Independent • International • Interdisciplinary

Catalan Sovereignty in Practice

Referendum as resistance and the right to decide

Javier Alcalde
Scuola Normale Superiore

Pablo Aguiar
International Catalan Institute for Peace

Catalan Sovereignty in Practice

Referendum as resistance and the right to decide

Javier Alcalde
Scuola Normale Superiore
javier.alcalde@sns.it

Pablo Aguiar
International Catalan Institute
for Peace (ICIP)
paguiar.icip@gencat.cat

PRIO

PRIO encourages its researchers and research affiliates to publish their work in peer-reviewed journals and book series, as well as in PRIO's own Report, Paper and Policy Brief series. In editing these series, we undertake a basic quality control, but PRIO does not as such have any view on political issues.The responsibility and honour for the hypotheses, theories, findings and views expressed in our publications thus rests with the authors themselves.

Cover design: www.medicineheads.com
Cover photo: Joan Campderrós-i-Canas

Contents

Glossary of Catalan parties

Parties in favor of the 2014 referendum, with number of parliamentary seats in 2015:

CiU/PDC – Convergence and Union [*Convergència i Unió*], a liberal Catalan nationalist coalition of the Democratic Convergence of Catalonia [*Convergència Democràtica de Catalunya*] (CDC) (37 parliamentary seats in 2015) and Democratic Union of Catalonia [*Unió Democràtica de Catalunya*] (UDC) (13 seats in 2015), calling for a sovereign Catalan state within the European Union. As for the 2014 referendum, CDC supported both statehod and independence, whereas UDC supported statehood but left members free to decide on indepence. This tension eventually led to a split in the coalition. In 2016, CDC changed its name to the Catalan Democratic Party [*Partit Democrata Catala*], and became explicitly pro-independence.

ERC – Republican Left of Catalonia [*Esquerra Republicana de Catalunya*], a social democratic and pro-independence party, consistently supporting an independent state of Catalonia within the European Union. In the 2015 Catalan election, ERC won 21 seats in the Catalan parliament, of a total of 135 parliamentary seats.

ICV-EUiA – Initiative for Catalonia Greens–United and Alternative Left [*Iniciativa per Catalunya Verds-Esquerra Unida i Alternativa*], an eco-socialist left-wing coalition that defended the right to self-determination in 2014, though not all its members were in favor of independence. ICV won 10 seats and EUiA 3 seats in the 2015 Catalan election.

CUP – Popular Unity Candidacy [*Candidatura d'Unitat Popular*], an anti-capitalist party in favour of Catalan independence as a part of the emancipation of all 'Catalan countries', i.e. territories where the Catalan language is spoken. In 2014, CUP supported an independent Catalan state outside the European Union. CUP won 10 seats in the 2015 Catalan election.

Parties opposed to the referendum, with number of parliamentary seats in 2015:

PSC – Socialist Party of Catalonia [*Partit dels Socialistes de Catalunya*], a social democratic party federated with the Spanish Socialist Workers' Party, PSOE [*Partido Socialista Obrero Español*]. PSC favored a legally held referendum in agreement with the Spanish Government and abstained in parliamentary votes dealing with the 'right to decide'. In 2015, several prominent members of the party left to create the Left Movement of Socialists for independence [*Moviment d'Esquerres*], which won 16 seats in the 2015 Catalan election.

PPC – People's Party of Catalonia [*Partit Popular de Catalunya*], the Catalan affiliate of the Spanish People's Party [*Partido Popular*], a right-wing party that viewed the 2014 referendum as illegal. Its supporters did not vote. The Spanish Government (also from the People's Party) maintained that it 'would not allow' and 'would not negotiate' Catalonia's referendum on self-determination. PPC won 11 seats in the 2015 Catalan election.

Ciutadans – Citizens–Party of the Citizenry, a populist party that defends the current Spanish Constitution, and was opposed to the self-determination referendum unless it received prior approval by the Spanish parliament. Its supporters did not vote. Ciutadans won 25 seats in the 2015 Catalan election.

New coalitions created for the September 2015 election:

Junts pel Si – 'Together for Yes', a Catalan independence coalition created to run in the 2015 Catalan parliamentary election, supported by Democratic Convergence of Catalonia (CDC), Republican Left of Catalonia (ERC), Democrats of Catalonia (DC, formerly a part of UDC) and the Left Movement (MES, formerly part of PSC). Junts pel Si (JxSí) won 62 seats in the 2015 Catalan election.

Catalunya Sí que es Pot – 'Catalonia Yes We Can', a left-wing coalition created to run in the 2015 Catalan parliamentary election, supported by the Spanish party Podemos ('We Can'), as well as Initiative for Catalonia Greens (ICV) and United and Alternative Left (EUiA). Catalunya Sí que es Pot (CSQP) won 11 seats in the 2015 Catalan election.

1. Sovereignty in theory and practice

In the past few years, opinion polls have shown a dramatic increase in the number of Catalans who favor Catalonia's independence from Spain. As of November 2014, almost four out of five Catalans supported the idea of holding a referendum on self-determination, as did hundreds of civil society organizations. The reasons for this evolution include structural ones, related to a history that goes back several centuries, but also more circumstantial ones, including the recent financial and economic crisis. In this paper we describe the different frames used in the debates on Catalan sovereignty. Going beyond the debates on the independence of Catalonia, we also discuss how disagreement over the political process, and ultimately over the right to hold a referendum on the political status of Catalonia, is in itself an issue of sovereignty in practice. Due in part to the characteristics of the Spanish legal and political system, however, the sovereignty in question is a particular kind of sovereignty, namely simulated sovereignty.

In this paper,[1] we will discuss several ways in which sovereignty is asserted, contested, and disputed in Catalan daily life, including what happened on 9 November 2014, when more than two million citizens went to the polls to vote on the independence of Catalonia in a referendum that was deemed illegal under Spanish law. By doing so, the paper will tackle two challenges related to the conceptualization of sovereignty. First, if a traditional concept is used (power over a territory and its residents) the Catalan process poses a serious and direct challenge to sovereignty, particularly to territorial integrity. Second, if we take a more contemporary concept of sovereignty to understand what happened, this presents a challenge too. We argue that Catalan sovereignty in this context - even beyond the debate about the meaning of sovereignty within the EU - must necessarily involve simulation. In fact, the result of the 9 November 2014 consultation was not grounded in any way in a political process, nor did Spanish authorities recognize it as valid. For these reasons, another referendum is planned for 2017.

This paper is organized as follows. The introduction outlines the dual challenge for Catalan sovereignty, both in the classical sense and in the more contemporary one. Next we present the framing of Catalan sovereignty debates, focusing on seven different factors: historical arguments, economic grievances, political disillusionment, political tactics, polarization and the media, class struggle, and the relationship of the new state with the European Union. The following section deals with the path towards the referendum, detailing various practical issues such as its legality, timing, ballot questions and eligibility. The next section is devoted to the aftermath of the referendum until November 2015. The last section is an epilogue, where we examine the current situation and future scenarios in 2017. A glossary is also provided, not merely as a list of acronyms, but also to give basic information on the main actors in the process.

