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Editor-in-chief introduction

The correct interpretation of reality through academic investigation represents the largest scientific approach to bring the image of research by governments and individuals in the global society. The latter will succeed in their development paths when they base their legislative, organizational, executive and judicial powers on this approach. Similarly, the international community will follow the path of global development in most areas if states concerted efforts deployed outside the field selfishness of private interests.

The journal of Afro-Asian Political, Economic and Strategic Studies published in Germany is considered one of the most important scientific platforms concerned with the realization of this equation through the scientific interpretation of reality, based on quality. intellectual of many subjects related to the societies of the countries of the two continents: Africa and Asia.

The research published in this journal also allows scientific communication with many researchers from different countries of the world, as well as with many scientific platforms. Especially since the research is published in the most widely disseminated language in the world

The ninth issue of this journal is distinguished by the richness of his scientific ideas, through studies covering different regions of the continents of Africa and Asia, including: Causes of conflicts in Darfur, International consequences of Myanmar's military coup, legal certainty to protect human rights in Algeria, public diplomacy in South Korea and covid-19, media coverage of elections for the United States, the dilemma of the curse of the Algerian economy and the risk of liberalization of foreign trade by the Euro-Mediterranean partnership, the effects of cryptocurrency on monetary policy, the favorable options of the Transitional Justice of the Sudan, disciplinary procedures for staff between Palestinian law and Islamic jurisprudence.

Editor-in-chief
Dr. LATRECHE Ali
Journal of Afro-Asian Studies



Introduction du rédacteur en chef

L'interprétation juste de la réalité à travers l'investigation académique représente l'approche scientifique la plus importante pour rapprocher l'image de la recherche des gouvernements et des individus de la société mondiale. Ces derniers réussiront dans leurs voies de développement lorsqu'ils fonderont leurs pouvoirs législatifs, organisationnels, exécutifs et judiciaires sur cette approche. De même, la communauté internationale suivra la voie du développement mondial dans la plupart des domaines si les États déployaient des efforts concertés, en dehors du champ de l'égoïsme des intérêts privés.

La revue des études politiques, économiques et stratégiques afro-asiatiques publié en Allemagne est considérée comme l'une des plates-formes scientifiques les plus importantes concernées par la réalisation de cette équation grâce à l'interprétation scientifique de la réalité, basée sur la qualité intellectuelle de nombreux sujets liés aux sociétés des pays des deux continents : l'Afrique et l'Asie.

La recherche publiée dans cette revue permet également de communiquer scientifiquement avec de nombreux chercheurs de différents pays du monde, ainsi qu'avec de nombreuses plateformes scientifiques. D'autant plus que les recherches sont publiées dans la langue la plus largement diffusée dans le monde.

Le neuvième numéro de cette revue se distingue par la richesse de ses idées scientifiques, à travers des études couvrant différentes régions des continents d'Afrique et d'Asie, dont:

Les causes des conflits au Darfour, les Conséquences internationales du coup d'Etat militaire de Myanmar, la sécurité juridique pour protéger les droits de l'homme en Algérie, la diplomatie publique en Corée du Sud et covid-19, la couverture médiatique des élections pour les États-Unis, le dilemme de la malédiction de l'économie algérienne et le risque de libéralisation du commerce extérieur par le partenariat Euro –Méditerranéen, les effets du Crypto-monnaie sur la politique monétaire, les options favorables de la Justice transitionnelle du Soudan, les procédures disciplinaires pour les fonctionnaires entre la loi palestinienne et la jurisprudence islamique.

Rédacteur en chef
Dr. LATRECHE Ali
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Index of Issue

Title	page number
Disciplinary Procedures for Public Service Employee Between Palestinian Law and Islamic Jurisprudence <i>Sohail Al Ahmad Sohaib Yaser Shaheen</i>	8
International Implications of Myanmar's Military Coup <i>Amira Elsayed Hassan Seddik</i>	25
Media Coverage of the US elections in the news channels On social net media sites A comparative analytical study between of the two pages of "BBC 'Arabic' channel and Sky news Arabia' channel <i>Eman Mohamed Ahmed Hassan</i>	50
NATURAL RESOURCES IN RELATION OF FOREIGN DIRECT INVESTMENT AN EMPIRICAL STUDY ON LIBYAN ECONOMY <i>Salem Ahmed Abdullah</i>	80
Portrayal of Darfur Conflict Causes by (Times of India) (2006-2007) <i>Zuhire Mohammed Osman</i>	94
South Korea Public diplomacy and COVID-19: Aspects of impact and improvement <i>Khaoula Yagoubi</i>	122
The Future of Sino-Algerian Relationship on "O.B.O.R" (One. Belt. One. road) <i>FILALI Ferial</i>	133



Transitional Justice: What are the Favorable Options? The Case of Sudan <i>Abdelaziz Mohamed Hamad Satti</i>	147
Comparative Study of Drafting Tool names (in Kurdish , English, and Arabic) <i>Safia Zivingi</i>	178
LA CRYPTO-MONNAIE ET SES EFFETS SUR LA POLITIQUE MONETAIRE <i>TCHIKOU Faouzi</i> <i>HAMAIDI Mokhtar</i>	183
La sécurité juridique pour protéger Les droits de l'homme en Algérie <i>ABDELLAOUI Djawed</i>	202
Le dilemme de la malédiction de l'économie algérienne et le risque de libéralisation du commerce extérieur par le Partenariat Euro Méditerranéen; Quelles perspectives? <i>MENNAD Ali</i> <i>Halimi Wahiba</i> <i>BENBEKHTI Abdelhakim</i>	221

Disciplinary Procedures for Public Service Employee Between Palestinian Law and Islamic Jurisprudence

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Sohaib Yaser Shaheen: Abbas Leghrour University – Khinshla – Algeria

Abstract :

This study deals with the disciplinary procedures of an employee in the public office in Palestinian law and Islamic jurisprudence. aims at identifying the truth of disciplinary procedures in jurisprudence and legislation, as well as the nature of disciplinary offense and disciplinary punishment related to it in the public office and how to address them. The importance of knowing the disciplinary procedures of the employee in the public service was identified in accordance with the laws and legislation thereof. The study then addressed the stages of disciplinary procedures for the employee in the public service through confrontation and disciplinary accountability of the employee, as well as notification of the direct official of the employee if the existence of these disciplinary irregularities and then showed the compatibility between the two legislations regarding this according to the manifestations and details contained in this study.

Keywords: Disciplinary action, public service, disciplinary offense, Islamic jurisprudence, disciplinary punishment, Palestinian law.



Introduction :

The Palestinian employee in the civil service carries out his duties entrusted to him in accordance with the provisions of the law and legislation regulating his work, as it obliges him to follow the job controls that he is entrusted with accordingly, and the enforcement of this requires accountability and punishment, through disciplinary measures that address the disciplinary accusation and the nature of the investigation that precedes the employee's referral to the disciplinary authority concerned with applying disciplinary punishment, and the Palestinian legislator has guaranteed the right of the accused employee to organize the matter of notifying him of the date of the investigation so that he can attend, according to an administrative hierarchy that is through informing the direct official, and this varies according to the employee's rank , this differs according to the rank of the employee, and the term disciplinary measures and penalties resulting therefrom have not been dealt with in Islamic jurisprudence under this concept. Violations are not valid and legitimate unless they are part of the penalties specified in the law, and the law has stipulated them exclusively, where the disciplinary authority is governed by the principle of legitimacy, and the application of any of the penalties stipulated in the law is only by the authority that the legislator has designated for that. To shed light on this issue, this research came under the title: "*Disciplinary measures for an employee in a civil service between Palestinian law and Islamic jurisprudence.*"

Importance of the topic:

The importance of the topic and the reasons for choosing it are highlighted in the following:

- 1- This topic relates the disciplinary measures for an employee in a civil service in terms of the nature and nature of what is taking place in accordance with the Sharia and Palestinian law.
- 2- Show the importance of standing on the laws and legislations that talked about disciplinary procedures and dealt with the issues of that in terms of description, originality and comparison.
- 3- A statement that knowledge of the legal and legal texts related to disciplinary procedures is an important issue for researchers and specialists through the disciplinary penalties they deal with as a result of these procedures and their developments in the reality of life.
- 4- Touching this topic to contemporary reality, and the importance of the objective confusion associated with it, which necessitates legal and legal studies to address these issues with the aim of scientific treatment.

Research aims:

It is represented by the following:

1. Determine what disciplinary measures are for the employee in the public office and indicate the penalties for them to reach the legal and legal perspective related to that.
2. Explain how the nature of the disciplinary offense and the disciplinary punishment related to it are in the public office in the Sharia and legal concepts.
3. Study what is related to the issues of the disciplinary procedures stages of the employee in the civil service in order to find out the issue accurately and clearly.

Research problem:

The research tries around the answer to resolve the problem of the main question: what are the nature of disciplinary violations and the penalties resulting from it and the disciplinary measures related to it for civil servants in the Palestinian and Islamic legislations?

1. What is the concept of disciplinary measures for an employee in a civil service?
2. What is the nature of the disciplinary offense and the disciplinary punishment related to it in a public office?
3. Are there jurisprudential and legal texts and legislations that dealt with the issue of disciplinary violations and the penalties resulting from them, or not?
4. What are the stages of disciplinary procedures for an employee in a civil service?
5. What is the position of confrontation and disciplinary accountability for a civil servant in the Palestinian legislation and Islamic jurisprudence?

Research Methodology:

The researchers' approach was as follows: relying on the descriptive and analytical approaches, by highlighting what are the disciplinary measures for the employee in the civil service and the nature of the disciplinary penalties for that in Palestinian and Islamic legislation, as well as analyzing the texts and laws related to that with the aim of identifying the implications of scientific and objective research, through reference to references Specialized in research topics.

Search content:

This study - in addition to the introduction and conclusion - Comes in two topics, as follows:

The first topic: What are the disciplinary measures for an employee in a public office in Islamic law and legislation.



The first requirement: the concept of disciplinary measures and the authority concerned with them in the public service in Islamic law and legislation

The second requirement: the disciplinary offense and the disciplinary punishment related to it in the public office in Islamic law and legislation

The second topic: disciplinary measures for an employee in a public office in Islamic law and legislation

The first requirement: the disciplinary confrontation and accountability of the employee in the public office in Islamic law and legislation

The second requirement: Notifying the direct official from the employee in the public office in Islamic law and legislation .

The first topic: What are the disciplinary measures for an employee in a public office In Islamic law and legislation

The employee is asked about the mistakes He/she commits when performing his job, a responsibility that is based on a mistake and the duty of proof, as it assigns the public administration to prove that the employee has actually committed a mistake in his job¹

The first requirement is the concept of disciplinary measures and the authority concerned with them, In the public service in Islamic law and legislation

First: the concept of disciplinary measures

Discipline is a language: it is polite, and its source is literature from the door of beating, and its literature is said to be literature, meaning: "I taught him the sport of the psyche and the advantages of morals ... and his etiquette was said to discipline if you punished him for his offense because it is a reason that calls for the truth of literature".²

Non-judicial disciplinary measures mean: Those procedures and guarantees prior to the disciplinary trial stage, and it includes both disciplinary accusation procedures and investigations prior to referral to the disciplinary authority competent to impose the disciplinary penalty.³

Dr. Khaled Al-Zoubi defined it as: "Those steps that must be followed from the employee's mistake until the punishment is imposed on him. Disciplinary procedures in this sense go through two phases: the first of them is the investigation phase in which the

1- Houria Orak, Disciplinary Procedures for the Public Official in Algeria, Ijtihad Journal for Legal and Economic Studies, Issue (1), 2012, pg. 139.

2 - Ahmed bin Muhammad Al-Fayoumi, The Enlightening Lamp, Dar Al-Hadith, Cairo, 2000, P.11.

3 - Abdullah Arjamand, The Philosophy of Disciplinary Procedures for Civil Service Workers: A Comparative Theoretical and Practical Study in the United Arab Emirates, Journal of Security and Law, Volume (7), Issue (1), 1999, p. 432.

occurrence of the mistake is trusted and attributed to the employee with the collection of evidence and sufficient data to convict him, and the second It is: the trial stage, which usually ends with the infliction of the penalty as soon as it is proven that the employee committed the disciplinary error".⁴

It appears here that the disciplinary procedures are: All the steps and stages that the disciplinary penalty decision-making process goes through, starting from the employee's violation, proving the violation, passing the punishment,⁵ or referring the employee to the investigation committee, and then carrying out the investigation procedures, up to the disciplinary punishment of His own doing.

The term disciplinary measures and the penalties resulting therefrom has not been dealt with in Islamic jurisprudence under this concept. Rather, Islamic legislation deals with the subject of unappreciated punishments that are due to the judge's discretionary authority, which is called the discretionary punishment, and his ruling differs according to his condition and the state of his perpetrator, so the punishment corresponds in the way that it is a discipline of reclamation and restraint, which differs according to the difference of sin.

The philosophy of discretionary punishments is based on disciplining and restraining the perpetrator, in terms of reforming, correcting, and disciplining himself for this. The criterion that the judge adopts in choosing the discretionary punishment is its ability to achieve reform, discipline and restraint, and thus set the appropriate punishment for each criminal, whether it is in his person and his circumstances Or in his criminal act".⁶

And since it is intended to reform, discipline and rebuke; The sincere repentance is waived for discretion, and the judge or the guardian may also pardon the perpetrator if the crime is related to the rights of God, and if it is related to the rights of people. It is imperative to pardon the victim, restore the rights to their owners, and then count the statute of limitations for discretionary punishments⁷ according to the Islamic concept.

If it is sincere repentance, the penalty is waived in this world and the hereafter. The execution of the punishment in this world is an expiation for that sin or the crime in which it was excused, and a purification that removes the responsibility of the individual for the criminal act, and forfeits the punishment or torture in the Hereafter Therefore,⁸ most of the

⁴ - Khaled Al-Zoubi, Administrative Law, House of Culture for Publishing and Distribution, Amman, 1998, p. 248.

5 - Some disciplinary penalties may be issued without referral to an investigation committee as approved by Article (69) of the Civil Service Law No. (4) of 1998, whereby the article stipulates: "With the exception of the penalty for warning or attention, a penalty may not be imposed on the employee except after his referral To a committee to investigate him and hear his statements, and this will be proven by recording in a special report, and the decision issued to impose the penalty is justified, "which will be clarified later in this study.

6 - The groom, Hala, Personal Discrimination Punishment in Islamic Law, p. 418.

7 - Al-Sarraj, Abboud, Comparative Penal Legislation, p. 459.

8 - Al-Sarraj, Abboud, Comparative Penal Legislation, p. 290.

scholars are of the view that punishments are both marriage and force, and if they are established in this world, it will expiate the sin, and there is no punishment for its people in the hereafter, and the punishments are expiation for its people.⁹

The prevailing trend in the discretionary penalties is the inclusion of the statute of limitations for the crime and the punishment, because all the provisions related to discretionary punishment aim at achieving a public interest, and the guardian is the one who assesses the areas of achieving this interest. In that, his right to this is similar to his right to pardon the crime or punishment in discretionary discretion, and his right to take the statute of limitations as a matter of priority.¹⁰

Second:

The authority concerned with it

The authority concerned with disciplinary means: the authority appointed by the legislator to apply the disciplinary penalties stipulated in the law on public office, and accordingly, no other body may exercise this competence except with its authorization in accordance with the legal controls and conditions related to the mandate.¹¹

Administrative jurisprudence has shown the systems that have the right to discipline by referring them to three main systems: the presidential system, the quasi-judicial system (disciplinary councils), and the judicial system (disciplinary courts).¹²

And with an indication of the nature of the disciplinary authorities; It must be known that disciplinary penalties resulting from violations are not valid and legitimate unless they are part of the legally defined penalties, i.e. those stipulated by law exclusively, and this does not mean that there is a match between the principle of legality in disciplinary law, and the principle of legality in criminal law, Although the legislator specifies criminal punishment exclusively, as is the case with disciplinary penalties, however, in the case of the first penalties, he only decides a specific penalty, whether from one or two terms, for each specific criminal offense, and therefore he does not leave the criminal judge much freedom in this regard, unlike disciplinary penalties where he suffices to define a list of

9 - Al-Zuhaili, Wehbe, Sharia Punishments, Judicial Punishments, and Testimonies, 4/16, 17.

10 - See: Al-Sarraj, Abboud, Comparative Penal Legislation, p. 459.

11 -Muhammad Al-Khalayleh, Administrative Law, Book Two, House of Culture for Publishing and Distribution, Amman, Third Edition, 2017, p. 131.

12 - Ali Jumaa, Administrative Discipline in the Public Service, Dar Al Thaqafa for Publishing and Distribution, 2004, p. 162.

those penalties, leaving the disciplinary authority free to choose The appropriate penalty for administrative punishment is among them.¹³

What is meant by the disciplinary authority is that authority concerned with discipline, which differs according to different regulations and from legislation to another, as the legislator appoints this disciplinary authority, whether it is administrative, judicial, or quasi-judicial.¹⁴

The disciplinary authority is governed by the principle of legality, whereby only the authority that the legislator has designated for that is the authority that has the right to apply any of the penalties stipulated by law, and it is not permitted to delegate disciplinary action unless the law stipulates that.¹⁵

The role of the disciplinary authority in the field of discipline is to determine both the disciplinary offense and the disciplinary punishment resulting therefrom, and the basis of this authority is the type of legal relationship that links the employee to the state, according to its passing through stages that ended with the organizational (regulatory) relationship, not the contractual relationship, which considers that the provisions of the position include the rights it contains, And the duties it imposes are derived from the texts of laws and regulations governing them, and that the employee is located in a regulatory and regulatory position,¹⁶ Where the Palestinian legislator specified in the text of Article (69) of the Civil Service Law the following:

1 - The referral for investigation is for a disciplinary violation who has the power to impose the punishment on the employee.

2 - With the exception of the warning or attention penalty, a penalty may not be imposed on the employee except after referring him to a committee for investigation and hearing his statements, and this is proven by recording in a special report, and the decision issued to impose the punishment is reasoned.¹⁷

According to the Civil Service Law, the competent authority in legislation is one who has the power to impose the punishment on the employee, i.e. the direct supervisor whose powers are limited to inflicting the disciplinary punishment (alerting or drawing attention), Otherwise, the punishment may not be inflicted without forming an investigation committee, Through the recommendation of the head of the government department to his immediate superior, taking into account the administrative hierarchy, the legislator has

13 - Abdullah Arjamand, The Philosophy of Disciplinary Procedures for Civil Service Workers: A Comparative Theoretical and Practical Study in the United Arab Emirates, previous reference, pg. 435.

14 - Khaled Al-Zoubi, Administrative Law, previous reference, p. 240.

15 - Sulaiman Al-Tamawi, Disciplinary Judiciary, Dar Al-Fikr Al-Arabi, 1995, p. 432.

16 - Tawfiq Shehadeh, Principles of Administrative Law, Dar Al Maaref, Cairo, 1955, p. 476.

17 - Article (69) of the Civil Service Law No. (4) of 1998.

identified in the following articles the competent authorities in disciplinary punishment according to the category of the employee, as Articles (70 and 71) of the same law specify the procedures for disciplining employees of the second and third categories.

The second requirement: the disciplinary offense and the disciplinary punishment related to it in a public Office in Islamic law and legislation

A disciplinary offense is defined as: the employee's breach of the duties of his job specified in law, by statute, or in accordance with the orders of the president, whether by refraining from performing the duties that fall within his jurisdiction of duties or what he was assigned to by the boss, or by performing actions that contravene the duties of his job, or if he carried out it in a manner other than The required manner, whether the violation is inside or outside the workplace, during or after leaving the service as long as it is related to the duties of the job, as well as from the point of view of the employee's breach of moral values and the appearance consistent with his position.¹⁸

The public servant in the Islamic concept is entrusted with his job and the duties and responsibilities that result from that, and any contravention or fraud of the tasks of his job, such as giving a technical opinion to favor a personal interest, or adopting a method that is more financially costly for a passion for the soul, is considered an offense that deserves punishment and discipline Where the Messenger of God, may God's prayers and peace be upon him, says: "There is no shepherd whom God entrusts with a flock who dies on the day he dies while he is deceiving it, except that God forbids him to smell Heaven".¹⁹

On the authority of the Prophet, may God's prayers and peace be upon him, he said: "There is no prince who follows the affairs of Muslims and then does not strive for them and advise them unless he does not enter Heaven".²⁰

And due to the importance of employee discipline at work and behavior during it with realization of trust, the Prophet - may God bless him and grant him peace - said to the people of Najran:

"I will send to you an honest, right, faithful, right, trustworthy man." So the people were very delighted, so Aba Ubaidah ibn al-Jarrah was sent - may God be pleased with

¹⁸ - Abdul-Ghani Yifoot, Basic Guarantees in the Field of Discipline, The Arab Journal of Local Administration and Development, No. (84), 2009, p. 32.

¹⁹ - Issued by Al-Bukhari, Kitab Al-Ahkam, Chapter of Those Who Was Attained a Parish Who Was Not Advised, No. (7151), Muslim, Al-Sahih, Book of the Principality, Chapter on the Virtue of the Just Imam and Punishment of the Unjust, and Urging the Kindness and Prohibition of Entering Hardship on them, No. , Jordan, 1998 AD.

²⁰ - Muslim, Al-Sahih, Book of the Principality, Chapter on the Virtue of the Just Imam and Punishment of the Unjust, and the Encouragement of Kindness and the Prohibition of Inflicting Hardship on them, No. 1829

him,²¹ This is to demonstrate the importance of these ethical and behavioral rules and to encourage public employee characterization with them.

Disciplinary violations are divided in one aspect of jurisprudence s divided into three types: violation of laws, regulations, regulations, and instructions, exit or breach of job duties, and behavior that violates the dignity of the job, discrimination and lack of objectivity in providing service or assault on public morals, and others divided them according to the nature of the error committed into Two types: financial and administrative violations.²²

In order for the disciplinary offense to be recognized, the following elements must be met:

1-The material element: It is the deviant activity that is the subject of the disciplinary issue represented by positive or negative action, and these actions must take a tangible external appearance, meaning that the employee performs an act that is contrary to the duties of the job or his abstention from performing a work that he is required by his job duty to do, and the action must be constant And that it is not based on mere conclusions or rumors, and ideas and intentions are not punished as long as they are not translated into actions.²³

2-The moral element: It means that the act was issued by the employee with a free and sound will, and this will is not required to be intentional or out of bad faith.²⁴

3-The Pillar of Islamic Law : The jurisprudence has differed on this element as one of the pillars of the disciplinary offense, as some of them denied this on the basis that the disciplinary offense is not like a criminal offense that is subject to the principle of no crime or punishment except by a text, and that disciplinary offenses are not limited, and others went that Legitimacy in disciplinary offenses differs from legitimacy in criminal offenses, so although the legislator does not limit all disciplinary offenses, it has established a general provision under which all disciplinary offenses may be included, and in this way the Islamic law element is achieved.²⁵

As for disciplinary punishment, it is defined as: one of the means of management that includes an element of pain and is used in accordance with the law in facing the perpetrators of disciplinary violations within the functional group in order to maintain order in it.²⁶

²¹ - Compiled by Al-Bukhari, Al-Sahih, No. (4380).

²² - Karima Bellili, Administrative Investigation as One of the Disciplinary Guarantees for Public Employees, Master Thesis, University of Jordan, 2013, p. 38.

²³ - Ziad Al-Masaar, Judicial Oversight of Disciplinary Decisions on Public Officials: A Comparative Study, Master Thesis, Yarmouk University, Jordan, 2013, p.

²⁴ - same reference, p. 35.

²⁵ - same reference, p. 35.

²⁶ -Mustafa Afifi, Philosophy and Objectives of Disciplinary Punishment, A Comparative Study, PhD Thesis, Ain Shams University, Cairo, 1976, p. 27.

The disciplinary punishment aims to deter the violating employee so that he does not return to committing another violation, thus achieving deterrence for the rest of the employees and ensuring their commitment to the rules of behavior, good progress of work and then raising the efficiency of performance, as well as reform and correction by studying the causes and types of violations committed, educating employees and developing appropriate mechanisms to ensure Not to be repeated in the future.²⁷

Accordingly; The relationship between the disciplinary violation and the disciplinary punishment in the legal and Sharia concepts is a legal one, as the punishment cannot be imposed on the employee if he did not commit the disciplinary offense, and committing the disciplinary offense entails the punishment of the employee so that the penalties are to be alerted, and attention is drawn directly by the official. However, other legal procedures are required that ultimately lead to disciplinary punishment or its abolition.

Punishment in Islamic legislation is also not intended in and of itself, and it is not intended to inflict harm and pain on the offender in retaliation or mere harm. Rather, it has goals represented in deterrence, both private and public, reforming, rehabilitating and disciplining the offenders, achieving justice, protecting individual and social interests, defending religious values and morals, in addition to Expiation for sin or disobedience, and other goals that all contribute to the fulfillment of the objectives of the Sharia in creation and the divine succession of man on earth, for the Messenger of God, may God bless him and grant him peace, said: "There is no shepherd whom God entrusts to a flock who dies on the day he dies while he is deceiving it. the Paradise".²⁸

Al-Mawardi says: "Know that God, may He be glorified and exalted, has entrusted creation to its worshipers and obligated them to its assumptions, and he sent His messengers to them, and prescribed his religion for them, without a need that called him to assign them, nor the necessity of leading him to their devotion, but he intended to benefit them, preferring him to them, as he preferred to countless A count of his blessings, but the grace in what they worship with him is greater, because the benefit of what is other than the worshipers pertains to the urgent world, and the benefit of the worshipers includes the benefit of the world and the hereafter ... so his grace was in what he prohibited us, as his grace in what he permitted us, and his preference in what we have avoided, as the favor of him In what we are commanded.²⁹

²⁷ - Ziyad Al-Mas`ar, Judicial Oversight of Public Employee Disciplinary Decisions, previous reference, p. 42.

²⁸ - It was provided by Al-Bukhari, Kitab Al-Ahkam, Chapter of Those Who Was Attained a Parish Who Was Not Advised, No. (7151), and Muslim, Book of Faith, Chapter on the Entitlement of the Deceptive Governor to His Parish of Fire, No. (142).

²⁹ -Al-Mawardi, Al-Ahkam Al-Sultani, Dar Al-Kutub Al-Ilmiyya, Beirut, p. 221.

The second topic: disciplinary measures for an employee in a public office In Islamic law and legislation

Confronting the accused with the offenses attributed to him constitutes a necessary basis in terms of the inability to prosecute disciplinary proceedings without applying them, so that the accused is not punished for an act or action that he has not been informed of, and to deny this matter the most basic principles of justice and fairness.³⁰

The First Requirement: confrontation and disciplinary accountability for the employee in the public officeIn Islamic law and legislation

Disciplinary confrontation means: informing the accused employee of the accusation attributed to him, by informing him of the violation he is accused of committing, and then informing him of the evidence indicating its commission, and notifying him that the administration's intention is to impose one of the penalties stipulated in the law if it is proven that he committed that violation.³¹

It was also known as: "Informing the employee of the violation attributed to him and informing him of the evidence indicating that it was committed in order to make his defense, and notifying him that the administration is heading towards taking him against him if it is more likely to have evidence of his guilt"³²

Facing the accused employee with the behavioral violations attributed to him, even if it is one of the essential disciplinary guarantees in the investigation with the employee. However, it is at the same time a necessary matter required for the conduct of disciplinary measures to achieve its goal, since without this confrontation there will be no disciplinary accountability in the legal sense, which is based on an accusation in an offense faced by those accused of committing it, in order for him to express his defense against it.³³

It is based on the idea of confronting the accused employee with divine acts or mistakes that require him to be arrested on the truth of those charges and the behavioral violations attributed to him, as well as informing him of various evidence related to them that indicate that he committed a specific disciplinary offense so that he can present his defense.³⁴

³⁰ - Karima Bellili, Administrative Investigation as One of the Disciplinary Guarantees for Public Employees, Master Thesis, The University of Jordan, 2013, p.50.

³¹ - Bader Al-Qeissi, Disciplinary Guarantees for Public Officials in Jordanian and Egyptian Law: A Comparative Study, Master Thesis, 2014, p.

³² - Muhammad Al-Shehri, Disciplinary Guarantees for Public Employees in the Saudi and Jordanian Civil Service Systems, Master Thesis, University of Jordan, 2009, p. 49

³³ -Faisal Shatnawi, Procedures and Guarantees for Disciplinary Accountability of Public Officials in Jordanian Legislation, An-Najah University Research Journal, Volume (26), Issue (7), 2012, p. 1535.

³⁴ - Rashid Al-Subaie, Confrontation as Guarantee of Disciplinary Guarantees of Public Employees: A Comparative Study, Master's Thesis, Aal al-Bayt, 2019, p.25.

The confrontation must include informing the employee of the details of the violation attributed to him, on which the penalty is based, whether it was revealed to the management authority from the beginning or before the penalty was imposed. The confrontation also includes all evidence that proves the occurrence of the violations, and so that the confrontation fulfills its purpose as a guarantee for the employee. It must take place in a manner that discerns the direction of the intention to impose the penalty, because by that alone the employee knows the seriousness of the situation and takes the matter seriously and the importance he deserves, The accusation against him.³⁵

Accordingly; Confrontation is a legal principle for investigation, and taking the appropriate decision to discipline the public employee, and any defect in this procedure results in invalidity of investigation and disciplinary measures, as the law guarantees the employee's right to know the charges against him so that he can prepare his defense for himself, and the confrontation must be with charges Defined and clear-cut, so that the employee can defend himself. This is an example of working according to the established principle of justice in Islamic law, because God Almighty says: "God enjoins justice and charity ...".³⁶

The Islamic law is beneficial and deterrent, and its structure and basis is on governance and the interests of the servants, and it is all justice, mercy in all, and all interests, so wherever the interest is then God's law, and wherever the law of God is, then there is an interest, and that includes confronting the accused and informing him of what is attributed to him as it is considered among the guarantees that cannot be ignored And neglect it³⁷.

And Islamic law jurists differed in determining the interest or benefit and some of the reasons for the rulings in a number of resources, they generally agree that what is meant by imposing a punishment for disobeying the order of the street is to reform the condition of people, protect them from evil, save them from ignorance, guide them from misguidance and stop them For sins, and sending them to obedience³⁸.

35 - Faisal Shatnawi, Procedures and Guarantees for Disciplinary Accountability of Public Officials in Jordanian Legislation, previous reference, p. 1536.

36 - Quran -Surah Al-Nahl, Verse 90.

37 - Muhammad Tuhami Dakir, The Objectives of Punishment and Its Philosophy in Islamic Law, <https://www.iicss.iq/?id>.

38 - Disagreement, Abd al-Wahhab, Sources of Islamic Legislation in What is Not Texted, Kuwait, Dar Al-Qalam, i 1392 AH, p. 116.

The Second Requirement: Notifying the direct official from the employee in the public officeIn Islamic law and legislation

It is not fair in anything to lead the worker to accountability or to a disciplinary trial, without being fully aware of the charges and evidence proving these accusations. Therefore, informing him of these charges and those evidence is an important guarantee and a basis in the field of disciplinary trials, and even the first element of these trials.³⁹

Administrative practice, jurisprudence, and the judiciary have also taken place to notify the employee to come before the investigation authority to listen to his statements and defend himself, provided that he is informed of the reason for attending before it without specifying a specific period for attendance, but rather falls within the discretionary authority of the administration⁴⁰ Also, the notification or notification does not adhere to a certain way, as it may be through notification by the administrative head responsible for him, or by sending him a telegram stating his presence for investigation because of a specific charge against him.⁴¹

This requires informing the concerned employee of the violations attributed to him and the date of the disciplinary council convening, notifying him of the possibility of viewing his disciplinary file, and appointing a lawyer to assist him during the disciplinary council meeting.

It can be said that the legislator, even if it does not explicitly stipulate the principle of confrontation; However, this is implied by the requirement to question the employee before imposing any disciplinary penalties on him, which is stipulated in Article (72) of the Civil Service Law: “If an employee is attributed to an employee that would arrest him, detain him, or investigate him in a matter outside the scope of his position, then The authority responsible for this procedure shall immediately inform the governmental department to which the employee belongs, to look into him in accordance with the provisions of this law”.⁴²

When the employee attending the disciplinary council attended the first session and the case was postponed upon his request or for any reason such as calling witnesses; He/ she is not entitled to adhere to not being summoned, as the goal would have been achieved if the person concerned attended the matter spontaneously based on his personal knowledge and was able to prepare his defense, and therefore it is not permissible for him to adhere to this

39 - Watermelon Ramadan, Disciplinary Guarantees, Symposium: Legislations Governing Civil Service in the Arab World, Arab Administrative Development Organization, 2009, p. 173.

40 - Rashed Al-Subaie, Confrontation as Guarantee of Disciplinary Guarantees of Public Employees: A Comparative Study, Master Thesis, Aal al-Bayt, 2019, p.29.

41 - Ibid, p. 30.

42 - Article (72) of Law No. (4) of 1998 promulgating the Civil Service Law.

method to challenge the cancellation of the disciplinary decision, but if the notification certificate is returned that the person concerned is outside The country is on an official holiday, or he is in a state of health that precludes his attendance, or in general in a situation that makes it impossible for him to attend the disciplinary council The disciplinary session must be postponed until the excuse or impediment is removed.⁴³

Palestinian law has guaranteed the right of the accused employee to notify him of the date of the investigation in order to be able to attend, but it did not specify a specific method for informing him, but it is customary in public and administrative positions that this is done according to an administrative hierarchy that is by informing the direct official about him, and this varies according to the employee's rank. This is like implementing the interest represented in bringing benefit and warding off harm by preserving the intent of the Islamic law, which is one of the five people: to protect them their religion, themselves, their mind, their offspring and their money, and everything that includes preserving these five assets is an interest, and everything that misses these assets is corrupt and paid Interest, and these five assets are kept in the category of necessities,⁴⁴ as they are the strongest ranks of interests.

Notifying the accused employee of the date of the investigation and enabling him to attend according to an administrative hierarchy through the official is considered among the public interests and purposes of the criminalization and disciplinary punishment legislation.

Conclusion:

After this station in dealing with the subject of disciplinary measures for the employee in the public office between Palestinian law and Islamic jurisprudence, it is possible to summarize the most important findings and recommendations of this research as follows:

Results:

- The non-judicial disciplinary procedures are those procedures and guarantees prior to the disciplinary trial stage, as they include both disciplinary accusation procedures and the investigation prior to referral to the disciplinary authority competent to impose the disciplinary penalty.
- The term disciplinary measures and penalties resulting therefrom have not been dealt with in Islamic jurisprudence under this concept. Rather, Islamic legislation has dealt with the

⁴³ - Abdul-Ghani Yifoot, Basic Guarantees in the Field of Discipline, The Arab Journal of Local Administration and Development, No. (84), 2009, p. 48.

44 - Al-Ghazali, Al-Mustasfa from Science of Fundamentals, Beirut, Dar Al-Arqam Ibn Abi Al-Arqam, (d.), 1/636 and 637.

issue of unappreciated punishments that are due to the judge's discretionary authority to consider and determine which is the so-called discretionary punishment.

- Palestinian legislation guarantees the right of the accused employee to notify him of the date of the investigation in order to be able to attend, but it does not specify a specific method for informing him, and this varies according to the employee's rank. Notifying the accused employee of the date of the investigation and enabling him to attend according to an administrative hierarchy through the official is considered among the public interests and purposes of the criminalization and disciplinary punishment legislation in Islamic legislation.
- The employee is asked about the mistakes he commits when performing His/ her job, a responsibility based on a mistake and an obligation to prove. The public administration is tasked with proving that the employee has committed a mistake in his job.
- The disciplinary authority is the authority appointed by the legislator to apply the disciplinary penalties stipulated in the law on public office, and accordingly, no other party may exercise this competence without authorization from it in accordance with the legal controls and conditions related to the mandate.
- Administrative jurisprudence showed the systems that have the right to discipline, as it referred it to three main systems: the presidential system, the quasi-judicial system (disciplinary councils), and the judicial system (disciplinary courts)
- The public servant in the Islamic concept is entrusted with his job and the resulting duties and responsibilities, and any contravention or fraud of the tasks of his job, such as giving a technical opinion to favor a personal interest, or adopting a method that is more financially costly for a passion for the soul, is considered punishable offenses. And discipline
- Disciplinary penalties resulting from violations are not valid and legitimate unless they are part of the penalties specified by law, that is, those stipulated by the law exclusively.
- The disciplinary punishment is one of the means of administration that includes an element of pain and is used according to the law in facing the perpetrators of disciplinary violations within the functional group in order to maintain order in it
- The relationship between the disciplinary violation and the disciplinary punishment in the legal and Islamic law concepts is a legal relationship, as the punishment cannot be imposed on the employee if he did not commit the disciplinary violation
- The disciplinary authority is governed by the principle of legality, as it does not have the right to apply any of the penalties stipulated by law except for the body that the legislator has designated for that, and it is not permitted to delegate disciplinary action unless the law stipulates that



- The relationship between the disciplinary violation and the disciplinary punishment in the legal and Sharia concepts is a legal relationship, as the punishment cannot be imposed on the employee if he did not commit the disciplinary offense.

Recommendations:

And based on what was stated in the research readings and its scientific results, The researcher's recommendations are as follows:

- Establishing legal mechanisms that in turn achieve impartiality, transparency and fairness in the procedures for disciplining the employee to protect him from abuse by management.
- That the disciplinary procedures be overt and far from confidentiality and ambiguity, and that the role of judicial oversight over those procedures be activated.
- Work to control the procedures for causing administrative disciplinary decisions, and this standard aims to ensure the right of the employee.
- Applying the dual judicial system because of its effectiveness in settling administrative disputes.
- The introduction of the Administrative Prosecution Law to establish an administrative prosecution authority that is independent of the executive authority, so that it is granted investigation and accusation powers.

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International Implications of Myanmar's Military Coup

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Abstract:

Myanmar's elections, held in November 2020, the National League for Democracy (NLD) emerge with a landslide victory, winning 396 of 476 parliamentary seats, allowing the party to form a government. Despite this, Myanmar's military suspected electoral fraud. As a result, the military staged a coup on January 31, 2021, seized power, placed both the State Counselor Aung San Suu Kyi and the president Win Myint under house arrest, and imposed a year-long state of emergency in Myanmar. The coup is no longer just a domestic issue as American, European, Russian, Chinese, Indian and Japanese reactions were soon in the media. Considering the geopolitical importance of Myanmar to the interests of these powers, the research aims to assess the possible impact of this coup on the interests of the Americans, Russians, Chinese, Indians and Japanese in particular. Moreover, the research aims to analyze the possible impact of the coup on the international competition for dominance at Southeast Asia. The research argues that China, Russia, India and Japan will not be the biggest losers of the coup thanks to their pragmatic responses, but the Western powers (especially the US) could become the biggest losers if the Myanmar military does not reverse its action.

Key Words: Myanmar, Military Coup, Aung San Suu Kyi, Energy, Geopolitics, BRI, Rohingya



Introduction:

In November 2020, Myanmar^(*) held elections and the National League for Democracy party (NLD) won in a landslide victory, which enabled the party to form a government under Aung San Suu Kyi's leadership. Despite the fact that elections were supervised by the national electoral commission, the military refused to accept the results and claimed both irregularities on the voter lists and that the electoral commission did not allow fair campaigning. However, those claims were rejected by the electoral commission. Moreover, on January 31, 2021 the Myanmarese military staged a coup, assumed power, put both the state counselor and the president under house arrests, declared a one-year state of emergency and formed a new "State Administration Council".

Myanmar's coup created internal divisions; on the one hand, the state counselor called the population, via tweeter, for resisting the coup. Indeed, popular protests spread in the country against the coup. On the other hand, the military promised to hold new elections and hand over power to the winners but after reforming the electoral commission. Nevertheless, the military disrupted the internet in an attempt to control the popular protests. As a result, there are concerns that the coup could threaten the stability of the country; especially the Myanmarese Rohingya minority expressed their deep concerns about the military takeover. Those concerns could be understood in the shadow of the long history of suppressing the minority group by the Myanmarese military.

The military takeover is no longer a domestic affair; it provoked different international reactions. In this regard, the research raises the following question: What implications Myanmar's military coup might have for the American, Chinese, Russian, Indian and Japanese Interests?

While the domestic factors that gave rise to the coup are beyond the scope of the research, the main purpose of the research is to first evaluate possible Implications of Myanmar's military coup for the Chinese, Russian, Indian, Japanese and American interests. The research focuses on those powers in particular because all of them, except the US, are major Asian powers and are more likely to be affected by the coup. In addition, the US is a leading world power, it has begun to pay considerable attention to the Asian continent since the last decade. The research aims secondly to investigate the impact the

(*) Since independence in 1948, the country has been named "Burma" after the Burman ethnic majority who lives in the country. However, because the country is multi-ethnic in nature, in 1989 the political authority, which was dominated by the military, renamed the country "Myanmar" which is more inclusive of the minority groups. Nevertheless, some Western countries, including the United States, still use "Burma" to this day. For more information see: Tong-Hyung Kim, and Kim Hyung-Jin, Explainer: Myanmar, Burma and why the different names matter <https://apnews.com/article/myanmar-burma-different-names-explained-8af64e33cf89c565b074eec9cbe22b72>, February 3, 2021.

coup may have on ongoing rivalries for power and prestige in the Asian continent in general and Southeast Asia in particular.

The research uses the inductive method; it observes the phenomenon of interest in the real world as it is. In addition, it uses the geopolitical approach as a means to describe Myanmar's geographic location, analyze its geopolitical significance and investigate possible implications of the coup for major powers' interests.

The research is divided into three sections; the first one describes Myanmar's geographic location and, subsequently, analyzes its geopolitical significance to the American, Russian, Chinese, Indian and Japanese interests. The second one examines different international reactions to Myanmar's coup. The last one evaluates possible implications of the coup for the interests of the major powers concerned.

Section I: Myanmar's Geopolitical Significance

This section aims to analyze Myanmar's geopolitical significance to the American, Russian, Chinese, Indian and Japanese interests. The section is a good introduction for providing a better understanding of the different international reactions to the coup, which will be covered in the forthcoming section.

1.1: Myanmar's Geographic Location:

It is widely believed that the twenty first century is Asian per excellence, that is not only because Asia is a homeland of a number of political and economic rising powers like Russia, China, India, Japan and the Asian tigers, such a belief stems also from the fact that Asia is one of the global arenas where international rivalries for power and prestige intensify on its land.

Being part of the Asian continent, Southeast Asia is geopolitically significant; it witnesses an intense rivalry among world and regional powers for influence. In light of its location in Southeast Asia (See Figure 1), Myanmar's geopolitical significance to the American, Russian, Chinese, Indian and Japanese interests can be understood.

As can be seen in figure 1 below, Myanmar is strategically sandwiched between China and India. In addition, Myanmar is located on strategic waters like the Bay of Bengal and the Indian Ocean. That strategic location not only turned Myanmar into a major transportation hub linking South Asia, Southeast Asia and East Asia, it also stimulated geopolitical rivalries among world's major powers like the US, the EU, China, Russia, India

and Japan which all compete for influence in Myanmar.⁽¹⁾ All the above indicates that even though the coup is a domestic affair, it will inevitably affect those powers' interests.



Figure (1) Myanmar's Geographic Location

Source: <https://cdn.britannica.com/45/4045-050-4FB539EB/Myanmar-map-boundaries-cities-locator.jpg>

1.2: Chinese Interests in Myanmar:

1.2.1: Security Interests:

Since both Myanmar and China share political borders, both have common security interests; they cooperate on controlling drug trafficking across the borders they share. In addition, a stable Myanmar is in China's interest.⁽²⁾

1.2.2: Myanmar and the BRI:

In 2013, the Chinese president, Xi Jintao, announced the Belt and Road Initiative (BRI). The initiative aims to promote China's trade across the Asian, European, African and even South American continents. That will consolidate China's world economic power and enhance its global standing. In this regard, Myanmar occupies an important position in China's BRI thanks to its strategic location.

Indeed, the Myanmarese state counselor, Aung San Suu Kyi, agreed to join the Chinese initiative. In light of the BRI, China is working on a number of projects in Myanmar: Firstly,

⁽¹⁾Lutz-Auras, Ludmila, Russia and Myanmar – Friends in Need?, **Journal of Current Southeast Asian Affairs**, GIGA German Institute of Global and Area Studies, Institute of Asian Studies and Hamburg University Press, No. 34, Vol. 2, 2015, p.166.

⁽²⁾Harris, Stuart, **China's Foreign Policy**, Cambridge, UK: Polity Press, 2014, p.162.

China is developing Kyaukpyu Port on the Bay of Bengal. Secondly it is establishing China-Myanmar Economic Corridor (CMEC) and a cross-border “Economic Cooperation Zone”. Thirdly, China is establishing a new city in Yangon; the second biggest city after the capital “Naypyidaw”.⁽³⁾ In addition, China is investing a huge amount of money in a high-speed rail-link from the Chinese southern Yunnan province to Myanmar's west coast.⁽⁴⁾ (See Figure 2) Nevertheless, disputes between both sides over some issues, because of the increasing Chinese influence, have been reported.⁽⁵⁾

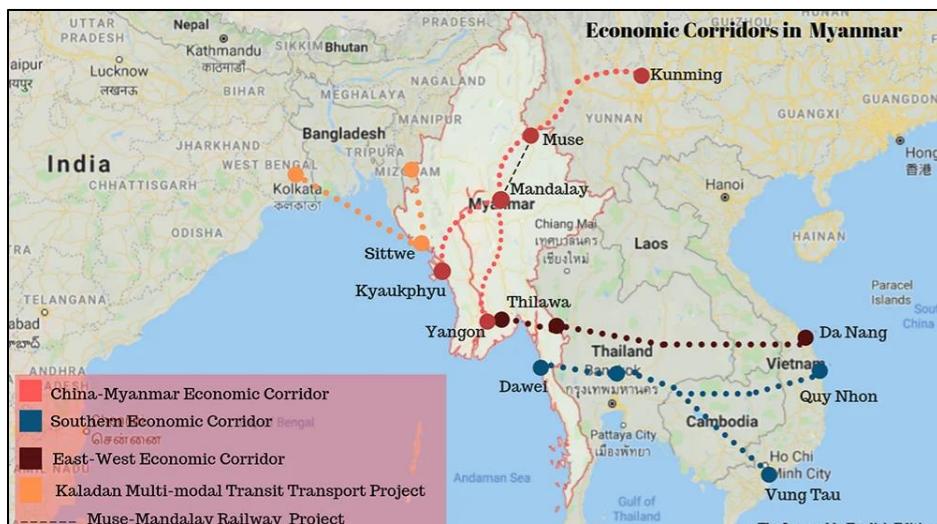


Figure (2) Economic Corridors in Myanmar

Source: <http://usiblog.in/post-covid-effects-on-the-china-myanmar-economic-corridor-cmec/>

1.2.3: China’s Energy Security:

By 2010, China became the world’s second biggest economy after the United States. However, the former lacks the sufficient domestic energy resources to satisfy its growing needs. As a result, it became a net importer of energy resources, especially oil and natural gas. China primarily depends upon the “Persian Gulf” for acquiring energy resources which have to pass by the Strait of Hormuz, the Indian Ocean and the Strait of Malacca respectively in order to reach the Chinese mainland (See Figure 3). However, the Strait of Hormuz is politically unstable, the Strait of Malacca is unsafe due to piracy problems and

⁽³⁾Goulard, Sébastien, Myanmar keen to open up BRI projects to foreigners, One Belt One Road Europe, <https://www.oboreurope.com/en/myanmar-foreigners-nydc/>, August 12, 2020.

⁽⁴⁾China calls for all sides to 'resolve differences' after Myanmar coup, **Times of India**, <https://timesofindia.indiatimes.com/world/china/china-calls-for-all-sides-to-resolve-differences-after-myanmar-coup/articleshow/80628726.cms>, February 1, 2021.

⁽⁵⁾Chaudhury, Dipanjan Roy, Myanmar continues pushback against BRI: Chinese Eco Development Zone faces turbulence, <https://economictimes.indiatimes.com/>, August 05, 2020.

both Straits are dominated by the US navies. All the above threatens China's "energy security".

In this regard, Myanmar provides China with an alternative route to Malacca Strait and, subsequently, provides an opportunity to enhance China's energy security thanks to the former strategic location. As a result, China sought to establish energy pipelines extending from the Bay of Bengal, across Myanmar's land, to the Chinese borders in order to deliver the needed energy resources, while bypassing the Strait of Malacca and its geostrategic problems (See Figure 3).

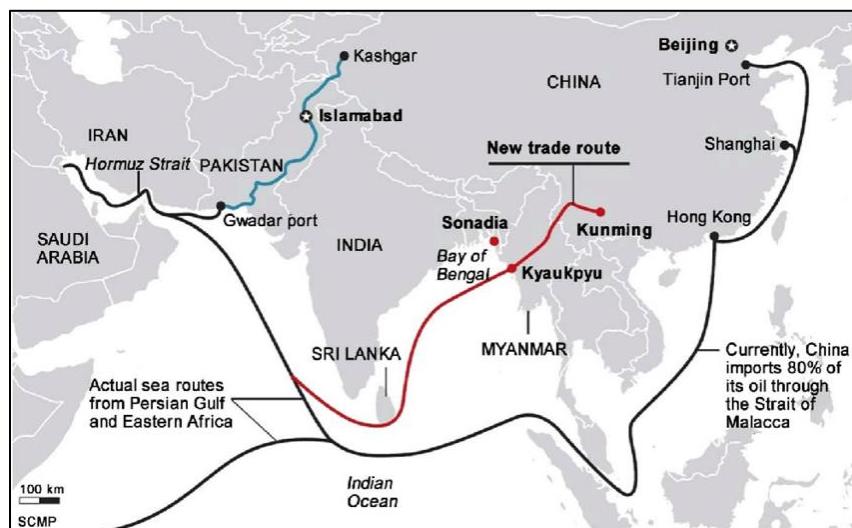


Figure (3) The Traditional Energy Supply Route to China (in black) and the Alternative Route through Myanmar (in Red)

Source: https://www.researchgate.net/figure/Chinese-oil-supply-chain-network-under-OBOR-Source-Adapted-from-Sheu-and-Kundu-8_fig3_324649303

In addition to providing China with an alternative route to the Strait of Malacca, Myanmar has vast offshore natural gas reserves, especially in the Rakhine state where the Rohingya minority lives. No doubt that those resources increased the appetite of the energy hungry China. As a result, the latter recognized the importance of Myanmar's resources as additional means of enhancing its energy security. That explains why China currently accounts for almost 70% of foreign investments in Myanmar's energy sector.⁽⁶⁾

⁽⁶⁾Parashar, Sachin, To counter China, India offers Myanmar a \$6bn oil refinery, **Times of India**, <https://timesofindia.indiatimes.com/india/india-looks-to-build-6-billion-refinery-in-energy-rich-myanmar/articleshow/78499837.cms>, October 6, 2020.

1.2.4: Myanmar Is a Geopolitical Prize:

Thanks to its geographic location, Myanmar is significant to China's geopolitical interests in several ways. Firstly, expanding the Chinese influence to Myanmar could have a snowballing effect and be an important step forward in a larger Chinese effort to expand its maritime influence into Southeast Asia, Bay of Bengal and the Indian Ocean which are vital regions for China's interests. Secondly, since India is one of China's geopolitical rivals, and since India's interests in Southeast Asia are growing, an expansion of China's influence to Myanmar will lend the former a hand to contain the growing Indian influence in the region. Thirdly, given US growing interests in Southeast Asia in particular and the Asian continent in general, which were translated into Obama's doctrine of "Pivot towards Asia", China is interested in confronting the American influence in Myanmar and Southeast Asia.⁽⁷⁾

1.3: Russian Interests in Myanmar:

1.3.1: Security Interests:

Russia and Myanmar do not share political borders, nevertheless Myanmar is significant to Russia's interests, especially on security matters. Both countries have Muslim minorities; Chechnya in Russia and Rohingya in Myanmar. While Chechnya rebels undermine the integrity of the Russian federation, Russia emphasized the extremist ties of the Rohingya armed rebel groups.⁽⁸⁾ Likewise, the Myanmarese authorities have a long history of suppressing the Rohingya. In addition to the Muslim minority issue, both countries cooperate on defense issues, protection of secret information and combating drug trafficking.⁽⁹⁾

1.3.2: Maintain the Great-Power Status:

Myanmar is crucial in Russia's plans to maintain the great-power status. Firstly, being a land power, Russia needs –as geopolitics dictates- to expand its influence and access international warm waters in order to maintain a balance between both land and sea powers.

According to Russia's maritime strategic thinking, Southeast Asia is not a top priority. Rather, Russia puts other regions, like the Asia-Pacific and the Atlantic, first.⁽¹⁰⁾ Nevertheless, Russia recognizes the importance of both Southeast Asia as well as the Indian

⁽⁷⁾ Harris, Stuart, Op. Cit., p.162.

⁽⁸⁾Gorenburg, Dmitry and Schwartz, Paul, Russia's Relations with Southeast Asia, **Russie Nei Reports**, the Institut Francais des Relations Internationals, Paris- France, No. 26, March 2019, p.27.

⁽⁹⁾ Lutz-Auras, Ludmila, Op. Cit., p. 173.

⁽¹⁰⁾ Maritime Doctrine of the Russian Federation 2015, Russia Maritime Institute, translated by Anna Davis, <https://dnnlgwick.blob.core.windows.net/>, March 2015.

Ocean region to its interests. Myanmar's strategic location in those two regions is a good reason to explain why it attracts the Russian attention; Myanmar can facilitate Russia's access to warm water in the south. Moreover, Russia expects that good relations with Myanmar, among other countries in the region, can help to gain a "foothold" in Southeast Asia.⁽¹¹⁾

Secondly, since Southeast Asia is increasingly becoming an important arena where the "great game" is being played by major powers, Russia does not wish to become marginalized in such a strategic region. As great-power politics dictates, if Russia wishes to survive as one of the major global powers, it has to maintain and strengthen its position in that pivotal region.⁽¹²⁾

1.3.3: Southeast Asia is Crucial for Avoiding International Isolation:

The Ukraine crisis of 2014 highlighted Southeast Asia's importance to the Russian interests; Western economic sanctions against Russia encouraged the latter to intensify its search for suitable alternative allies in order to avoid international isolation.⁽¹³⁾ Likewise, as Russia's relations with the West are currently deteriorating and as Western sanctions against Russia are intensifying in light of the current Russian protests, Russia's interest in Southeast Asia, among other regions, might increase in a significant way.

1.3.4: Russia's Economic Interests:

Thanks to its considerable gas reserves, Myanmar attracted Russia's attention. Unlike other Asian economic powers which lack the sufficient energy resources at home, Russia does not need Myanmar's resources for consumption purposes. Rather, Russia needs those resources for investment and geopolitical purposes. Indeed, in 2013-2014 Myanmar granted Russian oil companies, among other foreign oil companies, rights to develop onshore energy blocks. In addition, Russia cooperates with Myanmar on the nuclear field, with the aim of developing Myanmar's capabilities to use nuclear reactors for generating electricity.⁽¹⁴⁾ Nevertheless, Russia-Myanmar economic relations are very poor, and compared with other powers' activities, Russia's business in Myanmar remains quite insignificant.⁽¹⁵⁾

⁽¹¹⁾ Lutz-Auras, Ludmila, Op. Cit., p. 175.

⁽¹²⁾ Ibid, p. 170.

⁽¹³⁾ Ibid, p. 169.

⁽¹⁴⁾ Ibid, p. 179.

⁽¹⁵⁾ Ibid, p. 177.

In addition to cooperation on the energy and the nuclear fields, Russia (jointly with China) is a major Myanmarese arms supplier, as bilateral military cooperation dates back to the 1990s. As a result of the American arms embargo, Myanmar became dependent on both Russia and China in acquiring weapons.⁽¹⁶⁾

1.4: Indian Interests in Myanmar:

1.4.1: Security Interests:

Since India and Myanmar share political borders, both have common security issues. India faces insurgent groups in the Northeast which have set up bases in Myanmar. In this regard, the latter allows India to carry out raids against those insurgent groups across the borders. In addition, India sells Myanmar quite a bit of military hardware.⁽¹⁷⁾

1.4.2: Myanmar Is India's Route to Southeast Asia:

Since the beginning of the 1990s, the significance of Southeast Asia to the Indian interests has begun to emerge. By that time, India was implementing the neo-liberal economic reforms, and India's ruling elite, who have primarily focused on South Asia for a long time, began to give more attention to Southeast Asia, as the latter became crucial for promoting both India's economic growth as well as the goals of becoming a great power. As a result, the Indian Prime Minister, Narasimha Rao, announced the doctrine of "Look East Policy" in the beginning of the 1990s, he even sought to improve relation with the countries of such a strategic region. In this regard, Myanmar became pivotal; thanks to its geographic location, Myanmar is the only Indian route to the strategic Southeast Asia. Moreover, an expansion of India's reach to Southeast Asia will facilitate its reach to the Asia-Pacific region.⁽¹⁸⁾

As time passes, Myanmar had never lost its significance to the Indian interests, on the contrary, the current Indian Prime Minister, Narendra Modi who ascended to power in 2014, developed Rao's doctrine and adopted the doctrine of "Act East Policy". In this regard, India sought to improve relations with Myanmar among other countries in the region.

⁽¹⁶⁾ Ibid, p. 182-183.

⁽¹⁷⁾ Myanmar's military coup: what led to it and the strategic stakes for India, **The Print**, <https://theprint.in/opinion/behind-the-military-coup-in-myanmar-what-led-to-it-the-strategic-stakes-for-india/597830/>, February 3, 2021.

⁽¹⁸⁾ Ogden, Chris, **Indian Foreign Policy: Ambition and Transition**, Cambridge, UK: Polity Press, 2014, p.89, 111.

1.4.3: Myanmar and India's Energy Security:

Energy security plays a crucial role in fulfilling India's aspiration to a great-power status. According to the International Energy Agency (IEA), India is expected to be the world's third largest importer of oil by 2025. However, India is highly dependent on foreign countries to satisfy its growing energy needs. As a result, diversifying energy resources is an Indian priority. Despite the fact that more than 70% of its needs are imported from the Gulf region, Myanmar plays a crucial role in enhancing India's energy security. Like China, Myanmar's vast offshore gas resources increased the appetite of the energy hungry India. Indeed, the latter has signed memorandums of understanding with Myanmar in order to access its energy resources. Moreover, both cooperate in gas and oil explorations. In addition, India sought to establish Myanmar-Bangladesh-India pipeline (See Figure 4) to transport Myanmar's resources and, subsequently, satisfy its growing energy needs.⁽¹⁹⁾ Like China, India is working on a number of projects in Myanmar like establishing India-Myanmar economic corridor, developing the Sittwe Port in the Rakhine State and implementing a transportation project connecting Rakhine state with the Indian province of Mizoram.⁽²⁰⁾ (See Figure 2)



Figure (4) India-Bangladesh-Myanmar Gas Pipeline

Source: <https://blog.nationalgeographic.org/2013/07/13/myanmar-bangladesh-and-india-prospects-for-energy-cooperation/>

⁽¹⁹⁾ Ibid, p. 53, 63-64, 89.

⁽²⁰⁾ Chaudhury, Anasua Basu Ray and Saha, Premesha, Indo-Pacific, in V Pant, Harsh and Taneja, Kabir (Eds.), **Looking Back, Looking Ahead: Foreign Policy in Transition Under Modi**, ORF Special Report, Observer Research Foundation, New Delhi - India, No. 93, July 2019, p. 51.

1.4.4: Myanmar Is a Geopolitical Prize:

Thanks to its strategic location, Myanmar is significant to India's geopolitical interests. Firstly, India and China compete for influence in South and Southeast Asia. Moreover, China's influence in Myanmar has been a long-standing, albeit not significant, source of that competition. As a result, India needs to maintain its influence in Myanmar, which is perceived part of its near abroad, as a means to counterweight China's influence in the region.⁽²¹⁾ India sought to achieve that goal through development aid and investments.

Secondly, The Indian Ocean region is strategically important to India's interests. Since independence, Indian leaders have considered their country a natural dominant of the region.⁽²²⁾ Despite understandings with other allies, like the United States which play a crucial role in maintaining the regional balance of power, India still suspects great powers' ambitions in the region. In this regard, maintaining influence in Myanmar is an integral part of a greater effort of maintaining India's influence in both South Asia and the Indian Ocean Region.

