

MOROCCAN YEARBOOK
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Moroccan Yearbook of Strategy and International Relations

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HUMAN AND DEMOCRATIC DIMENSIONS OF THE SELF-RULE PROJECT

Driss Lagrini**

Given the impossibility of conducting a referendum in the Sahara and to the intransigence of the enemies of Morocco's territorial unity, Morocco has introduced the self-rule initiative. The latter is inspired from different democratic experiences. In so doing, Morocco is sending good signs to the other party, the United Nations, and the international community, showing serious intentions to reach a just and realistic resolution to the problem. This brought back hope for the possibility of reaching a solution that would satisfy both parties.

The proposition is an ideal and suitable solution. It can close down this file which lasted for a long time, especially that it is expected to allow the inhabitants of the Sothern provinces to manage their own local affairs in a democratic manner. Undoubtedly, the choice of regionalization which was adopted by Morocco several years ago and the intention to extend it will reinforce the efficiency of the proposition.

Where does the realism of this proposition lie and what are its human and democratic dimensions?

** University professor, Morocco.

First, Self-rule Proposition as Realistic Solution for the Question of the Sahara

Self-rule is a system which derives its elements from international constitutional law. It has been adopted by several countries in order to address some ethnic and cultural conflicts inside some provinces, by giving them some autonomy in exercising some functions and powers within the framework of political decentralization under a central authority. As such, it represents a compromise between the claims of independence and the imposition of total sovereignty.

The world is replete with pioneering typical experiences in this context either in 'unified' countries like France and Spain or 'compound' countries like Britain and Germany. These experiences proved to be efficient in resolving many lasting ethnic or province conflicts.¹

As a unified country, Morocco has opted for decentralization in its administrative dimension years ago; and by means of this proposition, it tries to extend and develop administrative decentralization into political decentralization.

This initiative is inscribed within the process of establishing a democratic and modern society which will assign all the inhabitants of the Sahara with a suitable and full role in the institutions and organisms of the region without exclusion or discrimination. Article 27 of the proposition states that "self-rule system in the region is open to negotiations and will be subject to a free referendum within democratic consultation."

¹ By means of self-rule, Spain tried to solve some separatist disputes in some of its provinces and to bridge the development gap between these provinces.

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Besides, Article 28 states that the "Moroccan Constitution will be revised so that it includes self-rule system so that the latter will be reinforced and will be assigned a suitable status within the legal structure of the Kingdom."² It seems that the self-rule proposition will be implemented particularly in the Sahara region. The rest of the country will be subject to the existing administrative rules (regionalism, decentralization, and de-concentration.)

It can be noted that the proposition did not linger on the determining characteristics of self-rule. It only identifies the general orientations. On the one hand, it insists on Morocco's sovereignty over the Sahara provinces through the State's preservation of a set of sovereignty functions and symbols such as the national flag, anthem, and currency together with the constitutional and religious prerogatives of the king, and defense and foreign relations. On the other hand, it provides the inhabitants with many vital and important powers, insisting on supplying them with material resources to enable them to manage their own affairs in a democratic way by means of special legislative, executive, and judicial institutions. It also insists that the relative international standards should be respected.

It also includes several provisions which insist on respecting the rights and freedoms of the inhabitants and guaranteeing that they are practiced in a democratic manner as we shall see later.

We can also notice that the project has in many chapters heavily referred to peace talks.³ It is based in a great part of it on dialogue

² See the text relative to negotiations concerning self-rule system in the Moroccan Sahara in *al-Furqan Journal*, 57 (1428/2007), pp. 93 onwards.

³ The seventh chapter of the proposition states that the initiative aims at "preparing all the suitable conditions for peace process and dialogue, leading to a political solution which will be accepted by all parties.

so much so that it didn't even refer in detail to the functions that will be allotted to the inhabitants in this context. I think that those who were in charge of drafting this project were aware of this. They intended to wait until the project is reinforced by constructive detailed data and suggestions which can be elaborated during the direct peace talks between the two parties.

