

MASTER THESIS

Independence movements in the European Union and the quest for European Union membership



Universiteit Leiden

Irina van Namen

Master European Union Studies

Faculty: Humanities

Student number: s1427482

Thesis supervisor: dr. A.W.M. Gerrits

Second reader: dr. E. Cusumano

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Irinavannamen@hotmail.com

Abstract

Regionalism and independence movements are rising in the European Union. Referendums have been held in Scotland and Catalonia of which only the referendum in Scotland was legally binding. The Scottish people voted NO to independence, while the referendum in Catalonia, which was illegal according to the Spanish constitution, showed a clear YES vote. These developments show various differences in the way how and why the independence movements seek the goal of independence. Both Catalonia and Scotland want the same, becoming independent and become a member of the European Union. These two case studies are extensively analyzed, using qualitative research, discourse analysis and the method of process tracing. Findings reveal that regional disparities, historical and cultural past, which are encouraged by the Euro crisis, are important motives for the regions seeking independence. While seeking independence these regions state that self-determination of the people living in those regions, is a fundamental issue which should give them access to the European Union. Self-determination of regions however exists in a tense relation with the principles of sovereignty and territorial integrity that form the foundation of the international system of states. This is why the European Union has made more or less clear statements that continued membership for regions, seceding from an European Union member state, is not possible. The European Union commented on this issue most notably through Romano Prodi, Viviane Reding and José-Manuel Barroso that secession of a part of the territory of a Member State entails an automatic exit of that territory from the European Union. These comments were political, non-judicial, in nature. Of course there are judicial consequences too. Secession by its very nature implies conflict with the legal framework of the European Union. The fact is that there are no provisions in European Union law or treaties on secession of regions from European Union member states.

Besides there are negative consequences involved for the people of the regions the European Union and its institutions if a region becomes independent, which effects I shall point out in this thesis. There are alternative ways to resolve or to diminish the regional strive for secession. Possibly devolution of powers and decentralization would be a democratic alternative too.

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Introduction

Recently Scotland held an independence referendum. The Spanish region Catalonia and the Italian region Veneto held a consultative referendum, separatist aspirations in Europe were recently given a boost. The desire for greater autonomy in several regions of Europe is not about to diminish in the coming years. My research question is the following: "What are the consequences for regions in Europe if they succeed in their quest for independence and become an independent state. Can they, in that case, become an European Union member state? This main question will be answered in this research. Scotland and Catalonia are distinct examples of a regional strive for secession to focus on in answering this question.

This research starts with the question: what are the motives for these regions to become independent? More details about the historical, economic and demographic main characteristics of these regions will be given further in this study.

In chapter two the focus is on answering the main research question: Do independent regions, being separated from the main state, need to reapply for European membership if they want to become a member of the European Union? And if this is not a viable option, are there alternatives within the legal framework of the European Union? In other words if secession is the case, can there be succession?

I will also comment on the consequences for Europe and its institutions. Next, there is the importance of the possible consequences for the people of the regions involved. I will provide a response to the referred questions and I will point out why regions want independence from the member state they are located in, in my conclusion. Regions seeking independence is not a new phenomenon. There have been separatist movements throughout European history. For example the former United Kingdom of the Netherlands was separated into two states in 1839 when Belgium was internationally recognized as an independent state and split up with, what is now called, the Netherlands.

The Euro crisis has heightened the rise of regionalism in European Eurozone member states. Pre-existing tensions between richer and poorer regions have been exacerbated.¹ For instance: Political movements such as the Scottish National Party and the Convergence and Union in Catalonia demand greater fiscal powers and seek independence in tax-gathering. These independence movements want to govern themselves, because they feel like they are better off without the authority of the member state they are in now.

The United Kingdom and Spain struggle with independence movements and the quest for independence of those regions. In Scotland there has been a referendum on independence on the 18th of September 2014. Holding a referendum is not possible in every member state. In some of the member states like Spain it is even illegal to hold a referendum because the constitution does not permit it.

Scotland and Catalonia want to be independent. Explained in the broader sense “auto” means self, and “nomos” means law. In political philosophy, autonomy refers to one’s own desire for self-determination. As it is the case in the referred regions, they seek self-governance. In Scotland the Scottish National Party made statements such as, “We are better off on our own” and “Our economy is stronger than the United Kingdom as a whole”. In the White Paper that the Scottish government made before the referendum stood the statement of the Scottish National Party that stated that “Scotland stands still if it stays in the United Kingdom”.² In the case of Catalonia, the Catalan President stated that: “Catalans are a people who want to decide for themselves on their own future”.³

Two case studies about Catalonia and Scotland will be further examined. In both regions independent movements are active. They want to become independent and move to self-government and are striving to get the freedom to act or function independently from the member state. The developments in these regions are taken together because they are in a way similar and therefore can be used as an example to study independence movements in

¹ Stratfor, (19 October 2012) Rising regionalist sentiment in Eurozone states, <https://www.stratfor.com/analysis/rising-regionalist-sentiment-eurozone-states>

² Scotland’s future, (2013) Your guide to an independent Scotland, Scottish Government p.13 <http://www.gov.scot/resource/0043/00439021.pdf>

³ Mas, A. (13 December 2013) A referendum on independence? The Economist <http://www.economist.com/blogs/charlemagne/2013/12/catalonia>

Europe in relation to the European Union's legal framework. Both regions have at least in common that they seek independence and not withdrawal from the European Union.

The purpose of this research is to examine the legal framework of European Union law and the legal problems that arise when breakaway regions want to become a member state of the European Union. As I stated before: "The fact is that there are no provisions in European Union law or treaties on secession of regions from European Union member states". So, it looks like the strive for secession is in conflict with the want for succession of the European Union.

If the government of the member states agrees with holding a referendum for independence, the government indirectly acknowledges the 'grasp for independence' of the region. In that case the government gives the region a chance to choose to become independent as happened in the United Kingdom. But as seen in the case of Scotland this does not come without consequences for the region, whether they choose to become independent or not. Further on in this thesis I will explain more in depth the consequences for a region after a referendum.

In the case of the Scottish referendum in September 2014 a lot of questions arose. Is Scotland directly leaving the European Union because they are no longer a part of the United Kingdom? Does Scotland have to reapply for European Union membership, or is continued membership an option?⁴ The institutions of the European Union are scared that if the process of staying in Europe as an independent member state would be too easy, it would cause a domino effect for other regions with aspirations of becoming independent. This because Europe then forms a 'safety net' for the newly independent member state.

The question on European Union membership is still left undecided by the European institutions and their member states.

⁴ Hepburn, E. (16 November 2014) Open Democracy: What next for independence movements in Europe? <https://www.opendemocracy.net/can-europe-make-it/eve-hepburn/what-next-for-independence-movements-in-europe>

Literature Review

This literature review is an analysis of the relevant published work. Articles, laws, white papers, commission reports, academic journals and newspapers are analyzed to see how independence movements and the rise thereof evolves in Europe. The main topics covered are the reasons behind the rise of independence movements in Europe and if, and how new independent states can become an European Union member state. I gathered my data through libraries, databases, online sources, working papers and media.

While looking at the issue of Europe and emerging new states within its borders the current policy of the European Union towards this development is highlighted. In the literature I searched for reactions of the European Union and European Union actors on the existence of independence movements and what their opinion is about the fact that these regions, when independent, want to become a member of the European Union.

However not very explicit, European Union Commission President Barosso indicated that secessionist countries would not automatically keep their European Union status. Several members of the European Parliament asked the President of the European Union to clarify the status of new separated regions. Reactions were not extensive and referred in the direction of the application of international law. In this context De Waele quotes several questions of members of the European Parliament who wanted clarification on this point.⁵ All reactions taken together, make clear that the European institutions are not leaping at the chance of secession of regions within the European Union. The reactions show that continued membership for new independent states is better to avoid because the European Union will then facilitate independence movements and membership of the European Union.⁶

The guarantee of continued membership will boost the rise of independence movements, the Union itself will play the role of a safety net. This study does not relate strongly to previous studies because most of these studies are done before the Scottish and Catalan

⁵ De Waele, (October 2014) *Afscheiding van delen van EU-lidstaten*, No.15
<http://repository.ubn.ru.nl/bitstream/handle/2066/132280/132280.pdf?sequence=1>

⁶ Jolly, S.K. (2006) *A Europe of Regions?* School of Duke University
<http://faculty.maxwell.syr.edu/skjolly/diss.pdf>

referendum and this research is done after the referendums to see what the actual consequences are *after* a referendum.

According to literature most present-day conflicts no longer occur between states but within states. The conflicts are rooted in tensions between states and minority groups which demand the right to preserve their identities and seek self-government.⁷ In a research of the Pulitzer Center on Crisis Reporting is stated that the independence movements are called parties who use soft-nationalism in order to achieve the goal of independence.⁸ In Scotland the referendum did not make Scotland independent, but the devolution of powers has started right after the referendum in September 2014. The first devolution of powers started in 1999 with the creation of the Scottish Parliament and continued through the Scotland Act in 2012. On the eve of the referendum the British government and the Scottish Parliament agreed that if Scotland would stay in the United Kingdom the British government would devolve some powers to the Scottish parliament.⁹ These powers include control over substantial parts of income tax and welfare policies, air passenger duty and fracking (extraction of shale gas). The devolution of powers to the Scottish Parliament started right after the referendum and it should have been all done by May 2015.

The European Union yet has not given a clear statement about what the possibilities are for new independent states seceded from member states in relation to their aspirations for membership of the European Union. Former President of the European Commission Jose Manuel Barosso said: "It is not the role of the European Commission to express a position on questions of internal organization related to the constitutional arrangements of a particular member state". The focus of the European Union is on maintaining peace and providing guarantees, rules and safety of a states' unity. There is a clear desire to prevent a potential Balkanization of individual European Union member states, according to Merijn Chamon and

⁷ Keating, M. (September 2004) *Politics and Society, European integration and the nationalities question*, Nr 32 p. 367 – 388

⁸ Wheeler, W. (27 June 2013) *Facism and Ultrnationalism on the rise in countries across Europe*, Pullitzer Center on crisis reporting

⁹ Crisp, J. (19 September 2014) *Scotland votes to remain in the UK 'devo max' underway*, Euractiv <http://www.euractiv.com/sections/uk-europe/scotland-votes-remain-uk-devo-max-underway-308571>

Guillame van der Loo.¹⁰ The integration of the European Union is a two level game between the member states and the European Union. This leaves little room for regional and minority claims.¹¹ Whether self-determination, and becoming a member state is the solution to the national disputes in the case of Scotland and Catalonia is highly contested in the academic world. Some academics defend the right to self-determination as a fundamental right,¹² where other academics argue against and state that independence movements threaten the principle of democracy and the territorial integrity of the state.¹³

The Zurich-based Centre for Security Studies stated that it is unlikely for borders of the European Union are to be redrawn in the future because of secession of regions.¹⁴ The fact is that there is a level of uncertainty for independent new regions because there is no clear future perspective of becoming an European Union member state. As long as the European Union has no clear legal framework for, or guideline about, the possibility for new emerging region-states, there is a considerable amount of uncertainty that possibly will withhold the voters to vote for a “Yes, we shall separate”. The prospect of independence is therefore fraught with uncertainty. 36% of the NO voters in Scotland said that after former Commission president Jose Manuel Barroso commented about the difficulty of an independent Scotland joining the European Union would make them even more likely to vote NO to independence.¹⁵

The problem that arises and comes forward in the literature is the fear for the possible domino effect for want of secession in other regions in Europe. Forsberg¹⁶ states: “Since ethnic groups residing in the same country all face the same adversary—the government of that country—they can learn much from the actions taken by that government, and from the

¹⁰ Chamon, M. and van der Loo, G. (September 2014) *The temporal paradox of regions in the EU seeking independence: contraction and fragmentation versus widening and deepening*, European Law Journal Vol. 20 No.5

¹¹ Keating, M. (September 2004) *Politics and Society, European integration and the nationalities question*, Nr 32 p. 367 – 388

¹² Harry Beran 1987

¹³ Amitai Etzioni 1992

¹⁴ Bieri, M. (September 2014) *Separatism in Europe* No.160, Center for Security Studies Zurich

¹⁵ Owen, K. (2014) A tale of two referendums, *Survation* <http://survation.com/a-tale-of-two-referendums-fear-of-leaving-eu-has-little-effect-on-pro-independence-scots-2/>

¹⁶ Forsberg, E. (2012) *Do Ethnic Dominoes Fall? Evaluating Domino Effects of Granting Territorial Concessions to Separatist Groups*, Uppsala University, p. 6

success (or failure) of other ethnic groups in the same country who are pursuing greater territorial control. If a regime gives into one group's demands, this is highly relevant information for other ethnic groups in the country and may increase the perception that territorial concessions are attainable. By acquiescing to demands made by one ethnic group, the government signals to other groups in the same country that it may be worthwhile to raise similar demands. Such accommodation of group demands provides information that an ethnic challenger can use to gauge the government's strength and resolve and, consequently, also its likelihood of successfully pursuing demands for greater territorial control."