---

[1] A first version of this paper was presented at the International Conference on 'The Everyday Lives of Sovereignty: Contests and Conflicts in a Transnational Era', organized by the PRIO Cyprus Centre in Nicosia, 9-10 October 2015.

Sovereignty has been a key concept in the development of modern states, but also in the development of political science. In the transition from feudalism to modern statehood, kings and queens proclaimed themselves as sovereigns, allowing them to exercise power over other feudal lords, treat and be treated as equals to other kings and queens, and defy any religious power. The best summary of this thought is probably the famous sentence by Louis XV, who stated 'It is only in my person that sovereign power resides'.

Changes in European notions of statehood were contemporary with different political theorists who examined the sovereignty concept, such as Jean Bodin (1529–1536), Thomas Hobbes (1588–1679), John Locke (1632–1702) and Jean Jacques Rousseau (1712–1778). All of these theorists tried to answer crucial questions about sovereign power: Who should exercise power? What is the nature/origin of power? How is the monarch legitimized to exercise power? Are there limits to the monarch's power?

Sovereignty was thus born as a concept that allowed and justified the existence of strong political powers and modern states. Within this historical context, sovereignty played a crucial role in defining legitimate authority, in which sovereignty is the capacity (and legitimation) to rule a concrete territory, and the people within it.

Despite its theoretical role, sovereignty also has a practical dimension. Following Cynthia Weber: 'while the word sovereignty denotes a state of being – an ontological status – sovereignty in fact expresses a characteristic way in which being or sovereign statehood may be inferred from doing or practice. It is not possible to talk about the state as an ontological being – as a political identity – without engaging in the political practice of constituting a state' (1995: 3). In other words, in order to exist sovereignty needs to be practiced. And as the 2014 Catalan referendum will show, as long as the challenge with the state is based on a symbolic act of disobedience, this process can only be a simulated action of sovereignty.

Within this context, the Catalan sovereignty discourse is framed in terms of the 'right to decide' over its future status, which means the right to hold a referendum in Catalonia about secession from Spain. In asserting this right, different arguments or frames are used, frequently in a vague formulation so that each person can imagine the future sovereignty in his or her preferred way. Even if some of the visions of the new country might collide, the collision would take place in the future, while the pro-independence social movement is focused on the present. In order to achieve its goal, each attempt to imagine sovereignty in an appealing way is legitimate, as long as it brings more people to the cause.

2. The framing of the Catalan sovereignty demand

Just a decade ago, the only Catalan political party that explicitly stated an aim of independence was the Republican Left of Catalonia (ERC), a social-democratic party whose *leit-motiv* was precisely its position on national differences and the uniqueness of the Catalans. Since its inception after the transition to democracy in Spain, the ERC never had many seats in the Catalan parliament, usually wining between 10 and 20 parliamentary seats out of 135. A decade ago, the number of Catalans who supported the idea of independence from Spain was slightly above 10% of the population, as shown in Figure 1. (below). From 2006 onwards, gradually and so far relentlessly, the number of people in favor of a Catalan state has been growing.

Figure 1. Evolution of support for independence in Catalonia, by province (2006–2013)
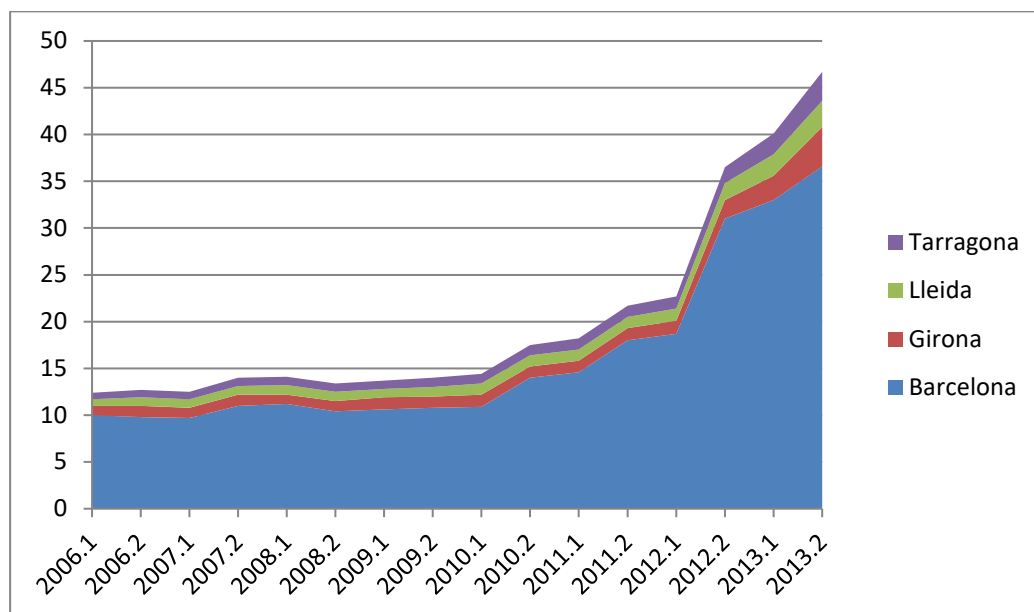
Source: Cerclegerrymandering.cat

Among the four Catalan areas, the pro-independence sentiment is stronger in the Catalan capital of Barcelona than in the more rural areas (Tarragona, Lleida and Girona) – despite steady growth in the past few years. There are many reasons for this evolution. We view the seven arguments described in the following sections of this chapter as the most relevant.

2.1. Historical arguments

Historical factors are among the most commonly and consistently used arguments in favor of (and against) the independence of Catalonia. In Spanish official discourse, Spain is represented as a historically rooted political entity whereas Catalonia is viewed as an offshoot, among several other appendices of the Spanish polity. Catalan nationalists, on the other hand, define themselves as an old nation that was absorbed by a more powerful state with a different culture and different structures of governance. This way, the narrative of the suppressed nation is crucial to the 'sovereignists' [*soberanistes*]. Both arguments share some historical episodes to which each side gives a completely opposite explanation. Nevertheless, there is a more fundamental similarity between the two sides in their view of the importance of history itself. None of them view the political will of the inhabitants of a specific territory as the primary issue. Rather, the legitimacy of their political will is subject to the historical facts. Of prime importance is the question of whether a political unit was an independent state or polity in the past. If it was not, then all other arguments are to no avail. On the contrary, if the Spanish state historically included Catalonia, no other argument is of any significance. In Madrid, the historical sovereignty argument is taken for granted, whereas in Catalonia it is contested, and any attempt by Catalans to present themselves as sovereign constitutes a challenge to the *status quo*.

