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# Independence Movements in the EU?

How Separatism Takes over and Endangers Europe as a Peace Concept 1

Separatist movements exist worldwide, often due to conflicts over power and resources. If this phenomenon also affects the European Union, all politicians should sound the alarm bells. The EU is a peace project based on an ever-closer cooperation between its members. However, regional parties, which are currently striving for independence, seek a conflict, for the central question is not whether the regions have a right to secession, but whether the EU members will recognise them as states. Since a territorial secession violates the constitutional order against the will of the nation states concerned, the circle of supporters is likely to remain small. Therefore, the separatist parties demand majority decisions from supranational bodies. In this way they want to solve another problem, namely that their regions remain in the EU as full members. The pro-European image cultivated by many separatist parties is therefore a strategic calculation for the realisation of their vision of a 'Europe of all peoples', by which they mean though ethnic and cultural units and not the national peoples of the EU. This redefinition of the concept of nation, however, endangers member states' stability and thus European integration.

Independence movements are social forces that want to separate a regional unit from a certain state territory. Scholars speak of separatism, which can have different goals. It often justifies the founding of a new state. However, it can also refer to a transitional period towards unification with a neighbouring state. It is about changing state borders and citizenships and, in the first case, also about creating a new sovereign power. Independence movements thus question all three elements that determine our present-day statehood, which are 'country, people and ruler', that is state territory, state people or nation and state power (Jelinek 1914, S. 144).

#### **Separatism and Nation-State**

Some scholars criticize Georg Jelinek's three-element doctrine, among other things because it neglects subjective factors such as national identity consciousness. Nevertheless, precisely because of its simplicity, it is still an important basis for international law today. Consequently, there is no general right to secession, as often claimed by

independence movements. In fact, the 193 member states of the United Nations (UN) decide within the international legal framework whether they recognize a new subject of international law or not. As a rule, they tend to behave cautiously out of concern that they could soon be affected by such recognition themselves. The sovereign states therefore have little interest in accepting separatist movements as legitimate representatives of a new state. Of course, this does not prevent them from supporting separatists beyond the media awareness.

Separatism is closely intertwined with the founding of our modern world of states. Most of today's European states were established in the 19th and 20th centuries by the dissolution of imperial great powers. The Habsburg Monarchy, the Russian Empire and the Ottoman Empire perished because their rulers rejected democratic developments and prevented relevant state reforms. Military defeats led to their disintegration into independent states whose nations replaced monarchs as the bearer of sovereignty. However,

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the modern concept of nation, which became important worldwide at the beginning of the 20th century can be interpreted in various ways: one model is mainly based on political values which in terms of the history of ideas go back to the French Revolution and even further. According to this, state power is legitimized through a nation of wills that gives itself a constitution and determines subordinate laws.

The second nation model pushes this voluntary belonging of citizens to their nation into the background. Instead, collective identities that are committed first and foremost to cultural values such as cultural traditions, religious affiliations or mother tongues take the centre stage. They become the decisive criterion for determining nationality. These cultural factors seem to have the advantage of being objectively measurable, for example through censuses. This thesis assumes, however, that the citizens have the same cultural identity throughout their lives due to their respective ethnic origins. Apart from the fact that this assumption is far removed from reality, it ignores that in the course of their lives people adopt, give up, change or even mix different cultural orientations. Cultural identity, like political will, is therefore an entirely subjective factor.

In contrast to the nation of will, however, which gives people the right to decide their own cultural identity and protects cultural pluralism, the model of a cultural nation tends to commit citizens to a certain identity and only then give them civil rights as nationals. This indicates an authoritarian thinking that dominated in the age of great powers and empires. At that time, a citizen was still a subject and not the sovereign of today. Monarchs regarded them as an object to justify territorial claims, not as a political subject like in democratic systems.

