



International Research Seminar

“Governance in Autonomy Statutes: Institutions and Mechanisms”

Palais des Nations (Room XXII), Geneva, 22 March 2012, from 12.00 to 15.00

Background

On **11 April 2007**, the Kingdom of Morocco tabled with the Secretary-General of the United Nations a document entitled “Moroccan Initiative for Negotiating an Autonomy Status for the Region of Sahara” meant to put an end to the current impasse on the negotiations regarding the status of Western Sahara.¹ In order to promote discussion on some aspects of this proposal, Morocco initiated, among others, two international academic seminars:

- One on **6 October 2009** in Geneva (Switzerland) at the Geneva Centre for Security Policy (GCSP), which published a synthesis of that event in its *Geneva Paper No. 12*² ;
- The other on **21-22 February 2011** in Dakhla (Morocco), on the Human Rights and Democracy dimensions of the Moroccan Initiative, whose results were presented to a roundtable on 17 March 2011 in the margins of a meeting of the Human Rights Council in Geneva, and were published by the Moroccan Ministry of Foreign Affairs and Cooperation.

The seminar planned on **22 Mars 2012** has a similar objective: to promote the importance of the Moroccan Initiative as an unprecedented model for managing autonomy in the context of North Africa but also likely to serve as reference in other countries of the Global South. This seminar will indeed offer an opportunity to compare current practices in some autonomous territories or regions with the institutions proposed in the Moroccan Initiative. It is however important to note that the international negotiations on the status of Western Sahara are being conducted within the framework of the United Nations and that this seminar does not intend to appear as a substitute of such negotiations.

Morocco will also organise another international seminar on **4 June 2012** on “Managing Natural Resources in Autonomy Statutes”. The contributions to both 2012 seminars will be published by Morocco.

¹ See: United Nations, Document S/2007/206 of 13 April 2007 (available at: <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/MINURSO%20S2007206.pdf>).

² “Can Autonomy Fulfil the Right to Self-Determination?”, *Geneva Paper No. 12*, 2010 (<http://www.gcsp.ch/Resources-Publications/Publications/GCSP-Publications/Geneva-Papers/Conference-Series/Can-Autonomy-Fulfil-the-Right-to-Self-Determination>)



Programme

(Note: Simultaneous interpretation will be ensured in English and French)

- 12.00 – 13.00 Traditional Moroccan Buffet Lunch
- 13.00 – 13.15 Introduction by the Chairman of the Seminar: Professor **Bertrand Mathieu**,
Director, Research Centre on Constitutional Law, University of Paris I - Panthéon
Sorbonne, Paris (France): *“The Moroccan Initiative on the Autonomy of the Sahara
Region”*
- 13.15 – 14.15 Presentations on regional autonomy statutes:
- Aceh: Dr **Mawardi Ismail**, Senior Lecturer, Faculty of Law, Syiah Kuala
University, Banda Aceh (Indonesia): *“The Helsinki MoU and the Law on
the Governing of Aceh: Comparative Analysis with the Sahara Autonomy
Initiative”*
 - Catalonia: Professor **Eliseo Aja**, Professor of Constitutional Law,
University of Barcelona: *“The Experience of the Autonomy of Catalonia for
the Autonomy of the Sahara Region”*
 - Greenland: Dr **Lise Lyck**, Lecturer and Director, Center for Tourism and
Culture Management, Copenhagen Business School, Copenhagen:
*“Development of the Greenland Home Rule Model and its Relevance to an
Autonomy Statute for the Sahara Region”*
 - New Caledonia: Ms **Carine David**, Lecturer, University of New Caledonia,
Nouméa: *“The Moroccan Initiative for Western Sahara Seen through the
Prism of the Autonomy Status of New Caledonia”*
 - Puerto Rico: Professor **Efrén Rivera-Ramos**, Professor of Law, University
of Puerto Rico School of Law, Puerto Rico: *“Puerto Rico's Political Status:
Main Features and Some Comparisons with the Moroccan Initiative”*
- 14.15 – 14.45 Discussion
- 14.45 – 15.00 Conclusions of the Chair: Professor **Bertrand Mathieu**



