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Territorial Border Disputes in Spain, the Leading State in Western Europe

The purpose of the article - is to study the territorial border disputes in Spain, one of the Western European countries, to study the experience of applying the principle of territorial integrity of this country, to systematically study, analyze and draw generalized conclusions on the impact of these disputes on the other European countries based on important sources.

It is used the systematic research method, various research methods of systematic research are applied on the basis of an eclectic approach. Sources and literature on the dispute were collected, systematized, commented on, analyzed, and summarized.

When it comes to the scientific novelty of the article, it can be said that in Spain, which suffers the most from separatism in Europe, attempts have been made to look at territorial border issues through the prism of the modern constitutional acts and the legal problems it raises, along with their historical roots, and the existing ethnopolitical issues in Spain and the mechanisms for their solution have been studied in detail.

Conclusion. Many Western European countries have territorial units seeking independence, as well as various ethnic, national, religious groups and marginal minorities.

In today's world, ethnic nationalism has been considered a major factor in the emergence of internal conflicts in many nation-states. Spain is also one of those countries facing the issue of ethnic nationalism. Catalonia, the Basque Country, and other problems not only undermine Spain's territorial integrity but are also seen as a major threat to the European Union as a matter of disintegration. Although the Spanish government has stated that it will never give up the country's integrity, it does not rule out granting additional rights to the region. The article seeks to look at territorial border problems in Spain, which suffers more from separatism in Western Europe than in other countries, through their historical roots, the current constitutional acts, and the legal problems it raises. In particular, a comparative analysis has been made of the extent to which the European Union's position on this issue is compatible with common European values.

Keywords: *Western Europe, Spain, separatism, autonomy, Catalonia, territorial integrity, Basque country, European Union*

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Територіальні прикордонні суперечки в Іспанії – провідній державі Західної Європи

Мета статті – дослідити територіально-прикордонні проблеми однієї із країн Західної Європи – Іспанії, вивчити прикладну практику принципу територіальної цілісності цієї держави, у системній формі на підставі значних джерел розслідувати, аналізувати вплив цих проблем на інші країни Європи та робити загальні висновки.

У статті використано метод системного розслідування, різні методи системного розслідування застосовані на підставі еклектичного підходу. У зв'язку з проблемою зібрано, систематизовано, аналізовано та узагальнено джерела та література.

У зв'язку з науковою новизною статті можна відмітити, що територіально-прикордонні проблеми в Іспанії, що більше всіх страждала від сепаратизму в Європі, були розглянуті з

призми їх історичних коренів, Конституційних актів, які є основними в сучасному періоді, та правових проблем, етнополітичні проблеми, що існують в Іспанії, та механізми їх вирішування були докладно розслідувані.

Висновок. В багатьох державах Західної Європи існують територіальні одиниці, а також різні етнічні, національні, релігійні групи та маргінальні меншини, які бажають незалежність.

У сучасний період у багатьох національних державах основним фактором внутрішніх конфліктів є етнічний націоналізм. Іспанія – це одна із держав, яка зіткнулася з проблемою етнічного націоналізму. Каталонія, Баск та інші проблеми розглядаються як причина порушення територіальної цілісності Іспанії, а також як велика небезпека в Європейському Союзі у зв'язку з проблемою дезінтеграції. Хоч уряд Іспанії повідомив про те, що він ніколи не відмовиться від цілісності своєї країни, він не виключає надання додаткових великих прав регіону. У статті територіально-прикордонні проблеми в Іспанії, яка більше ніж інші держави страждала від сепаратизму в Західній Європі, були розглядані з призми їх історичних коренів, Конституційних актів, які є основними в сучасному періоді, та правових проблем. Зокрема в порівняльній формі було аналізовано відповідність позиції Європейського Союзу щодо цієї проблеми із загальними європейськими цінностями.

Ключові слова: Західна Європа, Іспанія, сепаратизм, самоврядування, Каталонія, територіальна цілісність, країна Басків, Європейський Союз

Introduction.

