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## **Minority Cosmopolitanism: The Catalan Independence Process, the EU, and the Framework Convention for National Minorities**

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### **Abstract**

Minorities are often seen and portrayed as unable to successfully access and navigate the global domain. This article posits the notion of minority cosmopolitanisms as a viable alternative for minorities to articulate their collective identity in the globalized era. To show how this works in the specific case of Catalonia, I investigate how the Framework Convention on National Minorities (FCNM) and the European Union (EU) have interacted with various Catalan public and governmental bodies. In discussing Catalonia, for instance, I entertain a somewhat provoking hypothesis: Catalonia's success in nearing independence might be due to the fact that it has not joined the FCNM and that Catalonia has instead chosen to develop its very own branch of minority cosmopolitanism. I begin by giving two pertinent and detailed examples from popular culture to illustrate the scope and trajectory of minority cosmopolitanism. I then trace minority cosmopolitanism through the history of the Spanish-Catalan conflict, dating back to 1714 but with a focus on the 20<sup>th</sup> and 21<sup>st</sup> centuries, when the older notion of Catalanism was gradually replaced by Independentism as a result of cosmopolitan practices. I conclude with possible lessons to be gained from Catalonia's refusal to partake in the FCNM for reconsidering its role in the changing political landscape of Europe. In addition, relations between Catalonia and the EU are also discussed. Based on the analysis of Catalan relations with the EU and the FCNM, I suggest a few measures on how such transnational bodies can respond to cosmopolitan engagements by minority groups.

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## 1. Introduction

Public sentiments towards independence in Catalonia are arguably most forcefully expressed during the *diada*. This national Catalan holiday commemorates, each September 11<sup>th</sup>, Barcelona's surrender to the Spanish and French in 1714 and the end of an independent Catalonia. On the *diada* of 2013, some demonstrators brought a banner which showed their support for independence. The banner reads, in English, 'Catalonia – the next independent state in Europe.' With their English message, independence supporters are engaging in a cosmopolitan gesture, reaching out to the world at large and making their cause known globally. This new form of cosmopolitanism, expressed by a Western European national minority, the Catalans, is the focus of this article. I am interested in pursuing the concrete character and effects of such gestures of globality, with a particular eye towards transnational institutions. Concretely, I consider the relations of Catalans to two specific transnational entities, the Framework Convention for National Minorities (FCNM) and the European Union. I also consider what effects the Catalan (non-)relations to these entities have had on Catalan public discourses about independence and how these discourses have in turn influenced Catalan efforts to engage with these entities.

The relationship between Catalonia and the FCNM is one of missed encounters and opportunities; in a sense, this relationship is defined by its lack of relation. This is surprising, given the success of the Catalan minority; a success that is unique in several aspects. Catalans, as a minority, constitute an unusual case – among other things because of their highly successful language revitalization program (cf. Strubell and Foix 2011). Catalonia is also unique in Europe for achieving near-statehood – no other region, including Scotland, has come this far (Bourne 2014). The time might indeed have come to seriously consider the possibility of Catalonia breaking away from Spain, and the text at hand investigates some transnational aspects of how Catalonia and Spain have arrived at this point of impending divorce.

In discussing Catalonia, I contribute to scholarly debates about the future of minority rights as laid down in the Framework Convention on National Minorities (FCNM). I consider the following hypothesis: Catalonia's success in nearing independence might be due to the fact that it has not joined the FCNM. What possible lessons could be learned from this refusal for reconsidering the role of the FCNM in the changing political landscape of Europe? We may think especially of the ongoing crisis in the borderlands of Russia, immigration issues in Europe, or the growth of populist movements in Western democracies and elsewhere. All of

these processes and events will impact the ways in which national minorities are perceived and treated and open or close possibilities for their own future agency.

To understand how Catalonia, specifically, is connected to these multifaceted processes, I explore some historical dimensions of the Catalan-Spanish conflict. Anderson, Hobsbawm, and others have shown extensively how minorities and nation states regularly employ history and traditions to legitimate their claims for national collectivity. History allows nation states and minorities alike to ground the longevity of the community in manifold events of a rich and, ideally, captivating and successful historical narrative (Anderson, 1991; Hobsbawm and Ranger 1983). In this reaching out into the past, Catalans, like most minorities, aim to root themselves within their own traditions, history, and territory (cf. Crameri 2014). Many Catalans reach out to further the world's understanding of their cause but Catalans are equally invested in linking their local traditions to these global activities.

In what follows, I investigate the role transnational organizations such as the EU and minority protection mechanisms like the FCNM play in this context. I first analyze a pertinent example for Catalan global-cum-local engagement. Then, in a second step, I trace the relationship between Catalans and the world-at-large by analyzing their connections at key historical moments. This allows me to draw a number of perhaps unexpected conclusions about the possible role of EU and the FCNM in cases of impending secession.

## **2. Minority Cosmopolitanisms: Linking Catalonia to the Global Domain through Popular Culture**

Today, the most prized discursive position is that of victim. This is so because victims earn the right to demand compensation from their assailant. Victims are, in other words, people who have been harmed in the past but can look forward to being recompensed in the future. In the Spanish-Catalan conflict, Catalans frequently seek to portray themselves as victims of three centuries of Spanish aggression. The Catalan government deliberately chose the date for the independence referendum to be September 11<sup>th</sup> 2014. It marked the three hundredth anniversary of the final partition of Catalonia between Spain and France in 1714 in the context of the Spanish war of succession. In this as in other instances, Catalans' discursive objective of narrating their history as one of perpetual oppression is to obtain, securely, the victim position and to thereby establish further justification for their drive towards independence. If we understand this dynamic as one of the possible ways in which groups use

history, then it makes sense to also say that Catalans today narrate their history from the perspective of the present. They narrate their history in view of their contemporary objectives. The following example illustrates particularly well how Catalans develop a discourse of collective identity by skillfully deploying temporal elements, historical facts, or dreams for the future.

*Ara es l' hora*, Catalan for ‘Now is the Time’, is a song recorded in early summer 2014, and published in July 2014 on YouTube. It is performed by the *Cor Jove de l'Orfeo Catala*, the juvenile section of the most prestigious choir in Catalonia. Jaume Ayats has slightly adapted the lyrics from the poem *Meditacio ultima* (Eng.: Final Meditation) by the Catalan writer, poet and political activist Miquel Martí i Pol (1929-2003).