SPEAKERS' BIOGRAPHIES

Eliseo AJA

Dr Eliseo Aja was born in Santander, Spain, in 1946. He studied Law at the University of Valladolid, obtained his Doctorate in 1973 at the Autonomous University of Barcelona, and he is professor of Constitutional Law at the University of Barcelona since 1983. He directed the Report of the Autonomous Communities, and is the author of the general evaluation which begins each annual volume between 1989 and 1998. He was the Director of the Public Law Institute of Barcelona from 2001 to 2009. He has taken part in several Advisory Commissions of constitutional and legislative reforms, especially with regard to regionalisation, in countries of Europe and Latin America. He has also been appointed by the Spanish Parliament as an expert to advise the Committee for the Constitutional Reformation of the Spanish Senate (1995) and the Subcommittee for the Evaluation of the Implementation of the Law on Immigration (2001). Equally he has participated as an expert in the work of the Parliament of Catalonia and other autonomous legislative assemblies. In 2005 he was elected President of the Association of Constitutionnalists of Spain (2005-2008) and in 2009 was elected as President of the Council of Legal Guarantees of Catalonia by the Catalan Government. His main publications include: *Democracia y socialismo en el siglo XIX español*, Madrid, Edicusa (1976); *Constituciones y periodos constituyentes en España (1808-1936)*, with J. Solé Tura, Madrid, Siglo XXI (1977); *El sistema jurídico de las Comunidades Autónomas*, Madrid, Tecnos (1985); *Las tensiones entre el Tribunal Constitucional y el Legislador*, Barcelona, Ariel (1998); *El Estado autonómico. Federalismo y hechos diferenciales*, Madrid, Alianza (1999-2003); *Veinte años de inmigración en España*, Barcelona, Cidob (2006); *Informe sobre las autonomías* (with J. Tornos), Madrid (1988); *El futuro de las autonomías territoriales* (with L. Martín Rebollo), Santander (1991); *Riforma delle autonomie regionali*, (with G. Rolla), Torino (1995); *Federalism and Civil Societies* (with J. Kramer & H.P. Schneider), Baden-Baden (1999); *Dimensions of Local and Regional Democracy* (with J. Loughlin), Oxford University Press (2011); *Comparative Study of European Union Member States Immigration Legislation with Special Reference to Exclusion and Administrative Detention* (with B. Nacisbene), Giuffré Ed. (2001).

Carine DAVID

Dr Carine David is, since 2008, Lecturer in Public Law at the University of New Caledonia. In 2007-2008, she did Post-doctoral research at the Laboratory of Legal and Economic Research of the same University, and in 2006 at the Centre for Studies and Research in Administrative Science (CERSA) in Paris on: "Power Sharing in New Caledonia – The Example of Environment Law". She received the Special Thesis Prize of the European multi-disciplinary network on local government and local policy-making (GRALE). She obtained her Doctorate in Public Law from the Paris I Panthéon-Sorbonne University (Research Centre in Constitutional Law –CRDC-) in 2005 with a thesis on "The Local New Caledonian Law, Evidence of the Changing Nature of the French Centralised State". In 2004-2005, she was an assistant lecturer and in 1999-2003 a junior lecturer at the Department of Law, Economics and Management of the University of New Caledonia. Since 2006, she also trains administrative staff at the Training Institute of New Caledonia (IFAP). Her publications include: "Le rôle du juge constitutionnel dans la détermination de la portée du droit à l'environnement - Approche comparée", in *Changements environnementaux globaux & Droits de l'Homme*, Université Paris 13 (2012); "Les singularités humaines : les recensements pour quoi faire?" in *Destins des collectivités politiques d'Océanie*, PUAM (2011); "New Provincial Environmental Legislation in New Caledonia: Continuity and Reform in Environmental Governance in a French Pacific Territory" with Pepe Clarke, *Asia Pacific Journal of Environmental Law*, n° 13 (2011); "La loi du pays calédonienne - Eléments juridiques et politiques", L'Harmattan (2011); "Quel bicamérisme pour la Nouvelle-Calédonie ?", in *Le droit constitutionnel calédonien*, LARJE (2010); "La question prioritaire de constitutionnalité à l'égard des dispositions d'une loi du pays de Nouvelle-Calédonie", *Revue Juridique, politique et économique de Nouvelle-Calédonie*, n° 15, 2010/1; "La nécessaire évolution des concepts juridiques pour une protection réaliste de la biodiversité en Nouvelle-Calédonie", *Ethnopharmacologia* (2010); "Réflexions sur l'intégration de la coutume autochtone dans l'élaboration de la norme à partir du cas de la Nouvelle-Calédonie" in



