

Assault on the Catalan Parliament: Catalan Nationalism *versus* Spanish Democracy

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Summary

Although not as renowned as the assault on the United States Capitol on January 6, 2021, on October 27, 2017 some of the elected representatives of the Catalan Parliament, those who are in favor of Catalonia's independence from Spain, unilaterally declared Catalonia's independence against the Spanish Constitution, Spanish laws and the decisions of the courts. This article studies the main violations of Spanish democracy that occurred in those three years from 2015 to 2017, plunging Catalonia into a territory at the edge of security and democracy.

Keywords

Attack on Spanish democracy; anti-system nationalism; assault on the Catalan Parliament; unilateral declaration of independence

Introduction

This research work focuses on analyzing the main actions of Catalan nationalism between 2015 and 2017. It is estimated that this time period is the most relevant in attempting to understand the before and after the Catalonia Parliament unilateral declaration of independence on October 27, 2017. Some of the different events that led to that moment that was so destructive to democratic coexistence are studied, to conclude by revealing how, at the end of the whole process, the general interest of the Spanish and of Catalanian people, the rule of law and many fundamental rights that sustain them have been seriously damaged in a direct attack on the democratic system of coexistence, hence the name used for the triennium as "anti-system".

It is necessary to recall, before going back to 2015, how the Sentence of the Constitutional Court (STC) of June 28th, 2010 declared unconstitutional several articles of the new Statute of Autonomy of Catalonia, which was approved by the Catalan Parliament in 2006. This fact represented an important change in Catalan nationalism, which was radicalized towards positions in favor of independence. On July 10th, 2010, a large demonstration was held in Barcelona against the STC with the slogan "We are a Nation, we decide". La Diada (Catalonia Day, September 11th) in 2012 was another great popular support organized, not by political parties, but by the new independence entity National Assembly of Catalonia. On November 25th of that year, elections to the Catalan Parliament were held, giving an absolute majority to the pro-independence parties. On January 23th, 2013, Parliament approved a "Declaration of Sovereignty and the right to decide of the people of Catalonia". The consultation is scheduled for November 9th, 2014. The Constitutional Court suspends it on a precautionary basis, but it ends up being held with 41% turnout, 80% of the votes are in favor of the independence of Catalonia.

Nobel Prize laureate for literature Vargas Llosa states that nationalism "is incompatible with democracy and freedom", concluding by noting that "it has been the misfortune of this country¹". Verifiable data is studied to determine whether the well-known writer is exaggerating or describing a reality. Logically, the focus is on those considered most relevant; a more detailed study is beyond the limits of this article.

Catalan elections September 2015 and the destructive project of President Artur Mas

The key year for the start of the disruptive project is 2015², although, naturally, this year is the result of "previous circumstances" that Fernández-Llebrez González structures into: a) *environmental mechanisms*, such as the 2006 Catalan Statute of Autonomy, the regional elections in the same year, the 2008 economic/financial and social crisis, the Constitutional Court ruling 31/2010, June 28, which declared many articles of the 2006 Statute unconstitutional, and the victory by an absolute majority of the PP in the 2011 general elections; b) some *cognitive mechanisms* that are specified in the incorporation of the Catalan National Assembly (ANC) on March 10, 2012. Rodríguez Mesa³ thus estimates that it is decisive in the nationalism change of discourse, even above the Municipalities for Independence Association (AMI)⁴, which was incorporated three months previously; and, finally, c) *relational mechanisms*, centered on the CiU policy shift⁵.

For the rest, there is little argument that from the Statute in 2006 until the beginning of the *Process* in 2015, the independence option in Catalonia went from under 20% to stabilizing at over 40% as of 2012, according to surveys undertaken by the Political and Social Sciences Institute (ICPS)⁶. Along the same lines of pointing to a social and political change in 2012⁷, it must be remembered, as Professor Andrew Dowling points out, that the *Diada* (People's Day) of 2012 "was the moment when control passed from political institutions to the street [...]. This struggle for control of the movement was not completed until the unitary candidacy of *Junts pel Sí* incorporated the ANC and Òmnium Cultural as direct participants in the electoral list before the Catalan elections on September 27, 2015"⁸. Cano Paños also takes a position, stating that "on September 11, 2012, the first major demonstration in favor of independence took place in Catalonia, on the *Diada* (People's Day). This protest demonstration was organized, among others, by two civil associations that would have a prominent role in the Catalan secessionist attempt years later: Òmnium Cultural and the Catalonia National Association⁹".

On January 14, 2015, the two main pro-independence parties -CiU and ERC- agreed to hold a "de facto" referendum through early regional elections on September 27, 2015. The constitutional doctrine, regarding the plebiscitary nature of these elections, has a clearly contrary position. In order to determine their purpose, Blanco Valdés refers to the provisions of "the convocation decree. Thus there are no plebiscite elections nor are

there more plebiscites than those that are legally called as such"¹⁰. Freixes Sanjuan defines it as a "euphemism that attempts to cover up unexplicit decision-making within the framework of Catalonia' secession from the rest of Spain"¹¹. García Fernández directly speaks of "another fallacy of the many that the pro-independence supporters' propaganda and agitation apparatus has developed with public money"¹². Finally, Montilla Martos, in a similar vein, describes it as "a mere rhetorical device with no greater scope, [...] dogmatic constructions without constitutional support"¹³.

Participation in the 27S elections was very high, 77.44%. The formation called *Junts pel Sí* (the result of the coalition between Convergència and Esquerra) obtained 62 of the 135 total seats, while the CUP obtained 10. Therefore, the independence movement had guaranteed the absolute majority of Parliament, although between both formations they did not surpass 50% of the votes (remaining at 47.8%). However, the reading made by President Mas was, as he stated, that "we are entitled to move forward". Obviously, this move forward is no other objective than Catalonia's unilateral declaration of independence, which is shared by the three aforementioned independence forces.

Ten mistakes of the secessionist project

A first analysis, within that context, which could already be clearly deduced in 2015, were the following *recommendations* against a road to nowhere, as time has already shown. At least ten reasons could already be pointed out at that time to radically reject the political approach of President Artur Mas and the rest of the political forces that supported him, mainly due to its unviable nature and lack of contact with reality.

1. The Mas project's international isolation was more than significant. It was rejected by the main power on the planet, the United States of America. President Obama expressly backed a strong and unified Spain. The same happened with the main European power: Merkel also spoke along the same lines. The Catalan independence movement did not want to assume international isolation. This serious miscalculation was found in October 2017: no country supported the October 27, 2017 declaration of independence. Modern Europe of the 21st century does not like nationalism and furthermore, and this is the great mistake of Catalan nationalism, the path chosen, a unilateral secession process, "is openly contrary to the norms of positive law and the practice developed by the states"¹⁴ and hence, logically, the international isolation experienced¹⁵.

2. Another argument complementary to the previous one is that Europe does not allow the disintegration of states. Historical times are just the opposite. It leans towards union, not towards disintegration or atomization. A future Catalonia would have no place in Europe, it would be a strange, distorting element and an evil and disturbing precedent, wanted by no one¹⁶.

