

**SYMPOSIUM:  
2017: A YEAR OF POPULAR  
DECISIONS**

**THE 2017 TURKISH  
CONSTITUTIONAL REFERENDUM:  
DOMESTIC AND TRANSNATIONAL  
IMPLICATIONS**

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## **Introduction**

On 16 April 2017, Turks cast their vote in a nationwide referendum that introduced significant changes to the current constitution, which has been in use since 1982. Even though the 1982 constitution has been amended 18 times in the past 35 years, the scheduled changes will have the most dramatic impact on the Turkish political system. This article will first provide an overview of the proposed amendments to the 1982 constitution. It will then discuss the repercussions of the referendum results for Turkey and the rest of Europe.

## **The Proposed Constitutional Changes**

Since its birth from the ashes of the Ottoman Empire, the modern Turkish state has had four constitutions: The Constitution of 1921, The Constitution of 1924, The Constitution of 1961, and The Constitution of 1982.<sup>1</sup> Drafted by a military junta in the aftermath of the 1980 coup, the 1982 constitution forms the basis of Turkey's current legal framework. The 1982 constitution has already been amended 18 times, 3 times by popular vote and 15 times through legislative action. In fact, 117 of the 177 articles are no longer in their original form.<sup>2</sup> If constitutional amendment is not a novel

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<sup>1</sup> For more information on these constitutions, please see:

<https://global.tbmm.gov.tr/index.php/en/yd/icerik/12>

<sup>2</sup> Sinan Ekim and Kemal Kirişçi, "The Turkish constitutional referendum, explained," *Brookings Institute*, April 13, 2017. Available at: <https://www.brookings.edu/blog/order-from-chaos/2017/04/13/the-turkish-constitutional-referendum-explained/>

phenomenon for Turkey, why has the April 2017 referendum sparked controversy?

The 2017 package advised 18 groundbreaking changes, including the replacement of the current parliamentary system, under which Turkey's president plays only a symbolic role, with a presidential system. This constitutional reform is expected to equip President Recep Tayyip Erdoğan with unprecedented power as it would dissolve the office of the Prime Minister and let Erdoğan serve as both the head of state and the head of government. Erdoğan would also appoint vice presidents as well as ministers and remain president until 2029 if he wins the 2019 and 2024 elections. More importantly, while the 1982 constitution asks the head of state to cut ties with political parties, under the new system, Erdoğan would have the opportunity to remain the political leader of the incumbent Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP), which he co-founded in 2001.<sup>3</sup>

The proposed executive presidency, which is expected to commence after the 2019 election, would also weaken the position of the Turkish Parliament (*Türkiye Büyük Millet Meclisi*, the Grand National Assembly of Turkey) as the planned amendments would allow the President to dissolve the Parliament and enforce state of

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<sup>3</sup> To access the proposed amendments in Turkish, please see: [http://anayasadegisikligi.barobirlik.org.tr/Anayasa\\_Degisikligi.aspx](http://anayasadegisikligi.barobirlik.org.tr/Anayasa_Degisikligi.aspx). To access the proposed amendments in English, please see: Kareem Shaheen, "Turkish referendum: all you need to know," *Guardian*, April 10, 2017. Available at: <https://www.theguardian.com/world/2017/apr/10/turkish-referendum-all-you-need-to-know>

emergency at will. In addition, the new system would make it more difficult for the Parliament to topple or scrutinize the government because censure motion (*gensoru*), the primary scrutiny tool of the Parliament, would be annulled. The new constitutional package has serious implications for the judiciary as well since the President would have more control over the appointment of senior judges to the Supreme Board of Judges and Prosecutors (*Hâkimler ve Savcılar Kurulu*). Some of the other changes include an increase in the number of deputies from 550 to 600, a decrease in the minimum age required for deputies from 25 to 18, and the abolishment of the military courts. The simultaneous rescheduling of the presidential and parliamentary elections in every five years and the transfer of full authority to the President to administer the annual state budget have also been proposed.<sup>4</sup>

The AKP's leaders maintain that the new regime would place Turkey on a par with the French and American presidential systems and ensure a stronger political leadership amidst political chaos triggered by Kurdish and Islamist terrorism and the Syrian civil war.<sup>5</sup> They also assert that even though Turkey is governed under a parliamentary system, the current system is ambivalent since it is a

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<sup>4</sup> To access the proposed amendments in Turkish, please see: [http://anayasadegisikligi.barobirlik.org.tr/Anayasa\\_Degisikligi.aspx](http://anayasadegisikligi.barobirlik.org.tr/Anayasa_Degisikligi.aspx). To access the proposed amendments in English, please see: "Why Did Turkey Hold a Referendum?," *BBC*, April 16, 2017. Available at: <http://www.bbc.com/news/world-europe-38883556>

<sup>5</sup> See, for example, "Turkey referendum: Vote expanding Erdogan powers 'valid'," *BBC*, April 17, 2017. Available at: <http://www.bbc.com/news/world-europe-39618614>

combination of presidentialism and parliamentarianism in practice. According to them, a presidential system would prevent the overlapping of presidential and prime ministerial powers and restore the Parliament's original duties.<sup>6</sup> On the other hand, critics warn that the new system would undermine Turkey's democratic regime by placing the executive presidency above the legislative and judicial branches and by paving the way for a partisan presidency.<sup>7</sup>

### **Domestic Implications**

The 2017 referendum was the product of a close partnership between the AKP and the ultranationalist Nationalist Movement Party (*Milliyetçi Hareket Partisi*, MHP)—a party that has transformed itself from a staunch critic of the AKP to an ally in recent years. Even though Turkey's main opposition parties, the secular Republican People's Party (*Cumhuriyetçi Halk Partisi*, CHP) and the pro-Kurdish Peoples' Democratic Party (*Halkların Demokratik Partisi*, HDP) refused to transition into a presidential system, the constitutional package garnered the support of 330

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<sup>6</sup> Resul Serdar Atas and Ahmed al Burai, "Turkey's Constitutional Referendum: Streamlining the Democracy or Consolidating One-Man Rule?," *Al Jazeera*, April 13, 2017. Available at: <http://studies.aljazeera.net/en/reports/2017/04/turkeys-constitutional-referendum-streamlining-democracy-consolidating-man-rule-170413101623326.html>

<sup>7</sup> Seyla Benhabib, "Turkey is about to take another step toward dictatorship," *Washington Post*, March 16, 2017. Available at: [https://www.washingtonpost.com/news/democracy-post/wp/2017/03/16/turkey-is-about-to-take-another-step-toward-dictatorship/?utm\\_term=.9a4c9b5d162c](https://www.washingtonpost.com/news/democracy-post/wp/2017/03/16/turkey-is-about-to-take-another-step-toward-dictatorship/?utm_term=.9a4c9b5d162c). Also see Noah Feldman, "Turkey's New Constitution Would End Its Democracy," *Bloomberg*, January 23, 2017. Available at: <https://www.bloomberg.com/view/articles/2017-01-22/turkey-s-new-constitution-would-end-its-democracy>

deputies and went to a public vote. Of the eligible 58.366.647 Turkish voters, 49.799.163 cast their ballot in the referendum.<sup>8</sup> The referendum resulted in the victory of the yes camp by a small margin (51.41%).<sup>9</sup>

The referendum has had serious implications for the country. First, the tight race has brought the public's increasing ideological polarization under the spotlight. The referendum results have also pointed to other divisions within the society, as evidenced by the variation between the urban and the rural electorate's and the young and the old electorate's voting behavior. The referendum has also highlighted the strong opposition of the Kurdish provinces.

Five of Turkey's six largest and most urban cities, İstanbul (51.35%), Ankara (51.15%), İzmir (68.79%), Antalya (59.08%), and Adana (58.18%), voted no in the referendum. This stands in stark contrast to the Anatolian electorate's voting preferences: For example, 81.26% of the electorate in Bayburt voted yes. Similar results were seen in other provincial Anatolian cities, including Aksaray (75.48%), Gümüşhane (75.15%), Erzurum (74.47%), Yozgat (74.26%), Çankırı (73.34%), Konya (72.87%), Elazığ (71.78%), and Sivas (71.27%).<sup>10</sup>

The referendum results have also demonstrated that while the

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<sup>8</sup> Please see "Türkiye'de Genel Referendum Sonuçları [General Referendum Results in Turkey]. Available at: <https://secim.haberler.com/2017/referandum/>

<sup>9</sup> The general results are available at: <https://secim.haberler.com/2017/referandum/>

<sup>10</sup> The province-based results are available at: <https://secim.haberler.com/2017/referandum/il-sonuclari/>

majority of young voters sided with the no camp, older voters were more likely to endorse the suggested changes. A polling company found that 60.5% of Turkish citizens aged 18-27 and 50.2% of those aged 28-35 were against the referendum. The majority of middle-aged citizens aged 36-54, on the other hand, were in favor of the referendum. Moreover, polls found that most educated and white-collar voters cast a no vote.<sup>11</sup>

The no vote was also prominent in the southeastern provinces, which host the majority of Turkey's Kurdish population. In Diyarbakır, which is the heart of the Kurdish population, 67.59% of the electorate voted no.<sup>12</sup> Diyarbakır's electoral turnout was lower (80%) than that of the rest of the country (85.32%) partly due to the curfews imposed on the residents of the city following the escalation of the civil war between the Turkish state and Kurdish insurgents.<sup>13</sup> Other Kurdish-populated cities also voted no in the referendum by a large margin: 80.41% of Tunceli's, 71.66% of Şırnak's, and 67.58%

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<sup>11</sup> For the findings of this poll, please see "Gezici arařtırmadan dikkat çeken referandum sonucu analizi [Striking referendum analysis from the Gezici poll]. Available at: <http://www.internethaber.com/gezici-arastirmadan-dikkat-ceken-referandum-sonucu-analizi-1771265h.htm>

<sup>12</sup> These results are available at: <https://secim.haberler.com/2017/referandum/il-sonuclari/>

<sup>13</sup> The residents of these cities opposed the referendum even though the AKP has increased its vote share in these cities since the 2015 general election. The increased AKP vote between 2015 and 2017 in eastern cities has been attributed to the locality's growing economic and security concerns and the replacement of the elected pro-HDP mayors with government-appointed trustees (*kayyum*). Please see Gonca Senay, "Evet'e Kürt seçmen katkısı [Kurdish contribution to the Yes vote]", *Al Jazeera*, April 21, 2017. Available at: <http://www.aljazeera.com.tr/al-jazeera-ozel/evete-kurt-secmen-katkisi>. Also see Hatice Kamer, "Kürtlerin oy tercihleri ne anlatıyor? [What do Kurds' voting preferences tell us?], *BBC Türkçe*, April 17, 2017. Available at: <http://www.bbc.com/turkce/haberler-turkiye-39622127>



of Hakkari’s residents opposed the referendum. The no-sayers outnumbered the yes-sayers in Ağrı, Mardin, and Van as well.<sup>14</sup>