L'intégration de la coutume dans l'élaboration de la norme environnementale – Eléments d'ici et d'ailleurs, Bruylant (2011); "L'expérience calédonienne de répartition des compétences, voie à suivre ou modèle spécifique ?" in *Les transferts de compétences de l'Etat aux collectivités locales*, L'Harmattan (2009); *Essai sur la loi du pays calédonienne – La dualité de la source législative dans l'Etat unitaire*, L'Harmattan (2008); "Pour une approche renouvelée du droit français de la domanialité publique", *Les Petites Affiches*, n° 165 (2007); "Le partage de la compétence environnementale en Nouvelle-Calédonie", *Revue Juridique de l'Environnement* (2007); "Le pouvoir réglementaire d'organisation du service : une jurisprudence toujours en mouvement", *Droit administratif* (2006); "La loi du pays sur le régime unifié d'assurance maladie-maternité de Nouvelle-Calédonie", *Revue Juridique Politique et Economique de Nouvelle-Calédonie*, n° 2003/1.

Mawardi ISMAIL

Dr Mawardi Ismail, S.H., M.Hum, was born in Aceh in 1951. He is currently Senior Lecturer at the Faculty of Law, Syiah Kuala University in Aceh. He graduated from the Faculty of Sharia at IAIN Ar-Raniry in 1973 (B.A.), the Faculty of Law of Syiah Kuala University in 1978 (S.H.) and the Faculty of Law of the University of North Sumatra, Medan in 2002 (M.Hum). He has been the Dean of the Faculty of Law of Syiah Kuala University from 2005 to 2009, a Lecturer at the same Faculty from 1977 until now, a Member of Aceh's Parliament from 1992 to 1999, the Vice Dean III of the Faculty of Law of Syiah Kuala University from 1986 to 1992. He was also Head of HMI Banda Aceh branch (1977-1978), the Secretary of KNPI Aceh (1983-1988), the Vice Secretary of DPD Golkar Aceh (1988-1992). His other experiences include: Member of the Working Group of Aceh's Governor (1988-1992); Expert Staff for Aceh's Parliament (2000); Expert Staff for the Governor of Aceh (2001); Expert Staff for DPRD Aceh (2006-2009); Coordinator of Expert Staff for the Special Committee XVIII DPRD Aceh, (2005); Expert Staff for the Advocacy Team of RUUPA in DPRD Aceh (2006); Drafter/Preparation Team for the Qanun Draft of 2002 Local Election (IRRI Jakarta) ; Team Member for Qanun No. 2 Amendment in 2004 (Aceh Government); Legal Consultant for KIP Aceh (2006, 2011-2012); Team Leader in the Legal Field, Assistant Team for Aceh's Governor (2008-2009); Team Leader for Transitional Justice-UNDP (2009); Technical Advisor for the LARC Project, Muslim Aid (2008-2009); Consultant for GTZ PASNAD (2008) and for AGSI-GTZ (2009-2010); speaker at various seminars in Banda Aceh, Medan and Jakarta. His research includes: "The Agreement on Profit Sharing in Agriculture and the Fisheries Sector in Aceh Besar" (2002); The "Special Autonomy Law" (World Bank/ADB, 2003); Indonesian Rapid Decentralization Appraisal (IRDA), The Asia Foundation, Jakarta (2003-2004); Local Political Parties in Indonesia – the Aceh Test Case, AIGRP-The Australian National University, Canberra (2009). He published many books and articles, among which: "Executive-Legislative Relation in Local Government" (2005); "Women and Peace in Legal, Human Rights, and Government Policy Perspectives" (2005); "The Law on the Governing of Aceh for Problem Solving" (2006); "Women's Political Role in the Draft UUPA" (2006); "Several Notes on Qanun No. 2/2004 Amendment" (2006); "The Future of Women's Political Role" (2007); "Local Regulations/Qanun Position and its Trial Mechanism in the Aceh Government" (2006); "The Authority of the Sharia Court to Try Civil Crimes Committed by Military Officials", (2006); "Management of Post-Tsunami Natural Resources and Environment and Planology in Aceh: Suggestions to RUUPA" (2006); "Acehnese Women in Legal Perspectives" (2007).

