



BRIEFING PAPER

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Catalan independence

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Summary

In October 2017 Catalonia voted, in a referendum whose legitimacy was disputed, to secede from Spain. Later that month the region's president unilaterally declared independence. The Spanish state responded with police interventions and the use of the courts to frustrate these attempts. Ultimately, direct rule was imposed, suspending Catalonia's devolved powers.

The referendum caused alarm among Spanish companies with headquarters in Catalonia. This particularly affected banks, many of which were concerned about whether an independent Catalonia would be a member of the European Union and moved their headquarters to Madrid.

The failed independence drive saw the movement's leaders either go into exile or put on trial and convicted for their part in the events of October 2017. The severity of the sentences was highly controversial leading to unrest in Catalan cities in October 2019. The Spanish Government tried with varying degrees of success to prevent those leaders from standing for the Catalan and European parliaments.

Meanwhile, the situation in Catalonia helped re-shape Spanish national politics. An unprecedented period of instability, including two elections in 2019, has seen the far-right Vox party becoming the third-biggest party in the Madrid parliament.

Although the tumult in Catalan streets was quelled and constitutional order restored, the underlying tensions that gave rise to the region's modern independence movement remain unresolved.

The standoff between the Spanish state and the political and social movement in the region persists to this day. The crisis reverberates back into national politics; Spain held its fourth general election in four years on 10 November 2019. Understanding the context to the Catalan crisis goes part of the way in explaining the political instability in Spain and its polarised and fragmented political landscape.

Timeline

- 1714** Defeat in the War of Spanish Succession saw the Principality of Catalonia incorporated under the Crown of Castile as part of the centralisation of Spanish rule under Philip V
- 1931** The Catalan Republic, proclaimed on 14 April, is integrated as an autonomous community of the Second Spanish Republic on 17 April
- 1936-39** Spanish Civil War. After victory General Franco centralises power and represses expressions of political or cultural autonomy
- Jun 1977** First free elections in Spain following death of Franco in 1975
- Dec 1978** Spanish approve a new constitution via referendum
- Jun 2006** Catalans approve a new Statute of Autonomy via referendum
- Jun 2010** Constitutional Court amends the new Statute of Autonomy. Large demonstrations mark the beginnings of the modern independence movement
- Nov 2014** 2014 Catalan consultative self-determination referendum
- Sep 2015** Pro-independence parties obtain absolute majority in Catalan elections
- 1 Oct 2017** Catalans vote in favour of independence in referendum
- 27 Oct 2017** Catalan parliament's unilateral declaration of independence. Spanish government suspends region's autonomy and imposes direct rule
- Nov 2017** Catalan cabinet members are either arrested or go into exile
- Dec 2017** Catalonia holds regional elections
- 25 May 2018** Vote of no confidence in PP Spanish government succeeds. Direct rule in Catalonia ends
- 12 Feb 2019** Trial of the Catalan leaders during 2017 referendum opens in Madrid
- 13 Feb 2019** Unable to obtain approval for its budget, the Socialist government falls

- 28 Apr 2019** PSOE obtain largest vote share in Spanish general election
- 26 May 2019** European, regional and municipal elections held across Spain
- 14 Oct 2019** Verdict to the trial of the imprisoned Catalan leaders delivered
- 10 Nov 2019** Spain's fourth general election in four years results in another PSOE-led government

1. Background

Catalonia in north-eastern Spain is one of the 17 autonomous communities that form part of the Spanish state. The *autonomías* framework guarantees differing levels of autonomy to the country's various regions and nationalities. Each community's competences are set out in a Statue of Autonomy, within the framework of the 1978 Spanish constitution. In Catalonia the autonomous community is organised under the *Generalitat*, an institution which comprises an executive, legislature and presidency.

The [1978 constitution](#) was a product of the transition to democracy, following 36 years of dictatorship under General Francisco Franco. In 1978 Catalonia recovered some of the powers it had previously enjoyed under the Second Spanish Republic. The eight year-old Republic, however, was defeated in 1939, following the brutal Spanish Civil War. Franco seized power and installed a highly centralised state.

Under Franco, democratic liberties were curtailed and a unitary national identity was promoted. This led to the brutal repression of political and cultural autonomy in regions such as Catalonia.

By reviving the decentralised model of autonomous communities, Spaniards hoped the 1978 constitution would resolve the historic tensions between supporters of a centralised and unitary state and those who understand Spain to be pluri-national.

The division is played out in Catalonia itself, especially in the port city of Barcelona, the region's capital. As one of the first regions to industrialise in the late nineteenth century, Catalonia's cities have always attracted economic migrants from Spain's different regions. Many of these individuals continue to see themselves as Spaniards and oppose independence.

The transition to democracy following Franco's death, simply referred to as *la transición* in Spain, was widely regarded as a model. It gradually transformed the institutions and the legal framework of the Francoist state into a democratic one. It produced the 1978 constitution which was approved by 92% of Spaniards in a referendum that same year.

The success of the referendum, however, belied the difficulty in drafting a constitution that could be agreed on by the negotiating parties.¹ As a consequence it fell short of many of the social and political demands of grass-roots movements and the aspirations of the different nationalities.² From the outset, autonomous communities proved contentious and the result was a text many view to be ambiguous.³ The Constitutional Court has subsequently gained an important role in interpreting it, especially in the context of the Catalan crisis.

¹ This included far-right members of Franco's regime and left-wing politicians who had been imprisoned and exiled by the former State.

² ['A Brief History of Catalan Nationalism'](#), *Foreign Affairs*, 18 October 2017

³ See, ['To solve Catalonia, Spain needs a new constitution'](#), *Politico*, 13 November 2017, ['Catalan independence in the Spanish constitution and Courts'](#), *OUPblog* 6 November 2017

Article 2 of the constitution has caused much debate, particularly in relation to Catalonia and the Basque Country. It notes both the “indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards, whilst also protecting ‘the right to self-government of the nationalities and regions’”.⁴

Article 92 is also noteworthy in relation to the Catalan crisis. It stipulates that referendums may only be called by the King, following a proposal by the Prime Minister authorised by parliament and relating to “political decisions of special importance involving all citizens”⁵

The Catalan crisis has been the first significant challenge to the constitution. This has popularly given rise to supporters of Catalonia’s secession being referred to as sovereigntists (*soberanistas*); constitutionalists (*consitucionalistas*) are those supporting the present constitutional setup.⁶

1.1 Post-transition Catalonia

Following transition Catalonia experienced buoyant economic growth and a peaceful political landscape. This experience was in stark contrast to the Basque Country in northern Spain, where a violent campaign for independence was at one time countered by illegal state-sponsored paramilitaries.

By the 2000s, however, widespread social grievances and a slew of corruption revelations throughout Spain led to increased public disaffection with political institutions, exacerbated by the 2008 financial crisis.

In Catalonia this political malaise resulted in 2003 in the end of the *sociovergència* years: the political dominance and informal alliances, in place since Spain’s transition to democracy, between the Socialist party’s Catalan wing (PSC) and the Convergence and Unity party (*Convergència i Unió*: CiU), a centre-right Catalan nationalist alliance. whose cordial relations with the successive Spanish governments allowed them to extract greater powers for Catalonia.

Despite not topping the 2003 polls, the Left Republicans of Catalonia (*Esquerra Republicana de Catalunya*: ERC), a social-democratic pro-independence party, experienced a breakthrough after years on the fringes, going into coalition government. Proscribed by Franco, ERC had steadily increased its vote share throughout the 1990s to become the dominant left Catalan party.

The ERC’s election in 2003 gave renewed impetus to the separatist cause and, product of an uneasy left-wing coalition including the PSC and the Catalan Greens, a new draft of the Catalan Statute of

⁴ [The Spanish Constitution](#), p.3

⁵ [The Spanish Constitution](#), p.26. Further information about the role of the Constitutional Court’s role in the Catalan crisis can be found here: [‘Catalan independence in the Spanish Constitution and Courts’](#), *OUPblog* 6 November 2017

⁶ Although many people, as characterised by the stance taken by the left-wing political party Unidas Podemos, do not ascribe to either bloc, instead advocating compromise on both sides or constitutional reform.

Autonomy consolidating and extending self-governance powers was put to a referendum in 2006.

Although overwhelmingly approved by Catalans, the Statute proved contentious and the Spanish parliament removed articles relating to language and fiscal policy, and an article stating Catalonia was a nation.

1.2 The beginnings of the independence movement

Alongside three Autonomous Communities, the Popular Party (*Partido Popular*: PP), the largest of the Spanish centre-right parties, launched a legal challenge over the constitutionality of the Statute. The ruling in 2010 by the Constitutional Court agreed with the complainants and struck down the Statute's core articles whilst also reasserting the "indissoluble unity of Spain".

This marked the beginnings of the use of the courts to frustrate Catalan demands for greater autonomy. The PP made this a cornerstone to their approach in dealing with Catalonia once in power between 2011-2018. Commentators have observed that this ruling frustrated future opportunities to explore models to evolve Madrid's relationship with the region, such as further devolution or possible federal arrangements as had previously been championed by the CiU and the PSC respectively.⁷ The path towards independence and all its machinations have come to be referred to as *el procés* ("the process" in Catalan).