Another outcome of the referendum is mounting tension between Turkey’s governing and opposition parties. The leaders of the opposition parties resented the fact that the constitutional package had been drafted without their input.<sup>15</sup> They also called the legitimacy of the voting process into question, highlighting that many unstamped ballots had been detected throughout the voting period. Article 101 of the Turkish election law stipulates that ballots that lack an official stamp should be deemed invalid.<sup>16</sup> Consequently, the CHP filed a complaint claiming that 60% of the ballot boxes were problematic.<sup>17</sup> The HDP made a similar argument and objected to two-thirds of the ballots.<sup>18</sup> Yet the Supreme Electoral Council (*Yüksek Seçim Kurulu*) announced that unless there is proof that unstamped ballots are brought from outside, their

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<sup>14</sup> These results are available at: <https://secim.haberler.com/2017/referandum/il-sonuclari/>

<sup>15</sup> “CHP ve HDP hayır için yol haritası belirliyor [The CHP and the HDP are setting a roadmap for the no campaign],” *Evensel*, January 6, 2017. Available at: <https://www.evrensel.net/haber/302900/chp-ve-hdp-hayir-icin-yol-haritasi-belirliyor>

<sup>16</sup> Kemal Gözler, “Mühürsüz Oy Pusulası Tartışması [The Unstamped Ballot Debate],” *Türk Anayasa Hukuku Sitesi*, April 19, 2017. Available at: <http://www.anayasa.gen.tr/muhursuz.html>

<sup>17</sup> “Turkey referendum: Vote expanding Erdogan powers ‘valid’,” *BBC*, April 17, 2017. Available at: <http://www.bbc.com/news/world-europe-39618614>

<sup>18</sup> Kareem Shaheen, “Erdogan clinches victory in Turkish constitutional referendum,” *Guardian*, April 16, 2017. Available at: <https://www.theguardian.com/world/2017/apr/16/erdogan-claims-victory-in-turkish-constitutional-referendum>

validity will not be questioned.<sup>19</sup> According to the opposition leaders, the referendum was contested also because it took place under state of emergency declared following a failed coup attempt in 2016.<sup>20</sup>

While the neck-and-neck competition culminated in triumph for the AKP, high support for the no vote in Turkey's three largest cities as well as in Kurdish provinces is alarming for the party. The referendum results revealed that 48.59% of the Turkish electorate have doubts about President Erdoğan's leadership. This means that Erdoğan might not secure a second term in the 2019 presidential elections. Erdoğan responded to this threat by embarking upon a major structural change within the party shortly after the referendum. The dismissal of several contentious top politicians affiliated with the AKP, including İstanbul's mayor Kadir Topbaş and Ankara's mayor Melih Gökçek, is the first concrete step that Erdoğan has taken to beef up support for himself and his party. More resignations came from the mayors of other large cities, including Balıkesir, where 54.49% of the electorate voted no in the

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<sup>19</sup> "Turkey's Supreme Election Board Says Unsealed Ballot Papers Accepted in Vote," *Hürriyet Daily News*, April 16, 2017. Available at: <http://www.hurriyetdailynews.com/turkeys-supreme-election-board-says-unsealed-ballot-papers-accepted-in-vote--112087>

<sup>20</sup> "Legitimacy of Rigged Referendum's Result in Turkey Widely Questioned by Turks, EU, and US," *Stockholm Center for Freedom*, April 17, 2017. Available at: <https://stockholmcf.org/legitimacy-of-rigged-referendums-result-in-turkey-widely-questioned/>

referendum.<sup>21</sup> The next elections will show to what extent these measures will make a difference.

Another threat that might affect Erdoğan's bid for presidency in 2019 is the increasing public support for a new conservative-nationalist political leader. Meral Akşener was one of the co-founders of the AKP. She later joined the MHP and served as the Minister of Interior Affairs between 1996 and 1997 and a deputy between 2007 and 2015. After splitting off from the MHP in 2016 due to the party's growing partnership with the AKP, Akşener founded a new party (The Good Party, *İyi Parti*) in October 2017 and announced her candidacy in the 2019 presidential run. While targeting mainly right-wing votes, Akşener appeals to a wider political spectrum. For example, she kickstarted her party's first political campaign in the Kurdish-populated eastern cities and emphasized the importance of a functioning and competitive political system, a strong parliament, a robust civil society, and free media.<sup>22</sup> As a respected and experienced politician, Akşener is likely to entrench her position as a strong opposition leader against Erdoğan. Given that Turkish voters traditionally vote right-wing and that the ruling AKP has been dominating the political arena without any right-wing rival for years, it is likely that the Turkish electorate

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<sup>21</sup> "Cumhurbaşkanı Erdoğan AKP'de değişim düğmesine neden bastı? [Why has President Erdoğan triggered reform in his party?], *BBC Türkçe*, October 28, 2017. Available at: <http://www.bbc.com/turkce/haberler-dunya-41632586>

<sup>22</sup> "Meral Akşener begins new party's campaign in Turkey's east," *Hürriyet Daily News*, November 3, 2017. Available at: <http://www.hurriyetdailynews.com/meral-aksener-begins-new-partys-campaign-in-turkeys-east-121868>

will give this new leader a chance in the next elections.

## **Transnational Implications**

What does the referendum mean for Turkish expatriates and the European countries that host them? The population of the Turkish diaspora amounts to 6 million, of whom approximately 5.5 million live in Western European countries.<sup>23</sup> Due to their large number, overseas Turks form a significant constituency. Their voting preferences play a critical role in tight electoral races.

Of the eligible 2.957.870 Turkish diaspora voters, 1.424.227 cast their vote in the 2017 referendum. The diaspora's support for the referendum (59.09%) was even higher than the domestic electorate's.<sup>24</sup> Compared to Turks living in other parts of the world, Turkish expatriates in Europe showed strikingly higher support for the referendum. For example, only 16.20% of Turks in the US, 17.68% of Turks in New Zealand, 23.77% of Turks in China, 26.02% of Turks in Russia, 27.92% of Turks in Canada, and 36.11% of Turks in Japan voted yes in the referendum. Support for the referendum was also low among Turks living in the Gulf countries, including the United Arab Emirates (13.31%), Bahrain (13.56%), and Qatar (18.89%).<sup>25</sup> To the contrary, even though the turnout rate

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<sup>23</sup> Please see "Turkish Citizens Living Abroad," *The Republic of Turkey Ministry of Foreign Affairs*, 2018. Available at: <http://www.mfa.gov.tr/the-expatriate-turkish-citizens.en.mfa>

<sup>24</sup> These results are available at: <https://secim.haberler.com/2017/referandum-yurtdisi-sonuclari/>

<sup>25</sup> These results are available at: <http://www.sozcu.com.tr/2017/dunya/iste-2017-anayasa-referandumu-yurt-disi-sonuclari-1800079/>

was only 46.22% in Germany (of 1.429.492 eligible German-Turkish voters, only 660.666 cast their ballot), 63.07% of German Turks cast a yes vote.<sup>26</sup>

Germany hosts the largest Turkish expatriate population in Europe and forms the fourth largest voting bloc after İstanbul, Ankara, and İzmir. Therefore, German Turks' support for the referendum was important. The support for the yes campaign peaked in southern and eastern German cities, such as Essen (75.89%), Düsseldorf (69.58%), Stuttgart (66.26%), Mainz (64.53%), and Cologne (64.07%). It was lower in northern and eastern cities, such as Berlin (50.13%), Nürnberg (55.40%), and Hamburg (57.02%).<sup>27</sup>

France hosts the second largest Turkish expatriate community in Europe after Germany. The turnout rate was also low among the Turkish population in France. Only 43.77% of the eligible 326.196 French Turks cast their ballot (142.776 in total). Yet French Turks were as supportive of the referendum as German Turks: 64.85% of them voted yes in the referendum. Those living in Lyon (86.05%), Strasbourg (68.20%), and Nantes (67.83%) were the most zealous supporters.<sup>28</sup> In Austria, Belgium, and the Netherlands, support levels were even higher than those in Germany and France: 74.98% of Belgian Turks, 73.23% of Austrian Turks, and 70.94% of Dutch

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<sup>26</sup>These results are available at: <https://www.sabah.com.tr/secim/16-nisan-2017-referandum/almanya-referandum-sonuclari>

<sup>27</sup> Ibid.

<sup>28</sup>These results are available at: <https://www.sabah.com.tr/secim/16-nisan-2017-referandum/fransa>

Turks voted yes.<sup>29</sup> Yet not every Turkish diaspora group in Europe backed the referendum. The majority of Turks in the Czech Republic (87.56%), Spain (86.68%), Ireland (80.07%), the UK (79.74%), Greece (77.38%), Poland (74.39%), Hungary (74.25%), Finland (71.55%), Italy (62.06%), and Switzerland (61.92%) were against the referendum.<sup>30</sup>

What explains this variation? This might have to do with the size of the Turkish immigrant population and the degree of their emotional belonging to their host country. In European countries where Turks constitute one of the largest expatriate communities, they are more likely to be the target of discrimination and xenophobia and to suffer from alienation and exclusion. The Turkish population's size is larger in Germany, France, the Netherlands, Belgium, and Austria compared to other countries. Hence Turks are more visible in these countries and are more likely to be cast under negative light in public and political debates concerning immigration and integration. If an immigrant's emotional attachment to his/her settlement country is weak, the homeland's protection would have a higher appeal to him/her. In other words, Turkish politicians' inclusive and confidence-boosting speeches in pre-referendum rallies and election campaigns have resonated well with Turkish expatriates, who feel marginalized in their settlement countries.

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<sup>29</sup>These results are available at: <http://www.sozcu.com.tr/2017/dunya/iste-2017-anayasa-referandumu-yurt-disi-sonuclari-1800079/>

<sup>30</sup> Ibid.

