

LAW

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INTERNATIONAL
CATALAN
INSTITUTE

FOR PEACE

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THE DEPARTMENT OF THE PRESIDENT

The President of the Catalan Government

The Catalan Parliament and I, on behalf of all of its citizens, enact the following in the name of the King and the accord established by Article 65 of the Statute of Autonomy of Catalonia.

LAW

PREAMBLE

Catalonia is, and always has been, a land which has fostered peace, both within and beyond its own borders. Back in the Middle Ages it had already established institutions that transformed, resolved and managed conflicts with the lowest degree of violence possible, such as the Assemblies of Peace and Truce (*assemblees de pau i treva*). Catalonia has established forms and mechanisms of governance and governability in diverse areas, bringing together the combined, complementary action of the different levels of public administration, civil society and market forces. Catalonia has fostered values, action and proposals to favour peace, solidarity and international cooperation and the development of peoples: from specific action in situations of armed conflicts and crisis, through to sustained action in the area of non-violence, conscientious objection, civil disobedience and fiscal objection. And Catalonia has achieved this thanks to its commitment and its high level of

knowledge and research, and its desire to foster the values and content of peace, justice and solidarity of the country's educational institutes.

Within this context then, it is significant that in 2003 the Parliament passed Law 21/2003, of the 4th July, concerning the fostering of a culture of peace, with the unanimous support of all parliamentary groups. It was the first Law of its kind to be passed in the Spanish State, making Catalonia a pioneer in the collective duty to foster a culture of peace. With this decision, the Parliament was responding to the demands of the peace movements that, over recent decades, had become deeply rooted in society, as evidenced by the refusal of the people of Catalonia to employ violence as a form of political expression during the Transition to democracy, the majority opposition to Spain's joining NATO, or the massive demonstrations against the Gulf War and,

in February 2003, against Spain's participation in the war in Iraq. In effect, the rise and development of the peace movement in Catalonia from the end of the seventies through to the present day, in itself justifies the proposal to establish a International Catalan Institute for Peace.

In the early nineteen eighties the peace movement turned into one of the most significant social movements in the contemporary history of Catalonia, since when it has more or less consistently remained strong, thus making Catalonia a beacon to new social movements worldwide. The activities of the peace movement have proven decisive in bringing large sectors of the population to reflect on such crucial issues as peace, war, violence, military blocks, neutrality, disarmament, nuclear weapons, military

expenditure, armies, conscription and conscientious objection. The analyses and proposals made by the peace movement kindled debate and finally led to Virtually all of social collectives and all organisations and institutions taking a stand with regard to the aforementioned issues. The peaceful demonstrations organised have received broad citizen support, have been amply covered by the media and have unquestionably had political repercussions. Moreover, the peace movement with its highly heterogeneous membership, has drawn together diverse deeply seated political and ideological traditions.

The idea to establish a International Catalan Institute for Peace is not one that emerged in isolation in the European context. It was, on the one hand, a response to the development of the peace movement in Catalonia and, on the other, a mirror of what had already occurred in Europe and the rest of the world in general in the second half of the 20th century. In effect, the experience of the two world wars, the horrors of totalitarianism, the atom bombs dropped on Hiroshima and Nagasaki and the Cold War set the scene within which the western world developed its movements for peace, disarmament, denuclearisation and the disappearance of military blocks.

Peace is a common ideal pursued by all human beings. Thus it is not at all surprising that several countries and cities have established specialised centres to reflect on the problems of war and violence and the different roads to peace. Nor is it any surprise that such centres should promote specific activities aimed at furthering progress along a road that is to lead us to a less violent, more just world.

Thus the founding principle of this Law for the establishment of the International Catalan Institute for Peace (*Institut Catala Internacional per la Pau*) is to seek the abolition of war as a means of conflict resolution and to provide Catalonia and the International Community with an instrument which, in line with the tradition of fostering and constructing peace, promotes the values and practice of a culture of peace, of human security, disarmament and the pacific resolution of social conflict and tension.

