

Understanding the EU Response to Aspirations for Regional Autonomy in Catalonia.



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Abstract

The latest bid by Catalans for their full independence from the Spanish nation saw police in riot gear accost voters and shut down voting centres. While some who represent regional interests in Europe expressed dismay at this turn of events and called upon the European Union to condemn this heavy handed treatment, or at least to agree to mediate on the matter, the campaign has failed to garner significant international support. This thesis will seek to illustrate how events in Catalonia have exposed the changing nature of the European project, the end result of decades of debate on how best to integrate and operate the European Union (EU). I argue that EU integration is now informed by New Intergovernmentalism (NI); meaning a more centralised, state orientated union characterised by enhanced efficiency and effectiveness with a focus on consensus seeking and problem solving. This prioritization of member states as the units of political legitimacy within the union leaves Europe's regional authorities even lower on the rung of EU policy making, making it no surprise that in spite of the heavy handed approach to curtailing regional autonomy in Spain, and in spite of large scale public support, the EU will not rise to the defence of the interests of its Catalan citizens.

List of Abbreviations:

EU - European Union

CoR - Committee of the Regions

CARCE - Conferencia para Asuntos Relacionados con los Comunidades Europeas

CoJ - European Court of Justice

HRW - Human Rights Watch MLG

- Multilevel Governance

NI - New Intergovernmentalism

Chapter 1: Introduction

In spite of the many crises faced by the European Union since 2008 - the financial crisis, the Euro crisis, the Crimean crisis, the Ukraine crisis, the migration crisis and the Brexit crisis to name but a few - there seems to be a renewed vigour within the EU and its remaining member states, and no sign that either wish to

disintegrate their union. This decade of crisis response has been characterised by the fast response of the member states in reaching agreement and limiting damage, and the slow institutionalisation of these measures by the organs of the EU in the following months¹. In 2017's strategy guide, vice president of the European Commission and head of the European External Action Service - Europe's collective diplomatic arm, Federica Mogherini, has stressed the importance of Europe's ability to become an independent strategic entity². It would seem that there is a sincere and renewed vigour for the strength of the future EU, based on the empowerment and improved cooperation of EU member states.

The Catalan crisis, while relatively minor compared to the more global crises that have reshaped the EU, has exposed a weak point in the character of the EU in regards to how it treats its citizens. European citizens in Catalonia, North-West Spain, have been embroiled in debate about their relationship with the Spanish state and by extrapolation, the EU, for many years. In October 2017, this conflict boiled over in a day marked by police violence against citizens voting on Catalan independence. The matter was framed as an internal affair and has subsequently been left to the Spanish government to resolve, which it has done by curbing the autonomy of Catalonia and replacing it's government. The friendlessness and plight of Catalonia remains conspicuous. Only thirty years ago, in 1988, Europe's regions were being mobilized by the European Commission, with the support of the European Parliament, by reforms to the European cohesion funding programme². These reforms encouraged the growth of the importance of regional authorities in Europe, a growth further encourages by the creation of the Committee of the Regions in 1993 by the Maastricht Treaty. How then, has one of Europe's most visible regions found itself so vulnerable and so unable to expect aid or advocacy from the EU? As the EU has evolved over time, its guiding values, in lieu of a set constitution, have been set down and amended by its various treaties. These treaties dictate the values and structures of political power in the EU, and allow it to adapt, however slowly, to the changing circumstances of international affairs.

¹ Bickerton, Christopher J., Hodson, Dermot, Puetter, Uwe, "The New Intergovernmentalism and the Study of European Integration", *The New Intergovernmentalism: States and Supranational Actors in the Post Maastricht Era* , (eds.) Christopher J. Bickerton, Uwe Puetter, Dermot Hodson, (Oxford, 2015), p 11.

EEAS, Shared Vision , *Common Action: A Stronger Europe: A Global Strategy for the European Union's Foreign and Security Policy*, (2016), http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf accessed 08/12/2017 @17.34, p 4.

² Hooghe, Liesbet, "Reconciling EU-Wide Policy and National Diversity", *Cohesion Building and European Integration: Building Multi-Level Governance*, Liesbet Hooghe (ed.), p 5.

The Catalan crisis has revealed that the formation of the “third level” of European politics, the sub-national regional layer³, has been left behind as the EU has become an institution focussed on problem solving and consensus finding between states as efficiently as possible. The Committee of Regions (CoR), and the principles it was founded to enshrine, that is to ensure that Europe’s lowest levels have legitimate interaction with the highest⁵, are largely irrelevant and inefficient to an institution seeking to improve its legitimacy as a player in world politics. This thesis seeks to explore how Europe’s relationship with its regions has transformed over the last thirty years, and to understand the extent to which Catalonia, and by extension all of Europe’s regions, have been denied representation at the decision making level of EU governance despite being set on that path by the EU’s own initiative.

1.2 Historiographical Debate

The academic study of European politics often has a reciprocal relationship with its subject matter, as political actors serve as both the producers and consumers of the field. The debate over the place of regions in European integration lies at the centre of this thesis. This topic existed in the debate on whether the EU was or should be supranational or intergovernmental in character, a conversation started by Ernst Haas as early as 1958⁴. Each side of this argument would have its own heyday and decline, rebirth and transformation as the EU itself evolved and changed with the times. New intergovernmentalism (NI) and multilevel governance (MLG) have evolved from intergovernmentalism and neofunctionalism respectively, and while only one of them takes regions as a central aspect of its study, they have both had profound effects on the role of the regions in EU integration. The common difference between the old and new theories is that the older theories both assume that states or institutions will both act in their singular best interest whereas NI⁵ and

³ Christiansen, Thomas, “Second Thoughts on Europe’s “Third Level”: The European Union’s Committee of the Regions,” ⁵ *Publius*, Vol 26, No. 1, (Winter, 1996), pp 93-116, p 108.

Christiansen, “Second Thoughts on Europe’s “Third Level” ”, p 93.

⁴ Haas, Ernst, *The Uniting of Europe: Political, Social and Economic Forces 1950-1957*, (Stanford 1958, 1968).

⁵ Bickerton, Christopher J., Hodson, Dermot, Puetter Uwe, “The New Intergovernmentalism: European Integration in the Post-Maastricht Era”, <http://onlinelibrary.wiley.com/doi/10.1111/jcms.12212/full>⁸ *Journal of Common Market Studies* accessed 24/01/2018 @ 19:22, P 712., 30 September 2014,

Hooghe, Liesbet, “Building a Europe with the Regions: The Changing role of the European Commission”, *Cohesion Policy and European Integration: Building Multi-Level Governance*, (eds.)

Liesbet Hooghe, Gary Marks, (Oxford, 1996), p93.

MLG⁸ share an assumption that both nations and supranational institutions are highly adaptable and capable of compromise.

1.3 Research Question, Sub Questions

Central to understanding the EU's response to the Catalan crisis is answering the question of how the contemporary character the EU has impacted the autonomy of Europe's sub-national authorities, which are nominally enshrined by EU treaties. An important sub-question at the route of this enquiry is how the CoR representatives of Europe's regional interests, and indeed the EU, have responded to this change. The CoR has a mandate to represent the needs of Europe's autonomous regions in the structure of EU policy making⁶. The institutional weakness of the regions in Europe is a key aspect illustrating the unintended consequences of the revival of intergovernmentalism in the EU that is an attempt to strengthen the Union by 2025⁷.

I will investigate the development of Catalan nationalism as its autonomy campaigns became independence campaigns even as the unions regional created an unreceptive atmosphere for regional emancipation. A major sub-question that will be explored in Chapter 3 is how Catalan regionalism developed and evolved in the EU context. The Spanish state's attitude towards regionalism is a perfect testing ground for the existence of regions within the EU, made up as it is of several distinct national identities united under a 1978 constitution, and then quickly co-opted under EU regional policy. Spanish approaches towards this topic mirror that of much of Europe's nations in the twentieth century, offering autonomous regions limited power in the restructuring of the continent following World War II only to quickly siphon off these competencies upwards upon joining the nascent European community¹¹. This community, made up of nation states, has long stood in an awkward position somewhere between seeking to protect the rights and identity of it's sub-national regions, and seeking to bring the continents disparate identities together under one cohesive polity. This thesis will illustrate that the current priorities of the community lie with its nation states.

⁶ Christiansen, Thomas, "Second Thoughts on Europe's "Third Level" p 108.

⁷ European Commission, *Communication from the Commission to the European Parliament, The Council, The Economic and Social Committee and the Committee of the Regions: A Credible Enlargement Perspective for an Enhanced EU Engagement with the Western Balkans*, (Strasbourg, 2018), https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf¹¹ accessed 16/2/2018 @12.03, p 1.

Panera, Carlo, De Becker, Alexander, *The Role of the Regions in EU Governance*, Carlo Panera, Alexander de Becker (eds.), (Berlin, 2011), p v.

The CoR is structured with serious limitations to its influence and power, which will be touched on in this study. With the benefit of hindsight, was the anticipation of Europe's regions for elevation to a level equal to Europe's nations realistic? Regionalism has been perpetually weakened in the EU, which explicitly nominates the nation state as the accepted unit of political sovereignty in the European system, a judgement consistently supported by the European Court of Justice (CoJ)⁸. It is often the case that developments that at one time were hailed as key developments towards the emergence of the "Europe of the Regions" have often been quickly made irrelevant by new policy or in their structure done the most to create our current status quo wherein European member states hold policy authority. A key example of this occurrence is that sub-section 3, article 5 of the Lisbon Treaty¹³, which amends the subsidiarity principle by stating that objectives that have transnational impact can be handled at the central level, is increasingly abused so as to make subsidiarity and indeed meaningful regional interaction with the EU irrelevant. In what other ways have the contradictory effects of EU treaty changes harmed the development of the regional level of EU politics? Through the examination of these research questions, we will come to an understanding of why the EU has responded as it has to the Catalan crisis.

1.4 Overview of Relevant Theories

What change has there been in the character of European integration? When we speak of character, we refer to the opposing camps that argue where the competencies for policy making within the EU should lie. From the 1960s until the early 2000s there has been a healthy back and forth debate over whether the EU was or should be supranational or intergovernmental in character. This debate could be boiled down to how much power member states should cede to the central policy engine of the EU - the commission - in Brussels. Haas followed the creation of the European Economic Community and observed how rapidly trade agreements lead to ever more integration between member states. His theory, neofunctionalism, posited that integration inevitably begat ever more integration and that eventually the nation state would give way to supranational entities that would govern the affairs of member states collectively, as every state saw the benefits of

⁸ Evans, Andrew, "Regional Dimensions to European Governance", *The International and Comparative Law Quarterly*¹³, Vol 52, No.1. (Jan 2003), pp 21-51. pp 31-49.

Treaty of Lisbon, Article 5, Section 3., 2007, <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-1-commo-n-provisions/9-article-5.html>¹⁴ accessed 17/03/2018 @ 18:04.

Haas, Ernst, *The Uniting of Europe*.

collective governance and the difficulty of undoing integration¹⁴. As the EU came into being, scholars such as Alec Stone Sweet and Wayne Sandholtz updated neofunctionalist theory to incorporate study of the complex relationship between European nations and the developing regulatory framework being established by the European community⁹. The integration process never ran smoothly, and there have been many instances where Europe's government's have dictated the pace and extent of integration. Stanley Hoffman and later Andrew Moravcsik have argued the intergovernmentalist angle, that is that states remain the primary actors of international relations and within the EU and that, even when they establish transnational institutions, they do so to further and protect their own preferences¹⁰. With every crisis in the European projects lifetime, it has evolved and altered its operational structure through its many treaties, moving between supranational and intergovernmental tendencies.

1.5 Methodology

With the case study being of a contemporary nature, there are as of yet limited resources available from the official channels of the minutes and records of the CoR, the European Commission, the European Council and the Council of Ministers, regarding it specifically, however, certain comments have been referenced. To fill in this gap and to allow us to investigate the broad shape of EU regional policy since the 1980s, this thesis will examine Europe's treaties. The Maastricht Treaty and the Lisbon Treaty expressly lay out Europe's regional policy and are key documents for understanding early attempts to incorporate the sub-national level into EU governance. The Single European Act, the Treaty of Amsterdam and the Treaty of Nice offer insights in a broader sense towards the development of the EU and the integration process over time. This thesis will examine the overlap of these developments to illustrate the dilemma faced by the evolving EU of how to deal with the consequences of abandoned structures of integration. Working documents on structural funding and the regions have offered useful insights into how the European Parliament, the CoR itself and the commission focus their attention during times of debate on key aspects of regional governance, most regularly on the application of structural funds. This thesis has also utilised records of meetings of the

⁹ Sweet, Alec Stone and Sandholtz, Wayne, "European Integration and Supranational Governance" (1997). Faculty Scholarship Series. 87, *Yale Law School Legal Scholarship Repository*, pp 297-317, accessed http://digitalcommons.law.yale.edu/fss_papers/87 14/06/2018 @ 10:43, p 297.

¹⁰ Moravcsik, Andrew, "Taking Preferences Seriously : A Liberal Theory of International Politics", *International Organization*,¹⁷ 51, 4, Autumn 1997, pp. 513–553, p 513.

Lineira, Robert, Cetrá, Daniel, "The Independence Case in Comparative Perspective", *The Political Quarterly*, 86:2, pp 155-170, p 161.

European Parliament and the CoR, selected from periods of high activity such as the violence in Catalonia, treaty reforms and reforms to cohesion policy.

Dr. Daniel Cetrá has worked on how Catalan nationalism has been expressed and the primary differences between the Catalan campaigns for independence and that of Scotland and Flanders from their respective states¹⁷. For this reason, I have opted not to examine Catalan regionalism in comparison to another case of European regionalist movements. Building on Dr. Cetrá and Dr. Jose Manoel Nunes Seixas' work on Catalonia and Spanish regionalism, this thesis will focus on the reasons that Catalonia could not find support for its independence campaign on the European level.

The timeline of this study examines thirty years of European integration since 1988(forty years for our limited discussion of the Spanish constitution of 1978) that has seen the flowering of Europe's regional politics, the founding of the CoR, the development of nationalistic aspirations in Catalonia, and a decade of successive crises that have reshaped the nature of European integration. Altogether, the time period covered is from 1988 to November 2017. This will allow us to look at the growth of regionalism in the EU, the role of regions in the process of EU integration, and how regional policy in the EU has suffered by the growing relevance of new intergovernmentalism and the traits it espouses.

This study is divided into three core sections. Firstly, its key theories, new intergovernmentalism and MLG are explored and justified as lenses through which to study the contemporary EU. These theories were informed by and in turn informed treaty reform, so that even while the regions were being steadily empowered by the Maastricht, Lisbon and Nice Treaties, the union was facing a mounting series of challenges that forced adaptation. These treaties have often had contradictory effects, allowing for both NI and MLG interpretations that could arguably support both points of view. The Spanish state's history with its regions acts as a microcosm of European regional policy in Chapter 2. This chapter will examine the contradictions of Spanish regional policy, analogous to European Regional policy as a whole. The rise and fall of the CoR will be charted in parallel with the changing character of the European Council, Council of Ministers and the commission from the 1980s to present day in Chapter 4. Chapter 3 and 4 represent the empirical weight of this thesis. Each chapter will be concluded by an analysis examining how the evolutions traced in the chapters can be understood through, and prove the relevance of, NI.

1.6 Primary Source Discussion

This thesis relies heavily on close examinations of the Treaty of Maastricht, the Treaty of Lisbon, and to lesser extents the Single European Act, the Treaty of Nice and the Treaty of Amsterdam. The former treaties have explicit explanations of the role of the regions in the EU, while the latter will be used to make the case that throughout the development of the EU, states have retained their primacy as political units in the EU. Of similar importance in proving this point are judgements from the CoJ, that have upheld this view and in fact, undermined the position of the CoR in European politics. Seeking direct responses to the Catalan crises from the European Parliament, the European Council or the Council of Ministers, barring press release statements, continues to be somewhat fruitless, however, through the use of speeches and statements by the heads of these institutions we can paint a picture of the modern EU, one shaped by new intergovernmentalism and one with very little use for regional autonomy.

One regional representative from the autonomous region of Navarre, Mikel Irujo Amezaga, was kind enough to speak with me to illustrate the reality of the day to day functionality of the CoR, the reaction of its members to Catalonia's bid for independence and its perception of its current role in the EU. The disbandment of the Catalan government has made it difficult to source interviewees, however Snr. Amezaga comments allow us to get a better picture of the shift in priorities in a CoR seeking to carve out a place for itself in a new intergovernmentalist EU, a shift made clearer still by its statements and debates regarding the Catalan crisis.

Considering the contemporary nature of this work, the work of the international press is an invaluable source not only for tracing the series of events that preceded and followed October 1st, but also tracing how the events were anticipated and responded to by the EU. *The Guardian*, *The Atlantic*, *The New York Times* and *The Economist* all offer high quality news and commentary, and all covered the Catalan crisis extensively; they also all noted the unwillingness of the EU to involve themselves in the crisis. Websites such as *EU Observer* also offer key insights into the dilemma the Catalan crisis presented to the union, illustrating that there was clearly an awareness of the trouble that regional aspirations within member states could cause. Sources such as Catalan news offer insights into the outrage felt by Catalan nationalists by their treatment at the hands of their government and the EU, contextualising the case study within the narrative of the perceived century long campaign for Catalan independence. One particularly important news source also comes from Human Rights Watch, and their condemnation of the police brutality shown on October 1st, which is contradictory not only to agreements made by the Spanish government, but the EU also. HRW's report is damning for the EU's

human rights record, making its sluggishness in decrying these allegations and its staunch defence of the Spanish state conspicuous.

1.7 Academic and Social Relevance of Work

The success of the European project is more important than ever. Particularly as many of its citizens feel increasingly alienated by increasing globalisation that affects their lives¹¹. This work will show, however, that there is a dilemma to be faced by the EU moving forward. The physical threats to a united Europe are both internal and external, and it is heartening to see the EU achieve increased cohesion and exercise proactivity in its efforts to defend against them. However, in its efforts to protect its citizens the EU seems at risk of leaving behind the values that make it unique, and so attractive to those who believe that advocating for peaceful, transparent democracy.