The fear for the domino-effect is relevant because numerous nationalist parties in European member states are committed to achieve self-government in an integrating Europe. Examples of nationalist parties are the Scottish Nationalist Party SNP in Scotland and the Convergence and Union in Catalonia (CIU). After the dissolution of the CIU in June 2015 the main parties for independence are the Democratic Convergence of Catalonia (CDC) and the Republican Left of Catalonia (ERC). In Veneto in Italy the nationalist party is called the Party for Independent Veneto (PVI) and in Flanders it is the New Flemish Alliance the N-VA.

Former European Commission President Jose Manuel Barroso argued on the 16th of February 2014¹⁷ that he believes that it is extremely difficult, if not impossible, for an independent region to become an European Union member state. This because the accession of a new member state needs approval from all other European Union member states. During the race for independence in September 2014 Minister Salmond and leader of the Yes campaign for independence in Scotland claimed that he expected it to be possible to negotiate European Union membership before a formal declaration of independence in March 2016.

Bieri¹⁸ states: "Interestingly, the European Union plays an important role in contemporary independence movements as their aim is to create an independent state within the

¹⁷ Fox, B (17 February 2014) *Joining EU 'difficult, if not impossible' for Scotland Barroso warns*, Brussels EU observer <https://euobserver.com/news/123159>

¹⁸ Nunlist, C. (September 2014) *Separatism in the EU*, Center for Security Studies (CSS) ETH Zurich, no 160 <http://www.css.ethz.ch/publications/pdfs/CSSAnalyse160-EN.pdf>

European Union". In the eyes of many regionalists, the principle of subsidiarity as anchored in the Maastricht Treaty makes the European Union a guarantor of far-reaching regional competences. Dreams of self-determination have further been fueled by the vision of overcoming the nation-state in a unified Europe. However, the further development of European integration is currently in question, which has in turn fostered support for the realization of independent nation-states. The existence of the European Union enhances the economic prospects of separatist regions. The common market is especially important for small national economies. Moreover, small states in the European Union enjoy a certain degree of over-representation, which is an additional incentive. For advocates of independence, a seamless continuation of European Union membership after secession would be the most welcome scenario.

Methodology

In this research the method of qualitative research was used to understand the rise of independence movements in Europe. I used qualitative research and discourse analysis because I study future possibilities and occurrences for independence movements based on beliefs and values of the people in Europe.

The study deals with ideas, beliefs and values of these movements and the future of these movements in relation to the European Union's legal framework. Debates, speeches and media were primary material for carrying out the method of discourse-study. Discourse-analysis is the study of talks and texts, investigating in languages in use and language in social contexts. Discourse analysis focuses on power relationships in society as expressed through language and practices.¹⁹

In discourse analysis you research language beyond the level of a sentence and language behaviors linked to social practices, "power through words". Media articles and statements of the independence movements and political parties are of great importance in this research. The cases of Catalonia and Scotland have been highlighted by the media, and other separatist movements in Europe such as in Flanders and Veneto were closely watching the

¹⁹ Foucault, M. (January 2010) *The archeology of knowledge and the discourse on language*, New York Vintage Books Edition

Scottish referendum.²⁰ The independence movements of Catalonia and Scotland have seem to give rise to a domino effect, whereas there are also sounds from independence aspirations of various other regions in Europe. For example the region Veneto in Italy and Flanders in Belgium. Ian Bremmer President of the EurAsia Group stated that “If the Scots vote for independence, there could be many reverberating affects from the vote, for example that other seperatist-fuelled areas will be encouraged”.²¹

The method of discourse analysis aims to find the motive of the European Union of not acting up and leaving the problem of rising regionalism completely to the member states. While this is true, the legal framework of the European Union leaves no room for proactively intervening in the national states in respect to secession developments. However, a more clear statement of, for instance, the European Commission that separated regions will not automatically become an European Union member, would help.

As you saw before and will see later on in this study, speeches of political leaders of independence movements in Catalonia and Scotland are being cited as to see what the motives are of these movements to seek independence. They, as social actors, represent or can be identified with different positions or perspectives of different groups of social actors.²² I use discourse analysis to analyze reactions, papers and reports of important European Union actors to study how the European Union and its institutions act upon independence movements in Europe. I use the method of process tracing to research the rise of independent movements in Europe. Primary and Secondary literature will be reviewed initially through the university library using the Leiden University books and internet search engines like Google scholar.

The benefits of qualitative research and discourse analysis are that they are about doing research following the ideas and beliefs behind a phenomenon. On the other hand process

²⁰ Minder, R. (5 August 2014) *Scottish Vote seen as a test for separatist in Europe*, New York Times <http://www.nytimes.com/2014/08/06/world/europe/catalan-vote-seen-as-test-for-separatists-in-europe.html? r=0>

²¹ LoGiurato, B. (8 September 2014) *Bremmer: If Scotland Votes For Independence, Prepare For The European 'Contagion' Effect Across Europe*, Business Insider

²² Bourne, A.K. (2014) *Europeanization and secession the cases of Catalonia and Scotland*, Journal on ethno politics and minority issues in Europe Vol. 13 No. 3 P. 94 – 120

tracing is ideal for figuring out why there is a rise of independence movements throughout the last years in the European Union. I find these methods best suitable to find an answer to the research question.

Theoretical Framework

Three principles of international law emerge in this study. The right of self-determination of peoples at one hand, the principle of subsidiarity and the principle of state sovereignty at the other hand, consist in a tense relationship to each other. Most authors, like Connolly²³ and Paković and Radan²⁴ only quote the paradox of separatism and territorial integrity. I however, wish to point out that the principle of subsidiarity is also of great importance while envisaging the secessionist movements in relation to the European Union. The right of self-determination is a problematic right in respect to the principle of sovereignty of a state. As Raič²⁵ states: “The problem of the right of self-determination, particularly in the post-colonial era, is formed in essence by the fact that the right can have a tense relationship with the principle of state sovereignty.” State sovereignty means, commonly spoken, that there exists a nonphysical, juridical entity with a government that exerts sovereignty over a geographic area, while having a permanent population and a defined territory. In addition, they have the right and capacity to enter into relations with other sovereign states. Secession in a way is a clear encroachment of the this principle.

The principle of subsidiarity however, seems to be in favor of the secessionists.²⁶ The principle of subsidiarity concerns the level of intervention that is most relevant to apply in the field of competences, shared between the European Union and the Member States. This may concern action at European, national or local levels. In all cases, the European Union may only intervene if it is able to act more effectively than member states.

The underlying principle of subsidiarity is: act at national level if possible and act at the level of the European Union when necessary in order to govern as close to the people as possible.

²³ Christopher K. (2006) *Independence in Europe: secession, sovereignty and the European Union*, International and comparative Law, Cornell Law School p. 51

²⁴ Pakovic, A. and Radan, P. (2003) *In Pursuit of sovereignty and self-determination: peoples, states and secession in international order*, Macquarie Law Journal Vol 3, p.1

²⁵ Raič, D. (2002) *Statehood and the right of self-determination*, *Kluwer Law International*, The Hague, p.21

²⁶ Article 5 Treaty on European Union

That is exactly the statement of the secession movements in Scotland and Catalonia: a government that is close to the people of the region, is there ultimate goal.

Besides this three mentioned principles, there is the framework of international law. I mention the relevant treaties in this respect: the 1978 Vienna Convention on succession of states in respect of treaties²⁷ and the 1983 Vienna Convention on succession of states in respect of state property, archives and debts.²⁸ And of course there is the legal framework of the European Union. Especially the articles 49 and 50 of the Treaty on European Union (2009) are important in respect to succession of rights of the secessionist regions.

²⁷ Vienna Convention on succession of states in respect of Treaties, 1978, Done at Vienna on 23 August 1978, entered into force on 6 November 1996, United Nations Treaty Series, Volume 1946 p.3

²⁸ Vienna Convention on succession of states in respect of state property, archives and debts, Done at Vienna on 8 April 1983, not yet in force,, see official records of the United Nations Conference on succession of states in respect to state property, archives and debts, Vol. II (United Nations publication, sales no. E. 94.V.6.)

Hypotheses

In order to explain why there are independence movements in Europe, what their relation with the European Union would be, as well as to answer the research question, hypotheses have been introduced. Two hypotheses derive from my literature review and discourse analysis to the case of independence movements in the European Union. The strategies and impacts of the movements are determined by the political opportunity structure. In the two case countries the public support of a political party is of major importance to succeed as an independence movement in the quest for independence.

Hypothesis 1 Regions seeking independence from the mother state in the European Union is the outcome of European integration

Minority nationalist movements have adopted the European theme in all cases, adjusting their ideology and strategy accordingly. The independence movements no longer want to be under authority of the host state, but they do respect European Union authority and want to become a member of the Union. Europe provides opportunities for territorial movements and grants minority protection.²⁹ European integration is based on the principle of subsidiarity, regions have far-reaching competences these days.³⁰ The purpose of this hypothesis is to research how European integration affects contemporary independence movements. Important is the need for new states to be recognized by the European Union to obtain the privileges the European Union accords with statehood.

Hypothesis 2 Does a region that becomes independent from a European Union member state have to reapply for European Union membership

Whether European Union membership would carry over to newly independent states is an obstacle that the European Union treaties have not addressed until this day. The European Union treaties are open to interpretation, because the treaties do not explain internal enlargement, or secession of states. Internal enlargement means that the European Union

²⁹ Keating, M. (September 2004) *Politics and Society, European integration and the nationalities question*, No. 32 p. 367 – 38

³⁰ Desquens, J. (2003) *Europe's stateless nations in the era of globalization, the case for Catalonia's secession*, BC Journal of International Affairs <http://www.jhubc.it/bcjournal/articles/desquens.cfm>

would expand with a new member that emerged from an already existing member state and the new state would express its wish to succeed its predecessor's state in Union member status.³¹

The former president of the European Commission Jose Manuel Barroso, has made several statements on membership for independent regions in the European Union, stating that it would be impossible for them to become a member. Because there are no guidelines found about the situation of emerging new states within member states in the European Union in European Union law, and the European Union has no clear policy guideline there is a clear gap in this field. If the European Union recognizes easy access to the Union, it will stimulate secession movements in Europe to become independent because the uncertainty about the future is diminished by the certainty of the economic and political guarantees that come with European Union membership. Political guarantees are stable institutions who guarantee democracy and human rights. Economically the European provides a functioning market economy and the capacity to cope with competition on the internal and global market.³²

³¹ Matas, J. (2011) *The internal enlargement of the European Union*, Centre Maurits Coppieters

³² European Commission (August 2013) *The European Union explained, Extending European values and standards to more countries* p.4-5 http://europa.eu/pol/pdf/flipbook/en/enlargement_en.pdf

Chapter 1 Why do regions in Europe want to become an independent state?

