

Push and Pull Factors for Catalonia's Independence

Martyna Szurmiej, School of Law, Liverpool John Moores University

Abstract

This article critically examines the push for Catalan independence, delving into legal, historical, social, economic, and political aspects that both support and challenge the region's bid for autonomy. Catalonia's historical journey from its independent kingdom status to its current position within Spain sets the backdrop for its ongoing pursuit of self-governance. Together with its distinct culture and language, this makes a strong case for self-determination, asserting a right to shape Catalan's destiny and protect its identity. Economic considerations, including perceived unfair taxation, further fuel the drive for autonomy as proponents envision Catalonia's self-sufficiency within the European Union. Yet, the article also highlights opposing viewpoints. Critics caution against potential economic instability, pointing to concerns over debt, the establishment of new financial structures, and the intricate relationship between Catalonia and Spain. Shared cultural attributes and economic benefits from unity with Spain are among the arguments against separation. Moreover, Spain's claim to territorial unity that is supported by constitutional rules of referendums and secession oppose Catalonia's self-determination. The article also explores the potential external dimension of an independent Catalonia, weighing the advantages of economic growth and self-governance against challenges like the loss of EU citizenship and trade disruptions. In a comprehensive analysis spanning historical origins to contemporary dynamics, this article provides a nuanced understanding of the multifaceted debate surrounding Catalonia's bid for independence. It offers insights into the complex legal, historical, social, economic, and political factors shaping the region's aspirations and its future relationship with Spain and the European Union.

Keywords: Catalonia; Independence; History; Society; Economy; Politics; EU Membership

1. Introduction

Nestled in the north-eastern Spanish horizon, Catalonia beckons as a semi-autonomous region renowned for its sun-kissed allure of Costa Brava's beaches and the majestic peaks of the Pyrenees Mountains. At the heart of Catalonia pulses its vibrant capital, Barcelona, a city not only emblematic of its regional economic dynamism but also brimming with aspirations for an independent destiny. Catalonia's diverse enclave, comprising approximately 7.5 million people, stands as a demographic powerhouse, encompassing 16% of Spain's total population and positioning itself as the country's second most densely inhabited territory. A linguistic tapestry colours its social fabric, with Catalan emerging as one of Spain's official languages; 93.3% of Catalans affirm their understanding of this linguistic emblem¹ they now aim to have recognised as one of the official languages of the European Union (EU).²

The idea of Catalonia's sovereignty has a long history that dates back to 1922 when the first signs of desire for independence from the Iberian Peninsula emerged. The famous 2017 independence referendum, a landmark event that rippled far beyond its immediate environment, represented a crucial turning point in this prolonged story. However, this attempt was quickly halted by Spain's highest judicial authority which labelled the referendum illegal and illegitimate.³

This article critically examines the question of Catalonia's independence. It sheds light on the complex factors supporting and hindering Catalonia's quest for self-governance by weaving together the historical loom, unravelling the social and economic yarn, and navigating the tangled legal and political landscape. This article also provides a broad overview of the Catalan desire for independence by delving into the region's complex economic structure, cultural affinities, and political labyrinths. It aims to shed light on the multifaceted trajectory that Catalonia charts as it negotiates the arteries of self-determination and strives to redefine its ties with Spain, standing ready to carve its

¹ Anastazia Maritzel, 'Catalonia: The Quest for Independence from Spain' (Senior Honors Projects, John Carroll University 2018), 39.

² Aitor Hernández-Morales, 'Madrid and Barcelona Team up in Effort to make Catalan an EU Language' (*Politico*, 19 September 2023) <<https://www.politico.eu/article/madrid-and-barcelona-team-up-in-effort-to-make-catalan-an-eu-language/>> accessed 24 December 2023.

³ Aritz Parra and Ciaran Giles, 'Spain: Top Court Officially Rules Catalan Referendum Illegal' *Chicago Tribune* (17 October 2017) <<https://www.chicagotribune.com/nation-world/ct-catalonia-spain-independence-20171017-story.html>> accessed 24 December 2023.

distinctive niche on the global scene, by looking closely at the interplay of legal, political, economic, and social push and pull factors for independence.

2. A Brief History of Catalonia

Without some history and background of Catalonia, the conversation around the region's independence would not exist. Studying the context and history provides knowledge and understanding of previous events and issues, especially over the past century. This leads to a greater appreciation for the current events that occur to this day.

The story began in the 12th century. Catalonia was once an independent kingdom within the Iberian Peninsula (land of Spain and Portugal) and each independent kingdom such as Andalusia, Aragon, and Galicia had their own customary laws and languages. Fueros were a form of legal charter or customary law that provided particular areas and regions with certain rights and entitlements. Many Iberian Peninsula regions, including Catalonia, had their own fueros that described their legal obligations, systems of government, and relationships with the national Government. These fueros frequently gave these regions a great deal of autonomy.⁴ The Catalan Courts (Corts Catalanes), which served as representative assemblies and contributed to regional governance, were among the legal institutions that the region had at the time. Local laws and customs were shaped in part by these courts. And vice versa, customary laws and traditions as well as written law had a significant impact on the legal system. Unwritten customs interacted with Roman law and other medieval legal traditions to produce a varied legal system. Legal frameworks frequently reflected linguistic and cultural identities. For example, now, as well as back then, in Catalonia, administration and legal proceedings are conducted in Catalan.⁵ While there may not have been a single unified law that explicitly supported the autonomy of each region back in the 12th century, the combination of fueros, local legal institutions, and historical

⁴ Marc Sanjaume-Calvet, Berta Barbet Porta and Mireia Grau Creus, 'Catalan Self-Government: From Autonomy to Self-Determination?' in *Autonomy Arrangements in the World* (2022) <<https://www.world-autonomies.info/territorial-autonomies/catalonia>> accessed 24 December 2023.

