



PRESENTATION

ENLARGING DEMOCRACY IN EUROPE **NEW STATEHOODS AND PROCESSES OF SOVEREIGNTY**

By Jaume López
Director of the study "New Statehoods and processes of
sovereignty"

Brussels, European Parliament, 11 January 2011

During the 20th century there have been three major waves of creation of states: with the collapse of the Austro-Hungarian and Ottoman empires after the First World War, with the processes of decolonization in the second half of the century, and finally with the collapse of the Soviet regime in the late eighties. Moreover, in the beginning of the 21st century we find demands for self-government in consolidated states of Europe and North America, some of which raise new institutional formulae or even the creation of new states. In this scene, it is important to consider:

- ***Up to what point might it be plausible to think about a fourth wave of creation of states?***
- ***On what may it depend?***
- ***Can it be useful to study the experience of the new states that have appeared with the collapse of communist countries?***

These are the questions that define this study.

It is difficult to predict institutional changes. Nobody foresaw the collapse of the Soviet Union or the fall of the Berlin Wall only few months before it happened. Who could suspect that fourteen new states would be created in Europe and that, only a decade later, five of these would become part of a European Union consisting of twenty-seven members? One of the most prominent political scientists of the 20th century and a noted authority on federalism, William Riker, stated at the end of the eighties that both the Soviet Union and Yugoslavia (and Czechoslovakia) would remain stable and united because of the strength of institutional links these federations had created! It was not the case.

Since then things have changed a lot. But - this remains the same - it is still very difficult to make predictions. What we can point out are mechanisms, factors, and variables that have a prominent influence on the social and historical processes, without daring to say when will a window of opportunity open: that is, when the appropriate elements meet in the right place at the right time. However, we can say some things about these elements.

In the early 21st century we find ourselves in a context where demands from territorial minorities for a greater voice (accommodation) within the respective states are fully alive in some parts of Europe. It is also a context where several ways of institutional decentralization exist, to which we can refer as new forms of statehood, since these units share certain features with the states (without being so, neither properly federations). We could mention the cases of the devolution in the United Kingdom, of the autonomies in Spain, of the autonomy with national recognition and self-determination right in Greenland, etc. Will they go further? Will they go backwards? Will they result in new states?

There are many ways to consider such a study. As mentioned before, in our case we decided to do

a transverse study of the cases where these sovereign demands occur along with the cases of creation of new states in Europe. In particular, we have chosen 17 cases as the object of the analysis. Ten cases of creation of new European states, covering much part of the new states of the third wave:

Bosnia, Slovakia, Slovenia, Estonia, Kosovo, Latvia, Lithuania, Macedonia, Montenegro, Ukraine; six cases of territorial minorities in European societies with important demands to become states or to be equipped with new formulae of statehood: Catalonia, Scotland, Basque Country, Flanders, Greenland, Northern Ireland; and finally, one case in North America, within the OECD, used as a model on which some of these new demands have focused: Quebec.

WHAT ARE THE MAIN CONCLUSIONS OF THE STUDY?

They can be divided into 3 blocks.

1. WITH REGARD TO POSSIBLE CANDIDATES

Firstly, and as preface, we ruled out any hypothesis linked to a geodemographic variable as a decisive factor to make any difference between candidates to become new states and those which already are. (See graphics)

Secondly, from the standpoint of the distinctive and cohesive elements with respect to the parent state of all these cases, we observe that there are not more factors on which the own demo is build where the communities or nations without state became states than where this did not happen.

If we examine the new states which have been created since the nineties, we realize that these societies have **fewer distinguishing factors with respect to the parent states of which they formed part than some territorial minorities in consolidated liberal democracies (referred in certain fields as "nations without state")** that demand new formulae of voice to their respective states.

Note: We did not want to start the debate on what a nation is. We understand *demos* to be the social group of reference, which is aware of it (and so often leads to describe itself as a nation), on which to apply some kind of majority rule to generate collective democratic decisions.

In other words, possessing more distinctive or cohesive conditions does not cause a sub-demo to become a state.