In Catalonia a groundswell of opposition to the Court's ruling resulted in numerous demonstrations, including a million-person march in Barcelona.⁸ The two civil society organisations *Òmnium Cultural* and the Catalan National Assembly (*Assemblea Nacional Catalana*: ANC) took on prominent roles in mobilising the movement.

At the municipal level unofficial independence referendums were held and several motions were passed in which towns declared themselves "free and sovereign Catalan territory".

Of equal significance was the main Catalan parties uniting, in spite of their different ideologies, in favour of Catalonia's "right to decide".

Failed attempts to renegotiate Catalonia's financial relationship with Madrid resulted in the 2012 snap regional elections. The CiU was returned to power, with support from an emboldened ERC, on a platform to hold a non-binding independence referendum.

The Spanish courts ruled it unconstitutional, but this did not deter the Catalan authorities, who pushed ahead, rebranding the 2014 plebiscite a "process of citizens' participation". The vote overwhelmingly approved independence, but turnout was low.⁹

⁷ Claret, Jaume; Santirso, Manuel (2014). *La construcción del catalanismo. Historia de un afán político*. Madrid: Los Libros de la Catarata.

⁸ '[Catalan protesters rally for greater autonomy in Spain](#)', *BBC News*, 10 July 2010

⁹ The turnout figure differed according to sources. The Catalan government put the figure at 41.6%, however, according to the newspaper *El País*' calculations turnout stood at 37.02%. See '[Catalonia vote: No smiles for Spain](#)', *BBC*, 10 November 2014

A snap regional election in 2015, the third in five years, was sold as an alternative vote on independence. Just months before, however, a split in the CiU over how to pursue independence saw one of its constituent parties join the ERC and other pro-independence parties to form Together for Yes (*Junts pel Sí*: JxSí). JxSí, spanning the political divide, became the main motor of Catalan independence.

JxSí formed a pro-independence coalition government. There followed national elections in 2015 and 2016, where the “Catalan crisis” was a significant issue for voters across the country.

The PP survived the 2015 and 2016 general elections, despite a string of scandals and crises. Much weakened, they formed a minority government in an increasingly fragmented and fractious lower chamber. The two-party system of the PP and the PSOE (*Partido Socialista Obrero Español*), the predominant Spanish centre-left party since transition, was increasingly spurned by the electorate.

Regional parties gained confidence, but one of the big winners was Unidos Podemos (UP: United we can), a Spanish left-wing electoral alliance contesting its first elections. Its anti-austerity platform and promise of a referendum on independence proved popular, especially in Catalonia. Citizens (Cs: *Ciudadanos*), a Spanish centre-right party that began in Catalonia, was popular amongst pro-union Spaniards in Catalonia, as in the rest of the country.

In the Catalan parliament political differences made for an uneasy alliance between JxSí and CUP, a smaller left-wing pro-independence party. Nevertheless, agreement over secession from Spain meant that in June 2017 Carles Puigdemont, President of the *Generalitat* (Jan 2016 – October 2017), announced a binding referendum on Catalan independence for 1 October 2017.¹⁰

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

¹⁰ [‘Hundreds of thousands of Catalans stage independence protests’](#), *The Guardian*, 12 September 2016

2. The October 2017 referendum

The law giving effect to the plebiscite was passed by the Catalan parliament on 6 September 2017 by 72 votes to 55, with 8 abstentions; Catalans would vote in a binding referendum on independence for the region on 1 October 2017.

The Spanish government quickly declared the law illegal, the region's Statute of Autonomy requiring a two-thirds majority in parliament for any change to Catalonia's status. The Constitutional Court upheld this view and duly suspended the law. A month later it was also found to have violated the principal of the supremacy of the Spanish constitution, national sovereignty and the indissoluble unity of the nation.¹¹

2.1 Build-up to the referendum: September 2017

By the time the official referendum campaign kicked off on 15 September, attempts were already under way to disrupt its organisation. Spain's Civil Guard shut down websites promoting the referendum (many of which reappeared hours later).¹²

Initiated with a court order on 20 September, Operation Anubis was the next step in the gradual escalation of the police's attempts to stop the referendum.¹³ The Spanish government was choosing confrontation over handling the Catalan independence issue through the courts, as had happened with the 2014 referendum.

Over the next few days there were more police interventions. Ten million ballot papers were confiscated, members of the Catalan electoral board were personally fined €6,000-12,000 a day, and 14 senior Catalan officials on the referendum organising team were arrested.

Thousands of extra police and Civil Guard were deployed across Catalonia. On 20 September a large last-minute demonstration was called by the ANC and Òmnium Cultural outside a Catalan government building in Barcelona that the Civil Guard had entered to detain senior Catalan official. Although largely peaceful it did result in damage to some police vehicles. A month later this demonstration would be cited as the reason for the arrest of Jordi Cuixart, president of Òmnium Cultural and Jordi Sànchez, president of the ANC, who have become known as the "two Jordis".

Carles Puigdemont, President of Catalonia, reacted to the police action by decrying the "co-ordinated aggression" of the Spanish authorities that had shown their "intolerant side, which has been displayed

¹¹ ['El TC declara inconstitucional la ley del referéndum aprobada por el Parlament'](#), *La Vanguardia*, 17 October 2017,

¹² ['Spanish authorities try to shutter Catalan referendum websites'](#), *Politico*, 22 September 2017

¹³ ['Operación Anubis': diez millones de papeletas y golpe a los cerebros del 1-O'](#), *Diario Sur*, 21 September 2017

throughout a large part of Spain's political history".¹⁴ In a televised statement the Spanish Prime Minister, Mariano Rajoy of the PP, responded to Catalan leaders calling on them to "stop this escalation of radicalism and disobedience once and for all".¹⁵

2.2 The referendum

In a tense atmosphere and amid great media scrutiny the referendum put to Catalans the binary Yes or No question: "Do you want Catalonia to become an independent state in the form of a republic?"

Of the 2.26 million votes cast 90% answered in the affirmative and 8% in the negative. Turnout was 43%, in keeping with participation in the previous two plebiscites held in Catalonia. Pro-Spanish political parties' call for abstention appears to have been respected by their supporters.

Police action was principally limited to the main cities of Barcelona, Girona, Taragona and Lleida, where they succeeded in closing 319 polling stations and confiscating cast ballot papers. 2,315 polling stations opened but the police's actions prevented some 770,000 people voting.¹⁶

Anticipating the disruption, Catalan authorities announced early on 1 October that voters would be able cast their vote in whichever polling station they attended, thanks to the digitisation of electoral rolls.

Referendum Day: 1st October

As part of Operation Anubis police targeted polling stations in the largest towns, especially those where Catalan political leaders were expected to vote. At many polling stations citizens, the Committees for the Defence of the Referendum (CDR) organised human shields to obstruct the police's attempts to confiscate urns and ballot papers. Police were witnessed using batons, forcibly dragging people away from polling stations and firing rubber bullets at protesters.¹⁷

Armed police used a battering ram to break into and close Carles Puigdemont's polling station. In Barcelona police used force in approximately 20 polling stations producing some of the most widely circulated images of the day.¹⁸

Catalan authorities claimed these actions left 893 civilians requiring medical treatment, four of whom had to go to hospital. This was

¹⁴ ['Catalan president denounces 'coordinated aggression' after Barcelona arrests'](#), *Político*, 20 September 2017

¹⁵ ['Spain crisis: 'stop this radicalism and disobedience.' PM tells Catalan leaders'](#), *The Guardian*, 21 September 2017

¹⁶ ['Referéndum en Cataluña'](#), RTVE, 1 October 2017, see also ['Rajoy recurre a la fuerza policial para descabezar el referéndum ilegal'](#), *El País*, 2 October 2017

¹⁷ See: ['Referéndum del 1 de octubre en imágenes: entre la violencia y el desafío los catalanes se movilizaron para votar'](#), *BBC Mundo*, 1 October 2017, ['Un hombre, herido en el ojo por una pelota de goma disparada por la Policía Nacional durante el 1-O'](#), *La Sexta*, 1 October 2017. ['Así fue el Referéndum de Cataluña 2017 del 1-O | caótica consulta en Cataluña por la tensión en los centros y las calles'](#), *20 Minutos*, 1 October 2017, and [Country profile: Spain 2017/2018](#), Amnesty International.

¹⁸ ['Rajoy recurre a la fuerza policial para descabezar el referéndum ilegal'](#), *El País*, 2 October 2017

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disputed by Spanish authorities. who claimed 431 police were injured on the day, of whom 39 required immediate treatment.¹⁹

The UN High Commissioner for Human Rights later commented:

I was dismayed by the violence which broke out during October's referendum on independence in Catalonia. Given what appeared to be excessive use of force by police, the Government's characterisation of police action on 1 October as "legal, legitimate and necessary" is questionable.²⁰

The Catalan police force, the *Mossos d'Esquadra*, closed 183 polling stations. In many others they failed to eject encamped civilians who had occupied buildings for several days beforehand. The justification given was that they did not want to increase the risk of confrontations, especially where minors were present.²¹ This perceived inaction led to criticism from the Spanish press and the national police force, and an accusation of political partiality from the Prosecutor's Office.²²

Committees for the Defence of the Referendum

CDRs emerged at neighbourhood level in the months preceding the referendum, with the objective of mobilising support. Individuals from across the political spectrum engaged in largely non-violent activities.