## Separatism and Nationalism

All separatist movements of the last 150 years have pursued the ethnic model of a nation in the sense of a cultural, linguistic or religious community. For only with this nationalistic ideology could they legitimize their demands for a territorial separation. They claimed that a population group formed a nation solely by its cultural peculiarity. Because of this ethnic difference to the rest of the population, they would have a right to self-determination. However, today's international order of states opposes this cultural pattern of interpretation of the concept of nationhood, which entangled Europe in two major world wars. Such order of states was founded in 1919 together with the League of Nations and is based on the modern

concept of the nation of will as bearer of state sovereignty. Georg Jelinek already recognized the international relevance of the nation in the sense of state people and distinguished it from the concept of society as follows:

'The state people [nation] falls within the domain of the [national] state, society does not. A large part of social interests extends far beyond the borders of each individual state, and thus every people [population] in its entirety becomes a large social group, its interests a particular interest.' (Jelinek 1914, S. 98, Translation and supplements: S.R.)

According to this, separatist movements can be described as transnational forces that demand that a [national] state give up a part of its territory and thus serve the interests of a particular social group. These particular interests can only be asserted by questioning existing constitutions, laws and international treaties.

The experiences of the 20th century show that separatism and the ideology of nationalism related to it always have an international scope as the concept of the political nation of will, which was cast into international law with the peace treaties after the First World War, soon suffered a serious and lasting setback. From the 1930s onwards, German National Socialism supported separatist movements in those European nationstates that were dissatisfied with the peace treaties of 1919/20 and which demanded border revisions in favour of ethnic minorities. The German Empire used this to subjugate the European continent and politically rearrange it. There were separatist collaborators not only in the East, e.g. in Czechoslovakia, Yugoslavia or Romania, but also in Western Europe, the Benelux states, France or the United Kingdom. Many of today's secession conflicts date back to this period or were significantly influenced by it.

#### Separatism and the European Union

Nationalism and separatism are still very close today, as the programmes of leading separatist parties in Europe show. Some of them founded the European Free Alliance, (EFA) network in 1981, which was established as a party in 2004 and recognised as such by the European Parliament. Thus, EFA is also visibly represented at supranational level and can influence European politics in this direction. It focuses its activities on 'cultural and linguistic diversity as well as nationalism, regionalism, autonomy and independence' (EFA, What's EFA and History). Only some EFA member organisations use the terms 'national' or even 'nationalist' in their names, such as the Scottish National Party (SNP, United Kingdom), the Frisian National Party (FNP, Netherlands) or the Galician Nationalist Bloc (BNG, Spain). Nevertheless, many EFA members explicitly promote nationalism such as the New Flemish Alliance (NVA, Belgium) and specify that it is 'democratic' and 'humanitarian' (N-VA, Statutes, accessed 7.1.2019). With these positive attributes, they describe their regional nationalism as 'Peoples' nationalism'. They seek to distinguish themselves from nationalistic ideologies of already existing states, which they characterize as 'state nationalism', by an inclusive approach oriented towards overcoming state borders:

'While state nationalism is inward-looking and based on exclusion, the European Free Alliance's vision of the peoples' nationalism is the opposite. It involves inclusion, respect for diversity, and bridge-building between peoples, rather than the fortification of borders between them.' (EFA, Manifesto 2019, p. 22)

In fact, EFA member organizations seek to dismantle existing state borders, but with the aim of establishing new ones in favour of their regions becoming states. In the manifesto for the elections to the European Parliament in May 2019, they propose an 'internal enlargement' of the European Union so that Scotland and Catalonia achieve their national independence within the European Union (EFA, Manifesto 2019, p. 10). This is because they face the problem that, according to the current legal situation a separation from their nation state would also lead to the loss of EU membership (see Figure 1). A reform of EU law should now ensure that the 'stateless nations' are 'incorporated' to the EU through a new political mechanism.

At this point, however, it becomes clear why so many separatist parties have embarked on a 'pro-European' course. They see in the EU supranational institutions such as the European Council, the Parliament and the Commission an important ally against their respective nation states, for as we have already seen, the real obstacle on the

© Sabine Riedel 2019 Independence or unification South means leaving the EU Separatists demand for transition Basque a special status of the EU Catalonia European Union (EU) Austria Spain Italy Belgium **United Kingdom** Great Britain and Germany Northern Ireland **Poland** Ireland Scotland Northerr Bavaria Wales Ireland Autonomy status Federal state I Model: cultural nation Model: nation of will Independence Unification / province

Figure 1: Separatism bases its new 'nations' and nation states on cultural difference

Source: Own compilation [S.R.]

road to independence is its international recognition. Here the separatists within the EU are faced with the dilemma that the member states have contractually committed themselves to loyal cooperation and mutual support (Lisbon Treaty, 2009, Art. 4). If an EU region aims for statehood, it must anticipate solidarity between EU members which is directed against its interests and reduces its chances of diplomatic recognition.

