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The journal deals with the field of Afro-Asian strategic, political & economic Studies

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# **Journal of Afro-Asian Studies**

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## **A Reading in the Syrian - Chinese relations**

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### **Abstract**

China's foreign policy toward Syria was based on the crossroads of interests and ideology, both of which were and remain the original determinants of China's foreign policy, which is rooted in Chinese political thought. Between the geopolitical and economic importance of Syria to China, and China's persistent policy of refusing to interfere in the internal affairs of countries, as well as achieving justice and return of rights, Beijing has been able to put the features of its foreign policy towards Syria in full harmony with its national interests and defend the principles it believes in, which formed a special identity of Chinese politics. China's position of the war on Syria, in addition to considerations of interest and ideology, was based on China's pursuit of preserving and strengthening its influence in the equation of international power balances in the Middle East. Beijing has become one of the main poles in the world, and the development of China's foreign policy towards Syria is a reflection of China's rising position and strength. When the war against Syria began, China's position on the Syrian state was positive and constructive, considering that what is happening in Syria is an armed conflict between the legitimate state and extremist outlaw armed groups, and welcomed the efforts to resolve the Syrian crisis

peacefully within the framework of the Geneva Conference. According to Beijing, Damascus is an "ideological exception" in the Middle East, in terms of the fashions of thoughts and framed ideological options of the state and Syrian politics, as well as the cultural diversity of Syrian society and its cultural and social variety.

### **Introduction:**

China is the second largest economy in the world, and has achieved achievements that caught the attention of the world in recent years thanks to the policy of reform and openness and adoption of the socialist market economy. Moreover, there are many experiences in this regard.

China's interest in Syria comes as a part of the interest in the Middle East, which for China represents a bet of the future rather than a necessity of the present. China usually tends to use the term "West Asia and North Africa" as an alternative to the term "Middle East"<sup>1</sup> where in this region there is a severe international competition between the major powers for several reasons and they are summarized as the following:

1. The Middle East centralizes a circle of three continents: Asia, Africa and Europe where more than three-quarters of the world's population live, and where political, economic, social, local and international interests clash, and the consequent contradictions at different levels<sup>2</sup>.
2. The region is bordering the largest water group of sea and ocean: the Caspian Sea, the Black Sea, the Mediterranean, the Red Sea, the Arabian Gulf and the Indian Ocean.
3. The region contains many important rivers such as the Nile, Tigris, Euphrates and Jordan River in addition to the small rivers, which are mostly navigable. The Middle East is governed by a series of main entrances such as the Suez Canal, the

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<sup>1</sup> - Yasser Ali Hashem, The future of China in the new international order, Cairo: Dar Al Ma'arif, 2004, p17.

<sup>2</sup> - Samir Amin and Others, Globalization and the New International Order, Beirut: Center for Arab Unity Studies, 1<sup>st</sup> edition, 2004, pp. 15-20.

Strait of Bosphorus, the Dardanelles, the strait of Bab al-Mandab and the Strait of Hormuz<sup>1</sup>.

4. The area is wide and deep. Thus, it allows the deployment of military bases in time of war, and has the ability to absorb military strikes even non-conventional ones.

5. The region is characterized by abundance and diversity of natural resources, mineral resources and energy resources as well as diversity of the climate which is characteristically moderate. Hence, the geopolitical characteristics of the Middle East made it a point of strategic contact and a major international arena for competition between many of the major powers that have entered into a keen competition for it.

China believes that the location of Syria on the Mediterranean could make it a staging point for Chinese goods destined for Europe especially if these goods were manufactured entirely or partially within Syrian territories and then transported through the ports of Lattakia and Tartous<sup>2</sup>.

#### **Research importance:**

The Syrian crisis has created unprecedented regional and international polarization and competition since the end of the Cold War where it showed the formation of two parties: The first party is formed locally from the Syrian opposition, both politically and militarily, and is supported regionally by Turkey and the Arab Gulf countries, and behind them all stands internationally the West with its American and European wings. The other party includes the Syrian government locally, and is supported by Iran and Hezbollah in Lebanon regionally, and by Russia and China internationally.

#### **Research hypothesis:**

The research begins from two hypotheses:

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<sup>1</sup> - Alaa Taher, *The Islamic World under Contemporary Global Strategy*, Beirut: Center for Arab European Studies, 1<sup>st</sup> edition, 1998, pp. 17-20.

<sup>2</sup> - The goods reach Europe in less than 10 days, while they require 40 days when goods are exported from Chinese ports.

- Betting on Syria is considered for Beijing a geopolitical bet. Economy and wealth are only one of its dimensions.
- The rise of China in the current stage has been to maximize economic production without seeking to spread the Chinese political ideology or the colonization of other peoples.

**Research Approach:**

The study is based on more than one of scientific research approaches. These approaches are:

- Inductive approach: adopted by Realism in international relations in the sense of viewing changes on the ground as they are not as reflected in the rules of the international system.
- Comparative approach: to compare some historical facts and to make a historical projection of events.

**Research Questions:**

The research seeks to answer the following questions:

- What is the position of Syria in China's strategic perception? And why Beijing has used its veto six times in the Syrian crisis?
- How did China interpret the crisis in Syria? Did this crisis make a historic shift in China's foreign policy?

**First: Syria's strategic importance:**

Napoleon Bonaparte believes that the foreign policy of any country lies in its geographical location. The geo-strategic factor is an important factor in the foreign policy of the state because this policy lies in its geographical importance. According to international relations experts, there is a close and interrelated relationship between geography and politics, so this close relationship is called geopolitics. It can be defined as the science that is concerned with the state not on the basis that it is a rigid concept, but a

living being. Furthermore, it deals primarily with the relationship between the state and its environment and tries to solve all problems resulting from spatial relations.

Syria's importance comes not only from its geographic importance, but from the role it plays in its regional environment. The fact that Syria is the most important country in the Middle East is a strategic fact not an exaggerated realization of the regional position. Thus, attempts that seek to turn Syria from an active geostrategic country (an influential country) into a geopolitical state (affected countries) were made. Perhaps the greatest victory in combating the war against Syria is the survival of the Syrian state, and they have failed to divide it or bring its existence to an end.

**Syria's strategic importance lies in the following<sup>1</sup>:**

1. Syria is a center for all regional powers balances in the area where Syria prevents Turkey from reaching the depth of the Arabian Peninsula just as it blocks Iraq away from the eastern Mediterranean.
2. Syria at the same time is the geographical breathing space to Lebanon.
3. Syria borders Palestine to form its geographical and historical lungs across its western south. Thus, any system in the Syrian Arab Republic could become the point of balance for all regional conflicts in the area.
4. Syria is one of the most important areas of overlapping between these land, sea and air forces which are a very sensitive part of the world fate's region, according to what the scientist of geopolitical Marshal Alexander de Sevreski mentioned about the air force when he said: "This Arab region is the crossing that connects the continents of Asia, Africa and Europe, and is the key to air defense for Africa and Europe.
5. Syria plays an important role in its natural surroundings through its geostrategic position as the gateway of Asia to Europe and as a barrier separating Turkey from the Arab world.
6. Syria stands as a barrier in the face of the so-called "Arab Spring" which has been translated as an agent of US interests in the region through which the United States

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<sup>1</sup> - Shafer Ismail Al-Shafer, Manifestations of War on Syria, Damascus: Arab Writers Union, 2008.

is waging war against Arab societies as well as the war of the Arab societies on themselves.

7. Syria has become the first line of defense for political and economic security of Russia, China and Iran, especially after the adoption of the five seas strategy and the Silk Road which coincided with China's strategy to break the US blockade in the Strait of Malacca.
8. There are confirmed discoveries of gas in Syria and Lebanon and their territorial waters which triggered the conflicting groups who want to have power to control the fate of the present century.
9. Syria is the node of gas transportation, and the fate of Nabucco gas depends on it. Turkey, the United States and Qatar are trying to liberate Europe from the grip of Russia's Prom Gas and to compete to own this large market.
10. Syria has not succumbed to the will of the United States and the West, but has worked with Iran to undermine American, Atlantic and Israeli policy and to thwart it by supporting the resistance in Lebanon, Iraq and Palestine.
11. Syria is the cradle of the Semitic peoples. This is due to its unique strategic geographical position. Among civilizations that emerged, we have the Semitic civilization from which the Sumerians, Canaanites, Akkadians, Phoenicians, Assyrians, Hittites, Arameans, Chaldeans, Nabateans ,Arab ghassanids in addition to Greeks and Romans descended.
12. Syria's political and economic importance throughout its history has been linked to its position at the crossroads of three different continents and cultures. Thanks to its strategic geographical position, Syria has been the axis of transit trade between many countries in the Middle East, and has been a vital factor in determining policy and the Arab-Israeli conflict.

This set of circumstances allowed Syria to play important roles in its region, and they were viewed as larger than its size and real capabilities, especially on the economic front. However, it also had a negative impact considering that the Syrian role



was not based on real fundamentals as much as it was built and based on situational facts and transient international circumstances.

In the final analysis, all these geopolitical advantages have made Syria a vital country for the concerned countries in the region. It has also made it an important point of attraction for the economic, political and military ambitions of these countries which means objectively transforming it into a center of attraction and then influencing its people, sovereignty, stability and Systems of life in it. The real conflict over Syria is between forces that want to change the maps and forces that want to preserve them, and the rest of the conflict is just propaganda. If the parties wanted to return Syria to what it was before the beginning of the crisis, they would settle it, but everyone wants to create a new situation that serves his interests. And that the conflict in Syria must have a maximum impact on the international balance as a whole.

### **Second: A Brief History of China-Syria Relations:**

The China-Syria relationship dates back to hundreds of years. Because of Syria's position between the three continents, it has formed the trade road linking China and the Arab countries. This road was formerly known as the Silk Road<sup>1</sup>. Since establishing the People's Republic of China in 1949, Syria has been the first line of defense for China's interests in Central Asia and the Caucasus, a bridge for the access of oil from the Russian Federation to China, the transit country for most of Iraq's oil in 1934-1982 and Saudi oil in 1973-1982. Syria is the main link for the five-sea project proposed by Syrian President Bashar al-Assad and is in line with the Chinese belt and road project. China and Syria signed the Trade and Payment Agreement in 1955. Diplomatic relations between the two countries date back to 1956 and it is the oldest diplomatic relationship between China and Arab countries<sup>2</sup>. In 1957, China sided with Syria to counter the US-incited Seventh Fleet sent by Turkey to threaten Syria. However, China's dispute with the Soviet Union has hindered the progress of china-Syria relations<sup>3</sup>.

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<sup>1</sup> - "Ancient Silk Road was connecting China to Europe via the Fergana Valley, Iran and Syria from the 2nd century to the 15th century.

<sup>2</sup> - Syria and Egypt were the first countries in the region to establish diplomatic relations with China in 1956. Saudi Arabia did not acknowledge them until 1990, and Israel did not have diplomatic relations with it until 1992.

<sup>3</sup> - Susan V. Lawrence. U.S. CHINA RELATIONS: AN OVERVIEW OF POLICY ISSUES, Congressional Research Service, August 1, 2013.

In spite of Syria's bias towards the Soviet Union, China was keen to maintain its political relations with Syria. China signed with Syria a number of agreements including: an agreement to increase trade cooperation signed in 1963 and another for cultural cooperation in 1965, which formed the first cultural cooperation between the two countries.

After Egypt signed the Camp David Accords in 1978, Syria became the only balancing point in the Middle East in the face of Western domination which participated in improving relations with China. When the Iraq-Iran war (1980-1988) began, Syrian-Chinese relations improved because of their similar stance. In 1982, China and Syria signed a long-term trade agreement that replaced the 1963 agreement.

Beijing has shown its willingness to supply Syria with medium-range missile technology after the Soviet Union rejected this request<sup>1</sup>. In 1985, Beijing provided military aid and arms purchases, trained Syrian experts on how to use them, and helped the Syrian government in building missile factories in the cities of Aleppo and Hama.

The two sides signed a number of agreements, including: the agreement on the promotion and protection of mutual investments and the agreement to provide a loan of 100 million Yuan for ten years to be used for financing oil projects and spinning factories in the Syrian city of Hama in 1996. The Chinese government also provided several grants worth 20 million Yuan in the form of non-refundable donations during 1999. The trade exchange between the two countries has witnessed remarkable development, rising from seventy million US dollars in 1989 to 150 million US dollars in 2000.

China has rejected the principle adopted by the United States and Western countries, which is based on imposing sanctions on countries that conflict with their policies such as Iraq, Iran, Syria and North Korea. In the mid-1990s, it supplied Syria with 150 anti-tank surface-to-surface missiles, rebelling against the US embargo on Arab countries, especially Syria, to buy weapons. This helped to develop military relations between China and Syria<sup>2</sup>. In 2004, Syrian President Bashar al-Assad paid a visit to China for the first time. The visit focused on economic cooperation between the two countries

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<sup>1</sup> - Mohamed Nabil, "Chinese Military Industries and Sales in the Middle East," International Politics Magazine, April 2000. The link: <http://digital.ahram.org.eg/articles.aspx?Serial=219828&eid=3987>

<sup>2</sup> - Mohamed Nabil, "Chinese Military Industries and Sales in the Middle East," International Politics Magazine, April 2000. The link: <http://digital.ahram.org.eg/articles.aspx?Serial=219828&eid=3987>

where Syria provides a new market for China, and China's investment in Syria included contracts for oil and power tankers, manufacturing facilities and workers abroad.

In 2004-2005, China and Syria signed cooperation agreements in the fields of oil and -gas, agriculture, health, medical science, tourism, education, culture, music and theater. Moreover, China has granted soft loans to Syria, and Chinese companies flowed to invest in oil and cement. Adra Industrial City was also established in Syria with Chinese assistance. The trade exchange between the two countries escalated to 900 million US dollars in 2005.

### **Third: China's attitude of the war on Syria:**

A series of international events all together formed an appropriate environment to change the structure and shape of the international system. All these events converged at a mutual point, namely, Syria and its crisis, which witnessed regional and international polarization that destroyed previous theories such as unipolarity so that the new map of the international system is based on the dominance of competing poles of different policies and interests, and these poles are somewhat parallel in power. These new features were not clear, but the repercussions of the Syrian crisis exposed them to the public.

Since the outbreak of protests in the so-called "Arab Spring", there has been a state of Chinese non-welcoming the arrival of Islamic movements to power in the Arab countries, lest that this will lead to the transmission of infection to Muslim minorities in China, especially the Muslim minority in [Sinkiang](#) under the support and investment So the United States.

China's attitude towards the Syrian crisis differed from that of the United States towards it; a variation in attitudes that is not new.

China's political orientation with its American counterparts in the recent era has been always contrasted under a pragmatic Chinese foreign policy dominated by an intersection of ideology and interests. However, China's new attitude towards the Syrian crisis is that it transcended the limits of usual differences of opinion with US policies in the Middle East and reached the level of political confrontation in a precedent that is the first of its kind in this region.

China's interventions in the balance of power equation in the Middle East, along with Russia and Iran in the face of the United States and Western countries, contribute to a new development in this equation, especially in light of the escalation of the region's crises to the extent of armed conflicts that reflect the reality of these balances<sup>1</sup>.

The Chinese attitude towards the Syrian crisis is a direct response to the American announcement of a shift in US strategy towards the Asia-Pacific region; it is a region of growing Chinese authority. This means that there is tension between the two sides in this region which leads to attempts by China to respond in other areas<sup>2</sup>. The Syrian crisis has created an opportunity to do so. China has accused the United States of interfering in its fundamental interests, either by selling weapons to Taiwan or by encouraging separatist groups in Tibet. Thus, China has adopted the opposition policy in the Syrian crisis as part of the response, even if only politically.

In 2013, the Pentagon published Wright's plan to divide Syria and create a "new state" stretching between Iraq and Syria to cut off the Silk Road between Baghdad and Damascus<sup>3</sup>. The Islamic State in Iraq and Syria (ISIS) has handled this task, which led China to change its route to avoid confrontation with the United States, and not to get involved in conflicts in the region. Beijing decided to move its route through Egypt, invest in doubling the Suez Canal and establish a huge industrial zone 120 kilometers from Cairo<sup>4</sup>.

If Berlin witnessed the birth of the Cold War between East and West, Damascus witnessed the birth of the historic transformation of China's foreign policy. China's attitude towards the Syrian crisis has been characterized by the rejection of foreign intervention in general and military intervention in particular. It was also characterized by the rejection of any action in the Security Council that would open the way for the possibility of such interference, and this explains China's use of veto successively against resolutions on

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<sup>1</sup> - Sunyia Al-Husseini, " Does China's policy toward the Syrian crisis reflect new strategic transitions in the region?", Journal of the Future Arab, Issue 440, October 2015, p. 41.

<sup>2</sup> -- Mohamed El Sayed Selim, "The Reality and Future of Alliances in Asia," Journal of International Politics, Year 47, No. 183, January 2011, p.52.

<sup>3</sup> - In addition, there was the Orange Revolution in Ukraine in 2004-2005 to block the European road, and there were protests in Nicaragua in 2018 to block the construction of a new channel linking the Pacific and Atlantic oceans.

<sup>4</sup> -« [La Chine se déploie au Proche-Orient](#) », par Thierry Meyssan, Réseau Voltaire, 25 janvier 2016.

Syria<sup>1</sup>. It is the first time in the history of the veto that it has been used for an Arab state. Syria is the only country for which China has used its veto power 6 times.

Syria is a strategic asset for China; not only from its natural wealth, but also from its geopolitical weight in terms of geographical location and civilization status, and the role it plays in Middle Eastern politics. Beijing believes that the joint Russian-Chinese veto will open a window of opportunities to resolve the Syrian crisis.

#### **Fourth: Chinese initiatives to resolve the crisis in Syria:**

China has abandoned its policy of refraining from interference in crises that are outside its direct interests or direct geopolitical space for the first time in its modern history.

Despite all Western claims, China maintained its embassy in Damascus open throughout the war against Syria. Moreover, in February 2012, the Chinese Foreign Ministry introduced its initiative to resolve the Syrian crisis, which assumed a cease-fire on April 10, 2012. This initiative can be summarized as follows<sup>2</sup>:

- China welcoming the appointment of joint special envoy of the UN and the League of Arab States, Kofi Annan, to follow up the political decision.
- China expression of supporting the leading role of the United Nations in coordinating relief efforts. It said that the United Nations or any other impartial entity should evaluate the humanitarian situation under the condition of respect for Syria's sovereignty.
- The international community has to respect the independence, sovereignty, unity and territorial integrity of Syria, provide the necessary assistance and urge the various political factions in Syria to launch dialogue and respect the results of the dialogue.

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<sup>1</sup> - China used veto power against international resolutions related to the Syrian crisis, and did not abstain from voting as it did in the past on crises in the region.

<sup>2</sup> - Group of Researchers, Ahmed Youssef Ahmed, Niven Massad, Editors, The State of the Arab Nation (2011-2012) Dilemmas of Change and Prospects, edition1, Beirut: Center for Arab Unity Studies, 2012, p.52.

- Non-approval of armed intervention or pressure to change regime in Syria. Beijing views that the use of force or threat of sanctions does not help to resolve this problem appropriately.
- The Security Council has to abide by the purposes and principles of the Charter of the United Nations and the fundamental customs that govern international relations.

On June 30, 2012, a meeting was held in Geneva (Geneva 1) for the working group on Syria which includes the United States, China, Russia, France, the United Kingdom, Turkey, the League of Arab States and the European Union, and agreed on the principles of a transitional phase. The plan provides for the establishment of a "full-fledged transitional government" through a "common consensus" but it does not determine the fate of President al-Assad. The parties concerned to the dispute differed on the interpretation of these principles. After the meeting, Washington considered that the agreement gives way for the post-Assad phase<sup>1</sup>, while Moscow and Beijing confirmed that it is up to the Syrians alone to decide the fate of their president.

The most important provisions of the Geneva Conference 1 are<sup>2</sup>:

- Formation of a consensus transitional government composed of the Syrian government and the opposition.
- Conducting an inclusive national dialogue for all segments of the Syrian people to produce results that contribute to put the first foundation for the constitutional and legal building of the Syrian system and the carrying of free and fair elections.

In November 2012, China presented new proposals to Lakhdar Brahimi, the envoy of the UN and the League of Arab States. The plan includes a ceasefire in stages and the formation of a transitional government. On September 30, 2015, China introduced an initiative calling for a political solution to the Syrian crisis, with the military instrument

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<sup>1</sup> - UNHCHR, Report of the Fact-Finding Mission on Syria pursuant to Human Rights Council resolution S-16/1, Geneva, Office of the High Commission for Human Rights, 18 August 2011, viewed 3 July 2012, [http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_965.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_965.pdf)

<sup>2</sup> - Esraa Ghareeb Mohamed, "The Impact of Russian Foreign Policy on the Middle East: A Case Study of the Syrian Crisis (2011-2017)", Arab Democratic Center, 2017.



being excluded<sup>1</sup> and with attempts to combat terrorism on another side. China opposed any military intervention in Syria, even if it came to fight the terrorist organizations there. China's repeated use of the veto in the UN Security Council was carried out although China has rarely used this right among its five permanent members. Furthermore, China has not resorted to using it to undermine the issuance of two similar resolutions directed against Libya under President Muammar Gaddafi during the period of the "Libyan revolution," despite its objections to their issuance. Beijing believes that its use of the veto goes from its opposition to any Western interference in Syria after the North Atlantic Treaty Organization (NATO) abused the Security Council resolution in Libya, and intervened to overthrow its legitimate state, not to protect civilians as claimed by the West and the United States. China's attitude towards the Syrian crisis and its use of veto power in the international Security Council marked the beginning of the emergence of a new player in the Middle East, confirming Beijing's desire to play a diplomatic and political world role in line with its growing economic and military capabilities. The Chinese veto is a significant qualitative development, not only in China's dealing with the Middle East, which is rich in the energy resources necessary to maintain its rapid economic growth, but also in Beijing's view of its diplomatic and political role on the world arena.

China also sees US attempts to destabilize the Arab region as a way to block the oil supplies it receives, and especially that this happened after the declination of the US interest in the Middle East and seeking to get out of it after the discovery of huge amounts of oil in Canada and Brazil and the development of many technologies to use alternative energy and underground energy as a future alternative to oil.

However, China believes that economic cooperation needs peace and security in the world, which explains its efforts to pacify and solve international problems through diplomatic ways via a strategy based on zero-problem relations with the outside world<sup>2</sup>. China sought to maintain its trade relationship with new governments in the countries swept by events. China fears that the fall of Syria's national system will lead to the rise of a new system closer to the West, with China losing an important ally in the Middle East. In

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<sup>1</sup> - See AFP, 'China's Syria policy guided by principle: analysts', France 24, 7 June 2012, viewed 3 July 2012: <http://www.france24.com/en/20120607-chinas-syria-policy-guided-principleanalysts?ns>

<sup>2</sup> - Yazid Sayegh, "China's Attitude towards Syria", Carnegie Middle East Center (February 9, 2012).The link: <http://carnegie-mec.org/publications/?fa=47149&reloadFlag=1>

addition, any Western intervention in Syria would extend to Iraq, which is an important oil resource for China.

In light of this, China has embarked on three factors that are constantly anchored by it in its strategic vision for the Arab region and the world. These factors are: ensuring its share of energy, increasing its economic relationship to ensure that its growing needs are met, and resolving conflicts through cooperation and negotiation<sup>1</sup>.

#### **Fifth: China's importance for Syria:**

Syria recognizes the importance of the relationship with China given the China's large and growing role in international politics and relies on China's balanced stance, which recognizes the interests of all parties and supports the state and people of Syria. Syria believes that there are lessons to be learned from the Chinese experience, such as the relationship between the Chinese Communist Party and the state in governance, the Chinese experience on the issue of economic, political and social reform, and the rapid transition of China into the ranks of developed countries. Syria fears that China will not be interested in Syria being part of the road and belt initiative launched by Chinese President Xi Jinping in 2013. Syria believes that terrorism is now a global issue, and all countries are concerned with combating it since it no longer has a specific geographical presence, rather it is emerging in many different environments. There are countries that invest in it, and China will not be immune from terrorism. The disease has already reached it through the Uyghurs who have been active in Syria, and the Syrian Arab Army has managed to eliminate large numbers of them.

The fight against terrorism is not only military and security, but the beginning is to combat it intellectually, developmentally, economically, politically and socially, to take action and to follow up the terrorist organizations by organizing this among countries through focusing on a number of points, the most important of which are: Exposing extremist thought, clarifying misconceptions, establishing the values of love, peace, tolerance and the preparation of moderate preachers. The Syrian government sees that China is wrong when sending its youth to study religion in Saudi Arabia, which does not

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<sup>1</sup> - Medhat Ayoub, "Restoring the Balance: Arab Revolutions and redefining the Chinese Ascending Style", appendix of the International Politics Magazine, No. 190, Cairo: Al-Ahram Center for Political and Strategic Studies, 2012, p.27.

teach them but only by backward and extremist Wahhabism. Most of the Chinese terrorists who came for jihad in Syria had learned in Saudi Arabia. If the Syrian-Chinese diplomatic relations are 60 years old, the economic relations between the two countries extend for hundreds of years. Syria formed an important point of the Silk Road linking China to the Arab countries. The most important development in the economic role was embodied in the construction of the free industrial city of Adra, Which gave China a great opportunity to reach the markets of the Middle East and Europe<sup>1</sup>.

After the war in Syria, which caused the destruction of Syrian economic structures and significant losses in GDP, human capital and infrastructure, the economic sanctions imposed on Syria resulted in significant damage to major economic and social sectors. Estimates suggest that the minimum cost of war is close to \$ 500 billion, and could reach \$ 1,000 billion. After the liberation of many Syrian territories and the elimination of ISIS in many areas, the Syrian government announced the start of the reconstruction phase in which China and the friendly countries that stood with Syria have a pivotal role, especially as there is an official instruction of the Syrian government to go east; to Asia and China in particular, especially since China is Syria's first economic partner with a proportion of more than 7% of Syria's foreign trade. In addition, the trade exchange between Syria and China continued even during the crisis and exceeded one billion dollars. The future of the Syrian market is promising, and it needs projects and large investments in the process of reconstruction. Moreover, China should seek to take its share from now, and not wait until full political stability is achieved, for Syrian geography is stable by all standards and is ready to start investing.

