

Referendum Interrupted: Has Catalonia a future? - Selfdetermination, nationalism, EU and Kosovo...

Sunday 15 April 2018, by [PINOS Jaume](#), [QOSJA Griselda](#), [VAHLAS Alexis](#) (Date first published: 27 October 2017).

The following interview, which was completed just prior to Catalonia's declaration of independence, was conducted by Griselda Qosja with drs. Jaume Castan Pinos and Alexis Vahlas.

In a 2012 piece for the Huffington Post, the writer Nannette Vonnegut recalled that living with her father, Kurt Vonnegut, was like living with an elephant "that was trying to give birth to something twice its size." I can't shake that image when talking about Catalonia, the effect of whose independence would be twice as big for the EU and its neighbors as it is for Spain and Catalonia themselves. In the political structures in which most of the European countries are entrenched, the slightest change leaves behind a high magnitude of political and social distress. As a result, Catalonia is not only a national but also a European question; a moment in history when the EU should take a clear side.

However, it is not only the EU that should take a side; the Left should also instrumentalise this moment to undo years of inconsistency and vagueness on its approach to the question of self-determination. In the case of Kosovo, to take one example, the nostalgia many leftists feel towards Yugoslavia led them to condemn Kosovo's right of self-determination as a deeply politicized project that benefited the powerful north-western countries who want to disrupt any hegemonic rise from a regional power. This narrative is a rudiment of an outdated leftism that reduces a universal right in order to serve their own narrow political, organizational or national interests.

What would, then, legitimize the demand for sovereignty and self-determination in a moment when the narrative is shifting toward the post-national? Simply the *numbers* of people demanding this right? The *territoriality* of the space they live in? Their *history and culture*? Wouldn't this mean a return to nationalist narratives, their resurgence in a fragmented Europe that could in the future represent a possibility for cross-border conflicts? Absolutely not. Catalanian nationalism offers an opportunity to reflect over the possibility of accommodating regional autonomies within the Union. The EU would only benefit from the fragmentation of its multi-national states and so would democracy.

In terms of international law, the right of self-determination should be a peremptory norm, a *ius cogens*, that the international community must accept with no right to derogate. The second paragraph of the first article of the Charter of the United Nations binds its members to respecting the principle of self-determination of its peoples. [\[1\]](#) The Spanish authorities, however, considered the referendum of 1 October, unconstitutional, arguing that it was not in accordance with the Spanish constitution or procedural rules. This means that the Catalanian referendum is at a deadlock; justified by international legal norms but at odds with Spanish law. The deadlock creates the possibility for Catalonia to unilaterally declare its independence from Spain. Such unilateral

declarations are not only dangerous, but also a rarity. There are, however, precedents; Kosovo's separation from Yugoslavia being one of those.

In order to better understand the current situation in Catalonia, I spoke with Jaume Castan Pinos, an activist and Associate Professor of Politics at the Southern University of Denmark and Alexis Vahlas, an Associate Professor of International Law at the University of Strasbourg.

Jaume Castan Pinos - "...the spirit of Francoism is alive but so is the spirit of those who fought it. The potential Catalan republic is nothing but a homage to those who had dreamt of a democratic, socially fair and progressive republic. This time, a homage from Catalonia"

Qosja: In *Cau de llunes (The hiding place of Moons)* the Catalan poet Maria-Mercè Marçal writes that she is "grateful to fate for three gifts: to have been born a woman, from the working class and an oppressed nation", because this enabled her to be three times a rebel. Does the struggle for the independence of Catalonia intersect with the struggle against traditionalism, patriarchy and the remnants in today's Spain from "El Generalismo"?

Pinos: To a certain extent, yes. It is crucial to bear in mind that the Catalan pro-independence movement is very transversal, covering a wide spectrum of ideologies from Communism and the transformative left to Christian Democracy and Liberalism. The only absences in terms of ideologies, arguably due to history, are fascism and the so called extreme far-right.

In particular, amongst the transformative left represented by the Popular Unity Candidatures (CUP), one can find the anti-patriarchal spirit of Marçal. For this organization, with 10 MPs in the Catalan Parliament, the independence struggle is transitional and contingent, whereas feminism, anti-fascism and the struggle for social justice are essential elements. Indeed, there are many elements of Francoism which have not been eroded by nearly 40 years of liberal democracy. One of them is the testosterone-fueled mentality which is unfortunately very prominent in many segments of the Spanish state apparatus. The pro-independence movement is challenging many pillars and this is certainly one of them.

