

*Mission Permanente du
Royaume du Maroc auprès
des Nations Unies
New York*



*Permanent Mission of the
Kingdom of Morocco to the
United Nations
New York*

INTERNATIONAL ACADEMIC CONFERENCE

MODELS OF TERRITORIAL AUTONOMY : CONVERGENCES AND DIFFERENCES

**2-3 JULY 2018
DAKHLA, MOROCCO**

Table of contents

FORWARD	3
Mr. Omar Hilale, Ambassador, Permanent Representative of the Kingdom of Morocco to the United Nations in New York	
INTRODUCTION	4
Mr Marc FINAUD, Senior Advisor, Geneva Centre for Security Policy, Geneva (GCSP), Switzerland	
NEW CHALLENGES TO PLURINATIONAL STATES TO INFORM THE MOROCCAN AUTONOMY INITIATIVE FOR THE SAHARA REGION	11
Dr Alain-G. GAGNON, Head of Research Chair on Quebec and Canadian Studies, University of Quebec in Montreal, Canada	
INTRODUCTION: INTERNATIONAL ASPECTS	21
Dr Anne MANDEVILLE, Director, Centre of International Policy and Conflict Analysis, University of Toulouse, France	
INTERNATIONAL ASPECTS: THE CARIBBEAN REGION AND TWINNED STATES	25
Prof Rose-Marie Belle ANTOINE, Dean, Law School, University of West Indies, Trinidad & Tobago	
CHALLENGES AND LESSONS FROM THE PORTUGUESE EXPERIENCE OF REGIONAL AUTONOMY	28
Dr Carlos Eduardo PACHECO AMARAL, Professor in Social and Political Philosophy, Department of History, University of Azores, Portugal	
REGIONAL FINANCIAL POWER IN A WORLD IN TRANSITION	34
Prof Michel BOUVIER, Professor of Public Finance, PARIS 1 University, France	
THEMATIC PANEL: INTERNATIONAL ASPECTS	38
Dr Gyula CSURGAI, Academic Director, School for International Training, Geneva, Switzerland	
COMPARING AUTONOMIES: GREENLAND AND THE SAHARA REGION	41
Dr Lise LYCK, Director, Center for Tourism and Culture Management, Copenhagen Business School, Denmark	
Models of Territorial Autonomy	54
Prof Stephen G. TOMBLIN, Professor of Political Science, University of Newfoundland, St. John's, Canada	
SPEAKERS' BIOGRAPHIES	57

FORWARD

The international academic conference organized in Dakhla, in the Kingdom of Morocco, on 2 and 3 July 2018, under the theme « Models of territorial autonomy: convergences and differences », was the occasion to make a synthetic summary of a dozen of academic seminars organized since 2009, in Dakhla, New York and Geneva, on the similarities and differences between the Moroccan Autonomy Initiative and the experiences of regional autonomy implemented in several countries.

Indeed, since Morocco presented, on 11 April 2007, to the Secretary General of the UN, Mr. Ban Ki-moon, the Moroccan Autonomy Initiative, the Permanent Mission of the Kingdom of Morocco to the UN organized, annually, international seminars, in order to allow for an academic and scientific debate on the different legal, institutional, economic, social and cultural aspects of the Moroccan Autonomy Initiative, while making analytical comparisons with experiences of territorial autonomy in many parts of the world.

In this regard, about fifty prominent international experts, from five continents, participated in this series of instructive seminars, to present their views on the experiences of autonomy in the world, to make comparative analyses of the provisions proposed by Morocco for the autonomy of the Sahara region with other experiences of autonomy, exchange good practices and lessons learned and make recommendations.

The conclusions drawn by the international experts have confirmed the conformity of the Moroccan Autonomy Initiative with international standards in the field of human rights and democracy, thanks, in particular, to its provisions, its inclusivity and its realism. This allows not only to resolve the political conflict over the Sahara question, but also to reinforce the socio-economic development of the Sahara region, in consultation with its population, with its various political, tribal, professional, generational and gender components.

In conclusion, the Moroccan Autonomy Initiative, presented by Morocco in order to overcome the stalemate and reach a negotiated political solution to the regional conflict over the Sahara, has received a lot of positive comments and appreciations from the international community. It was favorably welcomed by the UN Security Council, which has described it in its latest resolutions as « serious and credible ».

Omar Hilale

Ambassador, Permanent Representative of the Kingdom of Morocco

to the United Nations in New York

INTRODUCTION

Marc Finaud¹

Since 11 April 2007, when Morocco presented the Secretary General of the United Nations with its autonomy plan for the Sahara region as a means to resolve of the current dispute, around a dozen academic conferences have been organized in order to compare the experiences of territorial autonomy conducted in many regions with the Moroccan Initiative of Autonomy. Today's conference aims to provide an overall synthesis and drawn lessons not only for Morocco and the Sahara, but for all the countries in which this form of governance can bring about a solution to existing conflicts. Countries divided along ethnic, cultural or religious lines here come to mind, such as Ukraine, Mali, Iraq, the Democratic Republic of the Congo, Afghanistan, Myanmar, Libya, Syria or Yemen, which are suffering as a result of fratricidal civil wars, but also countries currently at peace where regions still ambition to declare secession (such as Catalonia, Scotland, Flanders, the Serbian Republic of Bosnia-Herzegovina, Casamance in Senegal, or Sri Lanka's Tamil Provinces).

The previous seminars organized on the various aspects of territorial autonomy covered the following issues:

1) **On 6 October 2009** in Geneva, the theme was “**Can autonomy fulfill the right to self-determination?**”. Results were presented during a seminar organized at the Palais des Nations on 21 September 2010. On this occasion participants studied, among others, the examples of Northern Ireland, Iraqi Kurdistan, Vojvodina in Serbia and New Caledonia. They came to the following conclusions:

- In most cases, **autonomy provides for self-determination** and is compatible with the sovereignty of a central State, as confirmed in Spain, Northern Ireland, Aceh in Indonesia, Adjara in Georgia, or Vojvodina.
- In other cases, autonomy can only provide for self-determination if the parties are willing to **compromise in order to find a solution to the conflict together** while reducing uncertainty about the future.
- In order to achieve autonomy, **identity discourse**, the symbolism of elites, the possible role of mediators and the nature of negotiations have to be taken into account.
- It is important to be fully aware of the **underlying factors that explain secessionist movements**. If it is a matter of prestige and affirmation of identity, these can be accommodated through an autonomy statute.
- As for the **relations between the central power and autonomous authorities**, they are affected by major economic considerations (joint or autonomous development, the sharing of resources, etc.) as well as legal ones (international standards, minority rights).
- Regarding **institutional and constitutional guarantees**, among good practices we can mention proportional representation in a constituent assembly (such as in South Africa or Nepal).

Three series of recommendations were made:

- Make **national unity attractive** in order to avoid separation and armed conflict;
- To that effect, economic and social “**dividends of peace**” must be generated;

¹ Senior Advisor, Geneva Centre for Security Policy (GCSP). The author speaks in his personal capacity.

- Finally, the importance of **dialogue, compromise and innovation** must be acknowledged (including based on the experience of other regions), with a view to building a common future through consensus-based forms of governance.

2) On **22 March 2012** in Geneva, the theme was “**Governance in autonomy statutes: institutions and mechanisms**”. This seminar allowed participants to compare the cases of Aceh in Indonesia, Catalonia, Greenland, New Caledonia and Puerto Rico. The main conclusions drawn were as follows:

- The implementation of an autonomy statute can stem from **historical reasons and ancient treaties** (Greenland); it can be a solution to an **internal conflict in a State**, in other words between certain populations of the State and public authorities (New Caledonia), or it can be a solution to an **international conflict** that does not only affect the local population but also other States (Sahara), requiring the UN to come into play. The problem can affect a peripheral region (New Caledonia, Puerto Rico, Greenland) or a region located at the heart of a metropolitan State (Catalonia). The autonomy statute can be region-specific (New Caledonia, Aceh) or common to all of the State’s territories (Spain). The statute of autonomy can be the culmination of a process or a step in a process, it can be seen as something transitory or permanent (Sahara).
- A number of common principles must be respected but can also be adapted: **the very principle of democracy** (adapted in New Caledonia in order to stabilize the electorate); **the integration of the autonomy statute in the Constitution** (the national constituent power, the people or its representatives, holds decision-making powers); **the protection of fundamental rights** (which must remain a national prerogative, these rights being afforded to all citizens, including those within autonomous entities); **the recognition of political autonomy** (the granting of legislative power to the autonomous entity, possibly even of judicial competences as in the case of the Sahara).
- **Control over the distribution of competences** between the State and the autonomous regions must be ensured by a Constitutional Court or a national Supreme Court (Spain, Puerto Rico).
- **The powers granted to the autonomous entity** can be devolved progressively (New Caledonia).
- **Control over natural resources is important** (in Aceh, the sharing of these resources led to new conflicts, while the Moroccan project is granting the populations of the Sahara considerable control over their resources).

3) On **4 June 2012** in Geneva, the theme was “**The management of natural resources in autonomy statutes**”. Participants took another look at the cases of New Caledonia, Aceh and Greenland, but also at those of Iraqi Kurdistan and Quebec. The following conclusions were drawn:

- The **management of natural resources** can rest on power sharing between the central State and autonomous entities (in New Caledonia the aim is to make sure the local population benefits from the proceeds of the exploitation of these resources). In the case of the Sahara, the management of natural resources can be a means of moving forward in the management of the conflict.
- **Power sharing** should be enshrined in a Constitution the drafting of which should involve all parties.
- From an economic point of view, to begin with the central government should **allocate the budgets needed** to ensure the development of the region and the services sector, including education, which should be its primary concern.

- These solutions only make sense if **mutual trust** is built between the central government and the population, the parties or the organizations that represent the region. The issue over the Sahara, just like any similar issue, can only be solved through negotiation and direct talks between the concerned parties. Full-fledged autonomy, were it to be accepted by the parties, could be a good opportunity to launch negotiations.
- The autonomy statute for the Sahara region covers the following points of comparison (especially with Canada): the acknowledgement of the **importance of natural resources** as a source of revenue and development and as strategic long term potential; the will to reconcile the **needs of the local populations in terms of autonomous development and the preservation of the sovereign powers of the central State**; the need to increase the resources allocated to the autonomous region, possibly through **additional tax revenues based on the principle of “national solidarity”**; the negotiation by the central government of the widest possible responsibilities in the management of natural resources by the autonomous populations and their institutions.
- A **well negotiated autonomy** is the best answer and the ideal framework to consolidate peace, unity and development (as in the case of Greenland). The future of the autonomous region depends on its economic and cultural development that is needed to make the most of available resources, in a sustainable fashion, in the framework of a peaceful process.
- The recommendations drawn from the example of Aceh include: **the need to clearly establish what is shared** and how; making sure that **negotiations are flexible enough** in order to leave open, if needs be, the question of ownership of resources and deal with revenue-sharing at a later date; produce **information on the wealth drawn from natural resources** in order to level disparities and manage expectations; the negotiations on revenue-sharing can **change the relationship between the parties** and encourage to overcome animosity between the groups; reaching a good agreement on revenue-sharing does not guarantee **post-conflict economic recovery**.

4) On **21 March 2013** in Geneva, the theme was: **“Representation and legitimacy in autonomy negotiations”**. The cases of Central Europe, Aceh and New Caledonia were studied. The main conclusions drawn were:

- With regards to **democratic representation and legitimacy**, the Moroccan Initiative of Autonomy is headed in the right direction. It indeed builds on the territorial nature of the claim for self-determination and not on a definition established along ethnic or politico-ideological lines.
- The autonomy proposal offers a means to overcome the major issue that is common to many conflicts revolving around self-determination, i.e. **“who is the people?”**
- Negotiations around self-determination require **“common sense”** and a successful mindset: the parties must come to realize that it is in their best interest to negotiate rather than to keep opposing each other.
- Finally, it is necessary to **“rethink self-determination”**: the wide variety of forms of States and possible content for autonomies call for innovation.

5) On **1 July 2013** in Geneva, the theme was: **“Autonomy Statutes and Regionalization: solidarity and equalization between regions”**. The examples of Spain, France, member countries of the Council of Europe and Canada were studied. The conclusions drawn were as follows:

- With regards to fiscal matters, autonomous regions should enjoy **sufficient and fully transparent authority**, subject to democratic control and whose impact should be

reassessed on a regular basis depending on the evolution of economic conditions within the region as well as in the central State.

- The interpretation and implementation of the **concept of equalization** must be revised, especially now that economic and financial crisis are reducing the redistributive capacity of the central State or of the European Union: equalization must be as much a factor regulating and harmonizing local systems as a tool to redirect financial circuits and restructure local finances.
- Equalization must fit into the scheme of **financial autonomy**, the autonomous region having responsibility and authority. It must go from financial dependence to acquiring the ability to improve its own socioeconomic development, which requires **good governance**.
- The promotion of **regional democracy and local autonomy** can enhance States' stability (such as in the case of the Council of Europe), by defining the rights and obligations of local and regional entities based on the principles of subsidiarity, territorial cohesion and solidarity.
- Even if **equalization** is written in the Constitution (as in Canada), its implementation can be adjusted to reflect changing economic conditions (for instance when the price of local natural resources goes down and the region must benefit from national solidarity). Transfers from the central State towards the autonomous region(s) must provide all citizens with comparable levels of public health, education and social well-being.

6) On **25 March 2014** in Geneva the theme was “**What development model for autonomous regions?**”. Participants compared the cases of the Azores and Madeira, Iraqi Kurdistan, Muslim Mindanao in the Philippines and Wallonia. The lessons drawn were as follows:

- To be effective, the development model must break away from the counterproductive practices of the past, such as through **devolution of decision-making powers** and the promotion of citizen participation and the rule of law, by substituting rentier economy with growth generated by local companies.
- To avoid the autonomous region becoming dependent, **transfers of assistance to vulnerable populations** must be conditional and beneficiaries must be made accountable. The aim is also to foster local capacity building through education and professional training.
- As evidenced by Morocco's action in the Sahara, the model must also provide for the protection of **cultural heritage and the environment** as well as for the promotion of gender parity.
- The experience of Azores and Madeira in Portugal has shown that autonomy can both stem from strong regional identity and from a national identity that is just as strong. Decentralized development does not exclude **central State investments** and makes it possible for autonomous regions to make a contribution to the national development plan. The national Constitution states that the social and economic development of these regions is among the key objectives of their autonomy.
- The long term sustainable development of autonomous regions such as Iraqi Kurdistan depends on a number of factors: clearly delineated and accepted **territorial boundaries**, equitable distribution of **natural resources**, powers granted to **security forces**, the capacities of the **regional administration**, and **mutual trust between** regional and central authorities.
- As shown by the example of Muslim Mindanao in the Philippines, it is important for the future of the autonomous region that the founding agreement contains specific provisions on the **distribution of competences**, transitional mechanisms, resource

sharing, as well as permanent negotiation and dialogue mechanisms to harmonize development processes.

- Finally, as in the case of Wallonia in Belgium, the key to the success in economic development is in the **political institutions** that ensure the democratic legitimacy of regional authorities and grant them the power to manage the sectors of the economy under jurisdiction of the region and to be accountable to their citizens.

7) On **30 June 2014** in New York the theme was “**The Regional Commissions of National Human Rights Councils in Autonomous Regions: Good Practices and Challenges**”. The examples of Quebec, Italy, Mexico, Muslim Mindanao in the Philippines, and Zanzibar were studied. Participants came to the following conclusions:

- Whenever autonomy statutes were established, they were the product of historical influences, a colonial legacy (Philippines, Tanzania) or of structures that predated the central State (as in the case of Italy).
- Whatever the structures, the mission of national and regional human rights Commissions remains the same: **protecting and promoting the whole gamut of human rights** (civil, political, as well as economic, social and cultural rights, in keeping with international standards) through public information and training of relevant staff.
- Likewise, in most autonomous regions, regional commissions are just as **independent from the regional authorities** as national commissions are from national authorities. They control governments and hear citizens’ complaints. To ensure their independence, the members of these commissions can be appointed by the Parliament (Mexico, Quebec), by a group of eminent personalities (Tanzania) or through a decree preceded by broad consultations based on strict qualifications and non-renewable mandates (Morocco).
- The functioning of the Commissions varies depending on national and regional traditions but their aim is to be **as representative as possible** by imposing certain participatory requirements (gender equality, youth, persons with disabilities, and various social-professional categories).
- The most important thing is the possibility offered by the relationship between the national and the regional level, to ensure the **broadest possible consultation with civil society** and its members, especially if the autonomous region represents a State minority or is home to one or several minorities.

8) On **1 June 2015** in New York the theme was “**Civil society and non-governmental organizations in autonomous regions: role and responsibilities**”. Participants compared the experiences of autonomy in North-Eastern India, the Atlantic coast of Nicaragua, Vojvodina and Andalusia.

- Despite historical differences, these experiences and the situation in the Sahara **have one thing in common**, that is a shared commitment at the central and regional levels to ensure balance of power in order to keep the populations of the autonomous region within the national community and allow for direct management by these populations of the widest possible share of their own affairs, including the respect for their specific rights.
- Even if the statute or the institutional, legislative and regulatory framework theoretically seem suitable to ensure balance as mentioned above, it is their **actual implementation that matters the most**, which is often affected by internal political developments at the national or regional level. This makes it all the more important to ensure that civil society, through its organizations, is vigilant and to control this process that requires constant improvement.

