



# Internationalization of the poll and the self- determination process of Catalonia







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# **Internationalization of the poll and the self-determination process of Catalonia**

## Introduction

### Purpose of the report

The internationalization of the poll and the self-determination process initiated by the citizens of Catalonia and the political institutions that represent them has two objectives:

- a) To justify this process to international actors (states, international institutions and organizations, non-state actors and foreign media).
- b) To establish a policy of communication with those actors in order to explain the political process of self-determination that is taking place in Catalonia and to prepare the stage of recognition of Catalonia as an independent state.

### The self-determination process

The current self-determination process, and therefore its justification and legitimation, include very diverse political proposals (in their procedure, nature and—as seen in recent opinion polls—the degree of public support). These proposals range from the desire to consult the public on the future status of the country, without prejudging the outcome of the poll, to the possibility that Catalonia will secede and become an independent state if its citizens so desire.

Although the poll and independence are clearly distinguished from each other, in formulating a discourse of justification and a communication strategy for Catalonia, three considerations



must be borne in mind:

- The Government of Catalonia has decided to prioritize a discourse justifying the poll, while staying neutral on the final status of Catalonia and the possibility of creating an independent state. However, in creating an international discourse and communication strategy, the Government of Catalonia must orient it towards explaining the legitimacy of a possible secession. Neither the holding of a referendum or poll (at least one arising from an explicit or implicit agreement with the Spanish State) nor its result are equivalent to a declaration of independence. They will not immediately affect the international community and could therefore remain as a fairly domestic affair. However, considering that the poll is aimed at consulting citizens on the possibility of creating a sovereign state that would become a new member of the international community, the Catalan Government should be prepared to give explanations about this possibility. Naturally, the need to justify itself at international level will be more intense if, owing to the Spanish government's opposition to holding a poll, the Catalan Government decides to hold plebiscitary elections to gauge the support of the citizens of Catalonia for independence.
- Whether it refers only to the poll or involves a decision to secede, the general justification for the self-determination process to the international world has (and should have for its public development) a certain internal unity and coherence. As is argued in this report (although with several qualifications), the same legal and doctrinal principles that justify the holding of the poll to the international community also justify the creation of an independent state. However, the international community is heterogeneous in both its interests and its ideals. It is therefore recommended that the Government of Catalonia modulate its discourse on justification of the self-determination process according to the target audiences.
- The discourse of international legitimation must correspond to the domestic arguments, i.e. the reasons used by the citizens and the political institutions to justify a poll and a possible secession of Catalonia.



## Structure of the report

This report on the internationalization of the process is divided into three parts:

The first part develops a set of arguments or a discourse justifying the current process:

- It examines the reasons that led to the initiation of the current self-determination process in Catalonia.
- It examines how these reasons fit with the legal and philosophical doctrine used by the international community to decide which cases of self-determination are acceptable and which are not.
- It proposes the most valid arguments to be used in international forums.
- It applies these arguments to the case of Catalonia (defending the internal coherence of the external justification and its correspondence with the domestic political discourse in Catalonia).

The second part reflects on the types of international actors to whom this discourse of legitimation should be addressed, their particular concerns, and how these concerns may affect the Catalan process.

Finally, the third part includes a working conclusion that summarizes some of the central ideas of the first two parts, and also lists the actions and strategies to be implemented in order to inform the international actors and create allies, or at least states and actors that are willing to accept Catalonia's decision to create its own state.

The legal framework for an independent Catalonia in the European Union and in the international community is examined in separate reports and is therefore not analysed herein.

## 1. Arguments of the internationalization

The self-determination process of Catalonia (from the holding of the poll to the possible



constitution of a sovereign state) requires the creation of a justifying discourse in order to legitimate it, obtain international recognition of Catalonia as a sovereign state, and achieve the acceptance and integration of Catalonia in those international organizations and institutions that are of interest to the citizens of Catalonia.

As is developed in more detail below, the report recommends that the Government and Parliament of Catalonia explain and justify the self-determination process by combining three types of arguments: those based on the principles of democracy, those based on national self-determination and those based on the remedy or last resort in the absence of solutions to Catalonia's aspirations for self-government within the framework of Spain. While all three types of arguments are relevant to the poll stage, the third type is particularly significant in the stage of internationalization after the citizens of Catalonia have been consulted. It should be stressed that the Catalan institutions have attempted to combine their aspirations for effective self-government with forming part of the Spanish State, but have found the following:

- The autonomy offered by Spain is below the aspirations of Catalonia. In practice the autonomy of the Generalitat is a very limited political autonomy and is essentially administrative in nature, with no real powers to set its own policies in accordance with the interests of the Catalan people. In addition, the quality of the administrative autonomy is declining insofar as the Spanish State retains a powerful administration that manages the matters of greatest economic and social importance, alleging that they are above the geographic scope of an autonomous community or that the measures affect the general organization of the economy.
- Catalonia's status as a permanent national minority within Spain makes it impossible to increase its autonomy by the standard majority-based procedures in a democracy.
- This minority status means that even the present autonomy is not guaranteed: the majority can alter it unilaterally and there is no effective political or legal mechanism of protection.
- In fact, the Spanish State systematically violates the agreements granting autonomy and intervenes in all powers—exclusive or otherwise—granted to the Catalan autonomy.



- This lack of guarantees is reflected, among other areas, in fiscal and cultural discrimination (lack of symmetry in the recognition of its linguistic and cultural goods; and intervention in education against the opinion of over 80% of the Catalan Parliament).

Defence of the self-determination process as a last resort to remedy an unfair situation, which present-day theorists define as a “remedial right only” theory of secession, has several advantages:

- It fits well with the political process that has led a large majority of Catalans to demand to be consulted on the future of Catalonia: the possibilities of the avenue of autonomy as a mechanism to enable accommodation with Spain have been exhausted.
- It is the strictest or most demanding theoretical justification of the self-determination process in terms of doctrine: it demands more conditions, analysed below, than other potential justifications (the exercise of self-determination as the application of the principle of democracy and as an inherent right to be a nation); and is therefore more robust at international level (insofar as it also includes other justifications).
- It is probably the justification that poses least legal problems: it does not require reference to an autonomous or sovereign Catalonia in history though it can be articulated around a legal subject that is recognized in the Spanish constitution but receives a systematically subsidiary treatment (which it seems, in the current circumstances of Catalonia, cannot be corrected without the exercise of self-determination).
- It allows fundamental grievances (economic, linguistic and cultural ones) to be subsumed so that they do not become the first justification of self-determination.
- In general, it enjoys the understanding and empathy of the international community for two reasons: first, in particular, it is understood by countries with a strong constitutional and democratic tradition because it meets the requirement of demonstrating that the existing constitutional avenue has been exhausted; second, in general, by imposing strict limits on the exercise of self-determination, it



minimizes its use and therefore reduces the disorder and instability that could result from a generalized exercise of self-determination in the international system.