Lise LYCK

Lise Lyck is the Director of the Centre for Tourism and Culture Management (TCM) at the Copenhagen Business School since 2003, and an economist from the Copenhagen University. Until 1984, she was head of section in Statistics Denmark for price and income statistics and macro-econometric modelling. She has constructed the first national account for Greenland. She is an expert in Autonomy Models, especially the ones related to the Danish Realm (Slesvig-Holstein, Iceland, The Faroe Islands and Greenland) and to autonomy in Åland Islands and the models applied in Canada. She was a member of the Scientific Commission for Greenland for 8 years dealing with social science research. She conducted international research projects concerning the Arctic.



Mission Permanente du Royaume du Maroc auprès de l'Office des Nations-Unies et des autres Organisations Internationales à Genève

Her publication list counts more than 200 publications, including: "Regionalization Experiences from Overcoming the Missing Links of Europe", in *The Role of Regions*, Herrschel, Tassilo, Tallberg, Pontus (eds.), Kristianstads Boktryckeri, Sweden (2011); *Government and Governance Development in Greenland* (2009); "Gouvernement et développement de la gouvernance au Groenland", *Telescope* Vol. 15 no3 automne, Université du Québec (2009); *Creative Industries, Youth Entrepreneurship and Tourism as Development Factors for the Baltic Sea Region and Barents Region*, St. Petersburg, Russia (2009); "On Arctic Regionalisation" Frederiksberg : Copenhagen Business School. Center for Tourism and Cultural Management (2009); "On Arctic Regionalisation", contribution to book on regionalisation, Aalborg University (2009); "Air Routes", "Economic Development", "Economic Policy", "Greenland Technical Organization (GTO)", "Mining", "Trade" and "Transport" in Mark Nuttal (ed.): *Encyclopedia of the Arctic*, Routledge (2005); "The Faroe Islands: The Birth of a New Microstate?," in Clive Archer and Pertti Joenniemi (Eds.): *The Nordic Peace*, Ashgate Publishing Limited, Aldershot England (2003); "Greenland and the Challenges for the Danish Realm", in Clive Archer and Pertti Joenniemi (Eds.): *The Nordic Peace*, Ashgate Publishing Limited, Aldershot England (2003); "Cultural Tourism: A New Selling Point for Faroese Tourism?," Nordic Council Culture Tourism Conference in the Faroe Islands, (2003); "Arctic Economies and Globalisation" in *North Meets North, Northern Research Forum*, Stefansson Arctic Institute and University of Akueyri, Iceland (2001); "Greenland and Arctic Economic and Political Issues". *Nordic Press* (2001); "Regions and Regionalisation as Strategic Instruments for a Peaceful Co-existence", *Regional Contact*, XIII, No. 14, (1999); "Arctic International Trade - A Study Focused on the Greenlandic International Trade". *New Social Science Monographs* (1999); "Dependency, Autonomy, Sustainability in the Arctic", in *Sustainable Development for Post-Sovereign Small Economies*". Ashgate Publishing (1999); "External and Domestic Environment for Industrial Strategies and Management in Greenland", in *Development in the Arctic*, Tom Greiffenberg, Dansk Polarcenter, Copenhagen (1999); etc.