The referendum has had negative repercussions for Turkey's relations with European countries. First, several European countries and authorities, including the Council of Europe, have referred to the new system as a dangerous step towards autocracy and the end of Turkey's EU membership process.<sup>31</sup> Furthermore, Turkish politicians' pre-referendum rallies in Europe have become a source of frustration as they were seen as an intervention in domestic affairs. Turkish Prime Minister Binali Yıldırım's rally that gathered 10,000 German Turks in Oberhausen in February 2017 caused backlash among German politicians.<sup>32</sup> Following this event, German officials cancelled AKP Vice President Mehdi Eker's meeting that was scheduled to take place in March.<sup>33</sup> In the same month, citing security concerns, German authorities cancelled three more events; one featuring AKP deputy Sema Kırıcı in Bremerhaven,<sup>34</sup> another featuring Turkish Justice Minister Bekir Bozdağ in Gaggenau, and a rally that was set to be addressed by Turkey's Economy Minister

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<sup>31</sup> Arthur Beesley, "Alarm raised on Turkey's drift towards authoritarianism," *Financial Times*, March 8, 2017. Available at: <https://www.ft.com/content/975eb990-035b-11e7-aa5b-6bb07f5c8e12>

<sup>32</sup> "Turkey's prime minister campaigns in Germany for Turkish constitutional referendum," *Deutsche Welle*, February 18, 2017. Available at: <http://www.dw.com/en/turkeys-prime-minister-campaigns-in-germany-for-turkish-constitutional-referendum/a-37616213>

<sup>33</sup> "Mehdi Eker'in Almanya'daki etkinlikleri iptal edildi [Mehdi Eker's Germany meetings got cancelled]," *TRT Haber*, March 18, 2017. Available at: <http://www.trthaber.com/haber/gundem/mehdi-ekerin-almanyadaki-etkinlikleri-iptal-edildi-304532.html>

<sup>34</sup> "Almanya ve Avusturya'da etkinliklere iptal [Meetings cancelled in Germany and Austria], *Deutsche Welle Türkçe*, March 16, 2017. Available at: <http://www.dw.com/tr/almanya-ve-avusturyada-etkinliklere-iptal/a-37977207>

Nihat Zeybekçi in Cologne.<sup>35</sup> Turkish officials showed their reaction to Germany by summoning the German ambassador to the Turkish foreign ministry<sup>36</sup> and by likening the German ban to Nazi practices.<sup>37</sup>

The Netherlands followed Germany's decision and cancelled a series of AKP rallies. The Dutch Prime Minister Mark Rutte warned that foreign countries' election campaigns will not be allowed in the Dutch territory.<sup>38</sup> Tension between Turkey and the Netherlands escalated when Dutch officials barred Turkish Foreign Affairs Minister Mevlüt Çavuşoğlu from entering the country and expelled the Family and Social Affairs Minister Fatma Betül Sayan Kaya prior to her planned Rotterdam rally.<sup>39</sup> Austria also advocated for the banning of AKP officials from launching rallies. President Sebastian Kurz reported that such rallies are unwelcome as they may increase friction and hamper Turkish immigrants' integration into Austria. Austrian Chancellor Christian Kern even called for a

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<sup>35</sup> "Bakan Zeybekçi'ye Almanya'da salon engeli [Germany's town hall ban to Minister Zeybekçi]," *Deutsche Welle*, March 2, 2017. Available at: <http://www.dw.com/tr/bakan-zeybekciye-almanyada-salon-engeli/a-37787571>

<sup>36</sup> "Turkey summons German ambassador as tensions mount," *Reuters*, September 19, 2017. Available at: <https://www.reuters.com/article/us-germany-turkey/turkey-summons-german-ambassador-as-tensions-mount-idUSKCN1BT1B4>

<sup>37</sup> "Turkey's Erdogan compares German behavior with Nazi Germany," *Reuters*, March 16, 2017. Available at: <https://www.reuters.com/article/us-turkey-referendum-germany/turkeys-erdogan-compares-german-behavior-with-nazi-period-idUSKBN16C0KD>

<sup>38</sup> "Hollanda referendum mitingi istemiyor [The Netherlands does not want a referendum rally], *Deutsche Welle Türkçe*, March 4, 2017. Available at: <http://www.dw.com/tr/hollanda-referandum-mitingi-istemiyor/a-37807917>

<sup>39</sup> "Reality Check: Is banning Turkish rallies EU policy?," *BBC*, March 13, 2017. Available at: <http://www.bbc.com/news/world-europe-39221689>



collective EU response to ban Turkish rallies within the EU territory.<sup>40</sup> Turkish officials criticized these bans as an indicator of Europe's violation of freedom of expression. They condemned European countries' hypocritical behavior, arguing that they are attacking the AKP and preventing party officials from reaching out to the Turkish diaspora while allowing Turkish opposition politicians to hold meetings and rallies abroad.<sup>41</sup>

## **Conclusion**

Turkey witnessed a historic referendum in April 2017. The slender victory of the yes camp has crucial consequences for the country, including the end of the parliamentary system and the transfer of sweeping new powers to President Erdoğan. The close race (51.41%-48.59%) showed that the public's ideological polarization has been growing. Proponents of the referendum have argued that a powerful presidency would shield the country from internal and external threats. Opponents have claimed that the proposed changes would place Turkey on the road to autocracy by expanding President Erdoğan's one-man rule. The referendum results have also highlighted that the urban, young, white collar, and Kurdish voter blocs are against the new system. While the results were overall satisfactory for Erdoğan, they signaled that the 2019 presidential elections might not guarantee continued victory for him.

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<sup>40</sup> "Turkey referendum: Erdogan rallies not welcome in Austria," *BBC*, February 27, 2017. Available at: <http://www.bbc.com/news/world-europe-39105683>

<sup>41</sup> "Reality Check: Is banning Turkish rallies EU policy?," *BBC*, March 13, 2017. Available at: <http://www.bbc.com/news/world-europe-39221689>

The Turkish diaspora's support for the referendum (59.09%) was higher than that of the domestic electorate. The support was particularly high in countries, such as Germany, France, the Netherlands, Belgium, and Austria, where Turks form a large and visible immigrant group and experience deep alienation. While Turkey's increasing patronage over its diaspora has resonated well with these expatriate communities, it has strained relations with the host countries. Worsening relations between Turkey and European countries bode ill for Turkey's EU bid as well as for members of the Turkish diaspora whose increasing rapprochement with Turkey has been viewed with suspicion by their host states.

# THE 2017 FRENCH PRESIDENTIAL ELECTIONS: A LESSON INTO GETTING OFF-SCRIPT\*

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If someone had pitched the 2017 French presidential elections as a film-script, studios and producers would have sent them packing: “A bit much, all these twists and turns. And what is this about killing all your stars in the first reel? And really? A complete unknown for a hero! Please!” Yet, it is precisely what happened during the long campaign that led to the election of Emmanuel Macron as the 8<sup>th</sup> President of the French V<sup>th</sup> Republic on 14 May 2017.

In 2017, on 23rd April and 7th May, 45,7 million French citizens, and another 1.3 million living abroad, went to the polls to elect their new President for a term of office of five years. As is customary, the campaign officially kicked off one year before the first day of election month i.e. 1st April 2016. In reality, it started as early as July 2015, when far-left candidate Jean-Luc Mélenchon had officially announced his intention to run. Twenty months or so, punctuated by bewilderment, consternation and astonishment.

Primaries were very much a ‘thing’ in these presidential elections. For the Socialists, who had open the proceedings, first in 2006, and then again in 2011, it was nearly a tradition. The Greens, who had also done it in 2011, chose again to elect their candidate through open primaries. But in 2017, even the Conservatives, for the first time in the history of the French Right, chose to join the bandwagon.

Was it such a good idea? Hum, not really, and it is highly unlikely that the Socialist and Conservative camps will be running open primaries any time soon. Indeed, every single predicted winner lost,

the biggest upset coming precisely from the newcomers to the primaries game.

### **On the Right**

On 20th November 2016, seven candidates from Les Républicains<sup>1</sup> confronted one another, including one ex-President (Nicolas Sarkozy), two ex-Prime Ministers (Alain Juppé and François Fillon), two ex-ministers (Bruno Le Maire and Nathalie Kosciusko-Morizet), one ex-secretary of state (Jean-François Copé) and Jean-Frédéric Poisson, a Member of Parliament defending a conservative Catholic agenda. Ambitions, rivalries, enmities, betrayals and downright hatred ran high among these political animals, and promised a bloody affair. Yet, no-one could have predicted the turn these primaries were about to take.

For months before the campaign was officially launched, Alain Juppé, ex-Prime Minister of Jacques Chirac (1995-1997) and mayor of Bordeaux, France's seventh largest city, was given as the clear favourite in the polls, in an election deemed unlosable by the Right, given President Hollande's performance and ensuing polling. This initial Primary was widely followed by the electorate, some 4.2 million people casting their votes in the first round. But, in a sudden turn of events, Juppé, who managed to outdistance Sarkozy, eliminated in the first turn, found himself trailing François Fillon, who ended up winning with 66.49% of votes to his rival's 33.51%.

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<sup>1</sup> The Republicans. The main right-wing party in France, whose leader at the time was Nicolas Sarkozy.

A number of factors explain Juppé's failure. First, having started campaigning considerably earlier than any of his opponents, and consistently given as clear winner of this presidential election, he and his team may have grown a little bit complacent, and the electors a little bit tired; in the eyes of many, Juppé also came across as cold and devoid of empathy. Secondly, his political positioning to the centre-right, particularly with regards to religious and cultural integration and to the place of Islam in French society, are very likely to have cost him some votes. But the final nail in Juppé's coffin came from Fillon. In 1999, while deputy Mayor of Paris and general secretary of the right-wing party RPR<sup>2</sup>, Alain Juppé was indicted for "breach of trust, misappropriation of public funds, and illegal conflicts of interest". Fillon had no qualms in stirring up the past and reminding everyone of his rival's condemnations, famously remarking in a meeting on 28 August 2016: "Who could imagine the General de Gaulle being indicted?". Little did he nor anyone else know that a journalistic bomb of considerable magnitude was about to shatter his carefully polished 'goody-two-shoes' image!

### **The Fillon Saga**

On 24 January 2017, the *Canard enchaîné*, a satirical weekly newspaper with a reputation for pugnacious investigative journalism, published an article alleging that François Fillon was

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<sup>2</sup> Rassemblement Pour la République/Rally for the Republic. Ancestor of l'UMP (Union pour un Mouvement Populaire/Union for a Popular Movement) renamed Les Républicains in 2015.

responsible for the fictitious employment of his wife Penelope who would have been paid a total salary of €500,000 (NZ\$830.000) to 'work' as his parliamentary assistant for a period of eight years. The article also claimed that Penelope Fillon had been 'employed' as literary adviser to the French cultural magazine *La Revue des deux mondes*, and paid €5000/month (NZ\$8.300) over a period of 18 months.

Fillon's first reaction was to go on the attack and to denounce the article as false and misogynistic. But the *Canard* pressed on and a week later published another article alleging that Penelope Fillon was in fact paid a total amount of €831,440 (NZ\$1,386,583) over a 15-year period. It also reported that Fillon had employed two of his children as assistants for work that did not appear to match their remuneration.

