

## 05.10.2014 Catalonia – Madrid. A test of strength

Artur Mas, the President of the Catalan government, has signed a decree calling the electorate to vote in the “consultation” of 9 November 2014 on Catalanian independence. The Spanish Prime Minister Mariano Rajoy immediately referred this decree to the Spanish constitutional court, which complied with the demands of the Spanish State by declaring the consultation illegal. The consultation demanded by the Catalan people has launched a test of strength.

On Friday, the decree was signed; on Saturday it was referred to the Constitutional Court and on Monday a 100 page-long judgement, obviously prepared in advance, was issued by the whole court: clearly there is a question mark over the independence of the Spanish courts from the executive!

This scenario was anticipated, though the extraordinarily short timeframe suggests an extreme response by the Spanish authorities who are committed to using all the means at their disposal. What can they do? Citing the judgment of the Constitutional Court, it can contain every stage in the implementation of the consultation. Thus a TV advertisement urging participation in the consultation has had to be withdrawn and transformed into an ad publicising... the court’s decision, so that the referendum could be mentioned without risking a penalty or even a ban on the broadcasting media, or even the resignation of the administration of the body paying for the advertising, namely the Generalitat de Catalunya. Because the threat is clear: all the authorities organising the forbidden consultation are threatened with dismissal from office, starting with Artur Mas himself.

We know that Spain is a state that has already been condemned on several occasions by the European Court of Justice for human rights violations. Last year, conviction on appeal at Strasbourg forced it to release dozens of Basque political prisoners whom Madrid was refusing to free when they had completed the term of their sentence required by law. These “extensions” had been justified by a law on automatic sentence reductions passed after the event, applying solely to Basque prisoners and applied retroactively. But the conviction did not prevent Madrid from abusing many years of procedural wrangling to keep detainees due for release behind bars.

In other words, the fear of a possible conviction before the European Court of Justice for abuse of power towards the Catalan elected representatives is unlikely to curtail the Jacobin enthusiasm of the authorities in Madrid. So a certain cunning is required... while holding a steady course. This is the decision taken by Artur Mas, who has confirmed that the referendum will be held while “temporarily suspending” his organisation at the Generalitat level so as to block the action of the judges against him. At the same time, he received 900 of Catalonia’s 945 mayors, all reporting their intention of organising the referendum in their municipal areas, forcing as many proceedings in the Constitutional Court and thus creating a legal bottleneck. So while Madrid thought it had won the legal race against the clock, Barcelona has returned the favour!

And all this was announced by an advertisement which begins exactly like its predecessor, confirming “the importance of the date of 9 November”, and which then continues by informing all the Catalan people that the “public consultation on the political future of Catalonia has been challenged at the request of the Spanish government.” The spot continues: “As a result of this challenge, we inform you that the “you decide” campaign has been suspended temporarily and as a precaution, but that the Catalan government has decided to support legal, political and institutional initiatives to guarantee the exercise of the right to decide the political future of Catalonia.”

The Catalan President Artur Mas thus confirmed on Saturday his intention to go ahead, after receiving some 900 of Catalonia’s 945 mayors symbolically delivering motions undertaking to support the organisation of the referendum. “They can try to silence the voice of the Catalan people, but they will not succeed,” promised Artur Mas after the meeting.

So the atmosphere on 9 November in Catalonia will be quite different from that of 18 September in Scotland! In Scotland there was an strikingly relaxed and democratic atmosphere, despite the crucial importance of the matters at stake. In Barcelona the tension is palpable, and Madrid will increase its provocations between now and the date of the vote. And, if the yes vote wins - as the polls suggest\* - these tensions will not readily decline.

The Catalan movement expects a good deal of European solidarity to increase the observers who will hamper Madrid’s moves and who can bear witness to the legal validity of the consultation under international law, which recognises the right to self-determination. Naturally, the European Free Alliance will stand at its side.

*\* Support for Catalan demands for independence has made striking progress. In 2005, opinion polls put support for independence at 15%. In 2010, support stood at 20%, and then it began to accelerate: 25% in 2011, 35% in 2012, 48% in 2013 and 59.7% in the last poll published in 2014. This surge in support was particularly noticeable during the mass demonstration of 11 September 2014 in Barcelona coinciding with the Catalan national holiday.*