The reason why regions in Europe want to become independent differs per regions in the member states. The reasons for seeking independence could be historical, emotional, cultural, political and economic. In this study an explanation is given why independence movements in a region think they are better off without the authority of the member state they are located in.

Independence movements

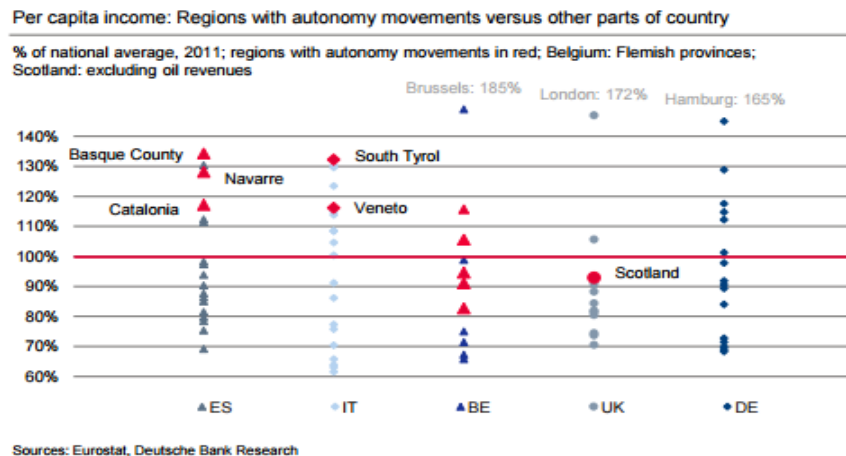
What actually is an independence movement? An independence movement is an active movement with active members who seek independence or self-determination for a geographic region. Independency means therefore a territory or state free from the control of any other power. The people of the independence movement are people who come from areas in which people strive for more regional political, economic and linguistic rights or even secession as there are Scotland and Catalonia.



³³ Map of regions in which people strive for more rights, by European Free Alliance

Economics

The aspiration to become independent has not only to do with personal, emotional and cultural aspects, but as seen in Veneto, Catalonia and Scotland, also with concrete financial motives. The regions seeking independence are mostly the wealthiest regions in the member state they are located in. The per capita income of Catalonia, Scotland and Veneto is far above the national average.³⁴



Poorer regions can simply not afford to take the risks of independence because secession comes with great economic and political risks.³⁵ The motives for independence in the economic field for Scotland are that it could be a wealthy country on its own, due to the wealth in oil and fishery.³⁶ Scotland is spending a 100 billion on nuclear weapons that is committed to as part of the United Kingdom.³⁷ When becoming independent the Scots would scrap the spending on nuclear weapons while half of the Scottish electorates opposes nuclear weapons. Still it has become one of the main topics of the Yes campaign.³⁸ In

³⁴ Zipfel, F. Vetter, S. (6 February 2015) *Better off on their own? Economic aspects of regional autonomy and independence movements in Europe*, Deutsche Bank Research

³⁵ Salmon, J. (03 September 2014) *Scottish independence vote a 'risk to firms' in UK according influential lobby group the CBI*, the Daily Mail <http://www.thisismoney.co.uk/money/news/article-2742672/Scottish-independence-vote-be.html>

³⁶ Gray, M. (07 January 2014) *10 key economic facts that prove Scotland will be a wealthy independent nation*, Business for Scotland <http://www.businessforscotland.co.uk/10-key-economic-facts-that-prove-scotland-will-be-a-wealthy-independent-nation/>

³⁷ Fraser, D. (09 April 2015) *Reality Check: How much would Trident replacement cost?* BBC UK <http://www.bbc.com/news/election-2015-scotland-32236184>

³⁸ McKeon, J. (20 August 2014) *Scottish independence could leave UK nuclear weapons homeless*, the Bulletin <http://thebulletin.org/scottish-independence-could-leave-uk-nuclear-weapons-homeless7395>

Scotland the tax per head is £10,000 whereas in the rest of the United Kingdom the tax per head is £9,200.³⁹ The fact that the Scots pay more tax than the rest of the United Kingdom is also used as an argument to vote for independence in Scotland. Moreover there is the economic matter. Scotland's wealth is in oil reserves and fish in the North Sea, the Scots have to pay the tax revenue to the United Kingdom treasury and this money is used for general expenditure. The Scottish people oppose to the United Kingdom's government economic policy.⁴⁰

Economic motives for independence in Catalonia has to do with the contribution of 8% of Catalonia's annual gross domestic product to the Spanish government.⁴¹ This is according to the Catalan National Assembly much over any solidarity obligations. The Catalan contribution is necessary to sustain the Spanish state.⁴² Because of the high contribution Catalonia is confronted with an economic crisis itself. Independence therefore is seen as a way of overcoming this fiscal discrimination by the nationalist Catalan.⁴³

Cultural and political identity

Many European regions have preserved a cultural identity of their own. Catalonia and Scotland both have their own cultural behaviors, Catalonia even has its own 'co-official' language Catalan which is central to Catalan identity.⁴⁴ In Catalonia the national symbol is a donkey instead of the bull in Spain. In Spain bull fighting is cultural heritage but in Catalonia bull fighting is banned since 2010.⁴⁵ Important is the sense of belonging to identify someone's identity, whereas many Catalans do not consider themselves Spanish but

³⁹ Government expenditure and revenue Scotland, (GERS) 2012-2013

<http://www.gov.scot/Publications/2014/03/7888>

⁴⁰ Macalister, T. (21 May 2014) *Who would get oil revenues if Scotland became independent?* The Guardian <http://www.theguardian.com/business/2014/feb/09/scotland-independence-money-machine>

⁴¹ Catalan News Agency, (22 May 2013) *Catalonia contributed with 8,5% of its GDP to infrastructures and services in the rest of Spain in 2010* <http://www.catalannewsagency.com/politics/item/catalonia-contributed-with-85-of-its-gdp-to-infrastructures-and-services-in-the-rest-of-spain-in-2010>

⁴² Oskam, J. (24 October 2014) *A new state in Europe? Scenarios for Catalan self-determination* http://www.academia.edu/9763267/A_new_state_in_Europe_Scenarios_for_Catalan_self-determination

⁴³ Mitchell, P. (15 September 2014) *Demonstration of two million organised by Catalan National Assembly*, World Socialist Website <https://www.wsws.org/en/articles/2014/09/15/cata-s15.html>

⁴⁴ Miller, H. (1996) *Language policy and identity: The case of Catalonia*, University of Aston, Routledge Taylor & Francis group p. 113-120

⁴⁵ BBC News (25 September 2011) *Bullfighting in Barcelona ends with Catalonia ban* <http://www.bbc.com/news/world-europe-15050706>

exclusively Catalan.⁴⁶ In Scotland 62% of the people feel more Scottish than British according to the polls of 19 March 2015.⁴⁷ According to the literature Scotland and Britain are not that different in culture, 60,000 of 5 million Scots speak Gaelic, but it is one of the minority languages spoken in Scotland.⁴⁸ The biggest difference is political, the political cultures of Scotland and Britain are divergent. The main parties in Scotland are from the Scottish traditional left and are the Scottish Labor Party and the Scottish National Party, whereas the biggest party in the Parliament in Britain is the Conservative right wing party. It is the social democratic Scotland versus the neo-liberal Britain.⁴⁹ And let us not forget the history of Scotland. It was a sovereign kingdom which lasted until the Act of Union in 1707 united it with England into a new state, the Kingdom of Great Britain. More or less the same happened with Catalonia. As part of the former kingdom of Aragon it had its own laws until its crown was united with the crown of Castile in the year 1492. However it kept considerable autonomy. In the first third of the 20th century, Catalonia several times enjoyed and lost varying degrees of autonomy like other parts of Spain. Until the second Spanish republic Catalonia had a varying autonomy like the other traditional regions in Spain. Catalonia fighting on the side of those who defended the Spanish republic in the civil war during the years 1936-1939, lost its autonomy under the rule of Franco. He made a great effort to wipe out all regional cultures, languages and identities within Spain but without success. The Catalan language continued to be used in private.

Veneto is a wealthy region located in Italy. The people in Veneto held a digital voting in March 2014 to see if the people in that region would vote for independence. Mario Bertolissi, an Italian constitutional scholar claimed that "The digital voting from 16 until 21 of March 2014 of the people in Veneto has no legal value and it cannot force anyone to do

⁴⁶ 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 <http://www.jhubc.it/bcjournal/articles/desquens.cfm>

⁴⁷ What Scotland thinks (19 March 2015) *Would you rather describe yourself as British or Scottish?* <http://whatscotlandthinks.org/questions/would-you-rather-describe-yourself-as-british-or-scottish>

⁴⁸ Visit Scotland, Gaelic visited on 13th of August 2015 <http://www.visitscotland.com/about/arts-culture/uniquely-scottish/gaelic/>

⁴⁹ Massie, A. (19 August 2013) *Two nations, two cultures*, The Spectator <http://blogs.new.spectator.co.uk/2013/08/two-nations-two-cultures-britain-is-divided-by-the-trent-not-the-tweed/>

anything".⁵⁰ It seems like Spain and Italy are ignoring the seek for independence of the regions in their state by claiming everything they do as illegal, different from the United Kingdom government who organized a legal referendum to give the independence movements a real chance to choose for independence.

Interesting to note is that all three of the independence movements do want to stay in, and under, the authority of the European Union.⁵¹ Nationalists in the regions who seek independence state that they face discrimination in a centralized state.⁵²

⁵⁰ Ford, M. (24 March 2014) *Europe's latest secession movement : Venice?* The Atlantic <http://www.theatlantic.com/international/archive/2014/03/europes-latest-secession-movement-venice/284562/>

⁵¹ Srmava, T. (5 March 2014) *A problem of European identity? Separatist movements in the EU*, Project for Democratic Union <http://www.democraticunion.eu/2014/03/problem-european-identity-separatist-movements-eu/>

⁵² Calance, M, (2012) *The resurgence of nationalism in the European Union*, Univesity Of Isai p. 25-30 CES Working Papers

Times of crisis

In times of crisis, people will rethink about the way they are governed. Catalonia and Scotland seek independent statehood, believing that being independent will bring them more advantages on the economic level, this with the backup of the common market of the European Union. Real tests of European unity and strength comes at times of crises. During the Euro crisis tensions between regions and the government and between regional governments and state governments become more apparent.⁵³ The crisis in Spain caused the Spanish government to borrow while the economy, which grew 3.7% per year on average from 1999 to 2007, has shrunk at an annual rate of 1% since then. The regional governments of the 17 regions, Catalonia included, spent a lot of money on new infrastructure and big projects like airports and swimming pools. The Catalan government are now under pressure from the central government to cut spending, but local Catalanian politicians are reluctant to take unpopular action which intensifies political tensions between the Catalanian region and the central state.