The main purpose of the article is to study the existing territorial border disputes in Spain, one of the Western European countries, to study the experience of applying the principle of territorial integrity of this country, to systematically study, analyze and draw generalized conclusions on the impact of these disputes on the other European countries. In order to achieve this goal, the article envisages the following specific missions:

- to collect, study, systematize and analyze the most authoritative sources and literature in different languages on the territorial border disputes of Spain, facing the problem of ethnic nationalism;
- to study the territorial border disputes in Spain, one of the leading European countries, ethnic conflicts, and the position of other states facing this problem on the issue of territorial integrity;
- to study the principle of territorial integrity of states, one of the ten principles of international law, which is considered important in interstate cooperation in the modern system of international relations

It is used the systematic research method, various research methods of systematic research are applied on the basis of an eclectic approach. Sources and literature on the dispute were collected, systematized, commented on, analyzed, and summarized.

When it comes to the scientific novelty of the article, it can be said that in Spain, which suffers the most from separatism in Europe, attempts have been

made to look at territorial border issues through the prism of the modern constitutional acts and the legal problems it raises, along with their historical roots, and the existing ethno-political issues in Spain and the mechanisms for their solution have been studied in detail.

In the writing of this article, the works of local and Turkish authors have been given wide coverage. While researching the topic of the article, besides foreign articles, the ones that were written about various aspects of the problem were also used.

Mine matters. There are different approaches to the implementation of the principle of territorial integrity in Western European countries. Hugo Grotius, a Dutch lawyer, argued that unresolved territorial disputes could lead to serious consequences, frozen conflicts, and hotspots. H. Grotius preferred the principle of territorial integrity based on the peaceful settlement of territorial disputes. One of the authors of the European concept of eternal peace, the French monk Charles-Irene de Saint-Pierre, considered it possible to renounce the right to war - *jus ad bellum* as a basis for resolving territorial disputes, and the participation of arbitration and international tribunals to resolve territorial disputes. Ian Brownley, a British lawyer and internationalist, proposed a condominium tool for the effective settlement of territorial disputes. In this case, two or more states carry out joint management on the same territory on the basis of an agreement (Hasanov, 2015).



Many Western European countries have territorial units seeking independence, as well as various ethnic, national, religious groups and marginal minorities.

Spain is the country in Western Europe that suffers the most from separatism. One such fact of that is the Catalonia issue. Catalonia is located in northeastern Spain and has a history of 1000 years. With a population of 7.5 million, this rich region has its own language, parliament, anthem and flag (Catalonia crisis, 2019).

Catalan nationalists have complained a lot that their regions send a lot of money to the poorer parts of Spain because taxes are administered by Madrid. They also stated that changes to Spain's autonomous status in 2010 had damaged Catalan identity (Matveeva, 2018).

Catalonia has the status of autonomy in Spain. Catalonia regulates its relations with the central government in a separate charter. The main goal of the Catalans is to secede from Spain and become an independent state. Although Catalonia holds regular referendums on its independence, its results are not recognized by Spain. In a referendum on the status of the territory in 2014, a majority of the population supported the secession of Catalonia from Spain, but the results of the referendum were not recognized by Spain, considering it unconstitutional (Beynalkhalg Tahlukasizlik, 2017, 247).

In a referendum held on October 1, 2017, 90% of Catalan voters voted for independence. However, the activity of the population was 4%. The Spanish Constitutional Court also considered the referendum illegal (Humblebæk, 2018).

In mid-October 2019, the streets of Catalonia were once again filled with protests. The protests began with heavy sentences being imposed on those who organized the 2017 referendum in Catalonia. Spain's Supreme Court has sentenced 12 politicians to life imprisonment for organizing an illegal referendum in Catalonia.

It should be noted that Azerbaijan, commenting on the "independence referendum", respected the territorial integrity and sovereignty of the Kingdom of Spain within its internationally recognized borders, and stated its support for a peaceful settlement of the situation on the basis of the Spanish constitution and laws (Tanrıverdiyev, 2017).

This problem not only violates Spain's territorial integrity, but is also seen as a major threat to the European Union as a matter of disintegration. Catalans, who have a long history and culture, believe that independence is their most important right, and approach the issue through the prism of "the right of nations to self-determination" (Karimov, 2018).

