

## **25 YEARS OF CATALAN AUTONOMY**

*Klaus-Jürgen Nagel*

### **1. INTRODUCTION**

Catalonia and Scotland have often been compared,<sup>1</sup> Both can be considered stateless nations where people struggle with non-violent means for national recognition, and often for a better accommodation in their state and in Europe. Both countries lost their independence at the beginning of the 18<sup>th</sup> century. Both have their own particular civil societies and party systems, although both governments are now led by state-wide parties. Both have a good economic performance, without being at the top of the GNP per capita hit lists of their respective states. Both are leaders of a process of devolution that affects other parts of the United Kingdom and Spain as well. In both places (but more in Scotland), independence is an option. In both places (but more in Catalonia) double identities prevail.<sup>2</sup>

These similarities sometimes hide the differences from our view. Language is, of course, one of them. It is still the main marker of Catalan identity. Therefore, Catalan nationalism has sometimes been classified as 'ethnic'. But language is not like descent. It can be learnt and that may mean acceptance, if no high barriers of linguistic perfection are erected. Migration is another difference. During the fifties and sixties, massive immigration from Southern Spain was encouraged. Between 1950 and 1975, nearly 1.5 million migrants

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*Klaus-Jürgen Nagel is a lecturer at Universitat Pompeu Fabra, Barcelona.*

<sup>1</sup> See my article on 'Transcending the National/Asserting the National: How Stateless Nations Like Scotland, Wales and Catalonia React to European Integration', *Australian Journal of Politics & History* 50, 2004, 1, pp. 57-74.

<sup>2</sup> See John MacInnes, 'Neonacionalisme i identitat nacional a Escòcia i a Catalunya', *Diàlegs - Revista d'Estudis Polítics i Socials*, Vol. 2, 1999, 6, pp. 7-36.

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arrived, most of them young people. During this time, Catalonia gained nearly 2.5 million inhabitants. In 1975, about half of the inhabitants of Barcelona were born outside Catalonia. Barcelona and other industrial cities took a more 'Spanish' outlook, and the Catalan bourgeoisie, which had defended 'light' forms of Catalan regionalism before, lost influence to newcomers, too.<sup>3</sup>

But another difference may still be more important. Catalonia may be like Scotland, but Spain is surely not the United Kingdom. While the 'Union' of the parliaments of 1707 afterwards permitted Scottish people to conceive themselves as (minor) partners in dominating the largest Empire the world had ever seen, Catalans were militarily vanquished in 1714, and deprived of nearly all their constitutional particularities (and formally, till the end of the 18th century, even excluded from trading with the colonies of an Empire Spain was to lose soon afterwards). Events of contemporary history underline this difference. The Thatcher years gave Scottish devolutionists a specific democratic argument. But they cannot be compared to 40 years of Francoist dictatorship, when Catalan language, national symbols and culture were forbidden or reduced to the category of Spanish folklore. This particular experience marked the process of establishing autonomy and, afterwards, its consolidation. And it meant that Spanish democratisation with its constitutional process and the establishment of Catalan autonomy overlapped and influenced each other.

The following remarks on Catalonia's now 25 years of autonomy will show the importance of these differences.

### **2. MARKING THE PATH: THE SETTING UP OF THE INSTITUTIONS**

The Franco regime was not brought down by popular protest. It just expired. But in Catalonia, popular resistance had been strong. Both nationalists and progressives formed part of this opposition. So did many Catalan Catholics. In Spain, transition was a *pact* between the powerful reformers of the old regime and the moderate opposition, under the watchful eyes of the army and

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<sup>3</sup> See Klaus-Jürgen Nagel: 'Catalan "nation-building" and the transition to democracy in Spain', in: *Scottish Affairs Special Issue: MacInnes, John/McCrone, David (eds.): Stateless Nations in the 21st Century: Scotland, Catalonia and Quebec*, Edinburgh 2001, pp. 122-136.

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other real powers (*poderes fácticos*). In Catalonia, the political climate seemed more in favour of *breaking (ruptura)* with the past. The first Spanish democratic elections in 1977 already demonstrated that the future Catalan party system would have some particularities. The celebration of the Catalan national holiday in September brought one and a half out of six million Catalans on the street.

