

European issues  
n°458  
16 January 2018

# Catalonia: the lie of the land after the battle

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Few days have passed since the closure of the Catalan ballot boxes on 21st December with the now usual period of anticipation [1]. This seems to have been long enough however for us to assess the results and develop a certain number of ideas about the meaning and possible impact of the former.

## 1. THE ELECTIONS: THE TRIUMPH OF THE RULE OF LAW

On 27th October last the Catalan Parliament, approved a Unilateral Declaration of Independence (DUI) with an artificially created majority which had been created due to the electoral system, but which was insufficient to reform the status of Catalonia's autonomy. In virtue of this, an independent Catalan republic was proclaimed that was in breach of any previously approved measures, including those adopted by the Catalan institutions themselves. Almost simultaneously the Spanish government that enjoyed very wide parliamentary support – implemented the “federal constraint” mechanism provided for by article 155 of the Constitution for the destitution of the government, which had initiated and carried out the procedure, the dissolution of Parliament and the convening of regional elections.

The political movements that adopted this declaration deemed that the implementation of the Spanish Constitution was illegitimate and consequently the resulting electoral invitation, which was in compliance with the legislation that the Declaration had abandoned, was also illegitimate. They preferred to base the legitimacy of the independence process on the “referendum” (a misnomer) of 1st October, which had been banned by the Constitutional Court and was totally invalid – recognised as such by international observers – and in which only the independence voters took part, thereby naturally guaranteeing an overwhelming victory of their position.

However, all of the Catalan political movements – starting with those which had promoted the independence movement's sedition took part in these elections; they all put candidates forward, they all campaigned freely in thousands of different ways. They were all in the polling stations and respected the election, abiding the electoral standards. They all accepted the results without raising any objections about the clarity of the procedure, and are now considering the possible combinations to form a government, which quite rightly, was the aim of these regional elections [2].

We can say this of the citizens of Catalonia: they took an active part in this entire procedure and voted massively, reaching the highest turn out rates in all Catalan elections that have been organised since the start of the Spanish transition in 1977.

As a result, and in this regard, the break with legality was corrected and a normal situation was re-established, which was precisely the aim of article 155. It is on this basis that the results should be analysed.

## 2. THE RESULTS AND THEIR POSSIBLE IMPACT

The first impression we have of these results goes without saying: the forces that led the independence movement retained their parliamentary majority and if their alliances are maintained, they could form a government again, which clearly is extremely disappointing for all of those who criticised the movement. This said, we have to nuance the picture.

1. <https://www.robert-schuman.eu/en/doc/questions-d-europe/qe-456-en.pdf>  
2. *Ibidem*.

**A) The political consequences****a) An (artificial and diminished) nationalist parliamentary majority**

The first and most important of these clarifications is that this parliamentary majority is still “manufactured” by the electoral system and that it has been reduced. In other words, this parliamentary majority still does not match the electoral majority and moreover it has been weakened, albeit very slightly. Indeed, in 2015 the nationalists (who then became separatists), won 47.8% of the vote (1.960.000 approx.) which, thanks to an electoral system that favours the least populous provinces (and the most nationalist) gave them 53.3% of the seats. Two years later, following their head on challenge to the State and based on the biggest, historic turnout, their votes increased by around 100,000 (to about 2,060,000) but their weight in percentage dropped below 50% of the voting slips (dropping to 47.5%). Their (artificial) parliamentary majority is now narrower, dropping to 51.85 % of the seats. Finally, a minimal reduction of 0.3% of the vote has led – given their over-representation – to a more significant reduction in seats (1.5%).

Regarding their internal composition we have to stress the weakening of the most radical party, the Candidature d’Unitat Popular (CUP), to the benefit of two majority parties. It is therefore clear: what is the point of voting for a candidate who is against the system, whilst the government and the parliamentary majority have been placed on the side-lines of the system and the legislation?

**b) A non-secessionist electoral majority**

The logical consequence of the weakening of nationalism was the rise of the non-secessionists. Indeed, in 2015 the three main national parties, which openly supported the Constitution (as well as the implementation of exceptional measures provided for in article 155: Ciudadanos, the PSOE and the PP) won around 1,650,000 votes (slightly more than 39%). On 21st December they won (except for last adjustments) around 1 890 000 (around 43.5%), which helped them

– although they were disadvantaged by the electoral system – to rise from 52 to 57 seats (from 38.5% to 42.2%). An enhanced minority therefore which became an (electoral) majority if we also count the far-left Catalunya en Comú (Podemos, former communists and other social movements), which voted against the independence process, although they had spoken out against the implementation of article 155 of the Constitution. Although this point is not comparable it condemns just as clearly the unilateral position adopted by the secessionists which given their intermediary position, were considerably weakened, falling from 366,000 to 323,000 votes (from 8.94% to 7.45% and from 11 to 8 seats).

As a result, from a quantitative point of view, the result of the radical challenge raised by secessionism was a gain of about 100,000 votes, which highlights a (slight) loss from a percentage (-0.3) as well as a parliamentary point of view (-2 seats). But especially, we should not forget that the most radically opposed parties in this challenge gained around 24,000 votes (nearly 4 percentage points and an additional 5 seats).

To the qualitative meaning of these results we should add that Ciudadanos has found itself strengthened the most within this block. This is the party that won the most votes, not only in Catalonia, but in all of the major Catalan towns, starting with Barcelona. This party – and we should not forget this – was founded in Catalonia in response to Catalan nationalist policies and was consolidated, amongst others by the accusation made against the two other national government parties (PP and PSOE) of having been excessively tolerant of nationalism. Its rise can be explained mainly as an expression of frustration on the part of voters, who previously voted for the PSOE and the PP and who have now chosen a “harder option”, and who never sided with the nationalists (but we might also imagine that this was because they had never been in a position to do so).

