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Chapter 1 : Consensus politics in Spain : insider perspectives (Book,) [calendrierdelascience.com]

Gives a series of insights into the processes that have brought Spanish political reform to a contemporary position, through a diverse set of testimonies from Spaniards who have been involved in politics.

One of those accepted was the substitution of the archaic gualda "weld-colored" for the plain amarillo yellow in the description of the flag of Spain. The constitution was approved by the Cortes Generales on 31 October, and by the Spanish people in a referendum on 6 December. Finally, it was sanctioned by King Juan Carlos on 27 December in a ceremony in the presence of parliamentarians. It came into effect on 29 December, the day it was published in the Official Gazette. Constitution Day on 6 December has since been a national holiday in Spain.

Structure The Constitution recognizes the existence of nationalities and regions

Preliminary Title. Preamble Traditionally, writing the preamble to the constitution was considered an honour, and a task requiring great literary ability. The full text of the preamble may be translated as follows: The Spanish Nation, wishing to establish justice, liberty and security, and to promote the welfare of all who make part of it, in use of her sovereignty, proclaims its will to: Guarantee democratic life within the Constitution and the laws according to a just economic and social order. Consolidate a State ensuring the rule of law as an expression of the will of the people. Protect all Spaniards and all the peoples of Spain in the exercise of human rights, their cultures and traditions, languages and institutions. Promote the progress of culture and the economy to ensure a dignified quality of life for all. Establish an advanced democratic society, and Collaborate in the strengthening of peaceful and efficient cooperation among all the peoples of the Earth. Consequently, the Cortes approve and the Spanish people ratify the following Constitution.

Preliminary Title Section 2. The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all. As a result, Spain is now composed entirely of 17 Autonomous Communities and two autonomous cities with varying degrees of autonomy, to the extent that, even though the Constitution does not formally state that Spain is a federation nor a unitary state, actual power shows, depending on the issue considered, widely varying grades of decentralization, ranging from the quasi-confederal status of tax management in Navarre and the Basque Country to the total centralization in airport management.

Fundamental rights and duties Part II: Article 56 of the Constitution establishes that the monarchy is the head of state and symbolizes the unity of the Spanish state. The King is also the highest-ranked representative of the Spanish state in international relations and only exercises the functions that are explicitly attributed to him by the Constitution and the laws. The King of Spain enjoys immunity and is not subject to legal responsibility. In a broad sense, this means that the King cannot be legally prosecuted. The legal justification for royal immunity is that the King is mandated by the Constitution to fulfill several roles as the head of state; thus, the King is obligated to perform his actions and fulfill his duties, so the King cannot be judged for actions that he is constitutionally obligated to perform. The refrenda

The fact that the King is not personally responsible for his actions does not mean that his actions are not free of responsibility. This is done through a procedure or institution called the refrendo. In general, when there is not a formed government, the responsibility is assumed by the President of the Congress of Deputies. There are only two royal acts that do not require the refrendo. The first encompasses all acts related to the management of the Royal House of Spain; the King can freely hire and fire any employees of the Royal House and he receives an annual amount from the state budget to operate the Royal House, which he freely distributes across the institution. The King sanctions and promulgates the laws, which are approved by the Cortes Generales, which the King also symbolically and formally calls and dissolves. The King also calls for periodic elections and for referendums in the cases that are included by the laws or the Constitution. If a candidate is successfully invested by the Parliament, he formally names him Prime Minister of Spain. When a Prime Minister has been named, he also formally names all the members of his government, all of which are proposed by the Prime

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Minister himself. The King has both a right and a duty to be informed of all the state affairs; he is also allowed to preside over the government meetings when the Prime Minister invites him to do so, although he has the ability to reject this invitation. Regarding the Government, the King also formally issues the governmental decrees, as well as bestowing all the civil and military ranks and employments, and he also grants honors and distinctions according to the laws. The King is also the supreme head of the Armed Forces of Spain, although the effective lead is held by the Government of Spain. Finally, the King holds the High Patronage of all the Royal Academies and other organizations that have a royal patronage. Succession to the Crown The succession to the Crown is regulated in article 57 which establishes a male preference primogeniture to the successors of King Juan Carlos I and his dynasty, the Bourbon dynasty. The heir to the throne receives the title of Prince or Princess of Asturias as well as the other historic titles of the heir and the other children received the title of Infantes or Infantas. If some person with rights of succession marries against the will of the King or Queen regnant or the Cortes Generales, shall be excluded from succession to the Crown, as shall their descendants. This article also establishes that if the lines are extinguished, the Cortes Generales shall decide who will be the new King or Queen attending to the general interests of the country. Finally, the article This legal forecast was exercised for the first time of the current democratic period in when King Juan Carlos abdicated in his son. A Royal decree of the same year also modified the Royal Decree of which establishes the titles of the Royal family and the Regents and arranged that the outgoing King and Queen shall conserve their titles. The Regency The Regency is regulated in article The Regency is the period by which a person exercised the duties of King and Queen regnant in behalf of the real monarch that is a minor. If there is no person entitled to exercise the regency, the Cortes Generales shall appoint one regent or a council of three or five persons known as the Council of Regency. The parents can be guardians while they remain widowed. If they marry again they lost the guardianship and the Cortes Generales shall appoint a guardian which must comply with the same requirements as to be Regent. The Government Part V: The judiciary Part VII: The territorial model Article Section 1. In the exercise of the right to self-government recognized in Article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Autonomous Communities in conformity with the provisions contained in this Title and in the respective Statutes. Monument to the Constitution of in Madrid The Spanish Constitution is one of the few Bill of Rights that has legal provisions for social rights , including the definition of Spain itself as a "Social and Democratic State, subject to the rule of law" Spanish: However, those rights are not at the same level of protection as the individual rights contained in articles 14 to 28, since those social rights are considered in fact principles and directives of economic policy, but never full rights of the citizens to be claimed before a court or tribunal. Other constitutional provisions recognize the right to adequate housing,[3] employment ,[4] social welfare provision ,[5] health protection [6] and pensions. If a self-governing community 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, the government may take all measures necessary to compel the community to meet said obligations, or to protect the above-mentioned general interest. With a view to implementing the measures provided for in the foregoing paragraph, the Government may issue instructions to all the authorities of the Self-governing Communities. Article powers gave Spanish Prime Minister Rajoy to remove secessionist politicians, including Carles Puigdemont , the Catalan leader and direct rule from Madrid. The Constitutional Court Part X: Constitutional amendments Reform The Constitution has been amended twice. The first time, Article Amnesty International has still requested an amendment to be made to the Constitution to abolish it firmly and explicitly in all cases. After that, the campaign seeks another 24 amendments protecting human rights , the environment and social justice. Protected provisions Title X of the Constitution establishes that the approval of a new constitution or the approval of any constitutional amendment affecting the Preliminary Title, or Section I of Chapter II of Title I on Fundamental Rights and Public Liberties or Title II on the Crown , the so-called "protected provisions", are subject to a special process that requires: Curiously, Title X does not