The present Law is linked with the objects of Law 26/2001, of the 31st December, regarding Development Cooperation, the Preamble of which states “Catalonia must also step up its responsibilities with a view to helping construct a more secure, more just, wealthier and more solidary International Community. Today it is impossible to construct either a credible national plan or an advanced democratic society without actively, decisively participating in the construction of a more just, more solidary world order. Peace, freedom, the dignity of the individual, work, justice and the respect of pluralism are the values which form the backbone of peaceful coexistence and progress”. And, in its Article 3, it makes mention of the promotion of peace as one of the values that is to guide the activities of the Administration of the *Generalitat* (the Regional Government of Catalonia) and the local government bodies in the area of development cooperation and international solidarity.

Moreover, the purpose of the present Law is twofold, deriving from our juridical and normative ordinances. In the first place, it meets the requirement of the Laws on development cooperation and

on the fostering of peace which establish that the fostering of peace, justice, equality and equity in the relations between individuals, peoples, cultures, nations and states, the pacific solution of conflict and social tension and the strengthening and anchoring of peace and peaceful coexistence are the values that are to guide the activity of the Administration of the Generalitat and of the local authorities.

To such ends the Law on the fostering of peace regulates a series of areas of action and authority with regard to the application and development of two instruments: the Catalan Council for the Fostering of Peace and an international peace institute.

The Catalan Council for the Fostering of Peace, made up of representatives of the administration of the Generalitat, local authorities, parliamentary groups, non-governmental peace organisations and other institutions, as well as diverse outstanding public figures, and configured as Catalonia's consultative and participatory body for the fostering of peace in the activities of the Administration of the Generalitat and local authorities, was first established in July 2005, since then it has remained operative. Thus there remained the task of establishing the International Peace Institute.

And secondly, the present Law provides a response to a will, one that has always been amongst the highest of the aspirations of the people of Catalonia and reflected in the statute passed by the legislature. Thus the preamble of the Statute of Nurià, passed by referendum on 2nd August 1931, stated that it was the aspiration of the Catalan people for the different peoples of Spain to make "a most humane declaration in favour of that

universal aspiration of peace amongst nations". Then again, the 1979 Statute proclaimed that the highest values of the collective life of the Catalan people are freedom, justice and equality, values which may only be made effective within a context of peace. And Article 51 of the current Statute, approved in a referendum on June 18, 2006, clearly establishes that one of the guiding principles in the action of the Generalitat is to be "the promotion of a culture of peace and of actions aimed at fostering peace all over the world".

Within this context the vital role played by women in the prevention and resolution of conflicts and in the consolidation of peace should be underscored; similarly, the important fact that women have fully participated and intervened in all - initiatives aimed at keeping and fostering peace and security should also be emphasised and their participation in the decision making processes for the prevention and resolution of conflicts should be increased. Likewise, the present Law recognises the urgent need to incorporate the gender dimension in peace keeping operations by fostering action that takes the specific, needs of women in war zones into account, that helps lead and support their peace initiatives and their participation in all of the mechanism by which peace projects are implemented and also the adoption of measures to guarantee the protection and respect of their human rights.

With regard to the nature, objectives, areas of authority and structure of the International Catalan Institute for Peace, this Law is based on a comparative analysis of other similar institutions and on the opinions and proposals that resulted from a process of consultation with experts,

civil society and with specialised social organisations and movements.

Thus the International Catalan Institute for Peace is to be configured as an organisation:

- a) Created by the people of Catalonia, through the action of the Parliament, which is to ensure its permanence and that its conduct remains coherent with its foundational principles, values and purpose.
- b) Endowed with autonomy, by its very own foundational characteristics, and independent to political power thanks to the composition of its governing bodies. These qualities will permit it to act with transparency, make the best of the existing synergies and ensure its management is accountable at all times.
- c) Assigned to research, training and action aimed, with the purpose of eradicating violence of a socio-political nature in order to help foster peace and security worldwide.
- d) Dedicated to research, teaching, the observation of situations of risk, the transfer of knowledge, creating awareness and opinion and also offering support to society, the public administration and the citizen associations and organisations which share its objectives, and the fostering of action to favour peace.
- e) Conceived to serve as a reference to other organisations which share its objectives, in order to harness and multiply their potential, while at the same time seeking the highest degree of complementarity and subsidiarity.
- f) Which is international yet at the same time distinctly Catalan, bearing evident and explicit signs of its identity, roots and tradition.

