



## Revisiting Sovereignty in Europe? The Catalan Crisis in Context

17 April 2018

### Abstracts

---

#### Session 1: Causes and consequences of the Catalan crisis

##### ***Catalonia and the Rule of Law***

Javier Garcia Oliva, University of Manchester

The roots of the current crisis in Catalonia are complex, and opinion inside and outside of Spain is rapidly becoming polarised. Neither a narrative of oppression by the central authorities in Madrid, nor a story of cynical manipulation by ambitious Catalan politicians explains the situation. However, the breach of the rule of law in Catalonia in the last few months is a clear cause of concern, a heroes v villains approach does not help, and the media treatment, particularly in the English speaking press, has done more to aid confusion than understanding. My presentation aims to discuss the current legal position of Catalonia in Spain, and the possible ways forward in this constitutional crisis.

##### ***A deeply rooted issue which requires a political solution***

Josep Capdeferro, Universitat Pompeu Fabra

My talk will first analyse the mediaeval and modern context and political constitution of Catalonia, which are strictly necessary to understand and channel the present situation. Secondly, I shall highlight a few moments and phenomena which have taken place in Spain the last four decades and caused or helped the Catalan crisis. In third place, I shall underline some relevant aspects of the present situation, *id est* from September 2017 until April 2018. I will finally point out some reflections which may be helpful to face the crisis and find stable compromises and solutions for both the Catalan and Spanish sides and eventually for other similar cases within the EU.

##### ***Why are we where we are?***

Sandra León, University of York

This presentation will briefly review the “perfect storm” series of events that can explain the steady increase of secessionist demands in Catalonia since the late 2000s. Using some public opinion data, it will reflect on the state of political polarisation in Catalonia and consider its impact upon parties’ coalition and bargaining strategies during and after the last election. The most significant part of the presentation will finally be devoted to the question “why are we where we are?” delving into the causes of the current deadlock. She will conclude with some speculation on future scenarios.

**Session 2: The European context: Perspectives from other countries*****The Catalan Crisis in Context. Perspectives from France***

Sylvia Brunet, University of Rouen Normandie

On the one hand, the Catalan crisis can be viewed from France as an unprecedented breach of the rule of law. Even if the case is very specific and even if their posture towards states' sovereignty is not always consistent, the European leaders, in particular the French ones, strongly support the Spanish central government. On the other hand, the Catalan crisis is all the more carefully followed in France, given that the French decentralised unitary State has currently to face some claims for greater autonomy by two territorial authorities, Corsica and New Caledonia. These demands can be regarded in light of the Catalan crisis and other similar situations in Europe, but the same causes don't always produce the same effects.

***Scottish Independence: how the UK became a divisible state***

Robert Hazell, UCL

Robert Hazell will trace the history of how the UK became a union state, in the Acts of Union of 1534, 1707 and 1800; and how it then became a divisible state, following the secession of southern Ireland in 1921. This was followed by a series of promises given to Northern Ireland, in the Ireland Act 1949, the Northern Ireland Constitution Act 1973, and the Northern Ireland Act 1998, that if Northern Ireland ever voted to leave the UK and re-unite with the south, the UK would not stand in their way. Having granted a right of self-determination to the people of Northern Ireland, the UK could not deny the same right to the people of Scotland.

***Title TBC***

Mathias El Berhouni, Université Saint-Louis

**Session 3: Repercussions for a European Union in crisis*****The political and moral framing of the internal enlargement of the EU***

Drew Scott, University of Edinburgh

I will consider three aspects to the debate. First, I want to comment on the evolving position of 'regions' within the EU constitutional and institutional architecture and consider the extent to which meeting the legitimate EU-wide interests of sub-state territories has fuelled (or not) a deeper drive for independence in some of these jurisdictions. Second, I will turn to the wider (non-legal) political and moral debates that have focused on the role of the EU institutions in the context of the recent independence campaigns in Scotland and Catalonia — in particular their attitude to 'internal enlargement' of the EU. Finally, I will reflect on how the "states versus citizens" view of the EU — a distinction that arguably contributes in part to



a wider European Union in Crisis that titles this seminar – may also inform our attitude towards the appropriate response by the EU to the constitutional and institutional challenges that internal enlargement poses to the EU.

### ***Catalonia Calling***

Iñigo Bullain, University of the Basque Country

This presentation will tackle three questions. First, the issue of public opinion in the EU, and more precisely the lack of instruments available to have a European conversation among its citizens. Secondly, the question of inner enlargement and problems involving sub-state autonomy. In this context we should consider if inner borders in the EU should be immutable or instead new states could emerge from Member States. And finally, the place reserved to opposition in Europe, that is, whether or not dissidence will be recognized and respected, or ignored and punished.

### ***The Catalan Case: Repercussion for a European Union Crisis***

Montserrat Guibernau, University of Cambridge

The Catalan Case was initially treated as an internal affair of Spain right until it reached the international arena provoking division – not only among "Catalans" and "non-Catalans", but also by revealing the existence of very significant differences between dissimilar models of democracy; as well as diverse political cultures currently coexisting in the EU. As a result, different models of democracy have been identified and sharp divisions regarding the concept of democracy, the rule of law and its various approaches, are being debated. A key question is how to harmonize and promote similar models of democracy in the EU while having to acknowledge that democracy is subject to radically different views in different EU Countries. In the meantime, Catalonia's – and Spain's – economies are unstable, contributing to a potential European Union crisis of unprecedented consequences: social, economic, political and cultural.

