



Universiteit Leiden

An ever more divided Union?

*Contemporary separatism in the European Union: a comparative case study of
Scotland, Catalonia and Flanders*

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Figure A: 'If all separatists had their way...

¹ One Europe, *If all separatists had their way...*, (25-07-2013) accessed at 07-09-2014 via: <http://one-europe.info/in-brief/if-all-separatists-had-their-way>

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Introduction

Throughout European history, many states have come and gone. The map of Europe has been redrawn so many times that it is nearly impossible to remember all the territorial and political changes that even the tiniest of European states have undergone over the centuries. The territory that is governed by European states today entails many regions that once were proud, independent nations themselves. Some of the present-day European states have had a long national history within their current borders (like France or the Netherlands) whilst others have found themselves in their current territory quite recently (like Poland or the successor states of Yugoslavia). This long history of appearing and disappearing states and nations within Europe has left a vastly differing landscape of regional identities, cultures and languages all over the continent. The national states have often granted certain degrees of autonomy to these regional communities. Many of these regions are quite content with this framework within their current states. Simultaneously, many others are far from satisfied with the situation.

An estimate of twenty to twenty-five 'significant separatist movements' are currently active within the geographically defined area of Europe.² Many of them have existed for decades and whilst some of them have violent pasts (like the ETA or the IRA) many others have solely operated through peaceful ways and have received only little attention of the European public. Separatist parties like the *Scottish National Party* (SNP) or the *Vlaams Blok* have in general been rather insignificant in election results across Europe, up until recently. For some reason, many of these separatist parties have made an impressive rise to power in recent elections. Indeed, the SNP nowadays embodies a majority government in the Scottish regional government, whilst the SNP's Catalanian and Flemish counterparts are in fact the biggest political parties within their respective political systems. As a result, separatism has become a serious political movement within Europe: there are real possibilities that certain regions might pursue statehood in the immediate years that lay ahead of us. This year, 2014, will see the organization of independence referenda in Scotland and Catalonia. Regional secession is a real, short-term possibility in Europe.

Many questions arise following the mere possibility of regional secession from current EU member-states. First of all, how can the separatist movements be defined and upon what legitimation do they base their claims to independence? Is there a European pattern underneath these movements? Moreover, what is the position of the member states in which these movements operate towards separatism? Equally important, what is the position of the EU towards these movements? There are many angles to approach these questions. Identity for one certainly plays a part in the claims to independence and the strength of these claims. Political views are equally important, as are economic interests and legal issues. Especially politics and law often have contradictory interpretations on this topic,

² Christopher J. Borgen, *From Kosovo to Catalonia: Separatism in Europe*, (2010) in: *Journal of International Law* 2, Vol. 3 p.1009

making it interesting to see what arguments are likely to prevail.

Even though some politicians would like to define separatism as ‘domestic issues’, the EU has a very large role to play when it comes to the political discourse and success of separatist movements. ‘Brussels’ is often portrayed as the preferable alternative, as a safety net that will ensure that all vital (economic) relations with the former nation will be maintained after secession. Not surprisingly, many separatist movements are therefore very pro-EU in their political programs and often claim that EU-membership will be retained after secession. However, the EU itself isn’t as supportive of these movements as the other way around. In principle, the EU institutions only talk to national governments (with the sole exception of the Committee of the Regions) and try to avoid any involvement in the ‘domestic issues’ that member states have with their regions. In practice however, the regions are often well-represented in Brussels through lobbying offices or MEPs that support their causes.³

At any rate, well before there has been any independence referendum, the debate about what would happen to seceding regions in terms of their EU-membership has been launched. Whereas the SNP for example claims that Scotland would automatically remain part of the EU if it were to secede from the UK,⁴ the Commission president Barroso has said that seceding regions would have to apply for membership like any new candidate-state. This in turn would be ‘*extremely difficult, if not impossible*’, since all existing member states would have to agree with the ‘enlargement’ of the Union with a new member state.⁵ This ‘internal enlargement’, if it were to take place, obviously would open up various new debates. Questions regarding the re-adjusted number of MEPs per country and the size of the Commission are examples of what could be expected. Thus, the EU has serious stakes in the unity of its member states, and can therefore at least be expected to try and influence the separatist phenomenon within member states according to its own interests.

Without any doubt the EU-context is very important when studying separatism in Europe. The focus of this thesis will therefore be upon three cases of separatist regions that have serious prospects of pursuing statehood in the near future. Scottish, Catalan and Flemish separatists all have very much designed a major role for the EU within their independence schemes. The primary aim of this thesis will therefore be twofold. First of all, this thesis will focus on whether a European pattern exists among separatist movements. This will be done by zooming in on the phenomenon of separatism within the EU, and thoroughly analysing three separate cases. Secondly, this thesis will try to answer the question why these separatist movements are all as pro-EU as they are. The seemingly contradictory nature of separatist movements and European integration (i.e. the aim for decentralization of

³ Justin Greenwood, *Interest Representation in the European Union*, 3rd edition, (New York, 2011) p.176-198

⁴ ‘Scotland and the rest of the UK would be equally entitled to continue their existing full membership of the EU.’ See: Sunday Herald newspaper, 18 February 2007, quoted in Keith Medhurst, (MA thesis) *Secession and Accession: A Multi-dimensional perspective on Scotland’s independent membership of the European Union following a possible split with the United Kingdom*, (2014) p.21

⁵ BBC News, *Scottish Independence: Barroso says joining EU would be ‘difficult’*, published at 16-2-2014, accessed at 02-05-2014 via: <http://www.bbc.com/news/uk-scotland-scotland-politics-26215963>

sovereignty whilst supporting a supra-national body) makes this an interesting question. This should finally lead towards a comprehensive study in which the structures, driving forces and scenarios of European separatism are untangled.

Note on sources and methods:

The cases of separatism that are studied in this thesis are all subject to very recent events developments. Many key events and political decisions have only been taken during the past couple of years, which means that the full scope of consequences of these decisions often aren't fully clear yet. Because of the novelty of the subject, a lacuna in academic research still exists for many aspects of the Scottish, Catalanian and Flemish cases. For this reason, this thesis can not and will not be solely based on scientific studies but occasionally will refer to the work of journalists and news agencies that are deemed credible by this author. Furthermore, some expert interviews and (written) opinions shall be considered. Despite these methodological limitations, this author is confident that the combination of a solid theoretical framework and a variety of sources on recent developments will be more than sufficient to answer the posed research questions to satisfaction.

Note on Scottish case:

Shortly after the first draft of this thesis was finished, the Scottish voted against independence in their referendum. Readers of this thesis are requested to bear in mind the pre-referendum context in which this thesis was written. Moreover, the SNP has made it clear that it retains independence as its ultimate goal. Thus, much of the analysis remains relevant, even after the 'no'-vote in the referendum.

Part I: An analysis of European separatism

Chapter I: Separatism as a phenomenon

Definitions

Separatism as a phenomenon might seem as a fairly straightforward process to many. Yet, a great deal of variety exists among the goals and means of the movements that are labelled or that label themselves as 'separatist'. The official Oxford dictionary defines separatism as *'The advocacy or practice of separation of a certain group of people from a larger body on the basis of ethnicity, religion, or gender'*.⁶ If one would stick to this definition any group of people could be defined as separatists, ranging from feminists to religious minorities. To this end it may be useful to phrase a more precise definition of what is meant when this article refers to 'separatism'. The Oxford dictionary's definition of 'secession' already comes close: *'The action of withdrawing formally from membership of a federation or body, especially a political state'*.⁷ Yet, this definition only refers to the actual deed of seceding and not so much to the movement that preludes secession. Therefore the definition for 'separatism' used in this thesis shall be:

"The (political) movement that pursues independent, national statehood for its own territorial entity, and which seeks to accomplish that goal through secession from the existing central, national state"

In essence this can be explained as a movement that pursues the secession of a region from the greater national order. The simplified explanation of separatism would therefore be 'actively pursuing regional secession'. Secession, if successful, could in turn be explained as the 'appearance of a non-existing independent state from an existing independent state'. The separatist movements considered in this study will therefore only consist of movements that actually pursue full independence for their region. Regional movements that have no clear intentions beyond acquiring some degree of regional autonomy within their current national framework will therefore play no great role within this study.

⁶ Oxford Dictionaries, *Separatism*, accessed at 28-05-2014 via:
<http://www.oxforddictionaries.com/definition/english/separatism>

⁷ Oxford Dictionaries, *Secession*, accessed at 28-05-2014 via:
<http://www.oxforddictionaries.com/definition/english/secession>

Origins

Separatist movements often provide a rich variety of arguments to justify their causes. Skilled politicians can come up with many reasons why a region should be independent rather than be part of their current national state, and in practice they certainly do support their claims with a broad, rich array of arguments. History, economics, ethnicity, and culture are often skilfully melted into a common, regional identity and a justified claim to independence, which in turn is exploited by separatist politicians. In order to understand the origins of separatism it is therefore necessary to create an academic overview of these arguments.

Key to understanding the forces behind European separatist movements is Benedict Anderson's famous theory on imagined communities. Anderson's theory describes the existence of *imagined* communities besides actual, face-to-face communities. According to this theory, which puts a lot of emphasis on *national* communities, a group of people can in their minds share an idea of communion without personally knowing the greater part of that community's 'members'. Moreover, the theory embraces the idea that these communities are finite and have clear boundaries beyond which lay other nations. In short the theories entails that even though there's no-one in for example France that knows all Frenchmen, there still exists some idea of a 'French' community among most of the Frenchmen and that this community is different from the German community. Even without knowing each other, members of this imagined community share common identical features, such as language, social norms, habits and (imagined) traditions. Often these common community features have been created artificially over time (such as standardized languages or national anthems), but are perceived to be logical and self-evident by the members of a community. Membership of such a community is often expressed by references to a shared history, (national) symbols, myths and culture.⁸ One could for example think of the Dutch community dressing in Orange during King's Day or a World Cup performance as expressions of membership of the 'Dutch imagined community'.

In *all* cases of separatism within the EU, an imagined regional community exists. If we zoom in on the cases of Scotland, Catalonia and Flanders it immediately becomes clear that significant signs of imagined communities are present. All regions have their own flag, language (albeit as a dialect) and cultural (imagined) traditions that are noticeably different from those of the national imagined community:

⁸ Benedict Anderson, *Imagined Communities: Reflections on the origins and spread of nationalism*, (London, 1983)



Catalunya (Català)



Alba (Ghaidhlig na h-Alba)



Vlaanderen (Vlaams)

Anna Brigeivich's work on territorial identity offers several additional important insights to these *imagined communities*, which she defines as *territorial identities*. According to Brigeivich, identity serves two human needs: inclusion ('*the desire for belonging*') and differentiation ('*the need for... individuation and personal identity*').⁹ Often multiple territorial identities and sub-identities co-exist to satisfy these needs. An example within the EU-context: "*A strong national identity satisfies the individual's needs for differentiation (I am Spanish and thus different from the French or Italians), while a strong European identity satisfies the need for inclusion (we are all Europeans).*"¹⁰ Therefore different identities can serve different 'needs', resulting in the fact that some territorial identities (no matter if they are local, regional, national or even supra-national) can be *exclusive* and thus negative effects towards other 'layers' of identity. An individual that identifies itself for example with an *exclusive regional identity* is less likely to feel equally attached to the *national identity* (e.g. Scottish identity versus British identity). Furthermore, these territorial identities can be *distinctive* or *non-distinctive*, where distinctive features such as ethnicity, language, political arrangements with other nations and the economic situation may make certain groups clearly *distinctive* from the nation as a whole. Brigeivich defines these *distinctive* identities as *national minorities*.¹¹ Even though Brigeivich's *territorial identities* show a lot of similarities with Anderson's *imagined communities*, the former adds some useful insights in the different needs and 'layers' between these groups.

History is another major component of these imagined communities. Especially when a region has experienced statehood in the (distant) past, imagined communities with separatist elements tend to refer to this past as a justification of why their region should become independent again.¹² Although the role of history for our three cases will be discussed in more depth further on in this thesis, one can think of the pride that many

⁹ Anna Brigeivich, *Peeling Back the Layers: Territorial Identity and EU Support in Spain*, (2012) in: *Regional & Federal Studies*, 22:2, 205-207

¹⁰ Idem, p.207

¹¹ Idem, p.211-213

¹² I.e. the principle of (historical) continuity, see: Konrad Bühler, *State succession and membership of international organizations, legal theory versus political pragmatism*, (The Hague, 2001) p.18

Catalans take in the history of the Medieval Empire of Aragon-Catalonia and the references that Scottish nationalists often make to the dreaded 1707 Act of Union as examples.¹³ Even though centuries may have lapsed and the historical state wasn't anything like the modern imagined community, history tends to be adapted to fit the needs of separatists.

Self-determination

Nevertheless, there are far more imagined regional communities within Europe than regional separatist movements. The discrepancy can be explained through the principle of self-determination, a legal principle that originates from Woodrow Wilson's Fourteen Points and which was subsequently adopted into the U.N. Charter.¹⁴ According to Borgen, this principle can be explained as: '*At its most basic level, the right to self-determination is generally understood to be "the right of the cohesive national groups ('peoples') to choose for themselves a form of political organization and their relations to other groups"*'.¹⁵ This doesn't mean that '*any cohesive national group*' has the liberty to claim a newly independent state, but that '*the choice of political system and pursuit of economic, social and cultural development would occur under the auspices of an existing State, and would not require the establishment of a new State.*'¹⁶ In the post-decolonization era, this should be defined as *internal* self-determination, and is closely related to the protection of (national) minority rights within states. According to some academic commentators, *internal* self-determination is said to be achieved '*as long as a State allows a minority group the right to speak its language, practice its culture in a meaningful way, and participate effectively in the political community*'.¹⁷

Thus, most of the imagined regional communities within Europe possess such *internal* self-determination that they have neither serious desire for secession nor legitimate claims for political independence. An example of this is the Dutch region of Friesland (*Fryslân*), where the regional imagined community's language (*Frysk*) enjoys legal protection and can be used by the Frisians in education and when communicating with public institutions within their province.¹⁸ Since the practicing of Frisian culture isn't obstructed and Frisian nationalist parties can freely participate in the elections,¹⁹ it can be established that *Fryslân* enjoys *internal* self-determination.

The other side of the coin is *external* self-determination. The crude difference is that with *external* self-determination, the minority or regional imagined community actually

¹³ Norman Davies, *Vanished Kingdoms: The History of Half-forgotten Europe*, (2012)

¹⁴ See Art.1.2 and Art.55 of the Charter of the United Nations.

¹⁵ Christopher Borgen, *From Kosovo to Catalonia*, p.1004

¹⁶ *Ibidem*

¹⁷ *Idem*, p. 1005

¹⁸ Dutch law: Art.3 and art. 9, *Wet van 2 oktober 2013, houdende regels met betrekking tot het gebruik van de Friese taal in het bestuurlijk verkeer en in het rechtsverkeer*, accessed at 24-06-2014 via: http://wetten.overheid.nl/BWBR0034047/geldigheidsdatum_24-06-2014

¹⁹ Examples are the *Fryske Nasjonale Partij* and the *Provinciaal Belang Fryslân*, which are both elected to the provincial estates of Friesland. See: *Politieke Partijen Friesland*, accessed at 24-06-2014 via: <http://www.fispr.nl/politieke-partijen-provincie-friesland/>

secedes from the existing national framework and appears as a new sovereign state. Acquiring *external* self-determination or even establishing that *external* self-determination has been acquired is very difficult. The easiest road to such sovereignty would be by mutual accord with the state from which a state secedes. An example is Czechoslovakia, that disbanded into the Czech and Slovakian republics peacefully.²⁰ Nevertheless, even when a 'divorce' is mutually-agreed, the terms of the secession might still be subject of much debate, especially when things such as public debt and natural resources are to be divided among the successor states.

Unilateral Secession

However, in most cases *external* self-determination is acquired through a unilateral act of secession. This is where things become very complicated, since multiple established principles in international law can be interpreted contradictory. Most importantly, sovereign states can rely upon the principle of territorial integrity, meaning as much as that only the central state can decide upon matters concerning its territory. In other words, without consent of the central government, unilateral secession wouldn't be legal in the eyes of international law: '*a right of self-determination was not a general right of secession.*'²¹ Moreover, according to Bühler, in order to apply to international law an entity must have a certain '*international status*', i.e. '*The status of a subject of international law is its legal position determined by the scope of its international capacity to assume rights and obligations, its capacity to act and to incur responsibility.*'²² As a consequence regions would formally not be able to apply to international law, since they lack the capacity to assume international rights and obligations, and secession issues would therefore be considered as domestic issues. Borgen summarizes this by stating that '*international law is largely silent regarding secession, and attempted secessions are, first and foremost, assessed under domestic law.*'²³

The legal difficulties of establishing *external* self-determination through unilateral secession are important to consider for this thesis. Especially in the Catalanian case, it seems unlikely that Madrid will ever cooperate with any secession attempt whatsoever, so without diving into that case all too deeply yet, it is important to know what the prospects for actually acquiring international recognized sovereignty through a unilateral act are. Mutually-agreed secession relates to different debates and will therefore be discussed later on.

In practice, political choices from international actors are far more decisive for the chances of unilateral secessionists than international law.²⁴ Despite some objective and subjective criteria for statehood, a state can only operate as a state when it is recognized by

²⁰ Bruno Coppieters, *Secessionist Conflicts in Europe*, p.237, in: Don H. Doyle (ed.), *Secession as an international phenomenon: From America's Civil War to Contemporary Separatist Movements*, (Athens, Georgia, 2010)

²¹ Christopher Borgen, *From Kosovo to Catalonia*, p.1005

²² Konrad Bühler, *State succession and membership of international organizations*, chapter I

²³ Christopher Borgen, *From Kosovo to Catalonia*, p.1005

²⁴ Konrad Bühler, *State succession and membership of international organizations*, p.17

third countries.²⁵ According to a professor of Leiden University's Law Faculty, Niels Blokker, political considerations always play a key role when international actors decide to recognize an emerging state or not after a unilateral secession, with only a supportive or guiding role at best for international law.²⁶ Thus, due to their ambiguity that exists in international law on this subject, political support from third countries is crucial for the success of separatists.

Because of this crucial need for external political support, separatist movements have to put a lot of effort in justifying their cause, not just to their own community, but also to the outside world. According to Coppieters, there are two accepted brands of justification. First of all: the *just cause*. When minorities or (imagined) communities face flagrant injustices, discrimination or mass human rights violations by the central government, they are presumed to have a *just cause* for unilateral secession. In addition, certain historical experiences can serve as *just causes*, such as genocide or war crimes. Yet, even when separatists do have a *just cause* unilateral secession is seen as a *last resort*, a final solution to an otherwise unsolvable situation. Secondly, *free choice* can serve as a justification for secession. This usually entails a referendum, where the democratic choice of a group of people justifies the intentions of a separatist movement.²⁷ Although the idea might seem simple, decisions regarding who can actually vote and how the referendum questions should be phrased can be the subject of intense political conflict. Moreover, when a referendum is organized without the consent of the central government or when only the inhabitants of a certain part of the country (the seceding region for example) are allowed to vote, the legitimacy of the *free choice* justification may diminish. Scottish and Catalan separatist parties both claim that secession would be their *free choice*. However, whereas the Scottish independence referendum is in accordance with London (mutually-agreed), Madrid does not agree to the Catalanian (unilateral) intentions of a similar referendum, claiming that all Spaniards should be allowed to vote on matters concerning Spain.²⁸

Thus, justification plays a key role in the process of acquiring international political support for (intended) unilateral secession. Without legitimacy, an act of unilateral secession will not be recognized by third countries. In many recent cases unilateral secession has led to the violent suppression of separatist movements by the central government,²⁹ underlining the importance of international recognition. Without recognition, the separatist conflict would be defined as a domestic issue, limiting the possibilities for international forces to intervene in violent conflict. With international recognition, the seceded state could call for international aid due to violations of the principle of territorial integrity.

²⁵ Idem, examples of the objective criteria are: territory, armed forces, diplomatic services resources and a seat of government. Examples of subjective criteria are: a claim to (historical/ cultural/ ethnical) continuity, self-conception and above all recognition by third states.

²⁶ One of many conclusions following an interview by this author with prof. dr. N.M. Blokker of Leiden University at 16-06-2014.

²⁷ Bruno Coppieters, *Secessionist Conflicts in Europe*, p.249-251

²⁸ The Guardian, *Spain set to reject Catalonia's request for independence referendum*, (08-04-2014) accessed at 04-07-2014 via: <http://www.theguardian.com/world/2014/apr/08/spain-set-to-reject-catalonia-independence-referendum>

²⁹ Bruno Coppieters, *Secessionist Conflicts in Europe*, p.240-244

In addition, the pioneer works on separatism of Allen Buchanan emphasize that there is a difference between a *moral* right to secede and the *international institutional moral right* to secede. With these definitions he underlines that even when a group possesses a *morally* justified claim, it might not possess the *normative* or *institutional* right to secede.³⁰ This underlines that a *just cause* or a *free choice* on itself is not enough, but that international support for a claim (i.e. recognition) is needed. Even when a seceded state exists *de facto*, it can only properly function as a *juridical sovereign state* if the fact of its existence is recognized by third countries.³¹ Without international recognition a state is unable to possess the basic qualifications of a sovereign state, since it will not be able to control *a defined territory* and won't be able to *enter into relations with other states* either.³² Besides foreign support in separatist conflict, international political support is therefore crucial if a separatist movement ever wishes to acquire basic statehood.

