

# Catalonia: From Secessionism to Secession?

Written by Marc Sanjaume-Calvet

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MARC SANJAUME-CALVET, JAN 15 2016

Catalonia is about to move from secessionism to secession, according to its newly elected Government. Will Catalonia be a new State of Europe? The emergence of a new state in the international system depends not only on internal mobilization but also on external factors, such as Great Powers' recognition of the new actor. Therefore, it is a phenomenon that is hard to predict (Coggins 2014). Liberal democracies have seen a revival of regionalism and secessionism since the 1970s, however; independence has actually been rare and mostly circumscribed to newly created states such as those emerging from the dissolution of the USSR and Yugoslavia (Pavkovic and Radan 2007).

In Western Europe, the tendency of secessionist groups is to follow a peaceful and democratic strategy. In fact, there has not been any successful secessionist movement. However, support for independence is significant in many places, as evidenced by the 44.7% of the votes gathered by the Yes side in the 2014 Scottish referendum, and also by opinion polls in places like Corsica and the Basque Country. The factors fostering secession are multiple and varied across cases: cultural and linguistic differences, lack of self-government, relative poverty, access to central power, economic prospects, elites aspirations and so on (Sorens 2012).

Catalonia has seen a rapid shift from autonomism and federalism towards almost majority support for the break-up with Spain. In 2006, secession was the preferred option of less than 15% of the Catalans, whereas in the last elections the secessionist forces obtained 48% of votes. The economic crisis and a constant erosion of Catalonia's self-government by Central powers have been crucial in this historical shift of Catalan nationalism, which was traditionally oriented towards regionalist demands (Guibernau 2013).

### The Recent Political Evolution and the New Government

The newly elected Catalan Government is now about to begin an 18-month roadmap to achieve Catalan independence, the plan that was proposed by the coalition "Together for Yes" (*Junts pel Sí*). This mandate was initiated by the Catalan Parliament on 9 November 2015 when it approved the *Declaration of the Initiation of the Process of Independence*. This Declaration proclaimed the lack of legitimacy of the Spanish Constitutional Court and the beginning of the process to create an independent Catalan state in the form of a republic. It also announced the start of a participatory, open, integrating and active citizen's constituent process to lay the foundation for the future Catalan Constitution. However, the results of the September 27<sup>th</sup> elections, framed as a plebiscite on secession by pro-independence forces, delayed the continuation of the secessionist strategy until the beginning of 2016. The deadlock among secessionists — which lasted almost three months after the September 27<sup>th</sup> regional elections and they almost aborted their plans — was broken with a last-minute parliamentary agreement. The secessionist alliance "Together for Yes" and the far-left party CUP (Popular Unity Candidacy) reached a pact. The CUP (10 deputies out of 135) refused to support the re-election of the incumbent president Artur Mas, the candidate of "Together for Yes" (62 deputies), as they had promised during the campaign. The CUP considered Artur Mas responsible for the austerity measures and privatization policies made by the Catalan government in recent years. The final "Together for Yes"- CUP agreement has now relaunched the pro-sovereignty mandate with a new cabinet around the figure of Carles Puigdemont, a former mayor of Girona.

The current secessionist strategy of Catalan pro-sovereignty parties (CDC, ERC, CUP) is the direct result of the last

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decade of tensions between Madrid and Barcelona governments (Cuadras 2016). Following the ruling issued by the Constitutional Court against the Statute of Autonomy in 2010, Catalan regionalist and secessionist parties, and civil society organizations such as the ANC (*Assemblea Nacional Catalana*), pushed for a pro-self-determination strategy and included in their party manifestos the promise to hold a referendum on secession. Catalan self-government was seriously eroded by the Constitutional Court, which deemed unconstitutional the precepts which had motivated the reform of the Statute of Autonomy in the first place: increased powers, a new fiscal agreement, the recognition of the Catalan nation and the international profile of Catalonia, among others (Requejo 2010).

