Catalonia

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1. Essential Facts and Figures

Catalonia is situated on the eastern Mediterranean coast of the Iberian Peninsula. It covers a land area of 32,106 km² (making it slightly bigger than Belgium) and has a population of 7,539,618 (slightly less than Switzerland). Catalonia is currently an Autonomous Community of Spain that covers 6.3% of the State territory and is home to 15.7% of the total population. Catalan political reality is organized through its own party-system and the democratic will of preserving its own self-ruling institutions which are known as Generalitat de Catalunya. The Statute of Autonomy of Catalonia (SAC) states in its Preamble: “In reflection of the feelings and the wishes of the citizens of Catalonia, the Parliament of Catalonia has defined Catalonia as a nation by an ample majority. The Spanish Constitution, in its second Article, recognises the national reality of Catalonia as a nationality.”

Economically Catalonia contributes 19% of the total Spanish GDP, the Catalan GDP amounts 223.6 billion € (similar to Finland, Denmark or Ireland). It is an economically strong region since the GDP per capita is 23.7% higher than the Spanish average and 15% higher than the EU average (eight EU countries have a higher GDP per capita purchasing power parity. The foreign trade balance is positive (12.1% GDP) and the economic sectors are mainly services (73.7%), industry (20.8%), real estate activities (11.4%) and professional, scientific, technical and administrative sectors (10.8%). The recovery from economic crisis has been fast but unemployment is still around 15%. Growth forecasts are around 2.7% GDP for 2017 and in 2016 economic growth was of 3.5% GDP.

Catalan society is diverse in terms of the languages, identities and origins of its population. Thanks to its geographical location and its economic position as a relatively industrialised and rich region, it has attracted immigration from many different parts of the world. Initially most immigration was from other parts of Spain, but more recently Catalonia has received immigrants from other EU countries and the rest of the world.

Catalonia’s first wave of immigration occurred during the second half of the twentieth century, when people arrived from other, rural areas of Spain. Between 1950 and 1980 1.5 million people

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immigrated into Catalonia.\(^1\) This influx of new population increased the country’s demographic weight and helped fuel the demand for labour in the industrial and services sectors. More recently, there has been a second wave of immigration from Latin America and Africa, and to a lesser extent from Eastern Europe. However, this trend began to level off in 2009 with the onset of the economic crisis (see Figure 1). In 2016 there were 1,023,398 foreign nationals living in Catalonia, making up 13.6\% of its total population.\(^2\) Around 35\% of Catalonia’s population was born outside of Catalonia, either in the rest of Spain or another country.\(^3\)

**Figure 1.** Evolution of foreign population in Catalonia (2003-2016)\(^4\)

Catalonia’s waves of immigration have shaped its linguistic situation. The official languages are Catalan, Castilian and Occitan (whose speakers are concentrated in the Pyrenees area of Aran). According to the Statistical Institute of Catalonia (IDESCAT), Castilian is the first language of 55.14\% of Catalans, 50.73\% use it as their normal means of communication and 47.55\% identify with it. Catalan is the first language of 31.02\% of the population, 36.29\% use it as their normal means of communication and 36.38\% identify with it. As regards Occitan, there are around 5,000 speakers of this language in Aran. Furthermore, immigration has brought a number of new spoken languages to Catalonia besides Castilian, such as Arabic (see Table 1).

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1 A half of them from Andalusia, but also from other Spanish regions such as Aragon, Extremadura, Castile, Valencia, Murcia and Galicia. Source: Statistical Institute of Catalonia (IDESCAT).
Catalonia is also diverse in terms of national identities. Multiple identities are the norm in a society with at least two national allegiances, and feeling both Catalan and Spanish remains the most commonly reported self-identity for Catalans. However, over recent years there has been an increase in the number of Catalans who report feeling exclusively Catalan, due to the political context (see further sections). In 2015, 5.9% of Catalans felt ‘only Spanish’, 5.1% ‘more Spanish than Catalan’, 38% ‘both Catalan and Spanish’, 23.4% ‘more Catalan than Spanish’ and 23.6% ‘only Catalan’ (see Figure 2).

\footnote{Source: Government of Catalonia. IDESCAT Yearbook 2016.}

Table 1. Spoken languages in Catalonia\textsuperscript{5}

<table>
<thead>
<tr>
<th>Language</th>
<th>Use it as first language</th>
<th>Identify with this language</th>
<th>Use it as normal means of communication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalan</td>
<td>31.02</td>
<td>36.38</td>
<td>36.29</td>
</tr>
<tr>
<td>Castilian</td>
<td>55.14</td>
<td>47.55</td>
<td>50.73</td>
</tr>
<tr>
<td>Catalan &amp; Castilian</td>
<td>2.44</td>
<td>7</td>
<td>6.82</td>
</tr>
<tr>
<td>Occitan (Aran)</td>
<td>0.04</td>
<td>0.04</td>
<td>0.02</td>
</tr>
<tr>
<td>Arabic</td>
<td>2.43</td>
<td>2.11</td>
<td>1.26</td>
</tr>
<tr>
<td>Amazigh</td>
<td>0.67</td>
<td>0.53</td>
<td>0.39</td>
</tr>
<tr>
<td>English</td>
<td>0.42</td>
<td>0.43</td>
<td>0.42</td>
</tr>
<tr>
<td>French</td>
<td>0.62</td>
<td>0.44</td>
<td>0.2</td>
</tr>
<tr>
<td>Galician</td>
<td>0.53</td>
<td>0.2</td>
<td>0.04</td>
</tr>
<tr>
<td>Italian</td>
<td>0.47</td>
<td>0.38</td>
<td>0.07</td>
</tr>
<tr>
<td>Portuguese</td>
<td>0.42</td>
<td>0.31</td>
<td>0.1</td>
</tr>
<tr>
<td>Romanian</td>
<td>0.9</td>
<td>0.71</td>
<td>0.39</td>
</tr>
<tr>
<td>Russian</td>
<td>0.51</td>
<td>0.45</td>
<td>0.22</td>
</tr>
<tr>
<td>Other</td>
<td>3.09</td>
<td>2.45</td>
<td>1.55</td>
</tr>
<tr>
<td>Other mixed</td>
<td>0.5</td>
<td>0.54</td>
<td>1.18</td>
</tr>
<tr>
<td>Not reported</td>
<td>0.8</td>
<td>0.48</td>
<td>0.32</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>
Finally, in terms of religion Catalonia is a secular society, although in recent decades it has seen increasing religious diversity (see Figure 3). According to official data, 45% of Catalans consider themselves to be non-religious. The religion with which most Catalans identify is Catholicism (52.4%), followed by Islam (7.3%), Protestantism (2.5%), Buddhism (1.3%), Orthodox Christianity (1.2%) and Jehovah’s Witnesses (0.4%).

Figure 2. National identities in Catalonia (1984-2012)\(^6\)

![Figure 2](image)


Figure 3. Religious identification whether practising or not (% of population, 2014)\(^7\)

![Figure 3](image)

\(^7\) Source: Baròmetre sobre la religiositat i la gestió de la seva diversitat, 2016 (Barometer on religiosity and on the management of religious diversity, 2016), Government of Catalonia, 2016. Available online at:
2. Autonomy and State Structure

Catalonia’s institution of self-government is the Generalitat and the region is embedded within the Spanish territorial model as an Autonomous Community (AC). This territorial model is not formally designated in the Spanish Constitution (SC) of 1978 but it is informally called the Estado de las Autonomías (State of Autonomous Communities). The Estado de las Autonomías currently consists of 17 ACs and two autonomous cities in Northern Africa, namely Ceuta and Melilla. All the various autonomous institutions have territorial powers and are mostly symmetrical. The supreme legislative corpora of ACs are their Statutes of Autonomy. All the Statutes of Autonomy are State laws and some of them must be ratified by regional populations in the event of reform (this is the case in Catalonia, the Basque Country, Galicia and Andalusia).

