

Foreword

This book examines secession from the perspective of constitutional law. It explores how democracies regulate, or do not regulate secession, the latter being the prevailing option. Moreover, it considers the circumstances in which it would be advisable to do so, and proposes some rules to be followed in such a case. The book contains a wealth of reflections on one of the most controversial constitutional issues of our time, not only in Spain, the country whose experience clearly inspired its author, but also in the rest of Europe and the wider world.

The first time I heard Gaspar González Represa talk about secession, was in June 2016 when I chaired the examining board that assessed the final project for his bachelor's degree at the University of Malaga. The project focused on whether an independence referendum could be held in Catalonia under the Spanish constitution. I had met him shortly before on the recommendation of the colleague who had supervised his work. At my office in the Faculty of Law, he explained why, in his opinion, secession in Spain was a subject worthy of a doctoral thesis, and asked me to supervise it. Having already read his work, I decided to wait until after the oral defence of his final project before making a decision.

Gaspar gave a remarkable presentation. He argued, on sound legal grounds, that there could be no constitutional justification for an issue of such grave importance to Spain's territorial integrity to be decided by only one part of Spain's national sovereignty, which according to the Constitution "is vested in the Spanish people", but rather that it should be decided by all. He concluded his presentation by acknowledging that his work left important legal issues unresolved that deserved to be studied in greater depth, and reminded the examining board that he would be very happy to do so if the opportunity arose.

Teaching young graduates wishing to pursue an academic career is a risky decision, both for the student and for the tutor.

Enthusiasm is a good starting point, but other factors are also essential, including the method, discipline, and all the qualities needed for a long-term challenge. Of course, you only know whether the student has these qualities once you are involved in the task. Having worked with Gaspar for more than six years, there is no doubt in my mind that he has them. After graduating, he obtained a Master's degree in Constitutional Law and received a scholarship from the Italian government to write his doctoral thesis, which he then went on to successfully defend. This book, with a few minor corrections, is the result of his doctoral research. The thesis, which I supervised together with professor Daniela Bifulco, earned him a PhD in Law from both the University of Málaga, Spain and the University of Campania Luigi Vanvitelli, Italy.

A few months after Gaspar began his thesis, what at the time seemed to be just a theoretical question, became a reality. Despite being banned, an independence referendum was held in Catalonia in October 2017, and the call for independence by the Catalan authorities and pro-independence political forces was heard around the world, as scenes of police clashing with people queuing in front of clandestine polling stations were broadcast around the world. Both in Catalonia and in Spain as a whole, independence split public opinion. Needless to say, the same happened in the legal academy. There was a proliferation of works for and against independence, many of which pointed out that the same words were often used in confusing, even contradictory, ways. For example, using "self-determination" and "secession" as legal synonyms, despite the fact that the former is governed by international law and the latter by domestic constitutional law. Or the granting of legal status to alleged new rights, which are the subject of political debate but highly controversial from a legal point of view, such as the so called "right to decide" on which some political parties based the holding of the referendum.

As well as a lucid legal analysis of these and other terms, and the way they interact with each other, this book suggests inter-

esting legal ways of dealing with secession in democratic states, should the question arise in the political arena. Far from attempting to encapsulate the complexity of secessionism, which must always be understood in the light of the historical, social and legal particularities of each country, the author instead proposes a thought-provoking theory based on the formula of “two agreements for a triple consent” to regulate a secession procedure. Although inspired by the Spanish case, it is intended to be applicable in any democratic state faced with this problem.

It is to be hoped that this book by Gaspar González Represa will help to clarify the legal debate on this issue, and it is quite possible that the legal clarifications may even help the political process. It is definitely a book worthy of your attention.

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