When international recognition is not unanimous, as in the case of Kosovo in 2008, an awkward situation might occur. Many countries had already made the political decision to recognize the unilateral secession of Kosovo whilst some others claimed that it was against international law. For these countries political considerations obviously played an important role in the decision to deny Kosovo's secession. Remarkably, some EU-countries that were experiencing separatist tendencies themselves refused to recognize Kosovo's secession in fear of creating a legal precedent for their own separatist movements. Even today, countries such as Spain, Romania, Cyprus and Greece refuse to recognize Kosovo.³³ This despite the fact that Spain for example isn't against secession as long as it's mutually-agreed, like in the cases of South-Sudan (2011), Montenegro (2006), East Timor (2002) and Eritrea(2000). The *default position* of Spain on unilateral secession however is to refuse recognition, since it may create a legal precedent for the Catalanian or Basque cases.³⁴ It proves that political considerations clearly play a key role when separatists try to acquire *external* self-determination through a unilateral act of secession.

Besides the justification that separatist movements need from abroad, they also need to convince the public of their regions that secession is desirable. Most of the separatist movements that operate within the EU do so by democratic means, which obviously means that they would need votes and political influence to achieve their objectives.³⁵ The arguments used to acquire these votes can be quite diverse case-to-case, but often are based upon similar elements. As was already discussed, historical-cultural arguments, or the reference to a regional '*imagined community*' are often portrayed as 'evidence' that a certain (regional) group of people is different from the national community. These

³⁰ Allen Buchanan, *Theories of Secession*, in: Philosophy & Public Affairs, (1997) Vol.26(1), p.31-61

³¹ Ersun N. Kurtulus, *State Sovereignty: Concept, Phenomenon, and Ramifications*, (New York, 2005) p. 99-104

³² 'A permanent population, a defined territory, government and capacity to enter into relations with other states' are among the legal criteria of statehood according to Article 1 of the 1933 Montevideo Convention on Rights and Duties of States. See: Ersun N. Kurtulus, *State Sovereignty*, p.88-95

³³ Cristopher Borgen, *From Kosovo to Catalonia*, p.1001-1002

³⁴ Keith Medhurst, (MA thesis) *Secession and Accession*, p.50

³⁵ Bruno Coppieters, *Secessionist Conflicts in Europe*, p.242

arguments, which can be labeled as *'emotional'*, often produce a *'us-against-them'* discourse in which separatist politicians operate. A fine example of such an *'emotional'* argument is given by the Catalanian CiU: *'Catalunya és una nació mil·lenària... No som un invent de fa quatre dies... sinó que Catalunya és una nació que existeix des de fa més de mil anys.'*³⁶ Although the influence of such arguments is presumably limited, they certainly do win votes given the success of similar arguments by (national) populist politicians.³⁷

Political arguments often are phrased in a similar manner: *'Decisions about Scotland... should be taken in Scotland'*³⁸, *'Onze eigen problemen aanpakken met onze eigen oplossingen en onze eigen centen'*³⁹, *'L'estat espanyol diu no a tots els plantejaments fets des de Catalunya'*⁴⁰. Since these types of arguments are at the very core of the political discourse of separatist parties and the quoted parties all are the biggest parties within their elective bodies, the influence of such arguments surely shouldn't be underestimated.

Finally, *economic* arguments play an very important role in gathering votes. Especially in economic harsh times it appears effective to claim that a region would be economically better off if it were to become an independent nation. Scottish separatists emphasize that they share the revenue of Scottish oil with the rest of the UK, Catalanian separatists emphasize that they could escape the misery and unemployment rates of the Spanish economy by becoming independent and Flemish separatists argue that they shouldn't be paying the bill for the Walloons anymore. These three cases aren't unique, in many of Europe's wealthy regions voices are raised for separatism, albeit with diverging success rates. Not surprisingly, regions such as Flanders, Catalonia, Bavaria and Northern-Italy are among the most-developed and wealthiest regions of their countries. When times get rough economically, separatists can therefore convince many people that it is *not just* that they're paying the bill for the entire country or that their region would be much better off if it were to become independent.

Chapter review and conclusions

Thus, when taking European separatism into account, several conclusions can be made following this analysis. First of all, in all cases of European separatism a *regional imagined community* exists. In most cases however, these communities possess *internal* self-determination, allowing them to speak their language, practice their culture in a meaningful

³⁶ Author's translation: *'The Catalanian nation is a millennium old. We are no invention of the past four days... but Catalonia is a nation that has existed for more than thousand years.'* See: Convergència I Unió, *Dret a decidir: Punt de partida*, accessed at 26-06-2014 via: <http://www.ciu.cat/descripcioPlana.php?id=494>

³⁷ One can think of the recent electoral successes of xenophobe populist parties like the PVV, *Front National*, FPÖ, etc.

³⁸ Scottish Government, *Scotland's White Paper*

³⁹ Author's translation: *'Deal with our own problems with our own solutions with our own money'*, see: Nieuw-Vlaamse Alliantie, *Staatshervorming*, accessed at 26-06-2014 via: <http://www.n-va.be/standpunten/staatshervorming>

⁴⁰ Author's translation: *'The Spanish state says 'no' to all Catalanian proposals'*, see: Convergència I Unió, *Dret a decidir*

way and to participate in politics. *External* self-determination, which entails the acquirement of sovereignty by a region or community, is a more complicated phenomenon. Sometimes it is acquired by mutual accord between the seceding region and the central state, but in other cases unilateral secession by the region occurs. When this happens, many factors come in to play to determine whether the secession is successful or not. Even though there are some legal principles in international law that relate to unilateral secession, these only apply to narrowly-defined situations and then still see unilateral secession as a *last resort*. Above all, international political support is crucial for the success of secession, since unilateral secession can be interpreted as a domestic issue in which foreign actors are not allowed to intervene. Therefore, only when a seceding region acquires international recognition it can truly become a new, sovereign state. The decision to recognize a country or not is however often based upon political considerations and separatist movements therefore require *justification*, which can either consist of a *just cause* or a *free choice*. Secession also has to be justified vis-à-vis the population of the seceding region, which is done by democratic means with *emotional, political, and economic* arguments.

Part II: The cases of Scotland, Catalonia and Flanders

In the first part, separatism as a phenomenon and the act of secession were analysed. The framework that evolved from the conclusions of that analysis shall now be used to approach the three crucial cases of this thesis: Scotland, Catalonia and Flanders. The elements of the *imagined communities* of these regions will be summarized, the *justification* of separatist movements will be mapped, and the actual prospects of secession and international recognition thereafter will be considered. Above all however, this part will introduce the context of the European Union to these three cases of separatist movements. What are the attitudes of these separatist movements towards the EU? Why is it that these movements strive to gain national independence whilst seeking to remain subordinate to an even greater, supra-national order? In short, the role that the EU has in the development of these separatist movements will be at the core of the analyses of these three cases.

Chapter II: Scotland

Background

Scotland, or *Alba* as it is called in *Gàidhlig*, has had a longer history as an independent kingdom than most of the European states. Many Scots like to trace their history back to 9th century, when the *Picti* and *Scoti* tribes ended their mutual hostility and formed the Kingdom of Scotland. No matter what the exact starting point of Scottish history is, the history of Scotland is heavily entangled with that of its southern neighbour: England. Throughout Medieval times the two kingdoms often waged war on each other and at times even Norwegian armies would join the mixture of medieval warfare. At last a Scottish king, James VI, would succeed to the English throne, thereby bringing the two kingdoms under one throne in 1603. The 1707 Act of Union then proceeded to abolish the parliament of Scotland in favour of the one in Westminster, and marked the beginning of Great Britain.⁴¹

Presumably, ever since the Act of Union, some Scots have resented their loss of sovereignty. The interpretation of the 1707 Act of Union still remains topic of debate, in which some claim that it was merely admitted Scottish representatives to the Parliament of England whilst others are convinced that it installed '*unlimited parliamentary sovereignty at the hands of an executive that was barely accountable to the Scottish electorate*'.⁴² Nevertheless, the original Act of Union is ambiguous. In some articles it refers to Scotland as '*that part of the United Kingdom now called Scotland*' whilst in other articles it refers to '*the Kingdom of Scotland*'.⁴³ This ambiguity convinced Lord Cooper in 1953 to launch a legal analysis of the Act of Union that questioned the very competence of the UK parliament over

⁴¹ Scotland.org, *Scottish History*, accessed at 13-7-2014 at: <http://www.scotland.org/about-scotland/scottish-history/>

⁴² Murray Pittock, *Scottish Sovereignty and the Union of 1707: Then and now*, (March 2012) in: *National Identities*, Vol. 14, No. 1, p.14-15

⁴³ *Idem*, p.13-14

Scotland.⁴⁴

At any rate, the *Scottish National Party* (SNP) was founded in 1934. The party struggled to justify its existence, as it was internally divided and didn't manage to win any seats in the Westminster parliament during the first decade of its existence. There was no clarity to what the party actually wanted to achieve, as the party was internally divided into fundamentalists (who wanted outright independence) and gradualists (who wanted to achieve more regional autonomy through policies such as devolution). Decades later, during the 1970s, the SNP would acquire better electoral results, peaking in the 1974 elections with 11 seats at Westminster. However, in 1979 a referendum was called in which the establishment of a separate Scottish Assembly could have been achieved. The referendum failed though, since the required 40% of yes-votes among the Scottish electorate wasn't acquired. The SNP appeared to have lost its *raison d'être*, since the people of Scotland apparently weren't in favour of more political independence vis-à-vis Westminster.⁴⁵

Remarkably enough, the first steps towards more Scottish autonomy weren't initiated by the SNP, but came from the hands of Labour. Tony Blair's Labour won the elections in 1997, after having made promises for referenda on devolution. The Scottish referendum resulted in a yes-vote, after which a Scottish Parliament was established at Holyrood from where it had the competence to make primary legislation in areas that weren't reserved. Although the SNP had actively campaigned for yes-votes in the devolution-referendum, the outcome was '*a blessing and a curse*' for them. Again, the *raison d'être* of the SNP was questioned. How relevant would a pro-independence party be in a devolved parliament? Labour's George Robertson expected that devolution would '*kill nationalism stone dead*'.⁴⁶

The SNP did appear to have a slight set-back in electoral success, remaining in the role of an opposition party for nearly a decade. In 2007 however, the party managed to win the elections and formed the first (minority) Nationalist Government. Even more remarkable though was the landslide victory that the SNP managed in the next-term elections of 2011. In these elections, the SNP acquired 69 of the 129 seats of the Scottish parliament, giving them an absolute majority to govern and to call for an independence referendum.⁴⁷ The call this referendum resulted in negotiations between the Scottish devolved government and the UK government, and led to the 'Edinburgh agreement' of 2012. In this agreement both governments agreed to the terms of the referendum and assured that they would respect the outcome of the referendum at any rate.⁴⁸ Such is the long historical background of the independence referendum that will take place in Scotland this year.

Whilst writing this thesis, the referendum polls showed that the Scottish were likely

⁴⁴ *Idem*, p.15-16

⁴⁵ BBC, *Scottish National Party profile*, (11-01-2012) accessed at 13-07-2014 via: <http://www.bbc.co.uk/news/uk-scotland-13315752>

⁴⁶ *Ibidem*

⁴⁷ BBC, *Scottish elections: SNP wins election*, (06-06-2011) accessed at 13-07-2014 via: <http://www.bbc.co.uk/news/uk-scotland-13305522>

⁴⁸ HM's Government and the Scottish Government, *Agreement: between the United Kingdom Government and the Scottish Government on a referendum for independence for Scotland*, (Edinburgh, 15-10-2012)

to vote against independence, although the differences between ‘yes’ and ‘no’ voters were rather small and a significant part of the electorate still hadn’t decided yet.⁴⁹ Regardless of the possible outcome of this referendum, it is a fact that Scotland might choose to end the existence of the United Kingdom through secession. Therefore the separatist movement in Scotland has the most realistic prospects compared to other European movements in achieving its ultimate goal: secession. September 18th, 2014 will show whether the Scots truly want to replace their British passports with Scottish ones.

The case for Scottish independence

The Scottish National Party truly is the only European separatist movement that has already written an entire ‘blueprint’ for independence. In its *‘Guide to an Independent Scotland’* the SNP elaborates on how Scotland would be as an independent nation and what the apparent benefits of independence would be. Although the SNP presents the document as a ‘guide’, it clearly is a *‘political and constitutional manifesto... rather than a neutral expert analysis’*.⁵⁰ Indeed, one doesn’t have to go through all 670 pages to realise that the authors of this document, the Scottish Government (i.e. the SNP), clearly try to convince readers that they should vote ‘yes’ in the independence referendum. Therefore the White Paper (as the *Guide* is also called) does provide us with a valuable source on what the SNP presents as its arguments for secession, since the *justification* of the SNP for secession has already been published. It remains to be seen though whether this *justification* is nothing more than a political manifesto, or whether the arguments used by the SNP are actually based upon facts.

The *Guide to an Independent Scotland* can be summarized into several main arguments. Firstly, the *Guide* emphasizes *political* arguments that could be achieved through independence. The *‘people of Scotland’* would decide for Scotland rather than leaving political *‘decisions at the hands of others’*.⁵¹ This independent decision-making in turn would allow Scotland to *‘control our own resources and make our own decisions about our economy’*, which clearly refers to the economic arguments that run through the *Guide*. Other *political* arguments include the proposed removal of British nuclear submarines from Scottish naval bases, and the position of an independent Scotland within international organizations, such as independent membership of NATO⁵² and the EU. Despite seceding

⁴⁹ For example, the *Survation* poll of 01-08-2014 showed that 46% voted No, 40% voted Yes and 14% didn’t know what to vote. See: BBC News, *Scottish referendum poll tracker*, accessed at 06-08-2014 via: <http://www.bbc.com/news/events/scotland-decides/poll-tracker>

⁵⁰ Kenneth A. Armstrong, *Scotland’s Future in the EU*, (28-11-2013) accessed at 14-07-2014 via: <http://eutopialaw.com/2013/11/28/scotlands-future-in-the-EU/>

⁵¹ Scottish Government, *Scotland’s future: Your guide to an independent Scotland*, (Edinburg, 2013), p.10

⁵² Volkskrant, *‘Onafhankelijk Schotland welkom in NAVO*, (03-09-2014) accessed at 03-09-2014 via: <http://www.volkskrant.nl/vk/nl/2664/Nieuws/article/detail/3735613/2014/09/03/Onafhankelijk-Schotland-welkom-in-NAVO.dhtml>

from the United Kingdom, the SNP assumes that Scotland would become the 54th member of the Commonwealth and would retain the British monarch as head of state.⁵³

The *economic* arguments are based upon the assumption that the Scots in general pay more taxes per capita than the UK average, but receive less public spending in ratio to GDP than the UK as a whole. This '*healthier*' financial position should in turn allow an independent Scottish government to realise some of the SNP's primary goals: the transformation of the childcare system, the abolishment of the '*bedroom tax*' and competitive business taxation.⁵⁴ Moreover, independence would allow Scotland to develop itself economically without the '*risks*' of the UK economy, which is depicted as instable and '*one of the most unequal economic models of the developed world*'. Outside this system, Scotland should be able to provide better employment chances for its youth, to avoid the necessity of raising taxes and to invest in transport, which is displayed to be solely focussed on London and south-east England by Westminster.⁵⁵ Despite placing Scotland outside of the UK '*system*' though, the SNP expects to retain the pound sterling as currency and the Bank of England as *lender of last resort*.⁵⁶

Above all however, the emphasis in this *Guide* is on '*controlling resources*'. What these resources exactly are isn't hard to figure out; even though there are references to '*food and drink, energy, creative industries, tourism and life sciences*'. Obviously energy, i.e. the North Sea oil, is the main argument with which the SNP hopes to gather enough yes-votes. In their *Guide*, the SNP estimates that the Scottish GDP per capita would be one-fifth higher if Scotland wouldn't have to share the revenue of Scottish oil with the rest of the UK.⁵⁷ Control over the revenue generated by oil in Scottish waters is one of the most important arguments for independence that is brought forward by the SNP. Comparisons to Norway are made throughout the entire *Guide*, depicting that country as a country that can offer its citizens so much wealth because it controls its own (large) oil reserves in the North Sea.

Some *emotional* arguments are offered as well. The *Guide* states that '*the eyes of the world will be on Scotland as our nation emerges – again – as an independent country*'.⁵⁸ The SNP also proudly boosts that 83% of the people living in Scotland feel that they have a Scottish identity, without further specifying what that identity exactly is.⁵⁹ The *Guide* also claims that an independent Scottish government would be better suited to protect the Scottish culture, which is '*distinct from Westminster*', and even that the Scots wouldn't have to worry about missing their favourite shows since all existing broadcasts would continue to

⁵³ Idem, p.4

⁵⁴ Ibidem

⁵⁵ Idem, p.5 and p.8

⁵⁶ Idem, p.7

⁵⁷ Idem, p.5

⁵⁸ Idem, p.3

⁵⁹ Idem, p.2

exist. Even the BBC-broadcasts would be continued in a Scottish variant, the SBS.⁶⁰ These clearly are ‘emotional’ arguments.

Emotional arguments	Political arguments	Economic arguments
Scotland, an ancient nation, should re-acquire independent statehood.	The ‘people of Scotland’ should decide for Scotland rather than leaving decisions at the hands of others. (i.e. full political independence)	Scotland should control its own resources and energy. Above all, the revenue coming from oil in Scottish territorial waters should go to Scotland.
The majority of the Scottish people – 83%- feel they have a Scottish identity.	Removal of British nuclear weapons from Scottish territory.	The Scottish economy would be better off outside the UK economic system.
Independence would allow better preserving of the distinct Scottish culture.	Safeguarding Scottish rather than British interests in international organizations.	The people of Scotland would be wealthier if their country were to become independent.
Scotland is treated as an unequal partner within the UK vis-à-vis England.	Scotland would acquire an independent veto in the EU for its vital interests.	Public investment in Scotland would be balanced with taxes paid per capita.
	Avoid being dragged out of the EU following a ‘Brexit’.	An independent Scotland would abolish the unpopular Poll- and Bedroom Taxes.

Figure B: Overview of the main arguments portrayed by the SNP in their ‘Guide to an independent Scotland’

The imagined community of Scotland

As was discussed before, *imagined communities* or *territorial identities* always play a role within European separatist movements. Scotland obviously has an *imagined community* as well, which shall now be briefly described and analysed in the greater context of Scottish separatism.

The Calman Commission, which was established by opposition parties during the first minority National Government of the SNP (2007-2011),⁶¹ was tasked to review the 1997 devolution arrangements of Scotland. In its first report, in December 2008, it dealt in great depth with the historical and contextual background to Scottish devolution. Even though the

⁶⁰ Idem, p.18-19

⁶¹ N.B. the SNP was opposed to the creation of this Commission.

Commission argues against independence (seeking further devolution instead), it continuously employs ‘a constant and firm theme of Scotland as a nation’.⁶² This is central to the Scottish territorial identity, it considers itself a *nation* rather than a region. This is confirmed by a ‘Moreno National Identity’-survey by ScotCen, which asked 1,229 random adults whether they felt Scottish, British or some combination of both. Additionally, the same respondents were asked to determine on a scale from 1 (low) to 7 (high) how Scottish or British they felt.⁶³ The results show that the Scots feel Scottish rather than British:

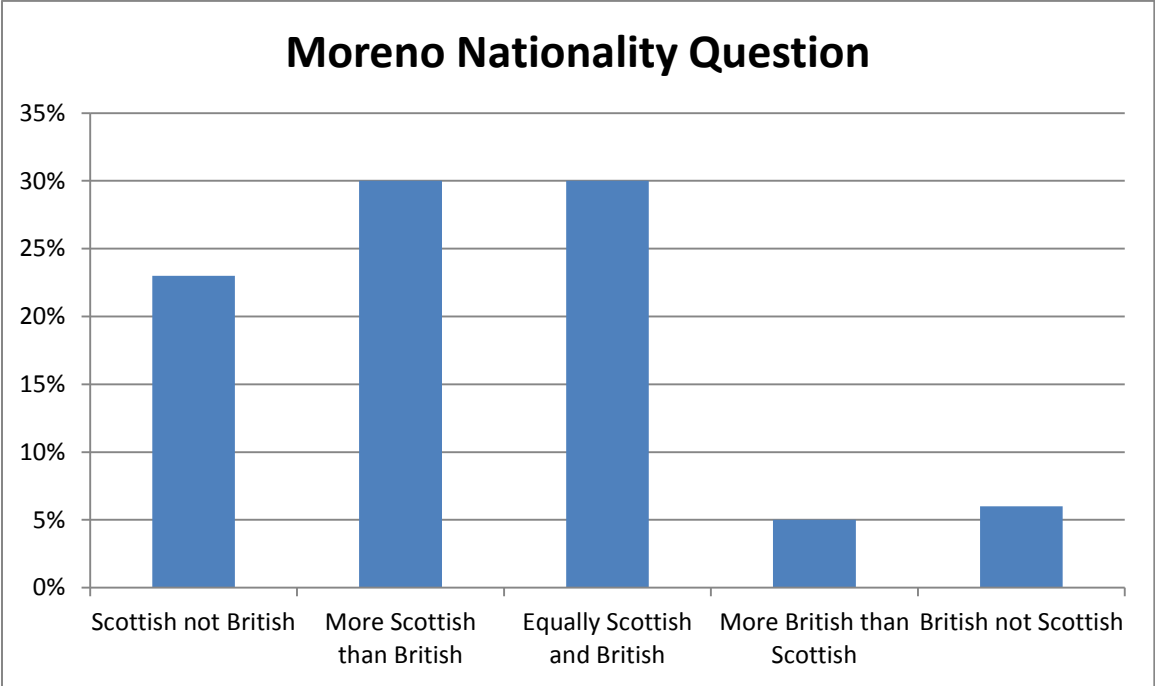


Figure C: A 2012 survey by ScotCen on the Moreno National Identity question. N = 1.229

⁶² Murray Stewart Leith, *Governance and Identity in a Devolved Scotland*, (2010) p.293, in: Parliamentary Affairs, Vol. 63, No,2, p. 286-301

⁶³ ScotCen Social Research, *Who supports and opposes independence – and why?*, (15-5-2013) , p.3-4

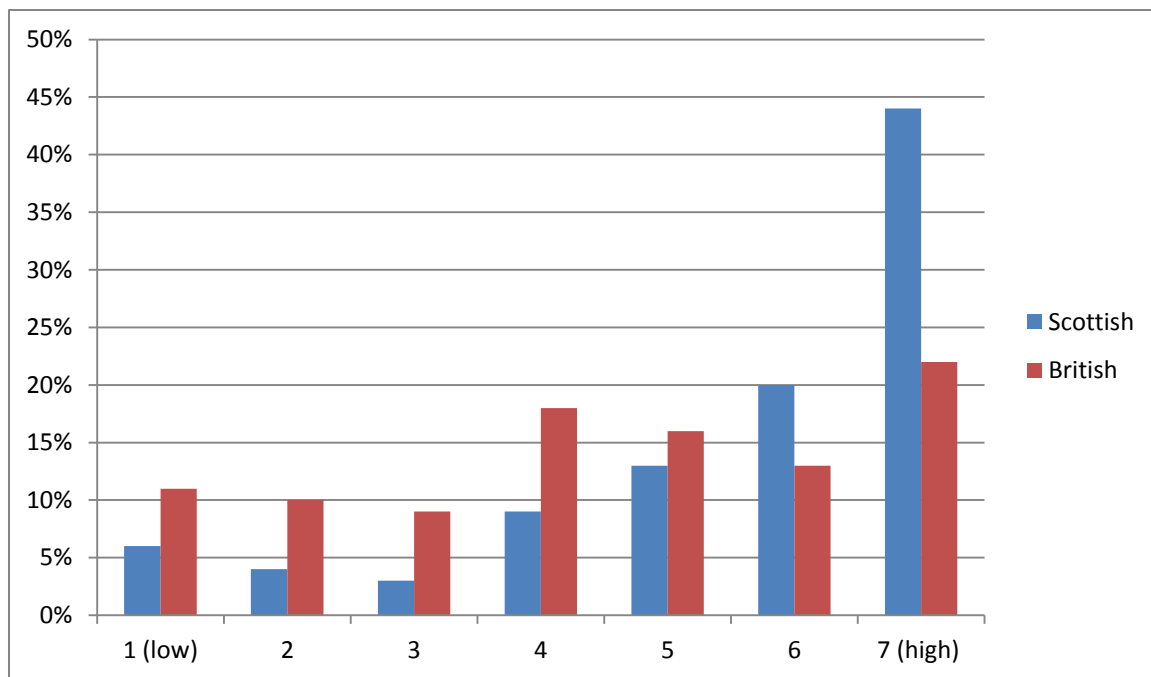


Figure D: Separate Measures of Scottish and British Identity, from 1 (low sense of Scottish/ British identity) to 7 (high sense of Scottish/ British identity). N = 1.229.

