

# The future is in our hands:

## Contribution to the Conference on the future of Europe

Event Report / Brussels

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EVENT REPORT

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## 1 | Background

While big corporations and lobby groups enjoy access and influence upon global institutions and international decision makers, it is rare that citizens and NGOs are given the opportunity to speak up – and more importantly to be heard – in Europe. Social movements and minoritised groups are often at the periphery of the centres of power. For their part, stateless nations still lack solid procedures to partake in decision making at a European scale, and in some cases their citizens are underrepresented in European institutions. The Conference on the Future of Europe (CoFoE), a consultative exercise organised by the European Union institutions, offers a chance for those voices to be heard. It provides us with an important opportunity to debate, discuss and share our ideas and values to form another Europe.

This report stems from a unique event: *The future is in our hands: Contribution to the Conference on the Future of Europe*, organized by the Coppieters Foundation and Iratzar Fundazioa, and held on



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7 December 2021 (Space Building, Rue Belliard 40) in Brussels, Belgium. The content of this report derives from the rich discussions, debates and proposals put forward by speakers from different backgrounds and fields including community leaders, academics, politicians, and human rights advocates from places as diverse as the Basque Country, Catalonia, Scotland, Wales, Corsica, Galicia, Cornwall, Ireland, and Flanders. The audience also fuelled the debate and discussion, and among the participants were Members of the European Parliament and representatives from Brussels-based NGOs. This report contains the essence of the discussions and debates held, which gave special attention to 2 topics: (1) cultural and linguistic diversity and how to promote Europe's minoritised languages, and (2) how to improve our democracy to ensure all voices are heard and how the right to self-determination can be implemented and re-spected at an EU level.

**We want to outline a Europe of tomorrow that recognises all voices and supports peaceful and democratic conflict resolution efforts.**

Through this contribution we want to outline a Europe of tomorrow that recognises all voices and that supports peaceful and democratic conflict resolution efforts. It should respect the right to self-determination, the principle of subsidiarity and greater multi-level governance while promoting true cultural and linguistic diversity and a fairer, socially just, and greener Europe. In this Europe for all peoples, we should acknowledge and promote each country's/territory's/nation's right to decide democratically whether it wants to become an independent Member State or enjoy greater devolved powers and political autonomy as a way to guarantee better social and political rights for its citizens. Let's work together and use our diversity to strengthen our democracy and shape a Europe of the Peoples for represented by the Conference on the Future of Europe. Finally, in the conclusion, we offer a general overview of our contribution.

## 2 | Cultural diversity: How to promote Europe's unprotected languages

### *I – Background*

The following ideas and proposals on **how to promote Europe's unprotected languages** were developed on 7 December 2021 at the event in a discussion between the audience and a group of experts consisting of: **Ana Miranda**, International affairs correspondent for Nationalist Galician Bloc and former Member of the European Parliament; **Davyth Hicks**, Secretary-General of the European Language Equality Network; **Paul Bilbao**, Secretary-General of Kontseilua; **Lisandru de Zerbi**, Deputy Mayor and Delegate for Corsican Language, Culture and Youth Issues of the Bastia City Council (Corsica) and founder of the association PraticaLingua; and **Iñaki Irazabalbeitia** (former MEP), who was the moderator of the discussion.

### *II – The dimensions of diversity: framing the debate on protection of EU languages*

When diving into the importance of protecting and promoting linguistic diversity, a holistic approach to languages is needed. This is because the language diversity question also affects other topics such as discrimination, education, or the COVID-19 pandemic situation. Legislation is one of the most efficient ways to protect languages, but unfortunately there is not yet any Directive or European Regulation with the mandate of protecting endangered languages. In addition, the rise of far-right parties in Europe has also posed a threat to the rights of linguistic communities to

speak their own languages. Far-right parties have often attacked language plurality and the idea of equally co-existing languages by instead portraying a powerful language on the one hand and a "useless" regional one on the other. Such attacks by far-right parties have been witnessed in the European Parliament, where their political representatives actively promote linguistic discrimination and attack those who promote the use and furtherance of minoritised languages.