In other words, the International Catalan Institute for Peace is conceived as an Institution promoted by Catalan society and established by the decision of the Government and Parliament of Catalonia, that Catalonia wishes to offer to help the peace movements worldwide.

In short, it is an institution with a calling to act on the international stage in terms of research into, and the fostering of, peace in two different ways: academically and practically, with action. One of the added values it offers is precisely its independence of action, which will permit it to provide support to the activities of civil society, to take a leading role and have its own international agenda and also to help the public administration develop policies aimed at fostering peace.

Moreover, the high degree of specialisation and great solvency of the other organisations which already exist in the world makes it especially important that the International Catalan Institute for Peace has its own clearly distinct profile, its own comparative advantages and also an ambitious but progressive approach and action plan. Specifically, the International Catalan Institute for Peace is to:

- a) Be a Catalan institute, grown out of society-based initiatives and the cooperative relations that prevail between the public administration and society, with the steadfast support of Parliament, with a calling to international commitment and service, in accordance with the values it promotes and its heritage, the Catalan tradition, which seeks a road to peace via dialogue, negotiation and agreement.
- b) Offer service and support to citizen activities and to movements actively engaged and committed to promoting

peace through collaboration and the organisation of academic activities, such as research, teaching and the transfer of knowledge.

- c) Study and commit itself to helping resolve that hostility which stems from structural causes related to deep imbalances, from conflicts involving a significant ethnic or cultural component, from conflicts deriving from uneven distribution and the unbridled exploitation of resources and the deficient articulation of intermediate political organisations or of the procedures for conflict negotiation, resolution and transformation.
- d) Commit itself to construct and foster peace and the activities that derive, especially in the terrain of peace processes, disarmament and the construction of peace after armed conflict.

The present Law is structured in seventeen articles, one transitory provision and three final provisions.

ARTICLE 1. NATURE AND PURPOSE

1. The International Catalan Institute for Peace is established as a public entity of an institutional, independent nature and of independent legal status and fully empowered to act both in the public and private spheres which, in the exercise of its functions, acts with complete independence to the public administration, private and not-for-profit organisations.
2. The International Catalan Institute for Peace is an institute which is to engage in research, divulgation and action, the purpose of which is to foster a culture of peace both within Catalan society and in-

ternationally, and to help Catalonia attain an active role as an agent of world peace.

ARTICLE 2. PRINCIPLES

The action of the International Catalan Institute for Peace shall be governed by the principles of fostering peace, democracy, justice, equality and equity in relations between individuals, peoples, cultures, nations and, states, with the purpose of working to favour human security, disarmament, the prevention and peaceful resolution of conflict and social tension, and the strengthening and anchoring of peace and of peaceful coexistence and the defence of human rights.

ARTICLE 3. FUNCTIONS

1. The International Catalan Institute for Peace shall have the following functions:
 - a) To promote empirical, theoretical and applied peace research, either directly, or with the support of existing research centres.
 - b) To guarantee the technical training of individuals who specialise in intervening on the ground in peace processes.
 - c) To promote and foster citizen education in, and awareness of, a culture of peace, with the special cooperation of the different, pertinent departments of the Generalitat, the schools, universities and nongovernmental organisations.
 - d) To research into and disseminate the memory of history, thought and pacifist action in Catalonia.
 - e) To act as an observatory of the state of peace and armed conflicts, alongside

the Catalan Council for the Fostering of Peace.

- f) To perform the tasks of observation, facilitation, mediation and the construction of peace in violent international or internationalized conflicts.
- g) To provide support and guidance to any organisations, initiatives, campaigns or activities that may require it so to do, and promote the activities that civil society and the peace movements, the public administration, international organisations, universities and research centres may carry out in the areas of training, research and action committed to constructing and keeping peace.
- h) To advise the Parliament, Government and other public authorities with respect to their peace policy and action.
- i) To establish relations with other similar international institutions and networks.
- j) Any others deemed to serve its purpose.

2. The International Catalan Institute for Peace, under the terms of an agreement, and with the prior consent of its Board of Governors, may perform whatever peace related actions it is commissioned to undertake by the Government.

