

INTRODUCTION

Dr. Marc Finaud¹

Ladies and Gentlemen,

On behalf of the Permanent Mission of the Kingdom of Morocco to the United Nations in New York, I am pleased to welcome you to our new international research seminar on “Devolution of Legislative Powers in Regimes of Territorial Autonomy”. This is the fifteenth such seminar, and the second on line due to the persisting pandemic. This series was started after Morocco introduced its Initiative for the autonomy of the Sahara Region to the United Nations Security Council in 2007.²

Since then, academics from all over the world have addressed some aspects of autonomy regimes on all continents such as the right to self-determination, democracy and human rights, institutions and mechanisms, natural resources, representation and legitimacy in negotiations, solidarity and equalization between regions, development models, Human Rights Commissions, civil society and non-governmental organizations, external relations of autonomous regions, regionalization and territorial autonomy, models of territorial autonomy, autonomy as a means of settlement of conflicts, and devolution of judicial powers.

The comparative studies discussed the cases of: Aceh, Andalusia, Azores and Madeira, Bangsamoro, Cameroon, Caribbean island states, Catalonia, Eastern Malaysia, Greenland, Indian Northeast, Iraqi Kurdistan, Italian autonomous regions, Mexican states, New Caledonia, Newfoundland, Nicaragua’s Atlantic Coast, Northern Ireland, Nunavut, Puerto Rico, Quebec, Spanish Provinces, South Tyrol, Vojvodina, Wallonia, Zanzibar, etc.

As a reminder, the proceedings of those seminars have been published by Morocco and are available on the dedicated website of the International Academic Network on Autonomy (www.academicautonomynetwork.com).

Today, we will focus on devolution of legislative powers, an important aspect of regimes of territorial autonomy, and our guest speakers will address the following cases and compare them with the Moroccan Initiative for the autonomy of the Sahara Region:

- Dr **Joan-Josep Vallbé**, Associate Professor, University of Barcelona, Spain, will present the Canary Islands,
- Dr **Carine David**, Professor of Law, University of French Antilles, Pointe-à-Pitre, Guadeloupe, France, will speak about New Caledonia,
- Mr **Jorge M. Farinacci Fernós**, Associate Professor, School of Law, University of Puerto Rico, United States Commonwealth, will address Puerto Rico

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² United Nations Security Council, Document S/2007/206, 13 April 2007.

- and Ms **Marie Valerie Uppiah**, Head of the Faculty of Law and Management, University of Mauritius, will deal with the island of Rodrigues.

At the end of those presentations, I will try to draw some conclusions.

Before giving the floor to the speakers, let me briefly remind the main relevant provisions of the Moroccan Initiative for the autonomy of the Sahara Region, which the UN Security Council, in over a dozen resolutions, qualified as “serious and credible”, and which is endorsed by an increasing number of countries. Those countries indeed recognize both the importance of this Initiative as a means of political settlement of the ongoing dispute and in the light of the efforts made by Morocco in terms of economic, socio-cultural, environmental, and human development of that region.

Indeed, Morocco adopted in 2008 a policy of “**Advanced Regionalization**” aiming at promoting citizens’ participation, democracy, and decentralization to facilitate economic, social, and cultural development as well as modernization of State structures and improvement of local governance. This reform was then enshrined into the 2011 **constitutional revision** that adopted the principle of self-government for regions and granted them, among others, the main competency in terms of economic, social, cultural, and integrated sustainable development.³ This process established mechanisms for dialogue and consultation to involve citizens and NGOs in the elaboration and monitoring of development programmes.

Regarding **legislative powers**, the Initiative for the Autonomy of the Sahara Region includes several provisions:

- Art. 5: (...) the Sahara populations will themselves run their affairs democratically, through **legislative**, executive, and judicial bodies enjoying exclusive powers.
- Art. 12: In 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:
 - o The Region’s local administration, local police force and jurisdictions
 - o In the economic sector: economic development, regional planning, promotion of investment, trade, industry, tourism, and agriculture
 - o The Region’s budget and taxation; infrastructure: water, hydraulic facilities, electricity, public works, and transportation
 - o In the social sector: housing, education, health, employment, sports, social welfare, and social security
 - o Cultural affairs, including promotion of the Saharan Hassani cultural heritage
 - o The Environment.

³ Moroccan-American Center, “Morocco is Irreversibly Committed to Democratic Reform and Good Governance, www.moroccoonthemove.com (Jan. 2012).

- Art. 19. The **Parliament** of the Sahara autonomous Region shall 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.
- Art. 20. Executive authority in the Sahara autonomous Region shall lie with a Head of Government, to be elected by the regional **Parliament**. He shall be invested by the King [...].
- Art. 22: Courts may be set up by the regional **Parliament** to give rulings on disputes arising from enforcement of norms enacted by the competent bodies of the Sahara autonomous Region. These courts shall give their rulings with complete independence, in the name of the King.
- Art. 24: **Laws**, regulations and court rulings issued by the bodies of the Sahara autonomous Region shall be consistent with the Region's autonomy Statute and with the Kingdom's Constitution.

As one can see, this regime of autonomy, once in place, will grant extensive powers for the autonomous region to exercise. Of course, as we will see, existing regimes in the world can go beyond such devolution, but most actually are less generous. If the Moroccan Initiative does not solve all the details of the autonomy governance system, it is because this plan remains to be negotiated with the relevant parties and will be necessarily developed and complemented.

I am now pleased to yield the floor now to our speakers and thank you for your attention.