2.2. Economic grievances

From an economic perspective, Catalonia is among the wealthiest regions in Spain. In absolute terms, the autonomous community of Catalonia has remained the most productive economy in Spain for the last five years. In terms of share of GDP, Catalonia represents roughly 20% of Spain's GDP. Recurrently, pro-independence Catalans [*independentistes*] emphasize that Catalonia is Spain's economic engine, while public expenditure from the central government has always been comparatively less. The Statute of Autonomy of Catalonia contains a clause defining the amount of investment that the Spanish state must spend in Catalonia, in relation to the Catalan contribution to Spain's GDP. This clause of the Statute has never been applied, giving rise to a feeling in Catalonia that 'Spain steals from us' [Catalan: *Espanya ens roba*]. In response to this sentiment, a campaign was launched in Catalonia with precisely the slogan 'Espanya ens roba'.[2] In the same vein, though in a more formal manner, the Catalan government has recurrently argued against the Spanish state holding back the so-called fiscal balance.[3]

It is worth mentioning that the redistribution of Spain's economic resources is carried out in a rather peculiar way. With two exceptions, all the autonomous communities contribute to the treasury of the central government, and then – by a complicated formula – each of them receives the amount it needs for providing the services of the welfare state. The two exceptions are the Basque Country and Navarra, which have a differentiated and more generous mechanism. This is

---

[2] See http://www.espanyaensroba.cat.
[3] The fiscal balance is the balance of a government's tax revenues, plus any proceeds from asset sales, minus government spending. In this case, we mean the balance that remains with the central government after the government has given back a part of the revenues collected in Catalonia.

precisely the mechanism that the Catalan government has always aspired to, but has been denied by all Spanish governments.

From the Spanish perspective, Catalonia has traditionally been framed as unsupportive, and always trying to take as large a portion of the national budget as possible. Similarly, Catalan politicians have been viewed as insatiable in their demands for self-government.

2.3. Political disillusionment

As in other southern European countries deeply impacted by the 2008 financial turmoil, Spain's economic crisis was accompanied by a severe political disillusionment. As for Spanish electoral politics, the two largest parties – the conservative PP and social-democratic PSOE – used to jointly obtain 60–70% of the votes. Thanks to the Spanish electoral law since the transition to democracy, until 2015 these two parties were able to rule with either absolute or substantial majorities (see Figure 2 below). Even if they had significant political differences, their position on increasing Catalan self-government was the same: No, without exception. As with the 'rotationism' [*turnismo*] of Spanish politics in the late 19th and early 20th century, this situation spurred political dissatisfaction in both the Spanish and Catalan constituencies. In Spain, it led to the emergence of two new political parties: Ciudadanos ('Citizens') and Podemos ('We Can'). In Catalonia, it led to an increasing pessimism about the prospect of an agreement with the central government on a new autonomy mechanism for the Catalan community.

Figure 2. Evolution of parliamentary strength of main political parties
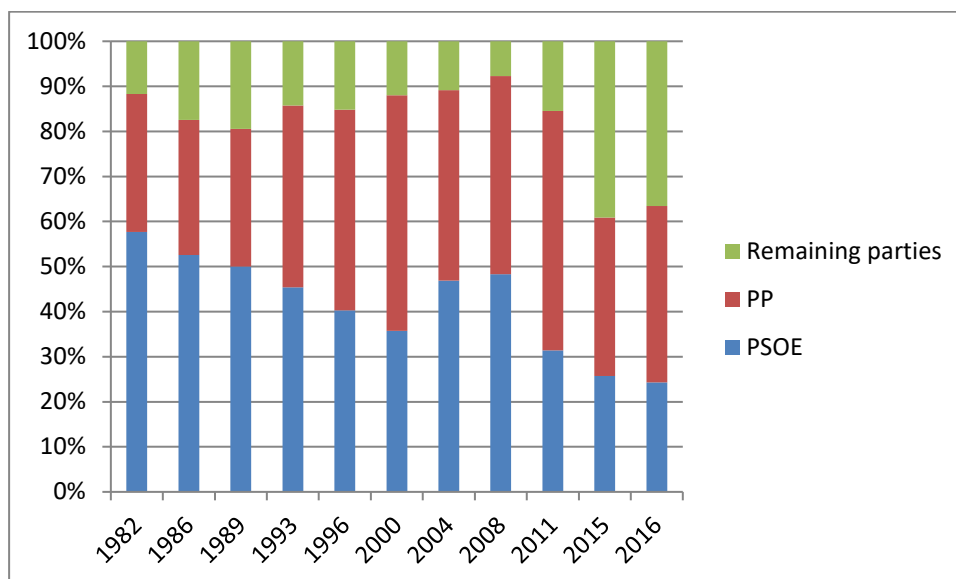
Source: Authors

The end of the 'two-party system' came with the 2016 Spanish general election. For the first time in the history of Spanish democracy, four political parties won more than 30 parliamentary seats, and none of them was able to build a government without the help (or at least the abstention) of two other parties. Unable to reach any agreement, elections had to be repeated six months later. The results were similar as the previous election, and accordingly an agreement was needed to avoid a third round of elections. PSOE decided to accept an abstention in the investiture session, to allow Mariano Rajoy (PP) to return to the presidency. This decision generated a great deal of turmoil in the PSOE, which led to the defeat of its Secretary General, Pedro Sanchez, an opponent of the PSOE abstention.

In recent years, several cases of corruption among politicians have been uncovered, mainly involving the two larger parties (PP and PSOE). This has reinforced the Catalan argument for an independent state. There have in fact been similar corruption cases in Catalonia, affecting the largest political party, CiU. Paradoxically, this has not translated into a significant decline in electoral support for Catalan independence.[4] Contrary to the Spanish political disillusion, Catalan politics has emerged as an enthusiastic scenario in which public interest in politics has been rising, especially among those in favor of independence (see figure 3 below).

Figure 3. Evolution of interest in politics
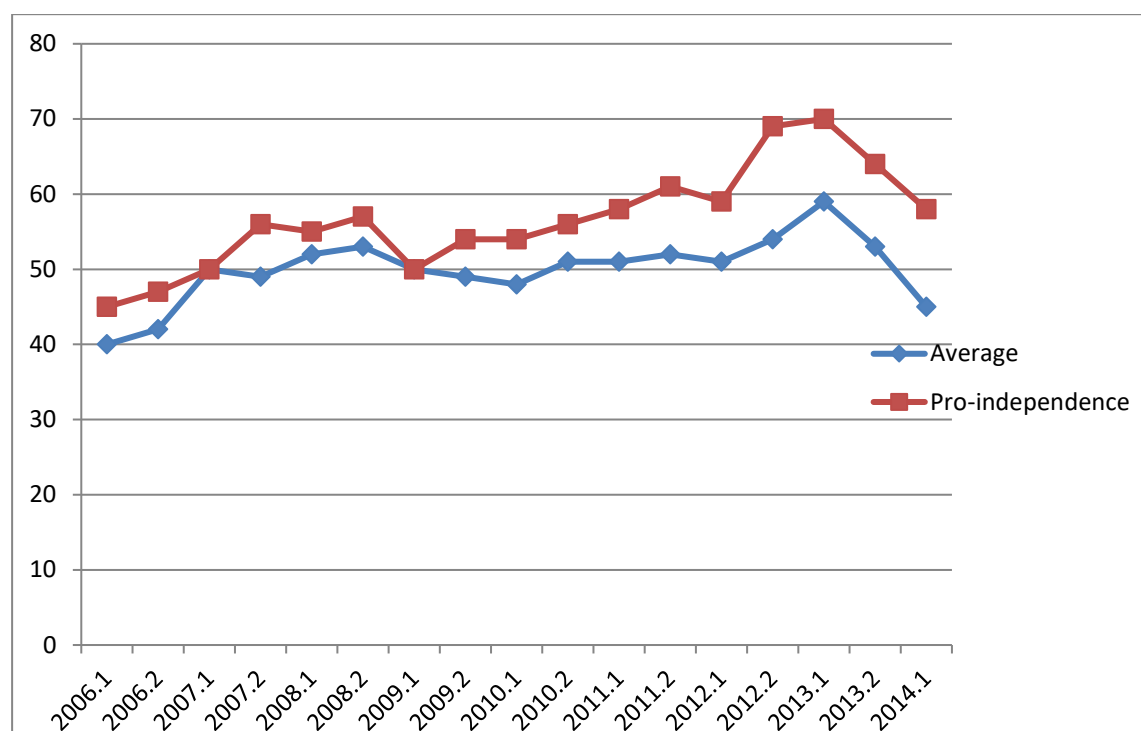
Source: Gerrymandering.cat

