

Catalonia, Spain and Europe on the brink:
background, facts, and consequences
of the failed independence referendum, the Declaration of Independence, the arrest and
jailing of Catalan leaders, the application of art 155 of the Spanish Constitution and the
calling for elections on December 21

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An update on Catalonia

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Catalonia's declaration of independence may be over for now, but the respective positions between Spain's central government and the Catalan leadership, and the divided citizenry in the region, appear irreconcilable. The conflict could escalate if there is resistance to Spanish direct rule, and Madrid has called for regional elections in December. Prof. Roy, Jean Monnet Chair at the University of Miami, will provide an update on the rise of those tensions, and the latest developments surrounding the conflict.



Joaquín Roy (Lic. Law, University of Barcelona, 1966; Ph.D., Georgetown University, 1973), is Jean Monnet Chair and Director of the University of Miami European Union Center. He has published over 200 academic articles and reviews, and he is the author or editor of 40 books, among them *Cuba, the U.S. and the Helms-Burton Doctrine: International Reactions* (University of Florida Press, 2000), *The dollar and the euro* (Ashgate, 2007), *The Cuban Revolution (1959-2009): its relationship with Spain, the European Union and the United States* (New York: Palgrave/McMillan, 2009), *Lisbon Fado: The EU under reform* (Miami: EU Center, 2009), and *The State of the Union(s)* (Miami: EU Center, 2012), *The TTIP: The Transatlantic Trade and Investment Partnership between the European Union and the United States* (Jean Monnet Chair, 2014, <http://www.as.miami.edu/media/college-of-arts-and-sciences/content-assets/euc/docs/books/TTIP.pdf>), and *A New Atlantic Community: The EU, the US and Latin America* (Miami: EU Chair, 2015 <http://www.as.miami.edu/media/college-of-arts-and-sciences/content-assets/euc/docs/books/Atlantic2015.pdf>). He has also published over 1,600 columns and essays. He was awarded the *Encomienda* of the Order of Merit by King Juan Carlos of Spain.

RSVP by Nov. 24th to Christine I. Caly-Sanchez at calyc@fiu.edu

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A series of first in history. Examples of “what is news”

- On Sunday, October 1, Football Club Barcelona, world-known as “Barça”, multiple champion in Spanish, European and world competitions in the last decade, played for the first time since its foundation in 1899 at its Camp Nou stadium,

- **Catalan independence leaders were taken into custody in “sedition and rebellion” probe**
- **Heads of grassroots pro-secession groups ANC and Omnium were investigated over September incidents**

Results

- Imprisonment of Catalan independence leaders gives movement new momentum:
- Asambleia Nacional Catalana (Jordi Sànchez) and
- Òmnium Cultural (Jordi Cuixart),
- Thousands march against decision to jail them

- **Spain's Constitutional Court strikes down Catalan referendum law**

- Key background:
- The Catalan Parliament had passed two laws
- One would attempt to “disengage” the Catalan political system from Spain’s constitutional order
- The second would outline the bases for a “Republican Constitution” of an independent Catalonia

The Catalan Parliament factions

- In the [Parliament of Catalonia](#), parties explicitly supporting independence are:
- [Partit Demòcrata Europeu Català](#) (Catalan European Democratic Party; PDeCAT), formerly named [Convergència Democràtica de Catalunya](#) (Democratic Convergence of Catalonia; CDC);
- Esquerra Republicana de Catalunya (Republican Left of Catalonia; ERC),
- and [Candidatura d'Unitat Popular](#) (Popular Unity Candidacy; CUP).

The PDeCAT and ERC had formed the coalition [Junts pel Sí](#) (Together for "Yes").

Carles Puigdemont, leader of the PDECAT,
President of the Generalitat de Catalunya



Parties opposed to any change in Catalonia's position are:

- [Ciutadans](#) (Citizens), a centrist organization, similar to the “liberals” in some European countries, led nationally by Albert Rivera,
- And the Catalan branch of the [Partido Popular](#) (People's Party), led nationally by Mariano Rajoy.