Qosja: In the aftermath of the Franco regime, with the 1978 constitution, "Catalan" would be a nationality, and the region gained more autonomy: As a Catalanian have you ever felt you come from an oppressed nation? If so, what form did this oppression take?

Pinos: There is no explicit mention of who constitutes a "nationality" and who does not in the Spanish constitution. In the end, they applied the formula of "coffee for all", whereby, as a result of pressure from the Spanish army, all regions gained some sort of autonomy. We shall not forget that the constitution was drafted amidst explicit threats from an army, which had not been purged of Francoist elements. In fact, no one from the old regime lost his/her job in this transition to democracy and needless to say no one has ever faced justice for participating and collaborating with the Francoist authoritarian regime.

We may distinguish two types of oppression, active and passive. The passive one has been constant, for instance, through rulings from the Constitutional Court, which has invalidated our fundamental laws, such as the 2005 status of autonomy, or other laws passed by our Parliament, such as those banning fracking or that outlawing bullfighting. Active oppression has come in waves; the first one in 1992 with the indiscriminate arrest and torture of hundreds of activists, and the most recent one in 2017, during which the Spanish state apparatus has used classic strategies of police brutality against peaceful voters, has violated the most fundamental rights and freedoms and has begun arresting citizens and officials due to their political ideas.

Qosja: Would you agree with me that Catalan nationalism since the late 1910s has progressively become more leftist? [2] Does it reflect today's class-based politics and social tensions?

Pinos: Yes, there seems to be a tendency of "leftification" of Catalanism. Arguably, it is the result of many historical processes and political dynamics. Perhaps the fact that two Spanish authoritarian regimes were conservative (Primo de Rivera) and fascist-conservative (Franco) explains why the Catalan independence movement has had to construct its narrative and fundamentals in opposition to these centralist/conservative forces. Unsurprisingly, Spanish conservatism and all the institutions that support it, such as the army, the crown and a class of privileged *hauts fonctionnaires*, have a certain nostalgia for the lost Spanish Empire. Such nostalgia seems to influence their actions when it comes to addressing the current political challenge posed by the Catalan pro-independence movement.

Qosja: Does this nationalism pose a threat to the EU? Or is it an opportunity to reflect on the possibility of accommodating regional autonomies within the Union? Maybe a return to what Murray Bookchin called "communalism"?

Pinos: Interestingly, a majority of those supporting the Catalan pro-independence movement do not consider themselves nationalists. I am afraid it is too early to foresee how the Catalan crisis might influence other conflicts in the EU or elsewhere. The conflict is still ongoing and we are still far from reaching a final outcome. What we have seen thus far is that when faced with an internal dilemma between sovereignty and people's rights, the EU political elites strongly side with sovereignty. This is in stark contrast to those instances when this dilemma occurs externally, where very often the EU has sided with people's rights to self-determination, while neglecting the sovereign state. This leads me to conclude that these "values", which are very often propagated by the EU, may just be political instruments to undermine geopolitical rivals.

Qosja: The Spanish left has been criticized for a perceived lack of coherence in addressing the Catalan question. Is the Spanish left fractious? What is the strongest criticism you have against Podemos?

Pinos: Out of the four big parties in Spain, Podemos has been the only one which has criticized police brutality and the violation of fundamental rights in Catalonia. All the others, including the Socialist Party, have uncritically supported the repressive actions of the central government. I believe that they deserve some credit for that.

My critique though is that the solutions they propose are useless, to say the least. On the one hand, they claim that the solution to the Catalan conundrum is "an agreed referendum". Given that the pro-repression forces have a robust majority in the Spanish parliament, this is at most a chimera, which allows them to build a discourse but which has no impact whatsoever in "real life". On the other hand, they propose to oust the Rajoy government by building a coalition with the socialists and with the pro-independence parties. Unfortunately, this is yet another political fantasy because as we have seen in recent weeks, there is no difference whatsoever between the current government and the socialists when it comes to dealing with Catalonia.

Qosja: Many people maintain that the videos of violence in Catalonia were manipulated. You were in Sabadell during the referendum. Can you describe what happened there?

Pinos: This is a claim which has come from the Spanish government; they have even criticized the foreign media for "siding with the separatists". This claim is preposterous, they even question whether people were actually injured. In that respect, it is important to note that the Catalan Medical Association has warned that they would sue all of those who deny that there were injuries

because the (medical) evidence is so compelling.

