

# Separatism in the EU

Independence movements have gained momentum within the EU in recent years. A crucial factor has been the economic crisis and crisis of confidence that has gripped the continent. Nevertheless, it appears unlikely that any borders will be redrawn in the near future. While autonomy rights are much sought after, the prospect of independence is fraught with uncertainty.

By Matthias Bieri

On 18 September 2014, voters in Scotland have the opportunity to decide whether their country will become independent. Even if Scotland should remain within the UK, as appears likely at this point, the referendum will make its effect felt. For other separatist movements within the EU, the Scottish process is a model to be emulated, since the referendum will be held by arrangement with the national government and its outcome is legally binding. In Catalonia, the regional government is holding a referendum on independence on 9 November. However, this will be in no way binding, nor will it be acknowledged by the Spanish government.

The success of European integration has caused the importance of internal borders to diminish – but this development is deceptive. The idea of realizing one's own state is alive and well, and its appeal is growing. Civic participation and federalism are regarded as prescriptions for mollifying secessionist regions. Switzerland is credited with a high level of competence regarding issues such as these.

The economic crisis in Europe has fanned the desire for autonomy – nowhere more than in the regions that are economic powerhouses. In this context, demands for independence also serve as leverage for applying pressure on the central government.



People hold banners and flags in Barcelona as they take to the streets during a protest for an independent Catalonia within the EU. *Gustau Nacarino / Reuters*

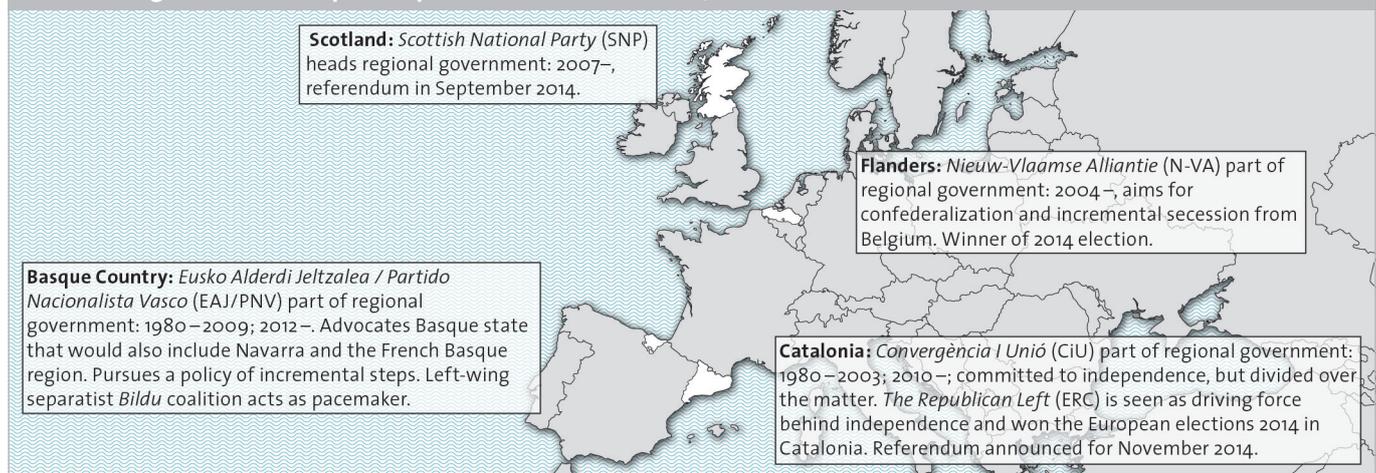
It is not always easy to determine whether movements are indeed pursuing independent statehood or whether they are actually striving for more autonomy rights. Scotland, Catalonia, the Basque regions, and Flanders are ruled by parties that seek independent statehood. They embody a new, modern form of separatism. In addition to established sources of legitimacy, it is notable that they regard themselves as Europe-

an movements, believing that independence will bring them advantages in the global competition of economic regions.

