

INTRODUCTION

by Mr. Marc Finaud¹

I would first of all like to convey my deepest appreciation to the Permanent Mission of the Kingdom of Morocco to the United Nations for organizing this new research seminar and for entrusting me with its chairmanship. I would also like to thank the experts from various autonomous regions who have agreed to come and share their experience with us and compare it with the provisions of Morocco's Initiative for the autonomy of the Sahara on the role and responsibilities of civil society organizations.

This event is important for several reasons. First of all, because of the recent unanimous adoption by the Security Council of the United Nations of Resolution 2218, on 28 April 2015, welcoming '*serious and credible Moroccan efforts to move the process forward towards resolution*' of the dispute over the Sahara. The Security Council recalled that '*realism and a spirit of compromise by the parties are essential to achieve progress in negotiations*'.

Second, and still in relation to current international events, conflicts as well as crime and terrorism are extending in the regions bordering the Sahara, affecting all the countries of the region. In its resolution, the Security Council recognized '*that achieving a political solution to this long-standing dispute and enhanced cooperation between the Member States of the Maghreb Arab Union would contribute to stability and security in the Sahel region.*' This connection between this persistent hotbed of tensions that is the dispute over the Sahara and the other causes of armed violence in the region makes it all the more urgent to solve this issue.

Third, the experience of other regions in the field of internal or regional autonomy and its role in conflict resolution or prevention, which may turn out to be useful not only to the Sahara region but also to other conflict areas in the world. Indeed, whether in Ukraine, Iraq, Syria, Yemen, Libya, Mali, Sri Lanka, Casamance, Hong Kong, Catalonia or Scotland, though violence continues, to a greater or lesser degree, autonomy can be seen as a solution, as a result of negotiations and as an alternative that is preferable to violence.

Anyone who needs convincing will only have to look towards those countries which have successfully established autonomy statuses to be persuaded. These often made it possible to end protracted and brutal wars or to prevent lapsing into violence, as in recent years in Aceh, Indonesia, Muslim Mindanao, the Philippines, and in the past in Denmark with Greenland or the Feroe Islands, in Finland with Swedish-speaking Åland Islands, in Italy with its five autonomous regions (Sardinia, Sicily, Trentino-Alto Adige/Südtirol, Aosta Valley and Friuli-Venezia-Giulia), etc. In a globalized world where new forces and actors are questioning the validity of the Westphalian nation-state model, the infra-state level offers innovative possibilities to reconcile the need for economically sustainable units and people's aspirations for self-governance and even self-determination.

The subject of today's seminar, 'Civil Society and Non-Governmental Organizations in Autonomous Regions: Roles and Responsibilities' couldn't be more relevant. In resolution 2218, the Security Council stressed '*the importance of improving the human rights situation in Western Sahara and the Tindouf camps*' and encouraged '*the parties to work with the international community to develop and implement independent and credible measures to*

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ensure full respect for human rights, bearing in mind their relevant obligations under international law.' Likewise, it encouraged 'the parties to continue in their respective efforts to enhance the promotion and protection of human rights in Western Sahara and the Tindouf refugee camps, including the freedoms of expression and association.' It recognized and welcomed *'the recent steps and initiatives taken by Morocco to strengthen the National Council on Human Rights Commissions operating in Dakhla and Laayoune, and Morocco's ongoing interaction with Special Procedures of the United Nations Human Rights Council, including those planned for 2015, as well as the planned visit of the Office of the High Commissioner for Human Rights (OHCHR) in 2015.'*

It is worth briefly recalling here the main provisions of Morocco's 2007 Initiative with regards to the role civil society will be called upon to play under the future negotiated autonomy statute. First of all, it is the product of a long process of national and local consultations involving political parties, the region's populations and elected representatives, through the Royal Advisory Council for Saharan Affairs. The purpose of these consultations was to collect their views on a possible autonomy statute for the Sahara region. Through this initiative, Morocco aims to ensure the population of the region has a place and role to play, without discrimination or exclusion, in autonomous entities and institutions, so that it can democratically manage its own affairs, through exclusive legislative, executive and judicial powers and with the required financial resources for the region to develop in all areas.