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include itself among the "protected provisions" and, therefore, it would be possible, at least in theory, to first amend Title X using the normal procedure to remove or reduce severity of the special requirements, and then change the formerly protected provisions. Even though such a procedure would not formally violate the law, it could be considered an attack on its spirit. The same applies to Article 79 3 of the German Basic Law which, while explicitly protecting certain parts of the constitution from being changed does not explicitly protect itself from being changed. Reform of the autonomy statutes The " Statutes of Autonomy " of the different regions are the second most important Spanish legal normatives when it comes to the political structure of the country. Because of that, the reform attempts of some of them have been either rejected or produced considerable controversy. The amended Autonomy Statute of Catalonia has also been legally contested by the surrounding Autonomous Communities of Aragon, Balearic Islands and the Valencian Community[12] on similar grounds as those of the PP, and others such as disputed cultural heritage. As of January , the Constitutional Court of Spain has those alleged breaches and its actual compliance with the Constitution under judicial review. The most cited arguments are the self-appointed unprecedented expansions of the powers of autonomous communities present in recently reformed statutes: These requirements are legally binding, as they are enacted as part of Autonomy Statutes, which rank only below the Constitution itself. The Valencian statute, whose reform was one of the first to be enacted, includes the so-called Camps clause named after the Valencian President Francisco Camps , which makes any powers assumed by other communities in its statutes automatically available to the Valencian Community. Autonomous communities such as Catalonia, Aragon, Andalusia or Extremadura, have included statutory clauses claiming exclusive powers over any river flowing through their territories. Nearby communities have filed complaints before the Spanish Constitutional Court on the grounds that no Community can exercise exclusive power over rivers that cross more than one Community, not even over the part flowing through its territory because its decisions affect other Communities, both downstream or upstream. Proposed amendments The reform of the Senate Other proposed amendments.

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Chapter 2 : The Drafting and Passing of the Spanish Constitution

A form of government in which a monarch acts as head of state within the parameters of a written or unwritten constitution. It differs from absolute monarchy in that an absolute monarch serves as the sole source of political power in the state and is not legally bound by any constitution.

One of those accepted was the substitution of the archaic gualda "weld-colored" for the plain amarillo yellow in the description of the flag of Spain. The constitution was approved by the Cortes Generales on October 31, , and by the Spanish people in a referendum on December 6, , before being promulgated by King Juan Carlos on December . It came into effect on December 29, the day it was published in the Official Gazette. Constitution Day on December 6 has since been a national holiday in Spain. Preamble Writing the preamble of the constitution was considered an honour, and a task requiring great literary ability. The full text of the preamble states: The Spanish Nation, wishing to establish justice, liberty and security, and to promote the welfare of all who make part of it, in use of her sovereignty, proclaims its will to: Guarantee democratic life within the Constitution and the laws according to a just economic and social order. Consolidate a State ensuring the rule of law as an expression of the will of the people. Protect all Spaniards and all the peoples of Spain in the exercise of human rights , their cultures and traditions, languages and institutions. Promote the progress of culture and the economy to ensure a dignified quality of life for all Establish an advanced democratic society, and Collaborate in the strengthening of peaceful and efficient cooperation among all the peoples of the Earth. Consequently, the Cortes approve and the Spanish people ratify the following Constitution. Structure of the State The Constitution recognizes the existence of nationalities and regions Preliminary Title. Preliminary Title Section 2. The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all. As a result, Spain is now composed entirely of 17 Autonomous Communities and two autonomous cities with varying degrees of autonomy, to the extent that, even though the Constitution does not formally state that Spain is a federation nor a unitarian state , actual power shows, depending on the issue considered, widely varying grades of decentralization, ranging from the quasi-confederal status of tax management in Navarre and the Basque Country to the total centralization in airport management. Article Section 1. In the exercise of the right to self-government recognized in Article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Autonomous Communities in conformity with the provisions contained in this Title and in the respective Statutes. Social rights Monument to the Constitution of in Madrid. The Spanish Constitution is one of the few Bill of Rights that has legal provisions for social rights , including the definition of Spain itself as a Social and Democratic State, subject to the rule of law Sp. Other constitutional provisions recognize the right to adequate housing [1] , employment [2] , social welfare provision [3] , health protection [4] and pensions. The proposed modifications would include succession in the monarchy on the basis of age only, and not gender, thus abandoning the traditional Castilian rules set in the Siete Partidas. While the rights of the current heir apparent Felipe, Prince of Asturias , are to be maintained, the goal is to reform before his eventual children are born. The Prince however has reminded reformers that there is time since he comes first in the succession line. Furthermore, even an amendment of a non-protected part of the Constitution would require the agreement of the main opposition party or at least some of its representatives, because it would require the support of three-fifths of each House , which is votes in the Congress of Deputies and in the Senate. The current version restricts the death penalty to military courts during wartime, but the death penalty has since been removed from the Code of Military Justice and, hence, has lost all relevance. Amnesty International has still requested an amendment to be made to the Constitution to firmly and explicitly abolish it in any eventuality. Protected provisions Title X of the Constitution

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establishes that the approval of a new constitution or the approval of any constitutional amendment affecting the Preliminary Title, or Section I of Chapter II of Title I on Fundamental Rights and Public Liberties or Title II on the Crown –the so-called "protected provisions"– are subject to a special process that requires 1 that two thirds of each House approve the amendment, 2 that elections are called immediately thereafter, 3 that two thirds of each new House approves the amendment, and 4 that the amendment is approved by the people in a referendum. Curiously, Title X does not include itself among the "protected provisions" and, therefore, it would be possible, at least in theory, to first amend Title X to delete this special procedure, and then change the "protected provisions". The reform of the autonomy statutes The " Statutes of Autonomy " of the different regions are the second most important Spanish legal normatives when it comes to the political structure of the country. Because of that, the reform attempts of some of them have been either rejected or produced considerable controversy. The amended Autonomy Statute of Catalonia has also been legally contested by the surrounding Autonomous Communities of Aragon, Balearic Islands and the Valencian Community [7] on similar grounds as those of the PP, and others such as disputed cultural heritage. As of January , the Constitutional Court of Spain has those alleged breaches and its actual compliance with the Constitution under judicial review. The most cited arguments are the self-appointed unprecedented expansions of the powers of autonomous communities present in recently-reformed statutes such as: These requirements are legally binding, as they are enacted as part of Autonomy Statutes, which rank only below the Constitution itself. Despite these changes having been proposed and approved by fellow members of the PSOE, former Finance Minister Pedro Solbes disagreed with this new trend of assigning state investment quotas to territories based on any given autonomous community custom requirement [9] and has subsequently compared the task of planning the Spanish national budget to a sudoku. The Valencian statute, whose reform was one of the first to be enacted, includes the so-called Camps clause named after the Valencian President Francisco Camps , which makes any powers assumed by other communities in its statutes automatically available to the Valencian Community. Autonomous communities such as Catalonia, Aragon, Andalusia or Extremadura, have included statutory clauses claiming exclusive powers over any river flowing through their territories. Nearby communities have filed complaints before the Spanish Constitutional Court on the grounds that no Community can exercise exclusive power over rivers that cross more than one Community, not even over the part flowing through its territory, because its decisions affect other Communities, down or upstream. The public authorities shall promote the necessary conditions and establish appropriate standards in order to make this right effective, regulating land use in accordance with the general interest in order to prevent speculation. The community shall have a share in the benefits accruing from the town-planning policies of public bodies". They shall in particular carry out a policy aimed at full employment. Supplementary assistance and benefits shall be optional. It is incumbent upon the public authorities to organize and watch over public health by means of preventive measures and the necessary benefits and services. The law shall establish the rights and duties of all in this respect. Likewise, and without prejudice to the obligations of the families, they shall promote their welfare through a system of social services that provides for their specific problems of health, housing, culture and leisure.

