

# Bachelor Dissertation

## The role of the EU in the Catalan Separation Crisis



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## Executive Summary

The purpose of this dissertation is to document research conducted at The Hague University of Applied Sciences on the topic of the role of the European Union in the Catalan separation crisis. The central question of this research was:

**How have the EU Institutions dealt with the Catalan separation crisis (October 2017 – October 2018) and how can the EU intervene in a separatist crisis within the boundaries of its legal framework?**

In order to answer the central question, desk research and a semi-structured interview were conducted. Firstly, desk research has been conducted to explain the history of the Catalan separatist movement, the political landscape in Spain, the legal framework of the EU on separatism and the approach of the three main EU-institutions.

Secondly, a semi-structured interview was being held with dr. Eric Storm, professor of European History at Leiden University and specialized in Spanish politics. The interview elaborated on the history of the Catalan separatist movement and explains the causes of the Catalan independence referendum of 2017.

The research showed that the EU-institutions maintain a neutral position in the Catalan crisis, as it is not allowed to interfere in the internal affairs of a member state, according to the legal framework of the EU. Moreover, if Catalonia breaks away from Spain, the region will have to apply for EU-membership through the regular accession procedure. However, Spain has the power to veto a possible accession of Catalonia to the EU.

Therefore, it is recommended the EU creates a partnership with Spain and Catalonia, wherein Catalonia remains a region of Spain, however, is granted with a high level of regional autonomy. This way, Spain maintains its wealthy region and a snowball effect in other regions of the EU is being prevented.

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### List of abbreviations and explanations

1. **Audiencia Nacional** = Spanish Supreme Court
2. **Autonomia** = autonomous region
3. **Caudillo** = Head of State
4. **CiU** = *Convergència I Unió*
5. **DoM** = Doctrine of Mandate
6. **EAW** = European Arrest Warrant
7. **EC** = European Commission
8. **EEA** = European Economic Area
9. **EP** = European Parliament
10. **EU** = European Union
11. **Generalitat** = the replacement of the *Mancomunitat*, government and administration of Catalonia since 1931.
12. **Mancomunitat de Catalunya** = a political formation that united the four provinces of Catalonia.
13. **PP** = Partido Popular
14. **PSOE** = Partido Socialista Obrero Español
15. **Renaixença** = a time period wherein a literary revival occurred in Catalonia.
16. **TEU** = Treaty of the European Union
17. **UK** = United Kingdom

## Introduction

“There is no button that you can push and the next day you become independent” (Minder, In Catalonia, an 'accidental leader of unwavering conviction', 2017).

Former president of Catalonia, Carles Puigdemont, made this statement several days before the Catalan independence referendum of the first of October 2017. On this day, the region Catalonia was the centre of media attention, as an attempt was made by Catalan separatists to separate from Spain and become an independent state. The referendum caused much uproar and the Spanish national government responded to the separatist movement in a violent manner. Eventually, the independence referendum was considered illegal and Catalonia remained a region of Spain.

Even though the Catalan separatists desired to separate from Spain for many years, the shutdown of the referendum shows that Puigdemont was right after all. One cannot simply organize an independence referendum and expect to be automatically recognized as an independent state the next day.

While Catalonia remains part of Spain today, the referendum caused much political tension, nationally and internationally. As Spain is afraid to lose one of its wealthiest regions, the EU is afraid the crisis in Catalonia will cause a snowball effect in other member states of the union. The EU fears other separatist movements, such as in the Basque region, Scotland and Flanders, could become encouraged by the Catalan attempt and decide to fight for independence.

As the Catalan separation crisis entails a complex political situation within the boundaries of the EU, which potentially could have an impact on other separatist movements, it is interesting to conduct research into how the EU can intervene in this separation crisis according to its legal framework. This way, a thorough analysis can be drawn up on how the EU-institutions have responded to this crisis and consequently lessons can be drawn on how to deal with similar situations in the future.

## Research Questions

In order to find out the role of the EU in the Catalan separation crisis, the following central question was composed:

**How have the EU Institutions dealt with the Catalan separation crisis (October 2017 – October 2018) and how can the EU intervene in a separatist crisis within the boundaries of its legal framework?**

In order to answer the central question, four sub questions were drawn up to answer the central question step by step:

**Sub question 1** - What is the history of the Catalan separatist movement in Catalonia and in Spain? (1901-present)

**Sub question 2** - How do the Spanish central government and the European Institutions deal with the Catalan separatists? (2011-2018)

**Sub question 3** - What is the legal framework regarding separatism and what has been the approach of the European Union towards separatist movements so far?

**Sub question 4** - How have the EU institutions dealt with the challenges of the Catalan separation crisis of 2017 (October 2017 - October 2018)?

## Methodology

This chapter provides an overview of the methods and sources conducted during the research. Various methods have been used to answer the central question. The framework of this research consists of secondary qualitative and quantitative data. Qualitative and quantitative data have been obtained by conducting desk research. Primary data was obtained by conducting a semi-structured interview. The different methods and sources are explained per sub question.

### Sub question 1

In order to answer the first sub question, both primary and secondary data have been used. The first research method that has been used to answer sub question one is obtaining qualitative and quantitative data through desk research. Qualitative research helped by outlining the historical background of the Catalan history movement (1901 – present) by conducting the article *Catalan Nationalism and the Failed Secession from Spain: Historical Background and Consequences for Europe* authored by dr. Eric Storm. Moreover, qualitative data in the form of books and academic articles also attributed to the outline of the historical background.

The second research method used to answer this sub question is obtaining primary data through a semi-structured interview with dr. Eric Storm. Storm was selected for this interview based on his expertise on the impact of nationalism in Europe and his publications on the Catalan separation crisis. The purpose of this interview was to gain more insight into the political relationship between Catalonia and the Spanish national government and the historical occurrences that eventually led up to the Catalan separation crisis.

### Sub question 2

In order to answer the second sub question, qualitative research through desk research has been conducted. Firstly, official websites of Spanish political parties have been used to explain the political system of Spain. Secondly, books and academic journals have been used to explain the way the Spanish national government dealt with the Catalan separatists. An important

article is *Autonomy passes for Catalonia*, published by the *New York Times*, as it clearly describes a turning point in the Catalan political sphere. Lastly, official websites of EU-institutions have been consulted to display the various responses about different Spanish political events.

### **Sub question 3**

In order to answer the third sub question, qualitative research through desk research has been conducted. The aforementioned article authored by dr. Eric Storm was also used here, as it describes the legal position of the EU in the Catalan separation crisis. Moreover, this article describes the Prodi-doctrine, a legal framework that is being used for separatism in the EU. Lastly, the official website of the EC was consulted to explain the EU accession procedure.

### **Sub question 4**

In order to answer the fourth sub question, qualitative research through desk research has been conducted. As the first part of this sub question describes the political climate in Spain (October 2017 – October 2018), many articles from news websites, have been conducted. The second part displays the reactions of several EU-institutions. An important article is *Catalonia finds no friends among EU leaders*, published by news service *Reuters*. The article clearly describes the struggle several members of the European Council experienced to respond in a uniform manner to the Catalan separation crisis.

### **Limitations**

The aim of this dissertation is to find out the role of the EU in the Catalan separation crisis. However, some limitations should be emphasized. First, several sources used in the sub questions could be perceived as biased, as some of the authors are either originated from Catalonia or any of the other regions in Spain. Consequently, there could be a form of political bias present, wherein authors have the tendency to unconsciously lean into a certain political direction. Furthermore, there is a difference between the official perspectives of the European

authorities expressed in the press and the personal opinions of the members of these institutions.

## Literature Review

In this research, the history of the Catalan separation movement has been explained. The article *Catalan Nationalism and the Failed Secession from Spain: Historical Background and Consequences for Europe*, authored by dr. Eric Storm has mainly been used for this part of the research (Storm, 2018, pp. 15-26). The article states facts about Catalonia, describes the historical background of the Catalan separatist movement and explains why the Catalan independence referendum of 2017 has failed (Storm, 2018, pp. 15-26). When one conducts research into the Catalan separation crisis, it is important to analyse the origin of the author. The author of this article finds his origin in The Netherlands, which means the article will most not be majorly influenced by his political values, which increases the level of credibility.

However, especially in politics, it often occurs articles lack a neutral viewpoint, as the author (un)consciously expresses its political values. According to the research paper *Confirmation bias and electoral accountability* by Ben Lockwood, this is called confirmation bias (Lockwood, 2017). Lockwood states that: "Confirmation bias is a preferential treatment of evidence supporting existing beliefs" (Lockwood, 2017). One should be aware of confirmation bias when researching the Catalan separation crisis and it is therefore important to critically analyse whether an author is originated from Catalonia or another region of Spain. This could mean the author lacks a neutral viewpoint, as their political values are deeply imbedded in their beliefs.

An example of a lack of a neutral viewpoint was found in the article *Political conflict in Catalonia and the limits of Spanish democracy* by Clara Ponsatí, a Catalan economist (Ponsatí, 2018, pp. 28-32). In the article Ponsatí describes the day of the Catalan independence referendum as 'the worse episode of violence against peaceful civilians ever recorded in Western Europe since 1945' and 'the incapacity of the Spanish leaders and institutions is undermining the Spanish credibility as a democracy' (Ponsatí, 2018, p. 27). By these negative statements towards the Spanish national government it is clear Ponsatí sides with the Catalan separatists. Another example of confirmation bias in Ponsatí's article is the following: 'more

than ninety percent of the Catalans voted in favour of independence' (Ponsatí, 2018, p. 28). However, the article of Storm shows that even though ninety percent of the Catalans voted in favour, the overall turnout was only 43% (Storm, 2018, pp. 15-26).

The confirmation bias has also been taken into consideration to describe the process of the withdrawal of the Catalan Statute of Autonomy of 2010. The research *The end of the state of Autonomies? An analysis of the controversy surrounding the 2010 Spanish Constitutional Court ruling on Catalonia's 2006 Statute of Autonomy* by Kevin Mermel was used to describe the process of the withdrawal of the Catalan Statute of Autonomy in 2010 (Mermel, 2016). This research can be considered as credible, since Mermel covers both the approach of the Spanish national government and the reaction of the Catalan inhabitants (Mermel, 2016).

The second part of this research consists of an analysis of the legal framework on separatism in the EU. As there is no specific EU-treaty on separatism, the EU relies on various articles and frameworks to clarify its position towards separatism (Buttin, 2017). Nevertheless, this position is not made very clear. In the article *Catalonia seeks EU support for succession vote* published by *euobserver*, it is described that Carles Puigdemont claims that the Catalan separation crisis is "a European problem and the EU cannot look the other way". Moreover, the article states that as the Catalan voters are also EU-citizens, the process to incorporate an independent Catalonia in the EU must be automatic (Maurice, 2017). However, these statements were made to persuade Catalan voters to support the separatist movement. This is confirmed by dr. Eric Storm, as his article states that even though the Catalan separatists claim otherwise, automatic accession is not possible, and if the region breaks away it will fall outside the EU (Storm, 2018).

These contradictory statements show that statements political bias in the media is quite present regarding the Catalan separation crisis and every statement should therefore be analysed compared to the legal framework of the EU on separatism.

### Sub question 1 - What is the history of the Catalan separatist movement in Catalonia and in Spain (1901-present)?

The region Catalonia knows a long and rich history. The region has been part of Spain since the unification of the crowns of Aragon and Castile in 1469. Under this unification, the state of Spain as how it is known today, was created. History also shows that Catalonia has never been an independent country. Nevertheless, the region possesses its own unique culture and language and is a financially stable region. Also, in terms of surface area, Catalonia is often being compared to other states in the European Union. However, up until today, Catalonia remains a part of Spain, even though the Catalan separatist movement has great desire to separate from Spain and become part of the EU as an independent state (Storm, 2018, pp. 15-26).