Albert Rivera, Ciutadans



Inés Arrimadas, leader of Ciutadans in Catalonia



Mariano Rajoy, Prime Minister



Xavier García Albiol,
leader of Partit Popular de Catalunya



- The [Partit dels Socialistes de Catalunya](#) (Socialists' Party of Catalonia; PSC), the Catalan referent of the [Partido Socialista Obrero Español](#) (Spanish Socialist Workers' Party; PSOE), officially favors a federalist option, although some of its members support self-determination.
- Podemos, the second largest party in Spain by membership, supports a referendum.
- Other parties favor an intermediate form of self-determination, or at least support a referendum on the question (Catalunya sí que es pot)

- The **Catalan independence movement** Catalan: *independentisme català*; Spanish: *independentismo catalán* or *secesionismo catalán*)
- Is a political movement historically derived from Catalan nationalism, which seeks the independence of Catalonia from the Kingdom of Spain.
- The Estelada flag, in its blue and red versions, has become its main symbol.

Cuban flag



Puerto Rico falg



United States flag



Catalan official flag



Catalan Independence Flag





www.shutterstock.com - 278169221



A short History of Catalonia

- **Ancient times**
- **Medieval**
- **Modern**
- **Contemporary**

Ancient history

- Like much of the [Mediterranean](#) coast of the [Iberian Peninsula](#), current Catalonia was colonized by [Ancient Greeks](#), who chose to settle in [Roses](#), as well as in most of the coast of modern Spain, all the way to Gibraltar.
- Iberia is the name given by the Greeks to the whole peninsula, “Hispania” was the name given by the Romans
- Both Greeks and [Carthaginians](#) interacted with the main [Iberian](#) population.
- After the Carthaginian defeat, it became, along with the rest of [Hispania](#), a part of the [Roman Empire](#), [Tarraco](#) being one of the main Roman posts in the Iberian Peninsula.

Middle Ages

The [Visigoths](#) ruled after the [Western Roman Empire](#)'s collapse near the end of the 5th century.

[Moorish Al-Andalus](#) gained control in the early 8th century, after conquering the [Visigothic kingdom](#) in 711–718.

- After the defeat of Emir Abdul Rahman Al Ghafiqiwas's troops at [Tours](#) in 732, the [Franks](#) gradually gained control of the former Visigoth territories north of the Pyrenees, which had been captured by the Muslims or had become allied with them, in what is today Catalonia under French administration.



- In 795, [Charlemagne](#) created what came to be known as the [Marca Hispanica](#),
- This was a [buffer zone](#) beyond the province of [Septimania](#), made up of locally administered separate [petty kingdoms](#) which served as a defensive barrier between the [Umayyad](#) of Al-Andalus and the [Frankish Kingdom](#)
- That is why Catalan nationalists (especially President Jordi Pujol) have claimed that Catalonia was “Europe first”



From medieval kingdoms to modern Spain

- Catalonia and Aragon
- Personal union between Castilla and Catalonia-Aragón
- Unified Spanish empire under the Hapsburgs

- 1714: War of Sucession –Catalonia looses
- Borbon´'s dynasty

- late in the 18th and 19th centuries, despite the subordination to the Spanish centralized state, the imposition of high new taxes and the political economy of the House of Bourbon, the Catalonia under Spanish administration continued the process of [proto-industrialization](#), relatively helped at the end of the century from the beginning of open commerce to America and [protectionist](#) policies enacted by the Spanish government, becoming a center of Spain's [industrialization](#);

- to this day it remains one of the most industrialized parts of Spain, along with Madrid and the [Basque Country](#).
- In 1834, all of Spain was organized into provinces, included Catalonia, which was divided in four provinces without a common administration.

Process of nationalism

- On several occasions during the first third of the 20th century, Catalonia gained and lost varying degrees of autonomy,
- In the first part of the XXth century, the four provinces of Catalonia formed the “Mancomunitat de Catalunya”, led by conservative and centrist leaders
- This “light” autonomy was suspended by the dictatorship of General Primo de Rivera, who was called by King Alfonso XIII to control social and economic confrontations in the 1920s
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- The Catalan political movement began in 1922 when [Francesc Macià](#) founded [Estat Català](#) (Catalan State).
- In 1931, Estat Català and other parties formed [Esquerra Republicana de Catalunya](#) (Republican Left of Catalonia; ERC), which won a dramatic victory in the municipal elections of that year.
- recovering, after the proclamation of the Second Spanish Republic in 1931, the Generalitat was established as an institution of self-government,
- Macià proclaimed a [Catalan Republic](#), in 1931, but after negotiations with the leaders of the new [Spanish Republic](#), he instead accepted autonomy within the Spanish state.
-