The appeal to self-determination as a last resort to guarantee the self-government of Catalonia can be integrated with the other two major arguments in defence of the self-determination process: the principle of radical democracy and the principle of the right of all national communities (Catalonia has defined itself as a nation in several parliamentary statements and in the preamble to the Statute approved in 2006) to determine their political status. However, the first type of justification is more robust as an international discourse.<sup>1</sup>

In addition to legitimating the process of self-determination of Catalonia, the justification must avoid two dangerous conceptual frameworks (both philosophically and in terms of political marketing): the first is that of the fiscal grievance and the second is that of hostility to Spain.

While it is true that Catalonia suffers from very serious fiscal imbalances, this case has nothing to do with that of the Padania region, and any identification with the latter would therefore be, first, wrong and, second, very harmful for the Catalan cause internationally. The fiscal deficit must be understood (and explained) as a symptom of the lack of guarantees suffered by the self-government of Catalonia rather than the driving force of the self-determination process. Showing any hostility to Spain would also be a mistake. Rather, it should be emphasized that the process is both peaceful and democratic because it stems from the people (it is a bottom-up process) and because it aspires to resolve through the polls the political impasse in which Catalonia finds itself. Thus, a report<sup>2</sup> of this Advisory Council develops a set of proposals for establishing a framework of cooperation between Catalonia and Spain.

With the aim of drawing up a set of arguments or discourse of justification to the international community, this part of the report is structured as follows:

- First it examines the international standards (international law and legal doctrine) that define the right to self-determination: it briefly describes the cases of self-

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<sup>1</sup> Many of the arguments justifying the poll presented in the report of the CATN, "*The consultation on the political future of Catalonia*", can be used as a complement to those set out in this report.

<sup>2</sup> See report of the CATN, "*The cooperative relationship between Catalonia and Spain*".



determination that are explicitly regulated by international law and discusses the (unregulated) permissibility of exercising self-determination unilaterally.

- Second, in the light of the analysis made in the previous point, it considers the possible justifications of the right to self-determination (especially in cases of unilateral secession), recommends a strategy of justification (valid for the entire process of self-determination from the poll to independence) and applies it to the case of Catalonia.
- Finally, it warns about the conceptual frameworks that should be avoided internationally.

## 1.1. Permissibility of the right to self-determination in international law and jurisprudence

Self-determination as a central principle in the international arena, as stipulated towards the end of World War I by US President Woodrow Wilson, was formally recognized with the founding of the United Nations in 1945. Article 1.2 of the United Nations Charter included among its Purposes and Principles “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples (...)”. This principle was again confirmed in Article 55. And in Chapter XII of the same Charter, on non-autonomous territories, Article 76 (b) established the possibility of a “progressive development [of the trust territories] towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned (...)”.

As a right with the capacity to oblige third parties, however, self-determination has received a more limited treatment. To examine the right to self-determination, we must distinguish between agreed secessions and unilateral secessions.

International law does not prohibit agreed secessions. An agreed secession between the region that wants self-determination and the central state is understood as a strictly domestic affair. Probably the only restriction is the *uti possidetis* principle of respect for national



borders existing before the process of self-determination.<sup>3</sup> The most developed formal doctrine on agreed secessions can be divided into two kinds. First, the right to secede is recognized and regulated in some (few) constitutional texts, such as the constitution of Ethiopia. Second, the Supreme Court of Canada accepted the possibility of negotiating a constitutional amendment to allow the secession of Quebec in its famous Opinion of 1998,<sup>4</sup> completed by the regulation of this process in the Clarity Act passed by the Canadian Parliament in 2000 in response to the opinion of the Supreme Court.<sup>5</sup> The agreement between the British and Scottish governments of 15 October 2012, and especially point 30 of the memorandum accompanying the agreement, provides another example of regulation of agreed secession.

The right to unilateral secession is only explicitly regulated by international law in cases of decolonization. The Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the UN General Assembly in December 1960 (General Assembly Resolution 1514), stated that “All peoples have the right of self-determination” and “by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development” (operative provision 2). Article 1 of the two International Covenants of 1966, that on Economic, Social and Cultural Rights and that on Civil and Political Rights, state that “All peoples have the right of self-determination” and “By virtue of that right they freely determine their political status”. A new United Nations Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States of 1970 (Resolution 2625) stated that the right to self-determination recognized by the United Nations referred to colonial situations, i.e. to those states not “possessed of a government representing the whole people belonging to the territory without distinction as to race, creed

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<sup>3</sup> According to the *uti possidetis* principle, the process of self-determination (of a territory within a state) cannot challenge the state borders existing when the process of self-determination begins (Judgment of the International Court of Justice on the border dispute between Mali and Burkina Faso (1986 ICJ 554, December 22). The *uti possidetis* principle has also been applied in the case of Yugoslavia to the internal borders of a federation.

<sup>4</sup> *Reference re Secession of Quebec*, [1998] 2 SCR. 217.

<sup>5</sup> *Clarity Act SC. 2000, ch. 26*. The Parliament of Quebec, which does not recognize the validity of this law, has passed its own law regulating the exercise of the right to self-determination. *Loi sur l'exercice des droits fondamentaux et des prérogatives du peuple québécois et de l'État du Québec. RLRQ c E -20,2 (2001)*.



or colour”.<sup>6</sup>

Permissibility of the right to unilateral secession. Recognition of the right to unilateral secession for cases of decolonization is not, however, equivalent to its prohibition in other cases.

In its Advisory Opinion on the independence of Kosovo of 28 June 2010, the International Court of Justice (ICJ) stated that the United Nations has directly recognized the existence of a right to self-determination for peoples “subject to alien subjugation, domination and exploitation”. However, it also states that “There were, however, also instances of declarations of independence outside this context” (§ 79), i.e. not necessarily complying with the UN declarations of 1960 and 1970, such as the independence of Bangladesh from Pakistan in 1974, and the division of Yugoslavia and the recognition of its successor states by the international community.

In the Advisory Opinion of 2010, the ICJ states as follows:

- a) That the sources of the right to self-determination are many, partly regulated directly by the United Nations (and clarified by the ICJ’s own jurisprudence) and partly resulting from the flexible daily practice of the community of states.
- b) That the ICJ is not responsible for producing new rules of international law, or in view of existing norms, for defining the processes and conditions under which peoples can exercise their right to self-determination.
- c) That in the case examined on the secession of Kosovo, the ICJ was never asked “whether international law conferred a positive entitlement on Kosovo unilaterally to declare its independence or (...) whether international law generally confers an entitlement on entities situated within a state unilaterally to break away from it” (§56).