This thesis attempts to clearly illustrate that while NI may have allowed the EU to weather many crises, it has fostered a crisis that may expose the abandonment of MLG and the notion that the institution seeks to address fears of democratic deficit in a meaningful way. Making the link between NI and the atrophy of regionalism and decentralisation in Europe is important as the benefits of NI for the EU seems quite obvious; meaning its flaws must be clearly understood. Any individual, state or institution has a duty to see the benefits and consequences of all actions and opinions, lest hypocrisy be allowed to breed and spread. By placing the blame for the neglect of Catalan independence at the door of NI, even while recognising the need for it, this thesis clarifies that the cost of political stability and international diplomatic strength is the loss of representation at the sub-national level.

¹¹ Caiani, Manuela, "Nationalism, Populism and the Rebirth of Statehood in Europe", Andreas Grimmel (ed.), *The Crisis of the European Union: Challenges, Analysis, Solutions*, (London, 2018), pp 90-92.

Chapter 2: Theories, State of the Art

This chapter will lay out the primary theories that will allow us to investigate how European integration has affected regional autonomy. The primary theory is New Intergovernmentalism. MLG is an important theory in the development of European Regionalism, NI and to this study. This chapter will begin by laying out the core concepts of both theories and how they intersect with one another, ultimately finding that MLG is no longer as relevant to our study of European integration as NI is and what the effect of this are.

2.2 Multilevel Governance

MLG came as a result of Liesbet Hooghe and Gary Marks' observing the growing importance and mobilization of Europe's sub-national authorities throughout the 1990s. MLG theorists have made some of the most extensive studies of Europe's autonomous regions and from this, the extent that the EU engages with its citizens at the regional and local level. A locus of MLG investigation has been European Cohesion policy. Prior to 1988, Europe's attempt to fund the development of its poorer regions by offering payments to each member states' central government and allowing them to distribute funds as they saw fit. In 1988, an experiment of sorts was initiated wherein member states needed to create funding structures with detailed plans of how cohesion funds would be distributed amongst local authorities and spent in order to receive said funds, while also corresponding with initiatives and goals set by the European Commission and European

Parliament¹². To Hooghe and Marks, these decisions had within them the potential to completely alter the character and structure of policy making within the EU by placing some of the state's competencies in the hands of the regions. Regional governments mobilized in response to this chance to wrestle some control back from both the EU and their own member state governments¹³. The mobilisation that followed sparked major interest in regional studies, placing the likes of Hooghe, Marks and Michael Keating at the forefront of a scholarly movement predicting a sea-change in European power politics.

Hooghe believed that the EU was witnessing a clear effort by the European Commission to move closer to the lower levels of governance through 1988's reforms to cohesion policy, although, she would later state, this did not immediately suggest that the commission sought to circumvent or undermine the authority of the European Council²¹. As this was happening in real time, reforms to cohesion policy continually needed to be ratified and implemented by the European Council. While the council continued to ostensibly support the growing power and competencies sent upwards to EU level, its behaviour towards Europe's regional dimensions would reveal the disinterest amongst many member states to keep regional concerns in mind. MLG's relevance and importance in advocating the role of the regions within EU politics, particularly in such a hostile environment, was not missed by the CoR. In June 2009, the CoR published "White Paper on Multi-Level Governance"²² to better establish how the CoR could proactively promote MLG²³. The CoR's adherence to MLG reinforces did not so much legitimise the theory as illustrate the desire that still existed in the CoR to see its predictions come to pass.

There remains stalwarts of the belief that Europe can expect a resurgence in power on the regional level. A 2011 compendium examined the wrongs and neglect done to Europe's regions, anticipating some response from the commission or solidarity amongst the regions at CoR level²⁴. *The Journal of Regional and Federal Studies* is a bastion for regional autonomy optimists. Academics such as Ekatarina Domorenak continued to argue that the CoR, in the face of the indignities of irrelevance cast upon it had not yet lost its political ambition²⁵, and continued to seek closer union with the Council of Europe²⁶. Ultimately, Domonorek and her contemporaries concede that the study of the effectiveness of the CoR itself is a difficult task. Tracing the acceptance of advice or opinions from the CoR is next to impossible considering the manifold amendments that may be made to them along the way, instead she suggests looking to the overall impact of the CoR on

¹² Hooghe, Liesbet, Preface, *Cohesion Building and Multi-Level Governance*, (ed.) Liesbet Hooghe, (Oxford, 1996), p v.

¹³ Hooghe, Liesbet, "Building a Europe within the Regions, The Changing Role of the European Commission", *Cohesion Policy and European Integration*, p 89.

EU politics²⁷. The final hope for this camp was that the CoR would win the right to bring subsidiarity infringements before the CoJ²⁸.

The CoR today remains only a semi-privileged body before the CoJ, able only to bring complaints of policy that

²¹ Hooghe, Liesbet, "Reconciling EU-Wide Policy and National Diversity", *Cohesion Building and Multi-Level Governance*²², p18.

Delebarre, Michel, Van Den Brande, Luc, *The Committee of the Regions White Paper on Multilevel Governance*, Committee of the Regions, 17 June 2009, Brussels, accessed http://aer-www.ameos.net/fileadmin/user_upload/MainIssues/Governance/CoR_Consultation_Whitebook_on_Multilevel_Governance/EN_CoR_Whitebook_on_Multilevel_Governance.pdf²³ 13/06/2018 @17:36.

Ricci, Silvia, "The Committee of the Regions and the Challenge of European Governance", *The Role of the Regions in EU Governance*²⁴, Carlo Panera, Alexander de Becker(eds.), (Berlin, 2011), p 121. Panera, Carlo, De Becker, Alexander, "Preface", *The Role of the Regions in EU Governance*, Panera, De Becker (eds.), (Berlin, 2011), p v.

²⁵₂₆ Domorenak, "The Committee of the Regions", *Regional and Federal Studies*, p 153. Ibid., p 159. ²⁷ Ibid., p 154.

²⁸ Ibid., p 161.

directly impedes its completion of its task, severely capping the punitive power of this would-be watchdog¹⁴¹⁵. Using Domorenak's preferred method of measuring the general impact of the CoR, by seeking its "overall impact", shows this, for if the CoR cannot show solidarity when a member region is so brutally censured, or garner any support for sub-national authority in the EU, then clearly its overall impact, especially when compared to its foundational intentions, is nil.

One of the most lauded academics in the field of the study of Europe's regions is Michael Keating. Keating's work has examined the internal histories of Europe's regions and their relations with their nation states, each other, and transnational institutions such as the EU³⁰. His work, along with that of Barry Jones was essential groundwork for those interested in the incumbent "Europe of the Regions" that seemed to be emerging in

¹⁴ Tilindyte, Laura, *Regional Participation in EU Decision Making; Role in the Legislative and Subsidiarity Monitoring*³⁰. European Parliament, European Parliamentary Research Service, April 2016, pp 20-27.

Keating, Michael, Jones, Barry, (eds.) *The European Union and the Regions*, (Oxford, 1995).

¹⁵ Keating, Michael, Jones, Barry, (eds.) *The European Union and the Regions*, (Oxford, 1995), pp 8-9.

Keating, Michael, "A Quarter Century of the Europe of the Regions", *Regional and Federal Studies*, Vol 18, 2008, Issue 5, pp 629-635, p 630.

European policy in the 1980s. In Keating's early work he was quick to delineate what the regions could realistically hope to achieve. He and Jones established that there were two levels of dispute in the idea that the EU could be the beginning of a transcendence of the nation state. The EU itself was a creation of nation states, and was created as and firmly remained in 1995 a tool of the market, allowing nations to trade more effectively³¹. Keating would go on to distance himself from any claim of being the mind behind "Europe of the Regions" in his 2008 closing article of *Regional and Federal Studies Volume 18*. While reaffirming that the developments of sub-national authorities in the late 1980s prompted a "spatial rescaling" within Europe³², bringing the regions some measure of importance in the EU, Keating identified several reasons why study with a mind towards a Europe of the regions took off, each with a fallacy at its core. Firstly, the reformation of EU regional policy and the launch of the structural funds programme in 1988. This moment misled academics, Keating suggests, as they perceived the funds as a tool by the commission to circumvent the authority of the Council. A reading that Keating suggests fundamentally misunderstands the relationship between the two bodies¹⁶. Scholars also got caught up in what Keating refers to as 'commission rhetoric' about partnership and subsidiarity¹⁷. Ultimately, Keating concludes that "Neither the commission nor the parliament and certainly not the Council of Ministers, have any interest in encouraging minority nationalism"¹⁸. Keating and Hooghe have worked hard to dispel the notion that their work claims to predict the ascendance of a Europe of the Regions, with Hooghe expressing this viewpoint in her study of MLG and cohesion policy³⁶. Keating recognizes the need to make a clear statement acknowledging the growing power, at the time of writing, of the member states and the non viability of the CoR as a major decision making body within the EU. He notes "While the European project provides ideological sustenance to the post-sovereignty idea, the EU does not provide an institutional space for anything but states."³⁷. There are then empathetic proclamations by the leading minds behind MLG discounting or underplaying the influence of the region in the EU, illustrating the definitive loss of relevance of the actor in EU studies.

2.3 The Lasting Benefits of MLG

MLG contains within it, however, two core hypotheses that have remained useful and pertinent within the context of NI. That is that the commission is an autonomous actor (within limits), and, in line with a key hypothesis of NI, commission preferences are not necessarily in favor of maximum control³⁸. As the

¹⁶ Keating, "A Quarter Century of the Europe of the Regions", pp 630-631.

¹⁷ *Ibid*, p 631.

¹⁸ *Ibid.*, p 631.

commission acts as an independent actor, it must operate in a way that is conducive to its continued efficacy and relevance. While this once meant extending their influence beyond national government's, in part into sub-national authorities, it is now more expedient to adapt to changing circumstances. The commission, a supranational body, is not perpetually in pursuit of increased power and is willing and able to concede power to nation states or De Novo Bodies in order to ensure the overall health of the institution. De Novo Bodies are organisations that exist outside of the European framework, and are empowered by Europe's member states³⁹. This instinct for self-preservation is what led to the commission's mobilisation of the regions in the first place.

Hooghe makes the argument that the commission is an autonomous actor by referring to its response to Greece's concern that the entry of Spain and Portugal to the EU in 1986 would cripple Greece's mediterranean agricultural economy. The commission unveiled a previous plan, the Integrated Mediterranean Plan (IMP) within the structure of the commission. Hooghe makes the point that this illustrates an independent actor, solving a state problem on its own terms⁴⁰. However while the commission seems willing to cede authority to the regions, it has since proved itself more than willing to do the same with EU states. Many events that represent the recognition of the "third-level" of European governance in any way are often explored as attempts

^{36,37} Hooghe, "Reconciling EU-Wide Policy and National Diversity", *Cohesion Building*, p 18.

Keating, "A Quarter Century of the Europe of the Regions", p 632.

³⁸ Hooghe, "Building a Europe within the Regions; The Changing Role of the European Commission", *Cohesion Policy*³⁹, p 93.

Bickerton, Christopher J., Hodson, Dermot, Puetter, Uwe, "The New Intergovernmentalism and the Study of European Integration", *The New Intergovernmentalism: States and Supranational Actors in the Post Maastricht Era*⁴⁰, (eds.) Christopher J. Bickerton, Uwe Puetter, Dermot Hodson, (Oxford, 2015), p 3. Ibid., pp 97-98.

by the commission to empower the regions. If we continue to accept that the commission acts as an independent actor given its continued importance alongside the European member states and Europe's De Novo Bodies, we must conclude that it is an independent body that acts in its best interests. As a body that acts within its own interests, the commission has shown itself willing and able to adapt to pursue its preferences; even if this means ceding authority to member states and De Novo Bodies, or abandoning past attempts at grassroots engagement.

2.4 New Intergovernmentalism

Intergovernmental theory was borne as a reaction to neo-functional theories of integration.

Intergovernmentalism argued that state preferences shaped institutions rather than the other way around. With the growth in scope and power of the EU since the 1990s, Intergovernmentalism seemed to be patently out of date. However, as we observe the EU today, it is clear that member states and the European Commission, as well as De Novo Bodies are working together to dictate the preferences of the European community as a whole.

Uwe Puetter, Christopher Bickerton and Dermot Hodson have coined “New intergovernmentalism” to characterise the current epoch of European politics. It defines a Europe where it has become apparent how integral the EU and its member states have become to each other's success, and thus integration is pursued by both parties outside of the traditional forms of integration¹⁹. However, instead of this leading to the irrelevance of the European nation states, we have seen a situation where the problem solving and pragmatic nature of the nation state as a political unit has made itself an invaluable tool for Europe to operate on the international stage and respond to challenges⁴². This is not an evolution of intergovernmentalism. To Bickerton, Puetter, and Hodson it is a distinct, if turbulent stage in the development of EU integration⁴³. Looking at the state of integration in Europe today, where the European Commission and the member states, represented primarily by the European Council,(but also the Council of Ministers) seem to be working increasingly well together, it would seem that the analysis of Bickerton et al. has been proven true. In the years since the signing of the Treaty of Maastricht, the EU has expanded dramatically both in territorial size and scope. However through this expansion, the Treaties of Amsterdam, Nice and Lisbon have all given supranational empowerment a wide berth⁴⁴.

NI addresses the “post-Maastricht paradox” of a steady tendency towards further European integration without supranationalism, where problem solving, consensus reaching and pragmatism allow the union to make more effective use of its resources and achieve its full potential as a political actor⁴⁵. Bickerton et al. assert that neither neofunctionalism nor intergovernmentalism can fully describe the current character of European integration⁴⁶. This cornerstone of NI was identified in some of Puetter’s earlier work on what he called “deliberative intergovernmentalism”⁴⁷, which recognised the growing role of the member states in

¹⁹ Bickerton, Christopher J., Hodson, Dermot, Puetter, Uwe, “The New Intergovernmentalism and the Study of European Integration”,⁴² *The New Intergovernmentalism*, p 3.

Bickerton, Christopher J. “A Union of Member States: State Transformation and the New Intergovernmentalism”, ⁴³ *The New Intergovernmentalism*, p 69.

Bickerton, Christopher J., Hodson, Dermot, Puetter, Uwe, “The New Intergovernmentalism: European Integration in the Post-Maastricht Era”, *Journal of Common Market Studies* , Vol 53, No.4, 2015, pp 703-722, p 703.

handling major policy decisions and crisis handling situations, that, however, failed to recognise the continued power and influence of the commission. Member states seem to be willing to pool authority on key issues, not purely in financial matters but also socioeconomic and justice and home affairs matters, bring the EU closer to the decisions that affect the average EU citizen. The central organs of the EU seem content to let go of key competencies, no longer concerned about achieving an ever closer union⁴⁸.

Jacques Delors championed improved cooperation between member states as his preferred method of integration during his tenure as president of the European Commission 1985 - 1995⁴⁹. Christopher J Bickerton has gone as far as to redefine European nation states as “Member States”, where national authority is regularly exercised but also increasingly reliant on participation within transnational networks of governance⁵⁰.

Furthermore, Bickerton describes authority as being constituted horizontally as opposed to the more traditional vertical format⁵¹. This aspect of NI undermines the assumption of MLG that sub-national authorities would become relevant in EU decision making as nation states are now more than ever reliant not on support from below, but from fellow member states⁵². The drifting apart of European politics at a national level and the increasing involvement of member state governments in EU level bureaucracy has shifted the focus in European

⁴⁴ Bickerton, Hodson, Puetter,, “The New Intergovernmentalism: European Integration in the Post₄₅-Maastricht Era’ p 704.

Bickerton, Hodson, Puetter, “Preface”, *The New Intergovernmentalism*, p viii.

⁴⁶ Ibid.

⁴⁷ Puetter, Uwe, “The European Council- The Centre of New Intergovernmentalism”, *The New Intergovernmentalism*⁴⁸, p 167.

Howarth, David, Quaglia , Lucia, “The New Intergovernmentalism in Financial Regulation and European Banking Union”, ⁴⁹ *The New Intergovernmentalism*, p 147.

Bickerton et al., “The New Intergovernmentalism and the Study of European Integration”, *The New Intergovernmentalism*⁵⁰, p 8.

Bickerton, Christopher J. , “A Union of Member States”, *The New Intergovernmentalism* , p 52.

⁵¹ Ibid., p 54.

⁵² Ibid., p 58.

politics away from issues of culture and politics to one that favors expertise, problem solving ability and consensus finding⁵³.

NI is predicated upon six hypothesis about the current state of the EU, that the authors believe answer the question of how the contemporary union responds to the post Maastricht paradox. Many of these hypotheses

are directly relatable to the declining importance of both the CoR and of MLG studies. The first hypothesis is that deliberation and consensus building have become the guiding norms of day-to-day decision making at all levels⁵⁴. Whereas in the past, supranational institutions were the problem solving organs de jure, a product of which was the CoR, member states have now taken it upon themselves to administer many of the basic needs of the EU. The second hypothesis, that supranational organisations are not hardwired to seek ever-closer union⁵⁵, is as valid now as it was when it was a key assumption of MLG⁵⁶. However, Bickerton et al make no reference to MLG's recognition of this same fact from which they have derived separate analysis, indicating furthermore the troubling blindspot between these two theories. Hypothesis three states that where delegation occurs, governments and supranational actors alike support the creation of De Novo Bodies⁵⁷. This has been a key aspect of Europe's response to the Euro Crisis and a key aspect leading to the institutionalisation of NI following the financial crisis. Hypothesis four is also a response to Europe's crises, it states that problems in domestic preference formation have become standalone inputs into the European integration process⁵⁸. This shows that the NI anticipated some push back to the growth of intergovernmentalism in an era of Euroscepticism. Interestingly, the assumption was that the fallout would come from the disagreement of Eurosceptics rather than the misunderstanding of the pro-Europe region of Catalonia. The final two hypotheses state that the difference between high and low politics are blurred and that, perhaps because of this, the EU is in a state of disequilibrium⁵⁹. The mixture of high and low politics can be seen in the endorsement by the commission of the council to carry out major changes in EU policy. This has led to a situation where something that perhaps once would have been seen as high politics, a European region attempting to fracture from its home country while calling on European loyalties, into low politics. The Catalan crisis has repeatedly

⁵³ Ibid., p 69.