Francesc Macià



Lluís Companys, second president of the Generalitat

- In 1934, Companys declared the Catalan Republic.
- He was arrested and jailed by the II Republic of Spain
- Led the Generalitat until the end of the Civil war in 1939 and left for exile in France
- He was arrested by the German Gestapo police, given to the Franco government, tried summarily in Barcelona, and executed in 1941

Lluís Companys



- as in all regions of Spain, Catalan autonomy and culture were crushed to an unprecedented degree after the defeat of the [Second Spanish Republic](#) (founded in 1931) in the [Spanish Civil War](#) (1936–1939) which brought [Francisco Franco](#) to power.

Franco raised to power with the backing of Hitler and Mussolini



And was maintained in power as an ally of the United States in the 50s and 60s



The evolution of the use of the Catalan language

- Public use of the [Catalan language](#) was banned after a brief period of general recuperation.
- Private use was kept in families in the interior of Catalonia, wide factions of the Catholic church, and the working class in cities.
- The high industrial class abandoned the use of the language
- Public and private schools were forced to administer education solely in Spanish
- Intellectuals and writers pressured for the return of the languages
- Not until the end of the regime, the first daily was allowed to be printed in Catalan

AVUI, the first Catalan daily after the Civil war



Civil War and Franco regime

- In the [Spanish Civil War](#), General [Francisco Franco](#) abolished Catalan autonomy in 1938.
- Following Franco's death in 1975, Catalan political parties concentrated on autonomy rather than independence.

- The [Franco era](#) ended with Franco's death in 1975;
- in the subsequent [Spanish transition to democracy](#), Catalonia recovered political and [cultural autonomy](#).
- It became one of the [autonomous communities of Spain](#), by virtue of the text of the new democratic Constitution of 1978.



Constitución Española

Don Juan Carlos I.
Rey de España.

A todos los que la presente
vieren y entendieren.

Sabed: que las Cortes han
aprobado y el Pueblo es-
pañol ratificado la siguiente
Constitución.

- The text distinguished between “nationalities” and “regions”, but “home rule” rights were equal for all.
- This was the result of the compromise labelled with a touch of humor as “café para todos”.
- Note: In comparison, "Northern Catalonia" in southeast France has no autonomy.

- The recent independence movement gained strength with the evolution of a new 2006 [Statute of Autonomy](#), which had been agreed with the Spanish government
- It was also passed by a referendum in Catalonia,
- But it was challenged in the [Spanish High Court of Justice](#), which ruled that some of the articles were unconstitutional, or were to be interpreted restrictively.
- The most notorious complaint was that the preamble and parts of the text referred to Catalonia as a “nation”

THE JUDGMENT

Preamble to the Statute	Catalonia is a nation
Resolution	Catalonia is a nationality; the nation is Spain
Statute	rights of the Catalan people come from the historical rights
Resolution	rights come from the Spanish Constitution
Statute	the Catalan language is preferential in Administration
Resolution	it cannot be, because Catalan would be set above Spanish
Statute	knowledge of Catalan is a duty
Resolution	only knowledge of Spanish is a duty (therefore, Spanish is set above Catalan)

<http://web.gencat.cat/en/generalitat/estatut/index.html>

http://premsa.gencat.cat/pres_fsvp/docs/2010/07/21/12/11/76d06239-427f-48da-a533-5cf2492b43ea.pdf

Statute of Autonomy of Catalonia



https://en.wikipedia.org/wiki/File:Coat_of_Arms_of_Catalonia.svg

- Popular protest against this decision quickly turned into demands for independence.
- Starting with the town of [Arenys de Munt](#), over 550 municipalities in Catalonia held symbolic [referendums on independence](#) between 2009 and 2011, all of them returning a high "yes" vote, with a turnout of around 30% of those eligible to vote.

- A [2010 protest demonstration](#) against the court's decision, organized by the cultural entity [Òmnium Cultural](#) (funded since its foundation by private companies of mixed ideology), was attended by over a million people.
- Wide factions of Catalan citizens not inclined to Independence joined the protests
- The popular movement then fed upwards to the politicians;
- a [second mass protest](#) on 11 September 2012 (the [National Day of Catalonia](#)) explicitly called on the Catalan government to begin the process towards independence.