Moreover, the Moroccan proposition takes into account the cultural and sociological specificities of the region. It also refers to the possibility of holding a free referendum on the final form of the negotiated project. This is in fact, one of the forms of self-determination that derives its essence from the UN Charter (Second paragraph of Article 1) and from the UN Assembly Resolution 1415.

Many principles in international law such as non-intervention in internal affairs and equality in sovereignty have evolved over time; they are not as firm and as sacred as they used to be in the past. This is due to a series of economic, social, and political changes due to the development of international relations over the last three decades.

Accordingly, the principle of self-determination should be approached in a flexible and realistic way because self-rule can in fact be an extension to it if it is practiced within the context of democracy, and vital and important functions...

Separation is one of the many aspects of self-determination since there, but there are other ways in international law that can achieve the objectives of this principle. Self-rule is one of the major and efficient forms in this context. The feasibility of this proposition is manifest in the facts and realities on the ground over the last three decades.

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The justifications our enemies advance to spread the right of self-determination in its traditional form do not stand on firm and convincing grounds. Speaking to one of the Arab media channels, one of the leaders of the Polisario confirmed that there are some people who distinguish between the Sahara and Morocco on the grounds of geography (the Atlas Mountains), Hassani dialect, economic modes of life, stark difference in terms of housing and clothing, and specificity of the culture and customs of the 'Beedhan.'⁴ On this basis, one of the researchers argues that the "implementation of this principle in the case of any group that claims self-determination will lead to international instability and disorder, especially that most countries are characterized by coexistence between different religious and ethnic groups." He goes on to say that "it is therefore not logical to allow all the people who inhabit the Sahara to create their own State on the basis of self-determination principle. Otherwise, we have to reconsider the political map of all the countries; these should be re-established on the basis of climate and geography. Almost every country has people who live in the desert and others in the mountains or in the plains etc..."

The realistic and objective nature of the project endowed it with wide international support, especially that the international community is now more aware and more convinced of the importance of solving this problem which became one of the oldest disputes in the world. It is costly to the people of the region as well as to the international community. The Security Council has itself commended this initiative and recognized that it is serious. Algeria and Polisario however continue to raise doubts about it.

⁴ www.aljazeera.net

Resolution 1754 (2007) passed by the Council in Session 5669 held on April 2007 came to confirm its interest in this initiative and to launch a realistic and dynamic approach to this file which it intends to reach a political solution that would satisfy the two disputing parties.

The Resolution states that "the Council welcomes the serious and credible Moroccan efforts to move the process forward towards resolution."⁵

The Resolution came to stress the importance of the peace process option within the frame of resolution of disputes in peaceful ways. It welcomes the Moroccan initiative and launches a new approach to the problem with the view to achieving a mutually acceptable solution without any coercion. It implicitly admits the difficulty of conducting a referendum or implementing self-determination in the way it is proposed by Algeria and the Polisario front. It can equally be considered as an indirect hint that self-rule initiative can be an extension to self-determination if it is practiced in a democratic way and within vital and important functions..."⁶

After two rounds of peace talks between the two parties in Manhattan in the United States, the Council unanimously issued Resolution 1783 on October, 31, 2007. It welcomed the progress achieved by the parties during the peace talks under the supervision of the United Nations. It urged the two parties to continue the peace talks to help implement Resolution 1745. The importance of this Resolution lies in the fact that it follows on the content of the previous Resolution as we have said, for it insisted on the necessity of reaching a mutually accepted resolution.

⁵ Document S/RES/1754(2007 in www.un.org/arabic

⁶ Driss Lagrini "Is the Security Council Heading towards Imposition of a Solution to the Sahara Question?" *Al-Quds al-Arabi*, 5940 (July 9, 2008) and *Al-Massae*, 568 (July 16, 2008).