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Chapter 3 : Help an outsider on Catalan crisis topics : spain

The drafting of the Spanish Constitution was the first time in Spanish history that the country's defining text had been decided by a process of consensus and then later approved by the Spanish people at referendum. The previous twelve Spanish Constitutions had always been the work of a.

Author Teo Maldo Categories Uncategorized Once again, although with certain peculiarities, we are faced with the historical problem posed by Vicens Vives when emphasizing the historical contradictions between center and periphery in the culturally and politically diverse Spanish state. One, a consolidated power, is the Spanish state. The other, an emerging power, drives the project to create a state of its own, a project promoted by nationalists and pro-independence currents. These include a fraction of the divided system PdeCat, ERC and CiU and some social organizations the Catalan National Assembly, Omnium Cultural and some trade unions with the support of an important part of society. The Sui Generis Democracy of the Spanish State To break down the basic ingredients of this mess, we will refer, initially, to one of the characteristic features of one of the contenders, the Spanish state. In this regard, already before the repression by the state police on October 1st, 1964 we knew that this state was an authoritarian democracy, or a pseudo-dictatorship. Arguments to support this claim are many. First, the form adopted by the transition "reform without any rupture, agreed upon by the entire spectrum of the party system, from the Communist Party and the Socialist Workers Party of Spain PSOE to the Union of the Democratic Center and Convergence "which led, in one way or another, to the perpetuation of many of the structures of the dictatorship, a continuity strengthened by the Constitution of 1978. With regard to Catalonia, we see a lack of interest and incompetence in managing the complex heterogeneity of this region, except by resort to the legal-political path, motivated in part by the dependence of the judiciary on politicians, as in the USA. However, in this case, the approach, despite its inconsistencies, was much more elaborate and would have required a desire for dialogue difficult to imagine, as well as a reform of the Constitution. On this issue, we should also say, from the legal point of view, except for a small group of states Lichtenstein, Ethiopia, etc. This is the authoritarianism of democracies that we have found in the same way in different states: First of all, many of those who were, after 1978, Convergencia mayors, etc. In addition, we cannot fail to mention that prominent members of the Convergencia party, such as Roca Junyent, participated in the elaboration of the so-called Constitution, which includes Article 155. An outstanding aspect of this spoliation would be the long list of cases of corruption, should be highlighted. Esther Quintana lost one eye; there were various deaths from bullets or other causes, as happened with Benitez del Raval in the city center and with mental patients; there was the brutal eviction of the March 15th camp from Plaza Catalunya 13 ; there were extrajudicial executions following the attack of August 17, 2017, in Barcelona; repression of May Day demonstrations; and evictions. The Process Regarding sovereignty, there is no doubt that in this country there have always been sectors involved with Catalanism and with aspirations for self-government, although it is also true that until recently, despite increases for several reasons economic crisis, repression by the state police, the application of Article 155, nationalism and independence have always been very minority currents. This was an enigmatic culmination "Catalan Republic? This is an argument that makes it possible to highlight the close link the subordinate relationship, but not the autonomy, that exists between politics and economics, and the instrumental dependence on the forms of government and state regarding the economy that lies in the governance established in the European Union and by the international treaties, which move from the super-state to the municipality. Further, in the case before us, there is no rejection of the function of the forms of government as guarantors of the conditions of reproduction of the capital relation. This has not prevented it from causing collateral damage in the economic situation as a result of the climate of crises, legal uncertainty and politics. Still, we must not underestimate the enormous value added, for capital and for the state, of the very serious social-implosive fracture "and of the retrograde influence of the content of the sovereignty debate as an antidote to the recurring episodes of social and

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political confrontation. These are systemic notions and discourses that convey judgments deemed indisputable, with a powerful emotional charge and blind faith in the leadership to achieve an idyllic community: This is a story that also includes a proposal for a state, similar to the states in our environment; conceptions broadcast repeatedly over years through various channels media, public-funded political and cultural organizations. In another order of things, where the republican model is concerned, it is indispensable to emphasize that, in this case, there is no conception, really, despite the seemingly discordant verbiage, of any other possibility than the foundation of a bourgeois republic. In the Catalonia of the Second Republic, we recall the comment of Lluís Companys of the ERC, president of the Catalan government, referring to the Raval, a working-class district with an important presence of revolutionaries: However, we can ask ourselves: Why not consider other issues as priorities: The most palpable evidence that this was not going to be the case has been given to us by two of the pillars of this social formation based on the market economy. One is the lack of support from international institutions of importance the states of the EU, USA, EC, ECB, IMF. The second pillar would be the economy itself: There was a war, which, fortunately for that country, was short, although not for the rest of Yugoslavia Croatia, Kosovo, Bosnia, Serbia, which was involved in prolonged bloody wars and conflicts. While, on the one hand, it fed the spectacle of participation and the belief in the commitment to link the party with the social system; on the other hand, programs were diluted, but, above all, the objectives, projects and decisions were designed elsewhere, above the social formations, while counting on the collaboration, in one way or another, of the party system, converted into an indispensable, functional mechanism of this dichotomy. This is a fetishized revival of commodified democracy and the control that dazzles us, periodically, with the presumed benefits of the ballot box and the vote. This is a simulation that erodes or dismantles practices and critical social subjectivities, the ability to question delegated, neoliberal democracy, and the critique of politics. This distortion, the synthesis of a link of power and domination, was printed on a small poster scattered around the city, saying: These are modifications that refer to a long process of reconfiguration of democratic and state forms, where the disarticulation of the potentially critical, subversive social and political forces acquire a special form; a redefinition of the political, legal and economic framework, in which the individual state has its powers cut off, where the classic nation-state has been relegated to the trunk of memories, and turned into an irreplaceable piece of a macro-system, a supra-state, that surpasses its own contours, into which the real nuclei of strategic power are inserted lobbies, multinational corporations, investment funds, EC, BCE, FMI, etc. of a global and local capitalism. There is the functioning of the European Commission, which imposes political and legislative changes on the member states the long shore law, GMOs, laws on competitiveness. It appoints prime ministers, as was the case, in 2011, of the prime ministers of Italy Monti, ex-Goldman Sachs and of Greece Papadomus, ex-BCE, perfectly exemplifying the uniqueness of the new scenario. In this situation, the independence movement, which has never had the majority, which has not been troubled in always maintaining its opposition, until that became an axiom, and now affirms that the mock referendum of October 1 was a legitimate mandate of unilateral rupture with the state: Indeed, if we stick to the data: However it may be, in the background, what all this reveals, besides the undoubted weight of the ideological factor and the economist opportunism, is the belief that an independent state can bring about an improvement in the economic situation, is the deep and generalized ignorance, premeditated or not, of what characterizes, in an essential way, the really existing world: A Gregarious Movement and a Smoke Screen At this point, it is striking, on the other hand, that, although within the scope of the state, there have been, to a greater or lesser extent, mobilizations with a protest component struggles in defense of public health in Madrid and elsewhere, strikes in factories such as Coca Cola, neighborhoods such as Gamonal and universities; in the case of Catalonia this has been different, especially since 2011; the Panrico strike and the neighborhood mobilizations against tourism and urban speculation in Barcelona have been more the exception than the rule. In all this, however, there are two other factors that have led to the outbreak. In spite of everything, after the elections, the scenario that is emerging does not seem to indicate that the problems that led to this mess have been solved. To begin with, what the results of the elections show us regarding secession is a repetition of the