Scottish politicians claim that Scotland's economy contain billions in service charges for activities in the rest of the United Kingdom. Gray states: "The extra costs for services in the rest of the UK make Scotland's finances appear worse than they actually are by billions of pounds every year. In the last 5 years these sectors cost Scotland £35 billion; yet Scotland did not receive or need £35 billion in services. Only in an independent Scotland will Scotland have full control over its own financial decisions and spending".⁵⁴

Overall the Euro crisis is one of the main triggers for the strong rise of independence movements in Europe. Whereas most political parties in the member states blame the European Union for the Euro crisis, the richer regions mainly blame the mother state for the Euro crisis. This is a case of lack of solidarity from the richer regions to help built up the poorer regions in their member state. The regions blame the member states but not the European Union of malfunctioning. This is one of the reasons why the regions want to leave

53 Cameron, F. (2010) *The European Union as a Model for regional integration*, Working Paper International Institutions and Global Governance Program

⁵⁴ Gray, M. (12 March 2014) *Westminster charges Scotland billions of pounds in service costs*, www.businessforscotland.co.uk

the mother state but still want to be under the shelter of the European Union.⁵⁵ Harsh austerity measures have boosted separatist sentiment. In order to overcome the economic tensions there must be a balanced relationship between the government and the local authorities, and for the regions who pay more tax should come an even amount of social benefits in return. Taken redistributive nation actions can possibly be measured by taking in account regional labor market indicators and the average house price level.

As mentioned above historical-, linguistic - and economic differences between regions in one country are being emphasized as mentioned above by regional political parties in order to recruit voters. This development is, as indicated above, significantly magnified by economic stress due to the Euro crisis, so that tensions between richer and poorer regions grow. For example, the richer region Catalonia in Spain is reluctant to pay for the poorer region Galicia. In this regard the presumption is that significant regional income inequality encroaches regional solidarity. In the German paper the Spiegel was stated that "Affluent regions in Spain, Britain, Belgium and Italy no longer feel a sense of solidarity with poorer parts of their own countries".⁵⁶ Although this was felt way before the Eurozone crisis, the recent developments show an increasing, especially democratic, strive for secession. Secession however, is not without risks as Alex Salmond pointed out in the white paper on Scottish independence. Becoming independent does not come without risks; the regions seeking independence do still want to fall under the certainty and guarantees of Europe's unity, sovereignty and territorial integrity.⁵⁷ However, like pointed out before in this regard, there is no guarantee that secession means succession.

European integration and the problem of the European identity

Because of European integration dust has been blown off of the old nationalist aspirations of the Scottish, and Catalonian regions in Europe. Decentralization of powers and the principle of subsidiarity of the European Union have made local governments more powerful. Regional governments have started to play a role as partners of development and operate as

⁵⁵ Cameron, F. (September 2010) *The European Union as a model for regional integration*, working paper Council on foreign relations

⁵⁶ Ehlers, F. (09 October 2012) *The Egoists hour: Debt crisis gives European separatists a boost*, Spiegel

⁵⁷ Parliamentary Assembly of the Council of Europe, (3 June 2003) Positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe, Document 9824

one of the important actors in the European integration process.⁵⁸ Separatists aspirations were recently given a boost.⁵⁹ The possible ability of becoming a member of the European Union forms a safety clause. For independence movements who seek self-government and independence, Scotland en Catalonia while being independent would be small states. As a small state you are not in a favorable position for negotiations on trade and external policies with larger member states. Being in the European Union brings guarantees and benefits for smaller states such as being a part of the internal market. This is called the 'paradox of European unification'.⁶⁰ The paradox of separatism within the European Union implicates "the interrelated concepts of sovereignty, self-determination, and the territorial integrity of states" that "form a Gordian knot at the core of public international law."⁶¹ Sub-national regionalism has grown in Europe as a response or as a consequence of reassertions of cultural and historical identity.⁶² Sub-national independence movements are posing a challenge to the idea of a nation state, and territorial integrity.⁶³

The principle of subsidiarity as stated in the Maastricht Treaty interprets far reaching regional competences but it is not enough for the regions who seek independence. Because of the burden of high taxes that the wealthier Catalonia and Scotland have to pay to help developing the poorer regions they feel resentment and want to become independent. A lack of solidarity towards other regions in the member state can be one of the reasons to seek independence. Economic resentment is one of the reasons of Catalonia, Scotland and Veneto wanting to become independent.

⁵⁸ Leonardi, R. (October 1993) *Cohesion in the European Community, West European politics* Vol. 16 No. 4 p.514

⁵⁹ Zipfel, F. Vetter, S. (6 February 2015) *Better off on their own? Economic aspects of regional autonomy and independence movements in Europe*, Deutsche Bank Research

⁶⁰ Connolly, C.K. (2013) *Independence in Europe, Secession, Sovereignty and the European Union*, 24 *Duke Journal of Comparative & International Law* 51-105 (2013)

⁶¹ Borgen, C.J. (2007) *Imagining Sovereignty, Managing Secession: The Legal Geography of Eurasia's "Frozen Conflicts*, St. Johns University School of Law

⁶² Keating, M. (1993) *The continental meso: Regions in the European Community, Modern Politics series* Vol. 32 p.296

⁶³ Roubini, N. (28 January 2015) *Independence movements: Europe's Paradox*, <http://www.economonitor.com/nouriel/2015/01/28/independence-movements-europes-paradox/>

<i>City-regional small nation</i>	<i>Population in millions (percentage of UK/Spain)</i>	<i>GDP contribution as percentage of UK/Spain GDP</i>
Scotland	5.3 (8)	9
Catalonia	7.5 (16)	19
Basque Country	2.2 (5.5)	6

Source: Europp, Calzada, I. (2014) *Europe is witnessing the establishment of a new regional order*, Oxford

The regions seeking independence differ widely in size, whereas Scotland is one of the biggest regions in the member state striving to emphasize its historical, linguistic and economical characteristics. Catalonia is one of the smaller regions of the member state it is in. Besides the size of the regions, the regions have different backgrounds. The independence movements differ in political color and the way they campaign for gaining secession. Spain and the United Kingdom already have devolved some competences to the regional level over the years.⁶⁴ Scotland even has its own Parliament since 1999. Political parties who admire independence are both from right and left wing political parties in Europe. The left wing parties are the Scottish National Party and the left wing Convergence and Union which is a federation of two constituent parties the Democratic of Catalonia and the Democratic Union of Catalonia. The right wing parties are the Bayerische Volkspartei in Bavaria and the Nieuw Vlaamse Alliantie NV-A in Flanders.⁶⁵

European Integration and globalization are causes of the rise of independence movements in Europe. Desquens⁶⁶ states: "The increase in free international trade directly relates to the economic viability of new states". Globalization makes the independence of Catalonia more viable because it guarantees access to international markets. Likewise, it makes secession much more desirable for the health of its economy, as fewer bureaucratic layers would increase Catalan competitiveness in global markets. In a context of international trade restrictions, large countries enjoy economic benefits because political borders determine the size of the market. In this context, small nations such as Catalonia find belonging to a larger

⁶⁴ Keating, M. (2009) *Second Round Reform, Devolution and constitutional reform in the United Kingdom, Spain and Italy* LEQS Paper No. 15 p.6

⁶⁵ Calzada, I. (22 October 2014) *Europe is witnessing the establishment of a new regional order*, Europp

⁶⁶ Desquens, J. (2003) *Europe's stateless nations in the era of globalization, The case for Catalonia's secession from Spain*, The Bologna Center Journal of International Affairs, Online Edition

state such as Spain to be in their economic interest because it gives them access to a larger market. Thus, from a purely economic point of view, being part of Spain has benefited Catalonia. In a world of increasingly free trade and global markets, this rationale is no longer valid. Relatively small cultural, linguistic or ethnic groups have the possibility to benefit from creating new political entities that trade in economically integrated wider areas. With its own state, Catalonia could benefit from improved administrative efficiency and still have access to foreign markets in which to sell its products. In other words, free trade is a good substitute for a political union as a way to access bigger markets in the context of globalization. It is important to highlight here that small countries appear to be among the main beneficiaries of free trade. That should not surprise us if we look at the small European countries that have traditionally been active traders. Because of European integration, borders have been diminished, the free movement of people, capital, services and goods, and the Schengen Area have made the borders within Europe almost invisible.⁶⁷

Stages of independence

There are three clusters of acknowledgement, or in other words stages of independence according to the European Free Alliance⁶⁸. The first stage is where people want to be recognized as a minority. For example Macedonian minorities in Greece and Bulgaria want this recognition. The second phase is for people, or in this case regions who claim more autonomy but are not independent from the member state, such as Breton and Normandy in France. The third phase is people who want to become independent from the member state. This was the case for Scotland and is the case for Catalonia and Veneto.⁶⁹

The European Free Alliance is an important party in the European Parliament for regions or people wanting to be recognized as a minority or regions seeking independence. The European Free Alliance is a pro-European Party. The right to self-determination is one of the ideologies of the European Free Alliance. The European Free Alliance speaks up for the minorities in Europe. The European Free Alliance is called 'the voice of the voiceless'. The

⁶⁷ Bieri, M. (September 2014) *Seperatism in Europe* No.160, Center for Security Studies Zurich

⁶⁸ www.e-f-a.org/, visited on the 13th of October 2015, European Free Alliance

⁶⁹ Dauwen, G. (14 October 2014) *Scotland, Catalonia boost independence movements in Europe*, EU Observer http://www.denederlandsegrondwet.nl/9353000/1/j9tvhajcovz8izf_j9vvihf299q0sr/vjo099qt93mg?ctx=vj45jc1zmmhor&s0e=vhdubxdwqzrw

Greens together with the European Free Alliance currently have 75 seats of the 751 in the European Parliament 2014-2019.

The case of Scotland

In 1707 Scotland and England signed the Treaty of the Union and England and Scotland merged into what is now called the United Kingdom. After more than 300 years of being united in one country the Scottish Nationalists are tired of the conservative Parliament in England and ask for a referendum. Governments formed at Westminster often do not reflect the majority vote in Scotland.⁷⁰ It began with the establishment of the regional Parliament in Scotland in 1999. Before 1999 the Scottish people were ruled by the Parliament of the United Kingdom. The Scottish Parliament is an important element of Scottish national identity. The independence referendum in 2014 was not the first referendum held in Scotland, before there was the Scottish devolution referendum in 1979 and 1997.

In 2011 the Scottish National Party won the elections and claimed a legitimate referendum. In Scotland it was the Scottish Nationalist Party, which led the Yes campaign to vote for independence under the lead of Alex Salmond who was also first minister of Scotland at the time. Salmond resigned after the majority voted NO for independence on the 18th of September 2014.⁷¹ The Scottish wanted devolution of powers and constitutional change. Not everyone in Scotland wanted to become fully independent because of the uncertainties the new state would face in that case. The United Kingdom's government opposes Scottish independence but in October 2012 the governments of Scotland and the United Kingdom reached an agreement called the "Edinburgh agreement" which states that if Scotland votes to become independent, everyone would respect this outcome.⁷² The Edinburgh Agreement is an example for other member states. It shows that a referendum can be held by arrangement with the national government. The commitment and working together of the Scottish Parliament, the Scottish National Party and the British Parliament in the democratic

⁷⁰ Gallagher, J. McLean, I. (April 2015) *Nationalists at Westminster*, A Gwylim Gibbon Centre for Public Policy Working Paper

⁷¹ Carell, S. (19 September 2014) *Alex Salmond resigns as first minister of Scotland as first minister after Scotland rejects independence*, The Guardian

⁷² Edinburgh agreement (October 2012) Agreement between the United Kingdom Government and the Scottish Government on a referendum on independence for Scotland

manner in which the referendum is held, shows how far decentralization has come. The principle of unilateral secession under international law is not applicable in this case because Scotland can secede with consent of the host state.

That the referendum on the 18th of September 2014 ended in a NO vote did not end the political debate between the United Kingdom and Scotland. Scotland has been promised additional taxation powers and jurisdiction by the United Kingdom government when there would be a NO vote. Scotland did not want the Euro, if they would become an European Union member state in the first place, but wanted to keep the Pound Sterling but the United Kingdom did not agree and stated that if Scotland became independent it would lose the Pound Sterling. Uncertainty keeps the YES voters away.⁷³ Although the outcome was: stay in the United Kingdom, the case for the secessionist of Scotland is not totally lost. While being not be fully independent, Scotland did get more devolution of powers.

