

EU, CATALONIA AND REGIONAL SEPARATISM

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In an interview with the Spanish daily *La Razon*, Yves Bertoncini, director of *Notre Europe - Jacques Delors Institute*, deals with the treatment of regional separatism by the EU, mentioning the examples of Catalonia, Scotland and Flanders. We publish an English version of this interview.

1. What would be the consequences of the independence of a region vis-a-vis a member state?

The consequences for the region concerned, be it Catalonia, Scotland or Flanders, are quite clear: it will be transformed into a brand new state and, as such, it will go out *de facto* and *de jure* of the European Union.

The Lisbon Treaty provides that if a state already member of the EU wants to leave it, it can do it, but nothing is provided as regard the exit of a region. What exists is a pretty clear position from the European institutions, according to which a state going out of the EU should apply for its accession afterwards. There is no uncertainty on this point.

2. What would be the conditions?

Precisely, the conditions to be met would be quite substantial.

On the one hand, such an exit should be negotiated with the member state the region is about to leave. If we take Scotland and the United Kingdom's case, we can say that if the divorce is not granted on a contractual and friendly basis, when Scotland is going to apply for its accession to the EU, it could not rely on every member states agreement, especially as regards the UK. If the independence is obtained in bad conditions, given the fact that there are already many other challenges to address (economic, legal, etc.), we can expect that the reaction will be probably negative. The separation process should then take place in a contractual, friendly and negotiated manner. If it's not the case, it will be blocked. We can already take the example of Turkey's accession, blocked by Greece because of their conflict around Cyprus.

A second condition lies on the attitude of the other countries which could be concerned by such a

situation. Let's take the example of Belgium, which is confronted with a Flemish independence upsurge: how would it react as an EU member state if asked to take a stance on the separation of Scotland, and then its application to the EU? Here again, some examples already exist which confirm such problems: as a matter of fact, Spain didn't recognize the independence of Kosovo - by the way, it's not the only EU country, as Cyprus and Greece didn't do it either. I guess the Spanish authorities didn't want to set a precedent, and then feed a "snowball" effect.

3. What would be the EU position as regards a referendum on independence?

The EU is normally quite neutral as regards the internal problems of its member states. It doesn't prevent the Catalan people to wish and to obtain their independence. There is just no uncertainty concerning the consequences of such a decision, that is to say an exit from the EU.

The article 4.2 of the Treaty on the European Union provides that "the Union shall respect the equality of member states before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government". This means that each country is organized as it wishes: Spain is regionalised, Germany has a Federal system, etc.

But there is another sentence in this article, which was added upon a Spanish request when the "Constitutional Treaty" was drafted, and then maintained in the Lisbon Treaty: "(The Union) shall respect their essential state functions, including ensuring the territorial integrity of the state, maintaining law and order and safeguarding national security". This sentence is a slight message in favour of the protection of the EU integrity, from a legal point of view.

4. Does this mean that the EU would accept that Spain sends its army in the hypothetical case of a unilateral separation?

The Treaties are concluded between member states and the EU doesn't look inside these member states. This being said, there is also a more political perception of the situation and, if it's about to "send the army", we come back to the point I've previously made: it's highly preferable to have things done on a contractual basis.

What Scotland is currently doing is taking place on a contractual basis, as a referendum is planned in 2014: by definition, this means that the central authorities accepted such perspective. I suppose London will campaign for the "no", but we are in a situation in which we can imagine that the UK would accept the result, and then would not block Scotland's accession to the EU. But what will Madrid or Brussels do vis-a-vis Scotland's case, given that its treatment could have an impact on their own situations?

5. Wouldn't it be better to work all together so as to recover from the crisis?

It is certain that we are in presence of a twofold dialectic.

On the one hand, in the context of globalization, we know the adage "unity in strength". For this reason, European are faced today with the fact that if we are not even more united, we will be less heard and influential on the international scene facing powers such as China, the USA, Russia, etc., - hence there is a strong incentive to get united.

But, on the other hand, we see separatist dynamics are growing, and this seems paradoxical. Normally, if things were organised on a contractual form, there could be extremely federalized structures, on the condition that we can envisage that there are means to increase autonomy with no need to go until separation.

6. Would the increased number of member states create problems for the EU?

The EU will soon include 28 member states and, in 2020, it could include more than 30. On this issue, the fact that there are 30, 32 or 34 countries will not change the overall situation, because there are and there will be deeper integration projects, in the framework of a more "differentiated" integration. If this "unity in diversity" should rely more on differentiation, the essential objective of the European construction should remain the "union in the globalisation". Unity is strength and this should feed a unification dynamics, not a separatist one.

7. Would France vote in favour of the adhesion of an independent Catalonia?

France, as any other member state, will have a look at what Madrid says, because France partner is Spain, not Catalonia. If President Rajoy is angry, upset by a referendum considered as illegal, it would be very surprising to see France on Catalonia's side...

It's for this reason that Scotland's case is very interesting. If independence is granted and it asks to become a member of the EU, London could say "yes", but there would be pressures from Madrid, Brussels, etc., that is to say from all the capitals fearing contagion. The member states partner is not Edinburg: in such a context, it would also be rather difficult for France to be in favour of Edinburg.

8. Do the citizens of Catalonia have something to win if they are out of the EU?

I don't know well enough the situation to take a stance on the substance; it's really up to them to decide. This being said, as regards the disadvantages of such a choice, there can't be any doubt on the fact that they would go out of the EU.

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