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Resolution 1813, passed by the Security Council during Session 5884 held on April 30, 2008, welcomes the serious and credible efforts of Morocco to move the process forward towards resolution. Then the Council ratifies the recommendation put forward in the report of Peter Van Waslum, the UN envoy to the Sahara, calling upon the two parties to be realistic and to have the intention to reach a solution as an important basis for the preservation of the peace process.

There is no doubt that the last resolutions relative to the Sahara question show that the Council started to grasp the serious and important nature of the Moroccan proposition. The importance of the proposition is manifest in the international response to it over various parts of the world. There is a growing international conviction of the impossibility of the independence option proposed by Polisario and Algeria. This is the attitude of great countries such as the United States, France, and Britain.⁷

On this basis, it can be said that the Moroccan initiative has concretely contributed to the preparation of the suitable conditions for negotiations that can be constructive in spite of the obstacles and intransigent position of the other parties (Algeria and Polisario).

Second: Human Rights in Self-rule Project

Over the last years, Morocco has witnessed a substantial dynamic process aiming at promoting human rights in the context of a positive response to the local transformations associated with the increasing political and rights claims in this context as well as to the international transformations as a consequence of the

⁷ Driss Lagrini in an interview on "The Developments of the Sahara Question" with the Moroccan Weekly, *As-Sahrae al-Maghribiya*, 45 (September 21-27, 2009)

decline of the Eastern Bloc. This was accompanied by a growing international interest in issues of democracy and human rights...

In an attempt to adapt the internal legal and institutional system to the international standards concerning human rights, Morocco created several institutions (administrative courts, the Consultative Council of Human Rights, Ministry of Human Rights, *al-Wassit* Foundation, Arbitration Commission, the Commission of Equity and Reconciliation...) As a matter of fact, several laws and legislations were issued in this context such as the Family Code and the Work Code.

Morocco has also ratified many related conventions and agreements and has taken several measures aiming at closing down the files of serious violations of human rights committed since the Independence of the country. In this case, the political prisoners were released and the exiles were allowed to return home.⁸ Equally, the reformed Constitution (July 2011) includes several provisions which promote rights and freedoms both at the individual and collective levels...

Such transformations had a positive impact on the promotion of human rights in the Southern provinces and on the growing awareness of these rights. Besides, self-rule project came to promote these rights by capitalizing on a series of political, economic, cultural, and social rights for the inhabitants within the framework of a democratic management of their own local affairs. This is important given the fact that the implementation of this project in the light of the facts and realities in the area over thirty years is a positive aspect of self-determination.

⁸ Driss Lagrini "Morocco and the Experience of Equity and Reconciliation", *Al-Ahram Foundation*, 24 (October, 2006), p. 195
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As is the case of the citizens in the other provinces of Morocco, the inhabitants of the Sahara benefited from the process of democracy and the increase of human rights in Morocco. The region has witnessed the rise of numerous local associations concerned with human rights (regional press clubs, Association of Detainees and Disappeared Moroccans, Association of the Returnees for the Defence of Human Rights, Rights associations, etc... Besides, national civil society organizations of human rights strived hard to establish branches in the Sahara and examine the situation of the social and legal rights of its inhabitants. These organizations' regular and annual reports had paid great attention to the affairs of the inhabitants of the Sahara.

The work of these rights' activists in the region allowed us to have an idea about the rights and claims of these inhabitants and called upon addressing them. It has also played an important role in addressing this file thanks to the important recommendations included in the reports of these activists. The latter have equally contributed to raising awareness as to the sufferings of the refugees in the camps of Tindouf. They were seriously involved in revealing the violations against the Sahrawi inhabitants there by shedding light on the sufferings of children and women and the violations committed against them by separating them from their families and preventing them from the freedom of expression.⁹

The creation of the Royal Consultative Council for Sahrawi Affairs as a consultative body and as an institution for the representation of the inhabitants is a further extension of these rights; especially that it consists of a variety of organizations,

⁹ On September 25, 2007, the Union of Women's Action confirmed in front of the Council of Human Rights in Genève that "the tragedy of incarcerated inhabitants who were victims of continuous violations of human rights committed by the Polisario requires special attention on the part of the Council of Human rights." See *Al-Jarida al-Maghribiya* (September 26, 2007).

