

Chairmanship: Switzerland**1025th PLENARY MEETING OF THE COUNCIL**

1. Date: Thursday, 13 November 2014

Opened: 10.05 a.m.
Suspended: 12.45 p.m.
Resumed: 3.05 p.m.
Closed: 5.20 p.m.

2. Chairperson: Ambassador T. Greminger
Ms. A. Rauber Saxer

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: ADDRESS BY THE PRESIDENT OF THE OSCE
PARLIAMENTARY ASSEMBLY, MR. ILKKA KANERVA

Chairperson, President of the OSCE Parliamentary Assembly, Italy-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association country Norway, member of the European Economic Area; as well as Georgia, Moldova, San Marino and Ukraine, in alignment) (PC.DEL/1344/14), United States of America (PC.DEL/1337/14), Russian Federation, Canada (PC.DEL/1355/14 OSCE+), Turkey (PC.DEL/1364/14 OSCE+), Mongolia, Ukraine (PC.DEL/1351/14 OSCE+), Azerbaijan (PC.DEL/1358/14 OSCE+), Austria, Serbia (PC.DEL/1354/14 OSCE+)

Agenda item 2: ADDRESS BY THE CO-CHAIRMEN OF THE MINSK
GROUP

Discussion under agenda item 4

Agenda item 3: ADDRESS BY THE PERSONAL REPRESENTATIVE OF THE OSCE CHAIRPERSON-IN-OFFICE ON THE CONFLICT DEALT WITH BY THE OSCE MINSK CONFERENCE

Discussion under agenda item 4

Agenda item 4: REPORT BY THE HEAD OF THE HIGH-LEVEL PLANNING GROUP

Chairperson, Co-Chairman of the Minsk Group (Russian Federation), Co-Chairman of the Minsk Group (United States of America), Co-Chairman of the Minsk Group (France), Personal Representative of the OSCE Chairperson-in-Office on the Conflict Dealt with by the OSCE Minsk Conference, Head of the High-Level Planning Group (CIO.GAL/205/14 OSCE+), Italy-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area; as well as San Marino and Ukraine, in alignment) (PC.DEL/1345/14), United States of America (PC.DEL/1338/14), Russian Federation, Armenia, Turkey (PC.DEL/1366/14), Serbia, Azerbaijan (PC.DEL/1359/14 OSCE+)

Agenda item 5: REVIEW OF CURRENT ISSUES

Chairperson

- (a) *Ongoing violations of OSCE principles and commitments by the Russian Federation and the situation in Ukraine:* Ukraine (PC.DEL/1353/14 OSCE+), Italy-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association country Norway, member of the European Economic Area; as well as Georgia, Moldova, San Marino and Ukraine, in alignment) (PC.DEL/1347/14), United States of America (PC.DEL/1340/14), Canada (PC.DEL/1357/14 OSCE+), Turkey (PC.DEL/1365/14 OSCE+)
- (b) *Situation in Ukraine and non-implementation of the Minsk Agreements:* Russian Federation (PC.DEL/1346/14), Netherlands, Ukraine
- (c) *Abduction and illegal detention of Ukrainian citizens by the Russian Federation:* Ukraine (PC.DEL/1351 OSCE+), Italy-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association country Norway, member of the European Economic Area; as well as Georgia, Moldova, San Marino and

Ukraine, in alignment) (PC.DEL/1348/14), United States of America (PC.DEL/1341/14), Russian Federation

- (d) *Abduction of an Estonian police officer, Mr. E. Kohver*: Italy-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association country Norway, member of the European Economic Area; as well as Georgia, Moldova and Ukraine, in alignment) (PC.DEL/1349/14), United States of America (PC.DEL/1343/14), Canada (PC.DEL/1356/14 OSCE+), Russian Federation
- (e) *High-level commemorative event being held in Berlin on 13 November 2014 to mark the tenth anniversary of the OSCE's Berlin Conference on Anti-Semitism and remembrance of the Kristallnacht on the occasion of its 76th anniversary on 9 November 2014*: United States of America (PC.DEL/1342/14), Canada, Russian Federation
- (f) *Protection of the rights of children in the OSCE area*: Russian Federation, Norway, United States of America, Ukraine
- (g) *Aggressive nationalism, extremism, racism and neo-Nazism in the OSCE area*: Russian Federation, Germany, Ukraine, Moldova, Latvia, Canada
- (h) *Political situation in Kosovo*: Italy-European Union (with the candidate countries Albania, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; as well as the European Free Trade Association country Norway, member of the European Economic Area, in alignment) (PC.DEL/1372/14), Albania (PC.DEL/1350/14), United States of America, Russian Federation, Serbia (PC.DEL/1371/14/Corr.1 OSCE+)