The emphasis on Scottish rather than British identity is furthermore confirmed by the *products of governance* in Scotland. In a 2009 study by Murray Leith, multiple of these *products* in several fields of Scottish governance were examined for their terminology. In all cases there were many references to the Scottish nation or identity, whilst there were almost no references to Britain or ‘Britishness’ as such.⁶⁴

Thus, there is no doubt that a very large part of the population in Scotland feels ‘Scottish’ rather than ‘British’. The SNP’s assumption that 83% of Scottish citizens feel Scottish is fairly accurate compared with these statistics. The Scottish *imagined community* is therefore without doubt firmly established, even though the historical language of Scotland (*Gàidhlig*) is rarely known to the Scots and despite the entanglement of Scottish culture with that of the UK. But does identity play a significant role in determining the referendum outcome? In other words, is the established Scottish national identity an asset for the Scottish separatist movement?

In addition to asking respondents about their identity, the ScotCen survey also asked its respondents whether they supported Scottish independence. Remarkably, levels of support showed only slight differences as the ‘scale’ of identity (1-7) went up. Instead, the survey results suggested that support for independence was determined by the extent to which respondents felt ‘British’. Therefore, it seems that the affinity with the Scottish

⁶⁴ Murray Stewart Leith, *Governance and Identity in a Devolved Scotland*

identity influences support for Scottish independence less than a ‘low’ sense of attachment to British identity.⁶⁵

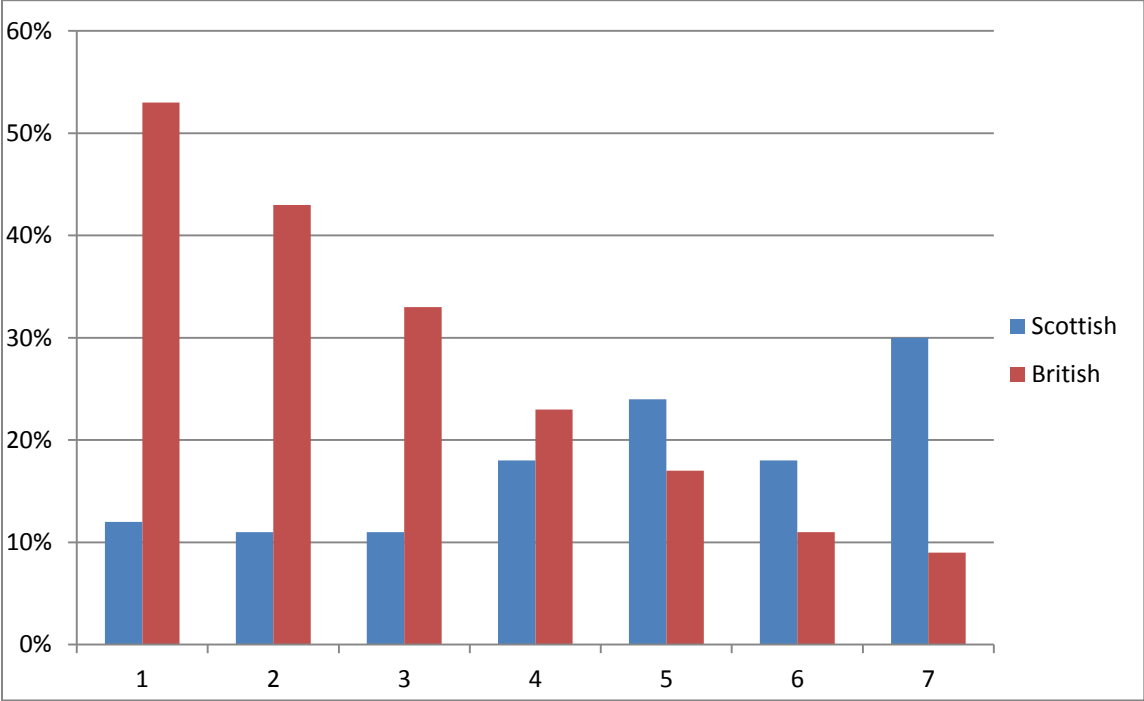


Figure E: Levels of support for Scottish independence, according to the extent to which a respondent feels British or Scottish (1 – 7). N = 1,229.

The *territorial identity* of Scotland is a national identity. A great majority of the population feels relates with the Scottish identity, with about 52% of the population feeling only Scottish or more Scottish than British (i.e. an *exclusive identity*). At the very core of the SNP’s case for independence lays the idea that nations should be able to govern themselves independently, although that is not their most important argument. Scottish identity isn’t a *justification* in itself for *external self-determination* nor is it a driving force behind the separatist movement; rather it provides a basic discourse in which separatist arguments are placed. Moreover, the extent to which the people in Scotland can or can’t relate themselves with Great Britain seems to have an influence on their decision whether they want to remain part of the UK.

It’s Scotland’s oil!

As we saw, *economic* arguments play a very important role in the SNP’s *justification* for independence. Combined with tax reforms, the oil revenue that currently is shared with the

⁶⁵ ScotCen Social Research, *Who supports and opposes independence – and why?*, p.5

UK is expected to increase Scotland's GDP per capita by one-fifth. What is the impact of these *economic* arguments though?



Figure F: SNP campaign leaflet from 1972.⁶⁶ Although differently phrased, oil revenue remains one the SNP's main arguments for independence today.

According to the ScotCen survey, economic '*expectations matter above and beyond identity*'.⁶⁷ This conclusion is supported by both the survey and more recent polls. For over a year, monthly ICM surveys have consistently showed that the Scots are divided over the question whether independence would be 'good' or 'bad' for Scotland's economy.⁶⁸ The ScotCen survey however showed that people who think that Scotland would be 'a lot better' off economically if independence were to be acquired, are much more likely to support independence. These survey results support the hypothesis that *economic* arguments are

⁶⁶ Campaign leaflet that was published by the SNP during their 1972 electoral campaign. Digital copy published at 31-01-2012 at <http://www.scottishpoliticalarchive.org.uk/wb/pages/image-gallery/snp.php> accessed at 05-08-2014.

⁶⁷ ScotCen Social Research, *Who supports and opposes independence – and why?*, p.7-9

⁶⁸ ICM, *If Scotland became an independent country, do you think this would be good or bad for Scotland's economy?*, surveys were published monthly between 13-09-2013 and 11-07-2014, accessed at 05-08-2014 via: <http://whatscotlandthinks.org/questions/if-scotland-became-an-independent-country-do-you-think-this-would-be-good-or-ba#line>

the most influential for separatist movements in acquiring popular support, at least they are in the Scottish case:

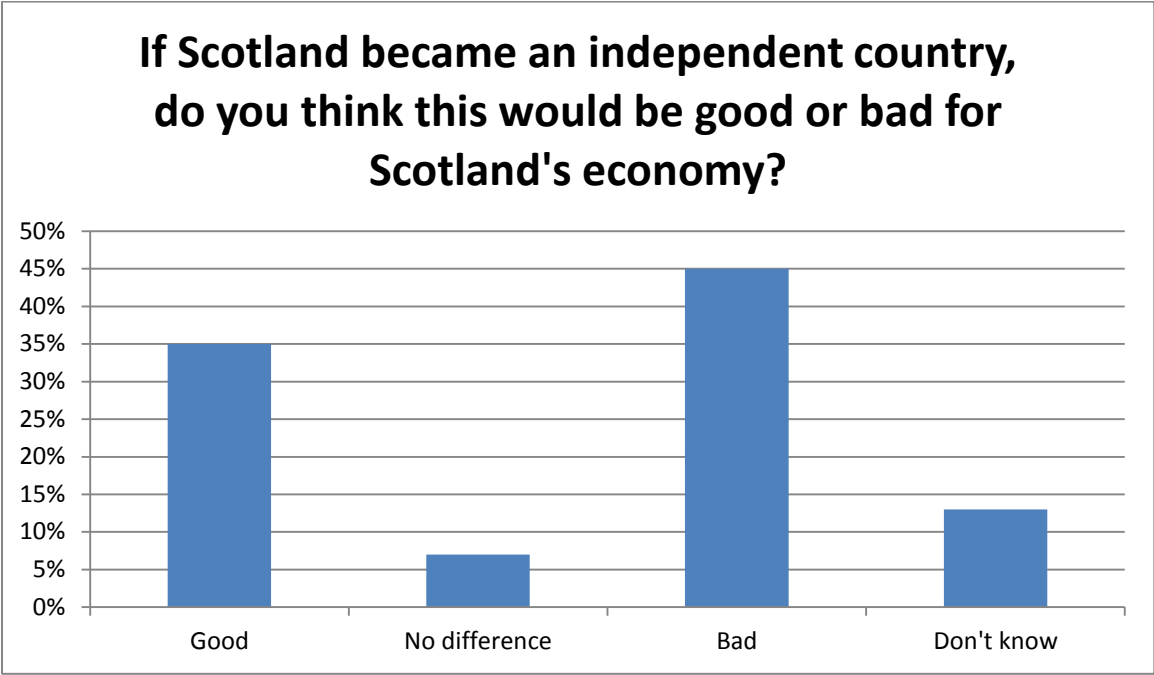


Figure G: Results of the monthly ICM-survey. This chart shows the results of survey with 1002 respondents that was published at 11-07-2014.⁶⁹

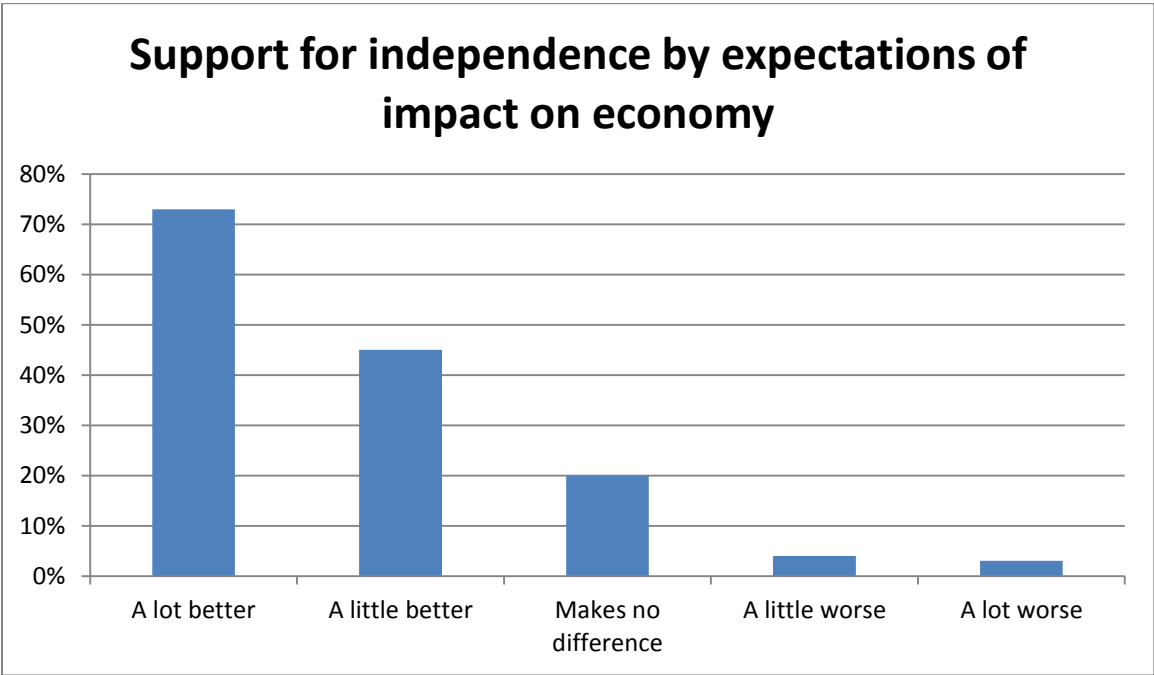


Figure H: This figure from the ScotCen survey shows levels of support according to expectations of impact on economy.⁷⁰ N . 1.229.

⁶⁹ Ibidem

⁷⁰ ScotCen Social Research, *Who supports and opposes independence – and why?*, p.7

As the survey shows, People who think that an independent Scotland would be economically 'a lot better' are very likely to support independence, whilst people who expect that the Scottish economy would get 'a lot worse' are not likely at all to support independence. These polls therefore show that *economic* arguments are the most influential for gathering support for *external self-determination* in the Scottish case.

Scotland and the EU

Many of the SNP's arguments for independence are directly or indirectly related to Scottish membership of the EU. Especially the *political* and *economic* arguments of the Scottish *justification* are dependent upon EU membership. The SNP and the Scottish people know this, and therefore the SNP often emphasizes that an independent Scotland would remain part of the EU. European leaders (both in Brussels and in national capitals) have made it clear though that a seceding state would not automatically remain part of the EU. Moreover, some of the prospects of EU-membership are impossible to match with the SNP's blueprint of Scottish independence. Is the EU merely a political tool for the SNP to reassure voters that independence wouldn't change their lives negatively? Alternatively, could one argue that Brussels is simply the preferable alternative to London for Scottish separatists?

As we saw, the *economic* arguments are at the very core of the SNP's *justification*. Obviously, economic cooperation and the single market are still at the core of EU competencies and are therefore very important for an independent Scotland that wishes to remain part of the EU. However, the SNP's *Guide* is based upon many assumptions that seem beyond the competence of the Scottish Government, even if they were fully sovereign, to realize unilaterally.

First of all, the SNP believes that it can retain many of the British opt-outs under the principle of *continuity of effect*. These include opt-outs from the Eurozone, the Schengen area and even a share of the UK rebate until 2020.⁷¹ The SNP assumes that it can evade the obligation to join the Eurozone (Art. 3 TEU) by not fulfilling all of the prerequisites that a member state needs before it can implement the euro (Art. 140 TFEU).⁷² Although the example of Sweden, a country that has 'evaded' introducing the euro for more than a decade now via exactly this method, proves that this could be a realistic option for Scotland, the alternatives to the euro are less certain. Above all, the SNP states that an independent Scotland could maintain the Pound Sterling as its currency. Although the SNP claims that '*the pound is Scotland's currency just as much as it is the rest of the UK's*'⁷³, decision-making competence about this currency solely belongs to the British government.

There are many reasons why Westminster possibly wouldn't agree to sharing sovereignty over their currency with Edinburgh. The fact that Scotland is an economy that would be very dependent on exporting energy and resources entails that it would be very

⁷¹ Scottish Government, *Scotland's future*, p.221-223

⁷² Idem, p.222-223

⁷³ Idem, p.7

vulnerable to changes in the oil price, creating the possibility of asymmetric shocks and thus exposing the Sterling currency area to the risk of a similar crisis as the recent Euro-crisis. The British government states that there is no legal principle whatsoever that obliges the rest of the UK to continue sharing its currency with an independent Scotland. Moreover, the British Chief Secretary of Treasury has advised against sharing the Pound Sterling with an independent Scotland, as it would undermine the *optimal currency area*⁷⁴ that currently exists by breaking apart the fiscal and political union. This in turn would expose both the rest of the UK and Scotland to great economic risks.⁷⁵ Therefore it seems unlikely that the Scottish Government will be able to convince the British government to share power over Sterling. Especially the Euro-crisis has convinced the British that monetary policy should be controlled by one entity rather than multiple.⁷⁶

Thus, only three options seem to remain for an independent Scotland when it comes to currency. First of all, Scotland could work to meet the Art. 140 TFEU requirements and adopt the euro, even though that would severely increase the costs of trade with the rest of the UK due to the 'hard' exchange rate of the Pound Sterling. Alternatively, Scotland could introduce its own currency. Due to the dependency on exports of energy though, the exchange rates of this currency would increase over time, thereby making those same exports, which are so essential to the Scottish economy increasingly expensive. This would not only harm Scottish industries, but would also present importers of Scottish energy with an incentive to import their energy from elsewhere. Finally, Scotland could unilaterally adopt the Pound Sterling as a currency (as is the case with the U.S. dollar and the Euro in many non-Western countries across the world), but this would entail that they'd have no influence at all in monetary policy whilst Scotland *does* have influence on monetary policy as long as it's part of the UK.

Another major problem could be the possible ascension to the Schengen Area. Since the UK has an opt-out for the Schengen Treaty, Scotland would be forced to 'close' the borders with the rest of the UK if it fails to retain the opt-out on Schengen. Border controls at the Anglo-Scottish border would obviously be a serious barrier to mutual trade interests, would bring along severe costs and would be highly unpopular with people whose lives are built around both sides of the border.

Finally, the rebate of the EU budget that the UK has successfully negotiated for in Brussels would probably be lost to Scotland. The SNP claims that it would get a 'fair share' of the negotiated rebate, but the British government has made it clear that the Scots should expect nothing at all, and would likely contribute to the UK rebate rather than receive from it. The Scottish contribution to the EU-budget would therefore increase by 2.9 billion for the

⁷⁴ For the theory on Optimum Currency Areas, see: Susan Senior Nello, *The European Union: Economics, Policies & History, 3rd Edition*, (Berkshire, 2012) p.192-213

⁷⁵ HM Government, Chief Secretary of Treasury, *Scotland Analysis: Assessment of a sterling currency union*, (London, 2014)

⁷⁶ Idem

2014-2020 budget.⁷⁷

Throughout the *economic* arguments it is clear that the SNP believes that Scotland would be a wealthier country if it were to be independent. Fundamental to this line of thought is however the access to the European single market, which would ensure that economic ties to Scotland's most important trading partner, the rest of the UK,⁷⁸ wouldn't be severed. However, the access to the single market is portrayed to remain unchanged after independence, that is, the SNP assumes it can retain the opt-outs that the UK currently has. The entire Scottish economy is currently built within the framework of this special British position within the EU. The SNP may argue in favour of leaving the British economic system, but Scotland might pay the price of its independence in losing its currency, UK rebate share and open borders with the remainder of the UK if it fails to reach agreement with London and Brussels. London has already fired several warning shots to indicate that it won't give in easily to these assumptions, whilst reaching unanimous agreement with 28 member states in Brussels without doing any concessions at all seems rather naïve.

Some of the *political* arguments of the SNP that are related to the EU do make an understandable case for independence. Not only does the SNP state that Scottish interests could be better pursued in Brussels independently, also the possibility of Scotland being dragged out of the EU as a part of the UK following the 'Brexit'-referendum (i.e. the referendum called by David Cameron to vote for a British withdrawal from the EU) is widely advertised by the SNP as an incentive to vote 'yes'.⁷⁹

Despite the 2013 'Memorandum of Understanding', in which the British government promised to involve the devolved governments in their activities in Brussels,⁸⁰ the SNP is convinced that Scotland could have more influence in Brussels independently. Their claim is based upon the belief that smaller member states can '*punch above their weight*' in Brussels, an assumption which indeed is supported by political reality.⁸¹ In terms of representation at EU institutions, Scotland could expect a similar number of MEPs as Finland, which has a comparable population size. As long as Art. 17(5) TEU⁸² is not put in effect Scotland can expect to send one Commissioner to Brussels at all times, like any member state. Without any doubt Scotland would have more influence in Brussels as an independent member state than it would have as a region.