Despite the constitutional distinction between ‘regions and nationalities’ (Article 2 SC), the only notable asymmetry in terms of self-rule between ACs are the special fiscal powers granted to the Basque Country and Navarre to preserve historical rights known as fueros that date back to the Middle Ages. There are a number of regions with two official languages: Catalan/Valencian in

Catalonia, the Balearic Islands and the Valencian Community; Basque in Navarre and the Basque Country; and Galician in Galicia. Castilian is the only official and compulsory state-wide language. There is no consensus as to the nature of the Spanish territorial model in the literature on regionalism and federalism, and the Estado de las Autonomías has both federal and unitary characteristics.\(^8\) On the one hand, there are two levels of government, with regional governments and parliaments, regional competences and taxes, a territorial upper chamber (the Senate) and intergovernmental relations. On the other hand, regional powers are not constituent powers but rather the product of decentralisation (they do not appear in the Constitution as such), the Senate is a territorial chamber actually representing state-wide party lines on the basis of provinces (not ACs), power distribution is biased towards central powers and regions do not have fiscal autonomy.

In terms of its definition as a nation, the Kingdom of Spain is formally established as a uni-national State and does not recognise the existence of other nations but only of ‘nationalities’.\(^9\) Nonetheless, the term ‘nationality’ is not defined in the constitutional text and it is not made explicit which specific regions are classed as ‘nationalities’, although politically these are considered to be Galicia, the Basque Country and Catalonia. Moreover, constitutional case-law has denied the right of regions to include any ‘national definition’ in their Statute of Autonomy that may have legal and political consequences.\(^10\)

3. Establishment and Implementation of Autonomy

Catalonia recovered its political autonomy during Spain’s period of transition to democracy in 1977. However, Catalonia’s institutions and constitutions date back to the Middle Ages. In 1137 the County of Barcelona and the Kingdom of Aragon were unified under a single dynasty to create the Crown of Aragon, although the Crown of Aragon and Catalonia kept their own specific legal and political traditions. The first Catalan Constitutions date back to 1283 and were promulgated by the Catalan Courts of Barcelona. The Catalan Courts date back to the 11\(^{th}\) century and are comparable to the parliamentary traditions of England and other European countries. Another

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\(^8\) Aja 2003; Requejo 2005; Burgess and Gagnon 2010; Burgess 2006; Elazar 1987; Grau Creus 2000; Kincaid, Saunders, and Poirier 2015; Moreno 2010; Watts 1996.

\(^9\) Article 2 SC.

\(^10\) Constitutional Court of Spain, judgment no. 31/2010 of 28 June 2010 (hereinafter STC 31/2010).
important ancient precedent of such assemblies was the Peace and Truce of God movement, such as the truce declared by an ecclesiastical council in Toulouges (then Northern Catalonia, currently Southern France) to limit violence between counties.

The first Generalitat was established in 1359 within the Crown of Aragon as the administrative and governing body of the Principality of Catalonia, and its first president was Berenguer de Cruïlles, appointed during the Cervera Courts in 1359. In 1469 the royal houses of Aragon and Castile united through the marriage of King Ferdinand II of Aragon (known as Ferdinand the Catholic) and Queen Isabella I of Castile to form the Crown of Spain. The Crown of Spain exercised its power through diverse territorial institutions, although the Generalitat continued to be the main administrative body in Catalonia. The year 1714 saw the final victory in the War of the Spanish Succession between Philip V of Bourbon and the pretender to the throne, Charles VI of Austria. The latter was supported by the Catalan institutions, and the Bourbonic victory resulted in the centralisation of the Crown of Spain, the elimination of Catalan institutions and the suppression of Catalan as an official language.

During its centuries of existence as a regional entity, the Principality of Catalonia forged a cultural and political relationship with several territories known historically as “Catalan Countries” that nowadays share its language and cultural background:

- the Valencian Country (the Valencian AC);
- the islands of Mallorca, Menorca and Ibiza (the Balearic Islands AC);
- the region of ‘La Franja’ (the Catalan-speaking villages within Aragon AC);
- Andorra;
- Northern Catalonia (the areas of Roussillon, Vallespir, Conflent, Capcir, Upper Cerdanya and Fenolleda in France);
- the city of Alghero in Sardinia (Italy).

In all these regions, except the French ones, Catalan (also called Valencian in Valencia) is an official language or has a certain degree of recognition.11

After 1714, Catalonia had brief periods of political autonomy at the beginning of the 20th century (1914-1923) and during the 2nd Spanish Republic (1931-1939). After the victory of General Franco in the Spanish Civil War, the Catalan president Lluís Companys was arrested by the Nazi Gestapo

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11 France has repeatedly refused to sign the European Charter for Regional or Minority Languages and persists in its policies to assimilate the Catalan language in schools and the public sphere.
while in exile in France and executed by Franco’s Regime in Barcelona in 1940. As well as losing its political autonomy, Catalonia saw its language and culture targeted as part of a brutal political repression. During the dictatorship, self-government was one of the key demands of the Catalan democratic opposition, both in exile and among clandestine organisations within Catalonia that fought for democratisation and cultural recognition (Guibernau 2004; McRoberts 2001).

In 1977, Adolfo Suarez, the first democratically elected Spanish prime minister, and Josep Tarradellas, the Catalan president in exile, agreed the reestablishment of the Generalitat. Tarradellas had gone into exile in France in February 1939 after Franco’s victory in the Civil War, and he had been the president of Catalonia in exile since 1954, when he was elected in Mexico from among the community of exiled Catalan deputies (McRoberts 2001).

The 1978 Constitution paved the way not only to democracy but also to regional autonomy in Spain. Nonetheless, the territorial model set out in the Constitution was far from clear (Cruz Villalón 2006). It established the rules for implementing autonomy but did so under the so-called principio dispositivo (principle of the initiative of the parties), which established that the decentralization process should not be driven from the centre, but through the will of the different regions. In other words, the principio dispositivo was aimed at establishing a bottom-up process based upon regional demands that should occur through a dynamic process in which the regions (most of which did not yet exist) would themselves demand autonomy through the transfer of powers. However, spreading decentralization to the whole country (that is, the creation of the non-historical autonomous communities and the generalization of self-government to territories other than the Basque, Catalan and Galician regions) was not a bottom-up process. Rather, it was a top-down process derived from the political agreements reached by the state-wide party political elites and spurred by central-government institutions. This unclear, or even misleading, design was obviously the result of political bargaining, and state-wide parties and former Franco regime forces (the army, the Catholic Church, civil servants, politicians) had to negotiate with the democratic opposition and national minorities. During these constitutional debates, the Catalan national minority pushed for autonomy and decentralisation, and the 80s and 90s saw the implementation of a very dynamic (and somewhat chaotic) decentralisation process that began with the approval of the Statutes of Autonomy, most of them in the early 80s. Later on, state-wide parties agreed

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12 The Union of the Democratic Centre (UCD), Spanish Socialist Workers Party (PSOE), People’s Alliance (AP), Popular Party (PP).
on ‘harmonisation’ and symmetry policies (in the autonomy agreements of 1981 and 1992) in order to achieve a similar degree of regional powers across all of Spain’s ACs, since the entire Spanish territory had finally been regionalised on the basis of provinces (some ACs became uni-provincial and others multi-provincial). In practice, as mentioned above, decentralization became a ‘top-down’ process rather than a bottom-up one. In fact, the territorial model has never been considered as ‘closed’, and it was not until 2001 that the last powers were handed over to regions that had opted for a slow path to autonomy (Aja, 2003).

