

## Catalan movement: the people's will?

A new chapter has begun in the Catalan independence movement. On May 17, hardline separatist leader Quim Torra was sworn in as the President of Catalonia. He pledged only to be “faithful to the people of Catalonia” and made no reference to the Spanish king, the constitution or the flag. He later declared the Catalan government’s desire to continue the push for independence.

Spanish Prime Minister Mariano Rajoy reacted to Mr. Torra’s election by issuing a warning that the Spanish constitution will be upheld and unlawful activities will not be condoned. In effect, Mr. Rajoy has taken steps he sees fit to ensure that the territorial integrity of his country is maintained.

Mr. Torra was elected by the narrowest of margins — 66 votes to 65. The last three times the Catalans have voted — the regional elections in 2015, the referendum in October 2017 and the regional elections in December 2017 — have all resulted in pro-separation outcomes. The latest elections are a re-affirmation of the Catalan people’s will to secede from Spain — manifested through free and fair elections. It is in this process that Catalan voters find their greatest claim for legitimacy.

The Catalans have cultural, historical and political legitimacy in their claim. Their culture is distinct from Spain and has historically faced oppression in the hands of Spanish rulers — as recently as under Francisco Franco in the 20th century. The Catalans have decried this oppression and maintained their distinct language and culture in the face of oppression.

All you need to know about Catalonia’s independence referendum

Crucially, the independence movement has gained political legitimacy in the verdict of regional elections. Therefore, the desire of separation is manifested not from a minuscule group of the population but from a democratically and legitimately elected regional government. The Catalans have followed all the rules and used legitimate channels to express and establish their desire for independence. If they now fail to gain independence, it will not only be a failure of the movement but also a failure of the legitimacy of the democratic process itself.

This dynamic represents uncharted territory in international politics and law. A claim for independence via a democratically-elected government has never been raised in a well-established, Western democracy. It is a perilous situation, where the democratic process is pitted against the sacrosanct nature of a country’s territorial boundaries. In the resolution of this issue, one must give way to the other.

Will a democratically elected regional government be able to claim the right to secede from a modern democracy in the 21st century? The Spanish government also has a fair claim to legitimacy. Its actions are based on the Spanish constitution, which prohibits secession, and on the inherent nature of nation-states to defend their territorial integrity. The Catalans have repeatedly called on the European and international communities to come to their aid. However, if the issue were to be played out in the international legal sphere, it is doubtful that the Catalans would elicit any support.

The Spanish will find support from all nation-states as no country would seek to allow a region to secede from a country on any ground. Enabling Catalan secession would amount to an assault on Spain’s territorial integrity and set a dangerous precedent across the world.

The vital twist in this case lies in the fact that free and fair democratic elections are the very institutions that empower most nation-states of the world, including Spain. If the Spanish

completely disregard Catalan claims, they would be undermining the very institution that empowers them, and this poses a tricky situation.

Therefore, potential resolution of this conflict has huge consequences for the world order and international geopolitics.

On this note, the forthcoming meeting between Mr. Rajoy and Mr. Torra is of interest to the international community. We are witnessing the fledgling start of a potentially ground-breaking development in international law. Seasoned scholars will realise that nation-states, the creators and subjects of international law, will never allow their own power to be undermined. But will that power remain legitimate if it stands against the people's will? That is the question.

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