The song is borrowed from the Baltic context. The Latvian composer Martins Brauns composed it in 1989 as his contribution to the independence movement of Latvia. Today, in Latvia, performances of the song are mass-events often featuring choirs with hundreds or thousands of participants. The young group of performers in the Catalan version is smaller – perhaps forty or fifty young women and men – and they are directed by Esteve Nabona, the middle-aged head of the *Jove de l'Orfeo Catala*. The location is interesting: they are placed within the dome of the El Born, a former market and now a massive excavation site where medieval remains of the city of Barcelona have been discovered. To protect it, the site is covered by a massive dome, completely enclosing it and, as confirmed by the evidence of *Ara es l' hora*, creating a magnificent visual and sound atmosphere for their performance. Here are the lyrics, translated into English:

Now, now is the time to say  
To say that the people persist  
In the houses now built  
Where there were no houses,  
In the trees that now grow  
Where there were no trees  
In the girls we now love  
And in everything that begins.  
Now, now is the time to say,  
To say that the people persist  
In all, in all, in all of us,  
In each of us,  
And in everything we have done,

And in all we wished.  
Now, now it's time to say,  
To say that the people persist  
In all, in all, in all of us,  
In each one of us,  
In the words we invent,  
And in the people we love,  
And in everything that we remember,  
In the routine of work.  
It is the people's essence,  
Indestructible.  
Now, now it's time to say  
Catalonia persists

In all, in all, in all of us,  
In each one of us.  
Now, now it's time to say,

Catalonia persists  
In all, in all, in all of us,  
In each one of us.

The whole arrangement is bound to capture the imagination of pro-independence Catalans because they are able to relate elements from the song to Catalonia, its people, or its history. The location, for instance, is suggestive because of its antiquity: the singers are actually standing within the soil, within the very earth, of Catalonia and, moreover, they are standing in an excavation that investigates Catalan culture of the early 18<sup>th</sup> century and the fall of the city to the Spanish and French troops in 1714. Could there be any better way to dress the 2014 referendum in appropriate historical garb? Opposing the choice of location as emphasizing the past of Catalonia – both tragic and heroic – is the youth of the singers. It is the youth section of the most prestigious choir that performs this song – indicating that the future, too, belongs to Catalonia or, perhaps, that Catalonia belongs to this future, pictured as bright and beautiful in the text. The contemporary aspect of *Ara es l'hora* is highlighted by the way the singers and their director are dressed: they are wearing beige and brown clothes that are of a low-key quality and appearance, not making them stand out but making them appear rather ordinary, everyday citizens. Here, the message might well be one of egalitarianism, highlighting that all Catalans are in this together, without class distinction. The quite leftist appearance of the song is further amplified by the lyrics – for instance, when the ‘work’ that is commonly done to create a persisting Catalan essence indicates a work ethic based on left or even Marxist principles of community. In the end, all these elements come together to form a strong emphasis on community, the national community of Catalans.

The song contains three very different, yet interconnected references to temporality. First, there is the emphasis on Catalonia's historical existence – always problematic for minorities who, generally, do not have access to the codified history-making machines (universities, media, governmental bodies, etc.) of established nation states. Thus, the song speaks of the houses built, the trees planted, the people loved, and everything remembered. This is complemented by the futural aspects mentioned above – the youth of the choir – to form the notion of Catalonia as persistent. Catalonia persists because its people are rooted, as a community, in past and future. A third temporal component is, then, the ‘now’ that is already contained in the title. This ‘now’ does not merely connote a moment, fleeting and passing; this is a highly urgent, pressing ‘now’ – the ‘now’ that presses us to act in this

moment because we must not miss the opportunity. We must seize this moment, this ‘now’ because there might never be another to accomplish what we desire; the song is not merely a nationalistic song, it is a call to action. In Agamben’s sense, this ‘now’ invoked here is of *kairetic* quality: it is not an element in the *chronos*, the time that passes us by steadily like a tranquil, mighty river; instead this ‘now’ is part of a *kairos*, a messianic time, where the time will come where there is no more time and the ‘now’ invoked will mark the end of this process, it will be the temporal moment to end all time (1999: 68-71). The ‘now’ invoked here is a time of urgency, of the pressing need to conclude one’s business in the face of a coming new order. In this spirit, the ‘now’ invoked here aims to mobilize Catalans to vote in the referendum in the fall. If enough Catalans can be mobilized for the cause, this referendum will mark the end of the time of waiting for the Catalan nation state to emerge; this is the time that will be ended by this ‘now’ of the hour. If one travelled to Catalonia at any point over the past decade, this urgency, this sense of ‘now’ for Catalan independence, has been ever-present. There has been a surprising level of political mobilization in Catalonia, a public mood with is captured exceptionally well in this song.

A third level of analysis concerns the question of language use. The obvious target audience for this song are Catalans. However, the song is posted with English subtitles so that it can be understood by non-Catalan speakers. The audience thus sought is not Spanish-speaking; rather, this song is posted for a global and English-speaking audience. The makers of this song and recording want the world to know about the Catalan side of the conflict and enlist supporters for it globally. The publication of the recording establishes a direct connection between the local and the global, the Catalan and the cosmopolitan perspective because the authors circumvent the interpositionality of Spanish. This recording, the song, the location, the participants, the target audience – all these elements come together, perhaps not making this song the most popular among Catalans but a perfect example for the linking up of local and global elements within some Catalans’ desire for independence. The song expresses one version of Catalan minority cosmopolitanism. The practice that this minority cosmopolitanism challenges is that of interpositionality.

Interpositionality says that there is a clear hierarchy that minorities are supposed to follow when communicating outside of their own community. Interpositionality denotes a practice in which foreigners are always addressed in the national language – in this case Spanish (Juarros-Daussa and Lanz 2009). An example for interpositionality would be, when ten Catalans are speaking Catalan but, once joined by a foreigner, they immediately switch to

Spanish, often not even checking whether the foreigner speaks Catalan. They do so because it is assumed that a foreigner, if he speaks any language they share, will speak Spanish as the national language, but not Catalan. Over the past few years, Catalans have been very successful in combating interpositionality (cf. Woolard 2013). They have broken through and established a direct access to the global sphere of communication and are in a much better position to make their case internationally than if they would have to go through the Spanish, national layer every time, distorting their message to fit the national mould. It is powerful testimony to the advanced state of the Catalan independence movement that the song is directed, in English, to the global audience of YouTube. We might even state that the circumvention of interpositionality by Catalans today is the nucleus for one of the criteria posited by the Montevideo Convention for determining the viability of nationalism: the external recognition component (cf. Malloy 2005). Such an interpretation would focus on ongoing Catalan attempts to bring the world's attention to their cause through external recognition. This point is further buttressed and reflected in the borrowing of the song itself from Latvia. It is illustrative to read the many comments on the YouTube page for the song, to gauge the reception of this borrowing. Many comments are from Latvia. While a few are criticizing Catalans for 'stealing' their song, most Latvian commentators express happiness and joy that their song has been adapted in this way and generously wish the Catalans the best of luck in their bid for independence.