- Even if devolution of central power to the autonomous region can take various shapes and forms (federal structure as in India, unitary State as in Nicaragua, in Serbia, in Spain or in Morocco), **it can lead to tensions and challenges**, which in turn lead to varying degrees of cooperation or competition between the national and the regional levels. It is therefore crucial for the national Constitution to guarantee the autonomy statute and to make it complicated to challenge it, as would be the case in the Sahara region.
- In most cases, **civil society organizations or NGOs in the autonomous region seem to be the “keepers” of the autonomy** they fought for (as in Nicaragua). Conflicts of interests can appear when the leaders of these NGOs become official members of state institutions in the region. Their independence must therefore be guaranteed, as provided for in the Moroccan Initiative of Autonomy.
- As for **the roles civil society organizations are called upon to play** in the implementation of regional autonomy statutes, they fall into three categories: *conflict management and resolution*-related activities; *human rights and democratic freedoms* protection and promotion work; *community services* in the various fields of economic, social and cultural life.
- Finally, in most cases an **international dimension** comes into play: to ensure respect for *human rights and democratic freedoms* through international mechanisms; *assistance to regional NGOs* and their capacity building by international NGOs or foreign countries; the role of regional NGOs in *transnational cooperation*, in particular with similar ethnic groups in neighboring States.

9) On **2 May 2016** in New York, the theme was “**External Relations of Autonomous Regions and Transboundary Cooperation**”. This seminar looked into the cases of Quebec, “twin” island states of the Caribbean and various European countries. Participants came to the following conclusions:

- An **autonomous region can function effectively**, including in its external relations, whatever the constitutional system (federal, Commonwealth, or centralized unitary State as in the case of Morocco).
- Two **types of reasons** can justify an autonomy statute, including from the point of view of external relations: linguistic, religious, ethnic or geographical reasons; historical or colonial reasons.
- The **international powers granted to the autonomous region can be wide in scope** (Quebec) or more limited (Caribbean) or even fall within a wider movement of decentralization (Europe). The Moroccan Autonomy Initiative for the Sahara region is far-reaching: the central State will have to hold consultations with the region on the international issues that have a direct bearing on its prerogatives and the region will have a say in the international agreements that affect its interests.
- The areas in which autonomous regions and neighboring countries or regions can **cooperate** can also be subject to the above-mentioned criteria (linguistic, related to the colonial legacy) or depend on their economic, commercial, tourism or cultural interests.
- The development of the external relations of autonomous regions is a reflection of **globalization** characterized by the growing role played by non-state entities and civil society in the partnerships with State governments.
- Any process of autonomy demands continuous interaction, consultation, negotiation, as well as consensus building between the region and the central State based on clear power sharing rules, especially with regards to resources and revenue sharing.

10) On **3 July 2017** in New York, the theme was “**Regionalization and Territorial Autonomy: differences, particularities, complementarities**”. This seminar looked into the experiences of South-East Asia, Western Europe and Canada.

- In most cases, autonomy turned out to be an effective and sustainable **means of solving disputes** or disagreements between different, often antagonistic groups, or between the central government and minorities who aspire to manage their own affairs and to protect a strong identity.
- The success of a system of territorial autonomy or regionalization hinges on the **machinery established to share power** and natural resources. Whatever the institutions established through negotiation, they have in common the fact that their autonomous component(s) accept(s) and respect(s) State sovereignty (whether it be a unitary or federal State), often based on the principle of subsidiarity.
- Even in widely decentralized developed countries such as Canada, disputes between autonomous provinces or between them and the federal government continue to occur. A central government may be tempted to reconsider the powers granted to autonomous regions, especially when the central government is in the hands of a dominant ethnic or religious group as in South-East Asia. This is why **dialogue, consultation and negotiation** are crucial to the success of autonomy statutes, not only for the initial establishment of the statute but **throughout the implementation of self-government agreements**. In this respect, the Moroccan Autonomy Initiative for the Sahara region is now a “package” that includes the 2007 plan for the negotiation of an autonomy statute, advanced regionalization, constitutional reform, and the “new development model”. Taken together, these elements fulfill the above-mentioned criteria needed to ensure the success and sustainability of the scheme.

NEW CHALLENGES TO PLURINATIONAL STATES TO INFORM THE MOROCCAN AUTONOMY INITIATIVE FOR THE SAHARA REGION

Alain-G. Gagnon²

Morocco has embarked on a large scale economic, social and political development project for the Sahara region. It is an ambitious programme which seeks to enhance the sovereign powers of the Kingdom of Morocco over this territory, while developing port and inland infrastructure, exploiting natural resources and repopulating the territory.

In light of the different types of papers I previously published, I have been trying to identify the various institutional mechanisms Morocco may wish to look into in order to provide the region with the keys to social cohesion and better integration based on the institutions established by the Moroccan government throughout the territory. I therefore do not here wish to assess the government's leeway when it comes to acting on the territory, but rather to look into the various options available to encourage the widest possible participation of the populations and thus to get them involved in the region's future development.

The text below is divided into three main sections³. **First of all**, we shall look into the two main traditions competing in studies on federalism. We have chosen this angle because, to us, the best way to limit the power of leading groups remains the federal formula. **Second**, for minority nations we shall advocate for political projects and the adoption of policies conducive to active citizenship. Quebec's experience will provide the backdrop for the development of a project based on mutual, though conditional, trust for the nations involved. **Third**, we shall delve into the idea that it is essential for contemporaries to rethink political relations and, by extension, social relations by looking further into a plurinational approach without which the members of minority nations simply cannot enjoy the same living conditions and the same emancipatory opportunities for cultural, social, economic and legal empowerment. The political stability of current political regimes depends to a great extent on the ability of multinational forces to be sensitive to the needs and expectations of minority nations (Requejo and Gagnon, 2010).

Two main traditions

The concept of federalism can vary depending on where and when it is used. The two main known traditions originated in the United States and in Switzerland. The American tradition, based on balance between the executive, the legislative and the judicial powers is the one which has been dominating the field of federal studies. Though it defeats the absolutist vision of power, this tradition ignores national diversity which is the very foundation for the federal pact and purports to create a homogenous and even nation in order to ensure political stability. This tradition recognizes only one *constituent power* and, at least in the United States, it came to be through armed conflicts by denying indigenous nations, more than others, the most basic rights to representation and self-representation. Experts usually consider the American tradition to be the most advanced expression of territorial federalism. It seems obvious that this tradition strongly influences the way the majority nation in Spain wishes power relations to develop even after the disappearance of Franco's regime and the advent of autonomous regions.

² Head of Research Chair on Quebec and Canadian Studies, University of Quebec in Montreal, Canada

³ This text contains important portions of my analysis entitled "La Gobernanza multinivel et la reconfiguración del espacio político" and published in Guy Lachapelle and Pablo Onate, ed., *Federalismo, Devolution y Gobernanza Multinivel*, Valence, Tirant lo Blanch, 2017, pp. 87-100. An English version is being prepared by the same editors and will be published by Barbara Budrich in autumn 2018.

The Swiss tradition of federalism differs from the American tradition in two respects: it hinges on the political autonomy of the member states of the (con)federation and on the separation of powers between all levels of government. This tradition has been very successful with complex democratic societies by recognizing founding nations as *constituent powers*. For this school of thought, the main challenge has been to re-imagine power relations on an ongoing basis, without prejudice to the political communities and historical nations behind the founding pact. This tradition has taken different shapes and sizes over time and is generally recognized as the most advanced expression of pluralistic federalism (Smith, 1995; Camilla, 2002) - some scholars like Ramon Maiz (2008) consider that it is the very basis of advanced multinational federalism by an emerging school of thought (Gagnon and Tully, 2001; Seymour and Gagnon, 2012) which is growing in several democratic countries characterized by national diversity.

In the Spanish State of autonomies - mirroring the Canadian experience - these two traditions exist, with the Government in Madrid trying to establish itself as the only constituent power while historical nations, especially Catalonia and the Basque Country, consider themselves constituent powers with which the political centre must contend with. On several occasions this situation resulted in political turmoil and even led several other autonomous communities to covet the status of historical nation (Valencia, Andalusia, Canary Islands, etc.) and use their new status to achieve political gains. Over the last decade, two of the main historical nations also tried to establish their status as constituent powers by seeking to consult their population directly through popular consultation, which they have so far been denied by the country's highest court.

Forty years after a major, but still incomplete, constitutional reform (Fossas, 2007; Joan Romero, 2012), Spain is now once again at a crossroads. Four possibilities arise, whose chances of success vary: political and constitutional status quo; recentralization of powers in Madrid together with new symmetry in the powers of autonomous communities; updated and enhanced autonomy statutes; secession of some historical autonomous communities.

The political and constitutional status quo can no longer even be considered by some autonomous communities which feel bogged down in a political system which has become ossified and has given up on the basic (federal) principles that underpinned its reform following Franco's death and the return to democracy in Spain. Let us recall that *the State of autonomies* was first and foremost born of the Swiss federal tradition that allowed for the recognition of various *demos* while defending the idea of an indivisible Spanish nation.

Now, as the *State of autonomies* emerged, it was observed that the central government tried to impose the American tradition of a territorial and mono-national federalism and paid less and less attention to the protection and promotion of national diversity. In so doing, Spain became unified and thus defederalized by putting forward practices of Jacobinical inspiration.

At the time of the transition towards democracy, two solutions had been imagined in order to accommodate historical nations as well as other autonomous communities. The historical nations of Catalonia, Galicia and the Basque Country would soon be able to exercise significant powers while the other communities would secure partial powers over a longer timeframe. Now, in order to lessen the political impact of the *hecho diferencial*, the government in Madrid repeatedly tried to impose the same rules on all communities based on the principle of *café para todos* well-known in Spain. By so doing, Spanish nationalism gained the upper hand over federal practices and historical nations' nationalism was lashed. This encouraged regions such

as the Basque Country and Catalonia to reflect on ways out of standardizing Spain (Requejo and Nagel, 2011; Requejo and Gagnon, 2011) which was progressively becoming more insensitive to national diversity and was turning equality between autonomous communities into a non-negotiable tenet.

Following the advent of a political culture that was becoming less and less federal in Spain, several communities demanded a thorough review of their autonomy statute in order to keep (or enhance) their leeway and thus give their citizens a chance to live their native culture to the full within a plurinational Spain. Several eminent scholars coming from all regions and political families, engaged in the conceptualization of multinational federalism to turn it into a compromise acceptable to all. The scholarly work of Joxerramon Bengoetxa, Miguel Caminal, Enric Fossas, Ferran Requejo, Ramon Maiz, José Maria Sauca and Eduardo Vieytez are cases in point.

This was followed by a show of strength between the government of Madrid (more often than not supported by several autonomous communities under the aegis of the Popular Party) and the two main historical nations which tried to stand out (Catalonia, Basque Country). The Centre's lack of openness vis-a-vis historical nations only further alienated the inhabitants of these regions from the *State of autonomies* as established by Madrid and led them to consider going as far as withdrawing from the Spanish state through a constitutional referendum (Tierney, 2013; Kraus and Vergés Gifra, 2017).

Since they were unable to preserve their distinct character, Catalonia and the Basque Country, at different times, came to consider withdrawing from the Spanish State. How can this be explained? Three types of reasons explain the weakening bonds between historical nations and the Spanish nation and have long historical underpinnings: the difficulty for historical regions to develop their own linguistic regime in a country where the Spanish language was imposed as a common language; the gradual loss of influence of autonomous regions within the government of Madrid and the declining influence of regional political parties in central state governance; the disproportionate tax contribution (Boix, 2003) of the most prosperous regions for the benefit of the central region and less prosperous regions.

These reasons do not explain all political tensions in Spain but they allow us to better understand why the trust that was built when the *State of autonomies* was created was progressively eroded with the political and social crisis that have shaken the country over the past years. In so far as one can imagine a way out of the current political crisis, it will be necessary to consider without delay major adjustments by social, political and economic actors, as explained in my book *L'âge des incertitudes*.

It is important to rethink the paths to community reconciliation, based on new grounds, while going back to the very source of "pactism" in order to identify the avenues most conducive to a genuine constitutional reform that respects founding nations. It will also be important to develop the current political system which tends to defend a nation that towers over others and is currently rooted in pretense federalism, to turn it into a truly multinational type of federalism. In this respect, the studies of James Tully (1999), Ramon Maiz (2008) or Juan Romero (2012) will be of considerable help for they take into account the principles of reciprocity and mutual recognition inherent in constitutionalism theories. Finally, the establishment of treaty-based federalism (inherited from the First Nations in America) will require careful consideration in order to restore the trust that is currently cruelly lacking in Spain.

In a nutshell, reconciliation between the main partners in pluralist and plurinational Spain will be possible only in so far as nations are not only recognized and respected but also empowered to promote their language, their culture, their traditions and their own institutions. Which brings me to the transition required from *polity*, as a nation that integrates and assimilates, to a nation-State that is much more accommodating and more respectful of national diversity within a State bound to be more complex but above all more democratic.

National diversity and complex State models: the example of Quebec from an international point of view

Several models have been put forward to manage diversity within liberal democracies in order to meet citizens' expectations and, more recently, to fulfill the need to recognize identities as expressed by the representatives of minority nations or during consultations and public hearings. Several options have been suggested to correct certain inequities between national communities, to revamp relations between citizens or rebuild trust between citizens and political institutions. Among these models of management of diversity within complex liberal societies, there is of course the State of autonomies in Spain, the consociation model specific to small European States, as well as territorial federal formulas (such as the United States) and multinational ones (such as Belgium). And then, there is the Canadian case, a hybrid model of *de jure* territorial federalism and *de facto* multinational federalism.

Let me say a few words about Quebec, founding member-State of the Canadian Federation, which, for many experts in so-called Stateless nations (Guibernau 1999, Keating 2001), is an example that should be looked into to advance several other plurinational liberal democracies wishing to bring more democracy into their politics.

Quebec is trying to innovate within the Canadian Federation by developing the very principles of constitutionalism, whether by relying on historical continuity, by enhancing the consent of national communities or demanding reciprocity from political and social actors. These are, to some extent, the bedrock of living together and give Canadian polity an informal constitution, which complements the formal one. Political institutions cannot ignore it or they will lose a good chunk of their political legitimacy. This informal constitution offers a policy framework that's much wider than the formal constitution and invites politicians to be responsive to the struggles fought at various decision-making levels by national communities. Quite a few struggles were fought for recognition and empowerment in Canada by the First Nations as well as by the Acadian and Quebec nations. These struggles are major challenges to be met to successfully establish a federation based on national diversity. In the case of Canada, constitutional changes did not bring about the results minority nations anticipated, which the majority nation took for granted. All political parties must draft elements of constitutional policy in order to meet the demands that will undoubtedly surface one day or another.

With a view to countering (rather than to truly taking into account) national diversity and imposing its own model of territorial diversity management, the Canadian central government relied on a multicultural policy, one of the aims of which was to represent populations of various origins while giving the country a new sense of self. This policy has been heavily criticized in that it helped ethnicize social relations (Abu-Laban and Stasiulis, 1992) and delayed the participation of members of various cultural communities in one or other of the two main host communities in the country. This constitutes some kind of passive citizenship because multiculturalism is mainly the expression of a fact enshrined in the Canadian Constitution rather than the expression of practices that stem from interactions between groups or political

communities themselves. In the Canadian context, which very much resembles what is happening in Spain, trust is supposed to take root in the centre (Canadian Constitution) and to spread towards the periphery (community, ethnic or racial groups). Almost everything stems from the centre (Parliament, Supreme Court) and group mobilization seeks to ensure recognition by the central authorities precisely to give their claims higher priority while weakening the claims from national founding communities.

In response to the multicultural model, Quebec has been promoting its own model based on *interculturality* over the past thirty years and has relied on the creation of a constantly evolving (Bouchard, 2012) active citizenship (Gagnon, 2011). In keeping with this practice, the members of cultural communities are invited not to melt away into the masses but to publicly assert their differences and to try and further democratize decision making processes by revealing themselves to the majority group and forcing it to take its expectations into account (Gagnon and Iacovino, 2007). This is a very advanced form of community based self-representation and self-projection in the framework of ethnic pluralism and national diversity. The implementation of this communal way of life reflects a will to achieve in-depth transformation. It is first and foremost about dejudicializing the social relations inherited, amongst others, from the Canadian Charter of Rights and Freedoms and putting some sense back into the political sphere as a public space for cultural, political and social arbitration. The point here is to encourage the population to become politically active in the public arena with a view to allowing for the adoption of public policies that meet citizens' expectations. These interactions will bring about a relationship of trust thanks to cross-community exchanges and the creative tensions they produce. This *modus operandi* points to the consolidation of social bonds by relying on public debate and by creating occasions for intercultural encounters. This trust will never be unconditional. This trust will have to be earned but more than anything else, the quest for it will force the members of the majority group to leave no stone unturned to earn the esteem of all citizens.

Simply put, democracy must be built on mutual and conditional trust. It is in this spirit that the relationship between Quebec and Canada (or between autonomous communities and the central State in Spain) has to be frankly reworked and rest on a fairer and more equitable basis. The health of democracy in Quebec and in Canada, and obviously on a much wider scale too, hinges on the quality of this commitment to deliberate and respect the choices made at the various levels of polity. Let us now look into the challenges that majority nations will have to meet if they intend to preserve their legitimacy vis-a-vis the communities that make up the *polity*.

Advocacy for multinational democracy

While there were only 51 nation-States when the United Nations was created in 1945, there are no less than 197 today in 2018. Minority nations often have expectations when it comes to their recognition and their willingness to exercise internal self-determination, barring which they will sometimes try to exercise external self-determination. This practice is usually not encouraged by the international community though it is often acknowledged as legitimate. By the way, the opinion of the International Court of Justice on Kosovo on the stability of federations states that:

“During the second half of the twentieth century, the international law of self-determination developed in such a way as to create a right to independence for the peoples of non-self-governing territories and peoples subject to alien subjugation, domination and exploitation. A great many new States have come into existence as a result of the exercise of this right. There were, however, also instances of declarations

of independence outside this context. The practice of States in these latter cases does not point to the emergence in international law of a new rule prohibiting the making of a declaration of independence in such cases” (International Court of Justice, 2010: article 79).

