



Societat Civil Catalana's position on the possible Unilateral Declaration of Independence after the upcoming autonomic regional elections in Catalonia.

On September 27, 2015 regional elections may be taking place in Catalonia. The President of the Generalitat of Catalonia has decided to use all of the institutional resources available to serve a partisan goal which, apart from having less and less sociological support, involves forgetting that regional governments have an obligation to address the common interests of Catalan citizens and not just those of part of Catalonia (which in this case is the public that supports secession).

SCC will try to answer questions based on the assumption that after regional elections, political parties participating in Catalonia with a secessionist agenda win by simple or absolute majority.

1. Can a political party present a political program aimed at achieving independence?

Yes. The Spanish constitutional system allows the political parties they deem relevant to present the secession of Catalonia in their agenda. All political aspirations may be raised within the electoral programs of the parties, with two very clear conditions:

First, that they be defended peacefully.

Second, that they be carried out within the framework of the procedures and majorities provided for in the constitutional system.

In this sense, the fact that there are parties and social movements that can propose independence projects is not being denied. However, our association is obliged to point out once again, that the September 27 elections, if held, would not be constitutional in nature. The regional elections serve to elect MPs representing Catalan society, and then have to form a majority to elect a President of the Generalitat to lead an autonomous and constitutional government. This means they must act within the jurisdictional limits established by the Spanish Constitution and the Statute of Autonomy.



2. In the event that parties with secessionist political programs were to win a majority (either simple or absolute), would they be entitled to proclaim a Unilateral Declaration of Independence once the new Parliament of Catalonia was constituted?

No. Parliamentary forces wishing to conduct a Unilateral Declaration of Independence need to be aware that an act of such nature involves placing Catalonia outside the European and Spanish legal systems and clearly disrupts the rules governing coexistence among citizens. The Catalan Parliament does not have the power to declare the opening of an independence process or the secession of Catalonia itself. In addition, it would be an undemocratic process, clearly infringing upon the rights and freedoms of all of Spain's citizens.

Undemocratic because the Catalan electoral system is proportional and prepared to balance various interests, not to faithfully represent the will of the people around a particular issue, such as independence. In addition, the rights and freedoms of Catalans and all of the Spanish would be compromised, because the Catalan Parliament would be utilizing the Spanish nationality of citizens residing in the autonomous region for a purpose: Catalonia's secession, and also because it is the whole of the Spanish who have the jurisdiction to decide such basic issues as those affecting the secession of a part of Spanish territory.

3. What can a winning majority of political parties having secessionist programs do after holding regional elections?

The road to democratically exercising the secession process is very different: a proposed constitutional amendment would have to be submitted to the Spanish courts, where popular sovereignty resides; or what is the same, all Spanish citizens (including Catalans) are entitled to decide the issue. Subsequently, it is the Spanish Parliament that must decide whether to recognize such a possibility in the Constitution itself. In any case, the decision to reform the constitution in order to introduce the right of secession of parts of the territory is something that must be respected by the Catalan institutions to the extent that democracy is a form of government where minorities must respect majority decisions, when they are clearly attributed to the Spanish people as a whole, as it does in the Constitution in articles 1.2 and 168.



4. In the event that after regional elections, Catalonia were to adopt a Unilateral Declaration of Independence, would Catalan citizens be obliged to comply? Could we refuse to recognize a Unilateral Declaration of Independence, even though it were adopted in the Parliament of Catalonia by secessionist parties?

The responsibility of deciding whether or not to comply with acts that clearly violate the fundamental principles and values of Spain and the European Union i.e. democracy, respect for the rule of law, and protection of the rights and freedoms of all citizens, cannot be shifted onto the Catalan citizens. It is the central government's responsibility to carry out the necessary political and procedural steps to restore legality in the event that Catalan institutions carry out acts that may overwhelm the Spanish constitutional order.

In any case, SCC calls for sanity and political responsibility: the incompatibility between legality and legitimacy is a fallacy created by political and social forces that do not want to submit to the democratic process, but instead, intend to create new rules that promote the implementation of the secessionist project at any cost, including breaking the rules of coexistence that we have all established since the adoption of the Spanish Constitution.

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internacional@societatscivilcatalana.cat

Tel +34 93 445 17 93

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