## **Speaker biographies**

---

### ***Sylvia Brunet***

Sylvia (Calmes) Brunet is Associate Professor (« *Maître de conférences* ») in Public Law at the University of Rouen Normandie (France), Member of the *Centre Universitaire Rouennais d'Etudes Juridiques* CUREJ, EA 4703 (Rouen) and Member of the *Société de Législation comparée* (Paris). She teaches constitutional and administrative law. Her main research areas are legal certainty, fundamental rights, the territorial organisation of States and their divisions and German public law. She has recently directed a collective work: *Fédéralisme, Décentralisation et Régionalisation de l'Europe: Perspectives comparatives*, L'Épito-Lextenso, L'Unité du droit, France, 2017, 2 vol.

**Iñigo Bullain**

Iñigo is Professor of Constitutional and European Law at the University of the Basque Country. He holds a Law Degree from the University of Deusto, Bilbao, and a Diplome in European Studies from Saarland University (Saarbrücken, Germany). He gained his PhD in Law from the European University Institute, Florence, Italy.

**Josep Capdeferro**

Josep is a Legal Historian, Associate Professor (int.) at the Universitat Pompeu Fabra of Barcelona. He has studied for almost two decades the legal culture and political and judicial institutions of early modern Catalonia. His latest research (2014, 2015, 2017), with Professor Eva Serra, deals with a singular Supreme Court of Catalonia called “Tribunal de Contrafaccions”, erected in 1702 and suppressed by King Philip Vth at the end of the War of the Spanish Succession.

**Claire Colomb****Mathias El Berhoumi****Javier Garcia Oliva**

Javier is a Senior Lecturer in Law at the University of Manchester, where he teaches Public Law, Constitutional Reform and Religion, Law and Society. He is a constitutional lawyer with an interest in devolution, the legal position of sub-state entities, and the interaction between law and religion in the United Kingdom. His recent publications include two co-authored pieces with Helen Hall: the book *Religion, Law and the Constitution: Balancing Beliefs in Britain*, Routledge, 2017, and the article 'Responding to Non-Liberal Minorities within a Liberal State: The Challenge posed by Children and Vulnerable Adults', published by Public Law in April 2018.

**Montserrat Guibernau**

Montserrat holds a PhD in Social and Political Theory, King's College, Cambridge. She was Professor of Politics at Queen Mary University of London between 2005-2016. She is currently affiliated to the Forum on Geopolitics and the Department of Sociology at the University of Cambridge, as well as a Visiting Fellow at the Department of Politics and International Studies. In 2017-18, she is also a Visiting Professor at the Pompeu Fabra University of Barcelona. Her publications include ‘Self-determination in the Twenty-first Century’, *Ethnopolitics* 2015; a chapter in *Do I Belong Reflections from Europe*; edited by Antony Lerman (2015), *Belonging: Solidarity and Division in Modern Societies* (Polity, 2013); *The Ethnicity Reader* (Polity, 2010) with J. Rex; *The Identity of Nations* (Polity, 2007); *Catalan Nationalism* (Routledge, 2004) and *Nations without States* (Polity, 1999).

**Professor Robert Hazell CBE**

Robert Hazell was the founder and first director of the Constitution Unit in the School of Public Policy at University College London. He was director of several major research projects into devolution between 1995 and 2009. These resulted in *Scottish Independence: A Practical*



*Guide* (2002); *Devolution, Law Making and the Constitution* (2005) and *The English Question* (2006).

**Sandra León**

Sandra is a senior lecturer in Politics at the University of York (United Kingdom). Her research interests are in the area of federalism, comparative institutions and intergovernmental relations. Her works have been published in international journals such as *British Journal of Political Science*, *European Journal of Political Research*, *Journal of Common Market Studies*, *Electoral Studies* or *Party Politics*. Sandra has a long record of collaboration with Spanish mass media as a political analyst. She is currently a columnist for the Spanish newspaper “El País”.

**Drew Scott**

Drew is Professor of European Union Studies in the School of Law at the University of Edinburgh, and Co-Director of the University’s Europa Institute. He is a member of the First Minister of Scotland’s Standing Council on the European Union, and currently is on partial secondment to the Scottish as advisor on Brexit. During 2012-14 he was seconded to the Scottish Government to advise on the EU segment of prospective Scottish independence.

**Uta Staiger**

Uta is Executive Director of the European Institute and Pro-Vice-Provost (Europe) at UCL. She holds a PhD and MPhil from the University of Cambridge, with research interests broadly in modern European thought, culture, and politics. She is a member of the Russell Group EU Advisory Group and the Advisory Board of the Scottish Council on European Relations, a Senior Fellow of the Jean Monnet Centre of European Studies at Canterbury Christ Church University, and a Fellow of the Royal Society of the Arts.