly in: Marks, G. (1992), "Structural Policy in the European Community", in ASbragi (ed.), *The Political Consequences of 1992 for the European Community,* Washington D.C., The Brookings Institution, p. 192. And then explicitly in: Marks G. (1993), "Structural Policy and Multilevel Governance in the EU", in A. Cafruny and G. Rosenthal (eds.), *The State of the European Community,* New York, Lynne Rienner, p. 392.

council to local county council.[22]   Far from facilitating the creation of a homogenous pan-European culture and tier of government [23] the EU, through increased European integration, has overseen and become the forum for the expansion of political agency above that of the state for a host of formally isolated actors.[24]

This agency is gleaned from the multitude of new opportunity structures available for actors, these range from the economic, such as structural development funds for economically disadvantaged regions, to the political, such as the Committee of the Regions (CoR) for political representation in the EU for all levels of subnational governance. This new European architecture of opportunity structures beyond the state has been exploited most by stateless nations, regional governments in devolved states, who view the EU as a means to bypass their respective national governments sometimes perceived as 'old centers of repression and control.' [25] In the eyes of subnational movements the supranational opportunity structures of the EU gives them another avenue to pursue their agendas from 'enhancing… autonomy and achieving greater national self-determination and recognition'[26]to grounding support for secession from the nation state in a supranational framework.[27]

How national and subnational governments view the EU and globalization more generally is an important consideration in context to this thesis, as such an evaluation of the national and subnational positions are important to note. Contemporary political analysis of European integration, especially in the popular media, focuses on the divisive impacts of the EU, such as the diminishing of national sovereignty, the decline of the

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[22] Keating & Hooghe, *Bypassing the Nation-State? Regions and the EU Policy Process*, p. 283: Keating, M. (2006). Europe, the State and the Nation. In: Mcgarry, J. & Keating, M. eds. (2006). *European Integration and the Nationalities Question*. London: Routledge, p. 30-32.

[23] The Committee of the Regions. (2009). *The Committee of the Regions White Paper on Multilevel Governance.* Brussels: European Union, p. 4.

[24] Agency, defined as 'an actor's ability to make meaningful choices… the actor is able to envisage options and make a choice.' Alsop & Heinsohn, *Measuring Empowerment in Practice: Structuring Analysis and Framing Indicators*, p. 6.

[25] Sabanadze, N. (2010). *Globalization and Nationalism: The Cases of Georgia and the Basque Country.* Budapest: Central European University Press, p. 116.

[26] Ibid, p. 116.

[27] Keating, M. (1997). Stateless Nation-Building: Quebec, Catalonia and Scotland in the Changing State System. *Nations and Nationalism*, 3 (4), p. 689-717: Chacha, M. (2012). Regional Attachment and Support for European Integration. *European Union Politics*, 14 (2), p. 206-227: Hooghe, L. & Marks, G. (1996) 'Europe with the Regions': Channels of Regional Representation within the European Union, *Publius*, 26, p. 73–9.

unitary-state model of governance and the socio-economic merits of an interdependent and inclusive European polity.[28] This rhetoric posits that nation-states, and specifically national parliaments, are the victims or losers of European integration due to the 'gradual process of de-democratization'[29] that it supposedly entails. The main argument follows that the traditional model of governance is being undermined at a subnational (below) and supranational (above) level owing to globalization; this is due to the fact that under this process 'European national governments have become too small for certain policy prerogatives and too big for others.[30]

Globalization and the process of integration can be characterized as a 'blend of threat and opportunity'[31] for all actors in the EU as 'it creates both opportunities and costs.'[32] The fear that globalization and increased integration will combine to proliferate a homogenous society, with a uniformed pan-European identity, supplanting the diversity of traditional identity coupled with the diminishing of the traditional mode of governance is persuasive. However the opportunities that can be gleaned from this integration, through increased market penetration as an example, acts to assuage the fears of political commentators but only to a degree, instead attaching the conditional connotations of 'globalization with adjectives' (such as restrained or managed) to the discourse.[33] To this effect the EU, as forum directing integration, can be 'seen as an effort to manage the

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[28] As Vogelgesang and Scharkow state 'the comparatively low-level of Europeanization in the news media is said to promote Euro-skepticism or at least hinder further integration.' Scharkow, M. & Vogelgesang, J. (2007). Effects of Domestic Media Use on European Integration? Paper presented at the 60th annual WAPOR conference, 'Public Opinion and the Challenges of the 21st Century,' Berlin, p. 1. Also see: Trenz, H.J. (2008).Understanding Media Impact on European Integration: Enhancing or Restricting the Scope of Legitimacy of the EU? *Journal of European Integration*, 30 (2), p. 291-309.

[29] Zalewska, M. & Gstrein, O.J. (2013). National Parliaments and their Role in European Integration: The EU's Democratic Deficit in Times of Economic Hardship and Political Insecurity. *Bruges Political Research Papers*, 28, p. 7.

[30] Alesina, A. and Spolaore, E. (2003). *The Size of Nations*. Boston: Massachusetts Institute of Technology Press, p. 213-214.

[31] Jacoby, W., & Meunier, S, *Europe and the Management of Globalization*, p. 299.

[32] Alberti, A. & Bertucci, G. (2003). Globalization and the Role of the State: Challenges and Perspectives, in Rondinelli, D. A. & Cheema, G. S. *Reinventing Government for the Twenty-First Century: State Capacity in a Globalizing Society*. Kumarian Press, p. 1.

[33] Jacoby, W., & Meunier, S, *Europe and the Management of Globalization*, p. 299.

eroding powers of national states, to manage the creation of an integrated market, and to manage the 'pooling' of national sovereignty.'[34]

Subnational governments, unlike central governments, view the process in much more progressive terms. Whilst national governments have employed globalization with adjectives, a reticent and skeptical approach to the process, subnational governments, whilst also harboring similar reservations at the onset of the process have transcended these initial doubts.[35] The EU can be seen to represent two contradictory positions regarding substate nationalism. Firstly, the antithetical argument, the discursive argument of nation-states, maintains that 'the logic of nationalism goes against the logic of integration'[36] that owing to the pluralistic nature of the EU, such as the pooling of national sovereignty fostered by the EU[37], integration goes against the very fundamental nature of nationalism as a 'political principle, that holds that the national and political unit should be congruent.'[38]

The opposing argument, which coincides with the substate position, states that the political and economic opportunity structures facilitated by institutionalized, managed globalization have allowed subnational actors to transcend the state. The political and socio-economic demarcation from the unitary state-centric model of governance, precipitated by the EU, has created a system which 'puts a shadow on the prominence of the state and favors instead a system of multilevel governance where regions and self-declared stateless nations… assume agency.'[39] This opportunity to assume a more prominent role in the international community is two-fold; firstly the political structure of the EU has allowed them more access to decision-making and another forum in which to

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[34] *Ibid*, p. 304.

[35] The European Economic Community (EEC), later becoming the EU, was unpopular with nationalist movements who viewed it as 'remote, beurocrativc and unsympathetic to nationality claims.' Keating, *Europe, the State and the Nation*, p. 30. & Smith, J. (2012). Special Issue: Forty years on: the UK and Europe Introduction. *International Affairs*, *88* (6), p. 1186-1187.

[36] *Ibid*. p, 281.

[37] Hoppe, M. (2005). Sub-State Nationalism and European Integration: Constructing Identity in the Multi-Level Political Space of Europe. *Journal of Contemporary European Research*, 1 (2), p. 13-28.

[38] Laible, *Separatism and Sovereignty in the New Europe: Party Politics and the Meanings of Statehood in a Supranational Context*, p. 4-5.

[39] Lecours, *Sub-state Nationalism in the Western World: Explaining Continued Appeal,* p. 281. Also see: Hepburn, E. (2010) *Using Europe: territorial party strategies in a multi-level system.* Manchester: Manchester University Press.

operate outside of national political arena. And secondly are the economic benefits of the European Union.

Viability theory is key to understanding the drive of subnational parties independence aspirations, this is due to the idea that 'once a region is a member of large common market, including even a common currency area, and can enjoy free trade… the national government is much less important for the economy of the region.'[40] Small states, owing to globalisation, can thus transcend the traditional constraints set by nation states. The contemporary economic and political conditions precipitated by supranational governance and economic interdependence allow small nations to be 'viable' in an international system that is 'no longer the monopoly of the state.'[41] As economic and political integration increases so do the 'incentives for the region to seek independence or autonomy'[42] such is the case in the United Kingdom, Italy, France, Spain and Belgium.[43]

Accordingly, regional parties 'have adapted their discourse to incorporate the concepts of Europe and Europeanization [using this new platform to] pursue roles within the process of European integration.'[44] During the preceding two decades, since the onset of political and economic EU enlargement, subnational parties have made European integration, increasing the scope of political and socio-economic engagement, a key tenant of their entire platform.[45] During this time 'regionalist political parties [have been] consistently pro-EU across time, space, and issue area.'[46] For subnational parties the assertion is 'that viability theory lies at the heart of [their] Regionalist Europhilia'[47] with

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[40] Alesina, A. and Spolaore, E. (2003). *The Size of Nations*. Boston: Massachusetts Institute of Technology Press, p. 213-214.

[41] Guibernau, M. (1999). Nations Without States: Political Communities in a Global Age. Cambridge: Polity Press, p. 22.

[42] Ibid. p, 214.

[43] Holitscher, M. & R. Suter. (1999). The Paradox of Economic Globalization and Political Fragmentation: Secessionist Movements in Quebec and Scotland. *Global Society*, 13 (3), p. 257.

[44] Giordano, B. & Roller, E. (2002). Catalonia and the 'Idea of Europe': Competing Strategies and Discourses within Catalan Party Politics. *European Urban and Regional Studies*, 9 (2), p. 99.

[45] The history of SNP and CiU attitudes to European integration will be developed in the main body of text.

[46] Jolly, *The Europhile Fringe?: Regionalist Party Support for European Integration,* p. 109.