**Figure 4.** Challenges brought before the Spanish Constitutional Court (1981-2015)\(^{13}\)

However, since the year 2000 there have been several Statute of Autonomy reforms, including the reform of the Catalan Statute, in order to increase and redefine the autonomous powers (Orte and Wilson 2009). The implementation of autonomy has led to a significant amount of constitutional conflicts over the decades. The distinction made in Articles 148 and 149 SC, between powers that could be transferred to the regions and exclusive State powers, has somehow been blurred by the central-government institutions, since they have systematically used basic (framework) and transversal powers to legislate and execute on matters falling under devolved powers (Argullol and Velasco Rico 2011). The implementation of autonomy cannot be understood without considering the intensive, highly-relevant efforts of the Constitutional Court, which faced several conflicts and challenges of both regional and state laws (see Figure 4 above).

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\(^{13}\) Source: Official State Gazette, adapted by the authors.
4. Legal Basis of Autonomy

The legal basis of autonomy in Spain is set out in Section VIII of the 1978 Constitution. Article 137 of this section defines the State as being organised into autonomous communities, provinces and municipalities. Chapter III of this section defines the formation of the autonomous communities as the result of efforts by existing provinces to exercise the right to autonomy envisaged in Article 2. As mentioned above, the constitutional text distinguishes between powers belonging to the State (Article 149) and powers that can be devolved to the ACs (Article 148). However, the Constitution lacks some elements that we usually observe in federal constitutional texts. The supreme law does not name the regions (most of them did not exist in 1978), the exact powers of the regions (it only names the ones that can be transferred), the financial system of the autonomous regions, or their administrative and political nature (see the cross-time evolution of power transfers in Figure 5). All these crucial matters for developing the territorial model are set out in the various Statutes of Autonomy and some state-wide laws such as the Organic Law on the Financing of Autonomous Communities (LOFCA).

Figure 5. Transfer of powers from central government to regions (1978-2015)\(^{14}\)

The Statutes of Autonomy are the supreme regional laws that form the legal basis for autonomy at the regional level. These Statutes are the result of agreements between regional and central

\(^{14}\) Source: Spanish Government, Secretary of State for Public Administrations, adapted by the authors.
governments since they must be passed by both regional and central parliaments. In some cases, the approval and reform of statutes requires ratification through regional referendums (Argullol and Velasco 2011).

Catalonia approved its first Statute of Autonomy in 1979. The law was drafted by twenty deputies and senators (the ‘Commission of Twenty’) from the Spanish parliament elected in Catalonia in the first Spanish democratic elections, after which the text was passed through parliament and then ratified through a regional referendum (see Table 2). The text is known as the ‘Sau Statute,’ named after the village of Vilanova de Sau, where the first meetings of the drafting committee took place. This document established the institutional organisation and functions of the Generalitat, the competences of the autonomous government, and the new autonomous government’s relationship with central government. The text defined ‘Catalan’ as a ‘nationality’ with rights to autonomy, and it also recognized Catalan as the language of Catalonia (the co-official language together with Castilian, see Table 2). As mentioned in previous sections, the implementation of autonomous powers would take almost two decades, since the starting point was a totally centralised State with very weak local and provincial powers.\textsuperscript{15}

\textbf{Table 2. Referendum on the Statute of Autonomy of Catalonia (1979 and 2006)}\textsuperscript{16}

<table>
<thead>
<tr>
<th>Referendum of 1979</th>
<th>Referendum of 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Votes</td>
<td>%</td>
</tr>
<tr>
<td>Yes</td>
<td>2,327,038</td>
</tr>
<tr>
<td>No</td>
<td>204,957</td>
</tr>
<tr>
<td>Blank</td>
<td>93,784</td>
</tr>
<tr>
<td>Non-valid</td>
<td>12,576</td>
</tr>
<tr>
<td>Turnout</td>
<td>2,627,375</td>
</tr>
</tbody>
</table>

\textsuperscript{15} In other words, regional administration did not exist before the 1970s.

In 2004, the Catalan parliament initiated a reform of the 1979 Statute of Autonomy that would eventually result in the so-called ‘Miravet Statute’. After being passed in 2006, this updated Statute of Autonomy gave Catalonia a new legal basis. The reform process meant that the draft had to be passed by the Catalan parliament before negotiating the text in the Spanish parliament and finally ratifying it by popular referendum (see Table 2). This process involved intense parliamentary activity in which the autonomous-community government was not directly involved.

The Statute reform process was not as successful as the one that led to the approval of the first Statute of 1979. Since the early 1980s, the Catalan government and parliament had been denouncing both the lack of implementation of several transfers of powers included in the 1979 Statute (especially those powers concerning taxation), and the constant invasion of exclusive regional powers through state-wide basic laws. Public opinion had been increasingly in favour of greater autonomy (see Figure 6) and since the early 1990s the majority of the population had been demanding more autonomy. This social majority also meant the hegemony of pro-autonomy parties in the Catalan parliament (see Section 11).

**Figure 6.** Desired degree of Catalan autonomy compared to achieved autonomy (1992-2012)\(^{17}\)

The proposed text to the Congress of Deputies in Madrid had the triple objective of achieving more explicit national recognition for Catalonia, ensuring more and more clearly defined competences; radically changing the community’s public financing system and; in a nutshell, achieving more political power. However, the Spanish parliament amended the original draft during the approval negotiations. The centre-right (the PP) and other minority parties refused the final text but it was passed thanks to the support of the centre-left (the PSOE). However, the PP, other ACs and the Ombudsman challenged the constitutionality of the new SAC and, in 2010, the Constitutional Court declared unconstitutional and/or reinterpreted sections of the Statute\textsuperscript{18} that had remained in the legal text after the 2006 negotiations and approval.

All in all, the new text did not achieve the objectives of the reforms, even though the 2006 Statute of Autonomy is the current legal basis of autonomy in Catalonia (Viver and Grau 2016). The preamble of the 2006 SAC emphasizes that “the Parliament of Catalonia has defined Catalonia as a nation” and acknowledges that Spanish Constitution “recognises the national reality of Catalonia as a nationality.” The 2005 version of Article 1 SAC defined Catalonia as a nation. However, it was reformulated and its current wording is the following: “Catalonia, as a nationality, exercises its self-government constituted as an autonomous community in accordance with the Constitution and with this Statute, which is its fundamentally institutional law.” According to Article 2 (1) SAC, the Generalitat is “the institutional system around which Catalonia’s self-government is politically organised.”\textsuperscript{19}

5. Autonomous Institutions

Catalonia has a parliamentary form of government with a strong Prime Minister called president de la Generalitat. There are three essential self-government institutions: the parliament, the presidency of the Generalitat, and the government.\textsuperscript{20} The unicameral parliament is an independent institution that represents the people of Catalonia. It consists of 135 members elected in four constituencies: (Barcelona, Girona, Tarragona and Lleida). The functions of the parliament are:

\textsuperscript{18} Constitutional Court of Spain, STC 31/2010.
\textsuperscript{20} Article 2 SAC.
elected the president from amongst the members of the chamber, exercising legislative power, approving the budget of the Generalitat, and controlling and promoting political and government action. In addition, the parliament has the following functions:

a) To designate the senators representing the Generalitat in the Senate, the Upper Chamber of the Spanish parliament. These senators are designated at a specific sitting convened for this purpose and are proportional to the number of members of each parliamentary group;

b) To submit draft bills of state-wide scope before the Congress, the Lower Chamber of the Spanish parliament, and to nominate the members of Catalan parliament charged with presenting and defending these bills;

c) To ask the Spanish government to present a draft bill before the Congress;

d) To request that the Spanish government and institutions transfer or delegate powers and attribute authority, within the framework of Article 150 SC;

e) To lodge appeals on the basis of unconstitutionality and to appear before the Constitutional Court in other constitutional proceedings, in accordance with the Organic Act of the Constitutional Court;

f) Any other functions attributed to it by the SAC and by law.