3. Economic feasibility of the project. It does not seem that the independence leaders were rigorously silvering themselves to survive economically outside of Europe and its markets, the Spanish market, aid from the European Union, the important Spanish-language publishers in Catalonia and how the rest of Spain would react before the Catalan

financial institutions and other companies. It is proven that Catalonia works within Spain, not the opposite, and the error can be dramatic. Again, the reality after 2015 proved it. Thousands of companies, more than 7,000¹⁷, left Catalonia after October 27, 2017. **More specifically, there is a geographical change in the corporate headquarters of companies according to the College of Registrars of Spain, which publishes quarterly figures for changes in the corporate headquarters of companies among the communities of Spain. José Miguel Tabarés, spokesman and vice-dean of the College of Registrars, explains that the change of registered office usually implies the transfer of personnel belonging to the management levels or auxiliary personnel deemed necessary. It is a legal procedure that, depending on whether production centers are transferred or not, can have very variable implications.** José Luis Leal, when studying the cost of independence at the economic level, points out the application of the common foreign customs tariff as the most damaging thing, which would make Catalan exports to the European Union 3% to 5% more expensive. In order to compete, wages and benefits would fall by about two GDP percentage points. Aid from the European Central Bank would be lost and above all it would highlight the debt problem, which amounts to 76.7 billion euros in Catalonia and a deficit of 6.7 billion euros per year in terms of pensions¹⁸. For a more detailed study, see the work of Josep Borrell and Joan Llorach, *Las cuentas y los cuentos de la independencia (The accounts and the tales of independence)*¹⁹.

4. There is no democracy without rule of law. This is an essential principle of democratic states, something that the Catalan independence movement does not want to admit or assume. "Laws are made so as to prevent tyrants," as was stated during the French Revolution. No one is above the law, which everyone has to respect. In this sense, the approach of Mas and company muddies everywhere and is close to hooliganism; others speak of a political coup. The consultation is not viable in terms of the right to decide, since the higher standard that the people abide by, the Spanish Constitution, is very clear in this regard in its article 1.2: "National sovereignty resides within the Spanish people from whom all the powers of the state emanate". Spain, its lands, its borders and its people have a single owner: the 47 million Spanish citizens as a whole. Galicia, Andalusia, Catalonia and the Principality of Asturias belong to everyone, absolutely all of us. We are all owners of these assets. We cannot, and must not, allow one party to unilaterally decide or may decide to take them away from us. All Spanish citizens have the right to continue going to Catalonia as their own nation, not a foreign nation, without accepting that no one wants to decide to take it away, basically because they do not have any title that legitimizes them to do so. I understand that this is the most decisive argument: Catalonia, Castile and León and Extremadura are territories, all of them as a whole, that belong to all Spanish citizens.

5. For greater clarity, if that were possible, Article 2 proclaims "the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spanish citizens". It is the logical complement to article 1.2: the lands belong to the sovereign, which is the Spanish people. The Spanish State has three key elements, like any state: its territory, its population and its government, and all of this is intended by Mas and company to have the right to decide to change it. That right, logically, does not exist, as is revealed in detail later²⁰.

6. President Mas has constituted himself in constituent power, when he is only

constituted power. This is not a play on words, it is a legal brutality arising from not respecting the basics and essentials of serious and democratic states. Catalan secessionism wants to place itself outside of or above the Constitution, as the new constituent power. The tragedy of the matter is that President Mas is a constituted power²¹, precisely as a result of the constitution he attacks, his autonomy exists thanks to it, the Generalitat government is the result of Title VIII of the Constitution.

7. Spanish citizens must remember that it has taken two centuries to make Spain function as a modern and democratic country, that along the way there has been great struggle, sacrifice and failure. The 1978 Constitution is our great coexistence success after eight failed constitutional texts, three civil wars in the 19th century and a terrible one in the 20th, two dictatorships and several military coups. The undesirable constitutional and political *instability* of our worst past must be remembered, so as not to return to it.

8. There is a certain Catalan political class –the pro-independence supporters– who ignore the damage that their project generates for the rest of Spain. An Autonomous State was created to accommodate their wishes, to try to integrate and be able to coexist with Catalan and Basque nationalist supporters. Therefore, in light of this pact or coexistence agreement, the institutions and the procedures intrinsic to them are used to do just the opposite: break coexistence and the Fundamental Law that it generates.

9. Many years ago, Habermas warned of the dangers that threaten democracy when rational and legal arguments disappear in politics and emotional or sentimental elements come into play²². Representative democracy and the contemporary state are precisely the result of the rationalization and standardization, to a significant extent, of political action. It is one of the main contributions of the liberal revolutions of the 18th, based on three essential pillars: the separation of powers, the principle of legality and the declaration of rights. Only the defenders of the old regime relied on history, on the past, on sentiments. In the middle of the last century, García-Pelayo made it clear that the only valid and democratic constitution concept is the rational-normative, compared to the historical and sociological²³. Democracy is based on the law and legal rationalism and, most especially, from the hand of Jean Jacques Rousseau and his *Social Contract*, of the common good, the general will expressed in the law of coexistence; that is, the Constitution. However, historicism has always looked suspiciously upon the new democratic and constitutional state.

10. In politics, it is necessary to defend the general interest, the common good, which benefits the greatest number. Spain and Catalonia need each other as a common project. History shows that addition is better than subtraction, union than disintegration, coexistence than confrontation. Jacques Pirenne expresses it clearly at the beginning of his *Universal History*, there must be greatness and historical perspective: "The ascending periods of civilization are those that broaden the cadres of the human community, creating material and moral solidarity among an increasing number of peoples [...] The periods of decadence are those in which the great communities disintegrate, in which society, like a dead body, decomposes and dissolves"²⁴.

The right to decide: A democratic right or a communication fallacy?

In few matters, the constitutional doctrine is so majority, if not practically

unanimous, when declaring the nonexistence of the much discussed "right to decide" by the Catalan nationalists. Here are the sources.

The journal *Teoría y Realidad Constitucional (Constitutional Theory and Reality)* published a monographic issue on "the Catalan question"²⁵ in the first semester of 2016. As in other monographs, it opens with a survey, on this occasion, eight professors of constitutional law; three of them from Catalan universities and one from the Basque Country²⁶. Question 4 of the survey is: "What technical/legal assessment does the so-called right to decide deserve?"

It is clarifying that all eight respondents agree in their answer. Enoch Albertí Rovira points out that the "so-called *right to decide* [...] does not exist today in strictly legal terms"²⁷. Roberto Blanco Valdés indicates that "this alleged *right to decide* simply does not exist, it is not recognized within any democratic constitution in the world, since no state regulates the process of its own destruction"²⁸. Similarly, Enric Fossas Espadaler points out that the "so-called right to decide is one of the euphemisms on which the Catalan process has been based"²⁹. Teresa Freixes Sanjuan, in a position similar to that of Professor Blanco, argues that "the so-called right to decide, despite those who defend it, does not legally exist. No legal, national, European or international text recognizes or regulates it"³⁰. Javier García Fernández uses the jurisprudence of the Constitutional Court to maintain the same idea. It is therefore a reminder that "the notion of the "right to decide" is alien to the Spanish legal system, as inferred from Constitutional Ruling 103/2008, September 11, which declared the Basque Law that would grant the citizens of this Regional Community the right to decide unconstitutional"³¹. José Antonio Montilla Martos clarifies the misunderstandings with the existing right of self-determination. He says: "The right to decide is a euphemism referring to the right of self-determination. Given that the right of self-determination has some defining features in International Law that are not applicable to the case of Catalonia, since it is not a colony nor is it subject to a foreign power, it is substituted by the right to decide"³². Miguel Satrustegui Gil-Delgado states that "legally it is an ineffective proposition, because the rights depend on the legal system, not on ideological postulates. And neither the Spanish Constitution (which in this is similar to those of the other Western states) nor international law contemplate a similar collective right"³³. Finally, Eduardo Virgala Foruria, like Professor Montilla, differentiates it from the right of self-determination and adds in the distinction the right of secession: "Legally, there is no right to decide, neither from the point of view of the right of self-determination nor from the right of secession"³⁴.