The case of Catalonia

Catalonia has been an autonomous community under the Spanish constitution of 1978.⁷⁴ The Catalan independence movement started off as a clash of cultures and identities between the Catalans and the Spanish. Catalonia has its own language and distinct culture and is accountable for one-fifth Spanish economic output. In Catalonia Artur Mas president of the Catalan government, member of Convergence and Union, a Catalan nationalist electoral alliance, set up a referendum on the 9th of November 2014. The referendum in November is not the first one, earlier on in 2009 and 2011 other non-binding referenda have been held. Spanish prime minister Mariano Rajoy declared the referendum of 9th November 2014 illegal since it is illegal according to the Spanish constitution to hold a referendum. The Spanish constitution states that it prohibits attempts to secede.⁷⁵ Madrid is contravening the referendum, organizing a referendum can mean dismissal from office for Catalan officials.⁷⁶ Within the Catalan government there is a divide whether to seek full independence or more

⁷³ Pop, V. (19 September 2014) Scotland chooses to stay in the UK Edinburgh, EU observer <https://euobserver.com/political/125677>

⁷⁴ Junor, S.A.P. (November 2014) *Independence movements within Europe reflect a changing world*, Contributoria

⁷⁵ Alfons, F. (05 October 2014) *Catalonia-Madrid, a test of strength*, European Free Alliance

⁷⁶ Lang, K.O. (2013) *Catalonia on the road to independence?* German Institute for International and Security Affairs

autonomy. The Catalan Convergence and Union and the Republican Left are pro-independence whereas the People's Party of Catalonia, the Party of the Citizenry and the Socialist Party of Catalonia are against independence, they only want more autonomy.

The major dispute now is more on the economic side as Catalans are forced to contribute 17 billion euro of their taxes to the Spanish government in Madrid.⁷⁷ The maximum marginal tax rate of personal income tax in Catalonia is situated at 49%, which is the highest level in all of Spain.⁷⁸ Catalonia is one of the wealthiest regions in Spain and is the leader in global competitiveness amongst the other regions in Spain. The Spanish government has put a fiscal burden on the Catalans and they feel resentment because they find no return of the taxes for example through social benefit. The Basque country in Spain enjoys fiscal autonomy, where the Madrid government refused to grant Catalonia fiscal autonomy.⁷⁹ The pro-independence Catalans see becoming independent as a solution to be able to take control of its finances and economic future.⁸⁰ In Spain the incumbent government, the Party Popular is uncomfortable with the idea of Spain as a nation of nations, the Popular party has struck down attempts by autonomous communities to be recognized as a nation.⁸¹

The voting turnout of the referendums held in Spain and the United Kingdom was very different. In Scotland 85% of the people eligible to vote turned out and in Catalonia only 37%. In Scotland 44,7% of the turnout voted in favor of independence and in Catalonia this was 76%. This has to do with the fact that the referendum was not legally binding for the Catalans, which reason kept many voters away, especially NO voters. They knew the referendum was not binding. The main part of Scottish and Catalan and of Veneto's independence movements favor European Union membership after becoming

⁷⁷ Debating Europe (2014) Arguments for and against Catalonia Independence
<http://www.debatingeurope.eu/focus/independence-catalonia/#.VofjyPnhCM8>

⁷⁸ Babeta, J. (2011) *Catalonia pays the highest taxes in Spain* In transit Isseu No. 4

⁷⁹ The Economist (24 November 2012) *The trials of keeping a country together*
<http://www.economist.com/news/briefing/21567085-stabilising-spains-finances-without-tearing-its-social-fabric-apart-being-made-harder>

⁸⁰ Debating Europe (2014) Arguments for and against Catalonia Independence
http://www.debatingeurope.eu/focus/independence-catalonia/#.Voj-m_nhCM8

⁸¹ Anderson, P. (2014) *Scotland and Catalonia: A tale of two nations, from devolution to independence?*
http://www.academia.edu/6156776/Scotland_and_Catalonia_A_Tale_of_Two_Nations_from_Devolution_to_Independence

independent.⁸² In the online voting for independence for Veneto came forward that Veneto wanted to keep the Euro and join the European Union if it became legally independent from Italy.⁸³ Juncker stated that the European Union needs a break from enlargement so that we can consolidate what has been achieved.⁸⁴ That means that the next five years until 2019 the European Union is not accepting any new member states, which is also the case for new independent regions. That is an interesting point for the independence movements to take into account.⁸⁵

Is the quest for self-determination in Europe legal?

European Union treaties are silent on internal secession. The right to self-determination is a matter of international law, which provides no absolute right to secede. There is however the right of self-determination. If people in a specific region ask for more autonomy it is a political matter which should be handled with by the national government. The Charter of the United Nations does speak about self-determination in article 1 paragraph 2 concerning the principle of equal rights and self-determination of people. The article states “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”.

Basically the quest for self-determination is a quest of the people to decide how they are governed on their own claimed territory. All European Union countries are members of the United Nations, so the member states are bound by the Charter. In international law it is interpreted that for people to use the right of self-determination they first need a ‘sufficient focus of identity to constitute a people’⁸⁶, and every people has a right to its own nation-

⁸² Wilcox, C. (24 March 2014) *Scotland, Catalonia and now Venice; a look at European independence movements*, The time stream <https://thetimestream.wordpress.com/>

⁸³ Armellini, A. (23 March 2014) *Venice votes for independence in unofficial poll*, EU observer

⁸⁴ MacNab, S. (15 July 2014) *Row as Juncker bans any new EU members for five years*, the Scotsman

⁸⁵ Chamon, M. van der Loo, G (September 2014) *The temporal paradox of regions in the EU seeking independence: contraction and fragmentation versus widening and deepening*, European Law Journal Vol. 20 No.5

⁸⁶ Scharf, M. (2003) *Earned sovereignty juridical underpinnings* Denver International Journal of Law & Policy 31, p. 379 Denver

state.⁸⁷ The only law that deals with secession of states is the Vienna convention on the secession of states of 1978 and Spain and the United Kingdom are not a member of this convention. Besides only six European member states are a member of the Vienna convention. It is however important to mention the meaning of this convention.

Maftai⁸⁸ writes: “Regarding the formation of the states as a result of the detachment of certain territories from the independent states and their establishment as independent states, the Vienna Convention of 1978 adopted continuity principle of international commitments (articles 34-37) offers the following solutions: in the case where a part or some parts of the territory of a state is separated in order to form one or more states, whether the predecessor state continues to exist, any treaty in force at the time of the succession of the state on the entire territory of the predecessor state shall remain in force on each successor state so formed; any treaty in force at the time of the succession of state only on part of the territory of the predecessor state which has become the successor state remain in effect only regarding that successor state”. I agree with this opinion because rights and obligations remaining in force for the separated regions contribute to international legal continuity and certainty.

The right to self-determination is contrary to the principle of territorial integrity. Both principles, of territorial integrity of states and the right to self-determination are principles in the United Nations Charter which need to be respected by the European Union member states. It is the interpretation which is of importance. If the separation is peaceful and handled with in a democratic way and with consent from the mother state, the separation is respected as a matter of principle. Unilateral declarations of independence, without

⁸⁷ Scharf, M. (2003) *Earned sovereignty juridical underpinnings*, Denver International Journal of Law & Policy 31, p. 379 Denver

⁸⁸ Maftai, J. (2014) *Succession of States in Respect of Treaties*, in the 9th edition of the international conference European Integration Realities and Perspectives , p.361 <file:///C:/Users/Eigenaar/Downloads/1541-5526-1-PB.pdf>

consent of the mother state, are illegal and are only excepted in particular cases as ending of colonization.⁸⁹

The principal of territorial integrity of existing states means that nations states should not attempt to promote secessionist movements. Imposition by force of a border change is an act of aggression, according to article 2 paragraph 4 of the United Nations Charter. The claim of the independence movements is the claim for self-governing a region. Self-determination within a member state is only possible if the people or region in this case, faces infringements or is denied access to human civil and political rights in the member state they are located in according to international law.

This is where the principle of democracy comes in, the regions, especially Scotland in this case, wanted to leave the member state in a democratic way. In the case of Scotland self-determination could be applied with the consent of the mother-member-state. The European Union cannot punish a region seeking independence for using democratic purposes to achieve their goal. In Scotland the quest for independence was a democratic process, the independence parties were democratically chosen through elections and they were the voice of the people. This is not the case in Catalonia, the independence movements are democratically chosen through elections but as long as the Spanish government and the Spanish constitution do not allow separation or a referendum self-determination will not be an option for the Catalan people.

The principle of unilateral secession

The principle of unilateral secession is applicable to Catalonia where the national government opposes independence for the region based on constitutional grounds. Like pointed out before, there is the contradiction in international law between the right to self-determination and the principle of sovereignty and territorial integrity of the mother state. The principle of self-determination takes precedence in case of colonies who are subject to exploitation and domination and in case of remedial secession which means that states

⁸⁹ Nunlist, C. (2014) *CSS Analyses, Separatism in the EU*, No. 160 p. 4

actively mistreat and violate human rights of people in their country.⁹⁰ One of the requirements of unilateral-secession is that the host state is against the quest for independence which is the case in regard to Spain. Catalonia wants to become independent, because of the economic and cultural reasons and not because of violation of human rights. These reasons are not supported under international law. A legally binding referendum on independence would be the solution, but since this is illegal under national law in Spain. So this is not an option too.

Conclusion

Independence movements in Europe are not a new phenomenon but, over the last few years, independence movements have become more active. The regions wanting to become independent are among the wealthiest regions within the member state they are located in. Those regions feel resentment because of the high taxes they have to pay to the national government in order to help developing poorer regions in the country. European integration has made regions more powerful through decentralization of powers and European integration has made borders between member states and regions almost invisible. The only possible way for regions in Europe is to become independent with the consent of the member state, for example in a referendum organized with consent of the member state as happened in the United Kingdom. The principle of self-determination under international law is otherwise not applicable to these cases.

⁹⁰ Weller, M. (2009) *Contested Statehood: Kosovo's Struggle for Independence*, Oxford University Press, 2009 p.275

Chapter 2 European Union membership and the case of independent regions

The European Union has been flexible and pragmatic in the past about finding solutions for unforeseen problems for example with the Euro crisis, the Greenland self-government referendum and in the case of East Germany reuniting with Western Germany. The European Union and its institutions are in the case of Scotland and Catalonia exposed to new unforeseen problems. European Union governing treaties do not contain any provisions on internal secession or the membership issues it raises.⁹¹

The decision of the European Institutions and member states about the future possibility for former regions of member states becoming an European Union member state can change the whole perspective for regions in Europe. This would be the case if the European Union decides that membership is easy accessible. This decision can cause a domino effect of regions in Europe striving to become independent. Membership of the European Union would form a safety net if continued membership is being guaranteed. Sub-state nationalists simply assume either that their new states would automatically possess membership in the European Union or, at the very least, that they would easily gain admission through an expedited and streamlined process.⁹² Continued membership is precluded in international and European law.⁹³

When a region becomes independent European Union law does not apply to that territory anymore. In the online voting for independence for Veneto came forward that Veneto wanted to keep the Euro and join the European Union if it became legally independent from Italy.⁹⁴ Juncker stated that the European Union needs a break from enlargement so that we can consolidate what has been achieved”.