Having expressed these considerations, the ICJ recognized that it is not possible to confirm the existence of a right to self-determination beyond what has already been regulated by the

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<sup>6</sup> The declaration of 1970 established that the right to self-determination could not challenge the international principle of territorial integrity. Provision 6 of this declaration states that “Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purpose and principles of the Charter of the United Nations (Provision no. 6).



international community through the institutions that represent it. However, it also states that there is no international rule prohibiting the exercise of self-determination (§ 79) and that, therefore, Kosovo's declaration of self-determination does not violate any rule of international law. Indeed, the ICJ understands that the exercise of the right to self-determination does not create an obligation of recognition by existing states, but it is certainly permissible.<sup>7</sup>

This permissibility only disappears if the unilateral declaration of self-determination is made with “the unlawful use of force or other egregious violations of norms of general international law” (§ 81).

Considering the flexibility of international law, i.e. the lack of prohibitions of the right to self-determination, the political debate will be determined by the ability of the citizens of Catalonia to justify its exercise and facilitate its subsequent recognition, and to do so guided by the normative debate that has been generated on this question. The next few sections of the report will examine this debate and outline the structure of the international discourse that is likely to be most convincing and successful outside Catalonia.

## 1.2. Legitimation of the self-determination process

A defence of the self-determination process must include the reasons that have led the citizens and the Government of Catalonia to choose this path, with a sound set of principles that are acceptable to the various actors of the international community (diplomats, governments and international institutions and organizations) and that enjoy at least the understanding and empathy of the media and public opinion in other countries.

The defence of this process is based on three main principles: self-determination as the exercise of the right of peoples to decide democratically; self-determination as a right inherent in the nature of Catalonia as a nation; and self-determination as a last resort to

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<sup>7</sup> This decision by the ICJ is clearly liberal in a broad sense because it subordinates the general principle of territorial integrity (recognized explicitly in the Rambouillet Agreement signed to resolve the conflict with Serbia and Resolution 1244 on UN action in Kosovo, which included the general obligation to respect the integrity of the Federal Republic of Yugoslavia) to the right to self-determination of Kosovo (§ 95 and §§ 114-118).



remedy a systematically unfair situation.

These three principles are valid (in the case of Catalonia) and can be used at the same time, though the explanation may undergo some variations in emphasis according to the international audience (as examined in the second part of the report). In any event, for the reasons examined below, the last argument is the most rigorous and therefore the soundest for the most reticent actors of the international community.

## A. Self-determination through the application of a democratic principle

Especially in liberal-democratic societies, self-determination is justified almost intuitively because it corresponds to the democratic principle based on the following:

- 1) The legitimacy of political authority based on the consensus of those governed, considered as a collective decision-making unit (*demos*), including the ability of a people to decide to constitute themselves as such a unit.
- 2) The moral autonomy of individuals. Thus, the right to form an independent state is considered a fundamental right of the individuals of a territorialized community, provided that certain contextual conditions are met, such as the facticity (economic, political, etc.) of the new state, the facticity of the previous state, the guaranteeing of the rights of minorities, and the non-generation of significant international instability.

## B. Self-determination as an inalienable right of a national community

The right to self-determination is based here on a right to a sovereignty that stems directly from the nature of a particular group as a national community.

In view of the strength of democracy as a principle of political legitimacy, today both principles (A and B) tend to be combined to justify a process of self-determination in two sequential steps: (1) a national community is the ultimate repository of its sovereignty through its status as a “nation”; and (2) in application of a democratic principle, this community has the right to exercise this sovereignty (peacefully, among other conditions).



This “democratic” argument has several advantages:

- It is widely accepted by the public in Catalonia and has been used successfully by the Government of Catalonia, the Parliament and the supporters of holding the poll.
- It connects well with the liberal and democratic consensus that prevails in much of the world.
- It rests on an important doctrine that is contained above all in the opinion of the Canadian Supreme Court.
- It can be based on the repeated declarations of the Parliament of Catalonia that it reserves the right to self-determination.

Nonetheless, it has several weaknesses. The first weakness is conceptual. The second—strategic—weakness seems especially important for the stage that emerges after the poll or for a process in which the poll has not been possible:

The first weakness is that for its application the democratic principle requires the definition of the sovereign subject. This subject, however, is not formally sovereign (this is the reason for initiating the self-determination process), and therefore the opponents of the poll in Catalonia often deny its status as a national community, either by stating that Spain is the only nation or by accepting self-determination only for each individual separately. This weakness is less important for Catalonia: as stated above, the Parliament of Catalonia has made repeated declarations of sovereignty and preservation of the right to self-determination; and it has a long series of surveys that show very broad majorities in favour of holding the poll in Catalonia and, therefore, at least implicitly, of recognition of Catalonia as a distinct political entity. However, to reinforce the justification of why the poll is to be held now and not before (e.g. in 1978), it is recommended to add the argument of secession as a last resort.

The second weakness is of a strategic nature. The application of the democratic principle, especially if there is no agreement with the Spanish State, creates (or reinforces) a major international precedent. As it legitimates separations without requiring an effort of justification, it reduces the cost of secession and therefore increases the likelihood of more secessions occurring in the world. In a volatile international context, at least in some regions of the world, the appeal to democracy might arouse concern or hostility among states that



have already been recognized.

### C. Self-determination as a last resort to remedy an unfair situation

This principle, or line of argumentation, defends self-determination as a last resort to remedy severe and persistent injustices that could not be solved within the existing political framework. Although there is no complete agreement on what situations can be qualified as serious injustices, these are (from those that have attained the most to the least doctrinal agreement):

1. Massive violations of human rights.
2. Unfair annexations and military occupations, particularly those that occurred after the express prohibition of wars of territorial conquest in 1945.
3. Violations by the central state of aspirations for self-government and agreements on domestic territorial autonomy. Such violations include (3.1) the impossibility of reconciling (reasonable) demands for regional autonomy with the structure of the state and (3.2) (systematic) intervention in and questioning of territorial autonomy by the central state despite existing formal agreements.
4. A national or territorial minority as a permanent minority in a democratic state. Because of its status as a permanent minority, a national group can never have guarantees that regional agreements will be met by the majority. (This situation is related to—and can be complementary to—clauses (3.1) and (3.2)). The only possible remedy to this situation is to modify the relations between the territorial majority and minority until they reach a status of strict equality, granting full sovereignty status to the national minority.