CDRs initiated the strategy of occupying colleges used as polling stations during the referendum. Following the declaration of independence, the last R changed to "Republic", and they continued to engage in largely pacific actions, including mobilising for the general strike of 3 October and blocking motorways and main roads across the region. This drew the ire of Spanish prosecutors, who accused them of "subverting the constitution".²³

Reaction to the day's events

Both sides were quick to blame the other for the day's events. Spanish Prime Minister Mariano Rajoy of the PP was unapologetic, stating: "we did what we had to do." He called the ballot a "premeditated attack on the legality of the Spanish state faced down with serenity by the forces of order."²⁴

Catalan Vice-President Oriol Junqueras of ERC denounced the police operation and claimed it had been "like holding a referendum in the middle of a dictatorship." Catalonia, he stated: "had won its right to be a new Republic."²⁵

¹⁹ ['¿Cuántos heridos hubo en realidad el 1-O?',](#) *El País*, 3 October 2017

²⁰ ['High Commissioner's global update of human rights concerns',](#) UN Human Rights Office of the High Commissioner, 8 March 2018

²¹ ['Los Mossos cierran 183 centros de votación',](#) *El País*, 1 October 2017

²² See ['How Europe's press reacted to the Catalan independence vote',](#) *Político*, 2 October 2017, ['Los hitos que han marcado el referéndum de Cataluña',](#) *El País*, 2 October 2017

²³ ['Spanish prosecutors investigating Catalan "republic defense committees",](#) *El País*, 3 April 2018

²⁴ ['Catalan referendum violence plunges EU into crisis as '90pc of voters back independence',](#) The Telegraph, 2 October 2017

²⁵ ['Catalan referendum: Clashes with police leave nearly 900 injured, says Catalonia government',](#) The Independent, 2 October 2017

President Puigdemont opened the way for a declaration of independence, stating the result would be respected.

The principal message from Catalan leaders, however, was directed towards the EU, in the hope that they might act as mediators. Puigdemont claimed that the situation in Catalonia was now a "European issue".²⁶

The European Commission declared the vote was not legal under the Spanish constitution. It stood by Rajoy and called for: "all relevant players to move very swiftly from confrontation to dialogue."²⁷

The UK Government's position was that it was a matter for the Spanish:

...the referendum is a matter for the Spanish government and people...We want to see Spanish law and the Spanish constitution respected and the rule of law upheld.²⁸

PSOE leader Pedro Sánchez condemned the Spanish government for ordering the police operations as well as the Catalan government for holding the referendum, which "perverted the concept of democracy."²⁹ Critically for the government, Sanchez did not withdraw the PSOE's support in parliament.

The rest of the Spanish left was unanimous in calling for Rajoy's resignation. The main voice of opposition came from the UP, which urged Sánchez to pull his party's support for the government, claiming the events of 1 October undermined democracy and freedom of expression.³⁰

2.3 The general strike: 3 October

Several Catalan unions supported by the CDRs announced a general strike across Catalonia for 3 October in protest, nominally, against worsening working conditions. Separatist campaign groups the Assemblée Nacional Catalana (ANC) and Òmnium Cultural subsequently added their names and called for strikers to demonstrate against the violation of their rights and police operations on 1 October.

300,000 people demonstrated in Barcelona and many areas of Catalonia were brought to a standstill, with public transport disrupted and protesters blocking roads and motorways. Players from FC Barcelona joined the strike, having played their home football match the previous night behind closed doors.

2.4 The King's address to the nation

With Spanish society ever more fractured, King Felipe VI intervened in a televised address to the nation on 3 October. The King's role in Spanish

²⁶ ["Los hitos que han marcado el referéndum de Cataluña"](#), *El País*, 2 October 2017

²⁷ ["Statement on the events in Catalonia"](#), European Commission Press Release Database, 2 October 2017

²⁸ ["Catalan referendum: Jeremy Corbyn urges Theresa May to intervene 'to find political solution to the crisis'"](#), *The Independent*, 1 October 2017

²⁹ ["Puigdemont pressured as 'independence' deadline looms"](#), *Al Jazeera*, 15 October 2017

³⁰ ["Podemos pide la dimisión de Rajoy y llama al PSOE a una moción de censura"](#), *El País*, 2 October 2017

politics is limited by the constitution, and his previous televised appearances had always been restricted to procedural announcements and his Christmas eve speech. The King's address was strident, and he blamed Catalan authorities for having:

...repeatedly, consciously and deliberately flouted the constitution and their own Statute of Autonomy...their decisions, have systematically infringed legally and rightfully approved rules ...They have violated the democratic principles of the rule of law and they have undermined Catalan society's harmony and coexistence.³¹

Ada Colau, mayor of Barcelona, although not in favour of Catalan independence, called it "irresponsible and unworthy of a head of state", since it offered no solution and failed to include an appeal for dialogue.³² Tellingly, the King's subsequent Christmas Eve speech was much more conciliatory.

2.5 Business reaction to the referendum

Once Puigdemont announced that the referendum result would be acted upon, several large Catalan companies began planning to relocate their legal headquarters to other Spanish regions. For many other businesses, however, the crisis' escalation was unexpected.

Businesses hoped to be able to maintain two headquarters, one in Madrid and one in Barcelona, for the two markets. International investors and credit agencies grew increasingly wary of the political uncertainty, resulting in a huge flight of capital, as €31.4 billion were reinvested in other Spanish banks in the last quarter of 2017.³³

Many companies took the decision to relocate.³⁴ Banco Sabadell and CaixaBank were the first to act, on 5 October. Brussels' confirmation that an independent Catalonia would drop out of the EU and by extension the European Central Bank's supervision was the principal motivation.

Figures showed that in the last quarter of 2017, 3,208 companies relocated their headquarters outside Catalonia. The immediate effect on employment in Catalonia was minimal but it did represent an exodus of businesses' executive functions that was in many cases permanent.³⁵

Nevertheless, the Catalan business community is not homogenous and many businesses, particularly smaller firms that operate solely or principally in Catalonia, supported the independence process. Promises of a more buoyant economy, amongst other things, translated into political support for Puigdemont's vision.³⁶

³¹ ['Address to the nation by Felipe VI'](#), *El País*, 4 October 2017

³² [@Ada Colau](#), Twitter, 3 October 2017

³³ ['La banca en Cataluña perdió 31.400 millones en depósitos al final de año por el 'procés'](#), *El País*, 20 March 2018

³⁴ ['How and why capital fled Catalonia'](#), *El País*, 18 October 2017

³⁵ ['Más de la mitad de las empresas que han dejado Cataluña se instalaron en Madrid'](#), *El País*, 18 April 2018

³⁶ ['How and why capital fled Catalonia'](#), *El País*, 18 October 2017

2.6 Declaration of Independence

Lead-up

On 10 October the pro-independence parties in the Catalan parliament signed a resolution unilaterally declaring independence. Almost as soon as Puigdemont had declared Catalonia's independence to parliament, he suspended its effect, so that he could negotiate with central government.

The fact the resolution was neither published nor voted on led to further confusion as to what exactly had been announced. Puigdemont had almost certainly heeded the President of the European Council, Donald Tusk's plea "not to announce a decision that would make a dialogue impossible".³⁷ The next day Rajoy demanded clarity but received elusive answers.

Refusing to countenance mediation or dialogue with Puigdemont unless he renounced plans for independence, Rajoy began to openly discuss the "nuclear" option: Article 155 of the Spanish constitution would enforce direct rule over Catalonia, suspending its autonomous status.

This was an emotive issue for Catalans, given the experience of direct rule under Franco. Moreover, the independence movement increasingly began to frame their clash with Madrid as a civil and human rights issue as much as it was about their shared culture and language.

For Madrid this was a matter of upholding the constitution. Invoking article 155, said Rajoy, "did not imply the suspension of self-government but the restoration of legality in the Autonomous Community".³⁸

Declaration of Independence

Debate over how to proceed, whether to call regional elections to avert invoking article 155 or to declare independence, beset the JxSi.³⁹ These debates were also set against a backdrop in which allies of the Catalan political leaders were being charged for events in the lead up to the referendum.

The "two Jordis" were arrested for sedition and rebellion for their participation in the 20 September demonstrations. Josep Lluís Trapero, head of the *Mossos*, was also arrested for sedition for allegedly refusing to carry out orders on 1 October.

Puigdemont admitted he had "run out of options".⁴⁰ Madrid's lack of assurances that it would not impose direct rule should snap regional elections be called dashed hopes that that could resolve the crisis.

³⁷ [@eucopresident](#), Twitter, 10 October 2017

³⁸ ['Rajoy pide a Puigdemont que rectifique y le insta a dialogar en el Congreso y "dentro de la ley"', *El País*, 21 October 2017](#)

³⁹ ['Spain poised to strip Catalan government of powers over independence push', *The Guardian*, 27 October 2017](#)

⁴⁰ ['Spain poised to strip Catalan government of powers over independence push', *The Guardian*, 27 October 2017](#)

On 27 October the pro-independence parties of the Catalan parliament tabled a resolution which included the wording of the declaration of independence to which they had put their name on 10 October.⁴¹ 70 MPs voted in favour, 10 against and two blank votes were cast, in a secret ballot designed to protect the MPs from potential prosecution. 53 opposition MPs of the Ciudadanos, PP and PSC staged a walk-out before the vote was held.