#### Catalonia during the *Renaixença*

To understand this desire for separation, one must understand the history of the Catalan separatist movement. The separatist movement finds its roots in the Catalan renaissance that occurred during the time period of approximately 1830 till 1900. Author Michael A. Vargas describes this period in his book *Constructing Catalan Identity: Memory, Imagination, and the Medieval*. Vargas explains that the renaissance is being perceived by the Catalans as ‘an effort by elites to revive Catalan as a language of literature’ (Vargas A., 2018, p. 106).

This period is also called *Renaixença*. During the *Renaixença* a literary revival occurred wherein the Catalan bourgeoisie started to use the Catalan language in their own poems, books and other literary productions. The word revival is used here, as the Catalan language and culture had already flourished centuries before, during the Middle Ages. Moreover, the *Renaixença* also included political activism. Albert Balcells, professor of history at the University of Barcelona and author of several books about Catalan nationalism, states that: “No one disputes the role of the renaissance, that is, the recovery of Catalan as a literary language, in creating the atmosphere in which Catalan nationalism was born” (Vargas A., 2018, p. 106). Even today, the cultural renaissance still has meaning for the Catalans, since this period is

being viewed as the cause of the emergence of a nationalist movement that eventually resulted into the term *Catalanism* (Vargas A., 2018).

Still, the literal revival was a development restricted to a small part of the Catalan population, also referred to as the Catalan elite. During this revival, the desire for an independent Catalonia was absent. The actual Catalan separatist movement arose years later, namely at the end of the nineteenth century. Therefore, the literal revival should not be perceived as the cause of the development of the current separatist movement, but rather as a period wherein the current Catalan identity was formed. The Catalan separatist movement does often refer to this literal revival, as it explains the importance of the Catalan language and culture (Storm, 2018, pp. 15-26).

### Catalan Political Parties and Regional Autonomy

In 1901, the Catalan political party *Lliga Regionalista de Catalunya* was founded. The party strived for the preservation and recognition of the Catalan language and culture. The desire for an independent Catalonia was not yet present, recognition of the language and culture was the main vision of the party. During this year, the political party triumphed in the Catalan municipal elections and as a result the party gained support in other Catalan cities, such as Barcelona (Catalunya, 2014). The desire for more recognition of the region of Catalonia paid off, since Catalonia was granted regional autonomy by the national government of Spain in 1914. From this moment onwards, the region was led by the *Mancomunitat de Catalunya*, a political formation that united the four provinces of Catalonia, namely Barcelona, Girona, Lleida and Tarragona. Enric Prat de la Riba, leader of the *Lliga Regionalista* and president of the *Mancomunitat*, led this formation in a strong nationalist manner (Catalunya, Towards Autonomy: the Commonwealth of Catalonia, 1914-1925, 2014). The regional autonomy enabled Prat de la Riba to establish a nationalist position, since Catalonia gained regional autonomy over the Catalan infrastructure, education system, the communication system and public works. The establishment of the *Mancomunitat* represents the initiation of a new political era, wherein Catalonia gained the freedom to function as an autonomous nation. Moreover, the *Mancomunitat* proved to be of great importance for the development of the Catalan separatist movement, since the status of an autonomous region enabled the

*Mancomunitat* to introduce *Catalanism* as a doctrine and openly acknowledged the linguistic, ethnic and cultural differences between Spaniards and Catalans (Foundations of National Identity: From Catalonia to Europe, 2004, p. 78). Nevertheless, the powers of the *Mancomunitat* were limited, as the final powers always remained in the hands of the national government of Spain (Storm, 2018, pp. 15-26).

### Catalonia during the Spanish Republic

The autonomous region of Catalonia ended in 1923 as Miguel Primo de Rivera, a Spanish military and politician, committed a military coup in Barcelona. Shortly after, Primo de Rivera introduced a military dictatorship, which meant that the national parliament of Spain was dismantled. It also meant that Catalonia lost its rights that came along with the status of an autonomous region. The military dictatorship of Primo de Rivera fell in 1931, among other things, since his reign was heavily criticized by the Catalans. This was partly due to the fact that Primo de Rivera had introduced a one-party system, which meant that other Catalan parties had no say in the governance of Catalonia (Catalunya, 2018). Primo de Rivera decided to step down in January 1931 and his dictatorship was replaced by the Spanish republic (Storm, 2018, pp. 15-26).

### The Spanish Republic

The introduction of the Spanish republic was advantageous to the Catalan nationalists, since the Catalan language and culture were no longer oppressed by the earlier military regime.

The role of the previous *Mancomunitat* was now being fulfilled by the *Generalitat*: the government and administration of Catalonia, founded in 1931 (Storm, 2018, pp. 15-26).

Also, Catalonia regained its regional autonomy, which was more meaningful the second time around, since the Catalans gained more rights than during the first autonomous regime. The *Generalitat* now had control over its own treasury. Moreover, a new and second constitution, also called the *Constitution of the Second Spanish Republic*, was established. This new version described the legal extent of the regained regional autonomy and contained ratifications regarding the previous Catalan constitution. Thirdly, the introduction of the new constitution introduced the governmental institutions of Catalonia, which consisted of the President, the

Parliament and the Executive council (Catalunya, 2018). Lastly, a significant change occurred regarding the Catalan political parties. The conservative party *Lliga Regionalista de Catalunya* was now replaced by the *Esquerra Republicana de Catalunya*, a more nationalist, progressive and radical party. This party publicly expressed the desire for an independent Catalan state. It rapidly became the main political party in Catalonia and thus can be perceived as the first Catalan movement that desires independency from Spain (Storm, 2018, pp. 15-26).

### Spanish Civil War

However, the political situation of Spain promptly changed again in 1936, the year wherein the Spanish general Francisco Franco committed a military coup against the national government of Spain. This action represents the start of the Spanish Civil War. Supporters of the Spanish government, also called Republicans, tried to stop Franco from taking over Spain by fighting back. However, the supporters of Franco, also called Nationalists, proved to be too powerful, since this army was supported by Nazi Germany led by Adolf Hitler and Fascist Italy led by Benito Mussolini. On the first of October 1936, Franco was publicly granted the title of *Caudillo* or *Head of State*. The leadership of dictator Franco was brutal. His army was supplied with weapons by Hitler and Mussolini (Hochschild, 2012). Consequently, ten thousands of innocent Spanish citizens were killed through bombings or executions. Many citizens also deceased in prisons or concentration camps. This reveals that even though Spain declared neutrality at the start of the Second World War, the political situation showed many similarities with Nazi Germany (Hochschild, 2012). Adam Hochschild, journalist at the newspaper *The New York Times* and author of the article *Process of Extermination* states that: 'Franco's rule became less murderous in later times, but in the early years he ranks morally with Hitler and Stalin' (Hochschild, 2012).

As far as the position of Catalonia during the Civil War is concerned, the region fought back hard. However, Catalonia had no other option than to surrender in February 1939. Eventually, the entire Republican army capitulated, and Franco officially announced the Spanish Civil War to be over. The battle between the nationalists and republicans lasted from July 1936 till April 1939 (Wood, Elizabeth, 2014).

### Catalonia during the Franco regime

The Civil War left its mark on Spain, since the society was now severely politically divided between supporters of the nationalists and supporters of the republicans. The same applied to Catalonia. After Franco's victory, Catalonia continued to express its loyalty to the national government of Spain. However, the political division was deeply felt in the region, since one of the main political parties *Lliga Regionalista de Catalunya*, led by Francesc Cambó, financed and supported Franco (Storm, 2018, pp. 15-26).

The current Catalan separatist movement often has the tendency to present the Spanish Civil War as a battle solely between Catalonia and Spain, as it had such a deep impact on the region (Storm, 2018, pp. 15-26). During the Civil War, many Catalans suffered greatly, as thousands of inhabitants were executed, repressed or imprisoned. However, one must keep in mind that these actions were not only restricted to the region Catalonia, but occurred in other regions of Spain as well, such as Salamanca, the Basque region and Andalusia (O'Connor, 2008, p. 138).

After the Civil War, Franco continued its dictatorship in a harsh manner. The Spanish government was fully centralized, which meant that any form of regional autonomy was abolished. Also, Franco implemented a new legislative framework that provided him with full legislative power. This framework allowed him to set up a new tribunal wherein thousands of Catalan citizens were put on trial and in many cases were unrightfully prosecuted (O'Connor, 2008, pp. 139-140). The goal of this framework was to reduce any power Republican political parties still had and to eliminate Spanish inhabitants that opposed the Franco regime. Statistics show that around 2.800.000 Catalans were prosecuted because of the implementation of the new tribunal (O'Connor, 2008, pp. 139-140).

Moreover, the regime also had a severe impact on the Catalanian culture and language, as these were heavily oppressed by the regime. For example, it was not allowed to use the Catalan language in the public sphere and the language of instruction in education was converted to Spanish. The same applied to Catalan advertisements. Moreover, the celebration of Catalan traditions and the use of symbols were abolished. An example of such a tradition is

the *Diada Nacional de Catalunya*, the national day in Catalonia celebrated annually on September 11. During this day, the Catalans memorialize the victims that died during the battle between Catalonia and the army of Philip the Fifth of Spain that ended on September 11 in 1714 (Rothoff, 2017).

The repression of regionalism and the infliction of Spanish nationalism in all regions of the country fuelled the desire for independence, especially in Catalonia and the Basque regions. The dictatorship ended with the death of Francisco Franco, in 1975 (Storm, 2018, pp. 15-26).

### The post-Franco Period

From 1975 till 1977, Spain transitioned from a military dictatorship into a parliamentary democracy. An important goal of the new democracy was to decentralize the Spanish state and subsequently delegate more power to the Spanish regions (Schutte, 1999, p. 403).

### The constitution of 1978

After the fall of Franco's dictatorship, Catalonia regained the status of regional autonomy through the adoption of the first Spanish constitution after the Franco dictatorship in 1978. An important part of this constitution regards the centralization of Spain, in which the country was divided into 17 *autonomias* or autonomous regions. All 17 regions obtained a large degree of self-government and the right to set up their own government and parliament. Each region obtained both executive and legislative power (Schutte, 1999, p. 403). Also, the dialects spoken in the regions Catalonia, the Basque region and Galicia were all accepted as official languages by the constitution (Keeley, 2008). Nevertheless, even though the *autonomias* obtained much responsibility, the main goal of the constitution of 1978 was to preserve the Spanish unity. This meant that the *autonomias* still fell under the umbrella of Madrid and final decisions always lay in the hands of the Spanish national government. The *autonomias* were implemented to prevent further political instability in Spain. For example, with this constitution the Spanish government attempted to accommodate regions with strong nationalistic desires, such as the Basque region and Catalonia (Schutte, 1999, p. 403).

### Catalonia as an autonomous region

During the post-Franco period, striving for an independent Catalonia was not on the list of any political party. One realized the highest achievable form of independence at that moment was an autonomy. The leader of the *Generalitat*, Jordi Pujol, stated that Catalonia would support the national Spanish government. However, in the meantime, the *Generalitat* would focus on building a Catalan nation internally (E. Storm, personal communication, 02/11/2018).

In order to build such a nation, the *Generalitat* especially focused on the Catalan education system. Catalan was the dominant language at schools and the same applied to Catalan television channels and radio. Even today, Catalonia is still presented as a nation in class, instead of a region of the nation Spain (Storm, 2018, pp. 15-26). A research conducted by *The McGill Journal of Education*, an organization wherein educational research is being promoted, confirms the previous statement. In the second edition of 2015, a research about historical education in Catalan high schools was published. The aim of the research was to examine their position regarding the Catalan identity, Catalan history and the Spanish state. An extended survey was held amongst 245 Catalan high school students. The results showed that Catalan students often use the word 'we' to describe Catalan inhabitants and politicians, while the word 'others' is often being used for Spaniards that live outside of Catalonia. This shows many Catalan students make a distinction regarding the Spanish and Catalan identity. Moreover, 95 percent of the participants display their knowledge of Catalan history in the context of Catalonia as a whole, instead of setting the history of Catalonia in the context of the unity of Spain (Sant, Gonzalez-Monfort, Santisteban Fernandez, Pages Blanch, & Oller Freixa, 2015).