To accept Catalan autonomy had become a necessity. Elected Spanish Prime minister Adolfo Suárez had to acknowledge it. In a clever move, Suárez brought back the half-forgotten president of the republican Generalitat in exile, Josep Tarradellas. He represented the continuity of the short-lived Catalan autonomous government of the Second Spanish Republic<sup>4</sup>, as he had been elected by the surviving deputies of the Catalan parliament in the (Republican) Spanish embassy in Mexico in 1954. Suárez paid the (limited) price of accepting a certain Republican legitimacy, as he broke with his general principle of regime transition from Francoism. But together with Tarradellas and using the Tarradellas-led all-party provisional Generalitat<sup>5</sup>, Suárez could now bypass the elected Catalan representatives in the Madrid parliament.

Accepting the terms of transition, the Catalan left (PSC-PSOE and PSUC) and Pujol's 1976-created *Convergència* party gave up claims to *ruptura*. This became evident when Suárez took care to let them participate in the preparation of the new Spanish Constitution in 1978. The coincidence between the Spanish constitutional process and the concession of autonomy is one of the most important differences in relation to Scottish devolution, which was realised under the auspices of a long-established parliamentary democracy.

During resistance to the Franco regime, many Catalanists had become Pancatalanists and defended the claim that the Catalan Nation included all countries where Catalan was spoken (mainly Catalonia, Valencia, the

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<sup>4</sup> *Autonomy was conceded by Statute in 1932, suspended in 1934, and recovered in 1936, to be abolished effectively by Franco in the beginning of 1939.*

<sup>5</sup> *The name of Generalitat alludes to the medieval Catalan administration (first Generalitat) and the autonomous institutions of 1932 (second Generalitat). The concept includes the legislative and executive branch of Catalan government now (Catalonia has no juridical system of its own).*

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Balearic Islands and French Catalonia), and they held that these countries should forge a federal agreement between them. The Constitution forbade pacts between Autonomous Communities. It recognized only one Nation, the Spanish one, and only one State, Spain. The existence of 'nationalities' is mentioned only once (in Art. 2), without specifying them. Spanish autonomous communities are therefore part of the Spanish state. Spain is no federation.<sup>6</sup> The second chamber has only a small role in the legislative process. Only a smaller number of the senators represent the Autonomous Communities (and owe their seats to elections in their parliaments). The Autonomous Communities have no share in the selection process of the judges of the highest tribunals, including the very important *Tribunal Constitucional*. Autonomous Communities have no decisive role in the amendment process of the constitution.

While Autonomous Communities have not much 'share' in the ruling of Spain, they have considerable 'self' rule. The Constitution provides catalogues of powers. Those powers may or not be taken or may be delegated to the Autonomous Communities. The particular set of powers to be enjoyed is left to the negotiations of the particular Statutes of Autonomy (*principio dispositivo*).

The 1978 Constitution established different ways to autonomy, and the question whether the whole state should be regionalised or not was left open. It seemed to provide a framework for asymmetrical decentralisation, and that included a differentiated treatment of the minority nations and the possibility of recognising the specific situation and the rights of the historical 'nationalities'. But the later development showed that the constitution could be used as well as the basis for a 'coffee for all' (*café para todos*) policy, distributing autonomies among Spanish regions, even those which had rarely (if ever) asked for it. Most of the Spanish Autonomous Communities were set up after 1978. The constitution is not very specific on the financial regime, with the exception of the Basque Country and Navarre, which received recognition of their specific and advantageous *foral* system, where local agencies collect the taxes and, afterwards, pay the previously established quota to Madrid.

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<sup>6</sup> For a comparison to federations, see my article 'Die "Autonomisierung" Spaniens – ein abgeschlossener Prozess?', *Jahrbuch des Föderalismus* 4, 2003, pp. 222-231.