1.5: Japanese Interests in Myanmar:

Japan is one of the major Asian economic powers, it has maintained its position as the world's second largest economy after the United States until 2010 when China overtook it. Despite the fact that Japan and Myanmar do not share political borders, the former's interests in Myanmar are significant. Firstly, both countries have had close economic ties since 2011 when a civilian Myanmarese government took power and ended a long period of military rule. Myanmar is a source of cheap labor, a destination of a number of Japanese companies which seek to expand their business and a potential market for Japanese goods.⁽²³⁾ Secondly, given the Chinese interests in Myanmar, especially regarding the BRI, an increase of Japan's influence in Myanmar is crucial for both managing the Sino-Japanese rivalry for power in the Asian continent and for maintaining the regional balance of power. Thirdly, being the fourth-largest crude oil importer according to Energy Information Administration (EIA) 2020 estimates, Japan acquires approximately 90% of its energy needs from the Middle East. Nevertheless, Myanmar's vast natural gas resources might become crucial to satisfy the Japanese energy needs and to fuel its rising economic power,

⁽²¹⁾ Harris, Stuart, Op. Cit., p. 158, 162.

⁽²²⁾ Ogden, Chris, Op. Cit., p. 74.

⁽²³⁾ For Japan, Myanmar coup brings fears of threat to business, political ties, **Mainichi Japan**, <https://mainichi.jp/english/articles/20210202/p2a/00m/0bu/010000c>, February 2, 2021.

especially Japan has already attempted to enhance its energy security by diversify its sources of oil imports during the past several years.⁽²⁴⁾

1.6: US Interests in Myanmar:

In the last decade, Asia's significance to the American interests began to emerge and, subsequently, was translated into the doctrine of "Pivot towards Asia" which was announced by the Obama administration.

While Washington's economic interests in Myanmar are not significant, the former's interests in Myanmar are mainly related to geostrategy and balance of power. Firstly, with reference to both Myanmar's geographic location and the ongoing competition among China, Russia and India for influence in the region, Myanmar is not only crucial for maintaining the regional balance of power, it also provides the United States with an opportunity to contain and check the Chinese and the Russian regional ambitions. Second, Myanmar's vast natural gas reserves can play a crucial role in enhancing the "energy security" of Washington's closest allies, Europe, India and Japan, as well as in reducing dependence on the Russian gas in the future.

Section II: International Reactions to Myanmar's Coup

This sections aims to analyze different international reactions to the coup, it primarily focuses on the American, Russian, Chinese, Indian and Japanese reactions in particular.

2.1: Chinese and Russian Reactions:

Both Chinese and Russian reactions to the Myanmarese military coup were similar in a significant way and highly pragmatic. The day after the coup, the Chinese foreign ministry spokesman said that "China is a friendly neighbor of Myanmar and hopes the various parties in Myanmar will appropriately resolve their differences under the constitutional and legal framework to protect political and social stability."⁽²⁵⁾ Likewise, the Russian representative at the UN Human Rights Council called the coup a "purely domestic affair of the sovereign state," he even asked the international community for "practical assistance to the new

⁽²⁴⁾Although the Middle East remains the primary source of Japan's crude oil imports, Japan has attempted to diversify its sources of oil imports during the past several years. As a result, it showed more interest in Russia's Eastern Siberia-Pacific Ocean (ESPO) pipeline. Russia accounted for about 9% of Japan's oil imports in 2015. Nevertheless, in recent years Russia's share has declined and was only 5% in 2019. <https://www.eia.gov/international/analysis/country/JPN>, access date March 20, 2021.

⁽²⁵⁾China calls for all sides to 'resolve differences' after Myanmar coup, Op. Cit.

authority of Myanmar to fulfill their obligations, including in the field of human rights" instead of criticizing the regime.⁽²⁶⁾

In addition, China alongside Russia supported the Myanmarese military against any move to condemn the coup at the UN bodies. For instance, a couple of days after the coup, China and Russia used their veto powers, as permanent members of the United Nations Security Council (UNSC), to block a UK-drafted statement condemning the coup. Moreover, China claimed that sanctions and international pressure would only make things worse.⁽²⁷⁾ Furthermore, China has not even called the military takeover a "coup", instead, it used other terms to describe it. According to western media reports, China called it "a major cabinet reshuffle",⁽²⁸⁾ and according to the Chinese mainstream news agency, Myanmar has simply changed the name of president's office into "Office of State Administration Council".⁽²⁹⁾

The Chinese reaction was sufficient to raise international doubts about its involvement in the coup, albeit hard to prove. According to media reports, members of the disobedience movements protested outside Chinese embassy in Yangon, they accused China of both supporting the coup and providing the Myanmarese authorities with the needed technology to shut down the internet across the country. However, China rejected all those claims.⁽³⁰⁾

Later on, it seems that China alongside Russia wished to moderate their stance towards the coup. Firstly, both supported UNSC statement which urged Myanmar to "uphold democratic institutions and processes" and to "release of State Counselor Aung San Suu Kyi, President Win Myint, and all others arrested during the military's seizure of power".⁽³¹⁾ In addition, both "dissociated" themselves from the UN Human Rights

⁽²⁶⁾Russia Backs Myanmar Military After China Raises Concerns, **The Moscow Times**, <https://www.themoscowtimes.com/2021/02/17/russia-backs-myanmar-military-after-china-raises-concerns-a72983>, February 17, 2021.

⁽²⁷⁾Myanmar coup: China blocks UN condemnation as protest grows, **BBC**, <https://www.bbc.com/news/world-asia-55913947>, February 3, 2021.

See also: Reed, John and White, Edward, Myanmar protesters accuse China of backing coup plotters, **The Financial Times**, <https://www.ft.com/content/43e6ecfe-081a-4390-aa18-154ec87ff764>, February 17, 2021.

⁽²⁸⁾Myanmar coup just a 'cabinet reshuffle': Chinese state media, **Times of India**, <https://timesofindia.indiatimes.com/world/china/myanmar-coup-just-a-cabinet-reshuffle-chinese-state-media/articleshow/80643954.cms>, Feb 2, 2021.

⁽²⁹⁾Myanmar renames president's office, union gov't office, **Xinhua News Agency**, http://www.xinhuanet.com/english/2021-02/06/c_139726615.htm, February 6, 2021.

⁽³⁰⁾"Shame on China"; protests outside Chinese embassy in Yangon against Beijing's support to military rule, **Times of India**, <https://timesofindia.indiatimes.com/world/south-asia/shame-on-you-china-protest-outside-chinese-embassy-in-yangon-against-beijings-support-to-military-rule/articleshow/80910637.cms>, February 14, 2021.

See also: Reed, John and White, Edward, Op. Cit.

⁽³¹⁾Strangio, Sebastian, **UN Security Council Condemns Military Takeover in Myanmar**, **The Diplomat**, <https://thediplomat.com/2021/02/un-security-council-condemns-military-takeover-in-myanmar/>, February 5, 2021.

Council resolution which is calling for the release of those detained in the coup without voting against it.⁽³²⁾

2.2: Indian and Japanese Reactions:

Both Indian and Japanese reactions to Myanmar's coup were similar in a significant way. In spite of being preoccupied with its protests, India was carefully watching the political developments within Myanmar. Unlike Western powers, India has not strongly condemned the military coup. Rather, deep concerns about Myanmar's developments were expressed.⁽³³⁾ As time passes, India's views on the coup became clearer. Despite India's concern about the state of democracy in Myanmar, it stated that sanctions are not the best way to deal with the situation.⁽³⁴⁾

Like India, Japan's reaction to the coup was pragmatic. Being a member of the Group of Seven (G7)^(*), Japan condemned the coup in a collective action. Nevertheless, as a result of its significant interests in Myanmar, Japan avoided using a tough stance towards the coup. Moreover, Japan tried to keep a balance between condemning the military takeover and maintaining dialogue with the Myanmarese military. Indeed, the Japanese prime minister expressed "grave concerns" about the coup, he also called "the military to restore the democratic political system as soon as possible."⁽³⁵⁾ Japan also called the Myanmarese "to resolve the situation peacefully through dialogue" and urged the release of the detained officials.⁽³⁶⁾ Despite the fact that Japan is one of the Myanmar's major aid donors, the former has not suspended aid to the latter in an attempt not to lose Myanmar to other rival powers, especially China.⁽³⁷⁾

⁽³²⁾Russia Backs Myanmar Military After China Raises Concerns, Op. Cit.

⁽³³⁾Malhotra, Jyoti, Myanmar coup shows a new chapter in the Great Game of the East is unfolding. India watching, **The Print**, <https://theprint.in/opinion/global-print/myanmar-coup-shows-a-new-chapter-in-the-great-game-of-the-east-is-unfolding-india-watching/596986/>, February 2, 2021.

⁽³⁴⁾Mitra, Devirupa, As Myanmar Returns to Crisis Mode, India Maintains Sanctions Are Not the Answer, **The Wire**, <https://thewire.in/south-asia/as-myanmar-returns-to-crisis-mode-india-maintains-sanctions-are-not-the-answer>, February 16, 2021.

^(*)Group of Seven (G7) includes: Canada, France, Germany, Italy, Japan, the UK and the United States.

⁽³⁵⁾Kato, Masaya, Japan seeks dialogue with Myanmar military after coup, <https://asia.nikkei.com/Spotlight/Myanmar-Coup/Japan-seeks-dialogue-with-Myanmar-military-after-coup>, February 5, 2021.

⁽³⁶⁾Japan expresses concerns over Myanmar, urges Suu Kyi's release, **Mainichi Japan**, <https://mainichi.jp/english/articles/20210201/p2g/00m/0na/047000c>, February 1, 2021.

⁽³⁷⁾Kato, Masaya, Op. Cit.

2.3: American Reaction:

Being the world's leading power, the United States could not have ignored the Myanmarese coup, even if it is occurring miles away from the American mainland. Rather, the Asian continent is increasingly receiving the American attention; that is mainly because Washington's major rivals, China and Russia, are located in Asia.

Myanmar's coup was staged only ten days after the new American president, Joe Biden, ascended to power. Washington strongly condemned the coup; US Secretary of State, Anthony Blinken, said the military must reverse its actions immediately.⁽³⁸⁾ In addition, president Biden considered the coup a direct assault on democracy, he even threatened to impose sanctions against Myanmar one more time.⁽³⁹⁾ Furthermore, he promised to work with Washington's partners throughout the region and the world to support the restoration of democracy and the rule of law, as well as to hold accountable those responsible for overturning "Burma's" democratic transition.⁽⁴⁰⁾ Indeed, Washington not only canceled \$42 million in Myanmar aid, economic sanctions were also imposed against a number of Myanmarese military leaders.⁽⁴¹⁾

The American reaction to the coup can be understood in light of the significance of Asia in general and Southeast Asia in particular to the American interests. Washington is really concerned about the regional implications of the coup for the state of democracy in Southeast Asia.⁽⁴²⁾ Especially, the new American administration has given human rights greater priority in the conduct of the American foreign policy and president Biden has repeatedly stressed his deep commitment to America's democratic values.⁽⁴³⁾

2.4: Other International Reactions:

Myanmar's coup provoked other international reactions; EU leaders condemned both the military coup and the use of force against the protesters. EU leaders, subsequently, demanded the immediate release of people arrested and reestablishing the democratic

³⁸)Malhotra, Jyoti, Op. Cit.

(³⁹)“direct assault” on democracy: Biden Threatens Sanctions against Myanmar unless military respects “credible election”, **Russia Today**, <https://www.rt.com/news/514307-biden-myanmar-sanctions-democracy/>, February 1, 2021.

(⁴⁰)Actions of global community on Myanmar coup should focus on reconciliation: China on UNSC meet, **Times of India**, <https://timesofindia.indiatimes.com/world/china/actions-of-global-community-on-myanmar-coup-should-focus-on-reconciliation-china-on-unsc-meet/articleshowprint/80652352.cms>, Feb 2, 2021.

(⁴¹)United States Cancels \$42 million in Myanmar aid over military coup.. then redirects it to nation's “civil society”, **Russia Today**, <https://www.rt.com/news/515312-us-sanctions-myanmar-coup/>, February 11, 2021.

(⁴²)Kurlantzick, Joshua, Op. Cit.

(⁴³)Walt, M. Stephen, What America Should—and Shouldn’t—Do About Myanmar’s Coup, **Foreign Policy**, <https://foreignpolicy.com/2021/02/04/what-america-should-and-shouldnt-do-about-myanmars-coup/>, February 4, 2021.

process in the country.⁽⁴⁴⁾ Furthermore, the European Council imposed sanctions against 11 military officials and entities in Myanmar including the coup leader.⁽⁴⁵⁾ In addition, member states of the G7 condemned the military coup in a joint statement, calling Myanmar's military to immediately end the state of emergency, restore power to the democratically-elected government, release all those unjustly detained and respect human rights and the rule of law.⁽⁴⁶⁾ Moreover, a couple of days after the coup the United Kingdom issued a draft statement to condemn the coup, but it was jointly vetoed by Russia and China. Later on, the UK and Canada imposed sanctions against a number of Myanmarese military figures as a result of human right abuses.⁽⁴⁷⁾ Furthermore, New Zealand severed relations with Myanmar.⁽⁴⁸⁾

Section III: International Implications of Myanmar's Coup

In light of Myanmar's geopolitical significance and different international reactions to the coup which were analyzed in the previous two sections, this section aims to evaluate possible implications of the coups for the Chinese, Russian, Indian, Japanese and the American interests.

3.1: Implications for China:

China and Myanmar have long history of good and close relation regardless of the type of government ruling the latter. When Myanmar was being ruled by the military, China was a long-standing supporter of Myanmar. Moreover, the military rule left Myanmar internationally isolated, so it became more dependent on China (and India to some extent) for receiving both economic and military aid.⁽⁴⁹⁾ Furthermore, China became one of

⁽⁴⁴⁾EU governments condemn Myanmar coup, next steps unclear, **Reuters**, <https://www.reuters.com/article/us-myanmar-politics-eu-vonderleyen/eu-governments-condemn-myanmar-coup-next-steps-unclear-idUSKBN2A11SP>, February 1, 2021.

⁽⁴⁵⁾EU imposes sanctions in response to Myanmar coup, **DW**, <https://www.dw.com/en/eu-imposes-sanctions-in-response-to-myanmar-coup/a-56948456>, March 22, 2021.

⁽⁴⁶⁾Condemning the coup in Myanmar: G7 Foreign Ministers' statement, https://eeas.europa.eu/headquarters/headquarters-homepage/92497/condemning-coup-myanmar-g7-foreign-ministers-statement_en, February 2, 2021.

⁽⁴⁷⁾UK and Canada sanction Myanmar generals for 'human rights abuses' as hundreds of protesters arrested amid military coup, **Russia Today**, <https://www.rt.com/news/515966-uk-canada-sanction-myanmar/>, February 18, 2021.

⁽⁴⁸⁾New Zealand cuts off all high-level political & military contacts with Myanmar, as tens of thousands protest military coup, **Russia Today**, February 9, 2021, <https://www.rt.com/news/514981-myanmar-newzealand-cuts-ties-protest/>

⁽⁴⁹⁾ Harris, Stuart, Op. Cit., p.162.

Myanmar's major arms supplier thanks to the US arms embargo imposed against it.⁽⁵⁰⁾ All the above does not mean that Myanmar is a Chinese satellite state, it has been reported that the Myanmarese military has always been suspicious of the Chinese ambitious, and since 2000 it has even attempted to approach India and Russia in order to counter-balance the Chinese influence.⁽⁵¹⁾

Later on, when the Saffron revolution sparked in Myanmar in 2007, the Chinese leadership considered it as unwelcomed development.⁽⁵²⁾ Nevertheless, when Aung San Suu Kyi's civilian reformist government, of NLD, ascended to power in 2011, China sought to improve relations with Myanmar. That should not come as a surprise; China doesn't mind establishing relations with any type of governments as long as its interests are protected. Moreover, it has been reported that China (alongside Russia) has repeatedly protected Myanmar from criticism and condemnation at the UN over the military crackdown on the Muslim minority Rohingya population.⁽⁵³⁾

Some analysts argue that since 2011 the Myanmarese president has sought to expand Myanmar's international relations and to reduce its dependence on China as well. Moreover, it has been argued that despite the Chinese support, the latter's influence in Myanmar diminished under the reformist government. Nevertheless, China continues to invest in Myanmar resources and infrastructure projects despite the cancellation of a major dam project by Myanmar's government.⁽⁵⁴⁾

In light of both the history of close relations between China and the Myanmarese military as well as the Chinese support of Myanmar, the latter's coup does not seem to have a major negative impact on China's interests. Rather, in light of the Western reactions to the coup, China might become a major winner and history is more likely to repeat itself. Firstly, China relations with the Myanmarese military are not bad, so the former's interests are protected. Secondly, Western sanctions against Myanmar will internationally isolate the country one more time. That might bring Myanmar closer to other powers which adopted a softer stance like China, Russia and India. That, for sure, will increase China's influence in such a strategic country. Nevertheless, China's gains are not without limitations; internal instability within Myanmar is not in China's interests; as instability harms China's business in Myanmar.

⁽⁵⁰⁾ Storey, Ian, China, Burma, and the "Saffron Revolution", **China Brief**, James town Foundation, Washington D.C. - USA, Vol. 7, No. 19, October 17, 2007.

⁽⁵¹⁾ Ibid.

⁽⁵²⁾ Ibid.

⁽⁵³⁾ Myanmar coup: China blocks UN condemnation as protest grows, Op. Cit.

⁽⁵⁴⁾ Harris, Stuart, Op. Cit., p.162.

3.2: Implications for Russia:

Historically, Russia has always had good relations with the Myanmarese military. Firstly, both had cooperated on military issues. Secondly, Russia is one of Myanmar's major arms suppliers. Thirdly, during the Saffron revolution of 2007, Russia (jointly with China) supported Myanmar and vetoed a US-sponsored resolution criticizing the former's human rights record and calling for the release of all political prisoners, Russia even claimed that the situation in Myanmar does not pose any threat to international or regional peace.⁽⁵⁵⁾ Fourthly, Russia supported the Myanmarese military during the Rohingya crisis of 2017, against any condemnation at the UN as mentioned earlier, Russia even emphasized the extremist ties of Rohingya armed rebel groups.⁽⁵⁶⁾

Russia's reaction to the 2021 coup indicates that it might not be the biggest loser of the military takeover; rather, this research argues that the coup might be used by Russia as a geopolitical card against its Western rivals.

Russia-West geopolitical rivalry is not secret and Myanmar's significance to Russia's interests could be partly understood in this context. In August 2020, presidential elections were held in Belarus, an Eastern European state, where Lukashenko, who had good relations with Russia, won 80% of the votes. However, the West refused to accept the results and called the elections as neither fair nor free. While Western powers support Belarus' protests, which continue to the day against Lukashenko, Russia supports Belarus' president.⁽⁵⁷⁾ Despite the lack of any direct link between what happened in Belarus and what is happening in Myanmar, both events might not be separate according to Russia. Russian and Western reactions to the Belarusian and the Myanmarese developments are part of the "great game" of power and influence which is being played on the Eurasian chessboard. Russia perceives Belarus' protests as targeting its influence in Eastern Europe, so Myanmar's coup could be exploited by the same logic to counterweight the Western policies and to manage the ongoing geopolitical rivalry with the West. Especially, rivalry has intensified since the ascendance of Joe Biden who adopts tougher stance towards Russia as a reaction to protests which erupted in the latter and which were followed by another wave of Western sanctions against Russia. Moreover, in its interim "National Security Strategic Guidance" which was issued in March 2021, the US expressed deep concerns about Chinese and Russian, among other countries, threats to its interests.⁽⁵⁸⁾

⁽⁵⁵⁾ Lutz-Auras, Ludmila, Op. Cit., p. 174.

⁽⁵⁶⁾ Gorenburg, Dmitry and Schwartz, Paul, Op. Cit. p.27.

⁽⁵⁷⁾ Seddik, Amira, Great Powers Policies towards Belarus Protests: A Geopolitical Study, **Journal of Political Trends**, Democratic Arab Center, Berlin, Germany, Issue 13, (in Arabic)

⁽⁵⁸⁾The White House, Interim National Security Strategic Guidance, March 2021, www.whitehouse.gov, p.8.

3.3: Implications for India:

Despite the fact that India considers Myanmar's coup a setback to democracy, the former might not become the biggest loser of the coup thanks to its pragmatic foreign policy stance that has been adopted since the 1990s.

Since independence, India's foreign policy has been dominated by the idealist principles of the Nehru era. However, during the 1990s, when India was being ruled by BJP, pragmatism replaced the idealist democratic principles that have dictated India's foreign policy for a long time. As a result of these major shifts in India's foreign policy, relations with the Myanmarese military, who ruled until 2011, improved in a significant way. On the one hand, India sought such an improvement as a result of the increasing economic significance of Myanmar to the former's interests. On the other hand, the Myanmarese military sought to improve relations with India (and Russia) in order to counterweight the Chinese influence as mentioned before. Indeed, Indo-Myanmar relations dramatically improved on the economic, diplomatic and military levels regardless of the ruling Myanmarese elite.⁽⁵⁹⁾

Later on, when Myanmar's NLD party ascended to power and established the first civilian government after the long military dominance of power, India's relations with the new reformist government improved and bilateral military cooperation, which was resumed in 2000, even deepened as a result of the common security interests.⁽⁶⁰⁾

In light of the Indian interests in Myanmar and the historic good relations with the Myanmarese military, India might not be the biggest loser of the coup. That explains why unlike Western powers, India has not strongly condemned Myanmar's coup; Firstly, India is currently preoccupied with its internal problems and protests. Secondly, India has good relations with the Myanmarese military. Thirdly, adopting a pragmatic stance towards the coup is in India's interest, as the latter does not wish to lose Myanmar to its major rival; China. Fourthly, India under Modi is adopting a pragmatic foreign policy and sought to improve relations with China, the former does not wish to escalate the already ongoing military tensions on the disputed Chinese-Indian borders. In sum, India will do its best to maintain and strengthen its influence in Myanmar and to protect its geopolitical interests, while employing the economic tool as a means to protect those interests.

⁽⁵⁹⁾ Ogden, Chris, Op. Cit., p.89.

⁽⁶⁰⁾ Ibid, p.90.

See also: Chaudhury, Anasua Basu Ray and Saha, Premesha, Op. Cit., p.51.

3.4: Implications for Japan:

Like India, Japan's interests in Myanmar played a crucial role in keeping the Japanese pragmatic stance towards Myanmar regardless of the type of governments that rules the latter. So, when Myanmar was being ruled by the military, Japan had good relation with Myanmar and its military. In addition, when the civilian government of Aung San Suu Kyi ascended to power in 2011, bilateral relation dramatically improved. Japan even become one of Myanmar's major aid donors, the former also counted on its good historic relations with Myanmar to help mediate between the military and the West.⁽⁶¹⁾ While that pragmatic stance protected the Japanese interests in Myanmar, the former is really concerned about the latter's domestic development which may threaten its economic and geopolitical interests.

3.5: Implications for the United States:

Since 1962, when the military staged a coup and ruled Myanmar (then Burma) until 2011, US relations with the latter's ruling elite has not been so good. Despite being critical of the military rule, the United States just downgraded its relations with it. In the shadow of the cold war, the US didn't wish to lose "Burma" to the Soviet Union. However, the US has always been critical of the state of democracy and Human rights in Myanmar. Critics followed the crackdown on pro-democracy protests of the 1988, setting aside the 1990s elections, cracking down protest movements during the Saffron Revolution of 2007 and suppressing the Rohingya minority in 2017.⁽⁶²⁾

The US has always sought to enter Myanmar into its orbit, both democracy promotion and economic sanctions (or aid) have been important tools in this regard. Indeed, relations with Myanmar relatively improved after the "saffron revolution" of 2007. Moreover, the relative triumph of democracy and the ascendance of a civilian government led by Aung San Suu Kyi in 2011 were both supported by the United States. Nevertheless, the American aid to Myanmar remained modest compared to the amount of aid and investments the latter receives from China.⁽⁶³⁾ Moreover, despite political reforms, the US has not lifted sanctions which were imposed against Myanmar until 2016. Furthermore, the American arms embargo brought Myanmar closer to China and Russia.⁽⁶⁴⁾

⁽⁶¹⁾ Masaya. Kato, Op. Cit.

⁽⁶²⁾ Kurlantzick, Joshua, The Regional Implications of Myanmar's Coup, **Council on Foreign Relations**, <https://www.cfr.org/article/regional-implications-myanmars-coup>, February 12, 2021.

⁽⁶³⁾ Walt, M. Stephen, Op. Cit.

⁽⁶⁴⁾ Dalpino, Catharin, in **Caballero-Anthony, Mely and others**, Myanmar's Growing Regional Role, **NBR Special Report**, the National Bureau of Asian Research, Washington, USA, No.45, March 2014, p. 29.

In the shadow of that history of unfriendly relations with the Myanmarese military, The United States might become one of the biggest losers of the coup. Firstly, the coup violates the Western democratic values and may bring Myanmar and the United States back to enmity, especially the new American administrations highlights the importance of freedom, democracy and human rights. Secondly, imposing sanctions and blockades against Myanmar will make things worse; the latter will be more isolated, which might bring it closer to China and Russia in an attempt to counterweight the Western blockade, securing the Chinese geopolitical goals of integrating Myanmar in the Chinese sphere of influence and easing the Chinese goals of accessing the Indian Ocean. Thirdly, it has been argued that the US is unwilling to impose a broad-based economic sanctions in order not to hurt the poor citizens, especially Covid-19 pandemic has already affected the Myanmarese economy in a negative way.⁽⁶⁵⁾ Fourthly, imposing sanction against Myanmar might not be an effective option for the United States, since the American economic leverage in Myanmar is modest and the amounts of American aid delivered to Myanmar are not huge compared to those of China.⁽⁶⁶⁾ Fifthly, other pragmatic reactions to the coup may undermine the American goals and loosen the Western pressures.

However, The United States can rely on the Myanmarese military fears of the Chinese ambitions which are inherited in the military strategic culture. The latter unwillingness to let their country fall into the Chinese sphere of influence as well as their need to improve relations with other powers to counter-balance the Chinese influence can be well exploited by the United States. In addition, internal unrest in Myanmar disrupts China's economic projects.

Conclusion:

The coup in Myanmar, staged on January 31, 2021, may appear at first glance to be a domestic affair. However, the coup has provoked various international reactions. In this regard, the main objective of the research was to assess the possible international impact of this coup on American, Russian, Chinese, Indian and Japanese interests. The Inquiry sought to achieve this objective by both analyzing the interests of these powers in Myanmar in the light of the country's strategic position on the Asian continent, and by examining the various international reactions to the coup. The research concludes that Myanmar occupies a strategic location in Southeast Asia, between the regional powers of China and India, on strategic waters and at strategic crossroads connecting South Asia, Southeast Asia and Asia-Pacific. This location is strategic enough to intensify the rivalry of the great powers for

⁽⁶⁵⁾ Kurlantzick, Joshua, Op. Cit.

⁽⁶⁶⁾ Walt, M. Stephen, Op. Cit.

influence in the country and the region. This explains why the coup in Myanmar, although an internal variable, provoked international reactions.

Moreover, the study concludes that given the disparity in international reactions, Western powers, such as the US and Europe, may be the biggest losers of the coup. Sanctions and the suspension of aid could make the situation worse. Moreover, these reactions could bring Myanmar closer to the West's rivals, China and Russia, in order to circumvent sanctions and avoid international isolation.

Although China has been negatively affected by Myanmar's instability, it could become one of the biggest winners. Because of its good historical relations with the military, China can deepen its influence in the region, apart from the Western blockade. Russia could also become another big winner; it could use the coup as a geopolitical tool to manage its rivalry with the West, which has intensified in the last days of Trump and the first days of Biden.

Despite their deep concerns about the state of democracy, India and Japan may not be big losers thanks to their pragmatic responses. Unlike the West, India and Japan have realized that sanctions are not the best way to deal with the coup, besides they do not want to lose Myanmar to their common geopolitical rival, China. Rather, India is doing its best to protect its interests and strengthen its influence in such a strategic country. Similarly, even Japan tried to balance between condemning the coup and opening a dialog with Myanmar.

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Media Coverage of the For the US elections in the news channels On social net media sites A comparative analytical study between of the two pages of "BBC 'Arabic 'channel and Sky news Arabia' channel

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Abstract:

The study aims to reveal the levels of media coverage of the American elections on the pages of BBC Arabic and Sky News Arabia, for each of the two candidates, "Joe Biden" and Donald Trump. The study uses the descriptive method and the content analysis method as a tool for data collection, The analytical sample was represented on the pages of the BBC Arab channel and Sky news Arabia, The study results show that There are not statistically significant statistical differences between the pages of BBC Arabic" and "Sky news Arabia" my channels in the levels of media coverage the American elections. the number of the observed frequencies reaches (59, 46),respectively for the pages of " of BBC Arabic " and " Sky news Arabia" channels, the value is (1.60**), significant at the level of (0.01), And There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in The statement of the position of the candidates during of media coverage of American elections.the number of the observed frequencies reaches (23,10),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (5.12**), significant at the level of (0.01).

Key words: media coverage, American Elections, News Channels, Social networking sites.



INTRODUCTION:

With the tremendous development brought about by the information and communication technology, the world has come to live in the era of the technological revolution in all its manifestations and meanings. and News channels has witnessed in recent years rapid changes as a result of the information and communication revolution and the use of technology, which made news available to everyone.

considered asocial networking site "Facebook" is an important To communicate between individuals and different peoples.

It is also News channels on social networking site "Facebook" is an important To communicate between individuals and different peoples And a source from which the public can get news and information that interests them.

And Especially getting news related to media coverage of the US elections.

Also With the integration of television and the Internet, the recipient it became interactive with the latest related of news related to of the topics that of US presidential candidates talked about in my page "BBC Arabic" channel and Sky NEWS Arabia channel. In addition to the availability of interaction mechanisms on the site, which allow users to interact The different opinions regarding the views of both candidates, Through the mutual reactions between them, So The study will look from a recent perspective on: **the levels of media coverage the American elections on the pages of " BBC Arabic" and " Sky news Arabia " channels.**

Previous studies:

The researcher adopted the division of previous studies On the following axis:

- Studies on news channel and social media sites:**

The study aimed at Shaima Rida (2019 AD). To monitor and analyze the persuasive methods used in the televised media discourse and its role in shaping public opinion trends towards political issues. The study uses the descriptive method and the content analysis method and the sample survey as a tool for data collection. The analytical sample was represented in My program every day on the channel ON E, Al Hayat Today on Al Hayat channel, By 16 and 12 episodes for each program. The sample includes (436) individuals A member of the Egyptian public from the governorates of Cairo, Giza, Qalyubia, The study has found that: there are statistically significant differences between Show the volume



of exposure to methods of persuasion in the media discourse and the intensity of the positive trend towards the issue under study ⁽¹⁾.

In the same context, the study sought of Lubna Zaheer (2016 AD). To know how students of the Indian University of Punjab use social media and the effect of that use on their political participation, It used the descriptive method through the sample survey method as a tool to collect data. The sample included (400) individuals from the university students, The study has found: That male students it participate in political and economic issues on Facebook more than females. That the sample members They trust in of political topics broadcast on Facebook ⁽²⁾.

In a related context, the study aimed at Abd al-Hadi Burbi (2018 AD). To monitor and analyze the interaction of Facebook pages users with The case of the arrival of Mrs. Zahia bin Qara to the presidency of the Municipal People's Assembly, Shaqara, in the Wilayat of Mellah, as the first woman to win an Islamist party, The study uses the descriptive method and the content analysis method as a tool for data collection, The analytical sample was represented in The page of Hana Algeria channel, The study has found that: That the users interact with the arguments and the evidence Concerning the arrival of Mrs. Zahia Bin Qara to the Presidency of the Municipal People came in the forefront, followed by comments, The members of the sample confirmed that , They do not engage in confrontational reactions that include sarcasm ⁽³⁾.

In the same context, Murray Daniel's (2016 AD). study sought to identify how news organizations use social media as a means of dialogue and communication between the public and the media institution. The study uses the descriptive method and the content analysis method as a tool for data collection. The analytical sample was represented in five American news networks On Facebook, namely "fox, cNN, NBC, CBS, ABC",The study has found that: that These networks provide a short description about them and links to their websites. That "NBC" network These provide a description of its mission, while the 'cNN' network included the contact information ⁽⁴⁾.

Comment on previous studies and their benefits:

¹ Shaima Rida Abdo Ali (2019). Persuasive Methods in Media Discourse on Egyptian Satellite Channels and Their Relationship to Forming Public Opinion Trends Toward Political Issues, Unpublished PhD thesis, Ain Shams University, Faculty of Specific Education, Department of Educational Media.

² Lubna Zaheer. L (2016) Use of Social Media and Political Participation among University Students, Pakistan Vision, Vol. 17, Issue. 1, pp. 278-302.

³ Abdelhadi Burby (2018). The interaction of users of social networking sites Facebook with issues of public concern between representation and debate, research published in the Journal of Hikma for Media and Communication Studies, Algeria: Kunooz Al-Hikma Foundation for Publishing and Distribution, Issue 13, Volume 13, June 2018 AD.

⁴ Murray, Danielle L.(2016).the news media meets social media:A content Analysis news outlets on Facebook, master thesis Quinnipiac university united states.

- It has been evident from previous studies that the Arab and foreign schools are interested in the interaction of social media as a source of news that the public relies on in filing political news that interest the public, Especially news about the US elections, Where social media is an important interactive tool for shaping public opinion trends towards the topics that of US presidential candidates talked about talked.
- The two schools differed in objectives, sample, curriculum and results, The results formed the scientific basis on which the study was based, with an attempt to build on it to provide a scientific addition and benefit from its reading mainly in: Identify the problem, purpose, questions and the study Sample.
- The theoretical frameworks of previous studies commented in the current study are related: the levels of media coverage the American elections on the pages of " BBC Arabic" and Sky news Arabia " channels.
- Note that a content analysis will be made the topics that of US presidential candidates talked about "Joe Biden" and "Donald Trump", And monitor the patterns of interaction around.

The Study Problem:

In light of the amazing acceleration in the field of modern information and communication technology and the emergence of interactive applications for Web 0.2, And employ news channels for social media to cover various the topics related to current events.

With regard to the of media coverage the American elections for each of the candidates 'Joe Biden' and 'Donald Trump' on the pages of " BBC Arabic" and " Sky news Arabia " channels.

The researcher it conducted an exploratory study on a sample of (14) users of the news channels pages on social networking sites. In order to know the users' reactions to issues related to current events, In addition to knowing the highest percentage of follow-up on these pages.

As for the reasons for The individuals of the sample following the pages of news channels, **The study results show:** The percentage Quick access to information And Reliability, modernity and timeliness in reporting related to current events has reached the rate of (35.71%), then It allows Let me get to learn about current events issues a rate of (21.34%), Followed by The ability to communicate and interact with others on issues of common interest a rate of (7.15%).

and Results of some previous studies, such as the Johnson Kaye study (2016), Which study has found that: That Social media is the most reliable source of political information

for the public, Followed by the "cnn" channels, then the "fox news" channel, And Finally, Twitter sites.

And given that the media coverage of the American elections is linked to political, economic, social, religious and cultural changes with the different nature of programs presented to the public by both candidates through social media, Therefore, it is considered an essential pillar in influencing the producers, its participants and followers.

The thing that became has become worthy of scientific study.

In the same context, we will focus on conducting an analytical study on: The Media coverage of the topics that of US presidential candidates talked about 'Joe Biden' and 'Donald Trump' in my page "BBC Arabic" channel and Sky news Arabia channel. We have also monitored patterns around them using quantitative analysis without recognizing the uses of the undecided on both pages, So the problem of study in is a key question: **What are the levels of media coverage the American elections on the pages of " BBC Arabic" and " Sky news Arabia " channels?**

The significance of the research:

The current study seeks to identify the following main goal: What are the levels of media coverage the American elections on the pages of " BBC Arabic" and " Sky news Arabia " channels?

- Identifying the differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" my channels in the levels of media coverage the American elections.
- Identifying the differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in The statement of the position of the candidates during of media coverage of American elections.
- Identifying the differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by like with the media coverage of American elections.
- Identifying the differences between the pages of " BBC Arabic" and "Sky news Arabia" channels in Interact by Comments with the media coverage of American elections.
- Identifying the differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interaction by Sharing with the media coverage of American elections.

The significance of the research:

- The theoretical importance of the research can be justified by the need to focus on levels media coverage the American elections on the pages of "BBC Arabic" and

"Sky news Arabia" channels, where social interaction on media coverage the American elections is the most effective means on these pages.

- **The applied importance of research,** The practical significance is based on conducting a content analysis to find out the levels of media coverage of American elections .on the pages of "BBC Arabic" and "Sky news Arabia" channels, noting that we will conduct an analytical study related to the media coverage of American elections on the two Facebook pages of "BBC Arabic" and "Sky news Arabia" channels, without identifying the uses of frequent visitors of the study sample sites.

Study questions:

- What are kind of the topics that of US presidential candidates talked about talked during of media coverage of American elections In my pages "BBC Arabic" channel and Sky NEWS Arabia channel ?
- What are Forms of interaction with of the topics that of US presidential candidates talked about in my pages "BBC Arabic" channel and Sky news Arabia channel ?
- What are The time for the of Visual media used in the coverage of the topics that of US presidential candidates talked about talked on my pages "BBC Arabic" channel and Sky news Arabia channel ?
- What are methods of a persuasion of American presidential candidates in my page "BBC Arabic" channel and Sky NEWS Arabia channel ?
- What are of the position of the candidates during of media coverage of American elections In my pages "BBC Arabic" channel and Sky news Arabia channel ?
- What are the media coverage sources of American elections In my pages "BBC Arabic" channel and Sky news Arabia channel ?
- What are The period in which the content It is published the media coverage of American elections in my pages "BBC Arabic" channel and Sky news Arabia channel ?

b. The Study Hypotheses:

- There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky news Arabia" my channels in the levels of media coverage the American elections .
- There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky news Arabia" channels in The statement of the position of the candidates during of media coverage of American elections.



- There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky news Arabia" channels in Interact by like with the media coverage of American elections.
- There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky news Arabia" channels in Interact by Comments with the media coverage of American elections.
- There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky news Arabia" channels in Interaction by Sharing with the media coverage of American elections.

The Study Sample:

An analytical study is conducted on the media coverage the American elections on the Facebook pages of "BBC Arabic " and " Sky news Arabia". The analytical sample was selected on the basis of the survey results, It was taken into account in choosing the sample that these sites belong to the sector of sites that provide daily news and below is a description of the sample:

Analysis Study Sample (Table1)

The pages of "BBC Arabic" and Sky news Arabia channels"	F	%
The page of BBC Arabic channel	82	53.59%
The page of Sky news Arabia channel	71	46.41%
Total	153	100%

The data of the table above show the following:

- The page of "BBC Arabic" channel ranks first in terms of media coverage of American elections with a rate of (53.59%), while the page of " Sky news Arabia" channel ranks second and last with (46.41%), **Previous results show:** that there is superiority in The page of "BBC Arabic" channel in terms of media coverage of American elections , And that's because in The page "Sky news Arabia" channel, It seeks to prove its worth in covering various issues at the local and international level to attract the largest number of followers and to be a place and competition among Global media.

Type and method of study:

This study belongs to descriptive studies that rely mainly on the use of the method of analysis of the content, Where the optimal way to obtain quantitative and qualitative data in research units, quantitative analysis contains the collection of data according to word and subject units as essential parts of the measurement of the enemy, So to find out The levels



of media coverage the American elections on the pages of " BBC Arabic" and " Sky news Arabia " channels., Where the qualitative analysis depends on the interpretation of the numerical results obtained in the quantitative analysis on the study sample pages, This is because in this type of studies the researcher begins by observing the results through the data.

We have followed this approach because it responds to the aim of the study in knowledge, The levels of media coverage the American elections on the pages of " BBC Arabic" and " Sky news Arabia " channels.

This is to analyze shape of the topics that of US presidential candidates talked about. study sample, is represented in: Fighting "Covid 19", Helping American families affected by the Corona pandemic, racial discrimination, Climate change, National Security and Leadership".

The Analytical Study Tool:

- A content analysis paper prepared by the researcher to identify the levels of media coverage the American elections on the pages of " BBC Arabic" and " Sky news Arabia " channels, and to monitor the forms of interaction with them. Firstly, the initial drafting of the content analysis form design was prepared and then it was presented to a number of specialized arbitrators in the field of the study.
- The paper focused on modifying some of the analysis categories related to media coverage the American elections on the pages of " BBC Arabic" and " Sky news Arabia " channels, and removed some other categories.
- Following the amendments made by the researchers, the paper is now ready for application in its final form to serve the purposes of the study. The form was applied through the follow-up of the media coverage the American elections on the pages of " BBC Arabic" and " Sky news Arabia " channels, and removed some other categories, and through monitoring the forms of interaction with it all over a three months, from 3 th November 2020 to 26 th November 2020, as every issue has a specific life cycle linked to a specific time frame.

definitions of the analysis categories included in the content analysis paper:

The content analysis paper included the main category and five sub-categories. The main content category includes:

- a) The category of topics that the two of candidates talked about during of media coverage of American elections In my pages "BBC Arabic" channel and Sky NEWS Arabia channel, which the researcher have divided it into: " Fighting "Covid 19",



Helping American families affected by the Corona pandemic, racial discrimination, Climate change, National Security and Leadership".

While the sub-categories analysis includes five sub-categories, namely:

- (1) The category of Forms of interaction with of the topics that of US presidential candidates talked about on my pages "BBC Arabic" channel and Sky NEWS Arabia channel, The researcher divided it into: "Number of likes, number of comments, number of posts.
- (2) The category The time for the of Visual media used in the coverage of the topics that of US presidential candidates talked about talked on my pages "BBC Arabic" channel and Sky NEWS Arabia channel, The researcher divided it into: "From 3: 1 minutes, from 2: 3 minutes, more, Furthermore.
- (3) The category of methods of a persuasion of American presidential candidates in my page "BBC Arabic" channel and Sky NEWS Arabia channel, The researcher divided it into: "Submit evidence and proofs, Relying on a personal point of view, exchange of views, A poignant picture display".
- (4) The category of statement of the position of the candidates during of media coverage of American elections In my pages "BBC Arabic" channel and Sky NEWS Arabia channel, The researcher divided it into: "Endorsement for Donald Trump, Opposition for Donald Trump, Endorsement for 'Joe Biden', Opposition for 'Joe Biden'.
- (5) The category Of media coverage sources of media coverage of American elections In my pages "BBC Arabic" channel and Sky NEWS Arabia channel, The researcher divided it into: " Newspapers and news agencies world on the Internet, Reports of correspondents and delegates by The page of BBC Arabic channel, American Newspapers, Reports of correspondents and delegates by The page of Sky NEWS Arabia channel, Official source on Donald Trump, Official source on 'Joe Biden ', Meetings with guests in the studio, Party and judicial sources.
- (6) The category Of period in which the content It is published the media coverage of American elections in In my pages "BBC Arabic" channel and Sky NEWS Arabia channel, The researcher divided it into: " Morning Shift 6:12, Noon Shift 6: 12, Evening shift 6:12, Evening period 12: 6.

The truthfulness and constancy of the content analysis paper:

To test the validity and reliability of the content analysis sheet, And to ensure its ability to achieve the objectives of the study, The form was presented to a group of arbitrators, In light of the observations made by the arbitrators, the form was modified, The researchers also analyzed the contents under study in my page "BBC Arabic" channel and Sky NEWS

Arabia channel, And that is under the guidance of a researcher who has the same experience in analyzing the contents under discussion on both pages, And that is how to deal with the model and analyze its vocabulary, The stability coefficient was also calculated by using the Holosti equation = $2m / (n_1 + n_2)$, The value of the correlation coefficient between the opinions of the two analysts was (0.96%), It is a statistically significant correlation coefficient indicating the clarity of the content analysis sheet. And then its suitability for analysis.

Study community:

The analytical study community in the topics that of US presidential candidates talked about talked on my pages "BBC Arabic" channel and Sky NEWS Arabia channel.

The limits of the study are:

- **Objective boundaries:** Are the topics that of US presidential candidates talked about talked on my pages "BBC Arabic" channel and Sky NEWS Arabia channel. It included the following: " Fighting "Covid 19", Helping American families affected by the Corona pandemic, racial discrimination, Climate change, National Security and Leadership".
- **Time limits:** The analytical study was conducted on the media coverage the American elections 3 th November 2020 to 26 th November 2020, This is done by using the industrial week method, This was the period during which media coverage of the US elections extended. This is because it is a period that extended over a period of (15) fifteen days. ; This is because it extended over the course of (15) fifteen days.

Study variables are:

- **Independent variable:** levels of media coverage the American elections in news channels.
- **Dependent variable:** social media sites.

The Statistical Analysis:

After completing the data collection of the analytical study, the researchers used the following statistical factors and tests in analyzing the data, namely: " Ratios and percentages of questions of the content analysis sheet, Ca2 test to calculate differences between Watched repeats in my page "BBC Arabic" channel and Sky NEWS Arabia channel, The 'Holoste' equation to calculate the stability of the analysis for all classes of the Analysis Form.



Study concepts are:

- **News Channels:** They are channels loaded on satellites and social networking sites that broadcast their media contents in text, audio and image.
- **Social media sites:** It is of the Web 2.0 interactive applications that Allow its users to communicate and interact with each other, And that by participating in the various activities and topics that interest them.
- **The media coverage:** It is the role played by the media in covering various events, by providing the public with information and news about the events that interest them.

The Knowledge Framework:**The media coverage on social media sites:**

It is newsletters that are presented through the television screen, including issues of public opinion interest (⁵).

Social networking sites are also an interactive media that allows users to know and share news on topics of interest to them (⁶), This is done through feedback between the sender and the receiver (⁷), Within a defined framework through publicly available technology web services (⁸).

The "Facebook" network as an of interaction medium with the media coverage the American elections on the pages of " BBC Arabic" and "Sky news Arabia" channels:

Facebook: A network that allows communication between users , and between themselves to exchange news, information and messages in various forms like texts, pictures or videos (⁹),It is an interactive network with an international culture based on

⁵ Ayat Haydar Hayadra (2019). Building newsletters for the Al-Mamlaka channel and Jordanian TV channel, an unpublished master's thesis, Jordan: Yarmouk University, Faculty of Mass Communication, Department of Radio and Television, p19.

⁶ Alaa Maher Khafaja (2018). Interactivity with news sites and social networks and its relationship to the level of social, political and cultural participation, unpublished PhD thesis, Minia University, Faculty of Arts, Department of Media, p53.

⁷ Rahima Al-Tayeb Essani (2016) Interactivity forms among social media users of the Arab youth, research published in the Arab Journal of Media and Communication, Issue 15 - May 2016 - Shaban 1437 AH.p455.

⁸ Ellison, N. B. & boyd, d. (2013). Sociality through Social Network Sites. In Dutton, W. H. (Ed.), The Oxford Handbook of Internet Studies. Oxford: Oxford University Press, pp. 151.

⁹ Abdelhakim Ali Mohamed (2020). The role of social networking sites in changing some social values in university students, research published in the Journal of Media and Arts, Libya: School of Media and Arts at the Libyan Academy, First Issue, April, 2020 AD,p183.

communication and interaction between users, or between other members of the same network ⁽¹⁰⁾.

Especially of interaction with the of media coverage of American elections on my pages "BBC Arabic" channel and Sky news Arabia channel.

The 'Facebook' network is also the fastest way to reach the heart of the event whether it is news pages for newspapers or channels, This is because it is an important source in obtaining information through tablet computer systems ⁽¹¹⁾.

Interactivity through social networking sites:

It is a series of reactions that occur between the human being and the outside world, which includes the communication environment and its various components ⁽¹²⁾, Also, the core of the interactive for 'Heter' is action and reaction ⁽¹³⁾.

The interaction depends on the style of the dialogue and participation between users regarding the contents of the media message ⁽¹⁴⁾.

Forms of interaction with the of media coverage of American elections on my pages "BBC Arabic" channel and Sky news Arabia channel:

There were many forms of interaction with of media coverage of American elections on my pages "BBC Arabic" channel and Sky news Arabia channel, AND They include the following:

- **Interaction with admiration:** it means showing admiration for the content on the site available for friends, groups and channels that join them ⁽¹⁵⁾.
- **Interaction with Comments:** it is a form of interaction available on the news pages of the social networking site "Facebook", where users can write comments about

¹⁰ Hassanein Shafiq (2011). New Media: Alternative Media, New Technology in the Post-Interactive Era, Cairo: Fikr and Publishing House for Printing, Publishing and Distribution, p. 198.

¹¹ Joinson, A. N. (2008). 'Looking at', 'Looking up' or 'Keeping up with' people? Motives and uses of Facebook. In Proceedings of the 26th annual SIGCHI conference on human factors in computing systems. P1027–1036- Download from the following link is available at the following link: <http://dl.acm.org/citation.cfm?id=1357213>.

¹² Shaima Muhammad Ahmad Hussein (2015). Youth exposure to Islamic pages on Facebook, its relationship with providing them with religious information, an unpublished master's thesis: Ain Shams University, Institute of Higher Studies for Childhood, Department of Media and Child Culture.

¹³ Carrie Heater. Op.cit. pp. 219-225.

¹⁴ Francis Balle, Lexique d'information communication, 1er Edition, Dalloz, 2006. p.217.

¹⁵ Khaled Mahdi Hamid Achaer (2018). Treatment on YouTube channels and the extent of Egyptian public awareness of it, unpublished MA Thesis, Al-Azhar University, Faculty of Mass Communication, Department of Radio and Television,p59.

issues that interest them and then press the button 'inter', this method is characterized by achieving the mechanism of interaction between users (¹⁶).

- **Interaction by Sharing:** The new media worked to transform the audience from a recipient to the most active and interactive element of the topics that interest him, And that is by freely expressing his views and exchanging them with others, In addition to information widely shared among users (¹⁷).

RESULTS AND DISCUSSION:

The analytical study was conducted on the media coverage the American elections 3 th November 2020 to 26 th November 2020. An analysis has been carried in terms of the topics related to the media coverage the American elections on the two pages of "BBC Arabic" and "Sky news Arabia" channels, below is a presentation of the analytical study outcomes:

Table (2) The category of topics that he two of candidates talked about during of media coverage of American elections In my pages "BBC Arabic" channel and Sky NEWS Arabia channel

The topics that the two candidates talked about	The page of BBC Arabic channel		The page of Sky news Arabia channel	
	F	%	F	%
Fighting "Covid 19"	26	44.06%	19	41.30%
Helping American families affected by the Corona pandemic	17	28.82%	11	23.91%
racial discrimination	8	13.56%	10	21.74%
Climate change	0	0.00	0	0.00
National Security and Leadership	8	13.56%	6	13.05%
Total	59	100%	46	100%

The data of the table above show the following:

- **The category of topics that he two of candidates talked about during of media coverage of American elections in The page of BBC Arabic channel:** The Themes topic of fighting COVID-19 received a rate of (44.06%), followed by Helping American families affected by the Corona pandemic a rate of (28.82%), then racial discrimination, National Security and Leadership a rate of (13.56%),While a topic Climate change not get on any rate.

¹⁶ Mahmoud Mohamed Ahmed (2017). Interactive communication for users of news channel pages on social networking sites and the gratifications obtained from them, an unpublished master's thesis, Minia University, Faculty of Specific Education, Department of Educational Media,p57-58

¹⁷ Mayfield, Anthony.(2007). What is Social Media? (Online resource: ICrossing. Available on the website of 5/10/2013: <http://www.icrossing.co.uk>

This result is consistent with the findings of the study of Alaa Maher (2013), The Themes topic of National Security and Leadership has received attention, and it also received attention in the current study.⁽¹⁸⁾.

- **And in The of topics that he two of candidates talked about during of media coverage of American elections in The page of Sky news Arabia channel:** The Themes topic of fighting COVID-19 received a rate of (41.30%), followed by Helping American families affected by the Corona pandemic a rate of (23.91%), then racial discrimination a rate of (21.74%), followed by National Security and Leadership a rate of (13.05%), While a topic Climate change not get on any rate, **Previous results show:** The page of BBC Arabic channel Interested in covering of topics that the two candidates talked about The American Presidency, And represented in fighting "Covid 19", Helping American families affected by the Corona pandemic This has led to the death of more than 200 thousand Americans and has infection nearly 6 million citizens. In addition to the high unemployment rate and job losses. With regard to issues of racial discrimination, Both candidates stressed the need to fight it, as a result of the killing of a defenseless black man named "George Fleweld" as a result of a violent assault by a white man, a member of the American police. By placing his foot over his head until he breathed his last, As for the issue of national security and leadership, Trump attacked the Democratic candidate, Biden, saying that he threatens US national security, This is similar to the Biden family's crime with the Chinese Communist Party, The aforementioned topics also dealt with the candidates' programs in varying degrees, but they differed in their visions and how they were addressed in their electoral programs.

¹⁸ Alaa Maher Khafaja (2018). Interactivity with news sites and social networks and its relationship to the level of social, political and cultural participation, unpublished PhD thesis, Minia University, Faculty of Arts, Department of Media, p.155.

(3) Table Forms of interaction with of the topics that of US presidential candidates talked about in The page of BBC Arabic channel

Forms of Interaction	of social issues in The page of Al-Ahram newspaper						
	F	Fighting "Covid 19"	Helping American families affected by the Corona pandemic	racial discrimination	Climate change	National Security and Leadership	Total
Number of Likes	F	3865	1002	1001	0	1001	6869
	%	56.27%	14.57%	14.59%	0.00	14.59%	100%
Number of Comments	F	92	27	0	0	16	135
	%	68.15%	20%	0.00	0.00	11.85%	100%
Number of Posts	F	63	12	11	0	9	92
	%	68.47%	13.04%	11.95%	0.00	6.54%	100%

The data of the table above show the following:

- With regard to the number of likes:** The percentage of likes for to The of topics a Fighting "Covid 19" has reached the rate of (56.27%), Then the racial discrimination, National Security and Leadership has reached the rate of (14.59%), And then a Helping American families affected by the Corona pandemic has reached the rate of (14.57%), While a topic Climate change not get on any rate.
- In Regarding the number of comments:** percentage of comments for to The topics Fighting "Covid 19" has reached the rate of (68.15%),followed by Helping American families affected by the Corona pandemic rate of (20%), And then National Security and Leadership has reached the rate of (11.85%), While a topics Climate change And racial discrimination not get on any rate.
- In Regarding the number of posts:** percentage of posts for of topics a Fighting "Covid 19" to has reached the rate of (68.15%), Then a Helping American families affected by the Corona pandemic has reached the rate of (13.04%), while the racial discrimination to has reached the rate of (11.95%), Then National Security and Leadership has reached the rate of (6.54%), While a topic Climate change not get on any rate. **Previous results show:** That The of topics a Fighting "Covid 19",Helping American families affected by the pandemic, were at the forefront of interaction, Coincide come in light of the outbreak of the virus, As it led to the death of 200 thousand Americans and the loss of millions of American families to their jobs, which prompted the American government to provide unemployment benefits to those affected, With a difference in the patterns of participatory interaction for topics that both candidates speak in different ways during their by presentation in their electoral programs to convince the public of them.

(4) Table Forms of interaction with of the topics that of US presidential candidates talked about in the page of Sky NEWS Arabia channel

Forms of Interaction	F	of social issues in The page of Al-Ahram newspaper						Total
		Fighting "Covid 19"	Helping American families affected by the Corona pandemic	racial discrimination	Climate change	National Security and Leadership		
Number of Likes	F	4000	830	1000	0	0	8530	
	%	68.61%	14.24%	17.15%	0.00	0.00	100%	
Number of Comments	F	259	117	2016	0	0	2392	
	%	10.82%	4.89%	84.89%	0.00	0.00	100%	
Number of Posts	F	98	50	1132	0	0	1280	
	%	7.65%	3.92%	88.43%	0.00	0.00	100%	

The data of the table above show the following:

- With regard to the number of likes:** The percentage of likes for to The of topics a Fighting "Covid 19" has reached the rate of (68.61%), Then the racial discrimination has reached the rate of (17.15%), And then a Helping American families affected by the Corona pandemic has reached the rate of (14.24%), While a topics Climate change and of National Security Leadership not They get on any rate.
- In Regarding the number of comments:** percentage of comments for of topics a racial discrimination to has reached the rate of (84.89%), This result goes in line with the findings of the study of Mahmoud Mohamed (2020) where the term “comments In the foreground, and It is also the same with the current study where it comes (¹⁹), followed by Fighting "Covid 19" rate of (10.82%), And then a Helping American families affected by the Corona pandemic has reached the rate of (4.89%), While a topics Climate change and of National Security Leadership not They get on any rate.
- In Regarding the number of posts:** The percentage posts for of topics racial discrimination to has reached the rate of (88.43%), followed by Fighting "Covid 19" rate of (7.65%), And then a Helping American families affected by the Corona pandemic has reached the rate of (3.92%), While a topics Climate change and of National Security Leadership not They get on any rate, **Previous results show:** That The of topics a Fighting "Covid 19",Helping American families affected by the

^{¹⁹} Mahmoud Mohamed Ahmed (2020). University youth interaction with the videos of the Lebanese movement on Facebook, Research published in the Journal of Afro-Asian Studies, Number4, Germany: Berlin: The Arab Democratic Center, January 2020.

pandemic, were at the forefront of interaction, Coincide come in light of the outbreak of the virus, As it led to the death of 200 thousand Americans and the loss of millions of American families to their jobs, which prompted the American government to provide unemployment benefits to those affected, In addition to the killing of a black American citizen called 'Gog Flewild' by a white man from the American police, by placing his foot on his head until he breathed his last, With a difference in the patterns of participatory interaction for topics that both candidates speak in different ways during their presentation in their electoral programs to convince the public of them.

(5) The time for the of Visual media used in the coverage of the topics that of US presidential candidates talked about talked on my pages "BBC Arabic" channel and Sky NEWS Arabia channel

The time period of the media	The page of BBC Arabic channel		The page of Sky news Arabia channel	
	F	%	F	%
From 1: 3 minutes	9	60%	8	47.05%
From 2: 5 minutes	6	40%	9	59.95%
Furthermore	0	0.00	0	0.00
Total	15	100%	21	100%

The data of the table above show the following:

- **The page of BBC Arabic channel**, relied primarily on The time for the of Visual media used in the coverage of the topics that of US presidential candidates talked about talked From 1: 3 minutes with a rate of (60%), followed by From 2: 3 minutes with a rate (40%), While of time Furthermore not he get on any rate, **and regarding Visual media used in the media**: It came in the form of 'video clips, videotapes, subject photos, and personal photos.
- **The page of Sky NEWS Arabia channel**, relied primarily on The time for the of Visual media used in the coverage of the topics that of US presidential candidates talked about talked From 2 : 5 minutes with a rate of (59.95%), followed by From 1: 3 minutes with a rate (47.05%), While of time Furthermore not he get on any rate, **and regarding Visual media used in the media**: It came in the form of 'video clips, videotapes, subject photos, and personal photos. **Previous results show**: The page of BBC Arabic channel Interested in covering The time for the of Visual media used of topics that the two candidates talked about The American Presidency Joe Biden and Donald Trump, It was 1: 3 minutes, With a difference The page of Sky NEWS Arabia channel She was Interested in covering The time for the of Visual media used of topics that the two candidates talked about The American Presidency Joe

Biden and Donald Trump, It was 2:5 minutes, This may indicate a short period of time. The shorter it is, the more follow-up will be.

(6) methods of a persuasion of American presidential candidates in my page "BBC Arabic" channel and Sky NEWS Arabia channel

Methods of persuasion	The page of BBC Arabic channel		The page of Sky news Arabia channel	
	F	%	F	%
Submit evidence and proofs	3	42.85%	2	16.66%
Relying on a personal point of view	3	42.85%	4	33.34%
exchange of views	0	0.00	2	16.66%
A poignant picture display	1	14.30%	4	33.34%
Total	12	100%	12	100%

The data of the table above show the following:

- **The page of BBC Arabic channel**, "relied primarily on the Submit evidence and proofs and of Relying on a personal point of view topics that of US presidential candidates talked about has a rate of (42.85%), followed by A poignant picture display has a rate of (14.30%), While a exchange of views at not get on any a rate of. This result is consistent with the findings of the study of Alaa Maher (2013), The Submit evidence and proofs has received attention, and it also received attention in the current study (20).
- **The page of Sky news Arabia channel**, "relied primarily on the Relying on a personal point of view and of A poignant picture display topics that of US presidential candidates talked about has a rate of (33.34%), followed by a Submit evidence and proofs And exchange of views a rate of (16.66%), **Previous results show:** The page of BBC Arabic channel, Interested primarily on of Relying a personal point of view that US presidential candidates talked about, Where Biden spoke about numbers related to high rates of homicide and property, Pointing out that the presence of 'Trump' contributed to an increase in these rates, unlike what was in the era of the Obama administration, But President 'Trump' adhered to his point of view, saying that the economy during his term was the 'greatest' in the history of the United States, as it achieved a growth rate of 2.9 per cent, As for the Submit evidence and proofs related to controversial topics, The presidential

²⁰ Alaa Maher Khafaja (2018). Interactivity with news sites and social networks and its relationship to the level of social, political and cultural participation, unpublished PhD thesis, Minia University, Faculty of Arts, Department of Media, p157.

candidate, 'Biden', launched an attack on his rival, 'Trump', in which he accused him of having a relationship with the Russians and described him as a 'puppy of Putin'. In addition to his tax evasion by passing the US Supreme Court, Especially after the 'New York Times' report published a few days ago, which said that 'Trump' had paid only 750,000 dollars since he came to power, but Trump denied this, stressing that he had paid millions of dollars, As well as the allegations of killing American soldiers in Afghanistan, an end to respecting the constitution and the rules for the peaceful transfer of power in the event that he loses the elections, which is what Trump evaded from addressing to gain the support of the public.