[47] *Ibid*. p. 111.

the centrality of this conceptual framework acting as the modus operandi of these parties directing increased integration and independence.[48]

Theory

Empowerment

An essential basis to this thesis is the idea of empowerment, how are subnational actors empowered by the EU?[49] A definition of the concept of empowerment in this context requires examining power. Page and Czuba state that empowerment depends on two things, firstly that empowerment rests on the requirement of power to change and secondly that power can expand. Simply put 'if power cannot change, if it is inherent in positions or people, then empowerment is not possible, nor is empowerment conceivable in any meaningful way. In other words, if power can change, then empowerment is possible'[50] This may seem a simple and obvious statement however it is pivotal to understanding empowerment.[51] Central to this understanding of empowerment is power, and more specifically, how power changes in relationships between actors. In the context of the research question, to what extent does the European Union empower subnational movements?, Kreisberg offers an applicable definition of power as 'the capacity to implement'[52]which according to Page and Czuba 'is broad enough to allow power to mean domination, authority and influence… It is this definition of power, as a process that occurs in relationships, that gives us the possibility of empowerment.'[53] Taking into account the importance of power, and a change of power, in relationships between actors this thesis will analyze empowerment of subnational movements in

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[48] Focusing on the SNP as a case study, Jolly, shows how the party have framed their policy of independence in Europe based on the economic viability of small states in an integrated market.

[49] Despite explicitly mentioning the concept in the titles many articles fail to qualify empowerment: Smyrl, M. E. (1997). Does European community regional policy empower the regions?. *Governance*, 10 (3), p. 287-309: Bache, I and Jones, R. (2000). Has EU Regional Policy Empowered the Regions? A Study of Spain and the United Kingdom. *Regional & Federal Studies*, 10 (3), p. 1-20.

[50] Page, N. and Czuba, C. (1999). Empowerment: What is it? *Journal of Extension*, 37 (5), p. 1-2

[51] Munck, G. (2005). Measuring Democratic Governance: Central Tasks and Basic Problems. In D. Narayan, *Measuring Empowerment: Cross Disciplinary Perspectives* (1st ed.). Washington D.C.: The World Bank.

[52] Kreisberg, S. (1992). *Transforming power: Domination, empowerment, and education.* Albany, NY: State University of New York Press, p. 57.

[53] Page and Czuba, *Empowerment: What is it?*, p. 1-2

relation to how the scope of its power, influence, has been affected by the EU over time. By means of operationalizing the measurement of this process this thesis will investigate and analyze three areas which influence a change of power for subnational movements and where the extent of change can be observed: opportunity structures, national context and political isolation.

Opportunity Structures

Opportunity structures, defined by Aslop and Heinsohn 'as the formal and informal contexts within which actors operate,'[54]is the most pertinent forum to direct observing a possible change in power of subnational movements in relation to the EU. The opportunity structures available to subnational movements have to be under the prerogative of the EU or have recognized formal or informal access to the decision-making process. I have identified the opportunity structure, comprising the main discernable actors in the sphere of influence of subnational parties, as:[55]

1. The Committee of the Regions (CoR)
2. Council of the European Union (Council of Ministers)
3. European Parliament (EP)
4. European Commission (EC)
5. Brussels Regional Offices

The rationale behind basing the opportunity structure on institutions of the EU, quasi-institutions and subnational lobbying relies on the centrality of these bodies for implementing a change in power,[56] as Harty states, 'institutions play an important role in shaping the strategic action undertaken by actors to realize their preferences.'[57] Although referencing national institutions' role in nation building for subnational movements,

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[54] Ibid. p. 6.

[55] Tathama, M. (2008). Going Solo: Direct Regional Representation in the European Union. *Regional & Federal Studies*, 18 (5), p. 498-99: Eisinger, P. (1973). The Conditions of Protest Behavior in American Cities. *American Political Science Review*, 67 (1), p.11: Kitschelt, H. (1986). Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies. *British Journal of Political Science*, 16 (1), p.57–85.& Keating, *European Integration and the Nationalities Question. P, 376.*

[56] Keating, *European Integration and the Nationalities Question. P, 376.*

[57] Harty, S. (2001). The Institutional Foundations of Substate National Movements. *Comparative Politics*, 33 (2), p. 194

framed in terms of national competencies, Harty omits the role of the EU in grounding and European integration in driving sub state nationalist culture. As has been established, Europe, for the concerned subnational movements is a means to transcend the state, not merely in governance but more pertinently in culture as the inclusion of a European identity allows for the weaning of political culture and identity away from that of the nation-state.[58] Echoing the assertion of Harty that 'institutions are the resources that permit rulers to create and reproduce a national culture.'[59] For subnational movements these institutions 'create space for the articulation of sub-state identities within a European framework.'[60]

Subnational parties have developed the European dimension of national politics strategically into a boundary marker, 'to stress their difference from other political parties and also from their respective central nations.'[61] With Europe taking on a more salient role in identity formulation and political expression, with increased representation or membership being the ultimate goal of these movements, participation in institutions of the EU "act as … the goals toward which political actors strive or the best means to achieve these ends." [62] Taking into consideration how the opportunity structures facilitated by the EU are central to the aspirations of subnational movements, using these institutions as a means to measure empowerment will give this study a focused measure of empowerment.

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[58] Laible, *Separatism and Sovereignty in the New Europe: Party Politics and the Meanings of Statehood in a Supranational Context*, p. 4-5. & Bache, I. (2008). Europeanization and Multilevel Governance: Cohesion Policy in the European Union and Britain. Plymouth: Rowman & Littlefield Publishers, p. 103

[59] Harty, The Institutional Foundations of Substate National Movements, p. 194.

[60] Geddes, A. (2006). Political Parties and Party Politics. In: Bache, I. & Jordon, A. (2006). *The Europeanization of British Politics.* Basingstoke: Palgrave Macmillan, p. 125.

[61] Hoppe, *Sub-State Nationalism and European Integration: Constructing Identity in the Multi-Level Political Space of Europe,* p. 15.

[62] Immergut, E.M. (1998). The Theoretical Core of the New Institutionalisms. *Politics and Society*, 26 (1), p, 24.

National Context

Subnational movements operate both in the national and supranational political milieu thus the extent of autonomy the region enjoys in deference to their national governments is an important factor in measuring potential empowerment. Despite both Catalonia and Scotland having varying degrees of autonomy from the nation state, with competencies over a vast range of domestic policy areas such as law, education and health through the process of decentralization, the transferring of 'political, financial, administrative, and legal authority from a central government to regional/ subnational and local governments,'[63] subnational governments are still deferential to national governments in others, defense, foreign affairs etc. The national delineation of regional power is still import as despite the opportunity structures facilitated by the EU the nation state still controls access.

National governments in this regard are the gatekeepers for subnational movements, residing at the apex of executive control they have considerable, in many cases, power over the constitutional arrangement of the nation.[64] Whilst many national governments have further augmented the process of decentralization in the preceding few decades many still retain constitutional authority. To this effect the nation state is a very important actor in relation to not merely supranational access for subnational movements but in deciding the scope of these movements ranging from the amount of autonomy they can enjoy in differing policy areas to the legitimacy of separation and independence, to this effect national governments still have 'control over the rules of the game.'[65] This is underscored by the assertion that 'the strength of regions in their state's EU policymaking and implementation seems to vary based on the political strength of the regions overall.'[66] Keating expands on this point, regions can be empowered by the EU

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[63] Cheema, S. (2005). *Building Democratic Institutions: Governance Reform in Developing Countries.* Bloomfield: Kumarian Press, p.122.
[64] Bache, I. (1999). The Extended Gatekeeper: Central Government and the Implementation of EC Regional Policy in the UK. *Journal of European Public Policy*, 6 (1), p. 28.
[65] Marks, G., et al, *The Rise of Regional Authority: A Comparative Study of 42 Democracies*, p, 26.
[66] Greer, S.L. (2007). *Nationalism and Self-Government: The Politics of Autonomy in Scotland and Catalonia*. Albany: State University of New York Press, p. 31.

to implement agency however 'provided they first achieve victory in domestic constitutional arenas.'[67]

Political practice in the international and European sphere backs the assertion, that although the EU and globalization has allowed for the resurgence of sub nationalist movements, the state is still very much the principle actor in international and European politics. The determination placed on the new prominence of sub and supranational political competencies in spite of the nation state can be viewed as media sensationalism, within the literature contending with MLG and globalization the role of nation state is not completely defunct, echoing the assertion made by Keohane and Nye that 'contrary to some prophetic views, the nation state is not about to be replaced as the primary instrument of domestic and global governance.'[68] The fact that the EU 'as an association of sovereign national States *(Staatenverbund)'…* is not a state by itself – [and that] it derives its sovereign authority exclusively from the legislative power of its Member States' [69] is supportive of Keohane and Nye's assertion. [70] Keating and Hooghe's analysis of the role of Europe of the Regions and subnational government more generally also backs the prominence of the state in international affairs stating that 'the nation state remains the primary actor in the EU.'[71]

Although the state still retains a central role in EU and international affairs as detailed in the previous paragraphs the impact of MLG has put considerable strain on national governments and that 'far from being efficient and effective gatekeepers straddling the threshold between their national boundaries and the Community, national governments [instead] more closely resemble the juggler who must apply himself simultaneously to the tasks of keeping several balls in the air and not losing his balance on the rotating

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[67] Keating, M. (2006). Europe, the State and the Nation. In: Mcgarry, J. & Keating, M. eds. (2006). *European Integration and the Nationalities Question*. London: Routledge, p. 31.

[68] Keohane, R. O., & Nye, J.S. (2000). *Power and Interdependence*. Pearson Education, p. 12.

[69] Muckenberger, U. (2009). A Democratic Deficit—One of the EU's Strengths? The German Constitutional Court's Judgment on the Lisbon Treaty. *Transfer: European Review Of Labour And Research*, *15* (3-4), p. 587.

[70] Zalewska, M. & Gstrein, O.J. (2013). National Parliaments and their Role in European Integration: The EU's Democratic Deficit in Times of Economic Hardship and Political Insecurity. *Bruges Political Research Papers*, 28, p. 8.