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On the one hand, the Constitution was (and arguably still is) relatively open to different interpretations, even asymmetrical ones. On the other, it is armoured against amendments. Changing one of the core articles of the Constitution demands a 2/3 majority of the Houses, followed immediately by their dissolution and new elections. The new Houses will have to ratify the amendment by another qualified majority (2/3) vote.<sup>7</sup> After the successful transition to democracy, the Constitution (and even its text) is now an important symbol of Spanish national identity and unity. Its canonization and the difficulty in amending it contrast with the unwritten constitution and the parliamentary sovereignty of Great Britain.

Catalan autonomy was realised, finally, under the Constitution, with the Statute of Autonomy passed in 1979. The Statute is different from the Constitution of a federated state, as it is Spanish organic law, passed by the Madrid Cortes and ratified, without the possibility of amendments, by referendum in Catalonia, where it received an overwhelming majority. When Tarradellas had come back, he had addressed his fellow countrymen as 'citizens of Catalonia'. According to the Statute, to be a Catalan depends on being Spanish. Every Spaniard who lives in Catalonia is a Catalan. This compares with Pujol's famous definition that everybody living and working in Catalonia shall be considered as a Catalan. But the Statute makes a concession to Catalan linguistic nationalism: it declared Catalan to be Catalonia's 'own' language. Catalans have the right to use it, but as Spaniards and according to the Constitution, they have not only the right to use but also the duty to know Spanish as well. This way, the already existing asymmetrical bilingualism has been confirmed. All Generalitat governments saw it as their task to try to compensate for this the situation by using affirmative actions favouring Catalan.

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<sup>7</sup> *Articles which can be amended only by this complicated procedure include the ones on sovereignty, the indissoluble unity of Spain, the one Spanish Nation, the only state language, the armed forces, and the crown. A current problem is the abolition of gender discrimination in regard to the succession to the throne. Other articles can be amended by overwhelming majorities in both Houses, unless 10% of the members of one of the two chambers ask for referendum. Politically speaking, no amendment will succeed against the opposition of one of the big Spanish parties, but amending can take place against the will of one of the minor nations, or of the Governments of the Autonomous Communities.*

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It is fairly difficult to change the Catalan Statute of Autonomy (but by far not as difficult as to amend the Constitution). Firstly, a 2/3 majority of the Catalan parliament is needed. Then, the Parliament submits the project to the Madrid Cortes. The Cortes resolve whether to discuss it, and, once accepted, to introduce the changes they may find convenient. Finally, if approved by absolute majority of the Cortes as a Spanish organic law, the Madrid text is submitted to the Catalan electorate. Several political and juridical devices can be used to hold up the process.

The successful referendum of 18 December 1979 opened the way for the first election to the Catalan parliament, which took place in March 1980. Surprisingly, these elections were won by Jordi Pujol's nationalist *Convergència Democràtica de Catalunya*. The Catalan socialists of PSC-PSOE, in particular, who had built up a powerful party by merging existing Catalan parties with the Catalan Federation of the Spanish PSOE, could not drink the champagne they had stored in their refrigerators to celebrate the expected electoral triumph. Still shocked, they did not accept joining Pujol as a junior partner of a coalition government and preferred opposition, where they had to stay until 2003. The first party in all Spanish elections in Catalonia, and in all municipal elections in the town of Barcelona, was relegated to playing opposition in a parliament to whom the Statute gives only a limited role. During 23 of the 25 years of autonomy, Catalonia has had the same president, Jordi Pujol, governing sometimes with absolute majorities, sometimes in coalition with centrist or other nationalist parties, and, during the last years, even with the toleration of the Catalan sector of the Spanish Popular Party (the Right).