(7) The statement of the position of the candidates during of media coverage of American elections In my pages "BBC Arabic" channel and Sky news Arabia channel

The statement of the position of the candidates	The page of BBC Arabic channel		The page of Sky news Arabia channel	
	F	%	F	%
Endorsement for Donald Trump	7	30.43%	2	20%
Opposition for Donald Trump	8	34.78%	5	50%
Endorsement for 'Joe Biden'	6	26.09%	2	20%
Opposition for 'Joe Biden'	2	8.70%	1	10%
Total	23	100%	10	100%

The data of the table above show the following:

- **The statement of the position of the candidates in The page of BBC Arabic channel,** The percentage for to The of Opposition for Donald Trump has reached the rate of (34.78%), Then the Endorsement for Donald Trump has reached the rate of (30.43%), And then Endorsement for 'Joe Biden' has reached the rate of (26.09%), Then the a Opposition for 'Joe Biden' to has Arrived a rate of (8.70%).
- **The statement of the position of the candidates in The page of Sky news Arabia channel,** The percentage of likes for to The of Opposition for Donald Trump has reached the rate of (50%), Then the Endorsement for Donald Trump And Endorsement for 'Joe Biden' has reached the rate of (20%), And then Opposition for 'Joe Biden' has reached the rate of (10%), **Previous results show:** The page of Sky NEWS Arabia channel, Interested primarily on Highlighting Opposition for Donald Trump US presidential candidate. This is due to his failure to manage the Corona virus crisis in the beginning, which led to the death of more than 200,000 American citizens, In addition to the economic repercussions it had in the United States, which led to an increase in the number of unemployed, with the loss of three million and

300 thousand people of their jobs. The page of BBC Arabic channel, focused on me the Endorsement for Donald Trump And in light of his decline in popularity in the very conservative rural areas, which were a main base for his support, Perhaps Biden's pursuit of focusing on financial issues and making promises to restore political dignity in these areas will win the confidence of the rural voters, This is because a simple switch can be decisive in close race states.

(8) the media coverage sources of media coverage of American elections In my pages "BBC Arabic" channel and Sky news Arabia channel

The issues under study	The page of BBC Arabic channel		The page of Sky news Arabia channel	
	F	%	F	%
Newspapers and news agencies world on the Internet	21	25.60%	17	23.94%
Reports of correspondents and delegates by The page of BBC Arabic channel	35	42.69%	0	0.00
American Newspapers	6	7.32%	8	11.26%
Reports of correspondents and delegates by The page of Sky NEWS Arabia channel	0	0.00	29	40.84%
Official source on Donald Trump	5	6.09%	3	4.23%
Official source on 'Joe Biden'	2	2.44%	1	1.42%
Meetings with guests in the studio	7	8.54%	8	11.26%
Party and judicial sources	6	7.32%	5	7.05%
General audience	0	0.00	0	0.00
Total	82	100%	71	100%

The data of the table above show the following:

- **The page of BBC Arabic channel**, relied primarily on the reports correspondents and delegates in obtaining news related to the of American elections with a rate of (42.69%), followed by newspapers and news agencies world on the Internet with a rate (25.60%), And then Meetings with guests in the studio has reached the rate of (8.54%) ,while American Newspapers, As well Party And judicial sources has reached the rate of (7.32%), followed by Official source on Donald Trump has a rate of (6.09%), And then Official source on 'Joe Biden' has reached the rate of (2.44%), While the a General audience did not get any percentage.
- **The page of Sky news Arabia channel**, relied primarily on the reports correspondents and delegates in obtaining news related to the of American elections with a rate of (40.84%), followed by newspapers and news agencies world on the

Internet with a rate (23.94%), then American Newspapers And Meetings with guests in the studio has reached a rate of (11.26%), while Party And judicial sources has reached the rate of (7.05%), followed by Official source on Donald Trump has a rate of (4.23%), And then Official source on 'Joe Biden' has reached the rate of (1.42%), While the a General audience did not get any percentage. **Previous results show:** pages "BBC Arabic" channel and Sky NEWS Arabia channel, relied primarily on the reports correspondents and delegates in obtaining news related to the of media coverage of American elections, In addition to the diversity in the use of other, as well as the different of Official sources issued by the two candidates on both pages.

Table (9)The period in which the content It is published the media coverage of American elections in The page of BBC Arabic channel

The period in which content is published of media coverage of American elections				
Morning interval	Noon interval	Evening interval	Evening period	Total
6:12	12: 6	6:12	12: 6	
30	23	17	12	82
36.58%	28.04%	20.74 %	14.64 %	100%

The data of the table above show the following:

- **The page of BBC Arabic channel**, relied primarily on of Morning interval in of media coverage of American elections a rate of (36.58%), followed by of Noon interval with a rate (28.04%), And then of Evening interval has reached the rate of (20.74 %), and finally, then of Evening period has reached the rate of (14.64 %). This result goes in line with the findings of the study of Marwa Wael (2013), Where got The Morning interval received attention in the media coverage of current events, and also received attention in the current study.

Table (10)The period in which the content It is published the media coverage of American elections in The page of Sky news Arabia channel

The period in which content is published of media coverage of American elections				
Morning interval	Noon interval	Evening interval	Evening period	Total
6:12	12: 6	6:12	12: 6	
24	15	21	11	82
33.80%	21.13%	29.58%	15.49%	100%

The data of the table above show the following:

- **The page of Sky news Arabia channel**, relied primarily on of Morning interval in of media coverage of American elections a rate of (33.80%), followed by of Evening interval with a rate (29.58%), And then of Noon interval has reached the rate of (21.13%), and finally, then of Evening period has reached the rate of (15.49%).

Results of the hypotheses:

- **The First Hypothesis: This hypothesis states that:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" my channels in the levels of media coverage the American elections.

Table (11) The differences between the pages of BBC Arabic" and "Sky NEWS Arabia" my channels in the levels of media coverage the American elections

The pages of my " BBC Arabic "and "Sky NEWS Arabia" channels	Frequency	X ² Observed	X ² Expected	Significance Level
The page of BBC Arabic channel	59	1.60**	3.84	0.01
The page of Sky news Arabia channel	46			

significant at the 0.05 level

significant at the 0.01 level

The data of the table above show that:

- by using the Ca2 chi-square test it turns out There are not statistically significant statistical differences between the pages of BBC Arabic" and "Sky NEWS Arabia" my channels in the levels of media coverage the American elections. the number of the observed frequencies reaches (59, 46),respectively for the pages of " of BBC Arabic " and " Sky news Arabia" channels, the value is (1.60**), significant at the level of (0.01), This may indicate that interest in media coverage of the US elections was equal, **and thus we accept the hypothesis which states that:** There are statistically significant statistical differences between the pages of BBC Arabic" and "Sky NEWS Arabia" my channels in the levels of media coverage the American elections .

The second hypothesis: This hypothesis states that: There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in The statement of the position of the candidates during of media coverage of American elections.

Table (12) the differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" my channels in The statement of the position of the candidates during of media coverage of American elections

The pages of my " BBC Arabic "and "Sky NEWS Arabia" channels	Frequency	X ² Observed	X ² Expected	Significance Level
The page of BBC Arabic channel	23	5.12**	3.84	0.01
The page of Sky news Arabia channel				

significant at the 0.05 level

significant at the 0.01 level

The data of the table above show that:

- by using the Ca2 chi-square test it turns out, There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in The statement of the position of the candidates during of media coverage of American elections.the number of the observed frequencies reaches (23,10),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (5.12**), significant at the level of (0.01), The researcher attributes the conscious public's interest in following up in The statement of the position of the candidates on the English page and interacting with it to the existence of a non- ideologized writer specialized in Usa Political affairs who has gained the followers' confidence. This indicates the high rate of interaction with The statement of the position of the candidates during of media coverage of American elections, **and thus we accept the hypothesis which states that:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in The statement of the position of the candidates during of media coverage of American elections.
- **The third hypothesis: This hypothesis states that:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by like with the media coverage of American elections.

Table(13) The differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by like with the media coverage of American elections

The pages of my "BBC Arabic "and "Sky NEWS Arabia" channels	The page of BBC Arabic channel	The page of Sky news Arabia channel	X2 Observed	X2 Expected	Significance Level
Of Interact by like with the media coverage of American elections	Frequency	Frequency	58.1**	3.84	0.01
	5830	6869			

level significant at the 0.05

level significant at the 0.01

The data of the table above show that:

- **by using the Ca2 chi-square test it turns out,** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by like with the media coverage of American elections **in favor of page of Sky news Arabia channel**, the number of the observed frequencies reaches (5830, 6869),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (58.1**), significant at the level of (0.01), The researcher attributes the conscious public's interest in following up of media coverage of American elections the UAE page and interacting with it to the existence of a non- ideologized writer specialized in Usa Political affairs who has gained the followers' confidence. This indicates the high rate of interaction with of media coverage of American elections, **and thus we accept the hypothesis which states that:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by like with the media coverage of American elections.
- **The fourth hypothesis: This hypothesis states that:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by Comments with the media coverage of American elections.

Table (14) The differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by Comments with the media coverage of American elections

The pages of my "BBC Arabic" and "Sky NEWS Arabia" channels	The page of BBC Arabic channel	The page of Sky news Arabia channel	X2 Observed	X2 Expected	Significance Level
Of Interact by Comments with the media coverage of American elections	Frequency	Frequency	2016.8**	3.84	0.01
	2393	135			

level significant at the 0.05

level significant at the 0.01

The data of the table above show that:

- **by using the Ca2 chi-square test it turns out**, There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by Comments with the media coverage of American elections. in favor of page of BBC Arabic channel. the number of the observed frequencies reaches (2393, 135),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (2016.8**), significant at the level of (0.01), The researcher attributes the conscious public's interest in following up of media coverage of American elections the UAE page and interacting with it to the existence of a non- ideologized writer specialized in Usa Political affairs who has gained the followers' confidence. This indicates the high rate of interaction with of media coverage of American elections, **and thus we accept the hypothesis which states that:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by Comments with the media coverage of American elections.
- **The fifth hypothesis: This hypothesis states that:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interaction by Sharing with the media coverage of American elections.

Table (15) The differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interaction by Sharing with the media coverage of American elections

The pages of my "BBC Arabic "and "Sky NEWS Arabia" channels	The page of BBC Arabic channel	The page of Sky news Arabia channel	X2 Observed	X2 Expected	Significance Level
Of Interact by Comments with the media coverage of American elections	Frequency	Frequency	1028.66**	3.84	0.01
	1280	92			

level significant at the 0.05

level significant at the 0.01

The data of the table above show that :

- **by using the Ca2 chi-square test it turns out,** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interaction by Sharing with the media coverage of American elections.in favor of page of BBC Arabic channel. the number of the observed frequencies reaches (1280, 92),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (1028.66**), significant at the level of (0.01),The researcher attributes the conscious public's interest in following up of media coverage of American elections in the English page and interacting with it to the existence of a non- ideologized writer specialized in Usa Political affairs who has gained the followers' confidence. This indicates the high rate of interaction with of media coverage of American elections. Given the importance of the topics dealt with by both candidates and the diversity of their audience from one site to another, **And thus we accept the hypothesis which states that:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interaction by Sharing with the media coverage of American elections.

The results of the study in light of the hypotheses:

After conducting the analytical study, we reached a number of results, the most important of which are:

- **The Confirmation of the first hypothesis validity:** There are not statistically significant statistical differences between the pages of BBC Arabic" and "Sky NEWS Arabia" my channels in the levels of media coverage the American elections. the number of the observed frequencies reaches (59, 46),respectively for the pages of " of BBC Arabic " and " Sky news Arabia" channels, the value is (1.60**),

significant at the level of (0.01), This may indicate that interest in media coverage of the US elections was equal.

- **The Confirmation of the second hypothesis validity:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in The statement of the position of the candidates during of media coverage of American elections.the number of the observed frequencies reaches (23,10),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (5.12**), significant at the level of (0.01), The researcher attributes the conscious public's interest in following up in The statement of the position of the candidates on the English page and interacting with it to the existence of a non- ideologized writer specialized in Usa Political affairs who has gained the followers' confidence. This indicates the high rate of interaction with The statement of the position of the candidates during of media coverage of American elections.
- **The Confirmation of the third hypothesis validity:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by like with the media coverage of American elections **in favor of page of Sky news Arabia channel**, the number of the observed frequencies reaches (5830, 6869),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (58.1**), significant at the level of (0.01), The researcher attributes the conscious public's interest in following up of media coverage of American elections the UAE page and interacting with it to the existence of a non- ideologized writer specialized in Usa Political affairs who has gained the followers' confidence. This indicates the high rate of interaction with of media coverage of American elections.
- **The Confirmation of the fourth hypothesis validity:** There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky NEWS Arabia" channels in Interact by Comments with the media coverage of American elections. in favor of page of BBC Arabic channel. the number of the observed frequencies reaches (2393, 135),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (2016.8**), significant at the level of (0.01), The researcher attributes the conscious public's interest in following up of media coverage of American elections the UAE page and interacting with it to the existence of a non- ideologized writer specialized in Usa Political affairs who has gained the followers' confidence. This indicates the high rate of interaction with of media coverage of American elections.
- **The Confirmation of the fifth hypothesis validity:**There are statistically significant statistical differences between the pages of " BBC Arabic" and "Sky



NEWS Arabia" channels in Interaction by Sharing with the media coverage of American elections.in favor of page of BBC Arabic channel. the number of the observed frequencies reaches (1280, 92),respectively for the pages of " BBC Arabic " and " Sky news Arabia" channels, the value is (1028.66**), significant at the level of (0.01),The researcher attributes the conscious public's interest in following up of media coverage of American elections in the English page and interacting with it to the existence of a non- ideologized writer specialized in Usa Political affairs who has gained the followers' confidence. This indicates the high rate of interaction with of media coverage of American elections. Given the importance of the topics dealt with by both candidates and the diversity of their audience from one site to another.

CONCLUSION:

The researcher Identifying tried to find out the differences between the pages of " BBC Arabic" and "Sky news Arabia" channels in levels of media coverage of topics that of US presidential candidates talked about, As an informational platform for presenting different opinions and ideas related to the topics that of US presidential candidates talked about And the supportive position of both candidates On both pages. This is because the interactive media has had a great influence in shaping the public's attitudes towards the topics that of US presidential candidates talked about. The study also reached a set of recommendations, the most important of which are:

- Emphasizing the importance of social networking sites as a media used by newspapers and channels to publish news that interests the public.
- The necessity of training workers in media institutions to use communication and electronic publishing techniques in a manner that does not conflict with the customs, traditions and values of society.
- The need to work on enacting laws that regulate electronic publishing with the aim of giving greater credibility to the news provided by the media to their audience.

Research proposals:

- The role of social networking sites in spreading political awareness among university students.
- The role of social media in raising interest in public opinion issues.



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NATURAL RESOURCES IN RELATION OF FOREIGN DIRECT INVESTMENT AN EMPIRICAL STUDY ON LIBYAN ECONOMY

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Abstract

The availability of natural resources both in terms of quantity and quality is a prerequisite for the success of any investment programme. The paper aims to examine whether or not natural resources in Libya is appropriate to attract foreign companies, particularly in the non-hydrocarbon sectors.

Paper method used is based on qualitative research through two methods of data collection. A survey which was conducted by using a questionnaire with representatives of the foreign and joint companies. A structured interview technique was also used to gauge the opinions of the senior Libyan officials in improving the investment climate.

The study reveals that despite the numerous obstacles and shortcomings associated with natural resources in Libyan economy, it is relatively favourable for attracting FDI to the non-oil sectors. It also shows the majority of foreign companies depend on local natural resources in the production process. However, it discovered that the scarcity of natural resources constitutes a major problem for manufacturing companies.

The paper recommends themes that Government should use to improve Libyan investment climate which has been launched by Privatization and Investment Board (PIB), such as building investment map and to encourage partnerships between foreign and local investors by facilitating the procedures for joint projects.

Keywords: Business Economics, Natural Resources; Government Policy, FDI, Libya

JEL Classification: O13, N5, Q28, F21, M16.



1. Introduction

Libya occupies a significant geographical location as it lies in the centre of the North African region. It covers a vast area extending from the middle part of the Mediterranean coast in North Africa to the northern highlands of central Africa. From an historical perspective this distinctive location has made Libya the confluence that links Arab-Islamic cultures with African culture. Moreover, Libya has played a major role in the economic and political developments that have taken place in this part of the world since the early civilisations.

Location of Libya, as a natural resource, gains international importance due to: (i) Libya extends for almost 1990 km (1237 miles) along the southern Mediterranean coast separated from Europe by the Mediterranean Sea; the region has witnessed the flourishing of a number of ancient civilisations. (ii) The territory extends to between 1900 and 2000 km into the African continent and has been linked to Sudan and West Africa by a number of caravan routes. These routes played a major role in transport and trade activities between the Mediterranean region and Sub-Saharan Africa. (iii) Libya has played a major role in linking the eastern region of the Arab world to the Arab Maghreb region based on a common cultural, religious and historical legacy (Shernanna, F & Elfergani, S, 2007).

Furthermore Libya has numerous resources of oil and gas besides other natural resources such as the vast arable land, water resources, the climate, animal and marine resources not to mention its tourism potentials and the various mineral resources.

2. Research Problem Statement

Despite the huge natural resources available in Libya, the productive sectors are underperforming by failing to use these resources effectively curtailing output and income. In 2019 the agricultural, the animal resources and maritime sectors contributed only 0.16% to GNP, while the per capita income of agricultural products was equivalent to only US\$683m. Despite the long Mediterranean coastal strip and the huge fishery resources production is poor: output was 2.0 metric tonnes in 2019 compared to 1900.0 metric tonnes in Egypt and 1494.7 metric tonnes in Morocco (AMF, 2020:130).

A number of factors curtail output in the agricultural, fishing and animal resource sectors: low rainfall; rapidly moving sand dunes; migration from rural to urban areas; inadequate grazing land; overgrazing of land; a lack of modern techniques in agriculture and fishing; and a lack of trained and skilled labour. Labour in these sectors was around 2.3% of the total labour force in 2018 (AMF, 2020:303)



In the manufacturing sector the situation is even worse, with poor productivity a central feature. In 2019, this sector contributed 2.1% to the GNP compared with 61.9% for oil and gas industries, while the added value for the manufacturing industry was estimated at US\$0.908bn and US\$26.294bn for the extractive industry ((AMF, 2020: 321). The poor performance of this sector can be attributed to a number of factors. The most important of which is the privatisation programme. In 2003 production was suspended in a number of companies pending changing the ownership to the private sector, which has had negative effects on the productivity in these companies.

Moreover, despite the promising resources in the tourism sector, its performance is still weak, with total revenues of around US\$164.0m, contributed 0.24% to the GNP in 2010 (World Bank Group, 2016:43). Many researchers and experts explain the poor productivity of the tourism industry by referring to the inadequate infrastructure including hotels and the telecommunication facilities, and the mismanagement of licensing procedures in the absence of the qualified cadre in of the sector (Shernanna, F & Elfergani, S, 2007:145).

Foreign investment, particularly FDI, is not a new phenomenon in Libya. The first law in relation to FDI came into force in Libya on 30 January 1958. This was followed by Law No. 37 of 1968, which was amended by Law No. 5 of 1997 with regard to the encouragement of the foreign capital, and which came to force on 29 May 1997, sometime before the enforcement of its executive regulations. A further limited amendment was implemented by Law No. 7 of 2003, which made it possible for local business using capital in Libyan Dinars (LD) to participate in joint ventures with the foreign companies. This law is mainly concerned at encouraging foreign capital, particularly in relation to projects which benefit from the introduction of new technology, training of local staff, diversification of income, the development of local products to meet international standards or otherwise contributing to local development (Article One of Law No. 7). Moreover, the idea of attracting the FDI into the Libyan economy is not new as it started as early as the 1950s. Thereafter FDI played a major role in the discovery of the huge oil and gas reserves which has contributed to increasing the foreign earnings for the state. These earnings have made it possible for the state to push ahead with its programmes of social and economic development across the economy for almost half a century.

However, despite the aforementioned advantages FDI in areas other than the hydrocarbon sector has rarely been attracted to Libya. Furthermore, FDI has made little contribution towards increasing the rate of capital accumulation in the Libyan economy. FDI has not exceeded 1.99% of total investment in the 1980s and 2000s. In other words that ratio would indicate that only US\$199 would become available for every US\$10,000

of the total investment required for economic development in Libya. But as yet most of the FDI in Libya has been directed towards the oil and gas sector (Abdulla, 2013: 76).

The Privatization and Investment Board (PIB) was established at the end of 1998 at a time when the business environment was particularly weak. A result, FDI inflows in its early years were slow. However, with the positive political developments in the Libyan-Western relationships since the suspension of UN sanctions in 1999 and the government's policy to improve the business environment FDI flows into the non-oil sector started from mid-2003.

The key research question in this context are:

- To what extent can foreign and joint companies rely on local resources to boost the production process?
- Do foreign and joint companies or the public sector have any problems using local raw materials to increase productivity?

3. Aim and Objectives

The paper aims to examine whether or not natural resources in Libya is appropriate to attract foreign companies, particularly in the non-hydrocarbon sectors, the research objectives include the following: First: a description of the main Libyan natural resources in order to establish main components of the Libyan economy and these components' potential to attract FDI to the non-hydrocarbon sectors. Second: investigate whether or not the natural resources in Libya is appropriate for FDI through the perceptions of the representatives of foreign companies, particularly in the non-hydrocarbon sectors. Third: highlighting the obstacles and shortcomings associated with natural resources in Libyan economy. Fourth: providing some recommendations which can be helpful in improving the Libyan business environment.

4. Literature Review

The various theories in relation to FDI and economic development discussed previously focused on the pivotal role of the rapid accumulation of capital and other elements (Rosenstein-Rodan, 1943; Lewis, 1954; Rostow, 1960; Leibenstein, 1957; Nurkse, 1943; Bruton, 2001). However, despite the achievement of modern economic growth, these theories have been criticised as they focus on capital investment in cash or in kind.

The importance of natural resources as a major element for attracting FDI has been established by a number of studies. In other words, the availability of natural resources in

the required quality and standard constitutes an important factor for attracting FDI and promoting economic development. Buchley et al (2007) emphasise that most of Chinese foreign investment targets natural resources. Dunning (1979) argues that companies usually target natural resources which are available in huge quantities abroad while maintaining production in their home countries. This argument is corroborated by Anwar (2008) who states that most multinational companies in the fledgling markets are state-owned, seeking natural resources to meet the increasing local demand for these resources which are cost prohibitive in the mother state. South Korea is a case in point where the government encourages local companies to intensify the search for natural resources abroad in order to secure cheap and sustainable inputs for the Korean economy (Han & Brewer, 1987). Likewise Chinese government-owned multinational companies look for foreign natural resources in order to provide the local economy with cheap inputs.

On the other hand, considering the importance of FDI on natural resource development and economic development, this study attempted to establish the opinions of the foreign and the joint companies' representatives in relation to Libyan natural resources, and if they are satisfied with these resources.

5. Methodology

The paper methods used in this study are based on qualitative research techniques, and consist of two modes of data collection. The first was a questionnaire through which primary data from the representatives of the foreign and joint companies were assembled with the objective of establishing their attitudes towards Libyan business environment. The field research for this study was undertaken at 94 foreign and joint companies registered with the PIB and operating in Libya. To ensure that the four relevant aspects—category, status, economic sector, and location—were covered 50% of the research population was taken as a sample.

After selecting the study sample target by using a stratified random sampling technique, it was discovered that a number of companies had more than one authorisation. As a result the total number of authorised companies was 83, each of which was sent a questionnaire by post. 72 questionnaires were returned, of which 68 were completed and four were rejected as incomplete. Thus, the questionnaire return rate was 81.9% with 0.818 according to Cronbach's Alpha scale.

By using SPSS version 26 system, analytical descriptive and statistical analysis was conducted using frequency, chi-square of goodness of fit and cross-tabulation tools by using economic sector as an independent variable.

The second method of data collection was structured interviews, which were conducted with the senior Libyan officials. The phrase senior officials refer to government officials who hold key supervisory positions at different levels of responsibility from the head of departments up to minister of Libyan economy. Consequently the interview population included 14 individuals, three of whom were from Libyan Ministry of Economy (two were Heads of Department and one was Minister of Libyan economy), and the remaining eleven were from the PIB. By selecting 50% and using a convenience sample technique the research sample was reduced to seven senior officials, one from Libyan Ministry of Economy, and six from the PIB. Due to the small size of the sample, the data was analysed manually through an interpretative technique.

In terms of members of the sample, there were seven Libyan senior officials, one of whom was Minister of Libyan Economy. Of the six based at the PIB, five were heads of departments and one an assistant secretary of the PIB.

6. Results and Discussion

Generally speaking the results of the survey revealed the majority of foreign companies (61.8%) depend on local natural resources in the production process. 38.2% of respondents stated that their companies do not rely on local natural resources. It also shows that 41.2% of the total number of representatives experienced no problems using local natural resources. The findings also indicate that 58.8% of all participants encountered some problems regarding the use of local natural resources. In order of importance these were: 36.8% highlight limited materials in the local market; 11.8% refer to the high cost of natural resources; 5.9% refer to poor quality; and 4.4% refer to other problems such as registering a plot of land to establish their projects.

Chi-square of goodness of fit was employed to determine whether or not the observed frequencies are different from what we would expect to find. In relation to perceptions on local natural resources, it is assumed that:

The null hypothesis is: there are approximately equal numbers of cases in each group, and the alternate hypothesis is: there are not equal numbers of cases in each group.

Table 1: Appendix 1 Chi-Square of Goodness of Fit for Natural Resources Variables

	Dependency on Local Natural Resources	Difficulties in relation to Natural Resources
Chi-Square(a,b)	3.765	42.147
Df	1	4
Asymp. Sig.	0.052	0.000

a 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 34.0.

b 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 13.6.

As can be seen from table 1, the chi-square value for availability of natural resources is 3.765 on one degree of freedom, and 42.147 for difficulties in relation to natural resources on four degrees of freedom. On the other hand, the P value is 0.052 for availability of natural resources, and 0.000 for the last factor. Since, the observed P value is less than alpha (alpha = 0.05), the results were considered statistically significant. However, in order to give further meaning to the findings cross-tabulation is utilised.

Table 2: Cross Tabulation of Company Sector and Dependency on Local Natural Resources

		Dependency on Local Natural Resources		Total
Sector	Manufacturing	Number	33	37
		%	89.2%	10.8%
	Services	Number	8	20
		%	28.6%	71.4%
	Agriculture	Number	1	2
		%	33.3%	66.7%
Total	Number		42	26
	%		61.8%	38.2%
				100.0%

Table 2 shows how the economic sector of the international companies related to their use of the available natural resources through the perceptions of the participants. It could be noted that the manufacturing sector has the strongest dependency with 89.2%, while 33.3% of agriculture sector is dependant and 28.6 % of the service sector.

Table 3: Cross Tabulation of Company Sector and Difficulties in relation to Natural Resources

		Difficulties in relation to Natural Resources					Total		
		None	Low Quality of Materials	Scarcity of Materials	High prices	Other			
Sector	Manufacturing	Number	9	4	23	1	0	37	
		%	24.3%	10.8%	62.2%	2.7%	0.0%	100.0%	
	Services	Number	18	0	2	6	2	28	
		%	64.3%	0.0%	7.1%	21.4%	7.1%	100.0%	
	Agriculture	Number	1	0	0	1	1	3	
		%	33.3%	0.0%	0.0%	33.3%	33.3%	100.0%	
Total		Number	28	4	25	8	3	68	
		%	41.2%	5.9%	36.8%	11.8%	4.4%	100.0%	

Table 3 shows the relationship between the each of the three sectors and the type of difficulties that face companies in relation to natural resources. From the appendix, it is apparent that the scarcity of natural resources constitutes a major problem for manufacturing companies in the opinion of 62.2% of the respondents from these companies. The quality of natural resources comes second in the opinion of 10.8% manufacturing respondents, while 2.7% complain about the high cost of the materials.

As far as the service sector is concerned the main problem (21.4%) is the high price of local materials. The inadequacy of material and other marketing problems such as delays from suppliers and lack of communication between suppliers and clients comes in second place (7.1%). In the agricultural sector, one third of the respondents complain from the high prices of the materials, while another third complain about delays made by the suppliers of these materials. Further details can be found in the appendix.

It can also be concluded from the findings that the service sector is faces less difficulties in relation to natural resources than the other sectors as 64.3% of the service sector respondents do not refer to any significant problems compared to 33.3% and 24.3% in the agriculture and manufacturing sectors respectively.

The key research question in this context is: to what extent can foreign and joint companies rely on local resources to boost the production process?

The survey revealed that 61.8% of respondents admitted that the production process in their company depended local natural resources. In this regard the results show that industrial companies were the most dependent with 89.2% followed by 33.3% of agriculture companies and 28.6% of service companies

The GPC strategy regarding investment is not properly formalised, but its policies tend to be associated with encouraging investors to take advantage of local raw materials. One senior Libyan official stated that:

In fact a written investment strategy with distinct features is missing. However, the intention to attract FDI is always present, particularly in the areas of construction materials and the health service given the inadequacy of these services in the Libyan market. The GPC is also encouraging partnerships in industries such as the cement industry (Alahrash, 2019).

Another senior official added:

The law of foreign investment has provided tax and fee exemptions for a specific period of time to foreign projects associated with food security, with regional development, that use advanced technology and which contribute to the development of local products. Moreover, the general tendency is to encourage partnerships between foreign and local investors by facilitating the procedures for joint projects (Guthoor, 2019).

Furthermore, senior Libyan officials confirmed that one of the main setbacks of the economic development programme was its failure to invest in local resources in order to create an alternative to oil revenues and which would increase production and improve services. They also confirmed the vital role of FDI in achieving a balanced and sustainable economic development in the country. In this context, one of the participants in the interviews stated that “failure to use the available local resources in an ideal manner is the most significant setback of the development programme in Libya” (Alsharoon, 2019), while another respondent argued that “the FDI in the Libyan market particularly in food industry and the construction material sector are making a good contribution to the economy by allocating natural resources to increase production and self-sufficiency.” (Alahrash, 2019).

However, senior Libyan officials are of the opinion that FDI in Libya tends to provide extra savings to be invested in the productive sector as the total foreign capital for investment is estimated at LD5.7bn. Although this capital is not large it still can play a positive role in comparison to the public sector whose resources are already stretched by funding other investment projects. Foreign capital also raises the quality of investment; as

one of the senior officials stated “as far as foreign investment is concerned the agricultural projects provide a successful example, as the use of modern technology has eventually increased the productivity per hectare of wheat crop.” (Alahrash, 2019).

The key research question is: do foreign and joint companies or the public sector have any problems using local raw materials to increase productivity?

The results show that 58.8% of representatives of foreign and joint companies stated they had problems using the local natural resources. Specifically, 70.0% of participants consider the resources to be inadequate, while 20.0% stated they are prohibitively expensive, and 10.0% argue they are of a low quality. The results also show that companies in the manufacturing sector suffer the most from the scarcity of materials.

The interviews revealed that senior Libyan officials are well aware of the problems associated with the quality of raw materials as these materials are transferred from the quarries to the production sites in Tripoli, Al-Jfara and Benghazi counties under unhygienic conditions. Moreover, the scarcity of these materials coupled with the disorganised marketing process has led to increasing prices.

Senior Libyan officials emphasised that raw materials in Libya are mismanaged, and that the locations of the materials should be incorporated in an investment map in order for potential investment projects to be located close to source of the raw materials in rural areas. This would make the processing for final consumption of the materials easier. As one senior Libyan official put it “the raw materials are important for increasing production and income.” (Al-Aroush, 2019). Another interviewee argued that:

Before coming to that stage raw materials reserves need to be estimated and plan drawn up to the effect of achieving sustainability and regional development particularly in rural areas where these materials are in abundance (Alsharoon, 2019).

The investment map has two closely related aspects. The first involves the estimation and location of raw materials by conducting exploration and research studies. The second involves establishing the most suitable methods for securing the sustainability of these materials.

Senior Libyan officials seem to be unhappy with the GPC’s performance in relation to the above mentioned aspects associated with raw materials. As one interviewee maintained:

The general administration in Libya still needs to devise an effective scheme by coordinating between the relevant governments bodies with regard to planning the available economic resources by defining the market requirements of these materials and by organising these markets for fair competition (Guthoor, 2019).

Another participant argued that mismanagement of raw materials in Libya has been due to:

'The failure of some of the municipalities, to provide the LIB with schemes focusing on the industrial sector. In fact most of the municipalities have no such scheme, which makes it difficult to allocate sites for FDI despite the recent establishment of the General Authority for Industrial States (Al-Aroush, 2019).

Another participant attributed the lack of cooperation between the LIB and most of the counties in relation the investment map to the fact that a number of decision-makers in these counties have poor economic knowledge.

7. Conclusion

The paper examines whether or not natural resources in Libya is appropriate to attract foreign companies, particularly in the non-hydrocarbon sectors. By qualitative techniques of data collection and analysis, this study has correlated the representatives' attitude with the Libyan senior officials' views about the research questions, and attempted to find out if natural resources in Libya are appropriate for attracting FDI, particularly to the non-oil sectors.

The paper reveals that despite the numerous obstacles and shortcomings associated with natural resources in Libya, it is relatively favourable for attracting FDI to the non-oil sectors. This success can also be partially ascribed to the fact that the Libyan market can be described as pristine with a variety of economic resources particularly in the area tourism that can be exploited. This is in addition to its excellent geographic location and the associated advantages with regard to trade and transport. Moreover, the country is characterised by its access to high quality fisheries which provide opportunities for investment in the food industry. Furthermore, the non-oil mineral resources provide opportunities for investment in the manufacturing sector especially in the area of the construction materials industry and construction itself.

The study reveals that despite the numerous obstacles and shortcomings associated with natural resources in Libyan economy, it is relatively favourable for attracting FDI to the non-oil sectors. It also shows the majority of foreign companies depend on local natural resources in the production process. Furthermore, it discovered that the scarcity of natural resources constitutes a major problem for manufacturing companies. It also reveals that service sector is faces less difficulties in relation to natural resources than the other sectors.

the paper recommends themes that Government should use to improve Libyan investment climate has been launched by PIB, such as building investment map and to encourage partnerships between foreign and local investors by facilitating the procedures for joint projects.



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Portrayal of Darfur Conflict Causes by (Times of India) (2006-2007)

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Abstract:

The paper intended to find out the extent to which the media portrays the conflict of Darfur region and its underlying root causes. The study focused on the newspaper stories reported in the times of India newspaper, which is a daily publication in India. The study adopted the method of documentary analysis and overall 61 articles from the newspaper for the period 2006-2008 were studied. The findings revealed that the reporting on matters concerning the Darfur region is not exhaustive. The newspaper reports are not based on primary observations of the reporters rather they are based on other western media sources like Reuters, which have been accused of sensationalism by other researchers. This report serves as a reawakening call for the mass media particularly the times of India newspaper to adopt ways of judicious reporting without distorting information.

Keywords: Darfur, Conflict Causes, Times of India, Rebels (Darfur liberation movements), Genocide (ethnic cleansing)



Background

The Darfur conflict has been portrayed by the media as struggle between “Arabs and Africans” in addition to the instigation i.e. ethnic tension and competition over resources and ethnic cleansing. It is true that there are many other conflicts existing in Sudan and one single root cause cannot be held responsible.

As a matter of fact a complex set of interrelated factors are driving the conflict; historical proliferation of arms, the militarization of young people, the absence of a democratic process and other governance issues- all of these factors are responsible to Sudan conflict therefore one singular factor cannot be singled out as a sole or primary cause. In the last few years a new wave of conflict in Darfur has changed traditional relationships between ethnic groups and the politicians have politicized them for their own benefits thus giving local conflict many extensive political dimensions to the situation, worsening rather beyond control.

Darfur conflict came into full-fledged from 2003. In its initial stage, sporadic clashes used to take place between different groups particularly the Masalit Rizeigat, the Zaghawa and the Awlad zeid and quite amazingly these sporadic clashes caused over 100,000 people to evacuation from their respective homes and quickly turned 40,000 into refugees in Chad it was by end of 1999. The government termed these clashes only as “tribal clashes” whereas the real story was something different i.e. the root cause was that old animosities and local fractures were being increasingly politicized and mobilized by different forces, including the government itself, for military and political ends. (**Johnson, 2003: 141; Flint and dewaal, 2005**).

The self-proclaimed Darfur liberation front (D.L.F.) carried out a series of attacks on police stations and other government installation as well. It is to note that, this organization was mainly comprised of the Zaghawa and Fur ethnic groups, and eventually changed to Sudan liberation movement/Army (SLM/A). They increased their attacks in early 2003 with the collaboration of justice and equality movement. In April 2003 border town, Tine fell into their hands and they also attacked Al-fashir airport.

Actually, the Darfur crises were exploited by hardliners in the government. Many members were opposed to the IGAD peace process. This was due to again political reasons. The government decided to fight the rebellion outright. Small African tribes like the Gimir and the Tama and Former Islamic legionnaires were provided with supplies and armament and given a free hand. These militias are branded in the international media and among aid agencies and human rights organizations as the “Janjawied” (the term “Janjawied: was used for first time in 1989 to denote groups of Arab camel herders engaged in militia fighting).

The counter insurgency they waged was conducted largely through attacks on the civilian population- the main intention being designed to curtail support for the insurgents and occupy land. The surprising fact that the government did not back the militias the Sudanese army consistently supported militia raids on villages, sometimes using helicopters (gun ships) or fixed -using aircraft(**ICI,2005:54**), it was horrible brutality!

Such inhuman plight continued throughout 2004 and 2005, notwithstanding intermittent peace talks and as well as the deployment of an African union force. The conflict was further exacerbated in late 2005 by divisions within the main insurgent group, SLM/A which frustrated peace negotiations in the Nigerian capital Abuja. On May 2006, the Sudanese government reached an agreement with the Zaghawa dominated faction of the SLM/A led by Minni Arcoi Minnawi.

The Darfur peace Agreement (DPA) was rejected by Fur dominated faction of SLM/A on the grounds that it did not meet fundamental demands concerning Political representation for Darfurians. They also claimed that it did not offer adequate compensation to civilian victims of counter insurgency and had insufficient guarantees with regard to the disarmament of pro-government militias.

The signature of the DPA was followed by a renewed wave of violence (ICG, 2006:4). On 31st August 2006 the UN Security Council expanded the mandate of UNMIS- (UNITED NATION MISSION IN SUDAN), the UN peacekeeper operation overseeing the implementation of the Sudan comprehensive peace agreement (CPA) and authorized its deployment to Darfur to replace African union mission in Sudan (AMIS). From the outset, the Sudanese government had strongly opposed plans for a UN force on Darfur territory.

The purpose of this paper mainly focused on how the Times of India newspaper is portraying the root causes of violence in the Darfur region.

There is an assertion that the Darfur conflict is often portrayed by the world media as struggle between the Arabs and Africans sparked by ethnic tension and competition over resources. However as **S. Pentangle and Scorch O (2006)** reports, there is a complex set of interrelated historical grievances, local perception of race, demand for fair sharing of power between different groups, the inequitable distribution of economic resources and benefits and disputes over access to and control over increasingly scarce national resources (water, land and livestock); militarization of young people, the absent of democratic process and other government issues.

In light of this the researcher undertook the initiative of finding out how the Times of India newspaper has been reporting about the causes of Darfur conflict from the years 2006-2007.

Objectives:

The main objectives of the study were:

- 1) To analyze the content of the Times of India newspaper in relation to how it is reporting about the causes of conflict in Darfur region of Sudan.
- 2) To study the extent to which the newspaper covers the causes of Darfur conflict.
- 3) To provide suggestions towards fair reporting in case it was found so.

Scope and Limitation:**Scope:**

- 1) The paper mainly focused on the portrayal of the Darfur region root causes conflict.
- 2) The paper based only on the reports by the Times of India newspaper.
- 3) The newspaper stories that studied were for the period 2006-2007.

Limitations:

- 1) There was a limited period for conducting the study.
- 2) Some paper extracts of the conflict could not be availed.

Insecurity and protection in Darfur

The study focused close examining current practice in humanitarian protection. At the same time explore strategies, programs and initiatives undertaken in different contexts to support the protection of civilians of Darfur. According to the author the conflict in Darfur is the first emergency to be characterized as a “protection crisis”. an unprecedented number of agencies have engaged in protection In Darfur, giving rise to an unparalleled level of protection programming and coordination initiatives the findings highlighted how these developments have in certain instances, helped to save lives or at least reduce the level of threat or intimidation for many people however they, also signal the limited role that humanitarian agencies can play in protecting civilians under threat many believe that despite the increased emphasis on protection by humanitarian actors operating in Darfur there has been a significant improvement in the overall security of civilian population

The discussion paper analyzed the evolution of Darfur conflict and its impact on the civilian population as well as the measures civilians have taken in response to the different threats they confront.

The impact of the conflict on the civilian population:

This article explored on the figures which show the evidence of the impact, which runs into 200.000 people being killed and in addition two millions displaced since February 2003, when fighting erupted. The appalling atrocities burnt and looted villages raped women and killed men, forcing the survivors to flee across the border into Chad. The article further asserts that



“Atrocities against civilians and human rights violations had also been perpetrated by the armed opposition movements some of violence inflicted by the insurgents on civilians had been More ferocious than that meted out by the pro_government militias (flint, 2006 a: Amnesty international, 2006) sexual violence against women has been the most brutal and heinous feature of the conflict. Further event in certain areas people in camps suffered violence from militias and several people had inadequate access to external assistance.

The pro_government militias had deliberated destroyed the food_ producing capacity of their non Arab neighbors inflicting serious and lasting damage on their livelihoods furthermore their, crops and food supplies were burnt and people were systematically stripped of their financial and physical belongings.

Access to markets and opportunities for labour was curtailed by insecurity, both within Sudan and between Sudan and neighboring countries.

The conflict has also inflicted pastoralist groups. Their livestock's has been looted and wells and groundwater were poisoned. Livestock migration routes become increasingly inaccessible and livestock trade collapsed through out the region.

Another lawlessness feature of the conflict can be seen while most landless pastoralists saw in the government counterinsurgency a chance to capture land. Internal UN documents, interviews with Sudanese academics and analysts and research conducted by NGOs show that the secondary occupation of land has taken place in western and southwestern Darfur, where nomadic Arab groups like the Mahariya, the Missirya, the Salamat the Beni Halba and the Beni Hassan have occupied grazing land originally by non Arab groups such as the Masalit and Fur. The area around Awalla_Nankused, hostle more than 50,000 non Arab communities before the conflict began (2003), but today inhabited by nomadic groups of Arab origin (**intersos, 2004: 12**)

No ownership, no peace in Darfur (Laurie Nathan, 2006)

In 2003 fighting broke out in the Darfur region of Sudan as rebel movements mobilized against the Government's political and economic marginalization of their communities. Media reports tended to portray the conflict as a struggle between African farmers and Arab herdsmen over scarce resources but the root causes lay more deeply in Khartoum's oppressive and exploitative relations with the peripheries of Sudan since pre-colonial times. The Government and its proxy force, the Arab militia known as the Janjaweed, responded to the rebellion with such systematic and large-scale destruction of people and villages that the US administration and others of committing genocide accused them. By 2006 an estimated 350,000 people have been killed and almost two million people have been displaced. In late 2005 the seventh round of the Inter-Sudanese Peace Talks on the Conflict

in Darfur commenced in Abuja, Nigeria, under the auspices of an African Union (AU) mediation team.

The mediation was led by Salim Ahmed Salim, the former Secretary-General of the Organization of African Unity, and supported by the UN, the UK, the US and other international partners. The purpose of the talks was to broker a comprehensive peace agreement between the Government of Sudan and the main rebel movements in Darfur, the Sudan Liberation Movement/Army (SLM) and the Justice and Equality Movement (JEM). On 5 May 2006 the Darfur Peace Agreement (DPA) was signed by the Government and by Minni Minawi, the leader of one of the two SLM factions, but was rejected by JEM and Abdel Wahid al Nur, the leader of the other SLM faction.

The Agreement did not achieve peace and in certain respects it heightened conflict. Following the signing ceremony there were violent protests against the DPA in Darfur. More ominously, the Government and Minawi formed an offensive military alliance and attacked communities that support Abdel Wahid, while the Janjaweed's rampages continued unabated.

There was widespread opposition to the deal within the Minawi group, with some commanders announcing a suspension of the DPA. Conversely, four senior officials from JEM and the Abdel Wahid faction signed a declaration of support for the Agreement and several leaders in Abdel Wahid's grouping broke away because of his stance. As the International Crisis Group (ICG) put it, the DPA "accelerated the break-up of the insurgency into smaller blocs along loose ethnic lines."

In order to counter this tendency, JEM and rebel leaders from different factions founded the National Redemption Front. Intended to address the causes of the conflict, the DPA contains provisions on power-sharing and political representation; wealth-sharing and compensation for the victims of the conflict; ceasefire arrangements and long-term security issues; and a Darfur-Darfur Dialogue and Consultation designed to facilitate local dialogue and reconciliation.

The content of the DPA has been criticized by a number of analysts, including the ICG whose commentary sparked a heated exchange with the AU. The current paper does not cover this ground. It focuses instead on the process of negotiations and mediation in Abuja between November 2005 and May 2006, and seeks to show that the manner in which peace agreements are prepared and concluded is as important as their content.

In summary, the Abuja talks had three primary dynamics: the negotiating parties were unwilling to engage in negotiations and failed to forge agreements; the AU and its international partners, desperate for a quick accord, pursued a counter-productive strategy

of deadline diplomacy that inhibited progress; and the mediators were consequently unable to undertake effective mediation.

As a result of these dynamics, the DPA was not a negotiated settlement and its fulfillment was bound to experience severe difficulties.

Diplomacy of deadlines

The seventh round of the Darfur peace talks began at the end of November 2005, the previous rounds having produced nothing more than a Declaration of Principles and a series of ceasefire accords that were violated regularly by the parties. Nevertheless, on a visit to Abuja in early 2006 Jack Straw, the British Foreign Secretary, admonished the parties for having failed to meet the 31 December 2005 deadline set by the UN Security Council for a comprehensive peace agreement. In January 2006 Pronk proposed a new cut-off date of February. In early February the AU Commissioner for Peace and Security, Said Djinnit, told the mediators and the parties to wrap up by the end of the month. In March the AU Peace and Security Council called for the conclusion of a comprehensive agreement by the end of April.

The UN Security Council endorsed this date as the final deadline.

The posturing over deadlines was ignored by the Sudanese parties because it was not backed up by action. It was meant to constitute pressure on the parties and convey the international community's seriousness about ending the conflict, but the deadlines came and went without any negative repercussions. They were consequently not an effective form of pressure and indicated a lack of seriousness on the part of the international community, which talked loudly on Darfur but carried a small stick. In July 2006 a senior Sudanese government official was quoted as saying that "the United Nations Security Council has threatened us so many times, we no longer take it seriously."

The rebels asked the mediators to give them three weeks to study and comment on the document. When they were turned down, they rejected the DPA. They complained that it watered down proposals made earlier by the mediation team, favored the Government and did not address adequately the political, economic and security rights and demands of Darfurians.

They also objected to the imposition of a deadline and to the AU having "fixed a time that was never realistic or reasonable for studying the Project, given that the translated (Arabic) version was made available only one day before the deadline stipulated by the Mediation. The Government, on the other hand, stated that it was prepared to endorse the Agreement despite its reservations.



The posture of the parties

Prior to the end of April the parties in Abuja paid no attention to the deadlines emanating from the AU and its partners. For weeks on end they attended meetings without entering into negotiations. They made no attempt to accommodate each other's concerns and showed no interest in trying to find common ground. None of them was willing to make concessions to its opponents.

There was no bargaining, let alone collaborative problem-solving. Instead, the parties merely reiterated their demands *ad nauseum*, rejected the claims of their adversaries, traded accusations, recriminations and insults, indulged in grandstanding for the benefit of the international observers, and endeavored to win support for their positions from the mediators.

The rebels regarded the Government as an evil regime that reneged on peace agreements. It had come to power through a coup; it had a notorious human rights record; it had repeatedly undertaken to disarm the Janjaweed militia and failed to honor that commitment; and it was not implementing faithfully the Comprehensive Peace Agreement concluded in 2005, which had ended the civil war between the Government and the Sudan People's Liberation Army/Movement in southern Sudan. In addition, the Government had enormous wealth and power, the rebels had neither wealth nor power, and the extreme marginalization of Darfur was one of the fundamental causes of the rebellion. Therefore, according to the rebels, the Government could, and should, make extensive concessions whereas the rebel movements had nothing to give up.

The pressure on the mediators

For all the fuss made by the international partners about the violence in Darfur, they did not provide guaranteed funding for the peace talks. Instead, a small number of donors provided grants retrospectively to cover expenses already incurred and warned repeatedly that funding could dry up in the absence of a quick accord. Aside from the anxiety this caused the mediators, the reliance on uncertain deficit funding was not sustainable. In January 2006 Salim complained to the UN Security Council that the funding situation was extremely precarious. When Djinnit told the mediators to wrap up by the end of February, he cited the lack of funds as the main reason; and when the Peace and Security Council announced in March that the DPA had to be concluded by the end of April, the mediators were informed that the talks would not be funded thereafter.

The deadline diplomacy for Darfur, which aimed to produce a quick accord, was motivated chiefly by the appalling level of death and destruction in western Sudan. It was also driven by a range of geo-political factors. The other major strategies for tackling the crisis – tough sanctions and the deployment of a UN force with a robust mandate – were

not attractive or even feasible in the short- to medium-term. These strategies are always difficult to implement, their impact is not predictable, their efficacy is uncertain; they are no substitute for a genuine peace agreement and, in the case of Darfur they were opposed in the UN Security Council by Russia and China. In addition to the humanitarian benefits, a quick accord would end the political struggles around these issues. It would also meet the US desire for reduced tension with Khartoum, regarded by Washington as an ally in the ‘war on terror’ and enable the US to concentrate its attention on the Comprehensive Peace Agreement of 2005, which had led to a new Interim National Constitution for Sudan and encompassed an arena of conflict deemed more important than Darfur. In the case of Darfur, the deadline diplomacy inhibited effective mediation, resulted in a peace agreement that did not achieve peace, and sowed divisions that exacerbated the conflict.

As with all civil wars, the humanitarian need for a quick accord was indisputable. But there is never a quick fix. These wars are social phenomena whose causes, dynamics and contested issues are multiple, complex and intractable, and the difficulty of resolution is heightened immeasurably by the protagonists’ mutual hatred and suspicion. In these circumstances, short-cuts and quick fixes are invariably cul-de-sacs.

For a combination of political, psychological and pragmatic reasons, a peace agreement has to be owned by the disputant parties. They have to sell the agreement to their constituents; they have to come to terms, in particular, with its compromises; they have to implement it; and they have to adhere to its provisions in the long run. The Abuja experience demonstrates that there is no benefit to be gained from pressurizing the parties to sign an accord to which they are not committed; and that the process by which an accord is prepared and concluded determines its acceptability and legitimacy and is therefore no less critical than the content. The suggestion that the Sudanese parties were not ready for a negotiated settlement does not imply that international actors should have stood by idly in the face of the mass killing and displacement of people in Darfur. If a conflict is not ripe for resolution, then the challenge is precisely to determine how best to alter the strategic calculations of the belligerents and generate a ripe moment through

a mixture of incentives and pressure. Although the impact of punitive action in high intensity conflict is unpredictable, it seems clear that the approach adopted in relation to Darfur, where the international community issued threats and then failed consistently to act on them, emboldened the belligerents.

A Strategy for Comprehensive Peace in Sudan

Africa Report N°130 – 26 July 2007

Lasting peace in Sudan requires a new strategy, one which tackles its multiple conflicts and potential conflicts in a consistent manner. The overwhelming international



concentration on Darfur has come at the expense of the broader quest for peace in the country. Unless a more balanced approach is developed, Darfur will continue to suffer, and new wars are likely. The 2005 Comprehensive Peace Agreement (CPA), which ended Africa's longest running civil war, contains the detailed provisions and schedule for governmental reforms and democratization process leading to national elections in 2009 which can be the building blocks for peacemaking in Darfur and elsewhere. It is in danger of collapse, however, due to government sabotage and international neglect, the latter a cruel irony in that preoccupation to conclude the CPA negotiations led to initial reluctance to address the developing Darfur crisis in 2003-2004. Urgent efforts are needed to build consensus among the main international players on a strategy for obtaining implementation of key CPA benchmarks.

While Darfur is Sudan's most pressing regional issue, additional attention is also needed in Kordofan, where armed groups unhappy with CPA implementation threaten new conflict and may link up with insurgents in Darfur; in the far North, where the construction of dams has displaced and angered several communities, and the risk of major conflict is increasing; and in the East, where the 2006 peace agreement has only just begun to be implemented and could easily still fall apart.

If implemented, the CPA would help transform the oppressive governmental system that is at the root of all these conflicts into a more open, transparent, inclusive and democratic one. The ruling National Congress Party (NCP) resists this because it views full implementation as a threat to regime survival. It is undermining the reforms critical to democratization, as well as the ones that would allow for the promised self-determination referendum in the South in 2011. If the CPA fails – which is increasingly likely – Sudan can be expected to return to full-scale war, with dire implications not only for its own people but for all its neighbors as well.

International efforts over the last three years have lacked consistent leadership and been weakened by disagreements, particularly between Western donor countries and China, Russia and the Arab world. An informal contact group of these major actors, and including the European Union (EU), France, the African Union (AU), the UN and regional countries, is slowly beginning to cooperate more effectively on Darfur, however, and has made some progress over the past four months towards renewing negotiations for a political settlement.

This cooperation needs to be expanded to priorities core elements of the CPA but growing problems with that agreement are receiving little attention, even though peace in Darfur and elsewhere can only be built on its foundation. The first major implementation deadline _withdrawal of the Sudan Armed Forces (SAF) from the South by 9 July – was missed without an international response. Much of the implementation that has taken place

is on paper only; many commissions and other bodies still do not function. The former rebels, the Sudan People's Liberation Movement (SPLM), were expected to be an agent of change in Khartoum but have focused most of their energy on internal southern issues, at the expense of the national agenda.

Consistent international engagement and vigilance is needed. Monitoring the CPA is the primary mandate of the UN Mission in Sudan (UNMIS) but it has been without a chief for more than half a year. The Secretary-General must immediately correct this, and UNMIS should refocus on overseeing CPA implementation.

The enlarged contact group on Darfur is to meet again in September. It should agree on holding the parties, especially Khartoum, to key CPA benchmarks. The Secretary-General should work with the AU to organize a broad-based international conference at which a comprehensive roadmap for peace in Sudan would be laid out, including those benchmarks, the AU/UN plan for reviving the Darfur political process, and consensus on the diplomatic and economic rewards and punitive measures to be taken with respect to the parties in proportion to action on that roadmap.

METHODOLOGY

This was a status study based on the quantitative descriptive research. The documentary analysis technique was employed for data collection.

Definition of Research:

Best W and Khan Y. (2006) define research as the study of the basic problems that contribute to the edifice of human knowledge. It seeks to establish new truths, find out new facts, formulate new theory and suggest new applications.

Quantitative Descriptive Research.

Best W and Khan J (2006) define quantitative descriptive research as that which uses systematic procedures to discover quantifiable relationships between variables.

Documentary analysis:

Also referred as content analysis. It is defined as quantitative inquiry which yields excepts, quotations or entire passages from an organizational clinical or programmer records, memoranda and correspondence. Official publication and report, personal diaries and open ended written responses to questionnaires and survey (**Best W: 2006:255**).

(Alsory (1986)) says content analysis includes the methods and techniques research use to examine, analyze and make inferences about human communication

Berelson (1950: 689) defines content analysis as a research technique for the objective systematic and quantitative description of the manifest content of communication. **P 489**

Osgood (1959:35) defines content analysis as procedure whereby one makes inferences about sources and receives from evidence in the message they exchange.

Weber (1985; 9) define content analysis as a research methodology that unites a set of procedures to make valid inferences.

Kerlinger F.R (1986:19) defines content analysis as method of studying and analyzing communication in systematic, objective and qualitative manner to measure variables.

Ray and Mondal (1999) state that content analysis can be used to examine the effect of the experimental manipulation upon the dependent variables.

Content analysis is a technique that is used to extract desired information from a body of material by systematically and objectively identifying specified characteristics of the material (**Berelson et al: 1954**).

Sohoni R.P (1973) Asserts that the general categories of content analysis must be stated in analyzable forms appropriate to the particular content under investigation. In this way content analysis helps to draw several objective conclusions which in turn will help us draw important and scientific guidelines for textbook construction and evaluation

Sampling:

Purposive sampling was used and all the Times of India newspaper stories containing extracts on Darfur conflict causes were used as sample for the period of time 2006- 2007.

A total of 61 newspaper stories about Darfur conflict causes were sampled for the two years.

coding Instrument:

The coding instrument for collecting the data was developed. Below is an extract of the tool.



Chart 1. Coding instrument.

Causes	Year (2006)	Year (2007)
Historical grievances		
Racism		
Power struggle		
Resource Distribution		
Rebels (Darfur liberation movements):		
Politics		
Government fighting own people		
Control over resources		
Ethnical		
Desertification		
Genocide		
Terrorism		
External forces		
Other		

Development of tool:

The tool was developed after the underlying causes of the conflict were identified. The identification of these causes was done after thorough search and study on the causes of the war in Darfur, others were identified as a result of my experiences as a Sudanese national. Based on the causes so far identified the tool/ instrument was developed column wise indicating the causes and years 2006 and 2007 respectively. The tool is a modification of one such used by Calloway B.A (2005) on content analysis of news coverage of the HPV vaccine by US newspapers.

The coding instrument was developed through an iterative process of reviewing the sample of newspaper selected.

The coding schema was designed to capture the main causes of the conflict in Darfur. Year-wise inter coder reliability was determined. For the newspaper articles of 2006, inter coder reliability was 92.9% and 2007 it was 85.7%.

Overall inter coder reliability was found to be 89.3%. This percentage was accepted as being within the limits after disagreement were discussed and reached consensus.

Holsti (1969) formula for determining reliability was used in finding out the coefficient of reliability i.e.

$$\text{Reliability} = \frac{2M}{N_1 + N_2}$$



Operation definitions of terms:**Historical grievances:**

This refers to the past animosities, which the tribes of Darfur have against one another, which arose due to the lack of water for animals, grazing field and stealing of livestock.

Rebels (Darfur liberation movements):

As used in this study refers to the Arab militia “Janjaweed” and the African militia called the Darfur liberation Army (DLA).

Power struggle:

Refers to the struggle to gain supremacy over political matters of government. In this study, it refers to the quest by the Africans to gain political control over the Arabs in the war torn area of Darfur.

Resource distribution

In this study, it used to refer to the sharing of national resources between Arabs and Africans in Sudan.

Racism:

Herein refers to the discrimination of Arabs against Africans living in Darfur region of Sudan.

Government fighting own people:

In the context of this study, it refers to the depiction of government irresponsibility to protect people and the support of government to Arab militiamen to cause mayhem to the African villages in Darfur.

Control over resources:

Herein refers to the fight to gain control over oil fields and land in the black dominated Darfur region.

Ethnicity:

Refers to tribal animosities between African tribes of Darfur region i.e. Masalit, Rizeigit, Zaghawa and Awlad zeid.

Desertification:

Refers to general loss of forest cover. However, within this context it refers to the desertification as depicted in particularly the Darfur region of Sudan where there is no green vegetation.

Genocide (ethnic cleansing):

Refers to mass extermination of human beings of a particular race. In this study, it implies the mass killings of Africans by Arabs in Sudan.

Terrorism:

Conceptually, it means the use of violent and intimidating methods of coercing a government or community. Within the context of this study, it implies the use of force by both the Africans and Arabs to intimidate one another.

External forces:

Herein refers to the outside parties than the real Sudanese nationals trying to causes terror and suffering on the people of Sudan.

13) Politics:

Herein refers to political bickering between the government dominated Arabs and African minorities. The kind of dissatisfaction between the two forces refers to politics in the study.

