

CONCLUSIONS

By *Anne Mandeville*

Following the different comparative presentations, one may conclude that the Autonomy Initiative put forward by the Kingdom of Morocco, as well as the negotiating process launched in 2007 point in the right direction.

As for democratic representativeness and legitimacy, with regards to the definition of the population to which autonomy is offered or which claims it, the four reports that directly or indirectly look into this issue bring us interesting lessons. I already quoted Shadia Mahraban who stressed in her report the weaknesses of the Polisario Front's "nationalist" identity differentiation as a basis for self-determination in the Sahara. We may add to that the detailed analysis of Marc Weller who highlights in his comparative study the demographic development of the Saharan region, the territorial basis for claiming the right to self-determination. Needless to say that this development must be taken into account. In this respect, he recalls¹³⁰ resolutions 1514 and 1541¹³¹, i.e. the necessity to obtain the freely expressed will and desire of "the peoples of the territory" and the "concerned population".¹³² In our view these formulations seem to stem from an interpretation that equates autonomy with self-determination, as proposed by Morocco, i.e. which builds on the territorial definition of the population and not on an ethnic, political or ideological definition.

Marc Finaud, by attaching great importance to the description of the Royal Advisory Council for Saharan Affairs (CORCAS), points in the same direction and shows that the autonomy proposal and the fact that it builds on a territorial definition of self-determination was considered a solution to overcome the major issue common to many self-determination conflicts and that I mentioned at the beginning of this seminar, i.e. "who is the people?". This question was also dealt with by Dr Gyula Csurgai on a priority basis while looking into what he called "the self-determination issue". He indeed asked "whose job is it to define a community, to decide whether to call it a people or a nation?"

All the fundamental issues raised in self-determination processes, especially when it comes to drawing the borders of a new state, are incredibly difficult to deal with, particularly if one wants to respect an international "right". Once again, the solution of autonomy, i.e. in the case of the Sahara the territorial definition of self-determination within a sovereign state, seems to pave the way for a solution to this dilemma.

Obviously, many more lessons can be drawn from these extremely interesting comparisons but this is not the purpose of this brief conclusion. I shall mention two elements to conclude.

First, an observation by Shadia Mahraban, who has first-hand experience of negotiation and self-determination, about what she called the need to show "common sense", and that I will set in the issue of the state of mind required for negotiations to succeed. She insisted in particular on the fact that the parties must absolutely realize that it is in their interest to negotiate rather than to maintain antagonism. Otherwise, one may be sceptical as to the chance of finding an agreement or the way an agreement would prevail in practice. I do believe that this notion of each party clearly understanding its interests is a rule that has not received sufficient consideration.

¹³⁰ p. 12 of the report.

¹³¹ Resolution 1514 (VI) §2, and 1541 (XV) – Principle VII a).

¹³² "The relevant population" according to resolution 1514 and "the concerned populations" and "peoples of the territory concerned" according to resolution 1541.

Finally, Dr Csurgai's presentation on the opportunities that arise from the need to "rethink self-determination", as he puts it, looks really encouraging to me. In my view, the wide variety of types of states, but also of possible autonomy contents, show (as recalled by Pr Weller in his conclusion) that in this area one must be able to innovate, to be flexible, whether in terms of norms, ideologies, or in speech. Stakeholders must of course enjoy freedom, provided they respect others and take into account global "environmental" constraints.

Thanks to all participants for this fruitful and exciting session.

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