[71] Keating, M. & Hooghe, L. (2006). Bypassing the Nation-State? Regions and the EU Policy Process. In: Richardson, J. eds. (2006). *European Union: Power and Policy Making*. 3rd ed. Oxon: Routledge, p. 283.

platform.'[72] National governments have had to adapt to the influx of a variety of new actors operating in the political sphere, not merely subnational governments but lobbying and interest groups, EU and International institutions, treaties and external laws and courts. The national context is a pivotal pillar of measuring subnational empowerment, understanding the constraints on and imposed by national governments allows for a fuller appreciation of subnational empowerment.

Political Isolation

Central to understanding empowerment, and the impetus for secession, is the concept of political isolation, this 'implies that a sub-state group enjoys a political role less than what it may feel appropriate.'[73] This political role can be within their respective state, such as an increase in domestic legislative or executive competencies, self-rule, or to 'some entity beyond the state'[74] such as the EU. Whilst many subnational governments have been granted considerable legislative and executive competencies in their own respective regions this has not always been extended to the supranational or even national level. Political isolation is an important consideration when examining subnational movements future ambitions verses their current competencies, much more than the EU, national parliaments have significant authority to derail these movements.

Political isolation and agency can be seen as mutually exclusive, agency being defined as 'an actor's ability to make meaningful choices; that is, the actor is able to envisage options and make a choice.'[75] If subnational parties feel that their current role is less than what they desire, and they cannot ameliorate this through lobbying for incremental changes in the system to suit their agenda then their only choice is to fundamentally change their position within the current framework. Thus political isolation is fundamentally a mechanism, a substate group who feels that their current status in the

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[72] Webb, C. (1983) 'Theoretical Perspectives and Problems', in H. Wallace, W. Wallace and C. Webb (eds), *Policy-Making in the European Communities* (2nd edn) (London: John Wiley and Sons), 1–42.

[73] Maertens, M. (1997). *European Integration and SubState Nationalism: Flanders, Scotland, and the EU*. MA Thesis. Canada: McGill University, p. 61.

[74] Ibid. p, 61.

[75] Alsop & Heinsohn, *Measuring Empowerment in Practice: Structuring Analysis and Framing Indicators*, p. 6.

system is less than what they feel appropriate will be compelled to act to change their status. The main thrust of the argument will be that political isolation is pivotal in understanding the impetus of subnational parties to secede and acts as the motivation for parties to transcend their current situation. Through using political isolation as an independent variable of empowerment we can observe how political isolation occurs through opportunity structures and in the national context, linking the theory together.

Hypotheses

The thesis will set out to establish why secession from the nation state in a European context for subnational movements has come to the fore in the chosen cases of Catalonia and Scotland over the preceding decades. Establishing the opportunity structures in which these movements operate and connecting how political isolation has exacerbated the move towards full independence will enable this study to understand what processes have triggered this move. The thesis will seek to demonstrate that the opportunity structures available, such as the quasi-institutional Committee of the Regions (CoR), established to give regions a stronger voice have failed to deliver adequate access to the decision making process. This coupled with the disparity in national competencies for devolved regions and their ability to access the decision making process in the EU by national governments have both precipitated the need for these movements to attempt to attain equal footing with nation states, gaining independence and thus full membership of the EU to achieve these goals.[76]

These insights lead to a central argument, that current opportunity structures are inadequate for larger subnational movements in facilitating access to the decision-making process, precipitating the need for full membership of the EU as a member state. H1: Greater political isolation precipitates an increased drive for autonomy and secession for subnational governments.

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[76] Laible, *Separatism and Sovereignty in the New Europe: Party Politics and the Meanings of Statehood in a Supranational Context*, p. 4-5.

Research Design

Methods:

What needs to be addressed is to what extent theoretical processes have resulted in a pragmatic change in power for these movements; how the opportunity structures, driven by political isolation, have precipitated the need for an increase in representation. In order to do this one must assess the level to which political isolation is prevalent in the system and how it influences the drive towards independence for subnational groups. In equal measure, understanding what role the EU plays in assuaging subnational movements, acting as a mediator between them and national governments is an important factor in understanding the potential empowerment of subnational movements. The independent variables will be used to test to what extent empowerment of subnational movements, the dependent variable, is occurring. The independent variable for this thesis will be political isolation as covered in the theory section. Political isolation will be measured through examining each subnational parties relationship in the national context and the available opportunity structures.

Dependent Variable	*Independent Variable*
Empowerment of Subnational Movements	Political Isolation

Case Studies and Case Selection

Drawing upon Keating and Hooghe's assertion regarding the complexity of territorial politics in the EU, careful case selection is vital for the successful answering of the research question and hypothesis. The EU, far from facilitating the creation of a homogeneous tier of regional government, has instead overseen a persevering heterogeneous composition of regional governance incorporating a variety of forms and competencies ranging from historic nations, cities, city regions and units in federal or

quasi-federal states.[77] Owing to this the need to first choose applicable cases from the myriad of options available and then to qualify why those cases have been chosen from the multitude of options is paramount insofar as to avoid oversight. Taking into consideration the research question and hypothesis the two cases that have been chosen for analysis rests on their relevance in the contemporary debate, both for precedent and in the proceeding processes. The case studies chosen in the United Kingdom, Scotland, and Spain, Catalonia, are not merely for current relevance, although their prevalence does give them weight as examples, but what their contrasting, yet similar, experience can glean in analysis providing insights into the central theory of this thesis. That political isolation motivates secession. Both Scotland and Catalonia are the most pertinent examples of subnational actors vying for a seat at the table of EU decision-making, within the literature both cases are prolifically employed as examples of stateless nations, defined as 'are well-defined territories with unique historical, cultural, economic, and political identities… [maintaining] their unique identities despite being incorporated for long periods of time within larger states.'[78] Their nationalist aspirations are similar regarding Europe but their relationships with their respective national governments differ.

Recent events in Catalonia, inspired by Scotland, have also given this region a more prominent place in the debate.[79] Owing to this Catalonia and Scotland alike offer a very applicable window into examining how subnational movements are empowered by the EU. The 'British government's willingness to recognize Scotland as a nation and its readiness to allow a referendum on Scottish independence in 2014… [stands] in sharp contrast to the Spanish position to forbid a referendum on Catalan independence.''[80] This mirrors the scenario of a failed bid by the Basque Nationalist Party (PNV) to have an independence referendum in 2008, something that the CiU have taken into account and attempted to ameliorate with EU lobbying. Rejecting the referendum based on constitutional grounds emphasizes the centrality of the state as a gatekeeper, the response from the EU only reinforces this as the EU is not prepared to endorse the

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[77] Keating & Hooghe, *Bypassing the Nation-State? Regions and the EU Policy Process*, p. 283

[78]*Ibid*. p, 55.For a comprehensive overview of each example see: Guibernau, *Nations without States: Political Communities in a Global Age,* $p. 37 - 50.$

[79] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 59-60.

[80] Guibernau, M. (2013). Secessionism in Catalonia: After Democracy. *Ethnopolitics*, 12 (4), p. 372.

Catalonian call to rally around the flag of national self-determination. Similarly, the response from the EU in terms of the Scottish independence debate has tended to side with national governments, in effect they are singing from the same hymn sheet in response to these nationalist claims.

In terms of qualifying what a subnational movement represents this thesis will use political parties as the principle actor in these movements. Nationalist/ regionalist parties have had and continue to exert a significant amount of influence in their respective regions and national political arenas. This is due to their ability to bring 'national identity and territorial politics to the fore'[81] and to force statewide parties to take regional issues more seriously, as 'the presence of nationalist parties as electoral competitors obliges established statewide parties to create regional governments in order to defeat the nationalists.'[82] Subnational political parties have allowed for a discursive space to open in which nationalist and regionalist claims take on a new prominence. Owing to this the decision to focus on these parties rests on them being the main driving forces behind secession campaigns, providing the institutional leverage to effect change such as; setting referendums, heading regional governments, participate in national, regional and European elections and send representatives to the CoR. The parties concerned, SNP and CiU, are both currently the dominant political parties in their regions, heading devolved governments and have all framed independence within a European context .[83]

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[81] Greer, *Nationalism and Self-Government: The Politics of Autonomy in Scotland and Catalonia,*, p. 27.

[82] *Ibid*. p, 28. This can be seen most pertinently in Scotland, with the Labour and Liberal Democratic parties establishing the *Scottish Constitutional Convention* in an attempt to garner nationalist support. Followed by the 1997 Labour Government, despite limited initial support, holding a devolution referendum resulting in the Scotland Act of 1998 establishing a Scottish Parliament in 1999.Far from diminishing the nationalist cause it allowed for a political arena in which to deliver constitutional entrenchment through 'political legitimacy.' Shifting the responsibility to the Scottish Parliament to convince voters on its constitutional place in the UK. See: Guibernau, *Nations Without States: Political Communities in a Global Age*, p. 47-48.

[83] Guibernau, *Secessionism in Catalonia: After Democracy*, p. 372: Giordano & Roller, *Catalonia and the 'Idea of Europe': Competing Strategies and Discourses within Catalan Party Politics,* p. 99-113: Hepburn, *Using Europe: territorial party strategies in a multi-level system: &* Hepburn, *Scottish Autonomy and European Integration: The Response of Scotland's Political Parties,* p. 225-238. & Mitchell, J., Bennie, L. & Johns, R. (2011). The Scottish National Party: Transition to Power. Oxford: Oxford University Press, p. 10.

The argument will posit that political isolation is the causal mechanism motivating secession in these two cases, both the SNP and CiU are alienated from Europe both nationally and through the opportunity structures available to them thus are forced to transcend their current position with both calling for independence from the central state. This makes them not only relevant and interesting cases to explore but very applicable to the central argument of this essay: that subnational movements are not sufficiently empowered by the architecture of EU opportunity structures or their national governments necessitating the need for independence.

Part Two: Analysis

Subnational Party's and European Integration

The following two sections will briefly contend with the background of the two chosen case studies of Convergence and Union (CiU) in Catalonia and the Scottish National Party (SNP) in Scotland. Broadly outlining the history each party has had with the European Union to relate to the central research question, 'to what extent does the European Union empower subnational movements?'