Sensing that something had to be done, Fillon held a press conference a week later, explained that it was a mistake, apologized to the French people but added that his wife and children's work was perfectly justified. Three things to remember here:

- the average salary in France is a little over €2000;
- Fillon's very Liberal<sup>3</sup> programme included the abolishment of the wealth tax, a reduction of civil service jobs to the tune of 500.000 positions, and a restriction of the range and

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<sup>3</sup> The word 'Liberal' is to be understood as 'economically liberal', not as 'socially liberal'. In other words, a 'Liberal' in today's France amounts roughly to what the Americans would call a 'Neo-Conservative'.

amount of reimbursements made by the state healthcare system;

- the rate of unemployment in France is close to 10%.

Another French newspaper then revealed that François Fillon had been gifted luxurious items of made-to-measure clothing worth close to €50.000 (NZ\$80.000), including two cashmere sweaters at €2000 each (a figure coinciding with the average monthly income in France). Ultimately, Fillon did reimburse his benefactor, but not after having exclaimed “And so what?”. Needless to say, the gesture was not sufficient to appease the public outcry that followed these new revelations.

Clearly though, François Fillon had not mastered the art of shutting up. Not only did he keep taking shots at Alain Juppé, saying during the primary debate: “One cannot lead France if one is not irreproachable”, he committed on national television to withdraw from the race should he be subjected to criminal prosecution. On 14 March, Fillon was charged with several counts of embezzlement. Yet, he did not step down, vehemently refusing to consider being replaced by another Republican candidate while his party attempted frantically, yet unsuccessfully, to scramble a Plan B together. Fillon stayed, Macron probably thinking that the road ahead of him started to look quite open indeed.



## On the Left

A few days later, on December 1st, 2016, after weeks of controversy and interrogations, François Hollande, President in office, announced on television that he would not be seeking re-election, a first in the annals of the Vth Republic<sup>4</sup>. Weakened by an extremely low popularity rating, further undermined by the publication of an essay by two prominent Le Monde journalists<sup>5</sup> in October of that year, which led even his staunchest supporters to question the feasibility of his re-election, Hollande had little choice but to step-down.

Manuel Valls, serving Prime Minister, who had been eagerly waiting for this moment, presented his resignation and promptly put his hand up as one of the official candidates of the ‘Belle Alliance Populaire’<sup>6</sup> under which umbrella the Socialist party joined forces with the Parti Écologique<sup>7</sup> and the Front Démocrate<sup>8</sup> to run its third open primaries.

In addition to Manuel Valls, the Belle Alliance put forward six candidates. Benoît Hamon and Arnaud Montebourg, two of the leading ‘Frondeurs’ who had been a thorn in the side of the government for the best part of the Hollande presidency were joined

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<sup>4</sup> Since 2008, a French president cannot serve more than two consecutive terms.

<sup>5</sup> Gérard Davet and Fabrice Lhomme. *Un président ne devrait pas dire ça... - Les Secrets d'un Quinquennat* [A President Should not Say this...Secrets of a Five-Year Term]. Paris: Stock, 2016.

<sup>6</sup> The Beautiful People Alliance.

<sup>7</sup> The Ecologist Party.

<sup>8</sup> The Democrat Front.

by Vincent Peillon, ex-Minister of Education from 2012 to 2014, who came out of retirement with the sole purpose of barring the way to Valls. Also among the candidates were Jean-Luc Bennahmias and François de Rugy. The former, a bit of an odd character, ex-member of the European Parliament, ex-national secretary of the Greens (1997-2001), ex-Vice-President of the centrist MoDem<sup>9</sup> (2007-2014) ran as founder of a new centre-left party called the Front Démocrate. The latter participated in these primaries under the banner of the Parti Écologiste, an environment party created in the wake of his leaving Europe Écologie-Les Verts (EELV)<sup>10</sup>. This all-male sextet was finally joined by Sylvia Pinel, leader of the Parti Radical de Gauche (PRG)<sup>11</sup>, a socio-liberal, centre-left party, struggling to exist on an already heavily fragmented Left scene.

The 2017 ‘primaire citoyenne’ [Citizen Primaries] took place on the 22 and 29 December 2017. Two million people cast their vote, and ultimately, to everyone’s surprise, Benoît Hamon won over Manuel Valls, becoming the official candidate of the Socialist Party and its allies for the 2017 presidential elections. Hamon’s unapologetically leftist agenda and proposal for a universal basic income was positively received, particularly among the 18-25-year old. His embracing of ecological concerns also resonated well with his electorate. But clearly too Valls had underestimated the opposition he was going to face given his role in the disastrously

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<sup>9</sup> Mouvement démocrate/Democratic Movement, presided by François Bayrou.

<sup>10</sup> Europe Ecology-The Greens.

<sup>11</sup> Radical Party of the Left.

unpopular Hollande government. Having been appointed to spearhead economic and social reforms, Valls was seen among many Socialists as both too liberally-minded economically speaking, and too conservative with regards to questions of secularism, the debate around questions of state and religion in France remaining a very sensitive question, particularly so within the backdrop of the devastating terrorist attacks France had suffered in January and November 2015, and again in July 2016. In addition, the steady emergence of the 15 years younger Emmanuel Macron did nothing to improve Valls's image and public perception.

As part of the primaries' regulations, all participants had publicly committed to support and endorse the winner. Yet, in the wake of Benoît Hamon's nomination, both François de Rugy and Manuel Valls promptly 'defected', bringing their support instead to Emmanuel Macron, who, a month earlier, had announced his intention to run. This illustrated and further contributed to the Left's deep fractures. Torn between Liberal, Socialist and Radical currents, embodied respectively by Valls, Hamon and Mélenchon, candidates on the Left were unable to reconcile, a situation that further paved the way for Emmanuel Macron.

### **The Greens**

The third group to opt for primary elections were the Greens. This much smaller affair – it attracted 16,000 voters and there were only four candidates – took place on 19 October and 7 November 2016.

In counter-tradition to the primaries on the Left and on the Right, women made up the majority, with three candidates. However, in line with primaries that would see the ‘big names’ taken down, Cécile Duflot, the most widely-known of the candidates, ex-Minister of Housing in the Hollande government from 2012 to 2014, was eliminated in the first round. Yannick Jadot, an ex-Greenpeace member and a member of the European parliament, won the primaries by 54.25% of votes, thus becoming the official candidate of Europe Écologie-Les Verts.

However, on 23 February 2017, in a surprising development, Jadot announced his intention to withdraw his candidacy, and to rally behind Benoît Hamon. Following consultation, and given Hamon’s strong environmental ethos, the overwhelming majority of EELV voters – 79.53% – chose to endorse their leader’s position. For the first time since 1969, there would be no Green candidate to the presidential election.

## **The Far Right**

There were, however, no surprises as far as the French Far Right was concerned. Marine Le Pen, the undisputed leader of the Front national<sup>12</sup> – primaries are decidedly not a part of the Far Right’s DNA – launched her official campaign in Lyon on 5 February 2017. Like others, she had in fact started campaigning in the summer of the previous year. The 144 propositions put forward by the Front

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<sup>12</sup> The National Front.

national centred on a familiar territory made-up of half-liberal, half-protectionist economical views, anti-immigrant policies, a strong law-and-order agenda, and conservative social mores; Le Pen was the only candidate proposing to repeal the 2015 same-sex marriage law. She also put forward a resolutely anti-European programme, arguing for a prompt Frexit and suggesting a return to the French Franc.

The Front national tried hard to distance itself from Jean-Marie Le Pen's old Front, by adopting a new logo, a new motto and a new look for Marine Le Pen. It strived to promote a new discourse too, pushing its racist and anti-Semitic ideology to the background in favour of a populist, protectionist agenda, attempting to gain credibility and popularity in the process. This undeniably worked, as shown by the result of Le Pen's party in the first round of the presidential elections – 21.30% of voters above both the Republicans (20.01%) and the Socialists (6.36%) – leading not only to the Front national being present in the second round of the French presidential elections, but also to Le Pen's party being endorsed by nearly 11 million voters i.e. close to a quarter of all registered electors!

However, Marine Le Pen's insistence on France exiting the European Union failed to convince a number of Front national voters. Her argument in favour of a return to the Franc, scared many, particularly pensioners. Finally, her disastrous performance during the televised debate with Emmanuel Macron, made blatant

her unpreparedness and amateurism, and shook the confidence of some of her most hard-core supporters.

### **No Primaries for These Two**

Interestingly, Emmanuel Macron and Jean-Luc Mélenchon, two figures who were about to play a very important role in these presidential elections, decided not to run as part of these primaries, both with very good reasons. On 6 April 2016, in his home-town of Amiens, Emmanuel Macron, then Minister of the Economy, had launched his political movement En Marche – and no, the fact that the initials of the movement’s name correspond to those of its founder has nothing to do with chance! Having resigned four months later, Emmanuel Macron announced on the 16th of November his intention to run as candidate of En Marche. Macron, who had previously stated that he was not a socialist, and whose motto was ‘neither left nor right’, had indeed nothing to gain from taking part in primaries. Instead, he would focus his time and energy on increasing his movement’s visibility and his own credibility. At the time, the media were unanimous in predicting Macron’s downfall, arguing that campaigning on his own as he was could only lead to failure.

Two months before the creation of En Marche, on 10 February 2016, the ex-socialist Jean-Luc Mélenchon, member of the

European Parliament under the Front de Gauche<sup>13</sup> label, whose candidacy for the presidential elections was known since July 2015, had also launched his own movement La France Insoumise<sup>14</sup>.

The most connected candidate in this election by a long shot, Mélenchon used technology and social media very successfully. His YouTube channel, by far the most popular Internet platform on the French presidential landscape, went from 130,000 subscribers in December 2016 to 270,000 in April 2017. He was also the first candidate to use holographic imagery enabling him to be 'present' at two locations simultaneously.

To all accounts, Mélenchon ran a very good campaign. His public meetings and weekly YouTube interventions attracted large audiences. Yet, while he has been hindered to some extent by the hostile comments of some traditional media, Mélenchon did not do himself any favours. His positive assessment of the Chavez and Maduro presidencies in Venezuela in the wake of ongoing demonstrations and sometimes violent government repression, did not gain him any followers. His ambiguous positioning with regards to the European community and the Euro zone, also played against him, as did his intention to tax at 100% those earning in excess of twenty times the average income. Deemed unrealistic and scary, his economic programme failed to convince enough voters on the Left

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<sup>13</sup> Created in 2009, the Left Front federated the French Communist Party (PCF) the Parti de Gauche (Left Party), made up of Socialist dissidents, and the Nouveau Parti Anticapitaliste (New Anticapitalist Party).

<sup>14</sup> Unsubmissive France.

to rally La France Insoumise, even if Mélenchon's party did considerably better with 19.58% of vote at the outcome of the first round than Benoît Hamon's embarrassing 6.36%.

