



Statement by Spain on Democracy and the Rule of Law in Spain  
1162 Session of the OSCE Permanent Council  
Vienna, 2 November 2017

Mr. Chairman,

Spain takes the floor in this Permanent Council for the fourth consecutive time to inform, at its own request, about the situation of Democracy and the Rule of Law in Spain.

Since the last intervention on October 12, several events related to the separatist challenge in Catalonia have taken place in my country.

I will focus my statement on the issues on which, due to its importance, Spain wishes to inform directly to this Council. Those that most profoundly affect Democracy and Rule of Law: the events that occurred in Catalonia last Friday, October 27; the approval, the same day, by the Spanish Senate of the measures proposed by the Government, pursuant to article 155 of the Spanish Constitution, and the measures approved, also on that day, by the Council of Ministers.

Mr. Chairman,

1. Last Friday 27th two political groups of the Catalan Parliament presented two proposals for Resolution: One of them requested the implementation of the "Law of legal transition", which had been suspended by the Spanish Constitutional Court and whose text incorporated a unilateral declaration of independence signed previously by the members of mentioned parliamentary groups. The second resolution called for the "opening of a constituent process" that would culminate in the approval of the Constitution of a supposed independent Catalonia.

The legal services of the Catalan Parliament itself warned of the illegality of these proposals. But they were ignored. The independentist members of the

Board accepted them and imposed a voting. All the parliamentary groups that rejected the illegality of the proposals decided to be absent from this voting. The voting took place, with the result of 70 votes in favor, 10 against and two abstentions. This means, 70 votes in favor out of the 135 deputies that make up the Catalan parliament.

2. Parallel to these events, it was held in the Spanish Senate a debate for the approval of the measures proposed by the Government under Article 155 of the Spanish Constitution, in order to restore legal order in the Autonomous Community of Catalonia. The Resolution of the Senate which approved these measures was adopted with more than 80% of the votes (214 in favor, 47 against and one abstention).

Allow me to recall that Article 155 of the Spanish Constitution, within the aforementioned measures have been taken, has its equivalent in many other European constitutions.

In the Spanish case, it has a double requirement for its application: that an Autonomous Community does not comply with its constitutional and legal obligations and that to act in a way that seriously damages the general interests of Spain.

The Senate stated that in this case both assumptions concur

3. Following the approval of the Senate, the Council of Ministers approved on the same day, Friday 27th, four measures in application of the aforementioned Article 155 of the Constitution which included

- Dismissal of the President of the Generalitat,
- Dismissal of the Vice President and Members of the Regional Government,
- Specific measures to ensure the work of the Generalitat within the law and
- Dissolution of the Catalan Regional Parliament and the call for elections, in accordance with the law and within the deadlines provided for in the legal system.

This allows holding the aforementioned autonomic elections on December 21st.

These measures are considered absolutely necessary and proportionate to the purpose for which they are adopted and will have the necessary duration to restore the violated constitutional and statutory framework.

They will be implemented with institutional neutrality and with the least possible intervention. The Catalan authorities themselves will apply the Catalan autonomous regulations. The measures imply a series of practical aspects of which all the Embassies accredited in Spain have been informed.

The measures taken are not intended to restrict freedoms, but to secure rights. Their objectives are: to restore Rule of Law; ensure institutional neutrality and restore normal social life and the deteriorated coexistence; recovering economic growth as well as investors' and consumers' confidence and to ensure rights and fundamental freedoms of all Catalans.

It is not intended to put an end to self-government, but to reestablish rule of law and coexistence of all Catalans, not only pro-independence ones, within the framework of the principles and norms established by the Spanish Constitution and by the own Statute of Catalonia.

The measures approved by the Senate and adopted by the Government are temporary, can be adapted to changing circumstances, since it is foreseen that the Senate may consider changes. They will remain until the assumption of office of the new autonomous government of the Generalitat, resulting from the elections already called. Elections in which all Catalans can express themselves, with the proper and necessary guarantees of a democracy and a rule of law.

Mr. Chairman,

Spain is a consolidated democracy. Only a few weeks ago, Spain was elected member of the Human Rights Council. It was a recognition of Spain's commitment to the defense of fundamental freedoms and also to Democracy and Rule of Law.

Spain is a democratic, open country, respectful of plurality and with a Rule of Law system that guarantees rights. It is one of the most decentralized states in the world. During the last forty years it has reach high levels of

democratic quality and it has the strength of the instruments of democracy and Rule of Law to overcome this serious crisis.

During these weeks, and especially during the last few days, my country has received innumerable expressions of support from countries and International Organizations in defense of Democracy and the Rule of Law. Spain has sincerely appreciated it. This support has been and is fundamental to guarantee the Rule of Law and the principles and values on which this Organization is based.

Thank you very much.

Mr. Chairman, I'd be very grateful if you could attach the text of this declaration the Journal of the Day.