⁵ Manuel Valls, 'What's at Stake in Catalonia?' (*CIRSD*) <<https://www.cirsd.org/en/horizons/horizons-winter-2019-issue-no-13/whats-at-stake-in-catalonia>> accessed 24 December 2023.

practices contributed to the unique legal arrangements and regional autonomy in places like Catalonia during the medieval period.

In terms of political rule, in 1150, the Queen of Aragon and the Count of Barcelona formed a dynasty of Catholic Catalans and left their eldest son, Alfonso II, to inherit their titles and the land of both Aragon and Catalonia, a union destined to be permanent. During his reign, Alfonso extended Aragonese influence to other cities, regions, and countries before dying in 1196.⁶

His dynasty ended with the reign of King Phillip V in the 18th century. After, the war of the Spanish Succession (1701 - 1714) ended with the defeat of Catalonia and resulted in the birth of modern-day Spain.⁷

The monarchs after King Phillip V attempted to bring back the Catalan language and laws in Catalonia, but failed. However, in 1931, Francesc Macià, a staunch advocate of Catalan nationalism, re-established the Generalitat de Catalunya, also known as the Government of Catalonia.⁸

The possibility of becoming an independent nation became slim again when General Francisco Franco came to dominate Spain after the Spanish Civil War in 1939. Once again, Catalonia belonged to wider Spain. Franco was determined to end Catalan separatism and create what Nationalists would call a unified country or a Francoist Catalonia. With Franco's victory at the Battle of Ebro in 1938, he took control of Catalonia, killing at least 114,000 people for failing to comply with his rules and compelled many more to go into exile abroad.⁹ When Franco was in power, he abolished the Generalitat and prohibited Catalans from speaking Catalan.¹⁰

⁶ John Atkinson, 'Alfonso (Aragón) de Aragón (1157-1196)' (*Wikitree*, 11 January 2022) <<https://www.wikitree.com/wiki/Arag%C3%B3n-205>> accessed 24 December 2023.

⁷ The Global Pen, 'Catalonia's Independence from Spain: An Ongoing Struggle' (2017) <<https://internationalrelationsimi.wordpress.com/2017/10/29/catalonias-independence-from-spain-an-ongoing-struggle/>> accessed 24 December 2023.

⁸ Vincente Rodriguex, 'Catalonia' *Britannica* (23 December 2023) <<https://www.britannica.com/place/Catalonia#ref71422>> accessed 24 December 2023.

⁹ Cain Burdeau, 'Spain Slowly Exhumes Victims of Francos Repression' *Courthouse News Service* (30 September 2020) <<https://www.courthousenews.com/spain-slowly-exhumes-victims-of-francos-repression/>> accessed 24 December 2023.

¹⁰ Aisling Moloney, 'When did Catalonia Become part of Spain and why do they now want Independence?' *Metro* (16 October 2017) <<https://metro.co.uk/2017/10/16/when-did-catalonia-become-part-of-spain-and-why-do-they-now-want-independence-7002659/>> accessed 24 December 2023.

Catalonia's fate looked brighter after Franco's death in 1975. Catalonia transitioned into a democratic country and Catalonia was granted "autonomy" once more in 1977.¹¹ The Iberian Peninsula was no longer separated into kingdoms nor into nationalist versus republican groups.¹² Juan Carlos, Franco's favoured inner circle member acceded to the Spanish throne two days after Franco's death. However, his views contradicted Franco's. Carlos embraced the transition to democracy which facilitated another push for Catalonia's independence due to the newfound freedoms surrounding Catalan language and customs.¹³

However, the move towards greater autonomy and independence was blocked in the 2000s with the 2008 financial crash that left Catalans feeling that the central Government took in more taxes than it gave back.¹⁴

In 2010, the Constitutional Court in Madrid overruled part of the 2006 Autonomy Statute which stated that there is no legal basis for recognising Catalonia as a nation within Spain. It also reversed the part of the Statute that named Catalonia a nation.¹⁵ This inspired the Catalan Independence Movement, a social and political pressure group seeking the independence of Catalonia from Spain.¹⁶

In September 2014, Generalitat de Catalunya approved the call for a referendum on the independence of the region.¹⁷ However, the Constitutional Court of Spain

¹¹ Dr Doom, 'Catalans Declare Independence from Spain' (*Alien Expanse Exploring The Unknown*, 27 October 2017) <<https://alienexpanse.com/index.php?threads/catalans-declare-independence-from-spain.878/>> accessed 24 December 2023.

¹² StudySmarter, 'Iberian Peninsula' <<https://www.studysmarter.co.uk/explanations/history/early-modern-spain/iberian-peninsula/>> accessed 24 December 2023.

¹³ Sara García Hidalgo, 'Relationship Between Spanish King Juan Carlos I and Franco's Dictatorship' (*Destino Republicano – Republican Fate*, 2 August 2012) <<https://destinorepublicano.wordpress.com/2012/08/02/relationship-between-king-juan-carlos-i-and-franco/>> accessed 24 December 2023.

¹⁴ BBC, 'Catalonia's Bid for Independence from Spain Explained' (18 October 2019) <<https://www.bbc.co.uk/news/world-europe-29478415>> accessed 24 December 2023.

¹⁵ Krishnadev Calamur, 'The Spanish Court Decision that Sparked the Modern Catalan Independence Movement' *The Atlantic* (1 October 2017) <<https://www.theatlantic.com/international/archive/2017/10/catalonia-referendum/541611/>> accessed 24 December 2023.

¹⁶ Ali Guban, 'Why does Catalonia want Independence from Spain' (*Gubanmedia*, 7 October 2017) <<https://gubanmedia.com/why-does-catalonia-want-independence-from-spain/>> accessed 24 December 2023.