2.7 Direct rule: November 2017

On the evening of the declaration of independence, the Spanish Senate voted to grant Rajoy the powers contained in article 155, which suspended the Statute of Autonomy. Rajoy dismissed the Catalan Cabinet, the parliament was dissolved, and regional elections were called for 21 December, the earliest possible date. The Constitutional Court suspended the declaration of independence on 31 October.

Few if any steps had been taken by the Catalan government to put in place new state structures, and direct rule took effect without any noticeable civil unrest. The application of article 155 combined with the actions by the Spanish courts prevented the declaration of independence taking effect and took away a significant amount of momentum from the pro-independence movement.

Oriol Junqueras decried Madrid's intervention as a "coup d'état" but there was no international support for his position.⁴² No other states recognised the short-lived Republic. Donald Tusk tweeted, "for the EU nothing changes. Spain remains our only interlocutor. I hope the Spanish government favours force of argument, not argument of force."⁴³

Box 1: Article 155

Referred to as a 'nuclear option', article 155 of the 1978 Spanish constitution was long seen as nothing more than a deterrent to Autonomous Communities looking to reach beyond their devolved competencies.⁴⁴ The article states:

(1) If a Self-governing Community does not fulfil the obligations imposed upon it by the constitution or other laws, or acts in a way that is seriously prejudicial to the general interest of Spain, the Government, after having lodged a complaint with the President of the Self-governing Community and failed to receive satisfaction therefore, may, following approval granted by the overall majority of the Senate, take all measures necessary to compel the Community to meet said obligations, or to protect the above-mentioned general interest.(Senate Standing Orders, sections 56 m) and 189)

⁴¹ ['Spain and Catalonia reach point of no return'](#), EU Observer, 27 October 2017

⁴² ['Deposed Catalan leader Puigdemont continues to defy Madrid as pro-unity protests take Barcelona'](#), The Telegraph, 29 October 2017

⁴³ [@eucopresident](#), Twitter, 10 October 2017

⁴⁴ Commenting on article 155, Professor Mariano Bacigalupo stated that it is "a measure that was designed as a last resort, to deal with an extraordinary and traumatic event...It was designed not so much to be used but as a deterrence." ['Madrid considers 'nuclear option' to halt Catalan referendum'](#), *Financial Times*, 23 February 2017

(2) With a view to implementing the measures provided for in the foregoing paragraph, the Government may issue instructions to all the authorities of the Self-governing Communities.⁴⁵

In July 2019 the Constitutional Court ruled the government had correctly invoked and implemented the powers of the article and it referred to the article as an “exceptional and subsidiary remedy” to be used as a “last recourse”.⁴⁶ The Senate as the higher chamber would establish the time limit or the conditions to be met for its end, following a government’s proposal. This interpretation put paid to the long-running demand from parties such as Ciudadanos and Vox, a far-right Spanish party, for the article to be applied indefinitely as a way to resolve the crisis.

⁴⁵ [The Spanish Constitution](#)

⁴⁶ [‘El Constitucional trunca la estrategia del PP y Cs en Cataluña con el 155’](#), *El País*, 5 July 2019

3. Legal repercussions for the Puigdemont cabinet

Carles Puigdemont's next major appearance before the media was on 30 October in Brussels, alongside seven of his former ministers. Sparking speculation that he might form a government in exile, Puigdemont claimed that he had gone to Brussels to be able to speak freely and to raise the case for statehood at the EU, rather than to escape justice.⁴⁷ Without "guarantees" from the Spanish government he refused to return for a court hearing in Madrid on 2 November, where the charges of rebellion, sedition and embezzlement were filed against members of his cabinet. All the former ministers apart from Santi Vila (Culture) were denied bail and remanded in custody. By 4 December only Junqueras and Forn were still in prison.

3.1 European Arrest Warrants

European Arrest Warrants (EAW) were issued against the five ministers who had failed to attend the hearing. On 5 November all surrendered to Belgian police and were subsequently released on bail. Within a month, because of a discrepancy between Belgian and Spanish law, the warrants were withdrawn as this would have limited the charges under which they could be extradited and charged upon their return.⁴⁸ The national arrest warrants still stood, however, preventing their return to Spain to campaign in the upcoming regional elections.

The EAWs were reactivated in March 2018, coinciding with Puigdemont arriving in Germany, a jurisdiction which Spanish courts thought was more likely to agree to surrender him.⁴⁹ A number of former ministers out on bail in Spain were also remanded in custody, on the grounds of being flight risks.

The reactivation of the warrants also coincided with the PP government's increasingly weakened position in parliament. The Gürtel corruption case, which heavily implicated senior party officials, left the party isolated, and it seemed to have no political solution to the situation in Catalonia.

Puigdemont was arrested in Germany but the Schleswig-Holstein Higher Regional Court stayed the warrant, finding the "extradition for the accusation of rebellion inadmissible" as his actions "fulfil neither the requirements of the crime of high treason nor the requirements of rioting under German law". Embezzlement was the only admissible

⁴⁷ ['Catalonia calling for the leader of the government in exile'](#), *Financial Times*, 2 November 2017

⁴⁸ Charges laid in one European country are not necessarily recognised in another. There was a fear that the Belgian judiciary might seek to limit the crimes for which Puigdemont and his cohorts could be charged if they were returned to Spain, especially the more serious charges of rebellion.

⁴⁹ ['Catch me if you can: The European Arrest Warrant and the end of mutual trust'](#) Centre for European Reform, 1 April 2019

charge but this could only be decided under Spanish law.⁵⁰ Within a week, the EAWs were once again withdrawn by the Spanish Supreme Court.

A third EAW was issued on 14 October 2019 for sedition and embezzlement,⁵¹ the charges reflecting the convictions handed down in the trial of the Catalan leaders. Puigdemont handed himself in to Belgian authorities four days later, but the extradition request was not upheld. The latest EAW remains in place despite the European Court of Justice's December 2019 ruling that as MEPs Puigdemont enjoy immunity from prosecution.⁵²

⁵⁰ [‘Matter Carles Puigdemont: The extradition for the accusation of embezzlement of public funds is admissible; an extradition for the accusation of rebellion is inadmissible. Carles Puigdemont remains free’](#), Schleswig-Holstein Higher Regional Court, 12 July 2018

⁵¹ [‘Puigdemont appears before Belgian authorities over arrest warrant’](#), *Politico*, 18 October 2019

⁵² [‘Carles Puigdemont: Belgian judge suspends arrest warrant for Catalan leader’](#), Euronews, 2 January 2020

4. Catalan regional election: December 2017

Following months of social and political upheaval, Catalan parliamentary elections were held on 21 December 2017 in a highly polarised political atmosphere. The elections came to be seen as a rerun of the referendum, with Puigdemont stating, “what’s in play isn’t the election, but whether the country or Rajoy wins”.⁵³

The JxSí alliance that acted as the main political vehicle for the independence movement was not renewed. The ERC, a social-democratic pro-independence party, pulled out of the formation, to contest the election under its own brand and the pro-independence centre-right parties formed the Together for Catalonia (*Junts per Catalunya: JxCat*) alliance.

Despite the breakdown of JxSí, both JxCat and the ERC came to distance themselves from their previous unilateral approach to independence, favouring “bilateral negotiation with the Spanish state and the EU”. The CUP, who had hinted at the possibility of a boycott, denounced this as a “retreat”.⁵⁴

The national leaders of the anti-independence or constitutionalist bloc, Ciudadanos, a centre-right formation, PP, the traditional party of the Spanish right, and the PSC, the Catalan Socialists, were present throughout the campaign, conscious that their electoral performance would be interpreted as vindication or rejection of their national leaders’ handling of the crisis. Secessionist parties fronted their electoral lists with imprisoned and fugitive ex-ministers.

4.1 Election results

Turnout was a record high at 82% of eligible voters.⁵⁵ Pro-independence parties retained an absolute majority, losing just one seat compared to 2015. This left the pro- and anti-independence blocs in the Catalan parliament poised at 70 seats to 57 seats respectively.

Ciudadanos became the largest party in parliament at the expense of the PP, whose vote collapsed. This result prefigured the struggle for predominance on the right at the national level, as voters looked to Ciudadanos as the party capable of curtailing secessionist aspirations.

Puigdemont heralded the results a victory for the “Catalan republic” and renewed his call for talks with Madrid in a neutral country.⁵⁶ Rajoy, by contrast, declared the real victor to be Inés Arrimadas, leader of

⁵³ [‘Partidos catalanes apuran las ultimas horas de una campana atipca’](#), La Nacion, 19 December 2017

⁵⁴ [‘Elecciones catalanas 2017’](#), RTVE, 22 November 2017

⁵⁵ [‘Charts: How Catalonia voted’](#), *Politico*, 21 December 2017

⁵⁶ [‘Ex-Catalan leader Carles Puigdemont ready to meet PM ‘anywhere outside Spain’](#), Sky News, 22 December 2017

Ciudadanos in Catalonia who claimed to stand for the “silent majority”.⁵⁷

4.2 Formation of the Catalan Government

The formation of the government would take a further six months, as the Spanish Constitutional Court blocked any attempt to install Puigdemont as President. Puigdemont ultimately relented, making way for the imprisoned Jordi Sànchez. Unable to secure his release from prison to attend parliament, the re-elected Turull, who was out on bail, was the candidate next in line. When the judge conducting the upcoming trial of the Catalan leaders’ actions during the referendum ordered Turull to be remanded in custody, Quim Torra was selected and voted President.

