

Motion 122/XI of the Parliament of Catalonia on fulfilment of section I.1.2, "Social call to hold a referendum", of Resolution 306/XI

302-00143/11

Approval

Plenary of the Parliament, session 35, 18.05.2017, DSPC-P 66

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The Plenary of the Parliament, in the session held on 18 May 2017, in accordance with article 158 of the Rules of Procedure, has debated the Motion subsequent to the government's appeal of fulfilment of section I.1.2,, "Social call to hold a referendum", of Resolution 306/XI, on the general political orientation of the Government (proc. 302-00143/11), presented by the Catalunya Sí que es Pot Parliamentary Group, and the amendments presented by the Parliamentary Group of the Candidatura d'Unitat Popular - Crida Constituent (reg. 59754) and by the Junts pel Sí Parliamentary Group (reg. 59765).

Finally, in accordance with the provisions of article 158 of the Rules of Procedure, the following motion was approved.

MOTION

1. The Parliament of Catalonia states that there is a democratic mandate in force, in accordance with Resolution 306/XI of the Parliament, approved in the last debate on general policy, which calls for a referendum to be held on the political future of Catalonia which should have the utmost guarantees of inclusion for all of Catalan society in its convocation, formulation and organisation, which stimulates the broadest possible participation, and which seeks prior recognition from the European Union and the international community, with the goal of ensuring that this consultation has real political and legal effects in line with the democratic will expressed by the citizenry.
2. The Parliament of Catalonia asks the Government of Catalonia to repeat to the Government of Spain the desire to hold this referendum in a way that is consensual and agreed upon politically with the Government of Spain, and in accordance with the legal routes that exist within the framework of the Spanish Constitution.
3. The Parliament of Catalonia notes the entrenchment of the Spanish State and its institutions in their refusal to hold a referendum in a consensual manner, displaying clearly authoritarian behaviours that violate the democratic rights of the citizenry, a behaviour that is causing the Catalan institutions serious difficulties implementing the mandates of the Parliament of Catalonia.
4. The Parliament of Catalonia asks the Government of Catalonia to share with the European Commission for Democracy through Law (Venice Commission) the desire of the majority of citizens of Catalonia to hold this consensual, agreed-upon referendum as expressed in the mandate of the Parliament.
5. The Parliament of Catalonia consequently asks the Government of Catalonia to set into motion any relevant initiatives to secure the advice, recognition and endorsements of the Venice Commission in terms of the conditions that the call for the referendum must meet in order to fulfil the requirements established by its Code of Good Practice on Referendums, especially in terms of the following considerations, among others:

- a) The nature and kind of regulations that should provide legal coverage to the call for the referendum and the effects of a possible conflict with higher-ranking regulations (in reference to the requirements stipulated in section III of the code, paragraph one, "The rule of Law").
 - b) The minimum period between approval and modification of the regulations regulating the referendum and the date on which it is held (in reference to the requirements stipulated in section II.2.b of the Code: "Regulatory levels and stability of referendum law").
 - c) The characteristics and requirements of independence and impartiality which the body organising the referendum must meet (referring to the determinations on this matter in section II.3.1 of the Code).
 - d) The characteristics that the electoral registers should have with regard to their public nature and their development prior to voting, never on the day of the vote, and also with regard to the age, nationality and residence criteria that the electoral registers should meet (in reference to the determinations on this matter in sections I.1.1 and I.1.2 of the Code).
 - e) The criteria and conditions that the referendum campaign must abide by with regard to the guarantee of equal opportunities between supporters and opponents of the proposal subjected to the referendum and the use of public resources to finance the campaign (in reference to the determinations on this matter in sections I.2.2 and I.3.1.b of the Code).
 - f) The conditions which must be in place to consider that equal opportunities with regard to media coverage, especially the public media, are in place, and the neutrality of the authorities who call the referendum (in reference to the determinations on this matter in sections I.2.2 and I.3.1 of the Code).
 - g) The conditions that the question submitted to referendum must meet, especially in terms of the clarity of the question and the possibility for it to be a binary question or to have more alternatives (in reference to the determinations on this matter in section III.2 of the Code).
 - h) The determination of the minimum period that must elapse between approval of the text submitted to referendum and making the arguments in favour of and against and on the voting ballots available to voters on the one hand, and the date on which the referendum is held on the other (in reference to the determinations on this matter in sections 3.1.d and 3.1.e of the Code).
 - i) The criteria for assigning validity to the outcome of the referendum in terms of the percentages of votes cast and counted and the minimum turnout and approval quorums (in reference to the determinations on this matter in section III.7 of the Code).
 - j) The criteria for determining whether the law approving and calling for the referendum contains all the elements needed to ascertain and weigh the political and legal effects of the referendum and its outcome (in reference to the determinations on this matter in section III.8 of the Code).
6. The Parliament of Catalonia agrees to support the unitary mobilisations that the Pacte Nacional pel Referèndum (National Pact for the Referendum) may call in defence of calling and holding the referendum.

Palace of Parliament, 18 May 2017

The fourth secretary,
Ramona Barrufet i Santacana

The president,
Carme Forcadell i Lluís