¹⁷ Moloney (n 10).

announced that it would block any efforts Catalonia made to be independent, and the vote was suspended.¹⁸

Another major effort to gain independence via a referendum was made in 2017. On 1 October, Catalonia's separatist leaders opened the region's polling stations for Catalan citizens asking one question: 'Do you want Catalonia to become an independent state in the form of a republic.' Approximately 90% of the population voted in favour of the resolution, with a voter turnout of around 43%.¹⁹

This is despite of the action of the Spanish police who acted on behalf of the Spanish Government to fire rubber bullets and beat people with batons in attempts to dismiss crowds from voting. During street riots, over 2000 people and 33 police officers were injured. This motivated Catalans to protest Madrid's Government and encouraged people to support their voting, illustrating the determination that Catalans had to finally achieve the independence they longed for over the years.²⁰

However, the Spanish Constitutional Court branded the vote as illegal as it did not follow the process prescribed in Article 92(2) of the Spanish Constitution²¹ that states: 'The referendum shall be called by the King at the proposal of the President of the Government, following authorisation by the Congress of Deputies.'²² Article 92(3) states: 'An organic Law shall regulate the terms and procedures for the different kinds of referendum provided for in this constitution.'²³

Following the October 2017 referendum, Catalonia's former leader, Carles Puigdemont, addressed Parliament to declare the right to independence anyway, without prior negotiations. On 27 October, the region declared itself independent from Spain after an independence motion was passed in the 135-strong assembly by 60 votes. However, Spain refused to recognise the motion's validity since it did not follow

¹⁸ BBC, 'Spain Court Suspends Catalonia Independence Referendum' (29 September 2014) <<https://www.bbc.co.uk/news/world-europe-29410493>> accessed 3 September 2023.

¹⁹ Patrick Knox, Emma Lake and Phoebe Cooke, 'Where is Catalonia, why does it want Independence from Spain and what do the Latest Election Results mean?' *The Sun* (22 December 2017) <<https://www.thesun.co.uk/news/3970067/catalonia-independence-referendum-latest-spain/>> accessed 24 December 2023.

²⁰ Sunita Carstairs-Patel, 'Spanish Government 'Sorry' for Police Violence in Catalonia Independence Referendum' *Sky News* (6 October 2017) <<https://news.sky.com/story/spanish-government-sorry-for-police-violence-in-catalonia-independence-referendum-11069413>> accessed 24 December 2023.

²¹ Parra and Giles (n 3).

²² The Spanish Constitution 1978, art 92(2).

²³ *Ibid.*

the process outlined in Article 92. Consequently, Spain imposed direct rule on Catalonia. It called for a new regional election to be held on 21 December. Following this, former separatist leaders including Carles Puigdemont exiled to Brussels to avoid arrests for sedition.²⁴

The regional election offered little solace to the Spanish Government because Mr. Rajoy's (former Prime Minister of Spain) own Popular Party obtained just three seats, a record low for the ruling party, and pro-independence groups won a majority of 68 seats. Given that the turnout was a record for a Catalan regional election at 80%, the government will be unable to attribute the outcome to low voter turnout.²⁵

Despite Spain's opposition, the referendum on independence held on 1 October was a significant success in terms of challenging the central Government and their policies, calling for the region's self-determination.

Catalonia continues to build its case for independence, even if it means strategically collaborating with Spain to advance its cause. After an inconclusive national election in July 2023, Spanish Prime Minister Pedro Sánchez needs the support of Catalan separatists to form a government. The Catalan Government and the separatist parties made their support conditional, amongst others, upon getting Catalan recognised as an official EU language. Spain submitted the request to the EU but it was rejected. Spanish foreign minister José Manuel Albares vowed that Madrid would not abandon the project, possibly because despite a coalition agreement with Sumar, Sánchez still needs the backing of Catalan's separatists.²⁶ And Catalan needs Spain's support in their call demand for self-determination.

²⁴ Knox, Lake and Cooke (n 19).

²⁵ Ibid.

²⁶ Hernández-Morales (n 2); Ian Johnston and Barney Jopson, 'EU Snubs Spain on Adding more Official Languages' *Financial Times* (19 September 2023) <<https://www.ft.com/content/584a99e8-13d5-4665-9480-3565b4c400b7>> accessed 24 December 2023; Paula Soler, 'EU Rejects Fast-Tracking Spain's Catalan Language Bid' (*EUobserver*, 19 September 2023) <<https://euobserver.com/eu-political/157440>> accessed 24 December 2023; Sam Jones, 'Spain's Ruling Socialists and Leftwing Alliance sign Coalition Deal' *The Guardian* (24 October 2023) <<https://theguardian.com/world/2023/oct/24/spains-ruling-socialists-and-leftwing-alliance-sign-coalition-deal>> accessed 24 December 2023.

3. Catalonia's Self-Determination

The fundamental right of people to choose their political status, pursue their economic, social, and cultural development, and take charge of their own future is recognised by the fundamental principle of self-determination in International Law. Self-determination encompasses a variety of forms, from complete independence to true autonomy within existing states, and is based on the notion of honouring and preserving the autonomy and identity of unique groups. According to this idea, people and groups have the power to determine their own governance and future in light of their own historical, cultural, and social settings.²⁷

The principle of self-determination is enshrined in International Law. It is backed by key United Nations General Assembly (UNGA) resolutions, including UNGA Resolution 2626 (XXV), often referred to as the Friendly Relations Declaration,²⁸ and UNGA Resolution 1514 (XV), known as the Declaration on the Granting of Independence to Colonial Countries and Peoples.²⁹ Additionally, the International Court of Justice (ICJ) has weighed in on the concept, addressing self-determination in the context of Kosovo. In its advisory opinion, the ICJ concluded that Kosovo's unilateral declaration of independence did not violate International Law, emphasising that the principle of self-determination should be in harmony with the principle of territorial integrity.³⁰ While the ICJ's opinion specifically pertained to Kosovo, its principles on self-determination and territorial integrity have implications for Catalonia's quest for independence within Spain, where a similar balance between these principles is being sought.