In practice, some of these functions have been inefficient or have been blocked by political opposition of the state-wide parties. This is the case of bills drafted in Catalan parliament and submitted to the Spanish Congress. Although all ACs’ parliaments have and can exercise such competences, the Catalan parliament has been the most active in submitting drafts bills. Between 1979 and 2016, the draft bills submitted by the Catalan parliament represented 38% of the total draft bills submitted by all AC parliaments. However, the more striking numbers come from the outcomes of these draft bills. As Figure 7 shows, the success rate of the Catalan parliament’s proposals has been rather low. In fact, between 1979 and 2016, the Catalan parliament submitted a total of 81 draft bills, only 5% of which were approved (that is, an absolute number of four draft bills), with all of them approved in the second legislative term (1982-1986). In all the other terms, the approval rate of Catalan parliament draft bills has been zero. It is important to note that legislative initiatives in Spain are channelled through the Congress, since the Senate normally acts as a second reading chamber rather than as a

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21 Article 55 SAC.
22 Article 61 SAC.
legislative chamber. In any case, as we explain in section 8 of this paper, the Senate falls short of meeting its function as territorial chamber representing ACs.

**Figure 7.** Catalan parliament’s legislative proposals to the Spanish Congress (data organized by Spanish legislative terms)

The president is elected by the Catalan parliament from amongst its deputies and then receives an official appointment from the King of Spain. She/He is the chief representative of the Generalitat and directs the government’s actions, and is also the representative of the State in Catalonia. As such, she/he maintains relations with the State institutions, calls elections, and appoints senior officials to the Generalitat’s public administration. As the representative of the State she/he has authority to:

a) Promulgate, in the name of the King, acts, legal decrees, and legislative decrees in Catalonia and order them to be published;

b) Order to make public appointments to the institutional offices of Spain’s central-government institutions in Catalonia;

c) Request the collaboration of any of Spain’s central-government authorities that exercise public functions in Catalonia;

d) Others as determined by law.\(^{23}\)

\(^{23}\) Article 67(6) SAC
The Catalan government, directed by the president of the Generalitat, is formed by the consellers (councillors or ministers). It is a collegial body with executive and regulatory power, and in accordance with the SAC’s provisions, its normal administrative body is the Administration of the Generalitat. Its other institutions are the Council for Statutory Guarantees, the Ombudsman and the Audit Office.

Finally, in terms of territorial organisation, Catalonia is divided into municipalities, which are in turn grouped into comarques and vegueries. Catalonia has 948 municipalities, 42 comarques, 8 vegueries and 4 provinces. Local governments have full autonomy in matters such as territorial classification and management, town planning, programming and planning of public housing, organisation and provision of basic services, regulation and management of municipal facilities, traffic and mobility services and authorisation of economic activity (retail, crafts, tourism).

6. Autonomous Powers

As mentioned in section 3, the Spanish Constitution does not establish a closed list of exclusive powers for ACs. Such powers are regulated in the Statutes of Autonomy, while residual powers belong to the central government. We also mentioned the existence of important clauses and powers that are constantly exerted by central-government institutions to legislate and implement on matters reserved to the regions (Argullol and Velasco Rico 2011, 356). In practice, this means that the lines are becoming blurred between exclusive powers belonging to the central and autonomous-community governments (Ibid., 391-92).

Powers can be classified into three types: exclusive, shared or concurrent, and executive. The different types of powers are defined as follows:

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24 Article 68 SAC.
25 Article 71(1) SAC.
26 Article 83 SAC. The comarques are regional administrative units made up of municipalities (42 units plus Aran Valley). The vegueries are regional units made up of comarques nowadays without any administrative responsibility (7 units plus Aran Valley).
27 Article 84 SAC.
• Exclusive powers: they refer to matters (e.g. international relations, environment, etc.) that fall under the sole executive and/or legislative responsibility of one level of government. The State holds exclusive powers and functions over several matters, including international relations, defence, justice, customs, foreign trade, currency, banking, and loans. It also holds exclusive legislative powers over other matters such as trade, criminal law, the penitentiary system, employment. Furthermore, the State holds exclusive powers over passing framework legislation on health, social security, public administration, environment, press, radio, and television. The matters on which the Generalitat holds exclusive powers are: the organisation of self-government institutions; the legislative development and implementation of matters and sub-matters related to education, health, environment and local authorities; culture, tourism, internal trade, industry, agriculture, livestock farming, civil law, and autonomous-community police (the Mossos d’Esquadra).

• Shared or concurrent powers: the State and the Generalitat share executive and/or legislative functions. These are by far the most common, and deal with matters such as education, health, expropriation and contracts, the control of credit, banking and insurance, stock markets and trading centres, mining and energy, environmental protection, fisheries, industry, the planning of economic activity in Catalonia, agriculture and livestock farming, internal trade, defence of consumer rights, etc. The Generalitat is responsible for developing legislation over these matters. The problem arises when State legislation, extensively regulates these matters, as is usually the case, leaving not much space for the autonomous communities’ legislative development.

• Executive powers: the Generalitat can only issue implementation regulations on the basis of state-wide legislation. Catalonia has executive powers (i.e. implementation powers) on the following matters: public water supply, the laws governing prisons, employment, intellectual and industrial property rights, weights and measures. Again, the central government has tended to take over these functions by defining these matters as being subject to supra-territorial and general interests, that is, to central government powers.

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29 Article 149 SC.
In practice, therefore, the functional and substantive distribution of powers established by the Spanish Constitution has been significantly affected by the extensive and intensive (mis)use by central-government institutions of framework legislation and transversal powers which have actually reduced the margin of legislative manoeuvre available to the Catalan self-government institutions (as well as to the other autonomous communities). One concrete example of this refers to internal trade. Article 121 of the SAC mentions ‘internal trade’ as part of the exclusive devolved competences. However, in practice, the Catalan government has ended up having little to no room to manoeuvre in such matters. This is because the central government has passed several very extensive pieces of legislation on civil and commercial law, and telecommunications. This use of central-government legislative framework and transversal powers together with the principle of equality among Spaniards in the exercise of their rights and duties, has narrowed the “internal trade” matter and, therefore, the actual margin of manoeuvre of the Catalan parliament to legislate on it. Moreover, European directives such as the 2006/123/CE on services in the internal market and the 2000/31/CE on electronic commerce have been interpreted and transposed by the central government in a way that has ended up reducing the scope of regional competences in this matter. In summary, the exclusive powers of the AC governments in matters such as trade (on which in theory, Catalonia has exclusive powers) have been diminished to such an extent that it has been practically impossible to foresee and develop any political, legislative, and administrative framework which could be any different from that already defined by central-government institutions (Martín and Mora 2016). This phenomenon is common in the Spanish decentralization system and has been the source of endless debate on territorial powers, the role of basic laws and, in general, of state-wide legislation. In summary, decentralization has ended by being more administrative and bureaucratic than political.