In fact, if we look at a map of the self-appointed nations without state in Europe, we realize that the cases where sovereign claims are socially and politically better structured, share this three conditions:

1. They have had their own institutions in the modern age or/and
2. They do not belong to the majority or dominant culture of the parent state of which they form part, because of the existence of different language and/or religion
3. They have some kind of own public administration, and some degree of institutional recognition linked to it, as a result of political and administrative decentralization processes

Colloquially speaking, we could define this as two leagues regarding social and political structure of



the claims of the territorial minorities. In the first league, there would be nations and minorities with the above mentioned conditions.

If we apply these conditions to all the studied cases, as we said, there is no difference from this standpoint between the nations which became a state and those with more claims and processes of sovereignty. (See graphics)

2. WITH REGARD TO TRANSITIONS TOWARDS INDEPENDENCE OF NEW STATES

The second objective of the study was to examine the transitions of those *demos* that became new states. Of course, the context is very unique and unrepeatable: the collapse of a political regime, the Soviet and communist regime.

Therefore, leaving aside the context, we highlight some elements which are not usually stressed.

First, the social movements claiming a new voice within the state were not separatist or secessionist at the first place, but they basically demanded more democracy. **None of the movements that became finally secessionist were so at the beginning.**

The structure of the transition towards independence of new states can be simplified with the following causal chain (ideal type):

- (1) Democratic demands
- (2) Elections to the regional institutions of the parent state
- (3) Greater national self-consciousness or more public expression) and outburst of pro-sovereignty positions (objective: right to decide within the parent state)
- (4) Negative response of the central power to pro-sovereignty expressions
- (5) Transformation of the democratic demands into demands for independence
- (6) Spiral of disagreements/tension between parent state and the new demos (with violent episodes or not, depending on cases)
- (7) Independence
- (8) Construction of a new democratic state

That is the reason why social movements were able to be so broad and transverse (which explains the generation of social majorities): the unifying factor was not the claim for independence, in the reformist movements separatist groups were a minority at the beginning.

In the transformation process of these movements into secessionist claims, the role of the parent state is the key point. In other words, the rejection to institutional changes to ensure a greater voice (from the standpoint of the cultural and territorial features) and more democracy increases the demands for independence. That is what the political science literature has called "failure to recognition": The negative response from the states to liberal democratic reforms (in the modern sense, liberalism 2) transformed the actions into separatist movements.

The paradigmatic example of the importance of the response from the state is Ukraine, where referendums were carried out in an interval of 8 months. In the first one, 70% voted in favour of remaining part of the Soviet federation, and in the second one, 90% voted in favour of independence. In between, there was a coup d'état attempt which wanted to undo the process of decentralization and democratization.

All new European states that emerged with the third wave held referendums or consultations before or after the declaration of independence by their respective parliaments, with the exception of Kosovo and Slovakia.

If we examine, with this new vision more focused on the response of the state than on the features of the self-government demands, the cases of the before called "first league", we notice some important differences.

3. WITH REGARD TO ACCOMMODATION RESPONSES IN LIBERAL DEMOCRACIES WITH SOCIALLY AND POLITICALLY BETTER STRUCTURED SOVEREIGN CLAIMS

This new analysis schema allows us to reach new conclusions to analyse the current **demands for a greater self-government** in states like the United Kingdom, Belgium, Denmark, Canada and Spain. **These demands are more and more associated with democratic claims:** sovereign consultation proposed in Scotland, sovereign consultation proposed in the Basque Country (and rejected by the Spanish government), popular sovereign consultations in Catalonia.