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division in two large blocks: However, at the same time there have been some changes. In the first place, it is still surprising, in terms of the loyalty of those who sympathize with the project of the Catalan Republic, which despite the fact that things have happened to us much less than their promoters predicted, the secessionist vote has not been seen severely eroded, but rather the opposite. Secondly, it has been verified that the party that has obtained more votes 1.,, has been a conservative party, Citizens, similar to the one that governs the state, the Popular Party pp. The pp, even in the years of crisis and recession, pushed an economic policy austerity plans, regressive taxation that impoverished the majority of society while favoring the enrichment of the economic elite of the Ibex. What is significant, moreover, is that the conservative vote has not only occurred in high-income areas, but mainly in the working-class districts of Barcelona and Tarragona, where most of the working-class population of Catalonia is concentrated. All this highlights that not only do we have a country split over sovereignty, but one also listing to the right, since the two options with the largest number of votes, the pro-independence forces and Citizens, 20 have an element in common: As far as the electoral results are concerned, once again, one of the postulates of the pro-independence forces has been negated, i. Similarly, there is no coherence among those who, until now, have shown their total opposition to the Spanish Constitution, and who, instead of proposing a boycott, submitted to an election called by the central government under the umbrella of Article. In any case, a more detailed examination of the results of these elections, allows us to observe some interesting details. First, it confirms the existing division between the different political options, i. These figures give a result that, if we take as a reference the total number of the electoral census 5,, only. Regarding seats, the distribution in the Parliament is the following: Now, checking the number of votes and seats confirms that there is no proportional relationship between them. Putting figures to these concepts will allow us to understand the reason for this disproportion of votes and seats. Thus, for example, to obtain a seat according to locality the following number of votes is needed: Barcelona, 38,; Girona, 23,; Lleida, 16, Thus, even though they have a smaller number of votes, the separatists have obtained more seats and can form a parliamentary majority. On the other hand, a summary of the alleged illegalities committed in the exercise of governmentâ€”with accusations of rebellion, sedition and embezzlement of public fundsâ€”in which for now the list could reach 40, including former President Puigdemont, who is in Belgium as a fugitive; it is not possible to omit, also, that the intense political and media activity displayed by the former president has had the support of the Flemish conservative nationalists of the Nieuw-Vlaamse Alliantie n-va, the first party of Flanders with links to the neo-Nazi extreme right. Unpredictable Horizon and Lost Causes One way or another, a priori, the rise of political conservatism, with a few exceptions micro-conflicts, mainly in the subaltern sphere wage earners, precarious workers, unemployed is worrisome. However this is not a rarity. We have seen it repeated, in recent years, in different places: This is a turn whose roots would have to be sought, preferably, apart from the effects of nationalist and pro-independence ideological bombardment, in the continuation of the dismantling by capital of the institutions of governance. In this sense, another of the foreseeable consequences of this scenario is that a significant portion of society, much of it ascribed to the subaltern sectors, with the focus on sovereignty, the conservatism of Citizens or with another type of decoys psc, Podemos, avoids confronting the deep contradictions, the problems that really concern them increase of socioeconomic inequalities, social and labor precarization, privatization of public services, regressive taxation, urban speculation, environmental degradation as they gradually take away social rights. Anyway, everything points to this stage representing just another chapter of this pathetic saga. A chapter in which, in the weeks before December 21 and with the application of Article, it seemed that there was going to be some important rectification in the road map of the independence movement, as is clear from the statements of some of the champions of this tragicomedy: On the other hand, after the elections, something that had already been latent was evident, and that is that the independentistas do not form a uniform, monolithic bloc. There are deep divergences that materialize in different positions, linked to the question of who and how to take the reins of power and with a central theme: On this, there is no doubt that the legal problems arising in this adventure, coupled with the fact that the

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expectations of this delirious project support of international institutions, attracting investors, number of voters have not been met. This allows us to foresee that, in the future, things will not happen exactly in the same way as before. This is an unpredictable horizon in which, certainly, some or many of the most negative features of the past will persist. Finally, it is necessary to point out, at the same time, the existence of another realityâ€”the invisible onesâ€”that would encompass those who do not agree with the state or with capital, since we think that the state, whatever the size or color, constitutes in essence a structure of domination and oppression. As Nietzsche said in *Thus Spoke Zarathustra*: It is cold even when it liesâ€”. I, the State, am the people. *Omnium Cultura* was created in to promote the Catalan language and culture; also pro-independence. The referendum had no binding effect. The Spanish police attacked a number of polling stations to prevent the vote, with little success.

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The plan conducted by the Basque president Juan Jos  Ibarretxe (known as Ibarretxe Plan) to reform the status of the Basque Country in the Spanish state was rejected by the Spanish Cortes, on the grounds (among others) that it amounted to an implicit reform of the Constitution.

On this day the city of Barcelona was defeated and occupied by the troops of the Bourbon army. This bloody defeat of the Catalan people, who aspired to defend their laws and rights, is etched into their collective memory to the point that the national day of Catalonia is celebrated precisely on this day, the 11th of September. This is not by some masochistic desire to remember the defeat, but rather based on the need to keep alive the memory of how Barcelona and with it, Catalonia was bombed, besieged and invaded by the military force of the enemy, and to ensure that the Catalan people will not forget its freedom or its sovereignty. In the collective subconscious of the Catalans, the defeat has left a bitter aftertaste which, even after three centuries, has never vanished. It should also be added that the central power of Spain has never, or almost never, given the Catalans any reason to forget. Yet it has stubbornly wanted to preserve its roots and has placed the maintenance of its own language and culture at the core of this resistance. As a result, and thanks to the democratic liberalisation following the Constitution of and the incredible stubbornness of the Catalans, there are all kinds of publications, theatres and television channels in our language today, and Catalan is the teaching language for all the boys and girls going to school in this country, including the pupils arriving here from other places in Spain or the world. It is undeniable that following the death of Franco Catalonia experienced its most important period of self-government and a return to a certain level of normality with respect to its identity, but, even so, it has not been sufficient. Catalonia wanted to go further in its process of national reconstruction, so in its socialist President Pasqual Maragall proposed a new Statute of Autonomy that included important aspects, such as fiscal management, that were not included in the previous Statute of The new Statute was passed by the Spanish Parliament and approved by the Catalan people in a referendum, but was nevertheless taken to the Constitutional Tribunal by the Popular Party. After four years of deliberations, this heavily politicised tribunalâ€”with several of its members already retired and inactive, and with vacancies left unfilled in order to preserve its political majorityâ€”declared the Statute unconstitutional. In Catalonia this led to an explosive wave of indignation expressed, for example, by a demonstration of over a million people led by the Catalan government, political parties and trade unions, protesting against the verdict in July These policies have resulted in Catalonia being a net financial contributor, both in Spain and in Europe, while it nevertheless finds itself at the back of the queue when it comes to receiving Spanish investments in infrastructure and social policies. In Madrid all this has resulted in a wave of recentralisation based on reinterpreting the principles of the autonomous communitiesâ€”particularly following the victory of the Popular Party in the Spanish elections of November in which it obtained an overall majority of the Spanish parliament. Day after day we are witnessing the dismantling of the feeble structure of democratically achieved Catalan liberties through all manners of manipulations, broken financial promises, the stoking of anti-Catalan hatred in the other autonomous communities and the systematic denial of the fiscal deficit without ever releasing the official balances. A recent example of this process was when the Spanish Minister of Culture, Mr. All this has come in the context of an economic crisis and a time when social and cultural budgets are being cut more and more as each day go by. Faced with these poor economic and cultural prospects, the Catalan people have organised a broad-based, civil movementâ€”the Catalan National Assemblyâ€”independent of the political parties and called for a demonstration for independence. On which day should they hold this demonstration? Well, on the 11th of September, of course. The success was spectacular. At the moment the situation is this: Catalonia wants to be treated in the same democratic manner by Spain as Scotland is by the United Kingdom, and as Quebec is by Canada. That is, it wants to be able to hold a referendum by which the Catalan people may vote freely and clearly on whether they want independence or