## **The Others**

Finally, a handful of independent candidates joined Marine Le Pen, Hamon, Macron, Fillon and Mélenchon, bringing to eleven the total number of participants to the 2017 French presidential elections. They included the conservative Nicolas Dupont-Aignan from Debout La France<sup>15</sup>, the representatives of two distinct Trotskyist organizations: Nathalie Arthaud from Lutte Ouvrière<sup>16</sup>, and Philippe Poutou from Le Nouveau Parti Anticapitaliste, the very-Liberal and vehement Frexit supporter François Asselineau, Jacques Cheminade from Solidarité et Progrès<sup>17</sup>, a party defined by its leader as a combination of Jaurès-inspired socialism and de Gaulle-based innovation (whatever that may mean!) and finally Jean Lasalle, self-confessed defender of rural communities but very much lacking in credibility.

## **Macron's Victory**

Given the number of upsets and original developments – Juppé and Sarkozy eliminated from their primaries, Valls losing to Hamon, Duflot beaten by Jadot and Jadot joining up with Hamon, Hollande stepping out of the presidential race, Marine Le Pen's financial,

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<sup>15</sup> Stand up, France

<sup>16</sup> Workers' Struggle.

<sup>17</sup> Solidarity and Progress.



political and legal affairs, not to mention Mélenchon's holograms and Fillon's imbroglio – this atypical presidential campaign could only conclude with a further surprise. And so it was that on 7th May 2017, after 20 months of campaigning, three open primaries, several television debates and interviews, a 39 year-old, virtual unknown, with no previous political mandates – Macron has never stood as mayor, senator or member of parliament – and with a political line aiming to transcend the old Right/Left binary, became the new President of the French Republic.

Luck and good timing do not, however, fully explain Emmanuel Macron's victory. For the past 60 years, Socialists and Republicans have taken turns at the Élysée, without being able to cast off the mantle of high unemployment which continues to weigh heavily on the shoulders of the French. Tired of this lack of results, disillusioned by promises not kept and wary of old seasoned politicians who seem to be at it mainly for themselves, seeking, somewhat desperately but also with hope, a brighter future for their country, and still attached to the idea of Europe, a majority of French voters decided to trust the newcomer. In that sense, Macron's political 'virginity' clearly played in his favour. His charisma, energy, intelligence, ambition, and, above all, his ability to cast his net wide outside the traditional parties – creating En Marche as a movement, as opposed as to a party, was seen in this

respect as a “masterstroke”<sup>18</sup> – all worked in his favour. To a large extent, Macron appeared as someone who would talk the talk and walk the walk.

Today, his popularity remains high at 52% of favourable opinion. With Theresa May embroiled in Brexit negotiations and Angela Merkel struggling to put together a coalition government, Macron can put France at the foreground of the European Union. Even Trump’s histrionics can play in his favour on the world scene. But ultimately, the French president should not forget that, when given the opportunity, close to 11 million people in France chose Marine Le Pen over him! One can only hope that he will be well inspired enough to address the reasons behind these voters’ choice and ensure that liberty, equality and fraternity remain meaningful in France under his presidency.

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<sup>18</sup> ‘Political parties in France with a comparison to political parties in Britain and in the USA’. About-France.com <https://about-france.com/political-parties.htm>.  
Downloaded 15 January 2018.

# **BRITAIN'S BREXIT ELECTIONS**

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In this short piece, I want to offer some thoughts about the broader context in which the ‘Brexit’ vote took place in the United Kingdom. The focus here is on the General Elections of 2010, 2015, the Brexit referendum of June 2016 and the 2017 General Election. This series of votes has been framed by the global financial crisis of 2007-08, the consequences of which are still playing out. It almost goes without saying that there can be no final agreement as to the meaning of Brexit, so this short article simply offers some ideas and perspectives that may shed light on some of its aspects.

### **From then...**

I will start with some comments about how these elections fit in with the wider trajectory of Britain’s post-war modernity. There is little doubt that the period after 1945 was a period of transformation. It was widely recognised that Britain’s economy was in urgent need of renewal, that the poverty and hardship faced by many ‘ordinary’ people in the 1930s must be addressed, and that the ‘state’ should play a key role in organizing and managing the transition. Though the extent of the political consensus during this period is debated, it seems clear that Britain underwent a comprehensive modernization between 1950 and 1970. Economic growth rates were high (though there were concerns about Britain’s relative ‘decline’ against its major international competitors), Keynesian demand management ensured that the periodic cycles of boom and bust were smoothed out, the ‘welfare state’ provided a measure of security for the

entitled population 'from cradle to grave', and the physical and social landscape of the country changed dramatically. This was overseen by an electoral system dominated by two-party politics, which returned large and stable majorities in the House of Commons. It was this modernization, and one that was taking place across Europe as a whole, that led to Britain eventually joining the 'Common Market' in 1975 (as an aside, it is worth mentioning that the decision to call a referendum to decide whether the UK remained in the Common Market was a significant break in the unwritten constitution. Referenda were considered very 'un-British', since the assumption was that Parliament could be trusted to enact the will of the people).

From today's perspective, the rosy picture just painted of Britain's post-war modernization reads like a fairy-tale. Indeed, as a geography student in the 1980s I spent much of my time unlearning this idea of 'The UK space' and understanding the economic, political, social and environmental forces that were leading to a divided nation. The 1970s and 1980s were the key periods, and the list would include the breakdown of cooperation between industry and unions, the growing gap between north and south, the protracted struggle in Northern Ireland, the rise of militant feminism, the realization that 'race relations' were not as harmonious as presented by official multiculturalism, fear of nuclear leakages and worse, and so on. The 'break' finally came in 1979 with the election of a Conservative government with a vague plan to 'break the mould' of

British politics, and by 1987, Britain was beginning to look and feel very different. Britain was a more affluent, more consumerist, individualistic, perhaps more exciting, but certainly more divided place.

Many of the ‘fault-lines’ that became so obvious in the Brexit vote were hidden from view in the ‘long 1990s’ as a succession of New Labour governments between 1997 and 2010 sought to portray Britain as a ‘young country’, open for business, creative, exciting and a place where, as long as you worked hard and looked after yourself and your family (i.e. did not make too many demands on the state), life could be good. New Labour pursued, for a long time, a quite successful ‘growth model’ which offered businesses and corporations low tax rates for doing business in Britain, the control of welfare spending and relatively high levels of social investment, a low-wage economy along with the expansion of personal debt facilitated by a booming housing market, and the enlargement of the European Union meant that there was a larger market for Britain’s goods and a ready supply of young and (often) talented workers, many of whom ended up in London and the South East working in the burgeoning banking and financial service industries which, by 2008, contributed no less than 12 percent of the country’s overall tax revenue.

### **... to Now**

Maybe, in future news footage, the defining image of Britain in

the ‘noughties’ will be the queues of people (i.e. customers) standing in the rain to put their bank cards in the ‘hole in the wall’ to withdraw their savings from the collapsing bank-cum-building society Northern Rock. In his 2011 autobiography, *Back from the Brink*, the presiding Chancellor Alistair Darling reflected on the conditions that existed in 2007:

“The landscape seemed extraordinary tranquil. Britain had seen more than ten years of continuous economic growth, something that had not been experienced for more than two centuries. Our debt levels had fallen from being the second highest of the world’s seven largest economies to the second lowest, behind Canada”.

The rapid collapse of New Labour’s growth model after the crisis of 2008 was extraordinary. It challenged the story that had been told since the mid-1990s and revealed the extent of division in the nation as a whole. The fiscal consensus between the main political parties that Labour’s spending plans were wise and prudent was abandoned, and the Conservative party pledged that it would inaugurate a new era of austerity so that the country could ‘live within its means’. This proved a winning formula. The Conservative-Liberal Democrat coalition government of 2010-2015 and the Conservative government elected in 2015 both stood on a platform of austerity. However, General Elections are generally won on quite small turn-outs in Britain, so to say that Britons voted for austerity (whatever that may look like in practice) is misleading. When given the opportunity to vote in a referendum on the UK’s continued

membership of the EU, previously disengaged voters did turn out and the rest, as they say, is history. The subsequent 2017 General Election result, with the Conservative Prime Minister seeking to build her majority and strengthen her position in the forthcoming Brexit negotiations, was, on one level, high political farce, but, on another level, reflective of the real fractures that exist in British society.

To end, I want to suggest that although the focus here is on Britain, the same forces are at work (although they play out differently as a result of culture and history) in other European nations. The recent British votes can only be understood as part of the story of faltering modernization pursued since 1945, and the political questions revolve on how to get that project back on the road.



**CATALONIA 2017:**  
**The 1-O Independence Referendum  
and the 21-D Snap Election\***

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\* 1-O and 21-D refer to the dates on which the referendum and snap election took place: 1 October and 21 December 2017, respectively

At the end of 2016, the Catalan government in Barcelona and the central government in Madrid were diametrically opposed. While the then President of the Generalitat of Catalonia,<sup>1</sup> Carles Puigdemont, vowed that a “legal and binding” referendum that could lead to Catalonia seceding from Spain would be held in 2017,<sup>2</sup> for Spain’s conservative Prime Minister, Mariano Rajoy, the Spanish Constitution of 1978, which is “based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards,”<sup>3</sup> had to be upheld. He was thus to differ vehemently: “It is not possible to hold a referendum that will do away with national sovereignty and the equality of Spaniards.”<sup>4</sup>

Undeterred, in 2017 the Catalan government proceeded to draft two essential laws to pave the way to the referendum and to Catalonia’s becoming a republic: the *Llei de transitorietat jurídica* (later *Llei de transitorietat jurídica i fundacional de la República*, the Legal Transition and Foundation of the Republic Law) and the *Llei del referèndum d'autodeterminació* (Referendum on Self-Determination Law). The ultimate gauntlet was thrown down on 22

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<sup>1</sup> The Government of the Autonomous Community of Catalonia, consisting of the Parliament of Catalonia, the Presidency, and the Executive Council.

<sup>2</sup> Pere Ríos, “Puigdemont promete para 2017 un referéndum ‘legal y vinculante.’” *El País*, 30 Dec. 2016. Available at [https://elpais.com/ccaa/2016/12/30/catalunya/1483123316\\_719194.html](https://elpais.com/ccaa/2016/12/30/catalunya/1483123316_719194.html)

<sup>3</sup> “Constitution.” Congreso de los Diputados, 1978. Available at [http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist\\_Normas/Norm/const\\_espa\\_texto\\_ingles\\_0.pdf](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf)

<sup>4</sup> “Spain premier rules out possibility of Catalan independence vote.” *PressTV*, 30 Dec. 2016. Available at <http://www.presstv.com/Detail/2016/12/30/504129/Spain-Rajoy-Catalan-independence-referendum>

May 2017, when a draft of the *Llei de Transitorietat Jurídica* was leaked to the media: it was none other than a provisional constitution of Catalonia until the proclamation of a “parliamentary republic.”<sup>5</sup> However, so that the referendum could be held, the section detailing the upcoming referendum would come into force before the rest of the text. Were the central government to prevent the referendum from going ahead, the draft bill enabled Catalonia to secede from Spain forthwith. Catalonia was thus on the path to secession from Spain, with or without a referendum.

