

Catalonia's referendum on independence: Clarity in uncertainty



It is difficult to predict how events in Catalonia will play out following the planned referendum on independence on 1 October. However, as [Karlo Basta](#) explains, the events of the last month have nevertheless provided some answers to two key questions: how far the Catalan government was willing to go in pursuit of independence, and how far the Spanish government was prepared to go to prevent the referendum taking place. He argues that with positions firming on both sides, the best hope is that the two governments can show the leadership required to prevent any further escalation in tensions.

Over the past three weeks, relations between the Catalan and Spanish governments have been transformed beyond recognition. On 6 and 7 September, the Catalan parliament passed laws paving the way for a unilateral referendum on the region's independence, scheduled for 1 October. In response, the Spanish and Catalan judiciary and security services enacted a series of actions – each more punitive than the last – to prevent the referendum from going ahead. Subsequent days saw street protests and a sharp escalation in rhetoric on all sides.

As is typical in such exceptional circumstances, time has sped up. The sheer volume of occurrences and information has become difficult to process, and our ability to reliably estimate future developments has rapidly diminished. Yet, despite the uncertainty, recent events have brought clarity on at least two long-standing questions.

How far would the Catalan government go in pursuit of independence?

The answer to this question, for now at least, is much farther than many observers would have assumed on the basis of prior experience. The developments of 6 September and the following several days were exceptional in two ways.

First, they were the first open and unambiguous challenge to the Spanish constitutional order since 'the process' (local shorthand for the pursuit of independence) began in autumn 2012. Most prior attempts to hold the referendum were either conducted in conformity with the prevailing constitutional order, or framed in such a way as to avoid legal consequences. Thus, when they were unable to mount a referendum either via approval of the Spanish Congress of Deputies, or one based on a Catalan law on referendums, the independentists held an 'unofficial citizen consultation' on 9 November, 2014. The subsequent step was the calling of a plebiscitary election in autumn 2015, as a (legal) substitute for a referendum. The existing challenge is a decisive departure from such practice.

Second, on every prior occasion the Catalan government would come to the limit of constitutionally allowable action but, once hit by contravening court orders, would draw back. This started to change in 2016, when the Catalan parliament initiated the 'constitutive process' toward unilateral disconnection from Spain. The pro-independence parties continued to pursue their course even when resolutions were suspended by the Constitutional Court, though they still sought legal cover under the existing constitutional order. It was not so this time around. Rather than retreat, the Catalan executive forged ahead, launching the referendum campaign in open defiance of suspensions meted out by the Constitutional Court.

The old temporising and ambiguous patterns of political activity are far more understandable than the ones we are seeing now. Neither of the two parties in the governing 'Together for Yes' coalition is radical (though the Popular Unity Candidacy (CUP) that supports it is). The Democratic Party (PDeCat – formerly Democratic Convergence of Catalonia (CDC)) has traditionally been the choice of Catalonia's upper middle classes and its bourgeoisie. As one of the pillars of a coalition government between 2003 and 2010, the Republican Left (ERC) tried to broaden its electoral appeal by moderating both its independentist and social message. These are not normally the engines of revolutionary change.

Even if both parties have changed over time, they remain coalitional in the sense that they include both pragmatists and 'true believers' on the question of independence. Ambiguity is what helped keep them together. In fact, many past actions in the direction of independence satisfied multiple interests at the same time. Consider the 2014 demand for an agreed upon referendum referenced above. While the CDC leadership knew perfectly well that Madrid would not budge, the move provided benefits to various constituents on various axes. The party as a whole got to bolster its independentist credentials relative to ERC. Pragmatists bought time. Committed independentists got yet another bit of evidence that Spanish elites could not be negotiated with, strengthening their position for the future.

It was precisely this ambiguity, and the lack of faith in the commitment of nationalist parties to their cause, that prompted many independentist Catalans to turn to extra-parliamentary organisations. The most significant of these is the Catalan National Assembly (ANC). ANC and similar organisations were instrumental in building the support for independence over the past seven years. In that context, the traditional politics of postponement, ambiguity, and reluctant deference to existing rules was a risky one. The developments we have seen in September suggest this approach is now at an end, but much will depend on what happens over the coming days and weeks.

What would the Spanish government do to stop the referendum?

This, too, was a question without easy answers. The only certainty was the Spanish government's unconditional and unwavering opposition to a referendum in any form. How that opposition would be actualised was not known until now.

The most frequently mentioned option was the application of Article 155 of the Spanish Constitution. The article allows the central government to compel any regional counterpart that is no longer fulfilling its obligations to abide by the constitution. In a word, it permits the de facto suspension of regional autonomy, but the specific legislative and regulatory mechanisms have as yet not been developed. The alternative was the more generic, but easier to apply, National Security Law of 2015. This law permits the government to more rapidly face threats to, among other issues, the country's constitutional order (or, to use the original wording, constitutional principles and values).

We now have some clarity on that issue as well. For now at least, neither of the two options have been invoked. Instead, we have seen a slew of measures devised to make the referendum impossible. Summing up, these measures have had the goal of: sanctioning the officials responsible for the referendum (both political and administrative); dismantling the infrastructure necessary for the vote (closing of websites and confiscation of material); and precluding the financing of the vote (by de facto suspending the fiscal autonomy of the Catalan government).

Over the last week, police reinforcements have been sent to Catalonia from the rest of Spain. The current controversy surrounds the order to seal off the voting stations before Sunday. It is this last move that may prove the most contentious and possibly dangerous over the coming days.

What comes next?

This is the big unknown. Action against the referendum might end up crippling the entire effort. In that case, a unilateral declaration of independence may not follow, with PDeCat officials already on record in opposing it (recall PDeCat's reputation for ambiguity and temporisation discussed above).

Under this scenario, demonstrations would likely continue for some time, but demonstrations alone would not impose costs serious enough to move the Spanish government. This, at least, is the read of the CUP, given that the party has already called for a general strike as the next stage of the struggle. Yet, in this, they may not find many allies. Catalonia's two largest unions are not on board, and it is highly unlikely PDeCat or ERC would be either, though the Catalan vice-president Oriol Junqueras (ERC) has broached the issue recently.

All this may be moot in case major unrest erupts over the coming days. Even if it does not, and if the predictions outlined here do come through, the short-term outcome will be a seething Catalonia (or *at least* one half of it) facing off against an unyielding Spanish government. The only theoretical way out of that impasse remains constitutional reform that would significantly improve Catalonia's status and competencies. Indeed, such a reform would likely have to go beyond the framework of the 2006 Statute of Autonomy and be closer to the 2005 document produced by the Catalan parliament.

Yet, the main actors needed for this to happen have dug themselves into mutually exclusive narratives, narratives that have only hardened with recent developments. For the Catalan government, the currently acceptable minimum is a referendum agreed on by the Spanish government. It is a minimum that is well above the maximum the executive of Mariano Rajoy is willing to accept right now – a mere start of negotiations over constitutional reform with unspecified content. Here's hoping that these lines come closer rather than further apart in the coming days. 'Blinking first' under these conditions is not a sign of weakness, it's a sign of leadership.

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About the author



Karlo Basta – *Memorial University of Newfoundland*

Karlo Basta is Assistant Professor in the Department of Political Science at Memorial University of Newfoundland.