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Catalan legal acts and documents related to the region's independence process in the context of the radicalization of independentism. Selected examples from 2012-2017

Introduction

The process of radicalization of Catalan independence aspirations was multifaceted and, in principle, affected almost all spheres of life of the region's population. This was particularly evident between 2012 and 2017. However, even after this period, despite a significant slowdown in the dynamics of independentist tendencies, they are present in the public space and decisively determine the shape of the region's politics. Nevertheless, the question of Catalonia's future has been pushed to the background due to the spreading coronavirus pandemic. Catalonia is among the Spanish autonomous communities most affected by the pandemic: by October 2022, more than 2.63 million cases of the disease and nearly 20,600 deaths had been reported. In addition, the health crisis, which triggered avalanche-like perturbations of a socio-political and economic nature throughout the monarchy, at the same time became an additional catalyst for the existing disputes over territorial integrity and independence claims of some Catalan communities, as well as the separation of powers of regional and central authorities.

An interesting plane of confrontation between the actions of politicians of the region and the Spanish political interior is the legal ground, and more specifically, the normative acts and documents issued by the Catalan Parliament in 2012-2017 related to the realization of the desire, expressed by a part of the population of the autonomous community to create its own independent Catalan state. Some of the legal solutions adopted (e.g., declarations, manifests) were not of a binding nature, but their political or symbolic overtones had a fundamental impact on the shape, dynamics and effectiveness of the implementation of the subsequent stages of the so-called roadmap to an independent Catalonia. In addition, they present statements and positions of significant importance, especially in the political and social context. The main focus is on the regulations that stirred up a relatively large controversy in the aforementioned area and decisively contributed to the inflaming of the Catalan-Spanish conflict.

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The purpose of the article is to analyze the relationship of enacted normative acts and documents with the independence process. Particular attention will be given to the impact of the aforementioned on relations with the central government, as well as the influence on the nature of Catalan independentism.

A new model for the distribution and allocation of funds for Catalonia

There is no doubt that of rudimentary importance for Catalan independentism was the adoption of the new Statute of Autonomy of Catalonia in 2006, and its subsequent modification in accordance with the ruling of the Constitutional Court of Spain in 2010. Subsequently, however, in the era of the deepening global economic crisis of 2008, issues of distribution and allocation of resources to and from the autonomous community became crucial in region-state relations. Consequently, the so-called fiscal pact became a priority, which would introduce a new funding model in Catalonia, while redefining the periphery-center relationship in this matter.

On July 25, 2012, that is, after the ruling of the Spanish Constitutional Court¹, as well as the demonstration “Som una nació. Nosaltres decidim”², when independence sentiment clearly increased, the Catalan Parliament passed a new distribution of funds between the region and the Spanish state. The bill was passed with the votes of politicians from CiU³, ERC⁴, ICV-EUiA⁵, and some of the points were supported by PSC⁶ politicians, while the PPC (Partit Popular de Catalunya) abstained (*El Parlament aprueba el pacto fiscal con la abstención del PSC a la agencia tributaria única en Catalunya*, 2012). The new model was to be modeled on the solutions adopted in the Basque Country and Navarra, and, thus, would have definitely expanded Catalonia’s fiscal autonomy. Less than two months later, it was rejected by the authorities in Madrid, while in return Prime Minister Mariano Rajoy declared the possibility of cooperation on revising the autonomy’s financing model, while he did not anticipate negotiating the pact itself. From the Catalan perspective, an opportunity to forge a “historic agreement” was missed (García, 2012). The Catalans’ disappointment seemed all the greater because they saw the proposed financial solutions as one of their most important political demands since the democratization of Spain. The inability to establish a constructive dialogue resulted in the intensification of the independence movement’s activities and the increased importance of economic determinants in independentist rhetoric.

¹ The ruling was issued on June, 28, 2010.

² It was held on July, 10, 2010 and was intended to express opposition to the ruling of the Constitutional Court.

