

Catalonia's independence referendum: The stage is set for yet another political and legal battle

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A referendum on Catalan independence is set to take place on 1 October. [Paul Anderson](#) traces the change in tack in Catalonia, where polls have started to record a sharp upturn in favour of independence over the past seven years, bolstered by the Rajoy government's refusal to engage in dialogue. A 'Yes' vote is unlikely, but not impossible: it would not be accepted by Madrid, and the EU would come to play an important role.



On 1 October 2017, Catalans will vote in an historic referendum on the secession of Catalonia from the Spanish State. After several years of constitutional wrangling, including a previous attempt to hold an independence referendum, Catalans will be asked 'Do you want Catalonia to become an independent state in the form of a republic?'. The Catalan government considers the holding of a referendum as the ultimate solution to move beyond the current constitutional quagmire between Catalonia and Spain. This viewpoint, however, is not widely shared in the political quarters of the Spanish government which deem any referendum on the breakup of the Spanish state illegal. In the words of Spain's deputy prime minister, [Soraya Sáenz de Santamaría](#), 'they can announce a referendum as many times as they want ... but this referendum will not take place'.

Since 2010, polls in Catalonia have recorded a significant increase in the number of citizens in favour of independence. Indeed, the shift in support from constitutional status quo to independence is remarkable considering that historically the Catalan nationalist movement was explicitly non-secessionist and committed to the Statute of Autonomies regime. This all changed in 2010 when the Constitutional Court severely watered down the reform of the Catalan Statute of Autonomy which had been reformed in 2006, and approved by both the Catalan and Spanish Parliaments as well as the Catalan electorate in a referendum. Some provisions in this reform, such as the proclamation of Catalonia as a nation, were deemed by the Partido Popular, then in opposition, as at odds with the Spanish Constitution, an interpretation that was upheld up by the constitutional court's ruling in 2010. From here on in, the Catalan and Spanish governments have been involved in a lengthy process of constitutional sparring.

The call for democracy

On Sunday 11 June, a few days after the announcement of the date and question of the referendum, circa 40,000 Catalans gathered in Barcelona under the slogan 'Love Democracy' to demonstrate their support for a referendum on secession. [Pep Guardiola](#), past captain and manager of Barcelona Football Club and the current manager of Manchester City, was the gathering's biggest star and read out a short manifesto in Catalan, Spanish and English, stating 'We will vote even though the Spanish state does not want us to'. Flanked by the huge 'love democracy' banner, Guardiola illuminates one of the most important themes of the Catalan secessionist movement: democracy.



A pro-Catalan independence demonstration in Via Laietana, Barcelona. Credits: [Lohen11](#) (CC BY-SA 3.0)

For the Catalan Government, the Spanish Government's refusal to open dialogue on the issue of independence, not least constitutional change, is testament to the failure of democracy in Spain. In lieu of seeking any form of accommodation or change in the relationship between Spain and Catalonia, the Rajoy government, in power since 2011, has consistently downplayed the demands of the Catalan government and evoked constitutional articles, such as Article 2, which refers to the 'indissoluble unity of the Spanish nation', as legal bulwarks to secessionist demands.

What is more, the Spanish Government has been [accused](#) of politicising the judiciary after several Catalan politicians have appeared in court because of their support and participation in holding the previous independence referendum. The former Catalan President Artur Mas, for instance, was convicted of defying the constitutional court in holding the vote in 2014, fined nearly £32,000 and banned from holding public office for two years. This, believe many Catalans, is clear evidence of a Spanish state willingness to forego democratic principles to prevent the secession of Catalonia. An authoritarian-minded government intent on thwarting the democratic will of its Catalan counterpart.

The Spanish Government, however, firmly believes that through blocking a referendum on secession, it is upholding the Constitution and thus the democratic principles undergirding the Spanish State. In recent months, Rajoy has termed the Catalan government's process towards independence an attempted '[coup d'état](#)', arguing that the Catalan government's actions are in contravention of the Spanish Constitution and thus dictatorial. The Spanish Government, he claims, are the real proponents of democracy, they are after all, protecting the democratic principles enshrined in the Constitution.

What next?

I have [previously argued](#) that the uncompromising position of the Spanish Government limits the options for those in Catalonia seeking some form of constitutional change. Calls for reform to the Statute of Autonomies, not only from Catalonia, have fallen on deaf ears and as has been [argued elsewhere](#), there is no serious discussion in the upper echelons of the Spanish government to reorganise the territorial model. It may well be that as October draws closer, there will be increased chatter about territorial reform, but the Spanish Government has consistently refused to entertain such thoughts.

Challenges thus lie ahead, both for Spain and Catalonia. In Catalonia, there is indisputable support for the holding of a referendum (around 80 per cent), but support for independence, despite having hovered around the 50 per cent mark, has never stayed steady above the threshold. In the latest [polls](#), support for independence was 44.3 per cent, short of, but not far away from the required 50+1 per cent.

Regardless of the result, the Spanish Government will not consent to Catalonia's secession, but it remains unclear what will happen next. A 'yes' vote will not be accepted by Spain, and akin to the situation in Kosovo, the international community, namely the EU, will come to play an important role. In the event that Catalans vote against independence, the Catalan government will no doubt seek some form of constitutional change. The rejection of independence, however, will be seized upon by Madrid as an endorsement of the constitutional status quo, but the option of no change will only further entrench and polarise the constitutional debate. To prevent further secessionist attempts or indeed prevent constitutional paralysis, serious discussion vis-à-vis territorial reform is required.

Prior to October 1, the Spanish Government will attempt, as it did in 2014, to legally block the holding of the referendum in Catalonia. It is likely that this will be upheld by the Courts, thus if the referendum goes ahead it will be in defiance of the Spanish judiciary, and the president, like his predecessor, will no doubt himself end up in court. Legal challenges aside, it may be that the Spanish government also invokes Article 155 of the Constitution and suspends regional autonomy in Catalonia. This bold move, one that will be of last resort, could see the closure of schools and control of the Catalan police (Mossos) falling under the Spanish Government's jurisdiction. Such a draconian move, however, will surely backfire and will serve to embolden rather than dilute secessionist demands.

The Catalans, much like other national minorities, have often looked to the European Union as an ally and protector of minority cultures. The Scottish example, however, has proven already that when it comes to discussions on secession, the EU is reluctant to engage in such debates. If the Scottish case was considered a prickly issue, the Catalan case will prove to be a whole bunch of thorns because while the former's referendum was organised with the support of the British Government, the latter's vote will be, if it goes ahead, entirely unilateral. The Catalan President recently wrote to the Council of Europe's advisory body on constitutional matters – the Venice Commission – to inform of his government's actions, but was [swiftly informed](#) that the Commission believed that a referendum had 'to be carried out in full compliance with the Constitution and the applicable legislation'.

The political and constitutional future of Spain and Catalonia are as uncertain as they are chaotic. The Catalan government has already begun preparations for the referendum in just over four months' time, but so too had Madrid to prevent such a vote going ahead. Spain is at the proverbial crossroads, but the government's inimicality towards constitutional change, never mind Catalan independence, leaves very little room for manoeuvre; the stage is set once again for another episode of legal and political clashes. Catalan independence, it is worth noting, is not inevitable, but there is nothing guaranteed about the future constitutional integrity of the Spanish state.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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