Obviously many nations want to achieve nation-State status. In this respect, Allen Buchanan recalls that it is important to distinguish between the legal right and the moral right to secession (Buchanan, 1992: 162). It is not possible to identify all the criteria for determining whether a nation can legitimately claim such status. In other words, majority nations must, on the basis of the highest international standards, demonstrate that the legitimate claims of minority nations are to a great extent fulfilled in a satisfactory and respectful manner within legally constituted States. Minority nations claims are to a great extent fulfilled in so far as their preferences⁴ will no longer simply be subordinated to those of majority nations. The federal formula can help bring communities together and strengthen intercommunity trust. To do so, three basic conditions will need to be met:

- the representatives of the majority nation and of minority nations commit to a genuine process of deliberation and disclosure;
- the majority nation avoids using its coercive powers (threats, intimidation, sanctions, courts of justice, the army) to close in on itself. The right to consult the population is moreover a legitimate democratic tool the (central) government can resort to to clarify its position;
- minority nations must not threaten to break off negotiations at any time but instead accept to maintain a direct relationship with their interlocutors. Incidentally, the right to consult the political community (canton, province, autonomous community) is a legitimate democratic tool that can be used by the political representatives of national communities.

In so far as these conditions are met, which shouldn't be a problem in advanced liberal democracies, multinational federalism offers in our view the best opportunities for responsible and equitable management of intercommunity relations such as those that need to prevail between the nations that exist within complex multinational democratic States (Parent, 2011; Gagnon and Keating, 2012).

The federal formula (beyond respect for federal practices) is a more advanced form of democratic exercise in that it allows for the fragmentation of state sovereignty and can thus bring citizens closer to the centers of power where the communities they primarily belong to will be able to fulfill their obligations of representation and of promotion of their values, viewpoints and interests. It is for instance the case with Swiss cantons or historical autonomous communities in Spain. They are the first interface between citizens at various territorial levels and the central State. This is somewhat reminiscent of what John Emerich Acton said about the theories of unity and freedom of the political subject: “The presence of different nations under the same sovereignty (...) provides against the servility which flourishes under the shadow of a single authority, by balancing interests, multiplying associations, and giving to the subject the restraint and support of a combined opinion. (...) Liberty provokes diversity, and diversity preserves liberty by supplying the means of organization” (Lord Acton, quoted by Himmelfarb,

⁴ Jack Minz and Richard Simeon (1982) offer an interesting distinction between conflicts in the claims chapter and those in the values chapter, see their article published at the time of the repatriation of the Canadian Constitution.

1949). Nowadays the Catalans, the Quebecers, and several other nations, aspiring to be fully recognized, lay claim to Lord Acton's words and demand political institutions that are more in tune with the most developed of democratic practices.

Plurinational federalism offers minority nations options to explore. On the one hand, it promotes the recognition of these nations and makes them self-governing within their own nation and, on the other hand, it is a shield against any attempt to interfere in the fields of competences which come under the jurisdiction of constituent entities in their own right (or which are theirs by devolution, such as with autonomy statutes), while enhancing community citizenship.

Canada, Great-Britain or Spain can no longer escape the challenge of national diversity (Gagnon, 2012). In each of these cases, the majority nation is invited to further develop its intercommunity exchanges while respecting everyone's national traditions with a view to establishing friendlier political regimes and complementary citizenship regimes. The decision of the Supreme Court of Canada, made public in August 1998, concerning the right of Quebec to secession is part of that process which involves opening-up and listening to the needs of diverse national communities. The decision of the Cameron Government in the United Kingdom to accept the holding of a referendum in Scotland also attests to that will to open-up to others, in so far as the central government is ready to hear the democratic arguments in favor of secession (Tierney, 2012) of a major partner of its *Union of States* (Forsyth, 1981). In this connection, Spain, ignoring Lord Acton's teachings, still refuses to grant that much freedom to its constituent nations and prefers to retain its authority over all autonomous communities whatever their status under the new constitutional order - which was negotiated in a particularly difficult context - agreed at the time of transition to democracy 40 years ago.

In the case of plurinational societies, one has to understand that the judiciary plays a crucial role. Courts of last instance have major responsibilities in maintaining the bond of trust that has to prevail between the members of the various communities that experience pluralism. These courts' primary obligation is not to side with the central government or with member States but to act as "supreme jurisdiction called upon to rule on disputes over competences which may arise between [member States] and the central power or between themselves" (Ergec, 1994: 42). In other words, the Court of last instance enjoys several prerogatives but it cannot, under any circumstances, be partisan, otherwise it would put in question its own legitimacy. In this respect, several lawyers (Viver, 2010; Vieytez, 2011) noted that Spain's Constitutional Court was more committed to defending the interests of the "Spanish" State than those of its parts.

A few challenges need to be met

In their approach to sovereignty as well as in the way they envisage its implementation, advanced liberal democracies are centers of political innovation and freedom. However, even in liberal democracies, minority nations are still faced with many difficulties (Guibernau, 2007; Requejo and Gagnon, 2010): historical continuity, quest for recognition, affirmation of identity, the need to ensure dignity and liberty, the ability to welcome immigrants, economic prosperity, social development, integration into networks and international outreach are goals to be achieved. With a view to finding answers to bring together majority and minority nations, it is therefore important to consider rebalancing power sharing, the way the political preferences of the national communities members of the polity are taken into account, in order to extend and deepen the democratic practices that are the key to democratic pluralistic societies.

In our view, the federal formula, in so far as it must be negotiated and not imposed, possesses all the qualities that are central to the stability of political regimes in that these regimes will make it a point to recognize the nations they have based their political actions on. This is how the ability of majority nations to recognize minority nations will help strengthen and enrich the intercommunity trust that is so often lacking in certain countries which are very likely to impose laws that favor the majority nation (Karmis and Rocher, 2012).

Within plurinational democracies, rebalancing remains a key goal that calls for constant improvements. Looking for balance is the hallmark of active and experienced democracies that must be on top of the legitimate claims of the nations at work.

The case of Spain attests to the will of minority nations to reconsider their relationship with the central government by reviewing the autonomy statutes agreed when Spain embarked on an era of democratic transition. It has to be recognized that when the State of autonomies was created and the process of democratization was launched, all autonomous communities were ready to grant considerable concessions in terms of the goals to achieve in the immediate future in the belief that, in the long term, it would be possible to revisit some of the elements that underpin each community's statute.

Transition was possible in Spain because established elites had reached some kind of consensus on key challenges. These consensus agreements put into question some specific constitutional provisions that nobody should be allowed to challenge. Such commitments by the elites seem to be what made it possible to come to an agreement surrounding the new Spanish constitution [of 1978]. They reflect J.A. Corry's focus on "constitutional morality" - self-repression and the awareness of majorities that they must not use their power to subject minorities if long term success is to be achieved (Banting and Simeon, 1985: 20)."

At the time of democratic transition, Spain had planned to grant autonomous communities specific powers and statutes, while underlying the specificity of Catalonia, Galicia and the Basque Country, by granting them historical nations status. Often at the instigation of the central government that wished to progressively impose equality for autonomous communities, several autonomous governments managed to convince their constituents that these were only privileges and not historical rights. This is the reason why the 1978 agreement began to fall apart and that historical nations saw other regions obtain the same status which was to progressively remove *el hecho diferencial*.

Those plurinational States operating within advanced plurinational democracies have to be fair and straightforward when answering minority nations' requests for recognition (Seymour and Laforest, 2011). The majority nation all too often reproduces power relations and fails to adequately take into account the legitimate claims of minority nations. It is now important to pave the way for intercommunity debates, to encourage political partners by launching national talks and to nurture a society driven by the *ethics of hospitality* to use Daniel Innerarity's beautiful formula. Such practice would allow each and all to feel totally free under the plurinational spaces that they share and to rethink the constitutional basis of their nation-State(s) while respecting the guiding principles of constitutionalism which are historical continuity, consent, reciprocity and, some might say, moderation.

In this respect, the Moroccan Initiative which is the focus of this seminar can rely on considerable literature which supports living together. On this basis, we can ponder the

conditions 1) inviting all regional actors to be heard and 2) prompting state actors to imagine models of shared governance that meet the expectations raised by this Initiative.

References

- ABU-LABAN, Yasmeeen and Daiva STASIULIS, “Ethnic Pluralism Under Siege: Popular and Partisan Opposition to Multiculturalism” in *Analyse de politiques*, vol. 18, no 4, 1992, p. 365-86.
- ACTON, John Emerich, “Nationality” in Gertrude Himmelfarb, dir., *Essays on Freedom and Power*, Glencoe, Free Press, 1949.
- BANTING, Keith and Richard SIMEON, “Introduction: The Politics of Constitutional Design” in *Redesigning the State: The Politics of Constitutional Change in Industrial Nations*, Toronto, University of Toronto Press, 1985.
- BOIX, Charles, *Democracy and Redistribution*, New York, Cambridge University Press, 2003.
- BOUCHARD, Gérard, *L’interculturalisme. Un point de vue québécois*, Montreal, Boreal, 2012.
- BUCHANAN, Allen, “Les conditions de la sécession” in *Philosophiques*, vol. 19, no 2, 1992, 159-168.
- CAMINAL, Miguel, *El federalismo pluralista. Del federalismo nacional al federalismo plurinacional*, Barcelona, Ediciones Paidós Ibérica, 2002.
- DUNN, John, *Democracy*, New York, Atlantic Monthly Press, 2005.
- FORSYTH, Murray, *Union of States. The Theory and Practice of Confederation*, Leicester, Leicester University Press, 1981.
- FOSSAS, ENRIC, “Autonomie et plurinationalité en Espagne: vingt-cinq ans d’expérience constitutionnelle” in Alain-G. GAGNON, and al. dir., *Les nationalismes majoritaires contemporains: identité, mémoire, pouvoir*, collection *Débats*, Montreal, Québec Amérique, 2007, pp. 291-306.
- GAGNON, Alain-G. *L’Âge des incertitudes: essais sur la diversité nationale et le fédéralisme*, Quebec, Les Presses de l’Université Laval, 2011.
- GAGNON, Alain-G and Raffaele IACOVINO, *Quebec, Federalisme i el Quebec: la multinacio a debat*, Barcelona, Centre d’Estudis de Temes Contemporanis, 2007.
- GAGNON, Alain and Michael KEATING, *Political Autonomy and Divided Societies: Imagining Democratic Alternatives in Complex Settings*, Basingstoke, Palgrave Macmillan, 2012.
- GAGNON, Alain-G and James TULLY, dir., *Multinational Democracies*, Cambridge, Cambridge University Press, 2001.
- GUIBERNAU, Montserrat, *Nations without States. Political Communities in a Global Age*, Cambridge, Polity Press, 1999.
- KARMIS, Dimitrios and François ROCHER, dir., *La dynamique confiance/méfiance dans les démocraties multinationales. Le Canada sous l’angle comparatif*, Quebec, Laval University Press, 2012.
- INTERNATIONAL COURT OF JUSTICE, Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion of 22 July 2010.
- KEATING, Michael, *Plurinacional Democracy: Stateless Nations in a Post-Sovereign Era*, Oxford, Oxford University Press, 2001.
- KRAUS, Peter A. and Joan VERGÉS GIFRA, dir., *The Catalan Process: Sovereignty, Self-Determination and Democracy in the 21st Century*, Barcelona, Institut d’Estudis de l’Autogovern.

- MAIZ, Ramon, *La frontera interior. El lugar de la nación en teoría de la democracia y el federalismo*, Murcia, Tres Fronteras Ediciones, 2008.
- MINZ, Jack and Richard SIMEON, “Conflict of Taste and Conflict of Claim in Federal Countries”, Kingston, Institute of Intergovernmental Affairs, 1982.
- PARENT, Christophe, *Le concept d’État fédéral multinational*, collection *Diversitas*, Brussels, Peter Lang, 2011.
- REQUEJO, Ferran and Klaus-Jürgen NAGEL, dir., *Federalism beyond Federations. Asymmetry and Processes of Resymmetrisation in Europe*, Farnham, Ashgate, 2011.
- REQUEJO, Ferran and Alain-G. GAGNON, dir., *Nacions a la recerca de reconeixement. Catalunya i el Quebec davant el seu futur*, Barcelona, Institut d’Estudis Autònoms, 2010.
- ROMERO, Joan, “España inacabada. Organización territorial del Estado, autonomía política y reconocimiento de la diversidad nacional” in *Documents d’Anàlisi geogràfica*, vol. 58, no 1, 2012, pp. 13-49.
- ROMERO, Juan Gonzalez, “Spain’s State of Autonomies. Political Autonomy and National Diversity - The (Im) Possible Multinational Federalism” in *The International Journal of Community Diversity*, vol. 12, no 1, 2013, pp. 37-50.
- RUIZ VIEYTEZ, Eduardo J. *Juntos pero no revueltos. Sobre diversidad cultural, democracia y derechos humanos*, Madrid, Maia Ediciones, 2011.
- SAUCA, JOSÉ MARIA, *Identidad y derecho. Nuevas perspectivas para viejos debates*, Valencia, Tirant lo Blanch, 2012.
- SEYMOUR, Michel and Alain-G. GAGNON, dir., *Multinational Federalism. Prospects and Problems*, Basingstoke, Palgrave Macmillan, 2012.
- SEYMOUR, Michel and Guy LAFOREST, dir., *Le fédéralisme multinational. Un modèle viable? Collection Diversitas*, Brussels, Peter Lang, 2011.
- SMITH, Eivind, *Constitutional Justice under Old Constitutions*, The Hague, London, Kluwer Law International, 1995.
- TIERNEY, Stephen, *Constitutional Law and National Pluralism*, Oxford, Oxford University Press, 2004.
- TIERNEY, Stephen, *Constitutional Referendums. The Theory and Practice of Republican Deliberation*, Oxford, Oxford University Press, 2012.
- TULLY, James (1999), *Une étrange multiplicité. Le constitutionnalisme à une époque de diversité*, Quebec, Laval University Press, 1999.
- VIVER I PI-SUNYER, Carlos, “El reconeixement de la plurinacionalitat de l’Estat en l’ordenament jurídic espanyol” in Ferran REQUEJO and Alain-G. GAGNON, dir., *Nacions a la recerca de reconeixement. Catalunya i el Quebec davant el seu futur*, Barcelona, Institut d’Estudis Autònoms, 2010, pp. 213-35.

INTRODUCTION: INTERNATIONAL ASPECTS

Anne Mandeville⁵

During the first conference on the Autonomy Initiative organized in Geneva in 2009, we were asked to take a comparative look at what was then a new approach to solve the territorial dispute and build a modern society in Moroccan Sahara. The initiative of the Kingdom of Morocco was both original and essential in that it took into account “new” international relations, in particular to manage conflicts, namely a new concern of States (following the end of the Cold War) for security and defense, and to preserve an increasingly threatened and unstable international order. Under the aegis of His Majesty King Mohammed VI, Morocco has been showing undeniable political realism in this respect since the launch of the Autonomy Initiative. As recalled by Ambassador Omar Hilale and by Marc Finaud in their presentations, what is at stakes in the Autonomy Initiative is the establishment of a democratic and modern society, but also the settlement of a thorny territorial dispute.

The international aspects of autonomy have to be considered as an analytical framework to manage a conflict which, as experience as shown, can be extremely violent. This analysis is based on the belief that the very complex conflicts which occur within the international system occur for various reasons, and that these can be identified at various “levels” in this international system. This analysis fits into the fundamental social sciences debate on the relevance of the choice between holistic (or systemic) approaches on the one hand, and individualistic (or reductionist) approaches on the other hand. Kenneth Waltz⁶, the well-known author of the famous book entitled *Man, the State and War* is the father of the expression “levels of analysis”. In this book, he analyzes the classic literature on war and classifies it into three self-explanatory “images”, each providing for an explanation of the phenomenon of war: the first “image” (or first level of analysis) is that of human nature; the second is that of the nature of States; and finally the third one is that of the nature of the international system. In Waltz’s analysis, the focus is on the importance of the international system as such (i.e. as a whole distinct from its components), as a tool to explain war. Various authors offered to widen the approach based on the levels of analysis, by considering the levels as units or actors of the system (system, States, bureaucracies, individuals, etc.) and by considering the levels as sources of explanation: the capacity to interact, structures and processes are, for instance for Barry Buzan, the variables that explain the behavior of units.

Therefore, studying the international aspects of the Autonomy Initiative requires looking at the question on various “levels of analysis”⁷: whereas the issues that were looked into and discussed in the three previous panels mostly refer to what we call the “local” or “societal” level, the international aspects must take us back to the “last” three levels of analysis used in the political theory, i.e. that of the State, that of regional sub-systems, and finally that of the international system. As a consequence, in order to try and understand a conflict, we set about identifying and determining its factors, its actors, its forces, as well as their interactions and manifestations,

⁵ Director, Centre of International Policy and Conflict Analysis, University of Toulouse, France

⁶ Kenneth WALTZ, *Man, The State and War*, Columbia University Press, New York, 1954, 1959.

⁷ See Barry BUZAN's contribution, « The Level of Analysis Problem in International Relations Reconsidered », in Ken BOOTH & Steve SMITH, eds., *International Relations Theory Today*, The University of Pennsylvania University Press, 1995, pp. 198-216. Voir aussi K. W. DEUTSCH, *Politics and Government*, Boston, Houghton Mifflin, 1974 (2nd edition), but also David SINGER, “The level of analysis problem in International relations”, in KNORR & VERBA, *The International System : Theoretical Essays*, Princeton University Press, 1961, pp. 77-92, and Martin HOLLIS and Steve SMITH, *Explaining and Understanding International Relations*, Clarendon Press, Oxford, 1992 (pp. 9 and seq.).

but we also endeavor to take into account the various movements in the international system, at these various “levels”.

And indeed, in October 2009 in Geneva, during the very first seminar organized by the GCSP under the theme “Can autonomy fulfill the right to self-determination?”⁸, we jointly laid down a basic and necessary framework within which we can now look into the question of self-determination: **that of the contemporary transformations of the international system**⁹. The participants in this seminar had been tasked to carry out a comparative reading of the nature and operation of political and constitutional autonomy schemes to settle territorial disputes.

Indeed, in our contemporary world made up of sovereign nation-States, there is permanent tension between the principle of (and the desire for) self-determination of peoples, which stems from *identitarian feelings*, and the principle of sovereignty which relates to the *principle of organization* of the “international society”. From a global point of view, the first principle could potentially foster “disarray” (i.e. instability¹⁰), whereas the second aims at producing “order” (i.e. stability) within an intrinsically anarchical system.