There are many insecurities around becoming independent for a region. What will happen with the rights of the citizens, are they still European Union citizens, do the people of the

⁹¹ Thorp, A. Thompson, G. (8 November 2011) *Scotland, independence and the European Union*, House of Commons Library <file:///C:/Users/Eigenaar/Downloads/SN06698.pdf>

⁹² Castle, S. (13 February 2012) *Scots' Referendum Raises a Slew of Legal Issues*, New York Times

⁹³ Chamon, M. van der Loo, G. (September 2014) *The temporal paradox of regions in the EU seeking independence: contraction and fragmentation versus widening and deepening*, European Law Journal Vol. 20 No.5.

⁹⁴ Armellini, A.(23 March 2014) Venice votes for independence in unofficial poll, EU Observer

region still enjoy the free movements? What about Schengen, the European budget, the Euro, the applicability of European Law?

According to the European Commission and the President of the European Council, independent regions would lose their European Union status upon independence and would have to re-apply for membership under Article 49 Treaty on the European Union.⁹⁵

If there is no possibility of continued membership it would be for the best interest of the people of the regions to insert a transitional period in between no longer being part of the European Union and for the state to regulate their own laws and form their own government.⁹⁶ The Scottish government white paper on Scotland in the European Union stated that “if the region’s independence has been acquired on the basis of a constitutional and democratic process in line with the core values of the European Union enumerated in article 2 of the Treaty on the European Union the new independent state (region) may become an European Union member state on the date of its de jure independence”.

If a region becomes a state and gains independence, a political and legal framework has to be set up. In report 9824 of the Council of Europe is stated that a clear division of powers and the creation of a legal framework and the democratic election of legislative and executive bodies in autonomous regions will provide the right conditions for the permanence of autonomy.⁹⁷

Any statement on accession or continued membership that has been made are based on political feelings rather than legal certainty because there is no express provision in the treaties on this matter. It is left undecided until today by the European Council, the European Council is the institution who decides if the European treaties will be amended or not, also on this case.

⁹⁵ BBC News (12 September 2012) Scottish independence EC President Jose Manuel Barroso on new states membership

⁹⁶ Europp, (16 January 2014) *Scotland and Catalonia would face very real challenges in making a seamless transition to EU membership after independence* <http://blogs.lse.ac.uk/europpblog/2014/01/16/scotland-and-catalonia-would-face-very-real-challenges-in-making-a-seamless-transition-to-eu-membership-post-independence/>

⁹⁷ Council of Europe, Parliamentary Assembly Doc. 9824, 3 June 2003 Rapporteur: Mr Gross, Switzerland, Socialist Group

Possibilities for new independent states to gain European Union membership

There are different options open for when a region becomes independent from the mother state and wants to become a European Union member state again. Some possibilities emerge in this research. Because this phenomenon is not regulated by the European Union treaties yet and there are no similar cases, this is a gap in European Union law which needs further research on in the academic world. The only comparable case is that of reuniting East and West Germany in 1992. That was a case of reuniting two countries instead of separating an existing member state and enlarging with one (separated) state.

There are several matters the European Union needs to consider when deciding to enlarge with a former region of a member state. An increase of seats in the institutions is necessary, European Union secondary law has to be implemented in the national laws, and the division of the European budget has to be amended. What happens with the application of European Union law, the budget, the four freedoms, European citizenship and the rights depriving from that, the Euro, the Schengen area and border control in the new independent states? It would be impossible for new states to have all the rights on one day and then, the other day, the laws and rights of people have changed. The European Union and its institutions should come up with a clear policy on this topic. Article 50 of the Treaty on the European Union could be used as a (transition) procedure to drop out of the European Union when the regions becomes independent and European Union law no longer applies to that area.

“The Commission would express an opinion on the legal consequences under European Union law on request from a member state detailing the precise scenario” said European Commission spokeswoman Pia Ahrenkilde-Hansen.⁹⁸ The key decision on this matter is in the hands of the European Council.

One of the possibilities is that the European Council can decide to amend the treaties in accordance with article 48 of the Treaty of the European Union, and provide an answer to

⁹⁸ McKiernan, J. (15 October 2012) *Ball in UK's court on independent Scotland EU membership position*, Blog Activ <https://eujournalism.blogactiv.eu/2012/10/15/ball-in-uks-court-on-independent-scotland-eu-membership-position/>

the question how an independent region can become a member state of the European Union. The procedure used for such an amendment is the ordinary revision procedure in which any member state, the European Commission and the Parliament may submit proposals for revising the Treaties to the Council of the Union. The proposals go to the European Council and the national parliaments are informed. An intergovernmental conference will be held with the representatives of the member states. The Treaty enters into force when all members ratify the amendments.⁹⁹

If there is so much insecurity in European Law about the future of possible new independent states in Europe wanting to become an European member state, then why has not one member state or institution submitted a proposal to the European Council? The answer is simple, the member states and the European Union have 'ignored' the situation in Europe. By amending, or wanting to amend the European Union treaties, the Union has to decide on this situation and has to give its actual attention while considering possible membership for new independent regions. The current policy strategy of the European Union is stated in article 4 paragraph 2 of the Treaty on the European Union where the article states: "the Union shall respect the equality of member states before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the state, maintaining law and order and safeguarding national security remains the sole responsibility of each member state".¹⁰⁰ This means that the treaty ensures the territorial integrity of the member states and that the European Union highly respects the territorial integrity. The European Union also respects the constitution of the member state. In this case this is of great importance, for the Spanish constitution states that a referendum on secession is illegal. From this article you can conclude that the policy of the European Union is to have no policy but to respect the constitution and territorial integrity of the member states and that the European Union leaves the matter to the member states.

⁹⁹ Article 48 of the Treaty on the European Union

¹⁰⁰ Avery, G. (7 May 2014) *Independence and the European Union*, European Policy Centre

The European Court of Justice in case C-95/97, *Région Wallonne v. Commission of the European Communities*, held that: "It is apparent from the scheme of the Treaties that the term 'Member State', for the purpose of the institutional provisions and, in particular, those relating to proceedings before the courts, refers only to government authorities of the Member States of the European Communities and cannot include the government of regions or autonomous communities, irrespective of the powers they may have. If the contrary would be true, It would undermine the institutional balance provided for by the Treaties, which govern the conditions under which the Member States, that is to say, the States party to the Treaties establishing the Communities and the Accession Treaties, participate in the functioning of the Community institutions. It is not possible for the European Communities to comprise a greater number of Member States than the number of States between which they were established¹⁰¹".

The result of a discussion on the topic of a breakaway region to become a member of the European Union could be:

- Continued membership for the independent region
- The independent region should reapply for membership (or guaranteed a special status in the meantime) of the European Union like all other states
- Regions of European Union member states cannot become a European Union member state
- The independent region can apply for the European Free Trade Association or the European Economic Area

The possibility that the new state, the region who became an independent state, remains a member state under a different name than the mother state, uninterrupted is the least likely option.¹⁰² This will mean that the European Union is 'facilitating' independence movements

¹⁰¹ 7C-95/97, *Region Wallonne v Commission*, footnote 1, para. 6.

¹⁰² BBC News (12 September 2012) *Scottish independence EC President Jose Manuel Barosso on new states membership*

with the seek for greater autonomy and becoming an independent European Union member state.

The possibility that the new independent region must reapply to become an European Union member state, like all other states who want to become an European Union member state, is the best possible solution. This only if the independent region wants to become a member state. The possibility that a seceded region cannot become an European Union member state anymore is not democratic and it will enhance the democratic deficit of the European Union even more when it blocks new independent states to become a Union member. This possibility can only be justified if there are grounded reasons for the state infringing fundamental rights or because of conflicts within the member state or for not accepting the rules of Europe which is very unlikely because the region was formerly in Europe too.

European Economic Area and the European Free Trade Association

For the new independent state becoming a member of the European Free Trade Association or the European Economic Area can be the solution if European Union membership is not feasible in the coming years.

If membership of the European Union is not an option in the coming five years as Commission President Juncker stated,¹⁰³ another option for the new independent states could be becoming a member of the European Free Trade Association (hereinafter EFTA) or the European Economic Area (hereinafter EEA). EFTA counts four member states, which are Iceland, Switzerland, Liechtenstein and Norway. The EFTA governs free trade between the EFTA countries and has set up a network of free trade agreements with the European Union member states and third-countries without having the Euro. Not having the Euro is a downside of EFTA, whereas Catalonia and Veneto expressly stated they want to keep the Euro when becoming independent. EFTA has been set up in 1960 for the liberalization of trade in goods between its member states. For the new independent region to become a member of EFTA has economic benefits and security. If membership of the Union is not possible the biggest concern of the new independent states is their economy. By becoming a

¹⁰³Juncker, J.C.(15 July 2014) *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change, Point 9, 'A stronger global actor'* p.11 European Commission

member of EFTA or they will become a part of common market, and are able to conduct free trade with other the member states of the European Union. The EFTA is a common market which has series of agreements for free trade.¹⁰⁴

The European Economic Area is formed in 1994, the EEA connects the three EFTA states, (Switzerland is left out) and the European Union member states into an internal market which is governed by the same rules. The rules the member states of the EEA have to live up to and have to implement are part of the 'acquis communautaire'.

Legislation on the four freedoms is included in the EEA, the EEA does not cover other policy areas such as the common fishery policy, the customs union, the common trade policy and the economic and monetary union for example. The EEA makes it possible for the EFTA countries to conduct free trade with the European Union member states. The EEA is economical, not political It allows the members to trade freely and enjoy the four freedoms of goods, capital, services and people in the European Union and its EEA members. If a region becomes part of the EEA the region it can enjoy the benefits of the European Union's internal market. EFTA and the EEA with the possibility to be able to conduct trade on Europe's internal market could be a possible solution in the future for independent regions. On the other hand becoming an EEA member is least likely for the new independent region according to the European Commission.¹⁰⁵

The argument is that before an independent region can become an EEA member, it first has to be a member of EFTA or the European Union. On 18 November 2013 the European Commission concluded that "the participation of the small-sized countries in the EEA is not judged to be a viable option at present due to the political and institutional reasons", and that bilateral agreements were a more feasible mechanism to integrate the microstates into the internal market.¹⁰⁶ Benefits for the new independent states are that they do win on the

¹⁰⁴ European Free Trade Association (2006)

¹⁰⁵ Government of Catalonia (2014) *Paths for Catalonia's integration in the European Union* p.40

¹⁰⁶ European Commission (2013) *EU Relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino: Options for their participation in the Internal Market*

hand that they do not have to pay the financial contributions to the European Union. This would gain a profit for them that is estimated by Van Rondwyck at 4 to 8 billion a year.¹⁰⁷

It is hard for a new independent region, which would be a small state, especially in the case of Catalonia, to conduct bilateral agreements, or multilateral agreements with all the European Union member states. Because the independent region would be so small, it would not have a good position to negotiate. For new independent states making bilateral or multilateral agreements with other states would be highly difficult and therefore unlikely in my opinion.

Article 49 of the Treaty on the European Union implies that any European country may apply for membership if it respects the democratic and fundamental values of the European Union laid down in article 6 of the Treaty on the European Union. It is possible and feasible for the new state, in this case the independent region, to fulfill the above mentioned requirement of being a European country. The parliament of the state has to adopt a decision clearly stating that it want to become a European Union member state. The state shall apply for membership to the Council, and in the end the Council will decide unanimously, after going through all the procedures, if the state can become a member state. In that case the new state must meet the key criteria, also called the 'Copenhagen' criteria in order to become a member state. Important for the new state is that it has stable institutions and coordinating and regulating bodies who guarantee democracy. This is of importance for the independent regions because when becoming independent, they have to form a new government and institutions in order to function effectively. The state who applied for membership is granted, or not, the status of applicant. If a state is granted applicant status, the process of adaptation and implementation of European Union law can start, also called the 'acquis communautaire'. If the accession negotiation procedure has come to an end, and this will be stated in an European Commission report, an accession treaty will be signed by the member states and the acceding country. The treaty has to be ratified by all the member states and the acceding country too.