Finally, the use of history in the song is indicative of the special flavor of Catalan nationalism expressed within it (Woolard, 2004). There is indeed very little mention at all of Catalonia – only two stanzas contain direct references to it. This is likely so because of the problematic demographics in Catalonia itself. As pointed out above, about 20% of the Catalan population are of Spanish immigrant background. This population would be alienated if Catalan accusations of war crimes or other forms of oppression would be invoked in such an instance (Preston 2012). Instead, the song's text is held in a very general manner and only the reference to the date could be construed as insulting to the Spanish state and its population living in Catalonia; but this reference is rather feeble and weak. In sum, the song shows how skillful Catalans have become over time in communicating and raising national sentiment within their own complex civil society. They skillfully deploy strategies of ambiguity in meaning when they claim that cosmopolitanism can *also* be part of a minority nationalism, that a minority cosmopolitanism is possible, useful, and seemingly instrumental for the

independence process today. I will now investigate how the cosmopolitan linking was handled by various different Catalan actors throughout the region's history.

### **3. The 19<sup>th</sup> Century and the Franco Era: Catalanism as a Form of Romantic Nationalism and Fascist Oppression**

One can identify, throughout the 19<sup>th</sup> century, three attitudes towards independence in Catalonia, which roughly coincide with class divisions. The poor – workers and peasantry – were largely supportive of the Catalan cause since they were often still practicing their ancient, local traditions and customs. Even today, many Catalans maintain that ‘true’ Catalans and the ‘real’ Catalonia are to be found in remote mountain villages in the Pyrenees but not in ethno-nationally and linguistically diverse Barcelona (Frekko, 2009; Woolard, 1992). The bourgeoisie, conversely, was more in support of the Spanish state. Cosmopolitan in orientation, the Catalan bourgeoisie looked towards Madrid as the center of the Spanish state for socio-economic upward mobility. The small group of wealthy Catalans, finally, remained ambiguous: depending on the political climate they threw their lot with Barcelona or Madrid.

Catalanism as an idea evolved during the era of European romantic nationalisms in the 19<sup>th</sup> century. In what came to be known as the *Renaixança*, the Catalan version of the *Renaissance*, emerging Catalanists focused on the German notion of *Volk* (English: people) and *Volksgeist* (English: ‘spirit of the people’ or ‘national character’) to develop an understanding of being different from the rest of Spain (Herder, 1968; Stocking, 1996). Fitting the times, 19<sup>th</sup> century Catalanism was a corporativist ethnic ideology, based on the bio-culture of the Catalan people (Llobera, 1983; 2004). This meant that Catalanists of the 19<sup>th</sup> century were largely championing the widespread version of nationalism at the time, its ethnic form that would only allow Catalans to be Catalan if they were of Catalan family origin. A good concrete expression of Catalan *Volksgeist* was also developed at this time: along the lines of ‘national character’ development, the Catalan writer Josep Torras i Bages (1846-1916) first spoke of *seny i rauxa* as the two states that best characterize a generic Catalan personality (Torres i Bages, 1913). *Seny* is the calm and patient consideration of facts before reaching a decision whereas *rauxa* denotes the almost instant, rash reaction to events. Both are supposed to commonly inhabit the national character of Catalans who might, depending on the situation, either take their time to deliberate or react immediately. This example is simply an expression for the ethnic (read: determinist) component in national

character studies and the timeless existence of these traits or, as Wolf has put, the existence of these traits in a timeless no-man's-land of an essential but fictional culture (cf. Wolf and Silverman, 2001). A first qualification of the essential components in this concept was indeed undertaken by one of its most powerful Catalan proponents: Torras i Bages developed the notion of *seny i rauxa* as an express counter-concept to Prat de la Riba's secular version of Catalanism. I submit, in passing, that the recent shift from Catalanism to Independentism, an issue I discuss extensively below, is a 21<sup>st</sup> century continuation of this conceptual qualification process.

By around 1900, Catalanists were openly advocating for a federalization of Spain to include a Catalonia with significant autonomy rights (Prat de la Riba 1906). This Catalanist objective was realized during the Spanish Republic, where a *de facto* Catalan independence was achieved while the region remained *de jure* within the Spanish state. Overall, Catalan participation in the European project of romantic nationalisms meant that they could also feel part of the larger projects of European enlightenment and civilization of the time. More importantly, Catalans were able to partake in these project *directly*, without the interpositional detour through Madrid.

Franco's victory during the Spanish Civil War in 1939 put a sudden and drastic end to all Catalanisms – Christian and secular alike (Hansen 1977). After the war, Franco aimed at pacifying the Catalans and promoted Spanish immigration to Catalonia from the early 1940s until the mid-70s (Climent-Ferrando, 2012). Lured by economic opportunities, Spanish immigrants were also convenient to Franco for 'diluting' the ethnically homogeneous population in Catalonia (Benet 1995). Franco's goal was to reduce Catalan sentiments of autonomy by settling more and more Spanish speakers in Catalonia. However, this has been of surprisingly limited influence on the present situation, although many children and grandchildren of Spanish immigrants do indeed still place their loyalties with the Spanish state and are, consequently, against Catalan independence. The immigration to Catalonia during Franco's time meant that Catalans had to somehow accommodate the newcomers and, crucially, also to find a place for them in the political arena. This seems to have been somewhat successful since many Spanish immigrants today support Catalan independence. The *sumate* movement under Gabriel Rufià, for instance, is an organization of Spanish immigrants and their descendants who support it ([www.sumate.cat](http://www.sumate.cat)). Their online presence gives a good indication what they stand for: they are not divisive and embrace their Spanish heritage but they also support Catalan independence. In sum, we can say that Franco's attempt

to hispanicize the Catalans through Spanish immigration was unsuccessful. In the long run it might even have accelerated the Catalan drive towards minority cosmopolitanism since at least some of the Spanish immigrants in Catalonia have let themselves be seduced by the promise of a diverse and globalized Catalan (nation) state.