As stated above, the international community does not demand (or require) any specific justification for self-determination: it is only necessary to comply with the procedural requirements set out, among other places, in the opinion of the ICJ of 28 June 2010 (a peaceful and democratic process). However, it seems reasonable to explain and justify the poll and the political process of Catalonia. Thus, using the principle of self-determination as a last resort or remedy (“remedial right only” secession) involves self-imposing a higher level of requirement than the principles of democracy and of national law. Moreover, this defence of the self-determination process has great advantages: it corresponds to the historical and



political experience of Catalonia of having exhausted all other avenues for fitting into the Spanish State and the reasons expressed by the citizens of Catalonia; and it emphasizes Catalonia's desire to contribute to strengthening international law and to make its (legitimate) process of self-determination compatible with the maintaining of a stable international system governed by predictable rules. Furthermore, it is added to the other two justifications for secession: the democratic justification and the inalienable right of a national community to secession.

However, as is the case of the first two justifications (A and B), the argument of last resort also has weaknesses. First, as stated above, there is no complete consensus on the causes legitimating self-determination as a last resort. Second, the party using it must prove (i.e. has the burden of proof regarding) the existence of unfair treatment that justifies self-determination.

## Application to Catalonia

According with the above discussion, the discourse of internationalization of Catalonia should be structured according to the reasoning laid out below, which combines the three principles examined above in a line of argument that emphasizes self-determination as a last resort but in no way abandons the democratic principle and the principle of the right of a national community:<sup>8</sup>

- a) Having systematically tried unsuccessfully to reconcile its own national character with integration in the Spanish State, Catalonia exercises the right to self-determination as a last resort or solution to achieve, first, its full national recognition and the level of self-government to which its citizens aspire and, second, an end to the situation of systematic fiscal discrimination and linguistic and cultural vulnerability.
- b) Self-determination, aimed at establishing a sovereign Catalonia, should make it possible to guarantee the political and legal rights that the Spanish political system does not guarantee (and has continuously failed to guarantee, even after the transition to democracy). This sovereignty does not exclude the possibility of

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<sup>8</sup> The justification for Catalonia would use clauses 3 and 4 of the above list. Clauses 1 and 2 seem difficult to apply. See, however, the reference to possible human rights violations below.



establishing mechanisms of confederation with Spain, but these will be on strict terms of equality.

- c) Historically, when the political circumstances in Spain have allowed, Catalonia has shown a constant will to be organized as a separate political community and to recover its political and fiscal institutions, which have been abolished several times (in 1714, 1923 and 1939).
- d) Catalonia has also historically tried to combine this desire for autonomy with its integration in the Spanish State. The type of solution used (federalism or autonomy), which have varied depending on the historical period and the political forces that have proposed it, corresponds to the habitual solutions that are used in various multinational countries of the world, such as Canada, Belgium, the United Kingdom and India. These attempts go back at least to the federal systems of the First Spanish Republic promoted by Catalan politicians in the mid-nineteenth century.
- e) In the last transition to democracy in Spain, the Spanish Constitution (SC) of 1978 established mechanisms to grant some political autonomy to Catalonia (and to other territories and regions of the Spanish State). However, it was sought to create a broad consensus in order to make the political transition possible and to avoid confrontation with social, political and military sectors that had collaborated with the dictatorship and had considerable political and coercive support to threaten the entire political process at the time. As a result of this strategy, the Constitution was drafted in deliberately ambiguous terms regarding the territorial organization of Spain. For example, Article 2 of the SC used the term “nationalities and regions” to refer to any national communities of Spain that wished to obtain some political autonomy and reserved the term “nation” for Spain. The drafters of the SC did not list the autonomous communities and did not specify which had the status of “nationalities”. The SC also listed a set of minimum competencies for autonomous governments and established procedures for the delegation of powers by the central government. The text of the Constitution did not establish the structure of the regional financing system.
- f) The open nature of the Spanish Constitution as an “incomplete contract” has meant that its specification and development have always depended on those who control the fundamental institutions of the Spanish State (the Cortes, the Government and the



Constitutional Court).

- g) Pursuant to the possibilities offered by the Constitution, in 1979 a Statute of Autonomy was approved, granting a certain amount of self-government to Catalonia. However, the implementation of the Statute was slow and incomplete, largely depending upon the correlation of forces in the Spanish Cortes rather than the strict application of the legal agreements contained in the Statute.
- h) As is examined in detail in the “Report on the overlapping functional and organizational regulations between the Spanish State and the Generalitat of Catalonia”, issued by the Institute of Autonomous Studies,<sup>9</sup> the central Government has continued to intervene in all matters and powers of the Generalitat, including those of an exclusive nature. As this report states, “the overlapping regulations [by the legislators of the Spanish State and the autonomous community] occur equally and with the same size and intensity in both the areas in which the Generalitat has exclusive powers and those in which it has shared powers” (Conclusion 5, p. 309). These “overlapping regulations, widespread and often intense, coupled with the predominance that the Constitutional Court awards to the powers assigned to the Spanish State and the actions exercising those powers (...) reinforce the primacy of the legislator of the Spanish State over those of the autonomous community and, above all, consolidate the tendency to attribute to the Spanish State the establishment of the general and sectoral public policies that have an effective capacity for transformation”, placing the legislators of the autonomous communities in a position (...) of extraordinarily weakness” and giving the Government of Catalonia “an autonomy of low quality, closer to a simple administrative autonomy than a true political one” (Conclusion 12, pp. 313-314)
- i) To remedy this situation of invasion of powers (and fiscal discrimination), the Government of the Generalitat, with the support of nearly 90 percent of the deputies of the Parliament of Catalonia, approved a draft statutory reform in 2005. Using a text with great circumlocution and detail, the new Statute aimed to expand the

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<sup>9</sup> “Informe sobre les duplicitats funcionals i organitzatives entre l'Estat i la Generalitat de Catalunya; problemes competencials i d'eficàcia” (Report on the organizational and functional overlaps between the State and the Government of Catalonia; issues of competence and effectiveness), Institut d'Estudis Autònoms. Barcelona, October 2012.



Generalitat's powers—and above all to protect them from invasion—and to resolve a systematic fiscal grievance. That text, however, was significantly amended by the Spanish Cortes and, after it had been endorsed by the citizens of Catalonia, was again amended by the Spanish Constitutional Court in 2010. The ruling by the Constitutional Court not only left completely inoperative the improvements introduced by the Statute regarding recognition of Catalonia's national identity and language, the competencies (i.e. the political power) and the financing. In addition, the ruling reduced the constitutional function that the Statute had had until that moment, concluding that its provisions—especially those relating to the competencies and financing—were not legally binding on the legislator of the Spanish State, being merely political agreements that did not limit the freedom of the State legislator in defining the scope of its competencies or establishing its preferences in the sphere of financing. In short, after this ruling, the jurisdictional control of action by the Spanish State through courts of law, and especially though the Constitutional Court, became legally uncertain: there are no clear legal parameters that ensure the possibility of exercising a minimally secure and predictable legal control of action by the Spanish State.