Torra’s cabinet symbolically included two exiled and two imprisoned ministers and was immediately vetoed by Spanish authorities. Only once Torra had renamed his cabinet, omitting any controversial ministers, did Rajoy, in one of his last acts as Prime Minister following his loss of a no-confidence motion, lift article 155 on Saturday 2 June 2018 after 218 days of direct rule.⁵⁸

⁵⁷ [‘Five takeaways from the Catalan elections’](#), *Financial Times*, 21 December 2017

⁵⁸ [‘Fin a la aplicación del artículo 155 de la Constitución en Cataluña 218 días después de la intervención’](#), *El Mundo*, 2 June 2018

5. Trial of the Catalan leaders

A total of 18 defendants were put on trial for their role in Catalonia's attempted secession in October 2017. Popularly known as *the juicio del procés* the trial was widely regarded the most important since the country's transition to democracy in the 1970s.

The accused included the members of Puigdemont's cabinet during the October referendum, two civil society leaders, the Catalan parliament's Speaker and six further politicians with roles in the Speakers' Office. Whilst the latter six were tried in the Catalan High Court in Barcelona the others' trial opened on 12 February 2019 in the Spanish Supreme Court in Madrid. Spain does not try suspects *in absentia* for major offences. Puigdemont and the four ex-ministers in exile were therefore not prosecuted as part of the trial.

The accused were variously charged with rebellion, sedition, and embezzlement (misuse of public funds), with the first charge carrying 25 years imprisonment. Under Spanish law several prosecutions can proceed in parallel making their own case to the judges. Three different sets of lawyers prosecuted the case: the principal prosecutor was Spain's Public Prosecution Service; a second prosecution was brought by the State Solicitors, direct representatives of the Spanish Government; and lastly, a private prosecution was undertaken by Vox, a far-right political party. Under Spanish law the verdict is determined by a panel of seven judges rather than a jury.

5.1 The prosecutors' and the defence's arguments

Both the prosecution and defence arguments changed very little over the course of the 52 hearings held over three and half months. In bringing charges of rebellion, the prosecution had to demonstrate that violence on an insurrectional scale had taken place. The thrust of its argument was to characterise the accused's actions as a "coup d'état". The events of October 2017 were out of the ordinary. So too were the methods used by the Spanish state to counter them. In his closing arguments the public prosecutor stated:

Political ideas or political policies that are not compatible with the constitutional order are not being persecuted. The reason is nothing more or less than having tried to liquidate the constitution of 1978, a basic instrument of our coexistence. Having seriously attacked the constitutional order via illegal procedures.⁵⁹

The defence argued that the accused had sought to exercise their legitimate right to protest, to demonstrate and to provide Catalans with the opportunity to express their political choice. Whether the declaration of independence was a serious attempt at secession was

⁵⁹ ['Prosecutor in Catalan secession trial calls 2017 events a "coup d'état"', *El País*, 4 June 2019](#)

also questioned, as lawyers pointed to the accused's co-operation with Madrid, once direct rule was applied.

The defence rejected the charges of sedition and rebellion but admitted to the lesser charge of disobedience, which does not carry a prison sentence. Ultimately, if they were on trial, Forn, the ex-interior minister, said it was because "politics failed". Like his co-accused he reissued the call for dialogue with Madrid,⁶⁰ arguing that this was a political problem, which the courts could not solve. The defence summarised that the trial was "a general cause against a political movement in favour of independence".⁶¹

The trial closed on 12 June.

Box 2: Vox's popular prosecution

The 1978 Spanish constitution retained a 200-year-old legal procedure, without equivalent in other jurisdictions, called a popular prosecution. It enables a Spanish citizen to lay charges and participate in the criminal proceeding against an accused without having to show personal injury from their actions.

In November 2018 the far-right political party Vox applied to act as a popular prosecutor. The party gained national exposure at a time when they ascended in the national polls, having captured 12 seats in the Andalusian December 2018 regional elections. Vox's legal action led many to claim that the judicial process was being politicised and to call into question the validity of the popular prosecution procedure itself.⁶²

Throughout the case Vox lawyers followed the same line of prosecution as that of the Public Prosecution Service. Its argument only varied in accusing the defence of running a criminal organisation, for which they are seeking sentences of up to 74 years imprisonment.

5.2 Sentences

The Spanish Supreme Court delivered its verdicts to the trial of the Catalan leaders on 14 October 2019. The justices were unanimous in sentencing nine of the defendants to between nine to 13 years of prison for sedition; the other three defendants were convicted of disobedience and handed fines. The defendants have already confirmed they will appeal to the Constitutional Court and European Court of Human Rights.

The more serious charge of rebellion which prosecutors had sought was rejected as it was not found that violence on an insurrectional scale had taken place.⁶³

⁶⁰ ['Catalan separatists call for "political solution" to crisis on last day of trial'](#), *El País*, 13 June 2019

⁶¹ ['Defense at Catalan separatist trial admits there was disobedience'](#), *El País*, 12 June 2019

⁶² ['Catalan separatist trial gives Spanish far right global platform'](#), Euractiv, 11 February 2019

⁶³ ['Sentencia del 'procés': penas de 9 a 13 años para Junqueras y los otros líderes por sedición y malversación'](#), *El País*, 15 October 2019

The organisers knew the self-determination referendum was a “manifest legal infeasibility” that could “never result in the creation of a sovereign state”, but used it as a “lure to mobilise citizens”. The “tumultuous public uprising” was used to prevent the application of laws and judicial decisions.⁶⁴

The Court concluded that the defendants never believed their actions would achieve independence but formed part of a strategy to pressure the government into negotiations. The ease with which article 155 was implemented was cited as evidence of the defendants’ limited intentions.⁶⁵

For their role in organising the referendum, Oriol Junqueras, Raül Romeva, Jordi Turull and Dolors Bassa were also convicted of embezzlement for “assuming expenses outside of any lawful public purpose” which “lacked any budgetary provision”. As part of the cabinet, the other four former ministers had agreed to unlawful expenditure but it had not been channelled through their own departments, so they could not be found guilty of embezzlement.⁶⁶

Jordi Sànchez and Jordi Cuixart were found guilty for their “decisive” role as the presidents of two prominent civil society organisations, the ANC and Òmnium Cultural, respectively, for ensuring a “significant participation in the referendum which was presented as the expression of the right to decide”.⁶⁷

The justices’ sentences allowed the defendants to be eligible for open prison almost from the outset of their term and for home weekend visits.

The actions on the day of the referendum of the *Mossos*, the Catalan police force, were also criticised. The Supreme Court accused it of acting “cynically” and failing to respond adequately. Moreover, the court found there were “episodes of authentic collusion” between voters and *Mossos* who failed to confiscate ballot boxes. The force’s actions, however, are being considered in a separate case, before the High Court, which is expected to deliver its verdict soon.⁶⁸

The Spanish state and the two national police forces involved were spared from criticism.⁶⁹

⁶⁴ [‘Sentencia del ‘procés’: penas de 9 a 13 años para Junqueras y los otros líderes por sedición y malversación’](#), *El País*, 15 October 2019

⁶⁵ *ibid.*

⁶⁶ [‘El tribunal sentencia que el Govern pagó los gastos del referéndum del 1-O’](#), *El País*, 14 October 2019

⁶⁷ [‘Sentencia del ‘procés’: penas de 9 a 13 años para Junqueras y los otros líderes por sedición y malversación’](#), *El País*, 15 October 2019

⁶⁸ ‘Visto para sentencia el juicio a Trapero casi cinco meses después de empezar’, *El País*, 17 June 2020

⁶⁹ [‘Sentencia del ‘procés’: penas de 9 a 13 años para Junqueras y los otros líderes por sedición y malversación’](#), *El País*, 15 October 2019

Name	Former position	Conviction	Sentence
Oriol Junqueras	Vice-President	Sedition and embezzlement	13 years prison and banned from holding office
Raül Romeva	Foreign Affairs Minister	Sedition and embezzlement	12 years and banned from holding office
Joaquim Forn	Interior Minister	Sedition	10 years and 6 months and banned from holding office
Jordi Turull	Official Government Spokesperson	Sedition and embezzlement	12 years and banned from holding office
Josep Rull	Planning and Sustainability Minister	Sedition	10 years 6 months and banned from holding office
Jordi Sànchez	President of ANC	Sedition	9 years and banned from holding office
Carme Forcadell	Speaker of Catalan Parliament	Sedition	11 years 6 months and banned from holding office
Dolors Bassa	Social Welfare and Employment Minister	Sedition and embezzlement	12 years and banned from holding office
Jordi Cuixart	President of Òmnium Cultural	Sedition	9 years and banned from holding office
Santi Villa	Culture Minister	Disobedience	Fine and banned from holding office for 1 year and 8 months
Meritxell Borràs	Governance & Public Administration Minister	Disobedience	Fine and banned from holding office for 1 year and 8 months
Carles Mundó	Justice Minister	Disobedience	Fine and banned from holding office for 1 year and 8 months

5.3 Politicians' reaction to the sentences

The defendants struck a defiant tone in their response to the sentences.