The study of a number of historical and contemporary cases has first and foremost showed, if proof were needed, that the desire for self-determination is as old as political societies themselves¹¹ and that it could not, especially in an international society that aspires to be democratic and politically liberal, be simply brushed aside or denied, even if it doesn’t have to be considered an “absolute right” in the positive sense of the term. In many different guises, and in contrasting manifestations depending on the political space, claiming participation in decision-making processes, in power, can thus be considered the common denominator of recent events and of self-determination claims that can go back much farther¹².

What our discussions in Geneva also particularly highlighted is a feeling, an idea, that has been emerging for a few years - and certainly since the beginning of the 21st century - within the “international community”: we should no longer confuse self-determination with independence and the creation of a new “sovereign”¹³ State. Indeed, in our age of extreme instability, allowing for the establishment of weak political structures - from a security, economic and democratic point of view - within an anarchical space such as the international system, can be at best irresponsible and at worst criminal given their propensity to turn into areas of violent and uncontrollable conflicts.

Since the end of the Second World War, and more so since decolonization, as well as during a more recent process of globalization, we forgot that the “democratic” claim of minorities did not exist in a vacuum. We forgot that it was only one side of the international democratic coin: in order to exist, the latter not only needs the expression of the peoples and the respect for their rights, but it requires their security as well. Democracy is also about protecting peoples. The

⁸ “Can autonomy fulfill the right to self-determination?”, Geneva Paper No 12, Geneva Centre for Security Policy (GCSP), 6 October 2009.

⁹ See Anne MANDEVILLE, Report for the Round Table organized by the Permanent Mission of Morocco in Geneva as part of the 15th session of the Human Rights Council, 21 September 2010, Palais des Nations, Geneva.

¹⁰ See the late Samuel HUNTINGTON, in *Political Order Changing Societies*, Yale University, 1968, and *The Clash of Civilizations*, Harvard University Press, 1996.

¹¹ Carlos AMARA spoke during this last session of the founding conception of Greece.

¹² See Hussein AGHA and Robert MALLEY, « La fin du monde arabe », *LeMonde.fr*, 19 February 2011.

¹³ Anne MANDEVILLE, in : “Can autonomy fulfill the right to self-determination?”, Geneva Paper No. 12, *op.cit.* 6 October 2009.

most “contemporary” examples in Europe (which are actually very old and regularly resurface as a result of “crisis”), such as Catalonia, Scotland, Belgium...are here to remind us of that, just like those conflicts that have been a source of concern for the “international community” for the past 20 or 30 years - religious or ethnic conflicts or “terrorism”. The “international society” can only be a society of sovereign nation-States powerful enough to be able to partake in the global game and capable **of taking part** in its regulation and its security, and thus that of its peoples. By way of reminder, Daesh was defeated by States, powerful States, and not through the “right of peoples to self-determination”.

This is how we came to progressively question the validity of what had been considered, especially by some international bodies since 1945, as some sort of positive international law, based on a proactive but utopian approach, ignoring the true nature of the behavior of actors and regional as well as global balances. The discussions between academics and practitioners throughout the various seminars organized since 2009, whether they be lawyers, political scientists or economists, led us to realize the intractability and hardly constructive nature of the stubborn and rigid implementation of the principle of self-determination in today’s international context. This frame of mind, which has been widely acknowledged as increasingly perceptible in recent years, is considered by some as a “new paradigm” of self-determination. This paradigm signals the end of self-determination equated with independence and its transformation into “democratic self-determination”, highlighting the respect for the right of peoples to participate as political actors while respecting the territorial integrity of existing States. The emergence of this paradigm is among others the manifestation of a crisis of territorial sovereignty within the international system, in the South as well as in the North.

This finding of some kind of acute contemporary crisis of territoriality is widely accepted within the international community; and we can rightly say that in many cases the implementation of the principle of self-determination as a steppingstone to independence gave rise to what we commonly call “failed States”, in so far as these political entities turned out to be unable to fulfill their obligations towards their nationals, to provide for their security, well-being, freedom, in other words for their human and citizens’ rights¹⁴. But there is something at least as serious from the point of view of the international community, and that is the finding that these “States” can become sources of insecurity for other States, or for entire regions, their congenital weakness turning them into a breeding ground for a violence that’s often endemic, for terrorism, for all manners of trafficking, because unfortunately they are incapable of defending themselves against these scourges. Therefore, due to States’ destabilization, the all-out quest for self-determination now undermines the basic principles of the international political order. This should today more than ever spur us to think in terms of **genuine** state sovereignty (in comparison with **formal** sovereignty), to consider the strength of States’ institutional framework as well as that of the practical means for the State to perform its core missions.

We should therefore fully understand - and this is the reason why many participants repeated it, whether they be academics or politicians - that in this area, State practice is paramount (in all areas: institutional, economic, cultural, social, security etc.). It is in this respect that the

¹⁴ “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed”, The Declaration of Independence of the United States of America of 1776. “The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.” The Declaration of the Rights of Man and the Citizen, 1789, Article 2.

Moroccan Autonomy Initiative is profoundly original and remarkable: it can indeed be considered not only as a means to solve a dispute (or at the very least a source of proposals to do so) but also as a model of state affirmation. The Kingdom of Morocco is now indeed a regional leader (in Africa), but also an international one (at the United Nations). The fact is that the comparison between all these dispute settlement processes shows that, beyond fundamental, legal and moral principles - which are obviously the backbone of the international management of these processes - autonomy is a constant practical dialectic between sovereign nation-States and the measured democratic expression of “cultural” specificities present on all continents.

By way of conclusion, I would like to recall something said by one of the participants in the seminar organized in Geneva in 2013 under the theme: “Representation and legitimacy in autonomy negotiations”. Shadia Mahraban, an Indonesian expert in negotiation and self-determination, indeed insisted on the need to show “common sense” and on the fact that parties absolutely have to realize that it is more **in their interest** to negotiate than to keep opposing each other¹⁵.

I for one believe that the achievement of everyone’s interests, which has been widely interpreted, is a rule that hasn’t been thought out enough. The principle of freedom is the guiding principle of the dialectic of territorial disputes resolution: the freedom for actors to “rethink self-determination”¹⁶ without getting bogged-down in standards, ideologies or talks, while ensuring realistic respect for others and for the constraints of the international environment.

¹⁵ Shadia MARHABAN, “Comparative Study of Autonomous Systems: Aceh and the Sahara Region”, in “Representation and Legitimacy in Autonomy Negotiations”, International Seminar, Palais des Nations, Geneva, March 21, 2013, Kingdom of Morocco, pp. 37-55.

¹⁶ See Gyula CSURGAI, “From the Nation-State to the Multinational State: Some Reflections on the Concept and Practices of Autonomy in Europe from a Geopolitical Perspective and the Lessons Learned from these Experiences”, in “Representation and Legitimacy in Autonomy Negotiations”, International Seminar, Palais des Nations, Geneva, March 21, 2013, Kingdom of Morocco, pp. 7-26.

INTERNATIONAL ASPECTS THE CARIBBEAN REGION AND TWINNED STATES

Rose-Marie Belle Antoine¹⁷

The Caribbean experience is different to many. There are no wars or armed conflict. Autonomous states arose by historical accident through the actions of our colonisers, the United Kingdom, for administrative convenience. There was very little in common with the twinned states. For example, Tobago is a beach island while Trinidad has oil.

The 3 countries with autonomous regions (or twinned states as we call them) are Trinidad and Tobago, Antigua and Barbuda and St. Kitts and Nevis.

They have existed in relative harmony even though there is little homogeneity. Diversity has been a strength and the different identity of the autonomous region has been prized.

The glue that holds these territories together despite the ethos that defines the relationship is a recognition of survival as small island states. There is a realisation that small states are difficult to sustain on their own. So autonomy survives not as mechanism to resolve conflict but this idea. So, like Scotland, when faced with referenda for independence, e.g. in St. Kitts and Nevis, the people voted to stay twinned.

There is also a paradox that the thrust for independence increased with the financial success and control in the region. Nevis was actually more wealthy than the central territory St. Kitts. When confronted with the reality that the realities of independence meant that such a state had to negotiate for itself in the wider world, there was less of an impulse.

There are different degrees of autonomy with St. Kitts and Nevis being the highest and Trinidad and Tobago the lowest. The latter is what I term 'handicapped autonomy' and there are many complaints about the model. There is no financial autonomy, no capacity to legislate, no representation at the state level. However, financial and governance autonomy ultimately leads to greater success.

There are similarities with Morocco. I will focus on three new developments, both of which present challenges and may have lessons for Morocco working out the specifics of autonomy in small states.

- (1) The Ability of an autonomous territory to cope with external threats such as disasters, climate change, etc.;
- (2) The ability to manage not just natural resources but also key service sectors such as transport which drive the economy;
- (3) The question of a uniform constitution.

¹⁷ Dean, Law School, University of West Indies, Trinidad & Tobago.

All three issues speak to relationships with the outside world in the international sphere. From the outset I should say that in none of the models does the region have the ability to formally relate on the international plane. From a *de jure* perspective, they have no legal status to do so. This was actually litigated in St. Kitts and Nevis. Although Nevis had by law autonomy over the financial sector, a conflict arose between it and St. Kitts, who wanted to restrain certain contracts. This went to international arbitration and it was held that Nevis could not represent itself as a separate entity. It had no *locus standi*, given that the national interest was involved and only central government had sovereignty to represent.

In comparing the Caribbean with Morocco, in general, there are several similarities. However, the Morocco model for the Sahara Region is far more generous and expansive than anything in the Caribbean. Further, the level of investment seen already demonstrates the ‘will’ of the central authority to give autonomy and can do much to build trust. I was struck by the dynamic development and investment in the Sahara Region. This has been a serious defect in the Caribbean and caused much tension. Similarly, the arrangements for representation in Morocco are superior.

The failure to invest in Tobago has caused a huge deterioration in the economy. When the larger territory has been threatened, e.g. when oil prices dropped, there has been little equity and Tobago has suffered, as in the recent past. Since there is no formal representation of the autonomous region, those voices were not heard.

To focus on the specific new developments:

- (1) Impact of climate change: recently the Caribbean was hit by two devastating hurricanes. Antigua was unscathed but Barbuda was devastated. This exacerbated the autonomy relationship, in particular, tensions about land tenure, both title and usage. For centuries Barbudans held collective title in an environmentally friendly setup. After the hurricane, the central government wished to rebuild using high-rise hotels, which they resisted. They wished to take the land since title was not individualistic and formally belongs to the state. The law was unclear on these matters and it is still not resolved.

The central government wishes to protect against future natural disasters. However, there is a philosophical tension and conflict which calls into mind the extent to which the autonomous state is allowed to have a say in the general direction of the country. There are deep philosophical differences about the kind of development that should ensue; environmental concerns, etc.

It demonstrates how quickly equilibrium is disturbed if these matters are not clear in law and policy. Generally, Barbuda had autonomy over land but not over national interests as the emergency showed. These are grey areas which present challenges if not clearly articulated. These same vulnerabilities potentially exist in Morocco.

- (2) Recent economic strains in Trinidad and Tobago led to a breakdown in transport. Tobago has no control over transport although it is key to it. It is a tourism economy. Similarly, Dakhla has difficulties with transport. These can cause huge disproportionate

economic impacts internally. There is need to consider not simply the management of natural resources but also the management of related sectors such as transport.

- (3) The tension in Trinidad and Tobago led to a new Bill for legislative reform. Hopefully there will be more autonomy, more financial independence and more representation. One important provision is a clause giving Tobago more control over the Constitution. It will have the freedom to pass laws that infringe human rights. The question is whether this is consistent with a harmonious autonomous relationship. To what extent should an autonomous region be allowed to deviate from international human rights norms as evident in the constitution of a unitary state? Can it survive if core constitutional norms are different? It is one thing to have separate judiciary and separate constitutional norms. Is there need for greater coherence? These are key questions for autonomous entities.

CHALLENGES AND LESSONS FROM THE PORTUGUESE EXPERIENCE OF REGIONAL AUTONOMY

Carlos E. Pacheco Amaral¹⁸

It is important to bear in mind that the concept of autonomy was forged in Ancient Greece, first within the context of international relations, to characterize and to define those *poleis* that were neither independent, nor under the yoke of others. From international relations autonomy would find its way into political science, becoming a concept that was used to describe those sections of a *polis* that enjoyed particular liberties within the broad context of the overall whole they integrated and were able to draft for themselves the system of right by which they were to live. In both cases, autonomy represented a *third genus*, expressing a kind of asymmetrical federalism and translating into the integration of individuated communities without amalgamation. In brief words, autonomy was the privilege of an entity that was, simultaneously a community in itself and part of a greater whole. Accordingly, it expressed two fundamental things: firstly, the right of a community, understood as an individuated entity, endowed with a specific identity, to be its own master and, therefore, to adopt its own legal and political system required by its specific identity; secondly, the right of the community, understood as a part of a superior whole, to participate in that whole and to share its singular political and juridical system.

This idea of autonomy, forged by the Greeks, proved to be so successful that it would not only survive the Ancient World but also thrive in the Middle Ages, until being extinguished, that is, by modernity and replaced by the alternative idea of sovereignty.

In the Western world, the idea of autonomy would be recovered in the last century, precisely in order to accommodate for diversity, for plurality and, accordingly, for the sharing of political power within formerly sovereign States. Autonomy was recovered from the shelves of history because it recommended itself as a precious instrument for assuring the integrity of plural States. Allowing parcels of States to hold and to freely exercise the political power adequate to fulfilment of its individuated identity was the price of national unity. Thus the regime of autonomy of the Finish Aaland islands, of the Spanish *historical nationalities*, of the Italian Special Status Regions, of the Danish islands and of the Portuguese archipelagos in the Atlantic.

Looking at the Portuguese and the overall European experience with autonomy, I would argue that it is grounded upon two interrelated fundamental principles. Firstly, of will. Indeed, autonomy requires a double will: of the State to recognize the individuality and the rights of the sub-State entity that is to enjoy it, and, correlatively, of the sub-State entity to be and to remain a part of the State. Secondly of trust, of mutual trust between the State, as a whole, and the autonomous region that is to remain a part of it. It is in this sense that autonomy is grounded

¹⁸ Professor, Jean-Monnet Chair, and Researcher, Centre for Humanistic Studies, University of the Azores and Centre for Interdisciplinary Studies of the University of Coimbra, CEIS 20. E-mail: carlos.ep.amaral@uac.pt

upon a will to share a common life and a common destiny with those we trust. And this is also where such values inherent to autonomy, like solidarity and subsidiarity, find their justification.

And, with your permission, I would dwell a bit on these aspects because, to my mind, they are absolutely fundamental – so much so that in their absence, autonomy will remain little more than a mere truce opening the way to something else, namely to the disintegration of the multiplication of sovereignties, as happened with some of the Danish islands, and as threatens to happen with Scotland, Catalonia, or Flanders, for example.

Will, and trust.

This is an aspect underlined by the Portuguese Constitution when it grounds Azorean and Madeiran autonomy upon “the historical aspirations” of the insular populations. Autonomy worked for the two archipelagos because it corresponded to the will of the respective peoples. And, furthermore, autonomy works when, instead of being imposed, or handed over, it is bargained between the overall State and the entity that is to become autonomous. So much so that when that bargain either does not exist or fades, the same destiny awaits autonomy itself. The Italian, Spanish and Portuguese experiences appear, in this context, to constitute eloquent cases in point. Witness, for example, the constitutional bargain struck around the autonomy of Italy’s special regions, which, in the case of Sicily, preceded the Constitution itself. In Spain, this would appear to lie at the very heart of the Catalonia challenge. Or, in, my country, witness the strong presence of insular political representatives at the overall Portuguese political class. The Constitutional commission established in 1975 to draft the Chapter dealing with the autonomous regions to be created was presided by an Azorean and the two major Portuguese political parties in Parliament represented themselves in that commission by Azoreans. So much so that instead of being perceived to be something offered, or imposed from the outside to the islands, autonomy has always been heralded as a conquest of the islanders themselves. And, to this day, the islanders hold a monopoly over the right of legislative initiative of its revision and reform.

Will of the Azoreans and Madeirans to be autonomous, grounded upon their will to be Portuguese. And trust, mutual trust and recognition. Not always easy, of course, yet always nurtured for it remains essential for the assurance of the unity of the State.

At the institutional level, our present theme of reflection, autonomy, unfolds around two fundamental tiers, at the European level as well as in the Portuguese experience: one external to the autonomous entity, the other internal. By the external level, I mean to refer to two sets of institutions. Firstly, to the array of institutions which allow the autonomous entity to participate in the definition and the implementation of the overall political will of the State of which it is an organic part. Secondly, to the institutions allowing the region to project its will beyond its borders, nationally and internationally. By the internal level, I mean the institutions it counts on to autonomously fix its own will and to implement it.

Starting with the **external level**, I would argue that insofar as the autonomous regions are understood to be parts of the State, they must be allowed to participate, as such, in the definition of its sovereign will. In the Portuguese case, this is done through a variety of instruments. As

national citizens, of course, the citizens of the autonomous regions participate in the national legislative. In the Portuguese case, besides, the Autonomous Regions integrate, domestically, in the Council of State and in the Superior Council of National Defence. Externally, they also integrate the COREPER,¹⁹ sending, each one, an element to the national delegation in Brussels charged with the representation of the Portuguese State near the European Union (EU) Council. They also enjoy the constitutional right to participate in the negotiations of international agreements dealing with matters that are of their interest, as well as in the benefits ensuing from them. This means that before Portugal negotiates with a foreign country, or with the EU, on matters that are of interest to its autonomous regions, it must, previously, negotiate with its autonomous regions and integrate its members in the national delegations. One could point to three or four paradigmatic cases in which the Portuguese Autonomous Regions were thus represented: the negotiations, at the United Nations (UN), of the Convention on the Law of the Seas, the negotiations by Portugal with the United States and with France regarding the concessions of strategic bases in the Azores and the negotiations with the EU, starting with the drafting of the Treaty of Accession and, in it, of the specific regimes for the archipelagos, and, afterwards, of Portugal's policy towards the EU on matters that are of interest to its regions.