⁵⁴ Bickerton, Hodson, Puetter, "The New Intergovernmentalism: European Integration in the Post⁵⁵ -Maastricht Era", *JCMS*, p 711.

Ibid., p 712.

⁵⁶ Hooghe, "Building a Europe within the Regions; The Changing Role of the European Commission", *Cohesion Policy*⁵⁷, p 93.

Bickerton, Hodson, Puetter, "The New Intergovernmentalism: European Integration in the Post⁵⁸-Maastricht Era", *JCMS*, p 713.

Ibid. p 714.

⁵⁹ Ibid, pp 715-716.

been described as an internal, Spanish issue⁶⁰, even amidst the protestations of the Catalan's who see it differently⁶¹. The growth of the regions in Europe was symptomatic of supranational authority, it was an attempt to mobilise low politics into aligning themselves with the European project and see themselves as part of a larger network than just that of their nation state. Now that the EU is in a state of disequilibrium, trans-national regional identity in Europe has very little currency in an institution focussed on finding consensus and problem solving mechanisms amongst states and for states.

2.5 Intersection

NI has focussed its investigations, understandably, on the work of the European Council and the European Commission. Little attention is given to the clear loser in a closer relationship between these two organs of European governance: sub-national authorities. Studies of MLG have looked far closer at the relationships between all levels of European governance, however have pre-supposed or assumed a far more influential role for Europe's regions than practise allowed⁶². Studying the position of Europe's sub-national authorities, and their changing relationship with wider European politics through the lens of New Intergovernmentalism allows us to further prove the validity of the theory, while also highlighting the clear danger that this new process of integration has on those without representation or voice within the EU: its sub-national bodies. Simon Bulmer, in his interrogative chapter at the end of Bickerton et al.'s study of NI, asserts that MLG has not been necessarily made irrelevant by recent events or by the growing popularity of NI, but "That the MLG research agenda, as opposed to it's practise, is approaching exhaustion and attention has been diverted elsewhere"⁶³. The CoR's adoption of the principles of MLG have perpetuated them, however, Europe's regions failure to capitalise on their mobilisation has meant that it falls to students of European politics to apply MLG's lessons elsewhere. MLG remains useful for its broad scope, reviewing how top reforms of EU policy have been responded to at each level of governance. This is an area that NI tends to overlook, as work on the theory fails to acknowledge the clear losers of this new regime: Europe's regions. The dilemma created by the current character of the EU,

⁶⁰ Henley, Jon, Mason San, Rowena, "Catalan Referendum: Muted Response from EU Leaders over Police Crackdown", ⁶¹ *The Guardian*, 1 October 2017.

Puidgemont, Carles, "Catalonia Won't be Silenced", *Politico*, 10/11/2017 accessed <https://www.politico.eu/article/carles-puidgemont-catalonia-wont-be-silenced-independence-spanish-governments-election/>⁶² 06/05/2018, @ 13:54.

Domorenak, Ekatarina, "The Committee of the Regions: In Search of Identity", *Regional and Federal Studies* 63 Vol 19, 2009- Issue 1, pp 143-163, p 144.

Bulmer, Simon, "Understanding the New Intergovernmentalism; Pre- and Post- Maastricht EU Studies", *The New Intergovernmentalism*, p 293.

exposed by the Catalan crisis, can be understood by the interaction of MLG, which in many ways characterised the incumbent EU from 1988 until the reforms of the Lisbon Treaty in 2004, and NI, which increasingly characterises contemporary governance in the EU. While MLG overstates the importance of Europe's regional level and bases its assumptions about the future of EU integration on the perception that the regions will grow in importance, NI understates the importance of Europe's sub-national layers in its interest in problem solving and consensus finding between the member states and EU institutions.

Chapter 3: Catalonia and Spain

3.2 1978 -1993: The Development of Spanish Regionalism alongside the Development of the European Union

Catalan national identity resides in the pantheon of Europe's first fully conceived nations. It has a well documented historiography dating back to the mid eighteenth century that describes a distinct culture and body politic²⁰. Catalonia has kept its identity flourishing even through the tumultuous experiences of the Iberian peninsula in the nineteenth and twentieth centuries. This includes facing siege by those who claimed to represent collective Spanish identity, albeit under the wing of a fascist government, and subsequently having their language, identity and political autonomy stripped from them for decades²¹. Following the end of Francoism in Spain and the creation of its new democratic government in the infamous constitution of 1978, Catalonia was once again permitted to embrace and celebrate its national identity as a *comunidad autonómica*²². While Spain has maintained a complicated relationship with its autonomous regions the influence that the Catalan government, under the *Convergència i Unió* (CiU) party,

²⁰ Nunes Seixas, Xosé Manoel, *Historiographical Approaches to Nationalism in Spain*, (Saarbrücken/Fort Lauderdale, 1993), p 62.

²¹ Cetra, Daniel, *Debating within Liberal Nationalism: The Linguistic Disputes in Catalonia and Flanders*, (University of Edinburgh, 2016), pp 79-83.

²² Junco, José Álvarez, "Los Nacionalismos en la España Contemporánea", *Catharum, Revista de Ciencias Sociales y Humanidades del Instituto de Estudios Hispánicos de Canarias*⁶⁷, no 14, 2015, p 9
Balfour, Sebastian, "Introduction", *The Politics of Contemporary Spain*, (London, 2005), p 107.

held over central government throughout the 1990s meant that the region of Catalonia enjoyed enhanced autonomy, notoriety and prosperity⁶⁷. This mutually beneficial situation kept political Catalanism viable outside of Spain, but as it has now collapsed, the Spanish nation has been at liberty to suppress the region while still staying well within the confines of EU regional policy.

The constitution of 1978 is a complex document, and has resulted in a State with intricate and often unclear relationships with its local authorities. Francoism left a smear across the name of Spanish Nationalism that persists to this day, leading to the common misconception that there is no Spanish nationalism²³. Franco did however manage to achieve the unity of the Spanish nation, something that has a long and troubled history before and after his reign, and through the unity of Spain came the conception of contemporary Spanish nationalism⁶⁹. Preserving this feeling of unity on the Iberian peninsula, where so many distinct landscapes, peoples and cultures have existed for millennia, remained essential for the post-Franco Spanish state to move forward and join the European project²⁴, and thus complete its recovery from dictatorship²⁵²⁶. To this end, and in particular to mark its difference from the dictatorship that preceded it, the constitution of 1978 ensured the autonomy of Spain's regions: Catalonia, Galicia, Andalucía, Extremadura, Navarra, Castile and León, Asturias, Cantabria, La Rioja, Aragón, Valencia, Castille la Mancha and Murcia⁷².

This was not unconditional autonomy, however. Spain operated a system of "competitive regionalism" where the regions were operating off of separate relations with the central government and simultaneously

²³ Nunes-Seixas, Xose-Manoel, "From National-Catholic Nostalgia to Constitutional Patriotism, Conservative Spanish Nationalism since the 1990's", in Sebastian Balfour(ed.) *The Politics of Contemporary Spain*⁶⁹ , (London, 2005), p 121.

Junco, José Alvarez, "Los Nacionalismos en la España Contemporánea" , *Catharum* p 8.

²⁴ Seixas, "From National-Catholic Nostalgia to constitutional Patriotism", p 133..

²⁵ Farrell, Mary, "Spain in the New European Union: In Search of a New Role and Identity", *The Politics of Contemporary Spain*⁷² , Sebastian Balfour(ed.), (London, 2005), p 215.

Morata, Francesc, "Spanish Regions in the European Community" , *The European Union and the Regions*⁷³ , Barry Jones and Michael Keating (eds.), (Oxford, 1995), pp 116-120.

Van Nuffel, Piet, "The Protection of Member States Regions through the Subsidiarity Principle" in Carlo Panera and Alexander De Becker, *The Role of the Regions in EU Governance*, (Berlin, 2011), pp 186-188.

²⁶ Amezaga, Mikel Irujo, *Transcript Skype call Mikel Irujo Amezaga 13/04/2018*, Appendix II, p 5.

Morata, Francesc, "Spanish Regions in the European Community" , p 116.

attempted to keep control from the EU and one another⁷³. As Mikel Irujo Amezaga, deputy representative for Navarre in the CoR remarked, in Spain, unity is “sacred”⁷⁴. As a result of this, the autonomy of the regions is gifted by the central government of Madrid, and the application of it is closely watched and guarded by Spain’s constitutional court⁷⁵, a system which was partly conceived to neutralize Catalan and Basque specificity²⁷. This court is the same that has been shutting down Catalonia’s legitimate and illegitimate campaigns for independence since 2011 and has acted as the primary middleman operating as a buffer between the central government and the regions²⁸, allowing the central state to maintain a veneer of abstraction from the issue of regional autonomy. However hostile Spain may be with its many powerful autonomous regions, it was the only OECD country that has no “functional regions”, territories administered with the understanding that they functioned solely as units of self contained labor resources as opposed to identity, according to a report from 2002⁷⁸. With the high value of unity in Spanish nationalism combined with a long history of insular well developed cultural regions, largely separate from central authority barring decades of totalitarian rule, Spain is a remarkable hotbed for sub-national-national tension in Europe. As such, it should come as little surprise that it was here that the EU’s failure towards regional policy would be exposed.

Catalonia has long acted with an air of resentment at its perceived lowly position as a sub-national identity. It has shown in the state-like behaviour of its government, as well as the organisation specifically created to further Catalonia’s external relations and promote its culture and interests abroad, the Patronat Catalonia²⁹.

The Patronat has maintained strong links to foreign states and regional authorities even as the nascent European community was attempting to establish the same level of interdependence and integration amongst Europe’s largest nations. The Catalan government established strong trade links and inter regional lobby groups in 1988 along with Lombardy, Baden-Wittenburg and the Rhone-Alps; the so called four-motors of Europe³⁰. The Declaration of Barcelona in 1998 also displayed Catalonia’s interest in acting as a

²⁷ Morata, Francesc, Manoz, Xavier, “Vying for Funds: Territorial Restructuring in Spain”, *Cohesion Policy and European Integration: Building Multilevel Integration*, Liesbet Hooghe(ed.), (Oxford, 1996), p 199.

²⁸ Cetra, Daniel, Lineira, Robert, “The Independence Case in Comparative Perspective”, *The Political Quarterly*⁷⁸, 86;2, pp 155-170, p 162.

OECD, *Redefining Territories, The Functional Regions*, (OECD, 2002), p 12.

²⁹ Morata, Francesc, “Spanish Regions in the European Community”, p 125.

³⁰ Anderson, James, Goodman, James, “Regions, States and the European Union; Modernist Reactions or Postmodern Adaptation”, *Review of International Political Economy*, Vol 2., No. 4, (Autumn, 1995), pp 600-631, p 619.

locus for Spanish regional interests, as the agreement called on the nation to recognise its multinational nature³¹. The central Spanish government has for the most part tolerated the activities of the Patronat Catalonia, including its transnational political activities, to the point where Catalonia enjoys a far larger degree of autonomy than any other Spanish region³². While Catalonia has been eager to make itself an integral part of Europe's cultural landscape, it has consistently operated outside of the structure of the EU. This is perhaps due to the failure of Catalan leaders to successfully shape regionalism within the EU, but as the EU would grow to dominate European politics, Catalonia would go on to suffer doubly for its resentment and inability to transfer its influence into EU regionalism.

Spanish regionalism as we know it now was only enshrined in the 1978 Constitution, and therefore regionalism in Spain has been developing in parallel to the process of Spain's integration into the EU³³. In spite of this, the Spanish regions, particularly early on, have resisted overt involvement in EU regional structures. The transfer of competencies to the European community was a decision taken by the central state without the direct cooperation of the autonomous communities³⁴. This perhaps placed some tension between Spanish regions and the growing European project, but they were certainly inspired by its promotion of sub-national authority. In 1988 the Conferencia de Asuntos relacionados con las Comunidades Europeas (CARCE) was founded; that is the Institute of Cooperation between the Spanish state and the autonomous regions³⁵. In 1994, the same year as the CoR was brought into being, CARCE adopted the "agreement of internal participation between the autonomous communities in EU affairs through sectoral Conferences", a mechanism that would allow the autonomous regions to attempt to influence Spain's overall position on EU law³⁶; effectively operating as an internal CoR. However, the CARCE was but a conciliatory gesture by the Spanish government, and it is staffed not by the regions themselves but by the Spanish government, ensuring that it serves little more than at best an information

³¹ Balfour, Sebastian, *The Politics of Contemporary Spain*, ed. Sebastian Balfour, (London, 2005), pp 112-115

³² Balfour, *The Politics of Contemporary Spain*, pp 109-112.

³³ Lázaro, Alicia Chicharro, "The Spanish Autonomous Communities in the EU. The Evolution from the Competitive Regionalism to a Cooperative System", *The Role of the Regions in EU Governance*, Carlo Panera, Alexander de Becker(eds.), (Berlin 2011), p 188.

³⁴ Lázaro, p 188.

³⁵ Lázaro, p 192.

³⁶ Lázaro, pp 194-195.

relay centre and at worst, a deliberate tool to further frustrate and dilute the further autonomy of Spain's regions³⁷.

3.2 1993-2017: The Boiling Point of Catalan Nationalism

Jordi Pujol, head of the *Convergència i Unió* party (1980-1999), and president of Catalonia (1980-2003), was a major player in securing Catalonia's exceptional autonomy up until the twenty-first century. Pujol was a skilled politician, able to foster the idea that what was good for Catalonia was good for Spain while he and his party remained prominent in Spanish politics³⁸. Simultaneously, Pujol did a great deal in shaping the nature of Catalan nationalism, with "pujolist" Catalanism being marked by an outward facing, economically open and progressive, European Catalonia, so much so that the region prides itself on a reputation as the Iberian peninsula "bridge" to Europe³⁸. The *CiU* dominated Catalan politics in part by leveraging the notion of "Catalanism", which meant that opposition socialist parties were forced to use the same rhetoric, soon making the obsession with nationalists autonomy a pan-party issue³⁹. This amplification of "Catalanism" would allow Catalonia to become extremely protective of its considerable autonomy, meaning it was exceptionally sensitive to any perceived or real threat against it from the Spanish state.

In 2010, the careful harmony between the left and centre political parties of Spain suffered a blow when the constitutional court amended 14 articles of the Catalan Statute of Autonomy which removed aspects of their autonomy⁴⁰. The ruling nationalist Spanish Popular Party, who had called for a revision of 114 of the 223 articles of the statute initially can be said to have laid the seeds for the events of 2017⁴¹. Key

³⁷ Robledo, Augustín Ruiz, "Spanish Autonomous Communities and EU Policies", *Centro Studi del Federalismo- Perspectives on Federalism*⁸⁸, Vol 5, Issue 2, 2013, p 35.

Dowling, Andrew, "Convergència i Unió and the New Catalanism", Balfour, Sebastian, *The Politics of Contemporary Spain*, (London, 2005), pp 107-109.

³⁸ Dowling, Andrew, "Convergència i Unió and the New Catalanism", pp 110-112.

³⁹ Dowling, "Convergència i Unió", p 114.

⁴⁰ Cetrá, Daniel, Lineira, Robert, "The Independence Case in Comparative Perspective", p 162.

⁴¹ Calamur, Krishnadev, "The Spanish Court Decision That Sparked the Modern Catalan Independence Movement", *The Atlantic*, 1st October 2017, accessed <https://www.theatlantic.com/international/archive/2017/10/catalonia-referendum/541611/> 30/05/2018 @16:37.

aspects of the Catalan Statute of Autonomy, of both symbolic and political significance, were removed, effectively negating the ability of Catalonia to perceive itself as a nation⁴². The ability of Catalan to be used as a public language and required proficiency in it for public office were removed, as were the ability of the Catalan government to maintain a bilateral agreement with the central government, such as is enjoyed by the Basque country and Navarre⁴³. In response to this, Catalonia perceived that it was being unfairly censured by the country's corrupt and inefficient constitutional courts⁹⁵. On November 9th, 2014 this bore the fruit of a protest vote supported by the Catalan government that supported Catalonia's independence from Spain.

⁴² "A Nationality, Not a Nation", *The Economist*, 1st July 2010, <https://www-economist-com.proxy.library.uu.nl/node/16490065> accessed 30/05/2018 @ 16:42. See also: Judgement 7, 8 and Declaration 1, *Constitutional Court Judgment No. 31/2010, of June 28 (Unofficial translation)*, (Madrid, 2010), accessed 30/05/2018 <https://www.tribunalconstitucional.es/ResolucionesTraducidas/31-2010,%20of%20June%2028.pdf> @ 17:52.

⁴³ "Catalan protesters rally for greater autonomy in Spain", *BBC*, 10 July 2010, accessed 30/05/2018 <http://www.bbc.com/news/10588494>⁹⁵ @ 17:56.

Pericay, Gaspar, "The Spanish Constitutional Court shortens the current Catalan Statute of Autonomy", *Catalan News*, 29 June 2010, accessed 30/05/2018 [http://www.catalannews.com/politics/item/the-spanish-constitutional-court-shortens-the-current-catalan-st atute-of-autonomy](http://www.catalannews.com/politics/item/the-spanish-constitutional-court-shortens-the-current-catalan-st-atute-of-autonomy) @17:59.

The antipathy between the central state and Catalonia in the early 2000s had transformed the nationalist desire for autonomy into an ill advised pursuit of independence.

