

The Changing Diplomacy of the 21st century : New International Relation's Scenarios for Catalonia

Notes for an opening speech by

DANIEL TURP

*Président de l'Institut de recherche sur l'autodétermination des peuples et les indépendances nationales
Professeur à la Faculté de droit de l'Université de Montréal*

XVI JORNADES FOCIR

THE DIPLOMACY OF THE CATALAN STATE : NEW HORIZONS



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Senyora Secretària d'Afers Exteriors i de la Unió Europea, estimada Maria Badia Cutchet,
Senyora Presidenta FOCIR, estimada Mònica Sabata Fernández, Dames i cavallers,

En primer lloc voldria dir-los que estic content d'estar aquí a Barcelona aquesta bella ciutat, la capital cultural d'Europa i del món. Estic content de ser aquí mentre s'escriu la història de Catalunya i on entrem en un període en el qual estan cridats a prendre decisions decisives per a la vida col·lectiva de la nació.»

Je tiens à remercier la FOCIR et ses responsables d'associer l'allié québécois du peuple catalan que je suis devenu à vos travaux et de me permettre de réfléchir avec vous sur La diplomatie de l'État catalan et ses nouveaux horizons.

When asked 10 days ago by your colleague Carla Rabell what was my opinion about « nowadays diplomacy », I gave the following – and I believe simple and straightforward – answer :

Diplomacy is nowadays a complex art which involves more actors (States, international organizations, NGO's, multinational corporations and individuals) and encompasses more issues (economic, social and cultural development, environment, defense) than ever before. And the role of nations such as Catalonia, as well as Quebec and Scotland, and their paradiplomacy, is making things even more complex.

I would thus at the opening of this seminar – and in relation to the debates you are planning to hold tomorrow on the learned lessons of diplomacy models of nations that have become sovereign and independent States and the diplomacy challenges of nations such as Scotland, Québec and Catalonia who aspire to become such sovereign and independent States themselves – I will endeavour to comment on diplomacy and its complexity (I) and identify new international relations scenarios for Catalonia (II).

I- DIPLOMACY AND ITS COMPLEXITY

The XXIst century has witnessed, as it is suggested by the title of this opening session a changing diplomacy. Although changes have occurred since diplomacy was invented with the birth of the modern State in the 17th century and its Westphalian era, that the 18th century and 19th centuries altered diplomatic relations through revolutions and the 20th century brought new actors, international political organizations with an universal outlook such as the League of Nations and the United Nations, the 21st century has challenged diplomacy as a tool to favor friendly relations between the multiple actors of the International Community.

The use of force, rather than the art of diplomacy, was considered to be a legitimate response to the bombing of the Twin Towers in New York on September 11, 2001, at the dawn of the present century. The use of such force – or is it the art of war or warfare – continues to be the answer to the terror of Daesh and other groups who resort to violence to achieve their somber goals.

Yet, even when it comes to « waging wars » against terrorism, diplomacy – and negotiations which are its principal mode of expression – is essential. Multilateral discussions around the table of the United Nations Security Council or in other forums lead – or too often do not lead – to solutions to deal with terrorism as well as with international and non-international armed conflicts. It is through diplomacy and diplomatic negotiations that treaties are framed, whether

it be on matters of climate change leading to a *Paris Accord* unanimously adopted in December 2015 or of international trade embodied for example in the recent – albeit very controversial – *Comprehensive Economic and Trade Agreement between Canada and the European Union* (CETA).

Diplomacy – and the work of skilful diplomats - have also led, in this 21st century, to the creation of a new international jurisdiction. The entry of force of the *Rome Statute of the International Criminal Court* in 2002 and the work of the Prosecutor and Judges of the ICC are a tribute to diplomacy and an answer to impunity. The ICC has not yet gained universal jurisdiction and is now challenged by the African Union and its leaders, and especially by South Africa who has been recently told by its courts that its notice of withdrawal from the *Rome Statute* was illegal. Hence, more diplomatic efforts will be needed to prevent other countries to undermine this essential judicial institution.

The complex art of diplomacy does not always produce the best of results. The solutions envisaged to solve the Syrian refugees' crisis and the agreement between the European Union and Turkey, which has been deemed by Amnesty International in its recently released annual report as illegal, proved to be –to say the least – as unsatisfactory. And when it comes to the protection of human rights in every part of the world, diplomacy can even prove to be a tool in the hands of those countries that are the worst perpetrators of human rights violations. I have in mind the diplomatic efforts –but also threats - that have allowed Saudi Arabia to be elected once again in 2016 as a member of the Human Rights Council of the United Nations.

Diplomacy is indeed complex and its actors need tools to deal with such complexity. Nations such as Catalonia, and the same could be said about Flanders, Québec, Scotland, but also about Kurdistan, Tibet and Wales, to name but a few, need to reflect on the tools they possess – or most importantly - they require- if they do want to have a say in world affairs. Let me thus turn now to new international relations scenarios for Catalonia.