#### **4. Failing National Minorities: The Spanish Constitution of 1978 and the FCNM Reporting on Spain Without Catalonia**

The 1978 Spanish constitution is a compromise between two conflicting trends in Spanish history, centralism and federalism (De la Granja et al., 2001; Fernández, García & Petithomme, 2012; Requejo, 2005; 2009a). In the late 1970s, during Spain's transition from dictatorship to democracy, the Franco faction had an interest in preserving the centralized character of the country, whereas emergent regional powers in Galicia, the Basque Country, and Catalonia were interested in federalizing the Spanish state to obtain a maximum of regional self-government (Guibernau 2004; Requejo 2009a). In late 1977, the parliament, still elected under Franco, was turned into a constitutional assembly, which then selected seven of its members to form a constitutional drafting commission. This commission came up with a draft text by October 1978, which was approved by the constitutional assembly and then put to popular vote in early December; the vote was overwhelmingly in its favor. On December 28<sup>th</sup> 1978, King Juan Carlos I. ratified the new constitution and it went into effect the day after.

We are interested, specifically, in how this constitution regulates the relationship between the central government and its regions. For these purposes, it is important to state that this constitution was, ultimately, a compromise between Francoists and democrats. This means that its many vague and unclear passages are likely worded such with intent. It should, in addition, be acknowledge that the speed of drafting this constitution did not improve its quality. Good examples for such ambiguity are the passages regulating the relationship between the regions and the central government. The passage speaking most directly to this issue, Article 2, reads:

“The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all.”

In a later section of the constitution (articles 137-158), the relationship between the state and its regions is then defined in more detail. In this instance, too, both camps aimed to design the constitution in their favor. Based on the recognition of historical difference, the categories of nationalities and regions were created and used to account for Spain's ethnic and linguistic diversity. The constitution relates these different categories in the following manner: Spain is a nation that is composed of various different nationalities; however, these diverse nationalities do not, in themselves, constitute nations or have the right to pursue their own nationalisms.

In addition to 'nation' and 'nationalities,' the category of *autonomous community* was introduced to have regional partners for the state, with which to negotiate the relationship between each region and the national government (Requejo, 2012). The creation of autonomous communities in the wake of the Franco dictatorship brought together regions with long-standing histories (the Basque Country, Catalonia, Galicia, Andalusia) and other, newly created ones, designed to give their inhabitants some sense of regional identity (e.g. Murcia). This, of course, resulted in vast differences in status and power of these communities. It is important to point out, however, that the system thus created did not, at least in the mind of its creators, constitute a federal system. Article 145, section 1 unequivocally states: "Under no circumstances shall the federation of autonomous communities be allowed." The term 'autonomous communities' is not intended to denote members of a federal system. Rather, being in the category 'autonomous communities' in Spain comes with significantly less rights than being a member of a state in a federal system. The Spanish constitution further states that each region, nationality, or autonomous community has to design its own relations with the Spanish state in distributing the shared rights and responsibilities. This has created a somewhat paradoxical situation: it is, on the one hand, impossible to define Spain as an ethno-culturally organized federal state but on the other hand we have the presence of strong national minority groups (cf. Kymlicka 1998). In 1978, the deadlock between centralists and federalists was inscribed into the Spanish constitution. Its provisions on national minorities have remained heavily underdeveloped and therefore ill-equipped to deal with the country's complex ethno-linguistic realities.

Given the 1978 constitution's shortcomings on regulating nation-region relations, we might expect the FCNM report, starting in the early 2000s, to produce plenty of material, as it has been its task to investigate precisely these relations. However, those interested will be in for a surprise. From the very first report onward, the Spanish government strictly confines

itself to discussing the Roma minority and no other minorities in Spain (Council of Europe, 2000). Indeed one finds hardly a word about Catalans, Basques, or Galicians in any of the four country reports. All four reports heavily focus on the Roma and hardly discuss national minorities in Spain. The reasons are visible in the interaction between the Advisory Committee (AC) to the FCNM and the Spanish government in the first cycle. In its country opinion, for instance, the AC states explicitly that Spain is within its full rights to choose to only speak about the Roma in its regular reports (Council of Europe, 2003, 6). Sections 21 and 22 summarize the discussions between the AC and the Spanish government on this point and throw into relief the problems the Spanish approach brings with it for the FCNM. This text is found within the discussion of application scope for the FCNM in Spain:

22. Certainly the Advisory Committee has recently taken note of the fact that the Spanish authorities do not accept any inclusion of “nationalities” of Spain in the scope of application of the Framework Convention. That being the case, in the absence of in-depth discussions with the authorities and contacts with the persons concerned, it is not possible, or even desirable, for the Advisory Committee to conclude whether it would be appropriate or inappropriate to treat these groups as national minorities. Moreover, since they are recognised as “peoples” by the Spanish Constitution, it may be that they would not wish to be designated nor treated as national minorities.

23. However, the Advisory Committee is of the opinion that, if these persons were to evince interest in the protection afforded by the Framework Convention in the context of a dialogue with the authorities, that this possibility should not be ruled out and that this protection should not be denied to them a priori. Consequently, the Advisory Committee invites the authorities to envisage consultations with the groups potentially concerned in order to discuss these matters. As linguistic boundaries do not always coincide with territorial divisions, it might be helpful also to consider as part of this dialogue, and if the parties concerned show the relevant interest, the situation of Catalans, Basques, Galicians or Valencians living in areas outside those where they are present traditionally or in large numbers, as well as Spanish speakers living in the Autonomous Communities with special linguistic status. (Council of Europe, 2003, 9-10).

The issue here is the precise definition of what constitutes a ‘national minority’ as spelled out in the documents underfeeding the FCNM and the position of the Spanish government on the issue (Council of Europe, 1995). The FCNM documents clearly state that it is the prerogative of national governments to define the application scope of the FCNM in their specific case. Yet, there was obviously discord between both parties on this issue with the Spanish government ultimately prevailing and keeping its ‘autonomous communities’ out of the FCNM framework. The AC has raised this very question again in its most recent report on Spain:

10. The Advisory Committee acknowledges that the notion of “national minority” in the sense of the Framework Convention does not exist in the Spanish legal order. [...] (Council of Europe, 2014: 6)

The AC addresses this issue for good reason:

11. The Advisory Committee has again been approached by persons belonging to organisations representing the Basque, Catalan and Galician cultures and languages, who have expressed interest in the protection offered by the Framework Convention, while at the same time observing that awareness of the Framework Convention in Spain is generally very low. Oliventine Portuguese-speakers living close to the Portuguese border have also expressed interest in benefiting from the Framework Convention’s provisions. (Council of Europe, 2014: 6)

It is helpful that the AC mentions various different minorities in Spain by name since much else of the exchange between AC and Spanish government gives the impression of a serious match of shadow boxing, where it becomes unclear which groups are talked about. Beyond this point, the AC openly mentions groups that have expressed an interest in being included with the FCNM protection regime – namely Basques, Catalans, and Galicians. However, in the following section, the AC, again, comes around to accept the Spanish position of excluding ‘autonomous communities’ from FCNM protection (Council of Europe, 2015: 7).

