

# Catalonia Referendum: Resisting the Spanish Government Siege

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*In 1713-14, it took the troops of Spain's Borbon monarchy 14 months of siege before taking Barcelona and ending Catalan self-rule. In September 2017, Catalonia is again under siege, this time from the central Spanish People's Party (PP) government. Under prime minister **Mariano Rajoy** the Spanish state is concentrating all its firepower on stopping the Catalan government's October 1 independence referendum. On that day, if this siege is successfully resisted, Catalan citizens will vote on whether "Catalonia should become an independent state in the form of a republic."*

Since September 6, the day its parliament adopted its referendum law, Catalonia has experienced a "shock and awe" offensive aimed at forcing the pro-independence government of premier **Carles Puigdemont** to submit to the central Spanish administration. The adoption of the law by the parliamentary majority of 62 Together For The Yes (JxSí) and 10 People's Unity List (CUP) MPs was the culmination of an eight-year process that has seen over one million people mobilize every Catalan National Day since 2012.

The stakes could not be higher. If the referendum takes place, the PP minority government in Madrid will suffer a lethal blow to its credibility, opening the way to a change of government in the Spanish state. It would also bring into view the prospect of finally overturning the sub-democratic regime that has been in place in Spain since the late 1970s, when the heirs of the dictatorship of Francisco Franco negotiated a flawed "transition to democracy" with the anti-dictatorship resistance.

By the same token, if the Rajoy government manages to stop October 1, it will be a setback not only for Catalan aspirations to sovereignty but also for all forces in Spain fighting for democratic rights and against austerity. The partial weakening of the "1978 regime" represented by the rise of anti-austerity party Podemos and its allies would be contained: the "constitutionalist" parties – the PP, the Spanish Socialist Workers Party (PSOE) and the hipster neoliberal outfit Citizens – would be strengthened.

Understanding of the stakes of the fight is increasingly reaching across the whole Spanish state, with left forces like Podemos and the older United Left, which had originally rejected October 1 as "not the referendum Catalonia needs," now allying with pro-independence forces in the face of a legal and police offensive that amounts to a state of emergency in all but name.

## The Fear Campaign

These stark possible outcomes to the conflict explain the ferocity of the Spanish

government's offensive. The Spanish Constitutional Court's immediate decisions to suspend both the referendum law and the Law of Jurisdictional Transition (to apply in the case on a Yes win) have allowed Spanish prosecutor-general **José Manuel Maza** to unleash a judicial firestorm via regional Catalan prosecutors' offices and the High Court of Justice of Catalonia. To date the main thrusts of the offensive have been to:

- Charge those members of the Catalan parliament's speakers' panel who enables debate on the laws with disobeying a lawful instruction and perverting the course of justice;
- Instruct the electoral commission appointed by the Catalan parliament first to cease all work on the referendum and two days later charging them with usurping public functions, disobedience and misuse of public funds;
- Formally warn all MPs supporting the Catalan government and 700 senior public servants that any collaboration with the referendum will open them to charges of disobedience, perverting the course of justice and misuse of public funds;
- Instruct the Catalan police, Spanish National Police, the paramilitary Civil Guard and municipal police forces to locate and confiscate all material related to the referendum;
- Warn all private media that if they carry advertising material for October 1 they will be liable to prosecution and instructing the heads of Catalan public radio and TV not to carry advertising material for the referendum;
- Advise owners of halls and public spaces that hosting any events connected with the referendum will open them to prosecution;
- Have the Spanish postal service instruct its employees not to deliver any material connected to the referendum;
- Order the closure of the web sites of the Association of Municipalities for Independence (AMI) and the Catalan Association of Municipalities and Shires (ACM) for facilitating collaboration with the referendum and then order the closure of any web site in any way connected with October 1; and
- Open proceedings against the 712 Catalan mayors (out of 948) who have indicated that their councils will make premises available - as per normal - for the referendum. The mayors are to be summoned to regional prosecutor's offices, where they will face charges of disobeying a lawful instruction, perversion of the course of justice and misuse of public funds (which carries a jail sentence). The Catalan police have been ordered to arrest any mayor who fails his or her appointment with the prosecutor.

Most seriously of all, in the face of a Catalan government refusal to continue to supply the central Spanish government with a weekly report of its expenditures, the Spanish Council of Ministers (cabinet) decided on September 15 to take direct control of all payments to Catalonia's creditors, effectively ending its financial autonomy.

