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Spanish Options to Thaw a Frozen Conflict in Catalonia

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Catalonia has held its first elections since Madrid disbanded the old parliament in Barcelona and deposed the leaders of the Generalitat de Catalunya, including Catalan leader Carles Puigdemont who remains in Belgium even though the Spanish National Court in Madrid has withdrawn its European Arrest Warrant against Puigdemont in relation to charges of sedition, rebellion and embezzlement of public funds.

All of this has come in the aftermath of Catalonia declaring itself a sovereign state with Puigdemont as its leader, after a referendum from the 1st of October in which 92% of votes were cast in favour of independence among 42% of recognised Catalan voters.

Whatever one's views were on Catalonia's independence movement, what is clear now is that Europe has a new frozen conflict that no one seems prepared to deal with in a mature manner. If the Greek economic crisis, refugee crisis, Brexit and the current disputes between Brussels against Warsaw and Budapest have taught Europe anything, it should be that popular agitation and conflicts between governing bodies ought to be addressed seriously, calmly and respectfully in order to keep a disagreement from spiralling out of control.

In many ways, Puigdemont helped to freeze the conflict when he agreed to participate (albeit in in absentia) in elections for Catalonia's regional parliament which were ordered by Madrid in the aftermath of disbanding the old parliament and Generalitat (government).

This was an incredibly risky move for Puigdemont. On the one hand, as someone who declared independence, he was the head of a new state. On the other hand, by agreeing to participate in 'regional elections' called by the Spanish Premier, he was de facto acknowledging that the state he earlier claimed to lead, does not in fact exist.

While many will see this as either a coward's way out or an opportunist's way back in, the only conclusion is that Catalonia's position remains as tenuous as ever, but all within the context of a frozen conflict that could reignite at a moment's notice.

In essence, Puigdemont's participation in the Madrid overseen elections has turned his Declaration of Independence into a declaration of intent.

Such a matter is not new to Catalonia as in 2014, a referendum stating a declaration of intent, or perhaps better referred to as a large survey, found that of approximately 40% of eligible voters, 80% wanted to form a state. Those numbers rose to 92% in this year's

vote–one which Catalan authorities at the time called legally binding and definitive, while Madrid called the vote illegal.

After winning the referendum this year, Puigdemont suspended his Declaration of Independence, only pronouncing it in full, after a vote in the Catalan parliament on whether to implement the results. Prior to that, he wanted to engage in a dialogue process with Madrid, but since the government of Mariano Rajoy refused and the Spanish King publicly backed Rajoy, Puidgemont went ahead with seceding from Spain.

All of this now seems like water under the bridge, as new elections have produced a result that is not entirely different than the old one. Three pro-independence parties gained a total of 70 seats in the Parliament while three pro-Spanish parties won 62 seats.

By contrast, in the 2015 Catalan elections, pro-independence parties won a combined total of 83 seats with pro-Spanish parties won 52 seats.

Also of note, while in 2015 the largest single party was the pro-independence JxSí, in the 2017 elections, the largest single party was the pro-Spanish Citizens party.

The electoral arithmetic is currently being interpreted to suit the purposes of both sides as is natural in such elections. In reality though, while it is almost certain that once again, pro-independence parties will form a governing coalition, this doesn't bring any clarity nor closure to the burning issue of independence.

Throughout the prelude, execution and aftermath of this year's referendum, there has been a constant push -pull factor on a Catalan public who appear to be narrowly in favour of independence versus a Madrid government whose acts of police brutality, arrests of peaceful activists and political intimidation pushed many neutral or pro-Spanish Catalans towards the position of favouring independence.

Now that the dust has settled and specifically, now that Puidgemont has agreed to fight his corner from the position of leading the winning bloc in an election called by Madrid, it is clear that some of the wind has been knocked out of the sails of some former Independence enthusiasts.