³ Convergència i Unió, federation, which at the time was clearly approaching an unambiguously independentist position.

⁴ Esquerra Republicana de Catalunya, the oldest separatist party in Catalonia.

⁵ Iniciativa per Catalunya Els Verds-Esquerra Unida and Alternativa, an alliance of leftist parties with an ambiguous attitude toward the region’s independence.

⁶ Partit dels Socialistes de Catalunya, party considered unionist, opposed to Catalan independence.

Resolution on the future of Catalans

One of the first actions taken by the Catalan Parliament, in keeping with the process of radicalizing aspirations for their own statehood, was the approval on September 27, 2012 of a resolution calling on the regional government to consult on Catalan self-determination. This would allow the people of the region to freely and democratically determine their own future (*Proposta de resolució aprovada al Parlament de Catalunya*, 2012). The resolution was passed with a ratio of 84 “for” (CiU, ERC, SI⁷, ICV-EUiA and 2 votes from non-union deputies) and 21 “against” (PPC and C’s⁸) and abstentions from 26 PSC deputies⁹ (Noguer, Piñol, 2012). President of the Generalitat Artur Mas clearly emphasized that the time had come when Catalans should exercise their right to self-determination, which at the same time heralded the taking of a much more pro-independence course. Moreover, it can be inferred that this was a clear response to the expectations of the electorate, for at that time already some 40% of the population (Centre d’Estudis d’Opinió, 2012) favoured the creation of their own state. This assumption is confirmed by the words of the Declaration of Sovereignty: “On September 27, 2012, based on Ordinance No. 742/IX, the Catalan Parliament supported the need of the people of the region to freely and democratically determine their future through a referendum. The recent parliamentary elections in Catalonia on November 25, 2012 unequivocally confirmed this desire” (*Krok ku niepodległości? Parlament Katalonii uchwalił ‘deklarację suwerenności’*, 2013). The position of the independents is clear from this record. The message was further reinforced by highlighting their own victory.

Declaration of Sovereignty

A document of critical importance for Catalonia’s independence process, and one with far-reaching consequences, was the Declaració de Sobirania i del dret a decidir del poble de Catalunya, or so-called Declaration of Sovereignty, adopted on January 23, 2013. Its promulgation was at the same time the fulfillment of one of the points of the coalition agreement between CiU and ERC, and had not only historical and political significance, but above all symbolic. In unison in favour of its adoption were politicians from the following groupings: CiU, ERC and ICV-EUiA, as well as a deputy from the CUP¹⁰, giving a total of 85 votes, while 41 representatives stood in opposition: PPC, C’s and PSC, while 2 deputies from the CUP abstained (*Catalunya es declara sobirana*, 2013). As the declaration notes: “In accordance with the will of the majority, democratically expressed by the Catalan people, the Parliament of Catalonia agrees to initiate the process of implementing the right to decide so that the citizens of Catalonia can decide on

⁷ Solidaritat Catalana per la Independència, pro-independence party.

⁸ Ciudadanos/Ciudadanos-Partido de la Ciudadanía, unionist party.

⁹ The Catalan parliament consists of 135 deputies.

¹⁰ Candidatura d’Unitat Popular, far-left, pro-independence party.

their common political future [...]” (Colomer, 2013). This is to be done in accordance with the basic principles, i.e., sovereignty (*sobirania*), democratic legitimacy (*legitimitat democràtica*), transparency (*transparència*), dialogue (*diàleg*), social cohesion (*cohesió social*), Europeanism (*europèisme*), rule of law (*legitat*), with a central role for the Catalan Parliament (*principal del Parlament de Catalunya*) and the involvement (*participació*) of that body as well as the regional government in the independence process. In addition, it is noted that it is the regional assembly that bears the main burden of encouraging Catalans to participate in the realization of the right to self-determination. The declaration stipulates that the “people of Catalonia” are a sovereign entity in both political and legal contexts (Colomer, 2013), so the document was meant to confirm, as it were, the applicability of the right to national self-determination in the Catalan case, and to give rise to actions aimed at organizing a binding independence referendum.