---

[4] For a detailed analysis of the impact of corruption on Catalan and Spanish electoral politics, see Muñoz (2013).

Catalan civil society has mobilized in many creative ways, like organizing public demonstrations every 11 September, developing ideas about the foreign policy of a future Catalan state, and drafting a constitution for the future Catalan republic. Within this context, the issue of Catalan independence has become cool and fashionable. It seems that many Catalans wish to transform their society and feel that politics would be a useful way of doing it, especially if they were able to achieve independence. In this sense, an independent Catalan republic is not only viewed as an objective in itself, but also as the most fruitful path towards popular sovereignty. This trend is illustrated by the birth of a political party named 'Constituent Process' [*Procés Constituent*], as well as the anti-capitalist CUP's electoral slogan 'Governem-nos' ('Let's rule ourselves!').

2.4. Political tactics

There are also contestations over the political tactics of actors involved in the politics of Catalan self-determination. From a 'Spanish' point of view, the 'Catalan problem' is perceived in simple terms. The turmoil is all to do with the politician Artur Mas and his political party CDC. In order to hide their own policy failures, this party enticed the entire Catalan society to embark on a journey with an unknown destination, completely disregarding the frustrations (in their view a given fact) that this journey will bring about. Capturing a bit more complexity, there is the view that no democratic problem exists that needs to be solved. Rather, there is a selfish movement of Catalan nationalist trying to profit from the difficult economic situation in Spain. In a crisis scenario, they argue, it has been 'easy' to convince a large part of Catalan society of the promises of 'El Dorado' independence.

On the Catalan side, the position of the Spanish government together with the main opposition party appears equally monolithic. Despite all the different steps taken by the Catalan government in their efforts to come to an agreement with the central government on the organization of a referendum on self-determination, the only answer was: NO, it is not possible. Such a referendum would be illegal, and nor would any such scenario be worth thinking about. In short, there was no room for negotiation if the referendum was on the agenda. While this decision may be correct from a legal perspective, many Catalans viewed the state's refusal to negotiate as essentially undemocratic, showcasing the undemocratic nature of the Spanish state.

Some Catalans felt that the path to a referendum was a bottom-up process through and through. In this sense, the independence movement was often portrayed metaphorically as a human wave that Artur Mas and the CDC party had decided to surf, in order to survive politically. The movement, in this view, was not one that the politicians had started. If anything, Artur Mas was too slow to take lead of it.

2.5. Polarization and the role of the media

Another argument often heard in debates on independence is as follows: 'Independence is an issue that divides society instead of unifying it, and especially in the present-day economic turbulence'. Certainly this is a topic that generates emotional responses. Few people in Catalonia have no clear position on the referendum. Moreover, according to recent surveys the share of the population favoring and opposing independence is approximately equal. In this context it is also worth noting

how the media has played on the polarization. There are very few media that have not openly taken a side, and few channels where the arguments of both sides can be heard. On the contrary, most of the media channels have clearly lined up with one of the sides. Consequently, in most cases those not clearly identified with one of the sides has been accused of forming a part of 'the other'.

Paradoxically, a significant number of Catalans are descendants of immigrants coming from other parts of Spain such as Andalucía and Extremadura, especially in the 1960s. Many of them find themselves in awkward situations where, by using similar arguments they are considered Spanish nationalists in Catalonia, and accused of favoring Catalonia excessively when going on holiday to the home place of their parents.

2.6. Class struggle

Another controversy related to the issue of self-determination is its relationship to class struggle. To what extent is the independence movement a bourgeois movement, or a more popular one? The middle and upper classes have often defended Catalonia's submission to the Spanish state. In terms of economic activity, other parts of Spain constitute by far the largest trading partners of Catalan firms. Despite this, it is precisely the upper and middle classes that want independence most of all, as shown in figure 4 (below).

Figure 4. Support for independence by social class (1)
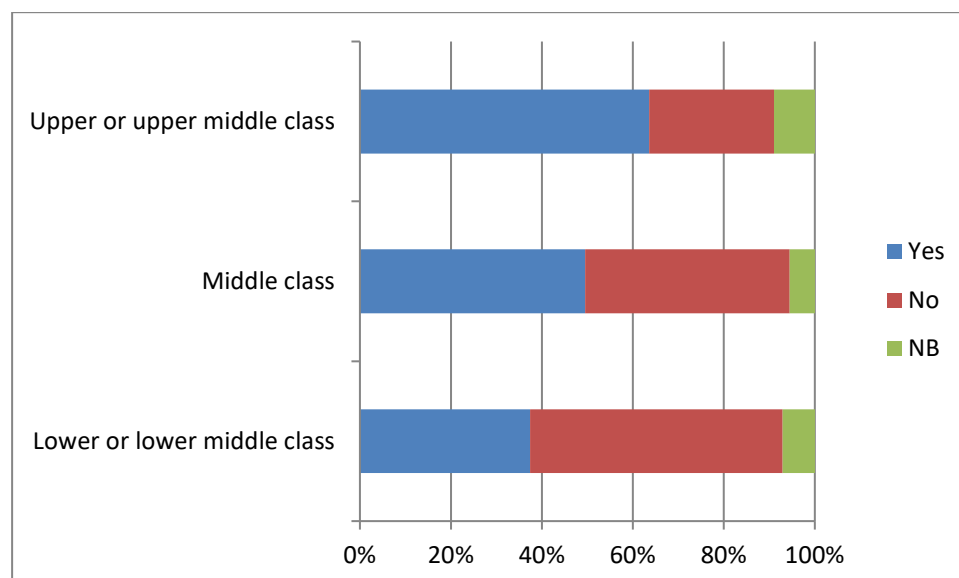
Source: El crític

Even if the question is posed in a slightly different manner, i.e. 'what is the class structure of those defending independence?', the last years have shown an increase among the middle class as regards positive feelings towards a future Catalan republic, as shown in figure 5.