### Spain in the EU

In 1986, Spain entered the European Union, a development that showed beneficial for the progress of the Spanish economy. The admission to the EU and simultaneously the European market, provided Catalonia with a strong position on an extended and global market (Storm, 2018, pp. 15-26).

The most prominent Catalan political party during the post-Franco period was the *Convergència i Unió* or *CiU*. The CiU was a nationalist party led by Jordi Pujol, who was also elected president of the *Generalitat* in 1980. The party gained absolute majority in the Catalan parliament and aimed to expand the powers of Catalonia as a regional autonomy. Pujol mainly focused on education and arranged that the main language in the classroom became Catalan. The Spanish language was perceived as inferior. Pujol retained presidency until 2003 (Storm, 2018, pp. 15-26).

Hence, the post Franco-period shows that the decentralization of Spain has led to a revival of the Catalan culture and identity. The constitution of 1978 allowed the Catalans to experience this revival, as the region was granted the status of an autonomy. The Catalans had desired such a status of autonomy for a longer period of time, but did not get the chance to enjoy any form of political freedom for years, as the region had fallen under the dictatorship of Franco (Schutte, 1999, p. 403). Consequently, the cultural revival allowed the Catalan government to publicly express the desire for an autonomous Catalan state (Storm, 2018, pp. 15-26).

### The desire for an independent Catalonia

Even though the desire for more autonomy has always been present in Catalonia, the desire for a separation from Spain was not a much-supported principle among the Catalan inhabitants. This changed during the year 2006. There are three main events that ensured that the constituency of the Catalan separatist movement grew tremendously in a short period of time (E. Storm, personal communication, 02/11/2018).

The first event regards the abolishment of the *Estatut d'Autonomia de Catalunya* or the Statute of Autonomy of 2006. This Statute regards the Catalan rights under the Spanish constitution of 1978. These rights cover, amongst others, the functioning of the political institutions of Catalonia, the Catalan citizen's rights and the financial affairs of the *Generalitat* (Mermel, 2016, pp. 17,18). The Statute of Autonomy was rewritten in 2006, since the political situation changed severely between the year 2003 and 2006. During this period, the formerly

dominant political party *Convergència i Unió*, lost many votes. On the other hand, the main Catalan political party *Esquerra Republicana de Catalunya*, grew tremendously. Consequently, the call for an independent Catalonia became stronger. Rewriting the Statute of Autonomy was accordingly viewed as necessary, since it had to comprehend all political changes in Spain. There were several points that the Catalan government aimed to include in the new Statute, namely: recognition of the Catalan identity, a re-examination of the financial relationship between the national government of Spain and the *Generalitat* and the right for Catalonia to handle its own politics (Mermel, 2016).

Eventually, several articles were rewritten. The first ratification regards the description of Catalonia. In the Statute, Catalonia is being described as ‘a unique territory within the state of Spain’ (Mermel, 2016, p. 21). Moreover, the Statute describes many characteristics of the Catalan culture, such as the flag, anthem and other symbols. It also stresses the importance of the Catalan language and allows the use of Catalan in public administration and education. The Statute also focuses on the economic relationship between Catalonia and Spain. This relationship is not stable, as the Catalan government often disagrees with the tax percentages Catalonia must pay to the national government of Spain. Lastly, the Statute allows the Catalan government to execute a higher level of self-governance. The ratifications all provide Catalonia with more autonomous powers (Mermel, 2016, pp. 20-22).

Primarily, these ratifications were approved by both the national parliament of Spain and the regional parliament of Catalonia. However, the Statute was not supported by many Spanish inhabitants and political parties. A survey showed that 65 percent of the Spaniards objected the Statute, and more than 50 percent believed the new Statute could potentially hurt the unity of Spain. The *Partido Popular* (PP), a Spanish conservative party in favour of a centralized Spanish government, also showed great disapproval regarding the Statute. The party appealed against the approval of the new Catalan Statute of Autonomy. Consequently, the judges of the Constitutional Court rejected parts of the new Statute in 2010, since these were considered to be in contrast with the Spanish constitution (Mermel, 2016, pp. 20-22).

This annulment caused great disappointment among the Catalan inhabitants, followed by a major protest in Barcelona (Storm, 2018, pp. 15-26). The modification on parts of the Statute of Autonomy of 2006 by the Constitutional Court was a crucial turning point in the debate regarding a Catalan separation from Spain (Mermel, 2016, pp. 20-22).

The second event that contributed to the growing support of the Catalan separatists, was the change of course of the Catalan political party *Convergència i Unió* (CiU). There are two important parties in the Catalan government that strive for Catalan independence. The first is the *Esquerra Republicana de Catalunya* (ERC). The ERC was the largest political party during the thirties and always strived for Catalan independence. However, over the years, the ERC lost its political influence. Since the seventies, the ERC has been the smallest party in the Catalan government. The second important party is the *Convergència i Unió* (CiU), currently the largest party in the Catalan government. The CiU often obtained more than half of the seats in the Catalan parliament and can therefore be regarded as the dominant party. Even though the CiU always supported the idea of an autonomous Catalonia, the party was never in favour of Catalan independence. This changed in 2011, when Artur Mas, leader of the CiU, drastically changed the course of the party. After the annulment of the Statute of Autonomy of 2006, Mas decided to radically change the course of his party and support the Catalan separatists (E.Storm, personal communication, 02/11/2018). Now, the CiU was strongly in favour of an independent Catalonia. The CiU won the Catalan regional elections of 2010 and consequently Mas became president of Catalonia. A year later, the PP led by Mariano Rajoy, won the Spanish national elections. The ideals of Artur Mas and Mariano Rajoy differed severely and the hope of an improvement of the relationship between the Spanish national government and the Catalan regional government greatly reduced (Storm, 2018, pp. 15-26).

The final event that contributed to the increase of support for Catalan independence, was the Spanish financial crisis that lasted from 2008 till 2014. During this crisis, Spain experienced a recession, mass unemployment and a severe increase in public debt. The economy of Spain was seen as one of the weakest of the European Union (Pauly, 2015). The austerity measures

imposed by the Spanish national government and its unstable financial position caused much doubt among the Catalan inhabitants. This distrust in the government is well-founded, since Catalonia is one of the wealthiest regions of Spain and therefore responsible for about twenty percent of the Spanish GDP (Bosch, 2018). The doubt and mistrust the Catalans already had as a consequence of the financial crisis, were worsened by corruption scandals committed by members of the national government. In 2018, Mariano Rajoy and other members of the Spanish national government were accused of corruption. The previously ruling party of former president Rajoy was involved in tax evasion, fraud and money laundering. This scandal caused great uproar in Spain, but especially in Catalonia. The Catalans mistrusted the Spanish government even more and the desire for Catalan independence increased (Anderson, 2018).

All three events combined, caused the growing support for Catalan independence. In order to achieve Catalan independence, a referendum was organized in 2014, even though Rajoy's party opposed the proposal (News, 2014). The results of the referendum showed that 80,7 percent of the voters supported an independent Catalonia. The turnout of the referendum was quite high: 2 million Catalans out of a total of 7,5 million inhabitants voted (Huiskamp, 2014). Still, the referendum was considered illegal, as the Spanish constitution of 1978 states that only the national government of Spain can organize a unilateral referendum. Solely the Spanish parliament has the power to modify the law and therefore this referendum was informal and without a legal basis (Economist, 2017). The referendum of 2014 was followed by the regional elections of 2015 and the appointment of Carles Puigdemont as the new president of the *Generalitat* in 2016 (Nardelli, 2015).

## Sub question 2 - How do the Spanish central government and the European Institutions deal with the Catalan separatists (2011-2018)?

Political instability are often the two words used to describe the political situation of Spain in the zeroes. This instability was caused by several events, which amongst others include the financial crisis of 2008, the parliamentary elections of 2004, the victory of the *Partido Popular* in 2011 and the Catalan separation crisis of 2017 (Storm, 2018, pp. 15-26). The political situation in Spain was partly the reason for the desire of an independent Catalonia. To understand the causes of the Catalan separation crisis of 2017, one also must take the position of the Spanish national government into consideration.

### The PSOE and PP

The political instability of Spain already started under the presidency of José Luis Zapatero (2004-2011), leader of the socialist party *Partido Socialista Obrero Español* (PSOE), also called the Spanish Socialist Workers Party. The party aimed to improve the position of the Spanish working class (PSOE, n.d.). The strongest opponent of the PSOE was the conservative *Partido Popular* (PP) or People's Party, led by Mariano Rajoy (Popular, n.d.). The PSOE and the PP were the largest parties out of the Spanish parliament and dominated Spanish politics for many years in what seemed a two-party system. The PSOE aimed to implement a progressive policy through proposing legislative initiatives, such as the Integral Law against Gender Violence (2004), a law in favour of same sex marriage (2005) and the Abortion Law (2010) (Diplomacy, n.d.). Moreover, PSOE aimed for a less centralized Spanish government with more autonomous powers to the regions. Zapatero stated that "Spain is a country that should not be governed by the traditional routine". A strong Spanish government will only evolve through a flexible manner of governing, and not by a centralized government (Mathieson, 2007, p. 31). The socialist government attempted to reach this goal by approving reformed statutes of autonomy for the regions Valencia, Catalonia, the Balearic Islands, Andalusia, Aragon and Castile-Leon. PSOE also attempted to reform the Basque region into a so called 'free state', associated to Spain (Muro, 2009). However, this initiative was not approved by the Spanish national parliament. A well-known example of a reformed statute was the new statute of

Catalonia of 2006. Even though this reformed statute was abolished in 2010, it turned out to be a valuable change for the progressive Spanish government, as it initiated a new wave of decentralisation in Spain (Muro, 2009). The PP on the other hand aimed to preserve the Spanish unity and therefore strived to strongly centralize the Spanish government (PSOE, n.d.) (Popular, n.d.).

### Parliamentary Elections of 2004

The political instability already came forward during the parliamentary elections of 2004, as the capital city of Madrid was victim of a terrorist attack on March 11, three days before the elections. On this day, two trains in Madrid were bombed and consequently dozens of Spanish citizens died or were injured. This caused great commotion among the entire country and the parliamentary elections were postponed. The PP firmly responded to the attack and publicly accused the violent separatist movement ETA from the Basque region. The party ignored the evidence that the bombings might be traced back to Al Qaeda. The accusation of the ETA was an indirect allusion of the PSOE's more open attitude towards negotiations with ETA. The PP also pretended to occult that Al Qaeda carried out the terrorist attack in Madrid because of the open support by former president Aznar (1996-2004, PP) for the Iraq war. From further investigation of the parliamentary commission, results have shown that the former Spanish government withheld the truth for the public and continued to blame ETA, even though there was no solid evidence for the accusation (Lago & Ramon Montero, 2006, p. 3).

The PP was afraid to held on to the accusation, as the party was afraid to lose support of their voters. However, after mass demonstrations in Spain, the PP was defeated by the PSOE during the parliamentary elections of 2004 and Zapatero became the new Prime Minister (Lago & Ramon Montero, 2006, p. 3).

### Catalan Statute of Autonomy 2006

In 2006, the Catalan Statute of Autonomy was rewritten. The renewed statute amended the previous Catalan Statute of Autonomy of 1979. The ratifications changed the status of

Catalonia, as the region was now identified as a nation within Spain and gained more autonomous powers. Even though the new Statute was not supported by many Spaniards and Spanish political parties, the Spanish national parliament approved the Statute and eventually became effective in August 2006 (Mermel, 2016, pp. 20-22).

### **Reactions of the Spanish political parties**

The approval caused mixed reactions among the main national political parties in Spain. The approval of the new Statute was a small victory for the PSOE, as the party strives for less centralization and more autonomy for the regions. On the other hand, Mariano Rajoy claimed the approval was “the beginning of the end for the unity of Spain”. As a reaction to the approval the PP demanded the decision would be taken to the constitutional court for further revision and possible reconsideration (McClean, 2006).