From economic demands to nationalism

- Experts point out that the Catalan government of the traditional Convergencia had exhausted its message
- Political ideology then began to occupy the spot of negotiation and deal making.
- The Catalan government that was displaced by a “triparty” coalition set to recover a protagonical role by following the Independence path

- Catalan president [Artur Mas](#) called a snap general election
- It resulted in a pro-independence majority for the first time in the community's history.
- The new parliament adopted the [Catalan Sovereignty Declaration](#) in early 2013
- It asserted that the Catalan people had the right to decide (“dret a decidir”) their own political future.

Artur Mas



- The Spanish government referred the proposed referendum to the Spanish Constitutional Court, which ruled it unconstitutional.
- The Spanish Constitution defines “sovereignty” as a whole, not belonging to a part of the territory. A such referendum should be decided by all Spanish voters
- The Catalan government announced a referendum, to be held in November 2014, on the question of statehood. The referendum was to ask two questions: "Do you want Catalonia to become a State?" and (if yes) "Do you want this State to be independent?"
- The Catalan government then changed it from a binding referendum to a non-binding "consultation". Despite the Spanish court also banning the non-binding vote, the [Catalan self-determination referendum](#) went ahead on 9 November 2014.
- The result was an 81% vote for "yes-yes", but the turnout was only 35%.

- Mas called another election for September 2015, which he said would be a [plebiscite](#) on independence.
- Pro-independence parties fell just short of a majority of votes in the [September election](#), although they won a majority of seats.
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- **Catalan Political Parties**

- Since the elections to the Parliament of Catalonia of September 27th 2015, there are currently seven [political parties](#) with seats in Parliament are:
- [Junts pel Sí](#) (Together for Yes) - a coalition of PDECat-Partit Demòcrata Europeu de Catalunya (European Democratic Party of Catalonia), [ERC-Esquerra Republicana de Catalunya](#) (Republican Left of Catalonia) and various independents.
- [C's - Ciutadans-Partido de la Ciudadanía](#) (Citizens–Party of the Citizenry)
- [PSC-PSOE-Partit dels Socialistes de Catalunya](#) (Socialists' Party of Catalonia)
- CQSEP-Catalunya Sí Que Es Pot (Catalunya Yes We Can)
- [PP — Partit Popular](#) (People's Party)
- [CUP — Candidatura d'Unitat Popular](#) (Popular Unity Candidates)

In the elections to the Catalan Parliament of September 2015, the 135 seats were distributed as follows

- Junts pel Sí: 62 seats
- C's: 25 seats
- PSC: 16 seats
- PPC: 11 seats
- CSQEP: 11 seats
- CUP: 10 seats
- Although the pro-independence parties Junts pel Sí and the CUP, with a combined 72 seats out of a total of 135, have a clear majority, no single party has an absolute majority because with 62 seats Junts pel Sí is one short of the 63 needed.
- This has meant that the CUP has been able to hold them to ransom over the investiture of the president and the passing of the budget and has seriously hampered the Catalan independence process during the legislature.

Catalan Parliament



Carme Forcadell, President



- The new parliament passed a [resolution declaring the start of the independence process](#) in November 2015,
- Facing the formation of government, Mas received the opposition of a minority radical party (CUP) had to relinquish his candidacy
- and the following year, new president [Carles Puigdemont](#) announced a binding [referendum on independence](#).

Carles Puigdemont



A first: DUI

- The most conflictual item was that it promised a “Declaration of Independence”
- It would be issued 48 hours after the counting of votes would surpass the majority of 50%, no matter what the degree of participation

October 1

- Although considered as illegal by the Spanish government and Constitutional Court, the referendum was held on October 1, 2017.
- The Spanish government had sent special police forces (Guardia Civil and Policía Nacional) to sequester balloting mechanisms.
- In many instances, violence was used with the result of hundreds of injuries. TV images went around the world
- In spite of the closing of many precincts and repressive measures, results showed a 90% vote in favor of independence, but with a turnout of only 43%.

