



BRIEFING PAPER

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The Catalan independence vote 2017

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Summary

The question of Spain's regions, some would say nations, has been a hot political issue for a long time and resentments run deep. A referendum was held in 2014, resulting in a poor turnout and temporary disqualification from public office for the politician held responsible for it. Of the minority that did vote, some 80% were in favour of independence.

Another vote is planned for 1 October 2017. The Catalan Government's position is that it is a binding referendum and that a Yes vote will mean instant independence for the region. Central Government in Madrid, led by the conservative Partido Popular, describes the vote as unconstitutional and backs legal action against those organising it.

There may be room for compromise in the form of a deal offering enhanced powers to the Catalans, within the existing system. The atmosphere of confrontation, however, is making discussion of any such compromise difficult.

1. Context

The Spanish system

The relationship between Spain's different nationalities has been a sensitive political issue, particularly since the Catalans generally opposed the nationalist side in the Civil War, and paid a very heavy price, including the murder of their leader and the banning of their language.

The Spanish system of *autonomías* was created after the end of the Franco dictatorship to try to accommodate national and regional differences. The system set up a number of autonomous communities of different sizes and with widely differing competences.

Catalonia

Catalonia is one of the biggest and most important of these. The Catalans have a range of significant competences, although the Basque region has always had greater powers, most importantly over tax collection. Catalonia is a relatively rich region, producing about 20% of Spain's GDP with about 16% of the population, and there is resentment about Catalan tax receipts 'subsidising' poorer regions such as Andalusia in the south.

Catalan nationalists have been pressing for increased autonomy for many years and in 2006 passed an amendment to the original 1979 Statute of Autonomy, with changes giving more powers to the *Generalitat*, the government of Catalonia, and declaring Catalonia to be a nation. The referendum agreeing the new Statute was equivocal, in that fewer than 50% of the electorate turned out.

There was traditionally only minority support among Catalans for full independence, but the economic crisis caused allegiances to shift and, as public spending was cut in Catalonia, resentments about paying for poorer regions became stronger. Support for independence increased.

2010 Constitutional Court ruling

Conservative forces led by the conservative Popular Party, and some neighbouring *autonomías*, objected to the new Statute, arguing that the education and tax provisions broke the constitutional rule of solidarity between the regions; four years later, the Constitutional Court in Madrid struck down important parts of the new Statute of Autonomy and dictated how some other parts should be interpreted.

The court's 2010 decision led to widespread anger in Catalonia and large demonstrations. It brought together the centre-right nationalists of *Convergència i Unió* (CiU), the Catalan Socialists (PSC) and the Catalan Greens to oppose what many saw as Spanish nationalists in Madrid meddling unduly with Catalan affairs.

In 2012 a Catalan election was held to provide a stronger mandate for the independence drive. CiU did not do as well as expected and the left wing Catalan Republican Left party made ground, although CiU was still the biggest party.

2014 vote

CiU leader (and still President of the Generalitat) Artur Mas signed a decree in 2014 calling an independence referendum, but without the support of the conservative (Partido Popular) Spanish Government, where the move was immediately denounced as unconstitutional.

The Constitutional Court declared the referendum plan illegal, but it was re-named and in November 2014 the plebiscite took place. There were two questions on the ballot – “do you want Catalonia to become a state?” and “do you want that state to be independent?” The turnout was again low at around 40% but of those that voted, more than 80% answered yes to both questions.¹

The decision to hold an independence referendum split what used to be the ‘natural’ coalition of government – CiU. The senior of the two parties is Convergència, and its then leader Artur Mas were fully committed to achieving statehood for Catalonia. Unió, the junior partner, supported confederation and increased powers for Catalonia within Spain, rather than full independence; the two parties announced their decision to split in 2015.

New Catalan government and another referendum

In that year new elections to the Generalitat were held, with Convergència teaming up with Republican Left to form the Together for Yes coalition. Together for Yes won more votes than any other party and pro-referendum parties won an absolute majority of seats. It was joined by CUP – ‘Popular Unity Candidacy’ – a coalition of pro-independence groups that had previously focused on municipal elections. CUP says it aims to “replace the capitalist socio-economic model with one based on ‘human collectivities’ and the respect for the environment.”² In the 2015 election to the Generalitat, it gained 10 seats and formed a government in coalition with Together for Yes.