Sahrawi tribal and political groups including the resistance fighters, members of the liberation army, members of historic local organizations and parties, representatives of civil society organizations, former leaders of the Polisario, chiefs of tribes, members of Parliament, and local and regional representatives.¹⁰

A glance at the content of the self-rule project¹¹ shows that it set up a number of bases and provisions which insist on the preservation of the rights and freedoms of the inhabitants and their implementation in a democratic manner.

According to paragraph 25 of this initiative, the inhabitants of the region enjoy all the Constitutional guarantees relative to human rights in consistence with international standards. Likewise, paragraph 3 insists that the initiative is set within the framework of "a democratic and modern society that is based on law, collective and individual freedoms, and social and economic development. It is an initiative that promises a better future for the inhabitants of the region. Besides it can bring to an end the sufferings of the inhabitants caused by separation and exile, and it will help achieve reconciliation.

Paragraph 4 states that through this initiative the Kingdom of Morocco "endows all the inhabitants (both those who live inside or outside of the Sahara) with a status that suits them and allows them to play a full role in the various organizations and institutions of the region without discrimination or exclusion"

¹⁰ It should be pointed out that the head of the Council was part of the Moroccan delegation which participated in the peace talks with Polisario launched in Manhasset on June 18, 2007.

¹¹ See the text of the peace talks initiative about self-rule in the Sahara in *Al-Furqan Journal*, *op. cit.*, pp. 93-96.

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Moreover, the initiative gives the inhabitants the possibility of managing their own affairs by means of judicial, executive, and legislative institutions within the border of the region. They will be granted many exclusive roles for example in the social sectors such as housing, education, healthcare, employment, sport, social security, social care, and cultural development including the promotion of Sahrawi Hassani cultural heritage. The initiative supplies the inhabitants with necessary financial resources to help them achieve development in all sectors (paragraphs 5 and 12 of the project).

Stressing the rights of the inhabitants to express their opinion about the initiative, paragraph 8 states that self-rule system to stem from peace talks will be subject to a referendum consultation of the concerned inhabitants in accordance with the principles of self-determination and with the provisions of the UN Charter.

Concerning the reinforcement of political participation and contribution to national decision making, paragraph 18 of the project states that "the inhabitants of self-rule in the region of the Sahara are represented in the Parliament as well as in other national institutions and will participate in all the national elections.

Besides, thanks to the project, a Parliament of self-rule of the Sahara will be created (paragraph 18 of the project.)

Convinced of the importance of the empowerment of women in the region as a means of solving the other economic, social, and political problems, the project points out that it is imperative that the Parliament of the self-rule region should include a suitable proportion of women (paragraph 19 of the project).

The project gives much attention to the question of the detainees and refugees in the camps of Tindouf and the Sahrawi people who live in different regions as well as those who returned home. This is meant to give them their due importance and guarantee their dignity and safety as citizens. In this respect, paragraph 30 of the project states that: "the Kingdom of Morocco takes all the necessary measures to fully integrate the persons who returned home in a way that preserves their dignity, safety, and protection of their property." As such, the Kingdom of Morocco issued a general amnesty that is not followed by arrest, imprisonment, or any form of intimidation (paragraph 31 of the project).