The second law was the *Llei del referèndum d'autodeterminació*, drafted specifically for the 1-O referendum, and thus governing the procedure to be followed.<sup>6</sup> For example, the ballot paper was to contain a single question: “Voleu que Catalunya sigui un estat independent en forma de república?” (Do you want Catalonia to be an independent state in the form of a republic?), and the result would be binding; the majority would simply be “more affirmative than negative votes;” there would be no minimum turnout, and a majority of “yes” votes would result in the independence of Catalonia being declared within two days of the results being announced by the Electoral Commission. Finally, were there a

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<sup>5</sup> Rafa de Miguel, “La independencia de Cataluña será inmediata si no hay referéndum.” *El País*, 21 May 2017. Available at [https://politica.elpais.com/politica/2017/05/21/actualidad/1495389893\\_104663.htm](https://politica.elpais.com/politica/2017/05/21/actualidad/1495389893_104663.htm)

<sup>6</sup> “The Law on the Self-Determination Referendum.” Generalitat de Catalunya, [2017]. Available at [http://exteriors.gencat.cat/web/.content/00\\_ACTUALITAT/notes\\_context/Llei-del-Referendum\\_ENGLISH.pdf](http://exteriors.gencat.cat/web/.content/00_ACTUALITAT/notes_context/Llei-del-Referendum_ENGLISH.pdf)

majority of “no” votes, elections for the Autonomous Community of Catalonia would be called immediately.

Both laws were fast-tracked through the Parliament of Catalonia. The *Llei del referèndum d'autodeterminació* was passed on 6 September 2017, and suspended the following day by the Constitutional Court, whereas the *Llei de transitorietat jurídica i fundacional de la República* was passed on 8 September 2017, and repealed by the Constitutional Court on 12 September 2017. The proposed referendum was thus banned.

Needless to say, the Catalan government disregarded the Constitutional Court rulings. But they still had the practicalities, such as the ballots, ballot boxes, polling stations, or the electoral roll, to oversee, while a concerted effort coordinated by the Ministry of State for Security via the Civil Guards and National Police Force was made to thwart preparations.<sup>7</sup> As with the preparation of the legislation for the bid for independence, on the practical side the pro-independence government and supporters were, to a certain extent, one step ahead of the central government. Election material had been printed at least one week before the referendum was

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<sup>7</sup> It is estimated that, shortly before the 1-O referendum, between 5,500 and 6,000 National Police Force and Civil Guard reinforcements had been deployed from other areas to Spain to coordinate with the Mossos d'Esquadra, the Catalan police force of some 15,000 officers, to ensure compliance with the law (Óscar López-Fonseca, “El Gobierno clasifica como secreto de Estado el despliegue policial en Cataluña.” *El País*, 11 Nov. 2017. Available at [https://politica.elpais.com/politica/2017/11/11/actualidad/1510419219\\_290920.html](https://politica.elpais.com/politica/2017/11/11/actualidad/1510419219_290920.html))

officially announced,<sup>8</sup> although eventually more than 12 million ballot papers, millions of envelopes, posters and other referendum matter were confiscated prior to 1 October.<sup>9</sup> Approximately 10,000 ballot boxes were sourced from a Chinese manufacturer and strategically concealed in private homes, schools, town halls and churches throughout Catalonia;<sup>10</sup> only four were seized in a vehicle heading towards a polling station in Barcelona before 9 a.m., on 1 October, when voting was scheduled to commence<sup>11</sup> Members of the public occupied 163 schools throughout Catalonia which had been designated as polling stations, so that they could not be sealed off;<sup>12</sup> they were to be evacuated by 6 a.m. on polling day.<sup>13</sup> All other schools and public buildings housing polling stations were to be sealed off.

The measures taken were not effective, neither in preventing voters from voting, nor in enforcing the law without any altercations. In total, 2,286,217 voters, including those who had

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<sup>8</sup> Esteban Urreiztieta, "El Govern tenia listo el material del 1-O sin haber convocado el referendum." *El Mundo*, 18 Dec. 2017. Available at <http://www.elmundo.es/cataluna/2017/12/18/5a36cba7e2704e717d8b45f4.html>

<sup>9</sup> Patricia Ortega Dolz and Óscar López-Fonseca, "Solved: the mystery of the missing Catalan ballot boxes." *El País*, 2 Oct. 2017. Available at [https://elpais.com/elpais/2017/10/02/inenglish/1506938220\\_363502.html](https://elpais.com/elpais/2017/10/02/inenglish/1506938220_363502.html)

<sup>10</sup> Dolz and López-Fonseca.

<sup>11</sup> Dolz and López-Fonseca.

<sup>12</sup> "Of 1,300 Catalan schools inspected, 163 are occupied by members of public." *El País*, 30 Sept. 2017. Available at [https://elpais.com/elpais/2017/09/30/inenglish/1506791130\\_810393.html](https://elpais.com/elpais/2017/09/30/inenglish/1506791130_810393.html)

<sup>13</sup> Jamie Grierson, "Police close voting centres before Catalan referendum." *The Guardian*, 30 Sept. 2017. Available at <https://www.theguardian.com/world/2017/sep/30/police-close-more-than-half-of-voting-centres-ahead-of-catalan-referendum>

been able to register abroad, voted.<sup>14</sup> There was an overwhelming majority of “yes” votes —90.18%—, against 7.83% “no” votes and 1.98% blank votes, from a 43.03% turnout.<sup>15</sup> Thus the 56.97% abstention rate would suggest that those who voted were actually a minority; the majority lay with those who had abstained.

The day of the referendum was marred by violence, to the extent that, according to the Department of Health of the Generalitat, 893 people had to be attended to by emergency services and hospitals.<sup>16</sup> Abhorrent images and footage of riot police firing rubber bullets to disperse the crowds, striking members of the public with batons and dragging them away by their hair from polling stations were soon seen, and condemned, around the world<sup>17</sup> The European Commission (EC) issued a statement stressing that “violence can never be an instrument in politics” and called for all sides to “move very swiftly from confrontation to dialogue.”<sup>18</sup> There was, however, no suggestion that the EC would intervene in what they considered

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<sup>14</sup> Jaume Pi, “Los resultados definitivos del 1-O.” *La Vanguardia*, 6 Oct. 2017. Available at <http://www.lavanguardia.com/politica/20171006/431829595713/resultados-definitivos-1o.html>

<sup>15</sup> Pi.

<sup>16</sup> Luis B García, “El balance total de las cargas en el 1-O: 893 heridos, cuatro de ellos hospitalizados.” *La Vanguardia*, 6 Oct. 2017. Available at <http://www.lavanguardia.com/politica/20171002/431743068260/heridos-cargas-policiales-1-o-hospitalizados-graves.html>

<sup>17</sup> Lizzie Dearden, “The EU Commission has just said the Catalan referendum was illegal.” *The Independent*, 2 Oct. 2017. Available at <https://www.independent.co.uk/news/world/europe/catalan-independence-referendum-not-legal-spanish-constitution-european-commission-juncker-spain-law-a7978386.html>

<sup>18</sup> Qtd. in Dearden.

an “internal matter:” “We trust the leadership of Prime Minister Mariano Rajoy to manage this difficult process in full respect of the Spanish constitution and of the fundamental rights of citizens enshrined therein.”<sup>19</sup>

The referendum had taken place “in infringement of all minimum voting regulations.”<sup>20</sup> Firstly, according to the spokesman for the Catalan government, Jordi Turull, polling stations closed by the police left 670,000 people unable to vote in their electoral districts.<sup>21</sup> Foreseeing such a circumstance, minutes after voting had begun, a universal census was established so that possible voters would not be affected by the closure of polling stations, and thus those wishing to vote could do so at any polling station.<sup>22</sup> While Turull was confident that citizens would vote only once, according to the Spanish Interior Ministry, this facilitated the casting of multiple votes.<sup>23</sup> Secondly, prior to 1 October, the Civil Guard had taken control of the Catalan government’s Telecommunications Centre, so that voting could not be completed electronically on Sunday.<sup>24</sup> The census app housed in Amazon Web servers, which throughout the morning lost the signal from time to time, was cancelled by the

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<sup>19</sup> Qtd. in Dearden.

<sup>20</sup> “Did the referendum comply with basic voting regulations?” *El País*, 1 Oct. 2017. Available at [https://elpais.com/elpais/2017/10/01/inenglish/1506858911\\_482600.html](https://elpais.com/elpais/2017/10/01/inenglish/1506858911_482600.html)

<sup>21</sup> Qtd. in Camilo S. Baquero, “Un 90% de ‘síes’ con 2,2 millones de votos y una participación del 42%, según el Govern.” *El País*, 2 Oct. 2017. Available at [https://elpais.com/ccaa/2017/10/02/catalunya/1506898063\\_586836.html](https://elpais.com/ccaa/2017/10/02/catalunya/1506898063_586836.html)

<sup>22</sup> “Did the referendum comply?”

<sup>23</sup> Qtd. in “Did the referendum comply?”

<sup>24</sup> “Of 1,300 Catalan schools inspected.”

Spanish authorities.<sup>25</sup> During the day, the Catalan government set up a blog so that those unable to vote in person could cast their votes online until 11.59 p.m.; by early afternoon, the website had been removed.<sup>26</sup> Thirdly, ballot boxes were opaque, there were no official ballots - ballots printed at home were accepted, no envelopes were required - which again meant that a voter could put multiple ballots into the ballot box, there was no electoral board, counting system, or international guarantee.<sup>27</sup> Moreover, at polling stations, voter names and IDs were not checked against a printed list, but written down by hand.<sup>28</sup>

After voting had closed, the question on everyone's mind was when would Puigdemont declare independence. For the Catalan premier, the results of the referendum—and the police brutality—validated Catalonia's right to be an independent state in the form of a republic.<sup>29</sup> The official announcement of the results came on 6 October. Given the pro-independence majority, Puigdemont was then supposed to unilaterally declare independence from Spain within 48 hours. That did not happen. On 10 October, when he finally set out to make his announcement, Puigdemont confirmed what pro-independence supporters were anxious to hear: "I assume

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<sup>25</sup> "Did the referendum comply?"

<sup>26</sup> "Did the referendum comply?"

<sup>27</sup> Did the referendum comply?"

<sup>28</sup> Did the referendum comply?"