3. The International Catalan Institute for Peace, in the exercise of its functions, must maintain regular relations with the Catalan Council for the Fostering of Peace and the Catalan Agency for Development Cooperation to ensure adequate coordination. It must also work in collaboration with the -universities and other centres of education and research, other national and international institutions and organizations of similar purpose and the institutions of civil society working to foster peace.

4. The International Catalan Institute for Peace, in the exercise of its functions,

shall always guarantee that any action, proposal, strategy or protocol for intervention deriving from multidimensional peace support operations shall bear in mind the gender dimension.

ARTICLE 4. POWERS

The International Catalan Institute for Peace, in the exercise of its functions, may:

- a) Execute whatever contracts, agreements, terms and conditions it may, deem fit with individuals or legal entities, public or private, as long as they do not enter into conflict with its purpose or with the law, public interest or the principles of good governance.
- b) Establish consortiums, foundations, societies or other associational organisations, or participate with those already in existence, after previously obtaining authorisation from the Government.
- c) Manage its own assets.

ARTICLE 5. ORGANISATION

1. The organs of government and management of the International Catalan Institute for Peace are as follows:

- a) The Board of Governors.
- b) The President.
- c) The Director.

2. The International Catalan Institute for Peace shall possess organic and functional autonomy and shall be governed by the provisions of the present Law, its own organic regulations and, by all the other remaining regulations and standards of internal organisation and operation applicable.

3. The International Advisory Council and the Catalan Council for the Fostering of Peace shall assist the organs of government of the International Catalan Institute for Peace in any activities in which such assistance may be necessary.

4. When appointing the members of the organs of government and management of the International Catalan Institute for Peace a balance between the numbers of men and women should be sought, ensuring the gender dimension is taken into account.

ARTICLE 6. THE BOARD OF GOVERNORS

The Board of Governors is the highest organ of governance, management and administration of the International Catalan Institute for Peace. It is to comprise twelve members, as follows:

- a) Nine members chosen by Parliament.
- b) Three members appointed by the Government.

ARTICLE 7. ELECTION AND STATUTE OF THE MEMBERS OF THE BOARD OF GOVERNORS

1. The members of the Board of Governors to be elected by the Plenary Assembly of Parliament shall be put forward by the Catalan Council for the Fostering of Peace and shall be chosen from amongst people of broadly acknowledged prestige, experts in issues related to peace or people involved in civil society organisations working in the field, with professional experience in research, international public law, international relations, non-violent conflict

resolution, fostering peace and respect for democracy and human rights and of assured independence and selected under the criteria of gender equity and territorial diversity.

2. The Catalan Council for the Fostering of Peace shall propose between twelve and twenty candidate members for the Board of Governors, from which the Plenary Assembly of Parliament must choose the nine members to sit on the Board of Governors of the International Catalan Institute for Peace.

3. The members of the Board of Governors elected by the Plenary Assembly of Parliament must be, in part, renewed every two and a half years, following the procedure provided for in Section 2. At all events, members whose term comes to an end may opt for re-election, under the terms and conditions established in Section 7.

4. The election of the members of the Board of Governors by the Plenary Assembly of the Parliament is irrevocable. Board Members may only stand down for one of the following reasons:

- a) Expiry of their term, without prejudice to their re-election for a further term of office.
- b) Resignation or death.
- c) Permanent invalidity preventing them from the exercise of office, incompatibility acquired while holding office, or having been barred from holding public office.
- d) Firm conviction for a criminal offence.

5. The members of the Board of Governors appointed by Parliament may not hold high office in the public administration. It is not compatible for a member of the Board of Governors to be a member of the Government; provincial Deputy;

Member of Parliament, Deputy to the Congress of Deputies or Member of the European Parliament; Senator or City Councillor.

6. The Government shall appoint three people as members of the Board of Governors.

7. The term of office for the members of the Board of Governors is five years and no member may hold office for more than two consecutive mandates.

8. The members of the Board of Governors shall act with complete independence and, in the exercise of their office, may not be subject to any instruction or order.

9. The work undertaken by the President and the other members of the Board of Governors in the exercise of their duties shall be remunerated in accordance with the allowances provided for in the budget of the International Catalan Institute for Peace.

