CONCLUSIONS

Marc Finaud[111]

Ladies and gentlemen,

I thank you for participating in this seminar. I also thank our speakers for presenting and analyzing various cases of territorial autonomy and regionalization in their respective regions and for comparing them with Morocco's autonomy initiative for the Sahara region. Each case is indeed unique, based on its own historical, political, institutional, economic, social and cultural context. There is a whole range of situations, from peace in developed countries, to internal or interstate armed conflicts in countries fragmented by ethnic, religious or linguistic divisions. Admittedly, by way of example, the artificial borders sometimes inherited from the colonial era can be a major cause of conflict, unlike relations between European countries and the power sharing arrangements they have established between their communities.

I can nevertheless identify three major similarities or commonalities between the autonomy cases discussed (in South-East Asia, Western Europe and Canada).

1) In most cases, autonomy was considered an effective and sustainable means of resolving conflicts or disputes between different and often opposing groups, or between the central government and minorities aspiring to manage their own affairs and protect a strong identity. It has often been accepted as a realistic compromise between the domination of the central power, a source of human rights violations and oppression, and separatism, which generally implies adventure and military confrontation. In this respect, the negotiations which brought about an autonomy statute allowed for a transition from the fight for self-determination by military means to the achievement of this goal by peaceful means, as in the case of Mindanao in the Philippines or Aceh in Indonesia. Even the most recent forms of autonomy, such as in the United Kingdom (Scotland, Northern Ireland) or in France (New Caledonia) came into being following more or less distant periods of violence. Such variegated experiences legitimize autonomy as a means of solving conflicts in a peaceful and sustainable way, as offered in Morocco's initiative for the Sahara.

2) The extend to which the territorial autonomy or regionalization arrangement is successful depends on the mechanisms established to share power and natural resources. The institutions that emerge from negotiations between stakeholders generally distribute the exercise of authority between the various levels of governance (national or state level, regional or provincial, local). They can take various forms depending on experience (union followed by devolution in the framework of a union such as in the United Kingdom, autonomous regions within a unitary state such as in Italy or Spain, federalism such as in Germany, Switzerland or Canada). These various arrangements have in common the fact that their autonomous component(s) accept and respect the sovereignty of the state (whether unitary or federal). Sometimes, the division of power is based on the principle of subsidiarity, according to which all powers that are not specifically entrusted to the central power are exercised by the autonomous region (such as in Canada, where the federal government only exercises a modicum authority). Among the sustainability criteria for

autonomy are its constitutionalization, the limited power given to the central State to end it without consultation of the populations concerned or to amend the constitution, jurisdictional control, or even an international agreement in the case of national minorities connected to a neighboring state (such as in South Tyrol/Alto Adige in Italy, whose autonomy is guaranteed by a treaty signed with Austria). It is also worth noting that in some cases (such as in Canada), practice is flexible enough to supplement institutionalization gaps, and that political agreements are increasingly preferred over legal agreements (though the latter allow for jurisdictional control). Regarding the sharing of natural resources or their income, most autonomy statutes give them pride of place for it often determines the amount and sustainability of the financial resources allocated to the autonomous region. The exercise by the autonomous region of wide powers in tax matters offers greater prospects for autonomy (such as in Switzerland or in Canada, for instance). The autonomous region's economic, social and cultural development must be at the heart of the resource allocation system. From the viewpoints of constitutional guarantees and resource allocation, whether they be their own or allocated in keeping with national solidarity, the Moroccan Initiative for the Sahara offers genuine prospects for autonomy, often greater than those seen elsewhere.

3) Even in largely decentralized developed states such as Canada, disputes between autonomous provinces or between them and the federal government, however, do not disappear. The central government can always be tempted to reconsider the powers given to autonomous regions, especially when central power is exercised by a dominant ethnic or religious group, such as in South-East Asia. This is why dialogue, consultation, and negotiation are critical to the success of autonomy statutes, not only in connection with the initial setting up of the statute, but throughout the implementation of autonomy agreements. The representation of autonomous regions in government and in parliament thus allows for the possible grievances of the autonomous region to be heard and for the dissemination of the government's policy towards the autonomous region. Flexibility and adaptability to changing circumstances must be provided for on paper and in practice. Likewise, arrangements between the central power and the autonomous regions must include dispute settlement mechanisms to ensure justice while respecting both national and regional interests. In this respect, the Moroccan Initiative for the Sahara is now a "package" that includes the 2007 plan for the negotiation of an autonomy statute, advanced regionalization, the constitutional reform and the "new development model" . Taken together, these elements meet the success and sustainability criteria mentioned above.

I thank you for your attention and thank the Permanent Mission of Morocco for organizing this seminar.