Daniel C etra has worked extensively on the various campaigns for Catalan independence, and understands better than most the unique nature of Catalonia, and of its desire for independence. His work helps us to understand how the events in Catalonia in 2017 came to pass. C etra’s research examines how in Catalonia, a decade long campaign to maintain Catalan autonomy became a campaign seeking full independence. C etra argues that it is a serious leap for members of a developed nation to seek secession and that a distinct national identity must be formed in distinct stages in order to provide the motivation for such a drastic and risky action⁴⁴. Political parties play a major role in creating issues that populations identify for or against, and politicians build careers on dealing with⁴⁵. The events of October 2017 came from the consistent use of regional identity as a bargaining tool by both Spanish and Catalan government but are also a condemnation of the flagrant abuse of regional autonomy permissible under EU law. Miroslav Hroch’s work has been used as a foundation of C etra’s work to develop his theory on how issues are built by politicians and how identities build around them. The first of the three stages is scholarly interest, which has existed in Catalan culture for centuries⁴⁶. Patriotic agitation is the second, which is provided by both the constitutional courts reduction of Catalan autonomy in 2010⁹⁹, and the anger over Spain’s collapsed property market, which the Catalan government skillfully directed at the central government⁴⁷⁴⁸. Mass national movement is the final push factor, which has existed since the 2014 protest vote favouring independence¹⁰¹. Further fuel to the flame of the awakening of Catalan nationalism was provided, as C etra has noted, by the repressive actions of the Spanish national police in

⁴⁴ C etra, Daniel, Lineira, Robert “The Independence case in Comparative Perspective”, p 170.

⁴⁵ C etra, “The Independence Case in Comparative Perspective”, pp 155-157.

⁴⁶ Seixas, Jose-Manoel, “Historiographical Approaches to Nationalism in Spain”, *The Politics of Contemporary Spain*⁹⁹ , Sebastian Balfour (ed), (London, 2005), P 62.

Calamur, “The Spanish Court Decision That Sparked the Modern Catalan Independence Movement”.

⁴⁷ M.R., “Why the referendum on Catalan independence is illegal”, *The Economist* ,

<https://www.economist.com/the-economist-explains/2017/09/26/why-the-referendum-on-catalan-independence-is-illegal> accessed 30/05/2018 @ 22:07.

⁴⁸ C etra , *Debating within Liberal Nationalism: The Linguistic Disputes in Catalonia and Flanders* , p 79.

C etra, Daniel, Casanas-Adam, Elisenda, Tarrega, Mariola, “The 2017 Catalan Independence Referendum: A Symposium”, *Scottish Affairs*, 27.1, (2018), pp 126-143, pp 127-128.

2017, as well as the actions of the government beforehand.”It was the police violence on the day of the vote which turned what was going to be another failed attempt by the pro-independence movement to obtain a clear mandate for independence into a symbol of collective resistance against state repression”¹⁰². In 2017, independent observers travelled to Spain to review the upcoming referendum. They recorded widespread oppression by the Spanish government against the Catalan government and those attempting to organise the referendum, ranging from harassment, legal and otherwise, to bureaucratic obstacles¹⁰³, and ultimately, the heavy handed use of riot police on October 1st. While the Spanish government claimed that the elections were not carried out to international standards, the international observers found that the conditions were incompatible with any common expectation of regular conditions¹⁰⁴. These tactics allowed the Spanish government to force the hand of Catalan nationalists at an incredibly inopportune moment, when there would be the least level of available support for regional independence in Europe. Cetrá and Hroch’s analysis is not only key to understanding the shift that has occurred in Catalonia but is also applicable to any of Europe’s regions. There clearly already exists scholarly interest in the sub-national layer of European politics. There is then political agitation provided by the ongoing structural impotency of the CoR¹⁰⁵. All that is needed is the mass mobilisation by regional politicians elsewhere in Europe. Europe may be forced to face the uncomfortable dilemma of a region seeking full European statehood once more. National identity alone, Cetrá says, cannot be enough to bring a citizen to vote to leave and secede from an affluent stable country¹⁰⁶. Nevertheless, perceived repression and unchecked abuse of identity in Europe means that even in a perfectly functioning Union, this regional resentment could well come to light again.

3.3 October 1st Catalonia - Human Rights Violations

The events around the referendum held on the October 1st, 2017 has been the subject of much interpretation.

To the Spanish central government, and importantly, the Constitutional Court, the referendum was illegal¹⁰⁷.

Participation in illegal elections however, in the eyes of the Spanish penal code since 2005, is not illegal¹⁰⁸.

This point is the root of the contention of the Catalans who found themselves harassed and beaten on polling day by the Spanish national police, who acted on behalf of the Constitutional Court. As far as the international

¹⁰³ Cetra, Casanas-Adam, Tarrega "The 2017 Catalan Independence Referendum: A Symposium", p 133.

¹⁰⁴ Ibid., p 134.

¹⁰⁵ Domorenak, Ekaterina, "The Committee of the Regions: In Search of Identity", *Regional and Federal Studies*¹⁰⁶, Vol 19, 2009, Issue 1, pp 143-163, pp 143-144.

Cetrá, Daniel, Lineira, Robert "The Independence case in Comparative Perspective", *The Political Quarterly*¹⁰⁷, 86;2, pp 155-170,p 2.

"M.R., Why the referendum on Catalan independence is illegal", *The Economist*, 26 September 2017, accessed 30/05/2018, <https://www.economist.com/the-economist-explains/2017/09/26/why-the-referendum-on-catalan-independence-is-illegal> @ 19:17.

¹⁰⁸ Human Rights Watch, "Spain: Police Used Excessive Force in Catalonia", *Human Rights Watch*, accessed 30/05/2018, <https://www.hrw.org/news/2017/10/12/spain-police-used-excessive-force-catalonia> @19:48.

community¹⁰⁹, the European Commission¹¹⁰, and even the Cor are concerned, what occurred was a wholly internal Spanish matter¹¹¹. In spite of this, Human Rights Watch (HRW) have condemned the police's actions as have international observers and much of the international press¹¹². In the run up to the October 1st elections, polling stations were changed, ballot boxes and papers were hidden, websites were shut down, arrests were made and fines imposed on organisers, and Catalan citizens were prepared to face severe censure for their willingness to vote¹¹³. HRW compiled a study based on verifiable accounts collected in Barcelona, Girona, Fonollosa and Aiguaviva¹¹⁴. The international press noted the central government bolstering the police population in Catalonia ahead of referendum day in order to enforce the constitutional court's ruling¹¹⁵. Witnesses report that at 9am as soon as ballot centre's opened, police arrived in numbers to raid the voting centres and confiscate the ballot boxes. The police's tactics involved charges and assault by baton and riot shielded officers on unarmed civilians, as well as the use of rubber bullets. "Our detailed investigation into three cases found that national police and Civil Guard officers used excessive force on October 1 in Catalonia," said Kartik Raj, Western Europe Researcher at Human Rights Watch. "The police may well have had the law on their side to enforce a court order but it didn't give them the right to use violence against peaceful protesters."¹¹⁶. Reports on how many citizens were injured have varied massively across sources. The Catalan health authority themselves have stated hat 1066 people were treated following the violence¹¹⁷, and 400 polling stations were shut

¹⁰⁹ Henley, Jon, Mason, Rowena, "Catalonia Referendum: Muted Response From EU Leaders over Police Crackdown", *The Guardian*, 1st October 2017, accessed 12/03/2018

<https://www.theguardian.com/world/2017/oct/01/catalan-referendum-eu-leaders-remain-muted-over-police-crackdown> , @ 11;19 .

Smyth, Patrick, "Catalan Vote was not Legal, Says European Commission", *The Irish Times*, 2 October 2017, accessed <https://www.irishtimes.com/news/world/europe/catalan-vote-was-not-legal-says-european-commission-1.3240949> 14/01/2018 @ 22:04.

See also: Zalan , Eszter, "EU Stays Mute on Catalonia", *EU Observer*

<https://euobserver.com/political/139230>¹¹¹ accessed 30/05/2018 @20:04.

Item 2- Appendix 5; *Minutes of the 125th Plenary Session of the European Committee of the Regions, Debate on Catalonia, 126th Plenary Session of the Committee of the Regions*, Thursday 30 November, Friday 1st December 2017. (Brussels, 30 October 2017), Appendix II, p 2.

¹¹² Human Rights Watch, "Spain: Police Used Excessive Force in Catalonia", *Human Rights Watch*, accessed 30/05/2018, <https://www.hrw.org/news/2017/10/12/spain-police-used-excessive-force-catalonia> @20:30.

¹¹³ Cetrá, Casanas-Adam, Tárrega, "The 2017 Catalan Independence Referendum: A Symposium", p 133.

¹¹⁴ Human Rights Watch, "Spain: Police Used Excessive Force in Catalonia".

¹¹⁵ Jones, Sam, " Spain to deploy police to prevent Catalan independence vote" , *The Guardian*, 26th September 2017, accessed <https://www.theguardian.com/world/2017/sep/26/spain-deploys-police-to-prevent-catalan-independence-vote-catalonia> 07/04/2018 @ 15:45.

¹¹⁶ Human Rights Watch, "Spain: Police Used Excessive Force in Catalonia".

¹¹⁷ Reality Check, "Catalonia: Did voters face worst police violence ever seen in the EU?", *BBC News*, accessed 30/05/2018, <http://www.bbc.com/news/world-europe-41677911> @ 20:56.

down¹¹⁸. Raul Romeva, the Catalan foreign minister informed the EU of a “violation of human rights that put the very EU at risk”, calling on the EU to defend Catalonia’s rights and the treaty of Europe itself¹¹⁹. Spain is a member of the European Convention on Human Rights as well as the international covenant on civil and political rights. These impose specific obligations with respect to the right to peaceful assembly, freedom of expression, and the use of force by law enforcement. HRW argue that even where people may be considered to be acting unlawfully, the state must not deprive them of their rights of peaceful assembly or freedom to express political opinions, and particularly must not use excessive force in response to these matters¹²⁰. The condemnation offered by HRW highlights the failure of the international community and the EU itself to condemn the actions of the Spanish government. One must question, in the light of the hypocritical position that staying silent places the EU in, what it stands to lose by condemning Spain. It stands to lose the confidence of its member states and the solidarity that has been built up by the New Intergovernmentalism that has seen the EU through its difficult recent history through consensus finding and problem solving. Acknowledging the right of an autonomous regions to cede territory from a state could undo the decade of goodwill and cooperation established between the EU and its member states, something it seems unlikely to sacrifice.

Carles Puigdemont, before and after his dismissal and self-imposed exile, was not shy of calling attention to the repressive tactics of his counterpart Mariano Rajoy, Prime Minister of Spain¹²¹, and called for EU mediation and for solidarity with Catalonia from the European Nations¹²². His fellow members of the Catalan government too lamented the silence of the EU and the damaging precedent the Spanish government's actions had on the prestige of human rights and democracy in the EU¹²³. This harsh criticism, echoed across international media, has received no reply but silence from the EU and most European heads of state, even from the CoR itself. While the political battle of wills between Spain and Catalonia has been playing out for arguably centuries, this final *coup de grace* by Spain has seemingly silenced political Catalanism for the foreseeable future.

¹¹⁸ Human Rights Watch, Ibid.

¹¹⁹ Henley, Jon, Mason, Rowena, “Catalonia Referendum: Muted Response From EU Leaders over Police Crackdown”, *The Guardian*, 1st October 2017, accessed 12/03/2018

<https://www.theguardian.com/world/2017/oct/01/catalan-referendum-eu-leaders-remain-muted-over-police>

¹²⁰ [crackdown](#), @ 21.30.

Human Rights Watch, Ibid.

¹²¹ Puigdemont, Carles, "Catalonia Won't be Silenced", *Politico*, 10 January 2018, <https://www.politico.eu/article/carles-puigdemont-catalonia-wont-be-silenced-independence-spanish-governments-election/>¹²² accessed 30/05/2018 @ 22:48.

Jones, Sam, Burgen, Stephen, "Catalan leader calls for mediation with Spain over independence", *The Guardian*, 2 October 2017, <https://www.theguardian.com/world/2017/oct/02/catalan-government-emergency-meeting-spain-independence>¹²³ accessed 30/05.2018 @ 22:45.

Henley, Mason, "Catalonia Referendum: Muted Response From EU Leaders over Police Crackdown",.

3.4 Conclusion, Hypotheses of New Intergovernmentalism

Spain has consistently struggled to make peace with the many identities that exist within its borders. Retaining a unified Spanish identity, while maintaining as much distance as possible from Franco-ist regional policy is a dilemma that echoes the concerns of many European states such as Belgium, Italy or Germany. Spain's efforts to appease, contain and most recently dominate Catalonia also offer telling parallels with the EU's treatment of its regions; mobilizing them, celebrating them, all while keeping them at an arm's length from the reigns of power, and now seemingly abandoning efforts to support their growth. Spain, like the EU, has been tightening the noose around Catalonia's autonomy for several years, most notably with 2014's amendments to the Catalan statute of autonomy. The Popular Party under Mariano Rajoy has been direct in its assertion of control over Catalonia, and so it should have surprised no one that they would come down so hard on the referendum, knowing that the EU would support state efforts to secure power. Rajoy understood that the EU is now characterised by NI. Although its hypotheses are intended to be applied to transnational institutions, many of them are very clearly fulfilled in the examination of the Catalan crisis. Hypothesis one of NI that states the preference for consensus amongst "member" states, has impeded the EU's ability to intervene in the affair. Europe's centralised nations were understandably silent on Catalonia's calls for support, but even amongst other Spanish regional representatives support has been found lacking⁴⁹, not even extending so far as to call for an EU mediation in the debate. Hypothesis four of NI notes that domestic preference formations are becoming inputs into the EU integration process¹²⁵. This has been true since the late 1980s, with the CoR and the general empowerment of regions coming at a time of public critiques of the supranational and democratically obtuse nature of European governance⁵⁰. As disillusionment grows within the EU of high politics, citizens increasingly look to local authorities, and academics follow this interest.

⁴⁹ *126th Plenary Session of the European Committee of the Regions, Thursday 30th November and Friday 1st December 2017, Item 2- Appendix 5; Minutes of the 125th Plenary session of the CoR, Debate on Catalonia*¹²⁵, Brussels 30th October 2017. Appendix III.

Bickerton, Hodson, Puetter, "The New Intergovernmentalism: European Integration in the Post-Maastricht Era", JCMS.

⁵⁰ Christiansen, Thomas, "Second Thoughts on Europe's "Third Level": The European Union's Committee of the Regions", p 93.

Hypothesis five, that the differences between high and low politics have become blurred, has been proven true by Rajoy's ability to frame the issue as a Spanish one. While usually this hypothesis refers to the raising of mundane issues to the concern of professionals and bureaucrats in Brussels, it can equally refer to the dismissal of major politically significant moments to the realm of internal affairs⁵¹. Finally, hypothesis six, that the EU is in disarray, seems confirmed by the relegation of the Catalan crisis to an affair of middling concern, as the EU continues to face massive challenges to its authority and efficacy.

Chapter 4: "Landesblindheit": Regional Blindness in the New Intergovernmentalist EU

4.1 Introduction

Landesblindheit, or "regional blindness" is a term used by German regionalists that describes the oversight at national level that overlooks regional perspectives⁵². Contemporary Europe also suffers from *landesblindheit*, which is all the more alarming considering that the EU, in particular the European Commission, introduced and legitimised the regional dimension into EU politics. This chapter will examine the development of regional policy in the EU. The first section will trace its growing importance in the late 1980s, arising from concerns about regional economic and infrastructural inequalities across the EU as well as the growing perception of a democratic deficit in the EU. Regional representation in the structures of the EU would be enhanced and codified by the Maastricht and Lisbon Treaties, creating the Committee of the Regions, but in this same process their importance would be severely limited. The second and third sections examine the

⁵¹ Bickerton, Hodson, Puetter, "The New Intergovernmentalism: European Integration in the Post-Maastricht Era", JCMS ,p715.

⁵² Robledo, Agustín Ruiz, "Spanish Autonomous Communities and EU Policies", *Centro Studi sul Federalismo-Perspectives on Federalism*, Vol 5. Issue 2, 2013, p 31.

regional implications of the Maastricht and Lisbon Treaty respectively, and then examine how the functional impact these same treaties can have quite negative effects on the position of regions in Europe.

4.2 Pre-Maastricht EU

The EU, and its predecessor organisation the European Community are institutions founded on an intergovernmental basis for the betterment of interstate relations in Europe¹²⁹. As such, thought was not immediately given to the effects of European integration, in particular the effects of Europe's common marketplace on Europe's smaller regions. To provide support for the losers of the open market, the EU developed its structural cohesion policy, whereby national government's would be subsidised in order to promote the growth of underdeveloped regions¹³⁰. A major overhaul to the application of European structural funds occurred in 1988¹³¹. The European Commission initiated a period of experimentation, establishing strict criteria on member states in order for them to receive structural and innovation funds. This was a major element in the mobilisation of Europe's regions, as it prompted them to engage with the European element to their interactions with their host state¹³². The 1988 reforms in many cases fostered cultural identity in regions where before none had existed¹³³. The reforms demanded that member states create efficient and clear plans and local and regional bodies to distribute structural development funds, made up of Agricultural Fund for Guidance, the European Social Fund and the European Regional Development Fund while also establishing priority objectives in an ambitious attempt to try to equalize European development¹³⁴. In Spain, in particular, regionalism had only recently begun to flower in the decade before 1988, and like many regions, was finding the competencies that only then were beginning to trickle down from the national level spread upward to the transnational. This move can also be interpreted as an olive branch from the commission, an intentional move to rectify the perceived democratic deficit inherent to the growing supranational structure of the European Community¹³⁵.

¹²⁹ Zielonka, Jan, "The Rise and Fall of the EU", *Key Controversies in European Integration*, Andreas Dur Hubert Zimmerman (eds), (Palgrave 2017), pp 19-21.