The quote from above is also relevant since there is soft evidence suggesting that the Catalans refused to slip under FCNM protection when they were approached in the late 1990s. Presumably, the Catalan government of the time, headed by Pujol under CiU, was already twenty years into consolidating Catalan minority status mainly through linguistic policies but also a host of other measures discussed below. In this situation, the Catalan government might possibly not have been interested in joining the FCNM since it could see no benefit: especially in its beginning, the FCNM was regarded with suspicion because it was not yet clear who would really benefit from its implementation. It is entirely conceivable that the Catalan government feared to hand its Spanish rival a new instrument to help in minoritizing the Catalans, to continue their oppression by other means. It is also conceivable that the Catalan government of the time already considered independence a possible future option and chose not to be constrained in the pursuit of this goal by having the AC monitoring process constrict their agency. While this is speculation, it is certain that the majority of Catalans did not consider independence a viable option in the late 1990s. It remains then to consider the advanced state of the autonomy process in Catalonia as the main reason why there was no interest in joining the FCNM. The repeat mentioning of national minorities by

the AC in this cycle is due to the escalation of the Spanish-Catalan conflict. However, in its reply to the AC commentary the Spanish government dismisses, for now, any possibility of extending the scope of the FCNM in Spain out of hand (Council of Europe, 2015: 5).

This underlines the underdevelopment of federalism in the 1978 constitution as a significant factor for the specific development of the Spanish-Catalan conflict. The constitution created a centralist Spanish state, which negotiates its relationship with each region individually; unsurprisingly, this has led to frequent complaints about unequal treatment by virtually all regions. In addition, the Spanish constitution and its creation of unique categories such as ‘autonomous communities’ or ‘nationalities’ that cohabit one ‘nation’ have proven detrimental to the Spanish cause in the conflict. Since they are not compatible with other international legal terms, they are frequently used – as in the case above – to shield the Spanish state from what would be clearly necessary constitutional reforms to better conform to contemporary global conditions. The Spanish state maintains the imperative of interpositionality, namely that all its national minorities always need to go through the national government for interactions with the outside world. The Spanish government retains to this day the romantic but hierarchical notion of minority-nation-world. This is regrettable for, surely, the present situation would lend itself to mediation – for example through the FCNM and related instruments (such as the ECRML). Instead, the Spanish government continues to maintain its legal position, to which it is indeed legally fully entitled. Meanwhile, many Catalans are tinkering away at creating their own version of minority cosmopolitanism: my initial examples showed how they simply circumvent the national and go directly for the global level.

In addressing the flaws of the 1978 constitution, the implementation of a functioning second chamber in the Spanish legislative, representing the regions, would be helpful because it could combat centralist tendencies in Spain as well as divisive competition for resources among the regions. Federalization would provide a viable solution for the present conflict. The regional and national socialist parties in Spain, PSC and PSOE, have championed federalism as a solution to the conflict for several years. As a result, Spanish reactionary and Catalan revolutionary forces have moved past that option as not radical enough. In addition, the constitution, with its rejection of federalism, stands in the way of such a move.

In the wake of the passing of the Spanish constitution, the Catalan government (*Generalitat*) and the Spanish central government negotiated a Statute of Autonomy, which was passed into law in 1979. It organized Catalan self-government, gave significant rights and

privileges to the Catalans, but, crucially, did not include tax autonomy for Catalonia. We might well speculate that Catalonia was too important as a tax base to allow for regional autonomy in this field.

Finally, the European dimension of the constitution drafting process in 1978 should not be neglected. During its drafting, all actors, Catalans and Spanish alike, were motivated by the possibility of Spain eventually joining the European Community. This was indeed one of the driving motives for the centralists to allow for some democratic reforms in the first place. The Catalan side, too, expected further European integration to be favorable for them. Of course, at the time very few Catalans seriously considered independence but they were more than interested in gaining further regional autonomy, if it could be obtained through European support. Spain joining the European Community was almost the Catalans' only option to achieve further autonomy and minority rights from the central government. The FCNM and other mechanisms protecting minority rights was still another two decades away and so the Catalans embarked on this process without significant external support. The Catalanist movement was about to consolidate itself internally, a necessary prerequisite for both the contemporary independence process and the contemporaneous development of one of its most important elements, minority cosmopolitanisms.

## **5. Consolidating Catalanism: The *CiU* and *Tri-Partit* Governments from 1980-2010**

Between 1979 and 2010, Catalans and their respective governments set about to inject life into their Statute of Autonomy. Since Catalans were barred from expressing their collective identity in the usual ways of national populations, the focus was quickly placed on language. The language had been prohibited from public use during the Franco dictatorship and survived because of the rural population's continued use of it as well as exile activities. During this time, the Catalan education system was gradually changed to be exclusively in Catalan, which was achieved in 2003 with all universities in Catalonia switching to the regional idiom (Woolard, 1989; 1992).

In 1980, the first open elections were held in the region with *Convergencia i Unio* (CiU) carrying the vote and then governing Catalonia for twenty three years under their charismatic leader Pujol. With the election of the first CiU government, a period of stability commenced that would last for a little over three decades. During this era of stability the first CiU government under Pujol and the so-called Tripartit government from 2003 until 2010 worked,

together with many civil society institutions, towards the Catalanization of the local population. Important projects of this time included the shift in the education system from Spanish to Catalan; a shift in economic focus from production and agriculture to a service economy and its mercantile derivatives like, for instance, the '92 Barcelona Olympics; the incorporation of, first, Spanish immigrants and, later, global immigrants into the Catalan project of building a multi-ethnic yet distinctly Catalan civil society; the creation of a diversified media landscape in Catalan (e.g. radio station, .cat as top-level Internet domain, subventions for publications in Catalan etc.); and the implementation of an efficient regional administrative system (excluding the legal system, which resisted incorporation). All these long-term goals were, more or less satisfactorily, achieved during this period of stability and steady progress. In itself, this constitutes further rationale for not joining the FCNM in the late 90s: Catalans were doing well and didn't feel in need of protection. We may, however, presume that, during this time, Catalans were also quite content with the constitutional status quo since it played in their favor for the time being.