I was in Sabadell, my hometown, indeed, protecting a school for 17 hours in order to guarantee that those who wanted to, had the possibility to vote. We were only open for 6 hours instead of 11 because of security reasons. A school (Nostra Llar) located 500 meters from where I was, had been stormed by over a hundred officers from the Spanish National Police. While looking for the ballot boxes (which they never found), they destroyed the entrance, doors, classrooms... I saw it with my own eyes. I also saw the effects of the batons on those who had been beaten up. It was heartbreaking.

On a more positive note, I accompanied old men and women in their 80's and 90's who, very often in tears, told me that they "had seen this before" but that this time the "fascists were not going to pass", emulating the classic resistance slogan of "*No pasarán*", used by the antifascists defending Madrid at the early stages of the civil war. Some youngsters I spoke to also made references to the civil war: "we are the granddaughters of those whom they could not kill in 1939". As I argued earlier, the spirit of Francoism is alive but so is the spirit of those who fought it. The potential Catalan republic is nothing but a homage to those who had dreamt of a democratic, socially fair and progressive republic. This time, a homage *from* Catalonia.

***** Alexis Vahlas - "In order to have a legitimate separation, you need to have the majority of the citizens."**

Qosja: Spain's Constitutional Court declared the referendum on Catalanian independence illegal. Fourteen Catalan officials were arrested. Newspapers' offices were raided without a warrant. Could this be a case of *Quis custodiet ipsos custodes?* [3] How can a constitution be held to account?

Vahlas: Indeed the question is about sovereignty, i.e. who has the ultimate absolute legal power. So except in rare exceptions, when the right of secession is recognized by the parent state, the separation is always a breakaway and disrupts the constitutional order. That's the reason why everyone plays their own role, with Barcelona invoking democracy whereas Madrid insists on constitutional legality.

Qosja: You were in Barcelona during the referendum, would you say that there were procedural irregularities?

Vahlas: I cannot give an official assessment but, in the polling stations I saw, you had a lot of people at the same time and processed very quickly. I am not able to say if voter identity was properly checked.

Qosja: Would Catalonia have a future in the European Union if it becomes independent?

Vahlas: Yes, indeed, an independent Catalonia would be a stable and rich entity with already all the "*acquis communautaire*" in place. Nevertheless, prior to an effective independence and the approval/resignation of the parent state, you cannot expect the EU to encourage the dismemberment of one of its own member states. That's the reason why the EU is now showing more support to the unity of Spain and insisting on the necessity for a new independent state such as Catalonia or Scotland to go through the accession procedure.

Qosja: You have been a Chief Political Advisor for the NATO Joint Forces in Naples, dealing with the crisis in the Balkans. Is there any similarity between the succession of Catalonia and that of Kosovo?

Vahlas: There are similarities because it is the same legal problem of what is legally called a separation of states. But you have two key differences. Firstly, Kosovo Albanians suffered severe

oppression which is absolutely not the case in Catalonia. Secondly, and maybe as a consequence, the popular will was clear in Kosovo, whereas campaigners for independence in Catalonia, as in other rich regions of western democratic states, such as Scotland or Quebec, do not represent the majority of voters.

Qosja: What could be the consequences of a unilateral referendum? How would this affect the Basque question?

Vahlas: In the case of Catalonia, there is one element that is always forgotten but will remain the only one that counts. Let's call it the truth of numbers. If you look at the numbers given by the independence campaign themselves, despite possible irregularities, the option of independence received 90% of votes with a turnout of 42.3% and 70000 blank and null voids, which means that independence was supported by a clear minority of voters - maybe 1.9 million out of 5.3 million citizens. The vast majority of voters did cast a negative vote or decided not to participate in the referendum, which was considered illegal by the central state. In that case, there is no clear popular will in favor of independence and the consequences can only be limited. It is likely that any similar initiative in the Basque country would bring the same result. So let's not confuse cases where you have clear popular will, like in Kosovo, and hesitant populations in Catalonia, Quebec or Scotland. In order to have a legitimate separation, you need to have the majority of the citizens.

Griselda Qosja

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Footnotes

[1] Although, this right was seen in the light of post-colonial developments.

[2] During this time in Catalonia the tensions between workers and the bourgeoisie grew significantly, and many leftist groups moved onto the political scene.

[3] Who will guard the guards?