¹³⁰ UNSPECIFIED (1987) *The regions of the enlarged Community. Third periodic report on the social and economic situation and development of the regions of the Community*. [EU Commission - Working Document],¹³¹ *Official Journal of the European Union*, pp x-xi.

Hooghe, Liesbet, "Building a Europe with the Regions: The Changing Role of the European Commission", *Cohesion Policy and European Integration: Building Multi-Level Governance*, (ed) Liesbet Hooghe, (Oxford, 1996), p 89.

¹³² Hooghe, Liesbet, "Preface", *Cohesion Building and European Integration : Building Multilevel Governance*,¹³³ (ed.), Liesbet Hooghe, (oxford,1996), p v.

Morata, Francesc, Munoz, Xavier, "Vying for European Funds; Territorial Restructuring in Spain", *Cohesion Policy and Multi-Level Governance*¹³⁴, p 199.

Hooghe, "Reconciling EU-Wide Policy and National Diversity", *Cohesion Policy*, p 2.

¹³⁵ Ricci, Silvia, "The Committee of the Regions and the Challenge of European Governance", *The Role of the Regions in EU Governance*, p 118.

4.3 Maastricht Treaty: The Workings of the Committee of the Regions

The creation of the CoR in 1994 in the Maastricht Treaty was the culmination of attempts by the European Commission to answer critiques of undemocratic centralisation of power. The CoR was envisaged as a check to the supranational and national sphere of influence of the EU to ensure that local authorities, and through them, European citizens, did not feel that they had no reach into the organs of EU policy making, something that was often achieved by the local application of EU structural cohesion funds¹³⁶. The actual functionality of the CoR has been in constant flux since it's earliest meetings. The CoR has 350 members from the 28 member states¹³⁷. These members are drawn from each member states autonomous local governments. While initially the CoR had little to no impact from the various political parties that exist within the EU, these parties have gone on to play a larger role in CoR decision making, making it increasingly difficult for the CoR to speak with one voice¹³⁸, as the design of the CoR in the Maastricht Treaty did not envisage the use of political parties¹³⁹. It is intended to act as an advisory body to the main policy making bodies of the EU, the European Council, Parliament and commission. It is also a "subsidiarity watchdog", an observer ensuring that policy decisions are carried out as much as possible at the lowest possible levels of EU governance¹⁴⁰. The CoR is meant to represent the interests of sub-national government within the EU and act as a check on supranational and intergovernmental power, rectifying to some extent the perceived democratic deficit of the EU¹⁴¹. In spite of the successful mobilization of regional interest in both subnational polities and academia spurred on by the promotion of the regional layer of European politics brought about by the Maastricht Treaty, both the influence and study of Europe's sub-national politics is now at a nadir¹⁴². This follows several fruitful decades during which Europe's regions were at the centre of investigations concerning the future of EU integration; MLG . As MLG has fallen out of relevance, so too has the CoR, however, MLG still remains a useful framework through which to observe the place of the regions in European integration.

^{136,137} Hooghe, Liesbet, "Reconciling EU-Wide Policy and National Diversity", *Cohesion Building* , p 5. Committee of the Regions, *About* , <https://cor.europa.eu/en/about/Pages/default.aspx> accessed _____ 31/05/2018 @11:03.

¹³⁸ Domorenak, Ekaterina, "The Committee of the Regions : In Search of Identity", *Regional and Federal Studies*¹³⁹, Vol 19, 2009- Issue 1, pp 143-163, p 151.

Brunazzo, Marco, Domorenak, Ekaterina, "New Members in Old Institutions: The Impact of Enlargement on the Committee of the Regions", *Regional and Federal Studies* , Volume 18, 2008, Issue 4, pp 429-448., p 444.

¹⁴⁰ Tilindyte, Laura, *Regional Participation in EU Decision-Making; Role in the Legislature and Subsidiarity Monitoring*¹⁴¹, (European Parliamentary Research Service, 2016), p 4.

Christiansen, Thomas, "Second Thoughts on Europe's "Third Level":The European Union's Committee of the Regions", ¹⁴² *Publius*, Vol 26, No. 1, (Winter, 1996), pp 93-116, p 108.

Domorenak, "The Committee of the Regions", p 144.
The formalisation of regional involvement in the EU in the Committee of the Regions was a key element of the Maastricht Treaty. The details of its structure and its place in the EU were made in consultation with Europe's most influential regional representatives from Belgium, Austria, Germany⁵³ and, notably Catalonia⁵⁴. The CoR was established as a consultative body that would offer its opinion on policy formulated by the commission, the parliament and the council. The CoR monitors the application of the subsidiarity principle and issues 3 year-long political priorities and papers discussing the decisions and opinions it offered¹⁴⁵. It pursues these priorities through its comments and advice given to the Council, Commission and Parliament. While at the request of Germany and Belgium, the wording of the Maastricht Treaty was altered in order to allow regional ministers to represent their nations in the Council of Ministers, the presidency of the European Council remained barred to regional representatives, as it was necessary that it be held by a cabinet member of the presidential nation¹⁴⁶. The Treaty of Nice would go on to enhance the position of the regions, by allowing regional ministers to act as chair during meetings of the council. This happened only once in October

⁵³ Eggermont, Frederic, "In The Name of Democracy: The External Representation of the Regions in the Council", *The Role of the Regions in EU Governance*, Carlo Panera, Alexander De Becker, (eds.), (Berlin, 2011), pp 6-7.

⁵⁴ Pujol I Solel, Jordi, "Opinion on the revision of the Treaty on European Union and of the Treaty establishing the European Community", Committee of the Regions, (96/C 100/01) , *Official Journal of the European Union*¹⁴⁵, 02/04/1996, p 1.

Ricci, Silvia, "The Committee of the Regions and the Challenge of European Governance", *The Role of the Regions in EU Governance*, Carlo Panera , Alexander De Becker (eds.), (Berlin, 2011), p 119 ¹⁴⁶ Eggermont,, Frederic, "In The Name of Democracy: The External Representation of the Regions in the Council, in Panera, Carlo, De Becker, Alexander (eds.), *The Role of the Regions in EU Governance*, (Berlin, 2011), p 6.

30 and December 10, 2001 by Belgium, a move that would be criticised by the French for its undue complications⁵⁵.

This right also held the proviso that it was up to the nation state whether to select them or not, meaning that Spain's Popular Party was able to dominate Spanish representation in Europe from 1996 - 2004, which was only reversed when the Socialist party came to power⁵⁶. The Maastricht and Nice Treaties were momentous allowing regional ministers to project themselves into European politics, potentially ushering in an entirely new level of politicians to the halls of power. Each measure was seen by the CoR and academics¹⁴⁹ as stepping stones, allowing regions to integrate more fully into the fabric of the EU, even as they further formalised the second-class status of the regions in EU politics. Even as the regions were making themselves felt, they found themselves curtailed and resisted consistently by Europe's states.

4.4 The Limitations of the Committee of the Regions

At its inception, the committee seemed well aware of the severe limitations placed on them. As early as its fifth meeting at Braunschweig, the CoR was calling for a review of its competencies and ability to contribute to the actual decision making process of the EU⁵⁷. The committee was mandated under the Treaty of Maastricht to offer opinions and advice on five particular policy areas such as education and youth, culture, public health, economic and social cohesion, trans European transport and telecom and energy networks⁵⁸. As well as calling for more impactful abilities, the CoR sought to assert itself by offering as many advisories as possible, including many that lay outside of their mandated obligatory areas of comment¹⁵². The CoR would, however, remark on perceived injustices and some of its 'own initiative' reports in its early years concerned

⁵⁵ Eggermont, "In The Name of Democracy: The External Representation of the Regions in the Council", p 15.

⁵⁶ Robledo, Agustín Ruiz, "Spanish Autonomous Communities and EU Policies", *Centro Studi Sul Federalismo- Perspectives on Federalism*¹⁴⁹, Vol. 5, issue 2, 2013, p 36.

Anderson, James, Goodman, James, "Regions, States and the European Union: Modernist Reaction or Post-Modern Adaption?", *Review of International Political Economy*, Vol 2., No. 4, (Autumn, 1995), pp600-631, p 617.

⁵⁷ Christiansen, Thomas, "Second Thoughts on Europe's "Third Level" ", p 96.

⁵⁸ Schwaiger, Peter, "The European Union's Committee of the Regions: A Progress Report", *Regional and Federal Studies*¹⁵², Vol 7., 1997- Issue 1, pp 11-22, p 16.

Committee of the Regions, *Opinion on the annual report on the cohesion financial instrument*⁵⁹ /1994

(96/C 100/27), 02/04/1996, Official Journal of the European Union, accessed <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51995AR0305&from=EN> 12/05/2018 @ 22:10.

subjects as pertinent to the regions as the reform of structural funding⁶⁰. The committee made 68 recommendations in its first nine plenary sessions, with fully half of these coming directly from the committee itself⁶¹. However, between 2002 - 2005 the number of recommendations steadily decreased in line with criticism from both the commission and the council calling for the CoR to reduce the quantity of their proposals, and improve their relevance⁶². The conflict and frustration in the CoR is evident in this early period, particularly pronounced in each unsolicited opinion⁶³, however this defiant attitude would not last.

There were several reforms initiated in 1999 to cover the 2000 - 2006 period, intended to lessen the demands on the large and diverse nations that were due to join the EU in this “challenging” economic period¹⁵⁷. The reforms effectively stripped away much of the power that had been granted to Europe’s sub-national authorities and made it far easier for member states to claim control of European development funds. The key reforms were to reduce the number of priority objectives from seven to three, to reduce the number of community initiatives from thirteen to four, and to cut the advised allocated budget for these¹⁵⁸. The general aim was to decentralise the implementation of the funds back to member state level by assigning them core responsibilities of programme content management monitoring evaluation and control. The justification was that by making the content of the programmes less detailed cohesion policy would be simplified and made more efficient¹⁵⁹. While there may be some validity to the importance of streamlining the initiative, essentially this has allowed the member states to circumvent the subsidiarity principle by ensuring that the amount of regional involvement in EU policy is kept at their disposal. Indeed, Liesbet Hooghe recognised that “the complexity of cohesion policy provides ample opportunity for actors to manipulate partnership rules to their advantage.”¹⁶⁰. While this statement was intended to refer to the mobilization of sub-national actors, the actions of the member states in this regard proves that Hooghe’s observations would apply equally well to the wrestling away of competencies back from the regions.

⁶⁰ Committee of the Regions, *Preliminary Remark, “Opinion on the 'Structural Funds innovatory measures 1995-1999 — Guidelines for the second series of actions under Article 10 of the ERDF Regulation' ”* (96/C 100/25), 02/04/1996, Official Journal of the European Union, accessed

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51995IR0303&from=EN> 12/06/2018

@23:03, p 1

⁶¹ Schwaiger, “The European Union’s Committee of the Regions: A Progress Report”, p 16.

⁶² Domorenak, Ekaterina, “The Committee of the Regions: In Search of Identity”, p 153.

⁶³ Committee of the Regions, *Opinion on the annual report on the cohesion financial instrument 1993/1994 (96/C 100/27)*, 02/04/96, Official Journal of the European Union, accessed <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51995AR0305&from=EN> 12/06/2018 23:09.

Contrary to hopes that the CoR would be granted the right to bring bodies before the CoJ for failing to apply the subsidiarity principle¹⁶¹, the CoJ has never granted the CoR this privilege, even while granting it to the European Parliament¹⁶². According to the case-law of the EU Courts, the CoR has but a limited recognition from the CoJ, far below the status of a member state or fellow institution¹⁶³. This is due to a finding in 1997 that stated that the CoJ's jurisdiction was limited to the actions of a state or institution, and thus regions must

¹⁵⁷ Manzella, Gian Pado, *The Turning Points of EU Cohesion Policy, Working Paper of Gian Pado Manzella, European Investment Bank, Luxembourg, Carlos Mendez*, European Policies Research centre, (University of Strathclyde, 2009), ec.europa.eu/regional_policy/archive/policy/future/pdf/8_manzella_final_formatted.pdf accessed 10/04/2018 @ 16:04, p 16.

^{158/159} Manzella, *The Turning Point of EU Cohesion Policy*, p 17.

Ibid. p 17.

^{160/161} Hooghe, "Reconciling EU-Wide Policy and National Diversity", *Cohesion Policy*, p 11.

Pujol I Solej, Jordi, "Opinion on the revision of the Treaty on European Union and of the Treaty establishing the European Community", Committee of the Regions, (96/C 100/01) , *Official Journal of the European Union*¹⁶², 02/04/1996, p 3.

Tilindyte, Laura, "Regional Participation in EU decision-making; Role in the Legislature and Subsidiarity Monitoring", European Parliament, *European Parliamentary Research Service*, April 2016, p 20.

¹⁶³ Thies, Anne, "The Locus Standi of the Regions Before EU Courts", *The Role of the Regions in EU Governance*, Carlo Panera, Alexander de Becker(eds.), (Berlin, 2011), p 26.

be seen as a private entity. This means that the CoR is only permitted to bring before it legislation that is directly harmful to its existence⁶⁴. With the nomination of subsidiarity watchdog, the Committee became "semi-privileged"^{65/66}, but is still not considered equal status with a member state, in direct conflict with a key assumption of MLG⁶⁶.

The CoR has the ear of the parliament, the council and the commission, but each organ was not only under no obligation to take CoR advice, they are also not obliged to offer explanations as to why⁶⁷. The many new and diverse regional representatives that joined the CoR in 2004 with the expansion of the union bolstered its size, but further diffused it's authority⁶⁷. The CoR also took advantage of the academic interest its existence

⁶⁴ Thies, "The Locus Standi of the Regions Before EU Courts", pp 27-28.

⁶⁵ Thies, "The Locus Standi of the Regions Before EU Courts", p 52.

⁶⁶ Hooghe, Liesbet, "Reconciling EU-Wide Policy and National Diversity", *Cohesion Building* , p 18.
Domorenak, "The Committee of the Regions", p 154.

⁶⁷ Brunazzo, Domorenak, "New Members in Old Institutions", p 429.

had fostered, aligning itself firmly behind Hooghe and Marks' MLG theory in 2001 by publishing "White Paper on European Governance"⁶⁸⁶⁹, solidifying its intellectual value to sub-national authorities in Europe¹⁷⁰. The CoR has secured a place for itself in the decision making process in the EU, however, in response to its changing fates, there has been a clear change in focus in the CoR. From aspirations of political influence in its earliest days to a sedate, consultative institution concerned primarily in securing financial influence in the application of structural funds¹⁷¹, too diverse and ineffectual to meaningfully affect much else. The declining interest in studying regional politics in the EU, and the apparent abandoning of the CoR of its self-appointed MLG based mandate has matched the regions own apparent declining interest in restructuring European politics.

Since the Maastricht Treaty was signed in 1993, the EU has experienced an unprecedented expansion in the scope of its activities in areas such as economic governance, foreign policy, justice and home affairs and particularly in financial supervision¹⁷². In spite of this rapid expansion, there has not been a trend towards the delegation of authority to supranational bodies or down to the sub-national level. Instead, power has been dispersed between member states, the European Commission and De Novo Bodies specifically designed for their task and granted wide ranging powers. This is what Hodson, Puetter and Bickerton have described as the "post maastricht integration paradox"⁷⁰. This paradox lies at the heart of the developments that have usurped the traditional order of integration along which the EU was progressing⁷¹, which saw the ascendancy of regional government.

⁶⁸ Delebarre, Michel, Van Den Brande, Luc, *The Committee of the Regions White Paper on Multilevel Governance*, Committee of the Regions, 17 June 2009, Brussels, accessed http://aer-www.ameos.net/fileadmin/user_upload/MainIssues/Governance/CoR_Consultation_Whitebook_on_Multilevel_Governance/EN_CoR_Whitebook_on_Multilevel_Governance.pdf¹⁷⁰ 13/06/2018 @17:36. Tilindyte, *Regional Participation in EU Decision-Making*, p 3.

⁶⁹ Amezaga, Mikel Irujo, Appendix II - *Transcript Skype call Mikel Irujo Amezaga 13/04/2018*, pp 1-3.

Bickerton, Hodson, Puetter, "Preface", *The New Intergovernmentalism: States and Supranational Actors in the Post Maastricht Era*, (eds.) Christopher J. Bickerton, Dermot Hodson, Uwe Puetter, (Oxford, 2015), p vii.

⁷⁰ Ibid. p viii.

⁷¹ Bickerton, Hodson, Puetter, "The New Intergovernmentalism and the Study of European Integration", *The New Intergovernmentalism: States and Supranational Actors in the Post-Maastricht Era*¹⁷⁵, p 3. Amezaga, Mikel Irujo, *Transcript Skype call Mikel Irujo Amezaga 13/04/2018*, Appendix II, p 2.

4.5 Inside the Committee of the Regions Today

An interview conducted with a delegate from within the CoR, illustrates a clear picture of the priorities and practical functionality of the CoR today. Mikel Irujo Amezaga's illuminating sketch of the current purpose of the CoR makes it clear that the CoR's purpose has evolved and that for its members who understand their place in the hierarchy of European politics, it can still be considered an effective platform for certain regional concerns. In terms of political representation however Amezaga remarks; "I mean, politically speaking, for the regions the CoR, is useless"¹⁷⁵. Snr. Amezaga noted the general disbelief that surrounded the Catalan government's bold move to seek annexation from the central state in an environment where the rest of the CoR's members have remained content with the limited functionality of the organisation, understanding its limitations and the opportunities it can offer to members.