<sup>29</sup> Carles Bellsolà, "Puigdemont abre la puerta a la declaración unilateral de independencia." *El Público*, 2 Oct. 2017. Available at <http://www.publico.es/politica/puigdemont-abre-puerta-declaracion-unilateral.html>



the mandate of the people for Catalonia to become an independent state in the form of a republic.”<sup>30</sup> But what he hastened to add, a mere eight seconds later, left them dismayed: “We propose to suspend the declaration of independence in the coming weeks so as to enter into a stage of dialogue.”<sup>31</sup>

Productive dialogue with the central government was essential if a unilaterally independent Catalonia were to remain within the European Union (EU) and gain recognition from the wider international community. However, no dialogue with Madrid could take place, unless it were “within the framework of the law.”<sup>32</sup> Just as Puigdemont had refused to discuss anything other than the referendum for independence and related matters, Rajoy had rejected all invitations to enter into dialogue concerning independence for Catalonia. Similarly, the EU had also refused to be drawn into Catalonia’s drive for independence. For the EU, on the one hand, such internal issues were to be dealt with by the government of the member state and the region in question; on the other, were part of an EU member state to unilaterally secede from that member state, the seceding region would not be eligible to remain in the European Union. On this matter, Jean-Claude Piris,

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<sup>30</sup> Qtd. in José Precedo and Yeray S. Iborra, “Los ocho segundos en los que Catalunya fue independiente.” *El Diario*, 10 Oct. 2017. Available at [https://www.eldiario.es/catalunya/politica/Catalunya-contuvo-respiracion\\_0\\_695731160.html](https://www.eldiario.es/catalunya/politica/Catalunya-contuvo-respiracion_0_695731160.html)

<sup>31</sup> Qtd. in Precedo and Iborra.

<sup>32</sup> “Catalonia: The countdown to Article 155.” *El País*, 16 Oct. 2017. Available at [https://elpais.com/elpais/2017/10/16/inenglish/1508147753\\_204503.html](https://elpais.com/elpais/2017/10/16/inenglish/1508147753_204503.html)

Director General of the Legal Service of the Council of the European Union between 1988 and 2010, left no room for doubt:

As a legal expert in EU issues, in public international law and in constitutional law, and as a citizen who believes in and works towards the great political project of European integration, I have to say that those who hold that the European Union would accept an allegedly independent Catalonia into its fold are demonstrating their ignorance of both applicable legislation and of the political realities in the EU's member states.<sup>33</sup>

Undeterred, in his letter of 16 October to Rajoy, Puigdemont formally sought “solutions by way of dialogue.”<sup>34</sup> The issue pending, in his mind, was how to move forward on the results of the 1-O referendum. His request was framed within the context of the police violence on the day of the referendum, and the number of votes in favour of independence: “On Sunday October 1, in the middle of violent police action denounced by the most prestigious international organisms, more than two million Catalans entrusted to the Parliament the democratic mandate to declare independence.”<sup>35</sup> That is, Puigdemont “validated” his request for dialogue through an

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<sup>33</sup> Jean-Claude Piris, “Catalonia and the European Union.” *El País*, 31 Aug. 2015. Available at

[http://elpais.com/elpais/2015/08/31/inenglish/1441037020\\_524342.html](http://elpais.com/elpais/2015/08/31/inenglish/1441037020_524342.html)

<sup>34</sup> Carles Puigdemont, “Letter to Rajoy, 16 October.” In Ivanna Vallespín, “Puigdemont letter fails to provide clear answer on independence declaration.” *El País*, 16 Oct. 2017. Available at

[https://elpais.com/elpais/2017/10/16/inenglish/1508138246\\_000760.html](https://elpais.com/elpais/2017/10/16/inenglish/1508138246_000760.html)

<sup>35</sup> Puigdemont, “Letter.”

act that was unconstitutional and had thus been banned by the central government.

In light of the ambiguity on Puigdemont's part as to Catalonia's status, Rajoy formally requested clarification.<sup>36</sup> On 19 October, Puigdemont explained that what had been suspended was not Catalonia's independence, but "the effects of the popular mandate;" he reminded Rajoy that the suspension remained in force.<sup>37</sup> The actual response to Rajoy's specific question did not appear until the concluding paragraph, and can be read as a threat: "[I]f the State Government persists in blocking dialogue and the repression continues, the Parliament of Catalonia will proceed, if deemed appropriate, to vote on the formal declaration of independence, which it did not vote on October 10<sup>th</sup>."<sup>38</sup>

The vote to determine whether the Parliament of Catalonia was in favour of seceding from Spain eventually took place on 27 October, after a resolution to proclaim the "Catalan Republic" had been tabled.<sup>39</sup> Members of the Partit dels Socialistes de Catalunya (PSC),

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<sup>36</sup> "The future of Catalonia: Article 155, early elections, or outright independence?" *El País*, 19 Oct. 2017. Available at [https://elpais.com/elpais/2017/10/19/inenglish/1508396687\\_661661.html?rel=str\\_articulo#1520260545661](https://elpais.com/elpais/2017/10/19/inenglish/1508396687_661661.html?rel=str_articulo#1520260545661)

<sup>37</sup> Carles Puigdemont, "Carta en anglès del #president @KRLS al president @marianorajoy." Govern. Generalitat on Twitter, 19 Oct. 2017. Available at [https://twitter.com/govern/status/920985946610372613/photo/1?ref\\_src=twsrc%5Etfw&ref\\_url=https%3A%2F%2Felpais.com%2Felpais%2F2017%2F10%2F19%2Finenglish%2F1508395138\\_330168.html](https://twitter.com/govern/status/920985946610372613/photo/1?ref_src=twsrc%5Etfw&ref_url=https%3A%2F%2Felpais.com%2Felpais%2F2017%2F10%2F19%2Finenglish%2F1508395138_330168.html)

<sup>38</sup> Puigdemont, "Carta."

<sup>39</sup> Francisco de Borja Lasheras, "Spain in crisis: Long live the Catalan Republic?" *Al Jazeera*, 29 Oct. 2017. Available at <https://www.aljazeera.com/indepth/opinion/spain-crisis-long-live-catalan-republic-171028122116564.html>

the Partido Popular (PP) and Ciudadanos — Partido de la Ciudadanía (Cs) <sup>40</sup> left the chamber in protest. One by one, the remaining deputies approached the bench of the President of the Parliament to cast their vote.<sup>41</sup> With 70 votes in favour of declaring independence from Spain, 10 against, and two blank ballots, the motion was passed.<sup>42</sup>

If the period up until 1 October was one of action, largely clandestine, by Puigdemont and his pro-independence government, and reaction from Rajoy and the Constitutional Court, Rajoy was no longer going to be caught on the back foot. Following Puigdemont's failure to respond satisfactorily, he announced that the Spanish government would enact Article 155 of the Spanish Constitution (1978) as an emergency measure. The aim of this never-before-used article is to restore normality in a regional government that “does not fulfil the obligations imposed upon it by the Constitution or other laws, or acts in a way that is seriously prejudicial to the general interest of Spain.”<sup>43</sup> Even at this late stage, Article 155 could have been avoided, had Puigdemont accepted to call early elections.<sup>44</sup> He did not. The emergency measure was duly submitted to the Senate for approval, published in the Boletín Oficial del

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<sup>40</sup> The Socialists' Party of Catalonia, the Popular Party, and Citizens — Party of the Citizenry, respectively.

<sup>41</sup> Voting was conducted in this manner so that the actual votes remained anonymous, thus impeding charges being laid against those who had voted in favour of independence. “Catalonia's controversial decision.” *Euronews*. 27 Oct. 2017.

Available at <https://www.youtube.com/watch?v=Z4gwRISLaXc>

<sup>42</sup> “Catalonia's controversial decision.”

<sup>43</sup> “Constitution.”

<sup>44</sup> “The future of Catalonia.”

Estado (BOE),<sup>45</sup> and triggered on the evening of 27 October, minutes after the independence motion was passed by the Parliament of Catalonia. The Catalan government was subsequently dismissed, Parliament dissolved, Catalonia was placed under central control, and a snap regional election called for —this time by Rajoy— to take place on 21 December 2017. The Spanish government was confident that “legality and constitutional order” would be restored in due course.<sup>46</sup>

Puigdemont, his ousted pro-independence government and their supporters were in disarray. Alleged to have been instrumental in the 1-O independence referendum, Jordi Cuixart and Jordi Sànchez, leaders of the Òmnium Cultural and Assemblea Nacional Catalana (ANC), had been in custody without bail pending trial for sedition since 16 October.<sup>47</sup> Disinclined to meet the same fate, on 28 October—one day after Madrid imposed direct rule on Catalonia—the ex-President and four former ministers of his administration fled to Brussels. On 31 October, the Spanish Attorney General, José Manuel Maza, announced that charges would be filed against Puigdemont, Junqueras, and others who “have produced an institutional crisis that ended [in] the unilateral declaration of

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<sup>45</sup> The Official State Gazette.

<sup>46</sup> Creede Newton, “What is Article 155 of the 1978 Spanish Constitution?” *Al Jazeera*, 28 Oct. 2017. Available at <https://www.aljazeera.com/news/2017/10/article-155-spanish-constitution-171019100117592.html>

<sup>47</sup> Catalan National Assembly. The ANC and Òmnium Cultural have been key movements in mobilising Catalans for recent National Day celebrations and in the 1-O referendum.

independence with total disregard of our Constitution.”<sup>48</sup> On 2 November, Junqueras and seven ex-deputies were remanded in custody without bail, pending possible charges of sedition, rebellion and misuse of public funds in relation to the declaration of independence.<sup>49</sup> On 3 November, a European arrest warrant for Puigdemont was issued.<sup>50</sup>

The arrest of the ex-President and the pre-trial imprisonment of his ex-Vice President and seven former deputies were not the only issues creating a most extraordinary lead-up to the election. There was the basic question as to whether to participate in the snap election at all. For participation entails implicit acceptance of the “rules of the game.” The irony, once it was clear that Puigdemont accepted the regional 21-D election, did not go unnoticed:

In the three days since 70 separatist deputies in the 135-seat assembly approved a text paving the way for a Catalan republic, the pro-independence movement has made a rhetorical U-turn. After openly rejecting the Spanish Constitution and the takeover of regional powers by Madrid, separatist parties are now

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<sup>48</sup> Qtd. in Creede Newton, “Spain prosecutor files charges against Catalan leaders.” *Al Jazeera*, 31 Oct. 2017. Available at <https://www.aljazeera.com/news/2017/10/spain-prosecutor-files-charges-catalan-leaders-171030120056952.html>

<sup>49</sup> Sam Jones, “Spanish judge jails eight members of deposed Catalan government.” *The Guardian*, 2 Nov. 2017. Available at <https://www.theguardian.com/world/2017/nov/02/spanish-court-question-catalonia-separatists-except-puigdemont>

<sup>50</sup> Sam Jones, “European arrest warrant issued for ex-Catalan leader Carles Puigdemont.” *The Guardian*, 3 Nov. 2017. Available at <https://www.theguardian.com/world/2017/nov/03/european-arrest-warrant-issued-for-ex-catalan-leader-carles-puigdemont>

embracing an election called by the Spanish head of government under Article 155, and to be held within Spain's constitutional framework.<sup>51</sup>