Police actions in support of this offensive have so far included a Civil Guard raid on the newspaper *El Vallenc* (with the editor charged with disobedience, perverting the course of justice and misuse of public funds) and the National Police preventing the anti-capitalist CUP from reading a pro-independence manifesto in Valencia. On September 14, **Dolors Sabater**, the mayoress of Badalona, Catalonia's third largest city which is run by a left coalition including pro-independence and pro-sovereignty forces, denounced the Spanish government delegation in Barcelona for making threatening telephone calls to council employees.

At the time of writing (September 17), the Civil Guard claims to have confiscated 1.3 million posters from printeries in Catalonia, while municipal police has been engaged in low-intensity harassment of Yes campaign stalls. However, the main meetings of the referendum campaign, including the Yes case's 13,000-strong launch in the southern industrial city of Tarragona, have so far gone ahead without impediment.

The most potentially damaging action to date was the Civil Guard's closing of the referendum web site. When this was done on September 13 the Catalan government had two replacement sites on line immediately. These and others were then closed down by September 15, but on September 16 premier Puigdemont tweeted instructions on how to access the referendum web site via proxy servers invulnerable to against Civil Guard interference.

Symptomatic of the rising concern the Catalan rebellion is causing in the establishment was the September 12 decision of a Madrid judge to ban a meeting on the Catalan right to decide from taking place on Madrid Council premises: the grounds were that "the general interests of the citizens precludes the realization of public events in favour of an illegal referendum." The organizers of the meeting, the platform Madrid for the Right to Decide, then rescheduled the meeting to another location. When it was finally held on September 16, the crowd overflowed the theatre and filled the nearby street.

At the time of writing, over 60,000 people potentially face charges for associating themselves with the "illegal" referendum and the rumours are of even more drastic action to come. The PP is supposedly moving towards establishing the legal and political grounds for suspending the Catalan government under article 155 of the Spanish Constitution; 4000 extra National Police are ready to be deployed; the Civil Guard is bringing extra agents into Catalonia - such is the daily dose of psychological warfare to which Catalans are being exposed.

In a September 17 interview with the web-based daily *VilaWeb* premier Puigdemont described how far he thought the Spanish government's intervention had come:

"[T]he Spanish government is near as well implementing articles 116 [covering conditions for declaring states of emergency or siege] and 155 without having to declare them. It is looking for the practical impact of a state of emergency - suspension of public events, confiscation of informative material, intimidation of the means of communication, creation of a generalised climate of persecution of all mayors..."

On September 16, in an address to the PP faithful in Barcelona, prime minister Rajoy warned:

"Don't force us to go to a point that we don't want to arrive at."

### **Who are the Authoritarians?**

The blatant goal of the central government campaign has been to create a climate of fear and panic: the October 1 referendum is a political Chernobyl - if you even touch it you won't only go to jail, you'll lose all your assets - like former Catalan premier Artur Mas and three of his ministers, who stand to lose five million euros for allowing a September 9, 2014

“participatory process” (9N) to go ahead in the face of a court ban (over 2.3 million of Catalonia’s 5.5 million voters took part).

Central government ministers have personally weighed into this campaign. On September 12, finance minister Cristobal Montoro said that “nobody’s going to use a euro of public money against the law: it didn’t happen on November 9, and it won’t happen on October 1, unless someone wants to put their assets at risk.” On September 13, Rajoy announced:

“I say to everyone who understands that the government has to carry out its obligation, that we’re going to do that, that they needn’t worry. If anyone is asked to staff a voting centre, don’t go because there can’t be a referendum and it would be an absolutely illegal act.”

With this statement Rajoy unwittingly betrayed his government’s double approach: to stop the referendum by any and every means that don’t entail an intolerable political cost (like sending in the army) and, if that’s finally not possible, to at least drive participation in the referendum to as low a point as possible.

At the core of the PP approach is the big lie that the Spanish government has no choice but to have the law obeyed because a Scottish-style negotiated referendum was always impossible under the Spanish constitution. However, as many Spanish jurists have pointed out, the Constitution provides mechanisms for consultations of a part of the population of the Spanish state – the PP chose not to have one in the Catalan case because it has always seen greater political gain in cultivating anti-Catalanism in the rest of Spain.

Having made that choice, the PP has then had no option but to paint and themselves as the staunch and principled upholders of constitutionality against the authoritarian and anti-democratic Catalan outlaws “abducted” (term of prosecutor-general Maza) by separatism. Matters have reached the bizarre point where some PPer have accused the Catalan government of having Nazi and Francoist tendencies.