Syria looks forward to major Chinese investments in industry, agriculture, infrastructure and technology (especially telecommunications and banking systems), which today constitute the backbone of the modern economy in which Syria suffers a lot as a consequence of the sanctions imposed on it. Since pre-crisis stage, Syria has tried to inspire the Chinese model of development with its general lines with recognizing the different conditions. However, the crisis revealed that the inspiration was selective, and after the war, the return to that model and benefiting from its strengths seem to be pressing. The

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<sup>1</sup> - Which include about 600 factories for about 200 Chinese companies that produce many industrial goods and export them from Syrian ports to 17 countries, namely Iraq, Saudi Arabia, Lebanon, Egypt, Libya, Tunisia, Algeria, Morocco, Turkey, Georgia, Ukraine, Moldova, Romania, Bulgaria, Greece and Cyprus.

Syrian government is seeking to resolve the file of Syrian refugees abroad for its belief that it has become a file for political investment by the anti-Syrian countries. Nevertheless, the solution of this file needs steps to reach the desired result. There are the steps at the internal level in which there is the need to move from compromises to national reconciliation, work to ensure the requirements of return (housing, services, infrastructure) namely, survival requirements, and work to renew legislations to settle the situation of these, for they are different sections, and may have security or political problems, but there are many who have fled terrorism. The Syrian government is working to ensure refugees' rights of return or right to property, and to dispel fears of some people that are being invested politically and by media. The asylum file has a human side and a political side as it has been exploited as a political paper by the countries that tried to influence the course of the war in Syria. Refugees are being contacted in countries of asylum to understand their needs and the abuses they face in order to rebuild confidence and overcome sensitivities and divisions.

Syria seeks to benefit from the Chinese model of reconstruction in human development, and to inspire from the Chinese experience in culture and education such as: the cycle of educational decision-making and the role of think tank institutions, universities and communication means , and this may be the title of future cooperation between research centers, the issue of development at the central level and the level of localities., how to deal with the development gaps in education, employment and health, the Chinese experience in optimizing investment in education output in the job market and how to maintain the superiority of public schools in comparison to private schools; and the question of the integration of pre-university and university education. In addition, The Syrians need to know more about Chinese culture (because the West dominates the culture of the whole world and not only in Syria). The Chinese experience in managing cultural diversity, the problems it faced, and how to make a decision to solve them is also a source of admiration for the Syrian government<sup>1</sup>.

The Chinese model should be used to address some issues as Beijing has used modern technology to solve some problems and prevent their transformation into chronic crises ,especially international terrorism ,racial discrimination, ethnic cleansing and

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<sup>1</sup> - As China has 56 nationalities and about 20 million Muslims.

sectarian conflicts. It also set up the vocational training center in Xinjiang to prevent terrorist attacks before they occur because terrorism is easy to be showed in poor and underdeveloped areas, so professional preparation must be provided to gain people the skills needed to get work.

At the same time, the law must be circulated to those in order to know what illegal acts are, as well as teaching them the official language of the state to look for work more easily. Thanks to these efforts in the region, China has not witnessed any major terrorist incidents in the region for years. This is an attempt to combat terrorism intellectually i.e. through education.

The Chinese government's major development strategy regions should be capitalized on and benefit from to bridge the gap between the eastern and western China's experience in the development of the east of the country in order to reach a strategy to combat poverty. China's experience in the development of the east of the country should also be benefited from in order to reach a strategy to combat poverty. Thanks to China's reform and opening-up policy that China launched from more than 40 years ago, it has managed to get more than 700 million poor Chinese out of poverty, and only 20 million poor people remain in China. The Communist Party of China has set an ambitious plan to rid them of poverty by 2021; it is the centenary of establishing of the party.

**Conclusion:**

There is a false impression among the Chinese people and intellectuals about the security situation in Syria today as they still regard it as a region of wars, disturbances and tensions, and that the conflict in Syria is long and complex which makes Chinese businessmen and companies reluctant to go to Syria because their views are formed through the Western media which is inaccurate.

The war in Syria has continued for eight years, which makes the process of reconstruction and national reconciliation not easy. This requires the unremitting efforts of the Syrian government on the one hand and the active involvement of the international community on the other. China seeks to play a role in this regard because it is accepted from all parties in Syria (the people - the government - the opposition).

It is true that development needs political and security stability, but this should not preclude the search for solutions to problems that may hinder economic cooperation or participation in reconstruction. It is useful to promote and encourage joint dialogue between Syrian and Chinese businessmen, especially with regard to finding solutions to the problems associated with reconstruction, for example finance, and working on the transition from economic cooperation to a real economic partnership between the two countries through road and rail linking and power lines linking between Iran, China, Iraq and Syria.

It is the project proposed by Syrian President Bashar al-Assad in 2002 as a strategy to turn Syria into a base for gas transport and a free trade zone linking the east and west by linking the five seas in which China saw a reviving of the Silk Road to form the world's longest economic passage; from Syria to China. This in line with China's road and belt initiative put forward by Chinese President Xi Jinping in 2013. Syria also needs to develop its banking system, and needs China's experience in this area, and the search for non-US payment mechanisms. It would be useful to strengthen the relationship between the chambers of commerce, industry and agriculture and to establish common chambers on this level between the two countries and other areas of cooperation.

#### **Findings of the researcher:**

- China's attitude towards the war on Syria stems from two things:
  - Syria's special status in China's strategic perception. China's conviction that the international environment has begun to change and that the conditions are favorable for China to take its place in the pyramid of the international system
  - Beijing's desire to play a diplomatic and political role is a world commensurate with its growing economic and military capabilities.
- China's opposition to any interference in the internal affairs of countries has been and is still specific to China's foreign policy because Beijing already suffered foreign interference in the late 19th and early 20th centuries let alone the sanctions imposed on it by the United States for many years during the Cold War.

#### **Recommendations:**



We propose to speed up the opening of a Chinese cultural center in Damascus, send some graduates of the Arabic language department from China to complete their higher education in Syria, provide them with a job at the cultural center by teaching Chinese, giving scholarships for Syrian students in China at university and post-university, teaching Chinese in Syrian universities with the support of the Chinese Government, and translating Chinese literature. This will establish relations at the level of peoples.

**Mobilizations in Western Sahara: Struggles**

**Around Natural Resources**

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## Abstract

Mobilizations in Western Sahara around natural resources are sources of tensions and conflicts between Morocco and the Polisario Front for obvious reasons. This article allows us to understand profoundly the causes of mobilizations in Western Sahara and its effects on the population. Then, we tried to highlight the causes of the events that occurred in Western Sahara relating to the management of natural resources between the actors in the conflict namely Morocco and the Polisario Front who make a tremendous effort to be heard in the international bodies that have been working for many years on this issue. In this sense, this study allows us to demonstrate clearly the discourse of both parties which refers to the management of natural resources because of mobilizations occurred in Western Sahara. In addition, the Polisario Front does not stop denouncing at the national and the international level the extraction and the exploitation of the natural resources in Western Sahara. From a methodological point of view, in order to tackle the questions raised in this article, we used the Sociological Neo-Institutionalism and Historical Neo-institutionalism. This theoretical framework is the most relevant paradigm that has helped us to understand in depth the causes and the impact of mobilizations in Western Sahara around natural resources.

**Keywords** Sociological Neo-Institutionalism, Historical Neo-institutionalism, Natural Resources, Western Sahara, Conflict, Mobilizations, Sahrawi Arab Democratic Republic.

## 1: Introduction

Natural resources are constantly a source of revenue for the ruling power and an object of greed and conflict for many national and international actors. Also, it is crucial to say that natural resources are an essential and vital element in the development of societies; they are a guarantee of the survival of human beings and states.

The distribution of natural resources leads to many tensions and conflicts around the world and the presence of a multitude of actors with different objectives. Today, they are more than ever a diplomatic weapon and a battlefield for the actors of the conflict; the events that are happening recently around the world are highly revealing examples. The issue of natural resources is of considerable importance not only in Western Sahara but everywhere in the world, it provokes intense mobilizations between several actors, whether at the national or international level, sharp conflicts, and sometimes atrocious wars in some parts of the world. Our goal in this work is to understand the reasons for its mobilizations around the exploitation of natural resources. We will try to make intelligible the events that occurred in Western Sahara because of natural resources between the actors in the conflict.

It is important to emphasize that the possession of natural resources is today more than ever a major issue in all countries, a nuance is needed on this, there are those who know how manage them with the best of ways and avoid the tensions that can occur and those who cannot, the European states have been hurrying for so many years in Africa or elsewhere in order to appropriate the wealth of these countries that suffer from thorny problems: war, poverty, dictatorships etc. The question of natural resources as well as the problems they raise at the level of management does not often benefit the population as a whole, despite the abundance and diversity of its wealth.

We will demonstrate as much as possible the stakes of mobilizations in Western Sahara and struggles around natural resources between Morocco and the Polisario Front.

## **2: Rationale of the study**

The main goal of this article is to understand as much as possible the stakes of protest mobilizations in Western Sahara. Also, our intention in this study is to shed light on the fight between Polisario Front and Morocco especially that the Sahara issue has taken another turn recently.

In this study we will refer to a recent and important analytical framework that has a great reputation in Anglo American research namely *new institutionalism* in order to grasp and apprehend, the discourse, the resistance of actors to the exploitation of natural resources in Western Sahara.

This study is useful because it presents the causes and the impact of the mobilizations in Western Sahara around the natural resources between the actors of the conflict who fight to defend themselves at the national and international levels to obtain political leverage.

### 3: Theoretical Framework

Mobilizations in Western Sahara around natural resources are source of tensions between Morocco and the Polisario Front. This article allows us to understand profoundly and in depth the causes of mobilizations in Western Sahara. In this sense, it also allows us to demonstrate clearly the position of both parties linked to the management of natural resources. The Polisario Front does not stop denouncing at the national level and in the international bodies the extraction and the exploitation of the natural resources in Western Sahara.

Mobilizations or social movements are of crucial importance within political sociology and political science. In this respect, social movements can be conceptualized as sustained and enduring challenges to political decision makers so as to get some social changes<sup>1</sup>. It is essential to put out that social movements use a wide array of activities such as demonstrations strikes, newsletters and lobbying techniques in order to achieve their goals of mobilizing their constituency and to have an impact on political decision making<sup>2</sup>.

Furthermore, it is momentous to put forward that while some social movements might aim to overthrow the social order, other movements are aimed at implementing reforms that could ensure the long-term stability of society<sup>3</sup>. From a methodological point of view, in order to tackle the questions raised for the purposes of this study; we used the *Neo-Institutionalism Approach*. This theoretical framework is the most relevant paradigm that has allowed us to understand in depth the position of the protagonists of the conflicts

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<sup>1</sup>Breuning Marijke, Ishiyama John, «21st Century Political Science: A Reference Handbook», Hardcover, p. 936

<sup>2</sup>Ibidem

<sup>3</sup>Ibidem

and the behavior of actors in Western Sahara. By the mid-to late 1990s, the new institutionalism came to be one of the dominant approaches in political science, especially among those who studied United States politics<sup>1</sup>. This theoretical Framework has received a great deal of attention; Barry Weingast has stated, “*Political science witnessed a revolution in the study of institution*”<sup>2</sup>.

In this regard, institutional analysis was being used to study everything from the legislative process to effects of social movements and to the politics of the judiciary<sup>3</sup>. The new institutionalist approach has become so influential that Pierson and Skocpol could claim that “*We are all institutionnalists now*”<sup>4</sup>.

#### 4: Methodology

This paper is a part of an ongoing doctoral research investigating the mobilizations around natural resources in Western Sahara. For the purpose of this study, we did interviews and focus group with many actors to collect data linked to our topic. Semistructred interviews and focus groups were conducted to shed light on Western Sahara issue.

To tackle the questions raised in this article, we have focused our attention on relevant articles to analyze the data collected as part of this study. My general purpose was to explain in full the challenges of mobilizations in Western Sahara around natural resources. The overall results of the analysis revealed that there were social, political demands that the protesters are demanding in Western Sahara.

#### 5: Discussion

Several events occurred in Western Sahara, the events of 1976 in El Ayoun in 1987 and the events of the three cities in 1992. First of all, the demands were never political but also social. They often had as objectives, requests to facilitate access to universities, protection against aggressive intervention by the Moroccan or access to science for students<sup>5</sup>. We have to highlight that Morocco has implemented large projects in Western

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<sup>1</sup>Ibidem

<sup>2</sup>Ibidem

<sup>3</sup>Ibidem

<sup>4</sup>Ibidem

<sup>5</sup> Breuning Marijke, Ishiyama John, «*21st Century Political Science: A Reference Handbook*», Hardcover, *op.cit.* p.936

Sahara so that the inhabitants can have access to all services despite the constant shortcomings that affect certain sectors.

It should be added that over time, the protest has grown in Western Sahara, the students of the university were first joined by all unemployed graduates who look for jobs because of unemployment that tails down to the present day the Moroccan officials as well as the workers of phosphate mines of Bou Craï who join the unemployed students and graduates in order to denounce the marginalization and the precariousness which they suffered<sup>1</sup>. These workers were the first to raise *the khāima* (tent) to symbolically mark the place. As a result, the demonstration was going to win over the rest of the population and turned into a public outcry in Western Sahara. In the same perspective, in 2010 a major event which shook the Sahara region, it is about the dramatic events of Gdeim Izik, blew up in Western Sahara, undeniably generates strained tensions between the Saharawis and the Moroccan authorities in place. At the beginning of October 2010, this event led to the installation of tents rally in Gdeim Izik, some fifteen kilometers from the center of El Ayoun<sup>2</sup>.

In addition, it should be mentioned that 20000 Saharawis install about 7 000 tents in protest, the claims bear, in the first place, as all the events occurred in the Sahara on the working conditions, the corruption which affects almost all the sectors, the social and economic difficulties, against the backdrop of the unspoken symbolism of the question of identity, which is expressed by the very form of mobilization<sup>3</sup>.

In fact, the installation of tents has a strong identity dimension for people of the Sahara. These ephemeral houses according to the expression of Victoria Veguilla constitute one of the elements that participate in the configuration of their collective imagination<sup>4</sup>. During the events that shook the Saharan province, the tents are a weapon of mobilization and political expression: candidates campaigning in the legislative and communal elections have made a place of welcome and rallying for their sympathizers and

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<sup>1</sup> **Claudia Barona** Castañeda, Mémoires d'une résistance, l'autre histoire du Sahara occidental. En Ligne : <https://journals.openedition.org/emam/852>

<sup>2</sup> **Claudia Barona** Castañeda, Mémoires d'une résistance, l'autre histoire du Sahara occidental. En Ligne : <https://journals.openedition.org/emam/852>

<sup>3</sup> **Ibidem**

<sup>4</sup> Veguilla Victoria, À l'ombre de la khayma, résistances culturelles et politiques des jeunes sahraouis a Dakhla, *La découverte, Cahiers Libres*, 2013, p.166.

En Ligne : <https://www.cairn.info/jeunesses-arabes--9782707177155-p-162.htm>

the curious<sup>1</sup>. From this point of view, it is important to note that the fact of setting up a camp outside the city has a very symbolic meaning. This gesture expresses discomfort, rupture, and indicates a form of peaceful protest<sup>2</sup>. This symbol has showed clearly the sociological institutionalism dimension by referring to the role of myth and ceremony in creating institutional cultures, as well as the role of symbol systems and cognitive scripts<sup>3</sup>.

It is necessary to highlight that among the explicit objectives of these successive recurrent actions in the Sahara are effectively to defend the natural resources in the southern province. In order to fully understand the mysteries of natural resource issues in the Sahara, it is obvious to focus on the discourses adopted by local actors to demonstrate clearly the extent of the crisis. The case of the city of Dakhla is revealing, although the offshore industry bases its accreditation strategies on its historical rights, the group of interests from the artisanal sector develops a strategy based on the role that fishing plays in the development economic and social development in the Sahara region<sup>4</sup>. The actors affected by this crisis call for the conversion of particular and selfish interests into collective interests<sup>5</sup>.

It is impossible to deny that Morocco has invested heavily in the Sahara region to develop and allow young people from the Sahara province to find jobs. Nevertheless, due to the demographic transformation that has affected the city of Dakhla since the 1990s, the local actors put forward that "*The crisis affects us all, natives and migrants*"<sup>6</sup>.

It should be added to the above that the discourse adopted plays a determining factor; it helps us to understand in depth the representations of protest mobilizations in Western Sahara, notably the language used by the demonstrators. In this sense, it is important to say that the demonstrators dismiss the ethnic references, "*the Saharawi community*", and political dimension "*our fishery resources*", replacing them with an

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<sup>1</sup> Lakhmari Sami, Tourabi Abdellah, Le Maroc a-t-il échoué au Sahara ?, *La revue Zamane*, 2013, n°28 .p.35

<sup>2</sup> Ibidem

<sup>3</sup> Breuning Marijke, Ishiyama John, «*21st Century Political Science: A Reference Handbook*», Hardcover, *op.cit.* p.936

<sup>4</sup> Veuilla Victoria, Conflits et actions collectives autour de l'exploitation du poulpe, *Politique africaine* 2009/4 (N° 116), *Éditions Karthala*. p. 60

En Ligne : <https://www.cairn.info/revue-politique-africaine-2009-4-page-43.htm>

<sup>5</sup> Ibidem

<sup>6</sup> Ibidem



identification related to the soil, the territory "*the natives, the people of the South and claims based on the right to local, economic and social development*"<sup>1</sup>.

Victoria Veguilla highlights in her research on the Sahara issue that the actors almost always focus on the non-political nature of claims paradoxically showing their potential for politicization. She adds that identity plays an important role in all socio-political processes that occur in Dakhla. It enters into the calculations adopted by the actors and plays the role of mobilisable resource<sup>2</sup>.

The 2010 Gdeim Izik events were described by Noam Chomsky as the beginning of the Arab Spring<sup>3</sup>. The interviews did by some researchers about Sahara issue are the most eloquent illustration of this situation. In this case, one of the actors of Gdim Izik Camp point out that they mobilized in order to stop the massive exploitation of Western Sahara's resources, and the multinationals and the European Union are still robbing natural resources, while the Saharawi population is poor and suffering increasing unemployment and they don't benefit from natural resources such as fisheries, phosphates<sup>4</sup>.

It is only recently that natural resources have increased in the mobilizations that occurred in the Sahara. As has been stressed many times, the protest movement in Western Sahara has evolved over time: The demands of activists are widening even further, and natural resources are coming to the fore, they didn't know about the plunder until very recently, so they have only just started to focus on natural resources<sup>5</sup>. In this regard, education is another decisive factor, since it unequivocally enables Saharawis to understand the stakes of natural resources. In the same spirit, Sahrawis have turned to natural resources in recent times as another possible path for independence<sup>6</sup>. Indeed, the comments made by some actors who resist to the exploitation of resources, allow us to have a clear idea on this question which causes troubles to the two parties in conflict:

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<sup>1</sup> Veguilla Victoria, L'articulation du politique dans un espace protestataire en recomposition. Les mobilisations des jeunes Sahraouis à Dakhla. pp. 3-4

En ligne : <https://journals.openedition.org/anneemaghreb/526>

<sup>2</sup> Ibidem

<sup>3</sup> Allan Joanna, Natural resources and *intifada*: oil, phosphates and resistance to colonialism in Western Sahara. p. 654

En ligne: <https://www.tandfonline.com/doi/full/10.1080/13629387.2016.1174586>

<sup>4</sup> Allan Joanna, Natural resources and *intifada*: oil, phosphates and resistance to colonialism in Western Sahara. *op.cit.* p.456

<sup>5</sup> Ibidem

<sup>6</sup> Ibidem

I can see that the diplomatic path is going nowhere, and so some young people want to go back to war. I don't want war, and I see natural resources as another possible path towards our independence<sup>1</sup>.

The position of the representative of the Sahraoui Arab Democratic Republic, Fadel Kamal, he expresses himself that the exploitation of Western Sahara's natural resources has an important role in nation building and Sahraoui Arab Democratic Republic government believes that its significant natural resources will play an important part in the development of the democratic nation which will contribute to the peace, stability and progress of the entire Maghreb region<sup>2</sup>. The historical institutionalism dimension thanks to the importance of ideas in creating political change, as well the role of economic or cultural variables in political decision making, as well as the goals of political actors<sup>3</sup>.

Mobilizations occurred in Western Sahara recent years enable us to get an idea of the nature of the demands that the protesters claim. There are social demands articulated in terms of public policies and allocation of resources such as employment, housing, professional interests, access to economic goods, the identity claimed which expresses a demand for recognition of the ethno cultural particularism of the Saharans and territorial dissent, which deals with the international dimension of a conflict that still without solution<sup>4</sup>.

Moreover, natural resources constitute the cornerstone of the Gdeim Izik's claims that shook the Sahara region. According to the protesters, this sector is constantly in the grip of a deep and unprecedented crisis. In this sense, it is quite remarkable that strong criticism emerges, the protesters point out that if the exploitation of natural resources expand or intensify, they will not procrastinate to resort to the war to thwart companies that exploit the resources of the Sahara<sup>5</sup>. In addition, in 1974, the World Bank does not hesitate to mention that the Sahara is a rich territory of the Maghreb region because of the

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<sup>1</sup> Ibidem

<sup>2</sup> Kingsbury Damien, The role of resources in the resolution of the Western Sahara issue .p. 220

En Ligne: <https://www.tandfonline.com/doi/full/10.1080/14781158.2015.1084615>

<sup>3</sup>Breuning Marijke, Ishiyama John, «21st Century Political Science: A Reference Handbook», Hardcover *op.cit.* p.936

<sup>4</sup> El Maslouhi, Abderrahim, Le corporatisme territorial contre l'État nation ? Politiques publiques et lien national national au Sahara occidental, *L'année du Maghreb*, Novembre 2011, p.191.

[En ligne], <http://anneemaghreb.revues.org/1211>

<sup>5</sup>Allan Joanna, Natural resources and *intifada*: oil, phosphates and resistance to colonialism in Western Sahara, *op.cit.* p.663

existing fishery resources and its huge phosphate deposits, as well as it contains potentially important oil reserves<sup>1</sup>.

We have highlighted many times that the exploitation of natural resources has recently received a very special attention compared to previous years for several obvious reasons. Firstly, the strategic importance of fisheries and hydrocarbons for the Moroccan economy has increased considerably while that of phosphates has remained more or less constant. Secondly, the Polisario and its supporters are organizing around this issue, sparked by the opening of oil exploration in Morocco and by the obvious possibility that the European Union will fish again in Saharan waters thanks to an agreement with Rabat<sup>2</sup>.

Furthermore, however, it is obvious that Morocco has spent a considerable fortune for the construction of roads, ports etc. In fact, the main reasons for spending on social infrastructure was to supplement the food and fuel subsidy policy in the territory, pay twice the wages of public sector employees and distribute aid to the unemployed<sup>3</sup>. In an interview did by Carmen Gomez Martin with a Sahraoui who participated in the dramatic events of Gdeim Izik. He puts forward that young Saharawis has lack of opportunity and unemployment, they have work in the phosphate mines, in fishing, social assistance favors Moroccan settlers, access to education and, above all, the university education is full of obstacles, the young people has the impression that the goal is to impoverish, marginalize them to the extent of accepting the situation as it is<sup>4</sup>.

It emerges in this analysis that the issue of the distribution of natural resources takes an important position in the Western Sahara issue, because the protesters claim that they do not benefit from natural resources such as fisheries resources or mines of phosphates. In addition, they denounce the corruption of local elites and also the issue of poverty and access to university education. This situation, which affects citizens in general and young people in Western Sahara in particular, is being forced to react in order to denounce vehemently this situation, which continues to deteriorate sharply according to the statements made by the protesters. In this sense, very revealing examples obviously show

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<sup>1</sup> Olsson Claes, The Western Sahara conflict, the role of natural resources in decolonization. *op.cit.*, p16

<sup>2</sup> Ibidem

<sup>3</sup> Ibidem

<sup>4</sup> Martin Gomez Gomes, Sahara occidental : Quel Scenario après Gdim Izik ! p. 2

En Ligne : <https://journals.openedition.org/anneemaghreb/1490>

the causes of the mobilizations in Western Sahara through the interviews that we did for these purposes in our study:

There are many reasons, but the main reason is always the social demands, but the state has always assumed its responsibilities vis-à-vis political demands due to oppression. The situation is difficult in Western Sahara because of the lack of development as well as the corruption that affects public money.

The phenomenon of unemployment results in the absence of a propitious and suitable climate to investment. In addition, we have mismanagement of natural resources in Western Sahara, the businessmen only who take advantage of its resources for example: The allocation of fishing licenses. If people benefits from natural resources then why unemployment is widespread within the region!

It emerges from the interview that the situation is chaotic and catastrophic in Western Sahara. It is important to note that poverty and marginalization affect the inhabitants of the Sahara. To this we must add that most of them do not benefit from natural resources but only the high officials who benefit from them. In addition, the natural resources in Western Sahara are managed in the wrong way and the State, the businessmen who take advantage of its resources, for instance: *The allocation of fishing licenses*.

It follows that the protesters question the situation that has occurred in Western Sahara for so many years. For example, mismanagement of natural resources, subsidies for university transportation, public social benefits and jobs. Indeed, two interviews did by Victoria Veguilla demonstrate clearly the social issues that concern the protesters in Western Sahara and the limited role played by the *Regional Investment Center*: The province is poor, the ship owners don't even pay taxes, the Regional Investment Centre was created to reach out to citizens and centralize decisions<sup>1</sup>.

In addition, according to some Saharawi actors, the Economic and Social Council has highlighted a contrasting and paradoxical balance of the development model adopted in the Sahara and the policy pursued for years by the state in this region of controversial

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<sup>1</sup> Veguilla Victoria, Social Protest and Nationalism in Western Sahara: Struggles around Fisheries and Housing in El Ayoun and Dakhla. *Mediterranean Politics*, Volume 22, 2017, p.6.  
En ligne: <https://www.tandfonline.com/doi/abs/10.1080/13629395.2016.1215046?journalCode=fmed20>

status. It is remarkable that Morocco pays large budgets to invest in Western Sahara, but the same problems are still present today in the southern province: economic problems, high unemployment and, above all, high social tensions. The events of Gdim Izik tragically revealed the magnitude of these tensions<sup>1</sup>. As a matter of fact, it seems hardly necessary to mention that in a focus group that we did, it turns out that the tribes that benefit from the natural resources in Western Sahara are: **Assa Zag** (*Ait Oussa*), **Gulmim** (*Ait Baâmrane and Ait Lachen*), **Dakhla** (*Oulad Dlim*), **Laayoune** (*Oulad Rchid, Rguibat*).