⁷⁷ HM Government, Secretary of State for Foreign and Commonwealth Affairs, *Scotland Analysis: EU and International Issues*, p.83-97

⁷⁸ For statistics on Scottish trade volumes, see: The Scottish Government, *Global Connections Survey 2011 Tables*, (16-01-2013) accessed at 05-08-2014 via:

<http://www.scotland.gov.uk/topics/statistics/browse/economy/exports/GCSIntroduction/GCS2011tables>

⁷⁹ Reuters UK, *Salmond warns 'Brexit vote' biggest threat to Scotland's EU-membership*, (20-05-2014) accessed at 05-08-2014 via: <http://uk.reuters.com/article/2014/05/20/uk-scotland-independence-eu-idUKKBN0E00GT20140520>

⁸⁰ UK Government, Scottish Ministers, Welsh Ministers and Northern Ireland Executive Committee, *Memorandum of Understanding and Supplementary Agreements*, (October 2013)

⁸¹ Neil Nugent, *The Government and Politics of the European Union, 7th Edition*, (New York, 2010) p.273-276

⁸² "As from 1 November 2014, the Commission shall consist of a number of members... corresponding to two thirds of the number of Member States"

EU Membership: a contested bone

“The EU is founded on the Treaties which apply only to the Member States who have agreed and ratified them. If part of the territory of a Member State would cease to be part of that state because it were to become a new independent state, the Treaties would no longer apply to that territory. In other words, a new independent state would, by the fact of its independence, become a third country with respect to the EU and the Treaties would no longer apply on its territory.”⁸³

The text above is an extract from an official letter of the Commission president José Manuel Barroso in response to an ‘invite’ from Lord Tugendhat to contribute to the ‘*inquiry into “The Economic Implications for the United Kingdom of Scottish Independence.”*’ It seems odd that Barroso ‘contributes’ to this ‘inquiry’, since it appears to be an ‘internal’ British debate. Barroso does confirm that ‘*it is not the role of the European Commission to express a position on questions of internal organisation related to the constitutional arrangements of a particular Member State.*’⁸⁴ Nevertheless, Barroso grasps the opportunity to send a clear warning signal towards all regions that are pursuing independent statehood within the EU: if you secede you will no longer be in the Union. More recently, in February 2014, Barroso repeated that warning by stating in an TV-interview with BBC’s Andrew Marr that “*In case there is a new country, a new state, coming out of a current member state it will have to apply*” for EU-membership, which in turn would be “*extremely difficult, if not impossible*”.⁸⁵

Remarks like these make the official position of the outgoing Barroso-Commission crystal clear: new Member States can only join the Union through the ordinary Accession procedure, Art. 49 TEU, which entails a long and cumbersome procedure that often takes many years. Even if a newly-emerging country has been implementing Union legislation for many decades, like all our three cases have, it will likely take a lot of work and time to prove that a country satisfies the full *acquis communautaire*. Moreover, the Accession Treaty which has to be ratified by all 28 existing Member States may be the result of lengthy negotiations during which a region like Scotland might have to fight tough battles to maintain the UK opt-outs. The official EU-stance therefore is to consider independent Scottish EU-membership as something which isn’t self-evident. Another serious warning shot could be interpreted in the recent statement by the upcoming Commission President Jean Claude Juncker, who suggested that no new Member States would be allowed to join the EU

⁸³ José Manuel Barroso, in correspondence to Lord Tugendhat, the Acting Chairman of the House of Lords’ Committee Office, (10-12-2012) *SC/12-13/EA68* accessible at http://www.parliament.uk/documents/lords-committees/economic-affairs/ScottishIndependence/EA68_Scotland_and_the_EU_Barroso's_reply_to_Lord_Tugendhat_101212.pdf

⁸⁴ Ibidem

⁸⁵ BBC News, *Scottish Independence: Barroso says joining EU would be ‘difficult’*

for at least five years.⁸⁶

Another clear sign that Scotland may have to negotiate its way back in the Union came from the Spanish Prime Minister, Mariano Rajoy, who at a press conference stated that *'if a "region" opted to leave a member state, then it would remain "outside the European Union.'* Rajoy then continued to state that *"it would require the agreement of all 28 EU-members before it was allowed to join."*⁸⁷ Although the words of Rajoy must certainly be interpreted within the Spanish context – an implicit warning to Catalonia- they do make clear that Scotland doesn't have to expect a smooth entry into independent EU-membership as far as some of Europe's political leaders are concerned.

This image, rather grim for Scottish separatists, is in great contrast to what the SNP itself envisages for what they call a *smooth* transition into becoming an independent EU Member State.⁸⁸ The SNP has released their own 'fast-track' towards independent EU-membership after rumours of ejection from the EU first appeared. This fast-track approach envisages a revision of the existing Treaties through Art. 48 TEU, which would simply allow Scotland to be included in the Treaties as an independent Member State rather than a part of the UK. A revision of the existing Treaties under Art. 48 TEU would nevertheless also require agreement and ratification by all 28 Member States, but the SNP is confident that this can be done through negotiations and well in time before 'Independence Day', which is planned at 26th of March, 2016, if the independence referendum results in a 'yes'-vote.⁸⁹

The outcome of this debate is *extremely relevant* for all European separatists, since the Scottish case will most likely set the precedent for potential other cases. There is *no* precedent in EU-history in which part of an existing Member State seceded from that state whilst trying to remain part of the EU (or its predecessors). The Treaties do not provide any guidance on the specific situation of secession from an existing Member State, leaving the outcome open to different interpretations and political decision-making.

Sionaidh Douglas-Scott, a professor of European Law at the University of Oxford, has argued that there is enough legal leeway in the Treaties to make the Scottish 'fast-track' possible. According to him, Art.2 TEU and Art. 4(3) TEU provide sufficient legal foundation for negotiating Scotland into the EU. Whilst Art. 2 TEU⁹⁰ emphasizes the value of democracy, Art. 4(3) TEU underlines the *'principle of sincere cooperation'*, calling upon Member States to facilitate the achievement of the Union's objectives and tasks. Douglas-Scott argues that

⁸⁶ The Scotsman, *Row as Juncker bars any new EU members for 5 years*, (15-07-2014) accessed at 05-08-2014 via: <http://www.scotsman.com/news/politics/top-stories/row-as-juncker-bars-any-new-eu-members-for-5-years-1-3477066>

⁸⁷ BBC News, *Scottish Independence: Mariano Rajoy says Scotland would be 'outside EU'*, (28-11-2013) accessed at 05-08-2014 via: <http://www.bbc.com/news/uk-scotland-scotland-politics-25132026>

⁸⁸ Scottish Government, *Scotland's future*, p.216-223

⁸⁹ Ibidem

⁹⁰ Art. 2 TEU: *"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."*

Scotland would make a legal, democratic choice to become an independent country and that the value of their democratic choice should therefore be facilitated by the Union and its Member States.⁹¹ Moreover, the Treaties should be interpreted not only literally, but also in '*their spirit and general scheme*'.⁹²

Despite this legal 'obligation' (which remains an interpretation!) to be cooperative towards the Scottish fast-track, the EU and Member States can't be forced to comply with the Scottish fast-track. Officially, in the event of a 'yes'-vote in the referendum Scotland would remain part of the UK until independence day in 2016. This entails that Scotland, still a region in the meantime, officially can't apply for membership or even enter into negotiations without the grace of London, since the British government will remain the only entity within the UK that can agree to international treaties and agreements. Regions can't engage in diplomacy, especially since Foreign Affairs are a reserved competence in the UK. Negotiating with Scotland before Independence Day could be explained as meddling with internal British affairs, which conflicts with the principle of territorial integrity. Even the Edinburg Agreement, which includes a commitment '*to work constructively in the light of the outcome, whatever it is*' doesn't oblige the British government to allow Scotland access to the reserved Foreign Affairs competence.⁹³

There are clear political and economic interests to keep Scotland in the Union. Scotland has been in the Union for over 40 years, a period long enough to build up significant foreign interests in Scotland. Foreign investments, international students, European fishing fleets in Scottish waters; they're mere examples of reasons why it would be in nobody's interest to eject Scotland from the Union on the day they would become independent. Earlier-mentioned comments by Commission President Barroso and Spanish Prime Minister Rajoy suggested that an independent Scotland would 'automatically' be outside of the Union, but Scotland's entanglement with the rest of the Union means that millions of EU-citizens would lose many of their rights overnight if Scotland were to be 'ejected'. Douglas-Scott argues that the nature of EU-citizenship would make it impossible to place Scottish citizens outside of the Union overnight.⁹⁴ Moreover, in these times of Euroskepticism the EU would be shooting its own foot if it were to ban a rather pro-European population from the EU for making a democratic decision. Therefore it doesn't seem likely that Scotland would be placed outside the Union without any kind of transitional, interim arrangement until it could re-join again.

Although the outcome of the debate remains uncertain, it seems likely that Scotland would be allowed to become a Member State at some point not too distance from their

⁹¹ Sionaidh Douglas-Scott, *How Easily Could an Independent Scotland join the EU?*, in: University of Oxford Legal Research Paper Series (July 2014)

⁹² *Idem*, p.11

⁹³ HM's Government and the Scottish Government, *Agreement: between the United Kingdom Government and the Scottish Government on a referendum for independence for Scotland*

⁹⁴ Sionaidh Douglas-Scott, *How Easily Could an Independent Scotland join the EU?*,

Independence Day, and would not be placed at '*the back of the queue behind Serbia, Montenegro and Macedonia*' as David Cameron has claimed.⁹⁵ There are very serious doubts that the Scottish 'fast-track' is likely to succeed though, since unanimity is required and multiple Member States have good political incentives to scare off their own separatist movements by presenting Scotland with a though road to independent EU-membership. Spain alone will probably never accept the Scottish Art.48-procedure, but even member states without separatist movements – The Netherlands for example- have refrained from choosing sides in the debate, arguing that an official position on the issue would have to be decided upon by the '*EU and all its member states*' if the Scots would choose for independence.⁹⁶ This above all suggests that Scotland would have to convince all the member states by itself, since it doesn't have to expect too many allies for their fast-track procedure. And regardless of which procedure will be used, Scotland is likely to lose some of the current UK opt-outs along the route to independent membership.⁹⁷ At any rate, the outcome of the debate will be anticipated anxiously by separatists in Edinburgh, Barcelona, Antwerp and in many other European cities, as it will likely set the norm for future cases.

Chapter Review and Conclusion

This chapter dealt at great length with the Scottish case for independence. The movement (SNP), the *imagined community* and its *justification* were thoroughly analysed. Although the majority of the Scots feel related to some *national* Scottish identity, providing an *emotional* base for separatism, it is their sense of 'Britishness' that seems to have more influence on their decision to support independence or not. Above all however, economic expectations appear to have a clear link with support for independence, underlining that *economic* arguments are the SNP's most important tool.

When it comes to independence and the EU, many debates are still far from concluded and much uncertainty remains. Although it seems likely that an independent Scotland could join the EU at some point, it remains to be seen when and more importantly under which conditions. There are convincing indications that Scotland would have to re-apply for Membership from outside the Union, although some interim arrangements would be in everyone's interest. Maintaining the UK's opt-outs is far from certain for Scotland,

⁹⁵ The Independent, *Scottish Independence: Scotland 'Would be put at the back of the queue to join EU' says David Cameron*, (03-06-2014) accessed at 06-08-2014 via: <http://www.independent.co.uk/news/uk/politics/scottish-independence-scotland-would-go-to-the-back-to-the-queue-to-join-eu-says-david-cameron-9475319.html>

⁹⁶ Response by a senior official at the Dutch Ministry of Foreign Affairs to questions by this author regarding the Dutch position towards independent Scottish EU-Membership, received at 05-09-2014.

⁹⁷ The Guardian, *Scottish fast-track EU membership plan not credible, says MP*, (27-05-2014) accessed at 06-08-2014 via: <http://www.theguardian.com/politics/2014/may/27/independent-scotland-eu-membership-mps>

since the UK and other Member States have no incentive to give in easily to the SNP's assumptions about opt-outs on currency, Schengen and the UK rebate.

Thus, faced with enormous political struggles and un-cooperative attitudes from Member States and the EU itself towards their independent EU-membership, why is the SNP so supportive of EU-membership? Why does Edinburgh want to get rid of London whilst embracing Brussels?

For Scotland, the answer lies in the fact that the SNP assumes that the EU can preserve certain important parts of the *status quo*, even as Scotland leaves the UK. The European single market ensures that economic ties with Scotland's most important trading partners wouldn't be severed and that Scottish citizens wouldn't be cut off from the rest of the UK and Europe when trying to travel, work or study. The EU in other words, is a safety valve that ensures that Scotland wouldn't have to share political competences or oil revenue with London anymore, whilst all the good things of being part of the UK and Europe would remain. The EU guarantees the best parts of the *status quo* for Scotland.

However, it is unlikely that the SNP would be able to preserve the UK *status quo* since their 'blueprint' for independence is built around certain assumptions that aren't realistic in the UK and EU context. The SNP claims it can be in a joint currency union with the UK to retain the Pound Sterling as currency, but the British government has made it clear that it is not willing to cooperate to that thought. Simultaneously, it seems naïve to expect that 28 Member States would allow Scotland to maintain all the British opt-outs as a new EU-member. Without opt-outs on the Eurozone and the Schengen Treaty, Scotland would be isolated economically from the rest of the UK. It is therefore hard to believe that the SNP would support EU-membership if it meant that Scotland would have to introduce the euro and join Schengen. The Scottish separatist movement therefore only supports EU-membership on its own conditions, which guarantee the current opt-out *status quo*.

Chapter III: Catalonia

Background

“Catalonia, New European State” – 2012 Catalanian Protest Banner

On July 10, 2010 over a million people crowded the streets of Barcelona to protest against the opinion of a Spanish constitutional court that was issued the day before.⁹⁸ The court had spent several years trying to find the answer to the question whether the 2006 Catalanian Autonomy Statute was in line with the Spanish constitution or not. The court opinion - which embodied a very lengthy opinion of 683 pages- ruled that 14 of the 277 articles of the Catalanian Autonomy Statute were inadmissible with the Spanish constitution. Most importantly, the court ruled that *“The interpretation of... “Catalonia as a nation”, and references to “the national reality of Catalonia” ... have no legal effect”,* and that the Catalan language should not take precedence over Castilian Spanish.⁹⁹ The result was that many Catalonians argued that *“autonomy within Spain was no longer feasible; separation was required to defend their language, their culture, their national identity.”*¹⁰⁰ In other words, the Catalanian protesters argued that their *internal self-determination* was breached by the opinion of the constitutional court, and that *external self-determination* would now be the only means for their *imagined community* to exist.

That the outrage of the Catalanian *imagined community* didn't fade away after the huge protests became clear on September 11, 2012: Catalonia's national day,¹⁰¹ when approximately 1.5 million people from all over Catalonia took over the centre of Barcelona in a huge separatist rally. Faced with the consequences of the financial crisis, the Catalonians protested against budget cuts in public services for which they blamed Madrid.¹⁰² Exactly one year later, an estimated 1.6 million people would preserve the protest by forming the *'Catalan Way'*, a human chain that ran from French border to the regional border with Valencia, thereby mimicking the Baltic Chain that rallied for national independence in

⁹⁸ BBC News, *Catalan Protesters rally for greater autonomy in Spain*, (10-7-2010) accessed at 06-08-2014 via: <http://www.bbc.co.uk/news/10588494>

⁹⁹ Tribunal Constitucional de España, *Constitutional Court Judgement No.31/2010, of June 28*, translation of original judgement, accessed at 06-08-2014 via : <http://www.tribunalconstitucional.es/es/jurisprudencia/restrad/Paginas/JCC2862010en.aspx>

¹⁰⁰ Cristopher Borgen, *From Kosovo to Catalonia*, p.999

¹⁰¹ The Catalanian national day commemorates the fall of Barcelona during the Catalanian rebellion in 1714. This defeat is widely seen as the day that Catalonia lost its political freedom, since the Catalan language and institutions were outlawed shortly afterwards.

¹⁰² The New York Times, *Protest Rally in Catalonia Adds a Worry for Spain*, (11-09-2012) accessed at 06-08-2014 via: http://www.nytimes.com/2012/09/12/world/europe/12iht-barcelona12.html?_r=0

1989.¹⁰³ September 11th, 2014, the three-hundredth anniversary of the fall of Barcelona, witnessed equally epic demonstrations for independence.¹⁰⁴

If one takes into account that the population of Catalonia consists of merely 7.5 million people,¹⁰⁵ the numbers of protesters that showed up in Barcelona are incredible. If the estimated 1.5 million protesters for the 2012 rally are correct, then one out of every five Catalonians would have been on the streets of Barcelona that day to protest for Catalanian independence. In relative terms of protesters per capita that would equal to 13 million protesters in Paris or 63 million protesters in Washington D.C.! With such huge, active popular support and rallies like these, the Catalanian case truly seems unique within European separatism. Moreover, it underlines that separatism in Catalonia is a *grass-roots* movement with great popular support instead of an elite-driven political one.

Recently, protests in Kiev which saw estimations of 400.000 to 800.000 protesters have led to revolution and civil war.¹⁰⁶ In Catalonia, where at least twice as many people marched the streets of Barcelona, nothing revolutionary has happened. Yet. On 9 November, 2014, the Catalanian regional government plans on organizing an independence referendum.

¹⁰³ Volkskrant, *Menselijke keten door Catalonië van 400 kilometer*, (11-09-2013) accessed at 07-08-2014 via: <http://www.volkskrant.nl/vk/nl/2668/Buitenland/article/detail/3507975/2013/09/11/Menselijke-keten-door-Catalonie-van-400-kilometer.dhtml>

¹⁰⁴ NOS, *Catalonië straat op voor referendum*, (11-09-2014) accessed at 11-09-2014 via: <http://nos.nl/artikel/697050-catalonie-sstraat-op-voor-referendum.html>

¹⁰⁵ Generalitat de Catalunya, *Territory and People*, (2012) accessed at 06-08-2014 via: <http://www.gencat.cat/catalunya/eng/coneixer-poblacio.htm>

¹⁰⁶ The Atlantic, *Ukraine's Threat to Putin*, (6-12-2013) accessed at 06-08-2014 via: <http://www.theatlantic.com/international/archive/2013/12/ukraines-threat-to-putin/282103/>



Figure 1 : Photo of the 2014 Independence rally in Barcelona. Note the Scottish flag in the background: Catalan separatists follow the Scottish referendum with great interest.¹⁰⁷

To understand the nature of the protests we would have to go back to November 2003, when José Zapatero was amidst his election campaign for Prime Minister (PM) of Spain. He promised a crowd in Barcelona that he would support “*any reform of the Catalan Statute for Autonomy approved by the Catalan Parliament*”, a promise he further enriched by reciting a verse of the popular poet Miquel Martí i Pol, in Catalan. In the event Zapatero astonished the Catalonians, who showed their trust in Zapatero by giving him a historical election success in Catalonia just days after. Zapatero was elected Prime Minister and kept his word: just two years later an astonishing 90% of the Catalan parliament approved the reformed Statute of Autonomy which defined Catalonia as a nation. After the new Statute became law in 2006 however, the centre-right *Partido Popular* claimed that the Statute was ‘*a dagger aimed at the heart of the constitution*’, and brought the case before the constitutional court. It was the opinion of this court in 2010 which enflamed the first massive independence rally.¹⁰⁸

Catalonian prospects got even worse when Mariano Rajoy of the *Partido Popular* (PP) was elected Spanish PM in 2011. Indeed, the party that challenged the Autonomy Statute at a constitutional court in 2006 now holds a majority of the seats in both the Spanish Congress

¹⁰⁷ The Guardian, *Catalans protest over independence on National Day – in pictures*, (12-09-2014) accessed at 17-09-2014) via: <http://www.theguardian.com/world/gallery/2014/sep/12/catalans-protest-over-independence-on-national-day-in-pictures>

¹⁰⁸ World Affairs, *The Domain of Spain: How Likely is Catalan Independence?*, (January/ February 2014) accessed at 07-08-2014 via: <http://www.worldaffairsjournal.org/article/domain-spain-how-likely-catalan-independence>

of Deputies and the Senate, giving them absolute power at the national level. In Catalonia meanwhile, the governing party of the regional Catalanian government – *Convergència i Unió* (CiU)– embraced separatism in 2012 and called elections to find electoral support for an independence referendum. Although the move backfired for the CiU and they lost some seats, the other major pro-independence party – *Esquerra Republicana de Catalunya* (Republican left of Catalonia – ERC) – doubled its seats.¹⁰⁹ Nevertheless, the CiU and the ERC put their ideological differences aside and agreed on a partnership that would allow the CiU to govern whilst organizing an independence referendum.¹¹⁰ Together these two parties do possess 53% of the seats in the Catalanian parliament, giving them a simple majority. Under the leadership of the regional president, Artur Mas, the CiU and the ERC have agreed to organize an independence referendum in Catalonia on November 9th, 2014. The referendum, which is considered ‘*unconstitutional*’ and therefore ‘*illegal*’ by parliament and the central government in Madrid,¹¹¹ will ask the Catalans two questions: ‘*Do you want Catalonia to become a state?*’ and ‘*Do you want Catalonia to become an independent state?*’.¹¹²

The *imagined community* of Catalonia

“*Som una nació. Nosaltrem decidim.*”

‘We are a nation. We decide.’ – Catalanian Protest slogan.