The declaration was challenged by the central government under Article 161.2 of the Spanish Constitution to the Constitutional Court, which decided on May 7, 2013 to suspend it immediately. This was an unprecedented event, as it was the first time since the establishment of the Spanish autonomous state that a declaration issued by the community’s parliament had been blocked. In the filed complaint, the provisions of the aforementioned document were described as a challenge to the state’s constitution (*un desafío abierto contra la Constitución*) (Villanueva, 2013), which could ultimately break up the unity of the Spanish nation by acquiescing to Catalonia’s secession. In addition, the central authorities repeatedly referred to the fact that the independence of one of Spain’s autonomous communities can only be decided on by all Spanish citizens through a nationwide referendum. Finally, on March 25, 2014, the Court ruled that the declaration, despite its political nature, implied far-reaching legal consequences that contradicted the Basic Law (Villanueva, 2014). Therefore, the document could not serve as a basis for organizing a referendum on regional independence. The Court also found that a significant portion of Catalan society erroneously equated the right to decide with the right to self-determination (Kozłowska, 2017: 21). In response, the regional government ignored the ruling, citing, among other things, the example of the Ibarretxe Plan, against which the Court decided that it did not carry concrete legal consequences. Significantly, even before the ruling, the Catalan Parliament passed a resolution calling on the regional government to initiate a dialogue with the government in Madrid on organizing consultations on regional self-determination. This initiative was supported by the CiU, ERC, ICV-EUiA, and PSC parties (104 votes) (*El Constitucional pregunta al Parlament qué declaración soberanista es la que vale*, 2013). Despite being deemed illegitimate the declaration remains the first document that is so forceful in its pronouncement. The declaration gave a clear signal of readiness for radical action on the part of Catalan independents.

Petition to delegate the authority to organize the referendum to the Generalitat

Another escalation of the Catalan-Spanish conflict also occurred as CiU, ERC, CUP, ICV-EUiA, with the support of the largest pro-independence organizations ANC¹¹, AMI¹² and ÒC¹³, reached an agreement on the date of the referendum and the questions that were to appear at it. These were announced on December 12, 2013, which was met with a firm response from Rajoy, reiterating the illegality of the initiative (Etxearte, Bataller, 2013). The situation evolved further when the Catalan Parliament voted on a petition addressed to the Congress of Deputies to delegate the authority to organize the referendum to the Generalitat, the implementation of which would be handled by the regional government. According to the signatories, the referendum would take place by the end of 2014 (*CiU, ERC, ICV y CUP registran una petición para que se ceda la competencia en referendos*, 2013). During the April vote on the draft law in the Congress of Deputies, it was rejected by an overwhelming majority. Nevertheless, the lack of approval from central policymakers for the Catalan initiative did not discourage independentists and supporters of the right to self-determination. Already after the vote, Mas announced that the opposition of Congress would not nullify the Catalans' referendum plans, would not stop the will of the people, and that regional institutions would strive to build such a legal framework that would allow the vote on Catalonia's future to take place on November 9, 2014 (Garea, 2014). Once again, the president of the Generalitat has reaffirmed that the organization of the referendum and the continuation of the independence process is an overarching goal during his term in office.

Alternative legal system in Catalonia – first independence referendum

Regional politicians, in order to make the announcement of the continuation of the independence process and the organization of the referendum a reality, began working on an alternative legal system to enable it to take place, which a *natura rei* set off a whole series of clashes at both levels of government. The first step in this direction was the initiation of work on the Act on popular consultations that are not referendums and other forms of citizen participation (*Llei de consultes populars no referendàries i d'altres formes de participació ciutadana*). The bill was submitted to the Catalan Parliament as early as March 2014, although the refusal to cede the aforementioned powers to the Generalitat mobilized independents from the CiU and ERC in particular to intensify their work on its adoption. As a result, the draft law was ready in July 2014, and in August the Consell de Garanties Estatutàries de Catalunya declared the proposed act compat-

¹¹ L'Assemblea Nacional Catalana.