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not. If this requires a modification of the Spanish constitution, then so be it, as a democratic majority cannot be silenced by an obsolete law which, by the way, has been changed twice as a result of economic demands from Europe. The Catalan people finds itself defencelessâ€”unable to defend its democratic and national rightsâ€”faced with the refusal of the Spanish state to allow the consultation of the popular will. It is for this reason that the hopes of the Catalans now rest on the better judgement of the EU and democratic countries in general, so that they may protect, support and promote their most inalienable right:

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Chapter 5 : Amendments to the Spanish Constitution of : Wikis (The Full Wiki)

The Spanish Constitution of (Spanish: Constitución española de) is the current supreme law of the Kingdom of Spain. It was enacted after the country's constitutional referendum and is a furtherance of the Spanish transition to democracy.

One of those accepted was the substitution of the archaic gualda "weld-colored" for the plain amarillo yellow in the description of the flag of Spain. Finally, it was promulgated by King Juan Carlos on December 27. It came into effect on December 29, the day it was published in the Official Gazette. Constitution Day on December 6 has since been a national holiday in Spain. Preamble Writing the preamble to the constitution was considered an honour, and a task requiring great literary ability. The full text of the preamble may be translated as follows: The Spanish Nation, wishing to establish justice, liberty and security, and to promote the welfare of all who make part of it, in use of her sovereignty, proclaims its will to: Guarantee democratic life within the Constitution and the laws according to a just economic and social order. Consolidate a State ensuring the rule of law as an expression of the will of the people. Protect all Spaniards and all the peoples of Spain in the exercise of human rights , their cultures and traditions, languages and institutions. Promote the progress of culture and the economy to ensure a dignified quality of life for all Establish an advanced democratic society, and Collaborate in the strengthening of peaceful and efficient cooperation among all the peoples of the Earth. Consequently, the Cortes approve and the Spanish people ratify the following Constitution. Structure of the State The Constitution recognizes the existence of nationalities and regions Preliminary Title. Preliminary Title Section 2. The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all. As a result, Spain is now composed entirely of 17 Autonomous Communities and two autonomous cities with varying degrees of autonomy, to the extent that, even though the Constitution does not formally state that Spain is a federation nor a unitary state , actual power shows, depending on the issue considered, widely varying grades of decentralization, ranging from the quasi-confederal status of tax management in Navarre and the Basque Country to the total centralization in airport management. Article Section 1. In the exercise of the right to self-government recognized in Article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Autonomous Communities in conformity with the provisions contained in this Title and in the respective Statutes. Social rights Monument to the Constitution of in Madrid. The Spanish Constitution is one of the few Bill of Rights that has legal provisions for social rights , including the definition of Spain itself as a "Social and Democratic State, subject to the rule of law" Sp. However, those rights are not at the same level of protection as the individual rights contained in articles 14 to 28, since those social rights are considered in fact principles and directives of economic policy, but never full rights of the citizens to be claimed before a court or tribunal. Other constitutional provisions recognize the right to adequate housing, [1] employment , [2] social welfare provision , [3] health protection [4] and pensions. Succession in the monarchy would be on the basis of age only, and not gender, thus abandoning the traditional Castilian rules set in the Siete Partidas. While the rights of the current heir Felipe, Prince of Asturias , would be maintained, the goal was to reform before his children were born. The Prince, however, has reminded reformers that there is still time to implement this reform since none of his children will be considered heir to the throne until he himself has been crowned king. Furthermore, even an amendment of a non-protected part of the Constitution would require the agreement of the main opposition party or at least some of its representatives, since it would require the support of three-fifths of each House , which is votes in the Congress of Deputies and in the Senate. The current version restricts the death penalty to military courts during wartime, but the death penalty has since been removed from the Code of Military Justice and thus lost all relevance. Amnesty International

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has still requested an amendment to be made to the Constitution to abolish it firmly and explicitly in all cases. Protected provisions Title X of the Constitution establishes that the approval of a new constitution or the approval of any constitutional amendment affecting the Preliminary Title, or Section I of Chapter II of Title I on Fundamental Rights and Public Liberties or Title II on the Crown , the so-called "protected provisions", are subject to a special process that requires 1 that two-thirds of each House approve the amendment, 2 that elections are called immediately thereafter, 3 that two-thirds of each new House approves the amendment, and 4 that the amendment is approved by the people in a referendum. Curiously, Title X does not include itself among the "protected provisions" and, therefore, it would be possible, at least in theory, to first amend Title X using the normal procedure to remove or reduce severity of the special requirements, and then change the formerly protected provisions. Even though such a procedure would not formally violate the law, it could be considered an attack on its spirit. The reform of the autonomy statutes The " Statutes of Autonomy " of the different regions are the second most important Spanish legal normatives when it comes to the political structure of the country. Because of that, the reform attempts of some of them have been either rejected or produced considerable controversy. The amended Autonomy Statute of Catalonia has also been legally contested by the surrounding Autonomous Communities of Aragon, Balearic Islands and the Valencian Community [7] on similar grounds as those of the PP, and others such as disputed cultural heritage. As of January , the Constitutional Court of Spain has those alleged breaches and its actual compliance with the Constitution under judicial review. The most cited arguments are the self-appointed unprecedented expansions of the powers of autonomous communities present in recently reformed statutes: These requirements are legally binding, as they are enacted as part of Autonomy Statutes, which rank only below the Constitution itself. The Valencian statute, whose reform was one of the first to be enacted, includes the so-called Camps clause named after the Valencian President Francisco Camps , which makes any powers assumed by other communities in its statutes automatically available to the Valencian Community. Autonomous communities such as Catalonia, Aragon, Andalusia or Extremadura, have included statutory clauses claiming exclusive powers over any river flowing through their territories. Nearby communities have filed complaints before the Spanish Constitutional Court on the grounds that no Community can exercise exclusive power over rivers that cross more than one Community, not even over the part flowing through its territory because its decisions affect other Communities, both downstream or upstream.

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Chapter 6 : Chapter The Transition To Democracy - Catalonia Is Not Spain

RabidGandhi October 13, at am. The reason PP are now moving for the constitutional reform is that it is part of a compromise with PSOE: PP will allow a commission to study the constitutional reform that PSOE wants, and PSOE will not block PP in the senate in a potential exercise of Art. CE against Catalonia.