### **Revolving the Catalan Statute of Autonomy**

Eventually, in 2010, the renewed Catalan Statute of Autonomy was reconsidered by the Spanish Constitutional Court. The Court decided that Catalonia would not be legally recognized as a nation, as only one nation was officially allowed: Spain. Moreover, the Court decided the Catalan language remained of secondary importance, inferior to the Spanish language. Next to that, the Catalan government attempted to set up a Catalan tax system, as many Catalans perceived the financial relationship between Spain and Catalonia as unfair. Nevertheless, this attempt was also reversed by the Court. Lastly, Catalonia was denied of setting up its own Catalan Court of Justice, as this was considered unconstitutional (Mermel, 2016, p. 25).

The PP strongly influenced the Courts decision, as the party claimed that ‘recognition and expression of Catalan uniqueness threatened the unity of Spain’ (Mermel, 2016, p. 25).

### **Reaction of the European Parliament**

The European Parliament reacted to the revolving of the Statute and the protests in Barcelona through a press release. The EP stated that the Spanish Constitutional Court had not handled the issue in a democratic manner, since it completely acted against the wishes of the Catalan

population. The PP expressed to take the protests seriously, as Catalonia is considered a pro-European country. The EP reached out to the European Council and asked the body to analyse the revolving of the Statute thoroughly and to also seriously consider the wishes of the Catalans (Parliament E. , 2010).

### **Reaction of the Catalans**

The revolving of the Catalan Statute of Autonomy caused outrage among the Catalan population. It caused great tension between Catalonia and Spain, as it appeared the Court had strongly sided with the PP. The Court's decision led to mass demonstrations in the streets of Barcelona and is continuously being used as an argument in the debate regarding Catalan independence, as can also be read in chapter one (Mermel, 2016, p. 27).

### **Parliamentary Elections of 2008 and Spanish Financial Crisis**

The PSOE defeated the PP again during the parliamentary elections of 2008 (HR, 2012). However, during the same year, the financial crisis in Spain began. The crisis caused a severe unstable financial situation, wherein Spain underwent mass unemployment and a recession. During the financial crisis, the political situation in Spain was also being referred to as a political standstill, a period wherein the Prime Minister Zapatero and his party underwent much criticism from the Spanish population, as they were unable to improve the financial situation themselves (Powell, 2012).

### **Reaction of the European Union**

In 2012, the Spanish government reached out to the EU, since Spain was unable to bail out of their financial problems. The Spanish national banks received financial support from the European Stability Mechanism, an emergency programme created by the EU to help member states survive financially. However, accepting the financial support also meant that Spain was obliged to pay a higher interest on government loans and it became more difficult for the country to borrow money in general. In total, Spain borrowed 41,3 billion euros (Europa.Nu, 2018). The support ended in 2014, as the country was being perceived stable enough to survive

independently. Joining the support system caused political distrust among the Spanish inhabitants (Europa.Nu, 2018).

### Reaction of the Catalans

The financial crisis also caused tension between the Catalan and Spanish government. The crisis and the resulting political instability turned out to be a suitable moment for the Catalan separatists to push their desire for independence forward. The Catalan separatists claimed the financial recovery prospects of the region Catalonia would be accelerated by a separation from Spain (Minder, Catalonia Presses Spain on Autonomy even as Financial Crisis Simmers, 2012). Even though the Catalan government had also overspent in certain areas, previous Catalan president Artur Mas (2010-2016), claimed the best option for the national government was to grant Catalonia with financial sovereignty. However, Prime Minister Mariano Rajoy (2011-2018), reached out to all the regions of Spain and demanded to safeguard the Spanish unity. According to Rajoy, staying together was the only solution to overcoming the recession. This statement also meant that Catalonia would not be granted financial sovereignty (Minder, Catalonia Presses Spain on Autonomy even as Financial Crisis Simmers, 2012).

### Parliamentary Elections of 2011

As a reaction to the financial crisis and the severe critique regarding the PSOE's approach during the crisis, former Spanish Prime Minister José Luis Rodríguez Zapatero (2004-2011), decided to bring the parliamentary elections of March 2012 forward to November 2011. After two terms, the PSOE was defeated by its opponent PP under the leadership of Mariano Rajoy. The results from the election showed that many former PSOE supporters publicly expressed their dissatisfaction and decided to vote for the PP instead. The PP won the elections with an absolute majority, which was considered an astonishing victory. As a reaction to this victory, the level of secessionism in Catalonia rose (Guibernau, 2012). However, the results of the elections showed that the majority of the Spanish population desired a more centralized government with a strong leader that had the ability to lead Spain out of the financial crisis (Powell, 2012). Even though the PP had won with an absolute majority, mass protests still

arose among 55 Spanish cities, including the Catalan capital city Barcelona. The participants protested the high unemployment rate in Spain and the economic austerity measures implemented by the newly elected Spanish national government (Goodman, 2011).

The victory of the PP meant a change of course for the Spanish government. Namely, the PSOE had introduced a progressive policy, while Rajoy decided to change this course into a stricter and more conservative form of government. The supporters of the PP share this conservative way of thinking, as many of the constituency are former Franco-supporters. The PP has liberal views regarding the Spanish economy, since they believe in a free market with little regulation from the government. In addition, the party is sceptical about abortion, euthanasia and gay marriage and prefers these to be banned. Lastly, the PP strives for the preservation of the Spanish unity, which automatically means the level of autonomy in regions such as Catalonia and the Basque regions is not supported (Parlement, 2018).

### **Catalan Referendum of 2014**

On November 9, 2014, the Catalan government organized a self-determination referendum. This referendum consisted of two questions, namely whether voters desired Catalonia to become a state and if this state should be independent. Even though 81% of the voters were in favour of both questions, the overall turnout was low. Less than half of the eligible Catalan voters let their voice be heard. Moreover, the referendum was also portrayed as a symbolic referendum, as the results would be considered non-binding and in contradiction with the Spanish constitution beforehand. Consequently, the Spanish national government did not recognize the outcome of the referendum. Even though the referendum was not officially recognized, it still provided the Catalan separatists with the opportunity to let their voices be heard (NPR, 2014).

### **Reaction of the European Commission**

The European Commission already responded to the organization of a referendum that could possibly result into a separation of the European Union. The Commission stated that 'any

region that breaks away from their original territory will no longer be part of the EU' (Chrysoloras, 2013). In 2015, the year of the Spanish national elections, the Catalan government asked the European Commission whether a Catalan Declaration of Independence would be approved by the EU. Jean Claude Juncker, head of the European Commission, stated: "It is not for the Commission to express a position on constitutional arrangements in other countries" (Nardelli & Arnett, Juncker's response on Catalanian independence grows in translation, 2015). This is in line with the earlier statements of the Commission regarding the referendum of 2014 that called for Scottish independence wherein Juncker stated: "I will respect the result of Scotland's referendum, but it is up to the UK to deal with this question" (BBC, Scottish independence: Jean Claude-Juncker 'not referring to Scotland', 2014). These reactions show that the European Commission prefers to behold a neutral position without interfering in the matter.

### **Reaction of the Spanish national government**

The Spanish national government disagreed with Artur Mas. Rafael Catalá, Spanish Minister of Justice and member of the PP, claimed the referendum was only organized to intensify the political tension between Catalonia and Spain. The role of the Spanish Minister of Justice is to carry out the Spanish constitutional policies (europa.eu, 2019). Catalá accused Mas of organizing this referendum to extend his term as president of Catalonia. However, Pedro Sánchez, member of the PSOE, is less harsh and claims Spain and Catalonia are standing at the forefront of change (BBC, 2014).

### **Reactions of the Catalans**

According to Artur Mas, the referendum could be considered a success. The Catalans separatists gained media attention for their desire to become independent and the symbolic referendum should pave the way for an officially recognized referendum (BBC, 2014). Mas reached out to the European Commission in a statement, asking for help in their fight for independence. The goal of the referendum was to let the Catalans decide about the political future of Catalonia. On the other hand, there are also Catalan inhabitants that are not aligned

with the Catalan separatists. The results of the referendum showed that 15% of the voters are against full Catalan independence. Therefore, it can be stated that the desire for separation does not only creates tension between the Spanish and Catalan government, but also between the supporters and opponents of the Catalan separatists within Catalonia itself (BBC, 2014).

### **Catalan Referendum of 2017**

On the first of October 2017 the Catalan government, led by president and Catalan separatist Carles Puigdemont, organized a referendum. This referendum advocates full Catalan independence, just as the referendum of 2014. The independence referendum had already been approved by the Catalan parliament in September 2017 and consisted of a single question, namely if the voters desired an independent Catalan state in the form of a republic. Almost 90% of the voters were in favour of this question, however, the overall turnout was only about 43%. Moreover, the referendum was once again considered to be in contradiction with the Spanish constitution and therefore declared as illegal. According to Mariano Rajoy, the referendum was an act against the Spanish democracy and should therefore be prevented at all costs. The Spanish government reacted to the referendum with the deployment of more Spanish police in the region Catalonia as an attempt to stop the Catalans from voting (NRC, 2017).

### **Reaction of the European Commission on Catalan Independence Referendum of 2017**

The European Commission did not intervene into the matter, even though the tensions between the Catalan voters and the Spanish police ran high. Jean Claude Juncker spoke on behalf of the EU Commission and stated that: “Any EU intervention on the issue would only cause a lot more chaos” (Boffey & Jones, 2017). The Commission had already reached the Spanish government earlier to address them to possible measures that could be taken to stop the out of control situation in Catalonia. However, the Commission decided to behold a neutral position in this matter. Even though the Commission decided not to intervene, Juncker did state that the separation crisis should not be ignored. Furthermore, the Commission admitted

fearing the consequences of a possible Catalan separation, as this would increase the chances that other regions would also want to separate immediately (Boffey & Jones, 2017).

### Reaction of the Catalans

The Catalan voters responded with outrage to the violent manner the Spanish police tried to prevent the Catalans from voting. Puigdemont called the violence undemocratic. After the referendum, a declaration of independence was signed by Puigdemont and several other members of the Catalan parliament. However, the Spanish law did not allow them to execute the declaration. Moreover, Puigdemont reached out to the European Union, all countries and international organizations and asked them to recognize the state of Catalonia (NRC, 2017).

### Reaction of the Spanish national government

The Spanish national government responded in a firm manner against the Catalan separatists. Firstly, the national police attempted to stop the Catalans from voting during the first of October by obstructing the Catalans from voting by shutting down several polling stations (Jones, Burgen, & Graham-Harrison, 2017). Secondly, the Spanish government implemented Article 155 of the Spanish Constitution, an emergency measure that temporarily revoked all autonomous powers of Catalonia. This measure also directly dismissed the Catalan government and president Carles Puigdemont (The Spanish Constitution, 1978, p. 47). Moreover, the national Spanish government decided to establish new regional elections. According to Mariano Rajoy, new regional elections in Catalonia had to be held to restore the Spanish democracy. The Spanish government was left with no choice than to impose direct rule onto the Catalan parliament, since the referendum was considered an illegal act against Spanish law (Jones, Burgen, & Graham-Harrison, 2017).

### Sub question 3 - What is the legal framework regarding separatism and what has been the approach of the European Union towards separatist movements so far?

#### The legal framework on separatism

The Catalan bid for independence puts the European Union into a difficult position. On the one hand, the EU is a supporter of regions within the union, as it is believed these movements should be tolerated within the legal framework of the national state. The EU strengthens the positions of EU-regions through capturing their rights in the regional policy of the EU and through the establishment of organizations, such as the Committee of the Regions. The Catalan separatists have tried to take advantage of this regional support. For example, Puigdemont's administration claimed it would be against EU law to expel Catalonia from the European Union, as the Catalans are European citizens. However, contrary to this claim, the European Union is a union of states, not citizens (Storm, 2018, pp. 15-26).