Collaterally, on the grounds for denying the existence of the right to decide, some of the professors mentioned have brought up the *right of self-determination* and the *right of secession*. It is worth clarifying these two differences, to clear up possible doubts and maintain rigorous analysis in legal terms.

It seems little questionable that the widely used right to decide, an essential argument of Catalan nationalism, simply does not exist. On the other hand, there is the so-called right of self-determination in the field of international law. Different United

Nations rulings have addressed this matter. Normally, two are addressed³⁵: Ruling 1514 (15) of the United Nations, December 14, 1960, known as the *Magna Carta of Decolonization*, and Ruling 2625 (25), October 24, 1970, *Declaration on the principles of international law regarding friendly relations and cooperation between states in accordance with the United Nations charter*. In light of these, the right to self-determination is only recognized in three cases: "Colonized peoples, militarily occupied peoples and peoples in which there is a clear violation of human rights"³⁶. As Virgala Foruria maintains: "In no case are the characteristics required by the United Nations in Catalonia"³⁷. **It seems clear that the Catalan independence movement does not share this opinion and does consider that their right to decide as a free and sovereign people is being violated. Among others, Joan Ridaó maintains that "The position of those who defend the convening of a popular consultation on the political future of Catalonia is based on considering that it is not in itself incompatible with the constitutional and legal framework. Precisely, the consultative nature of the referendum, they understand, should allow its application in the specific case of the "right to decide" as the ideal formula to initiate a democratic process and not to define a definitive legal reality that would depend on a subsequent political negotiation"**³⁸. **We understand, with the United Nations, that this is not the case.**

The question is therefore quite clear, as Calduch Cervera defends: "Taking into account the fundamental documents of the so-called *right of decolonization*, the self-determination principle of the peoples could not be applied in an expansive way to the point of protecting unilateral secessionist processes"³⁹.

Therefore, the right to decide does not exist and the right to self-determination does not apply. If there is any doubt about this last statement, the aforementioned Ruling 2625 clears it up: "None of the provisions of the preceding paragraphs shall be understood to authorize or promote any action aimed at totally or partially violating or belittling the territorial integrity of sovereign and independent states that conduct in accordance with the principle of equal rights and of self-determination of the peoples described above and have, therefore, a government that represents the entirety of the people belonging to the territory, without distinction based on race, creed or color"⁴⁰.

As for the right of secession, that is, the right of a part of the territory of a state to separate from the rest of that state, it is not recognized within the Spanish Constitution. It is a very little recognized right in constitutional law, in historical and comparative terms, since it is strange for a state to contemplate its own dismemberment. At this time, it is only provided for in the Constitutions of "St. Kitt and Nevis"⁴¹, Ethiopia and Uzbekistan"⁴². Vergottini⁴³ points out, in addition to Uzbekistan, the 1921 Constitution of the Principality of Liechtenstein and the 2005 Constitution of Sudan. In total, therefore, there are five countries. Finally, as Fernández de Casadevante Mayordomo maintains, "in comparative constitutional law [...] unilateral secession, by way of facts, is always contrary to the law. From there, the approaches defended in relation to the possibility of reforming the Constitution with a view to including a secession clause are different"⁴⁴.

The informational battle: information versus manipulation.

In itself, this subject would require a fairly extensive doctoral thesis to be approached with the rigor and seriousness it deserves. A limitation has been placed at this point, based on different studies, to draw conclusions from them that are of interest.

In principle, it seems that Catalan nationalism has been more strongly committed to winning the communication battle, dedicating more resources and effort than the defenders of the constitutionalist position. This is clear from Gil Ramírez's study, especially in the case of YouTube: "To conclude, and attempting to respond to the generic objective of presenting, through this analysis, a general overview of the political polarization generated within Spain in relation to Catalonia's Independence, it should be noted that the pro-sovereignty pole has greater weight (in terms of topics, such as the number of videos published) than the constitutionalist pole. In other words, the prosumer, as producer as well as consumer, has been more interested in the events (unusual in the history of Spanish politics) generated since the Catalan *Government* at that time, than by the measures adopted by the Spanish Government in response to these events. In the YouTube environment, citizen demonstrations on the pro-independence side have also generated greater expectation than those in favor of the unity of Spain"⁴⁵.

This line does not seem to change in the case of Instagram. It can be stated that, within the networks, according to the studies consulted, the independence movement has had greater presence. This is clear from the work of Cartes Barroso: "In summary, a general conclusion may be made by stating that the pro-independence parties –the true architects of the referendum– are the formations that were most active on Instagram during the period analyzed, although they must improve their strategy and take advantage of all of the utilities of this social network, as must the non-independence parties"⁴⁶.

The same is the case with Twitter, the pro-sovereignty supporters have been ahead of the defenders of the 1978 constitutional system, the independentist citizen associations being more influential than the constitutionalists: "At least with regard to the referendum 'campaign' of October 1, 2017 in Catalonia that took place on the Twitter social network, the social entities, and specifically the supporters of independence, have been the most effective in managing communication"⁴⁷.

According to the study by Carlos López-Olano and Vicente Fenoll, the main international news agencies also maintain a favorable presence towards pro-independence positions: "In RT (Russia Today), the posts with coverage closer to the pro-independence positions receive a greater number of positive reactions, which amazes and amuses me. Especially during the live broadcast of the protests and demonstrations in Barcelona after Puigdemont's arrest. An association was also found in DW (Deutsche Welle), although more moderate, between the bias of the post and the reaction of the users: the posts more favorable to the independence movement received a greater number of positive reactions, such as likes, which amuses me and I love it. In the case of the German corporation, this trend is stronger in posts that are unfavorable to constitutionalism, especially when reporting on the German courts' refusal to hand Puigdemont over to Spain. The British corporation, BBC, dedicated the least space to the coverage of the Catalan conflict, with a position slightly closer to constitutionalism, which did not generate any kind of

significant interaction among users. Ultimately, the data analyzed confirms the importance of news on the independence conflict in RT on the agenda, confirming slight coloration in the bias of this corporation and the significant difference compared to the peak period of October 1 (1-O), obtained in the analyses in previous works. This would place RT in comparison with its counterparts in a moderate chain situation, although still close to the destabilization campaigns of the pro-Putin Russian media, denounced by several authors cited in the text"⁴⁸.