ARTICLE 8. FUNCTIONS OF THE BOARD OF GOVERNORS

1. The functions of the Board of Governors of the International Catalan Institute for Peace shall be the following:

- a) To elect the President, appoint the Director and appoint the members of the International Advisory Council.
- b) To approve the organic regulations and other rules for the internal organisation and operation of the Institute.
- c) To approve the draft budget. .
- d) To approve a strategic and an annual activity plan, in consultation with the Catalan Council for the Fostering of Peace and the International Advisory Council. The strategic plan must be put before Parliament.

e) To establish the guidelines for the management, inspection and promotion of the activities of the Institute.

f) To approve the annual report.

g) To approve the execution of cooperation agreements with other public or private organisations.

h) To approve, after receiving authorisation from the Government, the establishment of the Institute and its participation in consortia, foundations, societies and other associative organisations.

i) To approve the annual accounts, liquidation of the budget and the programme of action, investment and finance of the Institute.

j) To exercise all of the other functions commended to it by the organic regulations and other rules for the internal organisation and operation of the Institute.

2. The regime of sessions to be held by the Board of Governors is determined by the organic regulations of the International Catalan Institute for Peace.

3. The decisions of the Board of Governors shall be made by simple majority, and in the case of a tie, the President shall have the casting vote.

4. The sessions of the Board of Governors shall be attended by the Director and a representative of the Staff Assembly of the Institute, where they may speak but not vote. The functions of secretary shall be performed by a person appointed by the Director from amongst the staff of the Institute.

5. The Board of Governors shall be governed by the rules for the operation of the collegiate bodies, as established in Law 13/1989, dated December 14, concerning the organization, procedure

and legal regime of the Administration of the Generalitat of Catalonia, in all matters not specifically provided for in the present Law or the organic regulations.

ARTICLE 9. THE PRESIDENT

1. The President shall be elected by the Board of Governors from amongst the members appointed by the Plenary Assembly of Parliament.
2. The functions of the President are as follows:
 - a) To represent the International Catalan Institute for Peace and coordinate its direction and administration.
 - b) To call and preside over the sessions of the Board of Governors, and resolve any tied votes with his/her casting vote.
 - c) All other functions commended thereto by the organic regulations and the other rules of internal organisation and operation.
3. The office of President may not be held for more than two consecutive terms.

ARTICLE 10. THE DIRECTOR

1. The Director of the International Catalan Institute for Peace shall be appointed by the Board of Governors, after being proposed by the President and selected by way of a competition for people with the relevant professional experience. The Board of Directors may remove him/her from office.
2. In general, and in accordance with the guide lines laid down by the Board of Governors, the functions of the Director are as follows:

- a) To direct, promote and supervise the activities of the International Catalan Institute for Peace.
 - b) To exercise all other functions attributed thereto by the organic regulations and the other rules of internal organisation and operation, and any others delegated thereto by the Board of Governors and President, in accordance with the regulations.
3. The Director of the International Catalan Institute for Peace, in accordance with that established in the Additional Provision of Decree 101/2005, of the 31st May, concerning the Catalan Council for the Fostering of Peace, shall serve as the 2nd Vice-President of said council.

ARTICLE 11. THE INTERNATIONAL ADVISORY COUNCIL

1. The International Advisory Council of the International Catalan Institute for Peace shall be made up of fourteen members, of which at least half should not be citizens of Catalonia. They shall be appointed by the Board of Governors, after consultation with the Catalan Council for the Fostering of Peace, in accordance with the following criteria:
 - a) Seven of the members are to be chosen from amongst professionals and academics with international experience in the areas of research, activities to promote peace and non-violent conflict resolution.
 - b) Seven of the members are to be chosen from amongst people of social standing and prestige, known as people who promote peace, disarmament and non-violent conflict resolution.
2. It is not compatible for an individual to

serve both as a member of the International Advisory Council and of the Board of Governors.

3. The members of the International Advisory Council shall serve a term of six years. Each term half of said offices shall be renewed, and office may not be held for more than two terms consecutively.

4. The International Advisory Council shall issue reports on the Strategic Plan and Annual Activity Plan of the International Catalan Institute for Peace, which must be submitted to the Board of Governors for approval. The remaining functions of the International Advisory Council are those provided for in the organic regulations of the International Catalan Institute for Peace.

5. The International Advisory Council shall meet at least once a year. Its operation is governed by the organic regulations approved by the Board of Governors.