ANALYSIS AND INTERPRETATION OF DATA

As the aim of the study was to analyze the portrayal of Darfur in relation to causes of the conflict, the study mainly concentrated on how many times these causes were identified as being major contributors towards the conflict.

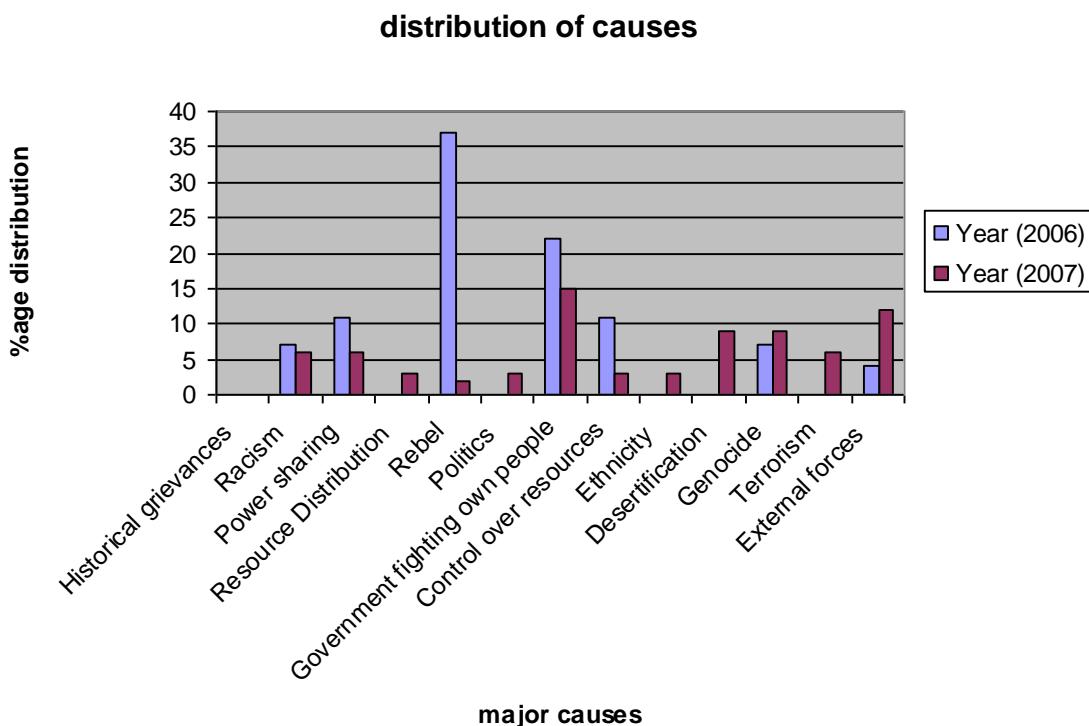
Overall thirteen major causes known to have been major contributors were analyzed for the period of the two years. The percentage distribution of the causes is shown in the table below.

Table 1 (percentage distribution of causes of conflict 2006-2007)

Causes	Year (2006)	Year (2007)
Historical grievances	0	0
Racism	7	6
Power sharing	11	6
Resource Distribution	0	3
Rebels (Darfur liberation movements)	37	2
Politics	0	3
Government fighting own people	22	15
Control over resources	11	3
Ethnicity	0	3
Desertification	0	9
Genocide (ethnic cleansing)	7	9
Terrorism	0	6
External forces	4	12
14.Others	0	0
Total	100	100



The graph that follows helps to illustrate this phenomenon based on all the aspects of the causes as identified in table 1 above.



Year wise analysis

a) 2006:

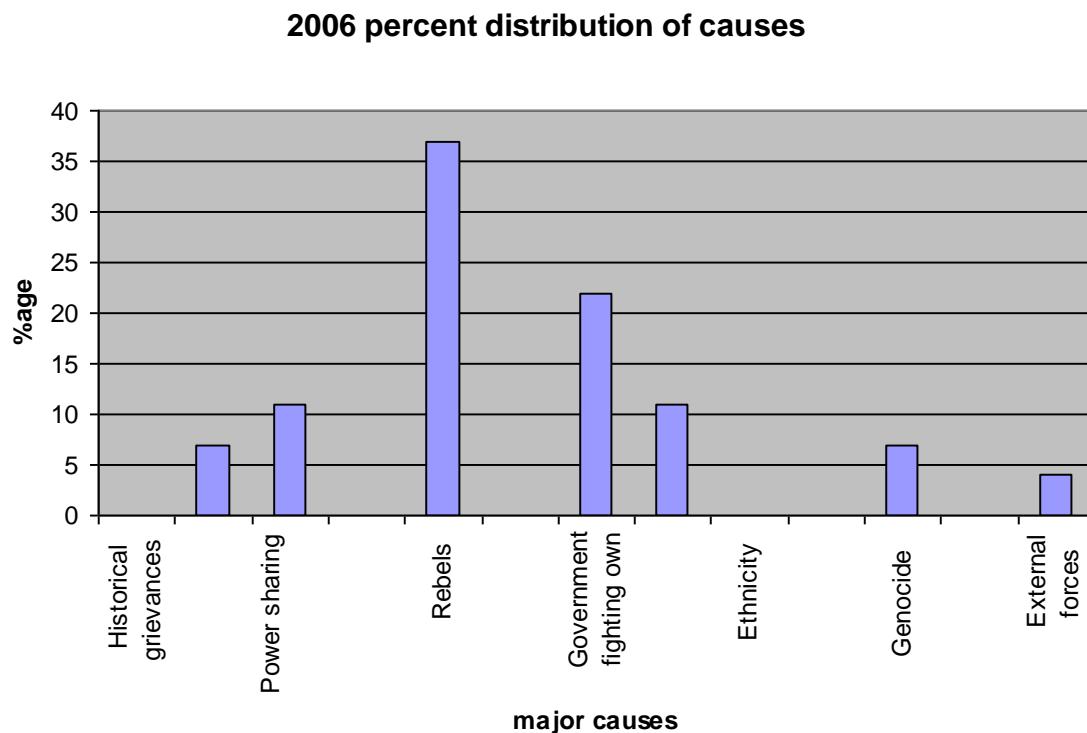
During the period of 2006, 22 newspaper articles contained stories of Sudan's Darfur conflict. This same period indicates that most of causes identified as causes of conflict to be rebels forces of greater magnitude is a case of government fighting its own people for example in may 19th 2006 on its title: US removes Sudan from rogue list. It is reported that the united states government spokesman Richard Boucher criticized Sudan for its lack of cooperation in permitting international food aid supplies to reach Darfur, where the "government was fighting the local population".

The other causes which dominated the news during the period were power sharing and fighting for control over oil (11%), Racism and genocide in that order. This can be elaborated in the table below.

Table 2: causes Darfur conflict as at 2006 percentage distribution of reporting by times of India newspaper

Causes	% age
Historical grievances	0
Racism between Arabs and African	7
Power sharing	11
Resource distribution	0
Rebels (Darfur liberation movements)	37
Political	0
Government fighting own people	22
Control over resources	11
Ethnicity	0
Desertification	0
Genocide (ethnic cleansing)	7
Terrorism	0
External forces	4
Others	0

Graph 2 below helps to visualize the above representation as shown thus:



b) 2007:

During this year, Rebels were reported to be the major causes of conflict. However as compared to the year 2006, the percentage declined. It is worthy to note that the reporting here again shows other factors being reported like.

Desertification	9%
Terrorism	6%
Politics	3%
Resource distribution	3%

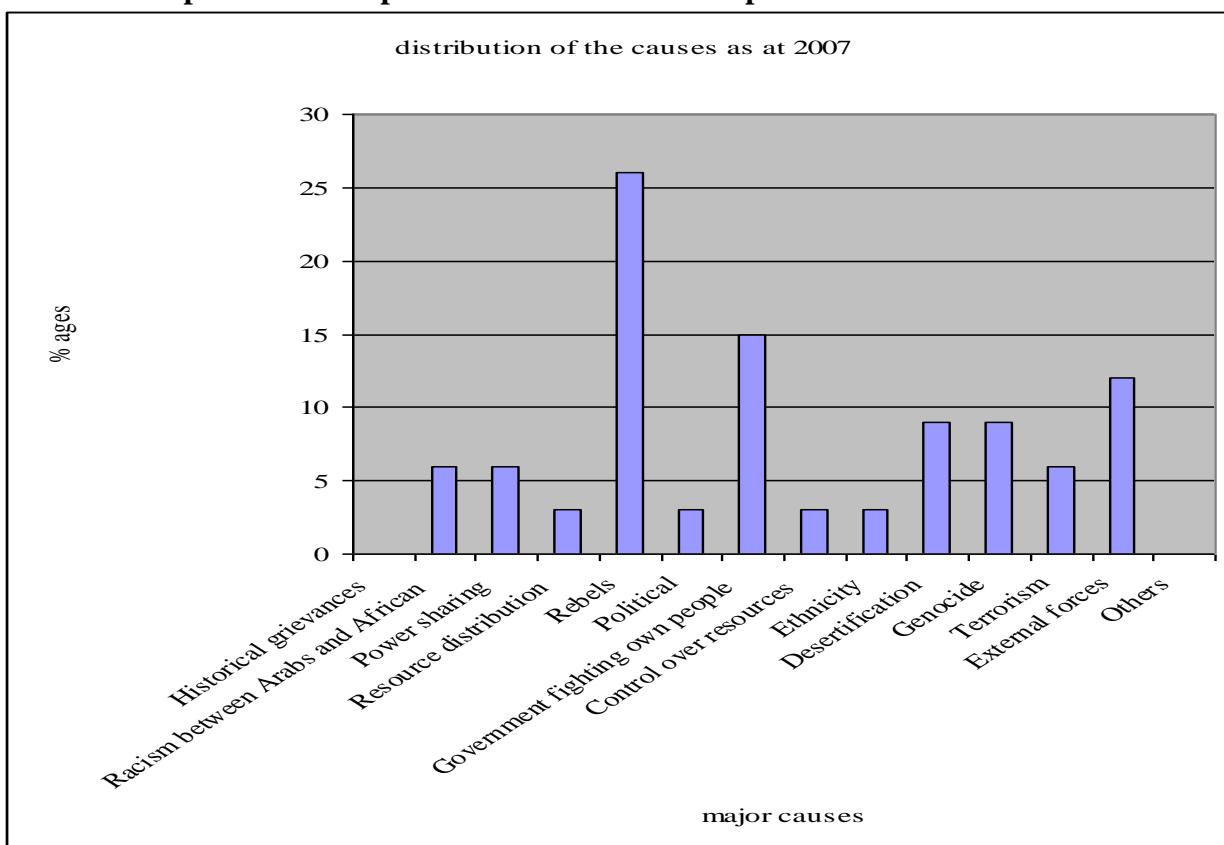
As the major factors seemed to decline in the percentage of reporting, even some other reported in 2006 as almost insignificant surfaced to be major causes. For example the issue of external attacks when compared in the year 2006 and 2007, there were higher incidences of reporting it as major cause. China is mainly reported as the major exporter of small arms to the Sudanese government. Hence this shows the percentage increasing from 4% in 2006 to 12% in 2007.

Overall, the percentage distribution of the causes in 2007 is shown in the table 3 below and subsequently the graph against the table is shown underneath.

Table 3 (%age distribution of the causes of conflict in Darfur as portrayed in Times of India newspaper in the year 2007).

Causes	% age
Historical grievances	0
Racism between Arabs and African	6
Power sharing	6
Resource distribution	3
Rebels (Darfur liberation movements)	26
Political	3
Government fighting own people	15
Control over resources	3
Ethnicity	3
Desertification	9
Genocide (ethnic cleansing)	9
Terrorism	6
External forces	12
Others	0

Graph 3 below helps to visualize the above representation as shown thus



Analysis of the causes:

Historical grievances:

It can be noted from the findings that for the two years 2006-2007, this cause was not identified in the reporting as being significant to warrant the causes of conflict and hence reporting.

However as (**Johnson, 2003:141; Flint and Aewaal, 2005**) reports the conflict started in 2003 after several years of sporadic fighting between different Darfurian groups particularly the Masalit and the Rizeigat and the Zaghawa And Awlad Zead. By the end of 1999, these clashes had displaced over 100,000 people and turned 40,000 into refugees in Chad.... In reality old animosities and local fractures were being increasingly politicized and mobilized by different forces, including the government itself for military and political purposes.

This I think is the most significant factor which ought to be reported in the international media houses and newspapers in particular.

By avoiding to including this factor in the reporting, the Times of India like the other western newspapers is also not providing balanced reporting about the causes of conflict.

It is worthy to note here that unless the root causes of conflict in Darfur are identified then the peace keeping process will bear no fruits, old fractures and wounds must be healed if there is to be peaceful agreement. This can only be so if the media firms give balanced reporting regarding any problem happening in the world over notwithstanding Sudan's Darfur region.

Racism between Arabs and Africans:

Comparison of the reporting between 2006 and 2007 shows that the Times of India newspaper reporting had declined. In fact, there was a decline of 1% from 7% reported in 2006.

Ideally, majority of the media houses in the west have reported that, this is the major conflict in Sudan "A struggle between Arabs and Africans" (**Pantuliant s and Sorcha O, 2006**).

It is imperative at this point to note that the Arabs came to this country as traders. Hence they do not own land and because of this, they are fighting for land ownership as the following extract below imply.

Land and conflict:

Most Arabs groups in Darfur do not own land on the basis of land holding system called "hokura" this system which dates back to pre-colonial times, was built upon by the British administration which allotted tribes, several Arabs transhumant Camel herding groups especially in North Darfur were not magnet any land through access to land and water along transhumant routes was generally accepted through customary practices. The breakdown of the cooperative relations with their settled neighbors particularly after the devastating draughts of the 1970s and 1980s, left many pastoralists impoverished and deprived them of a sustainable livelihood base.

When the conflict broke out in Darfur, landless Arab groups saw an opportunity to expand their access to land and water, the competition over essential livelihood sources which political marginal sate and poor governance, have left unaddressed over the past three decades have increasingly assumed racial aspects and many people in Darfur perceive the current violence in a racial context (**Pantitians S, and Sorcha O, 2006**).

Power struggle:

The reporting in the newspaper between 2006 and 2007 declined by 5% from 11% of the cases reported in 2006, this cause is however indirectly inferred due to the peace

agreements which were signed between the government dominated Arabs and the Darfur rebel forces, otherwise called the Darfur liberation front.

This kind of indirect reporting somehow does not give the audience or the readers a clear picture as to what the causes of conflict are. Reporting in my opinion should be clear, precise and perceptive. It should not be in a way that it gives the readers a room for making uncalled for predictions. The portrayal in this sense however is indicating the political struggle as the cause. This should be reported in a direct manner. What the reports were indicating all through is a sense of concern over peace agreement between the rebels and the government. In most instances, the actual cause does not clearly come out in an explicit manner.

In this case, my view is that the reporting ought to be explicit rather than being implicit.

Distribution of resources:

Largely, during the year 2006, this was not reported as cause of conflict. However in 2007, resource distribution was portrayed as another cause of conflict, one wonders whether this reporting is truly reliable.

There is a tendency of piecemeal reporting about the conflict. Instead of reporting and focusing on the overall picture, each passing time comes with a new problem hence calling for new ways of solving it. It is worth noting that reporting of this nature makes the peace process to come to a standstill. Indeed, in the year 2006, there were no cases reported of this aspect as of being a cause, but the year 2007 shows 3% of the reports asserting resource distribution as being a contributor of the conflict.

Just as (Tanner, 2005:22) reports, there has been political marginalization in terms of resource distribution between “Africans and Arabs”. One expects these phenomena to have been reported early in 2006 than in 2007. As the media is acting like spotlight of the society, one cannot forgive it for the mistakes committed over injudicious reporting. Good media reporting should be on the whole than the parts for the whole is better than the sum of its parts.

Rebels Darfur liberation movements (Militia groups):

Over the two years, this tended to be reported as the major cause. Although there seemed to be a decline in the reporting between 2006 and 2007, the aspect remained top most in the two years despite decline in coverage from 37% to 26% in 2006 and 2007 respectively.

Starting in mid_2002, the self-proclaimed Darfur liberation force (DLF) conducted a series of attacks on police stations and other government targets, the (DLF) insurgents



mainly belonging to the Zaghawa and Fur ethnic groups, changed their name to Sudan Liberation Movement/ Army and stopped up the scope of their attacks in early 2003.

In a joint operation with the newly formed Justice and Equality Movement (JEM) in April 2003 the border town of Tine was captured and AL_Fashir airport was attacked.

The rising of insurgent militias saw the rise of a counter insurgent militia, which was pro-government of Sudan. The militia has widely been known as the Janjaweed by the international media and aid agencies and human right activists. The counter insurgency they waged was conducted mainly through attacks on the civilian population, designed to curtail support for the insurgents and occupy land. Meanwhile, despite repeated claims by the government that it did not support the militias, it was unable to rein on them. The Sudanese army constantly supported the militia raids on villages, some times with helicopter gunship or fired wing aircraft (**ICI, 2005:54**).

However a closer examination of the Times of India newspaper reports the following:

In 10th May 2006 the conflict described as being caused by African rebels, in 14th December 2006 the times of India issue reported also the cause being the headline stand taken by African rebels, similar assertions were made in the following year 2007. However, it is worth to note that the major causes of civilian attacks in the Darfur region has not been by the African rebels but by the government backed Arab militia “Janjaweed” (**ICI, 2005:54**).

This reporting only is skewed in the sense that it leaves the readers with the notion that it is the Africans who are fighting within themselves while avoiding recognizing the damage caused by the Arabs to the Africans also.

Politics:

This aspect was considered as not so significant for reporting in the year 2006. However, it was reported in 2007 and it accounts for 3% of total reports that year.

On November 30th 2007 issue, the Times of India reported that war in the Darfur region was as a result of political dispute. This also makes one wonder how the reporting is not consistent. The war in the Darfur region started in 2003 or way back before 2003.

But the way the reporting is done regarding to causes implies that no single factor can be attributed to the cause of the war. It is emerging also that with the passage of time, a new cause emerges, could this be possible? That a new cause seems to emerge every time there is reporting. Why are there inconsistencies in reporting? This for sure leaves a lot to be desired regarding the way newspapers are reporting the stories about Darfur.

On July 1st 2007, issue, the Times of India termed the war as a political crisis



Government fighting own people:

This is also another element which was unveiled in due cause of analysis. It tells that since the government sought to fight it is own, the people were outraged to protect themselves against the government. It is worthy to note that majority of people in government in Sudan are Arabs, these are the rulers of African also. Hence this assertion has been reported by the Times of India and has taken 22% in 2006 and 15% in 2007. This in essence could be true because the government of Arabs who are landless could want to displace the Africans from their lands in order to settle their landless people

On the above note, Richard Boucher, the US government representative was quoted by the newspaper of 1st April 2007 saying that since the government had failed to protect the people from the insurgents of Arabs militia, the Africans resorted to protect themselves.

Pantuliano. O (2006) also confirms the assertion that the old animosities were politicized and mobilized by different causes including the government itself or military for political purposes. The Times of India has actually reported this phenomenon consistently. If all the aspects contributing to the conflict were to be reported in a consistent manner, perhaps the solution to the conflict could have been availed.

Resources:

Sudan is one country in Africa known to be the supplier of oil. Most of the oil wells are situated in Darfur, there is a strong belief therefore that the resources could have contributed to the war, whereas the Africans think that the land belongs to them and are therefore entitled to every right to own oil wells, the Arabs on other land are claiming a share of it. This creates conflict as to who is to control the oil fields.

This aspect is captured in the Times of India newspaper stories/ articles wherein 11% and 3% of the reports were on 2006 and 2007 respectively. However, the decline in the reporting may make one think that the aspect was not a significant factor to have warranted such reporting in the previous year. This is also where the newspaper reporting has not been consistent towards reporting of problems.

Ethnicity:

As noted earlier in the introduction, the Darfur region has different ethnic groups i.e. Masalit, Zaghawa and the Awlad Zeid. These groups have been fighting each other over a long period because of the struggle for water and grazing fields for livestock. These tribes are pastoralists. The government of Sudan has been asserting that the Darfur conflict is as a result of tribal clashes implying ethnicity. This factor has been captured by Indian

newspaper also (Times of India). In 2006, reporting in the articles accounted for 0% while in 2007, it accounted for 3%. Like other causes, the aspect is missing conspicuously in the year 2006. This again leaves one to ask whether the reporting is reliable and consistent.

Much as there could be many causes regarding the Darfur conflict, one expects to find some sort of consistency in the reporting.

Reporting which is narrow and imperceptive does not do the profession of journalism any good. Instead, it brings untold psychological torture.

Most landless pastoralists saw in the government counter insurgency a chance to seize land. The Bestowal of secure land tenure has been a long-standing demand for the nomadic tribes in north Darfur, who have never had any entitlement to Adar (homeland).

This has led the central government to manipulate the issue of nomads and has used them to tackle security problems in the region. Many analysts belief that the pastoralists groups engaged in counter insurgency operation have been Promised Land of settled farming communities in return for their services in war (**De Weal, Pantuliand 2005**). It is also indicated that area around Awalla_Nanlrmsch, near Garsila, hosted more than 50,000 non Arabs before the conflict but today it is inhabited by nomadic groups of Arab origin (Tanner2005).

This is a very significant cause of conflict and ought to have been given prominence and preference in reporting. Nevertheless, it was not featured in the reporting of 2006 and only 3% of the articles featured it in 2007, thus indicating to the readers that ethnicity is not a major factor worthy of consideration. This leaves a vacuum in peace finding operations.

Desertification

The reporting about desertification is featuring most in the 2007 newspaper issue where 9% of articles reported that desertification is a contributing factor to the Sudanese conflict in Darfur.

On the 27th June 2007 article entitled “Desertification threatens peace” the Times of India newspaper reported quotations from the UN secretary general saying that Global warming was the major causes of the conflict in war prone areas citing Darfur region as an example.

Darfur region is a desert area, however the assertion that desertification can be the cause of conflict in the Darfur region leaves many perplexed. The UN which is supposed to maintain peace in the world is digressing from the real course of the problem affecting Darfur perhaps because of improper reporting by the media. If the media were to report

fairly and objectively after thorough research and analysis about delicate matter as is the case of Darfur, then the peace makes could find a starting point.

Concerning this aspect, the peacemakers may find themselves addressing desertification and global warming issues thinking that they are main causes of conflict in the region hence leaving the salient problems unsolved. However, this does not imply that desertification may indirectly contribute to the scarcity of resource and in turn cause conflict, what I mean to say here is that let problems be stated crystal clearly instead of being implied, that is when problems can be solved. Hence a problem clearly defined is a problem half solved.

Terrorism and genocide (ethnic cleansing):

The western media has often described the war in Darfur as a result of terrorism and commitment of atrocities of genocide, in fact, the pope of Vatican is reported to have used the word fratricidal killings (24th Jan 2006).

Overall, the reporting about genocide was 7% and 9% respectively in 2006 and 2007 while terrorism factor was 0% and 6% in 2006 and 2007 respectively.

According to Times of India newspaper, the assertion of genocide and terrorism is postulated by American. It is worthy to note here that on August 20th 1993, the Clinton administration launched cruise missile attacks on the Al_shifa pharmaceutical factory in Khartoum alleging that the plant was making chemical weapons as part of Osama Bin Laden infrastructure of international terrorism. The Clinton administration made several widely reported, claims about Sudan and the factory - all of which were reported in the media, however after carefully assessing the claims, the other observes newspaper spoke of "a catalogue" of US misinformation, glaring omissions and intelligence errors about the function of plant. These claims are now accepted, internationally to have been unfounded. The US administration has also reported that the Khartoum had used weapons of mass destruction in the course of the then civil war in south Sudan; the some claims have been reported about terrorism in the following issues of Times of India, 2nd October, and 2nd December 2007.

These are glaring omissions in reporting. If this trend of reporting continues unabated, then the peace process in Sudan is far fetched.

Genocide attacks have been also reported by the news of 20th April 2007, 1st Jan 2007, 24th Jan 2006, and 30th April 2007, all this among other issues imply that the cause of conflict is due to the genocide attacks or anything to do with genocide. It is imperative to know first the root causes- these problems can only be uprooted with researched reporting.



External forces:

In the articles or stories for the two years, the newspaper has reported that external forces are contributing to the cause of conflict. China has been frequently cited to be the major external force exporting small arms to the Darfur region- reason being that it wants to extract the oil and take control over the oil fields, this reporting rose from 4% to 12% between the years 2006 and 2007. This is a very significant factor which the reporters have reported in fact if all other reports were to be conducted in the same manner the war in Darfur could be a thing of the past.

The reason behind China's involvement is that it wants to take advantage of the war and exploit the country's natural resource base. If there would be constant and increased reporting, China will have to be warned by the UN Security Council to stop the importation of small arms to the war torn area.

As seen from the analysis, it is worthy noting that no single factor can be attributed to the cause of Darfur conflict. However, it is imperative to note that the times of India like the western media reports have some glaring omissions on the causes of the war.

SUMMARY

From the analysis one can be able to clearly note that the war in the Darfur region is caused by multiplicity of factors. However, the reporting in the newspaper articles so far analyzed leaves much to be desired. On one hand, it seems that the reporters do not do a thorough research before reporting delicate and sensitive matters like the case of Darfur conflict, this makes the reporting to be skewed and therefore the general trend is that it earns a bad reputation to media. Based on these type of reports, people may end up trusting and believing on wrong information.

Reporting of the causes of the conflict seem to be piecemeal. That is, there is no consistency of the reports as to what the cause of conflict might be. One is therefore left in the dark since as shown from the analysis of the causes; the reporting from one year varies considerably from one report to another. A completely new aspect causing the war can emerge in subsequent years even though it has not been reported previously.

The piecemeal reports hither to do not help in finding long lasting solutions. The peacemakers, after reading the paper article may come up with ways of solving a problem which is not the key cause. For example, by asserting that desertification is the root cause of conflict, the peacemakers may find it appropriate of holding conferences to sensitize the world on how to control desertification by suggesting either planting more trees or protecting water catchments areas. This sounds good in solving desertification problem.

However, it cannot solve the problem of war in a place like Darfur where there are other underlying major causes than merely desertification.

Judicial reporting by the media can only be an antidote to the problems we are focusing. With good judgment in the reporting, the problems and causes of war in places like Darfur will be solved amicably. It is worth to note that the whole is better than the sum of its parts. Hence the media reports should be based on this principle and report an issue wholly than giving partial information. Partial information only serves to solve the problem in parts and the end process will be a farce.

Findings:

In relation to the above analysis the following can be adduced as the main finding of study.

1. The Times of India newspaper has given preference to Rebels militia and government irresponsibility as major causes of conflict in Darfur.
2. The reporting on the Times of India newspaper is piecemeal, the reporting about the causes is such that at one time a particular cause appears, then it disappears as another emerges.
3. There is no consistency in the reports about the major causes of conflict.

Overall, the Times of India newspaper reporting on the Darfur region in Sudan conflict stories are based on the Reuters- a western media company. This implies that the reporting is inclined towards the western media reporting which have been accused of sensationalism and irresponsibility.

Suggestion:

For the Times of India newspaper to have a fair and balanced reporting regarding the root causes of any event in general and the Darfur conflict in particular, I recommend the following:

- 1) The reporters for the newspaper to report their findings from the source instead of depending on reported materials.
- 2) Before any publication, there should be a team of intelligence to censure the newspaper reports.

Recommendation for Further Research:

Owing to the time factor. I could not do a comprehensive study about the Darfur conflict in relation to other Indian newspapers, I therefore recommend that a comprehensive study be done on “Portrayal of the causes of Darfur conflict causes on major Indian newspapers”.



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South Korea Public diplomacy and COVID-19: Aspects of impact and improvement

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Abstract:

The purpose of this paper is to highlight the role of South Korea public diplomacy in COVID-19 era. Emphasizing the role and purpose of Public diplomacy in favor of traditional international relations channels, as diplomacy has become a strong tool for nation-state governments to publicly promote their countries vision and values to foreigners through more informal mediums and strategies. The country image was influenced by a range of non-state actors . Also information tech give them multiple connections mechanisms, where these technologies excel on the traditional diplomacy.

We will showcase Korea's P D journey and what differentiates it. Unmasking prior to that ; the governmental early response to the virus outbreak, with an emphasis on using cultural diplomacy to share more of so successful tecno-science based response and data-driven leadership of the Korean Republic amidst covid sars covid 2 pandemic.

Key words:Public diplomacy; soft power; COVID-19; South Korea; crises management; culture.



INTRODUCTION:

The current state of international relations can be characterized by a high degree of global interconnection. This shift in international affairs has been driven by several factors: technological advancements in information and communications, increased movement of people, dominance of the free trade economy, transnational crime and security threats and the growing concern over the global environment. These changes in the international sphere have called for a more open, cooperative and technologically-based approach to the way state affairs are conducted.¹ Diplomacy as one of soft power's key instrument keeps facing inconsistent changes due to several factors shaping it.

The year 2020 is exceptionally onerous not only for Koreans but for the whole world as an unannounced pandemic hit the globe and forced every government to take unusual measures in order to protect their citizens right for a life and a good health .

In the New age, diplomacy has become a strong tool for nation-state governments to publicly promote their countries vision and values, using more of a business approach and engaging other non-traditional actors and contributors in the international relations field; exemplar celebrities, civil society and private companies.

South Korea (also reoffered to in this paper as Korea) model of Public diplomacy could be characterise as "mega diplomacy" or the "new public diplomacy". Since the ministry of foreign affairs start using strategically more unconventional methods aiming to communicate with foreign audiences Korea's national interests - a form of Korea cultural diplomacy - also known as the Korean 'Hallyu' wave, which refers to the increasing spread of Korean culture around the world. The Foreign Ministry aims to incorporate this trend into its public diplomacy efforts through assisting professional Korean artists in promoting their work abroad. This example of a partnership model will be used in conjunction with the integration of new media for better two-way communication.²

South Korea has been seen in light of a success model, having achieved modernization and economic development over a short period of time; demonstrated by the freedom of expression through an political awareness of it people leading the unprecedented impeachment of a president (President Park Geun-Hye), following popular grass-roots candlelight rallies³.

¹ Riordan, Shaun, *The New Public Diplomacy*, Oxford: Blackwell Publishing Ltd, 2003, P.50-65.

² Ministry of Foreign Affairs and Trade, Republic of Korea, Key Diplomatic Tasks , Australian Institute of International Affairs, Domestic Public Diplomacy Discussion Paper: International Experience ,2012 ,p 12.

³ Blomgren R, Autonomy or Democratic Cultural Policy: That is the Question, *International Journal of Cultural Policy* 18 ,2012 , P 519–529.

Against this background, this paper will shed a light on how did the preexisting tools of South Korea' public diplomacy took place amidst COVID-19 situation, and how could the Korean government increase its effectiveness post COVID era?

DEFINITION OF PUBLIC DIPLOMACY:

Scholars have provided a variety of definitions of public diplomacy, for instance defined by Paul Sharp public diplomacy is “ the process by which direct relations with people in a country are pursued to advance the interests and extend the value of those being represented”⁴, along with Hans Tuch’ perception “a government's process of communicating with foreign publics in an attempt to bring about understanding for its nation’s ideas and ideals, its institutions and culture, as well as its national goals and policies ”⁵; by the agency of variety of means, including international programs, cultural and educational exchange programmes etc .

Philip Taylor uses the term “perception management” to describe the informational role of public diplomacy by drawing a distinction between public affairs, public interest, psychological operations, media management and public diplomacy.⁶ Stressing the important role of public diplomacy to communicate and inform in different means the vision of a certain country and to help form a certain image overlooking the traditional state-to-state formal communication but creating future allies of international citizens.

No matter which definition scholars use, the instruments of public diplomacy, according to Gilboa⁷ , include advocacy, broadcasting, public relations, cultural diplomacy, exchange, and national branding. Advocacy and broadcasting can be categorized as immediate, reactive forms of public diplomacy.⁸ This tools had helped Korea to become a force recon with, raising its flag high in international forums such as hosting the Olympic games in 1988, hosting the football World Cup 2002, hosting a G20 Summit in 2010, hosting the Nuclear Security Summit 2013 and the Seoul Conference on Cyberspace in 2013 ect.

⁴ Paul sharp, Revolutionary states, Outlaw regimes and the techniques of Public diplomacy, Jan Melissen ed, The New Public Diplomacy.

⁵ Hans Tuch, communication with the world, US public diplomat overseas, institute for the study of diplomacy, 1990, P 3.

⁶ Elena Gurgu, THE ROLE OF PUBLIC DIPLOMACY IN INTERNATIONAL RELATIONS IN FULL PROCESS OF GLOBALIZATION ,Annals of Spiru Haret University ,2016, P 128.

⁷ Gilboa E, Searching for a theory of public diplomacy, The ANNALS of the American Academy of Political and Social Science, 2008, P 55–77.

⁸ Atsushi Tago, Public Diplomacy and Foreign Policy, World Politics, 2017, P 3 . Retrieved from <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-471?print=pdf> Accessed 13/09/2020.

Notwithstanding, the Korean Public Diplomacy Act defines public diplomacy legally in that “diplomatic activities through which the State enhances foreign nationals’ understanding of and confidence in the Republic of Korea directly or in cooperation with local governments or the private sector through culture, knowledge and policies, etc”⁹, making of the state the main actor and local governments and private sectors cooperative actors influencing by different instrument the government policies in this regard .

This last point, deliver a better understanding of South Korea public diplomacy found on it being a part of the ‘soft power’; Soft power of a country is created through the activities of multiple actors and organizations impacting foreign audience – artists, art galleries and music television, NGOs, political parties, writers and artists’ associations, journalists and media groups, researchers and teachers, entrepreneurs and religious leaders etc ¹⁰. That’s how public diplomacy varies on official diplomacy by involving different formal and informal actors and communicating with international citizens.

Considering this statements as the underpinning of this paper, first we must understand the Koran strategies regardless dealing with former health crisis, interlinking with informative role of PG and its cultural aspect.

SOUTH KOREA CRISIS MANAGEMENT STRATEGIES:

We have to project the mind-set of Korean officials on dealing with health crisis in order to better understand the international projection of the country’s way of managing COVID19.

Crisis management was fundamentally reformed under the previous Roh Moo-hyun administration in ways that could transcend political or personal preferences. Roh’s reforms was not political but instead was a combination of factors, including certain failures of the government’s past responses to crises, a less intense threat perception of North Korea, and a growing awareness and integration of the ROK’s crisis management and national security communities with those of other advanced nations. Moreover, the Korean military services and Korean nongovernmental organizations (NGOs) are becoming increasingly involved in multilateral activities overseas, such as peacekeeping operations or disaster relief and

⁹ Public Diplomacy act enacted by the Republic of Korea in 2016 is the the first law in South Korea to address public diplomacy activities intend to contribute to Korea’s image and prestige in the international community by establishing a foundation to strengthen public diplomacy and to enhance the efficiency thereof by providing for matters necessary for public diplomacy activities. According to the First article.

¹⁰ Melissen Jan, Wielding Soft Power: The New Public Diplomacy, The Hague: Netherlands Institute of International Relations “Clingendael”, 2005.

humanitarian assistance missions, a situation that is prompting the ROK government to adopt many international standards.¹¹

Dealing with SARS in 2003 (Severe Acute Respiratory Syndrome) a viral respiratory infectious disease, South Korea had a good response to the outbreak by launching a national surveillance system in March 16, 2003 that served for monitoring and quick taking of suspected cases. later in 2009 an outbreak on influenza H1N1 retched Korea, luckily the Korean government developed a plan for pandemic influenza preparedness and response in 2006 following the WHO recommendations. The Team of Training for Public Health Crisis was initially set up on the side of one part of the Division of Epidemic Intelligence Service within the Korean Center for Disease Control and Prevention (KCDC) worked on enhance the country's preparedness to secure medical resources, to provide manuals, and to train public health personnel in case of an emerging infectious disease causing public health crises¹². In 2015 a massive outbreak of MERS (Middle East respiratory syndrome coronavirus) occurred in South Korea, which not only was considered the second greatest number of cases in the world after Saudi Arabia it resulted in severe negative impact on Korea's economy. Receiving heavy criticism for the government's mishandling of the outbreak in its initial stage and problems in initial communicative responses¹³.we are not going to go in depth on every governmental response facing this series of challenging health crisis, motherless we will later take a look on how the republic of Korea worked on enhancing its respond and early phase communication and preparedness.

In South Korea, disaster is defined in view of an event that can cause damage to people's life, body, and property and to the nation in accordance with the 'Basic Act on Disaster and safety Management'. In the event of a disaster, the Ministry of the Interior and Safety, centering on the National Disaster and Safety Status Control Center, will establish the Central Accident Practice Headquarters, depending on the type of disasters, and operate the Si/Gun/Gu Safety Measure Headquarters, constituting a vertical administrative

¹¹ James L. Schoff and Choi Hyun-jin , Reform Locally, Act Globally? Crisis Management Trends in Korea, Korea economic institute of America academic paper series ,volume 3 , 2008, P 1.

¹² Kim Dohyeong, Public Health Crisis in South Korea: Policy Failure or Social Distrust?, KIPA the Korea Institute of Public Administration, 2017, P 6. Retrieved From https://www.researchgate.net/publication/320137898_Public_Health_Crisis_in_South_Korea_Policy_Failure_or_Social_Trust Accessed 14/09/2020.

¹³ Taejun (David) Lee, Crisis Communication: The Case of the 2015 Middle East Respiratory Syndrome Coronavirus Outbreak, Chapter 4 Case Studies on Public Policy in Korea for Knowledge Sharing , KDI Korea Development Institute ,2017, P 157.

organization that manages situation control, administrative assistance, rescue emergency, emergency assistance, volunteer works, etc¹⁴.

After this three major health crisis, and other social disasters and Natural one (for example numerous Typhoons and Floods, the Sunken Sewall Ferry Accident in 2014 and Oil spill from crashed oil tankan in Taean 2007 just to name few) that Korea had to survive and learn from it, developing a structured detailed plane of response for future infectious diseases outbreaks will be highlighted internationally amidst COVID1 19 outbreak and a global hunt for effective governmental response balancing between controlling the virus, protecting lives and preventing an economy reset .

COVID-19 situation in the Republic of Korea : Background and response

First, we have to understand the element of the domestic diplomacy that South Korea had used to face the previous crises , in order to manage the new virus outbreak, in which this methods where communicated to other international actors; foreign general public or organisation through cultural diplomacy mediums that where established through the Korean cultural wave. Stating that South Korea had learned and start a fundamental reforms and investments to date from the past health crisis, one of the advantages on dealing with covid19 is that South Korea was generally better prepared to respond to a wider range of both domestic and regional crises, building more a strong global diplomacy has earned Korea a seat in the top for a quickly and effectively crisis management and international security arenas.

Tracing Korea's first case of public diplomacy "back to the activities of the delegation headed by Mr. Jungyang Park, the first Ambassador to the United States, in January 1888, till retching the start of the Korean Wave originated in the late '90s effected by a governmental efforts to improve Korea's image in the international community through global popularity of Korean culture driven by K-pop and K-drama and, more recently, K-food and K-tech. On the grounds that it later on under the auspices of the Prime Minister, created the National Image Committee, Designed to develop a strategy to improve Korea's global status".¹⁵ And in a second step, in late November of 2015, the Act on Public diplomacy passed at the National Assembly's Foreign Affairs and Unification Committee which went into effect in August 2016, correspondingly the Ministry of Foreign Affairs in different administrations made efforts to increase the budget for expanding its public

¹⁴ Young Seok Song , Moo Jong Park , Jung Ho Lee , Byung Sik Kim and Yang Ho Song, Improvement Measure of Integrated Disaster Management System Considering Disaster Damage Characteristics: Focusing on the Republic of Korea, Sustainability, MDPI, 2020, P 7.

¹⁵Yun Young Cho, Public Diplomacy and South Korea's Strategies, The Korean Journal of International Studies, Vol. 10, No. 2 ,2012 P 13-14.

diplomacy capabilities. Sequentially establishing the Public Diplomacy Committee to deliberate on and coordinate the principal matters for a comprehensive and systematic PD policy, this Committee consists of no more than 20 members from relevant ministries and other government in conjunction with civilian public diplomacy specialists, In a nutshell, this committee serves in the name of a control tower for public diplomacy. Additionally, there is the possibility of a working group to hold consultations and coordinate items on the Committee agenda.¹⁶

Proceeding to have one organized public diplomacy by all governmental agencies creating this policies; the Ministry of Foreign Affairs and Trade, the cultural exchanges by the Ministry of Culture, Sports and Tourism, and the official development assistance (ODA) by the Ministry of Knowledge Economy, the Korea International Cooperation Agency (KOICA), the Korea Foundation (KF), and other Overseas Koreans Foundations. Concurrently the world has become more aware of South Korea' history, language and culture setting it apart from its regional neighbours beside the economic benefits .As a result Korea has successfully built an image of a sophisticated, advanced, democratic polished country to foreigners nations .

We will now see how did the situation of a global health crisis challenged South Korea public diplomacy planes (past the First Master Plan for Korean public diplomacy (2017-2021) Committee in 2017) and helped placing it in the top ranch of countries successfully dealing with the crisis.

Although South Korea saw the first confirmed COVID-19 case on January 20 2020, and become the second most infected country after China by early March. It became known to the public for its outstanding response that flattened the epidemic curve quickly without taking sever and strict measures like other European countries, for instance mandatory closing businesses, issuing stay-at-home orders .

South Korea transparency and rapid communication of information :

South Korea successful crisis management led by very details domestic public policy based on these points:

1. Communication :

_ As The Korean Centres for Disease Control conducts twice-daily briefings and offering daily updates in English for foreigners living in the country. Sharing relevant information and making it accessible to the general public by sending daily government alerts on phones about new public announcements according to respective vicinity or

¹⁶ Kwang-jin Choi, The Republic of Korea's Public Diplomacy Strategy: History and Current Status, USC center on Public diplomacy, Figueroa Press, 2019, P 16.

location. Resuming to an early recognition of the threat and rapid activation of national response protocols.

_ Tower managing crisis and communications was set up to provide crisis management governance. This consisted of a control tower (a working group centered around the KCDC/ Korea Centre for Disease Control), an advisory group (medical experts) and a decision-making group (central government leaders who were able to execute decisions quickly and provide resources and other support, as needed). A crisis management manual was developed that the crisis management team would be able to expand or re-position to fit the actual crisis stage/level, and key members of the team underwent mock trainings to simulate potential scenarios¹⁷. And this already existing channel eased speeding and revising critical information.

_ The Disease Control and Prevention Act guarantees the public's right to be informed of the latest updates regarding the infectious disease outbreak, infection prevention/control information, and relevant responses and mandates the government to reveal the routes of confirmed cases, their transportation means, their contacts, healthcare institutions visited, etc. In other words, kept K citizens updated and aware of every changing details, over and above ; charring this effective measures with transparency through official and cultural web side and SNS channels, in the time where the whole world was connected was a strong point in the Korean public diplomacy in the time between created a publicity for the foreigner nations .

_ On of south Korea successful tools to manage this crises was by employing technology to its rapid response; deploying apps that use public government data to track patients who have tested positive and enabling citizens to track suspected and confirmed cases path , and even the number of masks currently available.

2. Convenient wide testing :

_ Korea was one of the first countries to undertake extensive diagnostic testing capacity, supposing the key to minimizing damage and containing the spread of the virus through the early detection of confirmed case. The cumulative total of diagnostic tests conducted over 2,151,002 (as of 12 am on September 14 2020 according to the Korean centre Disaster Management Headquarters) diagnostic tests. Healthcare

¹⁷ Surekha Ragavan, COVID19: why South Korea's graceful crisis comms should be a lesson for all, PRWeek ,2020 . Retrieved From <https://www.prweek.com/article/1680335/covid-19-why-south-koreas-graceful-crisis-comms-lesson> Accessed 13/09/2020.

professionals are allowed to perform diagnostic testing on any individual suspected of having COVID-19 free of charge¹⁸.

Using the drive through/ later walk-thru method and screening stations showed how to create affective policies while taking on consideration the life speed of the GP and the use of new creative means. Setting up screening stations at public health centers and healthcare institutions to ensure easier access to diagnostic testing and effectively control infection and have diversified the operating models to better respond to increasing testing demands¹⁹. This rapidly deployed workforce enabled South Korea's policy of "never give up" contact tracing. Such meticulous tracing led to earlier case detection than would have otherwise been possible. Continuous use of this strategy also seems to have kept the²⁰ rate of new infections at a lower pace than that in most other countries impacted by the pandemic.²¹ Adding a rapid development of diagnostic kits.

3. Public awareness :

The GP showed a high level of discipline to the preventive measures sampling personal hygiene and social distancing and a national concern to help control the spread of the virus, which made it possible to not postpone the national elections in the 15 of April.

South Korea had taken more of shared-interest-oriented response fare from a politics oriented one with mixed messages based on no scientific reasons. We focused on the triple T (TRACE TEST TREAT) Corona virus management plane that Korea had developed and executed to show mostly new element different from the European west crisis management, that had so many people keeping a close eye on new inventive measures from Korea and importing there solutions based on international cooperation and shared information.

CONCLUSION:

The Korean strategic approach from day one until the outbreak of the Coronavirus (Covid-19) undoubtedly helped to achieve the purpose of public diplomacy, through a response based on science, technology and data-based leadership, in addition to sharing

¹⁸ Central Disaster and Safety Countermeasure Headquarters, Korea's Response to COVID-19 and Future Direction, 2020, P 4.

¹⁹ Central Disaster and Safety Countermeasure Headquarters, Korea's Response to COVID-19 and Future Direction, 2020, P 7.

²⁰ South Korea COVID19 daily testes VS. daily new confirmed cases per million. Source:
<https://ourworldindata.org/covid-exemplar-south-korea> Accessed 15/09/2020

²¹ Juhwan Oh , Jong-Koo Lee , Dan Schwarz , Hannah L. Ratcliffe , Jeffrey F. Markuns & Lisa R. Hirschhorn , National Response to COVID-19 in the Republic of Korea and Lessons Learned for Other Countries , Health Systems & Reform , 2020, P 6 . <https://doi.org/10.1080/23288604.2020.1753464> Accessed 15/09/2020.

information about security policy-making and crisis management with other countries, The current President of the Republic of Korea, Moon Jae, expressed that, "Korea will play an active role in promoting international solidarity in COVID-19 responses, and there will also be much room for cooperation to face this crisis"

We can say that the information technology as a prominent tool chapping a new era of public diplomacy, changing the way people find the information needed, express on their opinions and a great dealing with the data in order to have a clear multi- dimensional diagram of PD respecters, major actors and effective channels.

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The Future of Sino-Algerian Relationship on “O.B.O.R” (One. Belt. One. road)

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Abstract:

“China is a sleeping lion. Let her sleep, for when she wakes, she will shake the world” (Napoleon Bonaparte). This French Emperor’s warning, uttered more than 200 years ago, rang hollow for most of that time. Alain Peyrefitte chose this Napoleon’s Prophecy as a title of his best seller written in 1973: Quand la Chine s’eveillera le monde tremblera. The book was a premonitory tale, about most of the things that are happening now... So, Were Alain Peyrefitte and Napoleon right...? and "Will China become the nightmare of the world after its awakening"?! In fact, many specialists, mostly in the Western world, have a positive answer and doubt about China's goal of a "westward" strategy.

In this study, we will try to analyse this point of view by taking Algeria as an example, being the biggest African, Mediterranean and Arabic country with a strategic geographical position, subsoil full of wealth and one of the countries concerned by the OBOR initiative.

Indeed, we will approach several aspects of Sino-Algerian relationship (diplomatic, politic, economic, cultural...), by focusing on the points which can develop bilateral cooperation, in the context of the “O.B.O.R” initiative, and on those which can increase all forms of prejudice and apprehension that could hinder these ties. Thereby, questions that impose themselves are: what is the appropriate way to reach sustainable cooperation: Cultural, economic, linguistic, strategic...? Would not the cultural dimension, with its various components, be the best way? How two great civilizations, that have marked the history of humanity and whose impact and influence remain strong until now, can contribute to the establishment of a new world order that would allow all humanity to live together in peace and the respect of differences...? These are what we will try to answer in this short research.

Keywords: *China, Relationship, Arab, Civilisations, O.B.O.R.*



Introduction:

We have chosen to start from the beginning, that is, the first Sino-Algerian contact at Bandung Conference in 1955, which led to a great cooperation in several fields, until the signature, in 2014, of the global strategic cooperation plan¹. On the assumption that what does not move forward backs up, the most important thing is to know how to develop this achievement, in the context of the “O.B.O.R” initiative.

1- Sino-Algerian Relations through History:**1-1- Diplomatic Relations and Political Ties:**

Algeria and China celebrated, in October 2018, the sixtieth anniversary of the establishment of their diplomatic relations. Indeed, these relations are not new and the Bandung Conference (24th April 1955), was not just a major turning point in the Algerian revolution but also the beginning of a direct contact with China, represented by its Prime Minister Zhou Enlai and representatives of the National Liberation Front (FLN) participating in the Conference. Since 1955, China has supported the struggle of the Algerian people against colonialism in international and local occasions. In addition, China was the first country, after the Arab world, which recognized the first interim Government of the Algerian Republic only three days after its formation on 19th September, 1958.

According to historical documents, China assisted Algerians financially and military, particularly after the emergence of the second Taiwan Straits Crisis in August 1958, which could have triggered a war again. However, she was cautious, especially when America introduced the Eisenhower doctrine². The assistance provided by China to Algeria consisted in the formation of combatants in the field of manufacturing gunpowder, anti-tank grenades and other weapons, as well as arms repairs and other military issues. Chinese aid did not stop even after Algeria's independence in July 1962. In August 1962, Mao Zedong sent 9,000 tons of imported wheat from Italy to Algeria, while at the same time providing 3,000 tons of building materials and medicines worth 500,000 yuan, sent 100 to 200 cotton tents to Algeria and donated £ 50,000. Chinese unions donated 93 tons of medicine and the Chinese Red Cross 27,000 yuan. From 1958 to the first half of 1965,

¹ The first of its kind that China concludes with a country in the MENA (Middle East and North Africa) region.

² Under the Eisenhower Doctrine (1957), a country could request American economic assistance and/or aid from U.S. military forces if it was being threatened by armed aggression from another state. This decision was motivated in part by growing Soviet influence in Egypt and Syria following the Suez Crisis of 1956, which had encouraged pan-Arab sentiment. US feared that nationalism would combine with international communism in the region and threaten Western interests.

China provided aid and military equipment to Algeria to use 200900 people, worth 109.4 million yuan.³

Therefore, it is wrong to say that China opened up to the world in 1971, after its entry into the United Nations and the restoration of its seat in the Security Council⁴. It should also be noted that, the views of the two countries have not diverged, mainly on regional and international issues, including situations of crisis and conflict, the fight against terrorism and organized crime, the reform of the Security Council and the institutions of international governance.

1-2- Economic cooperation:

Chinese economic policy is based on "the principle of equality" and "a win-win partnership". In this spirit, the Algerian President and his counterpart President XI Jinping signed, in 2014, a Global Strategic Partnership. An assessment of the achievements made under the five-year plan 2014-2018 has been established and a new five-year plan 2019-2023 has been planned⁵.

The trade exchange between the two countries exceeds 9 billion \$ a year. Chinese companies are also involved in the implementation of Algeria's vast development programs, with more than 10 billion \$ a year. The best examples are the flagship projects: the port of El Hamdania, the Great Mosque of Algiers, the new terminal of the international airport Houari-Boumediene of Algiers and the project of the Phosphate exploitation and conversion into fertilizer through three complexes in the east of the country. It should be noted that on 16 October 2017, the Algerian Ministry of Industry and Mines confirmed the decision of the two countries to pay transactions between China and Algeria in Chinese currency, the Yuan⁶.

In the scientific field, cooperation is in perpetual increase, for instance, as part of its 2006-2020 space program, Alcomsat-1, Algeria's first communications satellite developed, built and launched by China, was put into service in April 2018. It is the first space cooperation project between China and Algeria. This scientific partnership has led to the

³ People's Daily Online, Said Kab Faiza, Sinologist, 11/09/2015

⁴ Algeria supported China in regaining its place within the United Nations in 1971. This was supervised by the former Algerian President Abdelaziz Bouteflika from his position, at the time, as Minister of Foreign Affairs of Algeria through his chairmanship of the General Assembly of the United Nations.

⁵ Ministry of Commerce website of the People's Republic of China

⁶ In fact, at the end of 2015, the Bank of Algeria issued a note stating that the transactions between Algeria and China will be settled in Chinese currency, after having been paid in US dollars for a long time.

training of 323 Algerian executives (167 engineers and 156 doctors) able to operate and maintain Alcomsat-1.

2- Algeria on “One Belt, One Road”(O.B.O.R) Initiative

2-1- The presentation of “One Belt, One Road”(O.B.O.R) Initiative:

The "One Belt One Road" initiative, put forward by Chinese President Xi Jinping during his visit to Central Asia and South East Asia in September and October 2013, has received high interest from the international community and sparked debate among researchers from different backgrounds and nationalities, about its strategic importance in all fields.

Wang Jic, the head of the Centre for International and Strategic Studies at Peking University, was the first who introduced the concept in an article published on October 17th, 2012 in the Chinese Communist Party newspaper, Global Times. He stressed that the policy of "going west" would increase the strategic influence of Beijing, which will allow her to face up Washington. However, achieving this goal requires a new supportive strategy, which lies in cooperation with many countries to ensure the intensification of diplomatic resources and the channels of external supply of oil, gas and other resources. He called for the establishment of a cooperative development fund with the countries of Western China, as well as the promotion of social and cultural exchanges, which would transform China's economic growth into soft power.

It is worth mentioning that the main objective of Wang's strategy towards the West is to bring about great development in Western China. In fact, at the beginning of the reform and opening up, China focused on four forces in its foreign trade (America, Europe, Japan, East Asia), which was clearly observed in its southeast costs. However, since 2000, China has been looking to correct the imbalance between its Western and Eastern parts. West China accounts for 71% of the total land, yet only 27% of the total population and 18.7% of the GDP.⁷

This massive undertaking, which will redefine the global geopolitical landscape, aims to reopen and to develop trade routes, some of which are the famous and ancient "Silk Roads" followed by caravanners from the 2nd century BC to the 15th century. China wants to mark its commitment to globalization without borders, by establishing land, sea, air and cyberspace connectivity between countries by launching road, motorway, port, airport, telecommunications, oil and gas pipeline projects. The key word of this initiative is "connectivity" ("Hu Lian Hu Tong") which means "connecting the wires".

⁷ People's Daily Online, Faiza Said Kab, Sinologist, 11/09/2015

As a reminder, more than 90 countries from different continents have joined this Chinese initiative, which will cover nearly a quarter of world trade, and will reach 63% of the world's population.

2-2- Algeria's involvement in the “O.B.O.R” Initiative:

Algeria and China have signed, on Tuesday in Beijing, on the side-lines of the 3rd Forum on China-Africa Cooperation⁸, a memorandum of understanding on the accession of Algeria to the Chinese initiative of the "Belt and the Road". This memorandum marks Algeria's accession to the new Silk Road, contributing and strengthening the Algerian-Chinese cooperation, in the spirit of the UN 2030 Agenda for Sustainable Development and the African Union Agenda 2063. These include good governance, security, peace, complementarity of development strategies, and improvement of the productive capacities of African countries through Chinese technological innovations.

2-3- The Trumps of Algeria:

2-3-1- Geographical position and transport network:

Algeria has 1.600 km of the trans-Saharan highway, a continent-wide infrastructure covering 4800 km and traversing six African countries: Algeria, Tunisia, Mali, Niger, Nigeria, and Chad. In addition, to provide direct access to the major ports of the Mediterranean and to promote trade between Africa and the rest of the world, Algeria has started the direct connection of the Trans-Saharan Highway with the penetrating road linking the port of Djen- Djen to the East-West Highway. Thereby, her long coastline on the Mediterranean Sea, with almost two thousand Kms, ensures her a strategic geographical position.

Also, it should be noted that the installation in Algeria of fibreglass cable connected to the international network which will supply and open up this vast area of the continent in terms of ICT along the Algiers-Lagos axis, has been completed.⁹

2-3-2- Algeria's Richness (Oil, Gas, Water, Sun, Sand, Metals...)

Algeria is the biggest country in Africa, eighty percent of its territory is the Sahara, whose the subsoil is full of wealth: hydrocarbons, Oil, Gas, Gold, marble¹⁰, sand, granite,

⁸ The 3rd Summit of the Forum on China-Africa Cooperation (ASCF) held on 3-4 September in Beijing on the theme "China and Africa: Community of Destiny and Mutually Beneficial Partnership".

⁹ According to the Secretary General of the Trans-Saharan Road Liaison Committee (CLRT), Mr. Ayadi during the work of its 68th session (AP 23 April 2018).

¹⁰ The Eiffel Tower and various American monuments are made thanks to Algerian iron and marbles

barite, gravel, the rare earth¹¹ (these minerals are essential for the manufacture of smart phones screens, permanent magnets for wind turbines and missile guidance systems...), hydraulic resources¹²...etc. Moreover, Algeria is one of the sunniest countries in the world, this added to her immense Sahara, which can make her a potential producer of clean energy. So, this country should be the pivot of the road and belt initiative in this region. Nevertheless, to reach this position, the favourable conditions have to be set up.

3- China on its way toward Algeria:

For a better and sustainable cooperation, Algeria and China must develop and diversify their exchanges and not limit them to the economic and commercial aspects. Indeed, the cultural dimension, with its various components, is essential for discovering and understanding the Other, in order to learn to live together serenely. For instance, it is a big mistake to consider Algeria as a merely Arabic Muslim or African country, which is not different from the others. In Fact, her demographic composition is a complex mix of human groups that inhabited this area, but the most important ones are the Arabs and the Berbers that the religion has gathered. Therefore, their most important common point is Islam; as the first referent on which the Algerian legislation is constituted and as a religion for some of them but also as a tradition for those who are not Muslims.

In the case of China, the diversity of its population, ethnically or religiously, is even more important, which constitutes real wealth. Today Chinese people practice Buddhism, Christianity, Taoism, Hinduism, Islam, a complex mix of Chinese folk religions¹³, with a Communist anti-religious sentiment. However, even if officially the country is atheist, the Chinese society is deeply imbued with Confucianism, as a philosophy which influences not just the way of the ruling but also the Chinese communist ideology and Islam itself in China.

So, we have to apprehend Islam and Confucianism, not as religions, but as two great philosophies, cultures..., that have marked the history of humanity and whose impact and influence remain strong nowadays. In addition, we have to find in each other what brings us closer and unites us to build together a better future and contribute to the establishment of a new world order that would allow all humanity to live together in peace and respect of differences. In fact, what seems to separate us, gathers us more. Furthermore, we found in our brief contrastive study that Confucianism and Islam, even if they represent two very different worldviews, have similar characteristics:

¹¹ Algeria holds 20% of the world's "rare earth" reserves in its subsoil

¹² No less than two-thirds of the water contained in the Mediterranean

¹³ For instance, filial piety was a primal Confucian virtue but all the death rites and ancestral worshipping rituals, complimentary to filial piety, were the expertise of Taoist priests.

Theme	Islam	Confucianism	Observation
Beliefs	<ul style="list-style-type: none"> - Islam is a Divinely revealed religion that is based on the submission of oneself to the will of God, who is called Allah. - Allah chooses the prophets. 	<ul style="list-style-type: none"> - Many Chinese consider Confucianism to be a religion on the pattern of other Divinely revealed religions of the world, and Heaven an active and conscious being, synonymous with the term God.¹⁴ - Heaven chooses sages according to certain criteria. 	<ul style="list-style-type: none"> - The Chinese sages can be considered to be the equivalent of prophets mentioned in the Quran, i.e. men who are messengers of Allah in Islam or Heaven in Confucianism
Inner relation and Self-Examination	<ul style="list-style-type: none"> - The Muslim must undertake everything with sincere intention and examine himself. The prophet Mohamed (S) said: “Hold yourself accountable before you are held accountable”.¹⁵ - Muslims need to admit their mistakes in front of Allah, everyday 5 times by prayer. 	<ul style="list-style-type: none"> - The ideal person in Confucian thoughts is a person with the quality of Ren¹⁶. - Confucianism regards self-examination as the core value of harmony. Confucius said: “Every day, I examine myself three times. Did I try my best to work? Did I be faithful to friends? Did I teach people the truth?”,¹⁷ 	<ul style="list-style-type: none"> - Confucianism emphasizes on self-cultivation and achieving the status of gentleman. Likewise, Islam insists on its adherents to be sincere and examine themselves.

¹⁴ The followers of Taoism, Shintoism and Buddhism equally believe in Confucianism as a philosophy compatible with their own.

¹⁵ Bihar-al-Anwar.