At the same time, hard-line independence supporters will be disappointed that Puidgemont did not continue to lead an independent state (as declared) while those in favour of remaining part of Spain will be more emboldened by the fact that a new Catalan Republic essentially came and went without a great deal of struggle.

But while many will say that the old status quo of a rebellious region has been brought back into the fold, this simplistic explanation seeks to deny the very real emotions that remain palpable on both sides.

Ultimately, the Spanish Constitution, which has always been a major point of contention among Catalan independence activists will need to be amended. Existing regional powers must be strengthened and future regional and pan-Spanish referenda on a variety of issues must be allowed to be conducted in peace and with proper legal status.

The Spanish Estado de las Autonomías (State of Autonomies) model ought to be replaced with either a federal or confederate model, as the Catalonia crisis has proved that the

current model is no longer adequate. For those who point to the fact that the current model offers higher levels of autonomy than seen elsewhere in Europe, such an attitude negates the danger of Madrid's eagerness to consolidate further power in the face of any disagreement, as allowed by the current constitution, which itself has maintained far too many Franco era provisions for the liking of left-leaning citizens throughout Spain. What good is an autonomous model, if autonomy can be tampered with or suspended when ever a region decides to act in a way Madrid feels is unsuitable?

Spain remains haunted by the ghosts of the Civil War of the 1930s and the recent events in Catalonia have only opened up old wounds.

If Madrid's leaders truly want to preserve the unity of the country, the only solution is to replace the model of regional autonomy with that of a country comprised of co-equal federal or confederate units. Furthermore, given the history of Spain as a country unified by a combination of force and consent (though not popular democratic consent given the political status quo of the 15th century), federal regions must have the opportunity to legally secede in a gradualist framework. If the recent events in Catalonia prove anything, secession becomes more likely if the central government forbids it. The more responsibility each federal unit has, the less likely they would be to seek to take the plunge into independence.

In practical terms, this could mean that if the initially proposed federal units remain unhappy with their status, a confederate model could be opted for, so long as such a proposal receives popular consent. In this way, the would-be "Spanish Confederation" could act as respectful partners with one another and within within the framework of a wider EU which at present acts as a federation, but which in my view ought to transform itself into a confederation.

This would require further rights and responsibilities being transferred to individual federal or confederate units, with the central government's powers being reduced to a role which can facilitate global trade, diplomatic interactions with foreign powers and the EU, as well as a public face of the federation/confederation that must act in accordance with the wishes of the majority of internal units. Ultimately, the best way for Spain to remain Spain would be to follow this model. Confrontation may quill dissent in the short term, but it only creates animosity and resentment in the long term. Madrid's historically hostile position towards Barcelona is one such example of this phenomena.

Such a model would allow local regions to develop independent economic and social models, implement individual language laws (so long as they are non-discriminatory) and develop their unique cultures via consultation with local rather than national representatives.

Judicial de-centralisation is also a must, as the courts in Madrid have traditionally been overly politicised when making decisions on regional matters. In this model, a national court with reduced powers should be comprised of judges drawn in equal number from every region.

Finally, in such a model, all major foreign policy decisions of the central government, should be decided upon through the consultation and consent of each individual federal/confederate unit.

This is the closest approximation of a win-win model given the delicate history of modern

Spain and given the very real agitations that have been unleashed primarily by Madrid's overly harsh reaction to Catalonia's referendum.

While this does not preserve the status quo among Madrid's leaders, nor does it immediately offer independence to Catalonia or other regions, it remains a far more viable alternative than simply nursing a frozen conflict that could reignite at any time.

Implicit in the essence of any "win-win" model, must be an acknowledgement that there are no universal solutions. What works for Spain might fail miserably in a different country, with a different history and more importantly a different set of present day circumstances. "Win-win" is about solving a specific problem or set of problems with a solution that seeks to bring out the strengths of all factions while minimising points of contention.

For Spain and Catalonia, it is high time to reach such a compromise and turn a frozen conflict into a long term thawing process. The alternative–to do nothing, is no longer realistically viable from any perspective.

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