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***Constitutional Sovereignty and the Crisis in Catalonia***  
**MPIL Agora**  
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Spain is experiencing a severe constitutional crisis as a result of the Catalan independence challenge. After the declaration of unconstitutionality of the reform of the Statute of Catalan autonomy by the Spanish Constitutional Court in 2010, the Parliament of Catalonia started to call for a referendum on self-determination in Catalonia. Since then, conflicts have increased: the different Catalan governments, supported by a close parliamentary majority in Catalonia, have tried to hold this referendum in violation of the Constitutional Court's prohibition. Nevertheless, independentist claims could be channeled through a constitutional reform.

The greatest tension took place recently when the Catalan Parliament approved the Acts founding the Catalan republic in September, and the Catalan Govern decided to hold the referendum on October 1, 2017. The National Government, with the approval of the Senate, activated article 155 of the Constitutions that provides for mechanism of federal coercion. The Government of the Nation dissolved the Catalan Parliament, convoked regional elections, and assumed the powers of the Catalan government, until a new one was elected. On December 21, 2017 elections were held and the "constitutionalist" party *Ciudadanos* won, but the pro-independence parties got a meager majority. These pro-independence parties have so far continued with the struggle, although some of its leaders are in preventive detention and others have escaped to other countries, being prosecuted for serious crimes.

The crisis has raised many juridical and constitutional questions: Could the break promoted by the Catalan institutions be qualified as a *coup d'état*? Is it constitutionally possible to hold a self-determination referendum in Spain? Has the State intervention activating article 155 of the Constitution been constitutionally legitimate? Is it in accordance with the principles of a parliamentary system to invest a president absconded in another country "via Skype"?



**Germán Teruel** is assistant professor at the University of Murcia and collaborates as legal advisor to a parliamentary group at the Spanish Parliament. He obtained the PhD. in Law from the University of Bologna and the University of Murcia (2014) with the thesis "The struggle of the Law against Holocaust negationism: a dangerous border". The thesis was awarded by the Centro de Estudios Políticos y Constitucionales. Previously, he studied a master's degree in Constitutional Law at the University of Seville (2010), as fellow of "La Caixa" Foundation, and he received a Law degree at the University of Murcia, with a grade of *cum laude* and a national honour mention (2009). He has done internships at the European Parliament (2009) and at the Spanish Constitutional Court (2014-2015). He has been a scholar at the Royal Spanish College in Bologna. Germán Teruel has taught as adjunct professor at the Universidad Europea de Madrid (2015-2016) and at the Universidad Internacional de Valencia (2016). His lines of research are: A) Fundamental rights in the Internet; B) Freedom of speech and extreme speech; C) Constitutional European Law.