### **The Fight to Adopt the Referendum Law**

It was the need to paint the Catalan movement in these black terms that drove the tactics of the PP and the other unionist parties in the September 6 and 7 sessions of the Catalan parliament that adopted the new laws. Spanish television channels were able to broadcast two days of filibustering, procedural haggling and theatrical outrage from the PP, Citizens , the Party of Socialists of Catalonia (PSC) and even from a fraction of the left coalition Catalonia Yes We Can (CSQEP).

It could not have been otherwise. In order to get a referendum in Catalonia in the face of the Spanish institutional refusal to negotiate (18 rejections since 2012), the Catalan parliamentary majority had no choice but to develop its own referendum bill. It was inevitable that this would be met with filibustering and procedural antics aimed at bogging down its adoption. To get it through parliament without giving the opposition the chance to delay its implementation through court appeals, the majority also had to use a fast track procedural provision.

The majority also had to shun the advice of the parliamentary speakership panel’s two legal advisers – who pointed out the bill’s unconstitutionality in terms of Spanish law – and to refuse to allow parliament to seek an opinion from the Catalan Council of Statutory

Guarantees, which would also have been certain to point out that incompatibility. CQSEP MP Joan Coscubiela described this approach as “unprecedentedly anti-democratic.”

However, premier Puigdemont justified it in these words:

“They’ll get us lost talking about public servants, attorneys-at-law, the Council of Guarantees... However, what is important are the citizens. And they are demanding respect for fundamental rights, for human rights, including the right to self-determination.”

In the two days of acrimonious debate, the PP and Citizens speakers made a point of speaking in Spanish, so that their message could be understood by people in the rest of Spain (the interventions of the majority, done in Catalan, would have been mainly lost on them). The supposedly undemocratic behavior of the speakership panel majority and of the speaker Carme Forcadell could thereby more readily become an “accepted truth” for Spanish public opinion: this impression would have hopefully been reinforced for the PP, Citizens and the PSC by their decision to walk out of the chamber when the final vote was taken on both pieces of legislation.

The conservative Madrid media – sworn enemy of the right to self-determination and even of acknowledging Spain’s plurinational reality – described the adoption of the new laws as “democracy kidnapped” (*La Razón*) and a “coup d’etat” (*ABC*). The Spanish deputy prime minister Soraya Saenz de Santamaria, in charge of the PP government’s operations against Catalonia, said: “I’ve never felt such shame on behalf of democracy in my life.”

Prime minister Rajoy then used the supposedly outrageous behavior of the Catalan parliament to justify his government’s legal carpet bombing. He warned on September 13:

“This was an anti-democratic act, a blow against democracy. And in Spain the law gets carried out because if not it would mean that the will of the majority of citizens counts for nothing.”

## **The Battle for Participation**

How has the Catalan government reacted to this aggression?

On the one hand by insisting that all logistics are in place for October 1, that the referendum will be going ahead regardless of the legal and constitutional barrage, and that people should be able to vote at their usual polling station. In cases where local councils refuse to make these available, the Catalan government will make its own premises available as voting centres. At the September 14 launch of the Yes campaign, Puigdemont said: “Does anyone really believe we won’t be voting on October 1? What sort of people do they think we are?”

Such confidence became more plausible earlier on the same day, when the Catalan government and Barcelona Council announced they had reached an agreement on providing voting centres in the Barcelona area. This was an important gain in the critical battle for participation, because it puts Catalonia’s biggest municipality on the side of October 1. **Ada Colau**, the Barcelona mayoress who had come in for criticism for delaying a decision on the issue, came to the agreement with the government despite advice from the council’s legal

service that it would potentially open the administration to prosecution.

On September 16, when the mayors potentially facing charges demonstrated in central Barcelona, Colau was there to greet them on behalf of Barcelona Council. She said:

“This is not about independence. They will find an entire people against them in defence of the rights that have cost so much to win.”

Colau’s position reflected a shift in Catalonia’s non-independence left towards participating in October 1, even while still regarding it as “not the referendum Catalonia needs” but mobilization against the Rajoy government and for a Catalan right to decide. This is because a considerable part of its support – mainly but not only working people from other parts of Spain who have immigrated to Catalonia – do not support a unilateral referendum in which the independence case is likely to win. In the world of the “commons” – the catch-all term for Barcelona en Comú (running Barcelona Council), En Comú Podem (largest Catalan force in the Spanish parliament) and Catalunya en Comú (grouping together Barcelona en Comú and the “old left” forces Initiative for Catalonia-Greens, United and Alternative Left and the green party Equo) – the October 1 referendum had intensified differences over how to relate to a unilateral consultation.