The Economic and Social Council demonstrates the feeling of injustice felt by the population. It is the result of a policy led by the State in Western Sahara relying on the support of the notables in the management of Saharawi affairs<sup>2</sup>. In return for their support, the notables have developed networks of clientelism fed by the prebends and the economy of rent, without ever taking seriously into account the socio-economic problems which affect the young Saharawis. This situation is the cause of frustrations, tensions and angers that provoke explosions, as was the case of Gdim Izik<sup>3</sup>.

The Sahara was a desert territory but, over time, the situation has improved thanks to the efforts has made by Morocco. In the same vein, we have highlighted that the issue of natural resources in the Sahara is used by the protagonists of the conflict for political purposes to appropriate a legitimacy of the sovereignty of this territory. Given the above, it is important to emphasize that the arguments put forward by the two parties in dispute allow us to set forth the strategic issues of natural resources in Western Sahara. In this sense, the management of its resources is in the most explicit way for the Polisario Front a real battlefield in order to question the Moroccan presence on the territory.

Contrary to the allegations of the Polisario Front, Morocco does not cease to claim that the natural resources of the Sahara belong to it and invests heavily since the reintegration of the Sahara to open up this region which was a desert and poor territory and this allows us absolutely to make intelligible the instrumentalisation of this question. In this sense, it should be noted that the latest events in the region of Guergarate, Bir Lahlou, Tifariti and the problem of the renewal of the fishing agreement in 2018 and the case of the

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<sup>1</sup> Lakhmari Sami, Tourabi Abdellah, Le Maroc a-t-il échoué au Sahara ?, *La revue Zamane*, 2013, n 28 .p.35

<sup>2</sup> Ibidem

<sup>3</sup> Ibidem

ship "*Cherry Blossom*" which seized by South Africa are highly revealing examples that allow us to disclose, identify the ambiguities and contradictions relate to the Sahara issue.

Moreover, we have to emphasize the ample protest in Western Sahara links to the management of natural resources, for example, the dramatic events in Dakhla in 2005 and the Gdim Izik affair in 2010. We must emphasize again that we have two parties fighting to obtain legitimacy to exploit natural resources in Western Sahara. Each party is constantly trying to convince the international community that it has the right to extract and exploit natural resources.

It is plausible to highlight that distribution of investments does not provide justice for economic and social investment. It also turned out that the investments do not meet the expectations of the people of the province, the private sector, hospitals, universities are almost absent. Moreover, it can be deduced that the protesters claim that corrupt tribal leaders work for the regime in order to satisfy only their own interests without considering the expectations of the inhabitants of the Sahara. The protesters who constantly denounce this situation argue that they do not benefit from the natural resources in this region.

In this study, it emerges that poverty, rising unemployment, racism, injustice, marginalization, exclusion lead the inhabitants of the region to mobilize and protest in order to condemn the excesses that occur in the Sahara. In addition, there are other problems related to the overexploitation of natural resources (*management of sand quarries, overexploitation of fishing, extraction and exploitation of mineral resources*). And some actors do not hesitate to point out that Morocco does not have the legal status that allows it to exploit natural resources in Western Sahara.

Finally, it is very important to point out that because of the situation that occurs in Western Sahara, the inhabitants do not hesitate to claim independence, and this is manifested in the speeches they hold to defend themselves (*the Saharawi people, the legitimate right to self-determination, colonization, our resources, our identity*).

## 6: Conclusion

In the end, today more than ever before, natural resources are sources of conflicts and tensions all over the world, so we have to remember that the analysis of this topic

shows us clearly the challenges of protest mobilizations in Western Sahara around natural resources, which has resulted in so many problems during the last years. Then, the theoretical framework adopted in this study has helped us, (*New Institutionalism*) to understand in depth the behavior, the discourse, the problems raised and the resistance displayed of the actors who invest a huge effort so as to give themselves a legitimacy of exploitation and extraction of natural resources in Western Sahara.

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**The Role of Digital Communication in Directing or Deviating the  
Public Opinion**

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**Abstract**

Digital transformation is shaking the lives of all of us. It has an impact on our expectations as customers or employees. Companies are questioning themselves, changing the way they work, and adapting to this technological environment. All these technological changes have a direct influence on the way information is shared and the means of communication, since it has shaken up the traditional models of classical business communication. Companies in this changing environment are confronted with new challenges and are obliged to cope with this new environment to differentiate themselves from the other competitors. Businesses quickly understood the importance of using new means of communication, especially those that target a wide audience, by applying a new type of communication means and digital communication.

**Keywords:** digital communication, web2.0, social media, image, innovation, internet's user.

**Introduction**

In the 1960s, several American researchers worked on the development of a computer-to-computer data exchange system, giving birth to APRANET, the first network to transfer messages. APRANET developed its access protocols, and democratized them to become what we call the Internet.

Any company or organization, no matter how large or small it is, its sector of activity, its history, its leaders and its collaborators, its creator of a brand image, the world of the Algerian company began to understand the importance of using social networks, for purposes that promote the management of their image and e-reputation, with any type of

communication, companies can no longer do without this tool which is 'social networks' to communicate with their customers. They will always try to get in touch with them through the Internet (purchase, geographical location, search for information).

With the advent of social media, it is clear that modern communication models are well and truly over. Shannon's "Issuer-Receiver" schema in 1948 or Lasswell's "Who says what to whom by which means with which effect" were very useful in conceptualizing certain professional practices.

### **1-The Digital Communication:**

The "digital" has reached maturity. From the status of mere "technology gadgets" a few years ago, digital equipment has become so much a source of value for the company. The ability to access information in real time, to be connected without constraint of place, time or equipment (so-called "anytime, anywhere, any device" or ATAWAD) offers the employee an unprecedented freedom of movement and new opportunities for collaboration. This results in new ways of working that benefit both individuals and the company

In his book Habib Oualidi defines digital communication as follows:

The digital communication is a new discipline of communication but also of marketing. The term refers to all actions (communication and marketing) aimed at promoting products and services through a medium or a digital communication channel, in order to reach the consumers of their products in a personal, ultra-targeted and interactive way. The new objective of companies is therefore to target their consumers not only on the web but across all digital media.

The digital communication of a company is the set of use of web 2.0, social media, blogs, wikis...

### **2-Web 2.0:**

Web 2.0 "is fundamentally reshaping the public sphere and public communication practices in journalism, advertising, marketing, and public relations"

Many have tried to define web 2.0, which leads us to face several definitions either by authors or through websites:

- According to Tristan Nitot, president of Mozilla Europe: "It's the web as imagined by its inventor, Tim Berners-Lee, a web where everyone can publish and consume information. A web where you are a consumer and an actor at the same time. Consumer'actor, so to speak. "
- "we call web 2.0 or participative web or collaborative web, a system of information visible anywhere in the world and in which any user can be active. The user becomes an actor. The contents (text, image, video, and sound) are produced and realized by the Internet users. Without knowledge in programming and computing, the user will drop the content on the host site, for use by other users."

Web 2.0 has fundamentally changed the way people communicate. It brought together unknown people and established friendships with each other (Schultz and Peltier, 2013).

It has also changed the way people engage with information published via the Internet (Cox et al., 2009). Based on these technologies, new applications have emerged which are 'social media'.

### **1.1.1- Social media**

"Social media today is an incredible source of information for the company. At the same time quantitative, with generated data volumes rarely achieved, but also qualitative, via the speeches. In this, they constitute an important channel of interpersonal communication, exchange of ideas and beliefs, participating in parallel to the creation and popularization of new trends. "

Levine et al. (1999) shed light on the new realities of the world of business and communications from the Internet. They portray an era of conversations where Internet users invent new ways to share their knowledge: "People talk to each other, in open, straightforward conversations, inside and outside organizations. The inside and outside conversations are connecting. We have no choice but to participate in them"

Collin and Clark (2003) found that the use of social media creates competition for the company. This method creates good relationships between managers and employees and helps their performance.

Whiting and Williams (2013) delineate the reasons for using social media by consumers, which are to look for:

- Social interaction,
- Information,
- Hobby,
- Entertainment,
- Relaxation,
- Communicative usefulness,
- The expression of their opinions,
- The utility of convenience,
- Information sharing,
- Observing the behavior of others.

The Forms of Social Media:

- 1) Blogs: The blog is a new form of marketing that has become popular in the World Wide Web. It is a personal website created by a person who is passionate about a subject and wants to share with the world what he/she knows (Scott, 2010).

## **2- Social Networks**

Social networks appear when people create a personal profile. They offer users the ability to post comments, receive comments from others, join a group and a fan page, create an event, and participate in games (Chua and Banerjee, 2013). A social network is the name given to a representation of social structure. It may be individuals or

organizations and based on friendships, professional or commercial purposes (Barnes, 1954).

### **3- Wikis**

These are collaborative sites where the user participates in the construction of the site, for example, Wikipedia encyclopedia.

### **4- The website**

#### **Innovate Through Social Media**

The best way to innovate is to engage and take the risk and encourage managers to establish a digital or social media strategy to better understand customers and strengthen the e-reputation of the company.

#### **Social Media: An Ambivalent Innovative Sector**

Innovation is traditionally defined as an invention that has spread through being appropriated by a social milieu (Alter, 2000). This design has the advantage of emphasizing the idea of novelty brought to a market, without presuming its origin (consumers, daring entrepreneurs, researchers, and engineers, etc.). It also assumes that this novelty will have been taken over and constituted as an offer available on this market. Novelty must be understood here in a broad sense that Schumpeter (1999) attributed to him, that it could be as much a question of the development of new productive methods as of the circulation of goods with original features, or even to conquer a new market with an existing product. It should be noted, however, that there is a possible misinterpretation of what is studied through innovation.

"On the internet we have a constant innovation, so every year exchanges improve"  
Reed Hasting, CEO of Netflix.

Innovation processes thus prove to be more effective with the collaborative dimension of Web 2.0 applications: some such as wiki allow better information sharing between the various actors of the innovation process (capitalization and dissemination of tacit knowledge and explicit), but can also be at the origin of the emergence of information and new knowledge, or even new connections between the actors. Web 2.0 applications

appear then as facilitators of the process of innovation, that this either the speed of the process, the scale of the research or its flexibility (Dahan et al., 2010).

### **Internal Digital Communication**

-Case of enterprise: a new approach to participatory innovation, the example of orange.

Taking the example of the description of what could be a telephone line in 1854, invented by the French Charles Bourseuil that no one listened to and whose patent was filed only 22 years later in the United States by Graham Bell, the management. In early 2007, Orange's internal communication launched a tool for collecting employees' ideas called idClic with a slogan: "an idea, a click".

The idClic device was designed to make you want to submit your ideas: enter your idea and save it in one click. It shows that the employee believes in the possibility of contributing to the company; the objective is linked to the performance of a company and to an internal communication process aimed at maximizing employee involvement. It is based on an electronic idea box system: the employee submits his idea on the "idClic" section of the intranet and the idea is immediately directed to an expert who can develop it and enrich it with the employee.

Since the launch of the initiative, 112,000 ideas have been submitted, of which 10% have already been deployed. Orange has a 30% stake in its employees and has been able to note fairly exceptional rates (around 82%) in certain entities and the absence of any pre-established typology with regard to the type of employees' participation.

### **Conclusion**

The digital reflection that an organization, a product, an idea and an individual wear on the web is called digital identity.

The management of this digital identity is called e-reputation. This new term brings together several approaches to online communication that were previously studied and



implemented only in a distinct way: interactive or digital marketing, natural referencing, Internet monitoring, Community Management, site building and management of content creation multimedia.

The company must get to know the users: their motivations and their role in this new technological and conversational environment. The psychology of the consumer has been modified: he became a player in his consumption by his new role as a prescriber, allowing himself to do more experiments and indulge himself at a lower cost.

These changes also mean that the business must evolve in order to retain or recruit the talent needed for its future.

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**Recent Approaches in the Distinction between Crimes and  
Delicts in Public International Law**

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**Abstract**

The Contemporary international law has begun moving towards recognizing the varying importance or differential, varying and hierarchic legal value of its rules, where there are normal – martial and conventional - legal rules whose violation constitutes an international

misdeemeanor, as well as jus cogens or obligations of all, which have a higher and more serious legal value; where its violation is considered greater than just an international misdemeanor, in fact it is an international crime. The emergence of the concept of international crime is therefore a reflection of developments in the international community since the beginning of the Second World War, which have contributed greatly to creating a strong international awareness of the need to distinguish between two categories of illicit international acts on the grounds that crimes committed by Germans during the Second World War cannot be described only as ordinary illicit acts that entail the same international responsibility arising from illicit acts that are described as delinquent. Therefore, this war has represented, and in a general context of international developments that emerged following to it, a real beginning in thinking about the legal molding of international crime and distinguishing it from international misdemeanor and devoting that within the international legal system. The international crimes of countries result in additional legal consequences, meaning in addition to the consequences of the obligation to desist and guarantees of non-repetition and restitution of the damages resulting from the international misdemeanors. It is in the interest of the international community as a whole to intervene to settle them, since the relationship that results from them deviate from the bilateral framework between the damaged and the aggressor states, to the interest of the international community as a whole in intervening to settle these crimes.

**Key words:** international crimes, international misdemeanors, the public international law, international community, international obligations.

## Introduction

International responsibility for the illicit international act in the classical international legal system emerged in the form of a bilateral relationship between the aggressor and the victim state. Therefore, the traditional jurisprudence under the such responsibility did not pay attention to the division of the illegal act and the attention to the

fragmentation of the illegality to varying degrees of extent and severity , instead the popular idea was only to judge the illegality of this act, whatever its value, as long as it leads to provoke the responsibility of the state that committed it, and as long as the violation of the obligation imposed by the rules of international law leads in all cases to one result, then there is no necessity to divide it into different degrees, even if they are different in act and deed.

However, the variables brought by the Second World War and the developments that followed, especially those military trials such as the formation of special courts, such as the Nuremberg and Tokyo courts has led to the birth of a new pattern of rules of international responsibility whereby sanctions are imposed against States and individuals are prosecuted for the crimes they commit.

Thus, contemporary international law began to recognize the varying importance or different legal value of its rules, where there are legal ordinary - customary and convention - rules whose violation results in an international delict, along with jus cogens or obligations of all benefit from a higher legal value. Where the violation is considered greater than an international misdemeanor, it is an international crime (International Law Commission, 1976).

What is then the general context of the appearance of the distinction between international crimes and delicts? And what are the criteria for this distinction?

Section I: The general context of the emergence of a distinction between international crimes and misdemeanors

Recognition of the distinction between international crimes and delicts was not was a easy, but a result of a development that took a long time. The earliest precursors in this field date back to the late 19<sup>th</sup> century by the doctrinal jurisprudence (Amsas, 1996/1997). Before the presence of the period of the first and second world wars, that

contributed to a great extent, in the creation of an international awareness of the need to distinguish between two categories of international illicit acts based on that crimes committed during this period cannot be described only as ordinary illegal acts which are labeled as misdemeanors. Thus, this period, and in the general context of international developments that emerged following to it, represented a real beginning in the conceptualizing thinking of crimes and delicts concepts at the level of international law (I) and its consecration by international jurisprudence and judiciary (II).

#### First: The Role of International Law

The International Law Commission resumed the emergence of the concept of international crime distinct from the international delicts to the limits of the Second World War, stating: “Minds who were more aware of the requirements of the growth of international groups have understood the need to abandon the traditional methods to conceive of international responsibility exclusively as a civil conception . The idea has begun to make its way, perhaps with a stumbling block, which is that there is not just one kind of internationally illegal act... ” (Amsas, 1996/ 1997).

However, this theory, which emerged before the Second World War, received little resonance in reality due to the dominance of perceptions of voluntarism during that period, which only recognizes the international misdemeanors. In the time when the theories that emerged after the Second World War were more in line with the developments known to the international reality, where the call to adopt the concept of international crime of the state stemmed from the need to establish more effective legal rules to organize the international community on the basis of stability and peace.

In this regard, the appearance of the United Nations ( 1) and its adaptation of certain grave acts threatening international peace and security such as international crimes, constituted the first signs of appearance of such distinction. This process continued with the base on the article 35 of the Vienna Convention on the Law of Treaties, which created an international awareness of the existence of absolute and irrefutable rules the breach of

which is considered as an internationally illegitimate act that can be considered an international crime. (2)

### **1. The Role of the United Nations**

The United Nations played a critical role in the emergence of certain legal rules deemed necessary for the survival of the international legal system, the violation of which constitutes international crimes distinct from the international delicts. The principles enshrined in Charter (a) and subsequent declarations by the General Assembly (b) and the efforts of the Commission of International Law (c) have worked on dedicating this distinction and enshrining it in the international law.

The UN Charter placed several obligations on the Member States. These obligations have become part of the customary international law thanks to the wide support it has from other countries and peoples. These are among the purposes of the United Nations, as listed in Article 1 of the Charter as follows: Preventing and removing threats to peace, suppressing all acts of aggression and other types of breaches of peace, ensuring respect of the principle of equality of the rights of peoples and their right to self-determination; Human and fundamental rights of all people, without discrimination because of race, language or religion and no distinction between men and women. However, the most important obligation of all that is set out in article 2, paragraph 4, which states that “all members of the Commission shall refrain, in their international relations, from threatening or using force against the territorial integrity or political independence of any State or in any manner inconsistent with the purposes of the United Nations.”

Although the Charter does not consider violations of these fundamental principles to be international crimes distinct from the international delicts, it has created a special and differentiated system to penal the violations of these principles that endanger international peace and security.



Thus, by reference to the provisions of Chapter VII of the Charter, we note that the text of Article 39 clarifies the conditions that must be met in order to take coercive measures by the decision of a Security Council. These terms are formulated in terms similar to those provided \* in Article 1. And these conditions include the following expressions: “Threat against peace”, “Breach of peace” or “Act of aggression”.

It can be understood from these three phrases that the Charter has regarded them as illegal but highly dangerous international acts that may threaten international peace and security. Therefore, it was deterred by collective international procedures and not only by individual measures, as was the case with misdemeanors. This confirms the thesis that these acts constitute violations of central obligations of the international community (crimes) (Bougantar, 1999).

What can be deduced from the above is that the UN Charter has been concerned with the subject of distinction between international crimes and misdemeanors, although the reference to it is made in different forms, but it suggests the existence of illegal international acts of serious gravity which commitment is considered as an international crime different from the ordinary illegal acts that are considered International delicts.

## **B. Decisions of the General Assembly**

The General Assembly has issued a series of monthly declarations emphasizing the paramount importance of the principles that the United Nations has made its purposes and some violations that touches these objectives as international crimes different from the international delicts.

The Declaration on the Granting of Independence to Colonial Countries and Peoples states that the continuation of colonial rule constitutes a “threat to international peace and security” and constitutes a serious obstacle to the protection of international

peace and security (Declaration on the granting of independence to colonial countries and peoples, 1960). Decision 2114 on human rights violations also indicates that it's considered international crimes the systematic, or recurrent practices of violations of human rights, widespread violations, severe and exposing to human right and freedoms that were mentioned in The Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

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In the “Declaration of Principles of International Law on Friendly Relations and Cooperation between States in accordance with the Charter of the United Nations”( Recommendation of the United Nations General Assembly, 1970) , the incidents that were considered as a new indicator of the emergence of a different concept of crime than that of delicts were declared, although the real or official confirmation of this distinction came with the definition of aggression contained in the number 3314 commendations of the General Assembly on 14 December 2, 1974 which considered aggression “the most dangerous and illegitimate use of force” and described the war of aggression as “a crime against peace with international responsibility”.

It should be noted that some of the resolutions mentioned do not explicitly refer to the concept of international crime, but rather matches in similarity of seriousness of the violation of certain obligations and the risk of resorting to force as stipulated in paragraph 4 of the Article (2) of the Charter, whereas some other resolutions emphasize on that the violation of some obligations in a serious manner represents an international crime.

### **C. The work of the Commission of International Law**

The subject of distinction between international crimes and delicts has aroused special attention by the members of the commission of International Law because of the difficulties posed by these two concepts because of their grievances and their implications

stemming from the criminal law, causing concern about how the concepts are implemented. Thus, its inclusion in the frame of the law related to countries responsibility would give the impression that the current purpose of the project remains to introduce the notion of “punishment” and not just compensation (Bougantar, 1999) .

The first sign of the emergence of distinction between the two concept of crime and delicts at the level of the international law is the report submitted by the commission of international Law about its work on 1986 to the general Assembly of the United Nations on its 31st session about the project of regulating the Responsibilities of countries, For the first time, an international legal system recognizes this distinction and thus establishes a clear distinction between international crime and delicts.

Article (19) of section1 states the following:

1. The act of a country which constitutes a violation of an international obligation is internationally illegal act, whatever the resolution of the violated obligation.

2. An internationally illicit act constitutes an international crime when the violation results from the country’s violation of an international obligation which is of paramount importance for the preservation of fundamental interests of the international communities, where the whole community recognizes that its violation constitutes an international crime.

3. Without prejudice to the provisions of paragraph (2), and in accordance with the established rules of international law, the international crime may result specifically from:

A. Serious violation of an international obligation of a fundamental importance for the maintenance of international peace and security, such as the obligation of prohibition of aggression;

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B. A grave violation of a fundamental obligation to ensure the right of peoples to self-determination, such as the obligation to prohibit the imposition of colonial control or its continuation by force;

C. A grave and widespread violation of an obligation of fundamental importance to protect the humanitarian person, such as the obligations to prohibit slavery, genocide and racial discrimination;

D. A grave violation of an international obligation of fundamental importance to the protection and preservation of the human environment, such as obligations to prohibit significant pollution of the atmosphere or seas.

4. Every internationally illicit act that is not an international crime in accordance with paragraph 2 (constitutes an international delict) (Official Records of the General Assembly, 1976).

It is therefore clear that article 19 makes a clear distinction between crimes and delicts in the international law, and this distinction is based on a fundamental criterion, namely, the content or the resolution of the violated obligation and its severity.

That is the same approach that the Commission of the international law has proceeded with in its second reading on the year 2001 for the project of the responsibilities of countries. Although it did not explicitly stipulate the notions of crime and delicts for reasons related to the absence of essential structures in the international community to address violations that can be described as crimes, whereby the abovementioned text of article 19) has been omitted completely in its final project for the year 2001, and it was replaced in the third chapter of the second section of that project by a “serious breach of obligations arising out of peremptory norms of international law” as an expression of the concept of “international crimes” without reference to international delicts. This chapter

contains two articles, Article (40) and (41), where the first one states the following (Yearbook of the Law Committee, 2001).

1 - This Chapter applies to international liability resulting from a serious breach by a country for an obligation arising under a peremptory norm of the general public law.

2-The violation of this obligation is grave if it's under a severe or systematic failure by the country responsible for the performance of the obligation. ”

What is observed through article 40 is that it does not provide any models or examples of international crimes or serious breaches arising out of an obligation under peremptory norms, as did its equal, article 19), in addition to that- as it appears from the text of article 40- it came directed to only one case, which is the category of international crimes that it expressed as severe violations and there is no mention in it to the international delicts.

The difference between articles (19) and ( 40) is that although the latter did not provide any examples or models of the serious violations as its equal -the omitted article 19- has done, it appears to be larger and wider, leaving the space open to raising international responsibility for any violation of peremptory norms without the need to list them, and as it is known ,these peremptory norms are nothing less than the Erga Omnes , which is contained in an enormous number of enacting treaties that are difficult to limit and enumerate. Examples of that, Decisions and Pacts of prohibition of aggression and decolonization,

Geneva Charters on the international humanitarian law, pacts of worldwide human rights, conventions of prohibition of all forms of racial discrimination and conventions on the protection of the environment and sustainable development ..., and the treaties of Montego Bay concerning the law of public marine for the year 1982... and others.

All these treaties have become part of the connotation of the article 40 because it contains Jus peremptory rules, regardless to the potential of establishment of other rules from upcoming treaties, and the result would be that the article 40- in its current form- appears more inclusive and broader comparing to its omitted equal article 19 (Lakhdar, 2011).

To note, by the following of The Commission of International law to this method and formulating the above-mentioned article (40), the International Law Commission (ILC) has thus observed and coordinated with Article 53 of the Vienna Convention on the Law of Treaties which defined the peremptory norms as accepted and recognized by the international community as a whole. As rules that is not permissible to violate and can only be changed by subsequent rules....that has the same characteristic.

## **2. The Emergence of Jus Cogens**

Internal legal systems categorize legal rules into two types: complementary rules that parties may agree on what opposes it, and a peremptory norm that is not permitted to agree on what opposes it.

The internal or domestic law names the peremptory norms "rules of public order" which the French call « *Ordre PUBLIC* », and is called by the Anglo-Saxons « *Public Policy* », as for the Romans these rules are defined as. « *Jus Cogens* »

The idea of jus cogens or rules of public order in domestic law is based on the need to protect the prevailing basic concepts and values in the community and the protection of the legal system itself, that is because it cannot be imagined that there is a legal system without individuals being committed to maintaining it or so for them to have the freedom to contract in absolute manner without any restrictions (Jouili, 2010).

In particular, it's possible to say that the notion of "public order" is a well-established concept in all domestic legal systems, and it cannot be even expected that a developed legal system would not contain it.

The general public law, in turn, defines suchpartition, whereby international jurisprudence classifies international rules into two major categories which are:

- Dispositive or consensual norms: Rules that explain their mandatory power on the principle of (the obliged is adhered to his obligation), as it leave the freedom to the person of law to select the range of his sovereignty in relation to another sovereign, or an international organization, and these rules can be amended by opposing agreements.

- Peremptory norms: are the ones that are not permitted to agree on what oppose it, and which are called by the term “jus cogens” (Jouili, 2010), and are considered binding rules for all. No public person of international law can disavow them or compromise their legal norms and legal standards, as they are rules of all and towards all, and carry their own legal value. No opinions or doubts can constitute their mandatory power (Benmoussa, 2015).

The emergence of peremptory norms has had an impact on the sensitization of the international community about the need to distinguish between international crimes and delicts on the base that the violation of a peremptory norm will be followed by the illegality of its subject matter and thus its annulment.

The particular attention paid by the international community to this category of rules means that its existence is of fundamental importance to the international community, which consider its reflecting to the idea of international public order, which requires that it should be respected as best as possible.