There was also the question as to whether the pro-independence *Junts pel Sí* (Together for Yes) alliance that ran in the 27 September 2015 elections and was in power, with legislative support from the Candidatura d'Unitat Popular (CUP) alliance,<sup>52</sup> until Article 155 was invoked on 27 October 2017, would run again as an alliance. Certainly, Puigdemont was in favour of maintaining a united independence front with his parliamentary allies; but not so ousted Vice-President Junqueras, of Esquerra Republicana de Catalunya (ERC)—which according to polls in early November could possibly win the election on its own<sup>53</sup>—or the CUP, at least not with Puigdemont's Partit Demòcrata Europeu Català (PDeCAT)),<sup>54</sup> due to the major corruption scandals with which CDC, as the PDeCAT

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<sup>51</sup> J. J. Gálvez, E. G. de Blas, C. Pérez and A. Pantaleoni, "Catalan separatists accept new election as 'plebiscite' on Article 155." *El País*, 31 Oct. 2017. Available at [https://elpais.com/elpais/2017/10/31/inenglish/1509468190\\_480121.html](https://elpais.com/elpais/2017/10/31/inenglish/1509468190_480121.html)

<sup>52</sup> *Junts pel Sí* was an alliance formed by various parties from across the political spectrum, including *Convergència Democràtica de Catalunya* (CDC; Democratic Convergence of Catalonia) and *Esquerra Republicana de Catalunya* (ERC; the Republican Left of Catalonia), with support from the *Òmnium Cultural*, the *ANC* and the *Associació de Municipis per la Independència* (AMI; Association of Municipalities for Independence). They obtained nearly 40% of the votes, and needed support from the CUP (Popular Unity Candidacy), a far-left anti-capitalist alliance, to secure a majority in the Catalan Parliament.

<sup>53</sup> A survey conducted between 30 October and 3 November suggested ERC would obtain 29% of the votes, followed by Cs with 21% ("ERC ganaría el 21D sin asegurar la mayoría absoluta independentista." *La Vanguardia*, 4 Nov. 2017. Available at <http://www.lavanguardia.com/politica/2017/11/04/432605827398/erc-ganaria-21d-sin-asegurar-mayoria-absoluta-independentista.html>).

<sup>54</sup> The Catalan European Democratic Party.

was known until July 2016, was associated.<sup>55</sup> In the end, the PDeCat formed its own platform, *Junts per Catalunya* (JxC; Together for Catalonia), with Puigdemont as their election candidate from Belgium, while ERC formed ERC-CatSí (Republican Left-Catalonia Yes), under an imprisoned Junqueras.<sup>56</sup>

High voter turnout of 79.04%<sup>57</sup> indicated the significance Catalan citizens placed on the opportunity to take part in an election whose results would be valid. The results, however, were not conclusive. With 21.6% of the votes, Puigdemont's JxC won 34 seats, Junqueras' ERC-CatSí won 21.38% of the votes and thus 32 seats, and the CUP won 4 seats from 4.46% of the votes.<sup>58</sup> Together, they had 70 of the 135 seats in Parliament, two fewer than in 2015. But with 47.5% of the votes cast, the pro-independence alliances fell short of a majority in terms of the overall percentage of votes. Moreover, five deputies elect from JxC and three from ERC were either in Belgium or in prison;<sup>59</sup> if they were not able to take up

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<sup>55</sup> Àngels Piñol, Camilo S. Baquero, Patricia Ortega Dolz and Óscar López-Fonseca, "Ousted Catalan premier seeks united separatist front for December election." *El País*, 10 Nov. 2017. Available at [https://elpais.com/elpais/2017/11/10/inenglish/1510305189\\_452324.html](https://elpais.com/elpais/2017/11/10/inenglish/1510305189_452324.html)

<sup>56</sup> The remaining parties contesting the election were Cs, the PP, and the CUP, together with the CatComú-Podem (Catalonia in Common-We Can) coalition.

<sup>57</sup> "La participación oficial del 21-D se sitúa en el 79,04%." *La Vanguardia*, 29 Dec. 2017. Available at <http://www.lavanguardia.com/politica/20171229/433939847294/resultados-elecciones-cataluna-dogc-participacion.html>

<sup>58</sup> "21D - Elecciones catalanas 2017." *El País*, [Dec. 2017]. Available at <https://resultados.elpais.com/elecciones/2017/autonomicas/09/index.html>

<sup>59</sup> "La Junta Electoral publica el resultado final de las elecciones catalanas." *InfoLibre*, 29 Dec. 2017. Available at



their seats or delegate their votes, the pro-independence majority would be in jeopardy. As for the pro-union parties, Cs, gained the most votes and the most seats —25.35% and 37, respectively— and will thus be the largest party in the Parliament (whereas the smallest party —and the biggest loser in this election— was Rajoy’s PP, with 4.24% of votes, and 4 seats).<sup>60</sup>

At the close of a tumultuous year, it is not clear that the political crisis has been averted by the 21-D snap election. Pending for 2018 is the constitution of the *Mesa*<sup>61</sup> by 17 January,<sup>62</sup> and the election of the President of the Parliament from among the members of the *Mesa*. With a pro-independence majority in Parliament, the President and majority of the members of the *Mesa* will logically be pro-independence deputies. Prior to the investiture of the President of the Generalitat, the nomination must be approved by Madrid. Just who that could be is a thorny issue. Puigdemont’s intention to be re-elected, on the basis of the majority achieved by the pro-independence bloc and, within that bloc, his party receiving the most votes, is not straightforward: he has remained in Brussels; should he return to Spain, he risks arrest and possible preventive pre-trial detention.

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[https://www.infolibre.es/noticias/politica/2017/12/29/la\\_junta\\_electoral\\_publica\\_d\\_ogc\\_resultado\\_final\\_lista\\_diputados\\_electos\\_73587\\_1012.html](https://www.infolibre.es/noticias/politica/2017/12/29/la_junta_electoral_publica_d_ogc_resultado_final_lista_diputados_electos_73587_1012.html)

<sup>60</sup> “21D - Elecciones catalanas 2017.”

<sup>61</sup> The permanent management board of Parliament of seven members, which sets the agenda.

<sup>62</sup> “Spanish PM calls constituent session for new Catalan parliament on January 17.” *El País*, 29 Dec. 2017. Available at [https://elpais.com/elpais/2017/12/29/inenglish/1514551915\\_400941.html](https://elpais.com/elpais/2017/12/29/inenglish/1514551915_400941.html)

For Rajoy, looking back on 2017, the political crisis in Catalonia was “the greatest attack on our Constitution,”<sup>63</sup> whereas application of Article 155 to quell the independence drive in Catalonia had demonstrated “[t]he quality of [Spain’s] democracy, the separation of powers, the rule of law and the calmness of society as a whole.”<sup>64</sup> Looking ahead, the Prime Minister stipulated that the incoming Catalan government was to “signal its political priorities within the law.”<sup>65</sup> Until such time, Article 155 would remain in force.

At the same time, it would appear that Puigdemont operates not under the Spanish Constitution, but under Catalonia’s own legislation overseeing the region’s drive for independence. According to the *Declaració de l’inici del procés de la independència* (Declaration of the Initiation of the Process of Independence), “[t]he Parliament of Catalunya [...] reiterates that this chamber and the democratic disconnection process from the State of Spain shall not be subject to the decisions of the institutions of the State of Spain, in particular the Constitutional Court.”<sup>66</sup> The *Llei de transitorietat jurídica i fundacional de la República* “recognises itself as the supreme law of the land until a [Catalan]

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<sup>63</sup> Qtd. in “Spanish PM calls constituent session for new Catalan parliament on January 17.” *El País*, 29 Dec. 2017. Available at [https://elpais.com/elpais/2017/12/29/inenglish/1514551915\\_400941.html](https://elpais.com/elpais/2017/12/29/inenglish/1514551915_400941.html)

<sup>64</sup> Qtd. in “Spanish PM calls constituent session.”

<sup>65</sup> Qtd. in “Spanish PM calls constituent session.”

<sup>66</sup> “Resolució 1/XI del Parlament de Catalunya, sobre l’inici del procés polític a Catalunya com a conseqüència dels resultats electorals del 27 de setembre de 2015.” Parlament de Catalunya, 9 Nov. 2015. Available at <https://www.parlament.cat/document/activitat/153122.pdf>

Constitution is approved.”<sup>67</sup> Moreover, when he took office, Puigdemont did not swear allegiance to the King or the Constitution, but to “the will of the Catalan people, as represented in the Parliament.”<sup>68</sup> It is in this context that Puigdemont’s message in the New Year’s speech traditionally delivered by the President of the Generalitat can be interpreted:

We have the right to defend a much better Catalonia and to have the instruments to obtain it, which the Spanish state systematically denies us. As politicians, we have the duty to do this. Because of that, as president, I demand that the Spanish Government and those that support it rectify what no longer works, that they repair the damage caused, and that they reinstate all that they have dismantled without the permission of the Catalans. The ballot boxes have spoken, democracy has spoken, everybody has been able to express themselves. What is Prime Minister Rajoy waiting for before accepting the results?<sup>69</sup>

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<sup>67</sup> “Law on Juridical Transition.” Generalitat de Catalunya, 8 Sept. 2017. Available at [http://exteriors.gencat.cat/web/.content/00\\_ACTUALITAT/notes\\_context/Law-on-Juridical-Transition.pdf](http://exteriors.gencat.cat/web/.content/00_ACTUALITAT/notes_context/Law-on-Juridical-Transition.pdf)

<sup>68</sup> Maiol Roger, “New catalan premier ignores king and constitution as he takes oath.” *El País*, 13 Jan. 2016. Available at [https://elpais.com/elpais/2016/01/13/inenglish/1452679495\\_667854.html](https://elpais.com/elpais/2016/01/13/inenglish/1452679495_667854.html)

<sup>69</sup> Carles Puigdemont, “Full text of Carles Puigdemont’s speech.” In Marta Lasalas, “Puigdemont makes it clear to Rajoy in New Year speech that he won’t give in.” *El Nacional*, 30 Dec. 2017. Available at [https://www.elnacional.cat/en/politics/puigdemont-makes-it-clear-to-rajoy-in-new-year-speech-that-he-won-t-give-in\\_225483\\_102.html](https://www.elnacional.cat/en/politics/puigdemont-makes-it-clear-to-rajoy-in-new-year-speech-that-he-won-t-give-in_225483_102.html)

Hence, if the resolution to the political crisis in Catalonia in 2017 were to depend on a meeting of minds between Rajoy and Puigdemont, the immediate future does not bode well.