¹⁰⁷ van Rondwyck, H. (2011) EFTA or the EU <http://www.brugesgroup.com/EFTAorTheEU.pdf>

When focused on the possibility for becoming a member state of the regions, economically the regions are already fully integrated. On the other hand political reorganization and implementing of European Union secondary law are necessary. The new member state has to be accepted by all member states in order to become a new member state. The real problem lies in the process of the acceptance by all the member states. In order for a candidate state (the seceded region) to become a member state of the European Union acceptance by all member states is required. The former mother state will most likely not agree with the new independent region becoming a member state. Other states are likely to block the accession of former regions because they fear that, if they agree, other regions in their own member state will follow.¹⁰⁸ Blocking a state by veto is not unusual in European enlargement history. One of the main reasons Macedonia is not a member state of the European Union is because Greece veto's Macedonia's acceptance as an European Union member state under the name Macedonia.¹⁰⁹

Conclusion

The prospect of independence for regions in Europe is unlikely in the coming years, because of the problem of the lack of political will of the member states. Besides, there is the illegality of secession or self-determination. The principle of self-determination is indeed only legal under international law, when the separation is under consent of the mother state. For advocates of independence a seamless continuation of European Union membership after becoming independent would be the most desirable. New independent states first have to form stable institutions and coordinating and regulating bodies which guarantee democracy. Then there is the European Commission agenda in which Commission President Juncker stated that the European Union will not accept any new member state until 2019. The fact that if it comes to applying and voting for acceptance of a new member state at all, not all member states are willing to accept the new state and use their veto right. Overall it is very unlikely that a new independent region will be able to become an European Union member state in the near future unless the European Union and the

¹⁰⁸ Avery, G. (28 May 2014) *Could an independent Scotland join the European Union?* European Policy Centre http://www.epc.eu/documents/uploads/pub_4487_scotland_and_the_eu.pdf

¹⁰⁹ Apelblat, M. (3 December 2013) *Time to resolve the Greece – Macedonia name game*, EU observer

member states give a clear option that they can. If it would be the case that a region becomes independent, becoming a member of the European Free Trade Association would be the best possible solution at this moment. It can be argued that enlargement with another member state tends to make the working of the European Union less efficient in case of decision-making. However, if the European Union will enlarge with a former region, not much will change. There will be no change in population or economic size, it remains the same only one member state extra.

Chapter 3 Consequences of independence movements in Europe

In this section I will talk about the potential negative consequences of independence movements in Europe in three different manners.

The domino effect of Scotland and Catalonia, the rise of regionalism in Europe

Independence movements could lead to destabilization in Europe and disintegration of the European Union if the independence movements cause a domino effect. The referendum for independence in Scotland and Spain can cause a domino effect for other independence movements in Europe. Regionalist powers are calling for official independence referendums or greater devolution of powers.¹¹⁰ According to the Deutsche Bank the desire for greater autonomy in several regions in Europe, especially Western Europe is not about to ebb in the coming years.¹¹¹ There also have been statements of the United Kingdom and Greece for leaving the European Union which also caused stress in Europe.

2014 has been the year in which regionalism has been blown in some new life. Words as 'separatism movements gain momentum' and "the rise of regionalism" are often used in the media.¹¹² Several news articles stated that the independence campaign in Scotland inspired other independence movements across Europe.¹¹³ For over three regions in Europe specifically stated that they want to become independent, Scotland, Catalonia and Veneto. The three regions held referendums. The three referendums were all different, which only the one in Scotland was legal and binding. From Wallonia to regions in Italy independence movements reacted since Scotland made a clear statement wanting to become independent from the United Kingdom.¹¹⁴ The independence movements gain more energy and feel more confident because of media attention and because of the success of the Scottish referendum.

¹¹⁰ Hepburn, E. (09 September 2014) *The 'domino effect' from Scotland's referendum is increasing demands for independence in Italian regions*, Euorpp, <http://blogs.lse.ac.uk/euorppblog/2014/09/09/the-domino-effect-from-scotlands-referendum-is-increasing-demands-for-independence-in-italian-regions/>

¹¹¹ Zipfel, F. Vetter, S. (6 February 2015) *Better off on their own? Economic aspects of regional autonomy and independence movements in Europe*, Deutsche Bank Research,

¹¹² Wagner-Nagy, T. (24 November 2014) *European disintegration? Separatist movements across the continent are gaining momentum*, University for peace and conflict

¹¹³ Pop, V. (14 October 2014) *Scotland, Catalonia boost independence movements in Europe*, Glasgow EU Observer

¹¹⁴ BBC News, (08 November 2014) *Scottish independence: World media suggests 'domino effect'*, last updated 12 September 2014

The European institutions ignored the independence movements in Europe but, since Scotland and Catalonia came so much to the foreground, it is impossible for the European Union institutions to ignore the problems and the possible separation of regions within the member states. The Parliamentary Assembly of the Council of Europe states that “unresolved conflicts within states, remains a cause of concern to the Parliamentary Assembly. Today, indeed, most political crises in Europe occur within states”.¹¹⁵

European Free Alliance president, Francois Alfons, called the autonomy grasp of regions in the member states ‘internal enlargement’.¹¹⁶ “The European Union cannot longer ignore the ‘democratic demands of the people of Europe’” said Karel de Gucht, former European Commissioner of trade.¹¹⁷ The sounds coming from the European institutions are clear: “There is a fear of a divided Europe creating an ungovernable continent”¹¹⁸ Statements as the ‘Mosaic of Europe’ and ‘Europe of the regions’, ‘Europe’s stateless nations in the era of globalization’ have been made often in the newspapers.¹¹⁹ The rise in European Free Alliance members, from 7 to 12 members of the European Parliament, reflects the rise of the popularity of the independence movements. Where self-determination is not seen as the solution to the disputes between regions and member states in Europe, devolution of powers can be a good alternative for self-determination.

Consequences for the people of the regions, European Union citizens, when gaining independence

The people in Scotland and Catalonia are European citizens according to article 17 of the Treaty on the Functioning of the European Union. Being a European citizen comes with certain rights. Can the European Union take away those rights after a region becomes independent? The answer is yes, because after independence, European Union law does not

¹¹⁵ Assembly debate on 24 June 2003 (19th Sitting) (see Document 9824, report of the Political Affairs Committee, rapporteur: Mr Gross; and Document 9824, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jurgens) <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17118&lang=en>

¹¹⁶ Alfons, F. (24 September 2014) *The impact of the Scottish referendum*

¹¹⁷ McDonald, A. (19 September 2014) *EU relief at Scotland’s NO tinged with fear of nationalism*, Reuters <http://uk.reuters.com/article/uk-scotland-independence-europe-idUKKBNOHE10M20140919>

¹¹⁸ Reuters (19 September 2014) *EU’s Commissioner de Gucht admits feared Scots cataclysm for Europe*, <http://www.reuters.com/article/us-scotland-independence-eu-degucht-idUSKBNOHE0T320140919>

¹¹⁹ Desquens, J. (2003) *Europe’s stateless nations in the era of globalization*, The Bologna Center Journal of International Affairs

apply to that region anymore. A thought that has to be taken into consideration, is the part of the people in the region who do not want to become independent. In Scotland it would be around 50% of the people. In and around 35% percent of the people in Catalonia who would be forced by the other half to become independent from their mother state. It would be unfair towards the citizens in the region who did not choose for independence and who would lose the benefits and rights that people living in a member state of the European Union have. It would deprive them from being a European Union citizen and being a part of the European Union. This matter should not be taken lightly and could cause divisions and tensions within the new independent region itself.

If the region does not become a member of the European Union, the European Economic Area or the European Free Trade Association, soon there will be consequences for the people. Their currency will most likely change, which will have effects on the money and savings or debt of the people and their ability to buy houses.¹²⁰ Another consequence is the loss of the four freedoms, people are not able to move freely in Europe anymore and not be able to work that easily in any member state of the European Union. If a region would leave the European Union the government would not be required to permit the free movements to the people in the region.¹²¹ The people will not enjoy the four freedoms of the internal market anymore which will have a huge impact on people but on companies too, which now have to pay transaction costs.¹²² Not being able to keep the pound sterling, was one of the reasons the Scottish people voted against independence.¹²³

Consequences for the European Institutions when regions gain more powers

President of the European Free Alliance Francois Alfons stated that, even when Scotland is still a part of the United Kingdom, the devolution of powers will affect the relationship with Europe in one way or another. Scotland has now autonomy powers over the policy areas

¹²⁰ Ghemawat, P. (2 July 2012) *To secede or not to secede: the case of Europe*, the Globalist

¹²¹ Gallagher, J. (18 September 2013) *Citizenship, borders and migration in an independent Scotland*, Policy Primer, University of Oxford

¹²² Owen, P. (17 February 2014) *Alex Salmond speech – first minister hits back over Scottish independence*, the Guardian <http://www.theguardian.com/politics/blog/2014/feb/17/alex-salmond-speech-first-minister-scottish-independence-eu-currency-live>

¹²³ Chan, S.P. (02 September 2014) *Independent Scotland could not keep the pound and join EU*, the Telegraph <http://www.telegraph.co.uk/finance/economics/11071043/Independent-Scotland-could-not-keep-pound-and-join-EU.html>

gas, oil and fishing. 95% of the United Kingdom's gas is located in Scotland as is the same for the fish business. The question that rises is: how can the United Kingdom decide on its own on those policy areas in Brussels when they do no longer exercise all control over these policy areas? How to shape policymaking in the European institutions when the power on these policy areas is divided within the member state itself, and it is no longer possible for one of the two parties to decide upon the area on its own in the Union's institutions. In this case it is necessary to send a deputy or delegate of Scotland to Brussels too when there are matters in the particular policy area which need to be decided on.¹²⁴

Important are the quota of representation in the institutions of the European Union. If more regions will become independent or gain more autonomy and also have a say on policy areas in their country, it will become very inefficient for the European Union institutions to host extra delegations from the regions during the meetings. The European authorities have to make place for Scottish authorities, stated the President of the European Free Alliance. These developments will be a hint for other regions in Europe to take action in order to gain more powers, and seek for more power in Europe's institutions.

If the independent region becomes a member state, or gains more autonomy on certain policy areas an increase of seats in the institutions is needed. Before an increase of seats in the Commission, Council or Parliament could be realized, it would require approval by all existing member states. Most likely the member state who lost part of their powers to the region, objects or rejects the vote.

¹²⁴ The Smith Commission, (24 November 2014) Report of the Smith Commission for further devolution of powers to the Scottish Parliament

Results of the Hypotheses

Hypothesis 1 Regions seeking independence from the mother state in the European Union is the outcome of European integration

Regions seeking independence is not only the outcome of European integration, it is also an outcome of the Euro crisis. It is true that because of European integration, the internal market and its four freedoms, the borders between member states have been almost invisible and regions have gained more powers over the years due to decentralization. The independence movements in the regions are not satisfied with the national government. They feel empowered due to their own strong political parties. The Euro crisis has increased sub-nationalist movements, but secession is rare in democracies. The regions feel resentment towards the national government because of the burden they have laid upon them to pay higher taxes than other regions in the member state. Solidarity is key for preventing secession and eventual internal enlargement of the European Union.

Hypothesis 2 A region who becomes independent from a European Union member state should reapply for European Union Membership

Because internal enlargement is not foreseen by the European Union treaties, there is room for maneuver for the regions as well as for the European Union. The European Union regards independence movements as a domestic matter for the member state in question. It is time for the European Union to answer the question and give a clear guideline to the member states on this matter. My recommendation for the new independent state(s) is to reapply for European Union membership like all other European countries through the accession procedure article 49 Treaty on the European Union. This to make sure that the new state meets all requirements under European Union law, implemented the Copenhagen criteria and the 'acquis communautaire'. However liked mentioned before, the problem in this case is that all member states have to vote and accept the new member state. It is not likely for the mother state to accept the former region, and it most likely will veto the accession.