The Parliament of the Sahara autonomous Region shall thus 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 Region's populations shall enjoy all the guarantees afforded by the Moroccan Constitution in the area of human rights as they are universally recognized. An Economic and Social Council shall be set up in the Sahara autonomous Region. It shall comprise representatives from economic, social, professional and community groups, as well as highly qualified figures. While keeping with democratic principles and procedures, and acting through legislative, executive and judicial bodies, the populations of the Sahara autonomous Region shall exercise powers, within the Region's territorial boundaries, mainly over the following:

- the Region's local administration, local police force and jurisdictions;
- 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;
- the social sector: housing, education, health, employment, sports, social welfare and social security;
- cultural affairs, including promotion of the Saharan Hassani cultural heritage;
- the environment.

Suffice it to say that in all aspects of their daily life, the populations of the Autonomous Region to be will enjoy wide management and regulatory powers, while enjoying the guarantees afforded by the State of Morocco, their own resources and national solidarity. It is worth recalling here that article 12 of the Moroccan Constitution states that *'The associations of civil society and the non-governmental organizations are constituted and exercise their activities in all freedom, within respect for the Constitution and for the law.'*

Therefore, the representatives of these populations, either through their representation within the institutions of the Region, or through the defense and promotion of their rights and interests via non-governmental organizations, will in all likelihood be able to influence and control the life of their Region. As stated in paragraph 3 of the Initiative, the latter *'is part of the endeavors made to build a modern, democratic society, based on the rule of law, collective and individual freedoms, and economic and social development. As such, it brings hope for a better future for the region's populations, puts an end to separation and exile, and promotes reconciliation.'*

In this respect, the Report of the United Nations on Morocco's 2012 Universal Periodic Review of the human rights situation in the country noted that *'The new Constitution provided for advanced regionalization, starting with the Southern Provinces, allowing the local population to manage their own affairs and enhance local democracy, as a prelude to the implementation of the autonomy statute proposed by Morocco as a political solution to the Sahara dispute.'* It further stated that Morocco *'also experienced broader exercise of the right of assembly and demonstration, in a context of pure political openness and democracy build-up.'*

True enough, for several years now the number of NGOs in Morocco has been increasing and the scope of their activities has been widening. Their number is estimated at 51 000 (i.e. around 151 per 100 000 inhabitants), more than 3 000 of which in the Sahara provinces and, in one of these provinces, there are 376 NGOs for 100 000 inhabitants, more than 2.5 times the national average. Based on the recommendation of the National Human Rights Council, Moroccan authorities even recently registered associations defending separatism for the Sahara, which attests to their freedom of expression and the tolerance that prevails. Most NGOs are young entities, created over the past two decades, and three quarters of these associations are active locally and focus on outreach activities. More than a third of them are active in the fields of development and housing, 27.1% in the field of culture, sports and recreational activities, and 18% in the field of health, social services, philanthropy or volunteering.

In order to compare current or planned provisions for the Sahara with best practices from other regions of the world, we have the pleasure to have with us here today eminent representatives of several regions which have already successfully implemented the notion of autonomy: from North-Eastern India, Ms Rita Manchanda, Research Director at the South-Asia Forum for Human Rights; from the Autonomous Regions of the Atlantic Coast of Nicaragua, Ms Hortensia Del Socorro Woods, Coordinator for Afro-Caribbean Women; from the Vojvodina in Serbia, Ms Hedvig Morvai, Executive Director of the European Fund for the Balkans (EFB); and from Andalusia in Spain, Ms Angustias Hombrado Martos, Researcher with the Department of Political Sciences and Public Administration of the University of Madrid. I would now like to give them the floor and following their presentations, I shall try and draw some conclusions.