From 1999 until 2007, Catalonia was a popular destination for global immigrants who came to the economically prospering region for work (Carlà and Medda Windischer, 2015). While the foreign population in both Spain and Catalonia was below 3% in 1998, it rose quickly to around 15% by 2008, then plateauing off mainly as a result of the economic crisis (Generalitat de Catalunya, 2008; Recolons, 2009). These immigrants can be roughly divided into two groups – those from Spanish-speaking countries and those from non-Spanish-speaking countries. Immigrants from South America often went on very similar trajectories as the earlier domestic migrants and maintained their linguistic practices, not learning Catalan and not showing a significant interest in Catalan language or culture (Garzòn, 2012). Contrarily, those not speaking Spanish prior to their arrival were often won over for the Catalan cause; they took language courses, learned about local culture, customs, and traditions and made an effort to integrate not just into Spanish but also Catalan society (Bosque, 2015). It is not surprising, though, that these recent immigrants have largely stayed out of the conflict. Their often precarious legal and economic situation – exacerbated by the economic crisis – would not make it advisable to step into the limelight in this way. Yet, non-Spanish immigrants coming in large numbers to Catalonia contributed to global exposure of the conflict. Beyond migrants reporting informally about their new place of residence, media interest in supplying countries was raised significantly, giving the conflict yet more global visibility and, thus, also the cause of the Catalans. It is perhaps for this reason that Catalans

tend to be, by comparison, friendly to immigrants. *Plataforma pel Catalunya* (PxC) is a right-wing populist party, running on a xenophobic program. It has failed, though, to garner the same support that like-minded parties –the *Front National* in France or the FPÖ in Austria – have enjoyed.

In 2003, a major political shift occurred in Catalonia. *Convergencia i Unio* with their charismatic leader, Jordi Pujol, had been in power since the early 1980s but the 2003 elections brought to power a three-party coalition, comprised of the *Partida Socialista de Catalunya* (PSC, English: socialist party of Catalonia), the ecosocialists *Iniciativa per Catalunya, Verds* (ICV, Eng.: Initiative for Catalonia, Greens), and *Esquerra Republicana de Catalunya* (ERC, Eng.: Republican Left of Catalonia). The new government was called, based on its coalition character, the *Tri-partit*, a three party government. One of its main objectives was to draft a new statute, which would crucially include tax autonomy and mentioned Catalonia as a nation. Drafting and passing into law a new Statute of Autonomy for Catalonia was to prove a key accelerator for Catalan independence (Lopez Bofill 2014: 71-73).

Following the Spanish national elections of March 2004, the political climate for a new statute seemed quite favorable. In Barcelona, the *Tri-partit* had entered government and was soon joined, in Madrid, by the socialist Zapatero government. Because of the socialist party's favorable stance on federating Spain, Zapatero was favorably inclined towards a new statute and, crucially, also towards granting tax autonomy to Catalonia as well as the mentioning of the term 'Catalan nation' within the statute on several occasions. The new statute was drafted in 2005 and passed Catalan and Spanish legislatures in early 2006. It was then put to a popular vote, accepted, and went into effect on August 9<sup>th</sup> 2006 (Parlament de Catalunya, 2012). However, anti-independence parties *Ciutadans* (Catalan) and *Partida Popular* (Spanish and Catalan) and the autonomous communities of Aragon, Valencia, and the Balearic Islands appealed against the statute in the Spanish Constitutional Court. Deliberating for four years, the court finally ruled (part of) 14 articles of the statute as unconstitutional in 2010 (FJ 12 de la STC 31/2010). These points all concerned tax autonomy or the mentioning of Catalonia as a nation. This constituted a major blow to the Catalan cause and, as a counter-reaction, significantly fueled secessionist sentiment among the Catalan population.

## 6. From Catalanism to Independentism: The Impact of the Economic Crisis and Legal Battles with the Central Government

In the years 2007 and 2008, Spain was especially hard hit by the global economic crisis. It had focused on its own real estate boom for a long time and now suffered from a relatively uneducated workforce, a lack of productive industries, and significant corruption. As the crisis took hold of Spain, many Catalans wondered whether being stuck in one economy with the rest of Spain was such a good idea. The argument was as powerful as it was simple: Catalonia, without the millstone of the remaining Spanish economy around its neck and without being squeezed dry by the central government in Madrid, would be far better off. For the next years, the Spanish-Catalan conflict would be almost inevitably seen as determined by the economic issues – not completely but to a large extent. The economic crisis and its widespread effects also led to a significant intensification of the conflict and, ultimately, to a complete change in the party landscapes of both Spain and Catalonia.

In 2010, the political climate in Catalonia as well as Spain had worsened dramatically (Argelaguet 2014). After more than two years of trying to stem the financial and economic crisis, the Zapatero government was weak and expected to lose the coming elections. The same was true for the *Tri-partit*, which was replaced by a new CiU government under Artur Mas in 2011. In 2012, then, Mariano Rajoy and the PP came to power in Spain, making any governmental agreement to a new statute unlikely. Nevertheless, Catalan president Mas and Spanish prime minister Rajoy met several times between February and April 2012 (Lopez Bofill 2014: 73-75). Mas' main objective was to negotiate a 'fiscal pact' between Catalonia and Spain to gain tax autonomy for his region instead of getting a new statute of autonomy approved by all sides. Yet, Rajoy made it unequivocally clear that there would be no renegotiation of the fiscal status quo. The uncompromising position of the Spanish government was like pouring oil into the fire of Catalan independence; in the months after these failed negotiations, support for Catalan independence skyrocketed and, indeed, for the first time went beyond 50% (Lopez Bofill 2014: 75).

As a result of the failed talks with the central government, Mas declared that the Catalan government would now pursue independence. However, he wanted popular approval for this dramatic change in policy and called for elections in the fall of 2012 since, until now, only ERC had been openly advocating for independence. The elections brought minor losses for CiU, making a coalition with ERC necessary to pursue independence. Forming this coalition was difficult since CiU and ERC did not share many political positions beyond pursuit of

independence. They managed, however, and an independence referendum was scheduled for the fall of 2014, a highly symbolic date, marking the 300<sup>th</sup> anniversary of the loss of Catalan independence in 1714. This planned official referendum had been precipitated by a whole host of smaller, non-official referendums in earlier years, all of which had been organized by pro-independence movements and all of them had been hugely in favor of independence (Muñoz and Guinjoan 2013).