6. The work undertaken by the members of the International Advisory Council in the exercise of their duties, shall be remunerated in accordance with the allowances provided for in the budget of the International Catalan Institute for Peace.

ARTICLE 12. LEGAL REGIME

1. The International Catalan Institute for Peace shall be governed by this Law, by its organic regulations and by all else that may be applicable thereto under the legislation that regulates the legal regime of the public administration and ordinary administrative procedure, and any other legislation that may be applicable to the action, operation, contracting, accounting and finance of public entities.

2. By decision of the Board of Governors and resolution issued by the President, any administrative action shall be concluded, but shall remain subject to appeal before the jurisdiction for suits in administrative law.

ARTICLE 13. STAFF

1. The International Catalan Institute for Peace shall select its own staff in accordance with the principles for announcement, competition, merit, equality and ability.

2. The staff in the service of the International Catalan Institute for Peace is held under the terms of employment agreements.

ARTICLE 14. FINANCIAL RESOURCES

1. The financial resources set aside for the operation of the International Catalan Institute for Peace are as follows:

- a) The budgetary allocations established in the budgets of the Generalitat.
- b) Payments established under the terms of any agreements executed with other public or private institutions.
- c) Any public subsidies, transfers or other revenue it may receive.
- d) Any private aid, donations or other revenue it may receive.
- e) Income from publications, surveys or other activities. ,
- f) The product of credit operations, under the terms of the current legislation.

2. the International Catalan Institute for Peace shall annually prepare and approve a draft budget, which is then passed on to

the Government so that it may be incorporated and duly itemised in the General Budget of the Generalitat.

3. The economic and financial control of the International Catalan Institute for Peace shall be by way of audit, in accordance with Legislative Decree 3/2002, of the 24th December, approving the reformed text of the Public Finance Law for Catalonia.

4. In order to perform its functions the International Catalan Institute for Peace shall possess its own equity, comprising the assets and rights ascribed to it by the Administration of the Generalitat and those acquired under any other deed.

ARTICLE 15. ANNUAL REPORT

1. The Board of Governors shall draw up an annual report on the activities of the International Catalan Institute for Peace, including any proposals or observations it may deem fit.

2. The annual report of the International Catalan Institute for Peace shall be published, delivered to the Government and presented to Parliament and to the Catalan Council for the Fostering of Peace.

ARTICLE 16. STAFF PARTICIPATION

1. The participation of the staff employed by the International Catalan Institute for Peace in the decisions of the organisation shall be regulated by the organic regulations and other rules and standards of internal organisation and operation.

2. The assembly for the participation of the staff of the International Catalan Institute for Peace shall comprise all perma-

nent and temporary employees employed under the terms of a part or full-time contract of six months or longer.

ARTICLE 17. RELATIONS WITH THE GOVERNMENT

The International Catalan Institute for Peace's relations with the Government shall be channelled through the authority in the area of the promotion of peace.

TRANSITORY PROVISION

The organic regulations of the International Catalan Institute for Peace shall regulate the procedure for the first partial renewal of half of the members of the Board of Governors and of the International Advisory Council, which is to occur during the third year after the establishment of the Institute. Given that the number of Board of Governors members elected by the Plenary Assembly of the Parliament is odd, the first process of renewal will correspond to five of said members. To such ends, as an exception, the five members of the International Advisory Council that occupy the offices up for renewal during the aforementioned first period, may be re-elected to office for two more consecutive terms.

FINAL PROVISIONS

ONE. START-UP

The Government must start the process of implementing this Law within a period of six months from its coming into force.

TWO. DEPLOYMENT

The Govern shall amend Decree 101/2005, of the 31st May, concerning the Catalan Council for the Fostering of Peace, to bring it into line with the present Law within a period of three months from its coming into force.

THREE. EFFECT

The present Law shall come into force the day after it appears published in the Official Journal of the Generalitat of Catalonia.

The President therefore, requests of all those citizens to whom this Law is applicable, for their cooperation in its compliance and in compliance with the tribunals and authorities which correspond to them.

*Palace of the Parliament,
5th of December, 2007*

José Montilla i Aguilera
President of the Catalan Government

Joan Saura i Laporta
Minister of Home Affairs and Institutional
Relations and Participation

(07.339.037)

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