

The only solution to the Catalan question is to recognise that Catalonia is a separate demos capable of deciding its own future

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A non-binding consultation on Catalan independence was held on 9 November, with over 80 per cent of those voting indicating that they would like Catalonia to be independent. **Montserrat Guibernau** argues that while there is still some uncertainty over what the legal consequences of the vote will be, the people of Catalonia have made it clear that they should have the right to choose their future status in an official referendum.

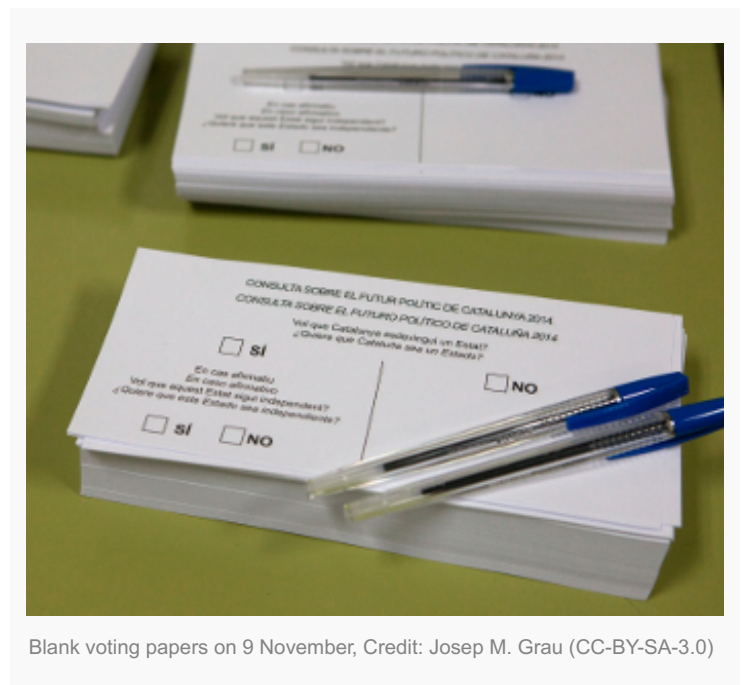


On 9 November 2014, 2,305,290 million people in Catalonia took part in a non-binding symbolic consultation asking two questions: whether Catalonia should be a state, and, if they replied yes, whether it should be an independent state. In total, 80.76 per cent voted 'yes' to both questions, 10.07 per cent voted 'yes' to the first question and 'no' to the second, and 4.54 per cent voted 'no' to the first question.

A total of 13,573 Catalans living abroad also voted in the 19 cities where it was possible, among them London, Berlin and New York. The vote took place thanks to the support of 41,000 volunteers and all the voters who registered on the spot. The Spanish Government, however, did not authorise holding a legally binding referendum on Catalan independence and subsequently forbade the Catalan government's request to hold a consultation instead.

At present there is a discrepancy regarding the potential outcome of the draft allegation against Artur Mas, President of Catalonia, submitted by the office of the Public Prosecutor (*Fiscalía General del Estado*) due to errors included in the text: for example the pretence to act against Mr. R. Espadaler – wrongly defined as Minister of the Interior (*Ministro de Gobernación*) and Home Security; he is only Home Secretary.

The draft allegation received from the Public Prosecutor in Madrid referred to the Catalan Executive Council as 'the seditious government' and the Office of the Catalan Public Prosecutors deemed it inappropriate to employ this terminology when dealing with an accusation upheld by Catalonia's High Court (the *Tribunal Superior de Justicia de Catalunya* – TSJC). In technical terms, it seems that it is not clear on what grounds and against whom the accusation should be charged since the 9 November vote was run by volunteers and was not legally binding; in fact it was defined as a non-binding consultation on Catalonia's right to decide upon its political future.



There is uncertainty about whether President Mas and Catalan Vice-President Mrs Joana Ortega will be charged. Some complaints against Mariano Rajoy's **People's Party** government point at alleged pressure exerted upon the

Public Prosecutor and the filtration of their views about how to proceed legally, thus allegedly attempting to influence the judges. In terms of procedure, if the Public Prosecutor presents a charge, the TSJC has to accept it and assess whether an offense has been committed or not, if yes, then President Mas will have to stand on trial; however after a vote the Catalan Parliament has decided to assume in a 'solemn and collective manner all the judicial consequences that could derive from 9N'.

Currently, some sectors of the People's Party are unhappy and highly critical of Prime Minister Rajoy, deemed too soft with the Catalans and lacking strength and initiative. Rajoy's failure to avoid the 9N consultation and his constant stress upon a narrow interpretation of the Spanish Constitution, accompanied by a lack of engagement with the Catalans' aspirations, have resulted in a complex scenario that will be very difficult to unlock.

There are two main reasons. First, is the Spanish Government's lack of political will to find a solution. A response to the Catalans' aspirations will probably result in a very significant drop in the number of votes they receive in the forthcoming electoral contests, probably losing its current majority in the Spanish Parliament in the 2015 general election. Second, the image of Spain in the EU has been damaged by displaying attitudes pointing at low levels of democratic engagement with its citizens, in particular when corruption scandals come to the fore and a lack of willingness to engage with Catalan democratic demands are brushed aside.

The way out

This is a time for politics and an opportunity to further develop democracy in Spain, but also in the EU. It is vital that we unlock the current situation; letting it spiral and grow will only reinforce barriers to dialogue and understanding. The Catalans should be allowed to vote in a legally binding referendum on whether Catalonia should become independent or not. Citizens should be able to answer this question and decide.

A government cannot remain aloof to mass mobilisation and democratic peaceful demands. One should not underestimate the growing alienation and subsequent indignation of citizens questioning the political system and outraged by corruption scandals and abuse; a situation that grew up out of a systematic disregard for demands for greater devolution during the second mandate of former Prime Minister José María Aznar (2000-2004) and the challenging of the new Catalan Statute of Autonomy (to replace the Statute drafted in the very early stages of the transition to democracy when Francoists were leading the process).

Catalans should think carefully about whether they want independence from Spain or whether greater recognition in political, symbolic and economic terms would do for them; simply because their decision will have the power to open up a completely different future. The Catalans' choice will have a transformative effect upon the future of both Catalonia and Spain and it may even pave the way for a more equal relationship. After the 9N demonstration Catalans have sent a clear message: they want to be their own masters, this is why they are demanding the right to choose. In a fully-fledged democracy this cannot be denied to them. Catalonia should be recognised as a separate *demos* able and willing to decide upon its political future.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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