¹⁶ Variously translated into modern English such as: kindness, love, amazed, unselfishness, kindness, charity, compassion, nobility, perfect virtue, goodness, human heartedness, humanity, ...

¹⁷ The Analects: Xue Er. 《記謨殺仁解巍口家耻第仁稷:《和時德仁荀省第和身:仁仁謨耻仁怨威仁?仁行杀友仁耻仁 傳家仁?使仁仁仁?》《

Relation with other living beings	<ul style="list-style-type: none"> - The Prophet Muhammad always repeated : “Human beings must treat all other living creatures with love and kindness.”¹⁸ - Qur'an also mentions how to use nature: “O Children of Adam! wear your beautiful apparel at every time and place of prayer: eat and drink: But waste not by excess, for Allah loveth not the wasters.”¹⁹ 	<ul style="list-style-type: none"> - Confucius never completely prohibited people from hunting or killing animals; but they should choose the appropriate time and appropriate way to preserve and protect the nature and the environment. - Confucius said: “it is not Xiao (filial piety) if a man fell one tree or hunt one animal at an inappropriate time.”²⁰ 	<ul style="list-style-type: none"> - Both Islam and Confucianism have noticed the importance of nature and the necessity to maintain the balance between the human being needs and the obligation to protect Nature.
Human being's Relationship	<ul style="list-style-type: none"> - The core of human being's relationship is love and respect. Prophet Muhammad said: “To love the others just like loving yourself, then it could be possible for you to be a real believer.”²¹ 	<ul style="list-style-type: none"> - “The one with <i>Ren</i> will have love, with good manner will have respect; the one who loves people will always be loved by others; and who respects others will always be respected by others.”²² 	<ul style="list-style-type: none"> - Both Islam and Confucianism have noticed the importance of love and respect in human being's relationship.
Filial Piety	<ul style="list-style-type: none"> - The Prophet Mohamed said: "Every one of you is a guardian and accountable for his 	<ul style="list-style-type: none"> - Confucius said: "Etiquette is nothing more than respect. Therefore, respect the 	<ul style="list-style-type: none"> - Filial piety is the core of all the ties in a society from the base to the top in both philosophies.

¹⁸ The Sahih Bukhari.

¹⁹ The Qur'an:7.31

²⁰ Confucius' Family Sayings. Disciple Tour, 《家家家漠杀.德家行》, 《於仁稷树记, 杀仁稷兽, 仁使德兽时, 非家仁》《《

²¹ Sahih El Bukhari

²² Mencius Jin Xin Shang, 《仁耻物仁, 杀荀社耻於仁, 物仁耻, 仁怨物仁, 於仁耻, 仁怨於仁》《《

	<p>charge. A ruler is a custodian of the people and he is responsible for them. A man is a guardian of his family and he is accountable for them; a wife is a guardian of her husband's house and she is accountable for it; a servant is a guardian of his master's property and he is accountable for it. All of you are responsible and are accountable”²³</p>	<p>father and the sons are happy; respect the older brother and the younger brothers are happy; respect the lord and the subjects are happy. Respect one person and thousands of people are happy. Respect the few and the many are happy, that is why it is called a crucial doctrine.”²⁴</p>	
Family	<ul style="list-style-type: none"> - The teachings of Islam give a very clear way for the respect of parents and looking after children. - For Islam, if the foundation of the family is not strong then the foundation of the nation will also not be strong. 	<ul style="list-style-type: none"> - In Confucianism, the importance of the family is expressed in the concept of Filial Piety represented by the Chinese word (孝) Xiao. The top portion of the character for Xiao shows an old man and underneath, a young man supporting the old one, but this must be reciprocal. - Confucianism emphasizes much on love and respect inside the family which would keep the family in order. And when the families are disciplined, the state would be in harmony and peace. 	<ul style="list-style-type: none"> - Both have the same concept of family as it is a place where the old are respected, the children are raised and the young are treated with kindness. It is the field where the tradition and teachings, both religious and ethical, are implemented. Every member has some duties. If all fulfil their duties, there would be order in the family. Thus, the family is the central unit of the society in both systems.

²³ The Sahih Bukhari.

²⁴ Zeng Zi (505-436 BCE), (Feng Xin-ming, Tr).Xiao-Jing (The book of Filial Piety). (www.tsoidug.org 2008).

Marriage	<ul style="list-style-type: none"> - Marriage is a sacred contract between husband and wife. Thus, the agreement for marriage of both male and female is necessary. In Islam, Husband and wife are said to be "screens" or a dress for one another, as mentioned in the Holy Quran. "They are libas (i.e. body cover) for you and you are the same for them."²⁵ 	<ul style="list-style-type: none"> - The relation between husband and wife is unique. Each partner has many rights and responsibilities: "Happy union with wife and children is like the music of lutes and harps. When there is concord among brethren, the harmony is delightful and enduring. Thus, may you regulate your family and enjoy the pleasure of your wife and children"²⁶ 	<ul style="list-style-type: none"> - Both insist on the strong relation and mutual understanding of husband and wife, which is the source of unity inside the family.
Parents	<ul style="list-style-type: none"> - Parents should be treated with kindness. If one or both of them attain old age, they should not be left alone, as it is mentioned in the Holy Quran: "Your Lord has commanded that you must not worship none but Him alone and do well to your (both) parents. If either of both of them reach old age in your life time say not even UFF (Fie) to them say not to them a word of disrespect nor shout at them but address them in terms of honour."²⁷ - Islam instructs children to do good with parents even after their death. 	<ul style="list-style-type: none"> - The immediate duty of the son is fully performed by his grief, by proper burial, and the prescribed period of retirement and mourning; as it is said: "The services of love and reverence to parents when alive, and those of grief and sorrow for them when dead, these completely discharge the duty of living men."²⁸ - The period of mourning for a father had been fixed at three years. The following is the statement of Confucius about it and the reason for it: "It is not till a child is three years old 	<ul style="list-style-type: none"> - - Both Confucianism and Islam are patriarchal systems.

²⁵ (2:187) The Holy Quran.

²⁶ Mangzi, Legge James (Tr), *The Doctrine of Mean.*, New York: Hurd and Houghton (15:2), 1870.

²⁷ The Holy Quran (15:23)

²⁸ Zi Zeng (505-436 BCE), (Feng Xin-ming, Tr). Xiao-Jing (The book of Filial Piety) (18). (www.tsoidug.org 2008)

	<ul style="list-style-type: none"> - Great respect for parents is required but if they urge us to be against Allah and His Prophets, then their obedience is not necessary. As mentioned, in the Holy Quran: "And if they strive to make you associate with me of which you have no knowledge, then obey them not. To me is your return, then I will inform you, what you used to do?"²⁸ 	<p>that it is allowed to leave the arms of its parents. And three years' mourning is universally observed throughout the empire."³⁰</p> <ul style="list-style-type: none"> - If the parents are doing something wrong the son is allowed to argue and disagree with them but, the disagreement should be in a gentle way. Confucius said: "In serving his parents, a son may remonstrate with them, but gently; when he sees that they are not disposed to acquiesce, he should show increased reverence but not give up; and, should they punish him, he ought not to murmur."³¹ 	
Children	<ul style="list-style-type: none"> - There are some children rights mentioned in the holy Quran and Hadiths of the Prophet. Some of these rights are due even before birth. The first right of the child over the father is to choose a righteous wife in order to be a righteous mother. After the child's birth, he should be 	<ul style="list-style-type: none"> - Confucius compelled the parents and elders to be kind and respectful towards the young. 	<ul style="list-style-type: none"> - In both, parents are advised to educate their children, cultivate in them moral values, and raise them carefully.

²⁸ The Holy Quran (29:8)

³⁰ Legge James, (Tr), Yi Su. (Ed), Lun-Yu (The Analects of Confucius), New York: Dover Publication, 1963.

³¹ Legge James, (Tr), Yi Su. (Ed), Lun-Yu (The Analects of Confucius), New York: Dover Publication, 1963.

	<p>given a good name; the third right is to be suckled naturally by the mother who should take care of the baby.</p> <p>- The prophet (S) said: “The best of you is one who gives a good education to his children. Children have three rights over their father: that he gives them a good name, teach them how to read and write, and marry them off when they mature.”³²</p>	<p>- Confucius said: "A youth is to be regarded with respect. How do we know that his future will not be equal to our present? If he reaches the age of forty or fifty, and has not made himself heard of, then indeed he will not be worth being regarded with respect."³³</p>	
Governance	<p>- The Qur'an states: “Their affairs are decided by consultations between them”.³⁴ Even if the Prophet (S) was the recipient of direct guidance, he ordered to consult his followers: “Consult them in affairs”³⁵</p>	<p>- Confucius said: “If conquer people by supremacy and use the way of suppressing to control people. The appearance of harmony will not be real. People will hide their indecent ideas just because of fear. If the governor uses morality to influence people to gain morality, people will be shame of being immoral. The management of state will become easier.”³⁶</p>	<p>- Even if the both cultures diverge in their vision of governing, they share the same principle of justice which, according to them, is the safest way to maintain harmony within the society.</p>

³² Makarim al-Akhlaq, p.220.

³³ Legge James, (Tr), Yi Su. (Ed), Lun-Yu (The Analects of Confucius), New York: Dover Publication (9.22), 1963.

³⁴ The Holy Quran (42:38)

³⁵ The Holy Quran (03:159)

³⁶ *The Analects; Wei Zheng II.* 《记谋杀·仁於第仁》, 《道仁使德於, 齐仁使德功记, 民记 僮耻时威耻□□道仁使德德, 齐仁使德社, 杀荀耻仁身树》《《

Justice	<ul style="list-style-type: none"> - In Islam there is no difference between nations, ethnics, classes or religions. Human beings are equal in front of Allah in right and obligation, to set up an equitable social order. - The Qur'an says: "O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)"³⁷. 	<ul style="list-style-type: none"> - In Confucianism the concept of Ren is the core idea of his ideological system. - Confucius told people to always judge people by putting themselves into other people's situation; otherwise he should try to be tolerant of the mistakes. Confucius said: "the work you dislike to do, do not give it to the others."³⁸ 	<ul style="list-style-type: none"> - Maybe in the aspect of social justice, there is a difference between Confucianism and Islam. While the Confucianism focuses on the top of social class to establish the social order, Islam considers the social class base as the pedestal of any strong social construction. But either from the upper class or from the bottom of the society, they both believe that justice is the key to a harmonious society.
Muhammad and Confucius	<ul style="list-style-type: none"> - Muhammad leads his followers and fights for his ideal society. - Muhammad said "Practice archery as your father was a great archer"³⁹ 	<ul style="list-style-type: none"> - Confucius and his pupils wondered in countries all over China to seek his political ideal. - Archery was one of "Six arts" (六藝) which Confucian had to learn. 	<ul style="list-style-type: none"> - Joining in real politics & war, Muhammad and Confucius are also politicians. - They both encourage martial arts.

We can note that both Texts in Confucianism and Islam contain not only religious rites but also laws, morals, manners and rules in daily life.

³⁷ The Qur'an: 49:13

³⁸ The Analects: Yan Yuan:《记谟杀□颜渊董》, 《废正戒仁正, 友社於仁仁》坏道时威怨, 坏家《《《

³⁹ <http://www.tuba-archery.com/article/archery-hadith.html>

Conclusion:

What has caught our interest, in this research, is the similarities existing between both civilizations in values, ideals, and the rapport they have with the world. However, China's knowledge of the Western region is very superficial compared to her understanding of America, Europe, East Asia and Russia. China suffers from a lack of cadres that speak Arabic, Persian, Turkish, Kazakh, Hindi, Urdu, Bengali, and other languages. Consequently, in order to reach a world leadership position, she needs to spread her culture, and language, after having successfully conquered the global economy. For that, she has to organize more bilateral and multilateral seminars, programs and cooperation to promote research with these countries, develop a long-term plan and provide substantial financial support in cultural, educational and academic resources. Then she could promote, softly, her "westward" strategy, and the "O.B.O.R" initiative would become the Chinese dream instead of the Chinese nightmare, confirming the words of President Xi Jinping: "Today, the lion has woken up. But it is peaceful, pleasant and civilised".⁴⁰

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⁴⁰ President Xi Jinping, in France, at the 50th anniversary of Sino-French diplomatic relations (2015)

Transitional Justice: What are the Favorable Options? The Case of Sudan

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Abstract

The main purpose of Transitional Justice is to foster peace, stability, and justice in countries that witnessed internal conflicts, or some sorts of human rights violations.

This article discusses the different issues pertaining to transitional justice. These include the definition of Transitional Justice, the approach taken and guidelines set by the United Nations (UN), the concept, Purposes and Impact of Transitional Justice, and, methods and mechanisms of Transitional Justice.

We will dedicate the major part to the Transitional Justice in Sudan. Sudan has been marked by conflicts and instability for decades. Since Omer Al Basheer was ousted from power in 2019, the country has been progressing through a transition to democracy. This process also entails tackling Sudan's past, because, without justice there will be little trust in, and support for any new government. We will discuss the different concerns regarding the special situation and particular needs of transitional justice in Sudan at this stage, the problems facing transitional justice in Sudan and how they can be resolved.

Keywords: human rights, prosecution, reparation, memorialization, reconciliation.



Introduction:

During the last decades of the twentieth century, many countries of the world have overthrown authoritarian regimes and military dictatorships, with the purpose of establishing a new democratic order.¹

Countries may also witness some disturbances and internal conflicts, to the extent that they will need a process to be followed to restore order and national unity after the conflict ceases.

The transition has proved to be a complex process during which the successor regime has to deal with the legacy of the past, where atrocities and mass human rights violations have deeply divided the country's unity and social order.

Transitional justice is regarded as a major role player in the process of building a civil state governed by the rule of law, in which all citizens are equal, and all are enjoying peace and security. It is also considered

as an essential tool for maintaining peace and order, especially in countries and communities that witnessed some sort of violence and repression.

The purpose is to end the atrocities committed by a former regime, in a just manner and to do justice to different types of grievances.

This article will discuss the definition and background of transitional justice. It handles the main problems of the theory and application of Transitional Justice. The main problem is the application of the most appropriate methods of Transitional Justice that fit the circumstances of a particular country. We will set certain parameters in order to judge the efficiency of the transitional justice processes. There will be a consideration for the methods and mechanisms of transitional justice, how they operate in reality, and to what extent they can foster peace and stability.

Transitional justice in Sudan is discussed with focus on the best methods and mechanisms that can be employed in the country. The new Bill of the Transitional Justice Commission is critically viewed, together with the problems facing the implementation of Transitional Justice in Sudan. The article ends up with a number of recommendations that enhance the application of Transitional Justice in Sudan.

¹ Kasapas, George, Introduction to the Concept of Transitional Justice: Western Balkans and EU Conditionality, UNISCI Discussion Papers, No18 (October 2009).

1.0 What is transitional justice?

The term "Transitional Justice" describes a number of processes and mechanisms concerned with the establishment of peace and justice in the aftermath of conflicts and large-scale human rights violations. Its main purpose is to end the atrocities committed by a former regime, in a just manner and to do justice to different types of grievances. It also paves the way for a decent civil order.

Transitional justice refers to the ways in which countries emerging from periods of conflict and repression, can address large scale or systematic human rights violations. These violations are normally seen to be of a large-scale, serious and diverse nature, that the normal justice system will not be able to provide the desired solutions.

The UN defines traditional justice as "the full range of processes and mechanisms associated with the society's attempts to come to terms with a legacy of large scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation".²

Transitional justice is deeply rooted in accountability and justice for victims. It recognizes their rights as human beings to redress and to see those who caused their misery brought to justice. To ignore these massive sufferings is to destroy the very foundations of decent values upon which a civilized society can be built.

Transitional justice asks the most difficult question in law and politics by putting the victims and their dignity first. It ensures that the way is paved for a society in which everyone will feel safe and respected. This is the main condition for having a prosperous society, in which all individuals enjoy the same rights and dignity.

It should be noted that transitional justice is an attempt to reconcile different rights and interests. The most important of these, is the right of victims to be reparation, and their sufferings to be recognized and dealt with in a way that does not allow impunity. This right is carefully weighed against the public right to proceed with building a civil and democratic state. The two interests should not be at odds. They can be reconciled by employing different methods and ways to bring justice and to carry on building the civil state at the same time. This is the essence of Transitional Justice, and how it operates to bring justice and prosperity at the same time.

Systematic abuses and mass atrocities have a negative effect on the social fabric. In these types of countries, political and legal institutions like the judiciary, the police and the prosecution services may be weak and politicized.

² UN Security Council 2004.

2.0 The United Nations (UN) Approach to Transitional Justice

The United Nations Secretary General issued the guidelines on the UN approach to transitional justice.³ It outlines key components of Transitional Justice processes and mechanisms. The guidelines state that, as a definition, transitional justice is the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large - scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. Transitional Justice Processes and mechanisms are a critical component of the United Nations framework for strengthening the rule of law. The UN approach is to view transitional justice as a mean to deal with a multitude of challenges. In addition to the quest for justice to victims of violence, the UN to embrace institutional restoration regards transitional justice. Experience of the UN has shown that, promoting reconciliation and consolidating peace in the long term, necessitates the establishment or reestablishment of an effective governing administrative and justice system founded on respect for the rule of law and the protection of human rights.

Transitional justice consists of both judicial and non-judicial processes and mechanisms. They include prosecution, truth finding committees, reparation programs, institutional reforms, or a combination therefore depending on the particular needs of a state.

2.1 UN Main Instructions and Guidelines:

The UN has an emerging experience in developing the rule of law and facing the different challenges of Transitional Justice, especially posed by states emerging from conflicts or repressive rule. This UN experience has resulted in developing some standards and best practices, which help states in designing a comprehensive system of Transitional Justice. The main guidelines of the UN are:

- A. Transitional Justice processes and mechanisms should comply with international norms and standards:

The UN Charter is the main reference for such compliance. This is supplemented by the four main branches of modern international legal system, namely, international human rights law, international humanitarian law, international criminal law, and international

³ United Nations, Guidance Note of the Secretary General, United Nations Approach to Transitional Justice, 2010, www.un.org

refugee law. The focus should be on the right to justice⁴, the right to truth,⁵ the right to reparation⁶ and the guarantees of non-recurrence of violations.

To comply with these international legal obligations, states should undertake investigations and prosecutions of gross violations of human beings and serious violations of International humanitarian law, including sexual violence. This is in addition to the rights of victims to reparation, right of victims and societies to know the truth about the violations and guarantee their non-recurrence.

B. To be mindful of the political context when designing and implementing traditional justice processes and mechanisms:

The processes and mechanisms designed should be compatible with the political structure of the state. The potential implications of Transitional Justice mechanisms must be well understood. In this regard, the UN supports justice, accountability, and reconciliation at all times. Peace and justice shall go side by side and they are not at odds. If the local conditions do not encourage or limit the effectiveness of Transitional Justice measures, the UN will help in building effective mechanisms and processes. It should be noted that, the UN could not endorse provisions in peace agreements that preclude accountability for genocide, war crimes, crimes against humanity, and gross violations of human rights.⁷

C. UN assistance for transitional justice is based on the unique requirements of the state:

Each state needs a customized set of processes and mechanisms. No single formula that fits all states, and no importation of foreign experience. In order to assess the needs of a particular state there will be a careful consideration to factors such as, the root causes of the underlying conflicts, the identification of vulnerable groups such as the minorities, women, and children, and the condition of the legal and security sectors. The assessment is to be carried by national actors. The international assistance is confined to capacity building.

D. There should be a special support for women's and children's rights:

Transitional Justice Mechanisms should pay special attention to abuses committed against groups most affected by the conflict. These mainly include women and children. Violence against women especially rape and other sexual and violence offences should be

4 See, e.g., Introduction Covenant on Civil and Political Rights, article 2, Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment, articles 4, 5, 7 and 11.

5 See, e.g., International Convention on Civil and Political Rights, article 2, International Convention for the Protection of All Persons from Enforced Disappearance, article 24.

6 See, e.g., Universal Declaration of Human Rights, article 8

7 Gross violations of human rights include torture, and similar cruel, inhuman or degrading treatment, extra judicial, summary or arbitrary executions, slavery, enforced disappearances, and rape and other forms of sexual violence.

considered as a special category, in terms of the process needed and the treatment of victims. Women should also effectively participate in the process, and their perspectives should be adequately addressed.

Children's rights must be adequately addressed, offences against children must be promptly investigated and prosecuted; proper redress must be provided. Transitional justice should also be concerned with strengthening the institutions that protect children's rights. All measures should be taken to avoid further similar violations against children in the future.

E. Victims should have a central role in the design and implementation of Transitional Justice mechanisms:

The centrality of the role of the victims is very essential. The UN insists on the inclusion of victims from the initial stages of Transitional Justice.

F. An integrated approach should be followed:

Different measures including judicial and non-judicial processes should be employed. These include prosecution, truth finding, reparation programs, and institutional reforms. The state can employ all of these or a combination of any of them. The UN undertakes extensive consultation with local stakeholders to help in the appropriate preparations for the process and mechanisms. The support will include jurisdiction, evidence collection, victims and witnesses protection to ensure the effectiveness of the employed mechanisms.

G. Transitional justice should consider the root causes of the conflict, and address violations of all types of rights:

Violations of social, economic and cultural rights are central causes of many disputes and repression. The causes of these types of violations should be carefully considered. These violations can be the cause of the conflict, or the result of it. Peace can only prevail and be sustained, if issues such as systematic discrimination, unequal distribution of wealth and services are addressed by trusted public institutions.

H. The need for an effective coordination :

There is an integration between the different UN organs in the work of the rule of law and transitional justice.⁸ These efforts need to be also coordinated with the efforts of national authorities and institutions. There also a need for coordination between the UN and non-governmental organizations, donor aid and agencies, and other private foundations. The cooperation can happen through information sharing and cooperation in the field.

⁸ <http://www.ohchr.org/EN/PublicationsResources/Pages/SpecialIssues.aspx>

3.0 Concept, Purposes and Impact of Transitional Justice

The impacts of violent conflicts on a state are far reaching. They can be visible such as killed and injured civilians, destroyed bridges, and damaged or inadequate health care and education facilities. They can also be invisible or intangible such as the collapse of state institutions, mistrust in government and the disruption of social cohesion. It is broadly agreed that, if mass violence and human rights violations if left unaddressed, can fuel future conflicts.

The main purpose of Transitional Justice is to address the pain and destruction that result from mass violence and human rights violations. In order to attain this purpose, it applies different methods depending on the context and nature of the locality and of the violations.

The notion of Transitional Justice emerged during the wave of democracy in Latin America in the 1980s and in Eastern Europe after the fall of the Soviet Union in the 1990s. It focused on addressing dictatorial regimes and the transition of societies to democracies. Since then, transitional justice has evolved from being a human rights instrument of democracy, to an essential aspect of post-conflict transitions and peace building interventions.

Transitional justice processes are inherently political. They often involve contentious decisions that actions based on power, interests and prudence. Support for such processes cannot be regarded as purely technical decision, but should also be considered as political as it has the potential to produce both positive and negative impacts. Decisions, for example, on whom to prosecute, (high medium or low ranking officials; perpetrators of a particular ethnic group; solely domestic or also intellectual actors) are political and most of the times they are not received by the different societies and groups as neutral. As for truth commissions the narratives that emerge involve a political determination of what is included and what is not included.

Transitional justice should not be expected to solve complex conflicts, but it provides tools that could help alleviate conflict. It prompts and facilitates the pursuit of justice in various forms, and in exceptional circumstances constrained by politics and resources.

The quest for just peace and human dignity has been the aims of people's struggles throughout the world. In Africa, for example, this has underpinned the liberation movements in their fight against colonial rule. The Charter of the Organization of African Unity (OAU), predecessor of the AU, states, "Freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African

peoples".⁹ In order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained.

Despite liberation from colonial rule, many African countries fell into other problems. They descended into either one party dictatorships, military rule, and/or internecine violence, civil wars, military coups and armed insurrections.

The causes of these conflicts could often be traced back to the structural violence of the colonial periods which continued thereafter through bad governance and the interference of external powers. These took the form of social, economic and political marginalization and inequalities. Failure to reach a consensus on the peaceful rotation of power and government had led to dictatorships, military coups and ethnic and political polarization. The upsurge in civil wars and other violent conflicts within states caused major destruction and lives loss and resulted in weakened states. These wars "unleashed the cycles of violent confrontation and revenge that legitimated armed mobilization as the means to redress grievances"¹⁰ More than half of the member States of the AU have at some point in the post-independence period experienced conflicts or are still actively experiencing conflicts or acts of repression.¹¹

In some countries, there were conflicts over the elections, which resulted into widespread violence by various factions or political parties.¹² Lack of democracy and economic deprivation have also resulted in political instability, promoting widespread public protests or popular uprisings. A major feature of these conflicts is abuses of human rights and violations of International humanitarian law at a large scale. This resulted in severe effects on the social fabric of societies.

Apart from the need to put an end to the violations, there is an important requirement to eliminate the conditions that made the violations possible. This will help in fostering justice and respect of human rights on the long run.

The major challenges faced by countries transitioning from dictatorships to democracies, such as Tunisia in 2011, Burkina Faso in 2014, and Sudan in 2019 is how to

9 OAU Charter, "preamble" 25 May 1993 available at http://www.au.int/en/sites/default/files/treaties/7759-sl-oau_charter_1963_o.gdf

10 African Union Panel of the Wise (2013) "Peace, Justice, and Reconciliation in Africa: Opportunities and Challenges in the Fight against Impunity", p. 8.

11 Angola, Burundi, Central African Republic, Chad, Congo-Brazzaville, Côte d'Ivoire, Democratic Republic of Congo, Egypt, Eritrea, Ethiopia, Guinea-Bissau, Kenya, Liberia, Libya, Madagascar, Mali, Namibia, Niger, Nigeria, Rwanda, Sierra Leone, South Sudan, Sudan, Uganda, and Zimbabwe. See also the Armed Conflict Database of the International Institute for Strategic Studies (IISS), available at <https://acd.iiss.org>.

12 This was the case in Kenya after the December 2007 elections, in Zimbabwe in 2008.

account for the events of the past, rebuild national cohesion and achieve inclusive democratic transformation.

The experience of Transitional Justice shows a wide range of judicial and non-judicial options available to facilitate the transition from conflict and violence to peace and justice. Many of these methods are innovations in policies and practices. These methods include reconciliation, reintegration of fighting forces, reconstruction programs, accountability measures and investigation commissions.

Summarizing what we have said, the main purposes of Transitional Justice are 1. To end the ongoing violence and to provide remedial measures to victims. 2. To undergo legislative and institutional reforms in order to better address issues such as inequality and socioeconomic deprivation. 3. To establish a rule based political system able and willing to enforce the legislative and institutional measures.

3.1 Impact of Transitional Justice:

There is a plenty of research underway on the impact of traditional justice. However, many claims have been made about the positive impacts transitional justice can have on societies recovering from violent conflicts. These benefits include promoting reconciliation and psychological healing, respect of human rights and the rule of law, and helping establish the conditions for democratic and peaceful government. Those skeptical argue that many transitional justice measures can undermine negotiated settlements and lead to divisions.

Surveys have shown that a combination of different methods of Transitional Justice has results that are more effective in a particular situation. Trials, for example, can provide accountability; amnesties can provide stability and advances democracy and respect of human rights.

Accountability is one of the most essential aspects of transitional justice. If no accountability measures are taken, the result will be impunity, which is not tolerated by the international community. The international criminal justice system organized itself in a way that ensures the prosecution of grave violations. A clear example is the International Criminal Court (ICC). The ICC was established to ensure prosecution of major crimes that involve severe human rights violations. These include war crimes, crimes against humanity and genocide. The jurisdiction of the ICC is complementary; it can be triggered when the state judicial system is unable or unwilling to prosecute the said crimes. As we said, this is a major step towards acting against impunity when severe violations of human rights are at stake.



Truth commissions can also facilitate accountability by revealing systematic patterns of abuse, and provide guidance for reform to improve human rights protections.

Truth commissions, to be effective, need to be applied in addition to other methods, e.g. prosecution. Truth commissions are also beneficial in the reformation of the justice system as a response to what has been said by witnesses and pressure groups. This is in addition to the impact on human rights. In short, truth commissions are very important means of transitional justice; they uncover facts about the specific violations in addition to providing information that may be used in making different reforms. However, the final effect will depend on the degree of responsiveness of the witnesses and the interaction between the commission and other stakeholders.¹³

Museums and places set as memorials for major crimes and human right violations have a significant impact. This is particularly the case with young people. The effect is to change the ideas and impression about certain events, in addition to raising awareness and increasing emotional understanding of the human consequences of atrocities.

4.0 Methods and Mechanisms of Transitional Justice

One of the main features of Transitional Justice mechanisms is that they are adopted on a temporary basis; they should be applied and achieve their purpose within a specified period.

There are different methods, which states can employ in their efforts to achieve transitional justice. States have to regard the specific context of the conflict and which transitional justice methods can best fit in. The main methods of Transitional Justice include prosecutions and trials, truth commissions, reparations, traditional justice, vetting and institutional reforms.

A very important method of Transitional Justice is to assess the integrity of individuals to determine suitability for public employment and to exclude those responsible for serious human rights violations.

It is usually more effective to apply a combination of different mechanisms. This allows a more comprehensive approach to evolve over time, which can satisfy different dimensions. The main methods and mechanisms are discussed as follows:

4.1 Prosecutions and Trials:

Both prosecutions and trials can be undertaken locally in the state itself, if the scene is set in a way that can achieve justice to the victims and to the accused persons. Prosecution

13 Supra, note 8 at p 16.

and trial of severe human rights violations require an independent and well-qualified justice system, including the police, the public prosecution and the judiciary. State justice system can seek assistance from the international community if it cannot guarantee the required degrees of independence and efficiency. In this regard, investigations can be undertaken by the appropriate international body, such as the Prosecutor General of the ICC, according to the ICC Statute. In addition, the accused can be handed over or surrendered to the ICC to decide on their criminal liability and the appropriate punishment if found guilty.

When the accused are surrendered to the ICC, this is usually done pursuant to a warranty of arrest from the court. In such a case, the trial will be conducted in the Hague where the ICC is located. All the judges will be of nationalities other than that of the accused.

It is also possible to establish a hybrid trial; the court might be constituted from national and foreign judges and the trial takes place in the country where the violations took place. The hybrid courts allow for international expertise and contribute to capacity - building of national legal systems. The international community will avail the support necessary to enable the hybrid court to act efficiently, including the required logistics and facilities.

National courts also can engage in the prosecution of International crimes through special courts established for the purpose, for example the War Crimes Chamber in the State Court of Bosnia and Herzegovina (BiH).

The effectiveness of both mixed and national prosecutions depends significantly on the national justice system, which may be weak and defective, particularly in fragile and conflict - affected states. There is a tendency to have national trials designed and staffed by international actors in order to address this capacity gap. This can, however, lead to frictions with local actors. In BiH, for example, the local judiciary felt that their expertise was neglected.

The importance and positive impact of prosecutions and trials in transitional justice is that they are a safeguard against impunity. They serve the purpose of retribution, in addition to deterrence. They bring relief and recognition to the victims and their families, and prevent similar abuses and violations in the future. The general trend in international law now is that impunity cannot be tolerated for whatever reasons. This is especially true in serious crimes involving severe violations of human rights. The well-established rule in this regard is that, the circle of accusation will include the leaders and commanders, in addition to those who directly executed the criminal acts. The leaders and commanders are those who have the authority to give orders, control the execution on the ground, or to prevent the abuses and violations. To be held responsible, the commander, whether military or civilian, must be superior hierarchically to those who have committed the crimes in the sense that there must have existed between them a hierarchical relationship within a

common chain of authority or command. Superior responsibility could apply in theory to any person who is able to exercise "effective control" over one or more people. On the other hand, in these severe violations it is not an acceptable defense for the person who executed the act to claim that he was obeying orders. In addition, the leaders and commanders cannot argue that they were not aware of the scope of violations, or that their orders had been exceeded.¹⁴ The special circumstances of each case will, however, have an impact on the sentence of the court. All the details will be considered in reaching the sentence and there might be acquittals, but the initial circle of accusation will be wide enough to leave no possibility for impunity.

The Charter and the judgment of the Nuremberg Tribunal established the fundamental principles of individual responsibility for crimes under international law, which provided the cornerstone of the legal foundation for all subsequent international criminal proceedings.

International courts may take the form of *ad hoc*, temporary tribunals such as the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda in the 1990s. The ICC was established in 2002 to serve as a permanent international Tribunal. Under Article 17 of the Rome Statute of the ICC, the court can intervene only if the state is 'unable or unwilling to genuinely carry out the investigation and prosecute the perpetrators'.¹⁵

International community should aim at strengthening local capacity through proper training to local lawyers, judges, prosecutors, and even advocates. In Rwanda, thousands of lawyers have been trained over the last decade and were able to replace foreign lawyers in genocide trials.

There were shortcomings in the Rwanda trials such as inadequate due process protections, politicization and poor determination conditions. This was due in part to poor resources. In addition to that, people will be unwilling to accept that those suspects should have rights, due to the severity of violations they committed.

It is always better to have a local trial for grave human rights violations. However, some special circumstances may necessitates referring to the international community assistance, when the local judicial system is unable or unwilling to try these cases.

14 Article 28 of the Statute of the international Criminal Court, "Responsibility of Commanders and Other Superiors".

15 This is the complementary jurisdiction that we mentioned earlier.

4.2 Truth Commissions and Reconciliation

Criminal prosecutions has certain limitations. They cannot bring justice in concerns arising from large - scale violations. As justice Albie Sachs of the South African Constitutional Court explains "courts are concerned with accountability in a narrow individualized sense, and they leave the social processes and cultural and institutional systems responsible for the violations uninvestigated".¹⁶

Truth commissions and reconciliation process offer a platform for victims to get their sufferings recognized. They also give perpetrators the opportunity to acknowledge their wrongs and to seek forgiveness.

Truth commissions are official non-judicial commissions of limited duration. Their purpose is to investigate human rights abuses, especially those perpetrated by the military or other government or state institutions. They hear testimonies from victims, witnesses and perpetrators, and officially acknowledged truths.¹⁷ This provides victims with recognition and creates an authoritative record of what happened. In some cases, this includes statements about responsibility and detailed list of perpetrators' names. This information can be brought forward to assist with prosecution. The hearings may be public or closed. Public hearing have the advantage of being a powerful outreach, providing victims with the chance to speak out and to achieve a sense of personal vindication, while also involving the public.

The South Africa Truth Commission allowed documentation of its hearings by media, a practice which made all the public participate as receivers of the testimony. University students across the country were trained to provide support to victims providing testimony at public hearings.¹⁸

The key importance of truth commissions is that it will be a comprehensive report that documents human rights violations and war atrocities. The final report should be considered as a national document. They can used as sources for educating the public.¹⁹

16 Sachs, A (2011), the Strange Alchemy of Life and Law, Oxford: Oxford University Press p. 84.

17 Gonzalez, E., & Varney, H. (Ed's). (2013). *Truth seeking elements of creating an effective truth commission*. Brasilia: Amnesty Commission of the Ministry of Justice of Brazil; New York: ICTJ. <https://www.ictj.org/sites/default/files/ictj-book-truth-seeking-2013-English.pdf>

18 Ibid, at p 45

19 The report of the Argentine National Commission on the Disappeared 'Nunca mas' for example, is widely used for public education and has been reprinted and reproduced in various formats to reach larger audiences.

Truth commissions can also provide recommendations aimed at addressing the root causes and outcomes of the conflict. This may take the form of institutional reforms and developing a reparation policy.

Truth commissions achieve diverse purposes. They can be a forum to promote social and national reconciliation, to tell stories of past atrocities, to hear each other's grievances, and reach common understandings towards reconciliation. In some cases, truth commissions are specifically organized to foster reconciliation.²⁰ They can also promote conciliation through recommendations in their final reports.²¹ This was the case in Peru where the TRC suggested that reform of state institutions could contribute to reconciliation between the government and the citizens.

Truth commissions require genuine support from politicians if they have to succeed. Lack of political will, absence of public input and support and careful planning can undermine the effectiveness of truth commissions. In the case of the Haitian Commission, for example, a lack of political will and public support, along with numerous institutional constraints (including lack of capacity and shortage of funding and time) led to the failure of the commission to contribute effectively in the acknowledgment of the Haiti's past conflicts and to advance reconciliation in the country. Although the commission collected significant amounts of data on the conflict, it failed to make a lasting impact as the final report was not well publicized and there were no follow up activities.

Truth telling is not limited only to state-based commissions, it can be unofficial and initiated by civil society. Society based truth commissions may have some advantages, namely, they can be more context-driven and creative and can connect more with communities.

4.3 Reparation

Reparation is a form of restorative justice. It is a method by which victims can be provided with compensation, rehabilitation or satisfaction, in a way to redress past wrongs.²² It is thus a critical mechanism for repairing relations between victims and perpetrators. This is particularly true when perpetrators are held directly responsible for the reparative measures.

20 In Timor-Leste, for example, the Commission for Reception, Truth and Reconciliation collaborated with indigenous communities to reintegrate low-level perpetrators who wanted to return to their homes and make amends with those whom they offended.

21 Supra, note 17 at

22 In this way, it is a method that mainly focuses on the needs of victims and the restoration of social equilibrium.

The right to reparation is well established in international law. It has its roots in many multilateral treaties, and now accepted as part of customary international law.

In the works of the United Nations (UN), reparation can be done by restitution (returning the victims to their state before the crime was committed), compensation in the form of direct payments of money, providing services such as education or medical care. Reparation also includes non-material, symbolic measures such as disclosure of truth, public apologies or memorials.

Reparations can be judicial, pursuant to courts orders, or non-judicial. It can also be provided individually or collectively, such as building a school or hospital.²³ Reparations can also involve symbolic measures such as public apology or memorials.²⁴ Symbolic Reparation is particularly effective when the number of victims in need of reparation is excessively high.

Official public apologies have been frequently used in recent years as effective form of symbolic reparation. This takes the form of a formal public acknowledgment of past human rights violations. It consists of recognition of what survivors have suffered and acceptance of all or some responsibility by the apologizing party. In some cases, an apology may be recommended by a truth commission. In other cases may be requested by victims' groups.

The emphasis on apology should not, however, eliminate the need for other reparative measures such as restitution and health services that could address physical and psychological needs of the victims. In Canada, for example, the apology for Indian Residential Schools was preceded by the initiation of a class action lawsuit. In addition to this, there were compensation and services and a state sponsored report acknowledging the human rights violations.

At least 14 countries in Africa have prescribed reparation initiatives.²⁵ There are, however, many challenges that face the design and implementation of reparation in these countries. The challenges include how to determine the criteria for identifying the category of people entitled to reparation, the determination of the nature and scope of representation, and the process and the necessary considerations for making such a determination. Another major challenge is ensuring that reparative measures are actually implemented. States may simply disregard their responsibility to provide reparation under peace agreements or truth

23 OHCHR, (2008), Rule of Law, tools for post conflict state: Reparations Programs. New York and Geneva: Office of the United Nations High Commissioner for Human Rights. <http://www.ohchr.org/documents>

24 See memorialization below.

25 Algeria, Uganda, Sudan, South Africa, Rwanda, Nigeria, Liberia, Kenya, Ghana, Ethiopia, DRC, Chad, Tunisia, Morocco and Sierra Leone.

commission's findings. In South Africa, reparation was only provided after sustained civil society pressures and court orders, but the battle to receive a broader scope of reparation continues.²⁶ One of the most successful experiences of reparation awards was in Ghana, where reparation awards were made soon after the submission of the truth commission report.

It should be noted that reparation is mainly concerned with previous violations, its contribution in enhancing the socioeconomic conditions and remedying the damage caused to the infrastructure is minimal. Thus, in addition to reparation there is a need to adopt redistributive measures that include socioeconomic and fiscal policy measures. This will help in redressing past inequalities and achieving future social justice. Despite various limitations, including in implementation, useful experience in this regard includes the proposal in the AU High Level Panel Report on Darfur for social development measures.

4.4 Memorialization

This method refers to a number of processes and forms of collective remembrance. They include memorials, monuments, museums, and other places of memory, where the past can be confronted. It is a known practice that prior sites of atrocities, torture, mass gravesites, and other similar locations have been turned into public memorials. Unlike other transitional mechanisms such as prosecutions and truth commissions, memorialization can involve large numbers of people over long periods. It can be initiated by both governments and communities. The importance of this method is that it has an educational effect, also a reflection and relief for the victims and their families. It creates empathy for victims as fellows in humanity. In addition, it provides information about the brutality of harms inflicted. The sites also help survivors and those who have lost loved ones to reflect and to grieve. Examples include the Vietnam Veterans Memorial in Washington, DC, the hillside Halabja Memorial in Iraq and the 8,000 Graves at the Srebrenica genocide memorial in Bosnia Herzegovina.

It is important to know how to address the narrative of past atrocities for memorialization to be effective. We have to be neutral in addressing the narrative and should not give the impression of supporting any ideology, or that it supports one group over another. These can produce more tensions.

In order to maximize the impact of memorial sites, they require long-term involvement and continuous evaluation. Memorialization produces good impact when taken with other transitional justice mechanisms.

26 Khulumani Support Group, available at <https://www.khulumani.net/Khulumani>

4.5 Institutional and Political Reform

Institutional reform refers to a broad range of initiatives aiming at reforming or creating the political and institutional arrangements necessary for democratic and socioeconomic renewal and transformation. This mainly includes a reformed or new constitution that refines the social contract between citizens and the state. In addition to the reform or creation of the fundamental rules on the organization and exercise of government powers, as well as the necessary legislative reform.²⁷ There are also the reforms required by the disarmament, demobilization, reintegration and security sector reforms as undertaken by Ethiopia, Liberia and Sierra Leone, to take a few examples.

Other common reforms include vetting and lustration programmers. These are a way to purge public officials responsible for human rights abuses, and ensure that they will no longer serve in a public capacity. In Africa, vetting and/or lustration processes were used in Ghana in 1969, and recently in Tunisia in 2013.²⁸ Kenya undertook judicial and police vetting processes, with some success.²⁹ Issues of due process and fairness were raised with respect to vetting and /or lustration as with other processes.

Experience has shown that constitutional and other institutional reforms alone are inadequate.³⁰ There need to be also a behavioral change in the way politics is conducted and power is exercised in the country. This requires a transformation of institutional attitudes, mindset and practices. Central to this is the active and sustained promotion and enforcement of principles of accountability, legality, transparency, responsiveness and respect for human rights, including non-discrimination and equality in government decision making and in the conduct of the affairs of the state.

27 Constitutional reform has been a core element of the transition in many countries such as South Africa (1993-1996) and Kenya (2008-2010).

28 Other countries, which have instituted such processes, include Algeria, Nigeria, Liberia, Ethiopia, and most recently, Burkina Faso.

29 Kenya's judicial vetting process yielded the following outcome: In vetting the Court of Appeal, four of its 9 judges, or 44% of the bench, were deemed unsuitable, mostly on grounds of being partial in furtherance of government repression. In the High Court, seven of its 44 judges, or 15.9%, were deemed unsuitable. At the magistrates' level, only 14 of its 298 members, or 4.7% were deemed unsuitable, but this was due to practical difficulties of vetting magistrates rather than it being a reflection of their suitability.

30 For example, in Ethiopia and Kenya.

4.6 Traditional and Indigenous Mechanisms

This method has been popular in several countries.³¹ In Africa, it was successfully used in Rwanda, Uganda and other countries. Traditional and Indigenous methods became necessary because of the limitations of retributive justice. Article 29(7) of the AU Charter provides for the reservation and strengthening of positive African cultural values. The local or indigenous dispute settlement mechanisms form part of these cultural values.

The role of Indigenous mechanisms can be more effective in reconciliation, reparation through payment of compensation between different groups and tribes, rehabilitation of the perpetrators, bringing back harmony and re-establishing relationships.³²

We can raise some criticisms against traditional and indigenous methods of transitional justice. They cannot stand-alone, they have to be supplemented with, or supplement other methods. In addition, they need major modifications when dealing with mass atrocities. There are also questions as to their ability to deal effectively with gender-based violence perpetrated during conflicts. The inclusion of women and youths in these processes is essential to reflect the many dimensions that address the concerns of these sectors in the attainment of justice.

5.0 Transitional Justice in Sudan

Sudan is now undergoing a transitional period. This came after the overthrow of the previous regime of Omer Al Basheer by a popular uprising, which started on December 2019. The uprising continued for about 4 months, during which the regime has employed all ways and means to stop the protests. However, the determination and the courage of the people of the Sudan overcame all the brutality and ruthlessness of the previous regime. The regime was officially overthrown on 11 April 2019; the army leaders assumed power on that day and claimed that they did so in order to prevent a bloodshed, and to fulfil the demand of the people in the change after the previous regime has exhausted all the justifications for its existence.

5.1 The main guidelines for transitional justice in Sudan:

It would be beneficial to throw some lights on the main guidelines for follow when designing an effective strategy for transitional justice in Sudan; these may be summarized as follows:

31 Huyse, L & Salter, M (Eds) (2008) *Transitional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*, Sweden: International IDEA.

32 The Mato Oput in Uganda, the Gacaca in Rwanda, Magamba spirit mediums in Mozambique and Bashingantahe (counsel of wise men) in Burundi, are example of innovative local traditional justice processes in Africa.

- a. Transitional justice in Sudan should be viewed as a continuous process of transformation. We should not regard it as a limited process and confine it to only few identified items, but should address a wide multitude of subjects.
- b. There should be a well-designed public outreach. Suitable messages are to be addressed to all relevant groups. This will positively contribute to public support for transitional justice efforts. In the absence of this outreach, there can be a gap between the goals and purposes of transitional justice, and public support.
- c. We have to be mindful to the socioeconomic inequalities and disparities, and the systematic marginalization. It is imperative to discuss developments issues, either within the transitional justice processes and mechanisms, or in parallel with them.
- d. Involving diaspora, refugees and internally displaced persons, and victims of human rights violations is very important. This can contribute to a greater diversity of perspectives, and more comprehensive truth telling. We shall start with internally displaced persons, and if it is difficult to reach the diaspora in different countries, we can focus on the countries of majority such as the US and Canada and the main European countries.
- e. We have to bear in mind the uniqueness of the situation of Sudan. The main army and security forces leaders are on top of the transitional Supreme Council. In addition, many of the supporters of the overthrown regime are still in their positions in different governmental and military institutions. In such a situation, it is imperative to seek the assistance of the international community in a substantial way. The involvement of the international community will be in assisting in building the plan and the structure of transitional justice, the suitable methods and processes, and identifying the cases in which we need to deal with the international criminal justice. These are the key areas of cooperation, but, of course, we will need assistance also in many of the details of the process.
- f. We have to establish mechanisms that provide a healthy atmosphere to discuss cases of violence against women and children. These types of violations call for a special attention, as many of their details might be overlooked in the standard procedure.

5.2 Classification of human rights violations in Sudan

The previous regime employed the religion to perpetuate its power. Muslim brothers, in collaboration with the military and security forces, mainly dominated the previous government of Sudan. The ideological foundations of the regime led to a large-scale exclusions and other forms of pursuit against political opponents. The exclusions extended to any individual who is not part of their group or ideology, even if they have no political orientation.

This background can provide an idea about the way in which this ideological, totalitarian regime would run the country. The regime did not acknowledge any rights for

citizens other than his own supporters. This opened the door for massive human rights violations and other forms of corrupt practices committed by leaders of the regime, who also paved the way for a limited portion of the public to enrich themselves. The regime did this on the account of millions of poor and miserable population who were deprived of the necessities of life, as the country was ripped off wealth by a minority that gave itself every right to do so on political and ideological considerations.

In order to design an effective strategy and adequate mechanisms for transitional justice in Sudan, we have to classify the main violations that took place during the period of the previous regime. These can be as follows:

5.2.1 Severe human rights violations: Numerous instances of mass killings, extra-judicial executions and war against the people in different parts of Sudan,

took place during the period between 1989 and 2019. This is although we believe that some of the issues, especially the civil wars, have roots that go beyond 1989, and it is important that we address the root causes. A clear example is the massacre of the execution of the 28 military and ex-military officers upon accusation of a coup attempt. A grievous denial of justice took place, as there were mock trials of a short hours, followed by the executions. The whereabouts of the graves was not disclosed to the families until a mass grave was recently discovered by the investigating committee. This crime reflects a ruthless kind of attitude. In term of transitional justice, the appropriate treatment would be to expedite the process of investigations and trial of those found implicated in this incident of grave violation of human rights. Prosecution is the appropriate method, in addition to bringing relief to the families by all suitable ways of reparation including an official apology. Apology should come directly from the perpetrators, but even an apology from the leaders of the armed forces who were not part of the mass killings will partially serve the purpose. In addition to this, memorialization can be achieved by setting the site of the mass grave as a public memorial site for educational purposes where the past can be confronted, and a message sent to the effect that this should not happen again. The public will learn that an unprecedented crime was committed in this place, which shouldn't be allowed to happen again.

There is a long list of other atrocities and severe human rights violations committed by the previous regimes. There is the incident of mass killing to students at Ailafoon Camp. The killings happened in cold blood, students were shot while they were running away. No prosecutions have taken place so far; Investigations are underway. The investigations had to be expedited, and the accused brought to justice immediately. In this case, we need a similar process as that described for the case of the 28 military and ex-military officers previously discussed.

There are numerous incidents of grievances by individuals for violations of human rights committed by different authorities. These should be given a fast track process within the justice system. Prompt and speedy justice has to be provided to the victims and their families in the appropriate manner. Different types of Transitional Justice mechanisms can also be used here.

The procedure should not fall short of bringing justice to the victims and their families, and to punish the offenders. There should be an able and willing independent justice system to achieve these ends. If this independent justice system is not available yet, a coordination has to be done with the international community and international judicial bodies in order to proceed with the prosecution of these crimes. There should be a strong pressure against impunity. All ways and means need to be used for pressure, especially the efforts of local and foreign non-governmental organizations. This is particularly the case if the perpetrators are ex or current leaders of the government, the armed forces, or ex-government militias.

It should be noted that human rights violations have continued in Sudan even after the overthrow of the previous regime. The sit-in massacre is one example. Different security forces attacked the thousands who were at the sit-in site near the army headquarters. The attack was done with the maximum, unjustified use of force and brutality, although the sit-in was conducted in the most peaceful way. What was committed at that day may amount to a crime against humanity, as there was a very wide range of use of force, ranging from direct shootings to burning of tents with people inside them, to throwing people in the Nile after tying their legs to bricks to ensure that the dead bodies will not float on the surface, to raping both men and women, to the infliction of different bodily injuries. The incident resulted in a tragic trauma to the Sudanese society and the international community as a whole.

There is an investigation committee, which has been going on for a while. The committee is investigating a very serious and complicated incident. It might be the most bloody in the recent history of Sudan. The obvious complication in this case is that, current leaders of the army and other security forces might have participated by giving direct orders for committing this massacre. Most of those leaders are loyal to the previous regime.

The best course of action is to finalize the investigations as soon as possible. There are fears that the investigation report may intentionally protect persons who are currently in power. If the accusations would involve high officials in power, or higher military leaders, an international investigation committee should take over. In such a case, the investigations have to be reviewed by the ICC and official accusations to be announced by the ICC. The assistance of international community, especially the ICC, can even be sought at earlier stages. The reason is that, it is extremely difficult to prosecute high-ranking officials and

army and security leaders while they are in power. They can do everything to avoid the prosecution, and unfortunately, they will succeed as they are having the upper hand in power right now.

I think it will be for the best interest of the democratic transformation in Sudan to surrender them to the ICC. In addition to the extreme necessity to prosecute them for the serious violations they may be accused of, it is also of high importance that they should leave the political scene if we are keen to make a real and meaningful change towards democracy and the establishment of the state where the rule of law is to prevail. However, this rather critical issue needs to be handled with the utmost care and caution.

5.2.2 Waging war against the citizens in different regions: Wars erupted in many regions of Sudan during the period of the previous regime. Examples include

the atrocities in Darfur, Southern Kordofan and Blue Nile regions of the Sudan. Civil wars have been on for long years in the three regions. The main causes being the marginalization in all aspects of life, and the unfair share in power and wealth.

Plans need to be in place to punish the offenders in these long-standing internal conflicts during which serious violations to the international human rights law and the international humanitarian law were committed. The effect of these wars were widespread. The previous regime systematically attacked civilians in the war areas. This constitutes violations to the international obligations of the protection of civilizations during war times.³³

In addition, the citizens in war areas were denied many of their basic human rights. Large numbers were displaced and have been living in camps for many years, and deprived from the most simple kinds of services necessary for their living. This also signifies a breach of the international obligations under Human Rights Conventions.³⁴

It is clear that we will need some sort of cooperation with and assistance from the international community in crimes committed during wars waged by the regime in these areas.

Warrants of arrest were issued by the International Criminal Court (ICC) against Omer Al Basheer and others. This happened in 2009 after the Darfur case was discussed by the Securing Council and transferred to the International Criminal Court (ICC). Our point of view is to consider the cooperation with the ICC in combating impunity and bringing justice

33 This is provided for by the Geneva Conventions of 1949 and the Additional Protocols of 1977. The obligations under these documents supersede the national laws and have to be applied once the state is party to these Conventions.

34 The main Convention is the Universal Declaration of Human Rights, 1948.

to the victims and their families. Unless we are convinced that a substantial reformation of the justice system has been achieved, Omer Al Basheer and other suspects have to be surrendered to the ICC.

5.3.1 Suggested methods for Transitional justice in Sudan

The process of Transitional Justice in Sudan is a complex task.³⁵ In this process, we will need to apply different methods and mechanisms of Transitional Justice. These include prosecution, truth and reconciliation commissions, reparation, memorialization, traditional mechanisms, and memorialization.

5.3.1.1 Prosecution: First, it is essential that all those accused of war crimes, crimes against humanity and the crime of genocide should be prosecuted for these crimes. The quest for justice does not allow any possibility for amnesty or protection to the perpetrators. These are considered serious crimes; they are punishable under the ICC Charter. International community does not allow impunity for these crimes.

The situation of Darfur was submitted to the ICC by the UN Security Council by resolution 1593(2005). As we mentioned while discussing prosecution under transitional justice, many options are available for the prosecution of persons demanded by the ICC. There should be full cooperation with the ICC regarding persons subject to arrest warrants. An acceptable solution can be reached by the concerned parties. Having regard to the current situation in Sudan, we think that the justice system is not yet able to prosecute those accused of serious crimes and demanded by the ICC. The obvious reasons are that, the justice system is still considerably dominated by those who have loyalty to the previous regime. The restructuring of the justice system, which should have happened long ago, was not accomplished yet. In addition, judges in Sudan do not possess the required capabilities to deal with crimes of International character, namely crimes of genocide, war crimes, and crimes against humanity.

For these reasons, it is evident that the judicial system in Sudan is still unable and/or unwilling to try these cases. Therefore, we find it necessary to surrender Omer Al Basheer and others to the ICC. However, they might be required for prosecution for other accusations, so a decision need to be made as to which cases priority should be given.

Besides cooperation with the ICC, we need to establish special local courts that will try cases of genocide, crimes against humanity, war crimes and serious violations of human rights and international humanitarian law. An example is the Special Tribunal for Darfur. The establishment of this court has been agreed in Darfur Peace Agreement, 2020. This

35 On 3 October 2020, the Transitional Government and parties to the peace process singed "Juba Peace Agreement" which is a comprehensive peace agreement that ends war in all parts of the Sudan and put in place many arrangements to treat the effects of war and to proceed to better future.

court is agreed to serve for 10 years, shall be composed of national judges appointed by the President of the Supreme Court. An independent prosecutor is to be designated for the court by the Attorney General of the Sudan.

Time factor is very essential; we hope that the special will be established as soon as possible. Delay in the establishment of the court will not be in favor of justice for the victims and preserving the evidence of the committed crimes. It is hoped that the special attention and the training will render the special courts more capable than the general courts.

5.3.1.2 Truth and Reconciliation Commissions: In addition to prosecution, there shall be another track for reconciliation in the appropriate cases. A truth and reconciliation commission (TRC) has to be established in each of the previous conflict regions. The main functions of the TRC is to define and evaluate the root causes of the conflicts, investigate the crimes and human rights violations, and ascertain responsibility and motives. Additional functions of the TRC are to allow victims and perpetrators the chance to exchange their experiences, in order to facilitate the healing process, reconciliation and prevent future atrocities.

The TRC shall collect evidence and accounts from victims, witnesses, local communities, beneficiary groups, and persons directly or indirectly involved in the events. It shall also hold hearings, collect evidence and testimonies, actively participate in the reconciliation process, and adopt special measures to protect child and women witnesses and victims.

The truth and reconciliation commissions offer a valuable chance to classify the types of violations and to recommend the suitable solution. It shall employ all available tools and resources to reach the truth regarding all the violations, and to deal with them in the appropriate manner. They can, according to the outcome of investigation, recommend other measures such as institutional reforms. The process of and the findings of the truth and reconciliation commissions should be made available to the public through different means.

5.3.1.3 Traditional Mechanisms:

Traditional justice mechanisms can operate to punish individuals who have committed crimes in conflict within a community or between communities. Traditional justice has jurisdiction for crimes linked to conflicts which do not fall under the jurisdiction of the ICC, the special Tribunal, the national judicial system, or the truth and reconciliation commission. This method has been successful in many African countries such as Rwanda and Uganda. Article 29(7) of the AU Charter encourages the reservation and strengthening of African positive values. Traditional and Indigenous dispute settlement mechanisms are regarded as integral part of African positive values.

Traditional justice mechanisms shall impose various sanctions, appropriate and proportionate to the crimes committed. The purpose is to strengthen reconciliation, property restitution and compensation of victims. The accused has the right to negotiate for the commutation of a sentence in exchange of a written or verbal public apology. Preference is given to community service sentences, especially for those who make public apologies. Enforcement of these services shall be monitored by an elected committee. Traditional justice mechanisms exercise their traditional jurisdiction through customary laws and traditional procedural laws. Local, regional, and community leaders shall oversee the missions of traditional justice mechanisms. There shall be consultation with local and regional leaders and civil authorities to determine ways to formalize traditional justice mechanisms within the national justice system.

5.3.1.4 Reparation: This is very important to recover from the grievances of the past and have a healthy new start. Reparation takes different forms; it is not confined to financial payments. It can take the form of promoting the services in the fields of health, education and others. Reparation can be advised by the courts, the truth and reconciliation commission, or traditional justice mechanisms. It can be community based, where the benefits are enjoyed by the whole community, or individual based where the benefits are enjoyed by individuals.

Reparation also includes the return of confiscated property belonging to organizations and individuals that were confiscated because of the war, after a proper proof of ownership is provided.

3.5.1.5 Memorialization: There should be places of remembrance to honor the victims of the conflicts in the different regions. Commemoration is intended to tell those who have suffered from the conflict that this traumatic experience is over, as well as to educate and sensitize those who have not suffered from the conflict.

5.3.1.6 Institutional Reform: This is of high necessity, as it paves the way for a real change. State functions, draft policies, issue laws and enforce them through the different institutions. For this reason, we need to ensure that all the civil service is working towards achieving the goals of a democratic state. More importantly, the legal institutions such as the judiciary and public prosecution have to be restructured in a way that enables them to safeguard the human rights of all the citizens and to stay impartial in their functions. Of equal necessity is the army and other security forces. All militias and militias- like armed forces should be dismantled in favor of the state army.

5.4 Transitional Justice Commission (draft Bill):

This Bill was drafted by the Ministry of Justice and forwarded for approval by the Council of Ministers. However, no further steps were taken towards the approval of the

Bill, and submission to the joint meeting of the Supreme Transitional Council and Council of Ministers for final issue as law.

In the explanatory note of the Bill, it is mentioned that, the Bill was drafted as per the requirements of the Constitutional Document that governs the transitional period.

5.4.1 Definition of Transitional Justice under the Sudanese bill: Transitional Justice, is defined by the Bill as follows: "a comprehensive process of approved ways and methods to comprehend and resolve past human rights violations, by discovering the facts, and accountability for the perpetrators, and reparation for the victims, in a way that achieves national reconciliation, and document and save collective memorialization, and ensures non recurrence of the violations, and paves the way for a transition to a democratic system that protects human rights".

It seems, from the definition, that transitional justice, according to the Bill, refers to a multitude of ways and methods. These include, investigation committees, trials, reparation, and memorialization.

It seems that the intention is to form investigation committees to criminally investigate on the crimes and human rights violations. The mandate and authority of these committees will be spelled out in the decisions establishing them. These are different from the truth and reconciliation commissions.

Trials mainly refers to the prosecution and trial of perpetrators. There should be an appropriate court system capable and willing to undertake this function. As stated before, we need a sort of special courts to try serious violations such as genocide, war crimes and crimes against humanity. The Sudanese justice system in general, and the judicial system in particular, will need the cooperation of the international community because, it does not have enough past experience in trying these types of cases. In addition, the justice system is not yet reformed in a way that renders it willing to try these cases in a fair and reliable manner, as it is still to a large extent, dominated by supporters of the previous regime.