## Four Hot Spots

In Spain, special autonomy rights were granted to the Basque Country and Galicia in 1978 after the end of the Franco regime. Subsequently, Catalan regionalism increasingly came into conflict with Spanish na-

## The Driving Forces of Europe's Separatist Movements 2014



tionalism. The key question that emerged was whether Spain was a multinational state or, as stated in the constitution, a national state. In 2005, a new statute on autonomy came up for a vote. It referred to Catalonia as a “nation”, designated Catalan the preferred language, and allocated certain judiciary and fiscal competences to the region. It was accepted by a large majority in Catalonia, but declared unconstitutional in 2010 by the Spanish Constitutional Court. This decision triggered a wave of public outrage and mobilized the masses to take to the streets.

In the Basque Country, the independence movement was long overshadowed by the violence of the left-wing separatist group “Basque Homeland and Freedom” (Euska-

### Regions complain that their interests are ignored by the national government in question.

di Ta Askatasuna, ETA). In 2003, the *lehendakari* (president) of the Basque Country presented an ambitious autonomy plan. However, the Spanish parliament rejected that plan as being unconstitutional. Resulting in it being scrapped after lengthy disagreements, it fueled a land wide debate on the rights of the autonomous regions. The Basque regional elections of 2012 showed that the concerns of the Basque nationalist parties enjoy widespread support. The Christian Democratic coalition party EAJ/PNV together with the left-wing *Bildu*

separatist alliance won 60 per cent of the votes. In recent years, the movement has increasingly garnered attention for its demand through mass demonstrations. The situation in the Basque Country is complicated by the aim of uniting the Basque Autonomous Community with the partially Basque Navarra and the Basque country of France.

The Belgian state has been drifting apart since 1970. The societies and political classes of the two main language groups have now largely become separated from each other. The recent years have been marked by a surge of support for the *Nieuw-Vlaamse Alliantie (N-VA)* and its idea of a confederalization and creeping dissolution of Belgium. Since 2007, forming a national government has been difficult. In 2010–11, the country remained without a government for 589 days. Following the elections of May 2014, the formation of a government is currently still underway. The Flemish nationalists and their demands of further regionalization meet with strong resistance on the part of the Walloon parties. The issue of who should get the capital region of Brussels is seen as the main reason for why the country has not yet been divided yet.

Scotland has had a regional parliament since 1999. It was only in the first decade of the 21<sup>st</sup> century that the Scottish independence movement grew stronger and began to emphasize the differences between the Scottish and English societies. Having won the 2011 elections, the Scottish Na-

tional Party (SNP) was able to form a majority government and claimed legitimization to aim for a referendum on independence.

### Motives and Support

Common regional features, such as a shared language, promote distinct identities and serve to legitimize claims for self-determination. In Scotland, the separate civil society is invoked as a central pillar of identity. In Catalonia and the Basque Country, preservation of an own language and culture is a substantial argument in favor of autonomy. The advocates of independence do not feel that the central government takes their concerns seriously. History is also invoked as a source of legitimacy. In the Spanish regions, the memory of the Franco regime (1939–1975) and its suppression of minority languages and traditions is still fresh. In Flanders, too, the earlier dominance of the Walloon part of the country serves to legitimize pro-autonomy claims.

In the course of the economic crisis, separatist demands have increased in popularity. Regions complain that their interests are ignored by the national government in question. This discontent with the status quo is enhanced by political constellations. In the UK, the ruling Conservative Party has garnered only 16.7 per cent of the vote in Scotland, winning just one of 59 parliamentary seats. In Spain, too, the return to power of the conservative People's Party, which only won 17.8 and 20.7 per cent of the votes in the Basque Country and Catalonia, respectively, has alienated the central government from the regions in question.

Reforms instigated by the central government to address the crisis are often contrary to regional interests, as they tend to bind the regions even closer to the central state. Frequently, they lead to curtailment of special fiscal rights, as the separatist regions are usually better off and are in an advantageous situation financially, compared to other parts of the country. Scotland is an exception, as its GDP is below the national average (cf. chart). However, here, too, the separatists argue that an independent state would be economically better off due to its exclusive access to the majority of British oil fields. In Belgium, hundreds of thousands of commuters, mainly from Flanders, contribute to Brussels' high GDP.