Only a new legal framework at supranational level could weaken this cohesion between the Member States. This could be, for example, a majority decision in the European Council of EU heads of state and government in favour of special regulations or special statutes for regions striving for independence. Separatist movements have already developed the corresponding strategies. They lobby through their presence in Brussels, through diplomatic representations as well as through elected representatives in the European Parliament (EZFF 2018, p. 320). Behind their pleasant 'pro-European' image, however, there is a rational calculation: they associate criticism of their nation-state with a strengthening of the EU supranational decision-making level in the hope that their demands for independence will be heard there.

About 34 separatist parties belong to EFA, which for years has formed a joint group with the European Greens (Greens/EFA, see Figure 2). Following the elections to the European Parliament in 2014, it initially had 11 representatives, with five organisations playing an active role to date. These are the two parties from Great Britain, the Scottish National Party (SNP) and the Party for Wales (PC, Plaid Cymru) with two and one members respectively. Two other parties come from Spain, the Republican Left of Catalonia (ECR) and the Galician Nationalist Bloc (BNG), also with two and one deputies respecttively. Finally, the Greens/EFA group also includes the two MEPs from Latvia's Russian Union (LKS), who see themselves as representatives of the Russian-speaking minority of the entire EU and only have an observer status in EFA.

The most influential EFA member organisation to date, i.e. the four MEPs of the Belgian New Flemish Alliance (N-VA), have now left the Greens/EFA Group. This is apparently due to differences of opinion on the Catalan question, which escalated in the autumn of 2017. Today the N-VA belongs to the third largest group of European Conservatives and Reformers (ECR), in which the governing parties from the United Kingdom and Poland set the tone. However, the vast majority of EFA's regional parties are not repre-

sented in the European Parliament. These include, for example, the German Bavaria Party, the Northern Italian South Tyrolean Freedom, the Polish Movement for the Autonomy of Silesia (RAŚ), the French-Alsatian party Our Land, the French Breton Democratic Union (UDP) and parties fro Spain such as the Valencian Nationalist Bloc, the Basque parties Aralar, Eusco Alkatarsuna and the Federation PSM-Nationality Entity from the Balearic Islands.

In addition to the Greens/EFA and ECR, the Social Democratic and Socialist factions also have separatist parties in their ranks. The four members of the Irish nationalist Sinn Féin are represented in the United European Left/Nordic Green Left (GUE/NGL). The backstop provision in the Brexit Treaty stems from their proposal to 'back' Northern Ireland after the UK's withdrawal from the EU through the EU's internal market. They regard this special status as a transitional phase towards unification with the Republic of Ireland. The Social Democratic and Labour Party (SDLP) of Northern Ireland, with its 'progressive nationalism', which also seeks unification with Ireland, is a member of the Social Democratic Party of Europe (PES).

The Conservative and Liberal factions are also giving separatists a political home in the European Parliament. The Basque National Party (EAJ/ PNV), also on an independence course, joined the European Democratic Party (EDP), which is organised in the Alliance of Liberals and Democrats for Europe (ALDE). The Democratic Union of Catalonia (UDC), which sought national independence for its region from 2012, cooperated at European level with the European People's Party (EPP) and formed the party alliance Convergence and Union (CiU) at regional level. Its successor, the Catalan European Democratic Party (PDeCAT), was represented in the liberal ALDE until its expulsion at the end of 2018. Whereas the Lega Nord (Northern League for the Independence of Padania, Italy) and the Vlaams Belang (Flemish Interests, Belgium) are part of the Europa Group of Nations and Freedom (ENF), along with the Freedom Party of Austria (FPÖ) and the French National Rally Movement.