Oriol Junqueras tweeted:

...we will return stronger, more convinced and firmer than ever before. Thanks to everyone and persist because we will always, always persist!⁷⁰

Similarly, Jordi Sànchez tweeted:

9 years of prison will not stop my optimism. Catalonia will be independent if we persist. Protest without fear, move forward with determination from non-violence to liberty. Thank you for not giving up. We will win!⁷¹

Catalan President Quim Torra called the sentences “unjust and undemocratic” and called for an amnesty, as opposed to simply a pardon. Only a political solution could resolve the issue and to this end he stated:

repression will never triumph over dialogue, democracy and self-determination... We have always been prepared to talk and

⁷⁰ [@junqueras](#), Twitter, 14 October 2019

⁷¹ [@jordialperson](#), Twitter, 14 October 2019

discuss this political conflict, which, now more than ever, requires a political solution.⁷²

Socialist Prime Minister Pedro Sánchez, by contrast, stated the verdict ushered in a “new stage”. He added:

Today brings an exemplary legal process to an end. Today confirms the failure of a political process, on an international level as well. It has only left pain in its wake.⁷³

Under pressure from opposition centre-right and right-wing parties to rule out the possibility of pardons, Sánchez stated his government would “fully comply” with the sentences.

UP leader Pablo Iglesias was the most outspoken, stating they were “a symbol of how not to address political conflicts in a democracy”.⁷⁴ He further criticised Sánchez for his opposition to pardons, referring to individuals who had been pardoned for their roles in the 1981 failed *coup d'état* and involvement in illegal state-sponsored paramilitaries in the 1980s.⁷⁵

Commenting on the sentences, the European Commission stuck to the position it has held throughout the Catalan crisis:

Our position on this is well known and has not changed. This is, and remains, an internal matter for Spain, which has to be dealt with in line with its constitutional order.⁷⁶

5.4 Political prisoners?

Whether the imprisoned Catalan leaders are political prisoners has split opinion in Spain. Yellow ribbons symbolising solidarity with the imprisoned and exiled ministers have proliferated throughout Catalonia, as well as amongst other secessionist movements across Europe. All the defendants insisted they were on trial for their ideas, which made them political prisoners. This view is shared not only by independence supporters but has also been expressed by Podemos leader Pablo Iglesias and the mayor of Barcelona Ada Colau.⁷⁷

In rejecting this line of argument others have pointed to the Parliamentary Assembly of the Council of Europe’s 2012 definition of a political prisoner as someone incarcerated:

...for purely political reasons without connection to any offence...or if, for political motives, he or she is detained in a

⁷² [‘Violent clashes over Catalan separatist leaders’ prison terms’](#), *The Guardian*, 14 October 2019

⁷³ [‘Pedro Sánchez on jailed Catalan separatists: “No one is above the law”](#)’, *El País*, 14 October 2019

⁷⁴ [‘Pedro Sánchez on jailed Catalan separatists: “No one is above the law”](#)’, *El País*, 14 October 2019

⁷⁵ General Alfonso Armada was pardoned for his role as one of the three main conspirators to the dramatic 23 February 1981 attempted coup d’état. Rafael Vera and José Barrionuevo were partially pardoned for their role as leaders of the *Grupos Antiterroristas de Liberación* death squads. Quote found in [‘Sánchez aleja un indulto y defiende el fallo: “Garantizamos su absoluto cumplimiento”](#)’, *El País*, 14 October 2019

⁷⁶ [‘Violent clashes over Catalan separatist leaders’ prison terms’](#), *The Guardian*, 14 October 2019

⁷⁷ [@Pablo_Iglesias](#), Twitter, 21 October 2018, see also: [‘Colau vuelve a colgar el lazo amarillo en el Ayuntamiento de Barcelona’](#), *El País*, 17 June 2018

discriminatory manner as compared to other persons; or, if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities.⁷⁸

Although few independent bodies have gone so far as calling the individuals political prisoners, Spanish authorities have been accused of disproportionately restricting “rights to freedom of expression and peaceful assembly” by Amnesty International.⁷⁹ The UN High Commissioner for Human Rights had said in 2018:

I remind the authorities that pre-trial detention should be considered a measure of last resort. I encourage resolution of this situation through political dialogue.⁸⁰

⁷⁸ [‘The definition of political prisoner’](#), Parliamentary Assembly of the Council of Europe

⁷⁹ [Country profile: Spain 2017/2018](#), Amnesty International

⁸⁰ [‘High Commissioner’s global update of human rights concerns’](#), OHCHR, 7 March 2018

6. Spanish political instability

The national political backdrop to the independence referendum was unstable. The 2008 financial crash and ensuing recession led to a large national protest movement in opposition to the government's austerity measures. Reforms perceived as "recentralising" powers from Catalonia also coincided with increased support for independence and left-wing parties in the region.⁸¹

The two-party system that had dominated Spanish politics since transition faltered as the electorate returned the most fragmented parliament yet in the December 2015 general election. Repeat elections in June 2016 narrowly allowed the PP, the traditional party of the Spanish right, to form a short-lived minority government.

Already undermined by its handling of the Catalan crisis the PP government's death knell was the conviction on corruptions charges in May 2018 of several politicians and businesspeople linked to the party. A successful no-confidence motion by the PSOE, the traditional party of the Spanish left, led it to a particularly weak minority government that held just 85 seats in a chamber of 350.

6.1 The PSOE government and rise of Vox

The Catalan question dominated PSOE Prime Minister Pedro Sánchez's short first tenure as Prime Minister. His conciliatory approach did not last, as attempts to initiate talks with Catalan parties faltered early on, coinciding with renewed disturbances in the region.⁸²

The loss of Andalucía in the December 2018 regional elections to a right-wing alliance was momentous for PSOE and the country. Not only had it been a PSOE stronghold, it was the first time a far-right party, Vox, had come to power in any capacity since the transition. Principally an anti-immigrant party, its hard-line stance on Catalonia appealed to many and pushed Sánchez to adopt a harder stance on Catalonia.

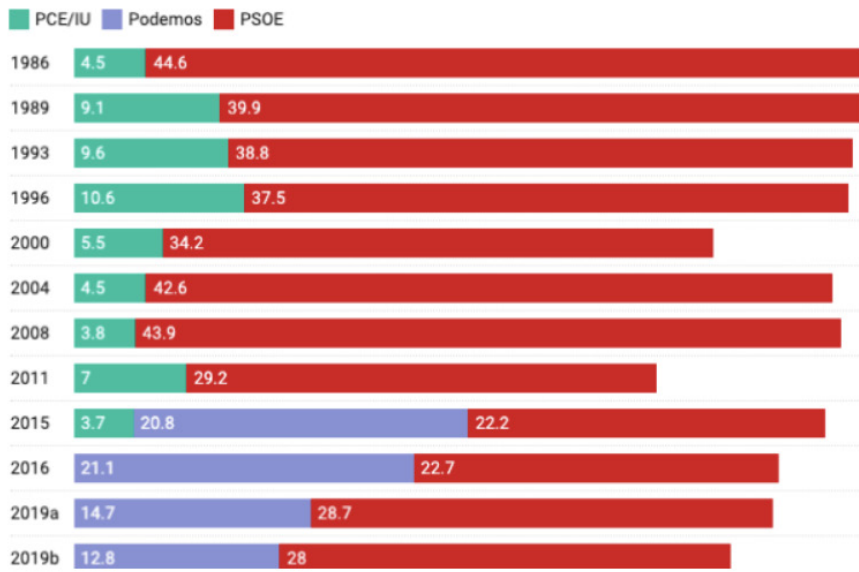
The calls from many sections of the Spanish right for article 155 to be re-invoked crescendoed in early 2019.

Acutely aware that he lacked an electoral mandate and undermined by an unstable working majority, Sánchez staked his premiership on passing the 2019 budget. Catalan parties were amongst those voting it down, aware that they would be unable to extract the promise of a referendum from the Socialists.

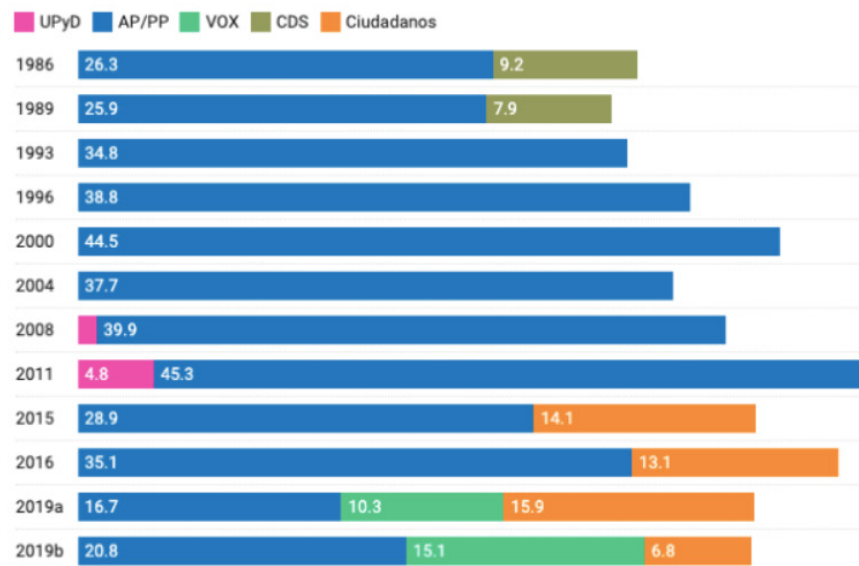
⁸¹ '1000's march in favor of Catalan-language school classes', *El País*, 12 December 2012

