



## **Conferència 'Catalonia: From the Spanish constitutional cage to freedom'**

*Ajuntament de Ljubljana, 6 de desembre de 2018*

President Kucan, former Minister Ivo Vajgl, Mayor, dear friends, good afternoon,

I talk to you all in the gravest situation Catalonia has faced in its last 40 years of history. Last year we held a self-determination referendum that was dealt with violence by the Spanish state and today we have 9 political prisoners, 9 exiles, hundreds of people investigated and accused by the judiciary. A referendum is today treated in Spain as a criminal act despite the fact that Spanish Criminal Code does not consider a referendum a punishable offence.

Four political prisoners, Jordi Sànchez Jordi Turull Quim Forn and Josep Rull, have started an indefinite hunger strike to protest for their imprisonment and against the Spanish Constitutional Court. For one year this least impartial of all courts has not confronted their appeals against the pre-trial prison that has been imposed on them. For one year, the Spanish Constitutional Court has not allowed the appeals without response even though the law says that they should take a decision in 30 days. They are afraid that once there is a rejection of the appeal Catalan political prisoners will be able to appeal to the European Court of Human Rights. Spain is fearful of international justice, because it has seen how in Belgium, Germany, Switzerland and Scotland Catalan exiles have been deemed to be free.

I want thus to express my deepest admiration for Jordi Sànchez and Jordi Turull in their brave act. Their hunger strike is a fight for the democratic values of Europe against the tyranny of violence and authoritarianism.

Today, 40 years after it was born, the Spanish Constitution has become a cage for our hopes and our people. A jail for our freedom. Today Spain may celebrate its constitution, but if it were a democracy it would not force so many people into prison, exile or hunger strike. I call Europe not to believe the constitutional farce of Spain, where democrats need to do hunger strikes in jail while francoist criminals die in their beds without trial. Our friends in hunger strike are ready to harm themselves because they still believe in the conscience of Europe, I call Europe not to disappoint at this grave hour. Today I call Europe to act, and to act promptly if it still loves democracy.

### **About Catalan-Slovenian friendship**

In my first 24 hours in Slovenia, the word that I would use to sum up my visit is friendship. I knew it before coming to Ljubljana, but today this feeling is stronger than ever.



True friends show up when things do not look good. This is why, in this sad hour when our government is retained in prison or is forced to live in exile, the friendship of the Slovenian people is even more important than before.

As all other people's in the world, Catalonia has the right to self-determination and we will not ask for forgiveness for exercising it. Our referendum of October 1<sup>st</sup> 2017 was a success, and would have been much more of it if the Spanish government had not sent the police from all over Spain to beat Catalans. We saw it on Sunday in Andalusia, anti-Catalan speeches and actions give votes in Spain.

Against the violation of rights in Catalonia, the Slovenian people raised up to the challenge. The Slovenian Parliament supported our right to self-determination by passing a resolution that recognized it and condemned the use of force by the Spanish Government during the referendum. We also remember well how hundreds of artists, professionals, politicians, citizens signed a manifesto calling the Slovenian Government to support Catalonia. We are thankful for it. We will never forget it and we'll always bring it in our heart.

Today President Kucan is here hosting us and I am honored to share this conversation with the President that brought Slovenia to independence. Your words calling for a meaningful dialogue to negotiate self-determination on September 26 last year, had echo in Catalonia. President, you can always count with the admiration of the Catalan late people.

It is also an honor too to be hosted during my trip to Slovenia by Ivo Vajgl. Former Minister of Foreign Affairs. Former Ambassador in most Western Europe and now the leader of the European Platform that calls for dialogue in Catalonia. When someone of the experience and prestige of Ivo, helps you, one can only be grateful. Ivo has spoken up for Catalonia many times in Brussels and everywhere, visited President Puigdemont in prison in Germany, has publicly called for the release of political prisoners and confronted friends and foes in the European Parliament to defend the rights of the Catalan people. For all this and much more: thanks. I hope that your political example is followed by young people both in Slovenia and Catalonia.