7. Financial Arrangements

Catalonia is a relatively rich region of Spain. As mentioned earlier, it is home to around 16% of the Spanish population, it generates 19% of the total GDP, and is responsible for 26% of exports.

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30 These are central government exclusive powers. See Articles 149(1) points 6 and 21 SC.
and tourism. In terms of GDP per capita, it has the fourth highest in Spain, after Madrid (capital), the Basque Country, and Navarre (see Figure 8).

**Figure 8.** GDP per capita of Spanish Autonomous Communities (2016)

Starting in 1978, fiscal decentralisation went through a dynamic process in the context of the *Estado de las Autonomías* that ended in 2009 with the approval of what has so far been the last intergovernmental agreement. During this process, regional governments gradually increased their functions and were given certain fiscal competencies. Although power over some types of taxes has been totally transferred to the regions, the majority of taxes have only been partially transferred. The regulatory capacity of regions over these taxes ranges from zero to the capacity to regulate scales, exemptions, or the taxable bases (Argullol and Velasco Rico 2011, 649), and although the percentages of transferred taxes might seem high in comparative terms, the transferred percentages are still managed by a centralised tax agency and collected and distributed from Madrid (Bosch and Espasa 2010).

According to Article 157(1) of the SC, the ACs can achieve financial autonomy by several means: a) taxes wholly or partially made over to them by the state; surcharges on state taxes and other shares in state revenue; b) their own taxes, rates and special levies; c) transfers from an inter-

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32 For example, taxes on inheritance, wealth, real estate transactions and legal documents, gambling, some hydrocarbons, special taxes on transport and electricity.
33 For example, 50% of income tax, 50% of VAT and 58% of taxes on the manufacture of alcohol and other products.
territorial compensation fund and other allocations to be charged to the state budget; d) revenues accruing from their property and private law income; e) Interest from loan operations. (Flores Juberías 2013).

In the case of Catalonia, these sources are normally divided into three categories: its own taxes, totally ceded taxes and shared taxes. The first group represents only 1.6% of total revenue. The totally ceded taxes are the ones created by the central government but modified by the Catalan government according to their basic elements. These taxes represent 15% of total revenue. Finally, shared taxes represent 61% of the total revenue and 82% of tax revenues. In this case, taxes are shared in different ways by the central government and the Generalitat (except corporate tax), for example: personal income tax (50%-50%), VAT (50%-50%) and duties on tobacco, alcohol and hydrocarbons (58%-42%). In addition to these types of taxes, the Catalan government also receives grants, which represent less than 10% of its revenue. These are grouped into three types (Castells 2014, 283):

- the Guarantee Fund for Essential Public Services, based on 75% of the regional tax resources plus a grant from the State (however, Catalonia has a negative transfer);
- the Global Sufficiency Fund; and
- the Competitiveness Fund, funded by the central government.

The fiscal issue has been a salient debate in Catalonia for some time. Negotiations on fiscal autonomy have been a part of the political bargaining when Catalan parties have supported in Madrid both PP and PSOE minority governments. Given the central government’s control over the majority of regional taxes, fiscal flows between Catalonia and the rest of Spain are a controversial matter. The fiscal balance (or imbalance), estimated as the difference between the central tax burden and the central government spending allocated to Catalonia, is usually referred to in Catalonia as the “fiscal deficit” (Castells 2014, 290). There are diverse methodologies that can be used to analyse this, and according to the cash-flow approach, Catalonia’s fiscal deficit in 2008 was equivalent to 9.8% of the GDP (Catalan government estimate), or 8.7% (Spanish government estimate). The benefit approach methodology, which uses slightly different numbers, gives a fiscal deficit of 7.4% or 6.5%, according to the Catalan and Spanish governments, respectively (Cuadras-Morató 2016b; see Figure 9). These numbers are unusual when compared

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34 These are taxes on inheritance, wealth, real estate transactions and legal documents, gambling, vehicle sales, retail hydrocarbons, energy.
to other European regions with similar economic dynamism such as Aquitaine (France), Yorkshire (UK), Scotland (UK), Vale do Tajo (Portugal) and Niedersachsen (Germany). In all these cases, negative fiscal balances are not higher than 2-3% of the GDP.

**Figure 9.** Evolution of Catalonia’s fiscal deficit (2002-2012)

The 2006 Statute of Autonomy reform contained a proposal for a new fiscal system that would include more responsibility and autonomy for the Catalan government, but it was declared non-binding by the Constitutional Court. The approval of the 2006 Statute meant the creation of the new Catalan Tax Agency, and Title VI of the Statute regulates the finances of the Catalan government. The Joint Economic and Fiscal Affairs Commission was another result of the Statute reform, although the Constitutional Court considered this to be a consultative body in a very narrow interpretation of the proposal.

Since 2009 there has been a new financial scheme in place designed to ameliorate the fiscal deficit. However, the system was supposed to be revised every five years (meaning it should have been revised in 2014) and it has not yet been updated. Furthermore, the economic crisis has been used as a reason to control regional budgets from the central government. In 2012 the central government created a liquidity fund (FLA) to give regional governments access to credit, although

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36 Constitutional Court of Spain, STC 31/2010.
in practice the economic policies introduced during the economic crisis have renewed the financial conflict between the regional and central governments and have been used to further the agenda of recentralisation (Viver 2011). From an economic point of view, the fiscal deficit is still diminishing Catalonia’s economic potential. In 2012, Catalonia was the third region in terms of revenue but is only tenth in terms of public resources (see Table 3).

**Table 3. Regional fiscal resources per capita (average 100, year 2012)**

<table>
<thead>
<tr>
<th>Region</th>
<th>Tax Revenue Index</th>
<th>Ranking</th>
<th>Total Resources Index</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madrid</td>
<td>134.2</td>
<td>1</td>
<td>95.4</td>
<td>11</td>
</tr>
<tr>
<td>Balearic Islands</td>
<td>121.7</td>
<td>2</td>
<td>100.8</td>
<td>9</td>
</tr>
<tr>
<td><strong>Catalonia</strong></td>
<td><strong>119.1</strong></td>
<td><strong>3</strong></td>
<td><strong>99.4</strong></td>
<td><strong>10</strong></td>
</tr>
<tr>
<td>Aragon</td>
<td>114.6</td>
<td>4</td>
<td>116.3</td>
<td>3</td>
</tr>
<tr>
<td>Cantabria</td>
<td>114.4</td>
<td>5</td>
<td>124.4</td>
<td>1</td>
</tr>
<tr>
<td>Asturias</td>
<td>106.6</td>
<td>6</td>
<td>112.6</td>
<td>6</td>
</tr>
<tr>
<td>La Rioja</td>
<td>103.2</td>
<td>7</td>
<td>120.7</td>
<td>2</td>
</tr>
<tr>
<td>Castilla-León</td>
<td>101.5</td>
<td>8</td>
<td>116.3</td>
<td>4</td>
</tr>
<tr>
<td>Valencia</td>
<td>93.7</td>
<td>9</td>
<td>93.6</td>
<td>13</td>
</tr>
<tr>
<td>Galicia</td>
<td>91.2</td>
<td>10</td>
<td>110.9</td>
<td>7</td>
</tr>
<tr>
<td>Castilla-La-Mancha</td>
<td>85.4</td>
<td>11</td>
<td>103.4</td>
<td>8</td>
</tr>
<tr>
<td>Murcia</td>
<td>83.5</td>
<td>12</td>
<td>93.1</td>
<td>14</td>
</tr>
<tr>
<td>Andalusia</td>
<td>79.9</td>
<td>13</td>
<td>93.9</td>
<td>12</td>
</tr>
<tr>
<td>Extremadura</td>
<td>76.2</td>
<td>14</td>
<td>114.5</td>
<td>5</td>
</tr>
<tr>
<td>Canary Islands</td>
<td>42.2</td>
<td>15</td>
<td>88.3</td>
<td>15</td>
</tr>
</tbody>
</table>

Since 2009 there has been a new financial scheme in place designed to ameliorate the fiscal deficit. However, the system was supposed to be revised every five years (meaning it should have been revised in 2014) and it has not yet been updated. Furthermore, the economic crisis has been used as a reason to control regional budgets from the central government. In 2012 the central government created a liquidity fund to give regional governments access to credit, although in practice the economic policies introduced during the economic crisis have renewed the financial conflict between the regional and central governments and have been used to further the agenda of recentralisation (Viver 2011). From an economic point of view, the fiscal deficit is still

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37 Source: Government of Catalonia.
diminishing Catalonia’s economic potential, and as can be seen in Table 3. Catalonia is the third region in terms of revenue but is only tenth in terms of public resources (data from 2012).