⁸² 'Sánchez rechaza más "vías judiciales" con Cataluña e irá con el Rey a los actos del 17-A', *El Confidencial*, 3 August 2018. [Govern, comunes y PSC celebran el "avance" de la mesa de diálogo](#), *La Vanguardia*, 5 February 2019

Parties of the Spanish left



Parties of the Spanish right



Source: [LSE Blog](#)

7. Spring 2019 elections

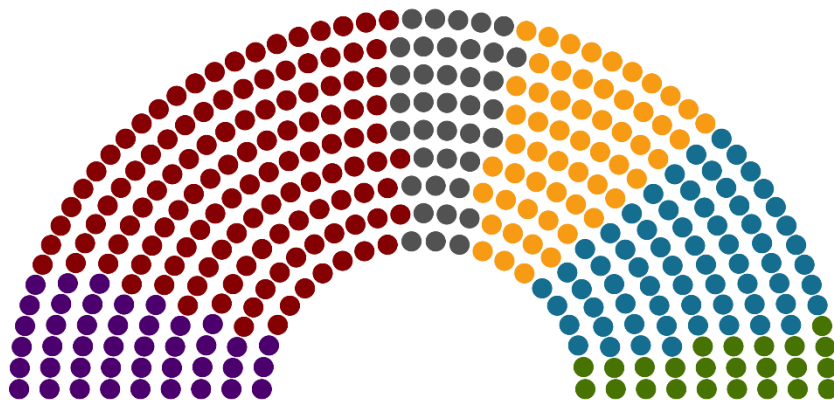
7.1 The April general election

Spain's third general election since 2015 was held on 28 April 2019, followed a month later by European elections. The Catalonia crisis dominated, as the PSOE framed the polls as a choice between preserving autonomy or direct rule over the region that would be imposed by the parties of the Spanish right.

Although falling short of a majority in parliament the PSOE emerged greatly strengthened from the general election as voters nationally and regionally in Catalonia opted for parties pushing for moderation. They outperformed the PP, whose collapse saw their vote share halved as the Spanish right fragmented. Vox, however, made a clear breakthrough into national politics, taking 10% of the vote.

2019 General Election result for the Congress of Deputies

● Podemos 42 ● Others 38 ● Popular Party 66
● Socialists 123 ● Ciudadanos 57 ● Vox 24



Source: Spanish Interior Ministry

BBC

Source: [BBC](#)

7.2 Failure to form a government

With the PSOE's strong showing in the European elections, the party was in a position of strength as it entered into negotiations with UP to form a government which would rely on the ERC abstaining in an investiture vote.

The UP, however, resisted Sánchez's offering of a "government of cooperation", holding out for seats in the Cabinet. Catalonia proved a stumbling block as UP was accused of failing to "defend Spanish democracy". Following a first failed investiture vote in July Sánchez announced in September Spain would hold its fourth general election in four years on 10 November 2019.

8. Autumn 2019

8.1 Reaction to the sentencing of the Catalan leaders

Independently of the issue of secession, support for those on trial was high in Catalonia, and civil society was expected to mobilise in protest.⁸³ Prime Minister Pedro Sánchez warned Catalan authorities he would reimpose direct rule over the region should they fail to ensure public order once the verdicts were delivered.⁸⁴

Shortly after the sentences were handed down large-scale mobilisations took place in several Catalan cities and major roads and train lines were blocked by protestors. “Marches for Freedom” set off from the major Catalan cities and arrived in Barcelona on 18 October, to coincide with a general strike called by pro-independence unions.

Protests continued for several days throughout the region and were largely peaceful, although there were violent confrontations between police and protesters in the big cities, especially after dark. These violent scenes were a new phenomenon, contrasting with the earlier campaigns, which had relied on peaceful large-scale demonstrations and civic disobedience.

In contrast with the events of October 2017 the *Mossos*, the regional Catalan police force, coordinated their actions with national police to break up demonstrations. The authorities’ response was a cause for concern for the European human rights commissioner, who identified a “disproportionate use of force” against protesters and police “attacks against journalists”.⁸⁵

Police admitted to struggling with the highly co-ordinated actions organised by pro-independence groups. *Tsunami Democràtic* has been the most prominent. Relying on social media and encrypted messaging apps, it organised the occupation of Barcelona airport on 14 October, which resulted in the cancellation of over one hundred flights as police clashed with protesters.

Political actors from all sides of the spectrum including the nine imprisoned individuals were quick to condemn the violent protests.⁸⁶

⁸³ [‘El 53% de los catalanes considera presos políticos a los soberanistas encarcelados’](#), *El Economista*, 10 December 2017

⁸⁴ See: [‘Sánchez no cierra la puerta a aplicar el artículo 155 en Cataluña...’](#), *Business Insider*, 1 October 2019.

⁸⁵ [‘Protection of the rights to freedom of expression and peaceful assembly during last week’s demonstrations in Catalonia’](#) Statement of the European Commissioner on Human Rights, 21 October 2019.

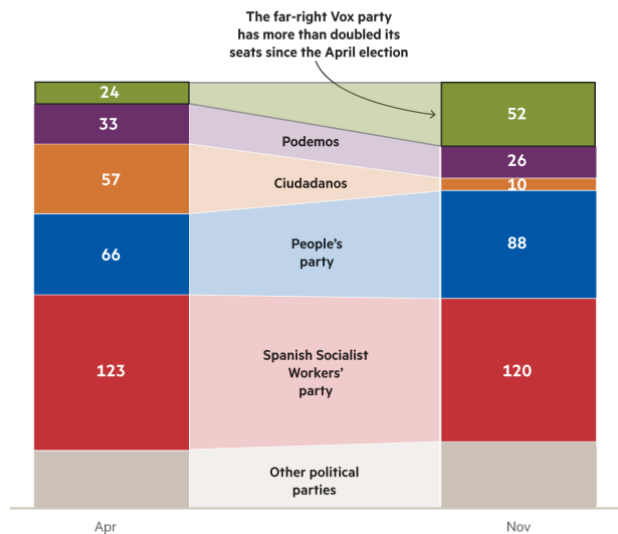
⁸⁶ [‘Spanish PM: we will not be provoked by Catalonia violence’](#), *The Guardian*, 16 October 2019

9. November general election

The events in Catalonia of October 2017 dominated the campaign trail and, as with previous disturbances, proved detrimental to left wing parties' standings.⁸⁷ Despite Pedro Sánchez toughening his rhetoric to match those of right-wing parties his PSOE party's victory was referred to as Pyrrhic; PSOE won three fewer seats than in April.⁸⁸

Spanish election results

Change in congressional seats (Apr to Nov 2019)



Source: [Financial Times](#)

In contrast to the tortuous attempts in the Spring to form a government, Sánchez and Iglesias, leader of the UP, quickly struck a tentative coalition agreement.⁸⁹ Nevertheless, it was 17 seats short of a majority and was largely reliant on the ERC to not block its formation.

Emboldened by its position as kingmaker and in need of a political victory to placate growing opposition to its conciliation with Sánchez the ERC extracted some historic concessions. Sánchez recognised the crisis was a “political” issue and not simply one of “coexistence”.⁹⁰ This paved the way for a signed agreement to set up negotiations between the Spanish and Catalan governments that would not be restricted to any issue and the outcome would be put to the citizens of Catalonia in a vote.⁹¹

On 7 January 2020 Pedro Sánchez was elected Prime Minister by 167 votes to 165.

⁸⁷ ‘El CIS sitúa al PSOE en el 41,3% de voto directo, a gran distancia del resto de los partidos’, *El Diario*, 30 July 2019

⁸⁸ ‘Análisis Elecciones 10N: Victoria Pírrica de la izquierda’, *Diario 16*, 13 November 2019

⁸⁹ ‘Así se cerró en una hora la coalición imposible entre PSOE y Podemos’, *El País*, 13 November 2019

⁹⁰ ‘Sánchez habla de diálogo y “crisis política” en Cataluña para atraerse a ERC’, *El País*, 15 November 2019

⁹¹ ‘El texto íntegro del acuerdo alcanzado entre el PSOE y ERC’, *El País*, 3 January 2020

10. The future of Catalonia

10.1 Catalan political landscape

On 29 January 2020 Quim Torra, President of Catalonia, announced a snap regional election, Catalonia's 15th poll in ten years. This followed the region's parliament's support of a judicial ruling stripping him of his seat as a deputy (in December 2019 Torra had been convicted of breaking electoral laws for his refusal to remove secessionist symbols from official buildings).⁹² At the time of writing the date of the election is yet to be set.⁹³

Torra, a JxCat deputy, failed to convince his Catalan government coalition partners ERC to ignore the ruling. Despite renewed efforts to build bridges between the two main secessionist parties and avert new polls, the announcement exposed the fraught relationship that has beset them since the 2017 referendum.⁹⁴

The success of mobilising the pro-independence movement and the climax of the 2017 referendum has raised expectations which have butted up against the Spanish state's unequivocal rejection of Catalan independence aspirations. Furthermore, the lack of universal support amongst Catalans and the absence of any recognition from international institutions has confronted the parties with strategic dilemmas.