Reparation consists of compensating the victims for their losses, whether physical, mental, or psychological suffering. In addition to compensation for economic losses or Deprivation of basic rights.

The definition of Transitional Justice in the Sudanese Bill refers to collection and saving of collective memorialization as a purpose of Transitional Justice. This is done for the purpose of documentation, which will serve educational goals for the public, in addition to bringing relief to the victims and their families. Memorialization also helps in deterring similar violations in the future.



5.4.2 Functions of the transitional justice Commission: The Transitional Justice Commission Bill, 2020, establishes a commission for transitional justice³⁶. The main functions of the Commission are:

- Preparation of a comprehensive national strategy on transitional justice.
- Undertaking a survey to establish a geographical map that helps in the establishment of a national strategy for transitional justice and the determination of the real stakeholders.
- Establishment of broad discussions with all the real stakeholders throughout the country including victims, their families, marginalized sectors, displaced and refugees, in order to have their input on the strategy.
- Preparation for the national conference on Transitional Justice to agree on transitional justice program and methodology.
- Establishing the tools and framework of Transitional Justice.
- Preparation of a national transitional justice program according to the outcomes of the national conference on transitional justice. The national program of Transitional Justice includes: the conceptual framework of Transitional Justice that aims to understand and cure the past violations committed on the Sudanese people since 30 June 1989. In addition to the determination of the suitable ways and means to discover the truth of the violations, accountability of the responsible officials, reparation and rehabilitation of the victims to achieve national unity, documentation of the events to ensure their non-occurrence and to assist in laying the foundations for the transition to a democratic system.

Article 7 goes on to specify, in general terms, the different ways and mechanisms that constitute transitional justice. The Commission shall supervise the establishment of the transitional justice institutions and mechanisms, and coordinate the efforts of all the mechanisms so that they can work in harmony on a unified national path.

Functions of the Commission also include, training of the Commission employees, collection and classification of data, cooperation with the human rights commission, and other UN and national agencies. This is in addition to the administrative functions of the Commission, to be able to manage its own human resources and financial affairs.

5.4.3 The shortcomings of the Bill: The general observation is that, it is clear when the Bill was drafted, people were not sure about how they will proceed with transitional justice. For this reason, the Bill was drafted in very general terms. It is meant that, when the Commission is established it will take care of all the details, including what we want to achieve from transitional justice and how we can achieve it.

36 See Article 7 of the Transitional Justice Commission Bill, 2020.

The main shortcomings of the Bill are:

1. The Bill is drafted by legal technical experts, in isolation of other sectors of specializations, which are needed. There have been some efforts by different civil society organizations which resulted in a literature that may be helpful in drafting the Bill, but these efforts weren't considered.
2. The real stakeholders were not consulted in drafting the Bill.
3. The functions of the Commission, according to the Bill, are only preparatory in nature. They are confined in suggesting the transitional justice institutions, establishing a dialogue on transitional justice, and how that dialogue shall be conducted.
4. The Commission does not possess any executive powers. It is not provided with any enforcement means to assist in its functions.

In this regard, we think that the Tunisian experience is better. The Tunisian Transitional Justice law, 2013 established the "Commission of Truth and Dignity". This body has full authority to deal directly with transitional justice issues. It has wide enforcement powers in dealing with the issues, and with the justice institutions. The law obliges all government agencies including the justice department, the prosecution and the judiciary to provide all the required assistance to the Commission. The Commission has the authority to hold hearings with the victims, and to ask for documents from any national or international body. The members of the Commission are elected in a democratic way, and membership covers a wide range of the social sectors connected with the transitional justice issue.

When we compare this with the Sudanese Bill, we find conceptual differences. In the Sudanese Bill, there are no details about the specializations of the members, to ensure that they are qualified for the functions. The Tunisian law is very clear and specific on this matter. The Tunisian commission is democratically elected, whereas the Sudanese commission will be appointed. The Sudanese commission shall perform preparatory functions on how transitional justice is approached in Sudan, whereas the Tunisian commission is authorized to proceed right away with the implementation of Transitional Justice. The Sudanese commission will be without any powers of enforcement, it is more like an administrative body that performs routine office work. The Tunisian commission, on the other hand, possesses very specific enforcement powers. There are specific provisions on the wide powers and enforceability that the Commission is entitled to. An example is the authority to order documents and information from judicial and administrative bodies, review or cases pending before the judiciary and review of decisions issued, and receiving of complaints for a period of one year renewable for a period of six months.



6.0 Conclusion

Transitional Justice has played a pivotal role in the stability of many countries in different parts of the world. The main advantage of Transitional Justice is that it applies a multitude of methods and mechanisms which can operate in harmony. While prosecution, which is retributive justice, is essential to avoid impunity, we also need restorative justice in the form of reconciliation. No single method of Transitional Justice will be sufficient; we usually need a hybrid of methods and mechanisms. This is because the post-conflict reality is composed of many interacting factors, which need to be handled and given the same attention; no single factor should be neglected.

Since independence in 1956, Sudan has experienced chronic instability, mostly due to the same underlying causes that, to date, have yet to be addressed. Calls for an inclusive government and fair power and wealth sharing system that takes account of the country's ethnic and cultural diversity without discrimination, have remained unanswered for decades.

More efforts need to be exerted within a specific period, for transitional justice in Sudan to achieve success. A central body for transitional justice must be established immediately, with wide powers and enforcement abilities. The current Bill of the Transitional Justice Commission, 2020, does not fulfill these requirements; we need a wide consultation with the real stakeholders and experts to make the necessary changes to the Bill. However, this needs to be in a prompt and focused way to avoid more delays.

7.0 Recommendations:

After reviewing the international practices of Transitional Justice and its particular application to Sudan, we have the following recommendations:

- 1:** Civil society and government should work together to raise awareness of Transitional Justice through media, specialized publications and all other suitable means.
- 2:** We need detailed training on transitional justice with the participation and supervision of International bodies such as the ICTJ.
- 3:** A comprehensive strategy on how to affect and support transitional justice in Sudan is required.
- 4:** A multitude of Transitional Justice methods and mechanisms are needed in Sudan. This is because the nature of the human rights violations and atrocities are diverse, as well as the political and social context and localities in which they have been committed.

- 5:** Transitional justice should focus on the far reaching effects of most of the committed crimes; they entail victimization of the whole community.
- 6:** Transitional justice should aim at addressing all Sudan's complex history of violence starting from independence in 1956.
- 7:** Institutional reforms should be given considerable attention in the transitional justice process. This is a vital step to restore trust in state institutions. It is worth mentioning that reforms to the justice institutions should precede transitional justice, as these institutions should play a major role in the process of Transitional Justice.
- 8:** It is essential that Sudanese youth, women, and civil society organizations constitute an integral part and central role players in transitional justice.
- 9:** The establishment of the transitional justice Commission should be expedited. This should be preceded with a wide consultation with all stakeholders so that the Commission once established shall be capable of directly addressing transitional justice issues rather than being involved in preparatory activities.
- 10:** The Transitional Justice Commission Bill, 2020, needs a substantial review. The participation and input of the real stakeholders and experts of relevant expertise is highly required.
- 11:** The approach of the Sudanese law on transitional justice should be similar to the Tunisian Transitional Justice law, 2013. The Sudanese Transitional Justice Commission should be granted wide enforceability powers to effectively direct the process of Transitional Justice. The current Bill establishes the Commission as a mere preparatory and administrative body.
- 12:** Support of the international community to Sudan transitional justice is highly required. We need this support in such areas as judicial reform. Achieving judicial reform during the transitional period takes time, especially when the system has been in severe disrepair and requires plenty of resources that the new regime may not possess.
- 13:** Prosecution is important, it is a guarantee against acts of private revenge, and discourages future violations.
- 14:** We need to reach a compromise between the ethical imperatives and the international legal norms that urge for retribution on the one hand and the complex political reality on the other so that justice is pursued in tandem with the overarching purpose of national reconciliation. Maintaining the delicate balance between justice and reconciliation is the only visible option for a fragile democracy emerging out of violence and long history of human rights violations.

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Comparative Study of Drafting Tool names (in Kurdish , English, and Arabic)

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Summary:

This research compares the linguistic methods that are used in the Kurdish, English and Arabic languages, to name the machines , devices and tools .

It is noted that these languages depend on two methods, the first one is the derivation method (by adding the morphological suffixes), and the second method is the synthase method (by compounding several words to each other) to name the names of the tools.

Finally, the study suggests several linguistic methods to regulate language development to create the tool names.

Results:

The Arabic language uses the prefixes and interfixes, whereas the Kurdish language uses the suffixes, and the English does not have organized rules for tool names .

These linguistic methods should use organized rules for naming the tools to avoid turmoil, improvisation and multilingualism, by allocating each morpheme in a specific field. For example, the morphemes of tool names could be classified according to their shapes, sizes, functions, mechanical properties, physical movements, or powerful, and so on. This classification could be done according to the properties, capabilities, and energies of each language.

Key-words: organized. Derivation. Synthase. Subject. Functions. Classification. Capabilities. Movements. Properties.



Introduction:

The organizing the formulation of the tool names is very important in this time due to the great evolution in the innovating new devices and machines, so the language should be progresses in parallel with the progress of the world in all fields

In this research, we will learn ways to draft the names of tools in each of the Kurdish, English and Arabic languages, and offer suggestions for organizing and enriching these formulas.

In the Kurdish language :

There are two types of tool names in the Kurdish language, the rigid name which is not derived, for example (kér "=knife" , şûr "= sword" , pêñûs "=pen"), and the second type is the standard derivation of names. We are going to recognize these forms in this paragraph

We can know some of the ancient methods of tool names, From one of the sources of ancient Kurdish literature, through poems Mullah Al-Jezire's, for example, he used suffix (kar) to refer to the tool names , such as word(mûkar "=beak"): This word means wood mortising machine. This suffix also indicates the subject. (zivingi : 2017)

But in the modern Kurdish language, there are several suffixes added to words, to derive the tool names, for example:

(-ing): This suffix is added to the root of the verb in the present tense to make tool names, such as: kolimg (=Excavator), parzing (=colander), bêjing (=sieve), saring (=chilled)

(-ok): It is a suffixes that add to the adjectives to make tool names, such as : behrînok (= the hand fan) , and firoke (=the plane).

(-ek) : It is a suffix used to call many machines, such as: guvaştek (= the juicer), fironek (= the kite), hincinînek (=the chopper), and others.

There are many tool names end by the suffix (k), such as : berf malk (=snow broom) . berfmalk (=broom). kartik (=Abrasive), bawe işnk (=small fan), basark (=air-conditioned)

(-ar) : (girar , xirar , guhar(=ear jewelry) (Tan : 2011)

There are compound tool names which consist of a combination of two words, such as: caw bir (=scissors) , ferax şo (=dishwasher), qap şo (= dishwasher)...

Sometimes the tool names don't have a specific regular morphological rules, they could be a combination of two words, and this words vary according to multiple vocabularies that



indicate the same meaning. For example, there are several words that refer to the fan, most of which are composed of the word (air) attached to another word, but these compounds vary in the diversity of their vocabulary. Such as : air distributor, air engine,..... by the following combinations :

Bakêş = behrînok = bajen = baweîşn (=air regeneration machine).

It is noted that there are some suffixes that used in Kurdish language to indicate the tool names, but they also share with formulas that indicate the subject , for example : **ar, er, kar, ker, ek, ok.**

English language :

It is common in English to use the suffix of the subject (er), to refer the tool names, this usage is applied in both cases: the simple and compound names, for examples : dishwasher, freezer, juicer , mixer, blender , vacuum cleaner, and blender Some of these tool names are compound of more than one word. Also, the suffix (er) shares with formulas of the tool names, the subject, and occupation.

There is a suffix similar to it denoting the tool names as (or), such as: scissor , elevator, refrigerator , tractor , calculator ...

There is a common characteristic between the Kurdish and English languages that the suffixes indicating the subject, machine names, and professions names, in them, mostly end with (-r) Examples of these suffixes in the Kurdish language: -dar, -kar, -ker, -ger (-ege), -ar . because the feature of this sound is repetition, the same applies to these derivatives that have the characteristic of the recurring movement.

English rarely uses a specific morpheme to refer to the tool names, so that there are no regular rules in the formulation of tool names.

English mostly uses the synthase disorganized method .(such as: vacuum cleaner , washing machine).

It also contains many vocabulary words that are not to organized rules in derivation, such as: fridge, rocket

Also that each morpheme has many functional meanings , so are the vocabulary , each word has several meanings. such as: saw, plow, tweezers, drill bit , cooler, spindle, pickaxe, elevator , rocket, computer....

Arabic language:

There are seven famous formulas of tool names, which are formulated only from the transitive triple verb (a three-letter verb), as such the following:

Formulas (mif‘al) : (as : minshar " = saw" , mismar " = stud" , mihras " = plow" , mithqab " =drill bit" ...)

Formulas (mif‘el): (miqas " =scissor", mis‘ed " =elevator "....)

Formulas (mif‘ele): (mi‘sere " =juicer" , mibshere " =grater"....)

Formulas (f‘eal): (berrad " = refrigerator", jerrar " = tractor")

Formulas(f‘eale):(gassale"=washing machine", jellaye " =dishwasher"

Formulas (fa‘ol) : saroh " =rocket" , hasob " =computer"...

Formulas (fa‘il): hasib " =calculator" . (GHALLAINI. 1993)

It is noted that these forms of tool names, are in common with the subject formulas, hyper subject and occupation .

The Arabic language also became to use synthetic for tool names, such as " 'ale hasbe (= calculator), shebeke 'ankebutiye (=network), etc. This trend is influenced by European languages which are characterized by the synthetic feature.

Conclusion :

It was noted that the three languages, Kurdish, English and Arabic, are used the formulas of the subject, and occupation for naming the tools. English uses the suffix (er), Kurdish uses the suffixes (ar, er, kar, ker, ek, ok), and Arabic uses the formulas of subject and hyper subject (mif‘al, mif‘el, mif‘ele, fa‘ol....) .

The Morphological formulas of tool names have varied in the Kurdish, Arabic and English, through using different methods: derivation and the synthesis methods. That causes difficulties in comparison between morphological formulas of terms in these languages.

The Arabic language uses the prefixes and interfixes, whereas the Kurdish language uses the suffixes, and the English does not have organized rules for tool names, The arbitrary syntactic method prevailed over organized standard derivation .

Moreover, although the derivation method is more organized in the development of language, but the morphological of tool names are limited in comparison to a large number of the names which are used to label tools , machines, and devices.

Languages need a greater of linguistic methods "morphologically and semantical" to named the machines and devices, as this field is very large.

These linguistic methods should use organized rules for naming the tools to avoid turmoil, improvisation and multilingualism, by allocating each morpheme in a specific field. For example, the morphemes of tool names could be classified according to their shapes, or sizes, by allocating specific morphemes for small scientific devices, and others for a large machines, or by allocating certain morphemes according to the most dominant function of the machine, (such as blending, pressing, kneading, drilling, filtering, breaking, etc.). These functions could be sorted and classified according to their work, whether it is indicative of breakage, smashing and demolition, or vice versa to denote docking, affixing and merging or blending, it may be sorted and classified according to their mechanical properties, physical movements, (such as circular, vertical, horizontal, and spiral movements), its powerful, and so on. This classification could be done according to the properties, capabilities, and energies of each language.

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LA CRYPTO-MONNAIE ET SES EFFETS SUR LA POLITIQUE MONETAIRE

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Résumé :

Les effets de la crypto-monnaie sur l'efficacité de la politique monétaire et le niveau de sécurité des transactions dans l'économie ainsi que les risques liés à son utilisation demeurent les questions principales. Notre article tente de mettre en évidence les tentatives de certaines banques centrales de répondre aux exigences de la généralisation de cette monnaie, par une adaptation des processus au terme des objectifs ainsi que les instruments de la politique monétaire et les conséquences qui peuvent en résulter.

La nature décentralisée de cette monnaie rend le système de plat forme si unique et révolutionnaire, en passant par un taux de substitution entre monnaie légale et crypto-monnaie, à travers l'introduction contrôlée par la banque centrale de la crypto-monnaie centrale, dans un cadre réglementaire et technique approprié.

Mots clés : monnaie, monnaie virtuelle, crypto-monnaie, registre de distribution, monnaie légale, bitcoin, block-chain, politique monétaire.



Introduction :

La crypto-monnaie prend une place de plus en plus importante dans les échanges financiers et commerciaux, alors ce concept novateur reste ambiguë et révèlent des prudences à la fois. Mais avant de parler de la crypto-monnaie, nous devons faire un aperçu théorique et conceptuel de la monnaie en mettant l'accent sur l'évolution des formes de monnaie.

La monnaie est un moyen de paiement, mais elle est aussi un instrument de réserve de valeur. Les intervenants ont tendance à remplacer leurs actifs monétaires aux actifs quasi monétaire. Ce qui exclut de plus en plus la frontière entre les moyens de paiement traditionnels et les actifs liquides, cela entraîne une délimitation des agrégats monétaires notamment les indicateurs de mesure de la masse monétaire. Parler de la monnaie et notamment de la « crypto-monnaie », doit se faire en rupture avec la théorie néoclassique dont l'analyse repose sur une conception purement instrumentale selon laquelle la monnaie est neutre. L'évolution de la monnaie et particulièrement la monnaie virtuelle nous conduit à l'utilisation des systèmes de paiement différents, plus efficaces ou la notion de définition de la monnaie doit être revue.

L'objectif de notre article est de mieux cerner les notions qui gravitent autour de la crypto-monnaie et tente de mettre en exergue : quels sont les effets de la crypto-monnaie sur la politique monétaire » ; de cette problématique découlent d'autres interrogations :

- Qu'est-ce que la crypto-monnaie ?
- Qui assure l'émission et le contrôle de la crypto-monnaie ? et dans quelle mesure cet instrument va-t-il se substituer aux autres formes de monnaie ?
- Quelles sont les limites de crypto-monnaie ?
- Quel est son impact sur la politique monétaire ?

Afin d'apporter des éléments de réponses à ces interrogations, notre article est scindé en trois parties. En premier lieu nous allons faire un aperçu sur le cadre conceptuel de la monnaie, en mettant l'accent sur la crypto-monnaie, ses domaines ainsi que les risques potentiels liés à son utilisation. Ensuite, nous traiterons les effets de la crypto-monnaie sur la politique monétaire de la banque centrale, en mettant en relief les objectifs, instruments et canaux de transmission de la politique monétaire. Quant à la dernière section sera consacrée aux perspectives de la monnaie électronique sur la politique monétaire dans la suède et Canada en évoquant ses dimensions mondiales et régionales.

1. Cadre conceptuel de la monnaie :

1.1. Evolution de la monnaie : Au cours de l'évolution de la monnaie, elle a suivi un processus de dématérialisation. Au début, les gens faisaient leurs transactions commerciales en échangeant des biens contre autres biens, c'est ce que nous appelons le troc, des contraintes ont rendu ce système d'échange difficile, la double coïncidence des envies n'était pas évident, la contrainte des conditions naturelles, l'indivisibilités de certains biens. Par la suite, la monnaie a pris la forme métallique, qui a commencé par la phase bimétallique (or et argent), avait des avantages tel que leur inaltérabilité, leur divisibilité, ainsi que leur malléabilité et en fin leur simplicité. Néanmoins, d'autre problèmes ont eu lieu, cette monnaie est devenue des métaux ayant une valeur intrinsèque autre que la valeur monétaire, les gens à l'époque avaient tendance à garder l'Or pour des utilisations non monétaires et se contenter de l'argent (loi de Gresham « lorsque deux monnaie circulent dans un pays, la mauvaise monnaie chasse la bonne ») , à ce moment, la forme de monnaie monométallique est adoptée, qui ne garantit la légalité que d'un seul métal qui est l'Or¹. Par la suite, la monnaie s'est transformée en valeurs nominales, nous parlons donc de la monnaie fiduciaire qui n'ont pas de valeur intrinsèque, à la différence des espèces métalliques. Une autre forme de monnaie est apparue, nous parlons de la monnaie scripturale, elle est formée des avoirs portés par un jeu d'écriture comptable dans les comptes bancaires dont ses principaux instruments sont les cartes bancaires et les ordres de virement². Les nouvelles technologies ont fait émerger de nouveaux instruments de circulation de la monnaie dans les économies contemporaines, tels que la **crypto-monnaie**, donc la création d'un marché planétaire des capitaux nécessite une internationalisation des monnaies qui circulent en dehors de leur espace d'émission³.

Définition de la crypto-monnaie : La crypto-monnaie ; est une nouvelle forme de monnaie dont la nature reste finalement floue ou ambiguë, dans la mesure où elle ne se réduit ni à la monnaie scripturale ni à la monnaie fiduciaire⁴. Les informations de paiement sont stockées sur un smartphone et font l'objet d'un cryptage de sécurité pour autoriser des paiements.⁵ C'est une monnaie qui permet d'effectuer **des paiements en ligne** à partir d'un site internet. Cette monnaie n'appartient à aucun Etat, elle n'est pas matérialisée et elle n'est émise par aucune banque centrale, et qui n'est soumise à aucune surveillance d'aucun pays ni d'aucun

¹ Claude Alphandéry, « Fonctions, résonance et évolution du rôle de monnaie », 2005, p29-36.

² Dominique Plihon , « La monnaie, instrument de paiement Dans La monnaie et ses mécanismes » , (2017) , page 17

³ Dominique Plihon , « Dans La monnaie et ses mécanismes » , (2008), page 4

⁴ Hervé Sitruk, « monnaie électronique, monnaie fiduciaire et monnaie scripturale. Quelle substitution ? quelle stratégie ? », revue d'économie financière N° 91, Page 38

⁵ dominique Plihon, « La monnaie et ses mécanismes » , 2017.

autre organisme de réglementation, c'est une monnaie sans banque, gérée par ses propres utilisateurs en réseau, elle se manifeste comme la dernière étape de l'échelle de développement monétaire qui a été liée au progrès technologique⁶.

Les crypto-monnaies se sont multipliées et variées, et les différences entre elles sont liées au temps passé dans le processus de négociation, à la méthode de création et de distribution, et d'autres sont liées aux algorithmes responsables du processus de cryptage. Aujourd'hui, des millions de transactions utilisant de l'argent virtuel sont échangées, comme le bitcoin et d'autres (Amazon coins, Ripple, Litecoin, Solidcoin, etc.)⁷.

1.2. Présentation de la monnaie virtuelle « bitcoin » : Le bitcoin se présente comme la monnaie virtuelle la plus répandue et acceptable au monde, il est apparu en 2009 après la crise financière par un auteur utilisant le pseudonyme de « Satoshi NAKAMOTO », Présenté comme un système monétaire décentralisé, mais qui ne ressemble à aucun système monétaire que nous avons vu par le passé, le bitcoin est à la fois une monnaie et un réseau de paiement. Il peut être téléporté d'une manière instantanée et anonyme n'importe où dans le monde et quasi gratuitement, en cliquant sur un bouton nous pouvons payer n'importe qui ou se faire payer par n'importe qui dans le monde. Il peut être obtenu soit par minage selon des mécanismes spécifiques, soit par les acheter sur les marchés et bourses spécialisés dans ces devises. Au début de l'année 2017, il existait plus de 500 monnaies virtuelles pour une valeur totale de marché de 16,8 milliards de dollars, le Bitcoin, représentait à lui seul environ 85 % du marché.

La nature décentralisée de la plate forme bitcoin est l'une des choses qui rendent ce système si unique et révolutionnaire, le registre bitcoin appelé aussi « block-Chain » permet d'enregistrer et traiter toutes les transactions, la crypto-monnaie s'agit d'une monnaie numérique dans laquelle nous utilisons le chiffrement pour réguler la création de nouvelles unités et vérifier le transfert de fonds. Le nom bitcoin est en fait composé du bit qui veut dire une unité informatique et coin qui veut dire une pièce de monnaie en anglais, son prix dépend de l'offre et de la demande⁸. Et voici une explication de ce système :

Pour pouvoir se procurer de cette monnaie, il faut d'abord créer un compte virtuel « E-Wallet ». En quelques secondes, et sur des sites et applications spécialisées, nous pouvons

⁶ David Bounie et Sébastien Soriano , « *la monnaie électronique, Principes, fonctionnement et organisation* », 2003, pages 79

⁷ Tendance droit , « *Monnaie virtuelle et monnaie électronique : distinction et encadrement contractuel des portemonnaie virtuels affectés* » , 2018.

⁸ Amaury Perrin , « *Le bitcoin et le droit : problématiques de qualification, enjeux de régulation Dans la Gestion & Finances Publiques* » , 2019, page 84

avoir deux Kluwers « code barre cryptographique », c'est pour cette raison que ce genre de monnaie s'appelle « crypto-monnaie ». Ces codes qui peuvent être scannés sur nos téléphones nous permettent d'accéder aux sites internet, le premier code appelé publique nous permet de recevoir des bitcoins sur notre compte (le numéro de compte en quelque sorte), le deuxième appelé clés privée (l'équivalent de mot de passe), nous permet de signer lorsque nous envoyons des bitcoins pour une opération d'achat. En résumé, nous utilisons la clé publique pour recevoir, et la clé privée pour prouver notre identité lorsque de l'envoi des bitcoins.

comme toutes les clés sont cryptées, la sécurité et l'anonymat des utilisateurs sont garanties, ces transactions sont ajoutées dans une grande base de données comme un gigantesque cahier comptable, c'est le garant de l'authenticité de chaque bitcoin en circulation qui ne peut être double néé⁹.

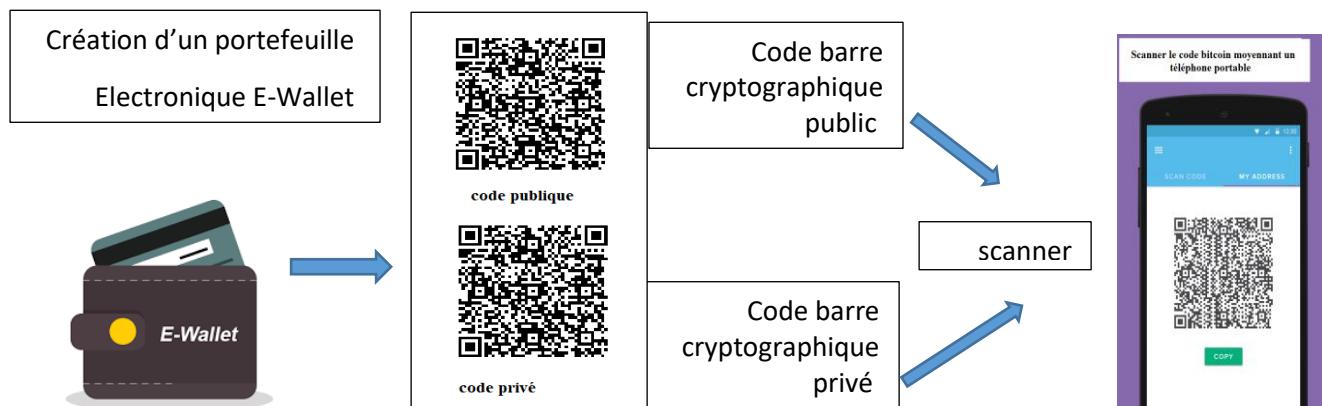


Figure 1 : création de compte

1.3. Avantages et limites de bitcoin : Le bitcoin présente des avantages mais aussi d'importants inconvénients pour les autorités monétaires. Pour les utilisateurs de cette monnaie, le bitcoin est un moyen de paiement très rapide, sans taux de change, et moins cher, ce moyen permet aux intervenants de gagner en facilité et fluidité, en transparence et en sécurité et confiance. Il est à noter aussi que tout système est fondé sur un ensemble de règles qui déterminent les droits et les obligations ainsi que les responsabilités de l'ensemble des intervenants, le risque le plus important c'est que ces utilisateurs ne sont pas totalement protégés, donc les responsabilités au cas où l'une des parties n'honore pas à ces engagements est difficile à déterminer voire impossible, ou

⁹ Jean-Guy Degos , « Gérer les risques permanents des bitcoins et des monnaies virtuelles » , 2017 , page 79

encore les procédures de règlement des litiges. En outre, Le bitcoin est totalement autonome et indépendant, cette situation ne plait pas aux Etats ni aux banques centrales, qui veulent aujourd’hui réguler cette monnaie virtuelle qui leur échappe, certains pays comme le Japon ou la France veulent même taxer les échanges en bitcoin, d’autres, ont carrément interdit comme la Chine et la Bolivie, ces inquiétudes proviennent du fait du caractère nébuleux de cette crypto monnaie, les Etas cherchent à réglementer le Bitcoin. La crypto-monnaie pourrait faire baisser la demande de numéraire, ce qui entraîne une baisse des revenus tirés de l’émission des billets dans des obligations du gouvernement. Le bas niveau des actifs financiers inscrits au bilan pourrait avoir d’autres conséquences sur la capacité de la Banque de s’acquitter de son mandat. Par ailleurs, plus de 70 % des bitcoins sont stockés à des fins spéculatives, cela peut porter préjudice à son utilisation, ce qui remet en cause sa crédibilité suite aux fluctuations que connaissent ces prix à cause de ces opérations de spéculation. En outre, l’anonymat est utilisé par des technophiles et les E-commerçants pour acheter des produits illicites¹⁰.

1.4. Domaine de la crypto-monnaie : L’utilisation de la crypto-monnaie s’accroît actuellement suite aux facteurs relevant aussi bien de la demande que de l’offre.

Pour les facteurs de demande, le E-commerce a créé le besoin chez les utilisateurs de pouvoir consommer à distance, il est à noter que **les crypto-monnaies** sont utilisés dans les opérations de E-commerce.

En ce qui concerne les facteurs de l’offre, plusieurs entreprises spécialisées dans le domaine de la technologie, offrent actuellement une gamme diversifiée de produits de paiement électronique aux utilisateurs sur internet, cela est dû au progrès technique ainsi de la large adoption des appareils téléphoniques et le développement du réseau internet.

Il est à souligner que les institutions financières réglementées offrent aux particuliers et aux entreprises de nouvelles façons de virer de l’argent¹¹. Cela permet l’apparition de nouveaux acteurs dans ce secteur comme les entreprises de traitement de l’information, et depuis les années 2013, la crypto-monnaie représentent un volume important par apport à l’ensemble des opérations réalisées dans l’économie. En outre, la crypto-monnaie a le caractère irréversible des paiements. C’est-à-dire qu’une transaction réglée donne aux vendeurs la garantie que cette opération ne risque pas d’être annulée.

¹⁰ Cianian, Pavel, Miroslava Rajcaniova et d’Artis Kancs , « *the economics of bitcoin proce formation* », *Applied Economics*, N° 37 – Hiver 2017.

¹¹ Grahame Johnson , Lukasz Pomorski , « Exposé sur les monnaies électroniques » , Avril 2014.

2. Effets de la crypto-monnaie sur la politique monétaire :

Les mutations et évolutions de la monnaie, ont entraîné des changements de processus au terme des objectifs ainsi que les instruments de la politique monétaire. En fait cela est dû à une série de facteurs : les innovations financières, la montée des marchés financiers internationaux et la mutation des formes de monnaie ce qui a remis en cause les conceptions dominantes de la politique monétaire. Tout cela, a obligé les autorités monétaires à adopter de nouvelles dispositions pour surveiller l'émission de cette monnaie et sa gestion afin de conduire une politique monétaire efficace¹².

Nous allons essayer de mettre le point sur les principaux processus de la politique monétaire en mettant l'accent sur le nouvel environnement né de l'apparition de la nouvelle forme de monnaie. Nous analysons les objectifs, les instruments et les canaux de transmission. Ensuite nous discutons les principaux enjeux de la politique monétaire dans ce contexte.

2.1. Le nouvel environnement de la politique monétaire, avantages et inconvénients :

« La politique monétaire est l'ensemble des mesures, décisions actions prises par les autorités publiques monétaires afin de veiller au bon fonctionnement de l'économie. C'est une politique conjoncturelle qui a pour objectif d'orienter l'activité économique en régulant la masse monétaire »¹³. Le fonctionnement de la politique monétaire est traditionnellement présenté à partir d'une grille d'analyse qui relie ses instruments à ses objectifs finaux en faisant jouer différents canaux de transmission. La monnaie circule entre trois catégories d'agents économique : les banques qui créent la monnaie, les entreprises qui l'empruntent, et les ménages qui la dépensent ou l'épargnent¹⁴. L'usage accru des crypto-Monnaies pourrait avoir des conséquences profondes sur le système financier ainsi que sur la conduite et l'efficacité de la politique monétaire. La démonétisation implique des conséquences importantes sur l'ensemble des agrégat monétaires et économiques.

Dans son ouvrage « la malédiction de l'argent liquide » paru en Septembre 2016, l'économiste K. Rogoff écrit : « *les liquidités stimulent la croissance de l'économie souterraine plutôt que celle de l'économie officielle* ». Il rajoute : « *Je ne suis pas partisan d'une société sans liquidités, qui ne serait ni réalisable ni souhaitable actuellement.*

¹² Camille Cornand et Frank Heinemann , « *Macro-expérimentation autour des fonctions des banques centrales* » , 2015 , page 37

¹³ Soumaila Doumbia , « *Ciblage du taux de change versus ciblage de l'inflation Quelle cohérence globale pour la politique monétaire de la BCEAO ?* » , 2013.

¹⁴ DOMINIQUE Plihon , « *la monnaie et ses mécanismes* » , 2017 , Page 128.

Pourtant une société sans argent liquide serait plus équitable et plus sûre ». D'autre part, dans une récente étude du FMI de 2017, l'impact est majeur s'agissant de la politique monétaire, aussi, la Bundesbank, dans une étude de 2014, estime ainsi que la réduction des coûts de transformation permettrait un gain de 2 à 3% de PIB en Allemagne. Les effets sont toutefois plus structurants en matière monétaire. Du moment où il y a la possibilité de disposer d'un portefeuille électronique¹⁵.

De plus, l'absence d'arbitrage entre liquidité et crypto-monnaie mets fin à la situation de trappe de liquidité face au taux plancher. Mais Sans oublier aussi leur impact négatif sur le canal du crédit bancaire, compte tenu de leurs potentiels effets négatifs sur la rentabilité bancaire, La sur-épargne dans l'économies et/ou la demande intérieure trop peu dynamique, trouve une solution dans cette monnaie. Néanmoins, la démonétisation totale présente des risques sur le contrôle des agrégats monétaires d'une part et sur la stabilité financière et monétaire d'autre part, La banque centrale se trouve incapable à piloter les taux d'intérêt.

Aussi, le système de paiement se trouve menacé face à l'absence de monnaie physique pour plusieurs raisons, Premièrement, la création monétaire et l'intermédiation de transferts de valeurs par des privés, sans prendre attaché avec la banque centrale, engendre des situations monopolistiques très risquées, un élément de type « bulle spéculative » est inhérent à de tels dispositifs, et dont la faillite de ces fournisseurs privés peut menacer la viabilité des systèmes de paiement. Cette dégradation du pilotage de la masse monétaire par la banque centrale nuirait au pilotage du cycle entier. Le résultat de cette perte de contrôle se résume dans le besoin de préparer la transition vers un système sans monnaie liquide voire même d'introduire une monnaie centrale numérique, de garantir la stabilité des systèmes de paiement et de maintenir le rôle d'institution que joue une monnaie entre un Etat et ses citoyens. En outre, une monnaie virtuelle n'est pas adossée à une économie réelle. Sa dévaluation ne fournit donc aucun avantage compétitif¹⁶. Les ajustements de politique monétaire deviennent une nécessité.

2.2. Canaux de transmission de la politique monétaire : D'abord, dans un système monétaire où les crypto-monnaies sont utilisées de manière interne ou encore entre elles, les banques centrales demandent moins de réserves obligatoires auprès des banques primaires, le mécanisme de création monétaire se passe en dehors du cycle

¹⁵ Michel Aglietta et Laurence Scialom , « *les risques de la monnaie électronique Dans L'Économie politique 2002* » , page 92

¹⁶ Jean-Marc Figuet , « Bitcoin et blockchain : quelles opportunités ? » , 2016 , page 336

bancaire, une convergence entre les dispositifs des crypto-monnaies et activités bancaires se produit, à condition que les problèmes techniques soient résolus.

Les dispositifs de crypto-monnaie se substituent à l'activité bancaire, à un moment donné, ce dispositif serait soumis -au même titre que les banques - aux régulateurs, et c'est l'occasion de l'intervention de la banque centrale pour garantir l'émission de cette monnaie, les conséquences sur l'efficacité de la politique monétaire varient selon le niveau de services fournis par la nouvelle crypto-monnaie centrale, la substitution s'élargit aux dépôts à vue rémunérés ainsi qu'aux dépôts à terme, ce qui rend de plus en plus la maîtrise des taux d'intérêts par la politique monétaire accessible. La banque centrale peut également émettre elle-même de crypto-monnaie au lieu de garantir son émission, soit à son initiative dans une stratégie offensive, ou en réponse des conjonctures imposées par l'environnement dans une stratégie défensive, elle sera dans une position unique pour garantir un taux de change fixe entre les crypto-monnaies centrales entre elles et monnaie légale, pour la simple raison c'est qu'elle est capable d'émettre les deux monnaies sans limites.

L'efficacité de la politique monétaire dans ce cas-là, dépend de qui aurait accès à la crypto-monnaie centrale et par quel moyen. Donc si l'accès est limité aux banques à l'intérieur de dispositif crypto-monnaie, la baisse de la demande de réserves sera plus faible. Dans la mesure où si la crypto-monnaie est détenue par les banques, un intérêt serait payé, mais aussi des crédits pourraient être accordés. Mais si l'accès à cette monnaie centrale est ouvert au public, la flexibilité de substitution de crypto-monnaie à la monnaie légale augmente, et éventuellement aux dépôts bancaires¹⁷.

S'agissant de la demande, le public préfère utiliser la crypto-monnaie émise par le secteur privé plutôt que de la monnaie centrale émise par une organisation publique pour des raisons de protection de la vie privée. Les constats suivants sont relevés¹⁸ :

- Les dispositifs « registre de distribution » est soumis par des régulateurs aux même titre que les banques, si ces registres fournissent les mêmes services que les banques.
- La crypto-monnaie centrale est considérée comme étant des réserves de banques et apparaît dans son bilan.
- L'impact de l'émission de crypto-monnaie centrale sur la demande de réserve est neutre, la possibilité d'entassement de monnaie n'existe pas. Tout cela conduit la banque centrale à faire des ajustements de la politique monétaire.

¹⁷ Amaury Perrin , « *Le bitcoin et le droit : problématiques de qualification, enjeux de régulation* » 2019, page 85.

¹⁸ Benjamin J. Cohen , « *Monnaie électronique : un jour nouveau ou une aube trompeuse ?* » , 2002 , page 67

2.3 Ajustements de la politique monétaire : Lorsque la crypto-monnaie devient des substituts de la monnaie légale ou ses présentations, la banque centrale reste capable de fixer un niveau de taux d'intérêt à court terme, qui aura des conséquences sur la politique monétaire et un facteur significatif pour toute l'économie y compris même l'utilisation de la crypto-monnaie¹⁹. Mieux encore, si la demande de monnaie légale est non significative, la banque centrale plafonne le taux d'intérêt à court terme au lieu un plancher, dans un but d'avoir un pouvoir sur l'économie et maîtriser les dépôts bancaires.

2.4. Impact de la démonétisation sur les bilans des banques et sur la politique monétaire : Selon l'impact de la diffusion de crypto-monnaie sur les bilans des banques et la banque centrale, les conséquences de politique monétaire différeraient.

2.4.1. Impact sur les bilans banques et banque centrale : La demande de réserves est réduite par l'érosion de la base des réserves obligatoires, suite à la substitution de crypto-monnaie à des dépôts bancaires²⁰.

Les banques achètent la crypto-monnaie centrale, tout comme de nos jours elles achètent les billets, en d'autre termes, elles se refinancent auprès de la banque centrale. En tant qu'émettrice de la crypto-monnaie centrale, Ce refinancement par la banque centrale ne fait en réalité que remplacer des dépôts du public dans les bilans des banques. L'impact sur la taille du bilan de la banque centrale n'est pas clair et il dépend de la mesure dans laquelle le public arbitrera en faveur de la crypto-monnaie centrale au détriment des billets. Si le public accepte le monopole bancaire de gestion de crypto-monnaie et/ou estime que la banque est une meilleure protectrice des fonds, de manière correspondante, le public échange tous ses dépôts contre de la crypto-monnaie.

2.4.2. Conséquences sur la politique monétaire : Il est à noter que les conséquences se répercutent sur la stratégie, la conduite et les instruments de la politique monétaire.

- **Stratégie de politique monétaire :**

L'offre de crypto-monnaie notamment par le secteur privé est inflexible par apport à la masse monétaire circulant dans l'économie. L'utilisation généralisée des crypto monnaies en dépit de leurs caractéristiques peu satisfaisantes en comparaison des monnaies légales. La question qui se pose alors : Pourquoi cette monnaie incapable de jouer correctement les rôles de moyen d'échanges, d'unité de compte et de réserve de valeur - du fait que l'offre

¹⁹ Christian Bordes , « *La mise en œuvre de la politique monétaire* » , (2008), page 81.

²⁰ Ibrahima Soumara , « *structure financière des banques centrales dans le contexte des mesures non conventionnelles de politique monétaire* » , 2018 , page 239

de cette monnaie est inélastique - est choisie ?, donc si la monnaie légale perd son rôle d'unité de compte face à la crypto-monnaie privée, la politique monétaire perdrait son pouvoir, et là, remonte la question sur la dichotomie de la monnaie légale et crypto-monnaie²¹, c'est-à-dire à quel point la proportion substantielle d'utilisation des deux monnaies permet une interaction des agents utilisant la monnaie légale et ceux qui utilisent la crypto-monnaie ?. La circulation de crypto-monnaie dans des circonstances particulières permettrait à la banque centrale de fixer des taux d'intérêt négatifs par lesquels le taux d'inflation est plus ou moins maîtrisé. Les particuliers dans ce dispositif ouvrent des comptes auprès de la banque centrale qui protègerait la confidentialité de leurs transactions : cette proposition relève davantage de l'émission de crypto-monnaie de la banque centrale mais risque de mettre en péril le système financier.

- **Conduite de la politique monétaire :**

Les agrégats monétaires essentiellement la monnaie et le crédit, présentent un contenu informatif qui risque de se trouver réduit, en raison des arbitrages des dépôts de monnaie légale vers la crypto-monnaie centrale. C'est très important de prendre en considération l'impact de l'innovation financière sur les agrégats de monnaie, cela nous conduit par la suite à élargir par l'inclusion de nouveaux actifs financiers similaires à ceux auxquels ils se substituent, et donc, la crypto-monnaie est soumise à des obligations déclaratives. L'utilisation de la crypto-monnaie modifie les rôles du capital bancaire et les coûts de financement dans le canal du crédit. Enfin, la transmission des impulsions de taux pourrait aussi devenir plus puissante si le poids du refinancement par la banque centrale dans les ressources bancaires s'accroissait.

En ce qui concerne le rôle de la banque centrale comme prêteur en dernier ressort, la question est de savoir est ce que le refinancement de la banque centrale peut représenter toujours une part importante des passifs bancaires, dans le cas improbable où le public adopterait largement la crypto-monnaie à la place des billets, cette situation permet d'exacerber le risque de liquidité pour les banques primaires, et ça sera plus difficile pour la banque centrale de refuser son soutien. Pour limiter les considérations de risque moral inhérentes à la conduite des opérations de prêteur en dernier ressort, il est nécessaire de rendre l'accès davantage fondé sur des règles bien définies²².

- **Instruments de la politique monétaire :**

Les instruments de la politique monétaire sont de deux sortes : les réserves obligatoires et les instruments de taux tel que les opérations « d'open market » qui servent à signaler l'orientation de la politique monétaire.

²¹ Christian Pfister , « *Monnaies digitales et politique monétaire : beaucoup de bruit pour rien ?* », 2017

²² FREDERIC S. MISHKIN , « *Les canaux de transmission monétaire : leçons pour la politique monétaire* », Université Columbia et National Bureau of Economic Research

- Pour les instruments de réserves obligatoires :

Au cas où la demande de réserves diminuerait fortement, la banque centrale pourrait réagir de plusieurs manières :

- * Elle pourrait élargir la base des réserves en y incluant les crypto-monnaies. Cela se passe en supposant que les dépôts bancaires des agents non financiers sont assujettis aux constitutions de réserves obligatoires,
- * La banque centrale pourrait aussi augmenter les ratios de réserve ;
- * Elle pourrait accroître la demande de réserves en émettant de la crypto-monnaie centrale, de même qu'il a été envisagé qu'elle pourrait émettre sa propre crypto-monnaie en réponse à une substitution de crypto-monnaie bancaire aux billets.
- * La banque centrale pourrait finalement choisir de mettre en œuvre la politique monétaire en retirant plutôt qu'en fournissant de la liquidité, bien que ceci pourrait lui rendre plus difficile de couvrir ses dépenses et nuire à son autonomie²³.

- Pour les instruments de taux :

Les décisions de politique monétaire sont mises en œuvre sur le marché de la monnaie centrale, constituée par les avoirs ou réserves des établissements de crédit à l'institut d'émission. Sur ce marché, ceux-ci échangent leurs excédents et leurs déficits de trésorerie à un taux d'intérêt, appelé taux de l'argent au jour le jour. Si l'on en juge par sa taille, il s'agit d'un compartiment mineur du marché des capitaux car les transactions qui s'y tiennent représentent peu de chose au regard de celles qui ont lieu. Ce taux pourrait être celui sur les réserves excédentaires. Les intérêts pourraient néanmoins n'être payés que sur la crypto-monnaie centrale détenue par les institutions financières. Dans le cas où la crypto-monnaie centrale, qu'elle soit détenue par les institutions financières ou le public, serait rémunérée au même taux que les réserves excédentaires mais ne permettrait pas d'offrir d'autres services bancaires. Cela permettrait d'éviter l'arbitrage entre la crypto-monnaie centrale et les billets. Au cas où la banque centrale introduirait un taux de change de crypto-monnaie, cela va permettre aussi de résoudre le problème technique de la fixation d'un taux de prêts de la banque centrale aux agents non financiers, qui pourrait différer de celui de ses prêts aux institutions financières.

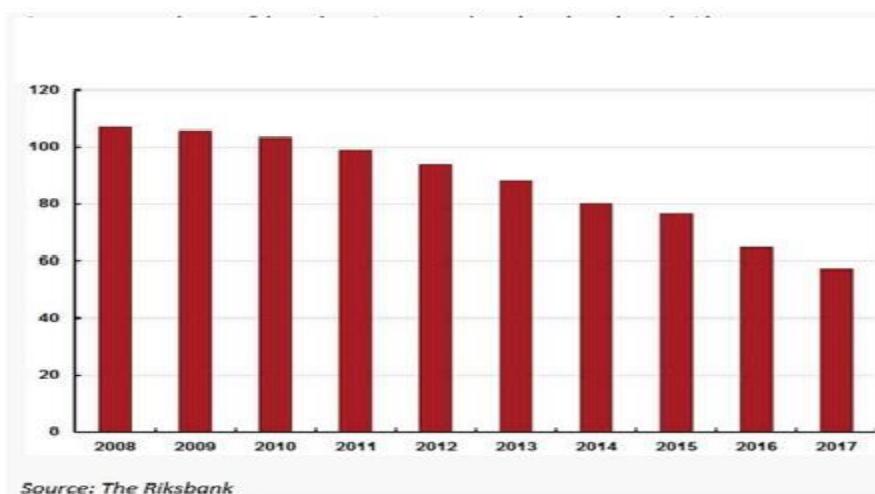
²³ Etude économique N° 4 – 5 Novembre 2009 – La politique monétaire. Objectifs, méthodes et nouveaux problèmes.

3. Perspective de monnaie électronique et politique monétaire, cas de Suède et Canada

3.1. Démonétisation et politique monétaire, le cas de la Suède : Parmi les économies leaders à l'échelle mondial à l'utilisation de la crypto-monnaie ; nous citons la Suède, avec une diminution de l'argent liquide de plus de 50 %, et ce depuis l'année 2010. Ce qui a permis à l'Etat suédois de lutter contre l'évasion fiscale et la corruption. Cela reflète d'une manière remarquable particulièrement sur la politique monétaire.

Cette démonétisation présente un avantage en matière de taux d'intérêt négatif mais risque aussi de mettre en péril la stabilité financière. Dès lors, l'Etat a pris conscience de tous ces risques, une politique de transition graduelle vers la crypto-monnaie centrale ainsi que la fixation d'un cadre technique et réglementaire dont cette activité s'exerce était le fondement de ses stratégies sur le moyen et le long terme. La Riksbank (la banque centrale suédoise) a mis en place sa monnaie digitale centrale appelée « E-Krona »²⁴.

La valeur moyenne des billets et pièces en circulation se présente comme suit :



Généralement, l'utilisation de l'argent liquide reste toujours dans l'économie suédoise, mais avec une évolution de la concurrence avec de nouveaux moyens de paiement -nous citons notamment le E-paiements, paiements par carte bancaires, portefeuille électronique et monnaie virtuelle, et dans une vision sur le long terme, l'utilisation fréquente de solutions de paiement électronique par les jeunes suédois permet une démonétisation progressive de l'économie. Tout cela, favorise la transmission efficace de la politique monétaire. La

²⁴ Caroline Courvoisier, « *La Suède teste la première crypto-monnaie nationale* », *idéal-investisseur*, Février 2020

Riksbank voie que l'absence de l'argent liquide menace le système de paiement, ce critère a été pris en considération lors de la préparation de la monnaie cryptée E-Korna.

En fait, ce risque se manifeste parce que la création monétaire par les privés en dehors de cycle de la banque centrale suédoise engendre un risque de se trouver dans des situations monopolistiques menées par les fournisseurs privés, ce qui va se refléter sur les coûts par la suite. La banque centrale craint dans une telle situation de perdre le contrôle sur la monnaie et donc l'efficacité de la politique monétaire²⁵.

La Riksbank a pris la décision de procéder à une transition graduelle et introduire une monnaie cryptée centrale dans le but d'augmenter sa capacité de piloter la masse monétaire et assurer une stabilité du système de paiement et maintenir son rôle de banque des banques. Dans ce contexte, une nouvelle version dématérialisée de la monnaie a été mise en teste par la Riksbank, dans le souci d'assurer une pérennité et la résilience des systèmes de paiements. La E-Korna qui en phase d'étude sur le plan technique et législatif, va faire l'objet d'une conception de telle manière à prendre la forme de E-monnaie et ce en proposant au public d'ouvrir des comptes à la banque centrale qui leurs permet d'échanger de la monnaie légale en la monnaie centrale moyennant un taux de change fixé par la banque centrale, et dans une séparation de ces deux formes de monnaie, ou par l'émission d'une monnaie cryptée centrale par la Riksbank sur un portefeuille électronique tout en gardant l'anonymat des transactions. L'anonymat n'est garanti que pour les opérations en dessous d'un certain seuil (actuellement il est à 250 euros) qui est fixé par la banque centrale. Donc le E-Korna peut prendre soit la forme de E-monnaie auprès de la banque centrale ou bien évidemment la forme d'une monnaie cryptée sur un portefeuille électronique. Qu'il s'agit du premier cas ou de deuxième, les transactions s'effectuent sur un registre de distribution géré par la Riksbank liant les fournisseurs privés de service de paiement, les utilisateurs finaux et toutes les organisations effectuant des paiements en E-Korna²⁶.

Cette mesure s'inscrit dans le cadre de maintenir le privilège confidentiel de la crypto-monnaie mais avec une prise de contrôle de la monnaie d'une part, et lutter contre la criminalité et le blanchiment d'argent et le financement des groupes terroristes, ainsi que la gestion et le suivi des processus des transactions d'autre part. La mise en œuvre de cette E-monnaie centrale va permettre de bouleverser les techniques et les pratiques y afférentes dans l'univers des systèmes de paiement, avec une diminution de l'utilisation de l'argent

²⁵ Jean Dolbard, « les conséquences de la démonétisation pour la politique monétaire, le cas de la suède », BSI Economics, Septembre 2019.

²⁶ Jean Dalbard , « les conséquences de la démonétisation pour la politique monétaire, le cas de la Suède » , Septembre 2019.

liquide et pourquoi pas, la création de la première monnaie cryptée centrale commune dans la zone euro²⁷.

3.2. La banque de Canada et la crypto-monnaie : En premier lieu, nous notons qu'il y a environ 63 milliards de dollars de billets en circulation dans l'économie canadienne. La Banque de Canada se préoccupe alors de l'efficacité des systèmes de paiement. Sur ce, elle mène un projet de surveillance et de gouvernance de l'ensemble des infrastructures des systèmes de paiement et de compensation dont les nouvelles technologies de paiement dans un but de maîtriser la capacité de la banque centrale d'exercer ses prérogatives et encourager une stabilité et une meilleure maîtrise de l'inflation.

L'objectif majeur de politique publique c'est permettre aux Canadiens d'utiliser leurs modes de paiement de préférence en toute confiance. Elle évaluera les arguments en faveur d'une émission de monnaie cryptée centrale, le même processus a été suivi par les banques centrales d'Angleterre, de Suède, de Japon, de Suisse et même la banque centrale européenne, cette évaluation vise à créer une monnaie numérique de banque centrale²⁸.

Cela ne peut se faire sans une conception de cette monnaie sur le plan économique, fonctionnel et technique. La banque centrale de Canada dirige une expérience réussie pour les paiements transfrontaliers (le projet Ubin) grâce à la technologie des registres de distribution. Cette initiative a eu lieu pour remédier aux critères lents et couteux des paiements transfrontaliers. La technique utilisée s'appelle Hashed Time-Locked Contracts (HTLC)²⁹.

Dans une enquête menée en 2017, par laquelle la banque centrale a demandé aux canadiens le mode de paiement des biens et services, un tiers des transactions est réglé comptant, contre plus de la moitié il y a dix ans³⁰. À cet effet, la Banque de Canada a procédé à la modernisation des systèmes de paiement dans un objectif d'offrir aux intervenants un système de paiement moderne, pratique, rapide et plus sécurisé.

La Banque de Canada travaille avec la société « Interac » spécialisées dans le domaine des systèmes de paiement pour assurer que le système de paiement en temps réel soit

²⁷ Delphine Cuny, « La Suède, 1er pays à basculer à la monnaie digitale ? », La tribune, Octobre 2017. Consultée le 02/04/2021.

²⁸ Alain Laurent et Virginie Monvoisin, « Les nouvelles monnaies numériques : au-delà de la dématérialisation de la monnaie et de la contestation des banques », revue de la régulation, N° 18 2ème semestre, 2015.

²⁹ Eileen Yu, « Singapour et le Canada testent la blockchain pour les paiements transfrontaliers », ZNNet, Mai 2019.

³⁰ Timothy Lane, « l'agent et les paiements à l'ère numérique », Février 2020, Canada.

toujours en fonction. Le « Libra » la crypto-monnaie stable canadienne bien qu'elle présente un avenir incertain, mais elle demeure un phénomène auquel les autorités monétaires canadiens collaborent avec le conseil de stabilité financière ainsi que 23 autres pays, pour veiller à ce que le cadre réglementaire gérant ce volet soit approprié. Pour gérer les risques que présente un tel produit offert à l'ensemble des intervenants sur le système financier, la banque de Canada a préparé un plan de prévoyance concernant la monnaie numérique de banque centrale, cette monnaie est sensée offrir les mêmes avantages que l'argent liquide (sureté, accès Universal, résilience, confidentialité et concurrence). La Banque de Canada intervient en tant qu'institution publique de confiance, elle crée une monnaie numérique officielle dont l'intérêt public est une priorité sans motivations commerciales. Par ailleurs, la banque de Canada considère le dollar canadien comme unité de compte, en d'autre terme les prix de monnaie cryptée sont exprimés en dollar canadien, cela a pour but de ne pas remettre en cause la souveraineté monétaire et offrir la capacité à la banque centrale à mener sa politique monétaire au cas où la monnaie numérique privée - adossée à une autre- fait une percée importante³¹.

D'abord, un groupe de travail -formé des banques centrales de l'Angleterre, du Japon, de l'Union européenne, de la Suède et de la Suisse ainsi que la Banque des Règlements Internationaux- a été formé. Ensuite, l'autorité monétaire canadienne a consulté le gouvernement sur les caractéristiques et les mesures que les technologies de paiement qui peuvent rendre la monnaie numérique de la banque centrale attrayante, et étudier ses répercussions sur le système financier. De plus, afin d'assurer un modèle de gestion valable, la banque de Canada a fait une consultation des fournisseurs de services de paiement et les commerçants. En fin, et dans le souci de prévenir contre un usage illicite de cette monnaie, la banque de Canada a consulté divers organismes publics pour discuter la façon de concilier les considérations liées à la vie privée et l'anonymat des transactions³².

Constats : A travers notre étude, nous avons relevé quelques constats quant à l'utilisation de la crypto-monnaie et ses effets sur la politique monétaire ;

- Il est impossible de prédire parfaitement l'avenir de la crypto-monnaie, ni le degré de son utilisation dans le monde ;
- Les crypto-monnaies privées font une percée importante, elles se caractérisent par la volatilité ;
- Pour certains utilisateurs, la crypto-monnaie reste la monnaie sûre, résiliente, universellement accessible et confidentielle ;

³¹ Tristan Dissaux, « *Libra : les dangers du développement d'une monnaie privée* », the conversation , Juin 2019.

³² James Chapman, « *Une perspective sur la crypto « monnaie »* », Banque de Canada, Février 2019.

- Même avec une diversification des formes de monnaie, mais la Banque centrale continuera de remplir son mandat consistant à offrir des moyens de paiement sûrs, fiables et efficents.
- La réussite d'un système de monnaie cryptée dépend au degré de sa substitution à la monnaie légale, et à quel point elle est répandue dans l'économie ;
- Les banques centrales ne peuvent pas prévoir les directions imprévisibles que peuvent prendre les mutations sur le plan monétaire, elles continuent donc à surveiller les évolutions, faire adapter ses politiques économiques et monétaires mais surtout analyser les conséquences.

Recommandations : Cela nous conduit à émettre quelques recommandations ;

- Un cadre réglementaire approprié pour l'émission de la crypto-monnaie doit être établi ;
- La crypto-monnaie doit être placée sous la tutelle des banques centrales, mais sans avoir un effet de restreindre le fonctionnement des systèmes de monnaie cryptée uniquement aux banques, dans un but de garder la compétitivité globale ;
- Les émetteurs doivent fournir aux banques centrales toute information jugée nécessaire par la Banque centrale pour la conduite de la politique monétaire et surveiller l'intégrité du système financier en général ;
- La législation régissant le volet de la crypto-monnaie doit avoir des objectifs à ordre public notamment en ce qui concerne La lutte contre la criminalité et le blanchiment d'argent ;
- Les autorités monétaires doivent entreprendre un plan de transition intégrée et progressif vers un système de monnaie numérique ;
- Encourager les recherches dans le domaine des technologies de cryptage pour assurer plus de sécurité et de confidentialité.

Conclusion :

En conclusion, la démonétisation est aujourd'hui un défi pour les autorités monétaires, elle présente une opportunité d'améliorer encore l'efficacité de la politique monétaire, mais cela doit se faire tout en prenant en compte les énormes risques liés à la stabilité du système financier, ainsi que les mécanismes par lesquels ces activités s'exercent, la réduction de ces risques liés aux systèmes de paiement passe obligatoirement par un déploiement de monnaie centrale cryptée et une meilleure maîtrise de son émission, dans un cadre réglementaire et législatif bien déterminé, permettant d'assurer un bon climat de compétitivité mais surtout un haut niveau de sécurité et de garantie de tout le système ainsi que ses intervenants.



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La sécurité juridique pour protéger Les droits de l'homme en Algérie

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Résumé:

La sécurité juridique contribue à la protection des droits de l'homme, car elle est l'un des mécanismes par lequel tout citoyen peut contrôler dans quelle mesure les lois adoptées respectent ses droits fondamentaux. Il s'agit d'un outil qui contribue à défendre toute intention susceptible de viser les droits de l'homme.

La réalisation de la sécurité juridique formera un mur qui empêchera toute violation des droits fondamentaux des citoyens d'une part, et contribuera également à la prise de conscience juridique de l'importance de ces droits et à la prévention de leur violation.

Les mots clés: Droits de l'homme, protection juridique, stabilité législative, confrontation juridique.

Summary:

Legal security contributes to the protection of human rights, as it is one of the mechanisms by which any citizen can monitor to what extent the laws adopted respect their fundamental rights. It is a tool that contributes to defend any intention likely to target human rights.