There can be no doubt that the Catalan *imagined community* possesses a national *territorial identity*.¹¹³ The Catalans have a rich history in which they can look back upon a great Medieval empire and were de facto an independent country until 1714.¹¹⁴ Above all, the Catalans possess their own Catalan language, which often was and still is at the centre of political battles between Barcelona and Madrid. During Franco’s dictatorship an attempt was made to eradicate the use of the Catalan language in public spaces,¹¹⁵ after which it took

¹⁰⁹ CNN, *Ruling Party in Catalonia loses seats in parliament*, (26-2-2012) accessed at 07-08-2014 via: <http://edition.cnn.com/2012/11/25/world/europe/spain-catalonia-elections>

¹¹⁰ The Wall Street Journal, *Plain-Talking Historian Is a Force Behind Catalan Independence Push*, (12-06-2014) accessed at 07-08-2014 via: <http://online.wsj.com/articles/plain-talking-historian-is-a-force-behind-catalan-independence-push-1402574598>

¹¹¹ The Guardian, *Spain set to reject Catalonia’s request for independence referendum*, (08-04-2014) accessed at 28-08-2014 via: <http://www.theguardian.com/world/2014/apr/08/spain-set-to-reject-catalonia-independence-referendum>

¹¹² Volkskrant, *Catalanen willen respect voor hun solidariteit*, (12-07-2014), p.16-17

¹¹³ Ivan Serrano, *Just a Matter of Identity? Support for Independence in Catalonia*, in: *Regional and Federal Studies*, 2013, Vol. 23, No.5

¹¹⁴ Norman Davies, *Vanished Kingdoms*,

¹¹⁵ Generalitat de Catalunya, *Attempt at ‘linguicide’ during Franco’s dictatorship*, accessed at 01-09-2014 via : <http://www20.gencat.cat/portal/site/culturacatalana/menuitem.be2bc4cc4c5aec88f94a9710b0c0e1a0/?vgnnextoid=23885c43da896210VgnVCM1000000b0c1e0aRCRD&vgnnextchannel=23885c43da896210VgnVCM1000000>

until 1983 for Catalan to re-appear in public sectors such as education.¹¹⁶ Ever since the 1983 reform, the use of the Catalan language has been increasing alongside with the support for Catalanian independence. Figueras and Masella therefore argue that this linguistic education can be '*interpreted as an example of nation-building policy within Catalonia*'.¹¹⁷ At any rate, the Catalan language can be seen as the core of the Catalanian *imagined community*, as it gives Catalonians an everyday-language (*inclusion*) that is notably different from that of the rest of Spain (*differentiation*). This entails that Catalonia is a *distinctive* region within Spain, that is considered to be an *exclusive* national minority by Brigevich.¹¹⁸

The role of identity and language can hardly be exaggerated in the Catalanian separatist case. A survey from September 2012 by the Spanish *Centro de Investigaciones Sociológicas* (CIS) underlines the national identity sentiments in Catalonia:

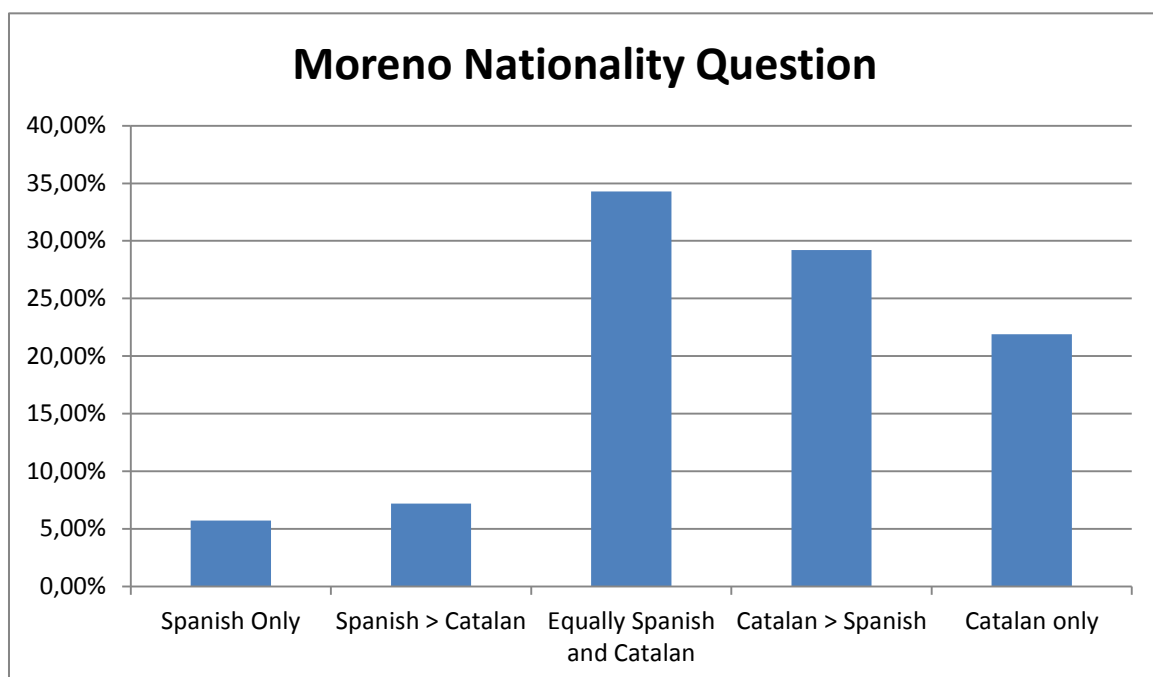


Figure J : Identity sentiments in Catalonia, according to a 2012 CIS-survey. N = 1186.¹¹⁹

When it comes to identity, there can be no doubt that Catalonians feel more Catalan than Spanish. A slight majority of the population, 51.1% according to the CIS-survey, feels only Catalan or more Catalan than Spanish. Another 34.3% consider themselves equally Catalan and Spanish and for only 12.9% of the inhabitants of Catalonia the Spanish identity takes

b0c1e0aRCRD&vgnnextfmt=detail2&contentid=7de5edfc49ed7210VgnVCM1000008d0c1e0aRCRD&newLang=en_GB

¹¹⁶ Irma Clots-Figueras and Paolo Masella, *Education, Language and Identity*, in : The Economic Journal, Vol. 123 (August 2013) p.332-357

¹¹⁷ Idem

¹¹⁸ Anne Brigevich, *Peeling Back the Layers*, p.211-212

¹¹⁹ Centro de Investigaciones Sociológicas, *Estudio nº2.956. Barómetro autonómico (III). (Comunidad autónoma de Cataluña)*, (September 2012)

precedence. These percentages are however similar to those in Scotland, where national sentiments haven't led to massive independence rallies as they did in Catalonia. A key difference between the Scottish and Catalan identities is the wide-spread use of the Catalan language. Whereas the Scottish *Gaelic* is hardly known to the Scots, the Catalan language has been on the rise for decades and its public use is widespread nowadays. The Catalanian government communicates primarily in Catalan (although Spanish and often even English translations are always available),¹²⁰ education is in both Catalan and Spanish, many people watch Catalan TV news and,¹²¹ above all, a large part of the Catalans considers Catalan to be their *own* language. Unlike Scotland, Catalonia is a proper bilingual region:

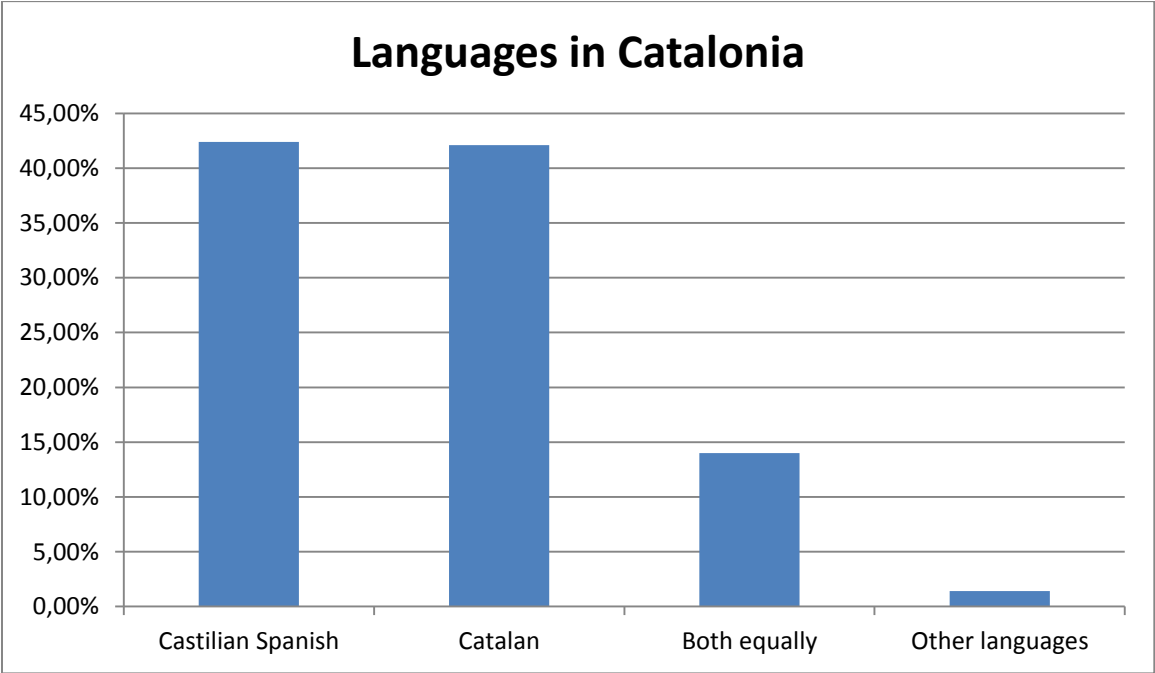


Figure K: Survey results to the question "What language do you consider your own?" in the 2012 CIS-survey. N = 1186.¹²²

Bilingualism in Europe doesn't necessarily lead to separatism. There are plenty of examples to be found where linguistic minorities do not spawn significant separatist movements (think of the Swedish-speaking minorities in Finland, or the Bretons in France). On the other hand, the Russian-speaking minorities in Eastern-Ukraine and the Baltic States or a country such as Belgium (which shall be subject of consideration in the next chapter) show that linguistic differences *can* evolve into separatism. As we saw before, some academics consider language a key element of *internal self-determination*. We also saw that since the 2010 Constitutional Court ruling, many Catalonians feel that this *internal self-determination* has been breached and that secession is required to defend their language, culture and national

¹²⁰ See for example: www.gencat.cat, the official website of the regional government of Catalonia.

¹²¹ Irma Clots-Figueras and Paolo Masella, *Education, Language and Identity*

¹²² Centro de Investigaciones Sociológicas, *Estudio nº2.956. Barómetro autonómico (III). (Comunidad autónoma de Cataluña)*

identity.¹²³ Language and identity therefore, cornerstones of the *imagined community*, are at the core of Catalan separatism.

The *imagined community* is crucial to the Catalan separatists, more than it is in Scotland. In Scotland the struggle for independence takes place within the framework of a legal debate, kick-started by political parties that campaign for the votes of the Scottish people who then democratically decide about independence (the *free choice* justification). The Catalan case offers quite a different picture. Instead of choosing for a *richer* and *fairer* country (as the SNP argues), the Catalan separatists argue that secession is the only way for the Catalan *imagined community* to survive. Moreover, the Catalan separatist movement is more of a *grass-roots* popular movement that propels independence as a cause through popular support rather than by one or more political parties. One of the most important separatist parties today, the CiU, only started supporting independence *after* the 2012 independence protests. The fact that the CiU's change of heart came two years after the first major independence protest underlines that the Catalan separatist movement originates from the Catalan *imagined community* rather than from political parties. This is further confirmed by the unofficial independence referendums that were organised by approximately one-half of the Catalan municipalities between 2009 and 2011. These referendums were '*organized mainly from the civil society*' and quickly evolved into '*a social movement in favour of the 'right to decide*'.¹²⁴ More than in Scotland, separatism is a people's movement in Catalonia. Not surprisingly, levels of support for independence are highest among individuals who associate themselves with the *imagined community* the most:

¹²³ Christopher Borgen, *From Kosovo to Catalonia*, p.999

¹²⁴ Jordi Muñoz and Marc Guinjoan, *Accounting for internal variation in nationalist mobilisation: unofficial referendums for independence in Catalonia (2009-11)*, in: *Nations and Nationalism*, Vol. 19 (1), (2013), p.44-67

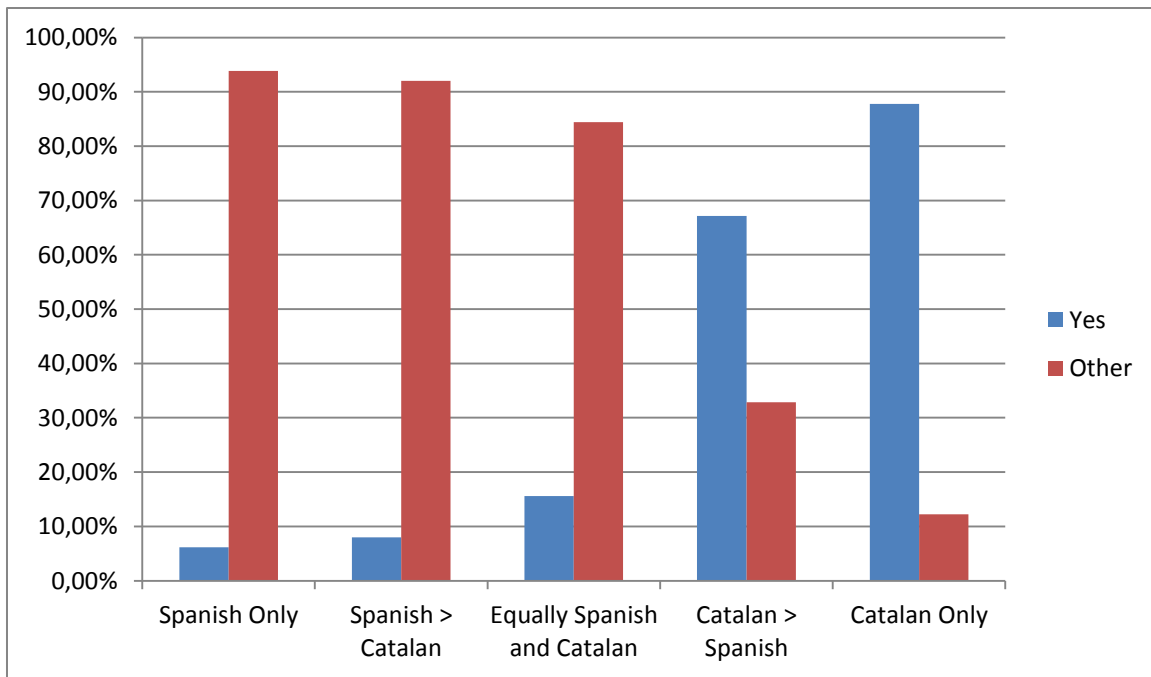


Figure L: "If tomorrow a referendum was held to decide about the independence of Catalonia, what would you vote?" The Barometer CEO-652 asked this question to 2500 participants who had also indicated their sense of identity. N = 2500.¹²⁵

What this survey also makes very clear however is that people who associate themselves only, more or equally with their Spanish identity are very likely to be opposed to Catalonian independence. This is similar to the Scottish case, where people who felt more 'British' were very likely to be opposed to Scottish independence. It is therefore important to remember that the Catalonian population is not homogenous. Naturally Catalonia and its capital Barcelona have always attracted citizens from other parts of Spain. It can be expected that people who were born outside of Catalonia or whose parents were born elsewhere have less association with Catalonia and more with Spain. And indeed, there is significant evidence for the hypothesis that individuals with Catalan parents are more likely to support independence than those with mixed or immigrant parents, or those who immigrated themselves.¹²⁶

What this suggests is that the population of Catalonia, if all people who do not consider themselves to be part of the Catalan *imagined community* weren't taken into account, is very supportive of Catalonian independence. Members of the Catalan *imagined community* in other words, are very likely to be pro-independence whilst the presence of Spaniards from elsewhere seemingly balances the odds for independence to some extent.

¹²⁵ Quoted in: Ivan Serrano, *Just a Matter of Identity? Support for Independence in Catalonia*, p.527-532

¹²⁶ Idem, p.530

The Catalan case for independence

Besides the *emotional* discourse of the Catalan *imagined community*, that argues that *internal self-determination* is impossible in Spain, *political* and *economic* arguments are provided by Catalan separatists as well. Like in the Scottish case, the separatist parties of Catalonia emphasize that their 'nation' (i.e. their *imagined community*) should have '*dret a decidir*', the 'right to decide'.¹²⁷ This basic *political* argument should be interpreted in its context: '*dret a decidir*' isn't just a plea for self-determination, it also signifies the legal and political battle between Madrid and Barcelona about the right to organize referenda. As we saw, Madrid considers the Catalan intentions to organize an independence referendum illegal. The Catalan government on the other hand argues that if Scotland has the right to decide democratically about its future, Catalonia should be able to do so as well.¹²⁸ In short, Catalan separatists argue that they should be allowed to make a democratic choice. Other *political* arguments include, similar to Scotland, the independent membership of international organisations like the EU. Strikingly, the separatists campaigned that independence would help Catalonia escape from the wide-spread corruption in the Spanish government, another *political* argument, only to find that one of the spiritual national leaders of Catalonia too, Jordi Pujol, was found guilty of tax fraud.¹²⁹ Obviously the corruption argument has been less credible ever since.

The *economic* arguments are of great importance in the Catalan case. Spain has been economically crippled by the financial crises since 2008, and is still dealing with the severe consequences today. Unemployment rates have been slightly decreasing recently, but are still up at a soaring 24,5% of the population, with youth unemployment reaching a staggering 53.5%.¹³⁰ Although Catalonia performs slightly better than the rest of Spain in these statistics, still 23.1% of the Catalan working force is unemployed.¹³¹ It doesn't require economic expertise to see that Catalonia is in bad economic shape, just as the rest of Spain.

Catalonia, with a population of 7.5 million – 16.1% of the entire Spanish population, accounts for 19.9% of the Spanish GDP. This in turn makes it the wealthiest of the 17 Autonomous Communities in Spain, also in terms of GDP per capita.¹³² The Catalans are well aware of their economic importance within Spain, but are also very well aware of the fiscal deficit that exists between Catalonia and Spain. This fiscal deficit flows from the Spanish taxation system that collects tax revenue from all Autonomous Communities at the national level, and then redistributes them to the regional level again. Catalonia, as the wealthiest region of Spain, has contributed more taxes to

¹²⁷ Convergència i Unió, *Programma electoral de CiU, Eleccions al Parlament 2012*, accessed at 03-09-2014 via : <http://www.ciu.cat/descripcioPlana.php?id=494>

¹²⁸ The Independent, *Scottish Independence: Why are many Catalans desperately hoping that Scotland will vote 'yes'?*, (16-08-2014) accessed at 03-09-2014 via: <http://www.independent.co.uk/news/uk/politics/scottish-independence-why-are-many-catalans-desperately-hoping-that-scotland-will-vote-yes-9667478.html>

¹²⁹ Financial Times, *Funds scandal hits Catalan independence campaign*, (27-07-2014) accessed at 03-09-2014 via: http://www.ft.com/intl/cms/s/9dff129a-15a6-11e4-9e18-00144feabdc0,Authorised=false.html?_i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2F9dff129a-15a6-11e4-9e18-00144feabdc0.html%3Fsiteedition%3Dintl&siteedition=intl&_i_referer=

¹³⁰ Eurostat, *Unemployment Statistics*, (last updated July 2014) accessed at 03-09-2014 via: http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Unemployment_statistics

¹³¹ Institut d'Estadística de Catalunya, *Statistical Yearbook of Catalonia: 2001-2013*, accessed at 03-09-2014 via: <http://www.idescat.cat/pub/?id=aec&n=318&lang=en>

¹³² Institut d'Estadística de Catalunya, *Gross Domestic Product 2013*, accessed at 03-09-2014 via: <http://www.idescat.cat/economia/inec?tc=3&id=8150&lang=en>

the government in Madrid than it has received national expenditures in return for decades now. Basically there is an annual flow of tax money flowing out of Catalonia to other regions in Spain. This fiscal deficit has been increasing over the past years:

	2006	2007	2008	2009	2010
Taxes paid by Catalonia	47,786	51,823	57,403	61,812	61,872
Expenses received in Catalonia	33,293	36,910	40,203	45,403	45,329
Balance	-14,493	-15,913	-17,200	-16,409	-16,543
% GDP Catalonia	-7.9%	-8.1%	-8.5%	-8.4%	-8.5%

Figure M : The fiscal deficit of Catalonia vis-à-vis the Spanish public sector, 2006-2010. Unit = million euros. Source: Consejo de Diplomacia Pública de Cataluña.¹³³

This fiscal deficit, which exists under the principle of ‘solidarity’ with the rest of Spain according to Catalan president Artur Mas,¹³⁴ has proved to be the perfect *economic* argument for Catalan separatists. Whereas the SNP promises increased wealth through independent control over oil revenues, the Catalan parties promise similar things through the fiscal policies of an independent Catalonia. In the words of Ivan Serrano:

*“Contemporary Catalan nationalism is a case in point, combining an approach based on cultural preservation and the emphasis on the negative effects on welfare levels derived from the fiscal deficit with the state as pivoting factors for self-government demands. The question of welfare in the Catalan political debate is linked to an alleged fiscal unfair treatment by the state, which would return an insufficient share of Catalan revenues. The nationalist argument claims that if the Catalan government collected all taxes, and a limit to the fiscal deficit was introduced, this would result in a significant increment of the public budget and welfare levels.”*¹³⁵

The influence of *economic* arguments is further strengthened by the bad economic situation in Spain and Catalonia. Austerity has become the norm in European public spending, and this certainly applies to Spain. Starting from 2007, spending by Madrid increased immensely while government revenue dropped sharply. At its peak, in 2009, the Spanish deficit accounted for nearly 117 billion Euros, which is nearly as much as the GDP of Hungary.¹³⁶ Ever since, pressured by Brussels, Madrid has been performing budget cuts. For Catalonia, this entailed that less government expenditure could be expected and that, despite the fiscal deficit, the Catalonian government had to cut its budget as well. The (political) inability to do so nearly lead to a complete shutdown of basic public services in

¹³³ Consejo de Diplomacia Pública de Cataluña, *The fiscal deficit between Catalonia and Spain*, accessed at 03-09-2014 via: <http://www.diplocat.cat/es/internacionalizacion-politica/67-deficit-fiscal/227-the-fiscal-deficit-between-catalonia-and-spain>

¹³⁴ Volkskrant, *Catalanen willen respect voor hun solidariteit*

¹³⁵ Ivan Serrano, *Just a Matter of Identity?* P.534

¹³⁶ For statistics, see: Statista, *Spain Government revenue and spending from 2004 to 2014*, accessed at 06-09-2014 via: <http://www.statista.com/statistics/275333/government-revenue-and-spending-in-spain/>

2012.¹³⁷

Above all however, many Catalans feel trapped in the economic misery of Spain. When asked what they considered the main problem that exists in Catalonia, many Catalans defined economic problems:

<i>'What is, in your opinion, the main problem that exists in Catalonia nowadays? And the second? And the third? (Multiple answers possible, N=1186)</i> ¹³⁸		
<i>Unemployment</i>	62.3%	N = 739
<i>Economic problems</i>	44.4%	N = 526
<i>Politics in general</i>	25.3%	N = 297
<i>Healthcare</i>	12.9%	N = 152
<i>Budget cuts</i>	12.6%	N = 149

Figure N : The 'main problems' in Catalonia according to the Catalonians. N = 1186.

