

Autonomous elections of Catalonia. And the winner is... negotiation and agreement.

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The day after the Scottish referendum of the 18th of September 2014, professor Stephen Tierney published on the blog of the Center of Constitutional Change the following headline: "And the winner is... the referendum". At that time, the participation of the Scottish population had reached the 85% and the No had won significantly (55,3 against 44,7 for the Yes). However, the above mentioned professor also highlighted that the wide participation had legitimated the celebration of the referendum, while the results should led to negotiations able to fulfil the promise of the unionist parties in favour of a wider Devolution.

When it comes to the autonomous elections of Catalonia, a similar understanding can be established. There were called by the President of the autonomous government (Generalitat) with the intention of turning them into a plebiscite for the independence that was represented by the common candidacy of "Junts pel Si" (Together for the yes) and CUP (Candidacy for Popular Unit). The level of participation was high with 77%, while the independent vote reached 47%.

What interpretation can be made from this data? The independent option is not the majority in votes, and even less if we calculate taking into account the electoral census. However, this option obtained a broad support from voters, which have given the parliamentary majority of those political forces that have defended it.

What to do from now on with this result? Firstly, to recognize that in Catalonia the independent option has a wide support that has grown during the last years. In addition, there is the existence of a nationalist sentiment from others no independent political forces such as PSC (the socialist party), Iniciativa per Catalunya (Initiative for Catalonia), Unió Democràtica (Democratic Union). Therefore, again, the reality of the nation of Catalonia and the majority demand of recognition of this singularity and demand of higher levels of auto-government can be confirmed. This reality requires a political and legal answer.

On one hand, the political answer is to recognize this reality of Catalonia as a nation within the Spanish nation. On the other, the legal answer has to try to canalize claims of singularity and more auto-government within the constitutional framework. Therefore, the winners of the elections should be negotiation and agreement.

Once voting is done, negotiation should focus on a constitutional reform that should provide an answer to the claims of the majority of the Catalan people. This reform should strengthen the text of the Constitution from the legitimacy of its new submission to referendum from all the Catalan and State citizens. This negotiation should begin based on a wide consensus regarding the need of this reform and invest for a federal organizational model of the territory but also include other aspects such as democracy quality, new social rights or the position of Spain in Europe. A slow paced debate should conclude with the agreement on a new text that could regulate the life of Spaniards at least for thirty more years.

As a matter of fact, the winner is not the Yes. Neither is the stagnant No. The winners should be negotiation and agreement.