While the application of the rules of self-determination can vary on the specific context, certain key aspects are relevant to Catalonia's bid for independence. Self-determination often takes into account historical circumstances, including cultural identity, linguistic distinctions, and past experiences of repression or marginalisation. Catalonia's distinct cultural identity, language, and historical grievances provide a basis for asserting its right to self-determination.

²⁷ Marija Batistich, 'The Right to Self-Determination and International Law' (1995) *AukULawRw* 1013.

²⁸ UNGA Resolution 2625 (XXV) 1970.

²⁹ UNGA Resolution 1514 (XV) 1960.

³⁰ Gleider Hernández, *International Law* (2nd edn, OUP 2022).

The manner in which self-determination is pursued is also crucial. Democratic processes that involve the active participation of the concerned population are often emphasised.³¹ Catalonia's pursuit of independence through referendums and political discourse reflects an attempt to exercise self-determination in a democratic manner.

Linked to this is the key principle of consent to the affected population. If a substantial majority of the people in Catalonia express a clear desire for independence through fair and transparent processes, this could support their case for self-determination. Arguably, this has been positively demonstrated in the 2017 referendum.

However, International Law also respects the territorial integrity of existing states. This implies that any attempt at self-determination must balance the aspirations of the region seeking independence with the interests of the parent state.³² In the case of Catalonia, Spain's constitutional commitment to preserving its territorial integrity poses a challenge to Catalonia's bid for independence.

Recognising this potential for tension and conflict, self-determination is generally expected to be pursued through peaceful means.³³ Catalonia's efforts to engage in peaceful political and diplomatic processes to achieve independence align with this aspect.³⁴

The quest for independence by Catalonia has to negotiate a challenging legal context. On the one hand, the self-determination principle acknowledges the right of many peoples to choose their own political position. Due to Catalonia's distinct cultural identity and historical context, its case is given greater legal weight.³⁵ For instance, Catalonia differs from the rest of Spain due to the centuries-old history of the Catalan language. Referendum attempts made in the region, such as the 2017 referendum, could be seen as expressions of this right under international law.³⁶

³¹ Shristi Suman, 'Right to Self-Determination in International Law' (*Pleaders*, 21 March 2020) <<https://blog.ipleaders.in/right-to-self-determination-in-international-law/>> accessed 24 December 2023.

³² Michael Wood, 'Territorial Integrity' *Encyclopedia Princetoniensis* <<https://pesd.princeton.edu/node/686>> accessed 24 December 2023.

³³ Suman (n 31).

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ Fm, 'Catalonia Independence' (*InternationalRelations*, 1 October 2017) <<https://internationalrelations.org/catalonia-independence/>> accessed 24 December 2023.

However, significant challenges are imposed by the Spanish legal system. Article 2 of Spain's 1978 Constitution places a strong emphasis on the 'indivisible unity of the Spanish nation.' Spanish courts have regularly ruled that any unilateral secession is unlawful, supporting this legal framework.³⁷ Following the 2017 vote, Catalan political figures were found guilty and sentenced,³⁸ underscoring Spain's dedication to preserving its Constitution and the law.

This highlights the importance of the idea of territorial integrity. The international legal system respects the continuity of existing states and forbids actions that can result in the redrawing of international boundaries. This principle is evident in various historical cases. For example, when Kosovo declared independence unilaterally, some states recognised it while others did not, reflecting the intricate balance between self-determination and territorial integrity.³⁹

In applying these rules to Catalonia's bid for independence, a complex situation emerges. While Catalonia's historical and cultural distinctiveness, as well as its democratic initiatives, align with the principles of self-determination, Spain's commitment to its territorial integrity and constitutional framework complicates matters.⁴⁰ The manner in which the bid for independence is carried out, the extent of popular consent, and the balance between regional aspirations and national cohesion all contribute to the nuanced evaluation of Catalonia's case for self-determination. Ultimately, reaching a resolution that respects both the principles of self-determination and Spain's legal and constitutional framework requires careful consideration and negotiation. The delicate interplay between these fundamental principles and the unique legal political realities of the region and of Spain as a whole determines whether or not Catalonia's argument for independence is legitimate.⁴¹

³⁷ Daniel Grütters, 'Catalonia: The Right to Secede and the Right to Self-Determination' (23 October 2017) <<https://ohrh.law.ox.ac.uk/catalonia-the-right-to-secede-and-the-right-to-self-determination/>> accessed 24 December 2023.

³⁸ BBC, 'Violent Clashes Erupt as Spanish Court Jails Catalonia Leaders' (14 October 2019) <<https://www.bbc.co.uk/news/world-europe-49974289>> accessed 24 December 2023.

³⁹ International Court of Justice, 'Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo' (2018) <<https://www.icj-cij.org/case/141>> accessed 24 December 2023.

⁴⁰ Mac Weller, 'Sucession and Self-Determination in Western Europe: The Case of Catalonia' (*EJIL:Talk!*, 18 October 2017) <<https://www.ejiltalk.org/secession-and-self-determination-in-western-europe-the-case-of-catalonia/>> accessed 24 December 2023.

⁴¹ *Ibid.*

It is important to recognise that the legal argument for independence for Catalonia is only one facet of a complicated problem. As the rules of self-determination indicate, the feasibility and ramifications of independence are also shaped by social, political, and economic elements in addition to legal ones. Catalonia's cultural identity, regional dynamics, public opinion, economic interdependence, and potential impact on international relations are all important factors that necessitate careful consideration. To fully understand the scale of Catalonia's independence campaign and its potential effects, a comprehensive assessment that takes these multidimensional elements into account is required.