In the fall of 2014, the Spanish Constitutional Court declared the referendum illegal, citing the constitutionally guaranteed unity of the Spanish state. The position of the Spanish government on the referendum was (and still is) that if such a referendum were to be held legally, the whole of Spain would have to vote on the subject. Amidst serious threats from Madrid, the Catalan government still held the referendum as a consultation, resulting in a clear victory for the independence camp. The situation was heavily influenced by the independence referendum held in Scotland only a couple months earlier (cf. Bourne 2014). Many Catalans either travelled to Scotland or publicly expressed their sympathies. The eventual victory of the anti-independence side constituted a major disappointment for the Catalan pro-independence camp. Most likely, various British governments allowing for this referendum to take place legally had not expected such a close result and they certainly wished that it had been less dramatic. The situation concerning minority referendums in Europe in the fall of 2014 was quite paradoxical: one referendum, likely to fail, was allowed whereas another, likely to succeed, was disallowed.

As a response to the disallowed referendum, the Mas government called elections for September 2015 with independence being the only question on the agenda. The unusual circumstances of these elections led to major changes within the Catalan party landscape. Until recently, this landscape had been quite stable: The PSOE, the Spanish socialists, had its regional complement, the PSC, as did the conservative Spanish party, the PP. In addition there were regional parties. The *Esquerra Republicana de Catalunya* (ERC) are a leftist Catalan nationalist party, and *Convergencia i Unió* (CiU) is a combination of two conservative nationalist parties. Iniciativa per Catalunya, Verds (ICV) was important between 2003 and 2011 as part of the so-called *Tri-partit*, a three-party coalition government (PSC, ERC, and ICV). Since 2011, ERC and CiU had been in an awkward and difficult coalition as the main parties advocating for independence. Until recently, they had successfully put aside their political differences on many subjects and cooperate to move towards independence. For the 2015 elections, both parties formed a common platform (together with several pro-

independence groups with no parliamentary representation), called *Junts pel Si* (JpS/English: Together for Yes). This latest turn was, however, too much to swallow for *Unio*, the junior partner in CiU, ending decades of cooperation between *Convergencia* and *Unio*. At the same time, developments in Spain and Catalonia brought about the emergence of three new parties. The *Candidatura Unitat Popular* (CUP, Eng.: United Popular List) is a radical left, pro-independence movement that ran for the second time in the September elections, where it was able to secure a surprising amount of seats. *Ciutadans* (Spanish: *Ciudadanos*; English: Citizens) are originally a Catalan party, now active in the whole of Spain and firmly opposed to Catalan independence. They have been around for a decade and, having expanded their operations to the whole of Spain, are now serious competition for the PP. *Podemos* (Catalan: *Podem*; Eng.: We can) is a left-wing populist party that emerged from the *blockupy* protests throughout Spain five years ago; it is in principle against Catalan independence but allows individual members to have differing opinions.

The parties in the pro-independence camp, in absolute numbers of seats in the Catalan parliament, lost significantly in the 2012 and 2015 elections. Their majority – initially quite comfortable – was reduced to a few seats despite most parties forming a common front.

Recently, further categorical differentiation has been introduced, namely between Catalanists and Independentists. Independentists were, until well into the 2000s, regarded as utopians, as unrealistic dreamers (Argelaguet 2014). They were relatively few in numbers, frequently considered radicals, and far too weak to gain key political positions. Even just a decade ago, many Catalans would have subscribed to the notion of extended autonomy for their region but would not have thought independence possible, let alone advocated for it in a serious fashion. However, in recent years, independentism has become a respectable, mainstream political position.

Results provided by various different polling agencies suggest that a fundamental shift occurred in the period between 2006 and 2013. In 2007, for instance, the Social and Political Sciences Institute of Barcelona published a poll that rated the attitudes towards independence in four categories: Support/Against/Indifferent/Did Not Reply with a result of 32%/52%/14%/3% respectively (ICPS 2007). Four years later, the same poll produced the following results: 41%/23%/27%/9% (ICPS 2011). While this specific poll only gave the option to either be for or against independence but did not consider alternatives, other polling institutions did allow for more specific answers; especially the years 2006 to 2013 are interesting to report in this instance. In their yearly opinion polls, the *Centre d'Estudis*

*d'Opinio* (CEO) routinely asks: What kind of political entity should Catalonia be with respect to Spain? Giving three different possible answers, CEO has created a more nuanced picture of changing public opinion in Catalonia. In 2008, the numbers between the independence option, federalism, and autonomous community were fairly stably hovering around 18%/35%/33% respectively (e.g. CEO, 2008). In 2013, however, independentism peaked at a stunning 49% with the other two options coming in at 22% and 19% respectively.

This means a fundamental change, within only five years, of popular opinion on independence. This change was brought about in part by the refusal of the Spanish government to renegotiate the Statute as well as the 2010 decision of the Constitutional Court on the Statute of 2006. In part, it was also brought about by the severe economic crisis, when arguments for sustained Catalan solidarity with the economically even poorer Spanish neighbors were wearing thin. Both factors favored the independence camp, as did the carefully prepared civil society discourse, which was built during the long reign of the Pujol governments with their emphasis on linguistic issues, specifically language revitalization. Another reason for the boost in support for independence was, however, the reaching out of Catalans at so many different levels to learn about the world and to make the world learn about the Catalan situation.

However, over the past two years, the numbers in favor of independence have begun to drop again. For 2015, CEO reports numbers in favor of independence closer to 38% with the other two options each getting 5% of the 10% drop in favor of independence (CEO, 2015). Independence is still the favorite option among Catalans but federalism and continued autonomy are also strongly supported. Also, the supporters of independence continue to run a stunning 20% above their levels (roughly 18%) before the recent surge and while there has been a drop in support for independence, it seems to stabilize at around 38% for now.