8. Intergovernmental Relations

The 1978 Constitution did not establish any principle of collaboration or loyalty to be applied in a system of Intergovernmental Relations (IGR). In fact, there was a clear contradiction between the objective of decentralisation and the absence of these classic principles of any federal design. However, the Constitutional Court declared these principles as inherent to the Spanish territorial model in several rulings in the 80s and 90s (Argullol and Velasco Rico 2011, 597-98). As previously mentioned, in the Constitution there was no institutional provision for vertical cooperation. Regarding horizontal cooperation, this was seen as a potential threat to Spanish unity, and therefore the only provision was that a federation of ACs was forbidden.\textsuperscript{38} Starting in the 80s, IGR were developed as a necessity in the context of dynamic decentralisation. The Spanish IGR model has significant peculiarities: high levels of jurisdictional conflict, persistence of bilateral relations, central government interventionism, excessive regulation of cooperation, and a preference for shared regional taxes instead of exclusive taxes of ACs (Colino 2013). For many years, the IGR have been developed through practice via multiple channels of \textit{de facto} formal and informal intergovernmental mechanisms (Argullol and Velasco Rico 2011, 609). The IGR were fully regulated only in 1992.\textsuperscript{39} There are currently at least three types of vehicles for IGR in Spain, two multilateral and one bilateral, and Catalonia takes part in all of them.\textsuperscript{40} Firstly, the Conferences of ACs presidents have been held since 2004. These conferences have taken place five times and are chaired by the Spanish prime minister. Secondly, there are 37 Sector-Specific Conferences, the most active of which are the conferences on Agriculture, Fishing, and the Environment. They are attended by regional ministers and senior civil servants and are chaired by the central government minister for the relevant sector. The Financial and Fiscal Policy

\textsuperscript{38} Article 145 SC.
\textsuperscript{39} Organic Law no. 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure. For details, see Morales (2013).
\textsuperscript{40} Current political tensions and disagreement between the Catalan and Spanish governments on self-government and self-determination have undermined their intergovernmental relations and the Catalan president is not currently taking part in the Conference of ACs presidents.
Conference is politically relevant and discusses financial reforms. Thirdly, all the ACs have established a Bilateral Commission to discuss policies and jurisdictional conflicts with central government.

Catalonia has played an active role in the development of IGR, especially in regards to the vertical mechanisms. In the Spanish context, the 2006 SAC was the first of the reformed Statutes of Autonomy to regulate the Bilateral Commission. This Commission was conceived as a way to implement the principle of bilateralism, and it regulates its functions in multiple policy areas (Morales 2013, 94). Starting in the 80s, the Generalitat (and the governments of other regions) began to develop the practice of bilateral negotiations through the Joint Committee on Power Transfers (Comissió Mixta de Transferències Estat-Generalitat), and the provisions of the Catalan Statute were accepted by the Constitutional Court as an expression of the principle of cooperation.

Article 3 (1) of the Catalan Statute establishes that relations between the Generalitat and the central State are based on the principle of institutional loyalty – since the Generalitat is also part of the State – as well as on the principles of autonomy, bilateralism, and multilateralism (Corretja, Vintró, and Gil 2011). In fact, Article 183 of the Statute defines the Bilateral Commission as the general and permanent framework for relations between the Generalitat and the central State (Corretja, Vintró, and Gil 2011, 435). However, in terms of shared rule, understood as participation in central institutions, apart from the area of IGR, Catalonia has a very limited scope of powers, as do all of Spain’s other ACs.

Catalonia is divided into four electoral constituencies (the four Catalan provinces) that elect 47 out of the 350 seats of the Lower Chamber of the Spanish Parliament (Congreso): 31 in Barcelona, six in Girona, six in Tarragona and four in Lleida. The electoral system used to elect the members of the Congreso is a party-list proportional representation system based upon the D’Hondt method for allocating seats. The four Catalan constituencies also elect 16 senators (four per constituency) out of the 208 elected members of the High Chamber of the Spanish Parliament (Senado). The election of the senators follows a simple majority vote: seats are allocated to the four most-voted candidates. In addition to the directly-elected senators, the Catalan parliament appoints eight more senators.

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41 Article 183 and 214 SAC.
42 For the basic features of the D’Hondt method, see Poptcheva (2016).
The Senate is defined by the Constitution as a territorial chamber and is the supreme vehicle for the participation of the ACs in central bodies of the Spanish state (Vírgala 2013). However, the Senate can hardly be considered to be a true territorial chamber. The number of senators elected through provincial constituencies outweighs those appointed by ACs and its functioning is basically divided across party lines and not by territorial interests. Moreover, for a long time, the size of the constituencies has favoured a bipartisan composition of the Senate, meaning a dominance of state-wide parties. In terms of powers, the Senate can only slow down the legislative process and has no power to veto legislation proposed by the Congress of Deputies. The absence of a real territorial Senate explains why Catalonia and other ACs have channelled their territorial conflicts through intergovernmental mechanisms or the Constitutional Court since the early 1980s (Vírgala 2013).

Finally, according to Article 87(2) of the SC, Catalonia and the rest of the ACs have the right to make legislative proposals to the central government and the Congress of Deputies but, surprisingly, not to the Senate (Parra 2016).

9. Inter-group Relations within the Autonomous Entity

Linguistic communities in Catalonia are not divided by ethnic or territorial lines as they are in other contexts. Nevertheless, Catalonia’s linguistic policies have been contested during recent years by a minority of Spanish speakers in Catalonia. This is therefore a case of internal relations worthy of mention in this section.

As noted in the first section of this paper, both Catalan and Castilian (together with Occitan, since 2006) are the official languages of Catalonia. Since the recovery of autonomy in 1977 and the Statute of Autonomy in 1979, the Catalan government has implemented a policy of protecting and promoting the Catalan language. The 1979 Statute defined the Catalan language as ‘the language of Catalonia’. The protection of this minority language was an important part of the demands made by opposition groups during the Dictatorship, as the Catalan language had been persecuted and banned from the public sphere since the end of the Second Spanish Republic and the victory of General Franco in 1939.