Beyond this indirect access of the Azores and Madeira to European affairs and to international relations, in general, in indirect shape, so to speak, through their integration of the national delegations, the Portuguese Autonomous Regions also enjoy a significant gamut of instruments of direct access to international affairs. This is the case particularly in two domains, as recognized in the Portuguese Constitution: European affairs and regional cooperation. Portugal remains far from the renowned Belgian principle, *in foro externo ex foro interno*, prescribing to the Autonomous Regions and Communities the right to accede to International Relations and develop the diplomatic activity they may see fit in those domains which, domestically, are consigned to their competency and on which they are able to legislate. Yet, the Portuguese regional executives, and legislatures, have been able to develop foreign relations, particularly with the archipelagic State of Cape Verde (with which they are at present drafting a renewed sense of community together with the Canary islands in the macro region of Macaronesia), and the States in which, because of centuries of immigration, they hold important diasporas, in particular, the United States, Canada and Brazil. Spread throughout them we can find a series of *houses of the Azores*, and *houses of Madeira*, which function as embryonic foreign delegations. All of this, of course, besides the constitutional right that is recognized to them to hold direct contacts and to adopt agreements, directly negotiated, both with the European institutions themselves and with other foreign entities of a similar nature, other regions.

Unlike the regime foreseen in Italy, for example, or in Moldova, in Portugal, whereas the autonomous regions of the Azores and Madeira acceded to the national parliament, they have no formal access to the national executive. The regional presidents have no access to the Council of Ministers, although contact and cooperation between the national and the regional executives remain frequent – even if implemented in an *ad hoc* manner and the Portuguese

¹⁹ Committee of Permanent Representatives of European Union (EU) Member States to the EU Council.

experience has no parallel to the formal national/regional conferences typical of federal and States, like Germany and Austria, or regionalized States, like Italy or Spain.

At the legislative level, European integration has entailed closer cooperation between the regional and the national legislatures. Autonomy originally translated into a division of competencies between the overall State and the Regions. No specific cooperation between the regional and the national legislatures was required insofar as they legislated over different things. So much so that autonomy entailed nothing less than the transfer of competencies from the national Parliament, and Government, to their regional counterparts. Yet, the moment that European integration translates into the transfer of competencies from both nation and region to the EU, understandings and cooperation between the regional and national institutions – including Parliament – become a necessity. The Treaty of Lisbon underlined this requirement with the introduction of mechanism of association of the national and regional parliaments to the European decision-making mechanisms, including the regional capacity to assure the transposition of directives and the mechanisms of verification of subsidiarity and proportionality of European policies.

Furthermore, regional access to the EU is further assured by the systematic presence of Azorean and Madeiran Members of the European Parliament and by the Office that both regions jointly have near the European institutions, besides their integration of the national Portuguese mission to the EU.

In a word, whereas autonomy was understood as an instrument for detaching those domains that were understood to constitute a *specific interest* of each of the archipelagos from the Portuguese nation and, therefore, to withdraw them from the national institutions and organs of power in order to reserve them to the regions themselves and to have them freely determined by their own institutions – legislative and executive –, it quickly became evident that autonomy also required close participation and cooperation among national and regional organs and institutions, and European ones too. It quickly became clear that just about not single one of the domains that were constitutionally reserved to the Autonomous Regions, could be handled effectively by the Regions alone, requiring, instead, close legislative, executive and administrative cooperation between the regional, national and European levels and institutions. And this is not to say that there are no disputes or controversies. And, to my mind, the ocean, the property of its waters, fish and seabed mineral resources stands out as the one promising more and more intensive conflict in the near future.

Shifting now to the **internal level**, it is important to underline the institutional framework designed for the effective implementation of regional autonomy of the Portuguese archipelagos. Resorting to the traditional Western configuration of political power in three tiers, legislative, executive and judiciary, I would argue that the Portuguese option was for a conception of the Region understood as substantially different from the local authorities (dealt with in a different chapter of the Constitution) and as a kind of insipient or incomplete State: an entity that shares some, although not all, of the prerogatives of statehood. Of the three powers of the State, the autonomous regions share only the first two, legislative and executive, but not the third, judiciary. And, although bound to the national constitution, the autonomous regime cannot be

altered, except upon the initiative of the Regions themselves. So much so that autonomy integrates the limits of constitutional revision.

In Portugal, the judicial system remains unitary, crowned by a single Constitutional Court that functions as the Court of final instance for the entire country. Each of the regions, however, has its own legislative and its own executive. The Constitution has no place for *Azoreans* or *Madeiran citizenship*, or for *Azorean* or *Madeiran citizens* – although it clearly allows the Azores and Madeira to adopt a system of rights of their own. Azoreans and Madeirans are understood simply as Portuguese residing in one or the other of the archipelagos. And it is with full normality that a Portuguese from the mainland settling in one or the other archipelago becomes a full citizen upon arrival, inclusively with the full rights of passive and active regional citizenship.

Each Region elects, by universal suffrage, its own Legislative Assembly, which functions as a true Regional Parliament, entrusted with the definition of Regional policies, which are framed as laws. In strictly traditional parliamentary fashion, from the regional elections emerge the regional executives which, appointed by the Representative of the Republic, a figure that is named by the President of the Republic, of whom I should like to say a few additional words in a minute, answer politically, to the respective Regional Parliament alone.

In a few words, autonomy translates into a double phenomenon. Firstly, the separation of a specific set of domains, identified in the national Constitution and in the Regional Statutes (that have become true regional constitutions) from the national institutions of power (legislative and executive). Secondly, the effective transfer of these competencies to the Regions. And it is precisely with a view to their concrete exercise that the Constitution foresees the creation of regional autonomous institutions: legislatures and executives.

In conclusion, and, judging from the Portuguese experience of close to half a century, because of their relevance, allow me to point to two additional aspects that have proved to be particularly challenging and contested in the Portuguese experience of regional autonomy: the institutional representation of the State in the Regions and the form of the Portuguese State as a whole.

Upon the adoption of the system, the figure of the Minister of the Republic was adopted for each of the Regions, charged with five major functions: firstly, the representation of national sovereignty over the respective Region; secondly, to be the formal vehicle of contact between the regional autonomous institutions and organs of authority and their national counterparts, particularly at the executive level; thirdly, tutelage, political and legal, of the regional legislation; fourthly, the empowerment of the regional executives before the regional parliamentary assembly, taking in consideration the results of the legislative elections, and the signature of the regional diplomas; fifthly, the care for those services that were not transferred to the region and, therefore, remained a national responsibility, ensuring that the national executive did not fail to assure them properly.

This figure proved to be particularly acrimonious, and has been systematically contested. Accordingly, in successive constitutional revisions held since the adoption of the Constitution in 1976, its competencies have been systematically trimmed, and it was renamed Representative

of the Republic. At present he is basically a representative figure, without real power. His competencies are limited to the empowerment of the regional executive before the Regional Assembly and although he continues to sign the regional diplomas and to be able, should he so choose, to return them to the Regional Assembly for re-appreciation or forward them to the Constitutional Court, his veto power has fundamentally evaporated. And In Portugal, the question now is how to do away with it entirely, leaving the representation of the State entirely to the regional authorities, as is the case throughout the rest of Europe. If, in the early days of the autonomous regime, this figure was justified as a kind of balance of regionalist demands and threats of separatism, these justifications have long vanished.

A final word regarding the form of the State. The Portuguese Constitution continues to identify Portugal as unitary State, even though latter revisions have added the qualification: “with autonomous regions”. The point is that the concepts of *autonomy* and *unitary State* are contradictory, pointing to alternative scenarios. In a nutshell, whereas the idea of the unitary State allows for but a single system of right within the State, autonomy requires the sharing of political power and the coexistence, within the territory of the State of differentiated systems of right. And, in Portugal, this classification of the country as a unitary state has been utilized, in more or less systematic fashion by the Constitutional Court to thwart the regional legislative capacity. To my mind the solution is simple: the constitutional reclassification of Portugal as an asymmetrical regional State: asymmetric, because the solution adopted for the archipelagos of the Azores and Madeira seems to have little or no hold of the imaginary of the populations of the mainland; regional, because Portuguese is indeed organized in two politically and administratively autonomous regions, besides, the mainland.

REGIONAL FINANCIAL POWER IN A WORLD IN TRANSITION

Michel Bouvier²⁰

In Morocco and in France, regional structures were belatedly established as territorial authorities.

- In France: regions came into being as administrative units in 1972; only in 1982 did they become territorial authorities; the first General councils were elected in 1986.
- In Morocco: 7 economic regions were created by *dahir* of 6 June 1971 and the first law organizing regions as local authorities was adopted on 2 April 1997 (Law 47-96); the reform of advanced regionalization launched in 2008 has been the driving force behind this move, followed by the 2011 Constitution.

For the regions the challenge is double: economic and social development as well as sustainability of public finances.

- During the 1960s development was vertical and exogenous.
- The 1970 crisis brought about decentralization and local endogenous development. The principle of subsidiarity emerged and the State began to disengage itself. Liberalization and local financial autonomy came to be.
- Nowadays, the sustainability of global public finances has to be guaranteed; the State's fiscal policy is being revamped (Organic Law on Finance Law); there is enhanced accountability of players and new public management.
- There can be no accountability without financial resources and management autonomy.

When it comes to regionalization, three key elements have to be taken into account: the context, financial autonomy, equalization.

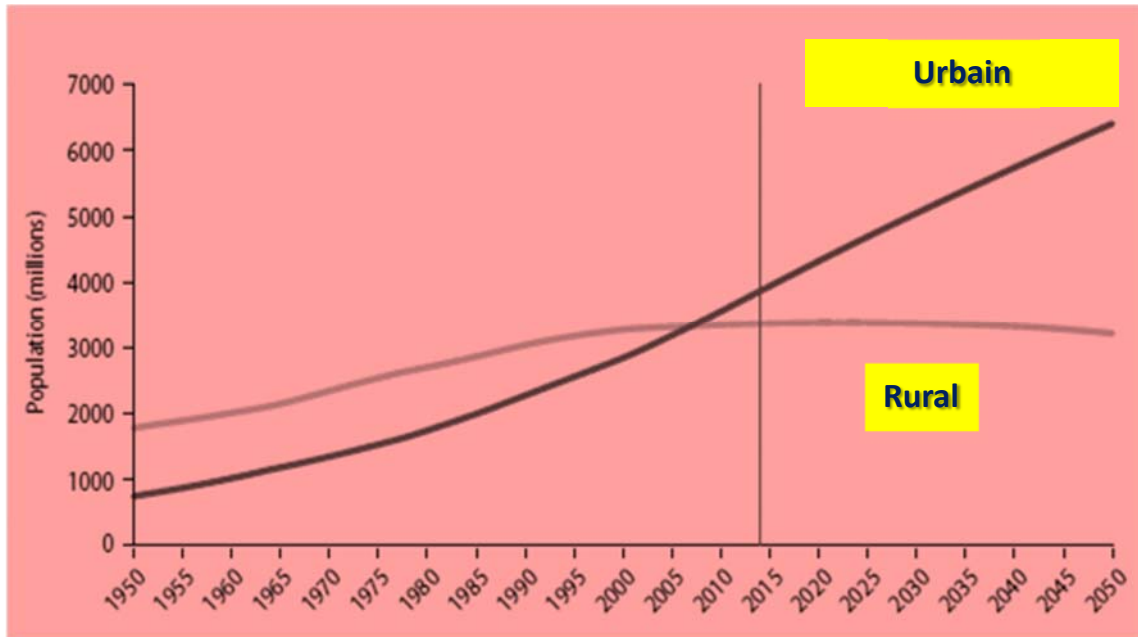
1) The context: regionalization in a world in transition

What happened over the past 45 years? Shocks and mutations.

For 45 years, between 1973 and 2018, the world was transfigured and experienced economic mutations as well as mutations of public finances. Globalization and the digital revolution led to a move from a national economic and political model to a global economic and political model. National and international networks became horizontal. These are interconnected business networks within an archipelago of international metropolises.

By 2050 the global population will be as follows: 10 billion inhabitants (China: 1,35 billion; India: 1,7 billion; Africa: 2,5 billion; Europe: down except in France, Belgium, the United-Kingdom, the Netherlands, Austria); Morocco on the rise: 27%).

²⁰ Professor at the Paris 1 Sorbonne University, France, Founder-President of FONDAFIP (www.fondafip.org), Founder and Director of the French Journal "*Public Finance*"



Urbanization is galloping: in 1950, 30% of the world's population lived in urban areas, against 54% in 2014. In 2050 this figure will be 66%.

For the future we can expect several types of shocks: demographic; environmental; related to metropolisation, to automation and artificial intelligence; a fiscal shock; growing social divide; poverty; security; territorial divide; population movements; smart territories.

2) Local financial autonomy:

In order to be autonomous, any power requires means and resources.

a) Local authorities under trusteeship:

- State intervention
- A priori controls
- Specific subsidies
- Supervised borrowing

b) Financial empowerment of local players

- Growing management autonomy: from specific to global subsidies, from specific to global loans, extended powers, development of local management.
- Growing fiscal autonomy: local authorities levy their own taxes, are free to vote their tax rates.
- Management autonomy + fiscal autonomy = financial autonomy.
- A posteriori control.

c) The administrative freedom of territorial authorities:

- In Morocco and in France the process of regionalization is enshrined in the constitutional principle of territorial authorities' administrative freedom:
 - o Article 136 of the 2011 Moroccan Constitution: The regional and territorial organization is based on the principles of free administration, cooperation and solidarity.
 - o Article 72 of the 1959 French Constitution: In the conditions provided for by statute, these communities shall be self-governing through elected councils and shall have power to make regulations for matters coming within their jurisdiction.
- It requires a definition, finances, as well as a certain degree of financial autonomy.

d) What kind of financial autonomy?

- What sources of financing? Taxes, subsidies, different types of proceeds, fees, borrowing.
- What type of autonomy? Fiscal? In management? Or both?

In France and Morocco the free administration of territorial authorities doesn't imply fiscal autonomy. It is not enshrined in the Constitution. In Morocco, article 141 only indicates in very general terms that territorial authorities have their own resources as well as resources allocated by the State. In both countries, the terms one's "own resources" relate to administrative freedom and financial autonomy. But the notion of one's "own resources" can encompass very different realities that necessarily have an impact on the degree of financial autonomy granted to authorities.

- Article 140 states that: On the basis of the principle of solidarity, territorial authorities have their own competences, competences shared with the State and those which are transferable to them by the latter. The regions and the other territorial authorities are provided, within their respective areas of competences and in keeping with their territorial jurisdiction, with regulatory power to exercise their competences.
- Article 141 states that: The regions and the other territorial authorities have their own financial resources and financial resources allocated by the State. Any transfer of competences from the State to territorial authorities must be accompanied by a transfer of corresponding resources.

3) What about financial equalization?

- Vertical or horizontal equalization?
- Summary indicators
- Retaining wealth and charges criteria
- Retaining objective distribution keys taking into account each region's geographical framework
- Relying on precise identification of the environment

- Examples: population, income tax, roads, per capital income, number of elderly people, tax effort, social habitat, levies related to nearby industrial towns, etc.
- Morocco: major regional disparities. GDP per capita in the wider Casablanca area is twice the average national GDP per capita. Funds have been created to correct disparities between regions (Article 142 of the Constitution and Finance Law of 2016). Financing: mobilization of State tax resources (2% of corporate income tax, 2% of income tax, 20% of the tax on insurance contracts). Involve the regions in the 30% VAT distribution to local authorities?
- France: National Fund of resources received by the regions.
- Article 142 of the Moroccan Constitution states that: A social upgrading fund is created, for a given period of time, for the benefit of the regions, in order to make up shortfall in human development, infrastructure and equipment. Moreover, an Interregional Solidarity Fund is created to ensure equitable distribution of resources so as to reduce disparities between regions.
- Moroccan decrees dated 4 December 2017:
 - o Criteria applicable to the Social Upgrading Fund: GDP per capita, number of inhabitants in rural areas, amount of State and public entities investment in the region, regional vulnerability, nature of the projects the region wants to finance.
 - o Criteria applicable to the Interregional Solidarity Fund: human development index, GDP per capita, number of people unemployed, number of inhabitants in rural areas, number of inhabitants in suburban areas, nature of the projects financed on the basis of the priorities established in public policies.

Conclusion:

Equalization is meant to allow the most deprived communities not to forever live on handouts but to eventually be able to provide their constituents with services on their own and to act independently to address the root causes of inequalities. It should no longer follow a handout rationale but an outcome assessment rationale.

THEMATIC PANEL: INTERNATIONAL ASPECTS

Rapporteur: Dr Gyula Csurgai²¹

This Panel discussed the international aspects affecting the question of autonomy. After the introduction by Dr Gyula Csurgai, Professor Anne Mandeville and Professor Rose-Marie Antoine presented their views on the theme of the panel. A discussion followed the presentations.

Dr **Gyula Csurgai** in his introduction stated that the fragmentation processes resulting from secessionist conflicts can seriously challenge the stability of states in the contemporary international system. The current European situation illustrates this phenomenon: the evolution of the Catalonia situation can have considerable impact on autonomies and separatist movements in Europe and it may influence some political situations even outside of Europe. Dr Csurgai emphasized that the “absolutist” interpretation of the concepts of self-determination and sovereignty should be re-considered. He stated that the implementation of various types of autonomies can satisfy two main objectives: respect the territorial integrity of a given state and accommodate the diversity of collective identities of the communities of this state.