"For me, the CoR is very useful to have this dialogue with the commission and even with the parliament [...]. Every single time that you have a report coming from the CoR you have the possibility and the commission is always very open to have this dialogue to explain, so then you have your opportunity to influence in the European Commission, so in this field in the CoR, if the region knows how to use it well, it's really useful."⁷² Snr. Amezaga compared the involvement, or lack thereof, of the Catalan regional government with the CoR with that of the the majority of autonomous regions whose government often draw heavily from the parties in control of the central government. Snr. Amezaga notes that Spanish regions receive no assistance from Spain in Brussels: "If you go to Spain, I mean Madrid, for instance, if you see the history of how they work in Brussels, they do really have this approach of having an external policy, they don't have a real foreign affairs policy, a European affairs policy. They do have a directory general, of course they have a delegate in Brussels , but you will see that they are not very active.[...] they don't have any political approach, when they go to Brussels. So the office in Brussels is to be networking and getting information. It's not an approach of **selling** the region in Brussels now."⁷³.

Catalonia's ambitions historically extended beyond securing funding. It sought political recognition through the declaration of Barcelona of 1998 where Basque, Galician and Catalan governments called on the central state to recognise the multinational nature of the Spanish state¹⁷⁸ and through participation in CARCE¹⁷⁹. Catalonia, through Jordi Pujol, was actively involved in the empowerment of the CoR in the mid-1990s¹⁸⁰, it never committed its energies entirely to the CoR however, and as a result, would find itself politically isolated from Europe's regions in 2017.

⁷² Amezaga, pp 2-3.

⁷³ Amezaga, p 3. (Interviewees emphasis)

4.6 Europe's Regions Structurally Undermined?

While Jordi Pujol allowed Catalanism a position of prestige in Spanish politics, EU law and treaty changes introduced almost immediately after the accession of Spain into the EU, and less than a decade after the creation of the Spanish regional federal structure, severely limited regional power on both the national and European level. The Treaty of Europe (1986) contains a key article describing how any European state may apply for EU membership, defining the state as the guardians of territory in the EU context¹⁸¹. This established early on the primacy of the nation-state in EU politics. This would be cemented by 2003's Treaty of Accession that laid the groundwork for the expansion of the EU in 2004 and caused further problems for the regions as the ten new member states regional bodies were much less developed in many cases than their western European counterparts¹⁸². Its provision on territorial integrity, Mary Farrell argues, implicitly endorses the nation state as the primary political entity in the European political system¹⁸³. The careful work of the *comunidades autonomas* over the previous decade in securing separate agreements with the Spanish government has been made irrelevant in reality as well as politically, as many competencies in particular regarding taxation and financial control were moved up the chain of command to the EU and

¹⁷⁸ Dowling, Andrew "Convergència i Unió, Catalonia and the New Catalanism", Sebastian Balfour (ed.), *The Politics of Contemporary Spain*¹⁷⁹, (London, 2005), p 115.

Lázaro, "The Spanish Autonomous Communities in the EU: The Evolution From the Competitive Regionalism to a Cooperative system",¹⁸⁰ *The Role of the Regions in EU Governance*, pp 192-195.

Pujol I Soley, Jordi, "Opinion on the revision of the Treaty on European Union and of the Treaty establishing the European Community", Committee of the Regions, (96/C 100/01) , *Official Journal of the European Union*¹⁸¹, 02/04/1996.

Article 8, Section 1 , Chapter 2, *Single European act*, (Luxembourg, 1986), accessed 30/05/2018 http://eur-lex.europa.eu/resource.html?uri=cellar:a519205f-924a-4978-96a2-b9af8a598b85.0004.02/DOC_1&format=PDF¹⁸² @ 13:42.

Brunazzo, Domorenak, "New Members in Old Institutions: The Impact of Enlargement on the Committee of the Regions",¹⁸³ *Regional and Federal Studies* , p 433.

Farrell, Mary, "Spain in the New European Union: In Search of a New Role and Identity", Sebastian Balfour (ed.), *The Politics of Contemporary Spain*, (London, 2005), pp 223-224. national level¹⁸⁴. This demonstrates that in spite of concessions to regional authority written into the structure of the EU, the state-centric and cohesion focussed culture of the institutions undermines the practicability of sub-national representation.

4.7 The Lisbon Treaty and Interpretations of Subsidiarity

In the years following the Treaty of Maastricht and the Treaty of Nice, the EU sought to collate the policies of the EU into a single constitution¹⁸⁵. This move, in spite of its potential for remedying the complexity and inefficiency of the EU, was blocked by intergovernmental concerns of the growing power of the European Commission over the rights of sovereign members¹⁸⁶. The Lisbon Treaty sought to address key integration issues in the light of the failure of the European constitution to pass by amending elements of past treaties. The Lisbon Treaty enshrined the subsidiarity principle into the EU, a move welcomed by Europe's regions as it gave credence to the perception that the regions were continually being empowered. However the introduction of the subsidiarity principle did not implicitly empower the regions, in reality, it simply gave Europe's nations the vocabulary and legislative backing they needed to redistribute competency between themselves as De Novo Bodies.

The subsidiarity principle is the ideological foundation from which the CoR attempts to legitimize itself and prove its need in the EU. This is the principle that decisions should be made at the lowest possible level of EU decision making, in order to ensure decentralisation and in an effort to combat democratic deficit in the EU¹⁸⁷. There is some dispute as to who the subsidiarity principle benefits most. While proponents of regionalism and MLG will always assert that subsidiarity is in place to preserve the authority of local government, the principle can be read, and indeed seems to be read in EU policy, to safeguard state competencies in the intergovernmental context as much if not more than for regions¹⁸⁸. The Lisbon Treaty fostered an interpretation of the subsidiarity principle through the Luxembourg Compromise. The Luxembourg Compromise refers to a 1966 incident wherein a national government can veto a compromise decision subject to protect it from passing by qualified

¹⁸⁴ Lázaro, "The Spanish Autonomous Communities in the EU: The Evolution from Competitive Regionalism to a Cooperative System", *The Role of the Regions in EU Governance*, pp186-188, see also Morata, Francesc, "Spanish Regions in the European Community", *The European Union and the Regions*¹⁸⁵, Barry Jones, Michael Keating (eds.), p 120.

Streinz, Rudolph, "The European Constitution after the Failure of the Constitutional Treaty",¹⁸⁶ *Springer-Verlag*, June 2008, Volume 63, Issue 2' pp 159-187, p 164.

Streinz, "The European Constitution after the Failure of the Constitutional Treaty", p 170.
¹⁸⁷¹⁸⁸ Keating, Michael, Jones, Barry, *The European Union and the Regions*, (Oxford, 1995), p12.

Van Nuffel, Piet, "The Protection of Member States' Regions Through the Subsidiarity Principle", *The Role of the Regions in EU Governance*, Carlo Panera, Alexander De Becker(eds.) , (Berlin, 2011), p 79. majority voting¹⁸⁹. This autonomous character runs contrary to the consensus finding nature of the EU but has a place within the Lisbon Treaty in the protocol of the application of the subsidiarity principle, as subsidiarity can be judged by the needs of the member states¹⁹⁰. The application of subsidiarity is judged applicable at state level when a policy decision will affect more than one state, which, in our globalised community, could arguably be almost all policy decisions from education to structural development funding. Indeed, more often than not, the subsidiarity principle in practise seems to mean that states pass the decision making buck upwards rather than down¹⁹¹.

The CoR, in spite of the setbacks it faced at the hands of the CoJ and the Lisbon Treaty amendments, continued to frame itself as Europe's subsidiarity watchdog, establishing the subsidiarity monitoring network in 2005¹⁹². This move seems to be little more than the CoR's attempt to assert itself and its interpretation of subsidiarity as the recognised guardian and form; an act made redundant by the CoR's powerlessness before the CoJ. A further element that indicates the inability of the subsidiarity principle to protect the legitimacy of sub-national government is that the CoR is not the only watchdog of subsidiarity; they share the title with Europe's national parliaments¹⁹³. Europe's national parliaments meet regularly in three separate formats: the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC), the Interparliamentary Conference for the Common Foreign and Security Policy (CSDP) and the Interparliamentary Conference on Economic and Financial Governance¹⁹⁴. They are further empowered by the 'early warning mechanism' introduced by the Lisbon Treaty that grants them a full 8 weeks preparation in order to examine proposed legislation for breaches of subsidiarity¹⁹⁵. This means that national parliaments, which have a far stronger position before the CoJ¹⁹⁶, have a full two weeks longer than the CoR to act on subsidiarity breaching legislation, nullifying the most important role left to the CoR and the only one enshrined in EU law.

¹⁸⁹ Hooghe, Liesbet, Marks, Gary, "Multi-Level Governance in the European Union", *Multi-Level Governance and European Integration*, Liesbet Hooghe and Gary Marks, (Oxford, 2001), p 18. ¹⁹⁰ "Protocol on the Application of the Principles of Subsidiarity and Proportionality", *The Lisbon Treaty*, <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/protocols-annexed-to-the-treaties/657-protocol-on-the-application-of-the-principles-of-subsidiarity-and-proportionality.html>¹⁹¹ , accessed 04/05/2018 @ 13.02.

Van Nuffel, Piet, "The Protection of Member States' Regions Through the Subsidiarity Principle" pp 60-61.

¹⁹² Ricci, Silvia, "The Role of the Regions in EU Governance", p 125.

¹⁹³ Section 4, Article 5, *The Lisbon Treaty*, <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-1-commo-n-provisions/9-article-5.html>¹⁹⁴ accessed 01/06/2018 @00:10.

Bickerton, Hodson, Puetter, "The New Intergovernmentalism: European Integration in the Post¹⁹⁵-Maastricht Era", *JCMS*, p 704.

Van Nuffel, "The Protection of Member State's Regions Through the Subsidiarity Principle", *The Role of the Regions in EU Governance*¹⁹⁶, pp 69-71.

Schwaiger, Peter, "The European Union's Committee of the Regions: A Progress Report", *Regional and Federal Studies*, p 20.

4.8 The Post-Maastricht Paradox; De Novo Bodies

Following the decades of financial uncertainty following the global recession from 2008 onwards, structural funds have become less important to the development of the EU when compared to structural or bail out funds for member states. The creation of De Novo institutions, able to respond rapidly and effectively outside of the rigorous structures of the EU have been essential in stabilizing Europe's major economies and offer bail-out funds to aid a speedy recovery¹⁹⁷. The European Commission was but an observer within these institutions, which meant that decisions of which nations were most deserving or well suited to aid were left entirely to sovereign government's and the De Novo Bodies they created¹⁹⁸. This feature of NI has pushed regionalism even further into irrelevance in a Europe that is seeking to survive and rebuild again and finding that efficiency is key for a polity seeking to respond to rapidly shifting challenges, doubly conspicuous as supranational bodies have no sought to reclaim their competencies following the beginning of economic recovery¹⁹⁹. Furthermore, the increasing use of intergovernmental agreements like the Treaty on Stability, Coordination and Governance have illustrated that there is a preference growing for the flexibility not afforded by EU treaty change in the community method²⁰⁰, another key aspect of locking sub-national authority out of the key business of the EU. Uwe Puetter has noted that another indicator of the increasing importance of the European Council has been the increased frequency of its meetings. Throughout the 1990s the council would meet on average four times a year. This would grow steadily to seven throughout the 2000s, peaking at eleven meetings in 2011; notwithstanding the ad hoc meetings of Euro group members responding to the need for short-term decisions on financial rehabilitation²⁰¹. Throughout the early years of Europe's crisis decade beginning in 2008, deliberation and consensus finding were institutionalised in the European Council²⁰².

Worryingly for the CoR and telling of the progressive shift towards and increasing relevance of NI, the European Commission and the European Council seem to be moving ever-closer, spurred on by through the

¹⁹⁷ Howarth, David, Quaglia, Lucia, "The New Intergovernmentalism in Financial Regulation and European Banking Union", *The New Intergovernmentalism: States and Supranational Actors in the Post Maastricht Era*¹⁹⁸, Christopher J. Bickerton, Dermot Hodson, Uwe Puetter (eds.)(Oxford, 2015), p162.

Bickerton, Hodson, Puetter, "The New Intergovernmentalism and the study of European Integration", *The New Intergovernmentalism*¹⁹⁹, p 11.

Howarth, David, Quaglia, Lucia, "The New Intergovernmentalism in Financial Regulation and European Banking Union" ²⁰⁰ *The New Intergovernmentalism*, p 147.

Howarth, Quaglia, "The New Intergovernmentalism in Financial Regulation and European Banking Union", p 162.

²⁰¹ Puetter, Uwe, "The European Council- The Centre of New Intergovernmentalism", *The New Intergovernmentalism*²⁰², p 168.

Ibid., p 167.

successes of Europe's member states and intergovernmental structures in dealing with the many crises Europe has faced since the collapse of Lehman Brothers in 2008. Commission president Jean-Claude Juncker has expressed a clear interest in speeches²⁰³ of merging the two offices. Currently, the offices of the president of the commission and council are very well integrated, and the presidents have been meeting weekly²⁰⁴. There has been a concerted move to the centre by national leaders such as Angela Merkel who have called for greater cooperation amongst Europe's nations and towards the commission²⁰⁵. In the wake of the British exit from the union, the EU seems to be regaining lost international legitimacy, consolidating its relationship with its member states and presenting itself confidently to the world by showing its preference for deliberation and consensus forming²⁰⁶. Overall, this shift represents the fruition of NI and a desire to move away from traditional forms of integration²⁰⁷. The very existence of the CoR is a hallmark leftover of traditional integration an attempt to pierce the politics of the EU, to penetrate past the national level and interact with European citizens²⁰⁸. The CoR has failed to meet its potential, this much has been made clear by its failure to advocate effectively for Catalonia, one of Europe's most powerful and influential regions.

4.9 Conclusion: The Hypotheses of New Intergovernmentalism

The hypotheses of NI are particularly applicable for understanding the effects of integration on Europe's regions, as well as examining the actions of Spain and Catalonia, as previously discussed. Hypothesis one, that deliberation and consensus finding are shaping decision making in the EU illustrates how the positive relations between Europe's "member states" has become of prime importance in shaping the priorities of EU governance. This cooperative relationship has been institutionalised over more than a decade of crisis response by the European Council and Council of Europe²⁰⁹. Hypothesis two and three are most clearly validated in reference to examining the CoR and the actions of the rest of the EU. Hypothesis two, that

suggests that supranational institutions are not hard wired to pursue ever more power, has been the conceit that has seen Europe's regional

²⁰³ Juncker, Jean-Claude, *State of the Union Address, Brussels*, 13 September 2017, http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm²⁰⁴, accessed 04/01/2018@

21:08 Puetter, "The European Council- The Centre of New Intergovernmentalism", *The New Intergovernmentalism*²⁰⁵, p 175.

Puetter, Uwe, 3.2 "The New Intergovernmentalism- The Next Phase in European Integration", *Key Controversies in European Integration*²⁰⁶, (London, 2016), pp 59-60.

Bickerton, Hodson, Puetter, "The New Intergovernmentalism: European Integration in the Post²⁰⁷-Maastricht Era", *JCMS*, p 711.

Bickerton, Hodson, Puetter, " The New Intergovernmentalism and the Study of European Integration", *The New Intergovernmentalism*²⁰⁸, p 3.

Hooghe, Liesbet, "Reconciling EU-Wide Policy and National Diversity", *Cohesion Building*, p 5.

²⁰⁹ Puetter, "The European Council- The Centre of New Intergovernmentalism", *The New Intergovernmentalism: States and Supranational Actors in the Post Maastricht Era*, p167.

level left without significant support, as the European Commission and parliament, its erstwhile champions⁷⁴ appear willing to work closely with Europe's member states. The NI assert that supranational institutions have become more circumspect in their pursuit of ever closer union, willing to compromise and adapt to achieve it⁷⁵. Part of this adaptation has been an acceptance of the growing importance of De Novo Bodies. In the wake of the global financial crisis and Europe's decade of recovery, regions can claim even less control over the application of funds to their coffers. De novo financial control mechanisms focus on the survival of Europe's member states and the reshaping of Europe's economy²¹², as opposed to strengthening its local government. Europe's nation states have proven themselves invaluable actors when responding to crises, their most valuable responses have been realised through the cooperative frameworks and good relations fostered by EU integration up until this point. Europe's current case of *landesblindheit* has been prompted, as has its adherence to NI, by a need to respond to transnational global threats and instabilities. The cautious attitude of the CoR as well the unwillingness of the EU to confront the contradictions that have accumulated in regard to its regional policy are symptomatic of hypothesis six: that the EU is in a state of disequilibrium.

⁷⁴ 21.5, *Minutes of Proceedings of the Sitting of Wednesday, 13 March 1996*(96/C 96/03), accessed https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1996_096_R_0060_01&from=EN 10/06/2018 @02:32, p 28.

⁷⁵ Bickerton, Hodson, Puetter, " The New Intergovernmentalism and the Study of European Integration", *The New Intergovernmentalism, States and Supranational Actors in the Post-Maastricht Era*, ²¹² p 39.

Howarth, Quaglia, "The New Intergovernmentalism in Financial Regulation and European Banking Union", *The New Intergovernmentalism*, p 162.

This instability has always been a pressing factor on EU policy making, and this chapter has examined the need to regularly update the treaties of the EU in order to govern while reforming in real time. The end result of both the Treaty of Maastricht and Lisbon Treaties, when combined with the reforms necessary to buoy the EU through its crisis years, have resulted in an EU where almost all of its institutions are jostling to consolidate themselves around New Intergovernmentalist principles.

Chapter 5: Conclusion

The path of European integration has of late been one in which the EU has unified and strengthened itself in order to face its mounting challenges. A major factor of this new strength comes from the fact that the nation states have re-invested in the European project, improving the efficacy and international prestige of the EU in an era where Europe is at risk. The unfortunate, and to a large extent overlooked consequence of contemporary integration, defined by NI theory as the post-maastricht paradox,²¹³ is that the sub-national aspect of European politics, which at one time seemed to have the potential to overtake sovereign nations as they key political units in the European Union, are at a nadir of representation and influence in EU policy making. The reversal of the fate of the regions in EU politics is symptomatic of the experimental and reactive nature of the EU. The EU has regularly shown itself as adept at responding to crisis or criticism with tangible change²¹⁴; critiques of a democratic deficit at the heart of the project encouraged the mobilisation of the regions in the first place. As the political climate has shifted and the EU has proved its utility as integration has progressed, these concerns have dropped to the wayside as crises that threaten the survival of the project mounted. As attention withdrew from the issue of Europe's democratic deficit, so too did it draw from the sub-national layer of European politics, before it was fully formed. In this way, Catalonia, and all of Europe's established sub-national authorities seem destined to languish at the periphery of European policy, unless the Catalan crisis proves salient enough to expose their plight.