What this survey suggests is that people are concerned about the present economic state of Catalonia, and that a great deal of them has little confidence in politicians to solve these problems. Moreover though, it shows that Catalonians in their present situation are likely to be more open to support the *economic* arguments of the separatists than they would probably be under normal economic circumstances. The economic crisis in short, has been strengthening the separatist cause.

An overview of the most important *emotional*, *political* and *economic* arguments immediately makes clear that there are many similar arguments used by Catalanian and Scottish separatists. Although the *imagined community* in Catalonia is likely to pay more attention to *emotional* arguments since their perceived breach of *internal self-determination*, *economic* arguments play a very important role in this case as well.

<i>Emotional arguments</i>	<i>Political arguments</i>	<i>Economic arguments</i>
Catalonia, as an ancient nation, should re-acquire independent statehood.	The Spanish government is plagued by corruption.	The Spanish economy is dragging Catalonia down. Catalonia would be wealthier if independent.
Independence is the 'only way' to preserve the Catalan language, culture and identity (i.e. internal self-determination).	Catalonia has a ' <i>dret a decidir</i> ' : a right to decide for its own future. (Also interpretable as an <i>emotional</i> argument).	The fiscal deficit costs Catalonia a lot of money that could be better spent in Catalonia.
Catalonia isn't treated as an equal partner by Madrid,	Spain refuses to cooperate with many Catalanian proposals.	Catalonia is hit hard by budget cuts that were ordered from Madrid.
Madrid can't be trusted anymore since they struck down the Catalan Autonomous Statute in 2010.		Unemployment rates would be better in an independent Catalonia.

¹³⁷ CNN, *Ruling Party in Catalonia loses seats in parliament*

¹³⁸ Centro de Investigaciones Sociológicas, *Estudio n°2.956. Barómetro autonómico (III)*

Unilateral secession and the EU?

As we saw, Madrid and Barcelona haven't been able to agree on the legality of the organisation of the referendum. Whereas the Catalan regional government has shown dedication to organize the referendum, Madrid has kept emphasizing that the vote is illegal and will not be allowed to take place. Nevertheless, Catalan president Artur Mas has pledged that he would only organize the referendum within the '*framework of the law*', adding that, as a last resort, he might organize an early election instead of the referendum in which the Catalan people still be able to choose whether they want independence.¹³⁹ If these elections would be won by the pro-independence parties, Mas only wants to negotiate with Madrid about a '*transition to independence*'.¹⁴⁰ If these negotiations would then fail, the Catalans consider unilateral secession, i.e. declaring independence without the consent of Madrid.

This is where the situation would become very unpredictable. The Catalans would justify their secession as a *free choice*, a democratic choice made by the Catalan people to become independent. Madrid would immediately point to Articles 1 and 2 of the Spanish constitution, which state that '*National sovereignty belongs to the Spanish people from whom all State powers emanate*' and '*The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards*'.¹⁴¹ The Spanish government interprets these articles twofold: first of all, Spain can't be divided territorially, and secondly matters of sovereignty can only be decided upon by the '*Spanish people*' as a whole. This interpretation was confirmed by the Spanish Constitutional court as well, that ruled that a Catalonian referendum on independence would be '*illegal*' for these exact reasons.¹⁴² Both legally and politically, the Catalonian separatists have already lost the battle for their '*dret a decidir*' as far as the referendum is concerned. If the Catalan government would ignore these warning shots from Madrid it might even be sent home and see the Spanish *Guardia Civil* move in to replace the Catalan police, a procedure that is allowed under Articles 8 and 155 of the Spanish Constitution.¹⁴³ Although this might seem extreme, one should not forget the violent episodes of separatism in the Basque region, where large numbers of *Guardia Civil* are still stationed today, even though ETA has ceased their violent activities.

Meanwhile, Joan Vintró has argued that there certainly are ways to organize a referendum within the framework of the law, but that this should then be considered as a consultative referendum or a '*popular consultation*'. Both have no '*directly effective legal consequences*', but nevertheless '*the verdict of the inquiry could hardly not be politically*

¹³⁹ Financial Times, *Catalonia to forge ahead with referendum on independence*, (23-04-2014) accessed at 08-09-2014 via: <http://www.ft.com/intl/cms/s/0/1edb4b82-caec-11e3-9c6a-00144feabdc0.html#axzz3CjFeiWoZ>

¹⁴⁰ Volkskrant, *Catalanen willen respect voor hun solidariteit*

¹⁴¹ Spanish Constitution of 1978, English translation accessed at 08-09-2014 via:

http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf

¹⁴² Financial Times, *Legal blow to Catalan vote*, (25-03-2014) accessed at 08-09-2014 via:

<http://www.ft.com/intl/cms/s/0/3196a09a-b44f-11e3-bac4-00144feabdc0.html#axzz3CjFeiWoZ>

¹⁴³ La Vanguardia, *Vidal-Quadras pide intervenir Catalunya con la Guardia Civil*, (28-09-2012) accessed at 08-09-2014.

*binding.*¹⁴⁴

At any rate, it seems impossible for the Catalan separatists to acquire independence by means that are recognized as legal by the Spanish government. However, as we saw before, the success of *unilateral secession* depends upon international recognition, which entails that political considerations might play a larger role than just legal arguments. If Catalonia were to unilaterally declare its independence, it might very much divide Europe's national leaders on the question of recognition. Whereas the Baltic States might be sympathetic towards Catalonia's call for *self-determination* (having experienced unilateral secession from the Soviet-Union themselves in recent history), the states that didn't recognize Kosovar independence will most likely not recognize Catalan independence either.

Without international recognition Catalonia would legally remain subject to the Spanish government. If Catalonia would unilaterally secede, this could be interpreted as an unconstitutional act that violates the Spanish territorial integrity. In a worst case scenario, there could be a risk of clashes between the Spanish *Guardia Civil* and the newly independent Catalan law enforcement or military agencies. The Spanish Defence Minister, Pedro Morenés has made controversial remarks that were interpreted by some as a warning that the Spanish armed force would intervene if the 'national unity' were to be at stake.¹⁴⁵ However, despite such suggestive remarks and the current political and legal stalemate between Barcelona and Madrid, violent secessionism seems a distant and unlikely possibility.

Membership of the EU would further complicate the situation. The recognition of Catalonia alone will prove very difficult if a *unilateral secession* would occur, but membership to the EU would - within the current framework of the Treaties – only be possible with the consent of Spain. Whereas the Scottish can be confident that they would in any case be able to apply for EU-membership, either through the fast-track or the ordinary accession procedure, the Catalans face no such certainty following *unilateral secession*. Both accession tracks, articles 48 and 49 TEU, require unanimous agreement among Member States. Spain, which besides Catalonia faces two more separatist regions, is not likely to tolerate *unilateral secession* by Catalonia, nor is it likely to accept a unilaterally seceded Catalonia into the EU as an independent Member State.

Within the current treaty framework, only two scenarios could possibly grant Catalonia independent EU-membership. First and obvious: political agreement with Spain on a transition towards independence. Even if negotiations between Barcelona and Madrid would succeed and independence would be granted, Catalonia would probably face similar difficulties towards obtaining EU-membership as Scotland – given that the Scottish case

¹⁴⁴ Joan Vintró, *Legality and the referendum on independence in Catalonia*, accessed at 08-09-2014 via: http://www.idpbarcelona.net/docs/blog/legality_referendum.pdf

¹⁴⁵ El Singular, *Morenés: "Als militars els preocupa què a Catalunya es quèstioni la unitat d'Espanya"*, (09-01-2014) accessed at 08-09-2014 via : http://www.elsingular.cat/cat/notices/2014/01/morenes_als_militars_els_preocupa_que_a_catalunya_es_que_stioni_la_unitat_d_espanya_98029.php

doesn't create a precedent for the Catalonians before their independence. However, successful negotiations between Catalan president Artur Mas and Spanish Prime Minister Mariano Rajoy have failed time and time again, giving little hope that a political accord could be struck on the Catalonian independence referendum.¹⁴⁶



Figure O : A frosty handshake between Catalan president Artur Mas and Spanish PM Mariano Rajoy at their last attempt to negotiate about the Catalonian referendum.¹⁴⁷

A second scenario would be one where the EU would intervene for Catalonia, using article 7 TEU to temporarily suspend Spain's voting rights in the Council to allow a vote on Catalonian accession, through one of the two tracks. Article 7 TEU could however only apply if there's a (clear risk of) 'a serious breach... of the values referred to in Article 2 [TEU]'. These values include 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities' (Art. 2 TEU). Only in the earlier-mentioned worst case scenario would violation of these values seem a distant possibility. Even if there would be a violation of these values, it seems unlikely that all other Member States would support the Article 7 procedure and consequently approve to Catalonian accession. Nevertheless, following the earlier mentioned controversial remarks from the Spanish Defence Minister, MEPs asked the Commission if the Article 7 procedure would be initiated if our worst case scenario would come true.¹⁴⁸ Although not very realistic in political terms, this second scenario is a possibility within the framework of the current

¹⁴⁶ Financial Times, *Spain and Catalonia fail to narrow divide over breakaway quest*, (30-07-2014) accessed at 08-09-2014 via: <http://www.ft.com/intl/cms/s/0/835fff04-17f8-11e4-b842-00144feabdc0.html#axzz3CjFeIWoz>

¹⁴⁷ Source: Zimbio, *Mariano Rajoy meets with Artur Mas*, (29-07-2014) accessed at 08-09-2014 via: <http://www.zimbio.com/pictures/TYyORe920AA/Mariano+Rajoy+Meets+Artur+Mas/7alCmXQAE-o/Mariano+Rajoy>

¹⁴⁸ European Parliament, *Parliamentary questions, subject: Hypothetical military intervention in Spain*, E-000266-14, (13-01-2014)

Treaties. Brussels would however severely alienate Spain and several other Member States as well if it were to intervene through the Article 7 procedure.

At any rate, Catalonia is an important region within the EU. Its regional GDP is bigger than that of Greece, and with 7.5 million Catalans it is more populous than 12 existing Member States. Moreover, as a Mediterranean region Catalonia (and Spain for that matter) controls important parts of the EU's external border, making Catalonia a crucial player in the EU's struggles with African migration streams. Obviously Catalonia is an important region for the EU, and there are clear incentives to keep Catalonia in the Union if it were to become independent in one way or another.

Simultaneously, Spain is a very important existing Member State that shouldn't be alienated from Brussels. In terms of population size and GDP Spain is the 5th Member State of the Union, and controls equally important shares of the southern external border. Both EU and national leaders are aware of this, and have been very careful in portraying their views about what would happen if the Catalans would choose for independence (unilaterally). Whereas most Member States simply ignore potential existence of the situation, the European Commission has fired multiple warning shots towards European separatists. Even though Barroso's remarks about secessionists finding themselves '*outside of the Union*' were aimed at the Scottish separatists, they clearly served as a warning to Catalan separatists as well.

Membership of the EU remains an important objective for the Catalan separatists, just as much as in the Scottish and Flemish cases. The pro-EU attitude of the Catalan separatists can be explained in a largely similar way to the Scottish case: the European Single Market and Schengen would ensure that independence doesn't come at the high price of economic and demographic segregation with the remainder of Spain. Since international borders between Member States in continental Europe have largely disappeared, independent EU-membership is portrayed as maintaining the good parts of the *status quo* whilst receiving full fiscal, economic, cultural and political self-determination. Moreover, EU-membership offers Catalonia a 'safe haven'; if they would be recognized as an independent Member State they would be immune for Spanish attempts of restoring order (for which political will surely exists in Madrid, if the Defence Minister's remarks give any indication of what would happen in case of unilateral secession). The EU therefore, can guarantee Catalan independence through independent membership. This 'warranty for independence' was a similar incentive for many Central- and Eastern-European newly-independent states to apply for NATO and EU-membership following the collapse of the Soviet bloc in the early 1990s. Thus, the EU would conserve the 'old' benefits of Spain whilst simultaneously ensuring the existence of the 'new' Catalonia.

The Catalan case is a very complex political minefield, where no outcome is yet predictable. Negotiations with Madrid about the organization of the referendum have failed for the moment, but it remains to be seen whether Madrid would be able to ignore the popular support for Catalan independence forever. If the Catalan government decides to organize the referendum or alternatively early elections, there is a significant chance that the Catalans will vote for independence. If this occurs, transition to independence *and* EU-Membership can most likely only be reached through successful, new negotiations with Madrid. Alternatively, *unilateral secession* would project a vastly different scenario that is likely to divide both Spain and European countries. If Catalonia would succeed in achieving international recognition and EU-Membership through *unilateral secession*, this would set a precedent that challenges the very *raison d'être* of many national states in Europe.

Chapter review and conclusions

This chapter analysed the Catalan separatist movement. This movement originates from a *grass roots movement*; great popular support for independence which was expressed in enormous protests that in turn convinced some major political parties to side with the separatists. These political parties (CiU and ERC being the most important) now cooperate in the Catalan regional government and are dedicated to organizing an independence referendum. Since the referendum has been declared illegal by the Spanish government and the Constitutional court, the Catalan government considers organizing early elections that would enable the people to vote for or against independence.

We saw that the Catalan *imagined community* is strongly established, with around 94% of the Catalans having some sense of Catalan identity, and only 12.9% of the Catalans that feel more Spanish than Catalan. Furthermore, the Catalan *imagined community* has its own language that is spoken by the majority of the Catalans. These cornerstones of the *imagined community*, language and identity are crucial to the Catalan separatist movement. Equally important are the *economic* arguments used by the separatists. The existing 'fiscal deficit' causes large sums tax money to flow out of Catalonia to other regions in Spain, and the economic misery that has hit Spain (and Catalonia) following the economic crisis has made the government in Madrid increasingly unpopular. High unemployment rates and budget cuts forced by Madrid have made many Catalans believe that they would be better off spending all their tax money in Catalonia instead of continuing the solidarity with the rest of Spain.

The legal and political stalemate that came into existence after a final round of negotiations between Madrid and Barcelona failed makes this case a very complicated one. If the Catalans were to choose for independence, either through a referendum or via elections, it remains to be seen if a transition to independence is realisable. Ideally, Barcelona and Madrid would be able to agree at the negotiating table, although any form of independence seems unacceptable for the current Spanish government. If negotiations would fail, the Catalan separatists would likely *unilaterally secede*. Not only could this lead to open (violent) conflict with Madrid, but also European leaders and the EU itself would probably be extremely divided on whether a unilaterally seceded Catalonia should be recognized or not. This is even more complicated for independent Catalan EU-Membership, which can only be realised with the consent of Spain (and 27 other Member States) or through an article 7-procedure, which would suspend Spanish veto rights. Both seem extremely unlikely, but Catalonia is economically, geographically and demographically an important region for the EU. Many national leaders probably wouldn't agree to cutting Catalonia loose from the EU, whilst simultaneously few of them would want to risk alienating Spain from Europe. Meanwhile, membership of the EU is portrayed by the separatists as a means of protecting Catalan independence from possible Spanish restoration attempts, whilst simultaneously retaining the good parts of the *status quo*.

The Catalan case is therefore probably the most complicated one, of the three here considered. It is highly unpredictable what would happen if Catalonia were to declare its independence, and the only successful route out of Spain and into the EU seems to go directly through Madrid. Therefore, it would probably take a change in government there if the Catalan separatists hope to negotiate their way to independence. Nevertheless, few Spanish leaders can be expected to cooperate willingly at dissolving their '*indivisible homeland*'.

Chapter IV: Flanders

Background

*“Vlaanderen. Staat in Europa en in de wereld.”*¹⁴⁹

The last case considered in this thesis is an odd one. Flanders, a region that over the past decades has always shown significant electoral support for Flemish-nationalist parties, is undoubtedly the political, demographical and economic heavyweight within Belgium. Despite always embodying the clear majority of the Belgian population, the Flemish have for a great deal of their history lived in a Wallonian-dominated state. The differences between the two *imagined communities* are hard to overlook: throughout almost its entire history the territory of present-day Belgium has been the dividing line between Germanic and Roman cultures. The linguistic and cultural differences are said to originate from early medieval times and assumedly have survived until modern times.¹⁵⁰ At any rate, the country has always been divided between Flemish Dutch-speakers and Walloon francophones.

This *‘linguistic cleavage’* has gradually evolved into the topic of much political conflict between Flemish and Walloon communities, already starting during the Belgian Revolution and enduring until today. Flemish separatist groups first formed in the early 20th century, played a controversial role during the Second World War, and then re-appeared in the early 1960s. Consequently, they heavily influenced the six constitutional reforms between 1970 and 2011.¹⁵¹ These constitutional reforms, which are called *‘Staatshervormingen’*, have gradually changed Belgium from a (political) unitary-state into a federation, with highly devolved competences for the regional governments of Flanders, Wallonia and the Brussels Capital Region. Despite all these reforms, many of the underlying problems that cause tensions between the two *imagined communities* haven’t been resolved, causing one of the Flemish separatist parties to become the biggest party in the 2007, 2010 and 2014 elections.¹⁵²

Separatist tendencies were highlighted on several occasions in the past decade. In 2005, a group of prominent Flemish intellectuals and businessmen published a *‘Manifesto for an independent Flanders in Europe’*, in which they argued that for many socio-economic reasons Flanders would be better off independent.¹⁵³ In December 2006 then, the French-speaking public television network *RTBF* interrupted their regular programming with the breaking news that Flanders had declared its independence. Although the *‘breaking news’* was actually an *War of the Worlds*-inspired joke, it was widely picked up by international news agencies and even foreign embassies.

¹⁴⁹ *“Flanders. State in Europe and the world.”* Quoted from Vlaams Belang, *Verkiezingsprogramma 2014*, p.4

¹⁵⁰ Robert Mnookin and Alain Verbeke, *Persistent Non-violent Conflict with no Reconciliation: The Flemish and Walloons in Belgium*, (2009) p.154-155

¹⁵¹ *Idem*, p.159-164

¹⁵² Belgium.be, *Federale verkiezingen*, accessed at 12-09-2014 via:

http://www.belgium.be/nl/over_belgie/overheid/democratie/verkiezingen/federale_verkiezingen/

¹⁵³ Denkgroep *‘de Warande’*, *Manifest voor een zelfstandig Vlaanderen in Europa*, (November 2005)

Despite being fake, the news report re-opened the public debate about Flemish independence all over again.¹⁵⁴ Comparable incidents followed, especially during the very troublesome formation talks following the 2007 and 2010 elections, during which Belgium set the sad world-record of longest formation talks (541 days) and during which foreign populists were publicly arguing for the dissolution of Belgium and a merger between Flanders and the Netherlands.¹⁵⁵

Clearly Flanders has ‘conquered’ more and more competences from the national government and has it, through devolution, reduced the Belgian state to a shallow, highly decentralized federation. Despite the increasing number of devolved competences, the Flemish still don’t seem to be satisfied with the *status quo*, even though the latest constitutional reform has only been enacted since 25th May, 2014.¹⁵⁶ Tensions clearly remain between the Flemish and the Walloons, and the problems that are behind these tensions never seem to be fully solved. Even though there’s no independence referendum on the horizon in Flanders at the moment, like in Catalonia and Scotland, the independence card is one that is still often played by Flemish political parties and it can’t be denied that Flanders has a significant separatist movement. For that reason, the Flemish case shall be analysed in this chapter, even though it shall be analysed rather briefly since the Flemish prospects for independence are less tangible than in the Scottish and Catalan cases at present.

