

INTRODUCTION
EXTERNAL RELATIONS OF THE AUTONOMOUS REGION OF THE SAHARA
IN THE MOROCCAN INITIATIVE

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As we all know, on 11 April 2007, the Kingdom of Morocco presented the Secretary General of the United Nations with a document entitled "Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region" with a view to breaking the impasse in the negotiations on the statute of the Sahara². On several occasions the Security Council of the United Nations described the initiative as "serious and credible". In Resolution 2218 of 2015, the Security Council unanimously welcomed "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 negotiations³."

In this Initiative, Morocco offers the parties to negotiate an autonomy statute under which "the Sahara populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region's development in all fields, and will take an active part in the nation's economic, social and cultural life⁴." As for the Central State, it "shall keep exclusive jurisdiction over the following in particular:

- The attributes of sovereignty, especially the flag, the national anthem and the currency;
- The attributes stemming from the constitutional and religious prerogatives of the King, as Commander of the Faithful and Guarantor of freedom of Worship and of individual and collective freedoms;
- National security, external defense and defense of territorial integrity;
- External relations;
- The Kingdom's juridical order⁵."

We can see how external relations might be problematic: in the case of Morocco, they would remain the sole purview of the central State, as with any type of autonomy, even of a federal nature.

The main innovation in Morocco's project however relates to the fact that it provides for the sharing of powers between the central State and the autonomous region even in the field of external relations.

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² See: United Nations, Document S/2007/206 dated 13 April 2007 (available at: http://www.un.org/fr/documents/view_doc.asp?symbol=S/2007/206&TYPE=&referer=http://www.un.org/fr/documents/index.html&Lang=E)

³ United Nations, Security Council, document S/2218(2015), 28 April 2015.

⁴ United Nations, Document S/2007/206 dated 13 April 2007, art. 5.

⁵ Ibid, art. 14.

According to article 15 of the Initiative: "State responsibilities with respect to external relations shall be exercised in consultation with the Sahara autonomous Region for those matters which have a direct bearing on the prerogatives of the Region. The Sahara autonomous Region may, in consultation with the Government, establish cooperation relations with foreign Regions to foster inter regional dialogue and cooperation⁶."

As can be seen, the autonomous region would be granted powers whose scope extends well beyond the practice in most autonomy statutes, as will be shown in the various presentations that will be made during the seminar. Not only would the region be consulted by the State on international activities related to the former's areas of competence, but the Moroccan Initiative would also allow the autonomous region to exercise its own external relations within the now internationally recognized framework of "decentralized cooperation".

Over the past decades, regions and other local communities have indeed become genuine international stakeholders which complement the actions of States and intergovernmental organizations - and sometimes replace them - in a growing number of areas directly affecting the life of populations. The importance of the international role of local governments has been officially recognized in several documents of the United Nations such as the outcome document of the Rio 1992 Conference on Environment and Development, that of the 1996 Istanbul Habitat Conference or in the 2000 Millennium Declaration.

Besides, parallel to the United Nations, the organization United Cities and Local Governments (UCLG) was created in 2004 to act in the areas of local democracy, decentralization and decentralized cooperation with a view to contributing to local development and to improving urban services (access to water, housing, transportation, planning, etc.).

As stated by the Economic and Social Council of the United Nations, from now on local and regional governments "have gained relevance and visibility in the global agenda and are increasingly engaged in international political dialogue dealing with development challenges. There is a general consensus on the need of localizing the Post-2015 Agenda to ensure that local and regional governments take part, as key actors, in the implementation of the Sustainable Development Goals⁷."

In the case of the Sahara Region, the population could benefit from the lessons learnt by other local and regional entities in Morocco and in neighboring countries, which have concluded a growing number of cooperation agreements over the past decades, either bilateral ones (with partners on the

⁶ Ibid, art. 15.

⁷ United Nations, Economic and Social Council, "Local and Regional Governments as crucial actors for development: Decentralized Development Cooperation as a means to support the implementation of post-2015 development goals at local level", *Development Cooperation Forum Policy Brief*, June 2014.

Northern shore of the Mediterranean Sea) or multilateral ones in the framework of United Cities and Local Governments or with non-governmental organizations⁸.

Cross-border decentralized cooperation could come into play in the areas in which the autonomous region will exercise exclusive powers, as stated in article 12 of the Initiative, such as:

- The economic sector, regional planning, promotion of investment, trade, industry, tourism and agriculture;
- Infrastructures, water, hydraulic facilities, electricity, public works and transportation;
- The social sector: housing, education, health, sports, social welfare and social security;
- Cultural affairs, including promotion of the Saharan Hassani cultural heritage;
- The environment⁹.

Finally, it is important to note that, under article 18 of the Moroccan Initiative, "The populations of the Sahara autonomous Region shall be represented in Parliament and in the other national institutions. They shall take part in all national elections." Therefore, the representatives of the Sahara region in the national parliament shall have all the powers to defend their interests at all stages of the country's legislative life, including during the deliberations on the ratification of international agreements negotiated by the State which could affect their Region or their population.

It is now my pleasure to give the floor to the experts who will compare the external relations in their autonomous regions with the provisions contained in the Moroccan Initiative for the Sahara Region: Professor Jean-Louis Roy, who will tell us about Quebec, Professor Rose-Marie Belle Antoine, who will tell us about several regions of the French Antilles and Mr Thomas Benedikter, who will discuss the regions of Europe. At the end of their presentations, I shall try to draw a few conclusions.

⁸ United Nations, Document S/2007/206 dated 13 April 2007, art. 12.

⁹ Said Saddiki, "External Relations of the Sahara Region in the Frame of Decentralized Cooperation", in *The Moroccan Project of Autonomy and the Millennium Development Goals: What Complementarities?, The Sahara Question*, February 2009.