Achieving legal security will form a wall that will prevent any violation of the fundamental rights of the citizen on the one hand, and will contribute to the legal awareness of the importance of these rights and the prevention of their violation.

Keywords: Human rights, legal protection, legislative stability, legal confrontation.



Introduction:

La sécurité juridique est une question fondamentale pour la protection des droits fondamentaux de l'individu, car elle est l'un des piliers de l'état de droit, où chacun peut savoir quel texte juridique peut violer ses droits fondamentaux, c'est un système institutionnel dans lequel la puissance publique est soumise au droit,¹ ce sentiment de sécurité juridique qui contribue à créer une atmosphère de stabilité non pas dans l'âme des individus mais pour tous les membres de la société.

Cet effet de la sécurité juridique ne se limite pas à l'individu, mais s'étend à tous les autres secteurs, qu'ils soient culturels, sociaux et économiques, et conduit finalement à la renaissance de la société algérienne, on peut même classer les valeurs sociales dans une société selon le doyen ROUBIER en une trilogie basée sur la sécurité, la justice et le progrès social.²

Cependant, lorsque nous parlons de sécurité juridique dans le domaine de la protection des droits de l'homme, nous sommes confrontés au problème du grand nombre des textes juridiques dans divers domaines économiques, culturels et sociaux qui peuvent se rapporter à un certain type de droits de l'homme fondamentaux, cela n'est pas surprenant du fait de l'évolution de la société.

Nous parlons maintenant de la possibilité que ces textes juridiques affectent certains des principes de base liés aux droits fondamentaux des individus, par exemple en matière de lutte contre la criminalité la présomption d'innocence est mise en doute pour permettre aux autorités compétentes de combattre les crimes, selon CARBONIER la présomption d'innocence se trouve affaiblie et même remise en cause par les mesures coercitives appliquées durant l'instruction.³

D'autre part, nous trouvons une autre tendance qui estime que le droit doit suivre le grand développement dans divers domaines : médical, informatique, et économique, et il doit évoluer avec le développement de la société même si cette évolution réduit la portée de certains droits de l'homme, mais sans préjudice aux droits fondamentaux des individus.

Face à cette polémique entre la réalisation de la sécurité juridique et la protection des droits de l'homme, ou entre le développement continu des règles de droit et la mise en place des règles garantissant le développement de la loi dans un cadre de respect des droits de

1 - Frank Baron , Qu'est-ce que l'État de droit ? Publié le 7 juillet 2018, sur le site : <https://www.vie-publique.fr/parole-dexpert/270286-quest-ce-que-le-tat-de-droit>,

2 -Jean-Louis BERGEL, LA SÉCURITÉ JURIDIQUE, Revue du notariat, Volume 110, numéro 2, septembre 2008, Page 273, sur le site : <https://id.erudit.org/iderudit/1045538ar>, DOI : <https://doi.org/10.7202/1045538ar>.

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l'homme, des mécanismes doivent être mis en place qui permettent d'atteindre un équilibre entre la réalisation de la sécurité juridique et la protection des droits de l'homme.

Alors quels sont ces mécanismes utilisés pour assurer la sécurité juridique d'une part et, une protection efficace des droits de l'homme d'une autre part ?

I : la sécurité juridique et l'impératif de protéger les droits de l'homme :

La sécurité juridique est un nouveau concept que l'on ne retrouve guère dans les textes juridiques de plusieurs pays, c'est l'un des principes sur lesquels le juge s'appuie pour rédiger ses jugements, souvent ces principes juridiques ne sont pas inscrits dans la loi, et dans le domaine des droits de l'homme la sécurité juridique est extrêmement importante, car l'application des dispositions de la loi peut violer des fois les droits des individus, tels que leur droit à la liberté, à la vie, à l'expression, etc....alors avant de rédiger un texte juridique, il faut beaucoup réfléchir lors de la rédaction de ses dispositions afin qu'elles n'entrent pas en antagonisme avec la protection des droits de l'homme.

A : la sécurité juridique pour faire face à la violation des droits de l'homme :

L'état de droit est l'état dans lequel chacun, sans exception, est soumis à la loi, ce dernier étant une garantie à la protection des droits de l'homme inscrits dans la constitution, ou dans les conventions internationales relatives aux droits de l'homme, mais la modification juridique d'une loi dans le cadre général de la politique législative de l'état peut conduire à une violation à l'un des droits de l'homme, ce qui met en évidence l'importance de la sécurité juridique pour mettre fin à toute atteinte à ces droits.

Et même si la politique législative de l'état est un moyen important de faire en sorte que la loi suive le rythme de l'évolution de la société, mais la réglementation continue par des règles impératives porterait des fois préjudice aux droits de l'homme, et créait une atmosphère d'insécurité juridique.

a : Quels sont les droits de l'homme soumis à la sécurité juridique?

La constitution algérienne a affirmé un ensemble des droits fondamentaux pour chaque citoyen algérien, en leur donnant un caractère constitutionnel qui leur garantit un large respect par le législateur qui doit les respecter lors de l'élaboration de la loi et, en contrepartie il est interdit de publier un texte juridique qui contredit ce qui était indiqué dans ces textes constitutionnels.

Le principe de la sécurité juridique se compose d'un élément objectif, l'absence de danger ou de menace pour un individu, et un élément subjectif le sentiment des citoyens

d'être en sécurité, c'est-à-dire l'impression qui est éprouvée d'être à l'abri des dangers et la confiance qui en résulte,⁴ surtout en matière de droit de l'homme.

Le législateur algérien a évoqué ces droits dans le chapitre quatre de la Constitution, où il stipulait que les droits et libertés fondamentaux sont garantis, et qu'ils constituent un héritage commun transmis aux générations, et il a reconnu la nécessité de punir les infractions pénales contre ces droits, parmi ces droits on peut citer :

1- Le droit à l'égalité :

Devant la loi, l'état doit empêcher toute action qui empêche l'ouverture de la personnalité du citoyen sur les plans : social, économique, culturel et politique, par conséquence, il est interdit de promulguer une loi qui créerait des disparités entre les individus devant la loi,⁵ mais des fois on peut constater des manifestations d'insécurité juridique dans ce domaine, c'est ce que l'on peut observer en ce qui concerne l'octroi à certains groupes des priviléges spéciaux, par exemple l'octroi des marchés publics par consentement mutuel, ou accorder des facilités injustifiées pour acquérir un bien immobilier à des investisseurs fictifs.

2- Le droit à l'égalité entre les sexes dans le sphère politique et au travail :

On peut dire ici que la loi doit encourager à la participation des femmes dans le sphère politique,⁶ et doit protéger les femmes de toutes types d'inégalité en matière de travail.⁷

3- Le droit des associations à défendre les droits de l'homme :

Malgré que Le droit de créer des associations est garanti et il s'exerce par simple déclaration,⁸ la faible participation des associations dans le domaine de la défense des droits de l'homme est constatée en Algérie, ici c'est le rôle de l'état d'accompagner ces associations pour les aider à défendre ces droits.

4- Le droit à l'inviolabilité du corps humain :

Personne ne doit être soumis à des violences physiques ou morales, il est interdit de porter atteinte à la dignité des individus, ou leur traiter avec un traitement cruel, dégradant ou inhumain,⁹ on peut classer ici la sanction de la publication de la décision pénale comme une violation des dispositions de la constitution en matière de protection du droit à l'inviolabilité du corps humain.

4 - Hélène HARDY, Le principe de sécurité juridique au sens du droit de la Convention européenne des droits de l'homme, Université Montpellier, 2019. Français, Page 11, sur le site : <https://tel.archives-ouvertes.fr/tel-02890546>

5 - Article 37 du décret présidentiel n° 20-442 du 30 décembre 2020 relatif à la promulgation au journal officiel de la république algérienne démocratique et populaire de la révision constitutionnelle, adoptée par référendum du 1er novembre 2020, journal officiel de la république Algérienne n° 82

6 - Article 59 de la constitution Algérienne.

7 - Article 68 de la constitution Algérienne.

8 - Article 53 de la constitution Algérienne.

9 - Article 39 de la constitution Algérienne.

La peine de mort doit être revue dans ce contexte car elle peut être utilisée comme un moyen pour réduire les droits de l'homme, la sécurité juridique joue un grand rôle pour enfreindre toute une utilisation abusive contre le droit à la vie, même s'il est favorable pour nous l'abolition provisoire de cette peine.¹⁰

5- Le droit de créer des partis politiques et de voter et de se présenter aux élections :

Le droit de créer des partis politiques et de voter et de se présenter aux élections est garanti par la constitution,¹¹ et par la loi sur les partis politiques, toute personne a le droit de créer un parti politique, à condition qu'ils ne soient pas liés à l'identité national, à la religion ou à la langue arabe ou berbère.

6- Le droit à la liberté de croyance et de culte :

Le droit de pratiquer des rites religieux est garanti conformément à la constitution,¹² et par la loi sur la pratique des rites religieux pour les non-musulmans.

7- Le droit à l'activité commerciale :

Le droit d'exercer du commerce et des investissements est garanti par la loi et la constitution.¹³

8- La liberté d'innovation et la protection du droit d'auteur :

Le droit d'auteur et les droits voisins sont garantis par la constitution,¹⁴ et par la loi algérienne sur le droit d'auteur.

9- Droit à la culture et la protection du patrimoine culturel :

La diversité culturelle en Algérie est protégée par la constitution,¹⁵ et par la loi culturelle algérienne.

10- Le droit à l'éducation :

La constitution garantit la gratuité de l'enseignement jusqu'à l'âge de 15 ans,¹⁶ et par la loi algérienne sur l'éducation.

11- Le droit aux soins et à la santé :

Le système de santé en Algérie repose sur une dualité entre le secteur public et le secteur privé, et la constitution garantit que l'état assure au citoyen la protection de sa santé.¹⁷

10 - Ivan ŠIMONOVIC, Vers Une Abolition De La Peine De Mort : opinions, tendances et perspectives, 2015, United Nations Page 22, sur le site : <https://www.ohchr.org/EN/newyork/Documents/FR-MovingAway-WEB.pdf>

11 - Articles 56 et 57 de la constitution Algérienne.

12 - Article 51 de la constitution Algérienne.

13 - Article 61 de la constitution Algérienne.

14 - Article 74 de la constitution Algérienne.

15 - Article 76 de la constitution Algérienne.

16 - Article 65 de la constitution Algérienne.

17 - Article 63 de la constitution Algérienne.

12- Le droit à l'environnement :

C'est l'un des nouveaux droits ajoutés à la constitution algérienne,¹⁸ et ce droit est également stipulé dans la loi sur la protection de l'environnement.

13- Le droit de circulation :

La constitution garantit le droit de circuler sur tout le territoire national,¹⁹ même si ce droit est soumis à certaines règles de procédure administrative.

14- Le droit à la liberté privée et le secret des communications privées:

C'est l'un des droits modernes garantis par la constitution,²⁰ notamment dans le domaine de l'informatique.

15 - Le droit au caractère sacré du foyer :

Le caractère sacré du domicile est l'un des droits fondamentaux garantit par la Constitution,²¹ et par le code pénal algérien.

16- Le droit à la réunion et à la manifestation pacifique :

Le droit à la réunion et à la manifestation pacifique est garanti par la constitution,²² et par la loi sur les réunions et les manifestations et, la loi sur les associations.

17- Le droit à la liberté d'information et le droit à l'expression :

Le droit à l'expression et le droit à l'information sont protégés par la Constitution,²³ et par la loi sur les médias.

18 - Le droit au travail et le droit syndical :

Le droit au travail est l'un des droits inclus dans la constitution algérienne, chaque citoyen en fonction des capacités de l'état a le droit à un travail digne, la constitution protège également le droit syndical,²⁴ et ces deux droits sont réglementés par la loi algérienne sur les relations de travail et, la loi sur la pratique de l'activité syndicale.

b : le rôle de la sécurité juridique en matière de la protection des droits de l'homme:

La loi est l'un des mécanismes utilisés pour garantir les droits et libertés fondamentaux, cependant, si elle est dotée d'une sécurité juridique, la protection de ces droits sera plus efficace et contribuera à atteindre les objectifs de ces droits.

Nous pouvons définir ce rôle que joue la sécurité juridique dans la mise en place d'une protection efficace des droits de l'homme comme suit :

18 - Article 64 de la constitution Algérienne.

19 - Article 49 de la constitution Algérienne.

20 - Article 47 de la constitution Algérienne.

21 - Article 48 de la constitution Algérienne.

22 - Article 52 de la constitution Algérienne.

23 - Articles 54 et 55 de la constitution Algérienne.

24 - Article 69 de la constitution Algérienne.

- La stabilité des textes juridiques concernant l'inviolabilité de la personnalité humaine permet d'empêcher dans le futur une législation qui met en cause le droit de la personne arrêtée à un examen médical ou à l'assistance d'un avocat dans toutes les étapes du procès pénal, et interdit également la permission de toute activité qui conduit à la violation de cette sainteté du corps humain, comme l'avortement et l'euthanasie.
- La sécurité juridique conduit à la protection des pratiques commerciales et empêche toute restriction aux activités commerciales ou investissement, ce qui contribue à la stabilité du secteur des affaires.
- La sécurité juridique est un pilier fondamental dans la protection des libertés politiques, et du travail syndical, sa présence permettra d'empêcher la restriction du pluralisme des partis politiques, et donner un espace large à ces partis politiques pour exercer leurs fonctions loin de toute pression visant à criminaliser leurs activités légitimes.
- La sécurité juridique garantira la liberté de religion et empêchera toute restriction d'une pratique préalablement annoncée et organisée contre un culte, elle permettra également la protection de la propriété intellectuelle et empêchera les abus envers les droits d'auteur, et elle permettra également la protection de l'environnement et l'héritage culturel.

B : l'importance et les applications de la sécurité juridique en matière des droits de l'homme :

Pourquoi parler d'une nécessité de la sécurité juridique pour le maintien des droits de l'homme alors que les lois suffiront à les protéger ? et quelle sont les applications de la sécurité juridique dans la législation algérienne ?

a : Pourquoi parler de la sécurité juridique des droits de l'homme?

Parler de la sécurité juridique dans le domaine des droits de l'homme commence par le texte constitutionnel qui consacre ce concept, et lorsque la constitution reconnaît ce principe juridique, elle souligne aussi l'importance d'établir des lois conformes aux règles de sécurité juridique.

Contrairement à la constitution algérienne, la constitution française ne reconnaît pas ce principe, car il est dit là-bas que l'importance de parler de sécurité juridique est inutile, puisque l'existence d'une structure législative et des organes spécialisés en matière de rédaction des textes législatifs et qui travaillent en permanence à la mise à jour des textes juridiques contribuent à la consécration de ce concept juridique.

Mais en réalité, la question n'est pas liée au texte juridique en soi même, mais plutôt à la mesure dans laquelle le destinataire peut comprendre et lire ce texte, donc l'idée de

sécurité juridique à laquelle nous avons affaire ici signifie que le citoyen visé par une loi se sent rassuré sur cette loi, cette question contribuera à la stabilité de la société et les transactions économiques et sociales et même culturelles, et politique de cette société.

b : La définition de la sécurité juridique :

On peut définir la sécurité juridique par ces élément constitutif, accessibilité à la loi et, la stabilité de la loi et, la possibilité de prédire la loi, « Cette conception, très ancienne se trouve chez les auteurs classiques dans la référence à la «prévisibilité», sans pourtant que l'expression (sécurité juridique), n'apparaisse »²⁵, c'est « l'idéal de fiabilité d'un droit accessible et compréhensible qui permet aux sujets de droit de prévoir raisonnablement les conséquences juridiques de leurs actes ou comportements, et qui respecte les prévisions légitimes déjà bâties par les sujets de droit dont il favorise la réalisation »²⁶:

1- Accessibilité à la loi :

Nul ne peut ignorer la loi un principe qui nécessite en contrepartie un accès facile à la loi par tout le monde, et avant d'élaborer une règle juridique, il faut mettre des moyen aux citoyens pour la connaître, et même si aujourd'hui il est possible de connaître les lois qui sont édictées en les regardant sur Internet, il doit y avoir une plus grande publicité dans les médias chaque fois qu'il y a un changement dans un texte juridiques de base lier qui affecte les droits des individus.

La connaissance de la loi est considérée comme une fiction, c'est une fiction légale de la publicité résultant de l'insertion au Bulletin des lois,²⁷ qui touche des fois à la présomption de l'innocence de l'individu, alors il ne faut pas s'arrêter à la publication des textes mais à l'information réelle de l'individu par ces textes.

2- Stabilité de la loi :

La stabilité de la loi est l'élément le plus important de la sécurité juridique, la stabilité signifie le développement, cet élément garantit la prévention des droits acquis pendant une période appropriée, liée à une atmosphère sociale ou économique ou politique.

Le pouvoir judiciaire est l'une des garanties les plus importantes permettant de contrôler l'étendue du respect par le législateur de cette stabilité, ce qui fait du texte constitutionnel contenant ce concept une garantie fondamentale qui permet aux juges de contrôler le respect

25 - Anne PENNEAU, La sécurité juridique à travers le processus de normalisation, Conférence organisée par le Programme international de coopération scientifique (CRDP / CECOJI), Montréal, 30 septembre 2003

26 - Jean-Louis BEREL, O. P Cité, page 273, sur le site : https://www.lex-electronica.org/files/sites/103/9-2_penneau.pdf

27 - Marine POUTI, Les atteintes à la présomption d'innocence en droit pénal de fond, Université Paris II Panthéon – Assas, 2013, France, Page 23, sur le site : <https://docassas.u-paris2.fr/nuxeo/site/esupversions/ec87b75c-7498-4a6f-a32e-468606f5556d?inline>

de cet élément de la sécurité juridique, et en l'absence d'un fondement constitutionnel, les jugements restent vulnérables aux voies de recours surtout lorsque ils contredisent des dispositions édictées par l'autorité législative.

3- La possibilité de prédire la loi :

La possibilité d'anticiper la loi signifie anticiper sa promulgation, et on peut s'attendre à ce que la loi change avec le changement du système politique, social ou économique d'un pays, ou en cas de fusion de l'état en une fédération, par exemple.

Notre reconnaissance de l'importance de la sécurité juridique en tant que concept contribuant à la stabilité de la vie sociale, économique et même politique de notre pays va permettre au pouvoir judiciaire de mettre en œuvre un contrôle ultérieur sur les textes juridiques et de garantir les droits des personnes qui les ont acquis en vertu d'une loi antérieure.

Bien que de nombreux pays développés ; la France, l'Allemagne, la Belgique, l'Espagne n'ont pas explicitement stipulé ce concept dans leurs lois ou leurs constitutions, mais on peut dire qu'ils l'ont adopter par le biais de leur jurisprudence, et même des principes juridiques tel le principe de légalité des infractions et des peines et le principe de non rétroactivité de la loi pénal et le principe de la protection des droits acquis peuvent être considérer comme une reconnaissance indirecte du principe de la sécurité juridique

c : Applications de la sécurité juridique dans le domaine des droits de l'homme:

On peut observer l'existence du concept de sécurité juridique dans le domaine de la protection des droits de l'homme à travers les textes constitutionnels ou dans des textes contenant des principes de droit comme le code pénal algérien, et à travers la jurisprudence judiciaire.

1- La constitutionnalité de la sécurité juridique et son impact sur les droits de l'homme:

Le principe de la sécurité juridique est devenu un principe constitutionnel en Algérie dès 2020, « Afin de garantir la sécurité juridique, l'état veille, dans la mise en œuvre de la législation relative aux droits et libertés, à assurer son accessibilité, sa lisibilité et sa stabilité »,²⁸

Parmi les raisons les plus importantes qui justifiée la constitutionnalité de ce principe on peut citer :

28 - Article 34 de la constitution Algérienne

- La reconnaissance de la sécurité juridique comme principe constitutionnel ouvre la porte à un contrôle judiciaire de la constitutionnalité des lois, en permettant aux juges d'annuler des textes réglementaires qui ont été approuvés sous prétexte qu'ils conduisent à l'insécurité juridique.
- Le principe constitutionnel de la sécurité juridique empêchera le pouvoir exécutif de formuler des textes réglementaires contradictoires ou des textes susceptibles de violer les droits de l'homme.
- La constitutionalité du principe de la sécurité juridique désigne que les citoyens ont signé une reconnaissance de l'importance de ce principe pour la protection des droits de l'homme, et que les autorités doivent œuvrer dans le cadre de ce principe.
- la sécurité juridique comme règle constitutionnel influence d'autre domaine de droit, comme le droit pénal, l'un des effets les plus importants de ce principe c'est la non-rétroactivité du droit pénal, selon lequel une personne ne peut être punie pour un acte qui était auparavant autorisé, et la règle de ne pas punir une personne pour un crime deux fois.

2- La sécurité juridique des droits de l'homme dans les lois pénales :

Le Code pénal algérien publié en 1966 est un ensemble d'article incriminant des comportements illicite, et il est facile de savoir tel crime et tel peine seulement en lisant ces articles, mais le texte pénal ne se limite pas dans ce code on peut le trouver aussi assimiler dans des textes réglementaire dans ce cas la visibilité du texte est mise en doute, car la plupart du temps ces textes ne sont pas bien publier.

En se référant aux dispositions du Code pénal algérien, nous constatons plusieurs principes pénaux qui peuvent confirmer la présence du principe de sécurité juridique en matière pénale, par exemple le principe de légalité et le principe de non rétroactivité de la loi pénale.

- Le principe de légalité :

La légalité veut dire préexistence du texte pénal avant l'acte criminel, ce que signifie une connaissance préalable du texte pénal par tout le monde, personne ne peut être poursuivi pénalement s'il n'y a pas un texte pénal imposé avant l'acte criminel, c'est une sorte de sécurité juridique, car la personne sait que son comportement licite lors d'une loi précédente ne sera pas un sujet de poursuite pénal lorsque l'acte devient illicite dans le futur.

- Le principe de non-rétroactivité de la loi pénale :

Le principe selon lequel le droit pénal ne s'applique dans le passé que dans ce qui est mieux pour l'accusé, le principe de non rétroactivité de la loi pénale confirme la stabilité des règles juridiques pénales dans le passé car le texte pénal ne s'applique pas dans le passé,

c'est une confirmation que la loi pénale abrogé perd son influence dans le présent et le futur, c'est une forme de sécurité en matière pénale.

3- L'importance de la jurisprudence pour instaurer la sécurité juridique et protéger les droits de l'homme :

L'importance de la jurisprudence pour instaurer la sécurité juridique est pertinente c'est un moyen pour contrôler la constitutionnalité des textes juridiques, et faire obstacle à un excès envers les droits de l'homme, mais le rôle de la justice ne se contente pas seulement au contrôle constitutionnel elle peut aussi refuser l'application d'un arrêté réglementaire en contradiction avec les droits de l'homme, c'est une façon pour instaurer la sécurité juridique en matière des droits de l'homme.

La sécurité juridique est un élément central de la jurisprudence, en Europe la cour européenne des droits de l'homme depuis son arrêt MARCKX du 13 juin 1979 a décidé que ce principe est inséparable au droit de la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales.²⁹

b: De la sécurité à l'insécurité juridique dans le domaine des droits de l'homme:

Nous pouvons remarquer ces dernières années une inflation des textes juridiques, éparpiller dans plusieurs lois, décrets et décisions, et nous avons commencé à constater avec méfiance que plusieurs textes peuvent affecter les droits de l'homme, cette inflation et instabilité législative entraînent de nombreux maux,³⁰par exemple en matière de procédures pénales en Algérie on a voulu accélérer le procès pénal en maintenant une procédure spécial - la comparution immédiate de l'accusé devant le tribunal- mais on a oublié qu'il faut donner aux avocats du temps pour préparer leur défense.

En peut maintenant dire que le juriste EHRING lorsqu'il a dit que «L'histoire de la peine est celle d'une abolition constante »,³¹est devenu une règle pratique et réelle par la prolifération des textes juridiques, qui ne peuvent plus être ignorés.

La législation algérienne a connu un large mouvement dans divers domaines, et l'utilisation de textes juridiques impératifs est devenue le moyen le plus simple de pousser les citoyens à respecter la loi, pour les raisons suivantes :

29 - Roseline MARILLER, LA SÉCURITÉ JURIDIQUE : UN CONCEPT EUROPÉEN MULTIFORME. Revue du notariat, volume 110, numéro 2, année 2008, Page 469, sur le site :

<https://www.erudit.org/fr/revues/notariat/2008-v110-n2-notariat03643/1045547ar.pdf>

30 - Jean-Louis BEREL, O. P Cité, page 274, sur le site : https://www.lex-electronica.org/files/sites/103/9-2_penneau.pdf

31 -Axelle COUMERT, L'histoire de la peine est celle d'une abolition constante, Institut d'études politiques de Lyon, France, 2009, page 04, sur le site :

http://doc.sciencespo-lyon.fr/Ressources/Documents/Etudiants/Memoires/Cyberdocs/MFE2009/coumert_a/pdf/coumert_a.pdf

- L'idée que les textes juridiques impératifs sont le meilleur moyen d'assujettir le citoyen et de le pousser à respecter les normes sociales dans une société.
- Le manque de la compréhension des objectifs de la loi pour certains, les poussent à utiliser des textes juridiques impératifs qui se caractérisent généralement par une peine à laquelle les individus sont exposés en cas de désobéissance et on oublie que la loi c'est un moyen de parvenir à la démocratie et à la justice.
- Considérer la méthode imposante comme un moyen facile et peu coûteux, bien que cette approche soit complètement erronée.
- Le châtiment prévu dans plusieurs lois est la preuve la plus évidente de cette tendance vers l'utilisation des textes juridiques impératifs, le développement des sociétés dans divers domaines techniques, sociaux et culturels a conduit à une intervention continue du législateur pénal pour organiser ces domaines en utilisant le discours pénal pour répondre aux divers crimes dans ces secteurs
- Les rédacteurs des textes juridiques ont oublié la nécessité de respecter les éléments de la sécurité juridique, il est facile de constater que le citoyen se trouve perdu dans ces textes.

II : Les manifestations d'insécurité juridique et les mécanismes de la restauration de la sécurité juridique pour protéger les droits de l'homme:

On peut facilement remarquer à travers certains textes juridiques que leur instabilité conduit à une sorte d'insécurité juridique, ce qui nécessite un travail de restauration de la sécurité juridique des lois à travers des mécanismes spécifiques.

A : Les manifestations d'insécurité juridique dans le domaine juridique et leur impact sur les droits de l'homme :

La preuve la plus évidente que le droit souffre d'un état d'insécurité juridique est l'abondance des textes juridiques dans divers domaines, par exemple l'environnement, la santé, le domaine des affaires et d'autres domaines, cela nous confirme qu'il y a une inflation législative qui pèse lourd sur la personne chargée de les respecter, et il est difficile à lui de savoir ce qui est interdit et ce qui est permis.

a : La manifestations d'insécurité juridique dans le domaine du droit administratif:

Le droit administratif est un droit non codifié, il est caractérisé par son aspect judiciaire dans laquelle la jurisprudence administrative joue un rôle de premier plan dans l'élaboration de ces principes, et les textes réglementaires sont une source importante de ce droit, et si les lois ont besoin de certaines procédures pour les modifier au niveau du parlement, alors la question est différente en ce qui concerne les arrêtés administratifs réglementaires, ces

derniers ne nécessite pas des procédures compliquées, l'administration peut à n'importe quelle moment les abrogés ou les modifiés, l'administration est obligée à plusieurs fois d'utiliser la police administrative pour faire respecter l'ordre public mais elle doit faire attention à ne pas toucher aux droits de l'homme fondamentales.

Ces décisions administratives en matière de préservation de l'ordre public peuvent diminuer les droits et libertés des individus, c'est une forme d'insécurité juridique dans le domaine du droit administratif, en plus, le droit administratif est fondé sur des concepts indéterminés, tels que l'ordre public, l'intérêt général, le service public, la faute administrative n'offraient aucune assurance de clarté ou de prévisibilité.³²

On peut noter ici que l'émission de ces décisions réglementaires administratives pouvait porter atteinte à la sécurité juridique dans le domaine des droits des individus, le plus souvent en constate le manque de l'information des citoyens de ces décisions, et que le changement permanent de ces décisions affecte la stabilité de ces réglementations.

Les partisans du droit administratif répondent que le travail de l'administration n'est pas absurde, mais qu'il est plutôt soumis au principe de légalité et, l'administration n'a pas le droit de prendre une décision à moins qu'elle ne soit compétente dans le temps et l'espace, et que sa décision est légitime, et ne contredit pas la loi, et en cas d'abus de pouvoir ou de violation de la loi, le contrôle du pouvoir judiciaire administratif rétablit la stabilité au déséquilibre survenu.

Mais nous pensons que cela ne suffit pas, il faut mettre des règles juridiques qui précisent la façon dans le temps et l'espace dont l'administration peut réagir, dans le but que le citoyen ne soit pas surpris par des décisions qui peuvent affecter ses droits individuels, et il ne faut pas se contenter seulement d'afficher des copies des décisions dans les municipalités et les administrations, mais il faut que les citoyens soient informés de ces décisions.

b : Les manifestations d'insécurité juridique dans le domaine du droit pénal:

Le droit pénal est un domaine riche en matière d'insécurité juridique, le droit pénal des affaires et le droit pénal de l'environnement sont un exemple claire de l'insécurité juridique.

1- Droit pénal des affaires et l'insécurité juridique :

Le droit pénal des affaires souffre d'insécurité juridique, et cela affecte certains types des droits économiques de l'homme, car la profusion des textes pénaux et des sanctions

32- Brahim DALIL, Le Droit Administratif Face Au Principe De La Sécurité Juridique, Université de Paris-Ouest Nanterre la Défense, 2015, page 25, sur le site :
<https://bdr.parisnanterre.fr/theses/internet/2015PA100080/2015PA100080.pdf>

dans ce domaine et la révocation fréquente sans que les textes soient clairs et sans connaissance préalable nous confirme cette insécurité.

En ce qui concerne les règles pénales régissant les affaires, il devient clair que ce droit souffre d'une insécurité juridique pour les motifs suivants :

- Il y a une tendance croissante à la criminalisation au lieu de la légalisation, contrairement avec la tendance récente dans la politique criminelle de décriminalisation en enlevant l'aspect pénal sur plusieurs activité économique, en France comme en Algérie en témoigne la présence d'une « multitude d'incriminations formelles a une influence pernicieuse sur l'opinion par les insécurités qu'elle génère ».³³
- Le climat des affaires nécessite une atmosphère de stabilité, que ce soit dans les règles juridiques ou dans le climat politique.
- Le grand nombre des textes pénaux peut conduire à une double poursuite pénale du même crime par deux lois différentes, donc quelle loi le juge pénal doit suivre pour rendre son jugement ?

2- Droit pénal environnemental et l'insécurité juridique :

Un autre exemple d'insécurité juridique en matière des droits de l'homme c'est le droit de l'environnement, ce dernier n'est pas une exception, en remarque une croissance continue de la législation environnementale et avec elle le nombre des crimes environnementales a augmenté, des crimes sanctionner par plusieurs textes, les interférences entre le code de l'environnement et les infractions du Code pénal « conduisent à l'épineuse question du choix du texte applicable et à une insécurité juridique regrettable ».³⁴

Le législateur algérien a mis en place une loi pour la protection de l'environnement, mais en contrepartie il a publié des lois et des textes réglementaires pour organiser et protéger l'environnement, qui englobe des dizaines de textes pénaux qu'il faut les connaître.

L'ignorance de ces règles pénales environnementales disperser dans plusieurs lois et qui traitent le même type de délit environnemental par les citoyens peut les laissent enfreindre la loi sans l'intention à le faire.

33 - Chaput Yves, « La pénalisation du droit des affaires : vrai constat et fausses rumeurs », Pouvoirs, 2009/1 (n° 128), p. 87-102. DOI : 10.3917/pouv.128.0087. URL : <https://www.cairn.info/revue-pouvoirs-2009-1-page-87.htm>

34 - Véronique JAWORSKI, L'état du droit pénal de l'environnement français : entre forces et faiblesses, Un article de la revue Les Cahiers de droit Volume 50, Numéro 3-4, septembre-décembre 2009, p. 889–917, sur le site : <https://www.erudit.org/fr/revues/cd1/2009-v50-n3-4-cd3643/039344ar/>

Le réexamen du droit pénal en général et du droit pénal de l'environnement en particulier nous oblige à rechercher des alternatives à la criminalisation continue afin que la criminalisation soit un moyen de protéger uniquement les intérêts les plus importants et nécessaires.

B : De l'insécurité à la sécurité juridique, la nécessité de protéger les droits de l'homme:

L'abondance de textes juridiques péremptoires et leur divergence dans plusieurs textes peuvent conduire à un sentiment de manque de sécurité juridique, et selon Nicolas MOLFESSIS « le principe de sécurité juridique ne progresse en effet qu'en raison des atteintes sans cesse croissantes portées à la sécurité juridique elle-même, sous toutes ses formes, connues de longue date : inflation des lois, malfaçons législatives, multiplication des revirements de jurisprudence... sans oublier évidemment l'étouffement que provoque une information juridique pléthorique sous laquelle chacun d'entre nous se trouve chaque jour davantage enseveli »,³⁵ ce qui porterait atteinte à certains des droits fondamentaux garantis par la constitution, ce qui nous incite à trouver des mécanismes qui garantissent la sécurité juridique dans le domaine des droits de l'homme.

Parmi ces moyens il faut abandonner la politique de criminalisation en cours et adopter d'autres options que la peine et, respecter les principes fondamentaux sur lesquels repose la sécurité juridique pour garantir la protection de ces droits fondamentaux.

a : Freiner la criminalisation en continu :

Le noble hadith du prophète Mohammed que chaque enfant se laisse sur l'instinct est confirmé dans la loi par la règle selon laquelle l'innocence est une présomption fondamentale et la condamnation c'est l'exception, la machine législative dans le domaine pénal doit être réorientée de la criminalisation en continue vers une approbation restreinte, cette dernière signifie qu'il existe de nombreux comportements qui peuvent être omis pénalement, en remplaçant des infractions pénales par des simples infractions

35 - Jean-Guy HUGLO, La Cour de cassation et le principe de la sécurité juridique, Cahiers Du Conseil Constitutionnel N° 11 (Dossier : Le Principe De Sécurité Juridique) - Décembre 2001, sur le site : <https://www.conseil-constitutionnel.fr/nouveaux-cahiers-du-conseil-constitutionnel/la-cour-de-cassation-et-le-principe-de-la-securite-juridique>

administratives, l'emprisonnement peut être remplacer par des mesures alternatives, sur le terrain cette peine porte atteinte aux plusieurs droits de l'homme.³⁶

Il est également possible d'envisager des méthodes alternatives non criminelles pour faire face à certaines déviations non graves, qui peuvent être contrôlées et, ne constituent pas une menace pour l'ordre public et la société, par exemple, dans certains pays, le vagabondage et la diffamation dans le domaine médiatique est retiré de la liste des crimes, on peut suivre cet exemple pour d'autres domaines qui ne sont plus une priorité à l'heure actuelle pour le droit pénal par un dialogue et une discussion sérieuse entre différents groupes dans la société et en remplace les sanctions pénales par des sanctions civiles ou commerciales, cela permettra d'assurer la sécurité juridique dans plusieurs domaines liés aux droits de l'homme.

La décriminalisation peut-être envisager ici, c'est un ensemble des « processus par lesquels la compétence du système pénal d'appliquer sanctions comme une réaction face à certaines formes de conduite est annulée à l'égard de cette conduite spécifique ».³⁷

b: Soumettre le texte juridique aux fondements du concept de sécurité juridique:

Le phénomène d'insécurité juridique dans le domaine des droits de l'homme peut être réduit en soumettant le processus de création et de rédaction des textes juridiques à un ensemble des règles qui contribuent à la réalisation de la sécurité juridique, on peut citer :

- La prévisibilité du nouveau texte juridique, c'est-à-dire que la personne visée par le texte juridique se rend compte qu'il y a une certaine sanction pour certain comportement, cette prévisibilité peut être connue à travers les médias, les séminaires et les débats publics du parlement, et le citoyen ne doit pas en être surpris par les lois.
- La formulation précise du texte juridique permet d'éviter toute ambiguïté dans son interprétation, lors de l'élaboration des règles juridiques, le texte doit être clair et ses phrases doit d'être faciles à comprendre, Plusieurs méthodes peut-être élaborer pour la structuration des textes juridiques, parmi ces méthodes une méthodes informatique qui commence par l'identification des termes qui représentent des concepts présents d'une manière explicite ou implicite dans les documents, dégager des concepts pertinents et les rattacher à des concepts

36 - Alvaro A. Burgos Mata, et autres, Manuel des principes fondamentaux et pratiques prometteuses sur les alternatives à l'emprisonnement, OFFICE DES NATIONS UNIES CONTRE LA DROGUE ET LE CRIME, Vienne, page 4, sur le site :

https://www.unodc.org/documents/justice-and-prison-reform/Alternatives_emprisonment.pdf

37 - Djason B. DELLA CUNHA, Politique Criminelle Et Droits Humains : Aggravation Et Alternatives Pénales, revista_do_IBDH_numero_04, page 52, sur le site :

<https://www.corteidh.or.cr/tablas/r26314.pdf>

juridiques puis la sélection des termes pertinents et enfin procéder à une schématisation des relations en utilisant un langage graphique SADT.³⁸

- L'inclusion des mécanismes permettant de suivre le texte juridique avant son entrée en vigueur et même avant sa promulgation, par exemple on constate que dans certains pays des structures ont été créées qui incluent des recherches sur l'impact de la législation, ces structures peuvent être des organes judiciaires comme c'est le cas pour le conseil d'état en Algérie, ou par des universités, et par les voies de dialogue avec tous les parties concernées par le texte juridique.
- Établir de nouvelles règles qui permettent de mesurer l'impact de la législation, telles que des tableaux ou des sondages auxquelles, de sorte que les autorités doivent se soumettre.

Conclusion :

La controverse de qui précède qui ? Nous la trouvons dans tous les domaines et parmi eux le domaine des droits de l'homme, es qu'on doit protéger en continu sans limite la société contre les comportements illicites ou protéger les droits de l'homme ? Cependant, nous pensons que les solutions intermédiaires sont possibles dans ce cas-là à travers le concept de sécurité juridique, qui doit aller de pair avec le processus d'élaboration des textes juridiques qui garantit la protection de ces droits.

Dans notre recherche sur la sécurité juridique et la protection des normes relatives aux droits de l'homme, nous sommes parvenus à un ensemble de constations pour rendre l'équilibre souhaité entre deux impératifs, la protection des droits de l'homme et la promulgation des textes juridiques :

- La sécurité juridique est un nouveau concept qui est venu limiter toute violation des droits de l'homme.
- L'existence d'un texte constitutionnel qui inclut ce concept n'est pas suffisante, il doit plutôt incorporer ce concept dans toutes les lois.
- L'inflation législative dans le domaine pénal a affecté le concept de sécurité juridique et les normes relatives aux droits de l'homme.

Parmi les propositions qui peuvent réaliser la sécurité juridique en tant que mécanisme de protection des droits individuels dans le cadre d'une politique étatique globale, nous proposons les solutions suivantes :

38 - Rim FAIZ, Méthodologie D'aide À La Structuration Et À La Formalisation Des Textes Juridiques, Direction et Gestion | « La Revue des Sciences de Gestion » 2006/4 n°220-221 | pages 61 à 71, page 68, sur le site : <https://www.cairn.info/revue-des-sciences-de-gestion-2006-4-page-61.htm>

- La nécessité d'adopter le concept de sécurité juridique lors de l'élaboration du droit.
- S'éloigner de la criminalisation continue et s'orienter vers une légalisation restreinte.
- Impliquer le citoyen dans le domaine de la rédaction de la loi surtout lorsqu'elle concerne les droits fondamentaux individuels.
- Remplacer les délits et les peines dans plusieurs domaines par des sanctions civiles, administratives ou commerciales.
- La compilation des textes juridiques pour faciliter accessibilité à la loi.

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Le dilemme de la malédiction de l'économie algérienne et le risque de libéralisation du commerce extérieur par le Partenariat Euro Méditerranéen; Quelles perspectives?

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Résumé:

L'économie algérienne constitue est l'illustration typique de ce que l'on nomme l'enfermement d'une économie ; c'est un pays qui s'est condamné lui même à la malédiction de la rente (le pétrole et le gaz). Tous les efforts que l'Algérie déploie depuis 1987 pour remédier à ce problème ne suffisent plus ; le pays est au pied du mur. L'alternative qui s'offre à lui est l'intégration du commerce mondial dans sa configuration actuelle et l'affrontement de la concurrence et des coûts de transaction liés à la libéralisation de son commerce extérieur ou prendre le temps de restructurer son économie et de la renforcer en dehors du secteur des hydrocarbures

Cette article se propose d'examiner les enjeux liés à libéralisation du commerce extérieur tout en soulignant les avantages à en tirer et sur les défis à relever et ce comme issue de secours à la malédiction des ressources naturelles.

Mots clés: *Commerce extérieur; le secteur des hydrocarbures; Libéralisation du commerce extérieur; avantages et défis; Analyses par les données.*



I. Introduction

Le partenariat s'est, à ce jour, matérialisé par trois accords d'association bilatéraux signés entre l'Union européenne et un pays partenaire : la Tunisie, le 17 juillet 1995 ; Israël, le 20 novembre 1995 ; et le Maroc, le 26 février 1996. Les négociations ont débuté avec l'Egypte, la Jordanie et le Liban, en 1995, ainsi qu'avec l'Algérie. Un accord intérimaire avec l'Organisation de libération de la Palestine (OLP), pour le compte de l'Autorité palestinienne, a été signé le 24 février 1997. A terme, l'ensemble des douze pays partenaires est amené à signer de tels accords bilatéraux avec l'Union européenne, dans le cadre des accords du PEM., une vaste zone de libre-échange (ZLE) qui s'inscrit dans le processus de libéralisation des échanges marchands et des capitaux à l'échelle mondiale. Elle organise le développement de l'économie de marché des pays méditerranéens endettés dans le cadre de la poursuite et de l'approfondissement des plans d'ajustement structurel imposés par le FMI et la Banque mondiale. Il s'agit, énonce la Déclaration de Barcelone, de procéder à "l'ajustement et à la modernisation des structures économiques et sociales, la priorité étant accordée à la promotion et au développement du secteur privé, à la mise à niveau du secteur productif et à la mise en place d'un cadre institutionnel et réglementaire approprié pour une économie de marché". En ce qui concerne la dette, "les partenaires reconnaissent les difficultés que la question de la dette peut entraîner pour le développement économique des pays de la région méditerranéenne. Ils conviennent, compte tenu de l'importance de leurs relations, de poursuivre le dialogue afin de parvenir à des progrès dans les enceintes compétentes". C'est-à-dire en dehors du Partenariat. **Mais le plus grave, est que l'analyse libérale fait l'impasse totale sur la nature même de ce développement promis. Qu'apportera, en termes de mieux être pour les populations, d'amélioration de la santé, de l'éducation, de l'emploi et des conditions de vie, cette ouverture sans frein aux capitaux étrangers dans tous les domaines ?**

II. Aperçu historique sur le partenariat euro-méditerranéens

II.1. Les accords euro-méditerranéens

La coopération commerciale et financière entre UE et les pays du Maghreb centrale (Algérie, Maroc, Tunisie) remonte aux accords bilatéraux d'Avril 1976 qui organisaient les relations entre chacun des pays maghrébins et la communauté à un triple juridiquement bénéficier les pays du Maghreb d'une série de préférences et de priviléges. Dans le domaine des exportations des produits agricoles à destination de la communauté, les pays maghrébins bénéficient, en effet, d'abaissement .C'est à Barcelone les 27 et 28 novembre 1995 que s'est tenue la première conférence euro-méditerranéenne et a abouti à une déclaration considérée comme l'acte fondateur du dialogue euro-méditerranéen.

A - Contenu des accords

Ces accords sont destinés à remplacer les accords de coopération conclus dans les années 70 avec les Etats de la rive sud de la Méditerranée, ils constituent le moteur du dialogue euro-méditerranéen. A travers eux, c'est l'ensemble de la politique communautaire qui doit s'articuler qu'il s'agisse du dialogue politique, du libre-échange ou de la coopération. Ils constituent aussi un élément de souplesse car chaque partenaire a la possibilité de progresser à son rythme et de préserver la qualité de ses relations bilatérales avec l'Europe.

Contenu des accords (Assemblée Nationale ; 1999) :

- La dimension politique et de sécurité du processus de Barcelone Avec l'objectif de réalisation d'une zone de libre échange à l'horizon de 2010, le volet politique et de sécurité est, de ce fait, l'un des deux principaux enjeux du processus. Dans l'esprit de la France, il doit également permettre à l'Europe d'exercer, à l'avenir, une influence politique dans la Méditerranée qui soit davantage à la mesure de l'aide qu'elle accorde à cette zone et des intérêts qu'elle y possède.
- Un volet commercial orienté vers la perspective de libre-échange à l'horizon 2010.
- L'encouragement des investissements :Les parties réalisent tous les paiements courants dans une monnaie librement convertible. La libre circulation des capitaux relatifs aux investissements directs dans le pays partenaire est assurée de même que la liquidation et le rapatriement des bénéfices, l'objectif étant de parvenir à une libéralisation intégrale.
- Les règles de la libre-concurrence s'imposent et les parties s'engagent à respecter les droits de propriété intellectuelle ; l'utilisation des normes et des procédures de certification européennes est encouragée.
- Les parties libéralisent progressivement les marchés publics.
- Les accords prévoient de vastes domaines de coopération, y compris à l'échelon régional.
- En matière économique : éducation et formation, environnement, coopération industrielle, promotion et protection des investissements, normalisation, rapprochement des législations, services financiers, agriculture, transports, télécommunications, énergie, tourisme, douanes, blanchiment d'argent, drogue, statistique.
- En matière sociale et culturelle : régime relatif aux travailleurs (égalité de traitement), dialogue social (recherche des progrès à réaliser pour la circulation des travailleurs, l'égalité de traitement et l'intégration sociale des ressortissants des deux parties), coopération sociale (réduction de la pression migratoire, réinsertion des rapatriés, rôle de la femme, législation sociale...), coopération culturelle.
- En matière financière, la coopération est destinée plus particulièrement aux réformes de modernisation de l'économie, la mise à niveau des infrastructures économiques, la

promotion de l'investissement et les conséquences sur l'économie et la mise en œuvre d'une zone de libre-échange, la transition sociale.

- Le volet institutionnel est articulé autour de deux instances : le Conseil d'association qui se réunit une fois par an au niveau ministériel, est chargé des questions les plus importantes et doté d'un pouvoir de décision, le Comité d'association, au niveau des fonctionnaires, chargé du suivi de l'accord.

La déclaration qui a suivi la conférence de Barcelone prévoyait l'instauration progressive d'une zone de libre-échange et fixait à 2010 son entrée en vigueur. Pour inciter les Etats méditerranéens et leurs classes dirigeantes à participer au projet, la déclaration annonçait « l'augmentation de l'aide financière de l'Union européenne à ses partenaires. »Compte tenu des tensions politiques entre les pays de la région (entre l'Algérie et le Maroc à propos du Sahara occidental, entre Israël et les pays arabes etc.), l'Union européenne n'a pas négocié la mise en place de la zone globalement mais elle a passé des accords de libre-échange avec chacun des pays pris séparément. Des accords bilatéraux programmant la mise en place progressive du libre-échange ont donc été signés et sont, pour la plupart, déjà entrés en vigueur : avec la Turquie en 1996 (Il s'agit d'une union douanière et non d'un simple accord de libre-échange), avec la Tunisie en 98, l'autorité palestinienne en 97, Israël en 2000, le Maroc en 2000, la Jordanie en 2002, l'Egypte en 2004. Les accords avec le Liban et l'Algérie sont signés mais non encore entrés en vigueur. Seul l'accord avec la Syrie est toujours en négociation.

B - De Barcelone à Stuttgart

Réunie les 15 et 16 avril 1999, la conférence de Stuttgart a su éviter les écueils d'un contexte politique difficile. En dépit des allégations officielles, on peut considérer en effet que la deuxième conférence euro-méditerranéenne qui s'est tenue les 15 et 16 avril 1997 à Malte a été un échec. Cette conférence a dû se dérouler à Malte en raison du veto syrien et libanais contre la venue d'une délégation israélienne sur le sol arabe. A Stuttgart, la question du processus de paix n'a pas été occultée mais tous les participants sont convenus que leurs différends sur cette question ne devaient pas perturber les autres dimensions du dialogue. Par ailleurs, les ministres ont retenu plusieurs orientations (Assemblée ; 1999) :

- élaboration d'une "charte euro-méditerranéenne pour la paix et la stabilité", dont les lignes directrices ont été annexées aux conclusions comme document de travail informel et qui sera adopté formellement "aussitôt que les circonstances politiques le permettront" :
- confirmation que le programme MEDA-II, couvrant la période 2000-2006 reflétera "la grande priorité" du partenariat ;

- confirmation de la volonté d'établir une zone de libre-échange d'ici à 2010 et de conclure des accords d'association entre l'Union et tous les partenaires ;
- décision que la Libye deviendra membre à part entière du partenariat lorsque les sanctions de l'ONU auront été levées et une fois que ce pays aura accepté l'acquis de Barcelone ;
- décision de tenir la quatrième conférence sous la présidence française de l'Union au second semestre 2000.

Sans doute, ces orientations ne font que confirmer celles qui avaient été retenues à Barcelone.

II.2. Les engagements de l'Union

A Cannes, l'enveloppe financière pour la Méditerranée a été fixée à 4,685 milliards d'écus. Ce montant, qui a vocation à être doublé par des prêts de la BEI (3,9 milliards d'écus pour 1995/99), représente non seulement une forte augmentation par rapport à la période précédente, mais marque également un net rééquilibrage par rapport aux pays d'Europe centrale et orientale, l'enveloppe MED atteignant 70 % de l'enveloppe réservée aux PECO. (Assemblée, 1999)

Fig. 1 Engagements de Cannes (en Mécus)

Engagements de Cannes (en Mécus)		
	MED	PECO
1995	550	1 154
1996	900	1 235
1997	1 000	1 273
1998	1 092	1 397
1999	1 143	1 634
TOTAL	4 685	6 693

Source :Assemblée Nationale, 1999

Fig. 2: évolution des engagements financiers européens et des montants effectivement versés (en millions d'euros)

	from MEDA I to MEDA II : Commitments and Payments (€ million)													
	MEDA II													
	2000		2001		2002		2003		2004		2000-2004		% P/E	
	E	P	E	P	E	P	E	P	E	P	E	P		
Bilateral Cooperation														
Algeria	30,2	0,4	60	5,5	50,0	11,0	41,6	15,8	51,0	42,0	232,8	74,7	32	
West Bank and Gaza	96,7	31,1	---	62,2	100,0	80,3	81,1	60,3	72,5	93,3	350,3	327,2	93	
Egypt	12,7	64,4	---	62,5	78,0	25,7	103,8	56,9	159,0	150,6	353,5	360,1	102	
Jordan	15	83,7	20	10,9	92,0	49,7	42,4	46,9	35,0	50,6	204,4	241,8	118	
Lebanon	---	30,7	---	2,0	12,0	5,7	43,7	24,1	18,0	40,9	73,7	103,4	140	
Morocco	140,6	39,7	120	41,1	122,0	102,3	142,7	102,4	151,8	157,7	677,1	443,2	85	
Syria	38	0,3	8	1,9	36,0	8,5	0,7	10,1	53,0	18,2	135,7	39,0	29	
Tunisia	75,7	15,9	90	69,0	92,2	92,5	48,7	69,3	22,0	74,0	328,6	320,7	98	
Total bilateral	408,9	266,2	298	255,1	582,2	375,7	504,7	385,8	562,3	627,3	2 336,1	1 910,1	81	
Regional Cooperation														
	159,8	51,8	305,3	62,7	29,4	78,3	110,0	111,9	135,3	173,8	739,8	478,4	65	
TOTAL.	568,7	317,9	603,3	317,8	611,6	454,0	614,7	497,7	697,6	801,1	3.096	2.388	77	
Ratio P/E	56%	53%			74%		81%		115%					

Source :http://www.robert-schuman.org/supplement/questions_europe9.htm

· Les nouvelles règles d'engagement adopté par le Conseil des Ministres en juillet 1996 après plusieurs mois de blocage politique de la Grèce du fait de son contentieux avec la Turquie, limite l'enveloppe de règlement financier à 3,4245 milliards d'écus, soit le montant décidé à Cannes (4,685 milliards) diminué des protocoles bilatéraux restant à engager, de l'action spéciale pour la Turquie, de l'aide aux Palestiniens et des protocoles affectés à Chypre et Malte. Les prêts de la BEI peuvent eux-mêmes bénéficier d'une bonification de 3 % financée par MEDA, dès lors qu'ils concernent des projets environnementaux. Le principal changement introduit par le règlement MEDA est l'abandon des protocoles bilatéraux par pays (4 générations de protocoles se sont succédé entre 1978 et 1995). Le règlement MEDA leur substitue une enveloppe globale, assortie d'indications par pays et soumise à conditionnalités (dont la clause droits de l'Homme du règlement MEDA). Les projets font l'objet d'appels d'offres. La Commission a proposé une répartition indicative, qui n'a pas valeur d'engagement ferme, de l'enveloppe par pays pour 1996-1999.

Fig. 3 Répartition indicative de l'enveloppe par pays pour 1996-1999

Pays	1996-1999	1996-1998
	(Mécus)	(Mécus)
Égypte	780	500
Maroc	580	450
Turquie	375	239
Tunisie	330	290
Algérie	280	191
Syrie	160	120
Jordanie	158	118
Cisjordanie et Gaza	124	69
Liban	123	106
TOTAL	2910 (*)	2083

Source :Idem

(*) La différence entre ce montant et les 3,425 milliards programmés s'explique par la non-prise en compte dans ce tableau du programme régional de Méda (275 Mécus), de l'appui technique (Méda Teams : 70 Mécus), d'une réserve de 11 Mécus et des 172,5 Mécus engagés au titre de 1995.

Calculé en écus par habitants, le classement des pays bénéficiaires est sensiblement différent.

Fig. 4 Le classement des pays bénéficiaires Calculé en écus par habitants

Pays	% de l'enveloppe	écus par
	Méda par pays	habitant
Cisjordanie &Gaza	4%	69
Tunisie	11%	38
Liban	4%	30
Jordanie	5%	29
Maroc	20%	21,5
Égypte	26%	12,5
Syrie	6%	11
Algérie	10%	10
Turquie	13%	6

Source :Idem

Le Maghreb représente 41% de l'enveloppe bilatérale de Méda (soit 1190 Mécus sur 2910 Mécus).

Barcelone a incontestablement permis à l'Union et à ses membres de devenir les principaux contributeurs d'aide aux pays méditerranéens. Les pays de l'Union membres du Comité d'Aide au Développement de l'OCDE fournissent, à titre bilatéral, plus de 40 % de l'aide publique totale reçue par les partenaires méditerranéens. Si l'on y ajoute la part communautaire, à travers la contribution des Etats membres au budget communautaire, la part des pays de l'Union s'établit à plus de 60 %. (Assemblée ; 1999)

Fig. 5 La contribution des Etats membres au budget communautaire

Pays et CE.	Aide bilatérale (1997) Millions de \$	% de l'aide totale reçue par les PTM (3 996 millions \$)
France	732	
Allemagne	542	
Espagne	96	
Italie	66	
Pays-Bas	63	
Autriche	36	
Danemark	36	
Royaume-Uni	33	
Suède	30	
Belgique	23	
Luxembourg	6	
Finlande	4	
Irlande	2	
Portugal	0,1	
TOTAL	1669,1	41,7 %
CE	898,9	
CE + Etats membres	2568	64 %

Source :Idem

L'aide communautaire est répartie de manière plus équilibrée que l'aide bilatérale. Ceci, à la fois du point de vue de la répartition de la charge entre les contributeurs et du point de vue des bénéficiaires. L'aide communautaire, en tous cas les crédits du programme Méda, souffre d'une grave carence : celle de ne pas être versée à ses bénéficiaires...., En 1998, l'engagement des crédits s'est amélioré mais les taux de paiement sont encore faibles. Les engagements financiers de l'Union au titre de MEDA ont atteint 2,4 milliards d'écus, soit

100 % des crédits, mais les paiements s'élèvent seulement à 596,8 millions d'écus, soit 17 % des crédits engagés.

III. La réalité économique des pays méditerranéens

III.1 .La situation économique des pays méditerranéens.

Les pays partenaires sont à des niveaux de développement très inégaux. Trois d'entre eux ont des économies comparables à celles des pays de l'Union européenne : Israël, avec un PNB par habitant de 17 000 dollars, est une puissance totalement intégrée à l'économie mondiale ; Chypre (13 000 dollars par habitants), du moins dans sa partie sud, est également très dynamique ; **Malte** (9 100 dollars par habitants) est au même niveau que la Grèce ou le Portugal. Ce sont en outre trois économies qui ont dores et déjà libéralisé leurs échanges avec l'Union européenne. Les autres partenaires sont dans des situations tout à fait différentes comme l'illustre le tableau ci-dessous.

Fig. 6La situation économique des pays méditerranéens

	Population ⁽¹⁾	Démographie ⁽²⁾	PIB ⁽³⁾	PIB/habitants ⁽⁴⁾
LIBAN	5,7	1,8	16,5	3700
TURQUIE	64	1,5	191	3000
TUNISIE	9,3	1,6	20	2100
ALGERIE	29,3	2,15	47,7	1644
JORDANIE	4,5	3,3	7,9	1530
MAROC	28,5	1,93	36,82	1360
EGYPTE	61,5	2,1	70,6	1130
TERR PAL	3,5	5	3,5	1200
SYRIE	16	3,5	15,6	1000

Source :Idem

Comme le souligne l'Institut de la Méditerranée dans son rapport sur le dialogue euro-méditerranéen, tous les pays de la Méditerranée ont mis au point depuis le début des années 80 des programmes d'ajustement structurel qui ont porté leurs fruits. A l'exception de l'Algérie et de la Turquie, l'inflation est aujourd'hui sous la barre de 10%. L'assainissement financier a permis de stabiliser les taux d'intérêt réels, de réduire les déficits budgétaires et les services de la dette. Cependant, les économies sont encore extrêmement fragiles et sont confrontées à une croissance démographique et des contraintes sociales qui posent de redoutables problèmes. Certaines de ces économies traversent une crise aiguë en raison des événements politiques de la région.