At the same time, they are cultivating a vision of a better and more equitable society. For an independent Scotland, they envisage a system government that is more in line with what the voters desire, as an alternative model to the Westminster system. The SNP advocates a future for Scotland as a Scandinavian-type welfare state with an egalitarian society. In this way, the prospect of independence carries the promise of political reform. The hope is that the state's efficiency can be enhanced by reducing the

## Independence referenda and expanded autonomy rights are demanded as democratic rights.

number of actors. In the regions of Spain, the smaller countries of Europe are frequently referenced, as they were able to weather the crisis more successfully than Spain was. Also, in Spain particularly, the notion of "civic participation", an often-heard buzzword in current European discourse, is currently very popular. Independence referenda and expanded autonomy rights are demanded as democratic rights.

There are clear majorities for the expansion of autonomy rights. However, secessionist tendencies are less popular than one might expect. In Flanders, according to polls, only 20 per cent of respondents are in favor of independence, despite the fact that regionalist parties have been winning elections for years. In Scotland, too, all surveys indicate that the "No" camp will win the referendum. The advocates of an independent Basque state are even more clearly in the minority. Only in Catalonia do advocates and opponents of independence appear to be evenly balanced. However, if expanded

autonomy is posited as an alternative to independence, support for an independent states plummets to far below 50 per cent.

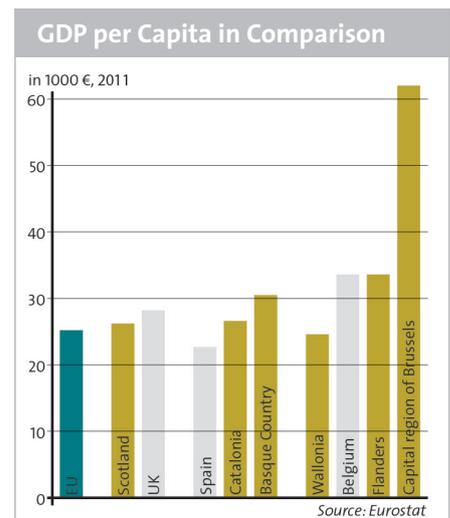
### Legitimate and Legal?

The core question of whether a part of a country has a right to secede is rooted in the contradiction between the self-determination right of nations and the territorial integrity of states. Both of these principles are part of the UN Charter; however, interpretations differ. In practice, the following principles apply in dealing with secessionist movements: Amicable, peaceful separations are respected as a matter of principle. On the other hand, unilateral declarations of independence without the consent of the remaining state are only considered legitimate in exceptional situations, in particular, in cases where a colonial status is ended. Beyond this, though, there is no right to secession. If a majority in one part of a country demands more rights by democratic means, however, the government in question may be regarded as having an obligation to deal with the matter politically.

In Europe after 1989, new states were created in Central and Eastern Europe. The Soviet Union, Yugoslavia, and Czechoslovakia were dissolved. A separation took place in 2006, when Montenegro separated from Serbia and Montenegro. In this case, the option of a referendum was included in the constitution. When it comes to the admissibility of referenda, the national constitutions are a crucial factor. In Spain, for instance, regional referenda are explicitly ruled out in the constitution. The population may only be consulted at the national level. Based on this principle, the Spanish government has disqualified the planned Catalan referendum.

### The Role of the EU

Interestingly, the EU plays an important role in contemporary independence movements, as their aim is to create an independent state within the EU. In the eyes of many regionalists, the principle of subsidiarity as anchored in the Maastricht Treaty makes the EU a guarantor of far-reaching regional competences. Dreams of self-determination have further been fuelled by the vision of overcoming the nation-state in a unified Europe. However, the further development of European integration is currently in question, which has in turn fostered support for the realization of independent nation-states.



The existence of the EU enhances the economic prospects of separatist regions. The common market is especially important for small national economies. Moreover, small states in the EU enjoy a certain degree of over-representation, which is an additional incentive. For advocates of independence, a seamless continuation of EU membership after secession would be the most welcome scenario. Thus, independence would bring continuity.