The issue of *fake news* in the *Process* has also raised some studies of interest. The University of Seville has been quite active in this area and a final degree project has focused on this issue. The main conclusions reached verify that there was a significant amount of *fake news* in this case by the defenders of the independence movement, according to data from the study. Thus, he points out that "firstly, it must be remembered what the main hypothesis of this study is that: on October 1, 2017, fake news circulated on Twitter that contributed to misinforming the population. After completing the study and analysis of the most prominent *fake news* from October 1 (1-O), we can say that our main hypothesis is confirmed. A total of 24 news items have been revealed that were spread by hundreds of people and, in other cases, by thousands of people who believed them to be true. Most of the tweets were not rectified by their author, so there are still 77 circulating today on Twitter. Only 48% of the *fake news* posts were denied by other means or by other users. Along this line and in relation to the second hypothesis of the investigation is political intervention in the dissemination of this false news. After analyzing them, it can be seen that they were not only disseminated by anonymous citizens, but also leading journalists and figures representing the independence movement on the political scene made use of them in their official accounts. International journalists with thousands of followers were participants in this misinformation, a perspective that leads us to question the role of journalism"⁴⁹.

There is another final degree project also from the University of Seville that addresses a more curious, if that were possible, subject with significant international repercussion. Thus, the investigation focuses on the possible influence of Putin's Russia in the Catalan conflict, mainly studying the newspaper *El País*, as well as those of other influential international agencies. The conclusion is certainly interesting: "Not only does *El País* echo the issue, but the Russian interference in Catalonia takes on an international role and other media, such as the Russian RT and *Sputnik*⁵⁰, also talk about it. As pointed out in one of the hypotheses, this great dissemination of the situation is due to the fact that the internet is an easy and effective tool for dissemination and disinformation. In conclusion, I believe that I have fulfilled the objectives set at first and have answered the questions raised at the beginning. Firstly, I have investigated and explained the ideological evolution of *El País*, without reaching any absolute affirmation since the newspaper continues to change and I have not covered all the nuances that should thus be taken into account, especially since that research is disconnected from the purpose of the work. I have also analyzed the news coverage and explained the possible origin of the Russian interference and its influence based on analyzing the news. Finally, in broad strokes, I have understood the last objective: this Russian interference has acted in Spain in order to discredit the European Union through propaganda and confusion. Putin in Catalonia, as well as in the United States or Great Britain. Putin, understanding not only his person but also the Russian country and its propaganda machine, takes advantage of every opportunity weakens the democratic and unitary image of any European Union

country or that is contrary to Russian interests"⁵¹.

Finally, the economic force of the control of the Generalitat's budget by Puigdemont's secessionist government, regarding certain media, especially public media, and the money allocated to them should be considered. In 2017, the expenses allocated to the Catalonia Audiovisual Council amounted to 5.3 million euros. The item "533 referring to Social Media" was 309.5 million euros, of which 289.9 million were allocated to *Corporación Catalana de Medios Audiovisuales S.A.* on which, let's not forget, six television channels, four radio stations and one that broadcasts on the internet, in addition to the Catalan News Agency, depend⁵². **Logically this does not imply that all that amount of money, 289 million euros, will be dedicated to promoting the illegal referendum and the unilateral declaration of independence. It is one more piece of information. For the contents of the Catalan social communication media and their pluralism and independence -or not- the periodical Agreements of the Audiovisual Council of Catalonia can be consulted. It is interesting to see the recurring particular votes of the counselor Daniel Sirera.**

The Catalan Parliament: a legitimate body that acts illegitimately. From constituted power to constituent power

The new parliament, emerging from the September 2015 regional elections, made the decision to carry out the main objective on its roadmap: independence. With this, the Catalan Parliament aspires to place a part of Spain –Catalonia– outside of the law, the rules of coexistence, social peace and legal security. It aims to turn a regional community in which the rule of law governs, into a territory on the fringes of the law, something unusual in modern and democratic Europe.

In democracy, everything can be discussed, except the basics. The basics in democracy are not discussed, it is a conquered land: principle of legality (art. 9.3 CE), rights and freedoms (arts. 14 et seq. CE), the separation of powers, respect for the courts and their rulings (art. 118 CE). The law provides security and guarantees coexistence. There is no democracy without respect for the law. The law is the embodiment of the general will, it is the norm that enables people to live together. The law makes people free and equal.

Highlighting the autumn of 2015 as the moment the break with the rule of law and democracy by the Catalan Parliament began, which culminated on October 27, 2017. The enormous difficulty of living with someone who discusses the basics and essentials is beginning to be seen clearly: How can we live with someone who stands above the law and courts?

The analysis that can be made of the new Catalan Parliament in autumn 2015 seems clear: there is a legitimate parliament as such, the result of its democratic origin, although not of its actions. In other words, it has legitimacy of origin, but not of powers, an important distinction whose origins date back to the Middle Ages⁵³. What the Catalonia Parliament is doing is illegitimate, even if it is a legitimate parliament. The key is not to confuse the 'What' with the 'Who'. The 'Who' is legitimate, the 'What' or the activity is not. Another step can be taken in the legal/constitutional analysis. The new Catalan Parliament, which is a constituted power as a result of the 1978 Constitution, intends to be a constituent power in its new mandate. Obviously, it does not have any

legitimacy for such a transformation, which breaks the entire political system designed in the 1978 Coexistence Norm. The Catalonia Parliament forgets that its reason for being, existence and legitimacy comes from the Spanish Constitution and the Catalan Statute that develops it, in addition to being democratically elected by the Catalan people. Outside of this area, the Catalan Parliament does not have democratic legitimacy, it cannot do or approve anything it considers. To a certain extent, it tries to interpret the Constitution as it was in the 19th century, as a simple political text and not as what it is; a legal/political text⁵⁴. But even the Spanish Parliament itself could not do so, which is also a constituted power, only the sovereign power, in other words, the Spanish people, has ownership as a constituent power: "The Spanish people, by approving the current Constitution, have not conferred this option to the Constituent Powers (the Executive Power and the Legislative Power, fundamentally), but have reserved it for themselves, as the holder of the Constituent Power"⁵⁵.

International isolation of the Process and the particular "blindness" in the event of the 'No' from the European Union.

In autumn 2015, the situation in Catalonia and its secessionist challenge had a certain international repercussion, which is interesting to note, since the rejection of the *Process* is unanimous. The Secretary General of the United Nations, Ban Ki-moon, makes a clear statement in this regard: "Catalonia is not among the territories with the right to self-determination"⁵⁶. In a similar vein, other world leaders such as President Obama, Angela Merkel and David Cameron spoke out, urging a strong and united Spain⁵⁷. Two years later, the President of France, Emmanuel Macron, maintained the same position when stating that "I only know one partner and one friend; that is Spain"⁵⁸. At the international level, it may be concluded, as Calduch Cervera maintains, that the "new Republic of Catalonia has not been recognized by any state or international institution. Furthermore, the attempts to obtain legal protection for the secessionist claim by the United Nations Human Rights Committee or the European Court of Human Rights have not achieved any favorable response to their claims so far"⁵⁹.

Although perhaps the most resounding institution in this regard was the European Union itself, through the President of the Commission, Jean-Claude Juncker: "An independent Catalonia would be outside of the EU"⁶⁰. It would therefore be like a third country, to which the Union Treaties would logically not apply.

Actually, the question of an independent Catalonia departure from the European Union deserves a more calm consideration to understand the proximity or distance of the independence movement with reality⁶¹. In February 2013, by Decree 113/2013, February 12⁶², the Generalitat Government created the Advisory Council for the National Transition (CATN)⁶³. Which, among other competencies, would assume the design of international action and the repercussion on foreign countries of the Catalan question, in

addition to seeking support for it. Of the different reports prepared by this Council, Report No. 6 is of interest: *The channels for integrating Catalonia into the EU*, published in July 2014.