III .2. Les échanges euro-méditerranéens

Les partenaires méditerranéens ont un déficit commercial de 45,5 milliards de dollars vis-à-vis du reste du monde. Ces pays réalisent plus de la moitié de leurs échanges avec l'Union et leur déficit commercial avec les Quinze s'élève à 29 milliards de dollars en 1997, contre 14 milliards en 1992. (Assemblée ; 1999)

Fig. 7 Echanges des pays méditerranéens avec le monde

soldes en millions \$	1981	1992	1996	1997
Algérie	1995	4813	6281	6587
Tunisie	- 1263	- 2386	- 2163	- 2388
Maroc	- 2031	- 3378	- 3513	- 709
Egypte	- 5211	- 5028	- 9485	- 9261
Liban	- 2807	- 2419	- 4735	- 4568
Syrie	- 2937	- 328	- 284	337
Jordanie	- 2630	- 1817	- 2331	- 2059
Israël	- 2198	- 5320	- 8895	- 6294
Turquie	- 2400	- 8156	- 19552	- 22340
Chypre	- 544	- 2757	- 3468	- 3273
Malte	- 572	- 1101	- 1244	- 1513
TOTAL	- 20598	- 27878	- 49429	- 45480

Source :Idem

Fig. 8 Echanges des pays méditerranéens avec l'Union européenne

soldes en millions \$	1981	1992	1996	1997
Algérie	- 579	3859	3548	3370
Tunisie	- 943	- 1546	- 1151	- 1437
Maroc	- 818	- 1594	- 1552	- 252
Égypte	- 2623	- 2201	- 3098	- 3409
Liban	- 1915	- 1610	- 3084	- 3137
Syrie	- 466	572	685	643
Jordanie	- 1158	- 964	- 1266	- 1064
Israël	- 793	- 5116	- 8651	- 8003
Turquie	- 999	- 2722	- 11056	- 12622
Chypre	- 436	- 1509	- 1638	- 1549
Malte	- 454	- 863	- 1308	- 1389
TOTAL	- 11184	- 13695	- 28571	- 28849

Source :Idem

Fig. 9 Echanges par produits

soldes en millions \$	1981	1992	1996	1997
Alimentation et animaux vivants	- 17 949	- 696	- 876	- 716
Boissons et tabac	- 13	3857	3 923	4 642
Huiles et graisses animales et végétales	- 335	- 186	- 15	- 79
Matières premières brutes	770	9749	8 663	7 511
Combustibles minéraux	8959	- 125	- 188	- 86
Produits chimiques	- 2 679	- 14 029	- 22 216	- 23 374
Produits manufacturés	- 5 899	- 652	- 1 593	- 1 313
Machines et matériel de transport	- 9 822	- 4 607	- 6 969	- 7 127
Articles manufacturés	- 372	- 7 928	- 10 634	- 9 912
Non classés		922	1 336	1 605
TOTAL	- 11 184	- 13 695	- 28 571	- 28 849

Source :Idem

Fig. 10 Part de l'Union européenne dans le commerce extérieur des pays méditerranéens

%	Importations		Exportations	
	1981	1992	1996	1997
Algérie	62,5	55,8	58,7	61,5
Tunisie	72,3	72,9	80	78,3
Maroc	54,1	52,1	61,4	60,7
Egypte	36,2	38,2	45,6	40,3
Liban	49,9	42,5	16,2	21,9
Syrie	33	33	62	55
Jordanie	31,7		8,3	
Israël	51,6	51	32	30,1
Turquie	53	51,2	49,7	46,7
Chypre	48,6	47,6	28,4	27,1
Malte	68,6	71,3	56,9	54,1
Palestine *	5,9		0,5	

Source :Idem * données provisoires



Fig. 11: Part de l'Union européenne dans le commerce extérieur des pays partenaireset2000

	Imports	Exports	Total
Tunisia	71.6%	80.0%	75.0%
Morocco	57.9%	74.7%	64.5%
Algeria	58.0%	62.7%	61.2%
Turkey	48.9%	52.5%	50.1%
Malta	60.0%	33.4%	48.8%
Cyprus	51.6%	36.5%	48.6%
Syria	29.6%	65.0%	48.6%
Lebanon*	45.9%	24.1%	43.8%
Israel	43.3%	27.2%	35.8%
Egypt	34.1%	40.0%	35.6%
Jordan	33.0%	3.3%	25.6%
Palestinian A.*	15.4%	0.4%	13.5%
MPC	47.5%	48.4%	47.8%

Source :http://www.robert-schuman.org/supplement/questions_europe9.htm (1999 data)

Fig. 12: Part de l'Union européenne dans le commerce extérieur des pays partenaires 2005

	Part de l'UE
Tunisia	76%
Morocco	68.2%
Algeria	56.5%
Turkey	50.1%
Lebanon	36.9%
Egypt	36.3%
Israel	33.7%
Jordan	21.3%
Syria	20.4%

Source : Stéphanie Darbot-Trupiano, « Le Partenariat euro-méditerranéen : une tentative d'intégration maladroite », *L'Espace Politique* [Online], 2 | 2007-2, Online since 03 August 2007, connection on 26 March 2018. URL : <http://journals.openedition.org/espacepolitique/844> ; DOI : 10.4000/espacepolitique.844

Fig. 13: Evolution des relations commerciales entre l'Union européenne et ses partenaires entre 1990 et 2004 (en milliards d'euros)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Imports	26.6	27.8	28.2	28.0	30.5	32.1	35.3	41.3	42.5	47.2	64.7	67.4
Exports	33.5	35.0	36.6	43.5	43.9	50.6	56.9	65.3	68.0	69.4	87.0	75.3
Balance	6.9	7.2	8.4	15.5	13.4	18.5	21.6	23.9	25.5	22.2	22.2	7.9

Source :http://www.robert-schuman.org/supplement/questions_europe9.htm

Year	Imports	Yearly % change	Share of total EU imports	Exports	Yearly % change	Share of total EU exports	Balance	Imports + Exports
2000	64 527		6.48	82 866		9.67	18 339	147 394
2001	68 201	5.7	6.93	73 406	-11.4	8.22	5 205	141 607
2002	67 609	-0.9	7.18	76 776	4.6	8.53	9 167	144 384
2003	67 932	0.5	7.22	78 107	1.7	8.89	10 175	146 038
2004	75 332	10.9	7.32	91 565	17.2	9.50	16 233	166 897
3m 2004	17 890		7.46	20 339		9.19	2 450	38 229
3m 2005	20 289	13.4	7.83	21 357	5.0	9.19	1 068	41 646
Average annual growth		3.9			2.5			3.2

Comme le second tableau le démontre, la période 2000-2004 a toutefois été marquée par un net ralentissement de la croissance de ces échanges. De plus, les bénéfices que les Etats partenaires tirent des Accords

Fig. 14: Evolution des IDE de l'Union européenne vers ses partenaires* (équités et autres capitaux) (en millions d'euros)

	1992	1993	1994	1995	1996	1997	1998	1999	2000
MPC	445	561	864	750	872	968	2 563	1 320	5 020
Turkey	367	279	389	320	416	126	1 006	979	1 520
Maghreb	32	157	264	119	218	623	504	109	326
Morocco	74	150	229	25	176	448	88	248	210
Mashrek	22	90	164	203	57	132	785	426	2 403
Egypt	-17	32	53	113	52	39	541	390	2 104
Israel	23	35	46	108	181	87	268	-195	771

- Excluding Cyprus and Malta

Source :http://www.robert-schuman.org/supplement/questions_europe9.htm

Fig. 15: Part des pays partenaires dans le commerce extérieur de l'Union européenne 2005

	Part de l'UE
Turkey	3.4%
Algeria	1.4%
Israel	1%
Morocco	0.9%
Tunisia	0.7%
Egypt	0.6%
Syria	0.3%
Lebanon	0.15%
Jordan	0.12%

Source : **Stéphanie Darbot-Trupiano**, « Le Partenariat euro-méditerranéen : une tentative d'intégration maladroite », *L'Espace Politique* [Online], 2 | 2007-2, Online since 03 August 2007, connection on 26 March 2018. URL : <http://journals.openedition.org/espacepolitique/844> ; DOI : 10.4000/espacepolitique.844

Fig. 16: Balance commerciale des pays partenaires vis-à-vis l'UE (a) et la balance commerciale de l'EU vis-à-vis des pays partenaires (b) (milliards d'euros)

	(a)		(b)	
	2001	2005	2001	2005
Algeria	6.4	7.3	-8.4	-10.3
Egypt	-2.9	-4.4	4	3.1
Israel	-6.7	-5.2	4.7	3.8
Jordan	-1.5	-2.1	1.7	1.9
Lebanon	-3.2	-3.1	2.8	2.7
Morocco	-1.2	-4.5	1.2	2.7
Syria	1.4	-0.4	-2.1	-0.1
Tunisia	-1.7	-2.5	1.7	1.1
Turkey	-2.3	-13.4	-0.4	8.3

Source : : **Stéphanie Darbot-Trupiano**, « Le Partenariat euro-méditerranéen : une tentative d'intégration maladroite », *L'Espace Politique* [Online], 2 | 2007-2, Online since 03 August 2007, connection on 26 March 2018. URL : <http://journals.openedition.org/espacepolitique/844> ; DOI : 10.4000/espacepolitique.844

L'Europe est donc déjà un partenaire commercial essentiel des pays partenaires. Comme le fait observer l'Institut de la Méditerranée, au cours des dernières années, le contenu des exportations des pays du sud a considérablement évolué. Ces exportations se sont diversifiées au profit des productions manufacturières qui sont passées de 45% en 1991 à 58% en 1996 des importations de l'Union en provenance de ces pays. Les points forts des pays tiers sont essentiellement le textile et les produits agricoles. Cependant, les échanges sont encore marqués par des complémentarités traditionnelles « Nord-Sud » et le solde commercial reste en faveur de l'Union. L'Institut de la Méditerranée conclut, à juste titre, que la réussite de la zone de libre-échange comporte deux enjeux : l'industrialisation et la diversification des exportations des pays du sud, d'une part, et le développement d'un cadre favorable au développement des échanges sud-sud. Agnès Chevalier (Assemblée ; 1999) par exemple, estime que ces pays souffrent de quatre handicaps : ils sont situés dans une zone de turbulences politiques ; leur taille est modeste (5% du PIB européen) et leur capacité de production peu compétitive ; ils sont émiettés entre de petits et de grands pays avec de fortes différences de richesse ; ils n'ont pas réussi à s'intégrer régionalement.

.III.3. Le partenaire Algérien.

En dépit de son isolement dû à sa situation intérieure, l'Algérie s'efforce de participer activement au partenariat ; son statut de porte-parole du groupe arabe (jusqu'en mai 1998) a contribué à l'y impliquer davantage. L'Algérie met l'accent sur les sujets qui lui tiennent à cœur, tels la lutte contre le terrorisme et le thème de l'immigration. Elle attend de la négociation de l'accord d'association une reconnaissance politique de sa place dans l'espace euro-méditerranéen. Elle en redoute cependant le coût économique et social, sauf à bénéficier d'une aide financière complémentaire. Contrairement à d'autres pays méditerranéens, l'Algérie ne conteste pas, a priori, la clause "droits de l'Homme" de l'accord. Elle souhaiterait en revanche inclure des dispositions relatives à la lutte contre le terrorisme et la libre circulation des personnes. Avec les autres partenaires méditerranéens, les négociations sont en cours, mais à des degrés d'avancement divers. Avec l'Algérie, les négociations sont au point mort depuis deux ans (le mandat a été adopté en juin 1996). Outre les difficultés internes à ce pays, c'est la philosophie générale de l'accord que conteste l'Algérie. Elle l'estime inadapté à sa structure économique, dont le tissu industriel, affaibli par la politique agréée par le FMI, risque d'être fragilisé par l'ouverture à la concurrence extérieure. Afin de compenser le coût économique et social de la mise à niveau, l'Algérie a demandé un soutien financier de l'ordre de 3 milliards de dollars sur 10 ans. La situation financière de l'Algérie s'était sensiblement améliorée au cours des dernières années : inflation maîtrisée, assainissement des finances publiques, reconstitution des réserves de change. La chute du cours du baril la fragilise à nouveau car les hydrocarbures représentent 97% des recettes d'exportation et 62% des ressources budgétaires. Le gouvernement a adopté un plan de stabilisation réduisant de 20 à 30% les dépenses budgétaires. Les réformes structurelles n'ont pas été véritablement lancées. Le chômage - 30% de la population active - demeure le principal facteur de tension sociale. (Assemblée ; 1999)

a.Coopération entre l'Algérie et l'UE :

* Accord de première génération

La coopération entre l'Algérie et l'Union Européen reposait sur l'accord de coopération signé le 23 Avril 1976. Cet accord d'une durée illimitée a été mis en œuvre par quatre protocoles financiers successifs en 1978-1981, 1981-1986, 1986-1991 et 1991-1996. Entre 1978 et 1996, l'Algérie a bénéficié de 949 millions d'euros (communauté : 309 millions d'euros, BET : 640 millions d'euros). Le taux d'engagement des fonds communautaires des protocoles est de 66%, le taux de paiement se situe à 47%. Ces fonds des protocoles ont financé des projets touchant : les infrastructures économiques et sociales (60%) , la gestion de l'eau (11%), l'agriculture et la pêche (9%), l'énergie (7%) et la coopération scientifique (5%) .Cet accord de coopération se fixe pour objectif de soutenir et d'accompagner le développement économique et social du pays. Il fait partie de « l'approche globale méditerranéenne » mise au point en 1972 laquelle aboutit en 1995 à la déclaration de Barcelone qui met en place le partenariat euro méditerranéen.(Revue Economique et Management ; 2005)

Le programme MEDA pour la période 1995-2001 est le principal instrument de la coopération financière entre l'UE et l'Algérie. La coopération financière sous MEDA s'inscrit dans la perspective de permettre un plus grande intégration de l'Algérie à l'espace économique européen et vise la transition vers une économie de marché et le développement du secteur privé. Elle représente 254,2 millions d'euros en crédits d'engagements (delbza).

Le montant des engagements effectués sous MEDA I (95-96) est de 164 millions d'euros, les engagements effectués sous MEDA II (2000-2001) est de 90,2 millions.

Fig17 : les engagements effectuées sous MEDA I et II

Programme	MEDI						MEDA II			I et II
	Année	1995	1996	1997	1998	1999	Total	2000	2001	Total
Montant (millions d'euros)	-	-	41	95	28	164	30,2	60,0	90,0	254,2

Source : www.deldza.cec.init/ue.htm

Les principaux projets finançés sous MEDA concernaient la coopération économique et le développement social de plus l'appui institutionnel (Revue Economique et Management ; 2005):

* Facilité d'ajustement structurel (125 millions d'euros dont 30 sous MEDA).

* Promotion des PME (57 millions d'euro).



- * Appui à la restructuration industriel et la privatisation (38 millions d'euro)
- * Modernisation du secteur financier (23 millions d'euro).
- * Appui à la réforme des télécommunications et des services postaux (17 millions d'euro).
- * Appui aux journalistes et aux médias algériens (5 millions d'euro).
- * Appuis à la modernisation de la police (8 millions d'euro).
- * Réforme de la formation professionnelle (60 millions d'euro)

*** Accord de second génération**

Connu sous l'appellation « accord de seconde génération »(Investir : 2003), l'accord d'association entre l'Algérie , d'une part , et la communauté européenne et ses états membres, d'autres part, a été parafé le 19/12/2001 et signé le 22 avril 2002 lors du sommet euro méditerranéen de Valence en Espagne. Il va se substituer à celui de coopération conclue en 1976.

Les principaux éléments de l'accord , entre autre, sont :

- * Dialogue politique (article 3-5).

* Développement des échanges (article 6-29) afin d'établir progressivement, après une période de 12 ans, une zone de libre-échange en conformité avec les règles de l'OMC(Investir ; 2003). La libération de service, la libre circulation des capitaux et l'application des règles communautaire de concurrence, des dispositions dans le domaine de la justice et des affaires intérieur, le renforcement de la coopération économique, sociale et culturelle, la coopération financière, l'instauration d'un conseil d'association et d'un comité d'association disposant de pouvoir de décision.

*** Programme de coopération pour 2002-2006 :**

Le document de stratégie pour 2002-2006 et le programme indicatif national(PIN) pour 2002 - 2004 en faveur de l'Algérie provient un montant de 150 millions d'euros. Pour cette période, le PIN prévoit quatre axes d'intervention (Revue Economique et Management ; 2005) :

- * Appui aux réformes économiques et au renforcement des institutions de marché.
- * Développement des infrastructures.
- * Développement des ressources humaines.
- *Etat de droit et bonne gouvernance.

En effet, l'adhésion prochaine à l'OMC et l'instauration, à terme , d'une zone de libre échange avec l'UE, implique des contraintes lourdes lesquelles viennent pénaliser d'avantages les PME et nécessite des réformes profondes .

b.Evaluation des négociations

L'Union européenne et l'Algérie sont en négociation sur la conclusion d'un accord d'association depuis plusieurs années dans le cadre du processus de Barcelone officiellement lancé en 1995 et qui prévoit l'instauration d'une zone de libre échange à l'horizon 2010.. Selon des fonctionnaires européens, les Algériens ne se montrent pas très zélés pour faire avancer les discussions sur un texte qui mettrait la fragile industrie locale sans défense face aux appétits européens. La transparence requise dans les futurs rapports économiques d'après-accord nuirait sans doute aussi à d'aucuns en Algérie, susurre-t-on à Bruxelles. En novembre 1999, les parties se sont enfin engagées à reprendre avant la fin du premier trimestre 2000 les négociations qui avaient été gelées depuis mars 1997 (Dépêche, 1999). L'Algérie se fait exigeante: elle demande ainsi que soit prise en considération la "spécificité algérienne" (mono-exportation des hydrocarbures et obsolescence de l'appareil industriel, notamment) et réclame une compensation de pertes estimées à 1,2 milliard de dollars qu'induirait, selon elle, le démantèlement de ses tarifs douaniers et son intégration dans un espace de libre-échange euro-maghrébin. Le nouveau représentant de la diplomatie européenne, Javier Solana, pouvait ainsi déclarer à Alger le 4 novembre 1999 que "*des progrès*" avaient "*été réalisés dans la prise en compte des préoccupations de l'Algérie*". (Dépêche ; 1999). Une revendication algérienne qui ne risque pas de passer concerne la libre circulation des personnes. En effet, l'une des raisons mêmes du processus de Barcelone consiste à prévenir l'immigration vers l'Europe en provenance du Sud de la Méditerranée. Les discussions sur le point de reprendre seront donc chaudes. En atteste ce passage d'une interview de Lorenzo Sanchez, ambassadeur de la Commission européenne à Alger:

-- L'UE est-elle prête à aider financièrement l'Algérie pour remettre son économie à niveau?

-- Il est vrai que l'Algérie doit mettre en oeuvre des programmes de restructuration industrielle qu'elle ne pourra jamais réussir sans l'aide des capitaux étrangers, d'un management et d'un savoir-faire. C'est un peu un cercle vicieux parce qu'on n'a pas une nette visibilité sur la politique économique et commerciale que l'Algérie voudrait appliquer.

-- *L'Europe n'a-t-elle pas peur d'être obligée de réviser les accords qui la lient déjà à d'autres pays à la lumière des avantages qu'elle pourrait accorder à l'Algérie à travers la spécificité de son économie?*

-- Si, on a peur de cela. Mais le problème, c'est que nous ne voyons pas vraiment quelle est cette spécificité qui pourrait apporter des avantages à l'Algérie. On parle surtout d'une aide financière pour compenser une perte de 1,2 milliards de dollars susceptible d'être engendrée par le démantèlement tarifaire. C'est faux, il n'y aura pas de pertes financières. (...)" (El-Waten ; 1999)

Et cela pour ne rien dire du critère de compétence des négociateurs algériens, comme s'en plaint le même "El Watan": "Les autorités algériennes doivent avoir une simulation assez claire des conséquences de son adhésion à l'Union européenne [ou, mieux dit, au processus de Barcelone, B.L.] et à l'Organisation mondiale du commerce. A condition que ces mêmes autorités aient une stratégie "sérieuse" de négociations menées par des personnes compétentes. Il est justement signalé que les membres des comités algériens des négociations ne saisissent pas forcément la portée des mécanismes des marchés de l'UE et de l'OMC. La reprise des négociations notamment avec l'Union européenne est conditionnée par l'identification de ce que les experts appellent les preneurs de décision pour s'enquérir des orientations politiques." (El-Waten ; 1999) La politique. Le pouvoir. L'argent. On y revient évidemment une fois encore. Pour devoir envisager des perspectives bien sombres, s'agissant de l'Algérie. Ahmed Dahmani, économiste, peut bien s'épancher: "En fait, il n'y a jamais eu de mise en oeuvre d'une alternative résolue et crédible à l'économie rentière. Le pouvoir d'Etat, les principaux centres de décision politique ont toujours rejeté une telle perspective. Tant que la rente énergétique existe, que les conditions de son contrôle et sa gestion ne changent pas, le pouvoir d'Etat ne paraît pas disposé à s'engager dans un processus de réformes réellement radicales et profondes menant à terme à une économie de production diversifiée, concurrentielle et ouverte dans le cadre du marché. (...) La baisse des recettes douanières [dans une future zone de libre échange, B.L.] et donc l'accroissement prévisible des déficits publics devraient contraindre à mettre en oeuvre des réformes structurelles et notamment fiscales jusque-là ajournées. Comment mener à bien ces différentes réformes quand on connaît l'importance de l'économie parallèle, la toute-puissance des intérêts mafieux qui gangrènent l'économie, la faiblesse ou l'inefficacité des institutions et structures administratives, juridiques et fiscales de l'Etat?" (El-Watan ; 1999)

IV. Le Pari de la zone de libre-échange

Les études comparatives conduites sur les zones de libre-échange entre pays de développement inégal aboutissent toutes à la même conclusion : "les gains éventuels à attendre du libre-échange par un pays faiblement développé sont fortement conditionnés par un apport massif de capitaux privés en provenance des pays développés". Or, cette première condition sine qua non de réussite n'est pas remplie dans les pays les moins développés de la zone euro-méditerranéenne. Dans les pays partenaires, bien que de façons très différentes, le montant des devises transférées par les immigrés dépasse jusqu'à présent celui des investissements directs étrangers (IDE). Dans le meilleur des cas (Maroc), les transferts immigrés permettent d'assurer le service de la dette. Dans le pire des cas (Algérie), ces transferts ne couvrent que 6% du service de la dette (Larbi Talba ; 1996).

Pour le Maroc et la Tunisie, l'accès à la zone de libre-échange avec l'UE est crucial, car ils dépendent de l'assistance financière et des flux d'investissements provenant du vieux continent pour répondre aux besoins de développement économique et social. Compte tenu de cette dépendance et de la forte « demande d'Europe » qui en découle, ces deux pays se montrent plus coopératifs et volontaristes, y compris pour supporter les contraintes découlant de la mise en œuvre des accords d'association et de la PEV. Le Maroc a fait de l'arrimage à l'Europe un choix stratégique (Berramdane, 1992), et sa candidature à la CEE en 1984 s'inscrivait déjà dans cet objectif. Le Royaume apparaît aux standards de l'UE comme le « bon élève » au Maghreb, qui s'est vu offrir en retour l'opportunité de négocier un « statut avancé ».

En revanche, l'Algérie et la Libye bénéficiaires de la rente pétrolière sont moins dépendant de l'Europe en termes d'assistance et d'investissement, et recherchent une diversification de leurs coopérations (États-Unis, Chine, Japon, États émergents). Ainsi, l'Algérie utilise l'option d'un « partenariat multiforme » avec les États-Unis sur les plans énergétique et sécuritaire (lutte contre le terrorisme), ainsi qu'avec la Chine et la Russie (son premier fournisseur d'armes), pour atténuer l'emprise de l'UE. Pour Alger comme Tripoli, la rente a toujours constitué un atout dans la résistance aux pressions européennes en faveur des réformes. La position algérienne ouverte à la coopération avec l'Europe, ne cache pas toutefois une certaine méfiance à l'égard des politiques de partenariat de l'UE dont elle craint la « logique hégémonique » contraignant sa marge de manœuvre en matière de réformes et de diplomatie. Dès lors, « Face à la « résistance » algérienne, la dimension économique et sécuritaire de la politique de l'UE a très largement pris le dessus sur les réformes politiques ». Avec l'Europe, « l'Algérie est intéressée par le marché énergétique

et la coopération sécuritaire, mais non par la dimension politique de la PEV et encore moins par son intrusion dans l'agenda des réformes économiques » (Martinez, 2010, p.194 et 195).

IV.1. Avantages

Le programme Méda a théoriquement vocation à intervenir dans quatre grands domaines (Rapport d'information ; 1999) :

- *L'appui à l'ajustement structurel* : Il s'agit d'un soutien budgétaire aux réformes économiques et plus particulièrement celles engagées avec les institutions de Bretton Woods et de l'Union européenne. Pour 1995-1997, cet appui a représenté 13 % des engagements concentrés sur quatre pays : l'Algérie (30 Mécus), la Jordanie (100 Mécus), le Maroc (120 Mécus) et la Tunisie (100 Mécus). Soit au total 350 Mécus.
- *L'aide à la transition économique* Il s'agit d'encourager l'instauration d'un environnement de politique économique favorable au développement du secteur privé : appui aux techniques de privatisation, réforme des secteurs bancaires et financiers, amélioration de la formation professionnelle, création de centres de conseil aux entreprises. Dans cet appui à la transition économique, l'action de la Banque européenne d'investissement représente près de 40 % des décisions d'investissement. L'essentiel de l'action de la BEI est constitué par des opérations de capitaux à risques, notamment pour l'industrie et pour appuyer les processus de privatisation. Par ailleurs, le programme soutient les réformes administratives et finance les "Méda-teams", équipes d'experts qui assistent les services de la Commission et chacun des pays tiers méditerranéens. L'aide à la transition économique représente 27 % des engagements pour la période 1995-1997.
- *L'appui à un meilleur équilibre socio-économique* Dans ce cadre, les projets ont pour objectif d'atténuer les effets de la transition économique et de la création d'une zone de libre-échange. Ils sont consacrés à l'éducation et à la formation, au développement rural, à l'environnement et à la gestion des ressources naturelles (l'eau en particulier), au développement social. Cet appui absorbe 46 % des engagements pour la période 1995-1997.
- *L'appui à la coopération régionale* Il s'agit de soutenir les efforts de coopération entre les États du Sud dont les économies sont aujourd'hui faiblement intégrées. C'est dans ce cadre également qu'intervient le soutien à la coopération décentralisée et au renforcement de la société civile. Cet appui absorbe 14 % des engagements pour la période 1995-1997.

Les avantages attendus du libre-échange industriel sont beaucoup plus incertains. On en attend, en premier lieu, une baisse mécanique des prix intérieurs induit par la baisse des droits de douane ce qui aura des effets positifs sur le pouvoir d'achat et la compétitivité globale. Mais, surtout, on espère que l'ouverture et l'intégration de ces économies incitera

les entreprises locales à se moderniser et les investisseurs étrangers à augmenter leurs apports dans ces pays. Actuellement, ils n'attirent qu'un faible parti des investissements directs étrangers. 97% des investissements directs mondiaux proviennent d'Amérique du Nord, d'Europe ou du Japon et sont pour les trois quarts dirigés vers ces mêmes régions. 80% des investissements réalisés hors de ces régions sont orientés vers dix pays. Parmi les pays du sud de la Méditerranée, seule la Turquie appartient à cette liste d'élus. Or les facteurs qui conditionnent ces investissements ne sont plus seulement d'ordre douanier, fiscal ou salarial. Les investisseurs s'intéressent à tel ou tel pays en fonction de la taille de son marché, de son insertion dans un ensemble régional, du niveau de formation de la main d'œuvre, de la qualité de ses infrastructures de communication... En d'autres termes, l'application des accords euro-méditerranéens constituera une épreuve sérieuse pour ces économies. Le libre-échange industriel est un pari risqué

IV.2. Inconvénients

- Parmi les risques certains que comporte ce projet, il convient de citer en premier lieu la concurrence accrue que devront supporter les entreprises locales qui vivent jusqu'à présent à l'abri de barrières douanières élevées. Selon de nombreux économistes, ces entreprises, souvent des PME, auront les plus grandes difficultés à survivre, à moins d'une reconversion rapide. Par ailleurs, la baisse des droits de douane sur les produits communautaires se traduira par d'importantes pertes de recettes budgétaires alors que ces pays connaissent déjà de grandes difficultés financières et sociales. Leurs produits industriels sont dores et déjà exonérés de droits de douane. Les accords euro-méditerranéens ne leur apporteront aucun avantage nouveau. La conjugaison de ces trois facteurs pourrait donc se traduire par un scénario très préoccupant pour les économies du sud qui verraienr leur tissu industriel se défaire, avec de fortes conséquences sur l'emploi, et leurs comptes extérieurs et leurs finances publiques se dégrader.
- L'Union européenne prétend avoir modifié le régime commercial liant aux pays d'Afrique du Nord (un accès préférentiel au marché européen pour certains produits) pour s'adapter aux règles de l'OMC qui exigent la réciprocité. Mais ses projets méditerranéens vont bien au-delà des relations avec le maghreb. De plus, il était possible d'obtenir une dérogation pour maintenir le régime antérieur. En réalité, comme toute puissance commerciale, l'Union européenne cherche à s'ouvrir les marchés étrangers. Les objectifs de l'impérialisme sont toujours les mêmes. Il s'agit de trouver des débouchés aux biens et aux services des capitalistes européens, d'accéder facilement aux marchés publics, d'exporter des capitaux et de fournir aux industries de transformation des matières premières bon marché. Dans le secteur stratégique de l'énergie, les signataires de la déclaration de Barcelone « reconnaissent le rôle structurant du secteur de l'énergie dans le partenariat économique euro-méditerranéen » et « décident de créer les conditions cadres

adéquates pour les investissements et les compagnies d'énergie ». La libre circulation des capitaux est prévue. D'une manière générale, en ce qui concerne les investissements directs, les capitalistes européens peuvent délocaliser pour profiter de la main d'œuvre bon marché des pays méditerranéens, pour ensuite exporter les produits sur le marché européen sans acquitter de droits de douanes. Mais pour les entreprises véritablement locales des pays du sud, souvent peu compétitives, la suppression des droits de douane implique la concurrence sans entrave des produits européens. Or, si la structure économique des pays du sud de la Méditerranée n'est pas exactement celle des pays ACP (économie plus diversifiée, secteur industriel plus développé), elle reste caractéristique de « pays en voie de développement » qui devront donc faire face au même type de difficultés que les pays ACP.

- Un renforcement de la domination. La suppression des droits de douane porte avant tout sur les produits industriels. En matière agricole, l'Union européenne qui souhaite protéger sa production, a imposé des contingents tarifaires, c'est-à-dire des limitations quantitatives au-delà desquelles les droits de douane doivent être acquittés. Or, c'est précisément dans le domaine agricole, sur certains produits uniquement, que les pays du sud pouvaient espérer tirer leur épingle du jeu. Quant à leur production industrielle, elle est peu compétitive & (sauf peut-être dans le textile) et ne pourra pas faire face à la concurrence des produits européens. Les élus du peuple étant beaucoup mieux informés que les populations qu'ils sont censés représenter, les rapports parlementaires contiennent des remarques et renseignements précieux. C'est en connaissance de cause que les députés ratifient les accords bilatéraux. Ainsi, le rapport de M. Vauzelle (Rapport ; 1999), enregistré en 1999, n'a pu éviter de présenter les principaux enjeux. Le parlementaire remarque que « pour les pays tiers méditerranéens, la création d'une zone de libre-échange avec la communauté comporte « des inconvénients certains et des avantages aléatoires » aussi, « le processus suscite de fortes inquiétudes chez les pays méditerranéens. » L'élu s'adressant à ses pairs avec honnêteté n'oublie pas l'essentiel : « Parmi les risques certains que comporte ce projet, il convient de citer en premier lieu la concurrence accrue que devront supporter les entreprises locales qui vivent jusqu'à présent à l'abri de barrières douanières élevées. Selon de nombreux économistes, ces entreprises souvent des PME, auront les plus grandes difficultés à survivre, à moins d'une reconversion rapide. [...] Par ailleurs, la baisse des droits de douane sur les produits communautaires se traduira par d'importantes pertes de recettes budgétaires alors que ces pays connaissent déjà de grandes difficultés financières et sociales. [...] Leurs produits industriels sont d'ores et déjà exonérés de droit de douane. Les accords euro-méditerranéens ne leur apporteront aucun avantage nouveau. La conjugaison de ces trois facteurs pourrait donc se traduire par un scénario très préoccupant pour les économies du sud qui verraienr leur tissu industriel se défaire, avec de fortes conséquences sur l'emploi, et leurs comptes extérieurs et leurs finances publiques se dégrader. » Vauzelle évoque ensuite le cas de la Tunisie, le premier pays (après la Turquie) à avoir signé un accord et dont « le secteur industriel est fortement ébranlé par le libre-échange » :

« Structurellement déficitaire, la balance commerciale tunisienne connaît une dégradation qui est directement liée à l'ouverture de ses frontières et à une très forte montée des achats à l'extérieur.[...] Les autres pays méditerranéens connaîtront des difficultés semblables. »Deux autres rapports, plus récents, confirment eux-aussi la dangerosité des accords de libre-échange pour les pays méditerranéens. Le rapport de Louis Le Pensec l'observe avec satisfaction : « il faut bien être conscient que le projet libre-échangiste n'équivaut pas à un avantage commercial accordé aux pays tiers méditerranéens. Il permettra simplement de rétablir la réciprocité des conditions d'échange, au profit des pays de l'Union, dans le commerce des produits industriels où l'Europe dispose d'un avantage comparatif évident. Seuls les secteurs textiles et de l'artisanat des pays méditerranéens pourraient en bénéficier à condition d'être confortées par les politiques d'accompagnement adéquates. (Rapport ; 2001) »Le Pensec remarque que certains pays tiers « craignent toutefois qu'il conduise surtout à offrir à l'Union des débouchés industriels laminant leur industrie naissante et fragile sans qu'il leur soit accordé de contrepartie possible en matière d'échanges agricoles, lesquels resteront soumis à des contingentements. »Dans ces conditions, les négociations ne pouvaient qu'être difficiles. Faisant valoir les risques pesant sur leurs structures industrielles, les Etats méditerranéens ont cherché à obtenir des compensations financières et un relèvement des contingents agricoles. Les négociations ont été longues mais la plupart des accords sont désormais signés. Pour parvenir à ses fins, l'Union européenne a mis en place le programme MEDA, finançant des projets censés « atténuer les effets de la transition économique ».Cependant, le financement de quelques projets ne peut en aucun cas compenser les pertes de recettes liées au démantèlement douanier. En outre, les concessions européennes dans le domaine agricole restent très limitées.Fondamentalement, la mise en place d'accords de libre-échange ne peut que renforcer l'impérialisme et ses mécanismes de domination : accroissement de l'extraversion et de la spécialisation des économies du sud, faiblesse du secteur industriel, qui risque fort d'être laminé par la concurrence des produits européens, main-mise du capital étranger sur les moyens de production etc.L'instauration du libre-échange va probablement poser de graves problèmes à très court terme. Selon un rapport parlementaire enregistré en décembre 2003, l'impact du démantèlement douanier « commence déjà à être perceptible en Tunisie et au Maroc ». Le rapporteur note qu'« il est probable que les difficultés financières pèseront de plus en plus fortement au cours des prochaines années. L'Union Européenne devra se montrer particulièrement vigilante pour préserver la capacité de financement des services publics essentiels et les infrastructures des pays méditerranéens afin d'éviter l'effondrement de leurs économies.(Rapport ; 2003) »Les politiciens qui enfoncent le tiers monde dans la dépendance aiment porter le masque valorisant du généreux donateur. Surtout, les capitalistes européens ont besoin de main d'œuvre formée, de commandes publiques, de consommateurs (une petite fraction de la population suffit), de quelques infrastructures de base opérationnelles et, même si dans certaines circonstances ils profitent de l'instabilité, d'un minimum de stabilité politique. C'est

pourquoi l'Union européenne organise simultanément le sous-développement et la charité. Il est remarquable de constater le peu d'attention des médias français pour les accords de libre-échange impulsés par l'Union européenne. Ce désintérêt significatif doit être comparé à la couverture de l'ALENA. L'accord de libre-échange nord-américain a quant à lui fait l'objet de nombreux articles, souvent critiques, dans la presse française. Ces articles omettaient de signaler les conséquences de l'entrée en vigueur de l'ALENA, en terme de parts de marché, pour les capitalistes européens. Il y a là quelques enseignements à tirer sur le fonctionnement des systèmes de propagande nationaux, sur leurs cloisonnements et leurs stratégies de diversion... L'impérialisme européen mène sa politique d'ouverture des marchés étrangers de manière d'autant plus pressante qu'il doit tenir compte des velléités des impérialismes concurrents, particulièrement des Etats-Unis.

- Les marchés méditerranéens dans les rivalités inter-impérialistes. Le rapport de Jean-Claude Guibal ne manque pas de rappeler la présence de la concurrence américaine : « Les Etats-Unis ont une vision propre de la méditerranée caractérisée par un différentialisme opposé à l'universalisme européen, mis au service d'une stratégie de puissance qui vise à écarter tout rival sérieux dans la région.[...] De plus, les Etats-Unis ont vu, dans le partenariat euro-méditerranéen, une concurrence à leur hégémonie tant à l'égard des européens qu'à l'égard des pays arabes. Washington n'a eu de cesse de mettre en place d'autres programmes concurrents comme le processus MENA couplant le développement économique et le respect des accords d'Oslo. L'initiative Stuart E. Eizenstadt en direction du Maghreb, proposée en 1998[c'est-à-dire 3 ans après le lancement du processus de Barcelone] définissait la nouvelle vision américaine d'un « Maghreb à trois »(Tunisie, Algérie, Maroc). Elle visait la mise en place d'une concertation politique au plus haut niveau avec les dirigeants maghrébins, l'organisation d'un espace économique unique, intégré et cohérent, favorisant les échanges avec le marché commun de l'Alena et la promotion de partenariats commerciaux et financiers, entre les entreprises privées des deux ensembles. »Contrairement à ce que pourrait laisser penser Guibal, il n'y a pas « d'hégémonie » américaine en méditerranée, loin de là. Il faudrait évaluer avec précision le rapport de force, pays par pays (parts de marché respectives, part des investissements directs étrangers, place dans les secteurs stratégiques, obtention des marchés publics etc.). Mais l'on peut d'ores et déjà faire quelques observations. En 2002, 52% des échanges des pays méditerranéens étaient effectués avec l'Union européenne et 13% avec les Etats-Unis. La France est bien sûr le premier partenaire commercial de ses anciennes colonies d'Afrique du Nord. Elle est aussi le premier investisseur étranger en Jordanie et au Liban. L'Union européenne est le premier partenaire commercial du Liban, de l'Egypte(où les Etats-Unis sont tout de même bien placés avec 18% de parts de marché) ainsi que le premier partenaire commercial de la Syrie, avec 30,9% de part de marché (premier semestre 2001) contre seulement 4% pour les Etats-Unis, mais aussi d'Israël (si la situation n'a pas évolué depuis juin 1999 (Samir Gharbi ; 2004)) . Toujours est-il que l'impérialisme américain, à la recherche de débouchés et de matières premières, est lui aussi à l'offensive dans les

pays du pourtour méditerranéen. Les Etats-Unis ont passé des accords de libre-échange avec plusieurs pays membres du partenariat euro-méditerranéen : il y a bien sûr Israël, un pays avec lequel les Etats-Unis entretiennent les relations privilégiées que l'on sait (de son côté l'Union européenne est le premier contributeur à l'autorité palestinienne) mais aussi la Jordanie et, plus récemment, le Maroc. Les Etats-Unis auraient également fait des propositions aux présidents algériens et tunisiens (Note 2272 ; 2004). Il va de soi que les accords passés par les Etats-Unis auront, globalement, des effets tout aussi néfastes que les accords euro-méditerranéens. Les remarques précédentes sur le renforcement de la domination doivent donc leur être appliquées.

V. Le secteur des hydrocarbures entre monopole et libéralisation comme nécessite au partenariat euro-méditerranéen (Yanis Ainus et al. ;2012)

V.1. Les hydrocarbures richesse ou malédiction

L'idée que le secteur des hydrocarbures en Algérie était à lui seul porteur de développement rapide à travers une stratégie d'industrialisation lourde n'a été qu'une illusion, en effet, le contre-choc pétrolier de 1986 et la crise de la dette des années 1980 ont montré les limites d'une telle stratégie ainsi que la fragilité de l'économie et sa dépendance vis-à-vis des hydrocarbures. Ses principales caractéristiques en font un État rentier (Machin Alvarez, 2010), dont l'évolution de l'activité économique et ses fluctuations sont pour l'essentiel dues à la part prépondérante du secteur des hydrocarbures. Une dépendance qui ne fait que s'approfondir. Pour certains les pays dotés de richesses minières ont globalement vu leurs économies croître de manière moindre que les pays ne disposant pas de ces richesses Sachs et Warner (1995, 2001) et Auty (2001). On parle dans ce cas de malédiction des ressources naturelles (Auty, 1993).

Ces ressources naturelles non renouvelable nécessitent une extraction à un coût qui est généralement beaucoup plus faible que leur valeur de marché, d'où l'apparition de rentes importantes. La génération de la richesse par les ressources naturelles peut se faire indépendamment des autres processus économiques et être en quelque sorte enclavée comme elle peut également se réaliser indépendamment des autres processus politiques lorsqu'un gouvernement octroie l'accès à ces ressources sans la coopération des citoyens et/ou le contrôle des institutions politiques. (Humphreys, Sachs, Stiglitz, 2007, p. 4)

C'est là qu'intervient l'importance du contrôle des institutions (Collier, Goderis, 2007 ; Frankel, 2010) et du capital humain (Bravo-Ortega, de Gregorio, 2007) aux termes de gouvernance et de conflits pour expliquer au mieux cette malédiction. (Arezki, Brückner, 2011) (Barbier, 2005) (Humphreys *et alii*, 2007) (Collier, Goderis, 2007 ; Frankel, 2010)



Un autre problème fondamental apparaît : les ressources naturelles affaiblissent la gouvernance et rendent même le processus démocratique moins efficace, en poussant les partis à une concurrence électorale féroce sans qu'ils soient pour autant incités à créer des restrictions sur l'utilisation du pouvoir (Collier, 2008).

A L'analyse économique vient s'ajouter l'analyse des institutions permettent de comprendre la situation d'un pays rentier. La gestion des revenus des ressources naturelles est cruciale pour le développement, à travers l'arbitrage entre consommation et investissement, entre différents types d'investissement, création de fonds souverains, transparence, responsabilité, etc. (Humphreys, Sandbu, 2007 ; Collier *et al.*, 2009 ; Collier, Gunning, 2005). Outre les problèmes de corruption qu'une telle politique peut entraîner (Kolstad, Soreide, 2009) et le fait que ceux-ci soient moindres en présence d'institutions démocratiques, de transparence et de contre-pouvoirs (Bhattacharyya, Hodler, 2010), le management juridique du secteur des hydrocarbures peut également poser problème. Cette partie propose une analyse de l'évolution de l'arsenal juridique algérien en la matière. Nous montrons que les réaménagements successifs, à différentes étapes historiques, répondent à des objectifs différents (recouvrer la souveraineté, augmenter la production, attirer les IDE, se protéger des fluctuations du marché...) mais sont également soumis à des contraintes internes et externes complexes. Au total, apparaît l'absence d'une vision stratégique de long terme pour ce secteur pourtant essentiel.

V.2. L'ouverture du marché des hydrocarbures (2005) : une exigence du partenariat euro –algérien (et l'adhésion à l'OMC)

Sous prétexte de la validation de l'Accord d'Association Algéro-Européen et dès 2001, il y eut une volonté politique forte de supprimer le monopole de l'État – et donc de la Sonatrach – sur les activités de recherche et de production des hydrocarbures. Surfant sur la vague de libéralisation des marchés de l'énergie, et plus particulièrement du gaz, dans les pays occidentaux et s'appuyant sur la volonté affichée d'adhérer à l'OMC, une loi de libéralisation avancée (loi n° 05-07) de ce secteur a été finalement promulguée en 2005.

Le choix des acteurs se fait désormais à travers une procédure d'appels d'offres, une des principales nouveautés dans l'arsenal juridique des hydrocarbures. Ceci remet directement en cause les acquis de la nationalisation et notamment sa mesure phare, l'obligation d'association à la Sonatrach. Désormais, les sociétés étrangères ont la possibilité d'intervenir directement dans le domaine minier (amont et aval) sans association avec la Sonatrach et sans aucune limitation de participation dans les projets. Toutefois, une

option légale de participation de 20 à 30 % est offerte à la Sonatrach dans toutes les découvertes réalisées par les sociétés étrangères en contrepartie du remboursement, à hauteur de sa participation, des coûts directement liés à la découverte du puits et des travaux d'appréciation. Cette volonté de libéralisation a entraîné de très sérieuses controverses en Algérie et des réactions négatives de certains pays de l'OPEP, car pouvant les impacter directement.

Plusieurs arguments ont été avancés par les promoteurs de cette loi : inefficacité du monopole, nécessité de la concurrence, attractivité du secteur, récupération par l'État de ses prérogatives... Fondamentalement, il est vrai qu'une transparence accrue dans la procédure d'attribution des concessions minières et, plus généralement, dans le fonctionnement de ce secteur pourrait permettre de mieux lutter contre la corruption, véritable fléau en Algérie. Ainsi, recentrer la Sonatrach sur son métier de base et faire en sorte qu'elle soit confrontée localement à une concurrence devrait permettre de diminuer sensiblement les comportements rentiers. Par ailleurs, ces changements s'inscrivent dans la poursuite des réformes économiques portant essentiellement sur l'ouverture à la concurrence de différents secteurs d'activités et en vue de l'adhésion de l'Algérie à l'OMC et de bénéficier par la suite de l'accord d'association avec l'UE. Notons que le « *double pricing* » du gaz (à l'international et au local) est l'un des points fondamentaux qui bloque cette adhésion. Les articles 9 et 10 portant sur la détermination des prix des produits pétroliers et du gaz naturel sur le marché national sont une réponse aux demandes formulées par certains membres de l'OMC. De même, ses promoteurs espéraient attirer plus d'investissements étrangers dans différents segments de la chaîne des hydrocarbures. Cet argument est toutefois à relativiser, car les amendements de 1986 et 1991 et l'introduction des contrats de partage de la production ont déjà permis une sensible augmentation des contrats d'association et des découvertes.

Selon les opposants à cette loi, « la thèse centrale qui sous-tendait la loi sur les hydrocarbures n° 05/07, adoptée en avril 2006 et amendée aussitôt par ordonnance du président de la République du 30 juillet 2006, était que les ressources de pétrole étaient abondantes dans le monde, que la concurrence était vive entre les pays exportateurs et que, pour défendre sa part de marché, l'Algérie se devait d'améliorer son attractivité, en ouvrant davantage son domaine minier aux investisseurs étrangers » Amor Khelif. Or, force est de constater, selon cet auteur, que les fondamentaux du marché pétrolier international résident dans la raréfaction du pétrole conventionnel et son renchérissement, ainsi que dans une suspicion sur la véracité des réserves estimées. Dans ce cas et avec l'envolée durable du prix des hydrocarbures, il devient inutile et dommageable pour l'économie algérienne

de faire profiter autant les firmes multinationales. Sous la pression interne politique et syndicale, mais aussi externe (Venezuela), un revirement total a eu lieu et s'inscrit plus globalement dans un changement de stratégie des pays pétroliers arabes et de la Russie. La Sonatrach est réintégrée dans sa position d'acteur principal garantissant le monopole de l'État dans le secteur, avec l'obligation d'avoir une participation minimum de 51 % dans chaque projet de recherche et de production d'hydrocarbures. De même, pour capturer le plus de rente possible, les pouvoirs publics ont institué des taxes sur les profits exceptionnels pour tout prix du baril au-dessus de 30 dollars US.

Cela souligne le manque d'attractivité de l'amont pétro-gazier en Algérie, en raison notamment d'une fiscalité jugée trop défavorable, d'une instabilité législative et d'un manque de cohérence du cadre juridique conservant des dispositions libérales de la loi de 2005 (concessions) alors que le système de partage de production a été rétabli. Ces déconvenues poussent à un nouveau réaménagement de la loi comme l'a annoncé M. Yousfi, ministre de l'Énergie et des mines, en décembre 2011. Toutefois, la complexité de la prise de décision dans ce pays, accentuée par le scandale de la Sonatrach de 2010 (mise en cause du PDG et incarcération de plusieurs hauts responsables), a fait perdre beaucoup de temps et de revenus.

D'un point de vue économique, il est difficile de trouver une cohérence globale et une vision stratégique en matière d'hydrocarbures. Des analyses géostratégiques et politiques sont nécessaires pour comprendre les réels enjeux (Malti, 2010). Notons que les changements opérés ont été soit réalisés dans la précipitation pour la plupart, soit anachronique (loi de libéralisation de 2005). Cela a pour effet d'augmenter l'insécurité juridique et *in fine* de nuire à l'attractivité du secteur pour les entreprises étrangères. Enfin, le resserrement du jeu politique interne (montée de la demande de justice sociale, de transparence, de démocratie, pression des « printemps arabes », interrogations pressantes autour de la gestion du fonds de régulation des recettes), tournant autour de l'appropriation et du partage de la rente, pourrait expliquer un tel blocage mais être également le déclencheur d'une solution globale négociée.

V.3. Répercussions des accords d'association Euro-Algériens sur l'économie Algérienne

Selon certains l'aspect commercial des accords d'association Euro-Algériens l'emporte nettement sur l'aspect de la coopération économique, malgré l'exigence du premier volet du respect obligatoire d'un échéancier précis (F. SEBHI ; 2004).

On s'aperçoit qu'à la suite du gonflement accéléré des importations au cours des dernières années (38 milliards de dollars en 2008 et 2009 contre 11 à 12 milliards au début de la

décennie) la baisse des tarifs douaniers contenue dans l'accord d'association coûte beaucoup plus cher que prévu au trésor algérien d'un coté comme l'illustre les tableaux ci-dessous.

Fig18. La perte de PIB (%) causée par la réduction des droits de douanes (2005-2015)

Années	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
La perte	0	0.2	0.4	0.6	0.7	0.9	1.0	1.1	1.1	1.0	1.0	1.0

Source Keltoum HASSAINE ; 2010-2011. Accord d'association Algérie-Union Européenne- Quelle perspectives pour l'économie algérienne?; Faculté SEGC. Université d'Oran ; p164

Fig19. Le calendrier du démantèlement progressif des droits de douane

Taux droit commun	Tarif du droit de douane préférentiel									
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2017
5%	4.5	4	3.5	3	2.5	2	1.5	1	0.5	0.2
15%	13.5	12	10.5	9	7.5	6	4.5	3	1.5	0.7
30%	27	24	21	18	15	12	9	6	3	1.5

Source Keltoum HASSAINE ; 2010-2011. Accord d'association Algérie-Union Européenne- Quelle perspectives pour l'économie algérienne?; Faculté SEGC. Université d'Oran ; p167

Fig 20. Part des droits de douane dans les recettes budgétaires en % de PIB :

Année	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
%	6.9	7.3	8	8.3	8.1	7.9	7.9	7.8	7.6	7.6	7.6

Source Keltoum HASSAINE ; 2010-2011. Accord d'association Algérie-Union Européenne- Quelle perspectives pour l'économie algérienne?; Faculté SEGC. Université d'Oran ; p167

D'un autre coté la fluctuation du prix de pétrole, dû à son caractère volatile ou encore à la tentative de l'ouverture de son marché suite aux exigences du partenariat Euro-méditerranéen, a beaucoup influencé les recettes budgétaires c'est à partir de 2004 que les prix amorcent leur envol. Les prix du baril passent de 37.09\$ en 2003 à 82.65\$ en 2007(\$2014), soit une augmentation de 122.6%. Au cours de l'année 2008, les prix ont atteint 148\$ en juillet et une moyenne annuelle de 106.94\$(2014) au moment de la crise économique mondiale. Certains experts appellent ce mouvement de hausse un troisième choc pétrolier, qui s'explique par quatre principaux facteurs : la relance de la croissance économique, des marges de production OPEP limitées et des coûts de production en hausse. Au plus fort de la crise financière mondiale, on observe une chute drastique du cours du baril : de 130\$ à 40\$ (courants) entre juillet et décembre 2008. A partir de 2009, les pays

producteurs réduisent leurs productions et le prix du baril revient à 68.05\$ (\$2014). En 2010, la reprise économique est accompagnée d'une forte croissance de la demande de pétrole, laquelle induit une relance des prix à la hausse. A cause des printemps arabes, les marchés craignent des répercussions sur les capacités de production et contribuent à maintenir des prix élevés à 86.31\$ en 2010. 107.09\$ en 2001 et 115.14\$ en 2012. En 2013 le cours du baril retombe à 110.42\$, entame une baisse durable et passe sous la barre des 30\$ courants en 2016. Ceci s'explique en partie par l'attitude de l'Arabie Saoudite qui maintient des niveaux de production élevés et ce malgré l'excès de l'offre afin d'affaiblir la production de gaz de schiste et protège ses part de marché. Les échanges commerciaux ont eu leur part de marché des retombées de l'Accord d'Association les données ci-dessous en témoignent. (HERIZI Ratiba et Moussi Oumelkeir 2017)

Fig 21. Total goods : EU Trade flows and Balance (with Algeria)

Period	Imports			Exports			Balance Value Mio €	Total Trade V. Mio €
	Value Mio €	% Growth	% Extra EU	Value Mio €	% Growth	% Extra EU		
2006	24.154		1.8	9.977		0.9	-14.177	34.132
2007	20.585	-14.8	1.4	11.270	13.0	0.9	-9.314	31.855
2008	28.260	37.3	1.8	15.401	36.7	1.2	-12.858	43.661
2009	17.411	-38.4	1.4	14.821	-3.8	1.4	-2.590	32.232
2010	21.075	21.1	1.4	15.595	5.2	1.2	-5.480	36.671
2011	27.850	32.1	1.6	17.312	11.0	1.1	-10.538	45.161
2012	32.764	17.7	1.8	21.125	22.0	1.3	-11.640	53.889
2013	31.920	-2.6	1.9	22.386	6.0	1.3	-9.534	54.306
2014	29.458	-7.7	1.7	23.375	4.4	1.4	-6.083	52.833
2015	20.908	-29.0	1.2	22.241	-4.9	1.2	1.333	43.149
2016	16.513	-21.0	1.0	20.384	-8.4	1.2	3.871	36.987

Source Eurostat Comext- Statistical regime 4 (16/11/2017)

% Growth: relative variation between current and previous period

% Extra EU: imports/ exports as % of all partners i.e. excluding trade between EU Member States

Fig 22. Total Goods: Trade flows and balance of Algeria with World

Period	Total trade		Partner	Total trade	
	Value Mio €	% Growth		Value Mio €	% Growth
2006	60.949		World	68.689	100.0
2007	63.690	4.5	EU	35.542	51.7
2008	80.790	26.9	China	7.914	11.5
2009	60.582	-25.0	USA	5.130	7.5
2010	73.588	21.5	Turkey	2.920	4.3
2011	86.749	17.9	Brazil	2.724	4.0
2012	95.171	9.7	Canada	1.646	2.4
2013	90.991	-4.4	India	1.266	1.8
2014	90.250	-0.8	Argentina	1.245	1.8
2015	78.586	-12.9	South Korea	1.151	1.7
2016	68.689	-12.6	Tunisia	930	1.4

Source Eurostat Comext- Statistical regime 4 (16/11/2017)

World trade: excluding intra-region trade

% Growth: relative variation between current and previous period

VI. Le partenariat : Les Perspectifs (Délégation UE 08/12/2016)

Le 31 août 2015, L'Algérie avait officiellement exprimé le souhait d'évaluer l'accord d'association qu'elle estime déséquilibré. Les négociations menées par la suite ont abouti à l'adoption de nouvelles priorités de partenariat lors du dixième conseil d'association qui s'est tenu à Bruxelles 13 mars 2017. Pour cela une évaluation conjointe des mesures pour améliorer la mise en œuvre de l'accord d'association a été adopté

VI.1. Propositions conjointes UE-Algérie

Le cadre général des relations Algéro-Européenne est l'Accord d'Association entré en vigueur septembre 2005, 10 ans après et afin de relancer la coopération et en application des orientations de Mme Federica MOGHERINI²⁹⁸, Mr Ramtane LAMAMRA²⁹⁹ et à l'issue d'une session spéciale du comité d'association, tenue à Bruxelles le 25 février 2016, il a été convenu de tenir une série de dialogue thématiques informels et d'établir une série de documents conjoints thématiques faisant la synthèse entre les propositions algériennes, celles de l'EU et de possibles propositions conjointes aussi concrètes que possible contenus dans ce qui suit :

Les parties ont axé leur objectifs et actions autour de quatre thèmes :

1. Soutien aux échanges commerciaux UE-Algérie.

²⁹⁸ Haute représentante de l'UE pour les affaires étrangères et la politique de sécurité et Vice-Présidente de la commission européenne.

²⁹⁹ Ministre d'état, Ministre des affaires étrangères et de la coopération internationale.

2. Soutien à la diversification et à la compétitivité de l'économie Algérienne.
3. Soutien aux investissements en Algérie.
4. Renforcement de la coopération sectorielle : agriculture et pêche, recherche et développement, énergie, les douanes.

L'Algérie souligne que de nouvelles mesures sont introduites pour améliorer le climat des affaires, l'attractivité des investissements directs étrangers et le développement des partenariats. Et elle devrait prendre des mesures visant la satisfaction de la demande intérieure et la simulation de la production nationale et du développement d'activités exportatrices.

La répartition indicative par secteur de l'assistance financière de l'UE pour l'Algérie pour la période 2011-2017 (enveloppe indicative : 121-148 m EURO) est la suivante :

- Réforme de la justice et renforcement de la participation citoyenne -25%
- Marché du travail et emploi -30%.
- Appui à la gestion et à la diversification de l'économie -30%.

V1.2. Les parties conviennent

D'utiliser au mieux les outils de coopération financière sectoriel et thématique dont le programme d'Appui à la mise en œuvre de l'accord d'association (dit P3A), qui depuis 2007 a mobilisé 84 millions d'euro.

- Phase I (2009-2011) 10 millions d'euro, 5 jumelages et 50 actions TAIEX (ciblant prioritairement les volets économiques et commerciaux du P3A).
- Phase II (2011-2014) 29 millions d'euro, 15 jumelages et 50 actions TAIEX (agriculture, justice, aviation civile et gestion des finances publiques -5 millions d'euro).
- Phase III (2013-2017) 35 millions d'euro à pour deuxième priorité les relations commerciales Union Européenne et l'Algérie, en particulier l'adhésion à l'OMC et la future zone de libre Echange, l'accès aux marchés des produits, la libéralisation progressive du commerce des services, et les règles d'origine (protocole Pan Euromed).
- Phase IV (**en cours de formulation**) 10 millions d'euro.

Un programme d'appui à la gouvernance (SPRING), doté de 10 millions d'euro est géré par le P3A (un programme évalué de façon positive en 2014).

1. De promouvoir la co-appropriation des programmes d'appui sectoriels et thématiques de l'UE. Elles engageront à cet effet des discussions sur la

gouvernance et le cadrage du P3A afin de le rendre plus efficient avec un impact concret.

2. Que l'appui budgétaire en tant que modalité de mise en œuvre de la contribution de l'UE, pourrait être repris et étendu en faveur de :

- la réforme de la gestion des finances publiques marquée notamment par la mise en œuvre de la stratégie de modernisation des finances publiques adoptée par le ministère des finances, après son élaboration conjointement avec la partie européenne, qui constitue une étape importante, tout comme l'exercice d'évaluation en cours de la dépense publique dit PEFA.

- l'amélioration de la transparence budgétaire à travers la communication des projets de textes présentés au Parlement.

Sur ces deux aspects l'UE s'est engagée (Plan d'action 2016) à soutenir la mise en œuvre du plan stratégique de modernisation de la gestion des finances publiques du gouvernement algérien, ainsi que les efforts entrepris en matière de transparence budgétaire.

VII. Conclusion

Ainsi, la dynamique de la concurrence pousse les différents impérialismes - à la recherche de débouchés et du contrôle des matières premières - à multiplier les accords de libre-échange. Au Proche et au Moyen-Orient comme en Afrique du Nord, en Afrique subsaharienne comme en Amérique latine, le temps est au renforcement des impérialismes et à l'intensification de leurs rivalités. Les populations du sud font face à la fois à la voracité de leurs propres classes dirigeantes et à celle des impérialismes. Mais la course à la signature d'accords de libre-échange, qui est une des manifestations actuelles de la vieille lutte pour les marchés extérieurs, l'exacerbation de la concurrence et la recherche de toujours plus de compétitivité, de toujours plus de profit, frappent les exploités et les dominés de tous les continents. Constituant une réponse aux changements technologiques, l'UE est une tentative pour accélérer et amplifier le mouvement naturel d'intégration économique, car il est plus facile de passer des accords entre un ensemble limité de pays partenaires souvent similaires ; qu'entre tous les pays du monde à la fois. L'UE qui a le même niveau actuellement que les USA (Mebtoul ;2002) centre son développement sur le ratio innovation d'emploi de plus de cinq millions avant 2002 avec un taux de croissance supérieur à 2,5% rarement le chômage moyen à une barre inférieure à 8% de la population active. C'est pourquoi l'adhésion à l'OMC et la zone de libre échange avec l'Europe implique de raisonner en dynamique afin de favoriser l'investissement direct échange, le partenariat et le privé national pour insérer l'Algérie dans les logiques marchandes internationales, loin de la logique de la rente. Cependant, la nouvelle politique économique s'inscrira dans le cadre de l'espace Europe-Maghreb et plus généralement de l'espace euro-

méditerranéen, impliquant une coordination des politiques économiques basées sur l'encouragement de l'investissement direct et du partenariat Pour l'Algérie, comme d'autres pays pétroliers (Gylfason, 2010), a un besoin vital d'une double diversification, économique et politique, afin d'améliorer ses perspectives de croissance et le bien-être de ses citoyens. La diversification économique peut être basée sur une impulsion de l'État, à travers la nouvelle politique industrielle basée sur une ouverture à l'international, seule capable d'améliorer la compétitivité des entreprises et la qualité de leurs produits. Actuellement, les moyens financiers existent mais il n'est pas sûr que cette opportunité puisse se renouveler dans le futur. Il est de ce fait primordial que le pays prenne ce virage dans les meilleures conditions. Les hydrocarbures ne devraient plus être une malédiction à condition que leur utilisation réponde à des règles de gestion claires, tant sur le plan de la négociation des contrats, de l'attribution des concessions que sur le plan macroéconomique, ou encore celui plus politique de gestion des recettes qui en découlent (Humphreys *et autre*, 2007). La diversification politique peut y contribuer grandement en améliorant les institutions du pays, la confiance des Algériens en leur avenir et en diminuant le caractère rentier du régime.

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