One of the problems of separatism in Spain is related to the Basque Country. The Basque Country

is a Basque region inhabited by Spain on the border with France. The Basques are trying to establish an independent Basque state in four Basque provinces in Spain-Guipuzcoa, Navarra, Alava and Vizcaya, as well as in three provinces in the Basque region of France-Basse-Navarre, Labourd and Soule, using the method of terror to gain it. This non-Hispanic population living in four provinces of Spain makes up 25% of the total population (Dunja chatishmalari, 2010, p. 793).

The ETA terrorist organization has been operating in Spain since 1959. From 1968 to 1975, until Franco's death, ETA had the opportunity to gain new members and spread its radical views. ETA has started targeting popular people to show its power. On December 20, 1973, Prime Minister Luis Carrero was assassinated in Madrid, and his car was bombed to death. This was ETA's first terrorist attack outside the Basque Country. Spain's accession to the European Union in 1986 had a negative impact on ETA, reducing its support in both Spain and France (The Basque Conflict, 2021).

Following the September 11, 2001 terrorist attacks in the United States, ETA was recognized by the United States as a terrorist organization. ETA was also included in the list of "terrorist organizations" adopted by the European Union on December 28, 2001 (The Basque Conflict, 2021). By 2009, the organization had killed about 800 people. The main goal of the organization is to secede from Spain and create an independent state. The Basque Country has an autonomous status. The political party supported by the Basque country is called Batasuna. The party was banned by Spain in 2003 (Basque conflict, 2018).

When ETA's violence finally ended in 2011, many factors could be attributed to terrorism and civil society activism, changes in ETA's political base, and limited but important assistance from international actors. Although no negotiations have taken place and no peace agreement has been signed, the unusual trajectory of the Basque peace process provides important lessons in persuading violent actors to return to democratic political channels (The Basque Conflict, 2021).

However, other regions of Spain – Valencia, Galicia and Andalusia – have gained the status of autonomy in Spain and are fighting informally for independence (Beynalkhalg Tahlukasizlik, 2017, p. 248).

It should be noted that the Foreign Relations Commission of the Spanish Parliament rejected the false claim of Armenians made in connection with the events in the Ottoman territories in 1915 (Mammadov, 2020). The bill on this false claim was rejected by 31 votes to 2. Only the Basque Nationalist Movement supported the bill, which was put forward by the Republican Left Party,

which pursues a separatist policy in the region of Catalonia. The ruling Socialist Workers' Party (SWP), the main opposition People's Party (PP), the Orientation and Unity Coalition and the Union of the People of Navarre voted against the bill. However, in the autonomous regions of the Basque Country, Catalonia and the Balearic Islands, the false claims of the Armenians were accepted. This claim was rejected in Valencia (İspanija da ermani, 2011).

One of the conflicts in Europe was the Madeira issue. The Portuguese island is located in the Atlantic Ocean, 900 kilometers from Lisbon. In terms of tourism, the islands are considered to be very favorable regions. The Madeira problem is between Portugal and Spain. In the 16th century, Spain, a militarily powerful nation, controlled the islands. Spain also managed to subjugate Portugal. In 1949, the official British consulate in Madeira opened. At that time, the Portuguese government controlled the Madeira Islands, which were first discovered by Portuguese travelers in the Middle Ages. However, discussions at the UN have legally confirmed that the islands belong to Portugal (Matveeva, 2018).

1. One of the main conflicts in Western Europe is the conflict over Gibraltar. Gibraltar is located in the lower part of Spain, in the south of the Pyrenees Peninsula, in the most important strategic area. Gibraltar is one of the most important tourist destinations. This area was under the rule of the Moors □ the Muslim population from 711 to 1462. Spain controlled the area from 1462 to 1704 (Gibraltar Brexit, 2017).

In 1704, Great Britain occupied the small Spanish island. The island was named in honor of General Tariq ibn Ziyad, who led the Arab forces occupying Spain. His armies attacked from the Jabal Tariq Peninsula. The name was later translated into the local language and renamed Gibraltar (Punktirom na karte, 2017).

In 1713, Spain officially ceded Gibraltar to England under the Treaty of Utrecht. In the 1950s, Franco again tried to return Gibraltar to Spain. Franco even laid siege to the British island. In a referendum between the people of Gibraltar in 1967 and 2002, 99% of the population voted to remain in London (Punktirom na karte, 2017).