During all those years, Constitution and Statute remained without important changes. Constitutional prescriptions and their relations to the articles of the Statute were interpreted by the Constitutional Tribunal, of course, which protected the Statute against general downgrading by the central legislative process (the LOAPA decision of 1983), but permitted widespread use of 'loapillas' (small LOAPAS, basic laws) even in powers considered to be 'exclusively' in the hand of the Generalitat. The bilateral relations established with Madrid helped the Catalan president to become the dominant figure of the Catalan institutional system. He not only represents Catalonia; he is also a representative of the Spanish state in Catalonia (as Spain is no federal country, there is no constitutional notion of Catalan stateness). He usually

dominates his Cabinet ministers; he may dissolve parliament when he thinks fit, but can only be ousted by the election of a successor.<sup>8</sup>

### **3. HEGEMONY OF PUJOL, ‘COFFEE FOR ALL’, AND THE UPS AND DOWNS OF ASYMMETRY**

The Spanish transition to democracy (1976/7-1982) has provided both Spain and Catalonia with new institutions. The path was marked. Catalan politicians had renounced self-determination in favour of securing Spanish democracy, considering the reality of *poderes fácticos*, and the dependence of self-government on having democracy in Spain. The Spanish pact of transition, therefore, included Catalans and Catalanists. In the following years, popular movements tended to demobilise, and the development of the institutions and of the party system contributed to this. Political issues and even issues of national importance passed into the hands of professional politicians and administrators.

Pujol’s 23 years of governing Catalonia can of course not only be explained by the bilateral character of relations with Madrid. Pujol managed to use the resources of his office to extend public support. At the same time, he acted as the ‘mayor of Catalonia’, inaugurating public works and knowing everything about everybody. He rallied all (but one) of the smaller parties of the centre, even those of very doubtful Catalanist ideology. All of them ended up in *Convergència*. The only surviving party of the centre, *Unió Democràtica*, a historical christian democrat and catalanist party, finally federated with *Convergència*, but has often used its independence to gain a disproportionate influence in government policies. The current party system of Catalonia originates from transition. Socialists and *Convergents* represent two different positions on two axes: the national(ist) one and the left-right one. The smaller parties, statewide PP (conservatives) and non state-wide *Iniciativa per Catalunya* (formerly PSUC and others – left and ecological) and *Esquerra Republicana* (ERC – independentist), complete this two-axes system (left-right and *Españolista-Catalanista*) with cross-cutting cleavages and multiple possibilities of coalitions. State wide parties, when necessary, always sought

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<sup>8</sup> *For the Catalan institutional system, see Miquel Caminal Badia and Jordi Matas Dalmases (eds), El sistema polític de Catalunya, Barcelona 1998. For reasons of space, no analysis of Catalan public policies can be presented here.*

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Pujol as partner, often leaving their Catalan regional parties standing in the lurch. These situations of PSOE-CiU and PP-CiU partnerships produced the main changes in Catalan autonomy during those long years, an experience which cannot be compared to Scotland until the London and Edinburgh governments have been led by different parties.

The Pujolist years may be divided into two periods, according to which party ruled in Spain: Felipe González's Socialists, and Aznar's PP. In February 1981, part of the Guardia Civil and the military had attempted a *coup* in order to stop the transition to democracy and autonomy. Under the impact of this unsuccessful rebellion, the then governing UCD and the main opposition party, González's PSOE, agreed to canalise the autonomy process by downgrading those Autonomies which had won higher levels of self rule, Catalonia among them (the particular *foral* regime of Navarre and the Basque Country is anchored in the constitution and therefore secure). The result was the famous LOAPA law. When the Socialists came to government in 1982, they continued this policy. But the Constitutional Tribunal declared the LOAPA partially unconstitutional. However, this did not stop the stubborn juridical infighting between the central government and Catalonia; juridical discussions substituted for political ones during those years. Other means to be used were organic laws and other framing legislation, the 'golden reins' of finance, and the state administration at the periphery. Socialist administration led the country to international recognition as a democratic partner (EU, NATO ...), and Spaniards recovered national pride but, on the other hand, Socialists in high government positions engaged in a dirty war against Basque separatist terrorism.