4. Factors Supporting Independence

The results of the referendums mentioned previously show that most Catalans favour independence. According to the independence movement, 'Catalonia has a moral, cultural and political right to self-determination.'⁴²

Culturally, Catalonia is different from Spain. Catalans do not dance flamenco. Corrida de toros (bull-running) is considered barbaric and cruel, and Catalonia has repurposed old bullrings for shopping centres or recreational arenas. In addition to its own culture, Catalonia has other nation-state attributes such as language, history, flag, and national anthem. And the regional government already has a measure of self-determination.⁴³ This reflects the cultural and identity-based motivations behind the Catalan independence movement. The assertion of a distinct cultural identity underscores the belief among Catalans that their uniqueness warrants recognition and autonomy. The reference to repurposed bullrings signifies a rejection of traditional Spanish practices. The emphasis on cultural attributes like language, history, flag, and national anthem highlights the elements that contribute to a distinct national identity. The mention of self-determination aligns with the idea that cultural differences should be accompanied by political autonomy. Instead, however, Catalonia has been under the control of the Spanish State and its culture for decades. With Madrid's Government's colonialist mentality, Spanish institutions have often degraded Catalans and their culture,

⁴² Anushka Tyagi, 'Catalonian Independence and Right to Self-Determination' (*Curious for Law*, 7 September 2020) <<https://curiousforlaw.com/catalonian-independence-and-the-right-to-self-determination/>> accessed 24 December 2023.

⁴³ Sanjaume-Calvet, Barbet Porta and Grau Creus (n 4).

creating them a child-like reputation where they lack the ability to make decisions for important matters. This marginalising and demeaning attitude undermines Catalan agency, reflecting a perceived disrespect of its ability to self-govern. However, Catalans claim their right to self-governance and decision-making on issues that have a direct bearing on their region because of their deep historical roots and distinctive cultural heritage. Self-determination is seen by Catalans as a way to recover their historical inheritance of independence, and to reshape their common destiny in accordance with their own goals and beliefs.⁴⁴

Supporters of the independence movement also believe that Catalonia has contributed more to Spain than it has received, particularly in terms of economic advantages. They argue that their wealthy region, which contains 16% of Spain's population but generates 20% of the country's GDP, would do better economically as an independent state - a view that has gained traction since Spain entered recession in 2008 but is disputed by many economists. Currently, all taxes gathered in Catalonia are sent to the central administration in Madrid to be distributed. As a consequence of lower returns, Catalonia only accumulates an annual deficit of 20% of its GDP. It is paying in about 10 billion Euros more than it receives back. Those tax demands have pushed Catalonia into debt and has left a wealthy region struggling.⁴⁵ Only through independence will Catalonia's regional Government be able to control its finances and take steps for its economic future. This addresses the economic aspect of the Catalan independence debate. The mention of unequal taxation and financial burden highlights economic grievances, suggesting that Catalonia's economic contributions are not being adequately reflected in the benefits received. The description of Catalonia's financial struggles despite being wealthy underscores economic imbalances. The emphasis on regional autonomy over finances signifies a desire for economic self-determination, which supporters of independence believe could be achieved through independence.

⁴⁴ Chris Woolf, 'The Roots of Catalonia's Differences with the Rest of Spain' (*The World*, 20 October 2017) <<https://theworld.org/stories/2017-10-20/roots-catalonia-s-differences-rest-spain>> accessed 24 December 2023.

⁴⁵ Sofia Bosch, 'Here's how bad Economically a Spain-Catalonia Split Could Really be' *CNBC* (29 September 2017) <<https://www.cnbc.com/2017/09/21/heres-how-bad-economically-a-spain-catalonia-split-could-really-be.html>> accessed 24 December 2023.

Linked to the economic argument for independence is that most of the Catalan population does not want to live under a monarchy that seems to have little regard for their needs. Self-determination and governance closer to the people can create a happier population.⁴⁶ Smaller nation-states are closer to their people and their communities. As a smaller independent State, Catalonia will be able to better plan how to sustain a safe environment, decide which energy sources to use, and to lessen the damage that locals and tourists inflict on the environment. As an independent State, Catalonia may also consider improving education and the health systems as well as infrastructure such as roads, airports, highways, and ports This addresses the political, social, and environmental dimensions of independence. The reference to a happier population suggests that political autonomy can lead to improved well-being. The focus on sustainability, energy choices, and environmental impact indicates the importance of environmental considerations in the decision-making process. The mention of education, healthcare, and infrastructure highlights the potential for political autonomy to drive improvements in social systems and transport.

5. Factors Hindering Independence

Public polls conducted in July 2017, before the major 1 October referendum, showed that 49.4% of Catalans were against independence and 41.1% were in favour. Those who voted against independence feel that their region has more cultural properties and economic benefits than the rest of Spain. However, they might recognise that there is no legitimate reason as to why Catalonia should or should not be allowed to be independent.⁴⁷

Opponents of independence highlight that, while Catalans have a unique culture they are proud of, they also share cultural attributes with Spain, late-night dining, siestas, a passion for football, and the same love for counter-culture activities, for example.⁴⁸

⁴⁶ Christopher Barrington-Leigh and Jan Wollenberg, 'How State and Local Governments can buy their Citizens' Happiness' (*LSE*, 29 October 2018) <<https://blogs.lse.ac.uk/usappblog/2018/10/29/how-state-and-local-governments-can-buy-their-citizens-happiness/>> accessed 24 December 2023.

⁴⁷ Sam Jones, 'Why do some Catalans want Independence and what is Spain's View?' *The Guardian* (21 September 2017) <<https://www.theguardian.com/world/2017/sep/21/why-do-some-catalans-want-independence-and-what-is-spains-view>> accessed 24 December 2023.

⁴⁸ Emily Elwes, 'Differences Between Spain and Catalonia' (*Welcome to Barcelona*, 28 April 2021) <<https://www.shbarcelona.com/blog/en/spain-catalonia/>> accessed 24 December 2023.

This emphasizes the historical, cultural, and social ties between Catalonia and Spain, suggesting that these connections might lead some Catalans to question the necessity of full independence.

