

## The Catalan Independence Conundrum

Sep 21, 2017 by [Sonia Andolz-Rodríguez](#)

On 1 October, Catalans are called to the polls to decide over the future of Catalonia. The region, which has intermittently claimed more autonomy since the beginning of democratic Spain in 1978, has now reached a political *cul de sac*. For decades, real independence was a minority issue at the Catalan Parliament. Between 1978 and 2003, Esquerra Republicana de Catalunya (ERC), the oldest uncontested pro-independence party, never received more than 10% of the votes to the Catalan Parliament. Yet, gaining more fiscal autonomy and cultural relevance was always part of the Catalan plan. The former *Convergència i Unió* (CiU), which ruled the region for twenty-three years in a row, proceeded by maintaining a good relationship with the government in Madrid and promoting a soft nationalism (so-called 'Catalanism'), without any specific reference to independence on its agenda. This fragile balance of agreements and disagreements with Madrid has now reached its weakest moment. The last six or seven years have put the independence of the region at the very centre of the debate. While in Madrid many thought the Catalan claims would fall apart at some point, the support for Catalan full independence kept growing and widening in the region. The government in Madrid has remained mainly quiet diminishing the importance of the pro-independence sector and taking every new political step from the Catalan parliament to court. It is not certain at this point if the so-called referendum ('popular consultation' for the Spanish government) will actually take place or under which circumstances. What is sure is that it will be unilateral, despite Catalan efforts in making a bilateral agreed referendum. Spanish courts have continued to prohibit it and the Spanish Constitution clearly states in its article 2 that the unity of the state is inviolable. How Spain and Catalonia have arrived at this dramatic scenario is a story of disagreements, wrong political decisions and independent civilian actions making the whole process an asymmetric conflict. The terrorist attacks that shook Barcelona on 17 August have only worsened and widened the gap between the central and regional governments, making it visible to everyone, including the international leaders who attended the funerals. Even the demonstration against the attacks, carried different messages.

Both form and content of the pro-independence claims have evolved over the last years and the picture, just some weeks ahead of 1 October, is politically and legally unclear. The form has been unilaterally developed by Catalonia, bringing about uncertainty and producing a weaker image than a bilateral definition would have. Also, the Catalan debate has been so focused on the form that there have not been any significant content-related discussions until the last stages. Thus, by uniting in favour of the right to decide on it, the different pro-independence groups have left their differences mainly aside and have deprived Catalan citizens of the opportunity to have a deep, thoughtful and well-argued debate on the reasons, conditions and consequences of that independence. However, the content has somehow evolved in parallel to the format and it now differs greatly from the initial goals.

Formally, Spain is not a federal state and has its own system of decentralisation. Based on the Spanish Constitution of 1978 and later complementary laws, the regions – *Comunidades Autónomas* in Spanish – have asymmetrical competencies and autonomy. Those with a historical past of autonomy or cultural identity gained higher levels of self-government while others remained more Madrid-dependant. It is true that these unequal autonomy levels were at the centre of the Catalan debate for decades and even at the beginning of the so-called *Procés* (process, in Catalan, referring to the legal and political path towards independence). In 2006, a law passing higher autonomy for Catalonia – that other regions already had – was rejected and amended at the Spanish Parliament. This was seen as a serious offense of the honourability of the Catalan Parliament that had discussed the text for months before reaching an agreement. Consequently, a limited version of the law was submitted and approved by popular vote in Catalonia. Four years later, following a claim of the People's Party (PP), the Spanish Constitutional Court cancelled some articles of the law. The judiciary ruled over a text that had been discussed and passed at the Catalan Parliament and later voted by the Catalan citizens. The decision was seen as an interference with Catalan issues and as a clear political move against autonomy. Immediately, over a million-people rallied in Barcelona claiming their right to decide ('We are a nation, we decide'). From there, the judiciary has been a pillar in this conflict

as it has constantly rejected all Catalan moves and even prosecuted some politicians for their factual involvement. The central government has remained firm in its commitment to the country's unity and its only actions have been legal claims. This way, the political conflict has shifted to the judiciary field, creating a bigger gap between Madrid and Barcelona political hubs and an asymmetry between the Catalan political goals and the Spanish judiciary instruments to combat them.