The Scottish National Party, National Context and 'Independence in Europe'

The national context is vitally important in recognising the impetuous for the transition from a Eurosceptic to distinctly Europhile party in the case of the Scottish National Party and in the importance of the EU opportunity structures to their agenda. The introduction of European opportunity structures allowed for the SNP to transition to this stance, before perceiving the European Economic Community (forbearer to the EU) as 'centralist and elitist'[84] with it being 'unclear to the party how Scottish interests would be represented.'[85] The nationalist movement in Scotland, headed by the SNP, can be

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[84] Hepburn, E. (2006). Scottish Autonomy and European Integration: The Response of Scotland's Political Parties. In: Mcgarry, J. & Keating, M. eds. (2006). *European Integration and the Nationalities Question*. London: Routledge, p. 227.
[85] *Ibid*, p. 227.

seen to really pick up proceeding the discovery of oil in the North Sea during the 1970s which 'led many nationalists to argue for greater Scottish control over its own resources and revenues and to claim that Scotland could survive economically as an independent state'[86] used as an argument began to garner support from the public. However in the 1980s North Sea Oil, owned and operated primarily by British Companies, was no longer enough to use as an argument for independence. In keeping with their previous stance the SNP switched from using oil to see the expanding European Community as an area in which to ground viability for secession.

Owing to the 'closed' opportunities for increased representation in the then increasingly Eurosceptic and hostile national political sphere the SNP saw Europe as an alternative arena in which to bypass a stalemate in popular support and in gaining representation in the national arena. '[Adopting] the slogan ''independence in Europe'' arguing that Scotland should be a full member state of the European Union'[87] recognising that increased European integration and a place in an alternative political arena was positive for smaller nations in gaining more political recognition and influence. [88]Since the late 1980s Europe has become the critical pillar in the SNPs platform for independence from the UK, using it explicitly 'to frame independence as a more viable constitutional option to garner support for its movement'[89] with 'the slogan of Scotland in Europe [being] used strategically by nationalists to assuage the concerns of potential supporters insecure about independence from London.'[90]

For the SNP the national context as well as access to the opportunity structures of the EU is acutely important in determining the extent of political isolation, providing leverage to argue for H1. This political isolation can be seen to stem from the lack of access to the decision-making process (opportunity structures) which is informed primarily by the centrality of the state, as a gatekeeper to access, in the EU. [91] The stipulation by Jolly that 'the SNP pays great attention to its potential representation

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[86] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 60.
[87] Keating, *The Government of Scotland: Public Policy Making after Devolution*, p. 56
[88] *Ibid*. p. 57.
[89] Jolly, *The Europhile Fringe?: Regionalist Party Support for European Integration*, p. 111.
[90] Bache, I. (2008). Europeanization and Multilevel Governance: Cohesion Policy in the European Union and Britain. Plymouth: Rowman & Littlefield Publishers, p. 103.
[91] Rodríguez-Aguilera de Prat, Cesáreo. (2009). *Political Parties and European Integration.* Brussels: P.I.E. Peter Lang S.A., p. 188.

effectiveness within the EU'[92] shows the central importance of the EU to the SNP agenda, thus access to the EU through the use of opportunity structures is an important part of their platform. In the analysis of opportunity structures to follow a lack of representation for the SNP in the EU would be indicative of H1, with political isolation from such a pivotal cornerstone of their nationalist agenda fuelling the need for secession.

Convergence and Union, Political Isolation and the Spanish State

The Catalonian case highlights how political isolation in the national context can cause an increase in the motivation for a subnational movement to secede from the nation state. Akin to Scotland, the CiU had to forge a platform in which to garner nationalist support however under very different circumstances. Under the Franco regime Catalonian social and political culture was rigorously repressed, Catalonian institutions were banned and the Catalonian language at the end of the regime was 'on the brink of disappearing.'[93] After the Franco led dictatorship ended and democratic rule, including the Statutes of Autonomy (granting varying degrees of autonomy to historic Spanish regions), was reinstated to Spain in 1980 the CiU, heading the Catalonian Government in exile in France, retuned to head the Catalonian Government. The newly elected CiU government had the arduous task of rebuilding the Catalonian nation and political culture in the wake of Francoism, this 'nation-building process focused upon the re-establishment of Catalan institutions, the promotion of the Catalan language and the construction of a novel Catalan identity.'[94] Despite committing to work alongside the Spanish state, identity formulation was also crafted in a European context, with the CiU wanting to create a relationship with the quickly expanding political scope of the European Community. This being a popular move amongst the Spanish people, and notably the Catalonians, with the burgeoning European Community thriving

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[92] Jolly, *The Europhile Fringe?: Regionalist Party Support for European Integration,* p. 123.
[93] Guibernau, *Secessionism in Catalonia: After Democracy,* p. 374.
[94] *Ibid*, p. 374.

economically and increasing its political scope it provided an alternative arena in which to advance and promote Catalonian culture .[95]

The CiU has 'been a strong advocate of Catalan autonomy but has typically stopped short of separation,'[96] in contrast to the SNP, as they endeavored to 'work within the parameters of [the Spanish] political structure.'[97]This relationship has however changed in the face of political isolation for the CiU in its attempts to further their agenda. The failure of the Spanish state to recognize Catalonia as a nation and in opposing further devolution are the main areas of contention in this relationship which has exacerbated secessionist claims. [98] The contention surrounding the 2006 amended Statute of Autonomy is cited as causing this change from the status quo in Catalan-Spanish relations, with the document 'expanding the authority of the Generalitat and, most contentiously, defined Catalonia as a "nation."''[99]Many elements of Statute being stuck down in the Spanish Constitutional Court causing widespread Catalan disillusionment with the Spanish State and an increased vigor towards independence within Europe. [100]The Spanish state has also blocked much activity for Catalonia in the opportunity structures of the EU, another point of contention owing to the centrality of Europe to the CiU nationalist platform.

In terms of relating to the central research question and hypothesis, Catalonia can be seen to mirror the experience of Scotland. An increase in political isolation both in the national context and in the formal opportunity structures of the EU would indicate a drive towards a call for secession from the central state. I feel that the experience of Catalonia fits this model, with increased calls for autonomy and recognition being met with resistance by the Spanish state, coupled with the lack of formal opportunities in the

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[95] Vázquez-García, R. Fernández˒ S. D. & Mir, M. J. (2010). Spanish Political Parties and the European Union: Analysis of Euromanifestos (1987–2004). *Perspectives on European Politics and Society, 11 (2), p.* 201.

[96] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p.57.

[97] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 58.

[98] Guibernau, *Secessionism in Catalonia: After Democracy,* p. 391.

[99] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 58.

[100] Guibernau, *Secessionism in Catalonia: After Democracy,* p. 391: Nagel, *Transcending the National/Asserting the National: How Stateless Nations like Scotland, Wales and Catalonia react to European Integration*, p. 65. & Giordano & Roller, *Catalonia and the 'Idea of Europe': Competing Strategies and Discourses within Catalan Party Politics*, p. 112.

EU, the CiU has been compelled to seek secession to ameliorate their current position owing to political isolation by the Spanish state.

Opportunity Structures

The following analysis will cover the aforementioned opportunity structures available for subnational movements to assess the extent to which they empower these movements. Firstly detailing how they may be perceived to empower subnational movements by providing an alternative avenue of influence above that of the nation state and then assessing how in practice these opportunity structures have been perceived and then utilized by the SNP and CiU to the benefit of their nationalist agendas.

The Committee of the Regions (CoR)

Agency to bypass the state and participate in the EU decision-making process for subnational actors can be seen to be given formal quasi-institutional grounding in the Committee of the Regions (CoR). Citied as an important innovation of the Treaty on European Union (TEU, also known informally as the Maastricht Treaty)[101] the CoR was seen as bringing regions into the EUs core institutions acting to implement subsidiarity as a tenant of EU policy.[102] The impetus for the establishment of the CoR was to 'provide an official status for local and regional authorities within the EU'[103] to 'ensure that regions… [had] a political voice of their own at the EU level.'[104] Seeking to address 'the variety of problems inherently linked… to integration' such as democratic-deficit and centralization of power to the Council and Commission, the CoR was seen as a pivotal pillar in the 'Europe of the Regions' dialogue which dominated the study of MLG and inspired subnational movements during the late 1980s and into the 1990s.[105]

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[101] Chryssochoou, D.N. (2001). *Theorizing European Integration*. London: Sage, p. 98.

[102] Greer, *Nationalism and Self-Government: The Politics of Autonomy in Scotland and Catalonia,*, p. 30.

[103] Weatherill, S. (2005). The Challenge of the Regional Dimension in the European Union. . In: Weatherill, S. & Bernitz, U. (2005). *The Role of Regions and Sub-National Actors in Europe*. Oxford: Hart Publishing, p. 19.

[104] Nergelius, J. (2005). The Committee of the Regions Today and in the Future: A Criticle Overview. In: Weatherill, S. & Bernitz, U. (2005). *The Role of Regions and Sub-National Actors in Europe*. Oxford: Hart Publishing, p. 123.

[105] Keating, *The Government of Scotland: Public Policy Making after Devolution.*, p. 159.

The CoR was seen as the first step towards a 'third level' of governance in Europe, whereby regions would assume policy competence in the decision-making process on par with EU institutions and member states to 'countervail the dominance of nation-states in European affairs… and to [tackle] 'new' political problems at the appropriate - the regional - level.' [106] Thus the CoR was primarily an 'institutional arrangement designed to broaden the social basis of EU policy making' [107] in the hope that 'by expanding the range of participants in the policy process, the EU [could] achieve greater legitimacy for the decisions taken at the supranational level and to improve chances of their successful implementation.' [108]

The role of the CoR was not however on par with the aspirations of subnational parties preceding its establishment nor the academic discourse surrounding the optimism employed during the nascent years of the European Union. [109] Whilst on paper the CoR seems to represent an opportunity for subnational movements to collectively influence the EU, the effectiveness of this 'institutional arrangement' for subnational actors in practice is contested in terms of its capacity to empower them in the decision-making process. [110] This is attributed to the role, composition and lack of real change in the CoR since its conception. The CoR primary position and role as a consultative body for the EU Commission, Council and Parliament 'in certain policy fields impinging on regional responsibilities' [111] has not changed considerably since its conception, whilst it is now an advisory body [112] 'the failure [of the CoR] to be recognized as an EU institution and to

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[106] Tömmel, I. (1998). Transformation of Governance: The European Commission's Strategy for Creating a 'Europe of the Regions. *Regional and Federal Studies,* 8, (2), p. 52.