The period 2012-2015 saw a recurrent demand for self-determination based on a solid majority in the Catalan Parliament. Nonetheless, the Spanish Conservative Government, led by Mariano Rajoy, the Constitutional Court (with a majority of conservative judges), and the Spanish Parliament majority (including the socialist opposition of the PSOE), repeatedly refused (to address the Catalan demand and declared unconstitutional the attempts of the Catalan Government to hold a referendum on independence (Requejo and Sanjaume-Calvet 2015; Sanjaume-Calvet 2016). During this period, Catalan civil society organized several demonstrations claiming the “right to decide” and pushing for independence. The November 9th 2014 consultation, organized unilaterally by the civil society and supported as a participatory process by the Catalan Government, was declared unconstitutional by the Spanish authorities. The consultation asked a two Yes-No questions on a Catalan State and independence “Do you want Catalonia to become a State?” and “Do you want this State to be independent?” and the Yes-Yes option reached 1,897,234 votes (80,74%) with an estimated (by Catalan Government) turnout of around 37-40%. The Catalan president Artur Mas, and two members of his former cabinet, have been prosecuted due to the unofficial consultation by the Spanish attorney general accused of disobedience and other charges. The legal and political rejection of the Catalan demand of self-determination by the Spanish central institutions led the secessionist parties to frame the September 27<sup>th</sup> elections as a plebiscite on independence.

### Legitimacy and the Unilateral Roadmap to Independence

Catalonia is now among the few Western democratic cases in which there is a substantial support for independence, but in a quite unique way since there has not been an official referendum on this topic in Catalonia. The last regional elections gave an absolute majority to the secessionist forces: 72 seats out of 135, and 48% of votes. While “Together for Yes” (62 deputies) and pro-sovereignty forces claimed to have won the plebiscite, the opposition pointed out the lack of a majority of votes to support a break-up, and even less a unilateral path. The non-secessionist forces had neglected the plebiscitary dimension of the vote but the political confrontation led to an almost one-issue campaign on sovereignty. The opposition parties in the new parliament are divided into those rejecting Catalan self-determination: Ciudadanos, 25 deputies; PSC-PSOE, 16 deputies; and PP, 11 deputies; and those against secession but supporting a referendum: CSQSP, 11 deputies (the Catalan branch of Podemos including the post-communists ICV-EUiA).

In Catalonia, the elections' secessionist mandate is even clearer than that of other cases. In Quebec, Parizeau's PQ got 45% of popular support in 1994 provincial elections before the 1995 secession referendum; and Lévesque 41,1% in 1976, before 1980 referendum on sovereignty-association. In Scotland, Salmond's SNP got a 45% of votes from the Scottish electorate (48% with the Scottish Green Party) before 2014 referendum. However, if the Catalan regional elections should be evaluated as a plebiscite, in Quebec (1980, 1995) and Scotland (2014) the 50%+1 rule was considered the minimum threshold in the referendums in which secession or sovereignty-association was defeated. Therefore, the parliamentary majority reached by Catalan secessionists is similar to the parliamentary support reached by the PQ or the SNP, but in the Catalan case the political and legal context has lead secessionists to map a unilateral plan. Spanish authorities are not behaving like the UK or Canada, and are blocking Catalan self-determination.

Consequently, the new Catalan Government is now facing a mandate difficult to accomplish. Despite having a parliamentary majority, the 18-month unilateral plan would entail more tensions with the Spanish Government and would imply the transformation of Catalan self-government into an independent administration. This transformation would require defying not only the political but also the legal (and coercive) Spanish structures. Although Catalonia enjoys significant self-government and is an economically advanced region, financially it still depends on a

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centralized tax-collecting system, relying on central government transfers, and certain public powers such as justice are still completely managed from Madrid. The most relevant difference, in comparison to Quebec and Scotland, is not the degree of political support for secessionism but the response from the central government and the degree of self-government, which is relatively lower (Hooghe, Marks, Schakel 2010). The UK and Scotland offer a contrasting example of a legal and political way to settle a secessionist dispute. The 2012 Edinburgh Agreement between David Cameron and Alex Salmond established the “rules of the game” of the 2014 Scottish independence referendum. In the Spanish case, there have been no similar propositions from the central government. Moreover, the Catalan self-government has suffered an important setback after the 2010 ruling against the Statute of Autonomy, and during the economic crisis public finances have suffered important cuts from the central government.