Catalonia's bid for independence was unlikely to succeed in October 2017, and the rashness of its actions was apparent to all. It is reasonable to anticipate that the central Spanish government would not entertain Catalonia's request for succession, as the region had no leverage. There was no likelihood of broad international support, no powerful regional lobby within the EU, and no benefit to Spain of giving up one of its most wealthy, modern and influential territories. These factors make the brutality shown by the central government on 1st October, the suppression of the government of the elections, and the heavy handed imposition of the authority of the constitutional court over the regions autonomy in 2010 and before all the

more ruthless. They are no excuse for Europe's nations or the EU itself to stay silent in the face of such bold oppression of the rights of fellow Europeans and European citizens. Silence was maintained because of the cost of breaking it; disunity, both amongst member states and in the EU as a whole. The current functionality of the EU relies on the close cooperation of the member states, they rely on horizontal authority, that is the support and legitimization of fellow member states more than ever²¹⁵. In an EU that is seeking greater cohesion, greater cooperation and problem solving, there is no place for a newcomer even if they embody European ideals and celebrate the European project. In the integration process, regions have no place. They were nominally given function in the EU, in the years where, in neofunctionalist fashion, supranational bodies were gathering more influence²¹⁶ and

^{213,214}Bickerton, Hodson, Puetter, "Preface", *The New Intergovernmentalism*, pp vii-viii.

Zielonka, Jan, " 1.2 The Rise and Fall of the EU". *Key Controversies in European Integration*, (London, 2017), p 65.

²¹⁵ Bickerton, "A Union of Member States: State Transformation and the New Intergovernmentalism", *The New Intergovernmentalism*²¹⁶, pp 52-54.

Haas, Ernst B. *The Uniting of Europe: Political, Social and Economic Forces 1950-1957*, (Stanford, 1958,1968), p 10.

seeking some way to indicate that EU policies were connected to local government. As the EU ages, however, it moves on from its beginnings and forges a new identity for itself, where regional government has no place.

MLG and NI are both theories with many useful tools that allow a student of contemporary European politics to analyse the strengths, weaknesses and future direction of the EU. There has been little to no examination of how these viewpoints overlap, in spite of the fact that they borrow many key concepts from one another. MLG was revolutionary in its scope, imagining a completely new form of transnational government, but it cannot approach the proven utility of NI. Europe's response to its decade of crisis has resulted in an increasingly outward facing, internationally influential union. This has, however, come at the cost of its humanitarian and normative obligations²¹⁷. The brutality meted out against Catalonia and its citizens in October of 2017 and the failure by any major organ of the EU to respond sympathetically has revealed that, much like the structural frailty of the Spanish autonomous communities, the position of the region in European politics has been slowly and quietly degraded since the creation of the CoR in 1993.

²¹⁷European Commission, *Communication from the Commission to the European Parliament, The Council, The Economic and Social Committee and the Committee of the Regions: A Credible Enlargement Perspective for an Enhanced EU Engagement with the Western Balkans*, (Strasbourg, 2018), https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf accessed 16/2/2018 @12.03, p 2.

See Also:

EEAS, *Shared Vision , Common Action: A Stronger Europe: A Global Strategy for the European Union's Foreign and Security Policy*, (2016), http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf accessed 08/12/2017 @17.34, p8-15.

Appendix I: Bibliography

Primary

- 126th Plenary Session of the European Committee of the Regions, Thursday 30th November and Friday 1st December 2017, Item 2- Appendix 5; Minutes of the 125th Plenary session of the CoR, Debate on Catalonia, Brussels 30th October 2017.
- 21.5 , Minutes of Proceedings of the Sitting of Wednesday, 13 March 1996(96/C 96/03), accessed https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1996_096_R_0060_01&from=EN 10/06/2018 @ 02:32.
- Amezaga, Mikel Irujo, Transcript Skype call Mikel Irujo Amezaga 13/04/2018, Appendix II.
- Article 8, Section 1 , Chapter 2, Single European act, (Luxembourg, 1986), accessed 30/05/2018 http://eur-lex.europa.eu/resource.html?uri=cellar:a519205f-924a-4978-96a2-b9af8a598b85.0004.02/DOC_1&format=PDF @ 13:42.
- Item 2- Appendix 5; Minutes of the 125th Plenary Session of the European Committee of the Regions, Debate on Catalonia, 126th Plenary Session of the Committee of the Regions, Thursday 30 November, Friday 1st December 2017. (Brussels, 30 October 2017), Appendix III.
- European Union, Treaty on European Union (Consolidated Version), Treaty of Maastricht , 7 February 1992, Official Journal of the European Communities C 325/5; 24 December 2002 accessed

- https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf, 12/06/2018 @ 12:30.
European Union, Treaty of Nice, Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, 11 December 2000, Official Journal C 80 of 10 March 2001; 2001/C 80/01 accessed <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12001C%2FTXT> 18/04/2018, @ 16:08.
- European Union: Council of the European Union, Treaty of Amsterdam Amending the Treaty on European Union, The Treaties Establishing the European Communities and Related Acts, 10 November 1997 , accessed <http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf> 07/06/2018 @ 11:04.
- Treaty of European Treaty of Lisbon, Article 5, Section 3., <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-1-common-provisions/9-article-5.html> accessed 17/03/2018 @ 18:04.
- Treaty of Lisbon, ‘ Protocol on the Application of the Principles of Subsidiarity and Proportionality’, Article 8, <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/protocols-annexed-to-the-treaties/657-protocol-on-the-application-of-the-principles-of-subsidiarity-and-proportionality.html> accessed 18/03/2018 @15:08.
- Treaty of Lisbon, “Protocol on the Application of the Principles of Subsidiarity and Proportionality”, <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/protocols-annexed-to-the-treaties/657-protocol-on-the-application-of-the-principles-of-subsidiarity-and-proportionality.html>, accessed 04/05/2018 @ 13:02.
- Treaty of Lisbon, Section 4, Article 5, <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-1-common-provisions/9-article-5.html> accessed 01/06/2018 @00:10.
- Commission Staff Working Document on the Application of the EU Charter of Fundamental Rights in 2016. Accompanying the document: Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions (Brussels, 2016).
- Committee of the Regions, Opinion on the annual report on the cohesion financial instrument 1993/1994 (96/C 100/27), 02/04/1996, Official Journal of the European Union, accessed <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51995AR0305&from=EN> 12/05/2018 @ 22:10.
- European Commission, Communication from the Commission to the European Parliament, The Council, The Economic and Social Committee and the Committee of the Regions: A Credible Enlargement Perspective for an Enhanced EU Engagement with the Western Balkans,(Strasbourg, 2018), https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf accessed 16/2/2018 @12:03.
- Committee of the Regions, Preliminary Remark, “Opinion on the 'Structural Funds innovatory measures 1995-1999 — Guidelines for the second series of actions under Article 10 of the ERDF Regulation' ”(96/C

-
-
- 100/25), 02/04/1996, Official Journal of the European Union, accessed <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51995IR0303&from=EN> 12/06/2018 @23:03.
Delebarre, Michel, Van Den Brande, Luc, The Committee of the Regions White Paper on Multilevel Governance, Committee of the Regions, 17 June 2009, Brussels, accessed http://aer-www.ameos.net/fileadmin/user_upload/MainIssues/Governance/CoR_Consultation_Whitebook_on_Multilevel_Governance/EN_CoR_Whitebook_on_Multilevel_Governance.pdf 13/06/2018 @17:36.
- ‘Shared Vision, Common Action: A Stronger Europe’, A Global Strategy for the European Union’s Foreign and Security Policy’, *European External Action Service*, June 2016, https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf accessed 19/12/2017 @11.25.
- Human Rights Watch, ‘Spain: Police Used Excessive Force in Catalonia’, <https://www.hrw.org/news/2017/10/12/spain-police-used-excessive-force-catalonia> accessed 30/06.2018 @ 23:35.
- Press Release, European Council, ‘Defence cooperation: Council establishes Permanent Structured Cooperation (PESCO), with 25 member states participating’, 11/12/2017 <http://www.consilium.europa.eu/en/press/press-releases/2017/12/11/defence-cooperation-pesco-25-member-states-participating/> accessed 17/03/2018 @ 22:02.
- Judgement 7, 8 and Declaration 1, Constitutional Court Judgment No. 31/2010, of June 28 (Unofficial translation), (Madrid, 2010), accessed 30/05/2018 <https://www.tribunalconstitucional.es/ResolucionesTraducidas/31-2010,%20of%20June%2028.pdf> @ 17:52.
- Juncker, Jean-Claude, *State of the Union Address, Brussels*, 13 September 2017, http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm , accessed 04/01/2018@ 21:08.
- Manzella, Gian Pado, The Turning Points of EU Cohesion Policy, Working Paper of Gian Pado Manzella, European Investment Bank, Luxembourg, Carlos Mendez, European Policies Research centre, (University of Strathclyde, 2009), ec.europa.eu/regional_policy/archive/policy/future/pdf/8_manzella_final_formatted.pdf accessed 10/04/2018 @ 16:04.
- OECD, Redefining Territories; The Functional Regions, (OECD, 2002).
- Puigdemont, Carles, ‘Catalonia Won’t be Silenced’, *Politico*, 10 January 2018, <https://www.politico.eu/article/carles-puigdemont-catalonia-wont-be-silenced-independence-spanish-governments-election/> accessed 30/05/2018 @ 22:48.
- Pujol I Soley, Jordi, ‘Opinion on the revision of the Treaty on European Union and of the Treaty establishing the European Community’, Committee of the Regions, (96/C 100/01) , Official Journal of the European Union, 02/04/1996.

-
- Tusk, Donald, Address by President Donald Tusk to the European Committee of the Regions, 10/10/2017, <http://www.consilium.europa.eu/en/press/press-releases/2017/10/10/tusk-committee-regions/> accessed 25/03/2018 @ 22:00.
Tusk, Donald, Op-ed by President Donald Tusk: "In a changing world, Asia and Europe need to deepen ties", 13/11/2017, accessed 25/03/2018 @ 22:11.
Tilindyte, Laura, "Regional Participation in EU decision-making; Role in the Legislature and Subsidiarity Monitoring", European Parliament, European Parliamentary Research Service, April 2016.
- UNSPECIFIED (1987) The regions of the enlarged Community. Third periodic report on the social and economic situation and development of the regions of the Community. [EU Commission - Working Document], Official Journal of the European Union.
- UNSPECIFIED (1994) Fifth periodic report on the social and economic situation and development of the regions. COM (94) 322 final, Brussels, 19 July 1994. [EU Commission - COM Document], Official Journal of the European Union.

Media

- Calamur, Krishnadev, "The Spanish Court Decision That Sparked the Modern Catalan Independence Movement", The Atlantic, 1st October 2017, accessed <https://www.theatlantic.com/international/archive/2017/10/catalonia-referendum/541611/> 30/05/2018 @16:37.
- "Catalan protesters rally for greater autonomy in Spain", BBC, 10 July 2010, accessed 30/05/2018 <http://www.bbc.com/news/10588494> @ 17:56.
- "A Nationality, Not a Nation", The Economist, 1st July 2010, <https://www.economist-com.proxy.library.uu.nl/node/16490065> accessed 30/05/2018 @ 16:42.
- Erlanger, Steven, "For E.U., Catalonia Pits Democratic Rights Against Sovereignty", The New York Times, 2 October 2017, <https://www.nytimes.com/2017/10/02/world/europe/catalonia-independence-referendum-eu.html> accessed 30/05/2018 @22:27.
- Pericay, Gaspar, "The Spanish Constitutional Court shortens the current Catalan Statute of Autonomy", Catalan News, 29 June 2010, accessed 30/05/2018 <http://www.catalannews.com/politics/item/the-spanish-constitutional-court-shortens-the-current-catalan-statute-of-autonomy> @17:59.
- M.R., "Why the referendum on Catalan independence is illegal", The Economist, <https://www.economist.com/the-economist-explains/2017/09/26/why-the-referendum-on-catalan-independence-is-illegal> accessed 30/05/2018 @ 22:07.

-
-
- Henley, Jon, Mason, Rowena, "Catalonia Referendum: Muted Response From EU Leaders over Police Crackdown", The Guardian, 1st October 2017, accessed 12/03/2018
<https://www.theguardian.com/world/2017/oct/01/catalan-referendum-eu-leaders-remain-muted-over-police-crackdown>, @ 11:19 .

- Jones, Sam, "Spain to deploy police to prevent Catalan independence vote", The Guardian, 26th September 2017, accessed <https://www.theguardian.com/world/2017/sep/26/spain-deploys-police-to-prevent-catalan-independence-votecatalonia> 07/04/2018 @ 15:45.
- Reality Check, "Catalonia: Did voters face worst police violence ever seen in the EU?", BBC News, accessed 30/05/2018, <http://www.bbc.com/news/world-europe-41677911> @ 20:56.
- Smyth, Patrick, "Catalan Vote was not Legal, Says European Commission", The Irish Times, 2 October 2017, accessed <https://www.irishtimes.com/news/world/europe/catalan-vote-was-not-legal-says-european-commission-1.3240949> 14/01/2018 @ 22:04.
- Zalan, Eszter, "EU Stays Mute on Catalonia", EU Observer <https://euobserver.com/political/139230> accessed 30/05/2018 @ 20:04.

Secondary

- Anderson, James, Goodman, James "Regions, States and the European Union: Modernist Reaction or Postmodern Adaptation?", *Review of International Political Economy*, Vol 2., No. 4, (Autumn, 1995), pp 600-631.
- Balfour, Sebastian, *The Politics of Contemporary Spain*, ed. Sebastian Balfour, (London, 2005).
- Bickerton, Christopher J., Hodson, Dermot, Puetter Uwe, "The New Intergovernmentalism: European Integration in the Post-Maastricht Era", *Journal of Common Market Studies*, 30 September 2014, <http://onlinelibrary.wiley.com/doi/10.1111/jcms.12212/full> accessed 24/01/2018 @ 19:22.
- Bickerton, Christopher J., Hodson, Dermot, Puetter, Uwe, *The New Intergovernmentalism: States and Supranational Actors in the Post Maastricht Era*, (eds.) Christopher J. Bickerton, Dermot Hodson, Uwe Puetter, (Oxford, 2015).
- Brunazza, Marco, Domorenak, Ekatarina, "New Members in Old Institutions: The Impact of Enlargement on the Committee of the Regions", *Regional and Federal Studies*, Vol 18, 2008, Issue 4, pp429-448.
- Borzel, Tanja A., "Researching the EU(Studies) into Demise", *Journal of European Public Policy*, 25;3, pp 475-485.
- Caiani, Manuela, "Nationalism, Populism and the Rebirth of Statehood in Europe", Andreas Grimmel (ed.), *The Crisis of the European Union: Challenges, Analysis, Solutions*, (London, 2018).
- Casanas-Adam, Elisenda, "The 2017 Catalan Independence Referendum: A Symposium", With Daniel Cetrá and Mariola Tárrega, *Scottish Affairs*, 27.1(2018), pp 126-143.
- Christiansen, Thomas, "Second Thoughts on Europe's "Third Level": The European Union's Committee of the Regions", *Publius*, Vol 26, No 1. (Winter,1996), pp 93-116.

- Cetrá, Daniel, Lineira, Robert, 'The Independence Case in Comparative Perspective', *The Political Quarterly*, 86:2, pp 155-170.
- Cetrá, Daniel, *Debating Within Liberal Nationalism: The Linguistic Disputes in Catalonia and Flanders*, (University of Edinburgh, 2016).
- Dinan, Desmond, 'The EU as Efficient Polity' in Chapter 2 "How Efficient is the EU?", *Key Controversies in European Integration*, Zimmerman and Dur (eds.), (London, 2017).
- Domorenak, Ekaterina, 'The Committee of the Regions: In Search of Identity', *Regional and Federal Studies*, Vol. 19, 2009- Issues 1, pp143-163.
- Dowling, Andrew, 'Convergència; Unió, Catalonia and the New Catalanism', *The Politics of Contemporary Spain*, Sebastian Balfour(ed.), (London Routledge,2005).
- Evans, Andrew, "Regional Dimensions to European Governance", *The International and Comparative Law Quarterly*, Vol 52, No 1., (Jan 2003) pp 21-51.
- Gualtieri, Thomas, "Europe's Leaders Rally Behind Spain Over Catalan Independence", *Bloomberg*, 27 October 2017, <https://www.bloomberg.com/news/articles/2017-10-27/europe-s-leaders-rally-behind-spain-over-catalan-independence> accessed 18/03/2018 @16.23.
- Hooghe, Liesbet, "Building a Europe with the Regions: The Changing role of the European Commission", *Cohesion Policy and European Integration: Building Multi-Level Governance*, (eds.) Liesbet Hooghe, Gary Marks, (Oxford, 1996)
- Jones, Sam, Burgen, Stephen, "Catalan referendum: 'Police threw us aside ... and more vanloads arrived' ", *The Guardian*, 1 Oct 2017, <https://www.theguardian.com/world/2017/oct/01/police-started-throwing-us-aside-more-and-more-vanloads-arrived> accessed 18/03/2018 @ 16:18.
- Junco, José Álvarez, "Los Nacionalismos en la España Contemporánea", *Catharum, Revista de Ciencias Sociales y Humanidades del Instituto de Estudios Hispánicos de Canarias*, no 14, 2015.
- Keating, Michael, 'Europeanism and Regionalism', In Jones and Keating (eds.), *The European Union and the Regions*, (Oxford,1995).
- Keating, Michael, "A Quarter Century of the Committee of the Regions", *Regional and Federal Studies*, Vol 18., 2008, Issue 5, pp629-635.
- Kirk, Lisbeth, "Catalonia shows that 'Europe of the Regions' is Dead", *EU Observer*, Jan 24 2018, <https://euobserver.com/news/140666> accessed 10/02/2018 @ 12:36.
- Krasner, Stephen, *Sovereignty; Organised Hypocrisy*, (Princeton, 2001).
- Manners, Ian, 'Normative Power Europe, A Contradiction in Terms?', *Journal of Common Market Studies*, Volume 40, Issue 2, June 2002, pp 235-258, <http://onlinelibrary.wiley.com.proxy.library.uu.nl/doi/10.1111.1468-5965.00353/ful> accessed 10/01/2017@ 16.12, pp 235-236.