The Catalan Parliament has a road map, agreed by a majority of the MPs, defining the steps to take and setting a schedule that, however, has not been followed. This road map includes what it calls 'the creation of state structures' and gives full power of action to the Catalan Parliament. Amongst those state structures, the plan designs a Catalan tax agency to take over the tax collection as soon as the new state would be declared. Also, the Catalan government already has full competencies in basic sectors such as education or health and it even has its own security forces, the Mossos d'Esquadra, which have been at the centre of the debate during the August 17 attacks. For many, the Mossos d'Esquadra have proved to be a state-level police ready to take control of a new country. Further, the management that Catalan hospitals, politicians and citizens did of the crisis was vowed by international and national voices, reinforcing the narratives of a 'nation that is ready to rule itself'. However, there are many clues and questions that remain unclear. Whether a functioning independent Catalonia would be feasible having Spain against it is yet to know. Key sectors for the industry have strong ties with the rest of Spain and although the Catalan economy is stronger than the Spanish, no one can know with absolute certainty how a Catalonian state could actually function outside the EU.

The other main critiques about the format of this political process focus on the electoral design. As the referendum has not been approved by Spain, there are some traditional electoral conditions that cannot be fully achieved. To have a proper legal census of citizens the Catalan government would need to obtain it by irregular means. Other options, such as the one used in a previous popular poll of 9 November 2014 that allowed every person who could prove to live in Catalonia to vote, must be discarded. Also at that occasion, the electoral polling stations were conducted by volunteers from the pro-independence movement which was rated by international political observers as inadequate. As the Catalan government cannot legally assign citizens to be at the electoral polling stations (the Spanish electoral system randomly assigns citizens by ballots), the regional parliament passed a law approving the government's legal capacity to do so. Furthermore, in Spain, the polling stations are traditionally public schools and the ballot boxes are provided by the Electoral Central Commission. Following the 2014 consultation, various head school teachers were requested to answer to tribunals about their actions and currently there is political pressure on a potential big purchase of electoral ballot boxes. Finding the proper locations and boxes for 1 October has been a main concern for the pro-independence sector that seems to be solved – as stated by Catalan President Puigdemont – although not made public yet. Less than a month ahead, citizens do not know yet where they are expected to vote or if they will have to sit at a polling table. The only certainty is the question: *do you want Catalonia to be a republican independent state?*

The syntax and grammar of the question of the referendum is not in the least trivial for many years the question itself was at the centre of the debate. At the beginning, it did not include a reference to 'republic', for example. Neither did it clearly state 'do you want it to have an independent state?' The first drafts asked: *do you want it to be more autonomous? If yes, in a federated form? etc.*

The current question is the product of the development of the content. It took some years for the pro-independence sector to define a clear direction and many politicians and civil society leaders lost their way. The initial focus of the independence debate was mainly economic. The Spanish fiscal balance is complex and many argue that Catalonia is in deep disadvantage between what is paid to the central government and what is sent back to the regional level to administer. The global economic crisis, that has dramatically affected Spain, has lit the fuse of the pro-independence speeches. Catalonia's economic sector, stronger and more stable than other more deprived regions in Spain, felt it was paying the bill for the rest. Yet, this economic criterion has progressively widened and blurred bringing other issues to the agenda: an

inclusive Catalan identity, a more transparent and well-functioning public administration, a republican form of state (while Spain is a monarchy), and its more powerful message: the exciting possibility of building a new state from zero. While Spain is portrayed as a corrupt, nepotistic old country where cultural differences are not valued, the new Catalan independent state would begin with no past. It would look at the Scandinavian model of accountability and transparency, the German economic model and the best of the British democracy. What could go wrong?