Moreover, during the preparations and the aftermath of the Catalan referendum of the first of October 2017, the Catalan separatists continued to ask the European Commission to interfere between Spain and Catalonia to moderate negotiations on the outcome of the referendum. Nevertheless, according to the Lisbon Treaty (2007) the EU does not have the right to immediately intervene in such situations (Treaty, 2008). Article 4.2. of the Lisbon Treaty states: 'The Union shall respect the equality of the member states before the treaties as well as their national identities. National security remains the sole responsibility of each member state' (Treaty, 2008). This shows the EU lacks the legal authority to interfere in one of its member states and the regions they encompass. The article also explains why the EU was unable to accept the request of the Catalan separatists after the referendum on the first of October 2017, to intermeditate between Spain and Catalonia. Accepting this request would be considered illegal, as the EU would interfere in domestic affairs (Storm, 2018, pp. 15-26).

#### The Prodi Doctrine

The legal framework that is being used for separatism in the EU is called the Prodi Doctrine (2004). This legal framework explains why the EU cannot interfere in similar situations (Storm,

2018, pp. 15-26). The Prodi Doctrine is named after the former president of the European Commission: Romano Prodi (1999-2004). In 2004, the Commission was asked the following question by the European Parliament: 'Would a region that had just gained independence in a democratic manner have to leave the EU and apply for EU membership again?' The answer of the Commission is being described in the book *'Catalonia: A New Independent State in Europe?'*, authored by Xavier Cuadras Morató. The answer of the Commission was as follows: 'The EU treaties apply to all member states. When a part of the territory of a member state ceases to be a part of that state, e.g. because that territory becomes an independent state, the treaties will no longer apply to that territory' (Cuadras Morató, 2016, p. 197). In other words, if a Catalan separation would become official, the region would fall outside of the territory of the European Union. This means that the EU treaties would no longer support Catalonia and the region would have to apply through the regular application procedure in order to become an independent member state of the EU again (Storm, 2018, pp. 15-26). The Prodi Doctrine is also considered a political dogma. As the EU Treaties do not provide a specific procedure to follow for a region or territory that desires to separate, the EU Commission refers to the Prodi Doctrine instead (Buttin, 2017).

### The EU Accession Procedure

According to the former the paragraph, Catalonia will always end up outside the EU after seceding from Spain. The Prodi Doctrine affirms that newly independent states are obliged to apply for EU-membership through the standard procedures (Cuadras Morató, 2016).

### Article 49 (TEU)

These standard procedures or procedure of accession are based on Article 49 of the Treaty of the European Union (TEU). The article includes the conditions that a state must comply with to be eligible for EU accession and the procedure to officially become an EU-member state. Article 49 states that 'Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State

shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members' (Consolidated Version of the Treaty on European Union, 2008). The article also states that the admission of a new member state must be agreed upon by all member states (Consolidated Version of the Treaty on European Union, 2008).

### EU Accession Procedure

The process of accession to the EU consists of three stages. Once a state meets the criteria of an EU member state, it can apply for membership and will then be put on the official candidate list. This is the first stage of the procedure. However, it should be noted that this does not imply formal negotiations have started yet (Commission, Steps Towards Joining, 2016).

During the second stage the formal membership negotiations have started. This means the European Council, has unanimously agreed on the start of these negotiations, which shows that all member states have a say regarding new candidates. Once the official negotiations have started, the candidate country is being screened. The EU compares its own law to the candidate's law to examine differences and to find common ground (Commission, Steps Towards Joining, 2016).

This stage of the accession procedure will become a problem for Catalonia, as the decision to proceed to formal negotiations in phase two must be unanimous. Spain has already declared to veto a possible decision regarding formal candidacy of Catalonia and consequently block a possible accession of Catalonia to the EU (Idriz, 2017).

The third stage of the procedure consists of finishing the negotiations and completing possible reforms. Then, when both sides are satisfied with the decision, the state is now an official member state of the European Union (Commission, Steps Towards Joining, 2016). However, applying for EU membership through the accession procedure is not the only option for a new state to have a relationship with the EU. Instead of applying for EU membership, a new state can also become 'a third country with respect to the EU'. This means that a state will not obtain

EU-membership but will share the democratic ideals of the EU (Idriz, 2017). Examples of such countries are Norway, Iceland and Switzerland (Parliament, 2017, p. 17). These states are not considered full member states, as EU treaties do not apply on this territory. Catalonia could choose to become a third country. As the region is quite wealthy, it could for example be decided to collaborate with the EU on an economic level, by joining the European Economic Area (EEA). The EEA consists of a league of third states that are collaborating with the EU economically. Nevertheless, the same issue for Catalonia rises again. Equal to the second stage of the accession procedure, all member states must agree on the accession of a new state to the EEA. This means Spain can veto a Catalan accession to the EU and the EEA. Also, the consequences of not applying for EU-membership, but becoming a third country with respect to the EU should not be underestimated. The Catalan citizens will no longer be able to benefit from the same rights as EU-citizens, such as free movement in the Schengen Area and enjoying the privileges of the European Single Market (Idriz, 2017).

### The Scottish Independence Referendum

The legal stance of the EU on this matter was revealed during the Scottish referendum in 2014. The Catalan self-determination referendum of 2014 can be compared to the Scottish referendum of 2014, as both regions desired to separate from their country and, at the same time, remain part of the EU. On September 18, 2014, a Scottish referendum took place with the question whether Scotland should remain part of or leave the United Kingdom. This referendum was being held, as the Scottish separatists of the Scottish National Party obtained a majority in the Scottish parliament (GOV.UK, 2014). Even though a small majority of 55,3% of the Scots voted against Scottish independence, the referendum was still considered to be rather unique, especially in comparison with the Catalan self-determination referendum. According to the journal *The Strange Case of the Scottish Independence Referendum. Some Elements of Comparison between the Scottish and Catalan cases*, authored by Nathalie Duclos, there are four main differences between the independence referenda in Scotland and Catalonia (Duclos, 2015).

The first difference is that the Scottish independence referendum had been agreed upon by the British government. This meant the results of the referendum would be legally binding. This agreement was unique, as The Spanish government, on the other hand, fiercely opposed a Catalan independence referendum and did not hesitate to bring the case before the Spanish Constitutional Court. This means the results would not be considered legally binding. Therefore, the referendum of September 9, 2014 could be considered strictly symbolic (Duclos, 2015).

The second difference regards the way Scotland and Catalonia are being recognised as a nation. Scotland is being openly recognised as a nation by the British State and the Royal Commission on Scottish affairs (Duclos, 2015). Their acknowledgement is as follows: “Scotland is a nation and voluntarily entered into union with England as a partner and not as a dependency” (Duclos, 2015, p. 5). Conversely, Catalonia is not being recognized a nation by the Spanish government. Even though the Parliament of Catalonia does recognize the region as its own nation, the Spanish Constitution only recognizes Catalonia as ‘a nationality and therefore not a nation’ (Duclos, 2015, p. 5). The journal also describes that Scotland is often being referred to as ‘an ancient nation’, since it has always been looked at as a nation within the British nation. Catalonia, on the other hand, only ‘feels like a nation’ (Duclos, 2015, p. 4).

The third difference concerns the principle of self-determination. According to the working paper *The Right to National Self-Determination within the EU: a Legal Investigation*, the principle of national self-determination is ‘a principle of international law applicable to all non-self-governing territories and to all peoples who have not yet achieved independence’ (Levrat, 2017, p. 1). Not only was Scotland given the status nation within the UK, the people of Scotland were also granted with the right to national self-determination. This means the British government allowed the Scottish nationalists to organize an independence referendum. Catalonia also attempted to use this principle as a valid reason to organize a similar referendum. However, since Catalonia was not granted the status of a nation by the Spanish national government, the region was also not granted the permission to organize a legal

independence referendum. Nevertheless, the Catalan separatists claimed the principle of national self-determination was indeed legitimate in this situation, as the Catalans perceive their region as a nation and a liberal democracy. Also, the principle was perceived as morally justified by the Catalan separatists, as Catalonia has been treated unfairly by the Spanish national government (Duclos, 2015).

The final difference regards to the doctrine of mandate, a principle whereby acquiring a majority in an election allows the political party to carry out any policy written down in its election programme. The SNP profited from this principle, as it gained a majority of seats in the Scottish Parliament in 2011. By winning a majority in parliament, the party had simultaneously won the right to represent the Scots and implement its programme policies. Therefore, the nationalist party decided to organize an independence referendum. The decision to holding a referendum was accepted by all the British Union Parties and hence considered legitimate. The Catalan separatists also tried to implement the Doctrine of Mandate (DoM) during the Catalan regional elections of 2012. The winners of the election were composed of separatist parties and a consultation on the status of the Catalan constitution was part of all their programmes. Despite the majority in parliament and the desire for a consultation, the Spanish national government still did not consider this as legitimate or necessary. After all, Puigdemont was never given a mandate to represent the people of Catalonia. This shows that the level of importance regarding the DoM is different in both countries. In the UK, the DoM is highly important and necessary to maintain a representative democracy, while in Spain the mandate is significantly less important (Kiewiet, 2018). The Catalan Parliament was unable to convince the national government, even though the separatists claimed that by winning the majority in Parliament, the mandate of negotiation was also established. These examples show that the principle of the doctrine of mandate is felt a weak argument in Spain, while the same principle is being respected and accepted in the UK (Duclos, 2015).

The fact that the Scottish independence referendum and the Catalan independence referendum of 2014 were almost organized at the same time, led to fear of the snowball effect in the European Union (Duclos, 2015). If the SNP would have won the referendum and separated from the UK, it would have encouraged other European regions to also fight for their independence. Examples of other European regions that desire to separate are Flanders in Belgium, Sardinia in Italy and South Tyrol in Austria. Still, the European Commission was clear about the Scottish independence referendum. A spokesman of the EC stated that: “Any newly independent country would have to negotiate to join” (Rankin & Carrel, 2017). Even though Scotland and Catalonia have not yet achieved independence, the separatist movement gained substantial attention from the media, which has increased their demand for more power and autonomy (Hepburn, 2014).

#### **Sub question 4 - How have the EU institutions dealt with the challenges of the Catalan separation crisis of 2017 (October 2017 - October 2018)?**

The Catalan independence referendum of the first of October 2017 has stirred up the political climate in Spain. During the period of October 2017 till October 2018, many events occurred in Catalonia as a reaction to this referendum, which received a great deal of national and international media attention.

##### **Events after the referendum**

On October 27, the Catalan Parliament decides to declare Catalan independence as a reaction to the independence referendum of the first of October. This decision was taken in the absence of the Catalan opposition parties. The separatist parties felt like they had this right, since the results of the referendum showed 90 percent of the voters were in favour of Catalan independence. However, as can be read in chapter two, the overall turnout of the referendum was only 43 percent, and therefore the decision to declare Catalan independence was against the Spanish law (NRC, 2017). The Spanish national government reacted in a firm manner to the declaration, namely by imposing Article 155 of the Spanish Constitution. This emergency measure dismissed the Catalan Parliament and president and simultaneously revoked all autonomous powers of the region Catalonia (Liñán, Chronology: The long and winding road to the Catalan independence trial , 2019). Shortly after Carles Puigdemont was dismissed, he fled to Belgium in the company of four other Catalan ministers. A couple of days later, the group was charged with rebellion and misuse of public funds by the Spanish public prosecutor. On October 30, the declaration of independence was officially suspended by the Spanish national government. The suspension was proposed by the Partido Popular (Molina, 2017).

##### **European Arrest Warrants**

Puigdemont and the four Catalan ministers decided to stay in Belgium. Consequently, the Spanish government decided to issue five European Arrest Warrants, a sanction that can only be issued by an EU-member state and designed to order national and international alerts for criminal prosecution (Communities, 2002) (Liñán, 2019). These warrants meant the Belgian

government was enabled by a *Council Framework decision on the European Arrest Warrant and the surrender procedures between member states* of June 13, 2002, to arrest the exiled ministers (Communities, 2002). However, even though these warrants were issued, none of the ministers were eventually arrested. This was not the case in Catalonia. On December 27, nine members of the Catalan Parliament had already been imprisoned by the *Audiencia Nacional* or the Spanish Supreme Court (Liñán, 2017). On November 2, 2018, the Spanish Supreme Court demanded 16 to 25 years of imprisonment against the Catalan ministers. The Court accuses the ministers of rebellion, which comprehends use of violence to separate from Spain and misuse of public funds (Bakker, 2018).