Those who oppose independence might also consider Catalonia's financial debt. Its debt as a proportion of GDP has tripled since 2009, which indicates that it is in debt of €76.7 bn as of June 2017.⁴⁹ An independent state requires financing to help save banks in the region and funding for military and diplomatic services. However, Catalonia's low credit rating means that it cannot borrow directly on financial markets and currently depends on loans from Spain.⁵⁰ In 2012, the Spanish Government set up a special fund to provide money to regions that were unable to borrow on the international markets after the financial crisis in 2007. Since it began, Catalonia has benefited most from this scheme, obtaining over €67 bn.⁵¹ If Catalonia did gain autonomy, the region would lose its access to this funding. This point highlights the economic challenges Catalonia might face as an independent nation. The concern is that the existing debt burden, coupled with the need for financial infrastructure, could lead to economic instability and difficulties in securing funding for essential services. It also highlights the financial assistance Catalonia receives through Spain's support mechanisms. Opponents of independence argue that losing access to these funds, combined with Catalonia's debt, could have economic repercussions.

6. External Considerations

As indicated above, the potential internal effects of independence on Catalonia would be considerable. However, especially after Brexit, any discussion of independence must also consider its potential impacts on Catalonia's external relations.

The question of whether an independent Catalonia could maintain its membership in the EU, Schengen, and the Eurozone is subject to negotiation. While no direct precedent exists, Catalonia would likely need to apply and negotiate separately for

⁴⁹ Jon Henley, 'An Independent Catalonia: Practicalities of Leaving Spain' *The Guardian* (9 October 2017) <<https://www.theguardian.com/world/2017/oct/09/an-independent-catalonia-practicalities-of-leaving-spain>> accessed 24 December 2023.

⁵⁰ Bosch (n 45).

⁵¹ Eastwest, 'The Economic Challenge of an Independent Catalonia' (21 September 2017) <<https://eastwest.eu/en/the-economic-challenge-of-an-independent-catalonia/>> accessed 24 December 2023.

each agreement. Potential benefits of rejoining include economic integration, stability, and the facilitation of travel and trade. Rejoining Schengen would mean open border access. This would allow for more trade with and tourism from Catalonia's wealthy neighbours that could boost its economic status. Remaining in the EU would also mean staying the Eurozone, meaning Catalonia would not have to establish its own currency. Continued integration in the EU, Schengen, and the Eurozone suggests that Catalonia's economic stability might not be compromised by independence. It would mean that Catalonia can benefit from trade, economy, and travel instead of creating bans and barriers. This emphasizes the benefits of maintaining the existing external relationships.

In addition to economic stability, remaining in the EU, Schengen, and Eurozone could also maintain political stability in Europe, preventing a return to fragmentation, disintegration, and conflict that the continent has not seen since the 1990s.

In contrast, separating from Spain and the EU would mean establishing a new border and trade regime that could have economic ramifications. Catalonia would have to initiate its own trading standards and regulations since it is not an independent member of the World Trade Organisation or other trade blocs. Opponents of independence argue that the disruption to existing trade relationships and the potential loss of employment opportunities might negatively impact Catalonia's economic wellbeing.⁵²

Separating from Spain and the EU would also introduce a new currency which could permit to boost economic opportunities. While it would be oversimplified to only blame the Euro for unemployment, some claim that Spain's unemployment issues are worsened by the Euro's limitations. Spain is a part of the Eurozone, which makes it difficult to handle specific economic requirements without significantly impacting unemployment numbers.⁵³ Spain also lacks an independent monetary policy. Catalonia would also need to establish its own financial infrastructure if it was independent. While a new currency might offer some economic advantages, setting up new financial institutions would be a significant undertaking and could lead to

⁵² StudyCorgi, 'Globalization Impacts on Trade and Employment' (24 October 2020) <<https://studycorgi.com/globalization-impacts-on-trade-and-employment/>> accessed 24 December 2023.

⁵³ Tony Swash, 'Spain: A Eurozone Success Story?' (*From Tone*, 21 October 2015) <<https://fromtone.com/spain-a-eurozone-success-story/>> accessed 24 December 2023.

economic uncertainties. This can lead to problems like unclear exchange rates, doubts from investors, legal issues, and disruptions in trade. The process demands careful management to prevent negative effects on the economy.

With independence, Catalans would lose their EU citizenship as well as their Spanish citizenship.⁵⁴ Catalans may find themselves having to apply for visas to visit the EU but also Spain itself. This could lead to practical inconveniences and disrupt people's lives and their freedom of movement.

In addition to leaving Spain and possibly the EU, independence would mean that Catalonia will no longer be a part of the North Atlantic Treaty Organisation and might have to raise its own armed forces.⁵⁵ Taking into consideration that Catalonia is already in debt, this would mean that Catalonia would incur extra expenses to safeguard the freedom and security of its people and region. This point intertwines political and economic considerations. It emphasizes the potential security challenges that independence might bring, particularly the need to establish a new defence apparatus. The economic aspect centres on the financial strain of establishing and maintaining a military force, which could be particularly burdensome given Catalonia's existing debt.

7. Conclusion

Catalonia's independence is a contentious issue with numerous components, including legal, political, economic, and social aspects. Legally, Catalonia's push for independence and Spain's efforts to maintain territorial integrity clash in claims to self-determination. While the region's unique cultural identity and historical legacy as well as its economic prowess support calls for independence, the opposing perspective emphasises concerns about adherence to referendum rules set out in the Spanish Constitution, political unity, economic stability, political unity, and practical ramifications.

Applying the rules of self-determination to the case of Catalonia highlights that Catalonia's historical and cultural distinctiveness as well as its democratic and widely

⁵⁴ Henley (n 49).

⁵⁵ Euractiv, 'Brussels says an Independent Catalonia Would need to Leave EU' (16 September 2013) <<https://www.euractiv.com/section/all/video/brussels-says-an-independent-catalonia-would-need-to-leave-eu/>> accessed 24 December 2023.

supported initiatives to gain independence make a case for self-determination, Spain's commitment to its territorial integrity and constitutional framework hinder it.