¹² Associació de Municipis per la Independència.

¹³ Òminium Cultural.

ible with the Spanish Constitution and the Statute of Autonomy of Catalonia, in which it is entrenched in Article 122, but the decision was made by a ratio of 5 in favour and 4 against. In addition, Consell members critical of the project issued an opinion saying that it constituted an encroachment of the autonomous community into the powers of the state, despite the fact that it announced the organization of a public consultation rather than a referendum, with the essential features of the latter (García, 2014), which *ipso facto* would mean a contradiction with the Basic Law and the Statute of Autonomy. The central government also objected, citing Article 92 of the Constitution in its argument: “The referendum shall be ordered by the King at the request of the Head of Government, approved in advance by the Congress of Deputies”, and Article 149.1.32, which states that it is the exclusive competence of the state to “authorize the administration of popular consultation by referendum” (Parliament of Spain, 1978). It also referred to the doctrine adopted by the Constitutional Court on the matter (Escudero, 2012).

In the end, despite opposition from many groups, the Catalan Parliament passed the *Ley de consultas de Cataluña* on September 19, 2014, with the votes of 106 parliamentarians (CiU, ERC, PSC, ICV-EUiA, CUP). PP and C’s representatives voted against it. It went into effect on September 26. Relations between the central government and the Catalan government became extremely tense when, as early as September 27, Mas signed a decree calling for an “independence consultation” to be held on November 9 (Prime Minister of Spain, 2014), arguing for the desire of the majority of Catalans to express their opinion on the issue. Nevertheless, he indicated that he was still ready to enter into talks with central decision-makers. The signing event had primarily political overtones, although this does not detract from its symbolic nature, as it was attended not only by politicians, but also representatives of the independentist movement, including ANC and ÒC representatives.

The response from the authorities in Madrid was almost immediate. Later that day, the Spanish government’s deputy prime minister announced that she would file a complaint with the Constitutional Court. Less than two days later, the Council of Ministers formally decided on a legal challenge to the law, which implied the suspension of both the law itself and the decree signed by Mas (*El Tribunal Constitucional suspèn en un temps rècord la llei de consultes i la convocatòria del 9-N*, 2014). Faced with this, the Catalan government launched appeals for the immediate lifting of the suspension, but put the 9-N campaign on hold for fear of being accused of disobedience (Noguer, 2014a).

The above decisions led some Catalans to respond to the call of the ANC and other independentist organizations to take to the streets, demonstrating their support for holding consultations. Arguably, the collective speeches of the public in the region, significantly influenced the Catalan government’s decision to officially appoint members of the central commission and local electoral commissions. Moreover, among its actions, the initiative to change the nature of the vote, i.e., from a public consultation (*consulta popular*) to a civic participation process (*procés de participació ciutadana*), can be seen

as an attempt to reconcile the expectations of some of the region's residents and the position of the central government. This change, however, was not recognized by the Spanish government, which saw it as a move to skirt the law and the rulings made, resulting in another complaint to the Court (Cué, 2014) and the suspension of the consultation as of November 4, 2014. The Independents' proposal itself was met with a mixed reception inside the community, which definitely weakened the Independents' bloc. However, this did not discourage the regional government from continuing its campaign for consultations; on the contrary, it significantly intensified it, and what is more, a lawsuit was filed in the Supreme Court against the central government, alleging violations of fundamental rights and an attack on freedom of participation, expression and ideological freedom (Noguer, 2014b). The lawsuit was rejected.

The *Procés de participació ciutadana* was held as planned on November 9, 2014, and was non-binding. Even on the day of the vote, the president of the Generalitat announced that if an agreement could not be reached with the central authorities on legalization and recognition of the initiative as a *consulta definitiva*, it would then be advisable to call early elections, during which independentist organizations would form a single united front (Noguer, 2014). As a result, the organization of the elections brought far-reaching perturbations both for leading politicians associated with the process and in the form of a ruling by the Constitutional Court, which found a blatant violation of the Basic Law in this matter. Early regional elections should also be considered a consequence of the above actions.