Furthermore, public institutions – including governments at a regional and state level – are not protecting speakers' rights and linguistic diversity, even when the targeted languages are official. An example of this can be found in Galicia, where the Galician government does not financially support the only daily newspaper (NÓS) published in the Galician language. Important European Parliament resolutions on the matter have yet to be implemented or respected, as is the case with the Alfonsi report (approved in the 7th parliamentary term) on endangered European languages and linguistic diversity in the European Union and the Evans report on language equality in the Digital Age (approved in the 8th parliamentary term). We must consider how to fulfil the recommendations of such resolutions.

The creation of a European Agency for Multilingualism, which would aim to address discrimination against unprotected languages, would be an important step towards protecting minoritised languages. In today's increasingly digitalised world it is also important to facilitate the access of non-EU official languages within the digital arena, increasing the languages' visibility. The EU must go on the offensive to secure equality between language speakers, as so far it has been weak when it comes to the defence of minoritised languages.

### The creation of a European Agency for Multilingualism would be an important step towards protecting minoritised languages.

Take the case of the Corsican language. At the beginning of the 20th century, 100% of Corsicans spoke Corsican as their first language; however nowadays we estimate that around 30 to 35% of Corsicans can speak the language but do not necessarily use it in their daily life. The Corsican language has suffered from not being officially recognised, and some describe the French State's hindering of linguistic diversity as a suppressive policy, as public schools only use the officially recognised language, French. This in turn debilitates the other regional languages in France. The future is looking grim for Corsican, as only 2% of Corsican speakers transmit their language to their children, and until now the home has been the key area for transmitting the language.

The situation for Gaelic, Galician, Catalan, or Basque is different to the Corsican case, since these languages have an official (or co-official) language status within their own territories. The best tool to protect endangered languages and ensure their development is to make them official. Regional language discrimination must be tackled by the European Union, and there is a need for a Directive or other legislation asking Member States to protect multilingualism in their country. The European Commission, European Parliament and the European Council should pass new regulations to adopt measures at a European level to avoid situations like the current one in Catalonia, where the Spanish Judiciary has ruled against the implementation of linguistic immersion in schools.

Beyond the legal framework and normative protections, it is often the case that the well-being of a minoritised language is dependent on the local economy. We must ask ourselves if there are good jobs and housing for young people; or whether the young speakers of regional languages enjoy livelihoods that allow them to develop their careers in their home areas, or whether populations are dispersed, with the languages weakening as a result.

Too often the European Commission has not stepped up, as was the case when it refused to implement any of the measures of the European Citizens' Initiative (ECI) on Minority Safepack, mistakenly endorsing the idea that there was no need for further action since the situation

was already satisfactory. Such an occurrence gives Member States a license to let non-official, community and other national languages dwindle and in finally disappear.

## The European Commission must develop a human rights approach to protect languages.

The European Commission must develop a human rights approach to protect languages, with the same vigour it has done before to combat racism. Minoritised language rights are fundamental human rights, and the EU has the obligation to respect the diversity of the languages because discrimination on any ground, including language, is prohibited under the EU Charter of Fundamental Rights (Article 21). The European Union follows the principle of multilingualism; however, the basis of this multilingualism only respects the official language regime of each Member State.

### *III - Proposals and contributions to the Conference on the Future of Europe.*

- All EU programmes should strive to be inclusive from the point of view of multilingualism, including non-official and minoritised languages.
- The European Institutions should fund a pilot project to study the situation of endangered languages in Europe.
- The EU should allocate dedicated funds to produce audio-visual content in all European languages, national and minoritised, as well as promote – with legislative backing – the use of minoritised languages in audio-visual content created in the EU or Member States.
- Future EU audio-visual regulations should include a minority and non-official language quota, in terms of production and translation.
- The European Commission should create a European Languages Agency, and until this is created, the current Fundamental Rights Agency should assume this shortcoming by taking on the important role of defending regional languages and protecting their speakers.
- The European Parliament should permit the use of languages other than official ones in Plenary speeches – especially languages that have official status in their home States.
- The European Commission should facilitate the sharing of different experiences and good practices on how to promote a regional language in different fields, such as education, tourism, leisure, etc.
- Euroregions should receive EU funding to stimulate sustainable tourism projects and opportunities in local areas where there are endangered languages, to strengthen these regions' economies.
- The European Commission needs an EU Languages Commissioner to deal with linguistic diversity, protection, and promotion. In this framework, the European Commission should create an EU Languages Observatory and an EU Language Action Plan that can help fund data, information and knowledge sharing to avoid the disappearance of endangered European languages.