The *Belgian* imagined communities

In order to understand the Flemish *imagined community* it is important to zoom out to the Belgian *imagined community* first. The Belgians have always been a divided people; in pre-modern times society would be highly decentralized in what was then known as the ‘southern Netherlands’. These provinces had opted to remain loyal to the Spanish King after first joining the Dutch Revolt, thereby consolidating foreign rule over pre-modern Belgium until 1830. Spanish, French, Austrian and Dutch rulers succeeded each other in ruling in these provinces, but no serious attempts were made at centralization until the French Revolution arrived. As a result, when the southern provinces were merged with the Kingdom of the Netherlands in 1815, the southern society was still highly decentralized and southerners in general identified themselves with their Catholic religion or their local community. Even when the Belgian Revolution eventually broke out, a Belgian *imagined community* did *not* exist. The revolution itself was a highly coincidental historical event rather than a national uprising. When the revolutionaries had seized control over the Belgian territory, they remained highly divided on what to do with their territory; much of the southern political elite was francophone and simply opted to join France, whilst the Flemish bourgeoisie often remained loyal to the Dutch King. History resolved this first stage of Belgian dividedness, when Europe’s great powers made it clear that they wouldn’t accept French territorial expansion and when the Flemish were

¹⁵⁴ Robert Mnookin and Alain Verbeke, *Persistent Non-violent Conflict with no Reconciliation*, p.151. The fake news announcement is now known under the name of ‘Bye Bye Belgium’.

¹⁵⁵ Elsevier, *Wilders: Nederland en Vlaanderen moeten fuseren*, (12-05-2008) accessed at 12-09-2014 via: <http://www.elsevier.nl/Nederland/nieuws/2008/5/Wilders-Nederland-en-Vlaanderen-moeten-fuseren-ELSEVIER193284W/?long=true>

¹⁵⁶ See the party opinions of the *Nieuw-Vlaamse Alliantie*, which became the biggest party in the 2014 federal elections, on this point: Nieuw-Vlaamse Alliantie, *Zesde Staatshervorming*, accessed at 12-09-2014 via: <http://www.n-va.be/standpunten/zesde-staatshervorming>

permanently alienated from Orange by the Dutch destructive bombardment of Antwerp.¹⁵⁷ At any rate, the people living in Belgium have been divided about what Belgium should be ever since the birth of their nation.

Throughout the 19th century, the Belgian state was dominated by francophones. Wallonia, as the first industrialised region on the European continent, was the economical heavyweight of the country and its politicians strongly dominated national politics. Linguistic struggles emerged soon enough, since French was declared to be the only official language for Belgium; Dutch was only allowed to be used in the private sphere. Towards the end of the century, Flemish cultural associations gradually managed to acquire concessions on this mono-linguistic policy, but French endured as the official language for government institutions in Flanders until 1932. By then, the first Flemish independence movements had already appeared and held significant popular support. However, when the German invasion came in May 1940, these separatist parties considered it a '*window of opportunity*', and gained a reputation of collaborating with the Nazi regime. This in turn caused the Flemish separatist movement to become controversial, leading to a diminishment of interest in these parties.¹⁵⁸

The linguistic battles re-appeared during the 1960s, as Flanders emerged economically whilst the heavy industry-based Wallonian economy increasingly became outdated. Flanders, which had been considered the '*périphérie*' became the '*centre*' whilst Wallonia went the other way around. Flowing from this change in balance came the constitutional reforms, starting in 1970, during which the Flemish '*conquered the Belgian state*'. The Flemish acquired cultural and linguistic devolution, and the Walloons increasingly resented what they now considered the '*État belgo-flamand*'.¹⁵⁹

What Belgian history above all shows is that a Belgian *imagined community* has hardly ever existed. Core elements of the *imagined community* – culture, history and language- are severely lacking in the Belgian case. Even today, in "*Belgium there is little communication. There are separate media, extreme social segregation, separate political parties and more and more authority in separate hands.*"¹⁶⁰ The country has been properly divided along the '*linguistic cleavage*'; Flemings and Walloons can only vote on separate political parties in their own regions, they can only communicate with government institutions in either Dutch or French, and both communities have media that are very focussed on their own community.¹⁶¹ The segregation between Flemings and Walloons, which can be interpreted as proof that the Belgian *imagined community* does not exist, is very much institutionalized. This is underlined by the fact that millions of Belgians aren't able to communicate with each other:

¹⁵⁷ Tim Wencker, *Het Belgisch Toeval: Hoe een Brussels relletje tot een onafhankelijkheidsrevolutie leidde*, (Utrecht, 2014) in: *Historisch Tijdschrift Aanzet*, Jaargang 29, Nr. 3, p.73-85

¹⁵⁸ Lieven de Winter and Pierre Baudewyns, *Belgium: Towards the Breakdown of a nation-state in the Heart of Europe?*, (2009) in: *Nationalism and Ethnic Politics*, 15:3-4, p.280-304

¹⁵⁹ Idem

¹⁶⁰ Robert Mnookin and Alain Verbeke, *Persistent Non-violent Conflict with no Reconciliation*, p.165

¹⁶¹ Ibidem

Knowledge of languages (% of total regional population)	Wallonia	Flanders	Brussels
French only	57%	1%	18%
Dutch only	1%	28%	4%
Speaks both French and Dutch	17%	57%	51%
Trilingual: French, Dutch and English	7%	40%	31%

Figure P : Linguistic statistics for the three regions in Belgium. N= 1000.¹⁶²

Therefore, it is clear to see that Belgium is in many ways (institutionally) divided and even segregated according to language. However, identity within Belgium is a difficult phenomenon to grasp. Whereas the Walloons identify themselves mostly with Belgium, the Flemings are more likely to identify with Flanders but do not produce similar regional identity attitudes as the Scottish and Catalans. Unfortunately, similar statistics on identity aren't available for after 2004 at the moment. If the electoral support for Flemish separatist party say anything about the Flemings' sense of identity, levels of *Flemish only* or *More Flemish than Belgian* can be expected to have gone up.

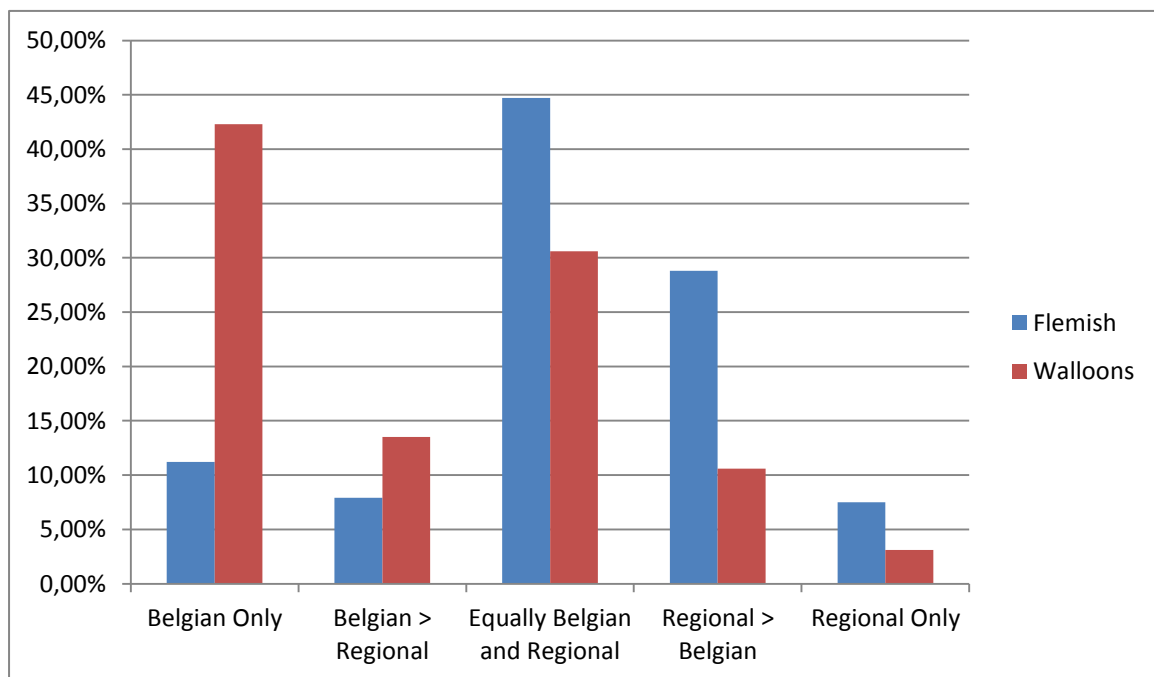


Figure Q : Moreno Identity Question in Belgium. N = 817.¹⁶³

¹⁶² Source: Victor Ginsburgh and Shlomo Weber, *La dynamique des langues en Belgique*, (2006) in : Regards Économiques, Nr. 42

¹⁶³ Source: Lieven de Winter, *La recherche sur les identités ethno-territoriales en Belgique*, (2008) in : Revue Internationale de Politique Comparée, Vol. 14, N°4

Understanding Flemish separatism

The core to understanding separatism in Belgium is to recognize that the Dutch-speaking and francophone communities live almost completely segregated from one another, and that this segregation has been institutionalized, which widens the gap between the communities even more. Belgian politicians at the federal level can only be elected by either Flemish or Wallonian voters,¹⁶⁴ which only gives them an incentive to represent the interests of the community that can elect them. Flemish politicians will therefore only defend Flemish interests and vice versa. When these interests clash, or when compromises have to be made, it is extremely easy to blame the other community, since politicians aren't likely to lose votes by doing so. The fact that the public media are separated along linguistic lines as well further adds to this 'linguistic cleavage'. Stereotypes and generalizations about the other community are widespread, and since politicians have nothing to gain by explaining themselves in the media of the other community, Flemish politicians rarely explain themselves in Wallonian media and vice versa. This blame-game in politics and the media leads to the situation where Belgium is '*the only country in the world where two oppressed majorities live together.*'¹⁶⁵

Moreover, several mechanisms in federal decision-making ensure that no community can push through federal decisions without the consent of the other. The compromise-driven politics that flow from this, so-called '*Wafelijzerpolitiek*', often result in political cow trading at the national level. Over the course of six constitutional reforms, Flemish politicians have often watered down their devolution demands and paid a financial price for Wallonian consent through agreeing to fiscal grants or federal investments.¹⁶⁶ Even in every-day federal governance, interests are seemingly very divided between Flanders and Wallonia as a result of this '*Wafelijzerpolitiek*'. If for example federal investments are made into Wallonian infrastructure, Flemish consent will likely only follow if similar investments are made into Flemish infrastructure, even when these have no clear purpose.¹⁶⁷ The Belgian government alternately serves the interests of two very different regions rather than the interest of a sole nation.

On top of this political cow trading, there is a large fiscal deficit between Flanders and Wallonia. Caused mainly by divergence in social security expenditure – likely a heritage from the decayed heavy industry sector in Wallonia – there is annual flow of tax money from Flanders to Wallonia estimated between 2 (estimate by the Belgian Employers Union) and 16 (estimate by *Vlaams Belang*) billion euros.¹⁶⁸ Economic realities like these raise popular support in Flanders for further devolution (of social security and taxes for example) or even independence.¹⁶⁹ *Economic* arguments argue that Flanders can't remain competitive on the global market anymore as long as it has to keep paying for Wallonia,¹⁷⁰ and populists are eager to add that the fiscal deficit is caused by

¹⁶⁴ With the exception of the Brussels-Halle-Vilvoorde constituency, where citizens are allowed to vote on both Flemish and Wallonian candidates.

¹⁶⁵ Dave Sinardet, *Het samenleven van twee onderdrukte meerderheden: Vlamingen, Franstaligen en de media*, in: G. Beulens, J. Goossens en D. Van Reybrouck red., *Waar België voor staat*, (Antwerpen, 2007) p. 27-37

¹⁶⁶ Robert Mnookin and Alain Verbeke, *Persistent Non-violent Conflict with no Reconciliation*

¹⁶⁷ NOS, '*Spook-Thalys*' in *Vlaanderen*, (23-06-2013) accessed at 14-09-2014 via: <http://nos.nl/artikel/521673-spookthalys-in-vlaanderen.html>

¹⁶⁸ Lieven de Winter and Pierre Baudewyns, *Belgium: Towards the Breakdown of a nation-state in the Heart of Europe?* and *Vlaams Belang, Verkiezingsprogramma 2014*, p.7

¹⁶⁹ Idem

¹⁷⁰ Nieuw-Vlaamse Alliantie, *Staatshervorming*

'laziness' or 'corruption' on the side of the Walloons.¹⁷¹ In short, these *economic* arguments are often used as *political* arguments: since the current *political* system causes negative *economic* effects, devolution or independence is considered unavoidable.

Nevertheless, despite multiple 'eruptions' of Flemish separatism during the past decade (examples were given at the beginning of this chapter), the prospects of Flemish independence in the short-term seem to have cooled down. Flemish separatism is an elite-driven movement, where separatist parties are elected but popular expressions of pro-separatism are surprisingly rare.¹⁷² This is confirmed in popular opinion about the future of the Belgian federation:

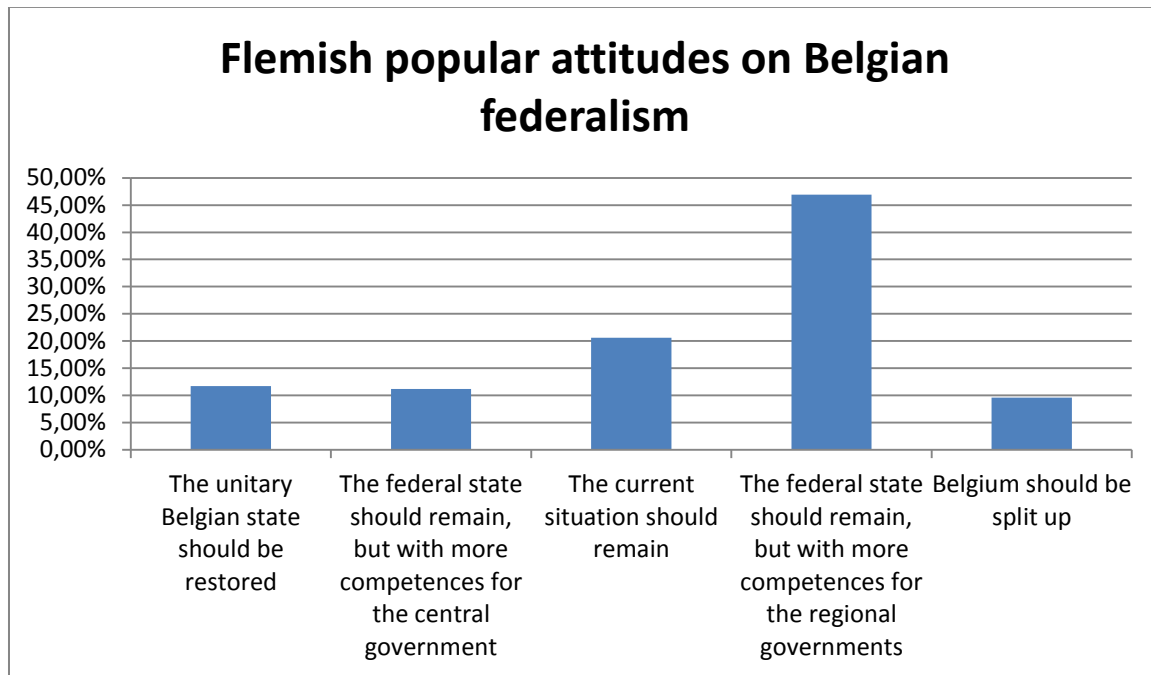


Figure R : Flemish popular attitudes on the 'preferred future polity in Belgium'. N = 1.054.¹⁷³

Flemish popular opinion is therefore more supportive of further devolution rather than independence. This isn't surprising, since the Flemish have acquired a high degree of *internal self-determination* and many of the *economic* arguments for independence could be achieved through devolution as well (the fiscal deficit for example could be eliminated by devolving social security and taxation competences). In a country that has been devolving for over 40 years, further devolution is apparently considered the preferable alternative over secession by many (Flemings) still. The elite-driven quest for Flemish independence seems to have lost its momentum as well, with the biggest separatist party N-VA opting for 'confederacy' (de facto independent states that cooperate only in

¹⁷¹ Vlaams Belang, *Wallonië is verslaafd aan Vlaamse miljardentransfers*, (20-05-2005) accessed at 14-09-2014 via: <http://www.vlaamsbelang.org/mediafragmenten/84>

¹⁷² Min Reuchamps, *The Future of Belgian Federalism Through the Eyes of the Citizens*, (2013) in: *Regional and Federal Studies*, Vol. 23 , No. 3, p.353-368

¹⁷³ Marc Swyngedouw and Nathalie Rink, *Hoe Vlaams-Belgischgezind zijn de Vlamingen? Een analyse op basis van het postelektorale verkiezingsonderzoek 2007*, (Leuven, 2008)

certain fields according to a treaty) instead of outright Flemish independence.¹⁷⁴ However, the *N-VA* still states in its statutes that it strives for ‘... *an independent Flemish republic, Member State of a democratic European Union.*’¹⁷⁵ This underlines that separatism might be dormant for the moment, but hasn’t disappeared from the Belgium.

There are several reasons why – despite significant separatist tendencies – Flanders today doesn’t face an independence referendum or large popular support for independence, as in Scotland and Catalonia. There is a broad understanding that Flanders would probably lose its capital – Brussels- if it would ever become independent. Despite being predominantly a francophone city today, Brussels has a long Flemish history and was still almost completely a Flemish city in the 19th century. Furthermore, large groups of Flemish commuters work in Brussels, making it so that a loss of that city would certainly mean a loss of jobs. Finally, the Flemish population of Brussels might also lose its access to public services in Dutch. The fear of losing Brussels therefore, is a strong incentive for further devolution rather than secession. Fears about being isolated from the European Union form another incentive.¹⁷⁶

Above all it is the loss of Brussels which should be highlighted here. Unlike in Scotland and Catalonia, and independent Flanders could lose territory, something which could impossibly be compensated through independent EU-membership. Nevertheless, ‘access to Brussels’ might be safeguarded through negotiations, which would be possible in the most plausible scenarios in case of a Belgian break-up. Brussels might become independent¹⁷⁷ or become the *sui generis* ‘capital’ of the European Union (which would make the city far more complicated to rule than the slightly comparable case of Washington D.C.). In both cases, Flemish access to the Brussels job market and Dutch-language facilities are not unrealistic. Therefore, Flemish separatism shouldn’t be reduced to a movement without prospects. Especially if the Scots (or the Catalonians) would set a favourable precedent, the Flemish separatist movement might be ‘inspired’ and pursue independence rather than further devolution again.¹⁷⁸ Many other European ‘sleeper separatists’ would be likely to follow.

Flanders and the EU

Belgium is traditionally one of the most pro-European countries in the EU. The proximity of many European institutions in Brussels probably makes the EU less ‘abstract’ for Belgian citizens than for other Europeans, but still there are better reasons why the Belgians are so pro-EU. If we’d limit ourselves to the Flemish separatists we’d immediately notice that ‘Flemish independence’ and ‘membership of the EU’ are often mentioned in the same sentence within separatist party programmes. Flemish separatists might indeed be among the most unconditional supporters of the

¹⁷⁴ Carl Devos, *DM Column: De N-VA geeft de indruk voor een Nogal Veranderlijke Alliantie te staan*, (31-03-2014) accessed at 14-09-2014 via: <http://www.demorgen.be/dm/nl/2461/Opinie/article/detail/1834764/2014/03/31/De-N-VA-geeft-de-indruk-voor-een-Nogal-Veranderlijke-Alliantie-te-staan.dhtml>

¹⁷⁵ Nieuw-Vlaamse Alliantie, *Statuten: Gecoördineerde versie 5/04/2014*

¹⁷⁶ Robert Mnookin and Alain Verbeke, *Persistent Non-violent Conflict with no Reconciliation*, p.171-173

¹⁷⁷ Volkskrant, *Inwoners willen onafhankelijkheid Brussel bij splitsing België*, (23-03-2013) accessed at 14-09-2014 via: <http://www.volkskrant.nl/vk/nl/2664/Nieuws/article/detail/3414303/2013/03/23/Inwoners-willen-onafhankelijk-Brussel-bij-splitsing-Belgie.dhtml>

¹⁷⁸ De Morgen, *Dave Sinardet: Schots referendum kan achterban N-VA inspireren*, (09-09-2014) accessed at 14-09-2014 via: <http://www.demorgen.be/dm/nl/5036/Wetstraat/article/detail/2044911/2014/09/09/Dave-Sinardet-Schots-referendum-kan-achterban-N-VA-inspireren.dhtml>

European Union.

There are obvious reasons for the Flemings to 'hang on to' the EU if they were to declare independence. First of all, the maintenance of certain parts of the *status quo* is important. Like in Scotland and Catalonia, the Flemish separatists wouldn't want to sever all economic and demographic links between Flanders and the remainder of Belgium. Secondly, through the Flemish capital – which is Brussels- there is a direct link to the European Union, both in terms of employment and international prestige. Brussels being a Flemish city in origin and now the capital of the biggest economic bloc in the world gives Flanders a certain degree of prestige, which they rather wouldn't lose obviously, but which does strengthen their attachment to Europe. Finally, Belgium being a transit country by geographic definition (both by land and by sea through Antwerp) has a lot to lose from exiting the EU. Without the EU's Single Market and Schengen, Flanders would be dangerously small and alone on the European market: the port of Antwerp would take a severe loss, as would the transport and services sector. Flanders simply has too much to lose from losing its EU-membership to even consider it. The biggest separatist party, the *N-VA*, seems aware of this and firmly expresses its support for the EU in both its statutes and its party programme, and even warns that a state outside the EU would see the return of the dreaded Belgian franc and huge traffic jams at border crossings.¹⁷⁹ The smaller, more populist *Vlaams Belang* instead campaigns against the increasingly supra-national character of the EU, but nevertheless recognizes that European cooperation along the lines of the Treaty of Maastricht is necessary.¹⁸⁰

It doesn't take economic expertise to see that an exit from the EU's Single Market would be disastrous for an independent Flanders. The Flemish separatists are very much aware of the fact that Flanders benefits to a great extent from being part of the EU and its Single Market. Whereas the *N-VA* is likely to be far more supportive of the EU than most ordinary political parties in other European countries, *Vlaams Belang* has some Eurosceptic views but still isn't opposed to EU-membership as such. The prestige that the Flemings acquire from sharing their capital with the EU, and the geographical necessity of open borders are further important factors in determining the pro-EU attitude of the Flemish separatists.