Declaration 9-N

Catalan-Spanish antagonism intensified again when the newly established Catalan Parliament, a year after the finalization of the *procés de participació ciutadana*, adopted by an absolute majority the *Declaració d'inici del procés d'independència de Catalunya*, also referred to as Declaration 9-N. True to its name, the document heralded the beginning of the process of building an independent Catalan state and laying the groundwork for Catalonia's future constitution. The C's, PSC and PP parties had already filed a complaint with the Constitutional Court after the draft declaration itself (Garea, 2015). Again, steps were also taken by the Spanish government, resulting once more in the suspension of the legal act/document issued by the Catalan assembly and ultimately implying a ruling that the declaration was unconstitutional. Disregarding this, the independentists initiated efforts to create a legal basis for making the provisions in Declaration 9-N a reality (Costa, 2017: 158-166). This resulted in an inflamed dispute not only between the region and the centre, but also between the independentists and Catalan unionists. However, despite a report by the Junta de Portavoces del Parlamento Catalán clearly indicating that the new Catalan government's conduct violated the aforementioned Court ruling, the Mesa del Parlament decided on continuing the process of creating a formal

framework for the future state, and in April 2016 the parliament voted to maintain the validity of Declaration 9-N.

Report on the work of the Comissió d'Estudi del Procés Constituent

Further radicalization of independentist aspirations was fostered by the initiation of the work and final conclusions of the Comissió d'Estudi del Procés Constituent, established by the Catalan Parliament in January 2016. Its task was to conduct research into the possibility of a constitutional process in Catalonia. The very establishment of the commission was met with opposition from the central government and accusations of triggering the process announced in the Declaration 9-N, which was annulled by the Court.

Catalan-Spanish antagonism and the one in society in the region deepened with the publication of the results of the work of the aforementioned commission, which presented a rather radical position of its members, and at the same time illustrated, as it were, a pattern of conduct for constituting an independent Catalonia. The eleven points mainly included the following conclusions: the right to self-determination of Catalans is possible only within the framework of a break with Spanish law and constitution; the Catalan people have the legitimacy to start *procés constituent*; the said process would be modeled on the experience of other countries, while adapting it to Catalan conditions; it should be characterized by a high degree of inclusiveness, and its methodological framework must take into account all indicators, ideologies and social sentiments, as well as the calendar; the process would consist of three stages: participation, disengagement from Spanish institutions, and the convening of *d'eleccions constituents*, which would select a team to prepare the constitution of the future state; the superior body of the process would be the Fòrum Social Constituent, composed of representatives of the parties and Catalan society, which would provide a forum for debate on the shape of the future constitution; with the confirmation of the separation of Spanish and Catalan laws and institutions, the regional parliament would be obliged to create a series of laws sanctioning the separation, thus placing the main burden of leading and coordinating the process on it; the Constituent Assembly, with full authority, would become the supreme body, obliged to hold a referendum on the newly created constitution (Parliament of Catalonia, 2016). The above conclusions were adopted on July 27 by the Catalan Parliament, with a vote of 72 in favour (CUP, JxSí) and 11 against (CSQP¹⁴). PPC and C's deputies left the room, while the Catalan Socialists chose not to vote (*El Parlament aprueba el informe del proceso constituyente invalidado por el TC con los votos de JxSí y la CUP*, 2016). The adoption of the document as it stood entailed a confirmation of the course taken, despite the Court's ruling and the centre's opposition. Moreover, it had not only political and ultimately legal significance, but above all symbolic, as it indicat-

¹⁴ Catalunya Sí que es Pot, coalition of a leftist nature.

ed the determination of the independentists, but also their willingness to carry the entire independence process through to the end.