The elections produced a slim majority for the pro-independence camp with JpS winning 62 of the 135 seats in parliament and missing the majority by six seats. CUP, equally pro-independence, gained another 10 seats thus giving the pro-independence camp a clear majority of seats. But this majority was theoretical since CUP had declared before the elections that they would not partake in any government, making the formation of a pro-independence coalition very difficult. In addition, the pro-independence camp gained the majority in seats but it did not actually win the majority of votes, something swiftly pointed out by Spanish government officials as delegitimizing Catalan independence claims. After lengthy negotiations between JpS and CUP, the latter agreed to tolerate a minority

government by JpS and support the government in important decisions. At the same time, at the Spanish national level, a stalemate between various different parties has resulted from the last national elections. Until new elections, scheduled for the early fall, few things will move openly in Catalonia or between Catalonia and Spain. Given past evidence, we can however safely assume that many Catalans will continue to quietly work towards their goal.

## 7. Conclusions

Cosmopolitanism has been present in various different forms and among quite different groups in Catalonia throughout history. First, it was present in the 18<sup>th</sup> and 19<sup>th</sup> century among the emerging trading and industrial elites, with their international connections and aspirations. Later, it was emulated by the growing bourgeoisie and the middle class, aiming to successfully insert itself into the splendor of the colonial Spanish state; only when this splendor was vanishing in the 19<sup>th</sup> century did the symbiosis between the Catalan middle class and their national cosmopolitan aspirations end. Now bourgeois hopes for moving towards the center (and socially/economically upwards) were projected towards other, more successful European nations. For Catalans, the most popular new target was France, in part because of its proximity but also because it offered much cosmopolitan flair – especially towards the close of the long 19<sup>th</sup> century. Even today, those Catalans, say in Barcelona, with real cosmopolitan aspirations look neither to Madrid nor Barcelona but to Paris, London, New York. Yet, in recent years, Catalan independentists have accomplished a surprising feat: they have succeeded in establishing a Catalan minority cosmopolitanism that transcends the minority culture rut as well as national limitations. This cosmopolitanism celebrates the ability to directly partake in global cultural affairs, discussions, and processes without Spanish interposition.

Strangely, cosmopolitanism is thus used on both sides as a positive concept: for *and* against independence. The anti-independence side uses cosmopolitanism to dismiss Catalan aspirations for independence as outdated in a globalizing world and the mark of a profoundly parochial and backward-oriented mind frame. The pro-independence movement asserts that lived globality and the simultaneous celebration of local customs are very much possible in the contemporary world. Cosmopolitanism is perhaps also championed by Catalans because they feel that they have to distinguish themselves from other minority movements that have been successful such as the Ukraine, where ethno-nationalist policies have led to a crisis of

European dimensions. In stressing the peaceful and cosmopolitan character of their movement, they aim to appease the rest of Europe and to counter unfavorable comparisons with violent minority conflicts in Europe (Ukraine, Northern Ireland, etc.). In a stunning dialectic, the term cosmopolitanism has now changed to include a local component – something alien to its initial meaning but staunchly asserted by minorities such as the Catalans.

The Catalan case urges us to augment conventional understandings of minorities as parochial, backward, or inward-oriented, which still haunt many public discourses today. No matter how their present bid on independence will end, Catalans have shown how localized minorities can skillfully insert themselves within a cosmopolitan discourse without interposition of the nation state. But this also raises the question of how minorities need to be protected when they engage transnationally – especially minorities that are much smaller and far more vulnerable than the Catalans. The Catalan case shows that minority protection cannot limit itself to maintaining ancient, parochial traditions or languages; minority protection must, in the future, understand that members of localized minorities will want to productively live their minority culture by integrating it into local-cum-cosmopolitan ways of life. While modernity has frequently maintained the dichotomy between parochial minorities and cosmopolitan majorities, this dichotomy is no longer useful when minorities can easily go around the national level to directly access the global in the way they choose. Contemporary minorities can be both parochial *and* cosmopolitan, locally rooted *and* part of the global discourses.

Many commentators have pointed out that definitions of minorities are notoriously difficult to pin down and the Catalan case confirms this: de-contextualized, categorical definitions of minority are severely limited in their conceptual purchase power (Malloy, 2013; Jackson Preece, 1998). In addition, the same minority might change substantially over time, and thus require us to reevaluate its status. If Catalan independence seemed utopian in the 1970s, it has become a real possibility today and while circumstances might have played a role in this change, it has mostly been brought about by substantial changes in Catalonia itself. If we read it well, the Catalan case reminds us that our definitions of minorities need to be flexible and malleable – among other things because minorities change over time.

This last point is also of relevance if we now want to consider the relations between the Catalan national minority and the FCNM. Why did Catalans refuse to slip under its protection, when it was established in the late 1990s? By the time the Convention went into

effect, Catalonia had long established its relationship with the Spanish state, had found, in its linguistic policies, a venue for expressing Catalan identity, and was overall quickly proceeding to secure the ‘soft’ gains in areas such as linguistic policy into ‘hard’ ones of legislation as well as legal and administrative implementation. In her work on national minority rights, Malloy points out that the overwhelming majority of legal experts today considers minority rights as cultural and not political or legal in character (2005: 17). The Catalans of the late 1990s had, however, already established their own cultural forms of minority identification, mainly through the revitalization of their language. It appears that the Catalan leadership understood well that slipping under the FCNM umbrella would not have substantially helped them in taking the next step: the political implementation of the achieved cultural differentiation from Spain. In this sense, the relationship between the FCNM and the Catalans is indeed one of a missed encounter in history. In the late 1970s and certainly in the earlier times under Franco the Catalans would no doubt have been very happy to enjoy the protection of something like the FCNM. But twenty years later, nearing the end of millennium, Catalans felt well established in their minority status in Spain, even if there was no talk yet of independence.

This does not mean that the non-relation between Catalans and FCNM has to continue indefinitely. There might well be a future for a more substantial involvement of the FCNM in the Catalan case. The EU is not particularly well equipped to deal with cases of possible secession of a region from an EU member state. There are, for instance, no stipulations for such a case in any key European document. It might be beneficial in this case that the FCNM is itself situated beyond the EU context. Its impartial position as an instrument of the Council of Europe would make the FCNM quite suitable to mediate such conflicts. To this end, the FCNM would benefit substantially from including a mediation procedure, which would, to be sure, change its character from an instrument primarily designed to monitor rights to one of rights enforcement. Cases such as the Catalan one are likely to occur with higher frequency in the near future given widespread dissatisfaction with the EU and general retrenchment from global flows. For Catalonia, the definitions of national minorities and ethnic groups in the Spanish government’s response to the Advisory Committee’s criticism of the first country report might well form a basis for mediation. These definitions might provide a possible compromise to avoid independence, while at the same time affording the Catalan side with substantially more autonomy.

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