

CONCLUSIONS

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I wish to thank our speakers for their clear and well-structured presentations, which highlighted several similarities and differences between, on the one hand, their own system of relations between national human rights institutions and regional human rights commissions and, on the other, the arrangements made in Morocco.

Not surprisingly, the first common feature is that each system is the direct consequence of a particular history often characterized by confrontational relationships and the use of different types of organization: autonomy (the Philippines, Tanzania), federalism (Canada, Mexico) or broad decentralization (Italy). In most cases, such historical evolution was obviously influenced by the colonial heritage that influences the decision to choose certain legal systems, or by former constructs built on a network of decentralised institutions pre-dating the unified State (Italy). In this respect, noteworthy is the fact that Morocco may seem more advanced than some developed countries such as Italy, which still lacks a national human rights institution despite the powers formerly vested in its local human rights authorities.

The second observation that can be made based on this comparison of experiences is that the mission of national and regional institutions remains the same whatever the structure and the degree of autonomy or the degree of subordination of regional bodies vis-à-vis national bodies: the protection of all human rights (civil and political rights as well as economic, social, cultural and environmental rights) and their promotion in keeping with international standards.

In the context of promoting human rights, most national as well as regional commissions perform the following functions: public information, through regular reporting; training of staff involved in the functioning of human rights institutions; and programming, through the national action plans they develop (implemented at regional level) to strengthen human rights, in keeping with the 1993 Vienna Declaration. Such an approach ensures coherence among regional commissions thanks to the coordination and the assistance of the national institution.

The third similarity between these various commissions, in keeping with the Paris Principles, is precisely their independence vis-à-vis the government and the administration (central State or autonomous body), especially when it comes to investigating complaints filed by citizens against alleged violations of their rights. In certain cases, this independence is ensured by the fact that the presidents and the members of the commissions are appointed by the Parliament (Mexico, Quebec) or by a panel of dignitaries (Tanzania). Even when they are appointed by decree, as is the case in Morocco, the nomination of these presidents and commissioners is the subject of broad consultations, subject to qualification requirements, and their mandate can only be renewed once to avoid careerism and corruption.

The fourth similarity has to do with the fact that the mechanisms for ensuring the broadest representativeness of national as well as regional commissions vary depending on the

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legal systems and traditions, but this concern is common to all commissions, including Morocco's, which provides in its legislation for the observance of certain criteria such as gender equality, the participation of young people, of people with disabilities or the representation of various social and professional groups of civil society.

Regarding the structure and functioning of regional commissions, it is clear that in the case of federal systems (Canada, Mexico), the autonomy of these bodies vis-à-vis the national institution is wider than in the case of unitary states. This even allows regional commissions direct access to international instruments without having to go through national commissions. However, paradoxically, some unitary states go even further than federal states, mostly on the basis of an autonomy statute negotiated with a given region (Zanzibar, ARMM). This may be the most interesting experience for Morocco with a view to the international negotiation of an autonomy statute for the Sahara region: some structural arrangements thus foster a feeling of representation among the autonomous minority at the national level, based on a combination of autonomy and integration (appointment of a Vice-President from Zanzibar to the national commission of Tanzania).

The juxtaposition of a national structure (with local offices) and regional structures may sometimes be considered a source of complexity and inefficiency. In the case of Morocco, it serves several purposes: the National Council, with its local representation, supports (by providing resources or legal advice) the regional commission and contributes to the effective treatment of complaints since they can be sent directly to the National Council if they come under its responsibility and that, in any case, the recommendations of the regional commission are directed to the National Council. Morocco may have to consider adapting this system should the Sahara region become autonomous, drawing on the division of responsibilities applied in Zanzibar (where the regional office of the national commission has the power to control the government of the autonomous region).

Additionally, depending on the system, the presidents and members of the commissions are either volunteers that are only paid allowances to cover their expenses and keep another regular job on top of that, like in Morocco, or employed professionals for the duration of their mandate. Each system has its advantages: volunteer work involves considerable motivation to serve the community (and is not incompatible with qualifications-based selection), but it can only be effective if the workload of the commissions remains reasonable; on the other hand, professionalism guarantees competence and allows individuals to dedicate themselves to a task that can turn out to be time-consuming (such as in Quebec where the commission deals with an average of 50 cases at each of its 15 annual sessions).

In sum, this seminar allowed for a comparison of systems that operate in a wide variety of contexts but that, despite their differences, contribute to the action of the international community to protect and promote human rights. In situations characterized by a colonial heritage or a conflict that has been solved or is in the process of being solved, giving autonomy to a territory in which a regional commission is operating is perfectly compatible with a relation of coordination or cooperation with a national human rights institution without undermining this entity's autonomy. What's more important is the fact that this relationship between the national and regional levels makes it possible to ensure the widest possible consultation with civil society organizations, especially so if the autonomous region represents a minority in the country and also includes one or several other minorities in its midst.