Conclusion

The rise of regionalism is an obstacle in the way of European unity. European history taught us that unity means peace. Nationalism and fragmentation on the other hand taught us that

it leads to destruction and violence. Independence movements arise in Europe because of lack of solidarity to financially help out poorer regions in their country, which is a cause of the Euro crisis.¹²⁵ Most regions have gained various levels of autonomy and now they are developing relations with European Union institutions. The regions reject the control by central governments, but fully embrace the authority of the European Union. New independent states, although they were in the Union before, have to reapply for European Union membership. This for the integration, balance and acceptance of other member states and European Union morals. Continued membership of independence movements is not feasible because this means that the European Union is supporting and facilitating independence movements in Europe. This would be against the principle of territorial integrity. An increase of member states would make the working of the European Union more complex and ineffective. As Juncker stated, in the coming five years the European Union will not accept any new member state. This agenda point makes it difficult for the region who became independent, to become an European Union member state. Let aside the fact the national and internal hurdles a region has to overcome before even gaining independence.

Independence movements have an enormous impact on the whole European Union. There will be consequences for the people. I mentioned the loss of the four freedoms, the effect on the institutions and the fact that there are more seats needed in the institutions. As for the rest of Europe, it will cause unrest and tensions. I do not see regions becoming independent in the near future because of the uncertainties for the new independent state in the future. If European Union membership is not feasible, becoming a member of the European Free Trade Association is the best possible solution for the new independent state.

¹²⁵ Guibernau, M. (2013) *Belonging: solidarity and division in modern societies*, p. 35 - 55 Polity Press Cambridge

Bibliography

- Alfons, F (24 September 2014) *The impact of the Scottish referendum*, Financial Times
<http://www.ft.com/world/uk/scottish-independence>
- Armellini, A. EU observer (23 March 2014) Venice votes for independence in unofficial poll
<https://euobserver.com/political/123584>
- Avery, G. (28 May 2014) *Could an independent Scotland join the European Union?* European Policy Centre http://www.epc.eu/documents/uploads/pub_4487_scotland_and_the_eu.pdf
- Atanasiu, M. (2013) '*Perspectives of the European Union – Between Political Integration and Disintegration*', Strategic Impact, No 1, p.40-48
- Apps, P. (2014) '*Could Scottish, Catalan Independence Vote Reshape Europe?*' Reuters
<http://uk.reuters.com/article/uk-europe-politics-independence-idUKBRE90S0J320130129>
- Bourne, A. K. (2014) *Europeanization and secession the cases of Catalonia and Scotland*, Journal on ethno politics and minority issues in Europe vol. 13 No. 3 P. 94 – 120
- BBC News, (08 November 2014) *Scottish independence: World media suggests 'domino effect'* <http://www.bbc.com/news/uk-scotland-29178438>
- Bourne, A.K. (2014) *Europeanization and secession the cases of Catalonia and Scotland*, Journal on ethno politics and minority issues in Europe Vol. 13 No. 3 P. 94 – 120
- Beran, H. (1984) '*A Liberal Theory of Secession*', Political Studies, p.21-31
- Bieri, M. (September 2014) *Seperatism in Europe* No.160, Center for Security Studies Zurich
- Calance, M, (2012) *The resurgence of nationalism in the European Union*, Univesity Of Isai p. 25-30 CES Working Papers
- Calzada, I. (22 October 2014) *Europe is witnessing the establishment of a new regional order*, Euopp
- Carrell, S. (19 September 2014) *Alex Salmond resigns as first minister of Scotland as first minister after Scotland rejects independence*, The Guardian
<http://www.theguardian.com/politics/2014/sep/19/alex-salmond-resigns-first-minister-for-scotland>
- Chamon, M. van der Loo, G. (September 2014) *The temporal paradox of regions in the EU seeking independence: contraction and fragmentation versus widening and deepening* European Law Journal, Vol. 20 No.5

Connolly, C.K. (2013) *Independence in Europe, Secession, Sovereignty and the European Union*, 24 Duke Journal of Comparative & International Law 51-105 (2013)

Detlef F. Sprinz and Wolinsky-Nahmias, Y. (2004) *Methodology in International Relations Research*, University of Michigan Press p.21-25

Fraser, D. (09 April 2015) *Reality Check: How much would Trident replacement cost?* BBC UK <http://www.bbc.com/news/election-2015-scotland-32236184>

Forsberg, E. (2012) *Do Ethnic Dominoes Fall? Evaluating Domino Effects of Granting Territorial Concessions to Separatist Groups*, Uppsala University p.3-7
http://www.pcr.uu.se/digitalAssets/66/66884_3dominoes_forsbergisq.pdf

Ghemawat, P. (2 July 2012) *To secede or not to secede: the case of Europe*, the Globalist

Guibernau, M. (2013) *Belonging: solidarity and division in modern societies*, p. 35 - 55 Polity Press Cambridge

Gallagher, J. (18 September 2013) *Citizenship, borders and migration in an independent Scotland*, Policy Primer, The Migration Observatory University of Oxford

Gallagher, J. McLean, I. (April 2015) *Nationalists at Westminster*, A Gwylim Gibbon Centre for Public Policy Working Paper

Gray, M. (07 January 2014) *10 key economic facts that prove Scotland will be a wealthy independent nation*, Business for Scotland <http://www.businessforscotland.co.uk/10-key-economic-facts-that-prove-scotland-will-be-a-wealthy-independent-nation/>

Guibernau, M. (2013) *Belonging: solidarity and division in modern societies*, Polity Press p.7-25.

Hepburn, E. (16 November 2014) *Open Democracy: What next for independence movements in Europe?* Open Democracy <https://www.opendemocracy.net/can-europe-make-it/eve-hepburn/what-next-for-independence-movements-in-europe>

Hepburn, E. (09 September 2014) *The 'domino effect' from Scotland's referendum is increasing demands for independence in Italian regions*, Euromag <http://blogs.lse.ac.uk/euromagblog/2014/09/09/the-domino-effect-from-scotlands-referendum-is-increasing-demands-for-independence-in-italian-regions/>

Jolly, S.K. (2006) *A Europe of Regions?* School of Duke University p. 41– 80
<http://faculty.maxwell.syr.edu/skjolly/diss.pdf>

Keating, M. (September 2004) *Politics and Society, European integration and the nationalities question*, Nr. 32 p. 367 – 388

Keating, M. (2009) *Second Round Reform, Devolution and constitutional reform in the United Kingdom, Spain and Italy* LEQS Paper No. 15 p.6

Keating, M. (1993) *The continental meso: Regions in the European Community, Modern Politics series* Vol. 32 p.296

LoGiurato, B. (8 September 2014) *Bremmer: If Scotland Votes For Independence, Prepare For The European 'Contagion' Effect Across Europe*, Business Insider
<http://www.businessinsider.com/scottish-independence-vote-scotland-cotagion-catalonia-2014-9?IR=T>

Leonardi, R. (October 1993) *Cohesion in the European Community, West European politics* Vol. 16 No. 4 p.514

Laible, J.M. (May 2002) *Choosing Compromised Sovereignty: Nationalist Movements Negotiate European Integration* *Ethnopolitics*, Vol. 5, No. 4, 347–364, November 2006

Maftai, J. (2014) *Succession of States in Respect of Treaties*, in the 9th edition of the international conference *European Integration Realities and Perspectives* , p.361
<file:///C:/Users/Eigenaar/Downloads/1541-5526-1-PB.pdf>

McKeon, J. (20 Augustus 2014) *Scottish independence could leave UK nuclear weapons homeless*, the Bulletin <http://thebulletin.org/scottish-independence-could-leave-uk-nuclear-weapons-homeless7395>

Moller, A.(17 February 2014) *Why Scotland and Catalonia should not become independent in a globalized world*, Gold Mercury international, Brand EU p.3-13

Murphy, L. (September 2007) *EU membership and an independent Basque state*, *Pace International Law review*, Volume 19 issue 2
<http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1070&context=pilr>

Minder, R. (5 August 2014) *Scottish Vote seen as a test for separatist in Europe*, New York Times http://www.nytimes.com/2014/08/06/world/europe/catalan-vote-seen-as-test-for-separatists-in-europe.html?_r=0

Newhouse, J. (February 1997) *Europe's rising regionalism*, *The Council on Foreign affairs*
<https://www.foreignaffairs.com/articles/europe/1997-01-01/europes-rising-regionalism>

Nunlist, C. (September 2014) *Separatism in the EU*, Center for Security Studies (CSS) ETH Zurich, no 160 <http://www.css.ethz.ch/publications/pdfs/CSSAnalyse160-EN.pdf>

Owen, K. (2014) *A tale of two referendums*, *Survation* <http://survation.com/a-tale-of-two-referendums-fear-of-leaving-eu-has-little-effect-on-pro-independence-scots-2/>

Pop, V. (19 September 2014) *Scotland chooses to stay in the UK*, EU observer, Edinburgh <https://euobserver.com/political/125677>

Pop, V. (14 October 2014) *Scotland, Catalonia boost independence movements in Europe*, EU Observer, Glasgow <https://euobserver.com/regions/125698>

Raič, D. (2002) *Statehood and the right of self-determination*, Kluwer Law International, The Hague, p.21

Reuters (19 September 2014) *EU's Commissioner de Gucht admits feared Scots cataclysm for Europe*, Mail Online <http://www.dailymail.co.uk/wires/reuters/article-2762008/EUs-De-Gucht-admits-feared-Scots-cataclysm-Europe.html>

Resolution 1334 of the Parliamentary Assembly, *Positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe*

Scharf, M. (2003) *Earned sovereignty juridical underpinnings* Denver International Journal of Law & Policy 31, p. 379 Denver

Scotland's future (2013) *Your guide to an independent Scotland*, <http://www.gov.scot/resource/0043/00439021.pdf>

Schweiger, C. (2012) *'Scottish Independence and Relations With the EU'*, E-International Relations, 21 July 2012 <http://www.e-ir.info/2012/07/21/scottish-independence-and-relations-with-the-eu/>

Sole, J. (30 September 2013) *Would an independent Catalonia remain in the EU?* EU Observer <https://euobserver.com/opinion/121565>

The Smith Commission (24 November 2014) *Report of the Smith Commission for further devolution of powers to the Scottish Parliament* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397079/Scotland_EnduringSettlement_acc.pdf

Thorp, A. Thompson, G. (8 November 2011) *Scotland, independence and the European Union*, House of Commons Library <file:///C:/Users/Eigenaar/Downloads/SN06698.pdf>

Viotti, P.R. Kauppi, M.V. (2014) *Pearson New International Edition, International Relations Theory*, 5th edition; Pearson Education Limited p.43-45

Wheeler, W. (27 June 2013) *Facism and Ultrnationalism on the rise in countries across Europe*, Pulitzer Center on crisis reporting <http://pulitzercenter.org/reporting/europe-greece-hungary-ultra-nationalism-facism-xenophobia-new-dawn-anti-roma-anti-semitism>

Wagner-Nagy, T. (24 November 2014) *European disintegration? Separatist movements across the continent are gaining momentum*, University for peace and conflict http://www.monitor.upeace.org/innerpg.cfm?id_article=1072

Young, E.A. (2002) Protecting member state autonomy in the European Union: Some cautionary tales from American federalism

Zipfel, F. Vetter, S (6 February 2015) *Better off on their own? Economic aspects of regional autonomy and independence movements in Europe* Deutsche Bank Research