Talking about friendship and young people, we remember the more than 500 Slovenians that joined the International Brigades during the Spanish Civil War. Many of them fought in Catalonia. Tomorrow we will bring flowers to Franc Rozman statue as a symbol of friendship and remembrance of those who in the previous generation fought against fascism.

Unfortunately, Catalonia and the Spanish Republic lost the war in 1939. Again, as Catalonia had lost it in 1714 against the Borbon candidate to the Spanish throne marking the end of our institutions for two centuries and the constant persecution of the Catalan language, its culture and its freedom.



## **40 years of Spanish Constitution, a part-time democracy?**

Today it is the 40<sup>th</sup> anniversary of the Spanish Constitution. Many will celebrate in Madrid. My government, myself and most of the Catalan people won't.

After 40 years of dictatorship, in 1978 Spain approved its Constitution and entered into democracy. However, it has become a lost opportunity, instead of becoming a bridge towards a meaningful democratic life, many have the opposite feeling.

Instead of becoming a door that could allow the aspirations of self-government and self-determination of the Catalan people, the Spanish Constitution has become a cage.

Instead of protecting freedom of speech and tolerance with all democratic ideas, the Spanish Constitution has become a prison for our freedoms.

The Constitution itself was written under the threat of a new coup by the military, and some articles were written precisely in the barracks and just ratified in Parliament.

Thus, the Spanish Transition was neither peaceful nor a real break with Francoism. All Francoist legislation was left untouched and an amnesty was provided to all those that violated human rights, tortured or executed people on behalf of the dictatorship. For instance, and its key to understand what is happening in Catalonia the hierarchy of the judicial power and the state apparatus never had a real democratic reform.

This is why the current Spanish political regime is based on two legal pillars that complement each other without being substitutes. First and foremost what is obvious to everyone: the Constitution from 1978. Even though today only 17,6% of Catalans would approve it, this is the basic legal text that rules in Spain. However, there is another legal pillar, the legality that was born from the coup d'état from 1936.

It's not common to remember anymore that the father of the current Spanish King, swore in 1969 the fascist principles of "El Movimiento" in order to become the heir of Franco as he personally nominated him. Juan Carlos de Borbon, never renounced to them.

It shall never be forgotten that in order to win the Civil War, Franco allied itself with the Nazi and Fascist regimes of Germany and Italy. Hitler and Mussolini gave an invaluable help to Francoist troops in order to win the war against the forces of the republic. You will not be surprised to discover that one of their aims was precisely to avoid that Catalonia could become independent.

Astonishing for any democrat, Franco and his fascist colleagues have rested for 40 years in the giant mausoleum of El Valle de los Caídos, a fascist monument near Madrid that has received continuously public subsidies during democracy and is still considered "national heritage". When Pedro Sanchez government tried to remove the dictator, but just him, from



the mausoleum, the right wing parties from Spain abstained on the vote and publicly opposed the move as unnecessary.

In another line, Catalan language was forbidden during the dictatorship, and today is allowed and we can teach it in Catalan schools. However, the threat of finishing with our schooling model that is a model of integration and cohesion is constantly on the table.

Today according to Spanish laws, to praise Francoism and to make publicly the fascist salute in public places is legal. To make a referendum in Catalonia on independence, or about anything else, is illegal.

Today according to Spanish laws, a mausoleum glorifying a dictatorship that persecuted democracy and the Catalan language and culture is legal and official national heritage of Spain. Meanwhile, to speak Catalan in Spanish congress is illegal.

Catalonia wants to have a State where democracy, justice and civil rights are respected. And this state is not Spain, this state can only be the Catalan Republic.

Forty years after the Constitution was approved, we have political prisoners, we have exiles, and we have colleagues in hunger strike. If Spain is a democracy, it is a very strange one. As Carlos Lesmes said in September 2017 “rule of law in Spain is based on the unity of the state”. How can this be possible? The rule of law of country needs to be based on democracy, on tolerance, on the values of Europe.

Looking at Spain one would say that democracy is only effective if you are for the unity of Spain.

For all these reasons, I am very happy for being here, in Slovenia, with all of you dear friends, celebrating not the Spanish Constitution but the spirit of freedom and real democracy that you, the people of Slovenia, have.