Third: Self-rule Project and the Management of Cultural Diversity

Moroccan identity is characterized by diversity at the level of genealogies, influences and references; it consists of Amazigh, Arab, Sahrawi, African, Andalucian, and other components. This is stressed in the preamble of the new Constitution. These influences have enriched the Moroccan society. The geographical position of Morocco in North Africa, which is a cross-road and a meeting place for different people from different civilizations and cultures, played an important role in the enrichment and diversification of its identity. Besides, Islam contributed to a great extent to the reinforcement of coexistence and cultural, economic, social, and political interaction between these components. This diversity did not prevent the different groups from defending and fighting for common causes such as nation and religion over periods of history.

In the context of political transformations and reforms in Morocco since the beginning of the 1990's, Morocco has taken a set

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of measures and initiatives aiming at promoting this diversity in service of the unity of the society. This is manifest for example in the creation of the Royal Institute for Amazigh Culture,¹² Royal Consultative Council for Sahrawi Affairs, reinforcement of regionalization, self-rule proposition in the Sahara...

It is clear that the self-rule project gives the inhabitants of the Sahara many powers to run their own public affairs in a free way. The provisions of the project take this into account and stress its importance.

Different experiences and practices have shown that harmony and coexistence between various races and cultures within the same society depend so much on the way political and social authorities approach them. The absence of justice, freedom, and democracy leads the different social components to resort to specificity and tend to closure and isolation from the general environment, and search for alternative projects exclusively related to them. This can result in conflict, tensions, divisions, and intolerance. On the other hand, the promotion of the values and principles such as justice, freedom, and democracy reinforces national unity and leads towards tolerance and integration.¹³

The cultural, ethnic, religious, and linguistic diversity has positive and negative facets. On the hand, it contributes to the reinforcement of the State if it grasps the importance diversity and works to promote it. On the other hand, it can be a threat to the stability and unity of the State; such is the case of countries whose approach to diversity is marked by inflexibility and deviation.

¹² See Driss Lagrini, "The Amazigh Movement and the State in Morocco" In *Majallat ad-Dimuqratiya*, Al-Ahram Foundation in Egypt, 27 (July 2007)

¹³ "Social Diversity and Democratic Practices" *Al-Quds al-Arabi*, 5912 (June 6, 2008)

In view to the diversity of its society, Morocco was one of the countries that were involved over the last decades in the adoption of policies in favour of the integration of all its social components by undertaking reforms and measures at all the levels of the political scene.

In this vein, the elections that were held over the last two decades brought opposition parties to power and several laws were implemented; these include the Family Code, the Code of Labour, and the Law of Parties. Besides, many institutions were created (Administrative Courts, Consultative Council for Human Rights, Ministry for Human Rights, Arbitration Commission, Equity and Reconciliation Commission, Consultative Council for Sahrawi Affairs...). Likewise, the new Constitution stresses in its preamble the protection and promotion of human rights and international human law. It takes into account the universal and indivisible nature of these rights.

There is no doubt that the transformations and reforms in the Moroccan political and legal scene has created the suitable conditions for the promotion of tolerance, openness, and sentiment of pride in specificity through the sense of belonging to the nation in its universality and shared values without domination or discrimination. Such penchant is reinforced by the measures taken concerning the Amazigh question or culture and heritage in the provinces of the Sahara as it is clearly evident in many articles of the Dahir (decree) relative to the creation of the Royal Consultative Council for Sahrawi Affairs as well as in the articles of the self-rule proposition which stress diversity.

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Decentralization¹⁴ is one of the tools of administrative organization based on the multiplicity of sources of administrative activity in the State and on the distribution of administrative powers between the central authority and the various administrative systems within the framework of coordination and cooperation. This paves the ground for the achievement of economic and social development. Decentralization is reinforced by the amendment and the reform of the Constitution in 1992, 1996, and 2011 as well as by the ratification of law 47-96 relative to the organization of the regions on April 2, 1997.

Morocco has opted for regionalization which recognizes the existence of local interests that are distinct from national interests, which requires the participation of the inhabitants in the management of their local affairs in a more extended and efficient way given the existence of numerous local social and cultural specificities and considerations.