It is certainly strange that this report expressly includes the refusals declared⁶⁴ by the Presidents of the European Commission, Romano Prodi and later Durão Barroso⁶⁵, as well as the President of the European Council, Van Rompuy: "A new independent state would be a third country with respect to the EU and the treaties would not apply in that territory from the day of its independence"⁶⁶. However, the CATN Report surprisingly supports the possibility that, being a unique assumption in the history of the EU, it adopts "a flexible attitude [...] in each case seeking the ad hoc solution that has at best been to combine the interests of the EU –including its founding integrating will– and the interests of its Member States with the interests and specific characteristics of the candidate countries"⁶⁷. Even in the electoral program that *Junts pel sí* presented in the September 27, 2015 elections, it was stated that "belonging to the Union and to the Euro is essential to guarantee the continuity and improvement of the prosperity achieved. This belonging cannot be placed at risk. On the other hand, contrary to what some would have you believe, this permanence is not threatened by independence"⁶⁸.

It is not good to confuse desires with reality. The independence movement at this point, as in many others, was outside of it, even though it had manifested itself on several occasions, as has been pointed out. The isolation of the *Process* in the European Union was total: "The pro-independence supporters never imagined that the European Union would give unanimous support to the Spanish State"⁶⁹.

López Garrido is not without reason when he states, with legal realism, that "if a supposedly independent Catalonia wanted to be part of the Union –as the Generalitat states– it would have to follow the procedure of article 49 TEU. It should apply for membership and hope that the current Member States of the Union –all of them– agree to start the procedure, continue its full process and vote –also unanimously– on the final acceptance of Catalonia as part of the European Union Treaties"⁷⁰.

Moreover, not only would an independent Catalonia be outside of the European Union, it would also be outside of other "international institutions such as the United Nations, the International Monetary Fund and the North Atlantic Treaty Organization"⁷¹. In short, as Cortina de la Concha maintains with realism and clarity along a line very similar to the one indicated: "As has become clear, modifying the borders of the European Union, demanding a position in the Atlantic Alliance, achieving the legitimacy of the United Nations or finding a place at the Mediterranean table is impossible"⁷².

Preparation of the unilateral declaration of independence and appointment of President Puigdemont.

For the purposes of relevant events, 2016 may be considered a year of transition

and preparation for the October 2017 unilateral declaration of independence. The highlight of this year is the appointment of Carles Puigdemont as President of the Catalonia Generalitat on January 10, 2016. He is supported by 70 of the 135 deputies of the Catalan Parliament, previously Artur Mas had resigned to be invested, as he explained, to facilitate the constitution of a new government of independence.

2017: Rupture of the democratic system.

In this section, the most relevant milestones that occurred in this fateful year 2017 for democracy in Catalonia and Spain are highlighted⁷³. On June 9, 2017, President Puigdemont announces the self-determination referendum for October 1, 2017. The question that will be asked of the Catalan people is: "Do you want Catalonia to be an independent state in the form of a republic?"

At the end of July, the Catalonia Parliament takes another step towards illegitimacy in its representative and institutional actions with the latest modification of its regulations to process the so-called "disconnection laws" without debate, without amendments and in a single day. As has already been pointed out, no one doubts the legitimacy of the Catalan Parliament as a result of regional elections within the framework of the Spanish Constitution and the Statute of Autonomy; however, not everything that a legitimately elected parliament does is legitimate. This is the real substantive issue that takes place in different episodes, the reformed article 135.2 of the Parliament's Rules of Procedure is the latest of them⁷⁴, once again forcing the Constitutional Court to rule (Constitutional Court Ruling 139/2017, November 29). Pérez de los Cobos Hernández is not without reason to highlight the "contempt for the Law in which he has ended up deriving the independence process [...]. The fraudulent use of the legal system, in order to achieve political objectives at any cost, only debases any purpose"⁷⁵.

On September 6, the Catalan Parliament approved a referendum law to give legality to the October 1 referendum, Law 19/2017: "The approval of this law entailed explicit bankruptcy of the Spanish legality and the constitutional system"⁷⁶. Thus, and as a development of this Law, two Catalonia Government decrees are approved: Decree 139/2017, September 6, calling the referendum for Catalonia's self-determination and Decree 140/2017, September 7, complementary rules for holding the aforementioned referendum. The following day, the Catalan Parliament approves Law 20/2017, on the Republic's legal and foundational transition. The four legal rules are appealed by the Government of Spain before the Constitutional Court, which suspends their application.

On September 20 and 21, some 5,000 pro-independence citizens prevent a judicial commission from entering and searching several buildings, including the Ministry of Economy. There were significant alterations to public order, "preventing the judicial commission from abandoning them, confronting the authorities, damaging police vehicles and even stealing the weapons that were inside"⁷⁷.

In the end, on October 1, the referendum took place without the minimum democratic guarantees on its rigor and seriousness. Participation is 43%, less than the approval of the 2006 Statute of Autonomy, which had 48.85%. Just over two million votes, 90%, are in favor of yes.

An example of the international isolation of the *Process*, especially within the European Union, as has already been studied, is the European Commission statement issued on October 2, just one day later, expressly describing the referendum held in Catalonia as illegal: "Under the Spanish Constitution, yesterday's vote in Catalonia was not legal. For the European Commission, as President Juncker has reiterated repeatedly, this is an internal matter for Spain that has to be dealt with in line with the constitutional order of Spain. We also reiterate the legal position held by this Commission as well as by its predecessors. If a referendum were to be organized in line with the Spanish Constitution it would mean that the territory leaving would find itself outside of the European Union. Beyond the purely legal aspects of this matter, the Commission believes that these are times for unity and stability, not divisiveness and fragmentation"⁷⁸.

On October 3, King Felipe VI addresses the Nation in a televised message that changes everything internally and internationally, making it clear that the *Process* has failed and is not going anywhere, as everyone knew. Felipe VI, as Head of State, logically exercises his functions regulated in article 56.1 of the Constitution: "Arbitrates and moderates the regular functioning of the institutions".

On October 10, the pro-independence parties sign a declaration of independence in the Catalonia Parliament. Then President Puigdemont temporarily suspends it, as he points out, to allow international mediation and a negotiated solution.

On October 27, Junts pel Sí and the CUP present a ruling to Parliament for the Generalitat Government to apply the independence suspended a few days previously by President Puigdemont. The vote is approved with 70 votes in favor, 10 against and 2 abstentions. The parliamentary groups of citizens, socialist and popular, do not participate in it, having previously left the Chamber. Independence is declared. President Rajoy, with the absolute majority of the Senate, applies the Spanish Constitution, specifically its article 155. Vice President Soraya Sainz de Santamaría assumes the presidency of Catalonia. Between the end of November and the beginning of December, some Catalan government members flee Spain and others are imprisoned.

It seems quite clear that "the independence movement miscalculated its forces [...] it did not know how to stop in time. [...]. The decisions that the independence movement took from there (October 1, 2017) seem to embody a kind of suspension of the reality principle"⁷⁹. Or even worse, they knew the impossibility of independence perfectly well. This is how Cano Paños understands it "the leaders of the *Process* managed to seduce, deceive and use a part of the Catalan citizenship for their own benefit, which they believed in their collective imagination that the break with the Spanish State and the creation of a new country was something feasible, when their leaders knew in advance that it was literally impossible to achieve"⁸⁰.