Extraordinary TV address by King Felipe VI

- The following day the King of Spain, Felipe VI, gave an unprecedented television speech repeating the arguments of the Government.
- No mention of the violence was made and no offer of mediation was given.
- This was the first time that the young monarch gave a special TV address, beyond the usual Christmas messages
- His father King Juan Carlos I only gave special addresses in the occasion of the attempted coup of 1981 and his resignation.

- The stage was then set for the confirmation of the available options for the Spanish government, among them the suspension of Catalan autonomy activating article 155 of the Constitution and the prosecution and arrest of the top government officials.
- This article is an exception in the regulations. It calls for a violation of the constitutional structure, in a “gravely” manner.
- It exists in other European constitutions, like the “Fundamental Law” of Germany.
- But in the Spanish case its profile was left in very undefined terms, because it was understood that it would never be applied.
- It actually was not thought to be applied to the case of an unruly Catalonia, but the environment was then presided by the threat of Basque terrorism
- .

- The Catalan president continued with his intentions to convene the Parliament and present the official recounting of the votes.
- Then the script would be prepared for a Unilateral Declaration of Independence, known for short as DUI, an acronym that has a special meaning in American English

A declaration of Independence?

- Carles Puigdemont, the Catalan president, very gently made his speech.
- Was adorned by solid barbs against the central government and also the King.
- He shared the results of the referendum and in compliance of the law previously passed, he announced the path towards the formal exit from the Spanish constitutional system.
- However, passing a few seconds, the message also added that the decision was “suspended” for an undisclosed period, expecting the Spanish government to engage in a dialogue “among equals”.
- It left the door open for an international mediation.
- Elated by the first part of the address, the members of Catalan government and the political parties pressing was independence applauded and then signed in close doors the Declaration.

The Empire strikes back...

- Unimpressed, the Spanish premier Rajoy addressed the Spanish congress with a clear message for Puigdemont.
- First he demanded that the Catalan president should make clear either that he did actually make a declaration of independence or he did not.
- Then Rajoy would act accordingly.
- Mediation was out of the question.
- Members of his cabinet were more explicit venturing into different threats.

- On October 19, the Spanish premier announced that he would convene the cabinet and proceed to apply Art. 155 of the Constitution.
- This vague clause includes the clause of informing the Senate. It only needs simple majority to let the government activate a series of measures that could be interpreted as a partial or complete suspension of Catalan autonomy

Suspension of Catalan Autonomy and Parliament

- After passing the vote of the Senate, Rajoy issued a decree suspending the attributes of the Catalan Parliament.
- He then dismissed the Catalan cabinet, its President and Vice President.
- He then used the powers of the President of the Generalitat to call for new elections set for December 21

Moreover...

- Meanwhile, the leaders of the two civic associations that were behind the demonstrations were jailed
- The Attorney General of Spain asked the High Court to charge the members of the Cabinet, the President and Vice President.
- The President left for Brussels along 4 other members of his cabinet. The Spanish Court issued a “Euro-order”, equivalent of “extradition” within EU members
- The Vice President and 8 members were jailed.
- The President of the Catalan Parliament, Carme Forcadell, was jailed for a day and released after paying a bond of euro 150,000

Oriol Junqueras,
Vice President, leader of Esquerra Republicana



- The High Court (Audiencia) decided to send the cases to the Supreme Court.
- A decision is coming regarding the release of the jailed political leaders and the directors of the civic associations, in Madrid prisons.
- President Puigdemont will be waiting for a decision of the Flemish court regarding his stay in Belgium

Catalan Parliament December 21 polls



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Leader	Artur Mas	Inés Arrimadas	Miquel Iceta
Party	JxSí	C's	PSC–PSOE
Leader since	15 July 2015	3 July 2015	19 July 2014
Leader's seat	Barcelona	Barcelona	Barcelona
Last election	71 seats, 44.4% ^[a]	9 seats, 7.6%	20 seats, 14.4%
Seats won	62	25	16
Seat change	9	16	4
Popular vote	1,628,714	736,364	523,283
Percentage	39.6%	17.9%	12.7%
Swing	4.8 pp	10.3 pp	1.7 p

videos

- <https://www.youtube.com/watch?v=1tA4DRL0e7E>
- [https://www.youtube.com/watch?v= 4giB7K1tKw](https://www.youtube.com/watch?v=4giB7K1tKw)