- Mendez, Carlos, "The Turning Points of EU Cohesion Policy", Report Working Paper of Gian Paolo Manzella, European Investment Bank Luxembourg, European Policies Research Centre, University of Strathclyde, January 2009, accessed ec.europa.eu/regional_policy/archive/policy/Future/pdf/8_manzella_Final-Formatted.pdf. 10/04/2018 @ 16:54.
- Morata, Francesc, 'Spanish Regions in the European Community', Keating and Jones(eds.), *The European Union and the Regions*, (Oxford, 1995).
- Moravcsik, Andrew, "Taking Preferences Seriously : A Liberal Theory of International Politics", *International Organization*, 51, 4, Autumn 1997, pp. 513–553.
- Pierson, Paul, "The Path to European Integration: A Historical Institutional Analysis", *Comparative Political Studies*, 29(1996).
- Robledo, Augustín Ruiz, "Spanish Autonomous Communities and EU Policies" , *Centro Studi del Federalismo- Perspectives on Federalism*, Vol 5, Issue 2, 2013.
- Sweet, Alec Stone and Sandholtz, Wayne, "European Integration and Supranational Governance" (1997). Faculty Scholarship Series. 87, Yale Law School Legal Scholarship Repository, pp 297-317, accessed http://digitalcommons.law.yale.edu/fss_papers/87 14/06/2018 @ 10:43.
- Seixas, Jose Manoel Nunes, *Historiographical Approaches to Nationalism in Spain*, (Saarbrucken/Fort Lauderdale, 1993).
- Sicurelli, Daniella, "The EU is a Normative Power in World Politics", Chapter 12 "Does the EU Act as a Normative Power", *Key Controversies in European Integration*, Zimmerman and Dur (eds.), (London, 2017).
- Streinz, Rudolph, "The European Constitution after the Failure of the Constitutional Treaty", Springer-Verlag, June 2008, Volume 63, Issue 2, pp 159-187.
- Nunes Seixas, Xosé Manoel, *Historiographical Approaches to Nationalism in Spain*, (Saarbrucken/Fort Lauderdale, 1993).
- Seixas, José Manoel Nunes, "From National-Catholic Nostalgia to constitutional Patriotism, Conservative Spanish Nationalism since the 1990's", *The Politics of Contemporary Spain*, Sebastian Balfour(ed), (London, 2005).
- Zielonka, Jan, " 1.2 The Rise and Fall of the EU". *Key Controversies in European Integration*, (London, 2017).

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Appendix II-Transcript Skype call Mikel Irujo Amezaga 13/04/2018

MA- Mikel Irujo Amezaga- Interviewee, (Alternate) Member, Delegation of Navarre , Committee of the Regions.

PC- Paul Cashell- Interviewer.

MA- Mikel Irujo Amezaga- Interviewee, (Alternate) Member, Delegation of Navarre , Committee of the Regions.

PC- Paul Cashell- Interviewer.

MA: I don't know if you know , I mean I was a member of the European Parliament, I have always been involved with the European Free Alliance.

PC: Yes

MA: Do you know the party?

PC: Yes.

MA: Ok, so, even now as a member of the government of Navarre I'm involved in the Committee of the Regions in the European Alliance group. It is not exactly the same as the European Free Alliance, ok, in the Parliament.

PC: OK.

MA: It's not really the same and the perspective is a little bit different. So first of all, EU- EU and the regions. There is a big tension, and it will always be a big tension, because according to the treaties, the regions; they don't have any role. I mean, we know that. They are not mentioned in any article of the European Union as having any role. The only bodies -not even an institution- is the Committee of the Regions (CoR), that we know is just a consultative [body]. It's not binding , and so the Commission doesn't need even to show that it has read the opinions of the CoR. This is a fact, this is not to be discussed. But the second point is that the European Commission has two different hats now. So, the first one is, depending what approach you are doing to the European Commission, they will tell you that it is up to the member states. Imagine that we have an directive, a region is not really happy how their member state is not dealing with the transposition of the directive. You cannot do anything. If you go to the European Commission saying "ok , we don't agree with

this, this and this, and our region was trying to develop this and this", the Commission will answer "no". Or, "Yes, but the problem is member states, the dialogue is with the member states, so our approach is general". So you see this again is how the regions are almost nobody according to the EU law.

PC: Yeah.

MA: Not, on the other side - I mean they are a big part of the EU budget, and I'm talking about regional policy of course, but I'm also talking about innovation policy, which is taking more and more of the budget, and even on the second of May we will see what Juncker will present. But, everybody's sure that, for instance, H2020 will increase the budget, I mean with the situation with Brexit, and for these two main policy [areas], regional and innovation policy, the EU Commission needs regions. I will say most of the stakeholders that they are dealing with, are based or directly financed by regions; technology centres, universities and so on. So there is like two different hats from the European Commission. The formal one and for certain issues they will tell you that "ok sorry but our dialogue is with member states", but on the other hand they are very open when you talk about these two policies; regional and innovation policy. And in this case I can tell you that in the CoR the EU Commission is very active and they listen to us. I mean this is very general and if you want any further details or whatever you can [ask me].

PC: Sure. Well yeah I suppose on that topic, we're talking about the CoR and the cooperation between the CoR and the Commission, a lot of it seems to be based - and in the literature as well - the talk of the success of the CoR seems to be based on the application of structural funds and innovation funds. Do you feel that there is an attitude within the Commission perhaps that that is easier to deal with, as opposed to aspirations of statehood and cultural identity in the states, and does that have representation and advocacy in the CoR?

MA: Honestly, No.

PC: Yeah.

MA: I mean politically speaking, for regions the CoR , is useless. I'm very frank but that is the truth. For me, the CoR is very useful to have this dialogue with the Commission and even with the parliament in certain , especially these two policy areas that I have mentioned to you. Every single time that you have a report coming from the CoR you have the possibility and the Commission is always very open to have this dialogue to explain, so then you have your opportunity to influence in the European Commission, so in this field in the CoR, if the region knows how to use it well, it's really useful. Politically speaking it's useless. I think it's quite clear, I mean I'm sure you know that it was the initiative of the Constitutional Regions, the CALDRE in the CoR, as you can see , I mean I became a member of the CoR two years ago and it's not active anymore. I mean they are doing [nothing]. Perhaps we open different approaches , ok. Regional reality in Europe is so diverse. You have - especially in Eastern Europe, or even French [regions] - regions who don't have any constitutional power. They do have certain competences in dealings with the budget etc. . In Eastern Europe they don't even have that. They have just been created in order to fulfil the regional policy and that's it.

PC: Yeah, when they go in [to the EU], of course.

MA: But even with those member states which are more decentralized, the level ones, Germany, Belgium, Austria, UK, Italy , or Spain of course, then you really have different approaches. I mean, I will tell you about Spain. It's constitutional life it's so different. It's expectations from each region is really going to be different. If you go to Spain, I mean Madrid, for instance, if you see the history of how they work in Brussels, they do really have this approach of having an external policy, they don't have a real foreign affairs policy, a European affairs policy. They do have a directory general, of course they have a delegate in Brussels , but you will see that they are not very active.

PC: Would you say it is left to the regions to work with Europe?

MA: Yeah. In many many cases most of the autonomous communities since are ruled, the governments are the same, or if not, are in hands with, the two main political parties that are ruling Spain, the Popular Party, and Socialist Party. In certain core policies they will wait [to see] what the members, in this case Spain, are doing, and then they will react, or not. But they do not have this really will of being very active in Europe as having their own personality and policies.

PC: Sure, in the same character as France and Germany?

MA: Yeah. I'm not saying that, don't misunderstand me , that they don't care about Europe.

PC: Of course

MA: (laughter) But I mean they don't have any political approach, when they go to Brussels. So the office in Brussels is to be networking and getting information. It's not an approach of selling the region in Brussels now. And here is where you find the big difference between the Basque country and Cataluna especially. Because for obvious reasons, since the 80's, they started with a very active European affairs policy. So the first European Action plan, on the Basque government, was already adopted by the 90's, but there was a draft in the 80's , so we're talking about more than thirty years in the planning involving all the departments of the government , with a very strong budget, and so on and so on. something that you will not see in all other autonomous communities, including Navarre, including my own community.

PC: Yeah.

MA: Of course this has a political approach because the PnV [Basque Nationalist Party] was ruling and we know what happened there. When you read this, in English -if you really want to I would suggest to you to read the European action plan of the Basque Government , it's really good. There are a lot of executive summaries and so on, if you know you want to work further. If they don't answer you and you are interested I can put you in contact with them, because it's really interesting their approach.

PC: Yeah I may follow up with you on that, yeah, thank you.

MA: It's really ehm, holistic approach, of the European affairs policy. They include culture, education, of course, trading bet innovation(?), health. And they are involved in every single big network that you have at

European level, the Basque government is there. It's not only there, it's really active. But their approach is to sell the Basque country in Europe. And you have big realities like Tecnalia, which I think is the third biggest tech center in Redorno- the return of the EU Budget. So you have very big stakeholders after 35 years of this policy. You will find at European level very strong stakeholders at dealing with special innovation policy. So what I mean is that again, the CoR, yes, and once again you have regions that are very active, but politically speaking for me is useless, but is useless because there is a big tension between the expectancy of the regions in Europe. I mean in other big communities like the German Lander and most of the Spanish Autonomous communities they are not expecting any political approach, I mean they are quite happy with the way Europe is working!

PC: Of course.

MA: So it's legitimate I'm not telling. Yeah. So in 10-15 minutes it will be a very short summary of my thoughts.

The government of Navarre must tell you that it is the first time since democracy that political parties representing the Basque reality are present in the government.

PC: Yeah, Of Spain.

MA: Mhmm.

PC: To lead off of what you were saying there, what kind of - because I know that whereas the Basque country has always been very involved in incorporating itself into European structures in Brussels- I'm not sure how familiar you are, but it's just an interesting parallel how Catalonia, how much they have always been so eager to establish diplomatic ties outside of the official framework of the EU. It seems to me that there was a misunderstanding of how effective the CoR could be politically for a claim of, for the search for support or advocacy for the regions within the CoR, from Catalonia. If indeed it is more of a body that allows the regions to interact with the EU, as opposed to defend[ing] their position, or is that unfair to say?

MA: Ehm, how can I give an answer to you, I mean, The Catalan affair you really need to go into the daily life in the Spanish politics. What happened in Cataluna is very- it's not surprising, I mean, it's not surprising for me. But it's true that it's very surprising for many people. I mean ten years ago the independence movement in

Cataluna was lower than twenty percent. The only political party that was openly pro independence party was Esquerra Republicana, who was more or less 15 or even less percent of votes. It was around 8-15 percent of votes. Ok I was speaking with an Irish guy yesterday about this and there is a big difference between what happened in Ireland, not even, in Scotland, with the referendum 3 years ago, or in Spain. One, and this is the basic issue, yeah you will find it in the constitution in a certain way, is that in Spain, the unity of the State is the most important thing. You have some authors, Spanish ones, telling that Spain was made thanks to the religion. So perhaps it is a good way to understand this, I mean the unity of the State is sacred. It's a matter of faith, you see? So open dialogue is very difficult when you believe in something without... when it's a matter of faith.

PC: Yes.

MA: Yeah. You really need to understand this to understand what happened in Cataluna, and what happened in the Basque country, what has been happening in the history of Spain in the last 500 years (laughs). Because Cataluna is not the first time that this is happening.

PC: No, well I suppose it isn't because in Spain, obviously the unity, I mean it's a federal Nation that's made up of regions with varying levels of autonomy and yet the constitution is so firm in its call for unity. I suppose the impression that I seem to get is that the Catalan issue has become slightly taboo in, if not the CoR, than in the European Intergovernmental structures, because it puts Europe in an awkward position. Because to step in would be to step on the toes of a sacred tenet of, as you say - to paraphrase you - of the Spanish nation and the identity of the Spanish nation. Yet, there are structures in place, at least there were, set up in the Maastricht treaty and supposedly strengthened in the Lisbon treaty, to protect Europe's regions, and in a case like this Europe can't be seen to step in and I suppose what I'm asking you is that do you feel that there is a sort of taboo around what is happening in Catalonia? Do you think it's put the CoR, or the Spanish Government; that it's become an awkward situation to deal with politically?

MA: Sorry, just the last bit, it's becoming...?

PC: It has become an awkward position to deal with, from the position of either the CoR, the Spanish Nation, or the EU as an institutional body itself.

MA: Yeah, You see it's something that they should have known in Catalonia, when you launch a process like this, you cannot expect any support from external actors, and this is something that is repeated in every single, I mean processes that we have seen in Europe in the last years. So independence processes they have been - whether I mean, whether it was already an agreement with the state - that it's something that was really an issue, except in the UK case you see Cyprus, Malta, this is different. For them it was a different approach. The Anglo-saxon approach is totally, radically different to what we see in the continental one. I'm not surprised that nobody is kind of showing any support to this movement in Cataluna, and they cannot expect any declarations of any kind of support. Why? It's not only because Spain is a big member state and so on, it's because it's only complications. I mean, some months ago I was at a speech of the commissioner of health - he's from Lithuania, the health commissioner of the European Commission - and he was telling in that speech, littered with his background, and he was telling of how proud he was in '91, that he was a member of the Lithuanian parliament who were proclaiming independence while the Russian paratroopers were landing in the building of the parliament. And I mean, everybody was so happy to hear that. I mean it's no problem at all because it's already a member state, so it doesn't provoke any problem, any reaction, not even in Spanish or French colleague who were seated. At that time most of the members, they did not say anything. They were just waiting, what will happen in the Baltics and then we will support them or not, but depending on the reaction of Russia. You see, but even then. But once you become a member state, you are in a different club. This means that you won't find any support or you become in a different league, you are playing in a different league. So even from then you cannot expect any support, I mean in that case of Cataluna. They are now dealing with Spain directly, they are dealing directly in the Council. So our approach is so different. So everybody in Brussels should know in Cataluna that the internationalization of the process is almost

impossible. That won't happen it's one point, it's politically sensitive. This means the EU will not react on that. Unless there was some expression of violence of these police(?) charges that we saw during the referendum day. It's the only way, perhaps, in which the European Union will react. But in no way, I mean, calling for the defence of self determination right, this is something that the EU will say is an internal issue. What I mean is that not the CoR, not any of the EU institution will ever be a good institution to deal with these kind of situations.

PC: The CoR cannot?

MA:No.

PC: I mean it is interesting because it seems that, the Commission has had questions put to it as early as November I believe, early November, about the use of police by the central [Spanish] government to shut down the elections, and also prior to the elections, there was talk of repression by the police and intimidation tactics, but they haven't, so far as I am aware, and I've been trying to scan them regularly enough, any response yet from the Commission, and that does seem difficult, because it's on grounds of reasonably extreme claims to call on the EU to investigate, but so far there hasn't been any response. As you point out the CoR can't be expected to intervene on that kind of matter, because they just don't have the clout.

MA: No, because first of all it's an internal approach, but secondly, don't forget, even the majority of the CoR, the majority of the members would not be in favor of such an approach. So if there was a debate, it was really exceptional, the president, Lambertz was really criticised, did you see the debate?

PC: I have, yes, sorry, what was the date? That was...

MA: There was a debate I don't remember, I think it was in November?

PC: Yeah 16th of November? I think that's where I scanned for a lot of interviewee's from that.

MA: And it's really interesting you see the debate I mean the president, Lambertz, you must know that he got -my group, the European Alliance, was the one promoting the debate- and the pressure was enormous, in order not to do it. And we know the Spanish delegation was really upset with President Lambertz because these debates took place, because it was an internal debate.

PC: Yes.

MA: So they were saying I mean, "They don't have any debate in Scotland" for instance, "why do we need to have a debate on the Spanish situation?". But even then, I mean imagine the outcome after that debate, someone proposes a declaration, it could have been rejected, clearly.

PC: Yeah, well I mean-

MA: It was one thing that the majority of the members, do you really expect that members from the popular party of Germany or even Scandinavian countries, Italy, are going to support such a declaration, I mean it's absolutely not possible to believe.

PC: No, and I believe that Lambertz, in that meeting, if I am thinking of the correct one, I believe that he did make a statement that was along the lines of "we have to condemn any violence used, better methods should be used, but we also cannot support this election" and at the time there were debates about the legality of the referendum, so it seemed to put him in a difficult position where he had to declare that he couldn't openly support it but of course, as you say, it's not in the interest of any of those nations to come out in support of that. It is an extreme action.

MA: [unintelligible] Self determination is not recognised in any continental constitution, so what can you expect? It doesn't mean- my lecture is not that it is done, because in the last thirty years, since the Czech republic, Slovakia, Baltic states`.

PC: Kosovo.

MA: [unintelligible], Cyprus, Malta or even of course Yugoslavia, who is not the best case of course, but then you have, I mean the right of self determination has been used in the last 40 years but several member states, so it's not that it is banned but it is not recognised at all. And as, and I don't think I'm wrong, but the unity of the state is recognised in every single constitution of the continent. Not the British, but I say again their approach is totally different.

END OF TRANSCRIPT INTERVIEW

Appendix III- 126th Plenary Session of the Committee of the Regions

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