They have even gone further than the case of Quebec and the renowned August 20, 1998 Canada Supreme Court Ruling, so cited by Catalan nationalism, that "rejected unilateral secession and only admitted a process of negotiated independence when 'a clear referendum result' had been reached"⁸¹.

On December 21, 2017 elections are held in Catalonia. Ciudadanos is the most voted party, although the absolute majority is from the disruptive parties. On May 10, 2018, Quim Torra (Junts per Catalunya) was appointed president of the Generalitat by the Catalan Parliament.

Conclusions

The following conclusions that I believe have been sufficiently demonstrated in this work are presented below:

ONE. Lack of contact with reality. Without a doubt this is the great problem of Catalan nationalism: it is outside of reality. Therefore, its failure is inevitable. Here is the data revealed in the four fields studied: 1) Total international isolation, with special incidence within the European Union; 2) Economic unviability of an independent Catalonia; 3) Breakdown of the legal framework, neither the laws nor the courts are respected; and 4) High social conflict and decline in democratic quality, driven by an illegitimate parliament in its actions. For the rest, and this is what is most tragic about this disruptive project, all parties lose with it: a) the non-nationalists obviously by not sharing it and having to withstand it; and b) the nationalists because of their unviable nature.

TWO. The proven fallacy of the non-existent right to decide, the argumentative pillar of the disruptive bloc. As has been seen, this right does not exist and the one that does exist, the right of self-determination, is not applicable. Finally, the right of secession, which also exists, is only recognized in the world by five countries: Ethiopia, Liechtenstein, Saint Kitts and Nevis, Sudan and Uzbekistan.

THREE. At the media level, four points have been demonstrated: a) the Catalan nationalist bloc's greater presence compared to the democratic-constitutional bloc, especially on YouTube, Instagram, Twitter, even in international agencies; b) the use of *fake news* by the independence bloc; c) Russian interference in Catalonia through RT or Sputnik; d) the allocation of 289.9 million euros from the Generalitat chaired by Puigdemont to *Corporación Catalana de Medios Audiovisuales S.A.* in 2017

FOUR. The Catalan government and parliament, controlled by disruptive nationalism in the three-year period studied (2015-2017), have demonstrated their undoubted anti-system character with their actions, with respect to the Spanish democratic system as a result of the 1978 Constitution. Thus, they have not respected laws, they have not respected courts and they have transformed the Catalan parliament from constituted power to constituent power. All this constitutes a true democratic aberration that is difficult to deny.

We must begin to clearly express that nationalism is not at all constructive thinking, that it does not generate spaces for freedom and coexistence, tending towards closed and exclusive societies where ideological differences are not welcome. Democracy, pluralism and tolerance have quite a few difficulties in nationalist regimes, which tend to give each other feedback. Ignacio Sánchez-Cuenca is right when he states that "the resurgence of Spanish nationalism has greatly hardened the discourse. And he has found an indefatigable ally in Catalan nationalism. Together they have brought mutual disqualification to unacceptable levels."⁸² It's what nationalism has.

Mario Bunge, emeritus professor of philosophy at McGill University in Canada, describes his experience of more than half a century living in Quebec and the actions of the pro-independence government in an illustrative paragraph. We are going to be quite

familiar with the situation in Catalonia, although it is better for the reader to judge. In reference to the actions of said government, he points out the following: "Reduce the rights of English-speaking Quebec citizens and allophones. Commercial signs in languages other than *Quebequense*, the entry of children from families without British roots into English-language schools and access for non-Quebecers into the provincial and municipal bureaucracies were prohibited. To these measures, the sudden aggressiveness of the pro-independence supporters for those who did not share its ideal was added. The majority of the population felt fear for the first time in the history of the province. Large companies moved their offices to the US or Toronto, which came to rank first in the Canadian economy. No one invested in provincial companies and young people educated in English-language schools and universities, such as McGill, where my wife and I taught, left the province as soon as they graduated. In short, the province of Quebec was economically and culturally impoverished during the separatist governments"⁸³.

Notes

1. Interview with the writer on *ABC* 17 January 2021, pp. 12-14: https://www.abc.es/cultura/abci-entrevista-vargas-llosa-ley-celaa-disparate-absoluto-202101170059_video.html
2. As Steven Forti, Arnau González i Vilalta and Enric Ucelay-Da Cal recognize in the conclusions of their book: "The September 27, 2015 elections [...] were already the *Process*, recently named to give meaning to everything that happened". See the authors cited, *El Proceso separatista en Cataluña (The separatist process in Catalonia). Analysis of a recent past (2006-2017)*, Granada, Comares, 2017, p. 293.
3. Cristian Rodríguez Mesa, "Discurso y prácticas políticas del catalanismo: Del nacionalismo al independentismo instrumental" (Discourse and political practices of Catalanism: from nationalism to instrumental independence) in Steven Forti, Arnau González i Vilalta and Enric Ucelay-Da Cal (eds.), *El Proceso separatista en Cataluña (The separatist process in Catalonia)... ob. cit.*, pp. 38–39.
4. Founded on 14 December 2011. In 2017 it covered 787 municipalities of the 948 in Catalonia.
5. Fernando Fernández-Llebregz González, "Mecanismos ambientales, cognitivos y relacionales en el surgimiento del actual movimiento independentista catalán (Environmental, cognitive and relational mechanisms in the emergence of the current Catalan independence movement)", in *Revista de Estudios Regionales (Regional Studies Journal)*, No. 117, 2020, p. 116.
6. Cited in Steven Forti, Arnau González i Vilalta and Enric Ucelay-Da Cal (eds.), *El Proceso separatista en Cataluña (The separatist process in Catalonia)... ob. cit.*, pp. 120-121, figure 3. Preference for independence.
7. Ignacio Sánchez – Cuenca also places the beginning of the Catalan crisis in 2012, see the author, *La confusión nacional (The national confusion). La democracia española ante la crisis catalana (Spanish democracy in the face of the Catalan crisis)*, Madrid, Catarata, 2018, p. 13.
8. Andrew Dowling, "La calle como plataforma de comunicación (The street as a communication platform). From Crida to the Catalan National Assembly" in Steven Forti, Arnau González i Vilalta and Enric Ucelay-Da Cal *El Proceso separatista en Cataluña (The separatist process in Catalonia)... ob. cit.*, p. 185.
9. Miguel Ángel Cano Paños, "Los delitos de rebelión y sedición en el ordenamiento jurídico español y su eventual aplicación al proceso independentista catalán (The crimes of rebellion and sedition in the Spanish legal system and their eventual application to the Catalan independence process)" in *Revista electrónica de Estudios Penales y de la Seguridad (Electronic Journal of Criminal and Security Studies)*, No. 5, 2019, p. 4. Also at www.ejc-reeps.com