It is true that Spain urgently needs what is called a second '*Transición*' – referring to the historical period that peacefully turned the country from a dictatorship into a democratic state – and many adjustments and reforms, including a national debate on the monarchy itself. It is also undeniable that Spanish governments could have done much more for the different co-official languages and historical identities. State-level policies and official behaviours have not been as positive and caring for the different cultural realities as they could have been. Co-official languages are hard to find in official curricula in other regions and the prevalence of the Spanish language is clear. Any exaltation of cultural or identity difference has traditionally been looked at by Madrid with suspicion and distrust. For many, Catalan language and identity have been repeatedly disparaged by the central governments. Yet, the debate is not that narrow when it comes to the other charges. Corruption and nepotism are not only Spanish. Spain's corruption cases have not ceased to appear. The ruling PP has dozens of members who have been condemned or are in trial and even some members of the royal family have been condemned for corruption and fraud charges. However, the Partido Socialista Obrero Español (PSOE) and the later Catalan CiU have also been prosecuted and involved in different corruption and fraud cases. The presence of the CiU in several cases together with a disagreement on the independence details itself, brought the coalition to an end. Pressures from the left groups in the pro-independence sectors demanding CiU to clear all corruption-related members and to begin operating in a different way just added more pressure. In July 2016, *Convergència Democràtica de Catalunya* declared its end and a new party was born: *Partit Demòcrata Europeu Català* (PDeCat). While for many the name change was no more than esthetical – that the new name includes a clear reference to Europe is no co-incidence.

The possible relation with the EU, the aims of being fast recognised as a *de iure* and *de facto* ruling independent state and the spot that a potential Catalonia would have in an EU scenario are one of the main worries of the Catalans. Considered a very European society, with Barcelona as its flag ship, Catalans would absolutely regret being excluded from the EU. Even though Brussels remains firm in its support of Madrid, the EU's careful opening towards Scotland after the success of the Brexit vote gave some hopes to pro-independence actors in Catalonia.

Lastly, the pro-independence narrative has also focused on the form of state that Catalonia would be: a republic. The current Spanish monarchy is basically an inheritance from Francoism. As the dictator was dying, he named the then prince Juan Carlos (later King Juan Carlos I) as his official heir. After Franco's death, Juan Carlos was declared King of Spain and the Constitution embraced the form of a parliamentary monarchy. Compared to other European royal families, the Spanish has very limited functions and marge of action. Its budget is also much smaller and all the king's official speeches, travels and activities must be agreed on with the government. However, many take the view that it is time now to put the monarchy to a vote. The condemnation of the present king's brother-in-law by a Spanish tribunal on charges of fraud and corruption kindled the debate again.

Catalan leaders argue that the new state would be republican and would not carry the heavy weight of decades of royal history. Therefore, choosing to include the word 'republic' in the referendum question is also a politically motivated move. For those leftist Catalans who are not fully pro-independence, the dilemma is presented as monarchy vs republic. Smart move!

Concluding, while the central government remained impassive, the pro-independence movement has progressively increased, both horizontally and vertically. Many thought pro-independence was a political hype that would disappear by itself but it did not. Now, Catalan



politicians can only move forward as Catalan society would not forgive any rendition. Spanish politicians, seen that they have not been able or willing to negotiate any solution the past years, have two options left: embracing an out-of-law referendum or condemning it. Both positions have their political consequences. At this moment, nobody knows whether the referendum will take place on 1 October. No one has been called to the polls yet; all actors are waiting for the other side to show its cards first. No one wants to be the leader who started something that went wrong. The central government, supported for the occasion by two other state parties, has clearly stated that it will not allow any 'act of secession' and, if necessary, it will put into action article 155 of the Spanish Constitution, which allows the state to suspend a Comunidad Autónoma's autonomy, with 'all means'. Whether that includes using security forces to prevent the voting is yet unclear. What is important is that no type of violence should be put into action. Politics, in the end, is the art of reaching agreements instead of fighting over them. An absence of a negotiated solution for 1 October only means that many politicians on all sides have failed.