Resolution calling on the Catalan government to organize an independence referendum

Significant to the dynamics of the radicalization process of Catalan independentism was the adoption of a resolution by the Catalan Parliament on October 6, 2016, calling on the regional government to organize a binding independence referendum by September 2017. In addition, the document also stated that the ballot itself should include a clear question and two answer options: “yes” or “no”. In addition, it stipulated the creation of a commission to promote, monitor and organize the referendum. It is also worth noting the provision that cooperation for the implementation of the announced voting was to continue even in the absence of a political agreement with the Spanish government (*El Parlament aprueba un referéndum ‘vinculante’ de independencia para septiembre de 2017*, 2016). Although the text did not clarify whether the referendum should be held with the approval of the central government, it clearly indicated the need to seek its support from the European Union and the international community, albeit without saying what would happen in the absence of it. In the resolution, the parliamentarians also called for the authorities to support the *procés constituent* and for the Generalitat to prepare “state structures”, including those dealing with the region's finances, tax management, the education system, and social benefits (Moldes, 2016). The Catalan assembly's actions resulted in the central government filing a complaint to the Constitutional Court and the subsequent suspension and cancellation of the resolution, but this time the judges made it clear that if the regional authorities take steps to hold a referendum, they would be held criminally liable.

The aftermath of the above was the initiation of proceedings by the Attorney General for suspected disobedience to the Court's rulings against Parliament Speaker Carme Forcadell and other public officials associated with the adoption of the document (*El Constitucional anula la convocatoria del referéndum catalán y denuncia a Forcadell*, 2017). In response, the Catalan government spokeswoman announced that the authorities would stand by their position that nothing would stop the road to independence, while the lack of willingness on the part of the centre to engage in dialogue would not discourage members of the body from continuing to work toward the possibility of having a say in Catalonia's future (*El Constitucional anula..., 2017*). Once again, both sides have reaffirmed their determination to act and their unwillingness to negotiate, not only on the issue of the creation of an independent state, but also on holding a referendum. What is revealed, therefore, is the determination and consistency of the independentists and supporters of the referendum to achieve their goal, as evidenced, for example, by the creation of the Pacte Nacional pel Referèndum, as well as the argumentation pointing

to the legal legitimacy of the vote in the form of “broad political and social support in the region” (*El president Puigdemont, el vicepresident Junquera i el conseller Romeva explicaran al Parlament Europeu el referèndum que Catalunya celebrarà aquest 2017*, 2017). In addition, a report prepared by Catalonia’s Departament d’Exteriors del Govern entitled *Catalonia’s Legitimate Right to Decide*, which grants legitimacy (in the independentists’ view) to the planned referendum, was significant in this context. The state authorities stood in opposition to the above attitude and actions.

Act on the binding nature of the results of the independence referendum of October 1, 2017

The escalation of tensions was also fostered by the Catalan Parliament’s adoption of the *Llei del referèndum d’autodeterminació vinculant sobre la independència de Catalunya* act on September 6, 2017, stating the legitimate nature of the referendum on self-determination. In addition, the act clearly emphasized that the Catalan people, as a sovereign political entity, have the right to freely and democratically determine their future political status, with the Catalan Parliament acting on their behalf (*La llei del referèndum invocarà acords de l’ONU i resolucions de la Haia*, 2017). The vote on the project itself took place in a very tense atmosphere and with repeated interruptions of the proceedings. In the end, the independentists got 72 votes in favour (JxSí, CUP and the vote of the *independentista* Germa Gordó) against 11 abstentions (CSQP) and no votes against, as C’s, PSC, PPC politicians left the room, leaving Spanish and Catalan flags in their seats in protest (*Diputados del Cs, PSC y PP abandonan hemiciclo antes de votar ley de ruptura*, 2017). It is also noteworthy that the act was published in the Diari Oficial del Parlament de Catalunya less than 30 minutes after the vote ended, while later that night President Carles Puigdemont signed a decree announcing an independence referendum for October 1, 2017, and members of the Sindicatura Electoral were elected.