- 10 *Teoría y Realidad Constitucional (Constitutional Theory and Reality)*, No. 37. First semester 2016, monograph "La cuestión catalana (The Catalan question)", p. 49.
11. *Ibid.*, p. 55. To conclude by stating that "all of the so-called 'Process' has been marked by misrepresentations from legal institutions, twisting the basic legal concepts of current democracies".
- 12 *Ibid.*, p. 57.
- 13 *Ibid.*, p. 58.
- 14 Rafael Calduch Cervera, "The international failure of the Catalan independence movement: legal and political causes" in *Anuario Español de Derecho Internacional*, 2019, vol. 35, p. 131.
- 15 *Ibid.*, p. 147: "The refusal of the governments of the main powers: United States; Russia; France, Germany and United Kingdom, to accept the legality of the referendum of October 1, 2017 and the DUI, was a decisive international setback for the viability of the secessionist project".
16. Carlos Fernández de Casadevante, "The Catalan independence project in the light of International Law and the European Union" in *Cataluña en claro*, ed. FAES, 2014, pp. 83–98.
17. According to the specialized economic press, in February 2021, 7,000 companies had left Catalonia, see:
<https://www.eleconomista.es/economia/noticias/11045875/02/21/Cataluna-supera-las-7000-empresas-huidas-desde-el-principio-del-proces.html>
18. José Luis Leal, *the cost of independence*, the Country of Business, November 5, 2017:https://elpais.com/economia/2017/11/02/actualidad/1509638840_783543.html
19. Josep Borell and Joan Llorach, *The accounts and the tales of independence*, Madrid, ed. Los libros de la catarata, 2015.
20. *Infra.*, Section 2.2. *The right to decide: A democratic right or an information fallacy?*
21. This essential and differential idea between constituent power/constituted power is developed later.
22. Evaristo Prieto Navarro, *Jürgen Habermas, communicative action and political identity*, Madrid, Center for Political and Constitutional Studies, 2003.
23. Manuel García-Pelayo, *Comparative Constitutional Law*, Madrid, Alianza, 1999.
24. Jacques Pirenne, *Universal History. The great currents of history*, vol. I, Barcelona, LEO editions, 1953, p. XI.
25. *Teoría y Realidad Constitucional (Constitutional Theory and Reality)*, monographic, "the Catalan question", No. 37, 1st semester 2016, Madrid, UNED, 626 pages. More extensively on the right to decide, see Eduard Sagarra Trias (coord.), *Does the right to decide exist? Questions and answers about the open process in Catalonia*, Tibidabo, Barcelona, 2014; VV.AA., *The right to decide. Teoría y práctica de un nuevo derecho (Theory and practice of a new law)*, Atelier, Barcelona, 2015 and Xavier Pons Rafols, *Catalonia: Derecho a decidir y derecho internacional (Right to decide and international law)*, Reus, Madrid, 2015.
26. Specifically, Enoch Albertí Rovira, University of Barcelona; Roberto L. Blanco Valdés, University of Santiago de Compostela; Enric Fossas Espadaler, Regional University of Barcelona; Teresa Freixes Sanjuan, also from the UAB; Javier García Fernández, UCM, José Antonio Montilla Martos, University of Granada; Miguel Satrustegui Gil-Delgado, Professor at UC3M and Eduardo Virgala Foruria, University of the Basque Country.
27. *Teoría y Realidad Constitucional (Constitutional Theory and Reality)*, monographic, "the Catalan question" ..., *ob. cit.*, p. 45.
28. *Ibid.*, p. 47.
29. *Ibid.*, p. 49.
30. *Ibid.*, p. 51.
31. *Ibid.*, p. 56.
32. *Ibid.*, p. 57.
33. *Ibid.*, p. 58.
34. *Ibid.*, p. 60.
35. Less frequently, but Ruling 1541 (15), December 15, 1960 is also cited.
36. Fernando Carrera, Fernando Roca and Pedro Pérez-Cuesta, *Las mentiras del independentismo catalán (The lies of the Catalan independence movement)*, Madrid, ed. BuenasLetras, 2017, p. 19.
37. *Teoría y Realidad Constitucional (Constitutional Theory and Reality)*, monographic, "the Catalan question" ..., *ob. cit.*, p. 60. Along the same lines, Calduch Cervera: "The political and legal reality of the Catalonia Regional Community and its citizens does not respond to the circumstances of a people subjected to colonial domination nor to those of a non-regional territory", furthermore, "the Catalan people have been able to exercise the right to express their free political will (self-determination) with respect to the 1978 Constitution and the Statute of Autonomy". See Rafael Calduch Cervera, "El fracaso internacional del independentismo catalán... (The international failure of the Catalan independence movement...)", *ob. cit.*, p. 132.

- 38 Joan Ridao, "El derecho a decidir de Cataluña: 'croquis' de situación del llamado proceso catalán", in *Gure Gaiak*, p.7, also in *Revista Vasca de Administración Pública*, nº 99-100.
39. Rafael Calduch Cervera, "El fracaso internacional del independentismo catalán... (The international failure of the Catalan independence movement...)", *ob. cit.*, p. 134.
40. Included in the section dedicated to "The principle of equal rights and self-determination of peoples", penultimate paragraph, see <https://www.dipublico.org/3971/resolucion-2625-xxv-de-la-asamblea-general-de-naciones-unidas-de-24-de-octubre-de-1970-que-contiene-la-declaracion-relativa-a-los-principios-de-derecho-internacional-referentes-a-las-relaciones-de/>
41. Also known as Saint Kitts and Nevis, a Caribbean country.
42. *Teoría y Realidad Constitucional (Constitutional Theory and Reality)*, monographic, "the Catalan question"..., *ob. cit.*, p. 61.
43. Giuseppe de Vergottini, "Referendum and secession" in *Teoría y Realidad Constitucional (Constitutional Theory and Reality)*, No. 43, 2019, p. 109.
44. Pablo Fernández de Casadevante Mayordomo, "Secession via constitutional reform in comparative law" in Carlos Fernández de Casadevante Romani (director), *Legal consequences of territorial entity secession. Una visión para España (A vision for Spain)*, Cizur Menor, Aranzadi, 2020, p. 96.
45. Marta Gil Ramírez, "El uso de YouTube en el Procés catalán Comunicación política a través de los social media: ¿prosumidores mediatiados? (The use of YouTube in the Catalan Process. Political communication through social media: Mediated prosumers?)" in *Estudios sobre el mensaje periodístico (Studies on the journalistic message)*, Complutense editions, No. 25 (1) 2019, p. 231.
46. Manuel Jesús Cartes Barroso, "El uso de Instagram por los partidos políticos catalanes durante el referéndum del 1-O (The use of Instagram by Catalan political parties during the 1-O referendum)" in *SEECI Communication Journal*, No. 47, November 15, 2018 - March 15, 2019, p. 33-34.
47. Rafael Carrasco Polaino, Ernesto Villar Cirujano and Laura Tejedor Fuentes, "Twitter como herramienta de comunicación política en el contexto del referéndum independentista catalán: asociaciones ciudadanas frente a instituciones públicas (Twitter as a political communication tool in the context of the Catalan independence referendum: citizen associations versus public institutions)" in *Icono 14*, January-June 2018, vol. 16, No. 1, p. 83.
48. Carlos López-Olano and Vicente Fenoll, "La polarización mediática en el proceso de independencia en Cataluña. Estudio comparativo del tratamiento en RT. (The media polarization in the independence process in Catalonia. Comparative study of treatment in RT)" in *Revista Mediterránea de Comunicación*, No. 11 (1), 2020, pp. 269-270.
49. Almudena Delgado Balongo, "El fenómeno de la desinformación en twitter: las fake news del 1-O sobre el conflicto catalán (The phenomenon of disinformation on twitter: the October 1 fake news on the Catalan conflict)", final degree project led by Dr. Irene Tenorio Vázquez, 2018-2019, journalism degree, Faculty of Communication, University of Seville, pp. 76-77.
50. News agency linked to the Russian Government founded in 2014.
51. Concha García Varela, "Putin in Catalonia. The coverage of the newspaper *El País* on the Russian interference in the Catalan conflict (from October 1 to December 21, 2017)", final degree project directed by Juan Carlos Fernández Serrato, 2018-2019, journalism degree, Faculty of Communication, University of Seville, p. 54.
52. Rafael Calduch Cervera, "El fracaso internacional del independentismo catalán... (The international failure of the Catalan independence movement...)", *ob. cit.*, p. 144 y 145, Note 25.
53. On this distinction, see Paloma Biglino Campos, "Crisis de la representación, legitimidad de ejercicio y formas de responsabilidad (Crisis of representation, legitimacy of exercise and forms of responsibility)" in *Revista de Derecho Político*, No. 100, UNED, September-December 2017, p. 488 et. seq.
54. To avoid these dangerous reductionist temptations, Eduardo García de Enterría published his well-known work in 1980, *The constitution as a norm and the constitutional court*, Madrid, Civitas, 4th ed., 2006.
55. Vicente Álvarez García, "La respuesta jurídica frente... (The legal response in the event of...)", *ob. cit.*, p. 20.
56. *El País*, 30 October 2015
https://elpais.com/internacional/2015/10/30/actualidad/1446231111_709046.html
57. *El País* Editorial, September 17, 2015 entitled "More, isolated":
https://elpais.com/elpais/2015/09/16/opinion/1442428520_250027.html
58. *El Periódico* 16 June 2017: <https://www.elperiodico.com/es/internacional/20170616/macron-cataluna-conozco-socio-amigo-6109948>
59. Rafael Calduch Cervera, "El fracaso internacional del independentismo catalán... (The international failure of the Catalan independence movement...)", *ob. cit.*, p. 131.