One of those accepted was the substitution of the archaic gualda "weld-colored" for the plain amarillo yellow in the description of the flag of Spain. Finally, it was promulgated by King Juan Carlos on December 27. It came into effect on December 29, the day it was published in the Official Gazette. Constitution Day on December 6 has since been a national holiday in Spain. Preamble Writing the preamble to the constitution was considered an honour, and a task requiring great literary ability. The full text of the preamble may be translated as follows: The Spanish Nation, wishing to establish justice, liberty and security, and to promote the welfare of all who make part of it, in use of her sovereignty, proclaims its will to: Guarantee democratic life within the Constitution and the laws according to a just economic and social order. Consolidate a State ensuring the rule of law as an expression of the will of the people. Protect all Spaniards and all the peoples of Spain in the exercise of human rights, their cultures and traditions, languages and institutions. Promote the progress of culture and the economy to ensure a dignified quality of life for all Establish an advanced democratic society, and Collaborate in the strengthening of peaceful and efficient cooperation among all the peoples of the Earth. Consequently, the Cortes approve and the Spanish people ratify the following Constitution. Structure of the State The Constitution recognizes the existence of nationalities and regions Preliminary Title. Preliminary Title Section 2. The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all. As a result, Spain is now composed entirely of 17 Autonomous Communities and two autonomous cities with varying degrees of autonomy, to the extent that, even though the Constitution does not formally state that Spain is a federation nor a unitary state, actual power shows, depending on the issue considered, widely varying grades of decentralization, ranging from the quasi-confederal status of tax management in Navarre and the Basque Country to the total centralization in airport management. Article Section 1. In the exercise of the right to self-government recognized in Article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Autonomous Communities in conformity with the provisions contained in this Title and in the respective Statutes. Social rights Monument to the Constitution of in Madrid. The Spanish Constitution is one of the few Bill of Rights that has legal provisions for social rights, including the definition of Spain itself as a "Social and Democratic State, subject to the rule of law" Sp. However, those rights are not at the same level of protection as the individual rights contained in articles 14 to 28, since those social rights are considered in fact principles and directives of economic policy, but never full rights of the citizens to be claimed before a court or tribunal. Other constitutional provisions recognize the right to adequate housing, [1] employment, [2] social welfare provision, [3] health protection [4] and pensions. Succession in the monarchy would be on the basis of age only, and not gender, thus abandoning the traditional Castilian rules set in the Siete Partidas. While the rights of the current heir Felipe, Prince of Asturias, would be maintained, the goal was to reform before his children were born. The Prince, however, has reminded reformers that there is still time to implement this reform since none of his children will be considered heir to the throne until he himself has been crowned king. Furthermore, even an amendment of a non-protected part of the Constitution would require the agreement of the main opposition party or at least some of its representatives, since it would require the support of three-fifths of each House, which is votes in the Congress of Deputies and in the Senate. The current version restricts the death penalty to military courts during wartime, but the death penalty has since been removed from the Code of Military Justice and thus lost all relevance. Amnesty International

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Chapter 7 : Spanish Constitution of

The death of the dictator heralded a period known as The Transition. With the King as Head of State, Franco's ministers gradually ceded power to democratically elected representatives. The Constitution and the Statutes of Autonomy laid down the foundations for the young democracy. The Transition.

These assertions are all false. On the contrary, it would have to embark on a long and winding institutional and international journey, with the United Nations as a middle stage. Or that voting is an exercise in democracy in all cases dictatorships also organize referendums. It is also untrue that Catalonia can legally secede from Spain by invoking the right to self-determination, as this right is reserved for nations under colonial rule. Nor is the Constitution hostile to Catalans. When Charles II died without any direct heirs, a European battle broke out over control of the Spanish crown, which at the time ruled over a global empire. The Austrian candidate was backed by the Dutch Republic and England, who feared excessive French power on the continent. The war between different monarchies also became a war between different projects: Anglo-Dutch free-market views versus French protectionism; trade-oriented bourgeoisies against an alliance of farming and courtesan aristocracies; the early confederacy system practiced by Vienna pitted against the absolute centralization championed by France; the peripheries versus central Europe. These dividing lines found supporters in various parts of the Iberian peninsula: The Spanish War of the Succession was not fought over secession or patriotic ideals Standing before the Catalan Courts in the first time that the courts had convened since , suggesting not much activity on their part Philip swore allegiance to the Catalan constitutions that dated back to the Middle Ages and awarded some trade advantages. But pushed by an anti-French syndrome, as well as an invasion of French manufacturers and despotic measures by the viceroy, the Catalans changed allegiance and supported the Archduke, who abandoned them to get himself crowned emperor in Vienna. It was not a war pitting one nation against another, or one that was fought over secession or patriotic ideals. Instead, old Catalan laws and constitutions were used by both sides for their own purposes. The war brought disasters with it, but it did not destroy the principality. EFE Return to top 2. These votes represent Yet the Constitution was approved by 2. That is nearly twice as many. And turnout was Catalonia and Andalusia were the two regions where support for the Constitution was most overwhelming. It seems obvious that repealing the current constitutional framework would require at least a similar majority today. The fact is, the Constitution is typical of a deeply decentralized state. Unlike France or Italy, which are highly centralized, Spain modeled its constitution after the German Federal Republic. Return to top 3. The Catalan Estatut, which followed up on the Constitution, established a system of self-government without precedent in the entire history of Spain. Catalan became an official language and the language used by default , leading to its notable recovery. Progress was made on fiscal co-responsibility and tax-collection powers; basic welfare services health, education were devolved, followed by control over the prison system and police force. The Estatut went even further in advancing self-government in Catalonia, despite the fact that a Constitutional Court ruling from , based on an appeal lodged by the PP, curtailed it. Although the court ruling only eliminated one section of the new Estatut and modified 13 more out of , the qualitative effects of the decision were much bigger than the quantitative ones. Catalonia viewed it as an affront. Catalan Premier Carles Puigdemont in That is certified by all of the international institutions to which the country belongs, as well as all of the centers of study that are dedicated to evaluating the quality of democracy in different states. Internally, the rule of law and the division of powers are guaranteed by the courts. Internationally, Spain is a signatory to all human-rights conventions, and political and civil freedoms conventions from the United Nations, and is a member of the European Council and its agreements on the protection of rights. All of its national legislation and the rulings of its courts are submitted to the courts in Strasbourg Council of Europe and Luxembourg European Court of Justice. As the cases of Hungary and Poland show, EU states are subject to a strict regime of vigilance on the part of European institutions to detect any deviation of power, violation of rights or attack on freedoms or the

