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What's Happening in Catalonia: An Interview with Dr. Joaquin Roy

10/07/2017 05:29 pm ET | Updated Oct 09, 2017

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On Sunday, October 1, Catalonians attempted to vote in a referendum to decide whether their autonomous region would become a fully independent state. However, all over the region in northeastern Spain, national police seized ballot papers and boxes. In many instances, they also stopped Catalonians from entering polling stations—violently, if necessary. At least 761 people were injured by police batons and rubber bullets, according to the Catalan Department of Health.

However, the central government, led by Prime Minister Mariano Rajoy, hailed repressive police actions as a victory for the rule of law, citing the 2010 decision of the Spanish Constitutional Court. This ruling declared that even non-binding referendums on complete autonomy are illegal. On Sunday night, Rajoy went so far as to proclaim, “there has not been a referendum on self-determination in Catalonia.” Nonetheless, many Catalonians, including president of the Catalanian government Carles Puigdemont, are celebrating the results of the vote—with 90% of those who voted backing independence—as a significant step towards secession.

Moreover, since Sunday, Madrid has not backed down in its adamancy that Catalonia will not secede from Spain. On Thursday, the Spanish Constitutional Court suspended a plenary session of the Catalan Parliament planned for Monday. This plenary session would have been Puigdemont’s first opportunity to formally declare independence.

With all the political and legal ferment surrounding the Catalanian referendum, including a massive general strike led by trade unions on Tuesday to protest police violence, I decided to consult a native Catalanian to see if he could inject some clarity into the chaos. I called Dr. Joaquin Roy, the Director and Jean Monnet Chair of the University Of Miami European Union Centre of Excellence—one of fifteen such EU-funded think-tanks in the U.S.—to get his take on all that is happening in Spain.

He is widely recognized as one of the leading experts on the EU's relations with Latin America, although he has written many articles and books exclusively on Spain in the European context. Not only has Dr. Roy authored 1,400 columns and essays, published over 200 academic articles and reviews, and written or edited 39 books, he grew up in Barcelona and graduated from the University of Barcelona's law school.

I first asked him about the central government's response to the vote, including the police repression, and why they reacted the way they did. Dr. Roy did not mince words, stating that "their priority is to keep power" and that a referendum of this nature necessarily implied a loss of power. Consequently, the Spanish government did not negotiate and engage in a constructive dialogue. Instead, it insisted that "the constitution is this way and no other."

Moreover, Dr. Roy explained why the administration was so confident in suppressing an ostensibly democratic exercise. He asserted that, per the Spanish Constitution, "national sovereignty belongs to the whole of Spain" and "no constituent part has sovereignty according to the Spanish constitution." The implication is that, because an autonomous community like Catalonia does not have sovereignty over all state functions within its borders, it cannot completely eliminate the central government's authority in Catalan territory. Thus, there are no legal grounds to secede from Spain—much like the states of the Confederacy had no right to leave the Union. Catalonia is in an entirely different category than, for example, the United Kingdom, which merely pooled its sovereignty and never fully relinquished its legal capacity to prohibit outside interference in its internal affairs.

This led me to wonder if Catalonians might be satisfied with any political resolution other than full independence, such as a switch to an explicitly federal system of government or a confederal one in which the state and federal governments are equally sovereign. Dr. Roy was doubtful that those seeking independence could be pacified with anything less than Catalanian independence after the way the Spanish government treated voters on Sunday. "But, who knows?" he caveated.

Further, he reminded that, “the central government has been suggesting reform of the constitution for a while now but that has a process. It has to go through the Congress and then all of Spain must vote in a referendum, but this would take a while and Catalonians don’t have the patience.” He also informed me that, in a more pragmatic sense, parties that support Catalanian independence only have 17 seats, out of 350, in the Spanish Congress of Deputies, making the pursuit of greater autonomy through constitutional amendments a difficult task.

Next, I asked Dr. Roy about Catalonia’s prospects as an independent state, the unlikelihood of such a political development notwithstanding. He insisted that, first of all, “the referendum wouldn’t be legitimate because Spain didn’t consent” and that it likely “wouldn’t be legitimate by international standards.” According to Dr. Roy, not only was the vote illegal, the seizing of ballot boxes by police and the general chaos of the day did not guarantee a fair poll. The fact that 770,000 votes were lost on Sunday only serves to bolster his point.

Dr. Roy also pointed out that, although Spain is an EU member state, any constituent part of Spain which breaks off from the whole is not automatically part of the EU. Catalonia would “still have to go through the rounds” and meet the requirements for accession.

With respect to Catalonia’s chances of joining the EU, Dr. Roy held that “a state first has to be internationally recognized. It is not enough to run through the streets shouting that you are a state.” While the vast majority of international responses to Sunday’s events were fairly tepid—with many political leaders merely expressing the hope that this crisis can be resolved peacefully—the EU was one of the few political bodies that fully sided with Madrid.

The European Commission condemned the independence referendum as “illegal.” Previously, it had referred to Catalanian unrest as an “internal matter” that Spain should handle on its own—and with which it did not want to interfere. Dr. Roy described this policy as a “mistake,” given the ramifications this disorder has for the rest of Europe. Nonetheless, after this referendum, the EU certainly does not recognize Catalonia as a state, much less that it held a lawful vote on its independence.

Dr. Roy later qualified his remarks, stating that if Catalonia were to legitimately achieve independence, it would be difficult to say “if, after five or ten years of becoming a full member of the international community, Spain would still deny Catalonia EU membership.” He referred specifically to Spain’s discretion, of course, because EU accession requires the consent of all 27 member states and it is a challenge to imagine why Spain would reward regions that secede from it with EU membership.

While many political commentators have been comparing the Catalan independence referendum to the Scottish one that took place three years ago, Dr. Roy maintained that there is a clear distinction between the two votes. He said, “the referendum was negotiated in the Scottish case and agreed to by the UK government.” In other words, at the time, the UK government had accepted Scottish independence as a real possibility; as a consequence it would have had to acknowledge, politically and legally, if the Scots had voted for it.

Finally, I asked Dr. Roy how this situation might be resolved and what the implications of the ongoing Catalan unrest were for Spain and Europe.

“Both sides have to sit down and start negotiating some deals. Both have to take some cookies home. They have to realize that they’re both losing. The whole of Spain is losing, the central government, the Catalan government is losing,” he lamented.

Moreover, he claimed, “This is bad news for the European Union. Any member state in political or economic trouble is bad news, especially in this period of reconstruction and speculation. With slow economic improvement, terrorism, and immigration tension, this is the last thing the EU needs.” It is worth noting that, less than 24 hours after we spoke, Spain’s main stock index fell 1.3% and the euro fell 0.7%, manifesting the uncertainty of investors after Sunday’s chaos. Moreover, a few Barcelona-based companies like CaixaBank and Gas Natural Fenosa have already decided to move their headquarters to locations outside of Catalonia, such as Valencia and Madrid.

Dr. Roy concluded, “The cold application of the law has failed. This is the time for real politics and compromises.”

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