Self-rule system is considered as one of the forms of advanced regionalization. It rests on providing some rights and powers to political, cultural, ethnic, and social minorities within limited territorial units called regions. These powers should allow them to freely and democratically choose those who represent them politically, socially, and economically in the executive, legislative, and judiciary institutions of the region. Such system is adopted by many countries as a means of protecting their sovereignty and unity on the one hand, and opening up promising horizons of local development on the other hand.

¹⁴ For further details about decentralization, see Malika Sarroukh's *Administrative Law: A Comparative Study* (Casablanca: Imprimerie Ennajah al Jadida, second edition, 1982), pp. 150 onwards.

In accordance with the logic of cultural diversity as a source of richness and power and in view of the importance of the cultural components as a basis for democratic management of local affairs, the self-rule project insists on such vital aspects; especially that the aspects of harmony and unity of the Moroccan society are anchored in Moroccan history and culture.

King Mohamed VI has time and again insisted that this diversity consolidates unity. During his declaration of the creation of the Royal Institute for Amazigh Culture in his speech on July 30, 2001, he put emphasis on the aspects of diversity, plurality, and unity which have marked Moroccan identity over history. This diversity stems from the plurality of influences: Amazigh, Arab, Sahrawi, African, and Andalucian.

In his speech in Laayoun on the occasion of the appointment of the members of the Royal Consultative Council for Sahrawi Affairs on March 25, 2006, the king said: "In so doing, we are setting up the cornerstone for the promotion of the culture of consultation, providing our citizens with wide chances to be involved by means of practical propositions in all the issues relating to our territorial unity, and their contribution to the economic, social, and cultural development of our Southern provinces which are dear to us." Besides, Article two of the Dahir (Decree) relative to the creation of the Royal Consultative Council for Sahrawi Affairs states that one of the roles of the Council is "the preservation and promotion of cultural, artistic, and linguistic (Hassani) heritage of the Southern provinces."¹⁵

The self-rule project itself is replete with articles which reinforce plurality which is compatible with unity. Paragraph 5, for

¹⁵ Dahir No. 1.06.81 issued on Safar 24, 1427/March 25, 2006. It was published in the Official Gazette, 5409 on Rabiaa I 4, 1427/ April 3, 2006.

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example, points out that "... the inhabitants of the Sahara will be in charge of their own affairs in a democratic manner through legislative, executive, and judiciary institutions that are endowed with exclusive roles. They will be provided with necessary financial resources which will enable them to develop the region in all sectors and to participate in an efficient way in economic, social, and cultural scene of the Kingdom."

This paragraph shows that the project gives the inhabitants vital roles and powers and provides them with financial resources to allow them to democratically manage their local affairs by means of several institutions which are endowed with several powers stemming from the cultural and social specificities of the region; all within the framework of national unity. As far as paragraph 12 is concerned, it states that "the inhabitants of the region of self-rule of the Sahara exert many powers within the territorial borders of the region through legislative and judicial institutions in accordance with the principles of democracy. These powers are particularly related to cultural development including the promotion of Hassani Sahrawi cultural heritage."

It is clear then that those who drafted the project had in mind the cultural component as a vehicle of development in the region. Stressing the importance of representing the various social components of the region in the local institutions, chapter 19 of the project states that: "the self-rule Parliament of the Sahara consists of members who are elected by Sahrawi tribes and of members who are elected in general direct elections by all the inhabitants of the region. The Parliament of self-rule has also to include a suitable proportion of women."

Paragraph 22 points out that "the regional Parliament is allowed to create courts that will be in charge of the disputes that

arise following the implementation of the norms that are set up by the institutions relative to the region of self-rule of the Sahara. Tribunal judgments should be independent and should be issued in the name of the King."

This paragraph shows that the project provided the inhabitants with huge resources and wide prospects by enabling them to manage their affairs and decide for themselves. This is of great importance if we take into consideration the role of the judiciary and its contribution to building trust in the national and regional institutions...