- The European Parliament should create a consultative body on national and linguistic issues for minoritised languages.
- The European Union should accept minoritised languages like Catalan, Basque, Corsican, Galician etc. in its working documents and grant them official status to promote a truly progressive and equal union and stop the current institutional discrimination affecting minoritised languages which are not given the same platform as Member State official languages.
- The European Union should support and encourage Member States to develop national language policies enabling children to learn endangered languages as their mother tongue from the very earliest age via linguistic immersion schooling systems, therefore creating plurilingual citizens and societies.
- The European institutions should pass a Regulation on protecting and promoting minority and minoritised languages. The Charter of Fundamental Rights is not enough because it only applies to the application of EU law by Member States. Allowing these languages to have the same visibility as official languages will increase citizens' participation while contributing to the achievement of real standards of equality and good governance

**We must ensure that all citizens can live digitally in their own languages.**

- The recommendations of the Alfonsi Report (A7-0239/2013) – approved by the European Parliament – can serve as a guide to the European Commission to draft a much-needed new Regulation on the promotion and protection of endangered languages. This kind of Resolution should be used to its full potential, as it provides tools to help establish a new legal framework and have a positive impact on language diversity and societies. The Committee on Culture and Education at the European Parliament has requested an external report on the condition of languages in Europe.
- Public institutions should invest resources to use machine learning and new technologies as tools to develop new cost-effective methods for learning languages, including those in more need of promotion and protection.
- Digital technologies are firmly anchored in our way of life and are a reality for European societies. Future EU and Member State regulations and projects must ensure that all citizens can live digitally in their own languages.
- Political and civil society organisation representatives need access to decision-makers and EU representatives to have open and frank discussions on how to tackle the issues faced by Europe's community languages.

### 3 | Better Governance, Democracy and Representation: How to put the right to self-determination to work?

#### I – Background

The following ideas and proposals on **how to improve EU Governance, Democracy and Representation and how to put the right to self-determination to work** were developed in a discussion between the audience and a group of experts consisting of: **Matthias Storme**, Professor of Law at University of Leuven; **Meritxell Serret**, Former Head of the Delegation of the Government of Catalonia to the European Union in Brussels and currently a Member of the Catalan Parliament; **Stephen Gethins**, Professor of Practice at the School of International Relations at the University of St Andrews; **Martina Anderson**, Former Member of the European Parliament and representative of Sinn Fein in Europe; and **Aimar Etxeberria**, a journalist from Iratzar Fundazioa, who moderated this discussion.

#### II – The dimensions of governance: framing the debate on democracy, representation and self-determination.

During the last few decades, one of the strongest concepts – one with the potential to prevent conflict and in turn deepen our democracies – has been the right to self-determination. Which legal procedure can peoples and communities use to decide their political future? How can the European Union influence and participate in implementing the right to self-determination? In 2011, the Coppieters Foundation published a paper called "The internal enlargement of the European Union", which aimed to build a proposal on this issue from a pro-European point of view. This study was elaborated by the Coppieters Foundation as the political climate in certain European countries presented the possibility, in the near future, of a region's independence from within a Member State or the dissolution of such a Member State – a situation that the current EU treaties have not foreseen. The authors of this paper suggest that it would be legally possible and feasible for newly born European States, created within EU borders, to automatically obtain EU Member State status.

**The right to self-determination should be a way to solve the political problems through democratic means and political agreements.**

The right to self-determination opens a bigger debate in terms of Realpolitik than the legal one. Which is the most appropriate tool to decide on the sovereignty of a people? Should the EU remain neutral in the case of a self-determination process in one of its Member States?