According to Dr Csurgai, the external *geopolitical* factors should be taken into consideration in the context of autonomies due to the fact that the geopolitical motivations of the neighbouring states and other states in the region combined with the power rivalries of extra regional powers tend to influence autonomy situations. Dr Csurgai then highlighted the *geo-economic* dimension, stating that successful insertion of a part of a country in the globalized economy may result in economic prosperity, which in turn can make a more autonomous position increasingly attractive for such a region. According to Dr Csurgai, the examples of South Tyrol (in Italy) and Ticino (in Switzerland), among others, illustrate such development. Csurgai also stated that small units such as autonomous regions may integrate in an efficient way into larger geo-economic units, which highlights the importance of regional integration – as the European integration illustrates.

Professor **Anne Mandeville** stated that the study of the international aspects of autonomies requires the integration of three different levels of analysis that go beyond the local and societal dimension: the state, the regional sub-system, and the international system. According to Dr Mandeville, examining a given conflict with its different factors, actors and forces and their interactions requires an analysis at these three levels.

Professor Mandeville highlighted the fact that the international system, which is fundamentally anarchic, is characterized by tension between the principle of self-determination and the principle of sovereignty of nation states. The principle of self-determination, according to Dr Mandeville, can potentially lead to disorder in the international system and therefore it should be limited. She argued that although self-determination is recognized in the international system, this principle should not always be confounded with the absolute right to gain

²¹ Academic Director, School for International Training (SIT), Geneva.

independent statehood in order prevent further destabilization of the current international system.

Dr Mandeville further stated that the international system should be based on sovereign nation states and within the framework of these nation states the different autonomies can be considered as an important element of conflict resolution and democratic recognition of minorities. Professor Mandeville concluded that the Moroccan initiative of autonomy for the Sahara Region is an important conflict resolution tool and, moreover, the initiative being launched by the Moroccan state, consequently demonstrates the importance of the state-based international system.

Professor **Rose-Marie Antoine** presented the international aspects of autonomies in the Caribbean region, and focused on three 'twin island' countries with autonomous regions: Trinidad and Tobago, Antigua and Barbuda, and St Kitts and Nevis. She argued that the diversity of the autonomous regions is perceived as a form of strength and that autonomy survives as an idea due to the fact that small states may have difficulties to function on their own in the Caribbean region. Dr Rose-Marie Antoine discussed three main issues impacting the autonomies of small states:

- 1) The ability to cope with external threats such as natural disasters and climate change;
- 2) The ability to control not only natural resources but also key service sectors, such as transport, and
- 3) The question of a uniform constitution.

Professor Antoine highlighted that recent devastating hurricanes exacerbated the autonomy relationship between Antigua and Barbuda as the central government wished to build high-rise hotels while the population of Barbuda resisted this plan. According to Dr Antoine, this situation illustrates that the management of external aid can be an issue, particularly after natural disasters, when environmental, philosophical and legal questions can arise between the central government and an autonomous region about development and land use.

Professor Rose-Marie Antoine stressed the importance of controlling not only natural resources but also the management of related sectors such as transport. She illustrated this with the example of a recent breakdown of transport sector that hit the economy of Tobago, which has no control over its own transport sector. Finally, Professor Antoine briefly discussed the provision of a clause that gives Tobago more control over the Constitution that may lead to situations to pass laws that may infringe upon human rights. In this context, she emphasized the problem of consistency and uniformity in case of an autonomous region may deviate from international human rights norms as evident in the constitution of a unitary state.

A discussion session followed the presentations. Different viewpoints were expressed as to what extent the current international system actually is still a nation-state based system or not. The example of Azores and Madeira was mentioned. The political status of these two Portuguese autonomous regions allows them to negotiate directly with other actors in the international system. For instance, Azores and Madeira negotiated with the European Union (EU) during the process of Portuguese accession to the EU. Finally, the issue of possible

manipulations of the self-determination principle by external actors seeking to achieve geopolitical objectives was briefly discussed. The United States support to the secession and independence of Kosovo was mentioned in this context.

Final conclusions:

- Contrary to secessionism and the multiplication of new states, the implementation of autonomies can be a factor of stabilization in the current international system.
- The experiences of autonomies in the Caribbean region can provide useful insights for the implementation of other autonomies including the Moroccan Initiative for the autonomy of the Sahara Region.
- International factors can exercise an important influence on autonomies.

Recommendation:

- A specific international academic conference could be organized in the future on the international aspects of autonomies.

COMPARING AUTONOMIES: GREENLAND AND THE SAHARA REGION

Lise Lyck²²

1. What is Greenland?

- Territory
- Population
- Self-government
- Economy
- Political system

2. Background

- Vikings
- “The Danish superpower in the North Atlantic and the Baltic Sea: Denmark, Norway, Greenland, the Faroe Islands, Sweden, Finland , the Baltic countries, the North of Germany
- 1036 England
- 1650s Sweden with Finland and the Baltic countries
- Napoleon wars (Norway)
- 1864-1870 Northern German territories lost and Germany as a state
- 1920
- 1944 Iceland

Now Denmark is not a “superpower but a small rich well fare economy with a happy population

3. Achievements and Problems in Greenland today

- Well-functioning modern economy
- Political stability
- Too unequal income distribution
- Some social problems
- Too low educational level (10 years obligatory school, but too few with higher education)

4. Characteristics for autonomies

- Security problems
- Unique minerals /production input
- Economic /financing problematics
- Indigenous people/more populations
- Languages

5. Learnings from Greenland’s experiences

- Negotiations and dialogue important
- Self-government functions
- Development takes a long time
- Too little weight and resources devoted to education
- Development in a global context decisive

²² Director, Center for Tourism and Culture Management, Copenhagen Business School, Denmark (email: lly.marktg@cbs.dk).

6. Learnings in relation to the Moroccan Initiative for the Sahara Region?
- Always difficult to compare when context and conditions are different
 - However, more resources used for education are decisive for development
 - Institutions including more influence locally (decentralization) could create progress
 - Establishing an economic system with local influence based on human rights and democracy is needed

Introduction to the Article

The purpose of this article is to present and analyze the Greenland Home Rule from a government and governance perspective and to relate it to the Moroccan initiative for negotiating an autonomy statute for the Sahara region and thereby to contribute to an end of this dispute.

In order to make a presentation and analysis meaningful, a presentation of the historical and political context for the Nordic development is required and also a short comparison to the context for the Sahara region question, keeping in mind the differences between the two political, social, historical, and cultural contexts. In particular, while the autonomy of Greenland is well established since many years, the proposal for Sahara is still open for negotiation by all the parties and has been considered by the UN Security Council as “serious and credible”, which should be understood as an encouragement to all parties to use it as a starting point for negotiations, and enrich the scope of power devolution.

Needed is also a short overview over autonomy models and the development of autonomy statutes to give a perspective on the options.

On this background the Greenland Home Rule Model is presented and analyzed and the government/governance problematic analyzed in depth.

The relevance for the Moroccan initiative for negotiating an autonomy statute for the Saharan region of the juridical formulation and the experiences from Greenland is discussed and the learning presented pointing out advantages and pitfalls to consider and evaluate.

The last section includes a conclusion based on the presented analysis and some recommendation to consider. All is presented for further discussion and evaluation among the stakeholders interested in a solution of the autonomy question for the Sahara region.

Historical and Political Context

Denmark has been a kingdom for more than 1000 years and was back in time a superpower in the North. It included the Western part of the present UK, Norway, Sweden, Finland, the Baltic Sea coast territories and the islands in the Baltic Sea (among those the Aaland Islands, see below) and the islands North of Scotland, the Faroe Islands, Iceland, Svalbard and Greenland. The North Atlantic Sea was called *Mare Nostrum* (Latin meaning “our Sea”). However, after the Viking Age the parts of UK (not the islands) ceased to be part of Denmark and so did the Northern Baltic Sea parts of the present Germany.

In 1397 a treaty was signed in Kalmar (the Kalmar Union), deciding that Norway, Sweden and Denmark should be one kingdom. Queen Margrethe the First became the first formal ruler of this big country. The economic interests between Sweden and Denmark developed in opposite

directions and the Kalmar Union ceased to exist in 1526. Sweden became a kingdom and only the South of Sweden, including the provinces Scania, Halland and Blekinge, continued to be a part of the Danish kingdom, but continuous conflicts resulted in wars between Denmark and Sweden during many years, especially in the 1600s where Sweden expanded the country through wars in Finland, the Eastern Baltic Sea territories and the present Poland and the former East Germany. In 1648 the Swedes won the war with Denmark and the Southern Swedish provinces Scania, Blekinge and Halland were included in Sweden. Denmark tried to regain the provinces until the end of the Great Nordic war in 1721.

Norway and Denmark continued as one kingdom till 1814 as decided by the Kalmar Union, i. e. as one kingdom for 417 years (the end was due to the Napoleon wars, where Denmark was allied with Napoleon and Sweden against Napoleon. After the war Sweden got a French general as king.). At that occasion Norway came under Swedish sovereignty till 1905, when Norway became a sovereign state and appointed a Danish prince as king.

The South of Denmark included the present German “Bundesland” Schleswig-Holstein. Through history when the king had more sons, Schleswig-Holstein had been “ruled” by son number two and a specific treaty on Schleswig-Holstein being a part of the Danish Realm but with own taxes, laws etc. was created. It is the origin to the later autonomy statutes for Iceland, the Faroe Islands and Greenland.

Schleswig-Holstein as well as the part of Denmark up to the river Kongeåen (from Kolding to Esbjerg) became part of Germany after the wars with the Germans in the 1860s. After World War I a referendum was held to decide the new border between Denmark and Germany and the result of this is the present border. At the Kiel peace in 1814 the Svalbard islands were simply forgotten. Due to this Svalbard first in 1920 got an autonomy status by an international treaty as many countries had got economic interests in Svalbard, but under Norwegian sovereignty.

The Aaland Islands in the Botnic Bay between Sweden (40 km) and Finland (100 km) also have autonomy given by an international treaty in 1921 (The League of Nations). The population is Swedish-speaking and wanted to become a part of Sweden, but they got autonomy and came under Finnish sovereignty and were demilitarized. The reason was that iron from the North of Sweden was transported to Germany and used for canons and weapons during World War I.

As seen, wars, heritage rules and also to some degree gifts in connections to royal weddings explain the territorial and constitutional background for government and governance.

Overview 1. The Nordic Countries and Government and Governance Frame

Sovereign States	Sovereignty Since	Size of population	Territory	State Form
Denmark	910 (estimate)	5.5 million	43,000 km ²	Kingdom
Sweden	1526	8.5 million	449,904 km ²	Kingdom
Norway	1905	4.9 million	385,252 km ²	Kingdom
Finland	1918 (autonomy Sweden 1809, part of Soviet Union 1917)	5.4 million	338,424 km ²	Republic
Iceland	1944	311,000	103,000 km ²	Republic

Autonomies

Svalbard	1920	1,850	62,050 km ²	Norwegian sovereignty
Aaland Islands	1921	27,000	1,527 km ² (6527 islands, 60 inhabited)	Finnish sovereignty

Homerule

Faroe Islands	1948	49,257	1,399 km ²	Danish Realm
Greenland	1979 (1721-1953: Danish colony)	56,000	2,175,600 km ² (incl. 1,833,900 km ² of ice cap)	Danish Realm

Overview 1 shows:

- A long well-documented history
- Immense territories
- Relatively small populations
- Time differences in achieving sovereignty
- Wars have had a decisive impact over time
 - A development towards still more self-determination

Overview 2: Sahara and Neighbouring Countries

Sovereign States	Sovereignty Since	Size of Population	Territory	State Form
Morocco	1956	32,728,000	446,550 km ²	Kingdom
Algeria	1962	37,100,000	2,400,000 km ²	Republic
Libya	1947	5,700,000	1,759,541 km ²	Republic

Sahara Region		200,000	266,060 km ²	
---------------	--	---------	-------------------------	--

Compared to the North, in the Sahara the following regional context is found:

- Also immense territories
- Bigger populations than found in the Nordic area
- Later achievements of sovereignty
- Wars and conflicts and military takeovers part of the near past and present time
- Unsolved constitutional questions
- A colonial history
- A tribal society

To add further:

- Measured by gross domestic product, the countries in the North are rich
- Natural resources as well as minerals play a decisive role both in the North and in the North of Africa
- In the North, the populations are more homogeneous than in Africa
- The educational level is higher in the North than in Africa
- The religion in the North is mainly Christianity, in Africa it is more heterogeneous • The democracies in the North are well established through many years

The presented context must be taken under consideration when Greenland and the Sahara region are discussed in relation to autonomy and Home Rule and other government and governance models.

Kacowicz (1995) identified three zones of *positive security zones*:

- A subsystem of states within states are satisfied with the status quo, but where conflicts still can arise and lead to a negative peace,
- A community or society of nation-states satisfied with the status quo in which any domestic and international conflict remain non-violent, making a stable peace
- A pluralistic security community of nation-states with stable expectations of peaceful change, in which the member states are all democratic; they share common political institutions and are deeply interdependent.

The zones can be further characterized as seen (Clive Archer and Pertti Joenniemi, eds. 2003 p.4) leading to a discussion of the North (the Nordic states) as a “peaceful region”. Clive Archer (1996) stresses that it is not only the avoidance of war but to a high degree the culture of compromise and solidarity built over time that constitutes a peaceful region. In its resolutions since 2008, the UN Security Council has been stressing “that realism and a spirit of compromise by all the parties are essential” for the success of the process of negotiations on the Sahara region.

Those ideas are important to consider if the Sahara region and the countries around shall develop into a peaceful region. It requires strategy and stakeholder perspectives with gradual approaches and here are some lessons to be learnt from the Greenland Home Rule process presented in a later section of this article.

Autonomy and Home Rule Models

Autonomy models grant certain rights and powers to 1) the population living in a specific territory; 2) peoples; 3) people living in a specific area. As a consequence, autonomy can be based on a relation to population within a territory, to ethnicity or to a combination of territory and ethnicity.

The normal requirements for autonomy models for achieving constitutional legitimacy will be, that they are 1) given by an international treaty or 2) are part of a constitution. The mentioned autonomy models for Svalbard and for the Aaland Islands are of the first mentioned category. The other category has been applied by Portugal and the Netherlands for instance.

The Danish Home Rule model for the Faroe Islands and Greenland are sometimes called *quasi autonomy* models of the second category because they are neither given by an international treaty or part of the Danish Constitution. The autonomy model for the Faroe Islands is from

1948 and the latest Danish Constitution from 1953. It tells that it had been possible to include the Home Rule autonomy for the Faroe Islands into the Danish Constitution.

Many guesses and hypotheses have been presented to explain why the Home Rule model wasn't included in the Danish Constitution. Among the explanations is the upcoming of the Cold War that created a fear that communism could be rooted in the North Atlantic islands. Another explanation presented was that autonomy in the Danish state – Denmark being an extremely decentralized state – could be better considered as a part of decentralization. Thirdly, speculation has been that the autonomy model could be more flexible and more dynamic and future oriented in relation to transfer of powers if changes shouldn't be mentioned in a constitution, as it is difficult to change the constitution. In comparison with Canadian Models it has also been stressed that the flexibility in the Danish Home Rule model made current adjustments in relation to changes in the society possible, while the Canadian Models demand a clear reference to past rights and history and in this sense become backward oriented.

The weakness in the Danish model is that it can be questioned if the transfer of rights is irreversible or if it can be taken back by the state, i.e. if autonomy models are a kind of government or governance. In other words, can the autonomy be called back as a change of decentralization by a government decision? It is maybe a theoretical discussion but it is a question of constitutional law versus peoples' rights in international law. However, it is extremely unlikely that the Home Rule should be made reversible by a plurality in the Danish Parliament.

The Danish Home Rule model being a quasi autonomy model is not the only exemption from the traditional Home Rule definition. Think for instance on the Dayton Agreement that ended the 3½ year long war between Serbia and Bosnia-and-Herzegovina with 279,000 dead in 1995. It is a very special kind of agreement based on ethnic divisions, but with a unique government-governance structure. Probably it must be considered as a kind of autonomy model? In general, there seems to be new models for dealing with conflicts implying that the legal structure with the UN and the almost 200 sovereign states and 3,500 peoples of the world is not the only legal way of conflict solving.

The sovereign state concept has become heterogeneous due to the change of size of states. After World War I, there were 51 sovereign states in the world. After World War II, there were still only the 5 microstates (The Vatican State, Monaco, San Marino, Andorra and Iceland), but now about a fourth of the states are microstates, involving a mixed picture of powers and government/governance structures. During the time from World I until now also many autonomy systems have evolved, creating a diversity of options for government/governance structures.

Furthermore, also the juridical system for dealing with government/governance structures has today not only the options given by the institutionalized international set up. New competing models giving priority to human rights overruling the UN procedure are in progress. It was seen in the Iraq war, in Americans getting Osama Bin Laden in Pakistan, in the Guantánamo base case, in the intervention in Libya, etc. All signal that a veto in the Security Council does stop actions that, strictly considered, demand that all members agree. Taking those signals seriously imply, in relation to Sahara, that a solution for Sahara cannot be delayed and postponed any longer and that a solution must include a strong human right component together with transfer of powers in an autonomy model. The Moroccan Initiative, which does include a dimension of

human rights, responded to the call of the UN Security Council, since 2004, to all parties to cooperate fully with each other and the UN in order to bring this long-lasting dispute to an end. The current security challenges in the region, including terrorism, are also a key factor in favour of a prompt settlement of this dispute.

Self-determination refers both to states and peoples (especially indigenous peoples). It is originally a sociological concept applied in a legal context to subjects that mostly are not well defined. It creates problems for concise analyses (Harhoff, F. 1988). Having said this, self-determination is about protecting individual and group interests against a more powerful institution (state, society) by giving individuals/groups legal rights. The rights transferred can be domestic in relation to culture, religion, economy, law and order, politics etc. and external in relation to other countries, including also security and military issues. Roos, A. (1954) pointed out that it would be logical if the transferred rights were prevailing both domestically and externally. However, the system is not logical in that sense as, although rights are transferred, it is normal that the sovereign state keeps the rights for transferred areas in relation to external matters. Worth to mention is that the ongoing globalization seems to change this, adding external dimensions to the transferred rights.