### Regional Elections in Catalonia

Several days before the imprisonment of nine Catalan ministers, the Spanish national government decided to organize new regional elections in Catalonia after the dissolution of the Catalan government. These elections were being held on December 21 with the intent to restore the political situation in Catalonia (NOS, Spanje neemt Catalaans bestuur over, verkiezingen op 21 december, 2017). The results showed that the Catalan pro-independence parties unexpectedly gained a majority in the Catalan Parliament. Puigdemont responded to the victory of the separatists from his residence in Belgium and publicly expressed his support for the Catalan Republic. Rajoy only stated the elections results were unexpected and former President Puigdemont would be arrested once he decided to return to Spain (NOS, 2017).

### The arrest of Puigdemont

In March 2018 Puigdemont travelled to Denmark by car. On March 25, 2018, after a failed attempt to return to Belgium, Puigdemont was arrested by the German police near the border of Denmark. He was placed in the prison of Neumünster, yet, almost released immediately, as the German court dropped the charges of rebellion against him (Liñán, 2019). On April 6, Puigdemont left the prison in Neumünster and returned to his residence in Belgium. A month later, the Belgium court rejected the extradition to Spain of the remaining ministers that initially fled to Belgium. On July 12, the German court decided Puigdemont was only up for

extradition for the misuse of public funds, not for rebellion. This also meant the former president could not stand trial for rebellion in Spain, only for the misuse of public funds. A week later, the Spanish Supreme Court revoked all EAW's for the exiled Catalan ministers in Belgium (Liñán, 2019).

Ultimately, at the end of October 2018, eighteen Catalan political leaders stood trial for the Spanish Supreme Court to determine whether they should be imprisoned (Liñán, 2019).

### Reactions of the EU Institutions

As the Catalonia crisis entered a new phase, the EU institutions were faced with new challenges, such as European Arrest Warrants, advanced elections and an overall unstable political situation in Spain (Youngs, 2017).

### The European Commission

The European Commission responded in a similar way to the new challenges in Catalonia as to the Catalan independence referendum of the first of October. Namely, the institution barely responded, but only insisted the Spanish and Catalan governments find a political solution (Guarascio, 2017). In an official statement, released a day after the referendum, the EC declared: "These times are for unity and stability, not divisiveness and fragmentation" (Commission, Statement on the events in Catalonia, 2017). The EC did not interfere then and still has not interfered a year after. After the first round of European Arrest Warrants were issued against Puigdemont and his four ministers, a spokesman of the EC responded. The political crisis was signed off as an issue of the Spanish judicial authorities, whose independence is fully respected by the EC (Stone, 2017). The spokesperson also added that the Commission "fully respects the constitutional order of Spain and has absolutely nothing to add to that well-established position" (Stone, 2017). Lastly, the spokesperson stated the EC would not interfere in Catalonia to help solve the political crisis (Stone, 2017).

Even though the EC responded in a minimal way, Jean Claude Juncker, Chair of the EC, did express his concerns about a growing unease of political disruption in the EU. Juncker also discussed the issue with Angela Merkel, Chancellor of Germany. From this conversation it became clear that several EU member states are concerned about the fierce approach of the Spanish national government towards the Catalan separatist movement. Besides that, it was also feared that the actions of the Catalan separatist movement could potentially fuel separatist feelings in other EU member states (Guarascio, 2017).

### **The European Council**

The response of the European Council aligns with the response of the EC. Donald Tusk, President of the EU Council, declared that the political situation in Catalonia will not be put on the Council's agenda. Tusk declared that all members can have their own opinion and feelings regarding the matter, but the Council will not support an EU intervention in Catalonia. Consequently, the Council decided to follow the approach of the EC and decided not to take on a mediating role (Emmott, 2017). Several members of the Council publicly supported this approach. Both Dutch Prime Minister Mark Rutte and French President Emmanuel Macron stated that the Council will not take responsibility for the situation in Catalonia, only Spain is (Emmott, 2017).

Moreover, the Council has made it clear to rather not get involved into yet another European crisis, referring to Great Britain planning on leaving the European Union. The Council members are reluctant of getting involved in yet another separation crisis, as this comes with complex negotiations, economic uncertainty and political instability (Emmott, 2017).

### **The European Parliament**

The reactions expressed below by the leaders of the parties in the EP showed that the Catalan separation crisis not only caused a feeling of division in Spain, but also in the EP.

Some parties expressed their support for the Catalans, while others sided with the Spanish national government. Lastly, some parties neither side with Spain nor Catalonia, but criticize the EU approach.

**ALDE – Alliance of Liberals and Democrats for Europe, Guy Verhofstadt**

Chairman of ALDE (2009 – present), Guy Verhofstadt, commented that he agreed with the non-interference strategy of the EC. Verhofstadt stated that he believes the Catalan crisis is a matter for Spain. However, he also expressed his discontent with the actions of the Catalan separatists, and the organization of an independence referendum, as this is clearly against the Spanish Constitution. On the other hand, he also condemned the violence used by the Spanish national government to stop the Catalan citizens from voting (Levy-Abegnoli, 2017).

Verhofstadt also responded to the imprisonment of the Catalan ministers by the Spanish national government. The implemented sentence was regarded as disproportional. Verhofstadt explained the Spanish Constitution should be respected. Nevertheless, in this matter, the Chairman of ALDE strongly questioned the proportionality of the rule of law (Nacional, 2017).

**EFDD – Europe of Freedom and Direct Democracy, Nigel Farage**

Chairman of the EFDD, Nigel Farage, sided with the European separatists. According to Farage, the imprisonment of the Catalan ministers and possible prison sentence were repellent actions of the Spanish national government. Moreover, the Catalan separation crisis is not being covered sufficiently in the international media, this especially regards to the criticism on the EU by the Catalan separatists. This criticism is often being ignored, as the foremost goal of the media is to preserve the integrity of the European Union (Scotto di Santolo, 2018).

**GUE/NGL – European United Left – Nordic Green Left, Gabriele Zimmer**

Chairman of GUE/NGL, Gabriele Zimmer, reacted in a firm manner towards the matter.

Zimmer condemns the standpoint of the EU of solving the Catalan crisis by dialogue, without interfering. Zimmer attacked Spain for the attitude towards the Catalan separatists, as she stated: “Rajoy and his partners think that Spain is their property”. Moreover, she believes Carles Puigdemont was wrongly charged with rebellion and misuse of public funds. According to the Chairman, no evidence of Puigdemont using violence or misusing public funds were found. Therefore, she supports immediate EU interference in Catalonia. Lastly, Zimmer accuses the EU of siding with Spain in this conflict, even though the EC has publicly expressed to remain neutral (Camps, 2018).

**EPP – European People’s Party, Manfred Weber**

Chairman of the EPP, Manfred Weber, sides with the Spanish national government. Weber states that: “The irresponsible Catalan government is splitting the country”. Weber also claims that the Catalan government is to blame for the current separation crisis, as the rule of law was ignored by organizing the independence referendum. Also, it is not up to the EP to intervene in the matter, it is the duty of the Spanish national government to open dialogue with the Catalan authorities, as violence is never the answer (Pinnington, 2017).

**Greens/EFA – Greens – European Free Alliance, Ska Keller**

Ska Keller, Chairman of the Greens, already firmly sided with the Catalans in 2015, as she publicly claimed to support Catalan independence (Páez & Cruz, 2015). Just like Weber, she called for dialogue between the authorities the first of October 2017. Moreover, according to Keller, the imprisonment of the Catalan ministers in 2018 was not based on legal grounds and should have been prevented. She called for a new independence referendum, as Catalonia has the ‘right to decide’, which will enable the region to take charge of its own future (EFA, 2018).

## Analysis of the Results

This chapter provides an analysis of the main findings to answer the central question: *How have the EU institutions dealt with the Catalan separation crisis (October 2017 – October 2018) and how can the EU intervene in a separatist crisis within the boundaries of its legal framework?*

To answer the central question, it is necessary to explain the history of the Catalan separatist movement, as it is otherwise impossible to comprehend why the separation crisis of October 2017 eventually occurred. Even though the Catalan language and culture already flourished during the Middle Ages, political activism and the desire for more autonomy became present in 1914, when Catalonia was granted regional autonomy by the Spanish national government. However, during the twentieth century, the status of autonomous region was overruled twice: by the dictatorship of Miguel Primo de Rivera (1923-1931) and Francisco Franco (1936-1975). However, after both dictatorships, Catalonia was assigned with more and stronger autonomous rights, even though the region still fell under the umbrella of the Spanish national government. The political freedom after the dictatorships allowed the Catalan inhabitants to publicly express the desire for an autonomous Catalan state. However, it should be noted that a definitive separation from Spain only became a supported principle among the Catalan inhabitants in 2006, as the new Catalan Statute of Autonomy was first approved, but then withdrawn by the Spanish national government in 2010. From the interview with prof. Eric Storm it can be derived that the withdrawal of the Statute of Autonomy of 2006, together with the change of political course of the political party CiU in 2011 and the Spanish financial crisis (2008-2014) were all crucial turning points in the debate regarding a Catalan separation from Spain. From the withdrawal of the Statute of Autonomy onwards, the Catalan separatist movement gained much support, as many Catalan inhabitants had lost their trust in the Spanish national government. Therefore, it can be concluded that the constant repression of the Catalan culture and language during the twentieth century and the three above-mentioned events fuelled the desire for independence.

However, the political instability in Spain and the fact that the PSOE and PP dominated the Spanish politics for years in what seemed to a two party-system also attributed to the rise of the Catalan separation movement. Even though the PSOE strived to implement more progressive policies and decentralization of Spain, the influence the PP still had in the political system often appeared too strong. This made it difficult for the PSOE to implement new policies, such as the policy regarding more regional autonomy. An example of the strong influence of the PP is the withdrawal of the Catalan Statute of Autonomy of 2006. The withdrawal showed that even though the PSOE was the largest political party in the Spanish national government, the approval of new policies could still be stopped by the PP. This caused much frustration among Catalan inhabitants and shows that several decisions made by the Spanish national government also attributed to the desire for Catalan independence.

Out of the three main bodies of the EU, namely the European Commission, the European Council and the European Parliament, only the EP responded to the withdrawal and stated that the Spanish national government did not act in a democratic manner, as the opinions of the Catalans were not taken into consideration. The other two bodies did not respond and maintained a neutral position.

It appears as if the EC and Council often attempt to maintain a neutral position regarding domestic political matters of an EU-member state. This was also the case before the Scottish independence referendum of 2014. The reaction of the EC regarding the Catalan independence referenda of 2014 and 2017 was similar and two statements are constantly repeated, namely: 'It is not the task of the EC to intervene in Spain, as it concerns an internal matter and any region that decides to break away will have to apply for EU-membership again'.

Nevertheless, the fact that the EC and Council refuse to intervene in the domestic affairs of Spain is justified according to the legal framework of the EU. Article 4.2 of the Lisbon treaty clearly states that the EU is not supposed to intervene in the domestic affairs of an EU member

state. This article explains the neutral position. Furthermore, it often seems unclear what would happen with Catalonia if a separation from Spain would become reality, as the EU-treaties do not provide a specific procedure or article. This research shows that if Catalonia would become independent, the EU will refer to the Prodi Doctrine: a legal framework that clearly describes that if a region decides to break away from a member state, the EU-treaties will no longer apply to that territory. Subsequently, the region will have to apply for EU-membership through the EU Accession Procedure, based on Article 49 of the Treaty of the European Union. However, even if all the criteria out of the Accession Procedure are being met, becoming an official member state will be nearly impossible for Catalonia, as all current member states must agree on the accession. This includes a decisive vote from Spain, which will most likely veto this accession.