The right to self-determination should be a way to solve political problems through democratic means and political agreements. There are different examples of good practices, such as in Scotland or Quebec, where the exercise to the right to self-determination was agreed, leading to a democratic vote. International Law recognises that all peoples have a right to self-determination – not only current states or former colonial territories.

In the European Union, there are political parties and democratic movements that advocate for independence from a pro-European point of view. These movements want to engage in a relations with the rest of the European peoples and communities on an equal footing.

**The right to self-determination should be understood as an example of good governance.**

The right to self-determination should be understood as an example of good governance, an implementation of democratic and subsidiarity principles, a way to give voice back to the citizens in essential elements of their political representation and a means to solve political problems peacefully, through dialogue and under the umbrella of International Law.

The European Union has an ambiguous position towards self-determination. It does not oppose the right to self-determination and at times, it has adopted different political views and legal interpretations of this right. The EU is "founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights" (Article 2 TEU) and is based on three pillars – democracy, fundamental rights, and the rule of law. But when it ignores self-determination, it ignores all three. It is relevant to note that the right to self-determination is a protected fundamental right within International Law.

The Conference on the Future of Europe is an opportunity to reflect upon these issues and move beyond a European agenda that represents centralism, neoliberal economic policies, and the denial of rights for peoples towards a Europe that recognises the right to self-determination.

### **III – Case studies discussed at the event**

#### **The case of Flanders**

There are several cases of European regions that have voiced the desire to become independent states. For example, Flanders is a community with a large level of autonomy that is not a minority in Belgium, as the Flemish form a majority in the whole country. Flanders is a region surrounded by powerful European neighbours: even the Netherlands, which shares the same language (Dutch), can be considered a smaller language than the big neighbours speaking German or French. Therefore, the cultural pressure surrounding Flanders is high. Flemish citizens play a key role in building political majorities in the federal government – including the biggest party, the N-VA. The Flemish case is often portrayed as more related to good governance and the division of powers than to a state-building opportunity.

Although Flanders has considerable autonomy in the framework of the Belgian confederalisation process, it has very limited tax autonomy, and depends on the Federal Government to approve new measures in this area, as well as needing general consultation with the Federal State to exercise its autonomy. It is often said that the principal factor preventing the independence movement in Flanders from achieving secession and forming an independent state is the implied transition costs, impeding pro-independence supporters from getting the majority of votes for self-determination and independence. Because of the implied costs in transitioning to a free-state, the N-VA party officially defends the confederal solution for Belgium, hence proposing the decentralisation of competencies, with the Federal institutions playing a secondary role in the main political areas. Exercising the right to self-determination is usually in contradiction with existing laws, being unconstitutional in most legal systems. As an example, in Belgium it was unconstitutional to transfer competencies to the European Union, however there was room for constitutional reform in order to adapt to this new era.

#### **The case of Catalonia**

The case of Catalonia's struggle for self-determination and the Catalan people's political will is very present in the political debate. Over the last decade, millions of people in Catalonia have taken to the streets calling and pushing for a democratic solution such as an independence

referendum similar to the one seen in Scotland in 2014. In 2017 the Catalan government – with the collaboration of grassroots NGOs, political parties, and individuals – organised a massive vote on independence without the consent of Spanish institutions. The judiciary's prosecution of activists, politicians and organisers of this 2017 independence movement is still ongoing today and has caused legal and judicial persecution, causing some to leave their country, Catalonia, in exile. Today, the Catalan President, a member of the Republican Left (Esquerra Republicana) is leading the pro-independence movement, which was previously led by the main Catalan centre-right party (Junts) in a wide coalition pushing for an independence referendum (Junts pel Sí). Parties favourable to the independence of the Catalanian state received more than 52% of the popular vote in the 2021 regional elections, and pro-independence parties hold the majority in Catalonia's parliamentary chamber. This continued political strength and trust in independentist parties has opened an opportunity to try to achieve a political solution through dialogue with the Spanish Government. The Catalan independence movement continues to demand an agreement to hold a referendum and asks for amnesty for those who are politically imprisoned or persecuted.