### **Where are we now in Catalonia?**

After the events of the last 12 months, there is a lot of debate about the next step. Some, normally unionist, say that Catalonia is divided into two camps. That there is a lot of tension. But that is not right, because debating, any issue, never divides.

There is certainly tension, but the tension caused in a society that has seen its legitimate political leaders be sent to prison or exile. To be banned from using their political rights. A society that has seen judges override electoral results. A society that sees how innocent men are forced to go into hunger strike in order to protest and defend their most basic rights.

Today, there are three very big issues where Catalan society has a consensus according to the polls. A consensus that crosses party lines and appeals directly to citizens.



First, that 80% of the Catalan people is against the existence of the monarchy. Unionist, doubtful or pro-independence. It does not matter. Eight out of 10 Catalans believe that the king has no legitimacy to be the head of state.

Second, 80% of the Catalan people is against the use of repression as a political tool to solve the Catalan conflict, and particularly against the imprisonment of our politicians. 80%. Meaning that even many voters from the right-wing parties, that are completely supporting the imprisonments, are in fact against it.

Finally, 80% of Catalans support that there is a legally binding referendum agreed between Catalonia and Spain, as there was a legally binding referendum agreed between Scotland and the UK.

Unfortunately, there is also consensus in the Spanish political and media establishment: that Catalonia does not have the right to self-determination in any case. That political prisoners are not such but “golpistas” that deserve prison for attempting to separate Catalonia from Spain. Anti-Catalan speech arouse spirits and give votes in the rest of Spain, and this is exactly why Spain will never reform itself to accommodate our aspirations.

The Constitution will never be reformed in a federal or confederal way. There is not majority for such a thing in Spain. The results last Sunday in the Spanish region of Andalusia, with the right playing close to the explicitly neo-francoists from VOX that garnered a 10% of votes is very telling of what is to come in the rest of Spain. The only way forward for Catalonia is to follow the Slovenian way: freedom.

Carl Schmitt once said: “He who can make an exception is sovereign”. This is what we did last year on the 1<sup>st</sup> of October.

That day we held an independence referendum, based on our right to self-determination according to international law and treaties. Around 2.3 million people voted, 90% of them did it for independence. 2.1 million people, a figure as big as if all the population of Slovenia had voted! Police violence could not stop our people from voting. Many of us, for the first time in our lives had to face fear of violence, but we resisted and non-violently defended our ballot boxes with our own bodies.

That day something new was born in Catalonia. Something that there is not way back from. The Spanish state could not stop the referendum and we, the people of Catalonia, felt free. And when you have tasted freedom you always want to come back to it. The operation ballotbox was successful. Thousands of unarmed citizens defeated a State with all its might.

That referendum was done thanks to the commitment of our people, but also to the commitment of our politicians, from our government, from our social leaders. Today, 9 of them are political prisoners, seven are in exile.



I am proud of their bravery. I am proud to be able to say that our political class has been ready to pay a personal price for their ideas. We are proud of them and our efforts will never falter until they are released, allowed to return home and our right to self-determination is respected.

In this political environment, it is a miracle that the pro-independence parties won the election of 21<sup>st</sup> December 2017. That absolute majority in Parliament was certainly against all odds and calculations in Madrid, and with 80% of participation, it showed that the will for self-determination is not a temporary feat of Catalan politics, but a permanent will of democratic majority.

A year has passed and not much has changed unfortunately. Our political prisoners will be judged from January onwards and collectively the general prosecutor of Spain has asked 214 years in prison for them. 217 years for organizing a referendum, for giving the voice to the people.

Rajoy's government fell, but Sanchez has shown to be not much better than him. His rejection of the right to self-determination for Catalonia is complete and the Socialist fear of the Spanish nationalists parties PP, C's and VOX is so big that they do not even speak about federalism anymore. Whoever rules Spain, the result is the same for Catalonia.

This is why we need an international mediation. We need a third party that is able to force the Spanish government to have a real negotiation. A deep and free negotiation based on how political prisoners and exiles can return home, and how is respected and executed our right to self-determination.