Lastly, Catalonia could opt for becoming 'a third country with respect to the European Union'. As Catalonia is a wealthy region, one could decide to collaborate with the EU on an economic level. However, Spain also has the power to veto this accession, which makes any possible collaboration with the EU in the future nearly impossible.

Even though the stance of the European Union on the Catalan separation crisis of 2017 might appear to be unclear, the legal position of the EU was already being revealed during the Scottish independence referendum of 2014. However, the fear of a snowball effect in other EU-regions as a response to the Catalan referendum was far greater than after the Scottish referendum and caused more political uproar. This was caused by two important fundamental differences between the regions. As Scotland is being recognized as a nation by the national British government, Catalonia is not. Also, it was discussed beforehand that the results of the Scottish referendum would be legally binding, which was not the case in Catalonia.

After the Catalan independence referendum, the Spanish national government firmly responded by revoking all autonomous powers of Catalonia and issuing arrest warrants for Catalan ministers. Several ministers were even imprisoned. Even though the EC and the

Council still maintained a neutral position, many members of the EP expressed their concern regarding the political disruption of the EU. The reactions differed, several members criticized Spain of going against the democratic values of the EU, as others agreed with non-interference strategy of the EC and Council. Unlike the EC and Council, the EP does not have to maintain a neutral position. Members of the EP can express their own opinion.

## Conclusion

In this chapter, the central question will be restated, the main findings will be summarized and eventually, a conclusion will be drawn up.

The aim of this research was to find out the role of the EU-institutions in the Catalan separation crisis. In order answer the central question, desk research and a semi-structured interview were conducted.

The response of the EU-institutions to the Catalan separation crisis corresponds with the EU-treaties on separatism. During the entire Catalan separation crisis, the European Commission maintained a neutral position and did not interfere in Catalonia. The European Council sided with the EC. The EP did express its opinion, however, has no right to intervene in Catalonia. Maintaining this neutral position is derived from the legal framework of the EU. Firstly, the EU refers to Article 4.2 of the Lisbon Treaty that states the EU is not supposed to intervene in the domestic affairs of a member state. Secondly, if a separation between Catalonia and Spain would become reality, the EU would implement the Prodi Doctrine: a legal framework that clearly describes that if a region decides to break away from a member state, the EU-treaties will no longer apply to that territory. Lastly, it became clear that Catalonia would have to apply for EU-membership through the regular accession procedure, based on Article 49 of the Treaty of the European Union.

However, it would be nearly impossible for Catalonia to break away from Spain and become a member state of the EU, as Spain has the right to veto this accession and a possible accession for Catalonia to become 'a third country with respect to the European Union'.

This causes of the Catalan independence referendum can be explained by the history of the Catalan separatist movement on the one hand, and by explaining the recent history of the Spanish political landscape. Political activism and the desire for more autonomy have already

been present in Catalonia since 1914. However, the constant repression of the Catalan culture and language during the twentieth century fueled the desire for independence.

What also contributed to a growing support of the Catalan separatist movement, was the instable political situation in Spain. Together with the Spanish financial crisis (2008-2014), the withdrawal of the Catalan Statute of Autonomy in 2010 and the radical course of change of the CiU in 2011, the support for the Catalan separatist movement grew. This resulted in the Catalan independence referendum of 2014 and eventually the Catalan separation crisis of 2017.

Even though the EU never abandoned its neutral position and therefore never interfered, the fear of a snowball effect in other EU-regions was more feared than ever.

### Recommendations

To prevent similar separation crises in the future, the EU should consider creating other forms of collaboration with autonomous regions, without the region having to break away. At the moment, the accession procedure of the EU is organized in such a way that Catalonia would have no other options of collaborating with the EU, as Spain has veto power.

Therefore, the EU should take matters into its own hands and create a partnership with both the Spanish national government and the Catalan regional government. In this partnership Catalonia would still be part of Spain but will be granted a special level of regional autonomy by both Spain and the EU. This means Catalonia will be able to profile itself on a national and European level. This way, Spain will maintain its wealthiest region and Catalonia will become an autonomous region of Spain with a high level of self-determination.

Eventually, this partnership could be set as an example for other separatist movements in the EU. The fear of a snowball effect in the EU will decrease, as another legal solution is being provided.

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## Appendix

### Consent form

*Eric d'Horm*

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### Appendix 6.4 – Informed Consent Form

**Informed Consent Form**

- 1) Project Title
- 2) Project Description (1 paragraph)

If you agree to take part in this study, please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.


I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher and relevant university assessors. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Signed:  Date: 02-11-2018.

### Transcript Interview

**Date** – November 2, 2018

**Time** – 11 A.M.

**Location** – Leiden University, Doelensteeg 16, Leiden

**Interviewee** – Eric Storm

**Interviewer** – Jet van der Kolk

This interview was conducted in Dutch and therefore the transcript will also be in Dutch.

Eric Storm is a professor of European history at Leiden University. Storm studied history at the University of Groningen and Salamanca and is specialized in Spanish politics. Next to that, Storm conducted research into separatist movements in the European Union. In June 2018, the e-book *Multi-level nationalism: The Catalan Question and its Lessons for Europe* was published. Storm was a co-author of the journal and wrote a chapter called *Catalan Nationalism and the Failed Secession from Spain: Historical Background and Consequences for Europe*. The chapter elaborates on the roots of the Catalan separatist movement and the role of Europe Union in the Catalan separation crisis.

#### **Vraag 1. Tijdens welke tijdsperiode ontstaan de ideeën van de Catalaanse separatisten beweging?**

Het is goed om de *Renaixença* mee te nemen in je scriptie. Hier begint de culturele herontdekking van de Catalaanse cultuur. Daarvoor was de elite taal namelijk Spaans. Er werd ook niet meer geschreven in het Catalaans, maar dit begint tijdens de Romantiek te veranderen. Vooral in Europa krijgt men belangstelling voor volksculturen. Dit is ongeveer rond 1850, maar pas rond 1900 zie je dat de voertaal onder de elite ook weer Catalaans wordt. Eigenlijk waren het voor deze tijd alleen een handjevol intellectuelen die geïnteresseerd waren in de boerencultuur en pas rond 1900 wordt het pas echt weer geaccepteerd als spreektaal door de elite van Barcelona. Rond deze tijd wordt het ook meer politiek. Dit politieke slaat dan nog niet op onafhankelijkheid, maar op autonomie.

**Vraag 2. Wanneer werd de hang naar een onafhankelijk Catalonië voor het eerst echt geuit?**

Volgens mij is de eerste die daarmee komt al aan het einde van de jaren 20. Het is eigenlijk pas tijdens de jaren 30, dus onder de Republiek, dat er een mislukte poging wordt gedaan om onafhankelijkheid of semi-onafhankelijkheid uit te roepen. Dan is dat ideaal er al wel. Dit wordt dan ook redelijk breed gedragen, hoewel het nog steeds een minderheid is in Catalonië.

**Vraag 3. In het artikel dat u mij had gestuurd (Multi-level Nationalism? The Catalan Question and its lessons for Belgium and for Europe) wordt er beweerd dat Catalonië en Spanje als twee verschillende etnische groepen gezien worden. Toch zijn er meerdere separatisten bewegingen in Spanje, denk bijvoorbeeld aan Baskenland waar tot voor kort de separatisten beweging *Ezkiadi Ta Azkatasuna* (ETA) een grote rol speelde. Waarom wordt het verschil tussen de Spanjaarden en Catalanen juist zo sterk benadrukt? Spelen financiële aspecten hier ook een rol in?**

Eigenlijk zou je wat dat betreft Catalonië moeten vergelijken met Valencia en Mallorca. Daar wordt ook Catalaans gesproken. Als het over het Catalaanse volk gaat, dan hoort ook het zuiden van Frankrijk daarbij en dus eigenlijk alleen in de vier Catalaanse provincies bestaat dat verlangen naar onafhankelijkheid. Dat is eigenlijk heel raar. De helft van het Catalaanse volk, ik ben een beetje huiverig voor die term, maar een deel ervan voelt zich Fransman en heeft daar geen enkele moeite mee. Zij zien het Catalaans als folklore, net zoals Brabanders en Limburgers dat in Nederland hebben. In Valencia en de Balearen hechten ze zich tegenwoordig aan de eigen taal, tradities en gewoontes. De taal wordt ook volop gebruikt, in het onderwijs en het openbare leven, maar deze mensen zien dit niet als 'wij moeten onafhankelijk worden'. Als Catalonië namelijk onafhankelijk zouden worden, dan betekent dat voor hen dat Barcelona de lakens gaat uitdelen. Voor hen is het een beetje 'nu deelt Madrid de lakens uit, dan wordt het Barcelona, daar schieten we eigenlijk niets mee op'. Dat is eigenlijk het eigenaardige, dat in de vier Catalaanse provincies, die allemaal op Barcelona gericht zijn, de wens voor onafhankelijkheid is ontstaan.

**Vraag 4. Kan hieruit afgeleid worden dat de Catalaanse wens naar onafhankelijkheid uitgelegd kan worden vanuit een emotioneel standpunt?**

Ja. Ik heb hier ook in mijn artikel een stukje over geschreven. Neem bijvoorbeeld Barcelona, dat is echt een grote stad. Ik heb het wel eens vergeleken met Nederland. Stel dat Rotterdam in Friesland had gelegen, dan zou Friesland waarschijnlijk een afscheiding willen. Zij willen dan niet onder het juk van Amsterdam en Den Haag zitten. Je hebt nu die rivaliteit tussen Amsterdam en Rotterdam. Als je dit combineert met een andere taal en cultuur, dan krijg je die wens voor afscheiding. Omdat Barcelona een wereldstad is, heb je ook een bepaald soortelijk gewicht dat je nodig hebt. Zij hebben het idee dat ze het beter kunnen doen dan Madrid.

**- Toch zijn er nu al veel bedrijven die wegtrekken uit Catalonië, omdat zij vrezen voor negatieve economische gevolgen.**

Ja, dat heeft er niet mee te maken dat ze geen vertrouwen hebben in de capaciteiten van een eventuele Catalaanse regering. Maar daar komt de Europese Unie in beeld. Als Catalonië onafhankelijk wordt, moeten ze volgens de huidige regels de Europese Unie verlaten. Dat is het probleem voor de bedrijven. Het is een vrij raar probleem. Ik heb gesproken met een expert uit Schotland die een bureau leidt dat zich bezighoudt met de Schotse onafhankelijkheidsbeweging. Hij heeft ook gesproken met Catalaanse politici en hij zegt: "Jullie hebben straks een referendum, maar wat ga je dan doen?" Daar hebben ze eigenlijk niet serieus over nagedacht. Of ze hoopten misschien dat de internationale druk op de Spaanse regering ervoor zou zorgen dat een officieel referendum wel zou worden toegestaan. Als de Catalanen een echt referendum zouden krijgen, dan kan het natuurlijk wel. Dat is een beetje het Schotland scenario wat uiteindelijk niet is doorgegaan, namelijk een officieel referendum met een overgangperiode en voorbereiding en misschien in die tussentijd aanvraag tot toetreding tot de Europese Unie. Zij hebben het allemaal heel positief voorgesteld, zo van 'de Europese Unie ontvangt ons met open armen en het gaat allemaal lukken'. Maar dat weet je natuurlijk niet van tevoren.

**- Dat lijkt mij ook een groot probleem voor Catalonië. Stel namelijk dat de regio zou afscheiden, dan zouden alsnog alle 28 lidstaten hun toestemming moeten geven, zodat Catalonië kan toetreden tot de EU. Dit is een probleem, omdat Spanje duidelijk heeft aangegeven hier geen toestemming voor te geven, wat Catalonië al eigenlijk geen kans meer overlaat tot mogelijke toetreding.**

Als het een scheiding wordt met ruzie, een vechtscheiding, dan betekent het ook dat Spanje een toetreding van Catalonië op de langere termijn zou kunnen tegenhouden. De Catalanen daarentegen brengen het argument naar voren dat Noorwegen en Zwitserland ook niet bij de Europese Unie horen. Hun kiezers hielden ze trouwens voor dat het helemaal niet waar is dat Catalonië bij afscheiding uit de EU wordt gezet. Dat is echt voortdurend de officiële beleidslijn geweest. De Catalaanse regering heeft gezegd: “Wij zijn nu Europeanen en als wij onafhankelijk worden, kunnen wij niet uit de EU gezet worden, omdat wij burgers van Europa zijn.” Europa is geen gemeenschap van burgers, maar een gemeenschap van staten. Dat vertelden ze dus niet.