In Catalonia, Pujol defended the proposition that what was good for Spain, also was good for Catalonia: state stabilisation and economic prosperity were essential for Catalonia, which had the mission of being the economic motor of Spain. While he was a partner of González on the Spanish level, his Catalan adversaries of PSC-PSOE had a difficult job, among other reasons because some of their main leaders were members of the Spanish cabinet. Instead of presenting a national alternative of their own for Catalonia, they sometimes preferred to present themselves as 'no-nationalists' but 'Catalanists', insisting upon federalism, which sometimes made them unpopular with their Spanish party fellows. Sometimes, they tried to defend socialist-administrated Barcelona as the 'second capital' of Spain. On the other hand, in some regards, both major parties of Catalonia always could compromise on basic issues for Catalan nation building. The first law of language normalisation

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was agreed unanimously by the Catalan parliament in 1983. The price for unanimity was toothlessness; many prescriptions of the law were not enforced. At least, and by decree, 'immersion' was established. At the beginning of their obligatory education, children were exposed to Catalan as their only school language (at least in theory), in order to compensate for societal predominance of Castilian. Teaching Catalan expanded the knowledge of the language, above all the reading and writing capacities, which were low after 40 years of oppression. On the other hand, social use of Catalan has not developed in the same direction, and is arguably diminishing in some sectors, above all among young people. But language-orientated mobilisation campaigns languished, and have lost most of their former importance, as the issue is in the hands of the Catalan government now. The setting up of Catalonia's own TV channel TV3, functioning exclusively in Catalan, was a very important step for Catalan nation-building. But in 1988, the socialist government in Madrid opened the doors for private TV, and the dominance of the Castilian language on the screens was restored.<sup>9</sup> During the eighties and nineties, dual identity increased.

On the other hand, the main Spanish parties PP and PSOE, in 1992, agreed to bring the non-national Autonomies up to the level of autonomy enjoyed by the first comers: more 'coffee' was handed out. The LOAPA objective of symmetry was now to be reached by upgrading the lesser autonomies. The ministers of finance of all Autonomous Communities with the exception of the two *foral* ones (Navarre and the Basque Country) were brought together in the Council of Financial Policy, in compliance with the organic law on Autonomous Finances. Harmonisation of living conditions was furthered. But while decentralisation made progress, many Catalans and Basques continued to talk the language of national recognition.

However, during the eighties, the priority of Catalan politics was to guarantee a smooth transfer of those powers which the constitution and the Statute had promised to place into Catalan hands, but which in many cases were

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<sup>9</sup> *TV 3 still competes to be the most watched channel in Catalonia, but only with a 20-25% share of audience. The second Catalan channel, Canal 33, some of the local TVs and some special interest channels cannot compensate for Spanish language supremacy. While the printed media are nearly all in Castilian, Catalan dominates radio broadcasting.*

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surrendered only hesitantly by the central state.<sup>10</sup> On the other hand, where powers were transferred, financing was delayed or insufficient. Catalonia's debts soared and are now among the highest of all Spanish Autonomous Communities. Things run better for Catalonia (and other Communities) when Spanish governability has had to be provided by the Catalanists. All Autonomous Communities willing to participate in the scheme received, directly, a 15% share of the local amount of the Spanish tax revenue. As Catalan European policy demonstrates, Catalonia had accepted playing the role of a 'region'. However, prejudices against the 'exploiting Catalan bourgeoisie' continued, and Pujol's 'a bird in the hand' (*el peix al cove*) policy was seen as continuous Catalanist blackmailing. On the other hand, Catalan nationalists (and other Catalans!) considered that, as net payer to both Spain and Europe, Catalonia was entitled to higher state investment than it really received, thereby insinuating a Spanish exploitation of the Catalan taxpayer which damaged the Catalan economic motor, to the detriment of all. But on both sides, party elites proved able to domesticate the populists when necessary.

After the 1993 election, the González government passed its last, long and agonising period, when it constantly depended on *Convergència i Unió* to maintain its majority in the Spanish Cortes. This dependence on Catalanist votes in the Cortes continued under the first PP government, elected in 1996. Aznar even assured the media that he spoke Catalan with intimate friends!