### **The Spanish Political Arena and the Catalan Conflict: A Clash of Legitimacies**

It is worth analysing the Spanish political arena to understand the context of the Catalan demands. During the last Spanish legislature (2011-2015) the PP and the PSOE, the historically imperfect two-party system, had a qualified majority in the Lower Chamber (296 out of 350 deputies). Nonetheless, the December 20<sup>th</sup> 2015 Spanish elections showed a historical shift with a multiparty Parliament because of the emergence of the new political parties Podemos and Ciudadanos. Negotiations to form a new Spanish government are still ongoing and deeply influenced by the Catalan secessionist project. Despite the possibility of a PP-PSOE grand coalition, the socialists' priority is to form a leftist coalition (stability pact or minority leftist government), which would require an alliance with Podemos (which won the Spanish elections in Catalonia). However, the Catalan “threat” of secession has made the negotiations difficult for two main reasons. Firstly, Podemos and its charismatic leader Pablo Iglesias demand a referendum on the Catalan question as a condition to form a Spanish government with the PSOE (among other economic and public policy measures). The Catalan parties would probably make a similar demand to vote for a new Spanish Prime Minister. Secondly, the election of a Catalan president provides a powerful reason to commentators and the PP to advocate for a “grand coalition” to save the union. Thirdly, the unstable situation due to the political negotiations at that moment can be perceived as a weakness of the central government and an opportunity to advance towards secession among Catalan elites.

In a nutshell, Catalan demands seem to be crucial for Spain's political stability, as it happened in the '90s with the last government of Felipe Gonzalez (PSOE) and the first one of Aznar (PP). However, this time the strategic support from the Catalan minority would demand nothing less than a referendum on secession. The situation seems to be a political *cul-de-sac*. On the one hand, Catalans will hardly step back from the self-determination demand. Secession does not have a majority support in terms of votes, although it does have a majority of seats in the Parliament, but self-determination (understood as a referendum on secession) is supported by a large majority among public opinion. On the other hand, in spite of the emergence of Podemos, the parties rejecting a referendum (let alone negotiating secession) still have a qualified majority in the Spanish Parliament and the PP has an absolute majority in the Senate.

### **Is There A Way Out?**

The independence of a part of the Spanish territory is illegal according to the current Spanish Constitution and it would require a constitutional reform. That is a complicated process requiring two-third of both chambers, new elections, and a ratifying referendum. Therefore, at the moment a solution similar to the Scottish agreement does not seem feasible, although Catalan secessionists still state that they would stop their unilateral secessionist plans if there was an offer of a negotiated referendum on secession. The Canada-Quebec and UK-Scotland experiences, among many other secession conflicts outside Europe, show that a referendum in which the rules of the game are accepted by both sides is a common solution to this situation. Moreover, the 1998 Opinion on the Quebec Secession issued by the Canadian Supreme Court offers an example of the principles and guidelines that should govern such processes. Unilateral actions are still a possibility considered by secessionists, but the costs of a non-negotiated eventual break-up, without a Spanish authority's recognition, would be high in the EU context. Moreover, the current mandate of the Catalan Government is not based on a strong majority to pursue unilateral secession.

The current negotiations to form a new Spanish executive will certainly define the nature of the conflict during the

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following years. The blocking and rejection strategy of Mariano Rajoy's cabinet, instead of appeasing secessionism, has led to a pro-independence majority in the Catalan Parliament. Perhaps the time has come to follow the British path and let the Catalans vote. From Madrid's point of view, the costs of repression, such as the prosecution of the former Catalan president Artur Mas, are now lower than the costs of authorizing a referendum in Catalonia. Nonetheless, in the long term, this repressive slippery slope would lead to an institutional confrontation which would not benefit any side.

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