

## **Jurist manifesto on the right of the citizens of Catalonia to hold a referendum to decide Catalonia's political future**

1. More than two thirds of the CITIZENS of Catalonia have long been calling for a REFERENDUM to decide its future as a country. A large majority of those who REPRESENT the people of Catalonia have also emphatically supported that course of action and have, repeatedly and through various channels, raised the issue with the administrative bodies of Spain, always unsuccessfully. We the undersigned, practicing jurists from various sectors, understand that, in its capacity as an instrument of conflict resolution, the LAW is required to FACILITATE THE RESOLUTION of this situation via democratic procedure. The LAW is precisely the instrument through which developments have historically been channelled in all societies, observing and listening to them.

2. In a DEMOCRATIC STATE SUBJECT TO THE RULE OF LAW, such as Spain, it is the INTERNAL CONSTITUTIONAL FRAMEWORK itself which establishes that citizens are able to propose substantial changes to the nation's political and territorial organisation and which provides them with the instruments through which to channel this democratic objective. This has been recognised in both Canada and the United Kingdom, where Quebec and Scotland have each held secession referendums within the respective constitutional frameworks.

3. The Spanish Constitution recognises the DEMOCRATIC PRINCIPLE as a structural principle of the political and legal system, which allows limits to be imposed with regard to the decision-making power of the majority over the dissident minority. The democratic

principle provides for rights to be exercised independently of the majority, thereby constituting a permanent form of protection for minorities; this provides a democratic opportunity for groups that, for demographic reasons, will never reach a majority. The current constitutional system does not exclude subjects or groups from legality that possess a concept of law or social or territorial organisation which is different or contradictory to the Constitution.

4. Accordingly, WE HEREBY ASSERT that, within the constitutional framework and through its democratic principle, a right – which we call the 'right to decide' – is established, which grants its members the right to openly DISAGREE with the established constitutional order as well as the territorial unit, to PRESENT ALTERNATIVES expressed through a democratic process – usually in our neighbouring countries a REFERENDUM – and to REALIZE, in a manner agreed with the representatives of the State, the implementation of the corresponding result.

5. We the undersigned, therefore, assume the position with regard to this debate on the process of giving our full support to the HOLDING OF A REFERENDUM ON THE FUTURE OF CATALONIA AS A POLITICAL COMMUNITY. We – and we are not alone – consider this referendum to be in accordance with the Spanish constitutional framework, as, in establishing a democratic state subject to the rule of law, it provides sufficient instruments to respond to this debate. We also consider that a CONTINUED REFUSAL on the part of the State would legitimise the exploration of OTHER AVENUES towards the citizens of Catalonia being able to express their wish to decide their future.

6. We hereby assert that the holding of this referendum is not only LEGITIMATE in that it is being demanded by an overwhelming majority of Catalan citizens, but is also LEGAL, as the Catalan citizen's RIGHT TO DECIDE is provided for in the Spanish Constitution and in its structural principles: that of a democratic state subject to the rule of law, along with that of the unity and sovereignty of the Spanish people. Thus, the referendum is also a LEGAL STATE REQUIREMENT.

7. We believe, ultimately, that the LAW can never be a preclusive mechanism for any society but that, conversely, it should be THE TOOL that is capable of addressing the concerns, developments and transformations of the entire community, providing answers that facilitate progress and peaceful coexistence.

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**The first 30 signatories and supporters of the Manifesto are:**

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