[107] Neshkova, M.I. (2010) The Impact of Subnational Interests on Supranational Regulation. *Journal of European Public Policy*, 17 (8), p. 1193.

[108] *Ibid*. p. 1193.

[109] Keating, *The Government of Scotland: Public Policy Making after Devolution*, p. 159. & Christiansen, T. & Lintner, P. (2005). The Committee of the Regions after 10 Years: Lessons from the Past and Challenges for the Future. *European Institute of Public Administration*, 1, p. 7.

[110] Keating, *The Government of Scotland: Public Policy Making after Devolution*, p. 159. & Greer, *Nationalism and Self-Government: The Politics of Autonomy in Scotland and Catalonia,*, p. 31.

[111] *Ibid*. p. 159.

[112] Jeffery, C. (2005). Regions and the European Union: Letting them In, and Leaving them Alone. In: Weatherill, S. & Bernitz, U. (2005). *The Role of Regions and Sub-National Actors in Europe*. Oxford: Hart Publishing, p. 42.

achieve an active legislative role'[113] over the past two decades has severely diminished its standing in the minds of subnational governments. Especially for larger subnational movements, state-less nations and regions with legislative authority, the lack of powers coupled with the composition of the CoR comprising a myriad of 'municipal authorities and regions with no or weak legislative authority,' [114] representing 'all levels of sub-member state government equally'[115] has disappointed stronger nations and rendered their overall 'influence… through the CoR … both diffuse and weak.'[116]

Accordingly, the CoR has 'been abandoned as a significant political forum for nationalist leaders,"[117] owing to the lack of change and access to the decision-making process. This can be observed through the relationship that the SNP and CiU have had with the CoR over its history. The CiU saw the CoR as an opportunity to engage with the formal structures of the EU, giving regions a strong voice in the EU as part of the CoR was seen as the first step in the ideal of a Europe of the Regions in which Catalonia, as one of the more prominent regions, would take a leading role. It offered a way to not merely bypass the Spanish state but to allow for the building of an architecture of asymmetric autonomy in which the European regions, nations without states, with 'special personality' were afforded special status within the EU to reduce the dominance of the nation state but not to supersede it.[118]

The SNP, unlike the CiU, were less than optimistic at the prospect of the joining the CoR, with a spokesman stating that 'involvement in a powerless committee is the most a devolved assembly could expect in terms of a place within EC structures… regional status would lock Scotland out of decision-making in the European Community – to the continued determent of our national interest.'[119] The fear on the part of the SNP was

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[113] Christiansen, T. & Lintner, P. (2005). The Committee of the Regions after 10 Years: Lessons from the Past and Challenges for the Future. *European Institute of Public Administration*, 1, p. 11.

[114] Lecours, *Sub-state Nationalism in the Western World: Explaining Continued Appeal,* p. 281.

[115] Keating, *Europe, the State and the Nation*, p. 30

[116] Tathama, M. (2008). Going Solo: Direct Regional Representation in the European Union. *Regional & Federal Studies*, 18 (5), p. 506.

[117] Lecours, *Sub-state Nationalism in the Western World: Explaining Continued Appeal,* p. 281.
Rodríguez-Aguilera de Prat, *Political Parties and European Integration*, p *154.*

[119] Laible, *Separatism and Sovereignty in the New Europe: Party Politics and the Meanings of Statehood in a Supranational Context*, p. 114-115.

that assigning 'Scotland a sub-state position'[120] within the CoR was part of a unionist, central state, 'strategy to keep Scotland subordinated within the United Kingdom [by] condemning it to a powerless position in the EC (EU).'[121] Despite the hyperbolic nature of these statements the SNP did participate in the CoR however with only 4 of the 24 places in the UK delegation[122] assigned to Scotland and indeed their apprehensions regarding the CoR being vindicated after a decade of dissatisfaction and malaise with the CiU also espousing similar disappointment stating that 'what we didn't see was just how much judicial statehood mattered.'[123]

Owing to the weakness of the CoR it has been 'marginalized' by the SNP and CiU as a forum for influence and thus direct empowerment by the CoR can be seen as minimal.[124] Indirectly however the failure of the CoR to address the aspirations of the SNP and CiU can be seen contribute to the establishment and expansion of alternative forums for access outside of the formal EU structure such as regional offices in Brussels and directly to the 'REGLEG' Group, Regions with Legislative Authority. The REGLEG includes Catalonia and Scotland as notable members, utilizing the collective mobilization of regions with similar legislative authority to lobby for special consideration not found in the CoR.[125] This contributes to 'challenge the notion that the EU harms regional power'[126] as when one source of potential empowerment closes another is pursued outside the formal structure, the political isolation caused by the CoR has facilitated the creation of alternative forums which can be seen to empower regions.

In summary, the CoR can both be seen to empower regions whilst similtariously delimiting their power and contributing to political isolation. The need for the stronger regions to 'abandon' the CoR and instead use the REGLEG as an outlet for gaining influence in the EU is a practical illustration of the failure of the CoR to adequately

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[120] Tarditi, V. (2010). The Scottish National Party's Changing Attitude Towards the European Union. *Sussex European Institute*, 112, p. 30.

[121] Ibid.

[122] Keating, *The Government of Scotland: Public Policy Making after Devolution*, p. 159.

[123] Greer, *Nationalism and Self-Government: The Politics of Autonomy in Scotland and Catalonia,*, p. 31.

[124] Weatherill, *The Challenge of the Regional Dimension in the European Union*, p. 21.

[125] Jeffery, *Regions and the European Union: Letting them In, and Leaving them Alone*, p. 39.

[126] Weatherill, *The Challenge of the Regional Dimension in the European Union*, p. 20.

fulfil the needs of both the CiU and SNP. From the perspective of the CiU and SNP the CoR can be viewed as a systemic demonstration of their limited role in the policy making process and the European opportunity structures. However despite the disappointment of the CoR for REGLEG regions recent changes under the Lisbon Treaty may revive some interest in enhanced participation in the Committee. With the CoR being turned into a 'subsidiarity watchdog' winning the right to 'bring actions before the European Court of Justice (ECJ) if it feels the principle of subsidiarity has been infringed… the CoR can also go to the Court if it feels it has not been duly consulted by Commission, Council or Parliament.'[127] This move may make the CoR a more potent force in the EU, with EU institutions having to take a more active interest in stances proposed by the Committee which is in stark opposition to the limited role it had before with the Commission and Council not being compelled to follow its recommendations.[128] These changes can be seen as a victory for regions who, most pertinently the CiU, lobbied for the CoR to be able to bring cases before the ECJ in the unratified Treaty Establishing a Constitution for Europe (TCE, European Constitution) .[129]

Despite being described as paying 'lip service' to regional demands, 'the CoR represented the first formal fruit at EU level, and [although] it was rather disappointing especially from the perspective of the more powerful regions, it nonetheless showed the regional issue to hit the political agenda.'[130] This formal representation, however meek, does allow for the expansion of the regionalist cause but also is the most pertinent example of the limited role of regions in the EU causing political isolation and necessitating the need for secession to gain representation on par with H1 of this thesis. [131]

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[127] Jeffery, *Regions and the European Union: Letting them In, and Leaving them Alone*, p. 41.
[128] Leon, S. A. (2010). Regions and Subsidiarity in the European Union: A Look at the Role of the Spanish and other Regional Parliaments in the Monitoring of the Compliance with the Principle of Subsidiarity. *European Public Law* 18 (2), P. 305. & Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 80.
[129] Rodríguez-Aguilera de Prat, *Political Parties and European Integration.*, p. 154.
[130] Weatherill, *The Challenge of the Regional Dimension in the European Union*, p. 21.
[131] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 102.

Council of the European Union (Council of Ministers)

The European Council (Council of Ministers) is an integral institution in the EU responsible for representing the governments of each member state and in accordance with a Council-Centric perspective 'is critically seen as the main and exclusive institution with legislative and executive power within the EU' [132] and is thus 'considered by some to be the most powerful institutional actor in the EU.'[133]Owing to the Councils importance in the EU institutional architecture it has a prominent role in deciding and defining the scope of regions in the EU, as such it is afforded a special status in the agenda of subnational governments as the ability to gain influence within this institution would advance the regionalist cause. As such many subnational governments expend a large amount of political capital in dealing with the Council in order to gain influence, with the decisions made by the Council having an impact on regionalist agendas it plays a heightened role towards the aspirations of subnational movements. I will make a two-fold argument regarding the Council, firstly that the existing framework of access for subnational government, controlled by nation-states, leaves them political isolated in the EU and secondly that the changes to voting rules in the Lisbon Treaty disempower regions based on future membership whilst also dispelling part of the viability logic purported by subnational movements.

As with the establishment of the CoR another development in regional representation ushered in by the TEU that fuelled optimistic speculation surrounding in the Europe of the Regions dialogue was the ability for 'regional ministers to sit on member state delegations in the European Council. [134] This was seen as an important development, more so than the CoR, for subnational parties as it created an opportunity to access the heart of the decision-making of process within the EU. The critical element of this clause dictated that the arrangement is at the discretion of the member state, only when

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[132] Vázquez-García et al., *Spanish Political Parties and the European Union: Analysis of Euromanifestos (1987–2004), p.* 210.
[133] Thomson, R. & Hosli, M.O. (2006). Who has Power in the EU? The Commission, Council and Parliament in Legislative Decision-Making. Journal of Common Market Studies, 44 (1), p. 392: Stone Sweet, A. and Sandholtz, W. (1997). European Integration and Supranational Governance. *Journal of European Public Policy*, 4 (3), p. 297–317.
[134] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 80.