How foreign affairs are dealt with in autonomy models often has a strong interest, as it is often a crucial issue in implementing autonomy. An overview of many of the existing solutions to this problematic is found in Hannum, H. 1988.

How economic rights are dealt with also varies, but as far as I know, there exists no coherent overview of the options. The most important issues are normally found to be on taxation and on natural and mineral rights. The existing autonomy models present different solutions to the mentioned problematic.

The Greenland Home Rule Development

Greenland was originally inhabited by Inuits and from about 950 by Vikings mainly coming from Iceland. Iceland was earlier (about 850) inhabited by Vikings coming from Norway and Denmark. Around 1400, the Vikings disappeared from Greenland. Some continued to America (Newfoundland) and other died or left Greenland due to what is called the “little ice age” when the temperature decreased much.

In the 1600s and 1700s, expeditions from the Danish king were sent out to find out about the situation in Greenland. They found Inuits, but no descendants from the Vikings. It was the background for Greenland becoming a Danish colony in 1721. Greenland was a remote place. From an economic point of view, there was an interest for whaling and some kinds of fur, but Greenland was not an economy coherent with the rest of the world. It was first after World War II that modernization in Greenland started.

In Denmark the idea of Denmark being a colonial power was found outdated and the constitutional trend at that time was assimilation. Newfoundland became a province of Canada, Alaska became a state in US and former colonies started to become sovereign states. By the new Danish Constitution of 1953, Greenland became a Danish county, and the colony status defined by the UN Treaty chapter 11 ceased to exist.

In the 1960s, the assimilation phase was followed by an increased interest in the rights of indigenous peoples both in the UN and in ILO as well as local interests for land claims in Canada and in Alaska (Alaska Native Claims Settlement Act (ANCSA) from 1971).

In Denmark, a commission with Danish and Greenlandic members was established in the 1973 to find a model for self-determination in Greenland. It resulted in the Home Rule Act for Greenland 1979. The most difficult question to agree on was the subsurface rights. The then Danish Prime minister (a Social-Democrat) announced that if Greenland should have these rights, Greenland must leave the Danish Realm. Among the Inuits a new political party was created – the IA (*Inuit Ataqatigiit*) – with the main goal that subsurface and mineral rights should be transferred to Greenland jurisdiction. In the Home Rule Act it reads: “Greenland has the fundamental mineral and subsurface rights”. It is not a juridical concept and it was a way to continue the work with the Home Rule Act and then putting this question aside to later. The Home Rule Act was passed by the Danish Parliament and was accepted in Greenland by a big majority.

Since then, a successful implementation has taken place. It was planned to take place from 1979-1989, but it went faster. Since the transfer, also other things have happened that have had an influence on the need for a revision of the law. Worth to mention is especially that the Home Rule in the Faroe Islands in 1992 achieved the subsurface rights by an agreement with the Danish state. The new Home Rule Act 2009 is not within a delegation frame that can be revoked as it opens for sovereignty, but the timing has to be decided by the Greenland Home Rule politicians.

For many years, Greenland has received an annual subsidy from Denmark on 3-3.5 million DKK (corresponding to about 500,000 euros) and it is not considered likely to change fundamentally in the coming years. Therefore, it will be very costly for Greenland if the politicians in Greenland decided that Greenland should become a sovereign state.

The Content of Greenland Government and Governance

Firstly, the Home Rule model refers to a population in a territory. Sanders, D. (1985) wrote: “In my view no meaningful autonomy is possible without a distinct territorial base for the population.” It is totally in line with the basic thinking in the Danish Home Rule models. It means that it is not an ethnic model (not peoples, but population within a territory).

Secondly, it is from a theoretical point of view a delegation model, but in practice and in the 2009 Home Rule, the Act for Greenland is an irreversible model.

Thirdly, it includes a comprehensive range of policy decision-making instruments and areas transferred, including all economic powers except from the exchange rate policy and monetary policy.

Fourthly, it is possible not to join Denmark in international agreements, but participation in international agreements of which Denmark is not a member is restricted; it can in some cases be negotiated positively with the Danish state. Worth to mention is that Greenland held a referendum in 1982, as promised by the Danish state under the Home Rule negotiations in the 1970s. The referendum ended with a no (53% against) and Greenland left the European

Economic Community (EEC) in 1985, and was granted an Overseas Countries and Territory (OCT) status (Denmark became an EU member in 1973).

Fifthly, mineral and subsurface rights were not included in the 1979 Home Rule Act for Greenland. The new 2009 Home Rule gives Greenland rights, but not full rights.

Sixthly, the Greenland Home Rule government is entitled to a Danish block grant as mentioned earlier until a surplus from using the mineral and subsurface rights exceeds the size of the state block grant considerably.

Seventhly, the Supreme Court is in Copenhagen and is the Supreme Court for the whole Danish Realm.

Eighthly, the population living in Greenland elects two members to the Danish Parliament (which has in total 179 members, including two from the Faroe Islands and the two from Greenland).

Ninthly, The Greenland Home Rule model is a pragmatic and dynamic model with current fixed negotiations among the Danish Prime Minister, and “the Prime Ministers” of the Greenland and the Faroese Home Rule.

The transferred areas in 1979 included:

- 1. Organization of Home Rule in Greenland**
- 2. Organization of local government**
- 3. Direct and indirect taxes**
- 4. The Church and dissenting religious communities**
- 5. Fishery in the territory, hunting, agriculture and reindeer breeding**
- 6. Preservation**
- 7. Country planning**
- 8. Legislation on trade and competition, including legislation on restaurant and hotel business, regulation on alcoholic beverages, regulation on closing times for shops**
- 9. Social welfare**
- 10. Harbour market affairs**
- 11. Education and cultural affairs, including vocational training**
- 12. Other matters related to trade and support of economic activities**
- 13. Health services**
- 14. Rent regulations and housing administration**
- 15. Supply of goods**
- 16. Domestic transportation of people and goods**
- 17. Protection of the environment**

In 2004 a commission to revise the Home Rule Act was decided. The mandate given was: the point of departure should be the 1979 Home Rule Act and should be based on a principle of balance between rights and duties. A new proposal for the economic relations between Denmark and Greenland should be included. Also a proposal on how Greenland could achieve sovereignty based on unanimity between the Danish government and the Greenland Home Rule government, meaning that it is the Greenland population that decides if Greenland wants to achieve sovereignty (paragraph 21). The new Act came into force in 2009.

Thirty-two new areas could be taken over. The main changes were the following:

1. The Inuits were recognized as a people

2. The Inuit language became an official language together with Danish
3. The Greenland people has property rights on the resources in land and in sea within the Greenland territory
4. The Danish block grant will continue so long as the Greenland economy is not selfsustaining
5. An increase of the educational level
6. More influence on foreign policy
7. A new principle for transfer of responsibilities without financing from Denmark

The Greenland Home Rule Act from 1979 was more comprehensive than the UN Declaration on the Rights of Indigenous Peoples, which consists of 46 articles in 9 main sections.

The Greenland Home Rule Act from 2009 is even more comprehensive in relation to transfer of powers and opens a route to becoming a sovereign state.

Experiences from Greenland to Consider in Relation to the Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region

- In Greenland, there are four political parties and the political development has been stable. Greenlandic politicians have managed to make Greenland well known internationally. There have been examples of corruption, but at a very low scale. The economic development has not given Greenland an economic growth that could make its economy independent of the Danish block grant and subsidies. Fisheries are a main income source. Mining has not contributed much to the economy. Also tourism contributes relatively little to the economic development. The educational level has been increased. Greenland has achieved more selfdetermination and on more areas.

- The Moroccan initiative for negotiating an autonomy statute for the Sahara region includes 35 items placed in three sections:

The first is on Morocco's commitment to a final political solution. It is an open and positive commitment to achieve an autonomy statute for a territory in line with the provisions of the United Nations Charter and under Moroccan sovereignty with the Sahara populations running their affairs democratically and with a referendum that decides the proposal. It also guarantees all Sahrawis inside as well as outside the territory a privileged position and a leading role in the bodies and institutions without discrimination.

As in the case of the Inuits in Greenland, the Sahrawis are the majority in most of the Sahara region (up to two thirds of the total population). This number may even increase with the repatriation of refugees and the diaspora. This can be considered as an asset and should not give rise to any special challenges in how to secure rights for indigenous people. Moreover, the integration of the autonomy status into the Moroccan Constitution will guarantee the irreversibility of the devolution of rights and powers to the Sahrawis.

The main difference is that wars have taken place not long ago in the case of Sahara. This difference gives rise to specific challenges in relation to trust and credibility that must be overcome to achieve a positive result. In this regard, paragraphs 9 and 10 of the Moroccan Initiative call "on the other parties to avail the opportunity to write a new chapter in the region's history" and stresses Morocco's readiness "to take part in serious, constructive negotiations [...] and to contribute to promoting a climate of trust."

The second part deals with basic elements of the Moroccan proposal and specifies the powers to be transferred. The powers transferred seem to be close to the United Nations Charter, but less comprehensive than both the 1979 and the 2009 Greenlandic Home Rule Act. Especially external relations seem much more restricted compared to Greenland. It can also be mentioned that Greenland got its own flag under the 1979 Home Rule Act, and that it is a flag without the crux found in the other flags from the North but with red and white colours as in the Danish flag.

The extent of the devolution of powers to the Sahara region can be analyzed taking into account the history of the Middle East and North Africa where the culture of power sharing is not deep rooted. The list of such powers as contained in paragraph 12 of the Moroccan Initiative includes:

- The Region's local administration, local police force and jurisdictions;
- In the economic sector: economic development, regional planning, promotion of investment, trade, industry, tourism and agriculture;
- The Region's budget and taxation; infrastructure: water, hydraulic facilities, electricity, public works and transportation;
- In the social sector: housing, education, health, employment, sports, social welfare and social security;
- Cultural affairs, including promotion of the Saharan Hassani cultural heritage; • Environment.

Moreover, paragraph 13 of the Initiative lists the financial resources of the Sahara region:

- Taxes, duties and regional levies enacted by the Region's competent authorities;
- Proceeds from the exploitation of natural resources allocated to the Region;
- The share of proceeds collected by the State from the exploitation of natural resources located in the Region;
- The necessary funds allocated in keeping with the principle of national solidarity;
- Proceeds from the Region's assets.

In addition, the governance is also linked to the structure and substance of the powers transferred to the democratic bodies of the Sahara Region. In this respect, the Moroccan Initiative underlines that:

- The Parliament of the Sahara autonomous Region shall be made up of members elected by the various Sahrawi tribes, and of members elected by direct universal suffrage, by the Region's population. There shall be adequate representation of women in the Parliament of the Sahara autonomous Region.
- The Executive authority in the Sahara autonomous Region shall lie with a Head of Government, to be elected by the regional Parliament. He shall be invested by the King.
- The Head of Government of the Sahara autonomous Region shall form the Region's Cabinet and appoint the administrators needed to exercise the powers devolving upon him, under the present autonomy Statute. He shall be answerable to the Region's Parliament.
- Courts may be set up by the regional Parliament to give rulings on disputes arising from enforcement of norms enacted by the competent bodies of the Sahara autonomous Region. These courts shall give their rulings with complete independence, in the name of the King.

- As the highest jurisdiction of the Sahara autonomous Region, the high regional court shall give final decisions regarding the interpretation of the Region's legislation, without prejudice to the powers of the Kingdom's Supreme Court or Constitutional Council.

The third section is about the approval and implementation procedure for the autonomy statute. The Moroccan Initiative provides for negotiations among all parties, free popular consultation, and inclusion of the autonomy statute in the Moroccan Constitution. According to paragraph 27, “The Region’s autonomy Statute shall be the subject of negotiations and shall be submitted to the populations concerned in a free referendum. This referendum will constitute a free exercise, by these populations, of their right to self-determination, as per the provisions of international legality, the Charter of the United Nations and the resolutions of the General Assembly and the Security Council.”

As per paragraph 29, “Moreover, the Moroccan Constitution shall be amended and the autonomy Statute incorporated into it, in order to guarantee its sustainability and reflect its special place in the country’s national juridical architecture.” And paragraph 31 stipulates that “the Kingdom of Morocco shall, in particular, declare a blanket amnesty, precluding any legal proceedings, arrest, detention, imprisonment or intimidation of any kind, based on facts covered by this amnesty. This paragraph again stresses that the starting point is far from the Greenlandic point of departure for Home Rule. Besides, according to paragraph 25, “The Region’s populations shall enjoy all the guarantees afforded by the Moroccan Constitution in the area of human rights as they are universally recognized.” As the seminar organized in Dakhla in 2011 on the democracy and human rights dimensions of the Moroccan Initiative concluded, that proposal needs to be appreciated in the context of the current political dynamics for enhancing democracy and the rule of law in Morocco.

It is also positive that there is recognition of the need for a mutually political solution and that those negotiations are the only way ahead. The success of the Moroccan proposal thus depends on the capacity of the parties to engage into negotiations in good faith and with a spirit of compromise and realism. A mutually acceptable solution of this dispute would turn the Maghreb into a peaceful region and would allow its economic integration.

What is lacking is unfolding the negotiators functionality, skills and competencies that can create the needed trust and credibility. Factors that were developed during many years in Greenland.

References

- Archer, C. (1996): “The Nordic Area as a Zone of Peace”, *Journal of Peace Research*, vol. 33 (4), pp. 451-467
- Archer, C. (2003): “Introduction” in *The Nordic Peace* edited by Archer C. and Joenniemi, P., Ashgate Publishing Limited, Aldershot, UK
- Harhoff, F. (1988): “Constitutional and International legal Aspects of Aboriginal Rights”, *Nordic Journal of International Law*, Special issue on the Small Nations of the North, vol. 57, 1988 pp. 289-295
- Hannum, H.: “The Foreign Affairs Powers of Autonomous Regions”, *Nordic Journal of International Law*, Special issue on the Small Nations of the North, vol. 57, 1988 pp. 273-289

- Kacowicz, A. M. (1995): “Explaining Zones of Peace: Democracies in Satisfied Powers?” *Journal of Peace Research*, vol. 32 (3), pp.263-276
- Lyck, L. (2003): “The Faroe Islands: The Birth of a New Microstate?” in *The Nordic Peace* edited by Archer C. and Joenniemi, P., Ashgate Publishing Limited, Aldershot, UK
- Lyck, L. (2003): “Greenland and the Challenges for the Danish Realm”, in *The Nordic Peace* edited by Archer C. and Joenniemi, P., Ashgate Publishing Limited, Aldershot, UK
- Roos, A. (1954): “Studiebog i Folkeret”, København
- Ross, A. “Dansk forfatningsret”, *Nyt Nordisk Forlag*, Copenhagen, 1966
- Sanders, D. (1986):”Is Autonomy a Principle of International Law? *Nordic Journal of International Law* 55(1-2):pp. 17-21
- The Greenland Home Rule Act 1979 and 2009 United Nations, Document S/2007/206 of 13 April 2007: Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region
(available at: <http://www.securitycouncilreport.org/atf/cf/%7B65BFC9B-6D27-4E9C-8CD3CFE6FF9%7D/MINERSO%2007206.pdf>)
- “Democracy and Human Rights Dimension in the Moroccan Initiative for Negotiating an Autonomous Statute for the Sahara Region”, International Seminar, Dakhla, 21-22 February, 2011.

Models of Territorial Autonomy

Dr Stephen Tomblin²³

1) Regionalization

- Slippery concept with different meanings.
- Can be both centralizing while also decentralizing.
- Involves experimenting with unity-diversity, divergent forms of autonomy, respecting cultural differences without sacrificing democracy or good policy practices.

2) Highlights

- Canada interstate federal system – highly decentralized and competitive.
- Province building has persisted and enjoys much autonomy and capacity.
- No national economy: provinces trade more outside than inside.
- Boundary disputes have persisted and undermine development.
- Decision making more bilateral than multilateral.

3) Development/Underdevelopment

- Competing perspectives/frameworks on Canada Regionalism, regional definition.
- Canadian Staples Theory - different versions (relational/formal) that focus on “internal” problems or “external” exploitation.
- Modernization did not prove “inevitable” and drove province-building phenomenon, efforts to control borders, associational activities, ideas, institutions, and interest mobilization.

4) Function Versus Form

- Critical issue in pooling sovereignties is: where does power lie and where should it lie?
- Public policy models offer different insights on role of ideas, institutions, and interests.
- Assumption of functionalists (policy wonks) in post-war era was that territoriality (whether nation-state borders or federalism) would decline – but these forces have not.
- Choice of policy instruments has remained soft: for example, the Canadian fiscal federal system relies a great deal on “unconditional” transfers.

²³ Professor in the Department of Political Science and Medicine (Community Health) at Memorial University of Newfoundland (Canada).

5) Territorial–Functional Balances

- Territorial pluralism, old forms have been underestimated.
- Examples: America-First; Brexit, NAFTA; territorial battles in Canada over pipelines, trade, equalization, decline of multilateral venues, forms of knowledge construction and rise of bilateral zero-sum conflicts.

6) Economic Development

- Issues of territorial and jurisdictional defence persist in Canada.
- Despite efforts to collaborate and avoid zero-sum conflicts.
- Provinces own and control natural resources, including energy resources.
- The system has produced powerful provincial states tied to natural resource dependencies in economies where most direct employment is in knowledge-service economies.
- Canada has had three national policies, but the idea of having a national policy was abandoned in the 1980s and replaced by free trade.
- These national policies produced through history much provincial resistance and suspicion of functionally based policies.
- Lesson: avoid using public policy as a political weapon, find ways to focus, engage citizens based on evidence, and build integrated functional communities rather than territorially divided-competitive societies

7) Pan-Canadianism

- 1957 saw launching of Pan-Canadianism.
- Regional Development policies.
- Tax coordination.
- Equalization (unconditional fiscal transfers intended to encourage modernization without fear of domination).
- Equalization remains highly controversial and provincial premiers play for different audiences.
- Due to unconditional design has reinforced even further provincial state autonomy.