II- SCENARIOS FOR CATALONIA

As I have suggested, and because of its multiple actors and issues, diplomacy is complex. If a nation such as Catalonia desires to be among those actors and have some say on the issues that will impact on the life of its population, it must look closely into scenarios for its international relations. Three scenarios deserve to be discussed in my opinion in this regard : the status quo scenario, a scenario for increased international autonomy or a scenario of full independence. Let me comment briefly on these three scenarios.

Since the creation of the autonomous community of Catalonia in 1979, its Generalitat has attempted to develop an international personality and to entertain with other countries and the European Union – and to a less extent – with international organisations such as UNESCO – some « quasi-diplomatic » relations. The successive Presidents of Catalonia and the ministers of its government have traveled extensively to establish such international ties, especially in the light of the increased internationalisation of Catalonia's economy. The establishment of Diplocat (The Public Diplomacy Council of Catalonia) in 2012 can be seen as key decision to strengthen the international visibility and capacity of Catalonia. The recent creation of a position of minister of Foreign Affairs, Institutional Relations and Transparency and of Secretary of State to Foreign Affairs and the European Union is to be considered as a bold move on the part of the current government of Catalonia. The enlargement of Catalonia's external representation

which is now serviced by delegations to the European Union and in Geneva, as well as in 10 countries (France and Switzerland, Ireland, Germany, United States, Austria, Italy, Morocco, the Holy See, Portugal, Denmark and Poland) and the creation of the Catalanian Agency for Cooperation and Development has increased significantly the international profile of Catalonia. Such initiatives seem to have been among the few to find grace in the eyes of the Government of Spain and the Spanish Constitutional Court. In many ways, these developments are very similar to those that have occurred in Québec since the formulation of the Gérin-Lajoie doctrine in 1965. Quebec has been since the past 50 years able to create an infrastructure of international relations that has enhanced its international autonomy. Quebec has a « ministère » and a « ministre » « de Relations internationales », a network of more than 25 delegations and offices throughout the world as a presence and status in some international organizations, such as the Organisation internationale de la Francophonie and UNESCO. Québec has also negotiated and concluded in its own name international agreements (« ententes internationales »). Hence, a possible scenario might be to continue to follow, in a way the footsteps of Quebec and build progressively on these acquired international responsibilities of the Catalanian Government.

A second scenario could be to have such responsibilities formally recognized and entrenched in the Spanish Constitution or other document of legal and enforceable nature that would properly embed Catalonia's international autonomy. Catalonia could also claim an enlargement of such autonomy and the right to conclude its own treaties and be admitted or obtain a status in its own right to international organizations, and especially in the European Union and its institutions. In so doing, it would attempt to follow the examples of Communities and Regions of Belgium (Wallonie-Bruxelles Federation, Flanders), autonomous communities of Denmark (Faroe islands and Greenland) and Finland (Åland Islands) and autonomous Regions of China (Hong Kong and Macau) which have guaranteed international autonomy in constitutions, statutes or organic laws. Such increased international autonomy would necessarily entail constitutional negotiations with the Spanish government and would most likely be subjected to a degree of control by the authorities of the Spanish State.

And then there is full independence as a third scenario. As a sovereign and independent State, Catalonia would acquire full international legal personality and obtain plenary diplomatic powers. Catalonia would gain an unhindered *jus tractatum* and *jus legationis* and speak with its own voice in international organisations. Catalonia would become a full member of the European Union, have a minister at the table of the Council of Ministers, a commissioner and 15 members at the European Parliament. It is the government of Catalonia, with hopefully the participation of Parliament, that would make international commitments in relation to climate change and the environment, international trade and human rights. Catalonia would need no permission to open embassies and consulates in all the countries of the world, and in those of its choosing. And many Catalonians – identified as such – could become key leaders in the International Community, at the United Nations, the International Court of Justice, the International Criminal Court and in so many other prominent positions.

These three scenarios that deserve, in my view, to be debated. I hope these opening remarks will trigger discussions among people like yourselves, active in Catalanian organisations which have been internationally recognized, who are aware of the importance of international relations – and the complexity as well and the importance of diplomacy in the life of a nation

such as Catalonia... which is obviously in search of... new horizons !

Un jour, le grand écrivain français André Gide a exprimé un point de vue que, les gens de Catalogne, de plusieurs nations d'Europe, comme vos compatriotes du Pays Basque et de Galice, mais d'Écosse et de Flandre – et je me permets d'ajouter ici, ma patrie du Québec : « Je crois à la vertu des petites nations. Je crois à la vertu du petit nombre. Le monde sera sauvé par quelques-uns ». Ces petites nations ont le droit de choisir de nouveaux horizons, y compris des nouveaux horizons internationaux.

J'anticipe le plaisir de répondre à vos questions et d'échanger avec vous durant ce séminaire et remercie à nouveau la présidente de FOCIR et ses collègues de m'avoir invité à prendre la parole devant vous aujourd'hui.

Gracies... el seu aliat Québec !