

Finding a way out of the Catalan labyrinth



Almost four months after regional elections, Catalonia still has no government, and there is no end in sight in the stand-off over Catalan independence. [Astrid Barrio](#) and [Bonnie N. Field](#) write that there remain major international and judicial impediments to forming a new government, as well as notable splits in opinion within the pro-independence movement on the best strategy to pursue. And with political actors reaching an impasse, street protests and direct action initiatives have started to fill the vacuum.



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In the regional elections in Catalonia on 21 December last year, the pro-independence parties once again won an absolute majority of seats in the parliament. Yet, almost four months later, Catalonia still doesn't have a government. [Much happened prior to the December elections](#): the Catalan authorities held a referendum (illegally) and, subsequently, the parliament (symbolically) declared independence. The Spanish government applied Article 155 of the constitution that disbanded the Catalan government and suspended the region's autonomy. Then, members of the deposed Catalan government were imprisoned, arrested and released on bail, or fled abroad.

For the parliamentary election, deposed President Carles Puigdemont launched the *Junts per Catalunya* (Together for Catalonia/JuntxsCat) electoral alliance. It included many independents and his own party, the Catalan European Democratic Party (PDeCat). The alliance won the most votes among the pro-independence parties and claimed the right to propose the candidate for president of the Catalan government. The Catalan parliament formally elects the president either in a first-round vote of the majority of the members of parliament, or in a second-round vote in which more yes than *no* votes suffice. Yet, several factors have complicated the election of a president and prevented the formation of a government in Catalonia.

International impediments

The decision of Puigdemont and other members of his government to flee to Brussels brought international attention to the Catalan conflict, a priority goal of the Catalan secessionists. But, it also hampered Puigdemont's ability to be elected president again. The JuntxsCat campaign centered on Puigdemont's legitimacy as the elected president of Catalonia and restoring the ousted government. And Puigdemont promised to return to Spain in the event of an electoral victory. Yet, because of his (more than) likely incarceration if he were to step foot on Spanish soil, he stayed away – moving around Europe, until his recent arrest in Germany. He is now out on bail in Germany pending a final ruling from the German court on Spain's extradition request.

Puigdemont is the preferred candidate of the pro-independence parties. But, Spain's Constitutional Court ruled that the president cannot be elected in absentia. So, any attempt to elect Puigdemont would mean disobeying the court and risk prosecution, at least, for the governing board of the Catalan parliament. What's more, Spain's government does not consider a hypothetical government, led by Puigdemont from afar, to be an effective government. Therefore, it has indicated that it would not lift the Article 155 restrictions and restore Catalonia's self-government.

Judicial blocks

Other proposals from the pro-independence parties have collided with the judiciary. Jordi Sánchez, number two on the ballot for JuntsxCat, was the second presidential candidate pro-independence forces advanced. Sánchez is the former leader of the Catalan National Assembly (ANC), the powerful pro-independence civil society organisation. Sánchez has been in jail since October 2017, pending trial on charges, including rebellion, related to the independence push. But, the court refused to authorise his release to participate in the investiture debate, a requirement to be elected.

This raised the issue of the possible violation of his political rights, particularly the right to be a candidate and hold elected office. Subsequently, the [United Nations Human Rights Committee urged](#) Spain to protect Sánchez's political rights. The Catalan independence movement has seized upon this to again propose Sánchez's candidacy, pending a court ruling, with the investiture debate set for 13 April.

In a third proposal, JuntsxCat and the pro-independence Republican Left of Catalonia (ERC) put forward Jordi Turull. Turull is a former member of Puigdemont's cabinet. He is also facing charges related to the independence push, but had been freed on bail in early December. Turull's candidacy is the only one to date that has made it to the floor of parliament. That debate was urgently convened when the court ordered Turull, other accused members of the former government, and former parliamentary speaker Carme Forcadell to appear in court.

The first session of the investiture debate was held the day before Turull's scheduled court appearance. In the first-round vote, Turull was not elected. The Popular Unity Candidacy (CUP), the radical left-wing independence party on which a pro-independence majority depends, did not support him. The second-round vote had to be cancelled because the next day Turull and the rest of the accused were jailed pending trial on charges of rebellion and misappropriation. Nonetheless, the first vote on 22 March set in motion a two-month deadline for the selection of a government, or new elections would be triggered.

Internal disputes

It is not only international and judicial impediments that have made it difficult to form a government in Catalonia. There are also deep differences of opinion within the pro-independence camp.

Simply put, there are two opposing strategies. Some in the pro-independence camp support forming a viable government that will lead to lifting the restrictions of Article 155 and recovering Catalonia's self-government. And, without renouncing the ultimate goal of Catalan independence, they favour abandoning unilateral action to obtain it, given the costs and limited success unilateralism has had thus far. The ERC and a very significant part of PDeCat, with former president Artur Mas at the helm, fall into this group.

In contrast, others prioritise maintaining the independence push, deepening the conflict with the central state and internationalising the Catalan question. The intent is to provoke or reveal contradictions within and over-reactions from Spain's institutions that will generate international support for "remedial" secession. Remedial secession refers to a claim to secession on the basis of suffering injustices within the existing state. Some members of JuntsxCat, CUP, and ANC, who are committed to investing Puigdemont, fall into this group.

This faction views the recent decision by a German court as vindication. Germany denied Puigdemont's extradition on the charge of rebellion because of the absence of violence required for high treason, the German equivalent of the rebellion charge. Jurists in Spain have also expressed doubts about the rebellion charge. This more ardent sector of the pro-independence forces saw the decision as affirming its claim that Spain does not respect the rule of law and is engaging in political persecution, something, however, that the German court rejected. A decision on whether Germany will extradite Puigdemont on a lesser charge of misappropriation is pending. All these difficulties suggest that Catalonia may be closer to new elections than to forming a government.

An institutional power vacuum and the rise of direct action protest

The factors described above have led to the virtual absence of institutional politics and the decline of the leading role of the political parties and their leaders, who in many cases are imprisoned or abroad. In this context, so called 'Committees for the Defence of the Republic' (CDRs) have gained increasing prominence. The CDRs are direct action groups, made up of citizens of diverse political affiliations, initially organised to assure the holding of the independence referendum on 1 October last year.

Later, they launched diverse protests and, after the recent jailing of the pro-independence leaders and the arrest of Puigdemont in Germany, they have increased their activity. They have blocked roads, including highways and border crossings, burned tires, and obstructed traffic through slow vehicular marches, taking very literally one of the mottos of the independence movement: '*Els carrers serán sempre nostres*' (The streets will always be ours).

Though the actions of the CDRs are inspired by the Serbian *Optor!* movement and based on nonviolent resistance, at times their actions have resulted in confrontations with the police and vandalism. Some media outlets and political parties have used this to try to criminalise the independence movement as a whole, equating the actions of the CDRs to the street violence in the Basque Country, known as *Kale Borroka*. And, on 10 April, [Spain's High Court](#) ordered the arrest of two individuals linked to the CDRs on charges of rebellion and terrorism.

And meanwhile... the silence of the Spanish government

As it awaits judicial decisions about the extradition of Catalan leaders who remain abroad and Jordi Sánchez's candidacy for the presidency of Catalonia, the Spanish government has been silent. Hiding behind judicial action, the Spanish government refuses to recognise that, beyond the inevitable legal dimension, the conflict is mainly political. Resolving the situation will require a political solution of a consensual nature – in the current situation, no one can win.

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Note: This article gives the views of the authors, not the position of EUROPP – European Politics and Policy or the London School of Economics.

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