The long history of Catalonia's attempts to declare its independence spans centuries and reflects a deeply ingrained desire for self-governance. Its distinct cultural character is influenced by past events including the region's prior status as a sovereign monarchy and its periods of autonomy. The Catalan language, traditions, and symbols, which are essential to the case for independence, define this identity.

Economically, pro-independence supporters say that Catalonia's economic contributions to Spain outweigh its economic gains, citing an unfair distribution of taxes and financial transfers. They believe that Catalonia would have more control over its financial and economic policies if it were granted independence. Opponents draw attention to the region's already high debt levels and probable difficulties in developing a financial infrastructure, which could cause financial instability.

The social dimension of independence underscores the deeply divided sentiments within Catalonia itself. While a significant portion of the population favours independence, there is also a substantial pro-unity sentiment. The cultural ties between Catalonia and Spain are emphasized, as well as the complexities of the shared identity and the practical implications of independence on everyday life.

In terms of governance, the political dynamics between Catalonia and the Spanish central Government play a pivotal role. The complex legal procedures for independence, as outlined by the Spanish Constitution, have been at the heart of the contentious relationship between the two entities. The perceived disregard for Catalonia's right to self-determination has fuelled tensions and shaped the broader debate.

Overall, many legal, historic, economic, cultural, and political issues are linked with the prospects for and against an independent Catalonia. While many Catalans are motivated by a desire for independence and cultural preservation, concerns about economic stability, security, and wider implications for the region and Europe highlight the opposing viewpoint. The current debate over Catalan independence reflects a profound fight over identity, representation, and the proper ratio of national unity to regional autonomy.

In this complex juncture of Catalonia's identity of history, politics, society, and economics, Catalonia's quest for independence emerges as a poignant reminder that the pursuit of self-determination is a tapestry woven with threads that stretch far beyond its immediate borders.

Bibliography

Legislation

The Spanish Constitution 1978

United Nations General Assembly Resolutions

UNGA Resolution 2625 (XXV) 1970

UNGA Resolution 1514 (XV) 1960

Books

Hernández G, *International Law* (2nd edn, OUP 2022)

Academic Journals

Batistich M, 'The Right to Self-Determination and International Law' (1995)
AukULawRw 1013

Thesis

Marinzel A, 'Catalonia: The Quest for Independence from Spain' (Senior Honors Projects, John Carroll University 2018)

Encyclopedias

Rodriguex V, 'Catalonia' *Britannica* (23 December 2023) <<https://www.britannica.com/place/Catalonia#ref71422>> accessed 24 December 2023

Wood M, 'Territorial Integrity' *Encyclopedia Princetoniensis* <<https://pesd.princeton.edu/node/686>> accessed 24 December 2023

Blogs

Barrington-Leigh C and Wollenberg J, 'How State and Local Governments can buy their Citizens' Happiness' (*LSE*, 29 October 2018) <<https://blogs.lse.ac.uk/usappblog/2018/10/29/how-state-and-local-governments-can-buy-their-citizens-happiness/>> accessed 24 December 2023

García Hidalgo, 'Relationship Between Spanish King Juan Carlos I and Franco's Dictatorship' (*Destino Republicano – Republican Fate*, 2 August 2012) <<https://destinorepublicano.wordpress.com/2012/08/02/relationship-between-king-juan-carlos-i-and-franco/>> accessed 24 December 2023

The Global Pen, 'Catalonia's Independence from Spain: An Ongoing Struggle' (2017) <<https://internationalrelationsimi.wordpress.com/2017/10/29/catalonias-independence-from-spain-an-ongoing-struggle/>> accessed 24 December 2023

Suman S, 'Right to Self-Determination in International Law' (*Pleaders*, 21 March 2020) <<https://blog.iplayers.in/right-to-self-determination-in-international-law/>> accessed 24 December 2023

Swash T, 'Spain: A Eurozone Success Story?' (*From Tone*, 21 October 2015) <<https://fromtone.com/spain-a-eurozone-success-story/>> accessed 24 December 2023

Weller M, 'Sucession and Self-Determination in Western Europe: The Case of Catalonia' (*EJIL:Talk!*, 18 October 2017) <<https://www.ejiltalk.org/secession-and-self-determination-in-western-europe-the-case-of-catalonia/>> accessed 24 December 2023

Online News Articles

BBC, 'Catalonia's Bid for Independence from Spain Explained' (18 October 2019) <<https://www.bbc.co.uk/news/world-europe-29478415>> accessed 24 December 2023

— — 'Spain Court Suspends Catalonia Independence Referendum' (29 September 2014) <<https://www.bbc.co.uk/news/world-europe-29410493>> accessed 3 September 2023

— — 'Violent Clashes Erupt as Spanish Court Jails Catalonia Leaders' (14 October 2019) <<https://www.bbc.co.uk/news/world-europe-49974289>> accessed 24 December 2023

Bosch S, 'Here's how bad Economically a Spain-Catalonia Split Could Really be' *CNBC* (29 September 2017) <<https://www.cnbc.com/2017/09/21/heres-how-bad-economically-a-spain-catalonia-split-could-really-be.html>> accessed 24 December 2023

Burdeau C, 'Spain Slowly Exhumes Victims of Francos Repression' *Courthouse News Service* (30 September 2020) <<https://www.courthousenews.com/spain-slowly-exhumes-victims-of-francos-repression/>> accessed 24 December 2023

Calamur K, 'The Spanish Court Decision that Sparked the Modern Catalan Independence Movement' *The Atlantic* (1 October 2017) <<https://www.theatlantic.com/international/archive/2017/10/catalonia-referendum/541611/>> accessed 24 December 2023