Pujol managed to convince his party that giving support to the Spanish PP assured the governability – and thereby prosperity – of Spain. The PP had to remove its Catalan leader Vidal Quadras, who had used a populist anti-Catalanist discourse attacking a supposed discrimination against Castilian speakers in Catalonia. And it was the PP whose government lifted the 15% share in the income tax to 30%. Finally, during a new round of asymmetry, even some state competencies were delegated to Catalonia, notoriously traffic policing. In spite of this, the Catalan section of the PP did not vote for the 1998 language law, which still was passed, with the support of two of the opposition parties.<sup>11</sup>

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<sup>10</sup> *Arguably, not all of the powers to be transferred according to the 1979 statute have yet been transferred completely.*

<sup>11</sup> *ERC voted against, for opposite reasons.*

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The Pujolist years can be characterised by a gradualist strategy to secure and possibly expand the reach of Catalan autonomy and its financial regime. It did not try to change or amend the Constitution and the Statute. Its success required the dependence of the Spanish government on Catalanist votes in the Madrid parliament. Declarations of Catalan national rights were part of the strategy: the 1989 and 1998 resolutions of the Catalan parliament supporting a Catalan right to self-determination had no practical consequences. Where central state regulations suited the Catalan ruling parties (as in the case of the electoral law)<sup>12</sup>, even real spaces of autonomy were not used.

Above all, under the second Aznar government, when the PP governed with an absolute majority in Spain, while Pujol in Catalonia needed PP votes in the Catalan parliament, the weaknesses of this position became obvious. PP and PSOE came to terms on questions of Spanish importance, for example on the financing of the non-*foral* autonomies. The PP government struggled to recover powers in the area of education and universities, diminishing the possibilities of Catalan nation building. The climate in public opinion on the issue of Catalan autonomy worsened, especially as tensions in the Basque country increased, above all during the Basque elections of 2001, when two national(ist) blocks fought each other.

During this period, the PP, a successor party of the old AP who had not voted for the Constitution in 1978, underlined its particular understanding of 'constitutional patriotism', as the party termed it. For the party, the Spanish state of autonomies has been consolidated. No major changes are necessary. Spain is now a decentralised one-Nation state. The state of autonomies is interpreted as the coronation of Spanish national history.

#### **4. A NEW STATUTE IN THE MAKING?**

In the last Catalan elections of 2003 no party won an absolute majority. *Convergència* received more seats, but the socialists more votes. After having preferred, during the previous legislature, the support of the PP to a coalition with ERC, *Convergència* now failed to build a coalition with this fellow nationalist party. ERC leaders finally preferred a tripartite arrangement with

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<sup>12</sup> *The Spanish electoral law favours the rural hinterland, as all provinces are given a basic number of representants, before eventual additional ones are added according to size of the electorate. Convergència dominates the hinterland votes.*

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the socialists and the leftist greens of Iniciativa to the offer from Convergència, and Pujol's old rival Pasqual Maragall became president. During the Catalan campaign, the Spanish socialist leader José Luis Rodríguez Zapatero had promised that a Socialist Spanish government would accept without any amendment a new Catalan Statute if the project was backed by an overwhelming majority of the Catalan parliament. No one really believed that someone would be able to ask him to keep his promise.

But surprisingly, in spring 2004, the Socialists won the Spanish election. As the PSOE is, in theory, a federalist party, a 'federal spring' seemed to have arrived in Spain.<sup>13</sup> During the campaign, the Socialists had promised even some reforms of the constitution (including the conversion of the Senate into a territorial chamber), but while the Catalan organisation of the party and Pasqual Maragall defended an asymmetrical federalism, many party leaders from the interior of Spain would not go beyond the current system. Facing these difficulties and considering the additional problem that constitutional amendments need the support of the PP, Catalan (and other) reform initiatives concentrated on the reform of the system of financing and, above all, the Statutes.

The controversies over the Basque intent to reform its Statute in the direction of a new type of association between the Basque country and Spain (the so-called Ibarretxe Plan) with its implications for sovereignty (the last decision in the hand of the Basques) seemed to favour other reform projects, which never would be as far reaching and could be presented as moderate. But the defeat of the Ibarretxe plan in the Cortes (where it was not even admitted for discussion), and the subsequent electoral draw in the Basque election, brought the Catalans into the centre of Spanish nationalist attention, and the Catalan independentist leader Carod seemed to have substituted the retired Basque nationalist leader Arzálluz as Spain's most important national enemy. Now, more moderate projects (notoriously the Valencian one, backed by both PP and PSOE, among others) are treated favourably by the Spanish media.

