

## Spain's Catalan separatist crisis | IISS

Catalonia is an autonomous community in northeast Spain, with a distinctive linguistic, cultural, legal and political identity. It contains Spain's second-largest city, Barcelona, a major cultural centre and tourist destination. These features, coupled with Catalonia's historical status as a relatively autonomous and distinct entity throughout the Middle Ages and early modern period, have traditionally stimulated Catalan calls for self-government. In recent years, such sentiments have gained strength due to the disillusionment of many Catalan people with systemic fiscal imbalances disfavouring the Catalan region, and the Spanish national government's denigration of Catalan rights and symbols. Mounting discontent induced Catalan President Carles Puigdemont to hold an independence referendum on 1 October, though the national government maintained that referendum was illegal, and successfully petitioned the Constitutional Court of Spain to declare it a breach of the Spanish Constitution of 1978. The national government then ordered that the vote be suspended.

Those opposed to independence widely boycotted the referendum, for which turnout was only 43%. The Spanish government took drastic measures to impede the voting process, disabling the internet, confiscating ballots, arresting electoral officials and threatening many more with prosecution. Madrid also dispatched police officers in riot gear, who used truncheons and rubber bullets to disperse crowds, shut down polling stations and seize ballot boxes. More than 750 civilians were injured. Catalan officials defiantly improvised, employing privately printed ballots and spontaneously changing voting hours and rules. Although some 92% of those who voted did so in favour of independence, neither Madrid – which voiced suspicions that Russia had covertly promoted independence to destabilise Spain – nor the European Union recognised the result. Puigdemont withdrew his insistence on immediate implementation, but eventually declared independence, prompting Spanish Prime Minister Mariano Rajoy to invoke extraordinary powers and impose central government authority over Catalonia.

### **Historical background**

Catalan nationalism first developed during the short-lived and unstable First Spanish Republic of 1873–74 as a liberal, bourgeois movement which sought to build a federal, modern state in Spain. Self-government was considered the most effective tool for securing national recognition of Catalonia's distinct identity and for promoting the region's economic interests. Catalan nationalism at its inception did not carry any hidden aspiration to fragment Spain, but rather was intended to

ensure discrete Catalan influence within Spanish politics. In 1914, the incorporation of the four Catalan provincial governing bodies into a single institution known as the *Mancomunitat de Catalunya* (Commonwealth of Catalonia) finally achieved formal autonomy. Despite the institution's successful governance in areas like education, culture, welfare and public works, however, General Miguel Primo de Rivera's military dictatorship from 1923–30 first weakened and then proscribed the *Mancomunitat*.

The Second Spanish Republic emerged after the collapse of de Rivera's military dictatorship and the abolition of the Spanish monarchy in 1930, and lasted from 1931–39. During this period, a Catalan self-governing body known as the *Generalitat de Catalunya* (Government of Catalonia) with executive, legislative and judicial powers was established under Catalonia's first Statute of Autonomy, which was passed by the Spanish Parliament in 1932. The first Catalan independence movement materialised as a bulwark against political factionalism – in particular, to stave off the re-emergence of right-wing Spanish nationalism, which was already calling for the elimination of Catalan autonomy. After General Francisco Franco's far-right nationalists prevailed over the republicans in the Spanish Civil War (1936–39), he abolished the *Generalitat*. During the nearly 40 years that Franco held power, his brutal fascist dictatorship suppressed the Catalan language and other symbols of Catalan national identity. Any public practice, official promotion or recognition of the Catalan language was strictly prohibited, although over the years the regime moderated its stance and certain restrictions were relaxed.

Against the Franco regime's anti-democratic and anti-Europeanist stances, Catalans sought to move Spain towards a Western European model of capitalist democracy and pluralism that would accommodate Catalan autonomy. The consolidation of democratic rule following the death of Franco in 1975, which culminated in the ratification of the Spanish Constitution in 1978, paved the way for the re-establishment of Catalan autonomy. Under the authority of the Constitution, the Spanish parliament passed another Statute of Autonomy in 1979, which defined Catalonia as an autonomous community within the Kingdom of Spain – the monarchy having been re-established after Franco's death – and reinstated the *Generalitat*. The statute coordinated Catalonia's institutions of self-government with those of the national government, and Catalans generally regarded it as a reasonable compromise between historical Catalan autonomy and the unionist vision of Spain's post-Franco national political leadership. At the same time, Catalan politicians incrementally advanced Catalan self-government in social and economic areas.