#### Separatism and Populism

Figure 2 makes it clear that separatism can be associated with all political worldviews. For this reason, an independent profile has become necessary for separatist parties. In order to stand out from competitors, EFA member organisations emphasise their 'pro-European' orientation:

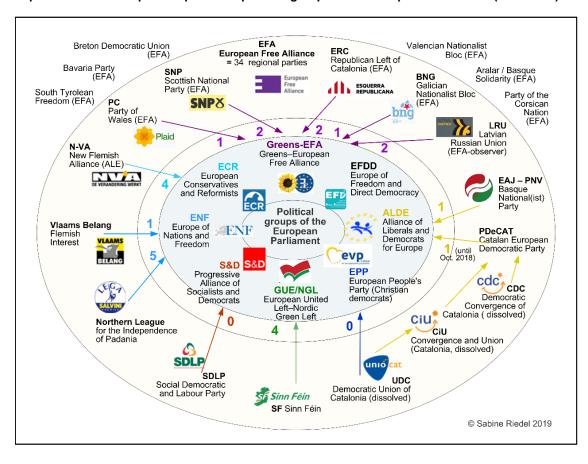
'EFA would like to build a resolutely social Europe, a welcoming Europe, a Europe that is prosperous for every one of its citizen and that respects its own plurality. Euroscepticism and/ or anti-EU populism do not bring solutions. Europe must invest more in its communities by empowering the social fabric and building ties between people. An inclusive approach that welcomes new citizens is essential to strengthening our sense of identity and community.' (EFA, Manifesto 2019, p. 8)

They label their political opponents, who do not share their vision of Europe, as 'sceptics', as 'anti-Europeans' and even as 'populists'. Yet their manifesto for the elections to the European Parliament in 2019 bears the term 'people' (see Latin 'populus') in 'Building a Europe of all peoples'. The network of separatist parties EFA strives for a europeanization that wants to turn the EU into more states rather than fewer. Thus, no European state in the sense of the three-element doctrine is to emerge that has *one* state territory, *one* state

people and one state power. The constitution of a European state in in the sense of a political unity of territory, people and power, contradicts its model of a 'Europe of all peoples' according to the ethnic-cultural understanding of peoples.

The EFA network is thus not opposed to those parties which, in its opinion, represent 'state nationalism' and argue in a populist way, as they share the same ethnic-cultural concept of a nation. Rather, its actual opponents are those parties that adhere to the concept of the political nation of will based on the unity of state territory. state people and state power and thus on principles accepted under international law. Thus, EFA's separatists reject not only the idea of Europe becoming a state, but also the concept of a 'Europe of the Fatherlands' and consequently the two trend-setting visions of European integration. What then is 'pro-European' according to their understanding of Europe? It is reasonable to assume that EFA uses this image in a populist way and thus falls back on the political style of its supposed opponents.

Figure 2:
Representatives of separatist parties in political groups of the European Parliament (2014-2019)



Source: Own compilation [S.R.]

Despite their nebulous concept of a 'Europe of all peoples', separatist parties exert influence on almost all factions of the European Parliament. An example of this is not only the cooperation between the Greens and the EFA in a joint parliamentary group. Similar to the German party Alliance 90/The Greens, also The Left positions itself against 'right-wing populism in Europe' with 'leftwing strategies' (Rosa Luxemburg Foundation, May 2015), but has parties in its ranks in the European Parliament that describe themselves as nationalist. This refers to Sinn Féin, whose MEP Martina Anderson summarises her programme in the sentence: 'Irish nationalism is progressive, forward-looking and inclusive' (Sinn Féin, 5.6.2018. By 'inclusive' she means an expansionist foreign policy of the Republic of Ireland that claims for United Kingdom's Northern Ireland.

## **Separatism and Democracy**

By questioning all three constitutive elements of an existing state, namely state territory, state people and state power, separatist movements also shakes the political system. They even declare war on democracies, although this form of state offers far-reaching participation rights. In the 1980s, many EU member states underwent a decentralization process that strengthened the self-government rights of municipalities and regions. The Committee of the Regions (CoR) was founded in 1994, even before EU enlargement to the East, in order to give these decentralised administrative structures more powers at the supranational level, too, according to the principle of subsidiarity.