- j) The process of statutory reform and the ruling of the Constitutional Court are irrefutable proof that Catalonia has failed in its attempt to gain recognition and a high degree of self-government in a truly multinational state. They also show that, as a group with their own territorial aspirations, the citizens of Catalonia have the status of a permanent minority in Spain and cannot hope to obtain suitable political and legal guarantees within the Spanish State. Using effectively democratic mechanisms (in the strict sense of voting within the various branches of government of the Spanish State), the majority can at any time modify and reduce the powers of the Generalitat to the extent that they become insignificant.
- k) The following are concrete examples of the lack of political guarantees in the current system: the fiscal deficit with Spain<sup>10</sup>; the low volume of public investment by the

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<sup>10</sup> The fiscal deficit is around 8% of Catalan GDP according to the Spanish government's estimates for 2008 based on the criteria of cash flow. This figure coincides with those of several academic studies and that of the Government of Catalonia, drawn up by the Ministry of Economy and Finance.



Spanish State and the systematic failure to carry out approved plans;<sup>11</sup> the fact that, as a result of the financing system and budgetary action by the Spanish State, the “ordinality principle” is violated (among the autonomous communities, Catalonia falls from fifth position in per capita income before tax to ninth position after transfers, following adjustment for purchasing power parity)<sup>12</sup>; and the decisions aimed at converting Catalan into an increasingly marginal language.

- l) A federal reform that grants self-government identically to all the territories (i) is not feasible because there is no demand for it among the Spanish electorate (current surveys show the opposite: a rising tide against the current system of autonomy); and (ii) it does not guarantee autonomy for Catalonia, which would continue to have a minority status even in a hypothetical federal senate.
- m) Given this situation, the only possible solution would be to grant Catalonia power to veto those regulations or actions by Spain that are detrimental to Catalan interests. This power of veto is exercised between sovereign states. It is precisely to achieve this that Catalonia has decided to initiate—once again as a last resort to remedy an inherently unfair situation—the current self-determination process.
- n) This self-determination process rests ultimately on the desire of a national community to exercise democratically and peacefully the principle of national self-determination enshrined in international law (such as the aforementioned UN Charter and UN Covenants).

## Some additional considerations

As stated above, the list of conditions that allows the right to secession to be exercised as a last resort or “remedial right” has not been fully agreed by the supporters of this justification for self-determination. In the strictest interpretations, the right of secession seems to be justified in the following situations:

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<sup>11</sup> In 2005 the ratio of public capital in relation to Catalonia's GDP stood at 47.2%, while in Spain it was 67.2%. See Paula Salinas, “*L'estoc de capital públic a Catalunya*” (The stock of public capital in Catalonia), *Papers de treball* 4/2011, Departament d'Economia, Generalitat de Catalunya

<sup>12</sup> Data taken from the “*Balance Económico Regional de Autonomías y Provincias de los años 2000 a 2010*” (Regional Economic Balance of Autonomies and Provinces for 2000 to 2010). FUNCAS.



- 1) systematic violation of human rights,
- 2) unjust military occupation,
- 3) and violation of agreements granting autonomy by the central state and the impossibility to articulate an alternative federal system or one of shared sovereignty.

The reasoning articulated in points a) to n) above is aimed at explaining to the international community that requirement 3 is satisfied in Catalonia, which has tried repeatedly and unsuccessfully to fit within the Spanish State. It should be mentioned, however, that, although the requirement of “systematic violation of human rights” is usually understood as violation of strictly individual human rights (e.g. persecution or discrimination for ethnic or religious reasons), there are international precedents that extend the concept of individual rights to the sphere of culture, even including the right of a community to control its own land and natural resources.<sup>13</sup>

In the doctrine on secessions, self-determination exercised as a last resort is the strictest justification to legitimate the right to self-determination. According to this position, demonstrating a desire for self-determination is not sufficient for the international community to accept a peaceful and democratic self-determination process and a possible secession. Once again, there must exist an unfair situation that can only be redressed by exercising the right to self-determination. However, several comments must be made:

- First, the use of the “last resort” concept does not mean that there have not been cases of secession based on the application of the democratic principle that have been accepted by the international community.
- The purpose of this report and, in particular, of this section, is to argue that the decision to defend the secession process as a “last resort” involves adopting the strictest and most demanding justification of the international doctrine and therefore building an extremely sound and attractive defence of our case to the international community.

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<sup>13</sup> This is the case of *Lubicon Lake Band v. Canada*. Communication no. 167/1984 (1990), UN Doc. Supp. No. 40 (A/45/40), and in particular the references made in point 6.3 of this communication.



- With regard to the self-determination processes, the international community adopts either a neutral position (normally among countries with a greater democratic tradition) or one of opposition (dictatorships and countries with especially conflictive national minorities). In general, the public and their representatives are only actively involved in self-determination processes in response to massive violations of human rights, and even then not always. Therefore, we must strengthen our international discourse and stress that Catalonia is facing a political deadlock, both because of its permanent minority status and because of the failure of the many attempts that have been made with good will to overcome this condition without separating from Spain.
- In fact, this reasoning fits with the internal structure of the first report on the poll by the Advisory Council on the National Transition (CATN): in this process the Generalitat of Catalonia wishes to follow the law and demonstrate its desire to exhaust all possible means of negotiation before contemplating other possibilities for the people of Catalonia to exercise the right to self-determination. If Spain refuses to allow the poll for strictly political reasons, it will demonstrate once more (and definitively) that self-determination is the only way to remedy an unfair situation. If the Spanish State finally agreed to a poll, then the self-determination process would fully meet the conditions of an agreed secession and would take place, until the final declaration of separation, as a strictly domestic affair.

## 1.3. Two dangers: the economic grievance and hostility to the Spanish State

### 1.3.1. The economic grievance

The economic grievance (the fiscal deficit, the low level of infrastructure, a regulation favourable to large state enterprises, etc.) is an undeniable fact, not only in its absolute magnitude but also in relative terms (in comparison with other European regions). It has been an important component of public mobilization in recent years. It is a symptom of the minority status of Catalonia that has led to the self-determination process. It cannot be neglected as



an indicator to explain why the present situation has been reached. However, the case of the Catalans is not limited to fiscal issues, and in fact this question is not the core of the international (or domestic) justification of the process that has been initiated.

The issue of economic grievance, if used alone, has connotations close to the case of Padania, making the patriotism and desire for identity of the Catalans appear as an exacerbated collective self-interest. In fact, that is what the opponents to the self-determination process want. In a European context of major distributive tensions, Catalonia must not appear as an “unsupportive” agent (especially when this has never been the case). This would give rise to considerable hostility in many sectors of European public opinion: the left in general and the countries with the lowest per capita income.<sup>14</sup>

### 1.3.2. Hostility to the Spanish State

Nationalism, understood as an affirmation of identity that excludes others, has had bad press in Europe since World War II. Catalan nationalism has never been exclusive and the current movement simply demands freedom without any hostility to the Spanish State (except, perhaps, among marginal minorities).