However, in the atmosphere of increasing aggression from the Rajoy government a shift towards greater support for October 1 showed in the results of Catalunya en Comú’s membership ballot on whether to participate. The result was 59.39% for to 41.61% against, with 44% of the membership taking part. According to its coordinator Xavier Domènech, Catalunya en Comú will “stage events denouncing the repression and affirming the rights of the Catalans ... If, finally, there are ballot boxes, we’ll be going to vote.” This was a move away from an initial orientation that focused more on demanding guarantees from the Catalan government than on how Catalunya en Comú might be able to intervene most fruitfully in the referendum process.

It also represented a defeat for those forces in the party that had called for a boycott of October 1, as organized around the manifesto “Don’t Participate or Call for Participation in the October 1 Referendum.” The shift also came with the effective dropping of their call by Pablo Iglesias and Alberto Garzón, leaders at the level of the Spanish state of Podemos and the United Left, for the commons not to participate.

Nevertheless, despite the Catalunya en Comú membership ballot result certain mayors within the universe of the commons will still not be making their councils premises available for the referendum, the main example being the Initiative For Catalonia mayor of the greater Barcelona industrial town El Prat de Llobregat. In other councils where councilors from the commons are part of the government – especially in partnership with ERC – they have already voted to make premises available on October 1.

As for the PSC, it is driving the campaign among working-class voters to ensure that October 1 is a low turnout flop if it eventually goes ahead. In the two provincial capitals run by the Catalan social democracy (Lleida and Tarragona) councils have refused to make premises available despite protests demanding that they do. The PSC has denounced the supposed intimidation these demonstrations represent. In others towns it controls, such as the outer Barcelona industrial city of Santa Colomer de Gramanet, the PSC has refused to make council premises available for meetings on the referendum.

The party has started an active boycott campaign, launching a manifesto called “On the illegal ‘referendum’ of October 1.” There are signs that this may be beginning to have some effect: all polls previous to September 17 showed around 50% of PSC supporters prepared to vote in the referendum. This figure has fallen in the latest Opinòmetre poll to 35%.

However, even as it tries to wreck October 1 and supports all legal activity to stop it, the PSC has to try to appear as not simply the running dog of the PP. A sign that it does not want to cut all ties with forces supporting the referendum was a September 10 statement by PSOE federal secretary **Pedro Sánchez** to the effect that, even if Barcelona Council provided voting centres for the referendum, he did not think the PSC should break its governing alliance with Ada Colau’s party (Barcelona en Comú).

## **Conclusion**

If morale and commitment were enough to win on October 1, the victory would already be secure. In the days since the 712 mayors were summoned to appear before the prosecutors, 38 more have signed up to make their council’s premises available for the referendum. To ensure the proper staffing of voting stations, 5000 volunteers were needed: 47,000 have put their name down to help (13,000 more than for 9N).

Nonetheless, the Rajoy government simply cannot afford to lose this fight. Backed by the monarchy, big business, the establishment media, three of the four major Spanish parties and the four main associations of judges, it still remains confident in its capacity to cripple the Puigdemont government.

The deciding factors will be: whether the Puigdemont government is organized enough to ward off Madrid’s sustained attack on the logistics of October 1; whether the mass of Catalan supporters of independence – and of basic democratic rights – are strong enough to make the Rajoy government pay as high a political price as possible for each new act of aggression; and whether, in the case that the referendum goes ahead, the enormous media campaign to denigrate it as a “fraud” fails to reduce participation.

At the time of writing the political cost of the Rajoy government’s aggression is increasing, domestically and internationally. For example, while its legal aggression has received no explicit support from beyond the borders of the Spanish state, support for a negotiated referendum has come from the Scottish government and from 17 Danish parliamentarians representing seven different parties.

Within Catalonia, the Civil Guard’s confiscation of posters is being answered with the reproduction on home printers of posters downloaded from improvised web sites and then pasted up by teams of volunteers from the Catalan mass organizations. The September 16-17 weekend meetings on the referendum went ahead without police interference and were bigger than all expectations (and the halls in which they were supposed to fit). On September 17, 30,000 marched in Bilbao (in the Basque Country) in support of Catalonia’s referendum.

The campaign for October 1 is increasingly taking the form of a peaceful insurrection for democracy against the authoritarian Spanish state – all democrats will be doing what they can to help it prevail.

**Dick Nichols** is Green Left Weekly’s European correspondent, based in Barcelona. An initial

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