In 2016 Artur Mas faced charges of civil disobedience and misuse of public funds for going ahead with the 2014 referendum. In March 2017 he was barred from public office for two years and fined.

¹ [‘1.8 millones de personas votan por la independencia catalana en el 9-N’](#), *El País*, 10 November 2014

² Candidatura d’Unitat Popular, [Què és la CUP?](#)

2. Catalan legislation on the referendum and independence

Referendum law

After three months of negotiations, Together for Yes and CUP agreed on making Carles Puigdemont President of the Generalitat in January 2016. He called a binding independence referendum, originally to be held in September 2017.

The referendum law, presented by the Generalitat in July 2017, is largely based on Spanish electoral law in technical aspects. It has six titles that, in summary, do the following:

- Title 1 establishes the purpose of the law: to hold a referendum and to record its result, which tasks being achieved, the law would have no further effect.
- Title 2 is an affirmation of the sovereignty of the Catalan people and states that the referendum law takes precedence over all other laws in the event of conflict.
- Title 3 sets out details of the referendum itself such as the question: "Do you want a Catalonia to be an independent state in the form of a republic?"; that it should be in three languages, Catalan, Spanish and Occitan; that only a yes or no answer is admissible.

The result would either be the immediate declaration of independence by the Catalan Parliament, or immediate call for a general election in Catalonia.

Those eligible to vote, including Catalans resident outside Catalonia who were last registered in Catalonia and who have applied to participate in the referendum.

- Title 4 sets the date for 1 October 2017.

The President of the Generalitat receives the power to issue secondary legislation to set the length of the campaign, resources to be dedicated to the organisation of the vote and the organisation of the postal vote.

No public officials may campaign in favour of one side or the other and no public money may be spent in that way.

Publicity opportunities will be allocated to parties in proportion to their representation in the Catalan Parliament. 30% of these spaces will be allocated to non-party political groups.

Both public and private media groups are controlled in the way that they present the debate.

- Title 5 provides that both parties and international organisations will be able to nominate observers.

- o Title 6 sets up Catalonia's electoral commission and elements of an independent electoral administration and specifies who will serve on these bodies.

Local authorities will put venues at the Generalitat's disposition as polling stations.³

Secession law

According to press interpretations of a version of the Secession bill,⁴ it would serve as the interim constitution of Catalonia for two months, and establish that:

- If there is no referendum, Catalonia will immediately become independent
- The Generalitat would assume the assets of the Spanish state and its civil servants
- Catalonia would remain in the EU
- Catalonia would take over the justice system and the Generalitat would have some powers over the nomination of judges
- Spanish nationals who have lived for a year or more in Catalonia would receive a Catalan passport
- Some public officials would have to learn Catalan.

The Secession Bill would have been passed by an express procedure involving a single reading, if the result of the referendum is a yes, according to reports. The Constitutional Court suspended in July 2017 the Catalan Parliament's rule change that would have allowed this special procedure.⁵ The Generalitat has not ruled out passing the laws as a decree.

Neither the referendum law nor the law of separation, establishing the Catalan state, had been passed by the Catalan Parliament, nor issued as decrees, at the time of writing. The CUP demanded on 29 August that they should be approved during the week of 4 September.⁶

³ ['El censo, la sindicatura y todas las claves de la ley del referéndum'](#), *La Vanguardia*, 4 July 2017

⁴ ['La ley de secesión catalana prevé la independencia inmediata si no hay referéndum'](#), *El Español*, 22 May 2017; ['Todo lo que tienes que saber sobre la ley para la independencia de Cataluña'](#), *El País*, 28 August 2017

⁵ ['El Tribunal Constitucional suspende por unanimidad la reforma catalana por la desconexión exprés'](#), *Expansión*, 31 July 2017

⁶ ['La CUP exige aprobar las leyes de ruptura y del referéndum la semana que viene'](#), *El País*, 29 August 2017

3. Political positions

Catalan separatists

Carles Puigdemont, President of the Generalitat and leader of the secession camp, said in an interview in July:

We contemplate the Catalan state as an instrument to better serve our citizens, not as a goal in itself. If in 30 or 50 years the EU is the only state that should exist, in Catalonia we'll have no trouble with that. The state is a human convention, it stems from an agreement and this agreement can be renewed or not.⁷