Paragraph 26 points out that "the self-rule region of the Sahara will create an economic and social council which consists of representatives of economic, social, and professional sectors and associations as well as of highly qualified figures."

Fourth: Regional Parliament in Light of Self-rule Proposition

The involvement of the citizens in the management of public affairs through representative institutions is one of the basic aspects of modern democracy. The rise of such institutions is the shortest way to the restriction of the aspects of tyranny and absolute rule adopted by many countries in the past and to the establishment of the principle of separation of powers. This is the case if we take into consideration that the Parliament is an elected institution which is in charge of legislation, the control of the government, and designing the general policy of the State.

This institution has substantially evolved and has known ups and downs across history. It consists of a definite number of persons who are conventionally elected and sometimes appointed. In some cases, it consists of both elected and appointed members. The number of the members of Parliament is defined in two ways:

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it is either determined by the size of the population or it is stated in the constitution or other laws.¹⁶ It consists of one or two houses, or of several regional parliaments.

In Federal countries, the two-house or multi-house system is normal; it is imposed by the nature of these countries. This is the case of the United States of America, Canada, India, and the ex-Soviet Union.

Under the effect of the economic, social, and political transformations, regional parliaments appeared in many countries. These are meant to involve the inhabitants in the management of their local affairs in a wider and more efficient manner. They take into account the regional specificities and considerations, leading to the improvement of local legislative work in collaboration with the national legislative institutions. Regionalization and its mechanisms and powers, which differ from one country to another, are some of the most central features which distinguish the contemporary democratic political and administrative systems.

It is a system that rests on giving specific powers and prerogatives to social, ethnic, cultural, or political minorities inside limited territorial units called regions. It allows them to choose their representatives in a democratic way in the executive, judiciary, and legislative institutions of the region. Such system is adopted by different countries which aim at preserving their sovereignty and unity on the one hand, and opening up promising prospects for local development on the other hand.

¹⁶ Salah eddine Fawzi, *The Parliament: Analytical Study of the Parliaments of the World* (Egypt: Dar an-Anahda al-Arabiya, 1994), pp. 1-2

The regional legislative councils are similar to central councils in countries; each region has a legislative power which is the council of the region or the regional assembly. It is given the authority to ratify laws within the limits of the powers stated in the Constitution..."¹⁷

The international scene is replete with such legislative models. In the United States of America and in spite of the importance of federal legislation throughout all the states, regional parliaments enjoy great attention in many legal fields. Federal legislation is basically characterized by specificity. It is rare that it occupies a given sector at the expense of the law of the State.¹⁸

The Italian experience is of great importance in this context. In accordance with the Constitution, the regions are endowed with large powers including the legislative and executive systems. The Constitution defines the limits and fields where the regions can exert their legislative prerogatives while the central Parliament remains the central source of public legislation. The Regional Council in Italy is elected in direct general elections for 5 years. In its turn, it elects the local executive commission and its president. It designs the policy of the region by absolute majority before it is ratified by the central Parliament by means of one of the ordinary laws of the State.¹⁹

Ever since its independence, Morocco opted for political pluralism and parliamentary system as a political and constitutional choice. It is a system that preserves some kind of

¹⁷ Mohamed Boubouch, "Political Regionalism as a Means of Overcoming the Problem of the Sahara" In *The Moroccan Journal for the Local Administration and Development*, 52 (2006), p. 92.

¹⁸ Allan Farnsworth, *An Introduction to the Legal System of the United States*, Translated by Raid Assamra (Markaz al-Kitab al-Urdoni, 1990), p. 75

¹⁹ Mohamed Boudouch, *op. cit.*, p. 111.