At the current stage, trilateral talks - between the United Kingdom, Spain and Gibraltar on the future of the island have been held, but no results have been achieved. Spain believes that Gibraltar was occupied while fighting for the Spanish throne. The United Kingdom claims that concessions were made to Spain under the Treaty of Utrecht. Both sides defend their claim based on UN principles. With a population of 32,000 Gibraltar believes that they already have the right to self-determination (Punktirom na karte, 2017).

Following the Brexit talks, it was announced

that the draft EU strategy on Brexit stated that agreements on the future of the Union's relations with the United Kingdom would not be extended to Gibraltar without the consent of Spain. In June 2017, in a referendum in Gibraltar 96% of the population voted to remain in the European Union, stating that Spain was using the Brexit process to secure its territorial claims (Gibraltar Brexit, 2017).

There is a dispute between Spain and Portugal over the city of Olivenza. The city of Olivenza was ruled by Portugal from 1297. Under the 1801 Treaty of Badajoz, the territory passed from Portugal to Spain. However, there are other documents related to the region. According to these documents, if a war breaks out between the two countries and Spain wins, the city will be returned to Portugal for peaceful purposes but Portugal canceled the agreement and demanded the return of the territory. However, despite the controversy over the city of Olivenza, the city joined the common eurozone in 2008 due to the close relations between Spain and Portugal (Punktirom na karte, 2017).

Results. There are enough sources of separatism in Europe. It can be concluded that today they face such problems as they did not take a fair position on separatism from the beginning, and openly and covertly supported separatism.

If those who oppose the territorial integrity and security of the state are not prevented in time, it can become a precedent case for others. The other side of the issue is that the European Union, of which Spain is a member, has until recently followed double standards in dealing with separatist movements outside the EU. However, the attitude towards separatism has recently intensified in the documents adopted by various structures of the European Union, and the manipulation between the principles of territorial integrity and self-determination of peoples has significantly decreased. After realizing the threat of separatism, Europeans began to understand others. Azerbaijan is one of the countries with the toughest and unequivocal attitude towards separatism. For many years, Azerbaijan has been stating from the highest tribunes that the implementation of double standards in the treatment of separatism is unacceptable and could turn into a disaster for all mankind. Those who try to defend ethnic minorities in different countries without any justification have witnessed the boomerang effect of this approach. The implementation of harsh measures against the separatists in Catalonia and the assessment of the events by the central structures of the European Union and international organizations as an internal affair of Spain undoubtedly creates a serious legal precedent.

In conclusion, although the Catalan, Basque and other issues are aimed at violating the territorial integrity of Spain, the Spanish government states



that it will never give up the integrity of the country, but does not rule out granting additional rights to the region.

Conclusion. From World War II to the end of the Cold War in 1990, the international community was wary of unilateral secession, the process of creating a new state, and considered it illegal. At that period, the principle of territorial integrity of states was considered sacred. However, the post-Cold War processes call into question the superiority of the principle of territorial integrity over the principle of self-determination. Although "national self-determination" is considered a positive principle, the right to secession is perceived as a negative concept accompanied by chaos and instability. Separation by consensus is not a problem. The real issue is the desire for a group that does not suffer injustice and does not agree to leave. In the post-Cold War period, there were unilateral divisions in different independent states, and slogans of independence spread in Europe. Catalonia, Scottish and Flemish nationalism are based on three interrelated factors: identity, autonomy and economy.

It is clear from the article that Western European countries pay special attention to separatism and

the violation of territorial integrity, which they also suffer from. Various meetings are held to address these issues and exchange views on a multilateral basis. In this regard, the holding of the International Forum on "Separatism is a threat to international peace and security" in November 2017 in Brussels, Belgium, was of great political importance. Addressing at the forum, Ambassador Francis Martin O'Donnell, Resident Representative of the Irish Institute for International and European Affairs, Resident Coordinator in Ukraine, stressed that separatism is one of the most pressing problems in the modern world, noting that many countries, including Azerbaijan, suffer from separatism.

In conclusion, I would like to mention that even Western European countries are members of NATO, there are unresolved territorial conflicts within the alliance. There are enough territorial problems among NATO allies that we have witnessed in all its nakedness in the case of Spain. The Spanish government says it will never give up the country's integrity. However, it does not rule out granting additional rights to the region. It seems that these issues will continue for many years.

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