

Independence: The Right to Decide

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With the call last year by Scotland's First Minister Nicola Sturgeon for a referendum on Scottish independence before Britain leaves the EU, and the response of Britain's Prime Minister Theresa May that 'now is not the time', the stage has been set for a constitutional crisis, sooner or later, in the United Kingdom. The question, is who has the right to decide on independence?

Let's have a look at the situation in other countries. 'Independentism' – the desire of people to obtain national independence – is not new. Many new states have emerged in Europe since 1945: in fact, of the 13 states that recently joined the EU, 7 had just gained, or regained, their independence. Today independence movements in three European countries have got enough votes to bring them to the forefront of national politics, so let's look at them - Belgium, Spain and the United Kingdom.

Separatism has been alive for generations in Belgium, where the New Flemish Alliance, with a platform of independence for Flanders, is now the largest national party. But there seems to be little prospect of a solution, mainly because the two sides cannot agree on the future of the capital, Brussels. So independence is not going to happen there for the foreseeable future.

In Spain relation between Madrid and the regions have been difficult for a long time. After the restoration of democracy in 1978 more devolution was introduced, but with limited success. Although Spain has 17 so-called 'autonomous communities' the system is not really federal, and the failure of central government to undertake further reform of relations with the regions has been a source of frustration. In Catalonia, the richest region, there has been growing discontent with the taxes transferred to Madrid, and with other matters such as the status of the Catalan language. It all came to a head with the crisis over Catalonia's Statute of Autonomy, which was approved by the Catalan Parliament, the Spanish Parliament, and the people of Catalonia by referendum, but then in 2010 rejected by Spain's Constitutional Court at the request of the national ruling party, Partido Popular.

Since then, tensions have grown. Catalonia's President Artur Mas announced an independence referendum in 2014, which was declared illegal by Madrid. Although it was converted into a non-binding 'consultation', Mas and other Ministers have been fined and barred from public office. Support for independence has grown, and in the Catalan parliament 72 of 135 representatives come from separatist parties. Catalonia's current President Carles Puigdemont says that a binding referendum on independence will be held on 1 October 2017, with or without Madrid's consent.

The basic problem is that Article 2 of Spain's Constitution refers to 'the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards'. This is understood by many Spaniards to mean that independence, or an independence referendum, would be unconstitutional for Catalonia, or for other regions such as the Basque Country, where support for independence is significant, but muted by the memory of ETA violence.

One thing that I have learned from talking with friends in Catalonia is that many of them who in the past preferred a 'federal' solution - more devolution of powers to Catalonia, better recognition of its identity - have been so frustrated by the central government's refusal to negotiate that they now support the independence movement. The same, of course, has happened in Scotland.

The independence debates in Scotland and Catalonia take place in historical and cultural contexts that are very different: language, for example, is a signifier of national identity for Catalan-speakers, but not for Scots. However, a common factor is the wish to remain in the European Union, the natural home for small newly independent states in Europe.

A fundamental difference between Scotland and Catalonia is the constitutional background. Britain, unlike Spain, has no written constitution, and can be more flexible. Scotland's 2014 referendum was constitutional because it was authorised by an Act of the Westminster Parliament. In that referendum 53% voted against independence, but then in 2016 in Britain's referendum on EU membership 62% of people in Scotland voted to remain. There is a majority in the Scottish Parliament for another referendum on independence, on the grounds that the Scottish people should not be taken out of the EU against their will. London's response to this request is 'not yet', implying that another referendum will have to wait until after Scotland, together with the rest of the United Kingdom, leaves the EU.

Madrid, on the other hand, has always refused the possibility of a referendum in Catalonia on the grounds that it would be contrary to Spain's constitution. It is interesting to recall that 5 years ago, when Prime Minister Cameron announced his agreement to a Scottish referendum, he said 'I want to show respect to the people of Scotland. They voted for a party that wanted to have a referendum. I have made that referendum possible'. This acceptance of a referendum in Scotland, despite the fact that the national political parties opposed Scottish independence, was much admired in Catalonia. It was an acceptance that, if a majority in the Scottish parliament demands it, Scotland may exercise the right to decide its future. To put it another way, it was a recognition that, fundamentally, the United Kingdom can be kept together only on the basis of democratic consent.

The situation in Britain today is less clear, with the refusal of Prime Minister May to discuss with First Minister Sturgeon the possibility of a referendum, and now the uncertainty resulting from the recent elections for the British Parliament, in which the governing party of Mrs May lost its majority. The fact that Mrs Sturgeon's party also lost a number of seats at Westminster suggests that support for an independence referendum in Scotland may have declined. But with the United Kingdom headed for departure from the European Union, the question of Scottish independence will continue to overhang the political scene, and when the results of the Brexit negotiations are known, it may become a live issue.

Another thing that I have learned from talking with friends in Catalonia is this. Although many Catalans want the right to decide, they would not necessarily vote for independence, if a referendum was held. What they want is the right to decide, and when that right is refused, support for independence increases. This lesson does not yet seem to have been understood by Madrid, or by the present government in London.

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