

## **THE CASE OF CATALONIA. A BRIEF EXPLANATION**

### **1. Catalonia inside Spain.**

Located in the northeast of Spain, it covers about 32.000 Km<sup>2</sup> (6,3% of Spain's territory) and has a population of 7,5M people (17,6% of the total Spanish population).

The Catalan Gross Regional Product is about 210.000MM € (approximately 19% of Spain's GDP).

### **2. Historical reference**

Catalonia has never been an independent kingdom, but was part of the Kingdom of Aragon, which joined the Kingdom of Castille in 1492 to form the Spanish Kingdom. Thus Catalonia has been part of Spain since its very inception.

Since 1898, when Spain lost Cuba, its last colony and an important market for Catalan textile exports, a minority part of the population of Catalonia has been claiming their right to obtain a self-rule Government and/or Independence, because of the differential factors of their history, language and culture.

During the second Spanish Republic, on October 6, 1934, Lluís Companys, at the time President of the *Generalitat* (Catalan Autonomous Government) declared the *Catalan State* within the *Spanish Federal Republic*. Companys was arrested and taken into prison 10 hours after the coup by the Republican Government, putting an end to the *Catalan State*.

After the current democratic Constitution was approved in 1978, the Autonomous Region of Catalonia was set up again, gradually obtaining one of the most autonomous regimes within the EU. Never in history has Catalonia enjoyed a larger degree of self-government, freedom, prosperity and justice. The respect and recognition of cultural and linguistic characteristics has never been wider and more firmly guaranteed. The Constitution was voted by 67% of the Catalan citizens, voting 91% in favor of its approval.

However, the Catalan nationalist parties have continued asking for further transfers of powers, mainly in the fiscal area. They claim that Catalonia is contributing in excess to the rest of the Spanish regions, and would like to negotiate a similar system to the ones operating in the Basque Country and Navarra, which were recognized in the 1978 Constitution for historical reasons (the Basque Provinces had their own jurisdiction and Navarra was a kingdom until 1512).

The tension escalated when in 2012 the new Autonomous Statute, previously approved by the Regional Parliament of Catalonia and the Parliament of Spain, and approved by the citizens in Catalonia in a referendum, was partially amended (14 articles out of 223) by the Constitutional Court. The *Generalitat* began feeding the Catalan people with disappointment and disaffection, planting a seed for a self-rule referendum claim. To this purpose, a large marketing campaign was launched using the public regional media and other private media duly subsidized.

In 2015, the nationalist parties called for Regional “plebiscitary” elections, and as a result they lost majority. The two biggest nationalist parties (former conservative “Convergència i Unió” (CiU), now renamed PdCat, and leftist Esquerra Republicana de Catalunya, (ERC), merged and presented a single list (“Junts pel sí”: “United for the yes”) aiming for a self-rule referendum to achieve the independence for Catalonia. Together with CUP, another political group of an anti-system extreme left ideology, they jointly achieved 47.7% of the votes and the majority of the representatives in the Regional Parliament. CUP rejected the re-election of Mr. Mas, former president and head of CiU, which finally designated Mr. Puigdemont, with support of ERC and CUP. Since then, the Regional Parliament has been promoting the independence claim, focusing only on the self-rule referendum, and generating a deep social fracture within the Catalan society.

### **3. The development of the independentist process in the last two months**

Spain’s Central Government and other constitutional parties opposed to the self-rule referendum since the Spanish Constitution does not recognize it. The Constitution establishes Spain as “the common and indivisible homeland of the Spanish people”, making it clear that the national sovereignty belongs to the whole of the Spain people, as in all Constitutions of democratic countries.

On 6th September the separatist majority in the Regional Parliament approved the law for self-determination by means of a referendum, even though such decision was considered illegal by the legal counselors of the Regional Parliament. The session was really a shame since, even though the Statute required an enhanced majority to approve this matter, the separatists did not allow the rest of the parliamentarians to duly debate the project, which resulted in them finally abandoning the parliament. On 7th September the Parliament approved a so-called Transitional Law to be enforced in case of self-determination following the referendum. Both laws were suspended and later declared null and void by the Constitutional Court, requesting the Catalan authorities to prevent such referendum from taking place.

On 1st October a self-rule referendum was illegally called by the Regional Parliament and the Supreme Court of Catalonia ordered the regional police (*Mossos d’Esquadra*) to avoid its celebration, following the previous decision of the Constitutional Court. Although the voting was chaotic and vote counting uncontrolled (there was multiple proof of many people voting several times, and some ballot boxes were even found full of ballots before starting the “soi dissant” referendum). However the Regional

Government announced that 2.3m people had voted (around 43% of the electorate), 2m out of them voting in favor. So, apart from its illegality, the process lacked any transparency and rigorousness.

Furthermore, as the *Mossos d'Esquadra* followed orders from the *Generalitat* not to collaborate with the National Police and Guardia Civil, the Central Government failed in his target of avoiding the referendum. Even worse, it provided the separatists with good graphic material, showing some cases where the national police and Guardia Civil were beating people, which was very well used to attract international public opinion. The Regional Government gave the number of 900 people wounded by the police (without giving their names or the hospitals they were sent to), but independent observers have later confirmed that only 4 people could have been considered as injured. At the same time, the National Police provided the names of the 45 agents wounded by the mob, of which 11 had to be taken to hospitals in serious conditions.