Figure 5. Support for independence by social class (2)
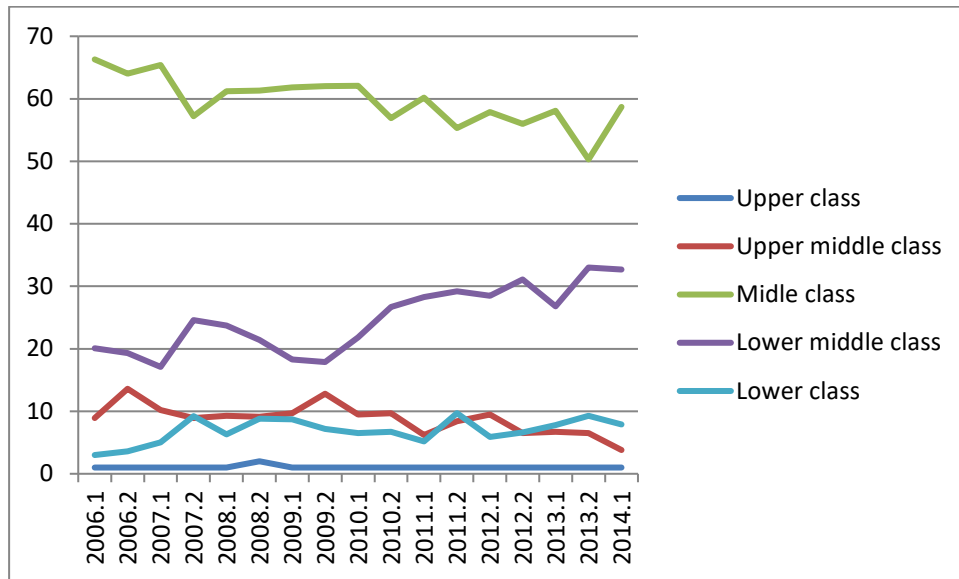
Source: Cercle Gerrymandering

2.7. Inside or outside Europe?

Arguments about Europe are relevant to contemporary secession debates such as in Catalonia and Scotland, as activists use such arguments both to justify and criticize independence, and to debate the premises or reasons to support or reject it (Bourne 2014). The EU and its policies can provide opportunities and constraints for the arguments of pro- and anti-independence activists alike. In the Catalan case, the European dimension creates a challenge for pro-independence actors in their imagination of an independent future for Catalonia. On the one hand, some secessionist parties imagine a new state inside the EU. This applies to the CDC, renamed in 2016 as the Democratic Party, the ERC, as well as the parties that eventually created the coalition 'Together for Yes' (see the glossary). On the other hand, the openly anti-capitalist pro-independence party CUP aims for a new state outside the neoliberal ambit of the EU. Two very different discourses are thus available, both supporting the quest for independence and favoring a 'yes' vote in the referendum, even if on substantive terms, they imagine different and non-compatible Catalan republics at the end of the self-determination journey.

3. The 2014 referendum

The path leading to the referendum began when the revised self-government charter of Catalonia was put forward in 2005 by the Catalan parliament, with the support of almost 90% of its members of parliament. By presenting a quasi-federal proposal, the aim was to better spell out the terms of the relationship between Catalonia and Spain. A second aim was to protect the region's political powers against central government reforms, particularly due to a perceived reversal of the empowerment of autonomous communities. However, what Catalans saw as a balanced proposal was severely amended by the Spanish parliament, and also levelled down by the constitutional court of Spain. Moreover, this was followed by a media campaign in Spain against so-called Catalan economic insolidarity. Similarly, the Catalan media intensified a public campaign in favor of a referendum for independence from Spain. As a result, an increasing number of Catalans started to think that it was impossible to reach an agreement with the current Spanish government, and began to look for new political alternatives as a challenge to the *status quo*.

In this context, political confrontation between the Spanish government and the Catalan government became obvious. One of the flagships of the Catalan education policy, the so-called immersion language policy (*política d'immersió lingüística*), was openly challenged by the Spanish Ministry of Education proclaiming: 'we have to indoctrinate Catalan children to Spanify them'. Meanwhile, Catalan civil society began a series of mass demonstrations. The first of them took place on 11 July 2010, and supported the integrity of the charter approved by the Catalan parliament, opposing interference by Madrid.

Between September 2009 and April 2011, local referenda on independence from Spain were organized at the grassroots level as a form of symbolic politics. In 2010-2014, such activities included as many as 800,000 'voters' in nearly one-half of all Catalan municipalities, often accompanied by massive pro-independence demonstrations. They were presented as challenges to Spanish hegemony, although the appeal was of course purely symbolic. In our view, these activities illustrate the simulated sovereignty that has characterized the entire process from the beginning.

In this period, different grassroots constituent movements arose. A large share of the Catalan population participated in one way or another in activities related to the creation of a new state: either in the massive political demonstrations, or within the Assemblea Nacional de Catalunya, or also by drafting works to help in the design of the future Catalan Republic, including the Agreement on External Action, several Manifestos against a Catalan Army, and the drafting of a new Constitution. In this sense, it has to be mentioned that the movement for independence has included not only those in favor of creating a new 'normal' state, in other words a state following the pattern of other contemporary states, but also a great amount of people who took part in the development of a new, different kind of sovereign state. Therefore, the Catalan sovereignty debate is not just about following old models, but rethinking and imagining how a state could be, and which pillars are needed for it to become truly sovereign in all dimensions, not only nationally.

In 2013, the Catalan parliament approved the resolution 'Declaration of Sovereignty and of the right to decide of the Catalonian People'. The majority of political groups voted in favor (85/135) and there were only two abstentions – from those who considered the resolution as not defiant enough. The declaration stated that 'the Catalan people has, because of democratic legitimacy, the character of a politically and juridically sovereign subject'. A year later the Spanish Constitutional Court decided unanimously that this declaration was null and void, arguing that only 'the Spanish people, as a whole, exclusively and indivisibly, is sovereign. No piece or part of this people can be considered sovereign'.

In this way, the 'right to decide' became a key issue among the political parties, both in Catalonia and in Spain. Meanwhile, opinion polls showed a trend towards approval of self-determination for Catalonia, to the extent that the Catalan government scheduled a referendum for 9 November 2014, which ended up as a citizens' consultation on the political future of Catalonia.

After some political uncertainty, the leading parliamentary coalition of CiU and ERC agreed to hold the referendum. Other Catalan parties such as ICV and CUP added their support. It is worth mentioning that not all the parties that gave support had a clear position in favour of independence (see the glossary for details). Their agreement to hold the referendum was based on a democratic assumption that citizenship should entail independence in decision-making, as against the need for a legal ruling supporting the expression of an opinion.