At the presentation of the Referendum law he said: "What we are doing today is an act of transparency, of participation, of coherence. We are saying that today we want to vote."⁸

He also hinted that the referendum is a maximalist bargaining position, and a better deal within the existing *autonomías* system might be the real goal. He said that a "third way," a deal that secured Catalan objectives on language, tax raising powers, infrastructure and education would be supported by Catalans: "There's a majority of Catalans that would back that, that is obvious, polls say it, but it's also evident that such a proposal has never existed, and no one has put it on the table."⁹

Opposition to the vote

The 2014 vote was re-named a public participation exercise and was widely ignored by those opposed to independence. A similar outcome is quite likely this October, although it looks as if the Generalitat will go ahead and call it a binding referendum this time. Nevertheless, Madrid is likely to dismiss whatever vote takes place as unlawful and, given a poor turnout, as insignificant.

The Spanish Secretary of State for Relations with Parliament, José Luis Ayllón, said: "There's one goal and a group of fanatics ready to accomplish that goal," continuing: "On October 1 there won't be a referendum because the [Spanish] government won't allow it and because they don't have any capability to organize it."¹⁰ He also said that a compromise deal on powers could be discussed, "...but obviously without the sword of Damocles hanging over our heads and saying 'on 1 October I'm leaving Spain.'"¹¹

A spokesman for the Spanish Socialist Party, the PSOE, said that what takes place on 1 October will not be a referendum but a "separatist vote count", not based on a census. He doubted that the situation would get as far as barring Carles Puigdemont from office or suspending Catalan autonomy. He called for the Catalan Government

⁷ ['The Puigdemont factor'](#), Politico.eu, 27 July 2017

⁸ ['La presentación de la Ley del Referéndum en directo'](#), *La Vanguardia*, 4 July 2017

⁹ ['The Puigdemont factor'](#), Politico.eu, 27 July 2017

¹⁰ *Ibid.*

¹¹ *Ibid.*

to end its “rush to the cliff edge” and for the Spanish Government of Mariano Rajoy to put some documents on the table for negotiation.¹²

The Spanish In January 2017 newspapers were already reporting more than a dozen cases opened in the Spanish courts over the independence referendum.¹³ But the Government and the public prosecutor are following the case carefully and intend to target the top leaders with further court actions when the time is ripe.

The Madrid newspaper *El País* compared the proposed founding law of the state of Catalonia to the legislation passed by Russia to legitimise the secession of Crimea from Ukraine, calling it “unconstitutional” and “authoritarian.”¹⁴

It is not only ‘*Espanyolistes*’ that oppose September’s referendum. Several high profile Catalan artists and intellectuals were quoted in *El País* doubting the legality of the process and questioning whether and how a Yes vote could be carried out. Some also questioned how informed the voters were. On university professor said that this was not a situation of colonisation or domination, so the unilateral independence vote was not supported by international norms.¹⁵

¹² “[El PSOE asegura que el referéndum será un recuento sin estructura ni censo](#)”, *La Vanguardia*, 5 August 2017

¹³ “[Las cuatro palabras clave para el independentismo en 2017](#)”, *Huffpost*, 7 January 2017

¹⁴ “[Hacia la autocracia](#)”, *El País*, 28 August 2017

¹⁵ “[Escritores y artistas catalanes rechazan el referéndum ilegal](#)”, *El País*, 24 July 2017

4. Further reading

[*Debate on possible independence of Catalonia: key issues*](#), Commons Briefing Paper, July 2014

[Catalan government unveils independence law ahead of vote](#)

Irish Times

Guy Hedgecoe

29 August 2017

[Catalan parties step up referendum planning in clash with Madrid](#)

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28 August 2017

[Catalonia's response to terror shows it is ready for independence](#)

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Luke Stobart

24 August 2017

[Barcelona attacks: What could they mean for Catalan independence?](#)

BBC News Online

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[Catalonia and Spain: Will the referendum on independence go ahead?](#)

LSE Blogs

Sebastian Balbour

1 August 2017

[Spanish court halts bid to fast-track Catalan referendum preparations](#)

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31 July 2017

[Catalonia plans October independence vote defying Spain](#)

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[Catalonia to Vote on Leaving Spain in October, Region's Leader Vows](#)

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New York Times

9 June 2017

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