The EU, generally speaking, regards secessionist movements as a domestic matter of the countries in question. A crucial question is whether a newly created state would remain within the EU, or whether it would need to apply for membership from scratch. From a legal point of view, the issue remains unclear. With regard to Scotland, EU Commission President José Manuel Barroso has stated that the EU's rules would require a new application. Therefore, three scenarios appear possible in case the referendum should result in a vote in favor of independence: First of all, Scotland might continue to be regarded as part of the EU. The circumstances of membership would be subject to negotiation. Secondly, the country might adopt a special status outside of the EU and be integrated as part of a pragmatic process. Third, the country might be forced to apply for EU membership through the regular procedures. In all scenarios, the consent of the EU member states would be crucial. Spain in particular would be intent on preventing a precedent for its separatist regions.

### The Role of the Central Government

The central governments of the countries in question have decisive influence on the tra-

jectory of independence movements. There is no generally approved recipe for dealing with secessionist demands, apart from the fact that good governance weakens independence movements. Governments must handle the challenge of meeting autonomy demands without jeopardizing the overall functioning of the state.

The Spanish government has proven itself to be especially restrictive so far. The emphatic refusal to grant further autonomy rights has increased support for the independence movements. The fear in Madrid is that granting further rights would weaken the already-enfeebled central state even further, which in turn would create even more incentives for regions to split off. In Scotland, too, the creation of a regional parliament has substantially strengthened

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the independence movement. The question is therefore whether granting autonomy rights will not lead to demands for independence down the road.

On the other hand, autonomy rights diminish support for independence. The three major British parties have promised Scotland additional taxation powers and jurisdiction following a No vote. This concession has at least temporarily caused support for independence to decline. However, the British government can more easily afford these compromises vis-à-vis an economically weaker Scotland than Spain, for instance.

The question remains how best to react to demands for an independence referendum. The UK government took a conciliatory stance in 2012 when it set out the conditions for a referendum in Scotland in a legally binding agreement with the regional government. It did so in the belief that the Yes campaign would find it difficult to build a majority. In all of these cases, discrediting the contemporary non-violent independence movements it is not as easy as it has been with earlier nationalist groups. In the Basque Country especially, the decision of the underground ETA group to give up its struggle has made the independence movement socially acceptable.

### Scotland – A Paradigm?

Scotland serves as an ideal type for deciding the question of secession by popular vote. However, it also illustrates how much remains murky in the run-up to an independence referendum. While the Scottish government published a 650-page guide to independence in November 2013, the effects of secession on economic performance, on the state budget, on the currency question, and on the matter of how the national debt and the infrastructure should be divided will not be decided until after the referendum. One question, for instance, is whether Scotland would become part of NATO. Such uncertainty will keep many voters from voting Yes.

However, a No vote in Scotland would not constitute a devastating defeat for the SNP. It has already gained a success by securing greater autonomy rights. Moreover, by bringing about a referendum, it has triggered a debate on the political system in the UK. It therefore has no reason to fear

the next elections; on the contrary, it has increased its appeal among other voters through the referendum. It will be interesting to see how the debate over a UK exit from the EU will develop, as such a departure might revitalize the independence campaign in EU-friendly Scotland.

For the time being, the Scottish referendum will remain a unique case. At this point, there seems to be no real prospect of secession in any of the European regions. While in Spain, the government in Madrid will have to accommodate the demands of Catalonia and the Basque Country sooner or later, such concessions will not result in a revision of the constitution to allow a referendum at the regional level. In Belgium, confederalization cannot be ruled out any more, but the uncertainty over the future status of Brussels will continue to serve as an obstacle to a division of the country.

Whipping up enthusiasm for independence among a majority of the population will remain difficult in the future. The creation of new states within the EU seems unlikely. However, autonomy rights and federalist structures will become even more prevalent. The independence movements will not vanish. Should individual EU states fail to reach a *modus vivendi* with their regions over time, the volatility of this issue will increase further.

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