Agenda item 6: REPORT ON THE ACTIVITIES OF THE
 CHAIRPERSON-IN-OFFICE

High-level commemorative event marking the tenth anniversary of the OSCE's Berlin Conference on Anti-Semitism, being held in Berlin on 13 November 2014
(CIO.GAL/211/14): Chairperson

Agenda item 7: REPORT OF THE SECRETARY GENERAL

- (a) *Visit of the Secretary General to Belgrade on 7 and 8 November 2014*
(SEC.GAL/183/14 OSCE+): Secretary General
- (b) *Visit of the Secretary General to Brussels on 11 and 12 November 2014*
(SEC.GAL/183/14 OSCE+): Secretary General

- (c) *OSCE Security Days expert round table on conventional arms control and confidence- and security-building measures in Europe, held on 10 November 2014 (SEC.GAL/183/14 OSCE+): Secretary General*

Agenda item 8: ANY OTHER BUSINESS

Position of the Spanish Government on the so-called “process of civic engagement” held in the autonomous community of Catalonia on 9 November 2014: Spain (Annex)

4. Next meeting:

Thursday, 20 November 2014, at 10 a.m., in the Neuer Saal



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1025
13 November 2014
Annex

ENGLISH
Original: SPANISH

1025th Plenary Meeting
PC Journal No. 1025, Agenda item 8

STATEMENT BY THE DELEGATION OF SPAIN

Mr. Chairperson,

I should like to make the following statement concerning the position of the Spanish Government on the so-called “citizen participation process” that took place on 9 November 2014 in the autonomous community of Catalonia.

On 27 September 2014, the Generalitat of Catalonia called for a “referendum on the political future of Catalonia”, to be held on 9 November. In doing so it relied on a law approved the previous day by the Catalan Parliament.

The Government of Spain considered that the Generalitat was actually calling upon Catalans to vote on the secession of Catalonia, something that was clearly unconstitutional. Therefore, in accordance with its obligation to observe and enforce the Constitution, the Government lodged an appeal with the Constitutional Court against both the aforementioned law and the call for a referendum. On 29 September, the Constitutional Court unanimously decided to suspend both of them.

Faced with the suspension, the Generalitat then called for a “process of citizen participation” on the same date. Considering the evidence that this call was similar to the one that had been suspended, the Government appealed against it, and on 4 November the Constitutional Court decided to suspend it.

Why is the so-called “right to decide” unconstitutional and therefore undemocratic?

The Spanish Constitution was approved in 1978 with 90.4 per cent of the citizens of Catalonia voting in favour of it. The Constitution establishes the fundamental principles of our coexistence. Among these are the principles set out in Articles 1.2 and 2, which stand out because of their relevance. Article 1.2 provides that “National sovereignty belongs to the Spanish people, from whom all State powers emanate.” Article 2 provides that “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.”

Our Constitution, therefore, does not recognize the right of self-determination of a part of the country, nor do the constitutions of virtually any other Western democracies recognize such a right.

The powers of the Generalitat of Catalonia derive from the Constitution and from its Statute of Autonomy, both of which were supported at the time of their adoption by a vast majority of Catalans. Article 122 of the Statute confers on the Generalitat the exclusive power to call for and conduct, within its jurisdiction, surveys, public hearings, participatory forums and any other type of popular consultation. Under no circumstances do these powers include holding referendums on political decisions of special importance. It goes without saying that the secession of a part of Spain would be such a decision.

Accordingly, only the Spanish people as a whole could, as appropriate, through the procedures provided for that purpose in the Constitution, including referendums, decide on something as significant as the definition of what Spain is. To allow this decision to be made by a part of the Spanish people would, in addition to being clearly illegal and illegitimate, be profoundly undemocratic.

On 8 April 2014, the Congress of Deputies, on the basis of the principles I have just enumerated, rejected the possibility of granting Catalonia the power to authorize and call for a referendum. This decision was adopted by a vote of more than 85 per cent of the deputies, including more than half of the deputies elected by Catalans.

The Spanish Government was and is entirely willing to listen and engage in dialogue. In a democracy, however, any claim must be based on a faithful dialogue between institutions and asserted through legal channels. There is no democracy outside the rule of law.

Lastly, I should like to clarify some figures that have appeared in the media in recent days. According to official data, the electoral roll of the autonomous community of Catalonia comprises 5,448,000 voters. In the so-called “participatory process” of 9 November, 2.3 million people participated – 80 per cent of whom, according to the Generalitat of Catalonia, allegedly supported the secession of Catalonia – even though the electoral roll was not used and there was no checking of the identity, age or nationality of the citizens who took part in it. Assuming this count is accurate, and without going into its validity or legitimacy, this is equivalent to approximately 34 per cent of the electorate of the autonomous community of Catalonia.

Mr. Chairperson,

I should be grateful if the text of this statement could be attached to the journal of today’s plenary meeting.

Thank you.