We must be proactive in this regard. First, we must explain the peaceful and essentially democratic nature of the process, stressing that in recent years there has been a veritable bottom-up process and that the politicians are acting as fiduciaries of the country more than ever. Second, we must avoid any hostile action or words against the Spanish State. Third, we must consider whether Catalonia is willing/able to provide mechanisms to “temporarily compensate” the Spanish State—that is, whether it wishes to agree to a gradual reduction in the fiscal deficit in order to cushion the shock of separation. This process cannot be structured as a zero-sum game between Catalonia and Spain. Finally, in line with report of this Advisory Council "*The cooperative relationship between Catalonia and Spain*", a Catalan state would have to offer Spain a framework of close and constructive cooperative relations.

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<sup>14</sup> As an example of the motivations of public opinion, see the last MyWord survey for "El ObSERvatorio de la Cadena SER" of September 2013, indicating that the fiscal grievance is not the main reason for the majority favourable to the independence of Catalonia. In a vote without qualifications, 52% of respondents would vote yes and 24% would vote no (the rest did not know, failed to respond or would not vote). If Catalonia obtained an economic agreement like that of the Basque Country, 46.8% would vote yes (a drop of 5 points) and 27% no.

## 2. Considerations on the diversity of international audiences

Although the Government of Catalonia must prepare an international discourse that is internally coherent and based on sound principles, preferably along the lines presented in Section 1 of the report, it should be remembered that the international community is heterogeneous in both interests and ideas. It is therefore recommendable to modulate the international discourse according to the specific interlocutor of the Catalan Government at each time. This modulation of the discourse does not conflict with the general strategy presented in Section 1 of the report, and in fact reinforces some of the recommendations made in that section. Accordingly, Section 2 includes a brief set of general guidelines that simply aim to guide the communication policy of the Government of Catalonia.

To adapt the international discourse to specific situations, it seems appropriate to divide potential international interlocutors into various political or “cultural” areas, to identify their general position on the right to self-determination and to make several strategic recommendations to minimize their reservations and increase their neutrality and/or empathy with regard to the process.

Anglo-American, Scandinavian and Baltic-Slavonic communities are relatively open to the recognition of the right to self-determination, especially since all of them have experienced and/or accepted self-determination processes.

In the Anglo-American world and in particular in the United States, there is a long liberal tradition in international politics. Although this trend is inspired by the Wilsonian doctrine of 1918, much of the American conservative world has come to link the spread of democracy (and therefore implicitly of self-determination) to the definitive pacification of the international system (the Bush-Rice doctrine). However, the liberal tradition in the United States coexists with other doctrines: realism (stressing the national interest) and isolationism. The political significance of these positions varies with each presidential administration and with the international situation. The Obama presidency combines a liberal and multilateral position (and sympathy with the principles of international law, open to peaceful self-determination processes) with a certain component of isolationism or strategic reduction of the commitments of the previous administration. Within this general framework, the exercise of



self-determination cannot fail to be seen as an inherently destabilizing process, especially if it occurs unilaterally. Africa and the Middle East are divided into states created by Western powers, often with arbitrary borders. Most of these countries include a multiplicity of ethnic and religious groups, many of them underrepresented in or directly excluded from government. A lax recognition of the right to self-determination could trigger explosive situations and increase the international obligations of the United States at a time when its interest in international intervention is waning.

In the United Kingdom, and especially after the separation of Ireland, there has been a strong liberal tradition on this issue. This tradition, which stems from the liberal hegemony in the territories of the “Celtic fringe” in the nineteenth century (inherited by the Labour Party in the twentieth century), explains the peaceful management of the Scottish case. This tradition of tolerance has spread to the former British dominions. Canada explicitly legislated the procedures to facilitate a referendum and the separation of Quebec. Canada, Australia and New Zealand have built a fairly protective legislation for their indigenous communities in recent decades, sometimes including explicit references to international agreements and conventions. As in the United States, the most important factor of resistance to self-determination stems from its impact on political stability in the world.

The Scandinavian world has witnessed two peaceful secessions: those of Norway and Iceland. These secessions were historical exceptions because the vast majority of separations occur at the fall of imperial systems, and they were a strong affirmation of the principle of democracy and the idea of parliamentary sovereignty. Among the Scandinavian countries, the level of opposition to self-determination varies according to the history of each nation. The Swedes and Danes are more resistant, perhaps because in different historical moments they controlled the entire Scandinavian region. In any event, over and above these subconscious remnants of imperialism, the Scandinavian position on the right to self-determination is highly determined by the type of militant internationalism that they favour. It should be remembered that their contributions to development aid are the highest in the world in relative terms. Scandinavian countries justify the exercise of the right to self-determination as a solution to situations of poverty and/or exploitation, armed conflict and massive violations of human rights. This position leads them instinctively to question the need for self-determination in a region such as Catalonia, which they identify as prosperous. The movement in favour of self-determination may run the risk of being imagined as a purely



fiscal and unsupportive “bourgeois” movement. The general recommendation to build the process as a last resort and the recommendation of point 1.3.1 to avoid any equivalence with Padania are essential in these cases.

The countries that occupy the Baltic corridor and the central part of Eastern Europe may be the most open to recognizing a new state in Europe. Their history in the twentieth century has been defined by many occupations and a stubborn desire for reaffirmation of their national identity. The peaceful separation of the Czech Republic and Slovakia reinforces the acceptance of a peaceful secession as completely legitimate. There are only two possible difficulties in these cases: first, the EU is the institutional guarantor of their existence, so they will not support anything that endangers the Union; second, some countries contain national minorities and a new separation could be interpreted as an example that challenges the status quo reached in Eastern Europe in the late twentieth century. Catalonia must stress its commitment to Europe and avoid any reference to a discourse on the Europe of peoples.

In Germany the principle of self-determination is understood, as in Scandinavia, as a reasonable principle of international law. For historical reasons, this position is probably stronger in the south and southeast than in the north and east: Germany was unified by Prussia in the nineteenth century after defeating the (mostly Catholic) supporters of an alternative process of unification led by Austria. In addition, the south still has the memory of a Germany organized as independent states until a very late time in history. Finally, the south is more economically dynamic and a net fiscal contributor. However, in comparison with the Anglo-American world, Germany’s adherence to the principle of self-determination is more cerebral and less spontaneous. This position may be due to the fact that Germany has no cases of domestic self-determination. Indeed, it was the Allies who “self-determined” and constitutionalized Germany. In contemporary Germany a desire for unification or reunification rather than secession has always prevailed.