Regarding the behaviour of states in front of the demands of new institutional forms (new formulae of statehood) in the liberal democratic context, we can point out that:

In Scotland, Quebec, Northern Ireland, Greenland and Flanders, various recognitions have been given to the existence of a *demos* different to that constituted by the whole of the society of the parent state:

- In Quebec, through the opinion of the Supreme Court of 1998 (Secession Reference) which recognizes the need for bilateral negotiations between the state and the sub-state governments in case there was a clear majority in favour of the secession consulted in referendum with a non deceitful question. Likewise, the motion approved by the Canadian parliament on 27 November 2006, which recognized that the Québécois are a nation.
- In Scotland, since it joined the United Kingdom through the Union Act (1707), which recognises its different status which was updated by the devolution process (2007).
- In Northern Ireland, the recognition of the Northern Irish population's right to decide is based on the Good Friday Agreement, signed in Belfast on 10 April 1998, and approved by the majority of the Northern Irish political parties, and by the citizens of Northern Ireland and the Republic of Ireland in referendums. This agreement establishes that the constitutional future of Northern Ireland shall be decided on by the Northern Irish citizens.
- In Greenland, the new statutory framework adopted by referendum (2008) recognizes the status of nation with right to self-determination and establishes the procedure in case they wanted to initiate secession. (It shouldn't be forgotten that recognition as a separate *demos* was already showed in the referendum in 1985, through which Greenland left the European Union but not the parent state.)
- In Flanders they have the recognition guaranteed by the federal organization formula from the state in linguistic and territorial communities.

In this scene the case of Spain stands out, but conversely. A Constitutional Court's ruling (2008) establishes as unconstitutional the consultation law passed by the Basque Parliament and affirms that the only *demos* in Spain (*nación*) is de Spanish *demos*. Likewise, there is the Constitutional Court's ruling on the Statute of Autonomy of Catalonia in July 2010, which in the same way denies the constitutionality of the definition of Catalonia as a nation and its right to decide (legal possibility to organize referendums unilaterally). The institutional system does not recognize any other area of democratically exercised sovereignty than the one expressed through the Parliament.



FINAL CONCLUSIONS

In short, we can highlight three ideas in relation to the question about the possibility of a fourth wave of creation of new states:

1. In Europe some territorial minorities or nations without state have more distinguishing elements towards the rest of the state and of internal social cohesion than those which became states in the nineties.

There are no fundamental differences -nothing intrinsically different- in the features of the societies which became new states in the late 20th century and those which are claiming to become so at the beginning of the 21st. (In any case, there are differences in context which lead us to the second conclusion...)

2. The key (in the process of creating new states) is not the nation but the democracy.

The nations that have become states have no special or different features with regard to the nations without state. Firstly, the processes of creating new states were not motivated by nationalist or secessionist claims, but by claims in favour of greater democracy and recognition of cultural diversity within the states.

3. We can distinguish two kinds of response where claims are currently socially organized for a greater recognition and voice: Canadian-Danish-British-Belgian model and Spanish model. In Catalonia and the Basque Country there is a completely different response from the state than in the other cases analysed. This brings us to say that is exactly here where the relation is getting more strained.

LAST FEW WORDS WITH REGARD TO CATALONIA

To conclude, I would like to stress that it is not a coincidence that this study comes from Catalonia. In Catalonia, the question of sovereignty and the right to decide the institutional framework within Spain is something alive, burning. The demonstration of last July 10 against the Constitutional Court's ruling that limited the Statute of Catalonia took one and a half million Catalan out on the streets, making it one of the most crowded in the recent years. Moreover, the level of satisfaction with the accommodation within Spain is diminishing. According to the last Public Opinion Barometer (*Centre d'Estudis d'Opinió*, fourth wave 2010: 22/10/2010), 65,9% of people said that Catalonia has not reached a sufficient level of autonomy (question 27). It is a quite stable fact (not contextual): six months ago, before the ruling, the result was 60% (21/05/2010).

So far, secessionist claims have been featured only from separatist positions, which from the findings of this study can be considered as a failure factor. But this is changing. We observe a shift towards a centralist aspect of the right to decide and the democratic demands (protagonist of the mottos of the three most recent mass demonstrations in the history of Catalonia -2006, 2007 and 2010- and of the sovereign consultations, which have already reached 531 municipalities out of 946). This explains partly the growth of separatism and especially of the centralist aspect of the discussion about the creation or not of a new state that is being achieved within the Catalan society. To such an extent, that the current President of the Government, of a centre-right and not separatist party (CIU), states that he would vote for independence if there was a referendum on the issue.

Thank you very much for your attention.