Chapter review and conclusions

Flanders is an odd case within an odd country. Throughout its entire existence, Belgium has been a country that was divided along a linguistic border: Dutch-speaking Flanders and French-speaking Wallonia. The modern Belgian state was for a long time dominated by the Wallonian minority, whose heavy industry formed the economic powerhouse of the country, but in the second half of the 20th century the Wallonian industry decayed whilst Flanders' economy boomed. This changed Flanders from the *périphérique* into the *centre* of the country. Together with the quest for *internal self-determination*, especially in terms of language, the Flemish gradually 'conquered' the Belgian state, only to start devolving most of its competences from the 1970s onward.

Today, after six constitutional reforms in less than five decades, the 'linguistic cleavage' has led to an institutionalized segregation. Flemings can only vote for Flemish parties, have their own

¹⁷⁹ Nieuw-Vlaamse Alliantie, *Standpunten: Europa*

¹⁸⁰ Vlaams Belang, *Verkiezingprogramma 2014*, p.9-11

public media, have a regional government with highly devolved competences and hardly ever communicate with their Wallonian compatriots. Still, the quest for further self-determination hasn't ended yet. *Wafelijzerpolitiek*, fiscal deficits and the negative discourse about Wallonia (and its leaders) feed Flemish desires for further devolution, the creation of a confederation or even Flemish independence. Tempering these desires are fears over the loss of Brussels and the position within the European Union. Flemish support for the European Union is unquestionable, since most Flemings – the separatists included- realize that their country has too much to lose if it were to be isolated from the EU and its Single Market.

There are no concrete prospects for Flemish independence in the short term, since Flemish separatism is above all an elite-driven movement of which the most important party has temporarily reduced their separatist intentions to striving for a confederation. A precedent from elsewhere in the EU might re-ignite Flemish separatism, but for the moment the movement seems to have come to a halt.

Part III

Connecting the dots: Conclusions about separatism in the European Union

Chapter V: Connecting the dots

This final part will aim at comparing the three cases that were considered in the previous part in order to establish whether a pattern exists among European separatist movements. Apart from similarities, differences shall be highlighted and explained within their context. Finally, after ‘connecting the dots’ of European separatism, the emphasis shall be on the relationship between these separatist movements and the EU. Above all, an explanation will be sought for the seemingly self-contradicting support for the EU of these separatist movements. This explanation will mainly be derived from the cases that were considered earlier in this thesis, but additional literature shall be used to further complement the concluding theses of this author.

Pattern of European separatism

This thesis began by stating that in *all* cases of European separatism the movements represent *imagined communities*. In the three cases that were considered, these *imagined communities* always played a crucial role. Identity, which is derived from these *imagined communities*, seemed to provide the fundamental basis for these separatist movements. The *imagined community* is often used as the most basic argument to legitimate independence: since one regional community (defined by identity) is different from the greater, national community, this regional community should acquire *external self-determination*. These regional and national identities often don’t exclude each other completely, but in all our cases statistics confirmed that people were more attached to regional identities than national ones.¹⁸¹ Furthermore, a low sense of identity with the nation seemed to relate to popular support for separatism.

Another important element of the regional *imagined communities* is language. All three regions historically have (had) different languages than the rest of their nation. Although *Gaelic* doesn’t play a significant role in contemporary Scottish society, linguistic battles in Catalonia and Flanders shouldn’t be underestimated. Language makes identity far more *exclusive* and *distinctive*, since it presents a linguistic barrier between the region and the nation. Catalan separatists are convinced that their *internal self-determination* is breached since the constitutional court ruled that Catalan can’t have precedence over Castilian Spanish, and the ‘*linguistic cleavage*’ in Belgium embodies the very core of segregation between the Flemish and Wallonian communities. Language therefore certainly serves to strengthen the *imagined community* as a foundation for separatism.

The *imagined community*, and especially core elements such as identity, history and language, serve as the *emotional* ‘setting’ of all our separatist movements. *Emotional* arguments

¹⁸¹ See the statistics on the Moreno Nationality Question: p.26, 43 and 58 of this thesis.

tend to flow within this setting. The sense of achieved *internal self-determination*, or a lack thereof, might strengthen or weaken this setting.

The *emotional* 'setting' isn't sufficient though. This is where *economic* and *political* arguments come in. These arguments tend to 'rationalize' the choice for secession. In *all* cases separatists argued that their region would be better off economically if it were to become an independent country. All movements (argued that they) had 'fiscal deficits', and that their regions and the *imagined communities* in them would be wealthier and fairer if independence was achieved. Independent control of natural resources and taxes were presented as 'rational' arguments in favour of independence. In addition, these regions already tended to be wealthier per capita than their national averages, which the separatists eagerly used to point out that the national economic systems are supposedly 'unstable' or unfavourable in some other way. These 'rational' arguments were often presented along with (doubtfully optimistic) economic statistics and simple rhetoric.

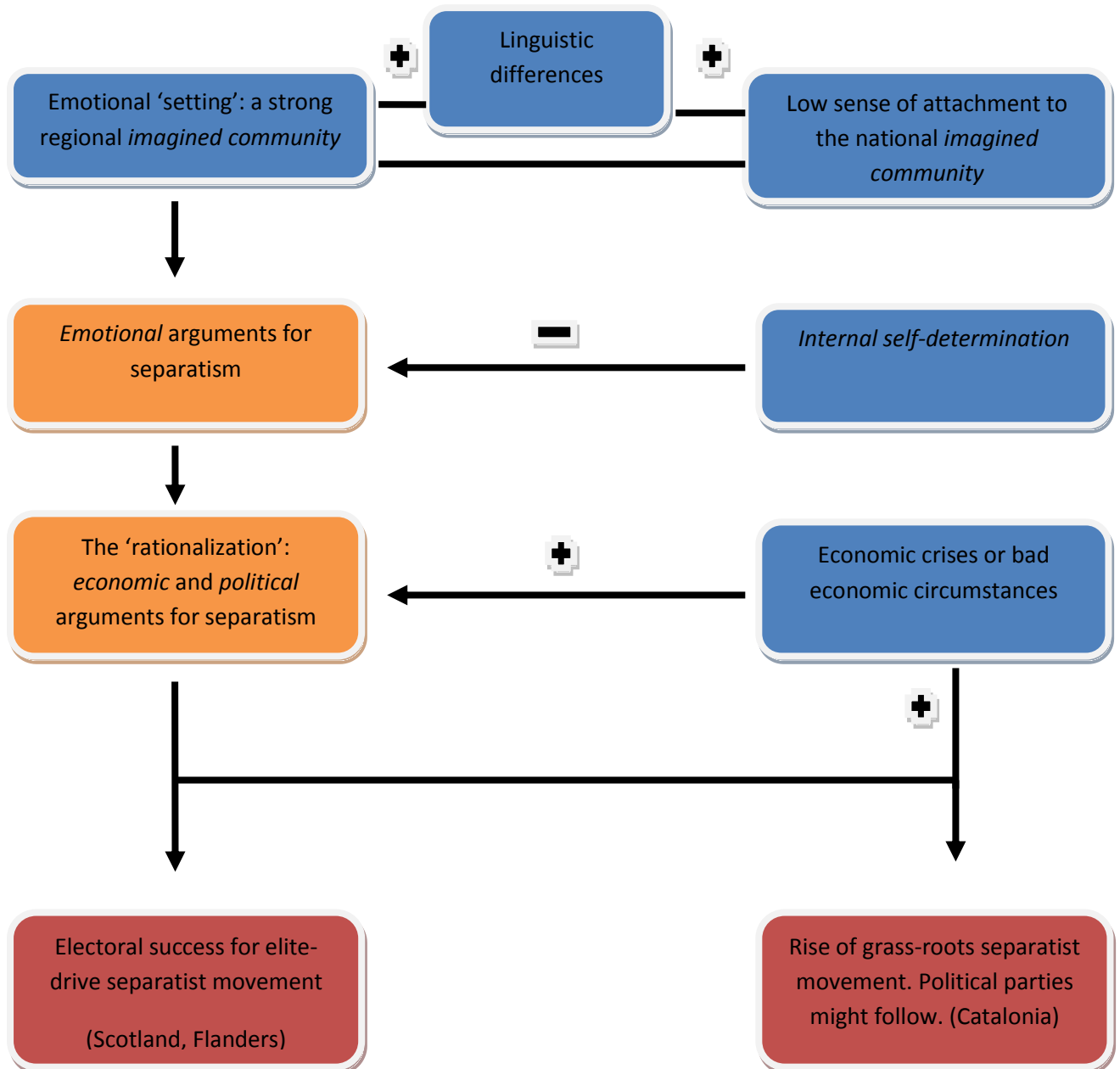
Not surprisingly, all separatist movements that were considered won land-slide electoral victories following the start of the economic crisis in 2007. This strongly suggests that, even though the consequences of the crisis weren't always directly noticeable for citizens, *economic* arguments are more convincing when brought in economically hard times. Thus, whereas the *imagined community* provides an all-time *emotional* setting for separatism, economic crises may activate an additional 'setting' in which the 'rational' *economic* arguments of separatist cause electoral successes.

Even then, separatist movements can be elite-driven or grass-roots movements. The Flemish and Scottish cases are (in origin) very much elite-driven movements, while the Catalanian case originated in a grass-roots movement. When a legal referendum on independence is organized, separatism might become more of a popular movement due to the democratic nature of the referendum and the public debate surrounding it. Illegal referenda are likely to provide similar popular separatism, since *internal self-determination* (crucial to the *imagined community*) entails some 'right to decide' about the future. Without (prospects for) independence referenda separatism is likely to remain an elite-driven movement.

It is my hypothesis therefore that based on the three cases that were analysed, a pattern in European separatism exists. The *emotional* 'setting' is a fundamental condition for successful separatist movements. The 'rationalization' in turn, which comes from *economic* and *political* arguments, can under certain circumstances (additional 'settings') lead to electoral successes for separatist movements, either through an elite-driven process or originating from a grass-roots movement.

If reduced to an arrow diagram, our pattern would look like this:

Pattern of separatist movements within the EU



Differences between and importance of the cases

Obviously all European separatist movement shouldn't be generalized into a single model. Although there is a clear pattern to see, the unique context of each case remains important to understand. For this reason, throughout the previous chapters, an overview of the separatist movement's case and the *imagined community* was always given. In addition, these three cases of separatism do not operate within a comparable political and legal playing field. It is also within this context that the three cases vary in importance.

Without doubt the Scottish case is by far the most important one, since it might create a precedent. Scotland faces the easiest 'route' to independence, through a binding referendum that is backed by the agreement of Edinburgh, making sure that the outcome will be respected by the British government. Nevertheless, what would happen after a 'yes'-vote in Scotland vis-à-vis the EU is far more important. There are obvious economic and political reasons why it wouldn't be in the Member States' interest to exclude an independent Scotland from the EU. However, if the Scottish were granted independent membership too easily this will definitely open the separatist box of Pandora throughout the Union, threatening the existence of multiple nation-states. The Member States that face separatist movements within their own borders are very much aware of this, and will undoubtedly attempt to make Scottish accession to the EU as hard and unfavourable as possible. At any rate, the Scottish independence vote can turn out to be a crucial event for the future of European nation-states and the EU.

Catalonia finds itself in one of the Member States that is all too aware of the possible threat to its existence. The Spanish government has chosen to avoid the separatist debate by pointing to the constitution at home and by proclaiming serious political warnings towards the Scottish separatist movement. If Catalonia, despite the political and legal obstacles that they face from Madrid, succeeds in acquiring international recognition after it has declared its independence, other European separatist movements would surely follow. Whereas Scotland might set the precedent for independent EU-membership, Catalonia might set a precedent for *unilateral secession* within the Union. Catalonia therefore forms a good example of a region whose separatist intentions are obstructed by the central government, unlike the Scottish case, but like many other separatist regions in Europe. At any rate, the current stalemate between Barcelona and Madrid is highly unpredictable. Although Madrid can't ignore Catalan voices forever, it would probably take a regime change before negotiations can be expected to be successful.

Flanders is a good example of one of the regions that might follow quickly if a Scottish and/or Catalan precedent is set. In their current status quo, the separatist movement seems to have come to a (temporarily) halt. One should keep in mind that the Flemish form the demographically and economical majority within Belgium, and as such have been able to reform the Belgian state to the degree that both communities live completely segregated along the linguistic border, and that this segregation is highly institutionalized. If a favourable precedent is set concerning EU-membership, independence would probably be a small step for the Flemish, although they might not be ready to accept the probable territorial loss (i.e. Brussels) that would come with it. Nevertheless, Flemish eyes are on the referendum in Scotland. Flanders is an example of a region in which separatist tendencies might re-appear easily if favourable precedents are set. Furthermore, Flanders proves that a majority might exclude a minority for *emotional, political and economic* reasons.

Seemingly contradictory: why are separatists pro-EU?

There is a seemingly contradictory nature to the pattern that we’ve just established however. This brings us to one of the main questions with which this thesis started. If separatist movements develop from their *emotional ‘setting’*, which is the *regional imagined community*, and argue that more wealth could be acquired by attaining independent state powers, then why are these movements so supportive of a supranational body with far-going *economic* competences and a very distant, extremely diverse *imagined community*? As a matter of fact, the SNP was for a long time opposed to the European Union, stating that they wouldn’t want to ‘trade in London for Brussels’. Yet, in the late 1980s they’ve had a change of heart, and are probably one of the most Euro-enthusiastic parties in the UK today.¹⁸² Similarly, Catalanian and Flemish separatist have always campaigned for independence ‘within Europe’.¹⁸³ What do separatist movements have to gain from Europe vis-à-vis their nations?

According to our pattern, the emotional ‘setting’ and ‘rationalized’ arguments provide the core and success of separatist movements. Therefore, it is important to see how a regional *imagined community* perceives the EU. In short, the three cases suggest that when differences between the regional and national *imagined communities* are significant, especially in the field of identity and language, attachment to the national *imagined community* will be less. According to our pattern, this creates the conditions in which separatist movements can be successful. Nevertheless, according to the Eurobarometer attachment to the European identities is even less than to national ones:

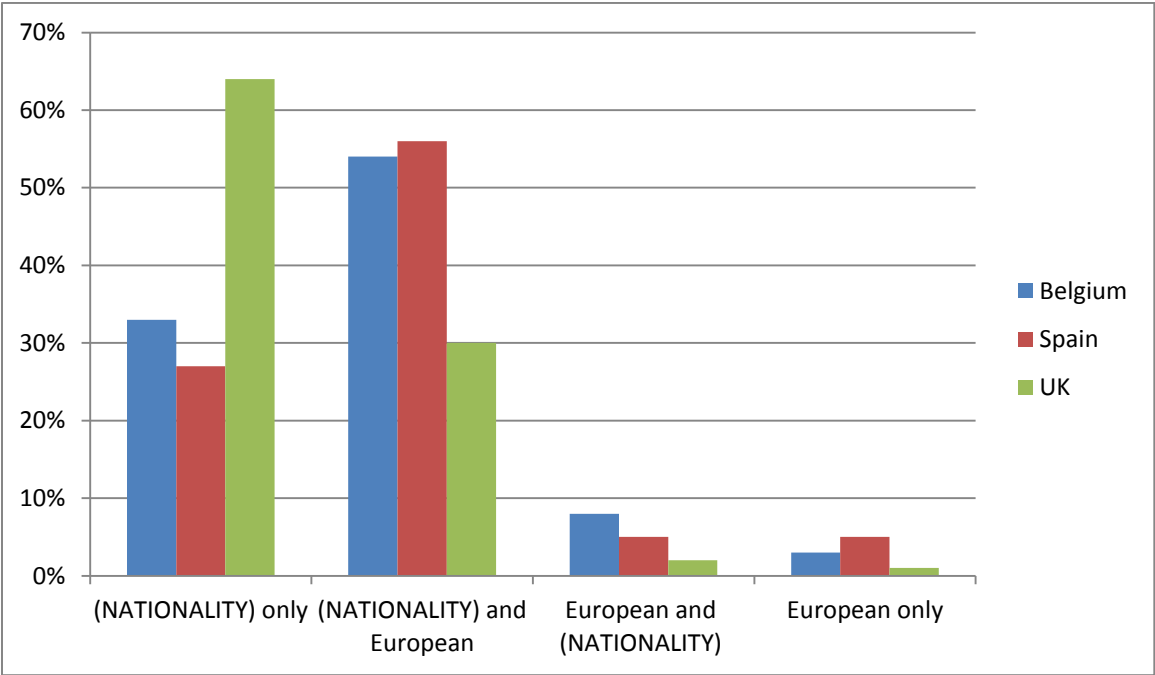


Figure 5 : “Do you see yourself as...?” Attachment to European identity according to the Standard Eurobarometer 81.¹⁸⁴

¹⁸² Valeria Tarditi, *The Scottish National Party’s changing attitudes towards the European Union*, (2010) in: Sussex European Institute, Working Paper No. 112

¹⁸³ See: Nieuw Vlaamse-Alliantie, *Standpunten: Europa*, accessed at 15-09-2014 via: <http://www.n-va.be/standpunten/europa> and Convèrgencia i Unió, *Programa Electoral 2012*, p.23-25

¹⁸⁴ European Commission, *Standard Eurobarometer 81: Spring 2014*, (2014)

Even though these statistics show the national levels of European attachment rather than those of our regions, the overall trend is that very few people identify themselves predominantly with Europe. Why low levels of attachment to the national identity provide for separatist tendencies towards that nation whilst low levels of European attachment do not encourage movements to exit the EU, can be explained by the fundamental different nature of European, national and regional identities. Whereas regional and national identities can be *exclusive* towards each other (e.g. an Englishman, even though being equally British as a Scotsman, can't be Scottish) the European identity is *inclusive*. Any citizen of the EU can feel 'European', despite the immense cultural and linguistic differences between Europeans. Therefore Europe doesn't 'threaten' *internal self-determination*, since Europe doesn't provide a strong alternative *imagined community* nor does it enforce one.¹⁸⁵

In addition, being a Member State of the EU entails being member to a prestigious group of countries. Many newly-independent (former communist) countries take great pride in being 'part' of the same 'select club' as countries such as Germany and France.

For the separatists' rationalized arguments Europe has a lot to offer as well. Concerning *political* arguments one must underline that the EU offers region channelled influence on European decision-making that bypasses the Member States, which makes the EU a pragmatic political ally for regional governments, including those with separatist governments.¹⁸⁶ International recognition and EU-membership are very much dependent upon political considerations abroad; the EU provides the perfect setting for a separatist-oriented region to pursue these things outside bilateral diplomatic channels (which regions normally don't have, with the exception of Flanders).

Probably the most important 'rational arguments' are the *economic* ones. Economic structures in separatist regions are often very much linked to the national economy, which means that secession could be economically devastating if the links to the national market were to be severed. The EU's Single Market provides an '*umbrella*' for independence, ensuring that the connection to the national market isn't lost and that, *ceteris paribus*, the would-be independent country doesn't pay an economic price for secession.¹⁸⁷ The Scottish case proves however that it would naïve to assume that independence wouldn't come at an economic price: it is uncertain that Scotland can retain the Pound Sterling as its currency and keep the UK opt-outs from the European Treaties. Moreover, private economic actors might not have as much confidence in the independence of a region than its separatist leaders.¹⁸⁸

In conclusion, the seemingly contradictory pro-EU position of separatist movements can be reduced to three explanations. First of all, the European *imagined community* provides an *inclusive* alternative to the *exclusive* national one, ensuring that regional *imagined communities* aren't competing with national identities and can be self-determining communities. Secondly, the EU politically empowers regions to influence European decision-making and allows them to seek international recognition or

¹⁸⁵ Kathleen M. Downley and Brian D. Silver, *Support for Europe among Europe's Ethnic, Religious and Immigrant minorities*, (2011) in: *International Journal of Public Opinion Research* Vol. 23, No.3 p.315-337

¹⁸⁶ Mwita Chacha, *Regional attachment and support for European integration*, (2012) in: *European Union Politics*, Vol. 14 (2), p. 206-227

¹⁸⁷ Seth Kincaid Jolly, *The Europhile Fringe? Regionalist Party Support for European Integration*, (Chicago, 2007), in: *European Union Politics*, Vol. 8 (1), p.109-130

¹⁸⁸ NOS, *RBS verlaat onafhankelijk Schotland*, (11-09-2014) accessed at 15-09-2014 via: <http://nos.nl/artikel/696980-rbs-verlaat-onafhankelijk-schotland.html>

support for EU-membership, bypassing national (diplomatic) channels in the process. This makes the EU as very pragmatic political ally for regional governments without diplomatic competences. Finally, the EU's Single Market is often (unjustly) presented as an economic '*umbrella*' against the economic fallout that would normally occur if a region were to secede. The EU therefore, ensures that citizens wouldn't lose anything from exiting the nation whilst gaining a lot from the region.

Obviously separatist leaders tend to project a brighter future than secession would probably bring to a region. The cases that were analysed in this thesis all clearly had major obstacles that would have to be overcome before independence and independent EU-Membership can even be achieved. Moreover, a great deal of uncertainty rests on the future of Scotland, Catalonia and Flanders if these regions would choose to secede, since they can only become independent EU-Member States at the grace of the existing Member States, some of which have obvious political reasons to turn this into an uphill battle. It would only be fair therefore, if the people of Scotland and Catalonia would truly know the prospects of their future when they go to the ballots this autumn. Between all political campaigns and (accusations of) propaganda, the true consequences of secession will probably unfold themselves soon enough. As democrats, we can only hope that our fellow Europeans were aware of them when they had to choose between independence and preservation.

22.293 words (excluding footnotes and bibliography)

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