The peremptory norms, according to the jurist and legist Roberto Ago, include “the fundamental rules relating to the protection of peace, in particular those prohibiting the use or threat by force, and the fundamental rules of a humanitarian nature (the prohibition of genocide, slavery, racial discrimination and the protection of the fundamental rights of the humanitarian person in peace and war time)” (Legality Of The Threat Or Use Of Nuclear Weapons, 1996).

Article 53 of the Vienna Convention on the Law of Treaties (United Nations, Treaty Series), on the year 1969, has enshrined for the first time the particular judgment of cancellation of the treaty that is incompatible with a peremptory norm of the general international law by stating the following: “A treaty is invalid if at the time of its contracting is contrary to a peremptory norm from the general international law. For the purposes of this Convention, it is meant by the peremptory norm from the general international law, the norm that is accepted and recognized by the international community as a whole as a rule that cannot be violated and can only be amended by the subsequent general rule from the international law of similar a nature.

According to this passage, the jus cogens rule contains the general will of the international community as a whole, where no country or a number of countries can disagree with, except for the emergence or establishment of a new peremptory norm that state the end of the old norm.

Article 64 of the same Convention states that “if a new peremptory norm of international law emerges, then any treaty in conflict with it becomes invalid and expires.” (Benyounes, 2002). This article establishes an important rule that signals that the legality of the treaty is linked to its non-conflict with a jus cogens rule. The Vienna Convention on the Law of treaties emphasizes on respecting the peremptory norm and the expiry of the legal consequences of the actions of the same convention, where in the Article 39 states in its first paragraph that: «the treaty to which invalidity has been established under this pact is considered null. The provisions of the abrogated treaty have no legal force ...».

On its commentary on article 26 on the project of countries responsibility, the International Law Commission affirmed that “the identification criteria of the peremptory norms of the public law are strict standards

Article 53 of the Vienna Convention does not only require that the rule in question satisfies all “the criteria necessary for its recognition as a norm of the peremptory norms of general international law to be binding as such, but also requires that the international community as a whole recognizes the peremptory nature of that rule. A few jus cogens have so far been recognized as such. But different legal organisms, national and international, affirmed the idea of peremptory norms in contexts which are not limited to the rightness of treaties. And it includes the peremptory norms accepted and recognized



include on by a clear manner, the prohibition of all of aggression, genocide, slavery, racial discrimination, crimes against humanity and torture, and the right for self-determination” (Yearbook of International Law, 2001).

Despite the inclusion of peremptory norms in the Vienna Convention, their legal dimensions and implications remain controversial, and lack precise definition. Despite the many cases in which it peremptory norms are alleged by, there are still very few precedent judicial cases in which peremptory rules have been invoked to challenge the validity of the treaty. Therefore, there is now almost no disagreement about the existence of peremptory norms as part of the structure of modern international law.

However, their specific nature, the rules that can be considered as jus cogens and their implications in international law are not yet clear. In this context, the former member of the International Law Commission, Andreas Yakovides, has made in 1993 the following remark which its essence remains valid to this day: “For almost a quarter of a century since the adoption of the Convention, no authoritative criteria have emerged to determine the precise legal content of the peremptory norms or the process by which the international legal norms can be elevated to the center of the peremptory norms.” (Report of the International Law Commission, 2014).

The peremptory norms have been referred to in a number of judgments issued by either the International Court of Justice or dissenting and independent opinions expressed by several judges. As for the first, as mentioned above, it was not sought in previous cases to clarify the nature, conditions, content or consequences of the jus cogens, it was settled for to merely refer to them. A typical example is the Court's observations on the prohibition of the use of force in the case of military and paramilitary activities on the year 1976. The Court simply stated that countries often regard the prohibition of the use of force as “a fundamental or essential principle among the principles of the customary international law,” without explicitly stating that it considers the prohibition of the use of force constitutes a peremptory norm. And in a more recent case, the International court of justice showed more willingness to consider certain as peremptory norms.

Going further into the complexities of jus cogens. In the case of trial or extradition matters between Belgium and Senegal in the year 2012.

The Court considered that “the prohibition of torture is part of international customary law and has become a peremptory norm. Moreover, the Court noted that the prohibition is based on a widespread international practice and on the belief of countries that this practice is mandatory.” (Report of the International Law Commission, 2014)

Following the same line of reasoning, some judges take a step forward and openly acknowledge that certain principles and rules of public international law are of a jus cogens nature (Legality of the Threat or Use of Nuclear Weapons, 1996) . Where the judge "Jawi" in his separated opinion goes to that meaning that the majority of the rules of the humanitarian law should be regarded as jus cogens for the international law. As for Judge Weeramanarty, in his view of the opposition, says unequivocally that: “The rules of the humanitarian law of wars have clearly acquired the state of peremptory norms, as they are fundamental rules of a human nature, and cannot be diminished without eliminating the fundamental considerations of humanity to which these rules are intended to protect.” (Report of the International Law Commission, 2014)

It is clear from the foregoing that the gradual development and codification of international law has contributed to the emergence of jus cogens, but the nature of the jus cogens rules, the conditions for their consideration as jus cogens, and their consequences or effects are still required.

In addition to that the legal provision on the peremptory norms has not yet settled the possible difficulties that may occur during the application. Consequently, the question of whether violation of a peremptory rule necessarily constitutes an international crime or not is not resolved. If the jurisprudence considers that an international crime is a violation of a jus cogens rule, the opposite is not always true. This can be illustrated in several examples. For example, in diplomatic law, the inviolability of diplomatic documents for a diplomatic mission is peremptory. Can we say that a violation of diplomatic documents of

a foreign mission by an accredited country is an international crime that carries a responsibility different from that of other rules? The fact that we can see from our study of the relationship between peremptory norms and international crimes is that the emergence of peremptory norms has marked the beginning of a normative arrangement of the concept of “international crime” and a legal reconstruction in which peremptory norms interact with international crimes (Bougantar, 1999).

## Second: The Role of International Jurisprudence and the Judiciary in the Elaboration of the Distinction between Crime and International Delicts

The first and second world wars have seriously contributed to the serious thinking about the issue of international crime and to emphasizing the distinction between the latter and the international delicts established by a group of jurists of international law (1). International justice has also evolved after the Second World War towards the elaboration of the idea of international crime and considering that the resulting international responsibility may be different from the responsibility of international delicts (2)

### 1. The role of international jurisprudence

Recognition of the distinction between crime and delicts has been a result of a long evolution. The first attempts in this field dated back to late of the 19<sup>th</sup> century, where the jurist «Bluntschli» pointed to that the international responsibility system must be different according to the importance of the obligation violated, from removing damage, compensation or guarantees of non - repetition, to imposition of penalties. Punishment is rights exercised by the damaged country against country which their international obligations have been violated to the extent of the use of force to disturb peace. Bluntschli adds that if the violation poses a threat to the community, all countries capable of protecting international law may act to restore the legal system (Amsas, 1996).

During World War I, The Americans Root and Peaslee supported the idea of a distinction between two types of violation of international law. The first concerns the damaged country, and the other concern the entire international community (International Law Commission, 1996).

This approach has stabilized between the two world wars with both jurists Pella Saldana and De Vabres ; they called for the adoption of a code that identified serious violations of international law and the indication of penalties related to them. These penalties range from financial punishment to land occupation, and in extreme prospects, to losing independence. The basic characteristic of this jurisprudential trend is that it has come up with the theory of international criminal responsibility, although some did not consider the distinction between illegal acts unrelated to this theory. The uniqueness of this trend is that it has attempted to get out from these traditional perceptions that view the international responsibility by a domineering that takes only a civilian dimension. What is important, however, is that this trend has firmly enshrined the basic idea which is the dualism of the international illicit acts meaning international crime and delicts (Bougantar, 1999).

After the Second World War, this trend will be a matter of a subject of research for various jurists of international law, where the focus on the distinction between two categories of illicit acts will be shown in earnest. In this context, Soviet jurisprudence was so enthusiastic about the necessity of such a distinction that it has become known as the Soviet theory. This theory is generally based on the fact that illicit acts take two basic forms: the first, namely acts that constitute a threat to international peace and security where it is required to face application of severe penalties by

The Security Council, including the application of Chapter VII of the UN Charter. The second is concerned with those minor violations that have no impact on world peace and which do not face the same penalties as those of the former category (Lakhdar, 2011).

Jurisprudent Tonkin resumed out this theory as an expression of Soviet jurisprudence at the time, stating that “the international illicit deed is divided into two parts: illegal acts that touch the international peace; and other illegal acts that are of lower degree (Lakhdar, 2011).

As for the scholar Lovan He published in 1996 a brief study on the responsibility of countries in which he considered that international crimes include acts that threaten the freedom of peoples. He explained that in the case of committing an international crime, the affected country has the right to resort directly to punitive measures against the aggressor country. In the case of other illegal international acts (delicts), the affected country may take punitive measures against the aggressor country only if the latter fails to fulfill the obligation to repair to harm.

Thus, over the years, these ideas have been transformed into one of the themes of Soviet jurisprudence on the international responsibility of the country. Some jurists of the socialist countries, such as Kisten, influenced by Tonkin's ideas, Grafrath and Steinger, whom also adopted a special position which illustrated in the proposition of the division of illegal international acts into dangerous and ordinary acts (Bougantar, 1999).

During the same period, the ideas of the jurists of Western countries attempted to confirm the principle that the violation of the obligation to prevent the use of force constitutes an illegal act ordered according to its gravity, the application of a system of international responsibility stricter than that applied in the case of normal violations of international obligations. However, some jurists were distinguished by different ideas in this regard concerning the distinction between international crime and delicts. Among them, Verzizi, who considered that international crime distinct from delict, for the reason that it does not only create an obligation to repair or restore the status to how it was, but also entails a penalty by the international community. In this context, he stressed the conviction that become more and more prevalent, namely that some of the international illegal crimes (Criminals) require a “collective response” by the international community. On the other hand, he explained that the term international crime, which had

originally appeared in the name of the aggressive war, had extended to serious violations of the laws of war, crimes against humanity, and similar acts (Bougantar, 1999).

In his view of the notion of international crime, Brownlie argues that the category of international crimes must include the violation of any obligation established by a peremptory norm, namely the rules for the prohibit war of aggression, slave trade, piracy, crimes against humanity and the rules that recognize the right of peoples to self-determination (Yearbook of International Law, 1996).

Thus, the jurisprudential positions in this area no longer take the form of isolated and modest cases as before, but have become, especially since the 1960s, more established and clear. Talking about international crime is no longer a strange matter in an era of disintegration of traditional and realist intellectual structures (Amsas, 1996). Hence, jurisprudence has been greatly influenced by the jurisprudence of the International Court of Justice.

## **2. The Role of the International Judiciary**

The international judiciary has also had the opportunity to contribute to the emergence of a distinction between international crimes and delicts as it follows the path line of the international jurisprudence in its supports the division of illegal international acts into two categories. In the Barcelona Traction case between Spain and Belgium in 1970, the International Court of Justice, when speaking of international obligations, differentiated between the rules to protect the individual interests of individual countries and the rules to protect the general interests of the international community (International Law Commission, 1976). The Court stated that “there is a distinction between the obligations of the group as a whole and its obligations arising towards another country within the framework of the diplomatic protection. The first obligations, by their very nature, concern all countries in view of the rights in debate, all countries that are considered to be of a legal interest to safeguard these rights, Such obligations have an argument on all “ Erga omnes”. " After the distancing of those obligations, the Court has

added more by providing examples of the first category, stating: “These obligations in modern international law show for instance through the prohibition of aggression and genocide as well as the principles and rules relating to Fundamental human rights, including protection From slavery and racial discrimination . ”

And it is noticed that these examples which the court has picked are similar to those to contained in Article (19) of the material project) mentioned before (and that were the designated as international crimes. Moreover, this judicial judgment is similar to large extent, the formulation contained the Article 53 of the Vienna Convention for the year 1969, concerning the criterion on which all the obligations and peremptory norms are based on, the international community, as a whole, is the one that accepts and recognizes the peremptory norms, and asks for violation of the obligations of all, because the latter is directed to this group and does not concern only a particular country.

Although the court did not use the concept of peremptory norms “ jus cogens” and instead used the concept of erga omnes , the examples that I numbered and mentioned above are no different from those usually given as the jus cogens. This similarity is not a coincidence, but rather a consecration of peremptory norms by jurisprudence, which constituted an additional step towards the recognition of the concept of international crime of the country different from the concept of international delicts (Amsas, 1996).

In confirmation of this orientation, the Court will subsequently recognize the legal consequences of distinguishing between obligations of all and ordinary obligations. In its Advisory Opinion on the Legal Consequences for countries, resulted from the Continued Presence of South Africa in Namibia (Southwest Africa), it stressed that “ending the state of South Africa and declaring its illegality of its presence in Namibia can be invoked by all countries, as they invalidate, for all, a situation that is perpetuated and is considered a violation of the international law” (Total decisions of the International Court of Justice, 1971).

Thus, the Court judges by the invalidity of the presence of South Africa in Namibia for violating the existence of fundamental rules of international law, and in particular the right of peoples to determine their own right and the prohibition of racial discrimination. This nullity not only appoints South Africa, but binds all countries. This means that the defense of the rules of international law is a duty for all nations when these communal rules concern the entire international community.

The International Court of Justice's judgment on 28 July 1976, relating to the military and paramilitary cavities in Nicaragua also represents one of the few provisions where the judiciary expresses its opinion clearly on the issue in question. In response to the question "Do countries have the right to collective armed response to acts that do not constitute armed aggression in the international law?" The Court affirmed: "The legitimacy of the use of force by a country in response to an illegal act that has not directly targeted it is unacceptable when the illegal act in question does not represent an armed attack" (Compilation of decisions of the International Court of Justice, 1986).

Even Though the International Court of Justice in this case has referred to some illicit acts that were considered as interference in the internal affairs of a neighboring country, it has not reached the level of severity that satisfies calling it international crimes or violations of its obligations to all. Consequently, the Court has affirmed the dual nature of the responsibility relationships resulting from the international delicts.

## Section II: Criteria for the Distinction between International Crime and Delicts

By reading paragraphs 1 and 2 of article 40 of the draft of the responsibility of countries, above-mentioned, it appears that the Commission has not attempted to establish a specific regulation or to provide specific examples of international acts that could be considered crimes and those that could be considered delicts, but rather established two criteria for distinguishing serious violations( crimes) from the other type of violations (delicts) The first criterion relates to the nature of the violated obligation, which must arise under a peremptory norm of general international law (first). The second relates to party



which has an interest of the intervention, and that is the international community as a whole.(Second)

First: The Jus Cogens

The peremptory norms of international law or peremptory norms appeared in the Vienna Convention for the year 1969 of the Treaty on the Law of Treaties; Article 53 of this Treaty defines it as “an accepted rule and recognized by the international community as a whole that cannot be derogated from and can only be changed by a later rule of the general international law of the same character”.

It is clear from this definition that peremptory rules are the rules of a distinct type and a great position (1) among other rules of the international law because of the seriousness of their violation. (2)

### **1 - The Lofty Nature of Jus Cogens**

Recognition of jus cogens implies to the acceptance of the principle of incorporation of the rules of international law. Jus cogens supersede other rules, given the obligations they make (Amsas, 1996). To the extent that international law considers any conditions contrary to these obligations invalid ((El-Achaoui, 2002)). This is stipulated in Article 53 of the Vienna Convention on the Law of Treaties, which considers the treaty to be contrary to a peremptory norm of general international law as invalid, as well as article (64) of the same Convention which states that “if a new peremptory rule of general rules of law appears then any treaty contrary to it becomes null and expires.”

In this regard, Mr. Fitzmoris, in his capacity as Special Rapporteur on the Law of Treaties, noted that “the obligation arising from a treaty and that is against abiding by it with a new rule from the rules of the international law or the what is prohibited have the

same nature as the peremptory norm, it is preferable and obligatory to not adhere to any obligation arising from a treaty containing such opposition, ... The same principle applies where a treaty arises in circumstances that lead to an the application of a rule of international law that was not relevant to an case as it existed at the time of establishing the treaty (Yearbook of International Law, 2001).

The International Law Commission (ILC) has outlined the peremptory rules in its draft on countries Responsibility for the year 1996 under the text of Article 2/ 29 that sites that: "... the peremptory norm among the general rules of the international law means a rule that is acknowledged by the entire international community as a rule that is not permitted to deviate from nor to adjust unless by a following rule from the general norms in the international law that is related to it (Benyounes, 2002) .

The entry of peremptory norms into the customary international law is therefore a renewing of paramount importance, because they limit the sovereignty of countries to conclude treaties that are incompatible with one of the required behaviors in international relations. It is no longer possible to imagine in the meantime countries agreeing on the aggression and colonization on other countries, nor the racial discrimination, organization of slave trade or extermination of mankind.

And there is a substantial overlap between peremptory norms of the international public law and obligations towards the international community «erga omnes» as the ones included in the judgment of the Court of justice in the case of "Barcelona Traction" mentioned before, as the examples cited by these recent all relate to obligations arising, according to a generally accepted idea, Under the jus cogens of the public international public law. In addition to that the examples of jus cogens given by the Commission of the international law in its commentary to article 53 of the Vienna Convention of 1996 contain obligations for the international community as a whole. Despite this overlap, there is a difference of focus. While the peremptory norms of public international law focus on the range and priority that should be applied on several basic obligations, the focus

of obligations towards the international community as a whole pours mainly on what all legal interest in compliance countries have, which is the case of these materials the right to invoke by the responsibility of any other country's towards an international obligation (Yearbook of International Law, 1996).

## **2. The Danger of Violating the Peremptory Norms**

In addition to the lofty nature which the peremptory norms described of public international law are described with, the latter requires another limitation for the purpose of describing their violation in international crime, namely that such violation itself is serious. A serious violation is defined in article 40, paragraph (2), of the draft articles on countries responsibility, as a violation involving a “substantial or systematic fall behind on the part of the country responsible toward performing the particular obligation”. It is meant by serious that that violation must be on a certain level of importance, not to be trivial and not to say that any violation of these obligations is not serious or somewhat excused, but relatively less serious cases of violation of peremptory norms can be imagined, and therefore the range of international crimes must be limited to the most severe or systematic violations. The country's practice supports this limitation in some respects, for instance, often, States emphasize when responding on the violations of international law, on their systematic, substantial or awful nature, Also, the procedures to provide complaints on the field of international human rights, for example, have different consequences, depending on the systematic violations such as the non-applicability of the domestic remedies rule (Yearbook of International Law, 2001).

To be considered systematic, the violation must be carried out in an orderly and deliberate manner. Conversely, the term “serious” refers to the severity or gravity of the violation. That is, the severity of the act is measured in terms of both quantitative and qualitative criteria, meaning, depending on the magnitude of the material or moral damage suffered, as well as the risk directly or indirectly caused by an illegal international act on fundamental legal and moral values to protect the fundamental interests of the international

community. These two elements are very important because they show that the distinction between international crimes and delicts is not only quantitative but also qualitative in nature. And another element is to be added which is the intention (case of the extermination of the human race) (Yearbook of International Law, 1996), and reasonably these terms (systematic and substantial) do not refute each other, because the severe violations are usually systematic and substantial at the same time (Yearbook of International Law, 2001).

Thus, the gravity of violating peremptory norms remains the cornerstone of international crime. The latter is so brutal and monstrous that it undermines the foundations of human society. This is what caused the juris prudence of the International Law Commission to describe the International Crime and its seriousness when he stated that "international crime applies only to acts of particular gravity and that would disturb the security and public order of the international community" (Lakhdar, 2011).

#### Second: Violation of the Interest of the International Community

If the analogy between peremptory norms and international crime is not guaranteed, then a legitimate legislator capable of adapting international crimes must be identified. The International Law Commission appears to have settled this issue when it designed the interest of the international community as another criterion for considering the violation of an international obligation as an international crime. However, what does the concept of "the interest of an international community"

"Interest" is the structure that is tightened in order to give a subject matter in the law. The legal base is built on a set of interests that are covered by protection, care and development. The role of every legal rule that does not justify the protected interest is reduced in social reality, where it is necessarily implemented in practice and thus expires.

The interest is broader than the concept of right, right is faced by an obligation, whereas the interest is not face by non- interest, and therefore the framework of non-

interest may require that there is no need for legal intervention, whereas the obligation is prescribed in law by the necessity or else its meaning is lost.

In order to gain legal recognition, the interest must be valid and legitimate. For any interest to justify legal intervention in any form, this interest must be effectively valid rather than probable. Therefore, the potential interests are a subject of controversy in the law that does not end between their acceptance and rejection, whereas the law automatically intervenes to protect the existing valid interest (Benyounes, 2002).

As for the international community, it is: “A group of independent political units that do not constitute an organization or a system among themselves, but through dialogue and mutual agreement, have accepted a number of common rules and institutions to manage their relationships, in addition to that these units are conscious of the exchanged interest concerning the protection of these rules and institutions” (El-Amrti, 2005).

It is, therefore, the existence of the “interest of the international community” that justifies the consensus and recognition of countries to apply the requirements of international law. Unanimous and communal recognition of this interest is a collective acceptance of the idea of an international law that governs the conduct of countries in the day-to-day connection, and the compromising of the self-interest of the countries parties (El Behiri, 2015).

Thus, the international community is identical to the “community of countries” in which conflicts and wars do not disappear as political relations are inherently power and authority relations. However, the international community also integrates in its interactions the requirements of international cooperation and the necessities of regulating countries relations. Consequently, if the manifestations of “non-order” do not disappear permanently from the international community, they were nevertheless mitigated and curtailed by the adoption of a number of codes of conduct that had been agreed upon by countries (El-Amrti, 2005).

The international community «Société Internationale», therefore, reflects the “institutionalization” phase and differs from the international system “Le système international” and the international community “La Communauté Internationale” by being as conscious, voluntary by the countries and submitted to self-regulation.

The term international community codifies the international responsibility of countries through its direct expression, “the international society” or “the international society as a whole” (e.g., second reading of the draft articles on countries responsibility) or “international community”, or through an interpretative expression such as “all countries” or “other countries from non-responsible countries”.

This multiplicity of concepts has made the concept of the international society a dynamic and evolving concept according to the existing situations and circumstances in which this community.

In his third report submitted to the International Law Commission in the year 1971, "Agu" mentioned that an illegal international act is characterized by serious danger of that would lead to the responsibility of its committers towards the totality of countries. «En vers la totalité des Etats » but he noticed that the relation to be established is not clear between the executor of the act and the totality of countries, that is, we cannot know whether it should be established between the perpetrator country and the totality of countries unilaterally, or between the country and the totality of countries considering they're members of an international organization whose task is to decide on the arrangements to be made in this case (Bougantar, 1999).

The Commission's position has generally been characterized by the general support of the Special Rapporteur Agu to address this type of action. The distinction between international crimes and delicts is emphasized in article 19 of its report for the year 1976 on the, which, in its second paragraph, clarifies what is considered an international crime, for example, a serious violation of an international obligation relating to the fundamental

interests of the international society. Where this society in total does recognize that the violation constitutes an international crime, if the international society didn't admit that this violation is a national crime then it cannot be described as such, and is considered international delicts, in accordance with Paragraph 4 from the article 19 (Lachine, 2012).

The wording of article 19 appears to be inspired by the text of article 53 of the Vienna Convention on the Law of Treaties. The latter provides that, in order for an international rule to be considered objectively *jus cogens*, that is, it does not accept opposition to it; it must be accepted by the society as a whole. However, this last phrase, "the international society as a whole," does not define in this context the need for the consensus of all countries, but means the insurance that it is recognized as an "international crime" for a particular illegal act not only by a group of countries, but by all essential components of the international community (Bougantar, 1999).

Therefore, we say that the Convention of 1969, is the one that introduced the idea of public order to the Department of Treaty Law, and this system consists of a number of peremptory rules that countries and organizations are not permitted to disagree to, because these rules protect public interests that concern the entire international society and do not concern the protection of private interests of a country or an international organization. Hence, any violation of these rules falls within international crimes because it affects the interest of the international society as a whole.

In this regard, the International Law Commission noted in article 48 of draft about countries responsibility in the year 2001, that in the case of violating specific obligations that protect the interests of the international society as a whole, countries that are not themselves damaged can invoke responsibility. Proof of that is that the Committee pointed in its commentary on Article 48 mentioned, to the famous judgment issued by the International Court of Justice in 1980 in The Barcelona Trawling case the one in which it noted the fundamental distinction between the obligations of countries to the international society and the ones that arise in the face of another country in the framework

of the diplomatic protection (Yearbook of International Law, 2001). The primary obligations are specific to all countries due to its nature. Given the importance of the rights covered, all countries may be deemed to have a legal interest in protecting these rights. And the obligations under consideration are obligations for all. Of course, the court did not talk about any crime. In 1970, the Commission had not yet adopted the term “international crime” since it had only done so in a year 1976. The examples cited by the Court in this case are aggression, genocide, and violations Of Fundamental Human rights (Yearbook of International Law, 1994), including protection from slavery and racial discrimination. The Court added to this list, in its judgment in the case of Eastern Timor, the right of peoples to self-determination (Yearbook of International Law, 2001).

Hence, we conclude that the International Law Commission, by codifying the rules of countries responsibility, especially when it stated international crimes, has emerged from the international society as an existing hypothesis, not as a desirable one. Article 19) of Section I of its draft legislation provides in paragraph (2) that the entire international society recognizes that the violation of a specific international obligation constitutes an international crime, and that mean that it is it that determines the content of the international responsibility of a country for this crime.

### **Conclusion:**

We conclude at last, that the international circumstances imposed by the Second World War have contributed greatly to the emergence of the concept of international crime, a concept that differs from the international delicts, because it related to violating of the peremptory norms of international law which are characterized by their gravity and severity of its violation. And effects the core of the interest of the international society as a whole, therefore will result in additional legal consequences more severe than the ones of delicts, where it results in additional consequences ,meaning in addition to the results of the obligation to desist, guarantees of non-repetition and reparation for the damages resulted from international delicts. It is in the interest of the international society as a whole to intervene to settle them, since the relationship that results from them deviate from the bilateral framework between the affected and the aggressor countries, to the interest of the international society as a whole in intervening to settle these crimes.