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coexistence between the Monarchy and the other political actor; this reflected in the 1962 Constitution.²⁰

In accordance with the provisions of paragraph 3 of the self-rule project in the Sahara presented by Morocco as the basis of a realistic solution to the dispute, "the initiative is on the whole part of the process of establishing a democratic modern society that is based on law, individual and collective freedoms, and social and economic development. It is a promising initiative for a better future for the inhabitants of the region..." The initiative is replete with other provisions which allow for a democratic representation of the inhabitants. This is emphasized by paragraph 12 of the project which gives the inhabitants the possibility to run their own affairs within the territorial borders of the region by means of legislative, executive, and judiciary institutions. These are designed to exert several powers within democratic norms and principles in many fields such as legislation, local administration, local police, regional courts, economic development, regional planning, promotion of investment, commerce, industry, tourism, agriculture, regional finances, civil engineering, infrastructure, electricity, drinking water, and transportation. Other sectors are also included; these are housing, education, healthcare, employment, sport, social security, social care, cultural development including the promotion of the Hassani Sahrawi cultural heritage and the environment.

It is clear that the powers assigned to the inhabitants of the regions concern vital sectors, which will certainly allow them to start up a real local development that stems from the will of the

²⁰ The two-house system in the Moroccan Context, *Al-Massae*, 497 (April 24, 2008) and *Al-Quds al-Arabi*, 5886 (June 7, 2008).

inhabitants themselves and that capitalizes on human beings as top priority.

To reinforce these powers and give them a real significance, the project insists in paragraph 4 that "the initiative provides the inhabitants with necessary financial resources deducted from taxes, local contributions, the revenues that are generated from the exploitation of natural resources destined for the region, part of the revenues of the State coming from the natural resources of the region, and the revenues of the properties of the region." These revenues are necessary for the development of the region in all fields.

In this context, the regional Parliament as it is stated in the project enjoys many important prerogatives and powers, allowing it to carry on its tasks relative to legislation and control within the framework of the region and in consistence with the Constitution, laws and other national constitutional institutions.

Based on several international experiences, this regional institution will open up promising prospects for national legislation; it will enrich it and alleviate the burden in all fields and sectors within the framework of the policy of proximity...

Being conscious of the specificity of the social components of the region and insisting on the necessity to represent the various local groups and actors in this regional institution, paragraph 19 of the project states that the Parliament of self-rule of the Sahara should consist of members who are elected by different Sahrawi tribes as well as of members who are elected in general direct elections by all the inhabitants of the region in a democratic way. Moreover, being conscious of the importance of the empowerment of women as a means of solving all the major political, social and

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economic problems, the project insists that women should be assigned a suitable proportion in the council.

Paragraph 22 of the project points out that "the regional Parliament is allowed to create courts that will be in charge of the disputes that arise following the implementation of the norms that are set up by the institutions relative to the region of self-rule of the Sahara. Tribunal judgments should be independent and should be issued in the name of the King." This paragraph shows that the project provided the inhabitants with huge resources and wide prospects by enabling them to manage their affairs and decide for themselves. This is of great importance if we take into consideration the role of the judiciary and its contribution to building trust in the national and local institutions...

In view of the powers assigned to this Council, the nature of its prospective structure, the democratic large representation of the local inhabitants, and the necessary financial resources allotted to it, it is considered as an achievement in the process of democratic practice of the right of self-determination. This explains the reason why the project was positively received and welcomed at a wide international level.

In order to consolidate the continuous contact within the framework of unity between the inhabitants of the region and the mother-nation through participation and contribution to national decision making, paragraph 18 of the project states that: "the inhabitants of the self-rule region of the Sahara are represented in the Parliament and in the other national institution; they also participate in all the national elections."

Furthermore, so as not to exclude any of the components of the inhabitants of the region and taking into consideration that many

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Sahrawis will return home upon the implementation of the project, paragraph 4 states that "the Kingdom of Morocco shall guarantee through this initiative that all the Sahrawis either those who live inside the Sahara or outside will be granted full rights to participate in all the regional institutions and commissions without discrimination or exclusion.