43 Article 3 SAC (1979).
In 1980 the Catalan parliament formed a joint commission involving all the political groups that deliberated for thirty months on the content of a new linguistic policy. Previously, the Catalan Minister for Culture (Max Cahner) had led a series of meetings and consultations with civil society and political leaders. Following a period of intense discussions, the parliament approved unanimously (except one abstention) the Act 7/1983 of 18 April on Language Normalisation in Catalonia. This new legal framework was implemented together with an important social effort to promote Catalan language both in the public and private spheres (Milian 2014; Strubell 1998). The Act established both Catalan and Spanish (as well as Occitan in Aran) as the languages to be used by citizens in their relations with the public administration, and gave barely any priority to Catalan except for official place names. In terms of education (primary and secondary levels, not university) the law set out a bilingual model known as ‘language conjunction’. This model consisted of a single schooling system for both Catalan and Spanish speakers with Catalan as the habitual language used in the classroom, but the curriculum included a Spanish language class and at least one other subject was taught in Spanish. Later on, in 1985, the Act on Public Offices of the Administration introduced the requirement of providing proof of knowledge of Catalan to work in the public administration of the Generalitat (Milian 2014, 16).

The education model was supported by both civil society and political parties, and from the late 70s onwards, the education sector undertook the important task of expanding the use of Catalan among civil servants and teachers. The education model was confirmed by the Constitutional Court interpretative ruling of 1994,44 which confirmed the constitutionality of using Catalan as the main language in primary and secondary education in Catalonia. The Court also decided that the policies of the Generalitat should be limited by Article 3(1) SC, which establishes the duty to know the Spanish language. The constitutional judges accepted the importance of the bilingual education model as a tool for integration and social cohesion (Corretja 2013, 96).

The linguistic policies were updated by Act 1/1998 of the Catalan parliament on Linguistic Policy. This law replaced the 1983 Normalisation Act and introduced some coercive measures in the socio-economic milieu to ensure the use of the Catalan language. Since the 1980s, the efforts to revitalize the use of Catalan had been centred on the public sector, while the private sector had been relatively free of any linguistic constraints. The new law sought to integrate constrictive measures already in place through sectorial legislation and declared Catalan to be the priority

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44 Constitutional Court of Spain, STC 337/1994.
language of the public administration (Milian 2014, 19). The success of this linguistic policy has been quite remarkable, as the comprehension of Catalan among the adult population jumped from 53.1% in 1983 to 83.2% in 2012 (Milian 2014).

Although there has been a significant amount of political debate on Catalan linguistic policy ever since the beginning of the 1980s, during the last decade legal and political tensions have taken centre stage, especially since the reform of the Statute of Autonomy in 2006. In Article 35, the 2006 SAC establishes the duty to know Catalan and Castilian by the end of compulsory schooling. In 2010, the Constitutional Court upheld these provisions45 but emphasized the need for an ‘equal use’ of Spanish in the education system when commenting on Article 35 SAC. Since then, the linguistic rights of Spanish-speaking families have been debated in various court cases. These debates concern the right of children to receive their early primary schooling in the language they speak at home (i.e. Spanish), the right of parents to communicate with school administrators in both languages in private schools, and the right to receive bilingual education in a different proportion, i.e. with an increased proportion of Spanish. At the same time, new political forces in the Catalan parliament (e.g. the Ciutadans/Ciudadanos party) have been campaigning for the rights of Spanish speakers to receive education in Spanish in public schools. However, so far, the bi-lingual ‘conjunction’ system and general linguistic policies of the Generalitat remain in force in spite of myriad individual court cases.

In fact, the education system has proven effective both in terms of social cohesion and results. Catalan students from both Catalan and Spanish speaking families are as successful as other Spanish students in terms of Spanish language skills by the end of compulsory schooling. Figure 10 summarises the results of Catalan and Spanish students in terms of linguistic skills according to PISA (Programme for International Student Assessment) report data. As the data shows, the skills of Catalan students are similar to or even higher than the Spanish average.

45 Constitutional Court of Spain, STC 31/2010.
10. Membership, ‘quasi-citizenship’ and special rights

Catalonia has one clear case of asymmetry and internal territorial autonomy – that of Aran. Situated in the Pyrenees, within the province of Lleida, Aran has 9,930 inhabitants, its own institutional organisation, and is only 600 square kilometres in size. Therefore, it constitutes a case of special rights within Catalonia.

Aran’s governmental body is the Consell Generau (the General Council), which consists of the Síndic (president), the Plen des Conselhèrs e Conselhères Generaus (the Plenary of General Councillors) and the Comission d’Auditors de Compdes (Audit Committee). The Síndic is the highest and the highest representative of the Generalitat in Aran.47 As far back as 1979, the Statute of Autonomy recognised the need to promote the language of Aran, and in 1990 the Consell Generau was re-established by Law 16/1990 of the Catalan parliament. Article 11 of the 2006 SAC “recognises Aran as a unique territorial entity within Catalonia, subject to specific protection under a special legal system.” In addition, Article 6(5) SAC declares that the Occitan language known as Aranese “is Aran’s own language and is official in Catalonia”. Later on, in 2010, the Catalan parliament passed specific legislation, which developed the SAC’s provisions regarding

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47 Article 94 SAC.
Aran’s Occitan language. In 2015, the Catalan parliament approved a law, which recognises the ‘Occitan national reality’ and Aran’s right to decide its constitutional framework. The law divides Aran into six sub-entities and recognises its flag, coat of arms, national holiday and national anthem; it also establishes Aran’s language as the preferential language of the public administration in this region.

The relationship between Aran and Catalonia has deep historical roots. In 1213 the Catalan-Occitan coalition lost the Battle of Murèth against the Frankish kingdom, which thereafter controlled the Occitan region and pursued a policy of cultural and political assimilation. In 1313, King James II of Aragon ratified the privileges of the valley as set out in the ancient document *Era Querimònia*. During the War of the Spanish Succession, at the beginning of the eighteenth century, Aran fought on the Catalan side in favour of Charles III of Austria. Aran and Catalonia lost the war and the new King of Spain, Phillip V of Bourbon, appointed the Baron of Les as governor of Aran, who was responsible for punishing the Aran people for their allegiance to the Catalan side. Over the years the valley held onto its traditional institutions, including the *Conselh Generau*, until 1834 when it was formally incorporated into the province of Lleida.

The Generalitat-Aran Government Bilateral Commission has regulated the autonomy of Aran within Catalonia and the development of its powers since 2015. This Commission negotiates the powers and services decentralised and transferred to the valley. However, the financial aspect of Aran’s autonomy is still an open question.

### 11. General Assessment and Outlook

Catalonia has achieved the recognition of a certain degree of autonomy within Spain. The objectives of modernisation and democratisation of the political and social structures that were set out in 1978 have been achieved. Catalonia is currently part of the EU and enjoys a healthy and prosperous democracy in a peaceful context. In fact, Catalonia (and the rest of Spain) has never experienced a period of democracy as long as the one that began in 1978. However, as mentioned in the previous sections, the actual nature of the Catalan self-government is more administrative

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48 Law 35/2010 on Occitan, Aranese in Aran.
49 Law 1/2015 on the special regime of Aran.
than political: the capacity of self-government institutions to define their own public policies has been extremely narrowed by the expansive legislative and executive activity of central-government institutions.

The dominant and expansive role of the State over self-government has also had an impact upon public opinion. According to a 2017 public poll, 64.6% of Catalonia’s population think that the region has achieved an insufficient level of autonomy and only 23% are satisfied with the current degree of self-government.50

In spite of the undeniable achievements made by Spanish society as a whole, the actual functioning of decentralization in general and more specifically in Catalonia, did not fulfil the political and institutional expectations of the vast majority of Catalans. It is in this sense that one has to understand the demands from Catalonia for not just more powers but also and fundamentally for better self-government. During the 1990s, most Catalans supported the status quo. However, in the last decade, the preferences of the Catalan population shifted dramatically from autonomy (and federalism) to independence. The results of the 2015 Catalan election reflected this change: 72 MPs out of 135 belonged to pro-independence parties and more than two-thirds of the MPs supported the idea of organizing a self-determination referendum. These demands have created significant tensions with the Spanish government which constantly refused to engage in either a dialogue on a referendum or on a process of constitutional reform (Cuadras-Morató 2016a).