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separation of powers. Neither the central government nor the Catalan regional government, nor any kind of pro-independence organism, has turned to any of these international organizations to denounce any type of violation of rights, nor has the Spanish state been recognized or sentenced "inside or outside the country" for this kind of incident. Freedom House awards Spain with the highest score for political and civil rights: The Economist awards Spain an 8. The Polity IV Project, which measures authoritarianism and the progress of democracy, has placed Spain with the maximum score for democracy 10 since The supposed robbery of 8. The study, from Jordi Pons and Ramon Tremosa, cited the excess of deficit in something over five points, not nine. Figures that are not so far from the fiscal deficits of more prosperous territories in federal countries, at around 3. The economist Antoni Zabalza differentiated between the economic cycles. In reality, there is a certain consensus that Catalonia contributes what is due according to its own capacity and its wealth; but that it receives much lower investment than what is adequate for the size of its GDP and its population: This is one of the appropriate ways to correct the dysfunctions "not plundering" of the current situation. While those imbalances do not strangle the growth of the most prosperous territories, their greater net contribution derives from the principle of progressive taxation greater wealth, higher taxes, as is the case with individuals. Return to top 6. Albert Garcia The argument that Catalans would be richer on their own is something of a daydream. It is true that, along with Madrid, the Basque Country and the Balearics, the region is one of the most prosperous. And it is true that, at least until the start of the Great Recession, it was doing better than these three. It did so, crucially, as part of Spain, as part of the Spanish economy, as part of what is defined by secessionists as the Spanish state, one that it considers to be hostile, an enemy: The radicalized version of nationalism paints a rosy picture in the case of separation, ignoring or minimizing the costs of doing so. As with the indirect costs, too: As such, the publicists of secessionism argue that, once independent, Catalonia would be much richer than it is right now. It would see its GDP rise and its levels of employment, and would improve its debt levels, its pensions and its social services. But a dark scenario emerges from this position. Between a glorious scenario and a catastrophic one, the data and comparative studies indicate that Catalonia would face a serious crisis one that would also affect Spain as a whole, likely nearing that caused by the Great Recession, which saw Spanish wealth, as measured by GDP, fall by 9. Some international comparisons can offer us clues, although their contexts differ. The precedent of the partition of Czechoslovakia disallows any minimizing of the commercial downturn of breakups even when they are agreed, as that one was. And the separation of Slovenia saw its total exports withdraw That report, which is less militant than its official counterparts, calculates that, just due to the effect of a fall in trade, Catalan GDP could drop as much as 5. It is clear that an adverse impact of 5. But it must be pointed out that these figures are limited to the strict effects of commercial progress, the element that has been thus far most explored. Other adverse flows must be added: Catalonia could then be economically viable on its own Uruguay is, for example. But far from immediately turning into a paradise "perhaps also a lethal inferno" it would result in an eventful and dramatic purgatory. Former Catalan premier Artur Mas signs the decree green-lighting the non-binding independence referendum held in Catalonia in September The contrary is true, rather. Only in very specific cases can this right become an external form of self-determination, meaning secession. And in this particular case, the Spanish democracy was built with decisive contributions from the Catalans, beginning with their participation in drafting the Constitution. They are not under colonial rule, and they do not live in a dictatorship or a military regime. But these extreme cases must be greenlighted by the UN Security Council, as was the case with Kosovo. Other states have emerged out of the disintegration or implosion of larger ones such as the USSR and Yugoslavia, but that does not automatically entail a generic right to secession. Scotland, Canada and Montenegro all held referendums on self-determination, but always within the bounds of their own national legislations and with authorization from the central government, never unilaterally. South Sudan is a similar case. A change to that status would require constitutional reform via a method requiring approval by two-thirds of Congress and the Senate; the reform would then have to be put to a national referendum, where all Spaniards would have a say in the matter. Return to top 8. And the new independent region will become,

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due to the effect of its independence, a third country. Its article 52 mentions, one by one and with its complete name, the 28 member states of the Union. Catalonia does not appear, which means that its affiliation with the European community derives from the fact that it forms part of the Kingdom of Spain. It is not that Catalonia is facing its expulsion from the community club; it would in fact be excluding itself. But, what is more, the TEU, in its first article which has a more constitutional character, obliges all members to respect the constitutional order in every member state and their territorial integrity, in the following terms: It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. As such, in the case that Catalonia should become an independent state and want to join the EU, this would not be automatic, but rather it would have to apply to do so, according to Article 49 of the TEU, and it must be validated by the 28 member states – including Spain, something that would be more than a little complicated, in particular if the separation were unilateral. But to be a candidate they would have to meet two basic requirements established in that article. For the UN to accept a new state, the Security Council must first recommend it among the permanent members of the council with a right to veto is France, a country that is not at all inclined to favor territorial ruptures and sensitized to questions such as Corsica or its own Catalan territories; and later approve it in the General Assembly with a two-thirds majority. The way these obstacles are being minimized by politicians who insist on the capital role that Catalonia plays in Europe, and how the latter badly needs to hold on to the former, are in stark contrast with the unanimous way in which governments and European institutions oppose fragmentation; it also ignores the problems that this precedent would set for many member states that are suffering from domestic breakaway tensions; and ignores the very foundational objective of the current EU of reconciling Europeans on foundations such as the unaltered maintenance of the internal borders established after the Second World War. The consolation prize would be staying in the euro. That is not the case. Being in the euro is to form part of the monetary union, and only member states of the EU are allowed in. The next best thing would be to use the euro: The next best thing after the next best thing would be to use it with no agreement, something that the experts consider to be contrary to the Treaty. And it would also deprive Catalan banks of the protection of the massive financing offered by the ECB, which in the best of cases counting on affiliates in the euro zone, could only allocate symbolic support, such as that awarded to third countries. Return to top 9. And the deputy premier, Oriol Junqueras, takes things to an even higher level when he adds that the Criminal Code does not prohibit voting. This is a misleading statement. For an electoral vote to be legal, it has to be allowed by the law.

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Chapter 8 : Constitution of Spain - Wikipedia

The verdict, which a great majority of the judges in the country (for example, Miquel Roca Junyent, father of the Spanish Constitution) considered based on political rather than legal grounds, denied the Catalan people's status as a nation and introduced a restrictive reinterpretation of the concepts of self-government and sovereignty.

Article 56 of the Constitution establishes that the monarchy is the head of state and symbolizes the unity of the Spanish state. The King is also the highest-ranked representative of the Spanish state in international relations and only exercises the functions that are explicitly attributed to him by the Constitution and the laws. The King of Spain enjoys immunity and is not subject to legal responsibility. In a broad sense, this means that the King cannot be legally prosecuted. The legal justification for royal immunity is that the King is mandated by the Constitution to fulfill several roles as the head of state; thus, the King is obligated to perform his actions and fulfill his duties, so the King cannot be judged for actions that he is constitutionally obligated to perform. The refrenda[edit] The fact that the King is not personally responsible for his actions does not mean that his actions are not free of responsibility. This is done through a procedure or institution called the refrendo. In general, when there is not a formed government, the responsibility is assumed by the President of the Congress of Deputies. There are only two royal acts that do not require the refrendo. The first encompasses all acts related to the management of the Royal House of Spain; the King can freely hire and fire any employees of the Royal House and he receives an annual amount from the state budget to operate the Royal House, which he freely distributes across the institution. The King sanctions and promulgates the laws, which are approved by the Cortes Generales, which the King also symbolically and formally calls and dissolves. The King also calls for periodic elections and for referendums in the cases that are included by the laws or the Constitution. If a candidate is successfully invested by the Parliament, he formally names him Prime Minister of Spain. When a Prime Minister has been named, he also formally names all the members of his government, all of which are proposed by the Prime Minister himself. The King has both a right and a duty to be informed of all the state affairs; he is also allowed to preside over the government meetings when the Prime Minister invites him to do so, although he has the ability to reject this invitation. Regarding the Government, the King also formally issues the governmental decrees, as well as bestowing all the civil and military ranks and employments, and he also grants honors and distinctions according to the laws. The King is also the supreme head of the Armed Forces of Spain, although the effective lead is held by the Government of Spain. Finally, the King holds the High Patronage of all the Royal Academies and other organizations that have a royal patronage. Succession to the Crown[edit] Main article: The heir to the throne receives the title of Prince or Princess of Asturias as well as the other historic titles of the heir and the other children received the title of Infantes or Infantas. If some person with rights of succession marries against the will of the King or Queen regnant or the Cortes Generales, shall be excluded from succession to the Crown, as shall their descendants. This article also establishes that if the lines are extinguished, the Cortes Generales shall decide who will be the new King or Queen attending to the general interests of the country. Finally, the article This legal forecast was exercised for the first time of the current democratic period in when King Juan Carlos abdicated in his son. A Royal decree of the same year also modified the Royal Decree of which establishes the titles of the Royal family and the Regents and arranged that the outgoing King and Queen shall conserve their titles. The Regency is the period by which a person exercised the duties of King and Queen regnant in behalf of the real monarch that is a minor. If there is no person entitled to exercise the regency, the Cortes Generales shall appointed one regent or a council of three or five persons known as the Council of Regency. The parents can be guardians while they remain widowed. If they marry again they lost the guardianship and the Cortes Generales shall appointed a guardian which must comply with the same requirements as to be Regent. The Cortes Generales[edit] This section needs expansion. You can help by adding to it. August Part IV: The Government[edit] This section needs expansion. August Part V: The relations between the Cortes Generales