But the Catalan project is different from the Basque one. The three-party coalition pact of 2003 had included a compromise for a new Statute with a recognition of Catalonia's national character and a new, *foral* like system of

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<sup>13</sup> See my article on 'Verfassungs- und Statutsreformen in Spanien: ein föderalistischer Frühling?', *Jahrbuch des Föderalismus* 6, 2005, pp. 458-474.

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financing the autonomy. The Statute should help to develop Spain towards a federal system, recognising national plurality (*Espanya plural*). Given the fact that all parties expected a PP victory in Spain, this seemed to mean, in practice, a mere process of Catalan deliberation, in order to demonstrate that the three-party government was as nationalist as Pujol's (who never had really ventured into Statute reform), but which probably had to end, if ever, in a PP dominated Madrid parliament.

But the Socialists won the 2004 election, a window of opportunity had opened, and the Catalan three-party coalition had to try to deliver. After more than a year of deliberation, it presented a project agreed by nearly 90% of the Catalan parliament.<sup>14</sup> Only the PP members voted against it. In terms of defending this statute, the three-party coalition was backed by *Convergència*, the main opposition party.

The projected Catalan statute, in terms of identity and in terms of financial autonomy, goes considerably beyond the existing one. It defines Catalonia clearly as a 'Nation', it places Catalan and Spanish on the same level (both with a right to use and an obligation to know), and underlines bilateral ways to resolve possible conflicts with the central government. And it proposes a system of financing which comes closer to the system used by the Basque Country and Navarre. Catalans of all parties deplore the financial deficit, as their taxes now go to Madrid while Spanish public investments neither correspond to the amount of taxes collected in the territory, nor even to Catalonia's share of the Spanish population. Exact numbers of the deficit are not to be had, as the Spanish government never publishes the corresponding information, raising considerable suspicions in Catalonia. The numbers of the Catalan socialist administration indicate a deficit of between 7 and more than 9% of the Catalan Gross Domestic Product, according to the year of reference, with a tendency to grow. But while, according to opinion polls, 76% of Catalans know that Catalonia has a financial in relation to Spain and only 4% believe otherwise, only 20% of all Spaniards (including Catalans) think so; another 20% believe financial relations to be balanced, and 27%

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<sup>14</sup> *The Basque project had only counted with the smallest of all possible majorities, as it could only be passed because of the radical separatists voting 3 in favour and 3 against. Their expected abstention as independentists would have stopped the project. This manoeuvre has always been considered to represent a lack of legitimacy of Basque aspirations.*

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even think that Catalonia receives more Spanish public spending than it contributes to Spanish revenue.<sup>15</sup>

While the PP clearly rejects the project and is currently (autumn 2005) organising a costly public campaign against it, the Spanish PSOE government finds itself in a dilemma. While many party leaders from the interior of Spain, including First Ministers and important ministers of the current Spanish government, are fighting against the main aspects of the project, the Catalan socialist party is its co-author, voted for it in the Catalan parliament, and has to stand up for it. While Spanish voters might prefer to reject the project straight away (and the PP will correspondingly try to wear out the Zapatero government on the question), the Catalan Maragall government must fear losing votes to *Convergència* if the text suffers too many distorting amendments during the negotiations in Madrid. Its Catalan allies might have no relish for a party that agrees a common text in Barcelona, promises to stand for the compromise, and afterwards collaborates to change it in Madrid. Even in Spanish elections, the Spanish PSOE depends more on Catalan voters than the Spanish PP. For the Catalan PP voter, diluting the Statute in Madrid is much less of a problem.

After the surprise of a Socialist victory in Madrid brought a partial coincidence of the governing parties in Barcelona and Madrid, a window of opportunity for a new Statute of Autonomy has opened. Paradoxically, it may be that, under Spanish conditions, reform and non-reform might be dangerous for the party which governs in both places.