Bertrand MATHIEU

Dr Bertrand Mathieu is Professor at the Law School of La Sorbonne University in Paris, and the President of the French Society of Constitutional Law. He is also a member of the French Higher Judiciary Council (the constitutional body assisting the French President in guaranteeing the independence of the Judiciary). He is the director of the Centre for Research in Constitutional Law of Paris I University, and is a member of the Steering Committee of the European Organization of Public Law. He was a member of the French Advisory Committee on the Criminal Status of the Head of State and the Advisory Committee for the Modernization and Rebalancing of the Institutions of the French Fifth Republic. He authored many books and articles on Constitutional Law and Human Rights, in particular on "bioethics", including: *La bioéthique* (Dalloz, 2009); *La loi* (Dalloz, 2010); *Contentieux constitutionnel des droits fondamentaux* (LGDJ, 2002); *Institutions politiques et droit constitutionnel* (Ph. Ardant ed.) (LGDJ, 2010); *Cinquantième anniversaire de la Constitution française* (ed.) (Dalloz, 2008). He is also the Editor of the *Constitutions* journal (Dalloz) and a member of the Scientific Board of *Semaine juridique* (JCP).

Efrén RIVERA-RAMOS

Dr Efrén Rivera Ramos is a full professor of law at the University of Puerto Rico. He was Dean of the Law School from 2001 to 2007. He currently teaches courses on constitutional law, jurisprudence, and law and culture and has taught courses and seminars on sociology of law, the legal profession, law and social change, evidence, issues of sovereignty in the American constitutional system, and the development of American constitutional law in light of US territorial expansion. He has been a visiting professor at Yale University, the University of Ottawa in Canada, Pompeu Fabra University in Barcelona and the Autonomous University of Barcelona. Born and raised in Puerto Rico, Dr. Rivera Ramos obtained a BA in Political Science and a Juris Doctor from the University of Puerto Rico, an LLM at Harvard Law School and a PhD in laws from the University of London (University College). He has worked as a professional journalist, is a published poet, has practiced and taught law for over thirty years and has lectured on a wide variety of topics in Puerto Rico, the United States, Europe and Latin America. He currently publishes a monthly column in a leading Spanish language newspaper in



Puerto Rico. He is a recognized expert on the legal, political, and sociological aspects of the complex relationship between the United States and Puerto Rico. He is the author of *The Legal Construction of Identity: The Judicial and Social Legacy of American Colonialism in Puerto Rico* (Washington, DC: APA Books, 2001). His contributions to collective works include: "Self-Determination and Decolonization in the Society of the Modern Colonial Welfare State," in *Issues of Self-determination* (William Twining, ed.) (Aberdeen, Scotland: Aberdeen University Press, 1991); "Deconstructing Colonialism: the 'Unincorporated Territory' as a Category of Domination", in *Foreign in a Domestic Sense: Puerto Rico, American Territorial Expansion and the U.S. Constitution* (Christina Duffy Burnett & Burke Marshall, eds.) (Durham, NC: Duke University Press, 2001); and "The Political Status of Puerto Rico: The Long-Term Effects of American Expansionist Discourse", in *The Louisiana Purchase and American Expansion, 1803-1898* (Sanford Levinson & Bartholomew H. Sparrow, eds.) (Rowman and Littlefield Publishers, Inc., 2005), among others.