With the rise of anti-Catalan and extremist parties, it is clearer every day that only an international mediation will be able to convince the Spanish establishment that the political solution for Catalonia needs to be based on the democratic will of its people. On the monarchy we cannot count to play such a role, on the contrary, it has been a decisive party in the repressive wave we have suffered during the last year.

In his last book "The road to unfreedom", Timothy Snyder says: "the politics of inevitability is the idea that there are no ideas". In the same way, the politics of the inevitability of the eternal unity of Spain is an idea that will fail, because we have a very strong idea in our hearts: freedom.

### **The success of independence**

Today, with our friends in hunger strike for seven days, we more than ever commit ourselves to achieve freedom for our people.

Not only because it is morally right, but also because this is the best way to increase prosperity and social wellness of our people. In order to be confront the challenges of globalization we need to have Catalan laws for Catalan problems. Catalonia cannot depend on the decisions



taken in Madrid, where centralism extends well beyond the political domain towards the banking system, the main enterprises or infrastructures. Without sovereignty, it's more difficult to prosper.

It is our aspiration to join the EU as a Member State, to be able to participate directly in its decisions, to influence without intermediaries. As it was seen very clearly during the Brexit negotiations where, differently to Spain, we would put our citizens, our enterprises and the democratic will of the people before any other consideration. Having a say inside the EU is our natural path, the EU is our main market but also our area with whom we share a history, an identity, and the values of democracy and respect for human rights.

In Catalonia, we see with respect how much has Slovenia prospered 28 years after your independence referendum. All new project has its initial difficulties, but it is an example to take into account.

Self-determination and economic freedom are basic for the prosperity of nations. Those nations that are rule by far away capitals cannot adapt themselves to the challenges of the 21<sup>st</sup> century.

In his famous book, 'The size of nations', Alberto Alessina, Harvard professor, explained well why in a globalized world political power needs to be closer to the people in order to be effective. The free flow of capital, labour and goods that we enjoy inside the EU allows us to imagine a better future as an independent state.

With a GDP of 223 billion euros, similar to Portugal or Finland, we export already more to the rest of the world than to Spain. It is our will to continue this trend. The future of our economies depends on our capacity to succeed in an open world, closing ourselves will only worsen the state of our economy in the medium term. In this sense, I hope that economic relationships between Catalonia and Slovenia will increase in the coming years. Tomorrow I will have a meeting at the chamber of commerce of this city with this very objective.

It is time to build Europe through the strength of small states and nations as well as with the big ones. As Alessina correctly saw, small states when accompanied by democracy and strong institutions tend to bring prosperity to their citizens.

Size cannot be a reason to be sidelined and I can see how already small states in the north are uniting in order to defend their rights and ideas. This new Hanseatic League, and its growing weight inside the EU is proof that small states can also be powerful through the strength that economic success can give them. Europe will only succeed if all nations and all peoples are treated equally and with equal rights.

In Catalonia we want to build a new republic, based on the principles of radical democracy and the defense of social rights. A republic that is ready to give a better education to our children, to have real competition between enterprises, to fight against climate change together with the



rest of free nations in the world. To respect human rights and to promote them abroad. With opportunities to our children and more safety for our old generation.

And we want to do this through democratic and non-violent means. Always with the flag of dialogue and peace. Because there is nothing more European than deciding borders through the democratic force of ballot boxes.

This is why I want to make a call to all European governments to act and raise their voice on what is going on in Catalonia. The Spanish Constitution has turned into a cage for the Catalan people, and those who try to escape end up in prison, exile or hunger strike. Catalonia needs an international mediation not more violations of human rights.

“When you walk, do it until the end of the road”. This is what the Catalan people will certainly do following your steps.

Democracy is not a gift, but a human right. Self-determination is not a privilege, but the precondition for freedom. May the friendship of the Catalan and Slovenian people endure.

As the Slovenian hymn says:

**Prepir iz sveta bo pregnán**  
**Da royák**  
**Pròst bo vsák**  
**Ne vrág, le sósset bo meyak!**

No war, no strife shall hold its sway  
Who long to see  
That all men free  
No more shall foes, but neighbours be!

**Quim Torra i Pla**

President de la Generalitat de Catalunya