8) Decentralization persists

- Canada is one of the most de-centralized federal systems in world.
- It operates more like an international system.
- Multilateral, pan-Canadian approaches have declined (as have resources for popular programmes like Medicare).
- Territorial competition, especially in energy-natural resource sectors, has produced bad decisions and outcomes.
- Territorial actors (premiers) remain dominant and isolated.
- Growing democratic deficit, inability to work across systems and borders in all directions (north-south/east-west).

ANNEX

SPEAKERS' BIOGRAPHIES

Mr Marc FINAUD, Senior Advisor, Geneva Centre for Security Policy, Geneva (GCSP), Switzerland

Marc Finaud is a former French career diplomat with experience in bilateral postings (Leningrad, Warsaw, Tel Aviv, Sydney) and multilateral responsibilities (in Madrid, Vienna, Geneva, New York) especially in human rights and arms control. Since 2004 he has been sharing this experience with junior diplomats and military officers from all countries trained at the Geneva Centre for Security Policy (GCSP) and has been conducting research on disarmament, the Middle East, and international humanitarian law. In 2013-2015, he was also a Senior Resident Fellow at the United Nations Institute for Disarmament Research (UNIDIR). Among his publications are: "Can Autonomy Fulfil the Right to Self-determination?" (GCSP Geneva Paper, 2010); Multilateralism and Transnational Security (Slatkine, 2009); Global Biosecurity (Slatkine, 2008).

Dr Alain-G. GAGNON, Head of Research Chair on Quebec and Canadian Studies, University of Quebec in Montreal, Canada

Alain-G. Gagnon is a full professor of political science at the Université du Québec à Montréal (UQAM) and has held the Canada Research Chair in Quebec and Canadian Studies since 2003. From 1982 to 2003, he taught at the universities of Queen's, Carleton and McGill. He is the founding director of the Centre de recherche interdisciplinaire sur la diversité au Québec (CRIDAQ) and the director of the Groupe de recherche sur les sociétés plurinationales (GRSP). An internationally renowned researcher and political scientist, Alain-G. Gagnon actively contributes to the debate on the organization and future of western societies. His work spans different fields of analysis, from regional development to the sociology of intellectuals, political economy and the questions of federalism and nationalism. His engagement is demonstrated in both his teaching of young researchers and his participation in public debate. His work has profoundly influenced researchers on federalism in Belgium, Spain, the United Kingdom and Canada. Alain-G. Gagnon pioneered the comparative study of small nations and plurinational societies, a fast-growing field today, and has become one of the most influential experts on these issues. The collective work he co-directed with James Tully, *Multinational Democracies*, has become a must-read for political scientists. It assesses the capacity of different multinational states to combine justice and stability in the management of national and cultural diversity. His work on the multination, and in particular his book titled *The Case for Multinational Federalism: Beyond The All-Encompassing Nation*, earned him the Josep Maria Vilaseca i Marcet award from the Generalitat de Catalonia in 2007. Recently he directed a major work on Canadian federalism which gave shape to what can be called the Quebec school of federalism. The book entitled *Le fédéralisme canadien contemporain* has been released by University of Toronto Press under the title of *Contemporary Canadian Federalism* and is now also available in Catalan and Spanish, and a German version is in the works. With his colleague Michael Burgess, from Kent University (Canterbury, England), he has published *Federal Democracies*, which is destined to become a critical element in the study of comparative federalism. Alain-G. Gagnon received the Santander Award of Excellence in Research from the Universidad Carlos III de Madrid in 2010. He was appointed as member of the Royal Society of Canada in 2008.

Dr Anne MANDEVILLE, Director, Centre of International Policy and Conflict Analysis, University of Toulouse, France

Dr Anne Mandeville has been, since 2008, the Director of the Centre on International Policy and Conflict Analysis (CDPIAC) of the University of Toulouse (France). She received her PhD in Political Science from the Toulouse University of Social Sciences (1994) with a thesis on Law Enforcement Authorities in the United Kingdom - Elements of Political Analysis of the British Law and Order System. She also received a degree from the Toulouse Institute of Political Science (1981) with a thesis on: Elements of Sociology of Magistrates in the Judiciary Branch. She teaches Political Sociology, Compared Political Systems, Conflict Analysis and Geopolitics. Her main areas of research include conflict analysis, study of law and order as political phenomenon, compared military sociology and international relations theory. She took part in the Annual Teachers' Workshop of the Philipp Merrill Center for Strategic Studies, and is a visiting lecturer at the University of Dublin (UCD). She was an intern at the International Institute for Strategic Studies in London (IISS) (1988) and took part in the Harvard/MIT programme on nuclear deterrence and arms control (1987). In 2005-2007, she led the "South-West Regional Group" of the Ministry of Defence's Trainers Seminar. She was Vice-president of the Political Science Specialists' Commission of Toulouse University UT1 (1996-2007), External Member the Political Science Specialists' Commission of Perpignan University (1996-2005), Board Member of the Toulouse Institute of Political Science (1995-1999). She published many books and articles on Political Sociology, including: "La renaissance du système militaire comme acteur essentiel de la fonction de police globale contemporaine", with Bertrand Cavallier, *Inflexions*, Jan. 2007; "Le rapport Patten: Texte et contextes. Eléments pour une analyse politique et systémique de la réforme de la police en Irlande du Nord", *Etudes Irlandaises*, 2006, n° 30-1 ; *Europe's Old States in the New World Order* (ed.) with J. Todd and J. Ruane, 2003; « La sécularisation du système politique nord-irlandais : le cas de l'Ulster Defence Regiment », in Paul Brennan, *La sécularisation en Irlande*, 1998, etc.

Prof Rose-Marie Belle ANTOINE, Dean, Law School, University of West Indies, Trinidad & Tobago

Professor Rose-Marie Belle Antoine holds the Chair as Professor of Labour Law and Offshore Financial Law at the University of the West Indies. Antoine's specialist subject areas are Offshore Financial Law, Labour Law, Anti-Discrimination Law, Public Law (human rights, administrative law and public service law) and Legal Systems/ Comparative Law. She received her doctorate from Oxford University and lectured in several universities worldwide. She also served in several positions: legal officer at the International Labour Office (ILO) in Geneva; Commissioner and then President of the Inter-American Commission on Human Rights; and Chair of the CARICOM Regional Commission on the Decriminalisation of Marijuana (since 2015); advisor to governments (Commonwealth Caribbean, UK, Venezuela, USA and Canada) and to international and regional organizations (EU, OAS, IADB, World Bank, CARICOM, OECS, UNICEF, ILO, UNIFEM, etc.). She authored Reports on regional issues, statutes on diverse areas of law including a Labour Code for Saint Lucia as well as twelve books and articles in international legal journals such as Confidentiality in Offshore Financial Law; Trusts and Related Tax Issues in Offshore Financial Law; Commonwealth Caribbean Law and Legal Systems; Unfair Dismissal Digest, etc.

Dr Carlos Eduardo PACHECO AMARAL, Professor in Social and Political Philosophy, Department of History, University of Azores, Portugal

Dr Amaral, born in 1961, is Associate Professor, with Aggregation, Department of History, Philosophy and Social Sciences, University of the Azores, Portugal, where he obtained his PhD in 1998 and his Aggregation in 2008. He also holds a Master's Degree from the Fletcher School of Law and Diplomacy (1989) and a BA from Amherst College (1983) in the USA. Since 2010, he holds the Jean-Monnet Chair on European Studies. He teaches courses and seminars on Political Philosophy, Theory of International Relations, European Studies, Role of Force in International Relations and Political Science at the University of the Azores, as well as abroad, mainly within the context of the Master on European Studies, on the process of building Europe led by the University of Siena. He sits on editorial boards of several scientific journals in Europe and juries of European prizes as well as the Group of Independent Experts of the Congress of Local and Regional Authorities of the Council of Europe. Among his many publications are in particular: "Cross-Border Governance and the Borders Evolution" (Eurolimes, 2013); "Frontiers and Politics. From Polis to Empire, State and the European Union", (Eurolimes, 2013) ; *Autonomie régionale et relations internationales. Nouvelles dimensions de la gouvernance multilatérale* (Ed. Paris, 2011); *The External Projection of Regional Autonomy in Europe* (Ed. Paris, 2010) ; *Do Estado Soberano ao Estado das Autonomias. Regionalismo, subsidiariedade e autonomia para uma nova ideia de Estado* (Porto, 1998).

Prof Michel BOUVIER, Professor of Public Finance, PARIS 1 University, France

Professor Michel Bouvier is Director of the Master programme on Law and Public Finance at the Paris 1 Panthéon- Sorbonne University, and runs the Public Management module at the National Heritage Institute. He also teaches within the Preparatory Cycle for recruitment into the National Government School (ENA) and is a member of ENA's juries. He is the founder and Director of the *Revue française de finances publiques* journal as well as the European Group on Public Finance Research (GERFIP), and Founder-President of the Association for the International Foundation on Public Finance (FONDAFIP). He directs several collections of publications, is a member of various organisations (Observatory of Local Finance of the Committee of Local Finance, Experts Committee of the Delegation on Local Government and Decentralization of the French Senate, Advisory and Orientation Committee of the Council for Standardization of Public Accounting, Council on Taxation and Contributions, Overseas Territories of the French Agency for Development, Observatory of Public Spending, Board of the French Society for Public Finance, Editorial Council of *Revista internacional de Direito Tributario –Brasil–*, Editorial Board of *Revista de Finanças publicas e direito fiscal –Portugal– and European Tax Studies*). He authored many publications, including "Local Financial Autonomy: A Tested Concept for the 21st Century", in *Revue Française de Finances Publiques* (May 2011) and "Decentralization, Financial Autonomy and Taxation Powers in Local Government", *FEACT* (April 2009).

Dr Gyula CSURGAI, Academic Director, School for International Training, Geneva, Switzerland

Born in Budapest, Dr Gyula Csurgai holds Swiss citizenship. He holds University degrees in Political Science from Concordia University, Canada and the University of Toulouse, France. He obtained two Master degrees from the University of Geneva and a Diploma in French

Language and Civilization. He obtained his doctorate degree from the University of Geneva, completing his thesis in the field of geopolitics. He worked as a Fellow at the Geneva International Peace Research Institute (GIPRI), and has taught International Relations, Geopolitics and Geoeconomics in both undergraduate, master and doctorate programmes at different universities. He also organized seven international symposiums and directed the publications of their proceedings. He participated in several international research projects and provided expertise to a number of international organisations. He is co-founder and Director of the International Centre for Geopolitical Studies and Academic Director of the International Studies programme of (School of International Training (SIT) University in Geneva. His publications include: "Geoeconomics and Competitive Intelligence and their Influences on Power Rivalries and State Security", National Defence University of Romania, 2013; "Le rôle de l'Asie dans la réorientation stratégique actuelle des Etats-Unis : quelques considérations géopolitiques", *Revue Militaire Suisse*, Jul. 2012; "Geopolitical and Geo-Economic Analysis of the S.W.F. Issue: Sovereign Wealth Funds and Power Rivalries", LAP, Germany, 2011; "Geopolitics, Economic Warfare and Access to Natural Resources" in *Access to Resources and the International Community*, A. Vautravers (ed.), Webster University, Geneva, 2011; "Identity Conflicts, Nationalism and Geopolitics in Central and South-East Europe" in *Webster Security Forum*, Webster University, Geneva, 2010; "Geo-Economic Rivalries of States" in Nigel Young (ed.), *The Oxford International Encyclopedia of Peace*, Oxford, 2010; "L'analyse géopolitique : une approche interdisciplinaire pour déchiffrer la complexité des relations internationales", *Revue Militaire Suisse*, Jul. 2009; "Geopolitics, Geo-economics and Competitive Intelligence in Power Projection Strategies of the State in the 21st Century", Fundação Alexandre de Gusmão, Brasilia, 2008; "The Use of Geopolitical Approach in Analyzing Contemporary Conflicts", in *Globalization of Security Trends and Perspectives*, (ed. Alexandre Vautravers), Webster University, Geneva, 2008; "L'idée républicaine en Europe centrale" in *L'idée républicaine dans le monde* (ed. Emmanuel Dupuy & Paul Baquiast), Harmattan, Paris 2007; "Composantes et caractéristiques de la stratégie de désinformation", *Revue Militaire Suisse*, Lausanne, March-April 2007; "Quelques considérations sur les facteurs géopolitiques de la Suisse", *Revue Militaire Suisse*, Lausanne, 2006; "Les zones grises des Balkans" in *Les zones grises dans le monde d'aujourd'hui* (ed. Pierre Pascallon), L'Harmattan, Paris, 2006; "La nation et ses territoires en Europe centrale : une approche géopolitique", Peter Lang, Bern, 2005; "Geopolitical Aspects of the Minority Question in Central and South Eastern Europe" in *Concepts of Minority Governance in Europe on the Threshold of the 21st Century*, LGI Books/Central European University Press, 2002, Budapest.

Dr Lise LYCK, Director, Center for Tourism and Culture Management, Copenhagen Business School, Denmark

Lise Lyck is the Director of the Centre for Tourism and Culture Management (TCM) at the Copenhagen Business School since 2003, and an economist from the Copenhagen University. Until 1984, she was head of section in Statistics Denmark for price and income statistics and macro-econometric modelling. She has constructed the first national account for Greenland. She is an expert in Autonomy Models, especially the ones related to the Danish Realm (Slesvig-Holstein, Iceland, The Faroe Islands and Greenland) and to autonomy in Åland Islands and the models applied in Canada. She was a member of the Scientific Commission for Greenland for 8 years dealing with social science research. She conducted international research projects concerning the Arctic. Her publication list counts more than 200 publications, including: "Regionalization Experiences from Overcoming the Missing Links of Europe", in *The Role of Regions*, Herschel, Tassilo, Tallberg, Pontus (eds.), Kristianstads Boktryckeri, Sweden (2011);

Government and Governance Development in Greenland (2009); “Gouvernement et développement de la gouvernance au Groenland”, Telescope Vol. 15 no3 automne, Université du Québec (2009); Creative Industries, Youth Entrepreneurship and Tourism as Development Factors for the Baltic Sea Region and Barents Region, St. Petersburg, Russia (2009); “On Arctic Regionalisation” Frederiksberg : Copenhagen Business School. Center for Tourism and Cultural Management (2009); “On Arctic Regionalisation”, contribution to book on regionalisation, Aalborg University (2009); “Air Routes”, “Economic Development”, Economic Policy”, “Greenland Technical Organization (GTO)”, “Mining”, “Trade” and “Transport” in Mark Nuttal (ed.): Encyclopedia of the Arctic, Routledge (2005); “The Faroe Islands: The Birth of a New Microstate?,” in Clive Archer and Pertti Joenniemi (Eds.): The Nordic Peace, Ashgate Publishing Limited, Aldershot England (2003); “Greenland and the Challenges for the Danish Realm”, in Clive Archer and Pertti Joenniemi (Eds.): The Nordic Peace, Ashgate Publishing Limited, Aldershot England (2003); “Cultural Tourism: A New Selling Point for Faroese Tourism?,” Nordic Council Culture Tourism Conference in the Faroe Islands, (2003); “Arctic Economies and Globalisation” in North Meets North, Northern Research Forum, Stefansson Arctic Institute and University of Akueyri, Iceland (2001); “Greenland and Arctic Economic and Political Issues”. Nordic Press (2001); “Regions and Regionalisation as Strategic Instruments for a Peaceful Co-existence”, Regional Contact, XIII, No. 14, (1999); “Arctic International Trade - A Study Focused on the Greenlandic International Trade”. New Social Science Monographs (1999); “Dependency, Autonomy, Sustainability in the Arctic”, in Sustainable Development for Post-Sovereign Small Economies”. Ashgate Publishing (1999); “External and Domestic Environment for Industrial Strategies and Management in Greenland”, in Development in the Arctic, Tom Greiffenberg, Dansk Polarcenter, Copenhagen (1999); etc.

Prof Stephen G. TOMBLIN, Professor of Political Science, University of Newfoundland, St. John’s, Canada

Dr Stephen Tomblin is a full professor in the Department of Political Science and Medicine (Community Health) at Memorial University of Newfoundland. In addition to administrative service in the political science department, he has served as the Principal Investigator for the Atlantic Regional Training Centre. As the result of a Canadian Health Services Research Foundation Career Renewal Award, he has begun linking earlier research on regionalization (dealing with economic development, continentalism and other cross-border issues) with health restructuring developments, including efforts to devolve power on a regional basis. He collaborated with Wade Locke in researching and writing a paper on Cape Breton Governance that was sponsored by the Cape Breton Regional Municipality. This paper spawned an entire conference that was organized into panels of decision-makers and experts that discussed the report’s findings. He has published widely on the issue of regional integration. In 1995, he authored *Ottawa and the Outer Provinces: The Challenges of Regional Integration in Canada* (Lorimer Press). He also co-edited and contributed to *Regionalism in a Global Society: Persistence and Change in Atlantic Canada and New England* (Broadview Press). He has been a frequent media contributor and produced discussion papers for the Romanow Commission and the Newfoundland and Labrador Royal Commission on Renewing and Strengthening Our Place in Canada. He has benefitted from participating in various collaborative/interdisciplinary research projects. These include: Social Sciences and Humanities Council (SSHRC) - sponsored Challenges and Opportunities of the Knowledge-based Economy in Newfoundland and Labrador; SSHRC- Natural Science and Engineering Research Council of Canada (NSERC) - sponsored Coasts Under Stress Project; Canadian Health Services Research

Foundation (CHSRF) Health Human Resources Study; SSHRC-sponsored Multi-level governance and public policy in Canadian municipalities project; and Canadian Institutes of Health Research-sponsored health care reform project. Each of these projects has a restructuring/regionalization component. Dr Tomblin is also part of a newly designated WHO Collaborating Centre Health Workforce Planning and Research Team, located in Dalhousie. This has provided an opportunity to learn about the challenges of health policy reform in dissimilar historical, institutional, cultural, and political contexts, including in Brazil, Jamaica, and Zambia.