The only solution for this conflict is a democratic one, and European actors must be involved to help appease tensions and solve the conflict. Catalans have often placed high hopes in the European Union, as for the generations raised after Francoism, the EU was seen as the guarantor of freedom, democracy, and the preservation of human rights. The recent trend in the rise of far-right parties obtaining a greater political platform in the EU and a stronger voice in EU institutions, as well as the lack of sanctions when human rights are violated by EU Member States with far-right governments, risks deteriorating the European Union's image as the guarantor of freedom, democracy, and human rights.

#### The case of Scotland

In 2014, when Scotland was still within the European Union as a part of the United Kingdom (UK), an independence referendum was held with the support of the UK government. The result was a majority vote of 55% to remain in the UK, rejecting independence. The Brexit vote in 2016 has now changed the political situation in Scotland, as its citizens sent an overwhelming pro-European message with all 32 Scottish local authorities voting to remain in the EU and a nationwide majority vote of 62% to remain (the highest pro-EU vote of any part of the UK). Although the current Scottish Government, led by the Scottish National Party (SNP) with the support of the Scottish Green Party, has agreed to work together in preparing a second independence referendum. The Brexit vote result has without a doubt helped the pro-independence movement gather new support from pro-European sectors of society, which see Scottish independence as a possible means to return to the European Union. Scotland's government has been adamant that a referendum will occur by the end of 2023 as long as the current Covid crisis is under control. This opportunity to once again exercise its right to self-determination will possibly need to obtain some form of acceptance from the Westminster Parliament, or else the Scottish Parliament will need to draft a bill which will go the UK Supreme Court for approval.

#### The case of the North of Ireland

The possibility of the reunification of the sovereign Republic of Ireland and the North of Ireland has largely been pushed for by the Sinn Fein party, with one main political goal: a single sovereign state. The possibility to hold a referendum on Irish unity is outlined in the historical peace process that resulted in the Good Friday Agreement. The Irish people have won the right to decide their future; this right exists in legal documents like the Good Friday Agreement and should now be implemented in full to allow Northern Ireland to exercise its right to self-determination for its citizens.

## *IV - Proposals and contributions to the Conference on the Future of Europe*

- The European Union must recognise the existence of European regions, peoples and nations that demand more sovereignty. Furthermore, they must have a say within the European institutions.
- The case of Scotland is an example of how not being a state leaves nations without voice, as it ended up being dragged out of the EU against its will. Thus, the EU should develop tools to ensure that nations and peoples who want to remain or be part of the Union can also exercise their right in the framework of self-determination processes.
- European Institutions must accept that self-determination debates often inherently involve different legitimacies, such as political will vs. the rule of law. The first step to solving political conflicts is recognising them, and involving the different institutions in finding a solution.
- The European Union should be a political space where peoples' and communities' rights are respected, and their will fulfilled. Thus, the European Commission must openly oppose the persecution of and attacks against any institution or community that decides to take a step toward sovereignty.
- The EU should regulate the preconditions (democratic means, internal enlargement cases, single market, etc.) and set a legal framework for self-determination. This would ensure stability for Europe and its peoples and democratic ways to channel self-determination demands.
- The European Union should open a debate on self-determination in order to develop a mechanism for clarity should such an event occur.
- Self-determination should not be a right reserved only to nations undergoing a decolonisation process. EU Member States should acknowledge that the right to self-determination is also applicable within EU borders.
- Regions and communities aspiring to become member states of the European Union need to make the case for a debate on how a community can implement its right to decide its own future through democratic means. In addition, it is necessary to reinforce mechanisms at the EU level that allow these events to be managed through dialogue. European politics relies on compromise, dialogue, and negotiations. The institutions should account for the possibility for a European region to become an independent country within the Union. The EU should design roadmaps to allow regions to express their will to become an independent state while ensuring the rule of law, stability, and democracy. In the end, the EU should play a role in ensuring the legality and the transparency of such a process should it occur.
- The decision-making process in a self-determination event must ensure all voices are heard and include all needed actors and institutions at a national, state and European level. The EU must be prepared for future constitutional changes and political events relating to self-determination that may occur.

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### Coppieters publications

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