On 3rd October King Phillip VI appeared on TV issuing a strong message in defense of the Spanish unity, stating that Spain is a strong and mature European democracy, pointing the separatists as being responsible for creating such an illegal situation in Catalonia, asking for calm, respect for civic values, and granting that the rule of law would be restored.

On 8<sup>th</sup> of October a mass demonstration took place in Barcelona, where around one million people, holding thousands of European, Spanish and Catalan flags, claimed for unity and democracy. The speakers (Spanish-Peruvian Nobel Prize, Mario Vargas Llosa and former Chairman of the European Parliament, Josep Borrell) called for democracy and respect of the rule of law, rejecting exclusionary behaviors.

On 10<sup>th</sup> October, the Catalan Parliament held a full session where, in the absence of all the opposition, President Puigdemont read a declaration of independence of Catalonia as a Republic, but he immediately suspended its effects to allow time to start negotiations with the Spanish Government, asking also for international mediation. After the session, all separatist parliamentarians signed the aforesaid declaration, creating a great confusion even amongst their followers.

On 20<sup>th</sup> October, and during the celebration of *Premios Princesa de Asturias* in Oviedo, H.M. the King stated in his speech that the rule of law would prevail in Spain. There were three important speakers in this ceremony, since the EU was awarded the Prize to Concord: President of the European Parliament (M. Tajani), President of the European Council (Mr. Tusk) and President of the European Commission (Mr. Juncker). The three of them were absolutely clear stating that the EU would never accept an independent Catalonia into the EU, reminding all listeners that complying with the law was not an option but a compulsory duty.

Mr Rajoy, President of the Central Government, declared in Congress that he was requesting Mr. Puigdemont to provide within 5 days a clear statement clarifying whether he, and/or any other Catalan institution, had declared the independence of Catalonia and,

if such declaration existed, to remove it and declare it null and void in order to comply with the law and court resolutions by no later than 19th October.

As no clear answer was given by the *Generalitat*, the Central Government, in agreement with PSOE and Ciudadanos, triggered the process to activate article 155 of the Constitution, which establishes:

1. *If an Autonomous Community does not fulfill the obligations imposed upon it by the Constitution or other laws, or acts in a way seriously harming the general interests of Spain, the Government, after lodging a complaint with the President of the Autonomous Community and failing to receive satisfaction therefore, may, following approval granted by an absolute majority of the Senate, take the necessary measures in order to compel the latter to forcibly meet the aforesaid obligations, or in order to protect the above-mentioned general interests.*
2. *With a view to implement the measures provided in the foregoing clause, the Government may issue instructions to all the authorities of the Autonomous Communities”.*

On October 21st, the Council of Ministers (Government of Spain) asked for the Senate to approve several measures under article 155 to guarantee compliance of constitutional obligations and to protect the general interest in Catalonia. President Puigdemont was invited to go to the Senate to make his allegations, but he finally refused to go.

On Friday October 27th, a consecutive sequence of historic episodes succeeded:

- 1) The plenary of the Senate approved those measures with the support of 214 out of 266 Senators. It is important to underline that Socialist Party -main political party of the opposition- together with Ciudadanos, have supported the Popular Party (currently in Government).
- 2) The Parliament of Catalonia approved a motion, through a secret voting, which included the Catalonia’s Unilateral Declaration of Independence. Such motion was approved by 70 votes in favor out of 135 MPs. The political parties of the opposition (Ciudadanos, Socialist Party and the Popular Party) refused to participate in such voting and abandoned the plenary hall. Besides the declaration of independence, the motion also included other statements, such as:
  - o The enforcement of the Law on Legal Transition.
  - o The opening of a constituent process.
  - o The willingness to open a negotiation process with Spain on equal terms.
  - o To invite the international community and the European Union to follow and witness the negotiation process with Spain.
  - o To appeal to countries and international organizations to recognize the Catalan Republic as an independent and sovereign state.

3) The Council of Ministers met in extraordinary session to adopt several Royal Decrees, in application of article 155, which could be summarized as follows:

- o To dismiss the President, Vice President and all members of the Catalan Government.
- o To appoint bodies and authorities which will be in charge of enforcing the measures targetting the Government and the Administration of Catalonia (mainly current members of the Spanish Government under the coordination of the Vice President).
- o To adopt several measures regarding the organization of Catalonia as well as the removal of several high officials of the Catalan Government, such us the Office of the President, the Director General of the Catalan Police, and representatives of the Catalan Government abroad.
- o To dissolve the Parliament of Catalonia and call for elections on December 21st.

On Saturday, October 28th at 4 a.m., the Minister of Internal Affairs dismissed the highest official of the *Mossos d'Esquadra*, appointing the latter's deputy.

On Sunday October 29th, hundreds of thousands of people gathered in the streets of Barcelona to call for Spanish unity. The official organizer of the civil protest, *Sociedad Civil Catalana*, claims around 1.3 million people.

Finally, a few weeks ago an agreement amongst the constitutional parties was reached to start studying possible constitutional changes in order to adapt our 1978 Constitution to the new Spanish and European reality. Procedures to legally introduce changes in our Constitution do exist, all of them subject to the approval of the Spanish people, but the Catalonian separatists have preferred to stage an open, illegal, unconstitutional *coup d'état* against the framework that marks our freedoms.

Please find attached the Institutional declaration made by Círculo de Empresarios regarding this extremely serious matter.

Madrid, October 31, 2017