From 1979–2006, only between 25% and 30% of Catalans favoured outright

independence. Most supported a federal framework for Spain, and therefore a larger degree of autonomy for the region. But while the Constitution of 1978 was drafted with an eye to pre-empting more extensive devolution, it also allowed autonomy for other regions with no historical aspirations for self-government. Accordingly, Spain was reorganised into 17 autonomous communities, plus two autonomous cities, Ceuta and Melilla in North Africa. This process is known in Spanish as *café para todos* (coffee for all). The overall effect was the dilution of Catalan autonomy. As decentralised Spanish democracy matured, many Catalans became disenchanted with a system in which autonomy seemed more decorative than real. An abortive right-wing military coup attempt in 1982 prompted a subsequent consolidation of centralised power. But throughout a series of makeshift coalitions involving Catalan parties in Spain's parliament, Catalans felt sufficiently empowered not to push too hard for greater autonomy or independence. For example, a process by which the *Mossos d'Esquadra* – the Catalan police force, which became autonomous in 1983 – would replace the Spanish *Guardia Civil* in Catalonia began in 1994 and was completed in 2008.

Mainstream Catalan parties also showed full support for European integration, which tended to moderate Spanish sovereignty. But while independence was incompatible with a pro-European political sensibility, reinforcing Catalan autonomy with additional powers was not unambiguously so, as the EU encouraged the recognition of non-sovereign cultural identities as consonant with supra-national authority. Accordingly, in a June 2006 referendum, 73% of the Catalan electorate approved a new Statute of Autonomy that enhanced the *Generalitat's* powers. The new statute characterised Catalonia as a 'nation' in its preamble, and accorded the *Generalitat* jurisdiction over various aspects of culture, education, health, justice, the environment, communications, transportation, commerce, public safety and local government. Spain's Constitutional Court, however, prompted by the then-in-opposition People's Party and with the acquiescence of the ruling Spanish Socialist Workers' Party, watered down the statute over four years of deliberations. The court rewrote 14 articles and imposed restrictive interpretations of 27 others, ruled that the statute's use of the term 'nation' had no legal validity, and struck down all of the statutory mechanisms designed to minimise inequitable effects of the Spanish tax and transfer system on Catalonia.

Catalans widely perceived the court's decision as draconian and unfair, and momentum gathered behind a mooted independence referendum. By late 2013, polls indicated that between 40% and 55% of Catalans supported independence. Polls in 2017, however, suggested that popular backing for independence had peaked in 2013, and that only about 40% now supported it. Yet those favouring

independence, even if only a large minority, had become more adamant, and polarised and destabilised Catalan politics by way of massive demonstrations – sometimes exceeding a million people – on the streets of Barcelona and elsewhere. In the last elections, in September 2015, the so-called ‘national question’ – that is, Catalan independence – overwhelmed ideology and other political issues.

### **Political fallout in Spain and Europe**

The referendum on 1 October precipitated Spain's worst political crisis in 40 years. Many Catalans were shocked at the Spanish police's use of force against largely peaceful demonstrators and voters on the day of the referendum. For some older people, the scenes provided ominous flashbacks to Franco's rule. The Spanish government stated that the referendum was unconstitutional. The Catalan government declared independence, but maintained that it was not effective immediately, to allow for dialogue with Madrid. Rajoy asked for clarification over whether or not independence had been declared. After some hesitation and a few indirect and unproductive contacts between Spanish and Catalan government officials, the Catalan parliament two weeks later provided the requested clarification by passing a bill announcing ‘the Catalan republic as an independent state’. On 21 October, Rajoy invoked Article 155 of the Spanish Constitution, and on 27 October Spain's Senate voted 214 to 47 to approve the measure, granting Rajoy extraordinary authority to take direct administrative control of the region. He then suspended Catalan autonomy, dismissed the entire ‘insubordinate’ Catalan government, dissolved the legislative chamber and called for new elections on 21 December. Rajoy announced that Madrid would govern Catalonia until the elections and formation of a new regional government.