All regional parties benefit from this democratization because they have since then been represented more strongly in the regional and national parliaments and in the European Parliament through special regulations and minority quotas. However, those organizations that are now aiming for independence are using such progress in regionalization to misuse it in favour of their separatist goals, stirring up constant dissatisfaction with regional self-government and uncompromisingly demanding independence. They reject a further expansion of their autonomy statute (e.g. for Catalonia, the Basque Country, Scotland, Northern Ireland, Trentino-South Tyrol) as well as state reforms in favour of federal systems, e.g. following the example of Belgium, Austria or Germany (Riedel 2016).

With these exaggerated demands, however, separatists harm other European regions that are loyal to their state and merely demand more powers from the central government. This is because

the demand for sovereignty comes from those regions that already have a high standard of autonomy rights. Other EU member states could see this as a warning to further expanding their regional self-government. In the near future, this will slow down the process of regionalisation as an important aspect of European integration. It may come to a complete standstill if the current secession conflicts in Catalonia and Northern Ireland escalate violently.

Through their parliamentary presence, regional parties have succeeded in making a name for themselves as advocates for democratic values. They get credit for reviving referenda as instruments of direct democracy. However, such referenda must respect democratic standards and the constitutional order. In this respect, the referendum on Scotland's independence (19.9.2014), had some shortcomings. In particular, the British Prime Minister had reached an agreement with the regional government (15.10.2012) without consulting or involving parliament. As a result, more than 90 percent of the British population were excluded from a deci-sion that affected the fate of the entire country, as the Better-Together-Campaign at the time proved.

Actually, both sides, including the Scottish regional government, had promised to accept the result of the referendum, but it took less than two years for Edinburgh to demand a second referendum (BBC, 24.6.2016). Not least because of these experiences, other governments reject such referenda. The Spanish government, for example, can rely on the constitution, according to which all Spaniards would have to vote on Catalonia's separation. Since 2012, the Catalan regional government has begun to ignore these and other legal frameworks. Since then, it has passed its own legal acts in order to establish parallel state structures and thus pave the way for Catalonia's independence (EZFF 2018).

This included the holding of an independence referendum on 1.10.2017, which was however, prohibited by the Spanish Constitutional Court. In contrast to the first attempt three years earlier (10.11.2014), this time the Spanish security forces intervened. After a violent escalation, the Catalan independence movement appeared to be the victim of central state arbitrariness. These images made us forget that the regional government had disregarded both the Spanish and Catalan legal order. The law to carry out the referendum was passed in a hurry and without the participation of the parliamentary opposition. Finally, the separatists signed a declaration of independence (10 October 2017) on the basis of only 42.3 per-

cent yes votes and thus without a majority vote. These events illustrate the character of separatism: as it questions in principle all three constitutive elements of the state, territory, people and power, it even disregards democratic rules of procedure in order to achieve its goal.

#### Separatism and the dispute over money

In previous studies on the motives of separatist movements, one central theme has so far been omitted, namely that of finance. Many intra-state conflicts are resolved by a redistribution of financial resources or at least mitigated for a while. An example of this is the Basque Country. It enjoys the most autonomy rights within Spain, including tax sovereignty. When the Spanish central government temporarily suspended the Catalan Statute of Autonomy in the autumn of 2017, the Basque parliamentarians in the Spanish parliament showed solidarity with the Catalan separatists, but their support only lasted until Madrid made fiscal concessions to them during the budget negotiations.

Catalans could also be satisfied in this way, but this secession conflict reveals a much deeper phenomenon: the separatist movements do not only invoke an ethnic-cultural difference, according to which they want to arrange their new state borders. They combine their 19th-century nationalist ideology with modern economic theories. The structural change of today's economies in favour of the service sector and the financial industry plays into their hands. As the examples of the Asian or Baltic 'tiger states' show, small countries can be economically successful. This explains why demands for independence today come without exception from economically potent EU regions. They no longer want to share their wealth with other regions of their nation-state.