The response from the central government took the same form as the documents reviewed earlier, resulting in the Constitutional Court suspending the law on September 8. In addition, it warned Catalonia’s 948 mayors, as well as 62 Generalitat officials, Catalan police chiefs and Catalan public media that they could face legal consequences if they violated the ban on participation in the referendum (Pérez, 2017). In addition, Spain’s Attorney General announced that a lawsuit would be filed against the President of the Generalitat and his ministers.

Transition Law

In no way were the above actions discouraged the Catalan independentists, and as early as September 8, the Catalan Parliament passed the *Llei de transitorietat jurídica i fundacional de la República*, also known as the Transition Law/Act, a legal basis that aimed

to ensure legal order, continuity of administration and public services during Catalonia's transition from the status of a Spanish autonomous community to an independent republic. Work on the document was initiated months earlier, though it was submitted as a draft law by JxSí and the CUP on August 28, 2017. Seventy-one deputies (JxSí, CUP, and the unaffiliated Gerny Gordó) voted in favour of it, while 10 CSQP representatives voted against the draft, while politicians from the C's, PPC, and PSC did not participate in the vote in protest, deeming it illegal, and left the chamber (Sallés, 2017). The act was to go into effect as soon as a majority of Catalans voted "yes" in the independence plebiscite. Naturally, these actions implied an immediate reaction from the Council of State, which on the day the law was passed approved the filing of a complaint to the Constitutional Court by Prime Minister Rajoy, while pointing out that the act passed was not only a contradiction of the existing Basic Law, but also a foundation for the formation of the new state (Prime Minister of Spain, 2017). On September 12, the Court suspended the act in question, as well as accepted for hearing the complaint and began proceedings on Article 5 of *Ley 17/2017, de 1 de agosto, del Código tributario de Cataluña y de aprobación de los libros primero, segundo y tercero, relativos a la Administración tributaria de la Generalidad*, which approved the first, second and third books of the Tax Code in Catalonia.

Certainly, the failure to publish in the Catalan Official Gazette some of the rulings of the Spanish Constitutional Court, while imposing financial penalties and indictments on the organizers of the referendum, should be considered an element that deepens the conflict between levels of government.

Among the strictly legal and enforcement actions, it can also be pointed to such an issue as the Attorney General's order to Catalan prosecutors to prosecute all mayors from the region who decide to make polling places available for the referendum, which in turn was met with a demonstration of support by officials for the opportunity for Catalans themselves to have their say (Ogórek, 2017). More than 700 mayors out of 948 across the autonomous community took part.

Declaración Unilateral de Independencia **(DUI, Unilateral Declaration of Independence)**

Another step indicative of the escalation of the conflict was the Court's suspension, at the request of the PSC, of the session of the Catalan Parliament that was to be held on October 9, 2017, while it warned the speaker of parliament of the criminal consequences should secession be declared. The Court's action was dictated by the need to prevent a possible proclamation of independence (Pérez, Baquero, 2017). In response, a session of parliament was called for October 10, during which the independentists signed the *Declaració d'Independència de Catalunya*, albeit suspending its entry into force. As assured by the president of the Generalitat, this was to allow time for politicians to en-

gage in dialogue with the central government, noting that the declaration could be implemented at any time (Nouger, 2017).