The EU and its individual member states have not experienced any secessions since the advent of the Union, the reunification of Germany – accomplished without any modification of West Germany's original accession treaty – having been the most substantial change of sovereignty within the EU. The consensus among EU officials is that a political entity seceding from an EU member state would be considered a non-EU member, and accordingly would have to apply anew for membership and go through the same application process as any other non-member candidate country. The reluctance of the EU and its leading member states to accommodate secession is based in part on fears of the potential domino effect that any precedent of easy admission might unleash, given that there are energetic nationalist movements across the Union, in Flanders, Northern Ireland, Scotland and indeed Spain's Basque region. Brussels would not welcome a spontaneous proliferation of small, veto-wielding member states, which would make an already cumbersome governing structure even more difficult to manage. An independent Catalonia, then, would face the risk of delayed or denied EU

admission.

Sub-sovereign entities aspiring to independence could argue that quick accession would increase the probability of a peaceful transition to sovereignty, and spare Brussels the indignity of a peacekeeping operation within EU borders. They could also note that the EU's adoption of self-determination as a founding value requires it to adopt a more sympathetic and pragmatic dispensation to entities seeking independence – that is, a fast-track negotiating procedure for granting EU entry to such an entity, based on the presumption of substantial compliance with the EU *acquis communautaire* in light of its effective past compliance therewith as part of an EU member state. The member state from which the applying entity had seceded, however, could still veto accession. On balance, then, the EU's institutional priority is to discourage secession as a source of instability, and in fact, it is maintaining an inflexible position on EU accession as a deterrent. Unilateral secession is not, therefore, a promising political option for Catalonia. Under the most optimistic separatist scenario, a new Catalan state might use its economic leverage as Spain's most prosperous region by agreeing to assume a substantial share of Spain's debt, in exchange for Spain's facilitation of expedited accession to the EU. But given Spain's implacable historical opposition to state fragmentation, and its recent emphatic confirmation of that position, that scenario scarcely seems plausible.

## **Outlook**

Supporters of independence are hoping that the 21 December elections function as a second referendum on independence. Catalans and some other Spaniards increasingly see Spain as following Turkey's authoritarian path. Fuelling these sentiments are Spain's recent arrests of nine regional ministers and two activists on grounds of rebellion, sedition, misuse of public funds, disobedience and breach of public trust, and its issuance of arrest warrants on the same charges for Puigdemont and four other Catalan ministers – all five have fled to Belgium. Should pro-independence voters prevail again, they will likely redouble their appeals to the international community for recognition of Catalonia as a sovereign state. Unionists, though, see the elections as an opportunity to restore institutional 'normality', national order and discipline in Catalonia. Beyond that, hard-line unionists may harbour an intention to roll back devolution in the name of Spanish national integrity and stability. From this perspective, reconciling secessionists and unionists will not be easy.

If the elections affirm independence, judging by Madrid's reaction to the October referendum, any Catalan attempt to unilaterally secede might well lead to outright civil conflict and elicit firm legal, political and even military resistance from Spain.

Yet the confrontational positions adopted by both secessionists and unionists prior to, during and after the referendum might suggest that Catalans would be inclined to go for broke. Should they do so, and re-assert independence rather than revert to the status quo, the cycle witnessed over the past several months could repeat, only with greater intensity, and plunge both Spain and the EU into deeper crisis. But separatists may be getting cold feet. Regional polls do remain close between separatists and unionists, with the former expected to win at least 66 of 135 regional parliamentary seats. The Catalan independence movement, however, seemed to be wavering earlier this month, when a planned general strike had a relatively minor impact, and the two main Catalan parties could not agree on a joint ticket for the elections.

The prevailing hope across Europe is that Catalan voters drop independence and opt for a less disruptive push for enhanced autonomy within Spain, while Spain softens its unionist stance and becomes more amenable to autonomy along the lines of the unmodified 2006 Statute of Autonomy. As a means of conflict resolution, the concession of substantial regional autonomy, combined with staunch resistance to outright separation, has strong precedent in Spain: that approach appears to have ultimately tamed the protracted and highly lethal conflict between the Spanish government and Basque separatists. In addition, the rather abrasive and maladroit handling of the crisis by Rajoy's minority government has apparently not impressed the national electorate. More than half of Spanish voters favour early national elections, and a new government attuned to the mistakes of its predecessor might improve prospects for a satisfactory settlement of Catalan grievances and concerns. Accordingly, there at least appears to be a realistic pathway to a less confrontational and destabilising political dispensation than a contested play for Catalan independence.

**Volume 23, Comment 39 – November 2017**