The origins of this political situation are complex and are rooted in historical relations between Catalonia and the rest of Spain (Guibernau 2004), as well as in the never-ending debate on the situation of the other minority nations (Galicia and the Basque Country) within the Spanish State (Keating 1996). Nonetheless, the reform process of the 2006 SAC and the 2010 ruling of the Constitutional Court51 intensified the Catalan demands for autonomy and self-determination. Since the beginning of the 2000s, a majority of Catalan political forces and of citizens has been seeking more autonomy and the recognition of Catalonia as a nation. The SAC reform was an attempt to update Catalan autonomy through a process of negotiating amendments to Catalonia’s supreme law. Catalonia’s demands covered diverse aspects encompassing both symbolic and material

50 Centre d’Estudis d’Opinió. Baròmetre d’Opinió Política. 3a onada 2017 (Centre for Opinion Studies, Political Opinion Barometer, 3rd wave 2017), Question 29. For details, see http://www.ceo.gencat.cat/ceop/AppJava/pages/estudis/categories/fitxaEstudi.html?colId=6408&lastTitle=Bar%20metre+d%27Opini%F3+Pol%EDtica.+3a+onada+2017 (accessed on 15 January 2018).
51 Constitutional Court of Spain, STC 31/2010.
dimensions: the national definition of Catalonia’s status within Spain; the protection of the exclusive powers of the Generalitat vis-à-vis central government expansion; the redefinition of fiscal powers, international relations and the scope of powers. During the negotiation process of the SAC reform, some of these objectives had to be abandoned or watered down, especially when the Spanish parliament debated the SAC reform in 2006. However, it was the 2010 ruling of the Constitutional Court, four years after the approval of the new SAC in a regional referendum, that basically frustrated the objectives of the reform (Viver 2011a).

Since then, Catalonia’s agenda has focused on the territorial debate and the right to self-determination. Several grassroots political and social platforms in Catalonia have been consistently mobilising the population. Civil society groups have organised a series of demonstrations and local consultations on independence in more than half of Catalonia’s municipalities (Guinjoan and Rodon 2016; Muñoz and Guinjoan 2013). According to poll data, public opinion has dramatically changed in regards to territorial governance. Independence was a marginal option in 2006, scoring less than 15%, while status quo was by far the most popular territorial option (see Figure 11). However, support for secession gradually increased from 2007-2009 and by the end of 2011 it had become relatively majoritarian among Catalans.

**Figure 11.** Preferences regarding territorial governance in Catalonia (2005-2016)

![Figure 11](image)

Starting from 2012, the Catalan government, with the support of a majority of elected members of the Catalan parliament, continually asked the central government to reach an agreement regarding the organization of an independence referendum in Catalonia. This demand faced important political, constitutional and legal obstacles and was repeatedly rejected by the Spanish parliament and the Constitutional Court. Firstly, the majority of state-wide political parties (i.e. PP, PSOE and Ciudadanos) rejected the right of Catalonia to decide its constitutional future and did not accept the proposals for holding a referendum (Guibernau 2013). Podemos was the only state-wide party that came close to accept these demands.

Secondly, the constitutional doctrine does not recognize the right of Catalonia to hold a self-determination referendum (Bossacoma and López-Bofill 2016). The Constitutional Court has repeatedly stated that, according to Article 2 SC, sovereignty ‘belongs to all Spaniards’. In this sense, in its 2014 ruling on a Catalan parliamentary resolution of sovereignty and the right to decide, the Constitutional Court referred to the demands for ‘the right to decide’ as being politically legitimate but requiring a previous constitutional reform to be legally considered. The Court also declared the unconstitutionality of several legislative initiatives passed by the Catalan institutions that aimed to provide a legal framework for a consultation on independence (Bossacoma and López-Bofill 2016). The Catalan government supported a non-binding civil society consultation that took place on 9 November 2014. Out of the 2.3 million Catalans who took part, 1.861.753 voted for independence. Several members of the then Catalan government, including its president, Artur Mas, have been convicted and banned from public office for providing institutional support to this consultation.

On 1 October 2017, the Catalan government held an independence referendum despite the strong opposition of the central government and the unionist parties in the Catalan parliament. While

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53 The conservative government led by the PP strongly opposed the idea of a self-determination referendum in Catalonia. The PSOE, the main opposition party, rejected this idea as well and proposed a federal reform of the Constitution.
54 Constitutional Court of Spain, STC 42/2014.
the referendum was declared illegal by the Spanish authorities, the Catalan government defended its legitimacy based upon the democratic mandate received in the 2015 elections, when pro-independence parties gained the parliamentary majority. The vote was marred by violent scenes as Spanish police made a disproportionate use of force in the attempt to prevent people from going to the polls. However, more than two million people voted and the registered turnout was 43.03%. It is worth noting that 90.18% of the votes were for independence. The Spanish authorities reacted with a series of coercive measures including criminal charges against members of the Catalan government and parliament for misuse of public funds and sedition. On 27 October, the Catalan parliament adopted a unilateral declaration of independence. Out of the 135 MPs, 70 voted in favour, 10 against, two abstained and 53 left the legislature before voting as a sign of protest. In response, the Spanish parliament approved direct rule over the region. The Catalan Parliament was dissolved and early elections were held on 21 December 2017. The three pro-independence parties won a total of 70 seats and preserved the absolute majority in the Catalan parliament. Meanwhile, all members of the Catalan government have been removed from office and some governmental units and structures were closed down. The Spanish Attorney General charged the former president of the Generalitat, Carles Puigdemont, his deputy and several other members of the Catalan government and parliament with rebellion, sedition and misappropriation of public funds. Spanish authorities started criminal proceedings against more than 1.000 officials, including 700 majors, for their in the organization of the independence referendum.

Whether Catalonia will secede or not remains an open question. Nonetheless, it seems that the time has come to revise the Spanish decentralization model as defined in the 1978 Constitution and to politically address the Catalan conflict. The Estado de las Autonomías was part of a successful transition to democracy and the modernisation of Spain’s public administration, but today a large part of the Catalan society claim the right to reform a constitutional agreement reached four decades ago in a very different context.

59 Together for Catalonia (Junts per Catalunya), Republican Left of Catalonia–Catalonia Yes (Esquerra Republicana de Catalunya–Catalunya Sí), Popular Unity Candidacy–Constituent Call (Candidatura d'Unitat Popular–Crida Constituent)
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**List of abbreviations**

AC - Autonomous Community
AP - People's Alliance (*Alianza Popular*)
CIS - Centre for Sociological Research (*Centro de Investigaciones Sociológicas*)
EU - European Union
GDP - Gross Domestic Product
IDESCAT - Statistical Institute of Catalonia (*Institut d'Estadística de Catalunya*)
IGR - Intergovernmental Relations
LOFCA - Organic Law on the Financing of Autonomous Communities (*Ley Organica de Financiación Autonómica*)
PISA - Programme for International Student Assessment
PP - Popular Party (Partido Popular)
PSOE - Spanish Socialist Workers Party (*Partido Socialista Obrero Español*)
SAC - Statute of Autonomy of Catalonia
SC - Spanish Constitution
STC - Judgement of the Constitutional Court (*Sentencia del Tribunal Constitucional*)
UCD - Union of the Democratic Centre (*Unión de Centro Democrático*)