3.1. Practical issues: Legality, timing, ballot questions and eligibility

Concerning legality, the Spanish Constitutional Court ruled in March 2014 that the sovereignty part of the 'Declaration of Sovereignty and of the Right to Decide of the Catalan People' (Catalonia, 2013) was 'unconstitutional and null', and that any person taking part in its organization would be disobeying this sentence. The Parliament of Catalonia reacted to the ruling of the Spanish Constitutional Court by approving a consultation law in September 2014, which provided the legal basis for the President of the Generalitat of Catalonia to hold a consultation, i.e. a non-binding self-determination referendum on independence. Thus, in October 2014 the President proposed a 'process of citizen participation' as an alternative to the original referendum, thus 'tweaking' the terminology to bypass the Constitutional Court's decision. The Spanish government tried to block the 'process of citizen participation' by appealing to the Spanish Constitutional Court, which provisionally suspended the voting process. By pushing forward with the vote on 9 November 2014, the Catalan Government defied the Constitutional Court of Spain.

Text Box 1. The 2014 Catalan referendum

In the consultation, citizens were asked the following question:

a) *Do you want Catalonia to become a State? (Yes/No).*

If the answer was in the affirmative, then they had to answer a second one:

b) *Do you want this State to be independent? (Yes/No).*

This double question was the result of a long negotiation among all political parties in Catalonia that were in favor of such a consultation, and included the possibility of voting 'Yes' to the first question and 'No' to the second, to accommodate the federalist option.

As far as the electorate was concerned, since the participation process was deemed illegal by the Spanish government, it did not have an official electorate. The rules were hence established by the Catalan government, who called for a vote of people who were at least 16 years old as of 9 November 2014, and who met one of the following criteria for eligibility to vote:

a. Spanish citizens whose national identity card stated they were resident in Catalonia;
b. Spanish citizens who lived outside of Spain and were registered as 'Catalans abroad' or 'Spaniards abroad' linked to a Catalan municipality;
c. Non-Spanish citizens who could prove they are residents of Catalonia.

On the contrary, those citizens who were born in Catalonia, but were resident in other Spanish regions, and those citizens who were born in other Spanish regions and lived in Catalonia, but were not registered as resident there, could not vote.

3.2. Results

The Catalan government established 1.317 polling stations throughout the Catalan territory, and some in other countries. As this was a participatory process suspended by the Constitutional Court, no civil servants could help, nor could the official census be utilised. Through a web page, each participant received a voting place after introducing their ID number and their address. Accordingly, each person had a single specific place to participate in the consultation. More than 40.000 volunteers worked on the organization of the polling stations, and in the monitoring of the voting process.

Table 1. Results of the 2014 Catalan referendum on independence from Spain

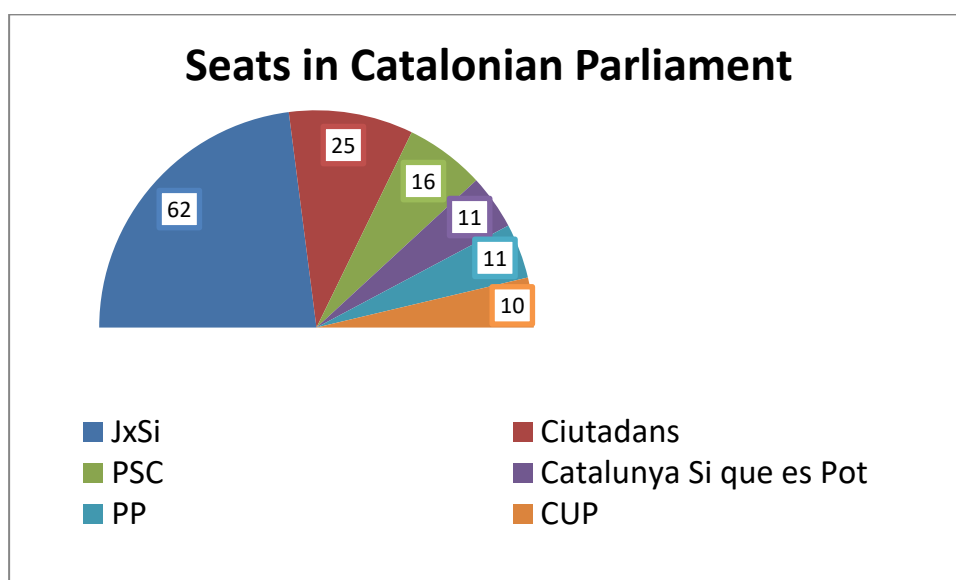| Vote	Number of votes	Percentage of votes
Yes–Yes	1,861,753	80.76%
Yes–No	232,182	10.07%
Yes–Blank	22,466	0.97%
No	104,772	4.54%
Blank	12,986	0.56%
Other	71,131	3.09%

Due to the unclear eligibility conditions, it was not possible to establish officially the turnout. However, the Catalan government maintained that 2,305,290 votes were cast on the day of the referendum. As a point of reference (though not comparison), the total population of Catalonia was 7.5 million in 2015.

As seen in Table 1 above, 80.8% of the cast votes supported the 'Yes–Yes' option, 10.1% supported the 'Yes–No' option, and 4.5% supported the 'No' option. This suggests that it was primarily those who supported the process who participated in it.

4. After the 2014 referendum: Towards a clash?

If we had to summarize the political situation in Catalonia since the 2014 referendum, the words *increasing polarization* would probably be best suited. In September 2015, elections in Catalonia were focused on a single political fault line: *for* independence or *against* independence. As a real referendum could not be held, President Artur Mas called for a 'plebiscite' election. In other words, to take advantage of a 'legal' electoral contest, he designed a sort of 'legal' referendum, by which citizens could vote for political parties with a clear mandate (only) in the national dimension. Thus, most of the parties in favor of independence made an electoral coalition, Junts pel Si ('Together for Yes'). The coalition aspired to be a transversal movement including CDC, ERC and former personalities of other political parties and social movements. The results were sweet and sour for most contenders. Explicitly independent parties (Junts pel Si and CUP) captured 48% of the votes. This was very close, but not above the stated objective of 50,01%. Nevertheless, due to the electoral law, their parliamentary strength is well above the 50% mark. The question remains whether the pro-independence parties are strong enough to actively pursue the goal of sovereignty.

Figure 6. Catalan electoral results

Seats in Catalonian Parliament

62 · 25 · 16 · 11 · 11 · 10

- JxSi
- Ciutadans
- PSC
- Catalunya Si que es Pot
- PP
- CUP

Source: Authors

The brand new independent coalition, Junts pel Si, depended completely on the anti-capitalist left-wing pro-independence CUP to form a government. After a tense negotiation, CUP maintained its electoral promise of not making Artur Mas the president of Catalonia – or the president of

corruption and social cuts, as they said. Agreement on initiating the 'disconnexion legislature' was reached hours before the deadline for a call for new Catalan elections. Symbolically, the first parliamentary action, even prior to electing Carles Puigdemont as Artur Mas' successor to the presidency, was the approval of a resolution stating the beginning of the Catalan disconnection from the Spanish State.[5]

In the meantime, another Spanish election had taken place in December 2015. Partido Popular (PP) was still the major party, but it was unable to form a government without an agreement with its traditional rival PSOE, or other parties. None of this happened, leading to a second round of elections in 2016. The December 2015 elections had already showed a decline in support for the two major parties, and this tendency continued in the new elections in June 2016 (see figure 7).

