

THE DISCONNECTION WITH THE STATE

After the Catalan elections on September 27th, in which the secessionist option did not get the majority of votes, despite getting a large majority of parliamentary seats, it seemed logical to impose a time of awaiting (until the results of the general elections which will take place on December the 20 are known)in order to know the results of the general elections which will take place on December the 20th. An open negotiation would follow this with the new State Government with the aim of finding a solution to the conflict with Catalonia.

It has not been like that . The lack of sufficient parliamentary majority of Junts pel Si has permitted that CUP, surprisingly , with only 10 deputies has imposed its own plan. Consequently the idea of a negotiation/negotiating process towards the independency which could be supported /backed by the strength of an independence party with a wide popular backing/ support has been abandoned and a rupturist and revolutionary path has been adopted .

This new path ,which has been agreed by Junts pel Si and CUP and has passed in a Catalan Parliament Resolution on November the 10th. It states that the elections of September the 27th 2015 grant to the Catalan Parliament a democratic mandate to proceed to make a solemn declaration of the beginning of the process to establish the independent Catalan State as a Republic . Besides this solemn declaration, the most outstanding is that in this Agreement the future Government is urged to begin, within a limit of a maximum of 30 days, the procedures of passing the laws of the constituent process of Social Security and Government Finances. At the same time it states that the Catalan Parliament, as a depository of the sovereignty and expression of the constituent power has to conduct a democratic process of disconnection with the Spanish State, without subordinating to the decisions of the Spanish State institutions, especially to the Constitutional Court, which it considers de-legitimized and without any authority. It also states that the Catalan Government has to obey comply exclusively the regulations and mandates which emanate from the Catalan Parliament.

This declaration of the Parliament does not mean a formal declaration of independency, but a will to fulfil an alleged exercise of full sovereignty of the Catalan people which can create, by means of facts ,the reality of an independent State acting totally outside the established constitutional order.

This is a way to move towards independency by means of a clear and intentional provocation, an act of strength, which eventually aims to force the inevitable reaction of the Spanish Government so that this government intervention can generate more rejection towards a State which will be seen as an oppressor, and consequently in this way they will get more support to the separatist process. It also aims to get the international support towards the resolution of the political Catalan problem.

Obviously, the Parliament Resolution is manifestly unconstitutional, it will be challenged in the Constitutional Court, its effects will be immediately suspended and the Constitutional Court will later declare its unconstitutionality. The Catalan Parliament, constituted power, has to act within the limits established by the Constitution and the Catalan people lack the sovereignty that they claim to have.

There is not democratic legitimacy that can be imposed on the Constitution. The legitimate demand of independency has to be made, in this case, in agreement and by constitutional revision procedure. But furthermore, the results of the elections of September the 27th, 2015 deny the existence of a majority of votes in favour of the independency, which also delegitimizes democratically the Parliament Resolution

Many are the risks of this option. It increases the fragmentation of the Catalan Society, it closes doors for future agreements ,and everything is based on the provocation to the Spanish State with the purpose that the sovereignist process makes progress thanks to the increasing clash between Spain and Catalonia

A breakout path, by means of a dangerous test of strength, has been imposed to the Government of the State ignoring that this power not only counts with the force of law, the Constitution and its different means of action ,but also its legitimacy to oppose to a Resolution of a Parliament which disregards the will of its own citizens and places itself frontally outside the legal system.

In the meantime the near future may bring a new development. There will not be a Unilateral Declaration of Independence, neither disconnection, nor agreement with the Government of the State . Most likely, the Catalan citizens will be called to vote in a not-too-distant future.

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