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building is still not finally decided. On the other hand, Spanish counter projects of so-called constitutional patriotism and the intent to recover power in nationally sensitive areas have had no clear success either.

While decentralisation as part of the democratisation process is an important success of the Spanish State of Autonomies, national recognition is still an open question. Any symmetrical arrangements, be it 'coffee for all'-regionalisation or federalisation German-style, are under a double suspicion of institutionalising the tyranny of the majority and of configuring a slippery slope.

Especially in Catalonia, asymmetrical arrangements have been proposed to escape the dilemma of the two nationalist logics of a homogenising Spanish central (or an eventual federal) state on the one hand and of secessionist anti-solidarity on the other.<sup>16</sup> Using liberal pluralist normative arguments and concepts (recognition and accommodation), an asymmetrical status for the minor nations is sought for. But these solutions imply drawing consequences from the fact that Spain is a multinational state. Plurinationality, then, would have to be a configurative principle for the setting up of the central or federal institutions of Spain, including their defining symbols and their practice. It is doubtful whether measures could be taken to assure the right to be equal<sup>17</sup> without changing the constitution.

According to Ferran Requejo,<sup>18</sup> four scenarios of a future development of the Spanish state of Autonomy may be envisaged:

*Continuity of a regionalised one-nation state.* This position would find support in the two big Spanish parties. It could mean limited reforms, for example with regard to financing, or participation in Europe. Certain powers could be delegated (with the right to recover them), but also recentralised.

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<sup>16</sup> See Miquel Caminal, *El federalismo pluralista. Del federalismo nacional al federalismo plurinacional*, Barcelona 2002; Enric Fossas/Ferran Requejo (eds), *Asimetría federal y Estado plurinacional*, Madrid 1999; Ferran Requejo, *Federalisme plurinacional i Estat de les Autonomies*, Barcelona 2003.

<sup>17</sup> Often, the Canadian example is quoted, including the opinion of the Canadian Supreme Court on secession.

<sup>18</sup> Requejo 2003, *op. cit.*

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*Development towards a federal nation-state, a one-nation federation.* This would mean limited constitutional reform, above all with regard to the Senate and the Constitutional Tribunal. It would also mean a reform of the laws on financing the autonomies and on financial equalisation. Reforms of the Statutes would take place, too. Those reforms would mainly be backed by arguments of rationalisation and democratisation. The main defenders of such a scenario could be found inside the Spanish PSOE.

*Development towards a multinational federal state.* This would mean wider reforms of the constitution (including its 'armoured' articles) and the Statutes, in order to include plurinationality in the symbolic and linguistic articles of the Spanish federation. Confederal and asymmetrical aspects would compensate the majority of Spanish-identifying Castilian speakers. Up to a point, Belgium and Canada could serve as models. Defenders of such a development could be found among nationalist but non-separatist Catalans, and, in lesser numbers, among Basques.

*Development towards an asymmetric federal pact (but not a federation).* This would mean a kind of association, for example between a federation, Spain, and an associated Basque Country. It would include the right of self-determination, and would mean equal-footed negotiations between the representatives of both sides. Many cases of reference may exist in the world, but in Spain this scenario is clearly not probable, as its support is limited to (many) Basque nationalists.

Scenarios one and two can be realised mainly with limited Statute reforms and eventually a somewhat wider interpretation of the constitution. Scenario one does not include constitutional amendments, and scenario two only limited ones. Scenarios three and four cannot be realised without important constitutional amendments. As we have already shown, amending is improbable, as the constitution and, above all, its articles on national identity have been heavily armoured during the constitutional process.

Therefore, while limited progress in terms of decentralisation and even concerning the financial deficit of Catalonia<sup>19</sup> may take place, the recognition of plurinationality is much more improbable, especially at the central level.

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<sup>19</sup> *The deficit is recognised by all Catalan parties (including PP); at the same time, they all accept that Catalonia has to show solidarity (including Esquerra). Important open questions are 'how' and 'how much'.*

*Scottish Affairs*

Twenty-five years of Catalan autonomy under the Spanish constitution of 1978 have shown that democratisation and decentralisation were easier to obtain than national recognition.

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