Figure 7. Spanish electoral results
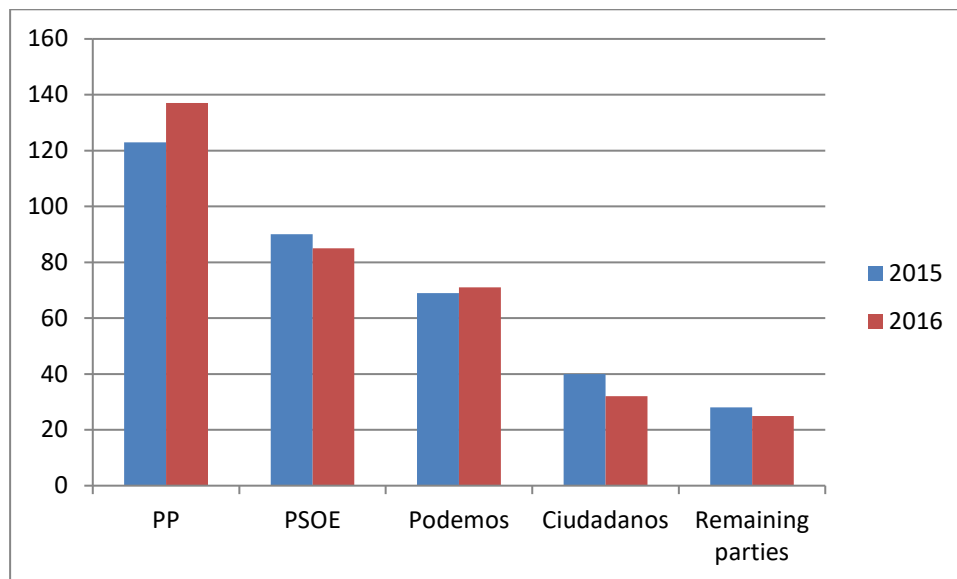
Source: Authors

Regardless of the tactics of the political parties, the last two years can be described as a succession of grievances and greed on the part of both the Spanish and Catalan governments. In plain terms, it can be described as a kind of couple's quarrel, where each side blames the other instead of working politically to find a solution.

_____

[5] Resolució I/XI del Parlament de Catalunya, sobre l'inici del procés polític a Catalunya com a conseqüència dels resultats electorals del 27 de setembre de 2015. http://www.parlament.cat/document/activitat/153122.pdf

5. Discussion and epilogue

As an act of defiance of the Spanish government and the Constitutional Court, and as an exercise of Catalan sovereignty in practice, the 2014 referendum exemplifies sovereignty as performative action. What happened in November 2014 was the beginning of a new chapter of Catalan sovereignty contestation, which presents politicians and civil society with more challenges as well as new opportunities ahead.

There are some remarkable aspects of the Catalan consultation process that point out the potential of new ways of approaching the topic of sovereignty.

First, we have identified a political shift by which many of those who used to be in favor of Catalonia remaining within Spain have come to prefer Catalan independence. Generally speaking, it seems that the Catalan middle class has moved from a position characterized by the feeling that 'the best way to defend Catalonia is by making sure that the Spanish government cares about us' to a position in which the will of creating a new state is viewed as a better way to defend their interests. In demographic aggregate terms, the data are incontestable: in a few years, the 10% population in favor of independence has grown up to close to 50%. Here, a first question arises: Are the pro-independence parties strong enough to actively pursue the goal of sovereignty?

Second, an overall majority of Catalans wants to exercise their so-called 'right to decide', and this includes a significant amount of people who would still vote against independence. The 'right to decide' is considered a basic democratic right, and this is why 90% of the members of the Catalan Parliament voted in favor of the revised Statute of Autonomy in 2010. The Spanish government's argument, denying any possibility of a referendum, crashes with the will of most of the Catalan population. The participation process carried out in 2014 showed a sovereignty challenge, at least in simulated terms. As it was impossible to hold a completely legal voting process, most of the political class, and of the citizenship, decided to defy Spanish sovereignty and exercise the vote. This brings up a second question, on how to interpret the results of the consultation: Did the participants in the consultation succeed in their act of sovereignty?

The consultation was finally held and the participation was above expectation, despite that the Spanish government maintained a position totally against the process, on the basis of two kinds of arguments: (1) Politically, the referendum would be illegitimate because it failed to comply with the most basic formal rules on elections, obviating that this was so precisely because there was no other way of doing it; (2) Legally, the Spanish General Attorney, who had been appointed by the Spanish government, accused Catalan President Artur Mas and two other counsellors (i.e. ministers) of organizing an illegal referendum, leading to their resignation a few days later. The judicial process against Artur Mas and the two other counsellors is following its course. They risk being sentenced to refrain from taking up any public position.

The last years have shown that the political wall built by the Spanish government against any possibility of dialogue, including the rejection of a legal referendum, has dramatically increased

the number of Catalans in favor of independence. One possible way of making sense of this argues that from the Spanish government's point of view, even if eventually they might lose some of the votes in Catalonia, at the same time the refusal to make concessions deters the opposition and guarantees good electoral results in the rest of Spain. Meanwhile, Catalan secessionists keep on imagining their future sovereignty in ever greater detail, continuously preparing new, and not only symbolic, challenges to the *status quo*.

By way of conclusion, two final issues need to be taken into account. First, both the Catalan and Spanish government are gradually taking decisions that polarize the political scene. Both governing parties, PP and JxSi, seem to realize that a definite solution will need to be reached by consensus, and will imply concessions. However, at the same time they perform well in electoral contests each time they confront their opponent on the national fault line. From this perspective, by facing the problem and solving it, good election results would not necessarily be achieved. This is the key reason why both parties prefer that the issue remains unsolved.

Secondly, many Catalan citizens feel that they are in a kind of 'Groundhog day' as the Catalan government has already scheduled a *real* referendum (regardless of the political or judicial consequences it may have) in September 2017, while the Spanish Government has announced that it is open to negotiate anything except a referendum.

To sum up, in this paper we have argued that the 2014 referendum was not an act of real, but certainly one of simulated sovereignty. Later events confirm our hypothesis. On the one hand, there have been legal consequences, because the Spanish courts, who are actually equipped with the instruments to exercise real sovereignty, are driving legal actions on politicians responsible for the referendum. On the other hand, there is a lack of consequences in terms of self-determination, and this is precisely the reason why another referendum is envisaged. Considering the two antagonistic positions, the clash may well occur. This time it will not be a simulation, but have real and immediate political consequences.

References

Aguiar, Pablo (2013) 'Cartografía del concepto y usos del término "Soberanía"' [Cartography of the concept and uses of the term "Sovereignty"]. Paper presented at the annual meeting of the Spanish Association of Peace Research, Barcelona, 28 November 2013.

Alcalde, Javier (2013) 'La aportación del movimiento por la paz al debate sobre la soberanía en Euskadi' [The contribution of the peace movement to the Basque debate on sovereignty]. Paper presented at the annual meeting of the Spanish Association of Peace Research, Barcelona, 28 November 2013.