The resistance of many Germans to the Catalan demands (and to the right to self-determination) is related primarily to two factors: the memory of the Nazi regime and the Holocaust; and, more pragmatically, the European project. These two points are analysed below:

- The Holocaust was the result of a period of nationalist exacerbation of resentment caused by the 1914 war and reparations imposed by the Treaty of Versailles. The



German postwar response was to consciously repress the idea of a “German essence” that had been central to justifying the two world wars. This particularistic vision of Germany was replaced by the concept of “constitutional citizenship” anchored in a federal system and a weak executive. The Allies actively cultivated the repression of the romantic idea of “Germanism” until the European project had been consolidated. The reunification of Germany in 1990 was not represented in the media as the natural result of the tendency of states and nations to converge (the standard explanation of the nineteenth century), but as a symbol of European reconciliation and recovery of a common national space within a Europe with a capacity to counterbalance German power. In any event, Germany constantly projects its past onto the rest of Europe. This past has been reinterpreted with a binary structure: nation/past and constitution/progress. For this very reason, any exaltation of national difference arouses unease in Germany, where they prefer to speak of “constitutional patriotism”. This is also why the Spanish media try explicitly to create and sell a discourse that presents Spain as a place with “constitutional citizens” where domestic differences are conceptualized as “nationalist” distortions. The purpose is not to reconcile Spain with itself but to erase the idea of multinationality and use the shadow of a guilty past in Germany to favour the stabilization of the political status quo in Spain.

There are several elements that help to mitigate the interpretation of Catalan nationalism as an excluding, “nationalist” movement: the peaceful nature of the self-determination process; the Spanish government’s hostile response to the request for the poll; the proximity of information (this explains the neutral response of German politicians and the relaxed attitude of German entrepreneurs); and the sympathy of certain intellectual spheres towards minority cultural communities.

- Catalan self-determination could affect the European project in two ways: politically and economically.
  - a) The strictly political problem could arise from the impact that Catalan self-determination could have, through contagion, on the number of states of the EU and Europe in general. This problem seems minor. With a few exceptions, the European borders are firm. After the wave of independence of the 1990s, the borders of Eastern Europe are stable: the “problematic”



national minorities (e.g. Hungarians outside Hungary) are few. In Western Europe there are two main cases: Flanders, which will be resolved peacefully (if ever), and perhaps the Basque Country. The use of self-determination as a last resort advocated in this report is intended precisely to particularize the case of Catalonia and to self-impose and impose a very high level of requirement throughout the process of secession.

- b) In the economic crisis of recent years, the Catalan process could be a source of instability for three reasons (all mainly resulting from lack of cooperation by Spain): the exclusion of Catalonia from the European Union and the creation of uncertainty in an important region for German investors and sellers; the Spanish government's decision to create (or threaten to create) instability to force European countries to cool down the Catalan process, in the same way as the Greek government used the possibility of chaos to obtain the rescue package; and the intensification of the economic and political crisis of a Spain without Catalonia, especially if the Spanish State refuses to negotiate with Catalonia and, as a result, has to face alone the obligations acquired as the holder of the Kingdom of Spain's debt.

In view of the Europeanism of the great majority of Catalans, the probability of Catalonia excluding itself from the Union is minimal. The possibility of automatic exclusion is, however, uncertain. On the one hand, Spain has pledged to veto Catalonia (which would in theory prevent its recognition as a state) on the basis of Article 49 of the Treaty on European Union. However, we cannot rule out the possibility that threats of exclusion made a priori will not be met a posteriori. In addition, Article 50 establishes that any separation from the EU requires a negotiation process and therefore seems to indicate that the immediate lack of membership is very problematic.<sup>15</sup> In this case, (i) the Government of Catalonia must insist on the peaceful and democratic process that it is following; (ii) it must combat the Spanish threat by suggesting in Europe that this exclusion would be solely due to the Spanish position; and (iii) it must explore alternative ways to integrate in European markets (via bilateral agreements with the EU or via the European Free Trade Association).

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<sup>15</sup> See, in this regard, David Edward, "EU Law and the Separation of Member States", *Fordham International Law Journal*, 36 (July 2013)



The Spanish government's strategy to create resistance and the public response in Catalonia may create a situation of financial instability (including the possibility of a *corralito*): in fact, this possibility is used in Spain to dissuade Catalonia from advancing in the self-determination process. The Government of Catalonia should:

- 1) explain and denounce this Spanish strategy;
- 2) indicate that the Spanish State may come off worst (because its economic fundamentals are worse);
- 3) invite the European institutions to act as intermediaries in this process; and
- 4) prepare a contingency plan to maintain the liquidity of the economic system, if possible in collaboration with foreign institutions.

The intensification of the crisis in Spain, at both a psychological and an economic level, is a factor to be analysed seriously. The inability of the Spanish State to respond to the self-determination process, and above all its inability to explain the roots of the problem and the multinational character of the state, may lead, in the case of secession, to a major crisis in the collective psychology of the Spaniards that would have a considerable impact on the Spanish political system. Catalonia cannot do much to avoid this. In economic terms, the separation of Catalonia would have a negative (but not extreme) effect on Spanish inland revenue: net transfer of Catalonia to Spain is equivalent to 8% to 10% of Catalan GDP but only 2% of Spanish GDP. As proposed in point 1.3.2, one possibility is to establish a phased process of reduction in transfers during the years after independence.

If anything defines French political culture it is a difficulty in understanding the phenomenon of national pluralism. In fact, perhaps for the simple reason of self-mirroring, France accepts the imaginary construction of Spain as Europe's oldest nation. In other words, using some of the expressions that have been used recently in the Spanish State, an independent Catalonia is seen as impossible because it is understood to be impossible. This way of understanding Spain may be more important for managing the French reaction than the impact that the Catalan case could have on certain linguistic minorities in France: with the possible exception of Corsica, the French State is a complete, solid state with a perfect identification between borders and a national identity. The concerns of France match the pragmatic concerns of Germany, with special emphasis on the management of an



intermediate economy such as that of Spain.

The attitude of Italy is complex. Despite the regional decentralization initiated in 1975, Italy was moulded from nineteenth-century nation-states. Despite the movements of Padania, northern Italy has a very great influence on Rome. This makes it very difficult for Italians to have any empathy with the Catalan case: it is easy to make a parallel between Barcelona/Madrid and Milan/Rome, but the correlation of forces in each state is completely different. These two factors hinder the transfer of the Catalan case to Italian parameters. Naturally, the Italian crisis (political inability to reform the country and progressive deterioration of the competitiveness of industry) intensifies the opposition among the Italian political class to any changes that may create uncertainty in southern Europe.