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**Constitutional Law and Political System of the Islamic  
Republic of Iran**

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### **Abstract**

The sources of constitutional law in the Iranian political system vary between Islamic sources and democratic political sources, which distinguish the political system in the Islamic Republic from other political systems not only in terms of the sources of law but also in terms of form of the system and its institutions and the powers assigned to those convictions because it falls within the so-called The leadership system that puts the Wali al-Faqih at the top of the political pyramid, followed by authorities and institutions that initiate, implement and monitor the work of each other.

**Key words:** Iranian political system, The Constitutional Law, Al Wali Al Faqih

### **Introduction**

The political system of the Islamic Republic of Iran differs, in some of its implications, powers and structures from normal political systems, and they share other characteristics. The current Iranian political system is called the "leadership system" (1) as to distinguish it from Presidential system, Parliamentary system, Semi-Presidential-Parliamentary system, single-party system or assembly system.

Leadership System is characterized by the fact that the authority of the «leader - Wali al - Faqih» is the central and first power in the state that oversees the work of the executive, legislative and judicial authorities. This system is a reflection of a religious and rightful system

related to the system of Imamate in the School of Ahl al-Bayt in the era of the absence of the twelfth Imam of the Shiite Muslims. It is also, a reflection of what is applied, to a certain extent, to the system of Caliphate school. This system derives its doctrinal content and structure from the school of Imamate Shiites, and also benefits from some of the common visions from the Caliphate School (2).

The Leadership system applied by the existing Iranian State as a form of government represents a new remarkable addition to the traditional systems known in the curricula of constitutional law and political systems, and it has never been known before in legal and political sciences. Therefore, its uniqueness compared to other systems represents a unique scientific methodology. This distinction gives the leadership system its own characteristics without the need for applying the characteristics of other systems usually taught in the constitutional law and political sciences on Iranian Political System (3).

In this study, we have taken into account the required methodological peculiarities of the Iranian political system in order to ensure a more accurate approach and results to the reality of this system. The study also uses a descriptive and analytical approach that is appropriate to the nature of political systems and constitutional law studies.

## **The Constitution of the Islamic Republic of Iran**

The jurisprudence of constitutional law divides the emergence of constitutions into two major types: non-democratic methods and democratic methods. Non-democratic methods reflect the predominance of the will of the ruler over the will of the governed people, or at least the participation of the two wills in the drafting of the Constitution. The second type is characterized by the superiority of the popular will and its sovereignty over the will of the ruler who gets their power from the people.

After the announcement of victory of the Iranian Islamic Revolution against the Shah's regime on 11 February, 1979, its leader, Imam Khomeini, undertook to ensure the actions that give the new established political system and its constitution a popular characteristic. This popular will should be the real ruler on the course of the emergence of the constitution and the

establishment of the state and its system and the selection of officials and give them legal legitimacy. Consequently, the emergence of the Islamic Republic's constitution was not out of context of the natural development of the new regime established by the Iranian people.

Following the fall of Shah's regime, the constitution of 1907 fell as well, and it was known as Constitutional Revolution of Iran. In order to prevent administrative, legal and constitutional void, the Imam Khomeini made two proactive actions before the victory of the revolution:

**First:** Appointment of a Revolutionary Command Council under the chairmanship of Sheikh Morteza Motahhari on January 12th, 1979 when he was in Paris to handle the mission of executive leadership of the revolution until victory, then the legislature mission after its victory until the establishment of the permanent legislature (parliament) in the new state.

**Second:** Appointment of an interim government headed by Mehdi Bazargan on February 01st, 1979 to rule the country until the appointment of a permanent government.

After that came the first step towards the new permanent foundation of the state by introducing the essence of the state and the content of its new political system in a popular referendum on 30<sup>th</sup> and 31<sup>st</sup> of March, 1979 after 47 days only of the victory of the revolution. The result was 98.2% of the participants voted for the system «Islamic Republic» in accordance with the objectives, implications and principles that were posed by Imam Khomeini in his speeches and writings, particularly the book «Islamic Government». Imam Khomeini wanted this referendum to immunize the Islamic regime with internationally agreed legal immunity, as well as to reinforce his argument by the will of the nation against those who oppose the establishment of the Islamic regime. That will that guaranteed the full Islamization of the constitution, laws, and policies of the new state (4).

As for the story of Iran's new constitution, it began when the Imam Khomeini appointed the jurist and member of the Council of the Iranian Revolution, Dr. Hassan Habibi to write a draft constitution late 1978 during the period of residence of Imam Khomeini in Paris. The Revolutionary Council and the interim government then proceeded to study, amend and approve the draft constitution. The Interim Government ran general elections in which Iranians

people chose the members of the Founding Council or what was officially called Constitution Experts. These 73 members were religious scholars, jurists, political and economic systems experts, scientists and political activists. After two months of discussions, specifically on November 14th, 1979, the Council of Experts ratified the document of constitution, which included 12 chapters and 175 articles (5).

The government published the document of the constitution of the Islamic Republic in the press and the media to inform the people in a preparation for a public referendum on December 2nd and 3rd, 1979. 99.5% of the participants voted for the constitution of the Islamic Republic. After Imam Khomeini's ratification of the constitution, as the leader of the Islamic Revolution and the Wali al - Faqih owner of the pledge of allegiance, the constitution was ready for application (6). It was a unique constitution that combines the originality of the full adherence to Islamic law and the modernity of methodological technics of the authorities and institutions. It was also a direct expression of the will and choice of the Iranian people.

## **Political System based on the Constitution of the Islamic Republic (7)**

The structure of the Iranian Islamic political system as illustrated in the constitution of the Islamic Republic consists of the following constitutional powers:

### **1. The Authority of the Leader:**

The "Leader" is the official constitutional name of the jurist in the Iranian current political system. He is the head of the state, religious and temporal reference, senior supervisor of its three powers, and commander-in-chief of the armed forces (8). Since the authority of the leader is the primary authority in the Iranian political system, it has been systematically called the "leadership system" as to distinguish it from the known political systems, such as presidential and parliamentary. The leader is elected indirectly through the Council of Experts elected directly

by the people. The following are the three conditions set by the constitution of Iranian Islamic republic for the leader (9):

**A - Ijtihad:** knowledge or scientific ability to devise legal teachings of the Sources, which makes the jurist a religious leader who can issue Fatwa.

**B - Justice:** piety, integrity and honesty.

**C - Efficiency:** ability to lead, manage, govern, and have a remarkable political awareness (10).

The Constitution of the Islamic Republic of Iran did not required in a leader – Al Wali Al Faqih- to be Iranian, the legitimate practice of the Shiite religious system since its establishment. Shiites do not consider, in their loyalty to the leader of the Shiite social-religious system, the origin or nationality of the religious authority (11).

The responsibilities of the leader as stated in article 110 of the Iranian constitution are as follows:

**Section I:** responsibilities related to the management of the regime's major institutions like appointing and dismissing jurist members of the Guardian Council of the Constitution, President of the Judiciary, the President of the Radio and Television Corporation, approving the election of the President of the Republic, dismissing the President of the Republic after the Supreme Court ruling against him or a vote of the Islamic Consultative Council on the lack of political efficiency, and the appointment of a part of the members of The Expediency Discernment Council of the System.

**Section II:** responsibilities related to the task of instructing the system, such as: planning the general policies of the state, issuing referendum resolution, dissolving the system's issues that are not solvable by normal and legal channels.

**Section III:** responsibilities related to the control of the security decision of the system, such as: direct responsibility for the general command of the armed forces and the declaration of War and Peace.

There are three constitutional institutions that have direct relationship to the position of the leader and his work:

**First:** "Council of Experts of Leadership": It is directly elected by the people. It consists of about 85 senior religious scholars (fuqaha). This council elects the leader Al Wali al - Faqih, evaluates his performance, and dismisses him if he is no longer eligible to the constitutional conditions (12).

**Second:** "the Expediency Discernment Council of the System": It is the highest planning, consulting and decision-making institution in the country, and includes the country's elite leaders; including the current and former heads of the three authorities, and the most prominent leaders of the political wings. Some of its members get appointed officially and some get appointed personally by the leader (13).

**Third:** "Armed Forces": They are the army, the Islamic Revolution Guards and the Internal Security Forces. The Constitution restricted the appointment or dismissal of senior commanders of these branches to the leader personally (14).

## 2. Executive Authority:

The Executive Authority of the Islamic Republic of Iran is the President of the Republic. He is the second constitutional post in the state after the post of the "leader." He is elected directly for four years, renewable only once. The president appoints his ministers, and submits the government list to the Islamic Consultative Assembly to approve it by individual vote. The President of the Republic is also the Prime Minister. The President of the Republic heads a number of high councils in the country, the most important of which is «Supreme Council for National Security» (15).

## 3. Legislature:

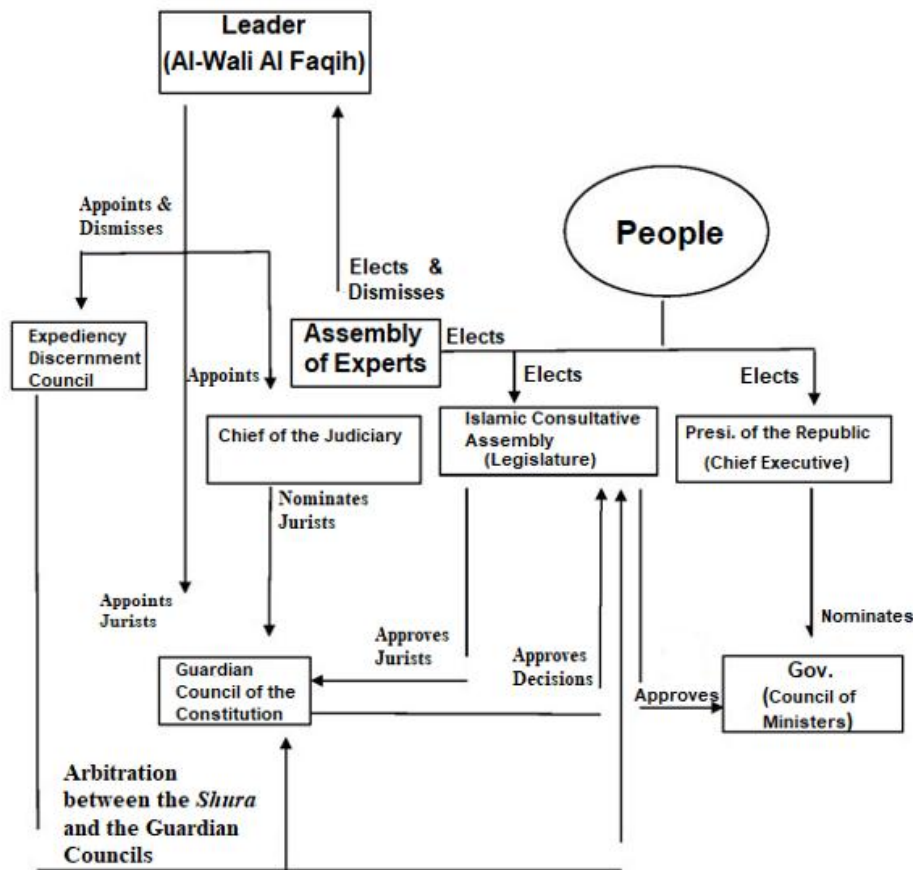
In Iran, it is called the power of rationing, which means that it is responsible for law-making processes. Legislative power in the Iranian political system is meant to the Islamic Consultative Council, which is elected by the people for a period of four years, and its members are 270. The council has a legislative, planning and supervisory role. In addition to the advisory council, the



constitution of the Islamic Republic has created another secondary constitutional council called «the Guardian Council» for the ratification of laws and decrees issued by the advisory council or submitting them back to the Council if they are inconsistent with the Constitution of the Islamic Republic or Sharia. It exercises the role of the veto power exercised by the Constitutional Council, the Constitutional Court or the Council of State of other countries (16). The Guardian Council consists of twelve members, including six jurists appointed by the Leader and six jurists nominated by the President of the Judiciary and endorsed by the Islamic Consultative Assembly (17).

#### **4. Judiciary:**

Headed by the head of the judiciary who is appointed by the leader for five years, extendable for one session, and must be known for diligence, fairness and efficiency. The head of the judiciary exercises his powers through judicial institutions; Supreme Court, Public Prosecution, Administrative Court and the Ministry for Justice (18).



## Structure of the Political System of the Islamic Republic of Iran and its Constitutional Institutions as defined by the Constitution of the Islamic Republic of Iran (19)

### The Pillars of the Constitutional Law Theory of the Islamic Republic of Iran

The basic advantage of the theory of constitutional law in the Islamic Republic of Iran is its commitment to all the rules of modern constitutional law, while at the same time adherence to all the standards of Islamic law and its teachings and purposes. Therefore, it is an integrative formula that has internalized the originality of Islamic law and modernity of positive law. This formula is characterized with its methodological compatibility between two basic problematic dilemmas in

the content of the state, its political system and its constitutional institutions. It has been the focus of the doctrinal, philosophical, intellectual and political debate since the Muslims entered the stage of openness to the requirements of modernity. The most important of these dualities are the civil state and the religious state, the rule of Sharia and the rule of the people, the principle of the rule of the jurist (Al Wali Al Faqih) and the principle of Shura and the priority of Sharia and the authority of constitution.

The theory of Iranian Islamic constitutional law stands on three basic pillars: the governance of law, the governance of Sharia and the governance of the people. These pillars are approached in the following sections:

## **1. Governance of the Law:**

The basic criteria of the rule of law in the modern state are five criteria: rule of law, authority of the constitution, progressivity of legal rules and separation of powers and oversight. We are trying here to approach the governance of law in the Islamic Republic of Iran based on these criteria:

**A - Rule of Law:** the principle of the rule of law, as recognized by Islamic law and codified by positive law, was reflected in the theory of constitutional law in the Islamic Republic of Iran and its constitution and political system. It was a cornerstone of its legal system and the composition of its regulations and the internal relationship between its different branches, and between the people and the authorities. In the context of the principle of the rule of law, all citizens of the State are equal before the law, from the head of State (the leader) to any ordinary citizen. No official in the State has immunity before the law, including the leader, who he is responsible for his actions and personal and official performance. It is the same also for the President of the Republic, the President of the Shura Council or the President of the Judiciary and any other citizen of the State. Article 107 of the constitution states: "The leader shall be equal to all citizens before the law," as well as to the rest of the state officials. Article 174 also emphasizes the existence of a special judicial department known as the General Inspectorate responsible for monitoring the implementation of laws in State institutions. There is also another judicial department known as «the Administrative Court of Justice» whose mission is to treat popular complaints

against the government and its decisions and institutions (20). Another article highlights the formation of a special court for judges to hear complaints against judges. The Constitution did not permit the establishment of political or military courts outside the judiciary (21) to prevent legal irregularities.

**B – Authority of the Constitution:** Constitution of the Islamic Republic of Iran is a permanent civil constitution. The Guardian Council of the Constitution is responsible for the protection and sovereignty of the constitution. It guarantees the constitutionality of the laws of the legislature in addition to overseeing the Head of State, President of the Republic, the parliament and the judiciary to ensure the application of the constitution (22).

**C- Progressivity of Legal Rules:** This means that the legal system of the state starts from the constitution; the ruler over all other laws. Then comes state orders and decisions of the head of state, followed by parliamentary regulations, the Expediency Discernment Council of the System, decisions of the Guardian Council of the Constitution, regulations and decisions of the executive, legislative and judicial authorities and the internal regulations of the constitutional institutions of the state (23).

**D- Separation of Powers:** The constitution of the Islamic Republic of Iran established the principle of separation and distribution of powers and considered it as popular sovereign authority (24). Article 57 of the Constitution states: "The ruling authorities in the Islamic Republic of Iran are: the legislative authority, the executive authority and the judiciary, and exercise their authority under the supervision of the leader and the imam of the nation." The division of powers into executive, legislative and judicial branches is one of the basic common points between the democratic regimes and the regime of the Islamic Republic of Iran. However, the latter is distinguished from democratic regimes with a supreme authority, the authority of the leader (Wali al-Faqih), which oversees and coordinates the work of the three authorities according to the law.

**E - Oversight:** The constitution of the Islamic Republic of Iran has identified seven overlapping types of oversight, control and supervision complementing each other as follows:

**First: Popular Oversight:** Supervision of the people represent the backbone of the oversight system in the Islamic Republic as illustrated in the constitution.

The people oversees the work of the state authorities and expresses the levels of indignation, satisfaction and evaluation through voting and elections and the various types of objections and manifestations, as well as through the good advice and the promotion of virtue and prevention of vice (25).

**Second: Oversight of the Wali al-Faqih (Leader):** Article 57 of the Constitution of the Islamic Republic of Iran made the performance of the legislative, executive and judicial authorities under the supervision of the Wali al - Faqih (the leader). It is one of the guarantees to exercise its functions accurately and properly (26).

**Third: Oversight of the Assembly of Experts of the Leadership:** The Assembly of Experts is responsible for oversight of Wali al - Faqih (the leader), and to investigate the continuation of his eligibility to the constitutional conditions of knowledge, justice and efficiency. If he fails at some of these conditions, the Council can dismiss him and elect another person in his place (27).

**Fourth: Oversight of the Executive Authority:** One of the most important tasks of the President of the Republic (the head of the executive branch) is to monitor the application of the constitution by the three powers (28).

**Fifth: Parliamentary Oversight:** The Islamic Consultative Council is responsible for administrative, financial and legal oversight of the performance of the government. In the event of a legal, administrative or financial violation, the Council summons the President and the Ministers, leading to questioning and no confidence in them (29).

**Sixth: Constitutional Oversight:** The Guardian Council of the Constitution is responsible for diagnosing the constitutionality of the legislation of the Islamic Consultative Assembly. It is an independent body that is not linked to state powers (30). The Guardian Council does not have final decisions power. The constitution gave the Expediency Discernment Council of the

System arbitration responsibility between the Shura Council and the Guardian Council of the Constitution, in line with the best interests of the country (31).

**Seventh: Judicial Oversight:** The most important duties of the judiciary in the Islamic Republic of Iran is monitoring the performance of all state authorities and institutions, and to investigate administrative and financial violations of officials, and apply disciplinary actions on the lawbreakers (32). The judicial authority in Iran exercises control through a number of its affiliated agencies, the most important of which are: «Administrative Court of Justice» or the Board of Grievances. It is responsible to hear complaints about the injustice and mistakes committed by governmental departments and impacted public rights of the people (33). The «General Inspection Organization» controls the process of applying the laws in the whole country (34). The «Supreme Court» monitors the performance of judges and classifying their decisions and judgments, and applying disciplinary actions on the lawbreakers (35). The Constitution also authorizes the head of the judiciary to investigate the property of state officials, starting with the leader, the president, his assistants and the ministers, ending with their wives and children, and holding them accountable for unjustified enrichment (36).

## 2 - Ruling of Sharia:

The governance of Islamic law in the Islamic Republic of Iran is embodied in three main pillars: the Islamic state, the existence of the jurist at the head of the state and the legislation of the state:

**A - Islamic State:** The system of the Islamic state is characterized by its commitment to the provisions of Islamic law and its detailed application on daily chores, whether they are legitimate provisions or laws or systems, or public and private performance and behavior. Not only did the constitution of the Islamic Republic of Iran stipulate that "Islam is the religion of the State", it asserted also that Islamic law is the sole source of the constitution and of all laws. For this purpose, it set strict contexts and mechanisms that prohibit the promulgation of any law, decision, regulation, system, and rule that do not conform to the rules of Islamic law. It put, as well, clear mechanisms for the application of these laws to turn them into a lived reality in all areas of the movement of the state and the people (37).

**B - The Presidency of the Wali al - Faqih of the State:** Wali al - Faqih represents the position of Islamic law for the State legislation and its performance as the objective extension of the line of the Prophecy and the Imamate as expressed by Mr. Mohammed Baqir al-Sadr (38) and illustrated in the Iranian Constitution (39).

**C - Legislation:** The Constitution of the Islamic Republic clarifies that all state legislations must be based on Islamic law (40). The most important instrument codified by the constitution of the Islamic Republic of Iran to ensure the conformity of the legislations of the Islamic Shura Council with the provisions of Islamic law and its purposes is «The Guardian Council of the Constitution», as previously detailed.

### **3 - Ruling of the People:**

The governance of the people and their sovereignty in the constitutional law of the Islamic Republic are embodied in three basic pillars: the form of the republican state, the rule of the Shura governance, and public and political rights and freedoms:

**A - The Form of the State: Republic:** The political system in Iran is a republican system; that is, people depend on the legitimacy of the state and its powers. In order for the "republic" to conform to the Islamic state, it was linked to the word "Islamic". This restriction also reflects the will of the public (the Iranian people) who voted in the general referendum on the Islamic Republic of Iran. The concept of the Islamic republic became a constitutional text to confirm the Islamic characteristic of the state and its originality, in addition to the pivotal role of the people (audience) in it. The state that established the constitution of the Islamic Republic of Iran is a religious-civic state. It is a state of political citizenship that respects the country's specificities and religious, sectarian, intellectual and national diversity.

**B - Rule of Governance: Shura:** The regime of the Islamic Republic of Iran is based on three levels of Shura to prove the legitimacy of its rulers, their decisions and the quality of their performance:

**First:** Shura is a system that enables people to select the officials of the regime, including the election of the leader, the president and his government, members of parliament, members of the Council of Experts, members of the municipal councils and others.

**Second:** Shura is a center for decision-making, in a collective manner, through the councils, committees and competent departments. The Expediency Discernment Council of the System, the Islamic Consultative Assembly, the Council of Experts, the Council for the Maintenance of the Constitution, the Supreme Council for National Security and others; all of which take their decisions in consultation and in the opinion of the majority of members.

**Third:** Shura is a tool to strengthen power, providing it with opinion and advice. Shura is not only in the position of decision-making, but rather through the official's likelihood of advisors' opinions. This type of consultation can be seen in the relationship between the leader and the Expediency Council, the President of the Republic and the Council of Ministers and the President of the Judiciary with the Council of the Judiciary (41).

**C. Public and Political Rights and Freedoms:** The constitution of the Islamic Republic of Iran states that the rights and freedoms are granted to mankind by God. This is codified by the political system of the Islamic Republic in constitutional articles that include: the right of equality and parity, the right to security, the right of political and social freedom, the right to work, the right to social security, the right to education, the right to housing and residence, the right to appeal and the right to property (42). The third chapter of the constitution is entitled "The rights of the people". As stated in the constitution of the Islamic Republic of Iran, ensuring political and social freedoms within the limits of the law is one of the duties of the Islamic State (43). It clarified also the types of political rights and freedoms that the regime of the Islamic Republic of Iran is committed to implement according to certain illustrated mechanisms such as: freedom of belief, freedom of the press, freedom of communication, freedom to form political parties and professional associations and the freedom of objection and demonstration (44).



## Sources of Constitutional Law of the Islamic Republic of Iran

The sources of the constitutional law of the Islamic Republic of Iran vary according to the specificities of the state in its religious and civil dimensions, and its general Islamic and national dimensions, which is dictated by its complex nature. This makes out Iran's fundamental distinction from other countries of the world; both purely civil states that exclude religious sources, like all secular states, or purely religious states that exclude civil resources, such as the Vatican, or civil Muslim states that most of which have constitutions that consider Islamic law as a source of constitutional law, and Islam the official religion of the state (45). As for the Islamic Republic, its constitutional law has established Islamic Sharia as a source of control over all its civil resources, a method that is used to regulate legal rules. However, the Iranian constitutional law when using the progressivity, it put the document of the constitution in a second position after the holy sources of legislation; Quran and Sunnah to be, thus, the sovereign sources over the constitutional document.

Sources of constitutional law of the Islamic Republic of Iran are divided into:

**1. The Ruling Sources:** Quran and the correct of the honorable Hadith. They fall at the top of the pyramid of constitutional legal system of the state, and that dominate all other progressive sources. They are the rulers of the Islamic legislation, and the form of the final standard of an Islamic state and its political and legal systems (46).

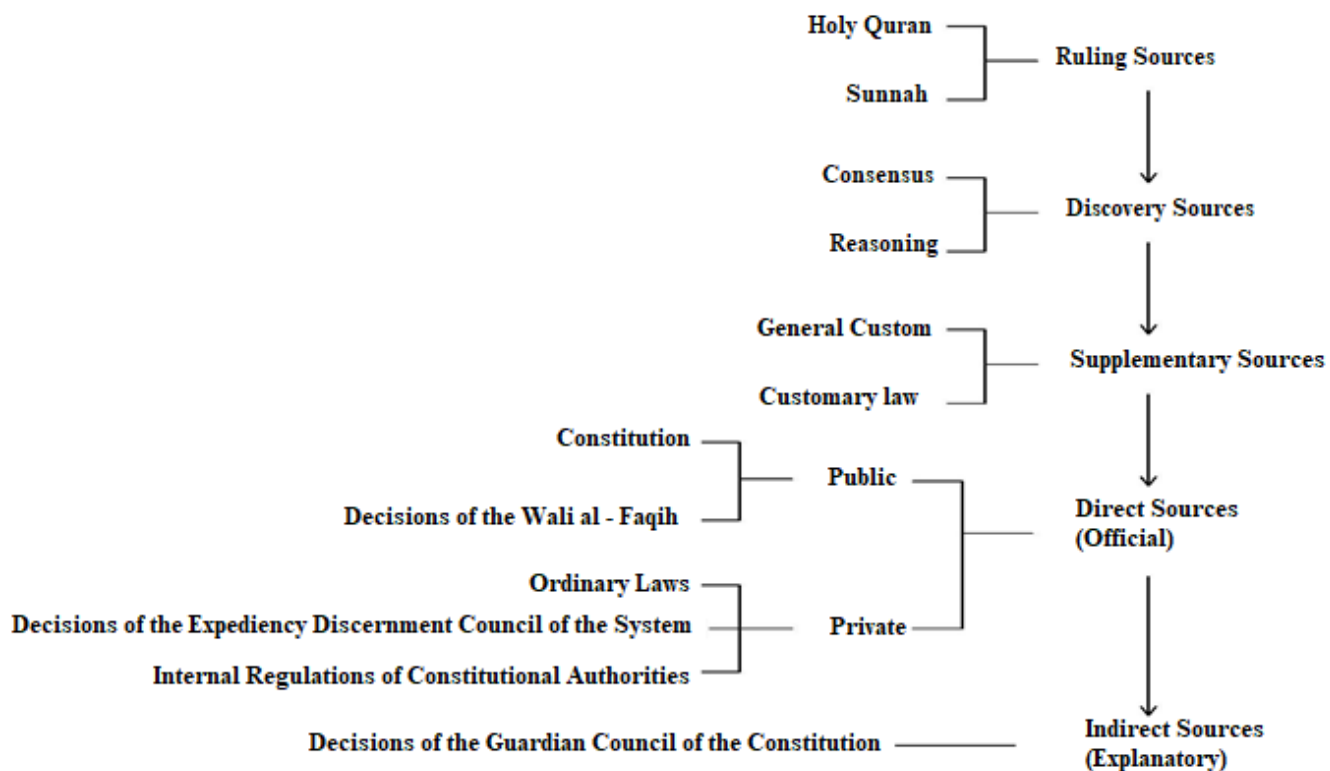
**2. Sources of Discovery:** Consensus and reasoning. They are used in the cases where there is no text of the Holy Quran and the Sunnah, or in which there are no peremptory connotations texts. This is meant to allow the continuation of the process of interpretation as to devise new legal provisions in response to all the requirements of the state and governance and political life (47).