Behnke, Nathalie and Eva Maria Rhode (2014) 'Why people would vote "yes" in independence referenda. Comparing Catalonia and Scotland in autumn 2014.' Available at: https://ecpr.eu/Filestore/PaperProposal/0501ccf6-9e18-4a34-b382-0ccd9355e9cc.pdf

Boix, Carles and J.C. Major (2014) 'The View from Catalonia. The Ins and Outs of the Independence Movement'. *Foreign Policy*, 11 September 2014. Available at: https://www.foreignaffairs.com/articles/spain/2014-09-11/view-catalonia

Bourne, Angela (2014) 'Europeanization and Secession: The Cases of Catalonia and Scotland'. *Journal on Ethnopolitics and Minority Issues in Europe* 13(3): 94-120. Available at: http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2014/Bourne.pdf

Carrillo Salcedo, J. A. (1995) *Soberanía de los Estados y derechos humanos en Derecho Internacional contemporáneo* [Sovereignty of states and human rights in contemporary international law]. Madrid: Tecnos.

Catalonia, Parliament of (2013) 'Resolution 5/X of the Parliament of Catalonia, adopting the *Declaration of sovereignty and right to decide of the people of Catalonia*'. Proc. 250-00059/10 and 250-00060/10. Available at: http://ves.cat/mf2m

Guibernau, Montserrat (2013) 'Secessionism in Catalonia: After Democracy', *Ethnopolitics*, 12(4): 368–393.

Hannum, Hurst (1996) *Autonomy, Sovereignty and Self-Determination: the accommodation of conflicting rights*. Philadelphia: University of Pennsylvania Press.

Kalmo, Hent and Quentin Skinner (eds.) (2010) *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*. New York: Cambridge University Press.

Krasner, Stephen D. (2009) *Power, the State, and Sovereignty: Essays on International Relations*. New York, Routledge.

Krasner, Stephen D. (1999) *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press.

López, Jaume (2015) 'A "right to decide"? On the normative basis of a political principle and its application to the Catalan case', in Stephan Rixen and Klaus-Jürgen Nagel, eds, *Catalonia in Spain and Europe – Is There a Way to Independence?*

Muñoz, Jordi and Marc Guinjoan (2013) 'Accounting for internal variation in nationalist mobilization: unofficial referendums for independence in Catalonia (2009–11)'. *Nations and Nationalism* 19: 44–67.

Muñoz, Jordi (2013) 'El precio electoral de la corrupción: ¿por qué los votantes la castigan tan poco?' [The electoral price of corruption: Why do voters punish it so little?]. *Revista Pasajes* 43. Available at: http://www.revistasculturales.com/xrevistas/PDF/24/1709.pdf

Padilla, Ezequiel (1942) 'Sovereignty and Peace.' *Foreign Affairs*. 1 October 1942.

Pavkovic, Aleksandar and Peter Radan (2007) *Creating New States: Theory and Practice of Secession*, Aldershot: Ashgate.

Sanjaume, Marc (2014) 'Catalonia towards Self-Determination in Europe.' *Catalan Views*, 2 June 2014. Available at: http://www.catalanviews.com/content/catalonia-towards-self-determination-europe

Sanjaume-Calvet, Marc (2016) 'Catalonia: From Secessionism to Secession?'. Available at: http://www.e-ir.info/2016/01/15/catalonia-from-secessionism-to-secession/

Schrijver, Nico (1999) 'The Changing Nature of State Sovereignty'. *British Yearbook of International Law 70*(1): 65-98.

Serrano, Ivan (2013) 'Just a Matter of Identity? Support for Independence in Catalonia'. *Regional & Federal Studies* 23(5): 523-545.

Sorens, Jason (2012) *Secessionism: Identity, Interest, and Strategy*, Montreal: McGill-Queen's University Press.

Weber, Cynthia (1995) *Simulating Sovereignty*. Cambridge: Cambridge University Press.

Authors

Javier Alcalde is a research fellow at the Center of Social Movements Studies (COSMOS) of the Scuola Normale Superiore in Florence. He has worked as a researcher at the International Catalan Institute for Peace in Barcelona, and at the Center of Advanced Studies on Social Sciences, Juan March Institute, Madrid. As an expert on disarmament he has participated in a number of international negotiations on treaties such as the ban on cluster bombs and arms trade treaty. He has taught at different institutions, including Universitat Autònoma de Barcelona, Universitat Oberta de Catalunya, and Univeritat Pompeu Fabra, and Arcadia University. He holds a PhD in Social and Political Sciences from the European University Institute (2009) and an Executive Master's Degree in Diplomacy and Foreign Affairs from Pompeu Fabra University (2015). Javier Alcalde has published extensively on topics such as human security, arms trade, transnational activism, refugees, the media and social movements, pacifism, the Esperanto movement, and linguistic rights and conflicts.

Pablo Aguiar is a researcher at the International Catalan Institute for Peace (Institut Català Internacional per la Pau) in Barcelona. He has taught International Relations at the Autonomous University of Barcelona (Universitat Autònoma de Barcelona) and was formerly responsible for Studies, Projects and Programs at the Office of Peace and Human Rights (Oficina de promoció de la pau i dels drets humans) of the Generalitat of Catalonia. Pablo Aguiar is s a postgraduate in Cooperation for Development from the Barcelona Centre for International Affairs (Centre de Documentació Internacional de Barcelona), and graduated in Political Science from Complutense University in Madrid. His latest publications are on the implications of drone warfare for international relations and international law, human security, and peacebuilding in Colombia.

Catalan Sovereignty in Practice

In the past few years, opinion polls in Catalonia have shown a dramatic increase in the number of people who favor the independence of Catalonia from Spain. As of November 2014, almost four out of five Catalans expressed support for organizing a referendum on Catalan self-determination, as did a large number of non-governmental organizations in Catalonia.

This paper discusses how sovereignty is asserted, contested, and disputed in Catalonia, and what happened on 9 November 2014, when more than two million citizens went to the polls to vote on the independence of Catalonia in a referendum deemed illegal by the Spanish authorities.

When the Spanish government denied the Catalans the opportunity to organise a legal referendum, a majority of Catalans decided to defy the authorities of Spain and exercise what they viewed as their 'right to decide'.

The exact turnout to the referendum could not be established, but according to figures provided by the Catalan government 2,305,290 votes were cast on the day of the referendum, of which 80.8% were in support of an independent Catalan state.

As argued here, the 2014 Catalan referendum was a performance of simulated sovereignty, as confirmed by subsequent events in which Spanish courts exercised their real sovereignty by taking legal action against the Catalan President Artur Mas and two counsellors for organizing the referendum.

Regardless of the legal or political consequences, a 'real' referendum is scheduled for September 2017. The Spanish Government, on its part, has announced that it is open to negotiate on any issue, except the organization of a referendum.

Javier Alcalde
Scuola Normale Superiore
Pablo Aguiar
International Catalan Institute for Peace

PRIO