**Vraag 5. In mijn scriptie betrek ik ook de rol van de Europese Unie. Tot nu toe hield de EU zich vrij afstandelijk en verklaarde de Catalaanse crisis als een Spaanse interne kwestie.**

**Tijdens het Schotse onafhankelijkheidsreferendum in 2014 was de situatie ook vrij onduidelijk, omdat er op dit moment geen duidelijke wet bestaat die toestemming of afwijzing geeft wat betreft afscheiding. Denkt u niet dat er zo’n wet zou moeten komen?**

Er is de ‘Prodi Doctrine’. Romano Prodi was voorzitter van de Europese Commissie, de voorloper van Juncker. Hij heeft in 2002 aangegeven dat landen die zich afscheiden en onafhankelijk worden een normale toetredingsprocedure zullen moeten volgen. De Europese Unie improviseert wat aan, omdat een officiële wet aannemen moeilijk is. Dit is eigenlijk het officiële beleid sinds 2002. Voor die tijd was het al helemaal onduidelijk.

**Vraag 6. Het zou natuurlijk makkelijker zijn als er een duidelijke, officiële wet gecreëerd wordt die precies aangeeft waar regio’s die een wens hebben om af te scheiden, aan toe zijn. De Europese Unie is op dit moment bang voor het zogeheten ‘domino-effect’ in Europa,**

**waarbij er gevreesd wordt dat er naast de Catalanen bijvoorbeeld ook de Walen of de Venetianen willen afscheiden. Daarom begrijp ik niet waarom de EU niet meer naar de voorgrond treedt.**

De EU treedt niet naar de voorgrond, omdat ze geen partij willen kiezen. Europa bestaat uit allemaal groepen en de Europese Commissie is een soort neutrale vertegenwoordiger van de Europese Unie, maar het is geen echte regering. Dus degene die echt aan de touwtjes trekken, is de Raad van Europa, ofwel de regeringsleiders. Het zijn toch de regeringen van de landen die de besluiten nemen en de Commissie staat eigenlijk in dienst van de Raad van Europa. Als zij toch heel duidelijk uitspraken doen, kunnen ze teruggefloten worden. Zij moeten er eigenlijk ook zijn voor heel Europa en daarom proberen ze neutraal te zijn, met name als het om interne kwesties gaat. Tenzij het situaties betreft zoals in Hongarije of Polen, waarin de desbetreffende landen zich niet aan de EU-wetgeving hebben gehouden.

**- De Europese Unie roept wel steeds op tot overleg tussen Catalonië en Spanje.**

Dat zelfs bijna niet. Donald Tusk, voorzitter van de Raad van Europa, heeft wel steeds zulke oproepen gedaan, maar anderen zijn zelfs nog terughoudender of negatiever, zoals Jean Claude Juncker. Hij is nogal kritisch geweest tegenover de Catalanen. Dat is eigenaardig, aangezien Luxemburg veel kleiner is dan Catalonië. Luxemburg zit wel aan tafel, maar Catalonië niet.

**- Toch is de wens voor afscheiding van de Catalaanse kant ook enigszins te begrijpen, aangezien Catalonië een autonome regio is. Dit betekent dat ze een eigen overheid en parlement hebben en veel overheidszaken, zoals het onderwijs en de gezondheidszorg, zelf mogen regelen.**

Dat is denk ik ook een deel van de verklaring. Die autonomie hebben ze gekregen aan het einde van het Franco-regime. Iedereen wist dat onafhankelijkheid op dat moment geen optie was. Een autonomie was het maximaal haalbare. Destijds was er niemand die pleitte voor het direct onafhankelijk worden van Catalonië. Wat de Catalaanse leiders gedaan hebben, en dan met name Jordi Pujol, die jarenlang de leider van de *Generalitat* geweest is, zei het volgende:

“Wij doen mee in Spanje en aan de autonome regio’s, maar wij proberen de Catalaanse natie intern op te bouwen.” Dit werd met name in het onderwijs duidelijk. Catalaans is daar de voertaal en ze proberen Catalonië heel nadrukkelijk als een natie te presenteren. Ze hebben allerlei vergelijkingsmateriaal. Bij aardrijkskunde zie je de economische cijfers van Frankrijk, Duitsland en Catalonië. Spanje wordt hierbij volledig weggelaten. Soms wordt Spanje zelfs wit gelaten op de kaart. Dat betekent dat de jongelui zijn opgegroeid met het idee dat Catalonië een natie is met een eigen taal en cultuur. Daardoor stellen zij zich de vraag: “Waarom worden wij nog steeds onderdrukt door Spanje?” In het geschiedenisonderwijs wordt de burgeroorlog bijvoorbeeld gepresenteerd als een oorlog van Spanje tegen Catalonië.

**- Toch hebben de Catalaanse separatisten geen meerderheid in het Catalaanse parlement.**

Nee, dit komt voor een deel ook doordat Catalonië de rijkste regio van Spanje is. Daardoor zijn er sinds de jaren 60 ontzettend veel migranten uit andere delen van Spanje hiernaartoe gekomen. Zij zijn minder geneigd om daarin mee te gaan.

**Vraag 7. Catalonië ontving regionale autonomie na het Franco-regime. Op dat moment wisten de Catalanen dat een autonome regio het hoogst haalbare voor hen was. Wanneer was het omslagpunt waarin de Catalaanse separatisten beweging publiekelijk het verlangen uitte voor een onafhankelijke staat? Ik lees vaak dat dit samenhangt met de economische crisis, klopt dit?**

Je moet onderscheid maken tussen de Catalaanse politieke partijen. Je hebt nu de *Esquerra Republicana de Catalunya* (ERC), dat zijn Republikeinen. Dit zegt al dat zij van de monarchie af willen. Zij zijn er eigenlijk sinds het begin al, zij waren ook de grootste partij sinds de jaren 30 en van het begin af aan ook al voor onafhankelijkheid. Sinds de jaren 70 zijn zij steeds de kleinste Catalaanse partij geweest, de juniorpartner. De grootste partij, *Convergència i Unió* (CiU), dat was dé grote Catalaanse partij en vaak hadden zij zelfs meer dan de helft van de zetels in het Catalaanse parlement. Zij waren de dominante partij en pro-autonomie, maar tegen afscheiding. Die partij is onder leiding van Artur Mas in 2011 van richting veranderd. Puigdemont heeft die partij overgenomen en die zijn nu bijna nog radicaler geworden dan de

ERC. De positie van de ERC is niet veranderd, maar de positie van het CiU wel. Deze ommekeer hangt samen met de economische crisis. De economische crisis én het niet door laten van gaan van het *Estatuto de autonomía*, ofwel het autonomiestatuut. Er is in 2008 of 2009 een nieuw autonomiestatuut aangenomen en dat is door het hooggerechtshof, op aandringen van de *Partido Popular*, is dat voor een groot deel buiten werking gesteld. Dit was de aanleiding. Hier was heel veel onvrede over, want het was al goedgekeurd door een referendum in Catalonië en door het nationale parlement. Destijds hadden de socialisten nog de meerderheid. Dat is toen door de rechter tegengehouden. Vanaf toen kregen de Catalanen het idee dat zij nooit krijgen wat ze willen. Het besluit is in 2011 genomen, dat het autonomiestatuut definitief werd afgeschaft. Dit betekende niet dat Catalonië minder rechten kreeg, maar de extra rechten die in dat nieuwe statuut stonden, gingen niet door. Daar kwam de economische crisis bij en toen is de partij van Artur Mas van koers veranderd.

**Vraag 8. De staat Spanje heeft op zeer gewelddadige wijze gereageerd op het referendum van 1 oktober 2017. Naar mijn mening wordt het gebruiken van dit soort geweld als niet-democratisch beschouwd in de Europese Unie. Was dit geen goed moment voor de EU om in te grijpen?**

Het is een Catalaanse rechter geweest die bevolen heeft dat het referendum illegaal was en dat de politie moest ingrijpen. Eigenlijk had de Catalaanse politie dit moeten doen, maar zij behoren tot de Catalaanse autonomie. Het was duidelijk dat zij niets zouden doen en dit is uiteindelijk ook gebleken. Toen zijn ook de nationale politie en de *Guardi Civil* massaal uitgerukt en zij hebben zich wel gehouden aan de opdracht van de rechter, maar natuurlijk ook weer niet. Je kunt je ook vragen stellen bij de manier waarop dit gebeurd is. Dat is politie die té hard optreedt. Daar is natuurlijk kritiek op, maar de verhalen over duizend gewonden waren ontzettend overdreven.

**Vraag 9. Bent u voor of tegen de afscheiding van Catalonië?**

Ik ben niet zo'n fan van het scheiden van dingen die al samen zijn. Ik snap wel dat Catalonië graag een eigen staat wilt. Ik heb daar ook met Vlamingen over gesproken en die sympathiseren hier ook mee. Als je in het buitenland komt, ben je Spanjaard, terwijl zij zich in de eerste plaats Catalaan voelen. Je wordt altijd geacht te switchen naar de tweede taal die je spreekt in een internationale setting. Als er in Brussel een vergadering is, dan zit de Spaanse premier daar en hij vertegenwoordigt Catalonië, maar Catalonië is maar een klein gedeelte. Slovenië, Malta en Cyprus zitten er wel, terwijl deze landen veel en veel kleiner zijn dan Catalonië. Aan de andere kant, als Catalonië gaat, dan gaan Schotland, Vlaanderen, Corsica, het noorden van Italië en Friesland ook. Als Friesland gaat, wilt Limburg waarschijnlijk ook. Dan houdt het niet op.

**Vraag 10. Denkt u dat Catalonië in de toekomst nog strenger op gaat treden tegen dit soort regio's?**

Een deel van de oplossing zal bij Europa kunnen liggen. Europa beschikt sinds de jaren 80 of 90 over het *Committee of the Regions* (CoR) en het was de bedoeling dat de regio's daardoor een vinger in de pap zouden krijgen. Dat is uiteindelijk niet gebeurd. Vroeger lag er vrij veel macht bij de Europese Commissie. Het idee was dat het parlement meer macht zou krijgen en de CoR ook. Maar wat je eigenlijk de afgelopen twintig jaar hebt gezien, is dat er alleen maar meer macht naar de regering is gegaan en minder macht naar zulke Europese instituties. Dat betekent ook dat de CoR eigenlijk meer voor de sier is. Er wordt hier wel gesproken. Het CoR heeft wel belang, omdat een heleboel subsidies van Europa, de zogenoemde structuurfondsen, via regio's gaan. Het zijn regionale overheden die aanvraag voor die subsidies moeten doen en daardoor gaat het geld rechtstreeks naar de regio's. Er is dus wel degelijk een financiële band tussen Brussel en de regio's. Deze regio's zijn dankzij Europa ook wat machtiger geworden. Frankrijk had bijvoorbeeld geen regio's en die hebben ze moeten maken, omdat Brussel ze nodig had. Wat in Spanje als oplossing gezien wordt, is het Duitse model, ofwel een federale staat, waarin de Senaat de regio's vertegenwoordigt. De Bundesländer in Duitsland worden ook vertegenwoordigd door de Senaat. Net zoals in de

Verenigde Staten, waarin elke staat twee zetels in de Senaat heeft. Je zou je kunnen voorstellen dat de CoR ook een Europese Senaat zou kunnen vormen. Maar de Europese besluitvorming is al ontzettend complex en ik heb niet het idee dat het nog complexer zou moeten worden.