'participation is appropriate'[135] and 'where domestic law permits and regional matters are at stake'[136] can regional ministers sit on the Council. An important pillar of the central argument maintained in academic discourse and advanced by subnational parties is that the national government act as a gatekeeper to EU decision-making for subnational governments.[137] The rules concerning subnational access to the Council are illustrative of this point when you examine how this arrangement is implemented in practice for the SNP and CiU.

The main argument for increased subnational participation in the Council relates to the lack of congruence between domestic and supranational policy competencies. The SNP and CiU as the principle parties leading regional governments are responsible for implementing EU law and regulations in line with their devolved competencies (in health, education and agriculture as examples) however their ability to participate in the EU decision- making process as a separate actor is limited and is at the discretion of the national government. This causes issues for subnational parties trying to assert their agenda in the EU policy realm and is the source of political isolation.[138] Both the SNP and CiU can lobby their national governments to implement policy in the EU however this must go through the formal channels dictated by the national government. [139]Examples of regions where regional governments have significant scope to advance their interests in the EU is Belgium where both Flemish and Walloon representatives have the right to represent the states in the Council as 'external competences [correspond] exactly to their internal competences.'[140]

However in the case of sending representatives to the Council the UK and Spanish governments have been less accommodating for their regions than the Belgian example.

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[135] *Ibid*. p. 80.

[136] Keating, *European Integration and the Nationalities Question,*, p. 377.

[137] Bache, I. & Flinders, M. (2004). Multi-Level Governance and the Study of the British State. *Public Policy and Administration*, 19 (1), p.35.

[138] Lynch, P. (2009). From social democracy back to no ideology? — the Scottish national party and ideological change in a multi-level electoral setting. *Regional & Federal Studies*, 19 (4), p. 623.

[139] Keating, *The Government of Scotland: Public Policy Making after Devolution*, p. 158.

[140] Keating, *European Integration and the Nationalities Question,*, p. 377. & Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 81.

Although the UK and Spain have indeed sent representatives from the SNP and CiU[141] this is an infrequent occurrence and the ability for these ministers to push a nationalist agenda in line with party policy is severely diminished by having to represent the interests of state and not their respective regions. The lack of direct official representation in EU policy making has created a divergence between regional competencies at the domestic level and that of the region at the supranational EU level in Spain and the UK.[142] The Belgian case in comparison to the UK and Spain back Keating's assertion that there 'are mechanisms for regions to act, provided they first achieve victory in domestic constitutional arenas.[143]

The lack of regular formalized access to the Council for the SNP and CiU, having to represent national and not regional interest, coupled with the central role of the nation state in dictating the terms and regularity of access all contribute to the Council fueling political isolation for the SNP and CiU. This is an area in which the EU empowers the nation state to disempower regions and accordingly this allocation of power from the EU to member states demonstrates to subnational movements their limited role in the EU as a region and not national entity fuelling the need for secession in line with H1.[144]

Contradicting viability theory, the idea that European integration and economic interdependence has enabled smaller nations to contemplate independence[145], are the changes to voting that will come into effect in 2014 for the European Council. These changes under the auspices of the Lisbon Treaty can be seen as a demarcation from the stipulation that smaller states can hold a prominent position in the EU on par with the larger member states. The changes to come into effect in the European council disincentives subnational governments from becoming independent based on size,

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[141] In the case of the CiU only after considerable pressure from the Catalonian Government was this achieved, see: Vázquez- García, R., Fernández, S. D. & Sojka, A. (2014). Spain. In: Conti, N. eds. (2014). *Party Attitudes Towards the EU in the Member States: Parties for Europe, Parties Against Europe*. Oxford: Routledge, p. 109.

[142] Connolly, *Independence in Europe: Secession, Sovereignty, and the European Union*, p. 81.

[143] Keating, *European Integration and the Nationalities Question,*, p. 377. & Nagel K.J. [2004], Transcending the National/Asserting the National: How Stateless Nations like Scotland, Wales and Catalonia react to European Integration. *Australian Journal of Politics and History*, 50 (1), p. 60.

[145] Alesina and Spolaore, *The Size of Nations*, p. 213-214. & Jolly, *The Europhile Fringe?: Regionalist Party Support for European Integration,* p. 109.

[145] HM British Government. (2014). Scotland Analysis: EU and International Issues. London: The Stationery Office Limited, p. 58.

although these nations will have their own voice it will be significantly smaller than it would have been under previous treaties. Voting changes have shifted to favour larger member states based on a reflection of population size, 'reducing the current over-weighting for smaller member states.' [146] Based on population size Scotland would factor in around Finland and Catalonia close to Bulgaria (illustrated in figure 1). Judging these two countries as proxy the voting weight potential for Scotland and Catalonia has halved within the Council, delimiting their potential influence. This again emphasizes the centrality of the large unitary nation state at the heart of the EU decision-making process, the 'UK, with a population of 62 million, of a total EU population of 504 million, will have just over 12 per cent of the vote. Scotland has 1 per cent of the EU population.' [147]

The rationale for amending the voting in the Council found in the Lisbon Treaty can be seen to stem from The Treaty of Nice re-weighting, this was done due to the 'dissatisfaction among large EU states with what they perceived to be a considerable overweighing of the influence of small and medium-sized countries in EU decision-making.' [148] Addressing the much lorded examples employed by the SNP and other subnational parties of smaller member states, such as 'ireland and Denmark… whose leaders believed that they had gained influence in the EU out of proportion to their economic importance or size,' [149] this process contributes to back the assertions made to counter viability theory at the time of Maastricht, stating that 'small states would [eventually] get swamped by large ones and by the institutions of the EU.' [150]

In summary, the Council can be seen as a vassal of national interest in the EU, it provides a strong example of the limit of the SNP and CiU to access the most important legislative body in the EU, exemplifying how the national context is an important aspect of subnational empowerment. After appraising the literature contending with the relationship between the Council, subnational and national governments this thesis

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[146] HM British Government. (2014). Scotland Analysis: EU and International Issues. London: The Stationery Office Limited, p. 58.

[147] *Ibid*, p. 57.

[148] Hosli, M.O. (2008). Council Decision Rules and European Union Constitutional Design. *AUCO Czech Economic Review*, 2 (1), p. 77.

[149] Laible, *Separatism and Sovereignty in the New Europe: Party Politics and the Meanings of Statehood in a Supranational Context*, p. 115.

[150] *Ibid*. p. 115.

would conclude that it offers compelling evidence of an area in which political isolation occurs for subnational parties vindicating H1 and H2 alike.

Figure 1: **The changes in vote weights for the 28 EU countries under QMV (qualified majority voting)**
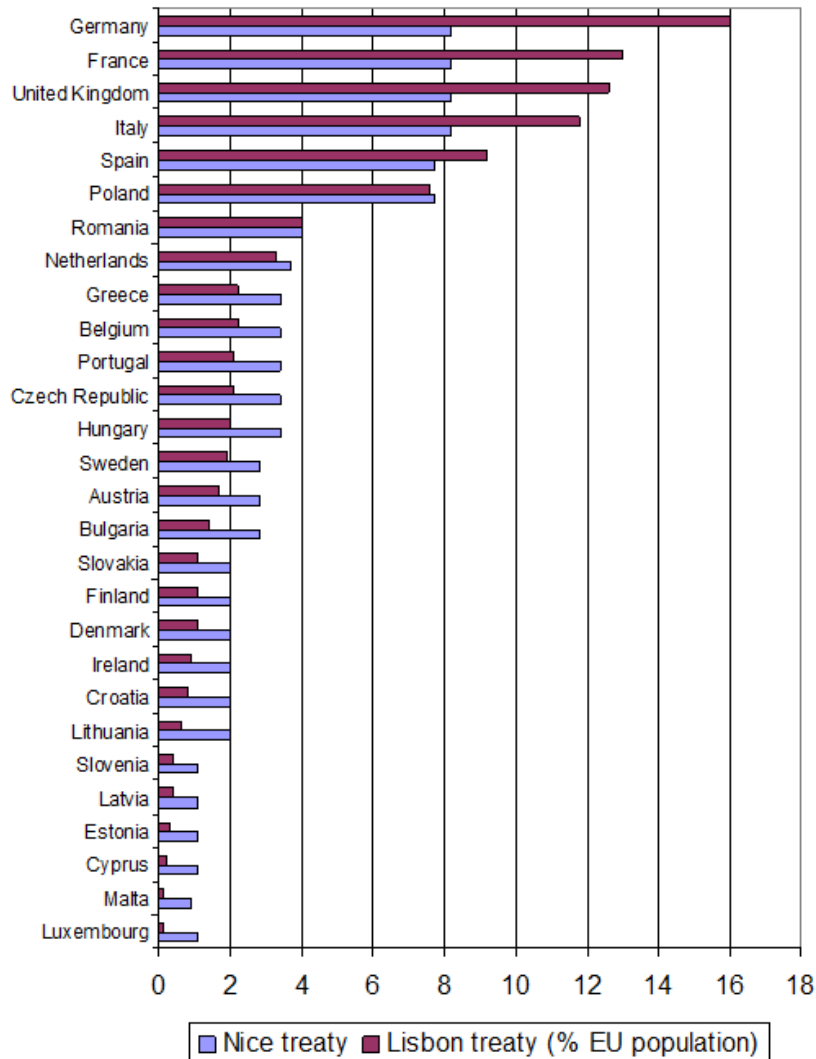
Source: Häge, F. LSE Euroblog. [151]

European Parliament (EP)

This section will argue that the European Parliament (EP) has a limited role in empowering subnational movements, despite attempting to advance regional issues in

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[151] Häge, F. (2014). The Lisbon Treaty's Change to Council Voting Rules will have Important Implications for the Democratic Legitimacy of the EU. *LSE Euroblog* [Available at: http://bit.ly/1j3ZrAw] [Accessed: 18th June 2014].

the EU, its lack of influence vis-a-vis the Council and the importance of national context in determining electoral success makes it less important opportunity structure for subnational movements. The European Parliament, in the same vein as the CoR, was a pivotal part of the formative political opportunity structures in the 1980s and 1990s that inspired 'minority parties to enter the European political game.' [152] The EP formed an important part of the 'institutional incentives' for subnational parties as direct elections to another parliament, especially in the years preceding devolution in Scotland, outside of the national arena allowed these parties to change their discourse and focus on a different policy forum in which to capture votes of support for their respective nationalist causes. [153] Despite the promise of the EP in offering an alternative opportunity structure to bypass the state it has not yielded much by way of influence for the SNP and CiU.