In view of the unclear position of the Catalan authorities, and the lack of agreement with the political interiors, Prime Minister Rajoy asked the Senate to approve the application of emergency measures against Catalonia, as provided for in Article 155 of the Spanish Constitution. After a lack of response from Puigdemont, i.e., neither declaring a declaration of independence nor, to the contrary, calling early elections, while ceding the mandate to continue deciding Catalonia's future to parliament, just a day later the ruling coalition put a draft of a unilateral declaration of independence (*Declaración Unilateral de Independencia*, DUI) on the agenda. It was passed by a majority vote in a secret ballot. Less than an hour after the declaration was announced, Spain's Senate decided by an absolute majority to activate the aforementioned Article 155 of the Basic Law. With its enactment, among other things, the regional parliament was dissolved, the government and president of the Generalitat were dismissed and their powers were to be assumed by the relevant central ministries, and early elections were ordered (Domínguez, Alberola, 2017). In addition, among the five decrees that were passed, there was also a provision to close offices, delegations and agencies representing Catalonia abroad. As a result, more than 150 high-ranking officials in the region were dismissed. This brought to an end the activities of such sensitive entities as the Consell Nacional de Transició, the offices of the President and Vice President of the Generalitat, the Diplocat and delegations (including those in Brussels, Denmark, the USA, Austria, Germany, Canada and Madrid), which were to become the nucleus of embassies in the future. The duties of the President of the Generalitat were temporarily entrusted to the Deputy Prime Minister of the Spanish government, Soray Sáenz de Santamaría. The head of the Mossos d'Esquadra, Pere Soler, and Interior Ministry Secretary General Cèsar Puig were dismissed. The announced regional elections in Catalonia were already held on December 21, 2017.

Conclusions

The results of the exploration carried out indicate that the normative acts passed by the Catalan Parliament and documents complementary to the independence process became a charge of growing antagonism and, over time, a sharp crisis in relations between Catalonia and the Spanish state, while at the same time becoming part of a broader perspective of the conflict, which covered various aspects of legal, political, social, cultural, economic or symbolic nature. At the same time, the acts and declarations adopted with determination by the regional assembly, among others, became an additional impetus for the activation of a feedback loop, where the mechanism of influence is two-fold, i.e., direct and indirect. The enacted documents played a dual role, as they were, in parallel, the cause and effect of the radicalization of Catalan independentism. On the one hand,

they provided a legal framework for the activities of independence supporters, further mobilizing and emboldening them to become more active. On the other hand, the conflict with the authorities at the central level effectively exposed (or, perhaps more so, served as a reminder of) the existing limitations on the powers of Catalan policymakers and authorities there, cooling the mood among independentists somewhat.

The outlined conflict along the lines of legislation and documents issued by the Catalan Parliament between the region and the authorities in Madrid provides a partial picture of Catalan independentism as a phenomenon of varying nature, motivations and, above all, speed, in understanding the path and means taken to achieve independence. On the one hand, among pro-independence groups like first CiU, then CDC and eventually PDeCAT, as well as ERC and CUP, determination and consistent pursuit of the goal was evident, even at the expense of open conflict with the authorities in Madrid and the Constitutional Court. This may be borne out by these groups' perception of independence as an autotelic value, as evidenced by their tireless creation of new legislation, documents in the knowledge that they would very likely be suspended and then repealed. This position is also supported by the meticulous and comprehensive determination of the successive stages that bring the process closer to finalization. It is also worth emphasizing at this point the radical nature of the acts passed and documents created. The question remains, however, whether these actions were merely an expression of the realization of the expectations of the independentist electorate, which conditioned the existence of politicians at the head of the Catalan scene. Or perhaps their motivation was not instrumental in nature, and they were not concerned with such mundane goods as, for example, power, prestige, recognition, financial profiteering, covering up corruption scandals, etc. It is difficult to clearly assess what character was given to independents by the various parties, although this only confirms that it is not a heterogeneous phenomenon, and it is difficult to speak of a monolithic nature, but rather a mixed one. The motivations of groupings and individuals may therefore be ambivalent in nature.

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Abstract: The article tackles the issue of normative acts and documents passed by the Catalan parliament that are part of the region's independence process. The subject of the study includes the laws and declarations that caused the most controversy and were adopted between 2012 and 2017, the most turbulent period for Catalonia in political and social terms. Importantly, they are analyzed in the context of the radicalization process of Catalan independentism.

Keywords: Catalonia, independence movement, Catalan independentism, Catalan parliament, Catalan-Spanish conflict

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