There may be a number of allegations, such as lack of budgetary discipline or vulnerability to corruption. However, a state secession would not be the solution to the conflict but the beginning of an economic decline for all concerned. After all, national economic areas have grown together over centuries. In the event of a secession, a dispute over money is therefore inevitable. In the autumn of 2017, the Catalan finance minister had already threatened that Catalonia would stop repaying its public debt if Madrid refused to recognise it. In order to strengthen its negotiating position, Barcelona has already sought support from foreign investors. Catalonia has been dependent on central government loans since the Spanish financial crisis in 2012. The central government had to borrow from the European Central Bank (ECB) in order to protect its economically potent regions of Catalonia and Valencia from financial collapse. As a result, all Spaniards have taken high risks for their country.

Because Spain belongs to the euro zone, all European citizens will ultimately have to bear the costs of a secession. This in turn reinforces other separatist movements. The Liberals in South Tyrol (Die Freiheitlichen), Italy, see the growing danger of Rome's indebtedness, which could lead to its withdrawal from the euro zone. This makes them all the more vocal in their demands for more fiscal self-responsibility for their region. Because Italy should have to give up the euro as a currency, South Tyroleans would prefer to remain in the euro zone, which boosts to the demands for sovereignty. Currency issues also play a background role in Brexit. The Northern Irish, Scottish and Welsh separatists hope that they will be able to leave the United Kingdom in the course of the negotiations. This makes them potential members of the euro area (see figure 3).

#### Figure 3:

# The Scottish National Party: 'An independent economy'

'In 2016 First Minister Nicola Sturgeon announced a Growth Commission to look at the issues that face Scotland's economy and the opportunities we can seize with independence. [...]

We're already among the wealthiest countries in the world – per capita our economy is as strong as France, New Zealand or Japan.

We are an energy powerhouse; we have world-leading universities; and our innovative companies export across the world. [...]

After years of Tory austerity, the UK is now amongst the most unequal countries in the developed world and earnings are still below prerecession levels. We reject this failed approach.

Scotland can follow the example of other small independent countries by successfully reducing the legacy deficit we will inherit from the UK. And the Commission has shown that we can do so while protecting spending on public services.

The Growth Commission has also set out a road map to an independent currency, using the pound for a transitional period, with a series of tests for future currency decisions. [...]

Source: Scottish National Party (SNP), A better economic future for Scotland: what you need to know', 25.5.2018 [viewed: 10.4.2019]

### Separatism: A Conflict Strategy

The example of Northern Ireland shows that separatism puts peace in Europe at risk. The parties to the conflict agreed on an autonomy for Northern Ireland in the United Kingdom with the Belfast Agreement (10.4.1998). However, the Irish nationalists see the Brexit referendum (23.6.2016) as an opportunity to unite their island. Sinn Féin has been boycotting the formation of a regional government since the end of 2016 in order to obtain a special status for Northern Ireland within the EU. The Irish government has adopted this plan despite the fact that it provokes a secession conflict that already has a violent history. Even EU negotiator Michel Barnier insists on the backstop, according to which Northern Ireland will be 'backed' by the EU's internal market if there is no contractual agreement on future border controls. In doing so, Barnier and the European Union are demanding nothing less from London than the renunciation of a part of its sovereignty rights.

As explained above, the example of Northern Ireland is a model from the separatists' point of view. This is because it is based on the concept of a state reorganization of Europe along cultural lines. But this is by no means innovative, as is often claimed. It is backward-looking because it revives a 19th-century concept of nation that involved Europe in two world wars. A political dispute with separatism, which divides existing nations of will according to cultural patterns and is trying to change their state boundaries, becomes a question of survival for the EU and Europe as a whole.

If one takes a look at secession conflicts worldwide, two challenges become clear: If the strategy of the current Catalan regional government to internationalize its struggle for independence works, other states could interfere in the internal affairs of the EU through a clever recognition policy. In addition, the concept of internal EU enlargement proposed by separatists will increase the potential for conflict within the member states. This could mean that hopes of retaining or reclaiming regions in the EU that have actually proclaimed their independence would not be fulfilled. Their fate could become that of 'failed states' and drag the entire EU into the abyss. Finally, we should remember the consequences of the collapse of the Soviet Union and Yugoslavia some 30 years ago.

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