

CONCLUSION

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Ladies and Gentlemen,

Thank you for attending our international research seminar on “Devolution of Legislative Powers in Regimes of Territorial Autonomy”, and many thanks to the speakers who have addressed several interesting cases of territorial autonomy and compared them with Morocco’s Initiative for the autonomy of the Sahara Region.

Allow me to make the following concluding remarks.

- 1) The discussion has shown that there are historical differences in the processes of devolution of legislative powers to autonomous regions. Sometimes, there have been advances and setbacks in the extent of autonomy, as in the case of New Caledonia or Puerto Rico. Of course, processes differ from islands or archipelagos in a federal system to a continental and unitary state such as Morocco. But the basic principles of autonomy are similar.
- 2) In most cases, legislative powers are a decisive factor of autonomy since the elected parliament in its turn elects the head of the executive, if not the full membership of the executive as in New Caledonia. It is important that the autonomy statute allows the parliament to control the executive and maintains a balance of power between the legislative and the executive. This is the basis of a full democratic system, as provided for in the Moroccan Initiative, irrespective of the differences in electoral systems (majority vote or proportional representation). In some cases, like in New Caledonia, it can be necessary to define the electorate to avoid an imbalance between settlers and the native population or, like in Rodrigues, to ensure the representation of the autonomous region to the national parliament.
- 3) In all cases of autonomy, the central state retains its traditional powers such as defence, foreign affairs, currency, etc. However, there may be conflicts of competencies, particularly when the respective competencies of the central state and the autonomous region are not explicitly enumerated. It is important that the autonomy statute includes mechanisms to solve such conflicts, like *a posteriori* control of constitutionality by the constitutional court (as in the Canary Islands).
- 4) As is the case for the Sahara region, it is important to consider autonomy as a legitimate means of fulfilling the right to self-determination of the regional populations and ensure that any change in the autonomy statute is agreed upon by the autonomous region to avoid a weakening of autonomy such as the current one in Puerto Rico.

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As a reminder, the proceedings of this seminars will be published by Morocco and available on the dedicated website of the International Academic Network on Autonomy (www.academicautonomynetwork.com).