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and the Government[edit] This section needs expansion. August Part VI: The judiciary[edit] This section needs expansion. August Part VII: The economy and taxation[edit] This section needs expansion. August Article [edit] Section 1. In the exercise of the right to self-government recognized in Article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Autonomous Communities in conformity with the provisions contained in this Title and in the respective Statutes. Monument to the Constitution of in Madrid The Spanish Constitution is one of the few Bill of Rights that has legal provisions for social rights , including the definition of Spain itself as a "Social and Democratic State, subject to the rule of law" Spanish: However, those rights are not at the same level of protection as the individual rights contained in articles 14 to 28, since those social rights are considered in fact principles and directives of economic policy, but never full rights of the citizens to be claimed before a court or tribunal. Other constitutional provisions recognize the right to adequate housing, [3] employment , [4] social welfare provision , [5] health protection [6] and pensions. If a self-governing community 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, the government may take all measures necessary to compel the community to meet said obligations, or to protect the above-mentioned general interest. With a view to implementing the measures provided for in the foregoing paragraph, the Government may issue instructions to all the authorities of the Self-governing Communities. Article powers gave Spanish Prime Minister Rajoy to remove secessionist politicians, including Carles Puigdemont , the Catalan leader and direct rule from Madrid. The Constitutional Court[edit] This section needs expansion. August Part X: Constitutional amendments[edit] This section needs expansion. August Reform[edit] The Constitution has been amended twice. The first time, Article Amnesty International has still requested an amendment to be made to the Constitution to abolish it firmly and explicitly in all cases. After that, the campaign seeks another 24 amendments protecting human rights , the environment and social justice. Protected provisions[edit] Title X of the Constitution establishes that the approval of a new constitution or the approval of any constitutional amendment affecting the Preliminary Title, or Section I of Chapter II of Title I on Fundamental Rights and Public Liberties or Title II on the Crown , the so-called "protected provisions", are subject to a special process that requires: Curiously, Title X does not include itself among the "protected provisions" and, therefore, it would be possible, at least in theory, to first amend Title X using the normal procedure to remove or reduce severity of the special requirements, and then change the formerly protected provisions. Even though such a procedure would not formally violate the law, it could be considered an attack on its spirit. The same applies to Article 79 3 of the German Basic Law which, while explicitly protecting certain parts of the constitution from being changed does not explicitly protect itself from being changed. Reform of the autonomy statutes[edit] This section needs additional citations for verification. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. December Learn how and when to remove this template message The " Statutes of Autonomy " of the different regions are the second most important Spanish legal normatives when it comes to the political structure of the country. Because of that, the reform attempts of some of them have been either rejected or produced considerable controversy. The amended Autonomy Statute of Catalonia has also been legally contested by the surrounding Autonomous Communities of Aragon, Balearic Islands and the Valencian Community [12] on similar grounds as those of the PP, and others such as disputed cultural heritage. As of January , the Constitutional Court of Spain has those alleged breaches and its actual compliance with the Constitution under judicial review. The most cited arguments are the self-appointed unprecedented expansions of the powers of autonomous communities present in recently reformed statutes: These requirements are legally binding, as they are enacted as part of Autonomy Statutes, which rank only below the Constitution itself. The Valencian statute, whose reform was one of the first to be enacted, includes the so-called Camps clause named after the Valencian President Francisco Camps , which makes any powers assumed by other communities in its statutes automatically available to the Valencian Community. Autonomous communities

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such as Catalonia, Aragon, Andalusia or Extremadura, have included statutory clauses claiming exclusive powers over any river flowing through their territories. Nearby communities have filed complaints before the Spanish Constitutional Court on the grounds that no Community can exercise exclusive power over rivers that cross more than one Community, not even over the part flowing through its territory because its decisions affect other Communities, both downstream or upstream.

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Two that spring to mind are Miquel Roca Junyent and Miguel Herrero de Miñón: political veterans, constitutional law experts and, indeed, authors of the constitution. Mr Roca was long the.

Atlas Writing the preamble to the constitution was considered an honour, and a task requiring great literary ability. The full text of the preamble may be translated as follows: The Spanish Nation, wishing to establish justice, liberty and security, and to promote the welfare of all who make part of it, in use of her sovereignty, proclaims its will to: Guarantee democratic life within the Constitution and the laws according to a just economic and social order. Consolidate a State ensuring the rule of law as an expression of the will of the people. Protect all Spaniards and all the peoples of Spain in the exercise of human rights , their cultures and traditions, languages and institutions. Promote the progress of culture and the economy to ensure a dignified quality of life for all Establish an advanced democratic society, and Collaborate in the strengthening of peaceful and efficient cooperation among all the peoples of the Earth. Consequently, the Cortes approve and the Spanish people ratify the following Constitution. Structure of the State The Constitution recognizes the existence of nationalities and regions Preliminary Title. Preliminary Title Section 2. The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all. As a result, Spain is now composed entirely of 17 Autonomous Communities and two autonomous cities with varying degrees of autonomy, to the extent that, even though the Constitution does not formally state that Spain is a federation nor a unitary state , actual power shows, depending on the issue considered, widely varying grades of decentralization, ranging from the quasi-confederal status of tax management in Navarre and the Basque Country to the total centralization in airport management. Article Section 1. In the exercise of the right to self-government recognized in Article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Autonomous Communities in conformity with the provisions contained in this Title and in the respective Statutes. Monument to the Constitution of in Madrid. The Spanish Constitution is one of the few Bill of Rights that has legal provisions for social rights , including the definition of Spain itself as a "Social and Democratic State, subject to the rule of law" Sp. However, those rights are not at the same level of protection as the individual rights contained in articles 14 to 28, since those social rights are considered in fact principles and directives of economic policy, but never full rights of the citizens to be claimed before a court or tribunal. Other constitutional provisions recognize the right to adequate housing, [1] employment , [2] social welfare provision , [3] health protection [4] and pensions. The first time, Article Amnesty International has still requested an amendment to be made to the Constitution to abolish it firmly and explicitly in all cases. After that, the campaign pleads for other 24 amendments protecting human rights , the environment and social justice. Protected provisions Title X of the Constitution establishes that the approval of a new constitution or the approval of any constitutional amendment affecting the Preliminary Title, or Section I of Chapter II of Title I on Fundamental Rights and Public Liberties or Title II on the Crown , the so-called "protected provisions", are subject to a special process that requires 1 that two-thirds of each House approve the amendment, 2 that elections are called immediately thereafter, 3 that two-thirds of each new House approves the amendment, and 4 that the amendment is approved by the people in a referendum. Curiously, Title X does not include itself among the "protected provisions" and, therefore, it would be possible, at least in theory, to first amend Title X using the normal procedure to remove or reduce severity of the special requirements, and then change the formerly protected provisions. Even though such a procedure would not formally violate the law, it could be considered an attack on its spirit. The reform of the autonomy statutes The " Statutes of Autonomy " of the different regions are the second most important Spanish legal normatives when it comes to

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