**3. Supplementary Sources (Affiliate):** Custom and tradition. They require the following: regularity and sequence, popular familiarity, and not inconsistent with the rules of Islamic law. Customary law is one of the most important pillars of progressive custom (48).

**4. Direct Sources (Official):** They are the almost agreed upon sources of global constitutional law systems. They are divided into public and private. The public is constitutional document and the decisions of the Wali al - Faqih (head of state - leader) (49). As for the private, the most important of them are ordinary laws, the decisions of the Expediency Council and the internal systems and constitutional institutions (50).

**5. Indirect Sources (Explanatory):** They are the provisions of the Guardian Council of the Constitution and its decisions as the only constitutional body responsible of the constitutionality of laws and interpretation of the constitution. At the same time, it represents case law in the countries that have jurisdiction over constitutional proceedings (51).

There are scholars of the Iranian constitutional law who classify some rules of constitutional law in other countries within the indirect sources. They divide indirect sources into explanatory (Expediency Council) and consulting (some of the rules of constitutional law) in the developed world, just for advisory reasons. This all must not object the ruling, discovery and supplementary direct sources of Iranian Islamic constitutional law. These sources are included in the framework of what is known as constitutional case law (52).



**Sources of Constitutional Law of the Islamic Republic of Iran in the Context of Law Progressivity Rule (53).**

## **Results**

The constitutional law of the Islamic Republic of Iran is the legal expression of the political doctrine that was created by the principle of the rule of the jurist according to the wording of Imam Khomeini.

The constitutional law of the Islamic Republic of Iran and its political system represent a unique experience at the jurisprudential, legal and political levels. As the constitutional law of the Islamic Republic of Iran is distinguished from the other constitutional laws in the intellectual and ideological fields, especially in the aspect of cosmic vision, objectives and sources, it is consistent with them in the scientific value, given the quality of its technical formulations and political interpretations.

The rule of law in the Islamic Republic of Iran is based on a number of basic principles. The most important of these principles is that the Islamic state is the state of law and legal institutions, and everyone is equal before the law, starting with the head of state and ending with any ordinary citizen. In its religious legitimacy, this state is based on Islamic law and its explanatory details. In its legal legitimacy, it depends on the will of the people. It is a religious-civic state. Its affiliation is political. It is a state of citizenship that respects the country's peculiarities and religious, sectarian, intellectual and national diversity. It is a state of Shura in which the rulers do not take authoritarian decisions, but rather popular consultative ones. Its constitution expresses the will and unanimity of the people as a part of the guaranteed rights in all respects. All laws of the state are laws based entirely on Islamic law under the conditions illustrated in the constitution regarding the power of codification (legislation) and all state powers. Its constitutional powers are separate from each other in administration and performance.

The diverse sources of constitutional law of the Islamic Republic of Iran are due to the peculiarities of the state in the Islamic and national dimensions. The two primary sacred sources, the Holy Quran and the Sunnah, along with the two discovery sources, consensus and reasoning, allow the continued diligence process. After that come other sources, which are

almost agreed upon in the world constitutions, including the constitution itself, the provisions of the Head of State (the leader) and his decisions. There are other secondary sources of the Iranian Islamic constitutional law, like precedents veto of the Guardian Council of the Constitution, decisions of the Expediency Council of the system, and some of the legislations of the Islamic Shura Council.

The political system established by the constitution of the Islamic Republic adopts two basic pillars: the governance of the Al Wali Al-Faqih and the nation's Shura. This means the adoption of the principle of Sharia, represented by the leader, and the principle of people's governance exercised through the election of the leader and through the election of state authorities. He is the head of the state and commander-in-chief of the armed forces and the supervisor of the performance of state authorities. The leader is elected indirectly through the Assembly of Experts of the Leadership who members are elected directly by the people. The leader must be known for his honesty, justice and efficiency. Therefore, the political system in Iran is called the "leadership system" as to distinct it from the presidential and parliamentary systems. It is a remarkable addition to political systems.

After the authority of the leader, there are three authorities; separate in their management, performance and functions, and interconnected in its outputs, namely: executive power headed by a «President», the second constitutional position in the country after the post «leader», the head of the government. The second is the legislative authority, which is the «Islamic Consultative Assembly», and along with the «Guardian Council of the Constitution», which stands as the constitutional and religious court. The third is the judiciary headed by the leader.

## **Referrals**

- (1) Among those who theorized for the concept of "leadership system" is the Iranian jurist and scholar, Sheikh Abbas Ali Amid Zanjani. See his book *Political Jurisprudence*, p. 284.
- (2) The use of the term "school of the caliphate" of Sunnite and the term "school of the Imamate" of Shiite, refers to the Iraqi jurist Mr. Mortada al- Askari in his book *The Landmarks of the Two Schools* VI, p . 7. See also Ali al- Mu'min, *From Sectarianism to Communalism*, p. 13. According to Egyptian legal scholar Dr. Tawfiq al-Shawi, the political system of the Islamic Republic of Iran is very close to Sunni Islamic political jurisprudence and Islamic political jurisprudence. See his book: *Shawi, d. Tawfiq, Fiqh of the Islamic Government*, p. 73.
- (3) For more see: Al Moumin, Ali, *The Modern Islamic Political System*, p. 25.
- (4) Iran has remained without a permanent constitution for about ten months relying on the legislation of the Revolutionary Command Council and the fatwas of Imam Khomeini as the ruling leader. See: Masih Mohajiri, *The Islamic Revolution: The Way to the Future of Peoples*, p. 18.
- (5) See Masih Mahajri (previous source), p. 117, and Dr. Asghar Shirazi, *Iran: State and Politics*, pp. 56-59, and Dr. Jalal al-Din Madani, *Constitutional Law of the Islamic Republic of Iran*, pp. 16-20 .
- (6) Mahajeri, Masih (previous source), p. 18.
- (7) We adopted the original Persian text of the constitution of the Islamic Republic of Iran, and we have translated the articles that we need in the search to Arabic for more accuracy. See: *Constitution of the Islamic Republic of Iran*, issued by the Islamic Consultative Council, Tehran, 1989.
- (8) «Constitution of the Islamic Republic of Iran», Articles 5, 107 and 110.

- (9) It is a codification of what Imam Khomeini wrote in his book *The Islamic Government*, pp. 45-49.
- (10) In his book *The System of Islam*, p. 199-204, Dr. Wahba al-Zuhaili points to the consensus of the Islamic sects on the condition of reaching *ijtihad* knowledge degree to be a good candidate for a ruler position (leader). See also: Mr. Kazem Haeri, *Imamate and Leadership of Society*, P. 68, and *The Constitution of the Islamic Republic of Iran*, article 109. For more details on the conceptual conditions of integrity, justice and efficiency in the Wali al-Faqih; see Sheikh Muhammad Ali al - Taskheiri, a study published in the book *The Cultural Views of the Constitution of the Islamic Republic of Iran*, pp. 280-291.
- (11) Due to the importance of the religious dimension of the Al – Wali Al Faqih (leader). The official religious references of the Iranian state (Safavid, Nader and Qajari) were Arabs from Lebanon, Bahrain and Iraq.
- (12) «Constitution of the Islamic Republic of Iran», Articles 107, 108 and 111.
- (13) Previous source, articles 110 and 112.
- (14) Ibid., articles 110 and 143-150.
- (15) Ibid., articles 113, 117 and 124.
- (16) Dr. Abdul Ghani Bassiouni Abdullah, *Constitutional Law and Political Systems*, p. 248-259.
- (17) *Constitution of the Islamic Republic of Iran*, articles 133, 124, 176.
- (18) Ibid., article 19.
- (19) Dr. Ali Al Moumin, *Jurisprudence and the Constitution*, p. 221.
- (20) *Constitution of the Islamic Republic of Iran*, articles 173 and 174.

- (21) Sheikh Mohammed Ali Taskheiri, (previous source), p. 289.
- (22) *Constitution of the Islamic Republic of Iran*, articles 91-99.
- (23) Ali Al Moumin, *Jurisprudence and the Constitution*, p. 118.
- (24) *Constitution of the Islamic Republic of Iran*, Title of Chapter V, article 57.
- (25) *Constitution of the Islamic Republic of Iran*, articles 6, 8, 62, 199, 107 and 117. It is worth mentioning that one of the best authors who wrote, in Arabic, on the system of supervision and leadership of the Islamic Republic is Sheikh Muhammad Ali Taskheiri in his research published in the book *The Cultural Views of the Constitution of the Islamic Republic of Iran*, p. 307 and beyond.
- (26) *Constitution of the Islamic Republic of Iran*, articles 57, 110 and 112.
- (27) *Ibid.*, article 111.
- (28) Article 113.
- (29) *Ibid.*, articles 54, 55, 70, 88, 112 and 175.
- (30) *Ibid.*, articles 91-94.
- (31) Article 112.
- (32) Article 174.
- (33) *Ibid.*, Article 173.
- (34) Article 174.
- (35) *Ibid.*, article 161.
- (36) Article 142.



- (37) Ibid., articles 4, 72 and 94.
- (38) Mr. Mohammed Baqir al- Sadr, *A Preliminary Overview of Jurisprudence on the Constitution of the Islamic Republic, and The Succession of Man and the Testimony of the Prophets*, from the book *Islam Leads Life*.
- (39) *Constitution of the Islamic Republic of Iran*, articles 2 and 5.
- (40) Ibid., articles 4, 72 and 94.
- (41) Ali al- Moumin, *The Modern Islamic Political System*, pp. 183-183.
- (42) *Constitution of the Islamic Republic of Iran*, articles 19 and 47.
- (43) Article 156.
- (44) Ibid., articles 23-27.
- (45) Ibid., articles 156-162. See Ali Al Moumin, *The Modern Islamic Political System*, pp. 59 - 60.
- (46) See: Dr. Ali Al Moumin, *Jurisprudence and the Constitution*, p. 304.
- (47) Ibid., p. 305.
- (48) Ibid., p. 306.
- (49) On the source of the President's decisions on constitutional law, see: Dr. Abdul Ghani Bassiouni (previous source), p. 389, and Dr. Amid Zanjani (previous source), V.2, pp. 216-219, and Dr. Murtada Asfad Najafi, *Constitutional Law of the Islamic Republic*, pp. 26-30.
- (50) *Constitution of the Islamic Republic of Iran*, articles 91, 94, 96 and 112. On the source of the internal rules of constitutional law, see: Murtada Asfad Najafi, (previous source), pp.

30-31, and Dr. Jalal al-Din Madani, (previous source), 52, and Amid Zanjani (previous source), V. 2, p. 226.

(51) Dr. Ali Al Moumin, *Jurisprudence and the Constitution*, p. 307.

(52) On the source of constitutional laws in other countries, see: Dr. Murtada Asfad Najafi, (previous source), p. 31, and Dr. Jalal al-Din Madani, (previous source) p. 53, and Amid Zanjani (previous source), V.2, p. 226.

(53) Ali Al Moumin, *Jurisprudence and the Constitution*, p. 334.

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### Evolving Crisis between the United States and Iran in the Trump era and Possible Options

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**Abstract**

The current crisis between the United States and Iran, especially over Iran's nuclear program, has received special attention in international politics as well as in most of the world's media. This study begins with a quick historical follow-up of relations between Washington and Tehran from the beginning of the 19th century until 1990, then from the second Gulf War to the September 2001 events, and the last phase since the US invasion of Iraq in 2003 until the Iranian nuclear crisis. Through this historical follow-up, it is possible to understand the nature of American policy towards Iran, as it is clear that there is no fixed strategy for it, and that the options remain many and different. The study focuses on the growing crisis between the United States and Iran after Trump won the presidency and the inherent antagonism between them for decades, especially since the Islamic revolution in Iran, through the classification of the US as an axis of evil to the crisis of the recent nuclear agreement, as well as the Israeli role in the US-Iran crisis as general. The repercussions of the American hostility to Tehran made the crisis spread to the neighboring countries of Iran in the region, which led to strained relations with most of its neighbors, especially after the US withdrawal from the nuclear agreement recently. In addition, the study follows the options for the future conflict between the United States and Iran, which include: The imposition of economic sanctions against Iran, the waves of US and Israeli policy toward international and regional isolation on Iran, as well as the option of change from within, and the most dangerous military option looming Washington and demanded and supported by Tel Aviv. Lastly, the study concludes provide a foresight related to the future of the crisis between Washington and Tehran, In its conclusions, the research study believes that the crisis is soon to be released and settled as it gets worse, as happened in the

North Korean file several months ago, after a seven-decade-long feud between the United States and North Korea.

### **Introduction**

For decades, the international political scene, particularly the Middle East region, has witnessed a major tension in the relationship between the United States and Iran. It has even reached to the peak of confrontation between the two countries at the present, and has become a threat to the entire region. In a quick return to the history of American-Iranian relations, studying and analyzing it, we can understand the nature of US policy towards Iran. We find that that there is no fixed strategy and that the limited options are still various and different. In fact, there are different views in Washington about the policy to be followed with regard to Iran, especially to many lobbyists that influence or attempt to influence such policy.

This study rapidly traces the history of relations between Washington and Tehran since the beginning of the 19th century till the present, the issue of oil nationalization in Mohammed Mossadegh's era, and after the return of the Shah and the dependence of Iran on the United States between 1950 and 1979. It then traces the fall of the Shah and the coming of the Islamic Revolution, the Iraq-Iran war, the ensuing second Gulf War, the US classification of Iran as an axis of evil, the impact of US invasion of Iraq on the Iranian file in particular and the region in general, and down to the crisis over Iran's nuclear deal and the recent US withdrawal from it after Donald Trump had taken office in the United States.

The study also traces various options on the future conflict between the United States and Iran. The most prominent are the imposition of economic sanctions against Iran and the orientations of the American-Israeli policy to impose regional and international isolation upon it as well as the option of the change from within. The most dangerous option, which is wielded and called for by America and is openly supported by Israel, is, perhaps, the military one.

The study looks ahead the future crisis between Washington and Tehran. While Congress, public opinion and the US media have been fully mobilized against Iran, the Trump administration faces internal opposition to its failed policies, including interference

in various countries of the world, particularly the Middle East, or escalation with other countries. The main question is what are the practical results of such policies? The president of the United States, Donald Trump, is nowadays facing an unsettling crisis after exposing many of the scandals he has been recently accused of. This coerced him to be more occupied with them than with foreign affairs. And this could alleviate the US pressure on Iran and Turkey as long as it is occupied by its internal crises.

### **First, tracing the history of relations between the United States and Iran**

#### **1. from the beginning of the nineteenth century to 1990**

The oil could have possibly poisoned the relations between Iran and the United States long before the emergence of the nuclear crisis, Philip Martin said.<sup>i</sup> At the beginning of the 20<sup>th</sup> century, the Americans, who decolonized from Britain, have become more sympathetic with Iran; the country that was languishing under the British control. Then, American doctors, intellectuals and fighters immediately supported the liberation of the Iranians from British and Russian Trusteeship.<sup>ii</sup>

The Relations between the United States and Iran initiated in the 19<sup>th</sup> century. In such era, the first trade relations between them began. The United States was viewed as a power supporting Iran, and as a possible force to counter the growing ambitions of the British and Russian empires towards Iran. In 1941, the Soviet Union and the United Kingdom occupied Iran, while the United States demanded other powers' guarantees, in 1943 Tehran conference, for Iran's independence. At the beginning of the Cold War, the United States has consistently used the support for Iran's sovereignty to face the Soviet influence in the region.<sup>iii</sup>

But, everything run in reverse with the coup of August 19, 1953. The coup was organized by the CIA and British intelligence against the democratically elected Prime Minister Mohamed Mossadegh, when he sought for independence and prosperity of his country by nationalizing the Anglo-Iranian oil company (later renamed BP, British Petroleum). It then became the largest company of the British Empire. After the success of Ajax,<sup>iv</sup> the Americans and the English returned Shah Reza Pahlavi to the throne.<sup>v</sup>

The period from late 1950 to 1979 was marked by Iran's strong dependence on the United States. The United States economically assisted as well as armed Iran to give it the

role of “gendarmerie from the Gulf”, and to simultaneously protect and prevent it from falling into the bosom of the Union of Soviet Socialist Republics. The 1979 Khomeini revolution, which transformed Iran from a royal regime under the rule of the American-backed shah Reza Pahlavi to an Islamic Republican system run by referendum and backed by a number of Islamist and leftist organizations, has represented utter rupture in the American-Iranian relationships. The new authority thereafter claimed not only that it no longer want to depend on the United States, but also accused it with of more colonialist attitudes towards Iran in particular and the Islamic Ummah in general. Khomeini says that “the United States and foreigners are the root causes of all the difficulties facing the Iranian nation and Islamic countries.” This hostile stance led the president Carter to declare a ban on Iranian oil and incite his allies to impose economic sanctions against Tehran.<sup>vi</sup>

Meanwhile, the hostage-taking of 52 diplomats of the US embassy in Tehran on November 4, 1979 represented a shock to the Americans. The TV channels hereafter have showed crowds fighting against the American “Great Satan” and burning the American flag. As a result, America has taken revenge in several directions, including its support for the Iraqi war against Iran from 1980 to 1988.<sup>vii</sup>

Thus, the United States was pushed to war between the two countries so that neither of them could get out of this conflict and could not therefore rise or expand at a time when both sides had needed US arms sold to them by other parties and in massive amounts.

In the same period, the former US President Ronald Reagan continued his policy of isolation against Iran during his term of office (1981-1989), while George Bush adopted a different policy since 1989. At this stage, the diplomatic relations between the two countries witnessed, on the one hand, remarkable development. In addition, the trade exchanges between them increased, particularly at the oil sector. On the other hand, the United States has pursued several different avenues to face and limit the Iranian influence in the Middle East at first and to bring about change in the country at last. These different means of action are a combination of solid and soft power, operating since the changes in authority took place in 1989.<sup>viii</sup>

Since 1984, the United States has placed Iran on the list of countries supporting terrorism. This accusation has been recurrently repeated since then, especially in 2002 when the Israeli intelligence service intercepted “the Karen A” suspected of carrying



weapons to Palestinian groups. The United States and Israel then accused Iran of trying to provide weapons to terrorists, in addition to its support for the Lebanese Hezbollah with whom Iran shares the same faith and doctrine. Considering that the common enemy is Israel, Washington has the chance to launch the charges of supporting terrorism. Thus, Iran has been considered as the main target of the US administration of the international counterterrorism program, which is the main pretext for its foreign policy battle.<sup>ix</sup>

For the Arab states, Khomeini's death opened a new chapter in Iran's foreign policy. But, the real shift in the Iranian policy occurred with Khatami: Doubts dominated Iranian hegemony over the region. This led the relationship between Iran, Saudi Arabia and other countries except Iraq, to be perhaps more heated and hot.<sup>x</sup>

The orientations of Iran's foreign policy at the end of the 1980s can be divided into two stages: the first, imperceptible under Rafsanjani's presidency, began from the end of the war with Iraq and the death of Khomeini in 1989 until shortly before the Second Gulf War (1990-1991). The second started after the Gulf war when Iran sought to elevate its image -after being accused as a destructive force undermining the political situation in the Middle East- to a regional power involved in the establishment of political stability in the region, particularly and more clearly after the election of Mohammad Khatami as president in 1997.<sup>xi</sup>

With the arrival of President Bill Clinton to power in 1993 whose second term in 1997 had been coincided with the accession of Khatami, there was a common will between the two presidents to move forward in several areas, including cultural cooperation, partial economic openness and easing the blockade. Nevertheless, this alliance was officially condemned two years later by the Iranian Supreme Leader Ali Khamenei, who announced in 1999 that the resumption of talks with the United States at this stage and its outcomes of re-establishing bilateral relations is a disrespect and betrayal of the Iranian nation. This opposition of the most important person in the Iranian nation has been enough to put an end to the hopes of normalization. With the arrival of President George W. Bush to the presidency in 2001, he also moved forward in this direction and even seemed less willing to help the Iranian reform movement, convinced to deal with wolves disguised in the form of lambs.<sup>xii</sup>

## 2. Post–September 11 changes

The 2001 September 11 attacks prompted Iran and Saudi Arabia towards closer collaboration, fearing US intervention in Iran after Iraq. The Iranian conservatives are more powerful than reformists to speak directly with Washington. The goal to overthrow the Taliban and to establish a new force in Kabul, which is actually under the authority of the United States, has reinforced Iran's doubts about the will of the United States to besiege it. At the same time, Pakistan has been currently relying on the United States and so have the countries bordering the Caspian Sea, which depend on the latter in the extraction and sale of oil (especially in the future). This will be at the expense of Tehran. In addition, the overthrow of of the Iraqi regime resulted in the creation of a new authority in Baghdad to be more loyal to Washington, which created its structure more than others.

According to these data, Iran will appear very isolated in the region. This fear of the intervention in the internal affairs is also shared by Saudi Arabia, where the United States wants to impose internal reforms, control its financial flows under the pretext of combatting terrorism and seek to interfere in its internal affairs to fight al-Qaeda. The two countries are then involved in the fear of American hegemony that does not respect their sovereignty.<sup>xiii</sup>

The shift in US policy after September 11 to mercilessly fighting terrorism has had important implications not merely for Iran's foreign policy, but more fundamentally for its domestic policy and relations between reformers and conservatives within the regime.

Notwithstanding the above, the events of September 11 have also changed the diplomatic reality. Washington and Tehran would co-operate from the standpoint of their parallel interests in Afghanistan in areas such as fighting religious fundamentalism and terrorism, combating drug trafficking, and long-term support for the alliance of the former leader Ahmed Shah Massoud. This is followed by a period of important dialogue and cooperation. Some argue that even in that period the United States used Iranian territory for supply operations. However, after this positive, short-term phase in relations, a new US policy will be pursued in the Middle East, assuming that US security should pass through a peaceful region and get rid of authoritarian regimes. In 2002, George W. Bush expresses this new doctrine by placing Iran on an equal footing with Iraq and North Korea in what he calls the "axis of evil." A year later, Washington got information about Iran's nuclear program aimed not simply at developing civilian nuclear energy but also military one. The

United States deplores and condemns Iran's violation of the Treaty on the Non-Proliferation of Nuclear Weapons. Then Iran realizes that the nuclear issue can quickly become a significant "paper" used by the Washington in the diplomatic game.<sup>xiv</sup>

European countries have tried to reach out for a dialogue between Iran and the United States, particularly after the US entered Iraq in 2003, as they considered in this step a fundamental shift for the entire region. Mahmoud Ahmadinejad's election in 2005 underscores the state of conflict between the two countries.<sup>xv</sup>

The 2009 election, which was won by Ahmadinejad for the second time, was contested by Mohammad Mir Mousawi, the leader of the "moderates" who favored negotiations with the United States, particularly on the nuclear issue, liberalization of the regime, increased press freedom, and greater respect for human rights. It is clear that Mousawi enjoys diplomatic support from Europe and the United States. In his speech, he appealed mainly to young people, intellectuals, the middle classes and some of the poor strata, particularly because of unemployment and growing poverty.<sup>xvi</sup>

At the following year, the United States was prompted to allocate a budget of 75 million euros to promote democracy in Iran, which would be just enough to support the Iranian opposition. At the same time, America promised to be ready to negotiate over the Iranian issue, subject to the condition that the nuclear program be stopped. Tehran absolutely rejected this condition, resulting in successive economic and diplomatic sanctions against Iran that were voted upon by the United Nations.<sup>xvii</sup>

Meanwhile, Barack Obama's arrival in the White House in in 2008 marked the beginning of a desire for American dialogue, which ended in the following year with the disputed re-election of President Ahmadinejad. Obama's policy on Iran became then similar to that of his predecessor, George W. Bush.

Hostility has been deeply rooted in the collective memory of Iranians against the United States since the fall of Mossadegh by the Central Intelligence Agency (CIA) in 1953, the steadfast support of the Shah throughout his authoritarian rule, and the US opposition to the Islamic Revolution and its support for Iraq in the 1980- 1988. But the United States is also the country that hosts the largest Iranian diaspora (estimated 500,000 to 1 million people).<sup>xviii</sup>

From all that has been shown concerning the rapid historical tracing of the fluctuating relations between the United States and Iran, we can conclude that there is an inherent hostility for various reasons; the first is related to the geopolitical interests in the region, the second is economic, especially in the oil sector, the third is religious, and the fourth, the most important one, related to the security of Israel. The last reason has pushed the Zionist lobby to urge and incite successive US administrations to strike Iran and destroy its nuclear program, albeit for civilian purposes.