Since the referendum, the main secessionist parties have recognised that a unilateral route to self-determination through purely political means will not succeed.⁹⁵ Whereas the ERC has preferred dialogue with the Spanish state, JxCat's strategy is characterised by continued confrontation.⁹⁶

10.2 Changing views on independence

The impasse at the political level has affected the independence movement at large. Recent polls in Catalonia show support for independence has fallen.⁹⁷ But perhaps more revealing is that support for federalism has grown; independence had been the clear preferred option amongst Catalan nationalists since 2012.⁹⁸

⁹² ['Catalan premier barred from public office for disobedience'](#), *El País*, 19 December 2019

⁹³ Catalan parliament, [Resultats electorals](#)

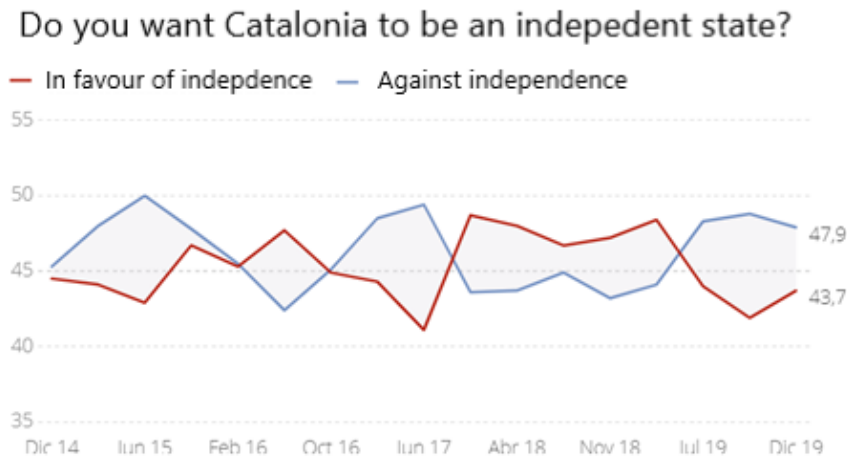
⁹⁴ The clearest tangible manifestation of this has been in the Catalan parliament which passed its first budget since the referendum in April 2020, something which had prevented it from legislating in any coherent way. ['ERC intenta rescatar unos Presupuestos de la Generalitat que salven la agónica legislatura'](#), *El Confidencial*, 22 October 2019

⁹⁵ ['Scotland Must Not Become Another Catalonia'](#), *Jacobin*, 1 January 2020

⁹⁶ ['Independientismo en combustión'](#), *El País*, 10 August 2019

⁹⁷ See: ['New survey sees percentage of Catalans against independence rise'](#), *El País*, 15 November 2019, and: ['El no a la independencia supera al sí por primera vez en casi dos años'](#), *La Vanguardia*, 10 May 2019

⁹⁸ ['El procés s'ha acabat: Benvinguts al 'processisme'](#), *Critic*, 9 March 2015



Source: [El Periódico](#)

These developments are also reflected in the broad support for talks to resolve the crisis between the new Spanish government and its Catalan counterpart.⁹⁹ By establishing a mechanism for dialogue the PSOE and ERC de-escalated tensions. This confirms the observation that the autonomous communities are perceived as a “necessary concomitant to democracy” that have since their inception increased the Spanish state’s legitimacy.¹⁰⁰

Nevertheless, analysts note the “ambiguities” contained in the agreement which allows both parties to “interpret it according to their own interests”.¹⁰¹ The ERC claims it opens the door to a future referendum, whereas the Socialists stress that the dialogue must “conform to the principles of institutional loyalty” which, by extension, excludes the possibility of a self-determination referendum unless the constitution is amended.¹⁰²

Despite support for the talks, polls suggest most Catalans are pessimistic as to the outcomes. The limitations of a strategy to secure a referendum by constitutional means from a Spanish state that has consistently refused to review its fundamental relationship with the region appear to bear this out.

10.3 The national context

A concerning outcome of the crisis has been the political instability which has eroded the Spanish political centre. In a fractured political landscape in which the issue of the Catalan crisis dominated successive elections, the main centre-right pro-union Spanish political parties campaigned for undecided voters with nationalist rhetoric.¹⁰³ This

⁹⁹ [‘El 77,5% de los catalanes aprueban el diálogo pero el 50% no espera resultados’](#), El Nacional, 7 July 2020

¹⁰⁰ Shubert, A, *A Social History of Modern Spain*, (London: Routledge, 1996), pp 246-7.

¹⁰¹ [‘Un camino de incierto final’](#), *La Vanguardia*, 3 January 2020

¹⁰² [‘Este es el texto íntegro del acuerdo alcanzado entre el PSOE y ERC’](#), *El País*, 3 January 2020

¹⁰³ [‘Vox and Catalonia dominate the end of the election campaign in Spain’](#), *El País*, 8 November 2019

helped open a space for the emergence of the far-right party Vox, which is now the third largest in parliament.

The intensification of the response also affected the political left as PSOE felt obliged to take a harder line on Catalan separatism. A condition of UP entering government as the junior partner saw it drop its previous position of supporting a self-determination referendum.

Nevertheless, and possibly but for the PSOE government's parliamentary weakness, the ERC extracted an expansive agreement to initiate talks. It is to be seen whether reform to Spain's *autonomías* model can gain traction.

Although Spaniards are proud of the country's transition to democracy, polls suggest constitutional reform, especially in relation to Catalonia, has wide support.¹⁰⁴ But given that approval from two thirds of parliament is required to make changes to the constitution, such reform may, at least at present, prove difficult.¹⁰⁵

Europe-wide significance

It is equally important to note that the Catalan question is a political issue replicated in several European states confronted with independence movements of their own. Europe's internal borders are largely considered a settled issue. Only following extraordinary events such as the revolutions of 1989 have pro-independence movements successfully formed new nation states.

It is in this context that European pro-independence parties have normally encountered more success in extracting greater devolved powers. The Basque Nationalist Party is a case in point. Its success in negotiating with successive governments allowed it to outlive ETA, which pursued a violent campaign for independence before dissolving itself in 2018.¹⁰⁶

Whether the talks to be initiated between the Spanish and Catalan governments are capable of cutting through the economic, cultural and institutional problems that riddle the Catalan question is to be seen.

¹⁰⁴ [‘Una mayoría de los españoles quiere una reforma ambiciosa de la Constitución’](#), *El País*, 25 September 2018, [‘Spain’s 40-year itch’](#), *Politico*, 31 October 2018

¹⁰⁵ Put in perspective, since 1978 there have been just two constitutional reforms; to accommodate the Maastricht treaty in 1992, and in 2011 measures were passed to guarantee budgetary stability following the eurozone crisis.

¹⁰⁶ [‘Scotland Must Not Become Another Catalonia’](#), *Jacobin*, 1 January 2020

Glossary

ANC	Catalan National Assembly (<i>Assemblea Nacional Catalana</i>). A civil society organisation prominent in mobilising support for the independence drive
Article 155	An article of the 1978 Spanish constitution which allows for the suspension of an autonomous community's powers under certain conditions
Autonomous Community	A first-level political and administrative sub-division of Spain's regions
Carles Puigdemont	President of the Government of Catalonia from January 2016 to October 2017 and leader of JxCat. Currently in exile in Belgium
CiU	Convergence and Unity party (<i>Convergència i Unió</i>). A centre-right Catalan nationalist electoral alliance dissolved in 2015
Ciudadanos	The Citizens party (<i>Ciudadanos</i>). A centre-right party opposed to Catalan independence
CUP	Popular Unity Candidacy (Candidatura d'Unitat Popular) a socialist pro-independence party
Donald Tusk	President of the European Council (2014-present)
El procés	Catalan term popularly used to refer to the Catalan drive for independence
ERC	Left Republicans of Catalonia (<i>Esquerra Republicana de Catalunya</i>). A social-democratic pro-independence party
Generalitat de Catalunya	Institution under which the Spanish autonomous community of Catalonia is politically organised
JxCat	Together for Catalonia (<i>Junts per Catalunya</i>). A centre-right pro-independence electoral alliance formed in 2017
JxSí	Together for Yes (<i>Junts pel Sí</i>). A pro-independence electoral alliance
La Transición	Popular term to refer to Spain's transition to democracy following Franco's death in 1978
Mariano Rajoy	Leader of the PP and Prime Minister of Spain between 2011-2019
Mossos d'Esquadra	The autonomous police force of Catalonia

Òmnium Cultural	Civil society organisation prominent in mobilising support for the independence drive
Oriol Junqueras	Leader of the ERC, imprisoned for his role in the 2017 Catalan referendum
Pablo Iglesias	Leader of UP (Unidas Podemos)
Pedro Sánchez	Current Spanish Prime Minister and leader of PSOE
PP	Popular Party (<i>Partido Popular</i>). The traditional party of the Spanish right
PSC	Catalan Socialist party (<i>Partit dels Socialistes de Catalunya</i>). The PSOE's Catalan wing
PSOE	Socialist Party (<i>Partido Socialista Obrero Español</i>). The traditional party of the Spanish left
UP	United we can (<i>Unidas Podemos</i>). A Spanish left-wing electoral alliance
Vox	Far-right political party

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