And so, the secessionists have maintained their (artificial) parliamentary majority, although this has been weakened, and it is also focused in the rural areas [3]. Opposite this there is a non-secessionist electoral

3. [http://www.gesop.net/images/pdf/ca/BREUS%20DE%20DADES/31\\_BreuDades\\_EleccionsParlament2017.pdf](http://www.gesop.net/images/pdf/ca/BREUS%20DE%20DADES/31_BreuDades_EleccionsParlament2017.pdf), particularly pages 5 and 10.

majority, which is more energetic, and comforted by the sharpest criticism of nationalism, to the point that for the very first time a non-nationalist party (which is moreover clearly anti-nationalist) won the greatest number of votes and seats in the Catalan autonomous elections.

### **(B) Institutional consequences: towards another nationalist government ... or not?**

The second clarification has to be made about the possible institutional consequences of this parliamentary majority. Firstly, and this is quite normal, it might form a government, which would lead – and we should not forget this – to the deactivation of article 155, which in all events – could be triggered again if necessary. But all of this will not affect the judicial procedures now ongoing – initiated before the Supreme Court and over which only the judges will, quite logically, have any influence. Given that the nationalist/secessionist parties have chosen to put forward candidates who are on remand or who have fled to other countries to escape justice – in compliance with their challenge to the legislation in force – it will be hard for this majority to achieve expression in Parliament.

In other words, the candidature and the subsequent election of people who cannot participate correctly in the parliament's work might have been electorally profitable to manufacture a parliamentary majority, but at the same time they are blocking the majority in terms of organisation and action, unless these MPs resign in favour of other members of their candidatures, who does not have the same problems.

This situation might change of course. Firstly, if the judges at the Supreme Court decide so. This does not come under the remit of the government (as the parties, candidates and their lawyers have known from the beginning), nor is it that of the Parliament, in Spain or in any other democratic State, European or not, to issue warnings or sanctions (as we have just witnessed in Poland).

Secondly, if the nationalist parties accept to respect the rules in force – as has been the case to date – which are

precisely those that they declared they did not respect. If they do accept these rules, in evident contradiction with the challenges which were transformed into a vital electoral message, these parties will be in government. Otherwise they will not even be able to form a majority, thereby preventing the formation of a government thereby maintaining the implementation of direct rule (federal constraint) provided for by article 155 of the Constitution and approved on 27th October.

Finally, the (slightly reduced) secessionist electoral minority has led to the introduction of an (also reduced) parliamentary majority which is enough to govern, as was the case prior to the elections, but which will not be as efficient (and more deceptive) in terms of politically legitimising the non-respect of the basic rules of the political game. These are rules of the legislation in force, including their non-respect, which will lead to risks for this parliamentary majority until the former are respected once more.

Things being as they are, and of course if we ignore the predictable drama that we might see over the next few weeks (particularly on the part of the MPs who fled Spain), the formation of a nationalist government and as a consequence, the deactivation of article 155, which is perfectly possible after these elections, depends simply on the nationalists: they might be able to govern in compliance with the law, or continue without a government if they maintain their challenge.

### **3. THE LIE OF THE LAND AFTER THE BATTLE**

If we turn to the traditional image of the political clash as a battle between the various teams, we must wonder about the landscape after 21st December elections.

Firstly, we should point out that there is no clash between Spain and Catalonia: whilst in society and in the Spanish Parliament, a very wide majority exists in favour of the respect of the rules of the game (including of course, those which enable their reform), the ballots have revealed deeply divided Catalan society, in two, similar quantitative blocks, although one of them has been in government for nearly forty years. Criticism has frequently been made (which explains the rise of

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Ciudadanos in Spain and particularly in Catalonia) of the control of the media (extremely powerful in this community) by successive nationalist governments, of the abusive use of subsidies and other means of support in the public sector to the private media. This has gone as far as shaping a media landscape that clearly supports nationalism. Education is also controlled (exclusive competence of the Autonomous Community) and all of this is undoubtedly questionable. However one thing that is certain is that the Catalan nationalist parties have not only controlled the majority since the constitution of the Autonomous Community, but they have also conditioned the majorities in the Spanish Parliament thanks to their strategic position, which enables them to conclude agreements with parties that have successively governed Spain, without taking part however in national government, but rather achieving support to their "local" situation.

This is now clearly over. Following this practical monopoly and the unilateral proclamation of independence, which no one acknowledged (but which encouraged many Catalan business to seek legal safety that has started to affect the results of economic activity, growth and unemployment in the Community), it is true that around half (undoubtedly slightly more) of the Catalan population still says that it is loyal to Spain and provides support to the political options which it defends (to a more or lesser degree).

Hence nationalism's last offensive that formally transformed into secessionism just two or three

years ago, did not win an electoral advantage. On the contrary, it has enhanced the non-nationalist electorate in the response expressed – better than by all others – by Ciudadanos. Today (electoral legislation aside) people are rallying in similar ways the two halves of the Catalan population. After two years of this offensive, each side continues to stand firm on their positions.

Europeans know that trench warfare is cruel, and that it leads nowhere. The ground won today will be lost tomorrow and the losses will be great for both sides in the fighting. They also know that there can be no "small" solution, whoever the winner at a certain moment in time. After Sedan there was Verdun and the Somme. And a poor agreement will not be enough to prevent the Ardennes or Dunkirk.

To get beyond the trenches major politicians like Robert Schuman [4] are required, since they can offer "creative work" to generate horizons that can be shared thanks to "real achievements", which in turn will contribute to rising above static or identity related proposals that are unsustainable in a dynamic, globalised world like ours.

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4. See <https://www.robert-schuman.eu/en/declaration-of-9-may-1950>

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