## **Second: Background of deep-rooted hostility between the United States and Iran and Trump's new policy**

### **1. The Israeli role in the US-Iranian crisis**

The security of Israel is one of the main reasons that pushed the United States to hold a nuclear agreement aiming to dissuade it from acquiring a nuclear weapon. The nuclear weapon would enable Iran to bring about a strategic balance in the Middle East with Israel. And the US strategy sought to make it strategically superior to the countries of the region in order to ensure its security against any Military aggression from its neighbors. However, Iran desires to acquire nuclear weapons, along with advanced weapons, especially long-range missiles, as well as nuclear cooperation with Russia. All these things made Iran a real threat to the security of Israel, particularly in light of the presence of Hezbollah in Lebanon on its border. The latter's realization of the former's strength after the 2006 war has made it aware of the danger of Iran and its armed arms to its security, considering that Hezbollah's capabilities have very significantly developed after its entry into the Syrian war. Its members have gained field experience in battle, and the size of its rocket arsenal swelled to the point that some Israeli soldiers said Hezbollah could strike Israel at a rate of 1,000 rockets a day in case of war with it or Tehran. Also, Iran's proximity to Syria's southern border with Israel has also worried the latter, so it has moved to strike Iranian military sites in the region. <sup>xix</sup>

#### **1.1. Netanyahu from the UN platform to PowerPoint**

Between 2001 and 2009, Benjamin Netanyahu, who served as foreign minister and then finance minister, became more directly involved in the international arena with

respect to the Iranian nuclear issue. Nevertheless, the man who had fought the parliamentary elections in the 2009 remained repeating the same rhetoric for several years both in the Israeli press and in the US that “Iran would possess nuclear weapons capable of threatening the surrounding countries.”<sup>xx</sup>

Before his first election as prime minister, Benjamin Netanyahu was worried about the Iranian threat. As early as 1992, he warned, when he was a parliamentarian, his country's authorities that "Iran could get a nuclear bomb in three to five years," according to the American website The Intercept. Netanyahu reaffirmed this in 1995 in his book "Fighting Terrorism." A year later, the newly elected prime minister was trying to rally US lawmakers in his case before the American Congress, announcing that “if Iran got nuclear weapons, it would it would have catastrophic consequences not only for Israel and the Middle East, but also for humankind as a whole." However, these repeated warnings were not heeded later by the US authorities.

However, Netanyahu's perseverance on the issue of Iran's nuclear armament borne fruit on May 8, 2018, after Donald Trump's decision to leave the Iranian nuclear program. Since his access to power, 1996, the Israeli prime minister has consistently warned the rest of the world of the imminent nuclear threat of Iran— Israel's arch-foe, along with Saudi Arabia (anti-Iran too). The Jewish state is already one of the few countries that welcomed the US position following Donald Trump's announcement of withdrawal from the nuclear deal. Netanyahu said he "fully supports" what he called the "courageous" decision of the US president.

In 2012, Netanyahu took a strong stand before the international community when he made a video presentation at the international forum, which is still the talk of the international community. At that time, the Israeli prime minister called for the establishment of a "red line" to prevent Iran from acquiring nuclear weapons. His presentation aimed at clarifying the different stages in the manufacture of nuclear weapons by Iran. He warned, saying “in the next spring and most probably next summer, where they are currently pursuing enrichment, they will be able to move to the final stage of nuclear production.”<sup>xxi</sup>

Since the agreement was signed in 2015, Benjamin Netanyahu has increased criticism, saying that Iran does not respect its market share, specifically halting its nuclear

development activities. On April 30, he said he had "conclusive evidence of a nuclear weapons program that Iran has concealed for years from the international community's eyes in its secret nuclear archives."

Nonetheless, these arguments have been ignored by American leaders, whether Barack Obama or his predecessors, which ended up being committed by Donald Trump. Indeed, before the Iranian agreement was signed in 2015, the Israeli prime minister had always made from the nuclear weapons of his neighbors one of the priorities of his battles, which simply changed the ideas of adversaries over the years.

Three years later, on April 30, 2018, Netanyahu delivered a Power Point presentation on the Israeli television, confirming that he had "definitive evidence" of the Iranian nuclear threat. In this show, Netanyahu mentioned he had tens of thousands of original Iranian documents obtained a few weeks ago in what he called "tremendous intelligence success." Such presentation has been welcomed by Donald Trump, who also mentioned other evidence in his May 8 speech of the same year.<sup>xxii</sup>

These documents form "new evidence about the nuclear weapons program that Iran has concealed from the international community's secret atomic archives for years," Benjamin Netanyahu said, without declaring that Iran had failed in its obligations under the 2015 agreement. In response to Netanyahu's remarks, Trump confirmed that the 2015 deal was a "terrible deal for the United States" and that his counterpart had done the "right thing" through what he showed on television.<sup>xxiii</sup>

The Iranian file was perhaps among the hottest files faced by participants at the security conference held in Munich, Germany, on February 18, 2018. At the time, Netanyahu did not hesitate to compare the current situation with that in 1938, when the Europeans tried to formulate a calming strategy in the face of the Nazi threat. For the Israeli prime minister, the 2015 nuclear deal with Tehran would show the same naivety and not prevent anything. Warning of Iran's growing influence in the region, Netanyahu said: "Once Iran has nuclear weapons, its attacks will not be controlled." He added: "The mistakes of the past will not happen again." "The countdown has begun," he continued, promising to intervene against "representatives of Iran" as well as "against Iran" itself.<sup>xxiv</sup>

Steven Cohen<sup>xxv</sup> argues that in order to stabilize the region, US policy must get rid of the grips of the Israeli or Zionist lobby, because it is based solely on the positions of the Israeli right, which sometimes follows policies different from those pursued by Washington's.

Moreover, the views of these lobbies are often inaccurate in their analysis, and the main thing for them is to convey a message and give a caricature and Manichaeian image of Iran. The matter also concerns with the issue of American politicians' rejection of simplified neo-conservative discourses in order to initiate a positive policy toward a Middle East that is so diverse in its culture, ethnicity and religion.<sup>xxvi</sup>

For decades, the United States had strong relations with Israel, supporting it by various means: economic aid, military and strategic cooperation and support, as well as pro-Zionist diplomacy. Washington realizes the influence of the Jewish state as a rear base in the Middle East and as a main ally in the region. That is why the United States has always supported Israel in its conflicts with its neighbors (Lebanon, Egypt, and Syria in particular) or in its policy toward the Palestinians. Thus, the American interests in this field are the main obstacle to the improvement of the Iranian-American relations.<sup>xxvii</sup>

In fact, making or acquiring nuclear weapons by Tehran would only be a deterrent to factor within Iran's capabilities in a supposedly open war with Israel and the United States. Tehran has repeatedly threatened to strike a US ally, so the US reaction against Iran in this case remains possible in the short or medium term.<sup>xxviii</sup>

Netanyahu's firm tone is largely due to US support. Since Trump's arrival at the White House, he has directed more criticism of the nuclear deal. In Munich, his national security adviser, Herbert McMaster, also addressed this issue, saying: "It is time to take action against Iran." He accused Tehran of building a "network" in the region to arm groups in Syria, Yemen or Iraq such as Hezbollah in Lebanon. McMaster also attacked countries such as Germany, which has decided to resume trade relations with Iran since the signing of the 2015 agreement. "For security and ethical reasons, he said, 'we have to stop trading with the Revolutionary Guards.'" He added that Iranian conservatives are the only ones whose economic openness enhances their capabilities. Shortly thereafter, former US Secretary of State John Kerry, who negotiated the 2015 agreement, considered the idea of Iran's having a nuclear weapons in the near future is "completely false." He is also



concerned about the weakness of the American word, which has lost its credibility to find a solution to the crisis, stressing that "it is essential to keep the Convention."<sup>xxix</sup>

Thus, we find that there is a contradiction and divergence of views on the withdrawal or survival in the nuclear agreement between the US administrations and the figures who supported its conclusion in 2015, and those that emerged after Trump took office since late 2016.

## **2 - Iran from the revolution to the axis of evil**

Precisely, Iranian and American positions were tenser in the late 1980s than today. This was evidenced in the deep differences over the Iran-Iraq war, freedom of navigation in the Gulf, and the fate of American hostages. But even during this difficult period, the two sides managed to avoid a military confrontation between them, although US warships had clashed with Iranian ships in 1988 when the US Navy sank three Iranian ships after a naval mine had exploded in US frigate in the Persian Gulf.<sup>xxx</sup>

After the Iranian revolution, the French-Iranian academician Khosrofarhad pointed out that the work of the Iranian Foreign Ministry was marginalized. And with the Iran-Iraq War in the 1980s, a new era emerged in which oil revenues were important to Iran, as the United States, along with other industrialized countries, was the most important customers of Iran.<sup>xxxi</sup>

Perhaps the last time the Iranian government cooperated with the United States was at the time of the reformist administration of former President Mohammad Khatami, when he partially cooperated with the Americans to overthrow the Taliban regime in Afghanistan in the fall of 2001. Meanwhile, the decisive response in the United States was George W. Bush's description of Iran as belonging to the "axis of evil" in his speech about in the State of the Union at the end of January 2002.<sup>xxxii</sup>

The new US strategy toward Iran in the Trump era has been based on the idea of reviving the "axis of evil," by emphasizing the previous classification launched by President George W. Bush when he divided the world into two axes (axis of good and axis of evil). The US strategy has then described the Iranian authorities as a "dictatorial regime," which destabilizes the region, openly calls for the destruction of the United States, supports and finances many terrorist groups, and harshly deals with its people. The



authors of the new strategy have pointed out that Washington "is deploying a multi-level anti-missile system" to defend against possible missile attacks from Iran and North Korea.<sup>xxxiii</sup>

### **3- Growing crisis between the United States and Iran after Trump took office**

Trump claims that Iran is "the world's largest sponsor of terrorism, along with its allies Hamas and Hezbollah."<sup>xxxiv</sup> Tension between the Trump administration and Iran has increased and confrontation has raged several days after he formally took office. On January 27, Trump signed an executive decree banning citizens of seven Muslim countries, including Iran, from entering the United States. And the next day, the Iranian Foreign Ministry considered Trump's decision an "insult" to the Islamic world and Iran and a "gift" to extremists, and it vowed to respond in kind. Meanwhile, Iran considered that Trump is trying to draw attention away from his "failure" by issuing a decree banning entry.<sup>xxxv</sup>

The pillars of US strategy toward Iran during the Trump administration are perhaps quite different from the previous American vision of the Obama administration, which found in the nuclear deal with Iran an opportunity for Iran to self-change its policies in the region. But, this approach proved its failure. Hence, Trump criticized the deal with Iran and considered it as a major mistake. He also called to exit from it.<sup>xxxvi</sup>

It is clear for us that the Trump administration will resort to besieging Iran in the Gulf. It will continue to tighten control over its weapons programs under the mobilization of Israel, which considered Iran as the only power that remains standing against its face after most of the Arab countries feared by have been destroyed, particularly those with trained and experienced armies, and a huge arsenal of sophisticated weapons.

### **4- Repercussions of US hostility to Iran on the Middle East**

Iranian diplomacy has undergone radical changes since the foundation of the Islamic Republic. In practice, this translates the desire to export its revolution abroad. It [Iranian diplomacy] has also shown very clearly that it is anti-American (and anti-Israeli) and wants to be a regional force of considerable weight in the region. Therefore, most Western countries, led by the United States, consider Iran untreatable and deal with it only if absolutely necessary.<sup>xxxvii</sup>

Nevertheless, American hostility toward Iran has made it for some countries or a number of thinkers, especially in the "Third World", a sign of resistance to the American hegemony. Many South American countries are developing more partnerships with Tehran. For example, Venezuela has become the main ally of Tehran in Latin America.<sup>xxxviii</sup>

We should carefully read the reality of relations between the United States and other major powers in the Middle East, and their repercussions on Iran. If the US is fully present in the Middle East, it is not the only power in the region. Other major powers, such as China and Russia, have also begun to compete with the US for developing their own strategies in the Middle East in general and Iran in particular.

Since the 1990s, China has begun to gain more interests in the Middle East, especially in oil, which it imports in large quantities. It has then tended to compete with the United States to meet the needs of its growing economy in the region without getting into direct confrontation with it. So, the benefit would be threefold: "get oil, create new opportunities for its industry, and challenge American power in this part of the globe." Beijing is strengthening its cooperation in particular with Iran, which has rich reserves of oil and gas (and which provides access to the Caspian Sea resources). Beijing also offers the advantage of a domestic market that is completely free of foreign products since a ban by Western countries. Iran has also found in the People's Republic of China a strong ally on the international arena to oppose Western sanctions. It allows Iran to have a partner working with it to weaken the US power in the region and stand up to it.<sup>xxxix</sup>

Regarding Putin's Russia, It perceived Iran as from 2002 to 2008, as a permanent partner for dialogue in the Middle East, where it is able to oppose the United States. It opposes unilateral US sanctions and attaches great importance to the protection of Iran's sovereignty. That is why Moscow has objected to many UN Security Council resolutions against Iran. It has also cooperated in the construction of the Bushehr nuclear power plant, and signed several contracts to sell weapons to Tehran. However, the simultaneous arrival of Dmitry Medvedev and Barack Obama in 2008 resulted in the opening of a new era of dialogue between Moscow and Washington. Consequently, Russian policy toward Iran has somewhat changed. Thus, Russia voted in June 2010 for a new Security Council resolution on new sanctions against Tehran (banning the sale of arms, curtailment of commercial and

financial investment, restriction of movement of Iranian figures, etc.). Similarly, Moscow presented itself as a country capable of dialogue and reconciliation, and as a geopolitical country that respected international institutions and international law.<sup>x1</sup>

Donald Trump's decision to withdraw from the nuclear deal with Iran is perhaps the most predictable act in his spectacular presidency. The timing is tied to the external situation: it seems that Russia and Iran will impose postwar conditions in Syria. At the domestic level, the hasty shift towards a more aggressive foreign policy after the arrival of the two violent anti-Iranian people Mike Pompeo and John Bolton to the White House - toward both enemies and allies - goes in line with the "America First" slogan that became the Trump administration's slogan.<sup>xli</sup>

### **Third, The repercussions of Iran's nuclear program**

#### **1. International concern about the program**

The Iranian nuclear deal was signed on July 14, 2015, under the rule of former President Obama, in the presence and sponsorship of the four permanent members of the UN Security Council (France, the United Kingdom, Russia and China) as well as Germany. His agreement was a major geopolitical change. It was strongly criticized by Saudi Arabia and Israel, as well as the majority of Republican Party members in the United States.<sup>xlii</sup>

Iran's nuclear program is the most important cause of Western and US-Israeli concern about Iran. While the latter confirms it is only developing civilian nuclear power plants, Washington accuses it of seeking access to nuclear weapons. Such a weapon would be of great concern to America and would make Iran a hostile power that would greatly strengthen its position in the Middle East, and directly threaten the US military in the region as well as its Israeli ally. Moreover, it would be dangerous for the United States to wage a preemptive war against Iran. In fact, Iran is located in a region where other countries have such weapons (Israel, Pakistan and India in particular). The possession of nuclear weapons would give Iran access to a new form of respect or prestige on the part of the international community, which would provide a safeguard against any threat of Western attack or external will to change Iran's political system.<sup>xliii</sup>

Iran, for its part, denies wanting access to nuclear weapons by putting forward several arguments: its ratification of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), its active participation in the International Atomic Energy Agency (IAEA), its permission to IAEA inspectors to visit nuclear installations, and finally its condemnation of this kind of Weapons by Khomeini, the leader of the revolution, as contrary to Islam.<sup>xliv</sup>

The issue of Iran's nuclear program is at the heart of the crisis in the US-Iranian relations. It is a double-edged sword. On the one side, it allows to develop a nuclear program, from which it will greatly benefit. On the other side, it will face international sanctions because of it. Access to nuclear weapons is an issue through which diplomatic, economic and trade relations with the international community in general and the United States in particular can be mitigated and improved. Indeed, obtaining such a weapon—from Tehran's point of view—would have so broad deterrent scope that could prevent any Western invasion of its territory. Perhaps the fall of the Libyan Jamahiriya led by Muammar Gaddafi, after abandoning this weapon, is a living example and close to what we say. Tehran has not done so and has given little attention to abandon its nuclear program even if the latter is squeezing its economy.<sup>xlv</sup>

## **2- US withdrawal from the nuclear agreement and its repercussions on Iran**

US President Donald Trump announced on May 8, 2018 the US withdrawal from the agreement and the re-imposition of sanctions on Iran under the pretext that "the agreement is fundamentally flawed and the Iranian nuclear bomb cannot be prevented under the current agreement."<sup>xlvi</sup>

Trump has expressed his readiness to renegotiate a new nuclear deal, but Tehran has rejected. He also threatened Tehran with "serious consequences" if it resumed its nuclear program. He advised it to negotiate again, expecting to accept that at the end.<sup>xlvii</sup>

At the first Security Council meeting since Donald Trump announced, on May 8, 2018, the US withdrawal from the nuclear deal with Tehran, ignoring UN Resolution 2231 unanimously adopted in July 2015, the US Deputy Ambassador to the UN Jonathan Cohen said: "In the face of a country that constantly violates the decisions of this Council, we must decisively decide important consequences towards it. For this reason, we urge the

members of this Council to join us in imposing sanctions targeted Iran's shameful behavior in the Middle East." On May 9, 2018, the International Atomic Energy Agency (IAEA) confirmed for the 11th time that Tehran fulfilled its obligations. At the same time, the EU's representative to the United Nations (Joao Valle de Almeida) declared: "Dismantling an effective nuclear agreement does not put us in a better position to discuss other issues," referring to Tehran's ballistic activities and its evolving influence in the Middle East. He added: "The full implementation (of the nuclear agreement) bans the nuclear arms race in the region," expressing regret at the US withdrawal decision. He puts in: "The European Union once again calls the the international community to support this internationally common commitment and all other signatories must fully implement Resolution 2231 in all its aspects." At the same time, the French Ambassador Francois Delatre declared: "The collapse of this major achievement will be a serious step backwards for the region, for the Non-Proliferation Organization and for our security as a whole. This will have grave consequences."<sup>xlviii</sup>

There are those who compare Iran's possession of nuclear weapons to what is owned and steadily expanded by North Korea that it would be enabled to attack the American continent. That is why Iran's supreme leader, Ayatollah Ali Khamenei, has consistently warned successive Iranian governments over the past 25 years not to develop any confidence in the United States.<sup>xlix</sup>

Trump postponed the withdrawal from the nuclear deal for the third time in January 2018, but he affirmed that it would be his last postponement. He put the US Congress and US European allies in front of the "last chance to "fix" what he called "appalling flaws" in the nuclear agreement, or he will withdraw from it.<sup>1</sup>

The US withdrawal from the nuclear deal is not in itself a declaration of war. However, it may, or at least, lead to an escalation that ends in a war between the two main adversaries, Iran and Israel, in the form of a regional war within a broad international context.

The recent example is what happened in Syria. Israel launched a massive attack on Iranian forces from the Golan Heights—Syrian territory occupied since the seven-day war—and continues to kill and displace the Palestinian people under the complicity of the West.<sup>li</sup>

Among the consequences of the economic sanctions on Iran is the pressure of the United States on the international companies working in this country to withdraw and abandon its initiated projects. General Electric plans to halt the sale of oil and gas equipment in Iran before the end of this year. According to “The Wall Street Journal,” the company was ready to implement a project worth up to \$ 150 million for the construction of pipelines, compressors and underwater equipment before the US withdrawal from the nuclear deal. It also appears that France's Total left the \$ 5 billion "Big Pars South Project" on August 20, 2018 and notified the Iranian authorities. It was preceded by more than a dozen major international companies after it stopped its work on projects of large-scale in Iran.<sup>lii</sup>

#### **Fourth, possible options for the future conflict between the United States and Iran**

There are several trends and trajectories before the US administration towards Iran. We can identify three major of them. The first is the desire to begin a direct pre-emptive war against Iran, which they see as a threat to the United States and its Israeli ally in particular, and to the security of the Middle East and the world in general. Second, the work to change power in Iran to end Iranian threats so that the world would be “more stable.” This is to be done through implementing the so-called “colorful revolution” that is more or less peaceful. Finally, The preference to engage in serious dialogue with Iran and to address problems with that country, which is a significant regional force for the sake of protecting the US interests in the region without military confrontation.<sup>liii</sup> Perhaps, among the most prominent options that the United States put against Iran are the following:

##### **1- Economic sanctions**

The imposition of sanctions on Iran by the UN Security Council, the United States or even the European Union is not new.<sup>liv</sup> It began in 2006 and has continued to these days when President Trump re-imposed them after his country's withdrawal from the nuclear deal.

Many years earlier, in an attempt to discourage Iranian policy toward the United States, the latter worked to take economic sanctions against Tehran. The goal was first and foremost to “stifle” the Iranian economy before the boycott imposition, and to mobilize the

traditional allies of the United States—such as the European Union and Japan in particular—to do the same. Second, Washington has banned foreign investment in Iran so that others cannot benefit from a market that is not beneficial to the United States de facto.<sup>lv</sup>

Rohullah Mohadi<sup>lvi</sup> sets out the following list of economic sanctions by the United States against Iran: prohibiting property transfer from Iran to America, blocking Iranian bank accounts in America, banning the importation of most goods and services from Iran to the United States, and export or re-export of most US goods and services to Iran by heavy sanctions on the companies investing in in Iran's oil or gas industry, banning the purchase of Iranian oil by US companies, limiting Iran's access to international loans and subsidies, and banning any form of financial transactions. Such attempts are to obstruct the conclusion of commercial contracts between Iran and other countries, support Iran's economic competitors [...], take steps to reduce Iran's place in international insurance institutions, and use all safe political, economic and legal means to encourage various countries not to deepen their economic relations with Iran and follow the same US policy in economic pressure on Iran, imposition of unilateral sanctions against Iranian or non-Iranian companies involved in Iran's nuclear program, and seeking UN Security Council approval to impose economic, technological and banking sanctions and Financial Iran.<sup>lvii</sup>

In 2010, the United States managed to vote to expand sanctions on Iran at the United Nations with the support of Moscow and Beijing, despite a last-minute diplomatic attempt by Iran to rely on Turkey and Brazil. The consequences for Iran are significant decrease in trade with Western countries; an additional obstacle inhibits the development of its economy.<sup>lviii</sup>

The relations between Washington and Tehran at that time followed the pace of sanctions imposed by the United States and its allies against Iran, which is suffering from internally growing instability and a resumption of power by the mullahs at the expense of President Ahmadinejad and the growing protest in this direction. However, it is important to note that these successive sanctions have united the nation at least at one point: national unity around the republic, unification of Khamenei's hard-line conservatives, Ahmadinejad's nationalist populist conservatives and Rafsanjani's reformist group.<sup>lix</sup>



In order to understand the US position towards Iran in particular and the Middle East in general, it will be necessary to return to the geopolitical thinkers who have emerged in recent decades such as Huntington (and his famous notion of "Clash of Civilizations", or Fukuyama and his theory "End of History").

In this regard, the analysis of regional foreign policy will also be important to determine US regional policy in the Middle East and the importance of its relationship with Israel. Similarly, some global ideas about US security policy will be generally analyzed and studied to understand how they affect US policy toward Iran. Finally, the question of the decline of the American superpower and the importance of other major powers in the Middle East and the world will be raised.<sup>lx</sup>

## **2- International and regional isolation**

One of the American tactics to counter Iranian influence, which remains very important in the Middle East, is to isolate Tehran from its neighbors by demonstrating conflicts of interests between America and the Iranian nation. To achieve this, the United States is fueling tensions between Iran and Arab countries as well as the Caucasus, Pakistan and Afghanistan.

Perhaps, the policy of isolating Iran, pursued by the United States several decades ago, has not lost its grip. It was at its height during the reign of former US President Ronald Reagan who pursued a policy of isolation against Iran during his two terms from 1981 to 1989 as noted above.

With regard to the Arab countries, Washington is trying to highlight the presence of Iranian intervention in various Arab countries. This could be particularly translated to more or less active support for Shia minorities in some of the Arabian Peninsula countries such as Bahrain. Moreover, the measures that Washington considers negative such as the intervention in the Israeli-Palestinian file or the Iranian support for the Lebanese Hezbollah and the Shiites in Iraq have been also condemned for the will to break the country sovereignty. For the sake of Tehran's presence in the Caucasus, the United States insists that the Iranians seek to annex Azerbaijan. Further, they will try to move beyond convergence with Turkey to the Caucasus.<sup>lxi</sup>

## **3- Option for change from within**



The US is not only trying to defame Iran's reputation, or image outside its borders, but also within it. The US administration has always keen to distinguish between what it calls the "mullahs regime," an authoritarian and undemocratic regime, and the Iranian people, who are perceived as oppressed by an authority that is not supported by the vast majority of them. In 2003, the former US President George W. Bush said: "'When the Iranian people talk about freedom, human rights and democracy, they face the threat of intimidation and death. The Iranians, like all people, have the right to choose their own government and determine their own destiny, so the United States supports their hopes of living freely."<sup>lxii</sup>

These ideas and perceptions that may be believed in or just promoted by the US administration make the United States support, unite and mobilize as much opposition as possible to the Iranian regime. It actively engages in various areas of support, particularly financial one that is granted to the independent Iranian media hostile to the authority as well as to various non-governmental organizations (trade unions, human rights activists, student organizations, etc.). Since 2006, nearly \$ 100 million has been annually spent by the United States to "promote democracy and human rights in Iran" in the hope of strengthening civil society capacities to its favor at the expense of weakening Tehran's power. Washington also created the Alliance for Democracy in Iran (CDI) with support from the American Israel Public Affairs Committee (AIPAC), the Washington Institute for Near East Policy, the Center for Security Policy (CSP) and some members of Congress. The Iranian Centre for Applied Non-Violent Action has been established in Dubai since 2006 by the US government. These subsidies have reinforced and supported the tendencies of Iranian dissidents to follow various ways to conduct nonviolent actions and civil disobedience. This is, in fact, the same tactic used during the "Color Revolutions" in Eastern Europe (via the OTPOR network).<sup>lxiii</sup> This intends to create a pro-Western professional revolutionary network with the aim of toppling a system believed by the US as authoritarian, by using financial, logistical and technological support on the consideration of being the most important of all revolutionary means.<sup>lxiv</sup>

#### **4- Military option**

The question to be raised is: Does Iran form a real threat to US security? In the Western media, the assumption of Iran's acquisition of nuclear weapons is often associated

with the idea of a possible nuclear war in the Middle East mainly directed against Israel. Is it really a fact?