Regarding the other international actors, opposition or at most slow recognition can be expected from Russia and China. Africa will follow the lead of the United States. Israel may accept Catalonia quickly (and act as a friend in the world, but that depends on ourselves). Despite its close relationship with Spain (for cultural and economic reasons), Latin America has no reason to block the recognition of Catalonia. However, it seems advisable to work hard on relations with Latin American countries, especially in terms of cultural recognition of Catalonia in that subcontinent (including or above all focusing on sport). The remoteness of these actors also means that their ability to influence us and to influence Spain during the process of self-determination is very low and their reaction is combined with their calculations on domestic territorial problems and the impact on the trade balance with Spain.

### 3. Conclusion and lines of operation

Although specific argumentative recommendations have been made in the first two sections of this report, this section concludes the report by presenting again the outlines of Catalonia's interaction with foreign countries and making some working proposals.

- a) The justification of self-determination should have a high level of requirement. More specifically, this means the following:

- Developing a non-trivial defence of the current political process: the Government and Parliament of Catalonia should explain and justify the self-determination process by combining three types of arguments: those based on the principles of democracy, those based on national self-determination, and those based on the remedy or last resort that the aspirations for self-government of Catalonia may have in the absence of solutions within the framework of Spain. While all three types of arguments are relevant to the poll stage, the third type is particularly significant in the stage of internationalization after the citizens of Catalonia have been consulted. It should be stressed that the Catalan institutions have attempted to combine the aspirations for an effective self-government with forming part of the Spanish State.
  - Stressing the peaceful and democratic dimension of the process.
  - Avoiding any reference to the Europe of the peoples.
- b) The problem of the fiscal grievance should be explained in the context of a lack of political guarantees and any explanation that allows the Catalans to be labeled unsupportive should be avoided.
- c) The possibility that the Catalan political process may destabilize Spain and Europe should be approached openly. Any such instability would have two possible causes: first, the Spanish government's refusal to negotiate a secession agreement; and second, the economic and perhaps psychological effects of an independent Catalonia on Spain. The first cause suggests that the EU should be involved in the Catalan process once it has been definitively initiated. Historical experience shows that the friendly partition of Czechoslovakia avoided any traumatic effect on its successor states and on Europe. Similarly, the agreements between London and Scotland aim to reduce the costs of transition and the uncertainty that may arise from it. The second cause (the effects on Spain alone) requires a set of interventions that are summarized in the next point.
- d) The Spanish State should be offered an institutional framework for maintaining stable



and constructive relations of cooperation<sup>16</sup>. It should be considered whether an agreement should be reached with the Spanish State on an economic transition period during which Catalonia would gradually reduce its financial contributions.

e) To complement the explanation of the reasons for self-determination, the Government of Catalonia should develop a proactive discourse on the role or roles that Catalonia should play in the world. Although this Advisory Council is not responsible for determining a future Catalan foreign policy, we suggest the creation of an international discourse organized around leading ideas that achieve a fairly broad consensus among Catalans and proposals based on the most successful contributions of Catalonia:

- Europeanism, understood as a commitment to strengthen democratic governance in Europe. Because of its small population and its economic openness, Catalonia is interested in a strong European area in two senses:
  - First, an open and competitive area in which the companies and the citizens of Catalonia can export, find economic and political partners, create synergies in research and innovation, and attract and share talent.
  - Second, a quasi-federal Europe with a strong governance structure, equipped with regulators and judicial institutions that ensure the creation of a competitive economy without monopolies and without companies that take over the state regulators, that can fight corruption at national level and that can defend a high-quality democracy across the continent. Catalonia is interested in strengthening the European construction process for three reasons: its intrinsic Europeanism, its civic dynamism, and its size. As a country much smaller than the major European states, which have the incentives and the relative strength to exert pressure on and even manipulate Community institutions, Catalonia is well placed to collaborate in a Europe in which supranational institutions enjoy great independence and leadership.

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<sup>16</sup> See report of the CATN, "*The cooperative relationship between Catalonia and Spain*".



- Catalonia as an agent for change in the Mediterranean. Recently, the Mediterranean has become one of the most unstable areas, from both an economic and a political point of view. Because of its geographical position and its ties to the area (migration, energy, culture, trade), Catalonia could become an agent involved in the reduction of this instability by encouraging investment by Catalan companies in that area and as a centre for exporting research to the South; by concentrating all the development aid in that area; by multiplying grants to train young researchers and professionals from North Africa and the Arab world (and sending them back to their countries of origin, like the American Fulbright programme); and by participating in the negotiation processes to resolve the major international and domestic conflicts in the area.

To develop and implement these objectives, Catalonia has historical assets that must be made explicit in relations with international states and actors: a pluralistic society, which has been able to successfully integrate several migratory waves and manage linguistic diversity; a country-city that, without sacrificing its civic and national identity, is seen by the international community as an open area, able to understand the multiplicity of interests and identities in the world today.

- f) The Government of the Generalitat should implement an executive plan to explain the process of Catalonia, to refute negative positions and, if feasible, to create friends and allies.

This strategy of contacts and communication has several dimensions:

- Institutional reinforcement of the internationalization strategy, because at this stage of the process foreign action will become a priority area of government action.
- Creation of a group of experts who could contribute to the creation of a future foreign service.
- Intensification of the strategy of contacts and communication:
  - Development of standard diplomacy between the Government of Catalonia and the representatives of other states and international



organizations. This action should include participation in major international debates.

- Facilitating contacts between prominent members of Catalan civil society and representatives of other states, foreign parliamentarians, and others.
- Establishing contacts between the Generalitat and members of civil society in other countries (writers, communicators, and others.) All these contacts, coordinated by the Catalan Government, can take place abroad (public or private visits) or in Catalonia.
- Enhancing the communication with foreign media, non-Catalan public opinion, and others. This activity should include journeys and talks by members of the Government of Catalonia in key places abroad; proactive creation of ties with foreign reporters (here the Catalan Government must apply more resources to “replace” actions that until now have been taken by Catalan civil society); and creation of a flexible point of information to answer all questions and doubts arising about the self-determination process (from why it arose to the legal avenues for the poll and the consequences of a sovereign Catalonia for the euro).

These activities should take advantage of all private efforts already underway in Catalonia.

- g) In addition to the diplomatic activity and para-diplomatic activity of the Government of Catalonia, the entire network of Catalans abroad (e.g. Catalan centres abroad) should be structured and used with three objectives: mobilization, information (to their societies) and financial support (perhaps necessary if there is a complex transition process).



This report on the *Internationalization of the poll and the self-determination process of Catalonia*, has been prepared by the *Consell Assessor per a la Transició Nacional* (Advisory Council on the National Transition), which is composed of the following members:

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