Carstairs-Patel S, 'Spanish Government 'Sorry' for Police Violence in Catalonia Independence Referendum' *Sky News* (6 October 2017) <<https://news.sky.com/story/spanish-government-sorry-for-police-violence-in-catalonia-independence-referendum-11069413>> accessed 24 December 2023

Henley J, 'An Independent Catalonia: Practicalities of Leaving Spain' *The Guardian* (9 October 2017) <<https://www.theguardian.com/world/2017/oct/09/an-independent-catalonia-practicalities-of-leaving-spain>> accessed 24 December 2023

Hernández-Morales A, 'Madrid and Barcelona Team up in Effort to make Catalan an EU Language' (*Político*, 19 September 2023) <<https://www.politico.eu/article/madrid->

and-barcelona-team-up-in-effort-to-make-catalan-an-eu-language/> accessed 24 December 2023

Johnston I and Jopson B, 'EU Snubs Spain on Adding more Official Languages' *Financial Times* (19 September 2023) <<https://www.ft.com/content/584a99e8-13d5-4665-9480-3565b4c400b7>> accessed 24 December 2023

Jones S, 'Spain's Ruling Socialists and Leftwing Alliance sign Coalition Deal' *The Guardian* (24 October 2023) <<https://theguardian.com/world/2023/oct/24/spains-ruling-socialists-and-leftwing-alliance-sign-coalition-deal>> accessed 24 December 2023

— — 'Why do some Catalans want Independence and what is Spain's View?' *The Guardian* (21 September 2017) <<https://www.theguardian.com/world/2017/sep/21/why-do-some-catalans-want-independence-and-what-is-spains-view>> accessed 24 December 2023

Knox P, Lake E and Cooke P, 'Where is Catalonia, why does it want Independence from Spain and what do the Latest Election Results mean?' *The Sun* (22 December 2017) <<https://www.thesun.co.uk/news/3970067/catalonia-independence-referendum-latest-spain/>> accessed 24 December 2023

Moloney, 'When did Catalonia Become part of Spain and why do they now want Independence?' *Metro* (16 October 2017) <<https://metro.co.uk/2017/10/16/when-did-catalonia-become-part-of-spain-and-why-do-they-now-want-independence-7002659/>> accessed 24 December 2023

Parra A and Giles C, 'Spain: Top Court Officially Rules Catalan Referendum Illegal' *Chicago Tribune* (17 October 2017) <<https://www.chicagotribune.com/nation-world/ct-catalonia-spain-independence-20171017-story.html>> accessed 24 December 2023

Online Sources

Atkinson J, 'Alfonso (Aragón) de Aragón (1157-1196)' (*Wikitree*, 11 January 2022) <<https://www.wikitree.com/wiki/Arag%C3%B3n-205>> accessed 24 December 2023

Dr Doom, 'Catalans Declare Independence from Spain' (*Alien Expanse Exploring The Unknown*, 27 October 2017) <<https://alienexpanse.com/index.php?threads/catalans-declare-independence-from-spain.878/>> accessed 24 December 2023

Eastwest, 'The Economic Challenge of an Independent Catalonia' (21 September 2017) <<https://eastwest.eu/en/the-economic-challenge-of-an-independent-catalonia/>> accessed 24 December 2023

Elwes E, 'Differences Between Spain and Catalonia' (*Welcome to Barcelona*, 28 April 2021) <<https://www.shbarcelona.com/blog/en/spain-catalonia/>> accessed 24 December 2023

Euractiv, 'Brussels says an Independent Catalonia Would need to Leave EU' (16 September 2013) <<https://www.euractiv.com/section/all/video/brussels-says-an-independent-catalonia-would-need-to-leave-eu/>> accessed 24 December 2023

Fm, 'Catalonia Independence' (*International Relations*, 1 October 2017) <<https://internationalrelations.org/catalonia-independence/>> accessed 24 December 2023

Grütters D, 'Catalonia: The Right to Secede and the Right to Self-Determination' (23 October 2017) <<https://ohrh.law.ox.ac.uk/catalonia-the-right-to-secede-and-the-right-to-self-determination/>> accessed 24 December 2023

Guban A, 'Why does Catalonia want Independence from Spain' (*Gubanmedia*, 7 October 2017) <<https://gubanmedia.com/why-does-catalonia-want-independence-from-spain/>> accessed 24 December 2023

International Court of Justice, 'Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo' (2018) <<https://www.icj-cij.org/case/141>> accessed 24 December 2023

Sanjaume-Calvet M, Barbet Porta B and Grau Creus M, 'Catalan Self-Government: From Autonomy to Self-Determination?' in *Autonomy Arrangements in the World* (2022) <<https://www.world-autonomies.info/territorial-autonomies/catalonia>> accessed 24 December 2023

Soler S, 'EU Rejects Fast-Tracking Spain's Catalan Language Bid' (*EUobserver*, 19 September 2023) <<https://euobserver.com/eu-political/157440>> accessed 24 December 2023

StudyCorgi, 'Globalization Impacts on Trade and Employment' (24 October 2020) <<https://studycorgi.com/globalization-impacts-on-trade-and-employment/>> accessed 24 December 2023

StudySmarter, 'Iberian Peninsula' <<https://www.studysmarter.co.uk/explanations/history/early-modern-spain/iberian-peninsula/>> accessed 24 December 2023

Tyagi A, 'Catalonian Independence and Right to Self-Determination' (*Curious for Law*, 7 September 2020) <<https://curiousforlaw.com/catalonian-independence-and-the-right-to-self-determination/>> accessed 24 December 2023

Valls, 'What's at Stake in Catalonia?' (*CIRSD*) <<https://www.cirsd.org/en/horizons/horizons-winter-2019-issue-no-13/whats-at-stake-in-catalonia>> accessed 24 December 2023

Woolf C, 'The Roots of Catalonia's Differences with the Rest of Spain' (*The World*, 20 October 2017) <<https://theworld.org/stories/2017-10-20/roots-catalonia-s-differences-rest-spain>> accessed 24 December 2023