The military option of pre-emptive war against Iran is favored by some US decision-making groups. They call for a violent stance towards a state that is considered hostile, encourage terrorism and want to harm US and Israeli interests as well as peace in the Middle East and the world. Therefore, the Iranian nuclear program is the main justification for the hawks supporting war. The advocates of the pre-emptive war believe that it will lead to the fall of dictatorial regimes in the region and open the way to democracy, moral and economic liberalism in the Middle East.<sup>lxv</sup>

However, a considerable number of US experts recognize that the war with Iran carries enormous risks, including a threat to the prestige of the US armed forces, because the military confrontation is likely to result in undetected losses since the Vietnam War. In the final analysis, even where there is crisis like the collapse of the joint and exhaustive action plan, Iran and the United States have sufficient intention and strategic vision to avoid an anticipated armed confrontation.<sup>lxvi</sup>

Despite the deep political and ideological animosity between the two countries, the Iranian-US relations are extremely complex. The main architects of this "aggressive" view of the relationship with Iran are the American neoconservatives. This group of politicians and intellectuals has wide-ranging influences on foreign policy under George W. Bush's presidency. Arguing that the world should be a uni-pole under American hegemony where the ideals of democracy, civil, social, and economic freedom should be fought. When the Soviet bloc fell, the neoconservatives saw that political Islam would replace the communist threat represented by several countries in the region, perhaps Iran in the forefront. Therefore, the Islamic system and the theory of exporting the revolution became one of their main objectives. The vision of the "Manifest Destiny" and "End of History" doctrines and the neoconservatives aim to impose American values all over the world. For many conservatives, there is also former fear of Iran that dates back to the early days of the Islamic Republic's emergence, particularly its accusations of terrorism at its early stages. Some members of congress are inciting against Iran in a more emotional way, or for electoral reasons, rather than for causes or rational analyzes.<sup>lxvii</sup>

The Secretary of Defense Matisse has recurrently announced during his presidency of the US Central Command that the three greatest threats facing the United States are Iran, Iran and Iran. This gives a clear indication of the future of the relationship between the United States and Iran. The Secretary of Defense (Matisse) is not the only one to adopt this position, the White House Chief of Staff in the Trump administration, Gen. John Kelly, who had previously assumed the presidency of the US South Command (2012-2016), has adopted the same position, and so has Mike Pompeo, the US secretary of state and the former chairman of the House Intelligence Committee.<sup>lxviii</sup>

Given these commitments and the apparent ability and willingness of the two powers to exercise restraint even in the context of a larger event, the analysts risk portraying an overly simplistic and reductive image that does not adequately take into account the nuances of bilateral relations. There is no doubt that the United States is tightening the noose on Iran, as evidenced by the anti-Iranian bill that imposes sanctions on the Islamic Revolutionary Guard Corps (CGR) and directs the US government to develop strategies to contain Iran in the region and beyond. With the exception of relatively limited misunderstandings and maritime engagements in the Gulf, the two powers have many reasons to avoid a major front war.

#### **Fifth, prospecting the future of the US-Iran crisis**

In attempting to assess the future of US-Iran relations, the task seems to be very difficult, complicated and far from easy, especially when considering the alarming record of Western analysts. How many times have we heard about the imminent collapse of the Islamic Republic over the past four decades? How many times have we heard that the Supreme Leader, Ayatollah Ali Khamenei, showing anti-American hostility and desiring at all costs to build a nuclear bomb? How many times have we warned that he will never negotiate a nuclear deal with the United States? What further complicates matter is that an unexpected event in the United States or Iran such as the September 11 terrorist attacks could fundamentally change our current expectations about the relations between the two countries. Hence, the neutral and independent carefulness and inspection are essential in any assessment of these relationships.<sup>lxix</sup>

The future of the US-Iranian relationship depends primarily on changing Washington's attitude toward Tehran. Should this relationship develop in one way or

another? It is quite clear that the current situation is highly unsatisfactory for both parties. The United States strives to obtain just a few results through developing a global and "aggressive" strategy towards Iran. In fact, neither the economic sanctions nor the threat of war nor the aid to provoke some of the popular forces against the regime are to succeed in destabilizing the Iranian power and making it falter. Similarly, the attempts to isolate Iran at the regional level are not very effective. The option of pre-emptive or permanent war with Iran seems not only immoral but also dangerous and useless for both countries, not to mention the dire consequences of this action that could lead to continuous instability in the Middle East, threaten world peace, tarnish the image of the United States in the world, worry Israel's security and reduce respect for international law. The idea of imposing regime change through widespread support for opposition forces, or what looks like to be so, seems also immoral and dangerous. In reality, this will be a direct intervention in the internal affairs of a sovereign state and might consequently lead to the Iranian authorities' strong suppression of opposition. We must also emphasize that the extreme diversity of this opposition, and Washington's support for the "colorful revolution" as "experimental" attempt through certain marginal support from the opposition will not only entail the risk of exposing such opposition to Tehran's authority, but will also appear illegitimate to the Iranian people. The Authority will show to be keen to protect its integrity and national sovereignty.

Stephen Cohen argues that it would be possible to properly control Iran's various activities, including those causing anxiety such as the nuclear program. But, the United States should maintain and build peace in the region assumed as its primary goal. This implies the need to respect the different states, their national sovereignty and their heterogeneity, which must be understood in order to implement a conscious, constructive and effective policy. This means that the need for respecting different states, their national sovereignty and their heterogeneity must be understood in order to implement a conscious, constructive and effective policy. Nevertheless, the road would be long and would require goodwill from both sides. America cannot also reach out without charge. It seems that the current situation of conflict predicament can continue for some time, especially in the absence of a significant mediator between the both sides or finding a way out of the logic of "brutal confrontation."<sup>lxx</sup>

Instead of presenting expectations, we can only consider some of the key factors that could form the core of Iran-US relations over the next five to ten years. There is no danger to see the storming and poisonous US-Iran relations get normalized. However, the nuclear agreement or the Joint Global Action Plan (PAGC) signed by Iran and the (P5 + 1)<sup>lxxi</sup> in 2015 has paved the way for improved relations between the two countries in the coming years. Nonetheless, this road seems bumpy and it would take a long time to dispel the nearly 40-year-old feud. Hostility between the two countries could also intensify. Extreme caution, however, should be used in speculating that the future relations between the United States and Iran are unlikely to be more hostile than in the past, although they could be improved if the two camps can establish institutional mechanisms capable of managing future conflicts. After all, convergence will be necessary for the successful implementation of the nuclear agreement, which is in the interest of both parties. After all, convergence will be necessary for the successful implementation of the nuclear agreement, which is in the interest of both parties. Thus, it will be difficult for Washington and Tehran to maintain mutual hostility policies when fully committed to the implementation of the PAGC.<sup>lxxii</sup>

However, the US withdrawal from the nuclear agreement has shattered all hopes in this regard and increased the range of the crisis we are witnessing today between the two parties. It is projected that the two powers do not necessarily head for a large-scale military confrontation. In fact, the history of the tense relationship between these two powers over the past four decades confirms this claim.

A large-scale military confrontation is unlikely to happen even in the context of the heightened tension. Apart from misunderstandings and relatively limited naval frictions in the Gulf, the two powers have many reasons to avoid war on a broad front. Despite the obsession of the US anti-Iranian political establishment, neither the Pentagon nor the CIA appear to be offering a genuine aggressive stance against this country.<sup>lxxiii</sup>

The optimal, realistic approach would be to respect the relations between the two parties, which is the best way to calm the Iranian policy. Serious bilateral dialogue is the best guarantee for protecting US interests in the region as well as for enabling the Iranian people to better use democracy and human rights, while preserving their traditions and creating an envisaged “true Iranian course of modernity”.

#### **Findings and conclusion**

The United States today finds itself unable to deter Iran that has become an important force of more weighing in the region to be more accounted before it would be confronted. Given this situation, the United States is stepping up initiatives to maintain its position in the region through the use of hard power, on the one hand (e.g., waging wars in Iraq and Libya, decisive support for the conflict in Syria, incitement to and support for the Yemen war, and continued threats against Iran. ..), or the use of soft power, on the other hand, represented by supporting dissident groups abroad and opposition at home or the media in opposing states, and offering the democratization model as well as urgent economic or military assistance to allies whenever required.

The problem of American hegemony in the Middle East is in fact a much broader issue than a crisis between the United States and Iran (and recently Turkey). America is currently the world's largest power (particularly on the economic and military levels). It has always intended to maintain its hegemony over a world that is in fact moving towards becoming increasingly multipolar, especially with the rise of China as a world power, the return of Russia to a somewhat similar role to that of the former Soviet Union, the arrival of emerging powers (particularly India and Brazil), and the growing entrenchment of regional powers (Turkey, Nigeria, Indonesia ...) to declare the end of American hegemony thought by Washington to be eternal after the fall of the Union of Soviet Socialist Republics. In short, we can summarize the case of the United States in the world in the claims that its power does not falter though its competitors are growing in number and power.<sup>lxxiv</sup>

The relationship between the United States and Iran seems complex and difficult in many respects. In general, Washington is dissatisfied with Iran. It perceives Iran as a source of anxiety for more than one reason. Besides its influence in the region and its hostility towards the United States and Israel, Washington accuses it of supporting terrorism as well as of attempting to obtain an atomic bomb through its nuclear program. Therefore, it tries to coerce Tehran to improve its intentions. This has prompted the United States to adopt various tactics such as international and regional isolation, application of military and economic sanctions, attempts to destabilize authority, among others.

Eventually, none of them has proven to be effective. As a conclusion to the US options toward Iran that could be used at present, there are three: first, the war option that

could prevent the Iranian threat against US interests in the region and Israel's security. Nevertheless, this war will not be without risk to the Iranian people, the US army, Israel and the stability of the region. Second, others believe that for the purpose of undermining authority and overthrowing the regime, it is better to support, develop, finance, and assist the existing opposition, train its members and fund dissident media. However, this solution appears to be useless for a non-united opposition, so it would be targeted and further oppressed.

Finally, with Tehran showing stubborn opposition and the emergence of new powers on the chessboard in the Middle East (China and Russia in particular), the US is not the only one to dominate influence in the Middle East. This is a clear example of the current state in the world, which was on its way to the establishment of the “unipolar system” that emerged as a result of American control after the fall of the "Iron Curtain", since matter has appeared to favor the arrival of emergent powers or the return of traditional ones. The prospect of multipolar world is an indisputable fact. But, the United States seeks to combat any changes in this regard and this will change the balance of power in the region.

The decline of US influence in the world is not only due to the erosion of its power, but also due to the progress of other global or regional powers like Iran. In a world shifting towards multipolarity in the future, Iran must find its place as a regional power to work together with the United States for the sake of looking for positive future solutions beneficial to both countries. This requires dialogue and understanding between Washington and Tehran as a ground for building a new phase of stability and security in the Middle East.

Within our current vision and our and future prospects of the escalating US-Iranian conflict, we think that things would go to a dramatically further escalation. However, it would be soon resolved as happened with North Korea, where the dispute with the United States lasted for nearly seven decades and ended with signing of more than one agreement between the two parties during the last few months, in the presence of the US and North Korean presidents. This ended one of the world's hottest and most aggravating file.



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 Endnotes

<sup>i</sup> Deputy editor of the French newspaper Le Parisien for political affairs since 2012 til now.

<sup>ii</sup> Philippe Martinat (avec Q.L.), «Etats-Unis -Iran: pourquoi tant de haine ? »,23 juillet 2018.

<sup>iii</sup> Rouhollah MOVAHHEDI, « La politique étrangère des Etats-Unis au Moyen-Orient après le 11 septembre 2011 : en particulier à l'égard de l'Iran (sous la présidence de George W. Bush) », Sarrebruck, 2012.

<sup>iv</sup> The CIA called the operation Ajax / TPAJAX Project and admitted responsibility in 2013.

<sup>v</sup> Philippe Martinat (avec Q.L.),op.cit.

<sup>vi</sup> Rouhollah MOVAHHEDI ,op.cit.

<sup>vii</sup> Philippe Martinat (avec Q.L.),op.cit.

<sup>viii</sup> Rouhollah MOVAHHEDI ,op.cit.

<sup>ix</sup> Ali RASTBEEN , « Les Etats-Unis et l'Europe face à l'Iran sur le chemin escarpé de la mondialisation » , politique-actu : <http://www.strategicsinternational.com/>

<sup>x</sup> Farhad Khosrokhavar , La politique étrangère en Iran : de la révolution à l'« axe du Mal », Politique étrangère, n°1 , 2003 , 68<sup>e</sup>année. p.87.

<sup>xi</sup> Khosrokhavar op.cit,p. 97.

<sup>xii</sup> Rouhollah MOVAHHEDI ,op.cit.

<sup>xiii</sup> Khosrokhavar, op.cit. p.87.

<sup>xiv</sup> MOVAHHEDI ,op.cit.

<sup>xv</sup> The victory of Mahmoud Ahmadinejad in the presidential elections in June 2005 was a surprise to the majority of observers. Once the official results of the election were known, Rafsanjani publicly declared that the election was full of irregularities, but he would not go to court, preferring to rely on divine justice - and forgetting, although he himself had contributed significantly to the establishment of Iran's judicial system. See Mohammad-Reza Djalili, « L'IRAN D'AHMADINEJAD : ÉVOLUTIONS INTERNES ET POLITIQUE TRANGÈRE,Institut français des relations internationales (IFRI) », Politique étrangère, Printemps, 2007/1, p.27.

<sup>xvi</sup> MOHAMMAD-REZA DJALILI et THIERRY KELLNER ,Histoire de l'Iran contemporain,( Paris: La Découverte, 2010) ,p.62.

<sup>xvii</sup> Suzanne Maloney, « Téhéran/Washington : une relation immobile ? », Politique étrangère, n. 3, 2011, p.780.

<sup>xviii</sup> Khosrokhavar,op.cit,p.85.

<sup>xix</sup> Ahmad Amin Abdelaal, Iran and the United States: will the Iraq Scenario be Repeated ?, Arab Democratic Center, 26/07/2018: <https://democraticac.de/?p=55468> \_

<sup>xx</sup> « L'Iran ironise sur les "pseudo-révélation" d'Israël sur un programme nucléaire secret » , Le HuffPost avec AFP, 30/04/2018.

<sup>xxi</sup> Ibid.



<sup>xxii</sup> Jade Toussay, Le retrait des États-Unis de l'accord sur le nucléaire iranien est surtout la victoire de Netanyahu Cela fait plus de 20 ans que le premier ministre israélien alerte sur la menace nucléaire iranienne imminente selon lui, Le HuffPost, 09/05/2018 01:21 : [https://www.huffingtonpost.fr/2018/05/08/le-retrait-des-etats-unis-de-laccord-sur-le-nucleaire-iranien-est-surtout-la-victoire-de-netanyahu\\_a\\_23430057/](https://www.huffingtonpost.fr/2018/05/08/le-retrait-des-etats-unis-de-laccord-sur-le-nucleaire-iranien-est-surtout-la-victoire-de-netanyahu_a_23430057/)

<sup>xxiii</sup> « L'Iran ironise sur les "pseudo-révélation" d'Israël sur un programme nucléaire secret », op.cit.

<sup>xxiv</sup> «Tensions Iran/États-Unis : une troisième guerre du Golfe »,op.cit.

<sup>xxv</sup> Stephen Cohen, born November 25, 1938, is an American scholar and honorary professor of Russian studies at Princeton University and New York University. His academic work focuses on the recent history of the Bolshevik revolution and its relationship with the United States. He is also the editor-in-chief of The Nation and is the founding director of the American Committee for the Middle East.

<sup>xxvi</sup> Stephen F. Cohen, « Obama's Russia Reset : an other lost opportunity ? », The Nation, JUNE 1, 2011.

<sup>xxvii</sup> Julien Milquet, « L'action des états-Unis envers la République islamique d'Iran », Collection "Au Quotidien", Collection "Au Quotidien", mars 2013 : <http://www.cpcp.be/etudes-et-prospectives/collection-au-quotidien/action-usa-republique-islamique-iran>.

<sup>xxviii</sup> Giacomo Goldkorn , « L'Iran et sa capacité à déclencher une guerre nucléaire », Outre-Terre, n. 28, 2011, p.170.

<sup>xxix</sup> Nicolas Barotte, L'Iran dans le viseur d'Israël et des États-Unis, lefigaro, 18/02/2018.

<sup>xxx</sup> Mahan Abedin , « Tensions Iran/États-Unis : une troisième guerre du Golfe ? », Middle East Eye, 14 August 2017 : <http://www.middleeasteye.net/opinions/tensions-iran-tats-unis-une-troisi-me-guerre-du-golfe-2043113552>

<sup>xxxi</sup> Khosrokhavar op.cit, p. 87.

<sup>xxxii</sup> Mahan Abedin , « Tensions Iran/États-Unis : une troisième guerre du Golfe ? », op.cit.

<sup>xxxiii</sup> Mansour Abu Karim, American Strategy Towards the World in Trump's era, rab Democratic Center, 15/02/2018:<https://democraticac.de/?p=52407><https://democraticac.de/?p=52407>

<sup>xxxiv</sup> «Donald Trump : la politique qu'il compte appliquer dans le monde arabe », le point, 09/11/2016.

<sup>xxxv</sup> "Day by Day .. How did the Confrontation between Trump and Iran flame up?", CNN Arabia, 04 February 2017; 11:46 (GMT +0400) : <http://arabic.cnn.com/middleeast/2017/02/04/iran-us-tensions-timeline>

<sup>xxxvi</sup> Mansour Abu Karim, op.cit.

<sup>xxxvii</sup> Bernard Hourcade, Géopolitique de l'Iran , (Paris : Armand Colin, 2010), p.85.

<sup>xxxviii</sup> ELY KARMON , « Amérique latine, défi de l'Iran aux Etats-Unis dans leur arrière-cour », Outre-Terre, n. 28, 2011, p. 535.

<sup>xxxix</sup> Graeme Davies, « Coercive Diplomacy Meets Diversionary Incentives:The impact of Us and Iranian domestic politics during the Bush and Obama Presidencies » , Foreign Affairs Analysis, n.8, July 2012:<https://doi.org/10.1111/j.1743-8594.2011.00164.x>

<sup>xl</sup> Stephen F. Cohen,op.cit.

<sup>xli</sup> « L'Iran ironise sur les "pseudo-révélation" d'Israël sur un programme nucléaire secret », op.cit.

<sup>xlii</sup> Ibid.

<sup>xliii</sup> Gideon Rose , « Iran and the bomb », Foreign Affairs, Vol. 91, No. 5 (SEPTEMBER/OCTOBER 2012), p.98.

<sup>xliv</sup> COLIN. H. KAHL. Kenneth Waltz, Iran and the Bomb: Would a Nuclear Iran Make the Middle East More Secure? », Vol. 91, No. 5 (SEPTEMBER/OCTOBER 2012), pp. 160-161.

<sup>xlv</sup> Allen L. Keiswetter , «The Arab Spring: Implications for US Policy and Interests, The Middle East Institute», Jan 13, 2012.

<sup>xlvi</sup> «Remarks by President Trump on the Joint Comprehensive Plan of Action», The White House, May 8, 2018, , 21/5/2018 : <https://goo.gl/u38QcY>

<sup>xlvii</sup> Cristiano Lima, «Trump warns of 'very severe consequence' if Iran restarts nuclear program», Politico, May 9, 2018, 21/5/2018 : <https://goo.gl/ghzhbL>

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<sup>xlviii</sup> «Les Etats-Unis appellent l'ONU à sanctionner l'Iran», Le Figaro, 27/06/2018.

<sup>xlix</sup> For more details, see Bo Ram Kwon, « Comparing the conditions for sanctions in Iran and North Korea Inwook », article in Korean Journal of Defense Analysis , March 2016,p .18.

<sup>l</sup> «Statement by the President on the Iran Nuclear Deal», The White House, January 12, 2018, 21/5/2018 : <https://goo.gl/nGQhWf>

<sup>li</sup> «États-Unis et Iran, un pas de plus vers la guerre ? », site de la REVOLUTION PERMANENTE, lundi 14 mai 2014: <http://www.revolutionpermanente.fr/Etats-Unis-et-Iran-un-pas-de-plus-vers-la-guerre>

<sup>lii</sup> « Le retrait de General Electric en Iran, quelles pertes pour le conglomérat ? », latribune.fr , 01/06/2018.

<sup>liii</sup> Graeme Davies, « Coercive Diplomacy Meets Diversionary Incentives:The impact of Us and Iranian domestic politics during the Bush and Obama Presidencies »,op.cit.

<sup>liv</sup> The UN Security Council imposed four sets of sanctions against Iran in December 2006, March 2007, March 2008, and June 2010. US sanctions were imposed after Iranian students stormed the US embassy in Tehran and took diplomats hostage in 1979. In 1995, former US President Bill Clinton issued executive orders prohibiting US companies from investing in Iranian oil and gas and from trading with Iran. In October 2007, Washington imposed sanctions on three Iranian banks and called the Iranian Revolutionary Guards “proliferator of mass destruction weapons.” On June 24, 2010, the US Congress passed new unilateral sanctions aimed at putting pressure on Iran's energy and banking sectors. In May 2011, the United States announced new sanctions against Venezuelan state oil company (PDVSA) and six other small oil companies and shipping companies for trading with Iran in violation of the US embargo. This angered Hugo Chavez's government. In June 2011, Washington announced new sanctions against Iran's Revolutionary Guard Corps, the Basij Resistance Forces, Iranian law enforcement forces, and its commander, Ismail Ahmadi Moqaddam. By these sanctions, any assets belonging to the targets have been frozen and all American individuals and companies have been prohibited from dealing with the aforementioned bodies. On November 21, 2011, Washington described Iran as a "major money-laundering zone." This step aimed at convincing non-US banks not to deal with Iran. The United States has blacklisted 11 defendants accused of helping Iran with its nuclear program. It has also expanded its sanctions to target companies helping Iran in its oil and petrochemical industry. On December 31, 2011, US President Barack Obama passed the Defense Financing Law to impose sanctions on financial institutions that deal with Iran's central bank, the main channel for oil revenues. Under the law, institutions that are subject to sanctions will be excluded from US financial markets. On January 13, 2011, the United States imposed sanctions against China's state-owned energy trading firm Zohai Zhenrong, which Washington has described as Iran's largest supplier of petroleum products. It also banned Singapore's Co Oil Pte Company and UAE's Val Oil Limited Company. With regard to the European Union sanctions, it tightened its sanctions against Tehran. It has decided to ban joint business with Iranian companies operating in the oil and natural gas industries and any branch or facility under their management. All EU member states prohibit to provide insurance and reinsurance to the Iranian Government, to import and export weapons and equipment that could contribute to uranium enrichment or could have "dual use," and to sell, supply or transfer energy equipment and technology used by Iran to refine, liquefy, explore and produce gas. The EU expects that the impact of sanctions will increase over time as existing spare parts will be destroyed and not compensated. In May 2011, foreign ministers of EU member states significantly expanded the sanctions and added 100 new entities to a list of companies and individuals, including those owned and operated by Iranian shipping lines. In October 2011, the Union imposed sanctions on 29 people in a new expansion of the list, targeting individuals related to what were described as human rights violations. This brings the total to 61. On December 1, 2011, the EU added 180 Iranian entities and individuals to a blacklist, which imposes assets freeze and travel ban on those linked to the nuclear program. On January 23, 2012, the EU imposed an immediate ban on all new contracts for the import, purchase and transportation of Iranian crude oil and petroleum products, with allowing member states that have valid contracts to purchase oil and petroleum products until the first of next July. EU officials said they had also agreed to freeze the assets of Iran's central bank and ban trade in gold and other precious metals, along with the other Iranian government institutions. See: Record of International Sanctions Against Iran, Al Jazeera Satellite Channel: <http://www.aljazeera.net/news/reportsandinterviews/2012/1/23>  
US President Donald Trump returned to impose comprehensive sanctions on Iran after he withdrew from the 2015 nuclear deal. The sanctions targeted Iran's purchases in the automotive and transport sector as well as its commercial activities and purchases of gold and other base metals. They came into effect on

August 7, 2018. See, `` Iran and America: Trump Reimposes Sanctions on Iran's Vital Sectors, " BBC Arabic, August 7, 2018.

<sup>lv</sup> Kenneth Katzman, «Iran: U.S. Concerns and Policy Responses, Congressional Research Service» , October 1, 2014, p 22.

<sup>lvi</sup> Ph.D. in Political Science, University of Caen Pass Normandy.

<sup>lvii</sup> Rouhollah MOVAHHEDI, op.cit.

<sup>lviii</sup> Suzanne Maloney , «Iran Nuclear Deal in Sight? »,Interview, June 26, 2014 , Council on Foreign Relations: <https://www.cfr.org/interview/iran-nuclear-deal-sight>.

<sup>lix</sup> Suzanne Maloney et Guylaine Vivarat ,« Les perspectives géopolitiques de la nouvelle administration américaine et les affrontements régionaux de l'Iran », *Géostratégiques*, n. 23, 2009, p. 11-12.

<sup>lx</sup> Tanguy Struye de Swielande , « La grande stratégie américaine dans l'après 11 septembre », Cairn.info : <https://www.cairn.info/revue-strategique-2006-1-page-19.htm>

<sup>lxi</sup> U.S. DEPARTEMENT OF STATE , 11/12/2012: <http://www.state.gov>

<sup>lxii</sup> Ibid.

<sup>lxiii</sup> OTPOR: a political organization in Serbia (a republic of the former Yugoslavia), active between 1998 and 2004.

<sup>lxiv</sup> Graeme Davies, « Coercive Diplomacy Meets Diversionary Incentives: The impact of Us and Iranian domestic politics during the Bush and Obama Presidencies »,op.cit.

<sup>lxv</sup> Ibid.

<sup>lxvi</sup> Mahan Abedin , « Tensions Iran/États-Unis : une troisième guerre du Golfe ? »,op.cit.

<sup>lxvii</sup> « D'où viennent les néoconservateurs ? de Francis Fukuyama Grasset», *Le Figaro* , 30/11/2006.

<sup>lxviii</sup> Expected Profiles of the United States foreign policy under the Trump Administration," Policy Analysis Unit at the Arab Center for Policy Research and Studies, December 2016, p. 9.

<sup>lxix</sup> « Relations entre les États Unis et l'Iran : perspectives d'avenir, en: entre espoir et craint un nouvel Iran ? », 2018-04-04: <https://www.canada.ca/fr/service-renseignement-securite/organisation/publications/entre-espoir-et-crainte-un-nouvel-iran/chapitre-9-relations-entre-les-etats-unis-et-liran-perspectives-davenir.html>

<sup>lxx</sup> Stephen F. Cohen,op.cit.

<sup>lxxi</sup> It is a group of five permanent members of the UN Security Council (the United States, France, Britain, Russia, China), as well as Germany), which handles negotiations with Iran over its nuclear program. The group began its work in 2006 and continues up today, despite the US withdrawal.

<sup>lxxii</sup> « Relations entre les États Unis et l'Iran : perspectives d'avenir » , op.cit.

<sup>lxxiii</sup> Mahan Abedin , « Tensions Iran/États-Unis : une troisième guerre du Golfe ? » ,op.cit.

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