The EP is characteristic of the *sui generis* nature of the EU, being the only 'directly elected supranational assembly in the world'[154] makes it fundamentally different from any established traditional political arena. The institutional system of the EU has no relation to national politics in which 'parties almost have a monopoly on the structuring of political life,'[155] in the EU interest groups and lobbies have a more prominent role. national parties are organized into Eurogroups (Europarties) along ideological lines however 'carry out practically non of the central functions of parties in a parliamentary regime.' [156] These rather acute differences between the typical national and atypical supranational parliaments at its most disparate rests on the fact that in the EP 'there is no majority government and no opposition'[157] as power in the EU 'rests on the logic of… consensus as the habitual decision-making procedure.'[158]

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[152] Keating, *European Integration and the Nationalities Question*, p. 376.
[153] Tarditi, V. (2010). The Scottish National Party's Changing Attitude Towards the European Union. *Sussex European Institute*, 112, p. 30.
[154] *Hix, S. & Høyland, B. (2013). Empowerment of the European Parliament. Annual Review of Political Science, 16 (17), p. 171.*
[155] Rodríguez-Aguilera de Prat, Cesáreo. (2009). *Political Parties and European Integration.* Brussels: P.I.E. Peter Lang S.A., p. 44.
[156] Magnette, P. (2006). Le Régime Politique de L'Union Européenne. Paris : Le Presses de Science Po, p. 227.
[157] Rodríguez-Aguilera de Prat, *Political Parties and European Integration, p. 49.*
[158] Ibid. p, 45.

Europarties are described as being more 'virtual' than 'real' with tangible pragmatic power playing out in elite negotiations. [159] For the SNP and CiU who do not hold a considerable amount of power within their respective Europarties, this translates to a forum in which they can affect little influence. Although the EP has been empowered by successive enlargements to its authority there remains many structural limitations which delimits its influence and actual power vis-a-vis the Council.[160] Accordingly, 'the fact that it is not the central institution in the EU explains why is not the principle means used by national parties to influence community policies,' [161] this also extends to regional parties.

An important consideration when examining the EP as a forum for determining how effective the EP is in empowering regions is the salience of national context to the EP. The national context is pivotal in understanding subnational parties in the EP, this is due to the assertion that:

> 'the election and reelection prospects of almost all MEPs (Members of European Parliament) have more to do with the position of the MEPs' national party in the domestic arena – such as the party's governing status, the timing of the European Parliament election in the national (subnational) electoral cycle, and the performance of the national government.' [162]

Owing to this point, the domestic political conditions have much by way of influence in the impact of EP elections for subnational parties. The SNP and CiU both view the EP as 'a visible platform from which [they can] communicate [their] political project, both in the European and national contexts'[163] however the limited numbers of MEPs, and the weak standing of the EP has contributed to diminish the 'expectations about the real changes that could derive from participation in this institution.'[164] The limited number of MEPs that can go to the EP from these regions is due to the fact that EP elections are

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[159] *Ibid.* p, 45.
[160] Ibid, p.
[161] Ibid. p, 48.
[162] *Hix, S. & Høyland, B. (2013). Empowerment of the European Parliament. Annual Review of Political Science, 16 (17), p. 184.*
[163] Tarditi, The Scottish National Party's Changing Attitude Towards the European Union, p. 30.
[164] Ibid, p. 30.

conducted in line with state legislation, this can mean that the 'regional base have great difficulty in winning seats, because the State territory is treated as a single constituency.'[165] The limited profile of the MEPs that are elected from these regions also means that these elections are more important, and primarily used, for raising awareness of subnational issues on the domestic stage, especially in periods where the 'domestic political opportunities [for the SNP and CiU]… are closed.' [166]

Despite the comparatively weak standing of the EP to the Council and as an opportunity structure to subnational parties the EP can and has been used to advance the regionalist cause and standing within the EU. The EP Resolution 1 is cited as an example of this, arguing that 'it is essential for scrutiny of the principle of subsidiarity to extend to the regional and local levels in the Member States.'[167]The Resolution called for 'national parliaments to consult the regional parliaments with legislative powers'[168] on issues pertaining to regional competencies. This can be viewed as an institutional gesture of goodwill however it demonstrates that the regionalist agenda is considered within the EP, with the institutional leverage offered within the EP acting to advance the cause of parties heading regional governments with legislative competencies such as the SNP and CiU. The EP supporting regions is not unprecedented however, with the Parliament putting 'pressure' for the 'establishment of formal rights of consultation with the Community (EU)' and 'stressed for the greater involvement of regions' in the late 1980s which all contributed to help establish the CoR.[169]

In summary, the EP can be seen to not empower the SNP and CiU, although it allowed for the expansion of their nationalist aspirations in the late 1980s and 1990s in practice this has made for a forum in which they have little influence. The importance of the EP translates not to influence in the EU but in generating publicity and support in the domestic domain.

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[165] Nagel, *Transcending the National/Asserting the National: How Stateless Nations like Scotland, Wales and Catalonia react to European Integration*, p. 60.

[166] Tarditi, The Scottish National Party's Changing Attitude Towards the European Union, p. 30.

[167] Arribas, G.V & Bourdin, D. (2012). Change Regarding Subsidiarity within the EU Institutional Framework? *European Institute of Public Administration, 2, p. 14.*

[168] *Ibid*, p. 14.

[169] Keating & Hooghe, *Bypassing the Nation-State? Regions and the EU Policy Process*, p. 277.

European Commission (COM)

This section will argue that the European Commission (COM) is the most pertinent example of an ally to regions however could do more to empower subnational actors with legislative power such as Catalonia and Scotland. The COM plays a central role in the pantheon of the EU institutional structure as it has the *right of initiative*; this means that they have the power to 'propose laws for adoption by the European Parliament and Council of the EU.'[170] The central role they play in the EU policy formation process make it an important institution for subnational parties, groups, lobbies and governments to push their respective agendas. [171]Their role is made more important for subnational groups as the COM 'has virtually a free hand in creating new networks, and in this way it is able to reach out to new constituencies, including a variety of subnational groups.'[172] An example of the COM utilizing this functional prerogative, and an area in which it can be viewed to empower regions, is its role in the creation of the Committee of the Regions (CoR). The COM is seen as a 'long standing ally of regions and locatilites having a role in the EU policy making process'[173]which can be attributed to their role in creating the CoR. Firslty establishing an Advisory Council for Local and Regional Authroities in 1988 in the hope that it would 'mobilsze support from below for a partnership approach to strutural programmeing in which the Commission, national and subnational authroites would jointly design, finance, and implement economic development programmes.'[174] The creation of the Advisory Council 'laid the groundwork'[175] for the eventual creation in 1993 of the CoR, this coupled with pressure by strong regions in Belgium and the German Lander.

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[170] European Commission. (2014). European Commission at Work. [Available: tp://ec.europa.eu/ artwork/index_en.htm] [Accessed : 11th June 2014].

[171] Marks, G., Hooghe, L., & Blank, K. (1996). European Integration from the 1980s: State-Centric v. Multi-level Governance. *Journal Of Common Market Studies*, *34* (3), p. 359.

[172] Ibid, p. 359.

[173] Christiansen & Lintner, *The Committee of the Regions after 10 Years: Lessons from the Past and Challenges for the Future*, p. 8.

[174] Marks et al, *European Integration from the 1980s: State-Centric v. Multi-level Governance*, p. 359.

[175] Ibid, p. 360.

The principle of subsiderarity is important when examining the role of the COM for subnational empowerment, it is also a critical factor driving political isolation for subnational actors; as expectations regarding what this entails vis-a-vis the practice of this principle have been unrealistic. [176]The principle of subsidiarity entails that decisions should be made at the most appropriate level of government, that is, if policy can be conducted and implemented at a local level, then accordingly it should be delegated from the national to the local.[177] This also applies in the supranational-national domain which made the principle popular for nation-states, especially amongst more notable Eurosceptic countries such as the UK and Denmark, 'as a brake to the centralizing forces of the EU.'[178] The prominent subnational governments and parties, in Scotland, Flanders, Catalonia and the Lander 'focused on it as a general principle to argue that they ought to be afforded a more prominent place in the decision-making process.'[179] Accordingly the principle of subsidiarity has long been at the centre of the European stateless nations' ambitions to increase their degree of political autonomy from the state.

Expectations for what subsideraity could glean for subnational parties have however proved unrealisitc which rests on a preception problem. This preception problem relates to how the principle is enacted, with the national context taking on, again, a principle role in implementation. As 'the E.U. project is to be built on the existing nation-states'[180] the 'transfer of political power to the regions should never undermine the pivotal role of these central governments.'[181] For the CiU and SNP the prospect of being able to practically utilize this principle is severely diminished due to the centrality of the state in this relationship. The COM has done little to ameliorate this impasse and empower these regions to take on a more prominent role to reduce the dominance of the

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[176] Desquens, J. (2003). Europe's Stateless Nations in the Era of Globalization: The Case for Catalonia's Secession from Spain. *BC Journal of International Affairs.* [Available: http://www.jhubc.it/bcjournal/articles/desquens.cfm] [Accessed: 9ᵗʰ June 2014].

[177] Leon, *Regions and Subsidiarity in the European Union: A Look at the Role of the Spanish and other Regional Parliaments in the Monitoring of the Compliance with the Principle of Subsidiarity*, p. 305.