60. *El País* 18 September 2015

https://elpais.com/politica/2015/09/17/actualidad/1442481238_663863.html

61. Paola Lo Cascio, "IN OR OUT? The internationalization policies of the Catalan Process and the production of discourse around independence (2012–2016)" in Steven Forti, Arnau González i Vilalta and Enric Ucelay – DA Cal (eds.), *El Proceso separatista en Cataluña (The separatist process in Catalonia)* *ob. cit.*, pp. 131–149.

62. Catalonia Generalitat Official Gazette No. 6315 of February 14, 2013.

63. On it, Josu de Miguel Bárcena, "Manual para construir un estado. Los informes del Consejo Asesor para la Transición Nacional de Cataluña (Manual to build a state. The reports of the Advisory Council for the Catalonia National Transition), in *Teoría y Realidad Constitucional (Constitutional Theory and Reality)*, No. 37, *ob. cit.*, pp. 499–527.

64. Specifically in December 2013, see *La Vanguardia* on December 3 and *El Mundo* on December 13.

65. P. 11 of the *cited*. Report No. 6.

66. *Cited* in Paola Lo Cascio, "IN OR OUT? Las políticas...", *ob. cit.*, p. 144, Footnote 34.

The number of EU authorities who in these years demonstrated in the aforementioned sense of an independent Catalonia outside the EU is not less, as did the spokesperson for the European Parliament Jaume Duch on Catalonia Radio; Michael Barnier, Commissioner for the Internal Market and Financial Services; the also Commissioner for Justice and Fundamental Rights, Viviane Reding; Joaquín Almunia, former vice-president of the EU and Pia Ahrenkilde, spokesperson for the European Commission, see Fernando Carrera, Fernando Roca and Pedro Pérez-Cuesta, *Las mentiras del independentismo catalan (The lies of the absolutely independent Catalan)*, *ob. cit.*, p. 43 and 44.

67. Paola Lo Cascio, "IN OR OUT? Las políticas...", *ob. cit.*, 13.

68. *Cited* in Fernando Carrera, Fernando Roca and Pedro Pérez-Cuesta, *Las mentiras del independentismo catalan (The lies of the absolutely independent Catalan)*, *ob. cit.*, p. 35.

69. Ignacio Sánchez-Cuenca, *ob. cit.*, p. 195.

70. Diego López Garrido (coord.) *Catalonia before the European Union. Legal consequences of independence*, Fundación Alternativas, September, 2015, p. 12:

https://www.fundacionalternativas.org/public/storage/fundacion_documentos_archivos/c4bf6ae25f99cbb0f6209c3ed715d972.pdf

71. Fernando Carrera, Fernando Roca and Pedro Pérez-Cuesta, *Las mentiras del independentismo catalan (The lies of the absolutely independent Catalan)*, *ob. cit.*, p. 33.

72. Gabriel Cortina de la Concha, "El desafío independentista catalán (The Catalan independence challenge)", in IV ADESyD Congress (Association of Spanish Diplomats in Security and Defense) *Sharing (visions of) Security*, vol. IV, May 2018, p. 41.

73. More extensively, see Elisa Pérez de los Cobos Hernández, "Desafío del independentismo catalán al Estado Autnómico (The Catalan independence movement's challenge to the Regional State)" in *Aragon Journal of Public Administration*, No. 55, 2020, pp. 278–361.

74. Daniel Fernández Cañueto, "Las consecuencias de la reforma del art. 135.2 del Reglamento del Parlamento de Cataluña para aprobar la Ley de referéndum y la de transitoriedad jurídica: suspensión y STC 139/2017 (The consequences of the reform of art. 135.2 of the Regulations of the Catalonia Parliament to approve the Referendum Law and the Law of Legal Transience: Suspension and Constitutional Court Ruling 139/2017)", in *Basque Public Administration Journal* No. 111, May–August 2018, pp. 207–246: <https://aelpa.org/web-2018/wp-content/uploads/2018/12/RVAP-Daniel-Fernandez.pdf>

75. Elisa Pérez de los Cobos Hernández: "Desafío del independentismo... (Challenge of the independence movement...)", *ob. cit.*, p. 358–359. Along a similar line, Antoni Bayona, *No todo vale (Not everything goes). La mirada de un jurista a las entrañas del procés (A legal expert's gaze on the entrails of the Process)*, Barcelona, Península, 2019.

76. Miguel Ángel Cano Paños, "Los delitos de rebelión y sedición... (The crimes of rebellion and sedition...)", *ob. cit.*, p. 4.

77. *Ibid*, p. 5.

78. https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_17_3626

79. Ignacio Sánchez-Cuenca, *ob. cit.*, p. 196.

80. Miguel Ángel Cano Paños, "Los delitos de rebelión y sedición... (The crimes of rebellion and sedition...)", *ob. cit.*, p. 37.

81. Rafael Calduch Cervera, "El fracaso internacional del independentismo catalán... (The international failure of the Catalan independence movement...)", *ob. cit.*, p. 142.

82. Ignacio Sánchez-Cuenca, *ob. cit.*, p. 12.

83. Mario Bunge, prologue "¿cuándo se justifica una lucha por la independencia? (When is a struggle for independence justified?)" in Paco Moreno, *El seny perdido. El independentismo catalán no tiene razón (The Catalan independence movement is not right)*, Pamplona, ed. Laetoli, 2016, pp. 7 and 8.

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