[178] Maertens, *European Integration and Sub-State Nationalism: Flanders, Scotland, and the EU*, p. 17.
[179] Ibid, p. 17.
[180] Desquens, *Europe's Stateless Nations in the Era of Globalization: The Case for Catalonia's Secession from Spain.*
[181] *Ibid.*

state in the EU. The lack of recent support also goes some way to dispel the idea that the Commission empowers subnational movements, most notably with the Commission President publically rejecting the claims made by the SNP that an independent Scotland would enjoy *Continuity of Effect* in its relationship with the EU in the wake of a Scottish yes vote on independence from the United Kingdom.[182] Overall, the COM can be seen to have both extended the scope of regional influence in the EU however have not addressed the role of regions with legislative powers, alienating the SNP and CiU from the policy making process. With their brief to introduce policy the COM could go further to empower regions in line with their previous empowerments of regions.

Brussels Regional Offices

This section will demonstrate that subnational regional offices based in Brussels have endowed the subnational governments of Scotland and Catalonia with 'access' to the EU, offering a dais in which to enter into dialogue 'in the exchange of ideas and policy initiatives'[183] within the EU. However, despite these offices allowing Catalonia and Scotland to gain a voice in the discursive space of the EU they have had little effect on the decision-making process of the EU as they operate outside of its formal structure, nevertheless they do provide subnational governments with a forum in which to raise awareness of economic and political issues within their regions at the EU level.[184] Regional offices emerged from the early 1980s as regions looked to expand their access to the European Union and are an informal avenue for subnational governments to lobby the institutions of the EU, notably the Commission and Parliament. These offices are expected to 'monitor EU activities, provide an early warning about forthcoming legislation, and present [subnational – Catalan and Scottish] views to [EU] Officials.'[185] Subnational regional offices 'are among the most widely used lobbying tools…

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[182] Scottish Government,*Scotland's Future: Your Guide to an Independent Scotland* Edinburgh: Scottish Government, p.216. & HM British Government, *Scotland Analysis: EU and International Issue*s, p. 63.
[183] Keating, *European Integration and the Nationalities Question*, p. 378.
[184] Marks G., Haesly R., and Mbaye, H.A.D. (2002), 'What Do Subnational Offices Think They Are Doing in Brussels?', *Regional and Federal Studies,* Vol. 12, No. 3, p. 15.
[185] Magone, J. (2003). *Regional institutions and governance in the European Union.* Westport: Praeger, p. 87.

established by Scotland and Catalonia'[186] to exert political influence in the EU, for larger regions, like those concerned, this extends to an aspiration to influence EU decision-making in the EU Council, Commission and Parliament.[187]

However how are these ambitions for influence met in reality for the SNP and CiU? What effect have subnational offices had? Scotland has two distinct regional offices in Brussels both based at in the same building at Scotland House. The first, Scotland Europa, 'a conglomerate of Scottish public and private organizations has represented Scottish interests in Europe since 1992.'[188] Following devolution the office was expanded to improve lobbying for Scottish interest in the Commission and other EU institutions however despite enlargement their influence is still seen as minimal in influencing the Commission and other EU institutions[189]Despite this Scotland Europa is still seen as a positive outlet for Scottish interest in the EU, it at least allows for Scottish issues to be heard and for the coordination of Scottish EU policy[190]. The second office is the Scottish Government European Union office (SGEUO) established by the newly devolved Scottish Parliament following devolution it is used to 'support Government work on EU policy… report on events and policy developments in Brussels to Ministers and officials, identify key issues for Scotland, and communicate to key EU partners what the Scottish Government's views are.'[191] However the SGEUO, as an official government office, are part of the UK Permanent Representation in Brussels (UKREP). When the SNP came to power there have been some changes in how the SGEUO operates within the UKREP group, Scottish representatives under the Scottish Labour Party (SLP) used to attend weekly meetings with the other members of the UKREP delegations in order to coordinate EU policy and to make sure there was congruence in stance and to lobby as a group. Since taking office the SNP have not been invited to these meetings and instead conducts most of its business as a separate enetiity, this has

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[186] Ibid. p, 87.

[187] Marks et al, *What Do Subnational Offices Think They Are Doing in Brussels?*, p. 15.

[188] *Ibid*, p. 3.

[189] Nagel, *Transcending the National/Asserting the National: How Stateless Nations like Scotland, Wales and Catalonia react to European Integration*, p. 68.

[190] Keating, *The Government of Scotland: Public Policy Making after Devolution*, p. 158.

[191] Scottish Government. (2014). Scotland in the European Union. [available: www.scotland.gov.uk] [Accessed :11th June 2014].

not caused much tension with the UKREP however it does delimit the influence of the SGEUO.[192]

The fact that the Catalonian regional office, *Patronat Pro Europa,* opened[193] before the Spanish state even became a member of the EEC is testament to the significance the Catalonian Government places on its influence in Europe. Taking the form of a foundation combining political parties, 'local administrations, universities, commercial establishments, savings banks, trade unions and Chambers of Commerce' [194] into a single regional office makes it a 'giant' of subnational regional offices. [195] The *Patronat Pro Europa* is considered one of the most influential and powerful regional offices in the EU and within this framework the CiU plays a central role in coordinating and managing the scope and direction of lobbying activity, most notably in language recognition for Catalonia. It plays a similar role as Scotland Europa and the SGEUO in its aspirations however its size and the amount of finical leverage behind it makes it much more efficient in carrying out these aims. The notable difference between Catalonian and Scottish offices is the bypassing of the state, the *Patronat Pro Europa* runs autonomously from the Spanish state and operated as an unofficial embassy for Catalnia until 2004 when the region opened its own embassy in Brussels signifying its ambitions to be recognized as an important independent player, separate from Spain. The Catalonian presence in Brussels has met with some contention in Madrid, with an attempt to limit its scope proving unsuccessful owing to a EU ruling. [196] It is also criticized by other Catalan parties for acting 'as a personal fiefdom of CiU'[197] for 'having monopolized Catalan participation in the process of integration and employing its cosy position with the central government to protect the interests of Catalan industrialists and business at the European level.'[198] Despite the amount of political and economic capital invested in these offices the 'initial hope that deeper integration would

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[192] Keating, *European Integration and the Nationalities Question*, p. 367-388.
[193] Opened in 1982, 10 years before Scotland Europa.
[194] Nagel, *Transcending the National/Asserting the National: How Stateless Nations like Scotland, Wales and Catalonia react to European Integration*, p. 63.
[195] Marks et al, *What Do Subnational Offices Think They Are Doing in Brussels?*, p. 12.
[196] Vazquex-Garcia et al., *Spain*: *Party Attitudes Towards the EU in the Member States: Parties for European, Parties Against Europe*, p. 110.
[197] Giordano & Roller, *Catalonia and the 'Idea of Europe': Competing Strategies and Discourses within Catalan Party Politics*, p. 110
[198] *Ibid*, p. 110.

allow the Catalan government to bypass the national state in its dealings with the EU has faded.'[199]

Overall regional offices allow for subnational parties to enter into the discursive space of the EU to raise awareness of their nationalist platforms. It does not represent an example of political isolation in the same vein as the other opportunity structures of the EU as it is informal in nature. These offices were created under the auspices of these movements in order to ameliorate the isolation they faced in the national sphere. For this reason regional offices can be seen as empowering regions. Although they have no formal standing and little influence, their mere existence demonstrates that the EU can glean for these movements a space to transcend the state and advance their interests. The EU allowing for these offices to reside in Brussels, sometimes, as in Spain, against the bequest of national governments, shows that the EU recognizes their role in influencing discussion surrounding the EU policy process.

Conclusion

In conclusion, the European Union can be viewed as both a friend and a foe to subnational movements. The EU has allowed for the empowerment of subnational movements in the creation of new opportunity structures above that of the state, such as the CoR and European Parliament, which have gleaned for them a new discursive space in which to operate outside of the national sphere, allowing the SNP and CiU to frame independence in a way that appeals to voters. Merely existing as an alternative forum atop the prerogative of the state the EU empowers subnational movements in endowing them with the agency to pursue independence. In this regard the EU can be seen to empower these movements.

However, the evaluation of EU opportunity structures outlined in this thesis shows that owing to the centrality of the state in the EU system, these parties are political isolated and do not gain the influence in line with their aspirations. This conclusion vindicates the central argument of this that the current configuration of opportunity structures in the EU has isolated subnational actors as illustrated by the SNP and CiU. The hypothesis, 'Greater political isolation precipitates an increased drive for autonomy and

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[199] *Ibid*, p. 110.

secession for subnational governments,' can also be seen to be true when examining these parties relationship with opportunity structures and nation states. The need for these parties to pursue secession as a means to gain access to the decision-making process shows that political isolation is an important mechanism driving this process.

The EU, coupled with national governments, have to not merely appease these movements but give them real influence in the system. In order for the extent of political isolation to diminish national governments have to relinquish power to Scotland and Catalonia in regards to EU access, and the EU has to make it easier for these movements to gain more access without going through the nation state. Unless this is done Scotland and Catalonia will not yield in the pursuit of independence, in giving these movements increased formal access thus addressing political isolation it may quell secessionist aspirations, not doing so will mean that the road to session will be continued upon.

The Lisbon Treaty can be seen to represent this relationship of empowerment and disempowerment and highlights the political isolation faced by these movements. The increase in the scope of the CoR to be able to bring cases before the ECJ is a positive step towards bringing regions into the formal stricture of the EU decision-making process, however the changes to voting in the Council emthsisies that despite some incremental changes to the system the nation state is still the primary actor in the EU. The marked limited success of individual and collective efforts of subnational parties to make an impact 'seems to confirm that not only has the march towards a Europe of the Regions stalled, but that it is even going into reverse,' [200]echoing the central argument of this thesis that 'it is clear that this, far from being a Europe of the Regions, is still a Europe of the Nation-states.'[201]

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[200] Elias, A. (2006). From 'Full National Status' to 'independence' in Europe: the Case of Plaid Cymru - the Party of Wales. In: Mcgarry, J. & Keating, M. eds. (2006). *European Integration and the Nationalities Question*. London: Routledge, p. 212.
[201] *Ibid*. p, 212.

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