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Presentation of the editor-in-chief

The term sustainable development has been of great importance in the theoretical reality of various higher studies because it is associated with human security, since many governmental and international meetings have been held to achieve this sustainability in reality at the level of all areas , until scientists imagined the possibility of achieving it, so it was to promote the sustainable development of the environment, the sustainable development of tourism, the sustainable development of agriculture, the sustainable development of the habitat and others, but the reality is a lie, nothing is sustainable.

When the microscopic Corona virus succeeded in causing global economic stagnation, cutting international transport, crippling tourism, closing the most vital factories and cutting off family visits, it was confirmed that the permanence of the feeling of security human is illusory, , just like the giant ship "Titanic", where those who built it claimed that it would continue to sail with the impossibility of sinking, and unfortunately it sank on the first departure, this reality was also verified by the man in Yemen, Syria, Iraq, Libya, Palestine and other countries around the world.

If drought strikes the planet and the waters of the wells are flooded, then who gives man fresh water, this is confirmed by God, the Creator of the universe, when he addresses to man, refuting the term permanence for himself, but permanence is related to the will of God, Is it possible for humans to stop climate change or ensure the sustainability of groundwater? Faced with this incapacity, we realize another incapacity represented in the realization of the sustainability of security.

Just as he was unable to stop the first and second world wars, he fears the outbreak of a third world war because of the Ukrainian crisis between Russia and its allies, especially China, with the Western camp led by the United States of America. In this issue of the magazine you will find different topics related to human security in some fields.

Editor in chief of the magazine

Dr. Ali Latreche

Présentation du rédacteur en chef

Le terme développement durable a été d'une grande importance dans la réalité théorique de diverses études supérieures car il est associé à la sécurité humaine, car de nombreuses réunions gouvernementales et internationales ont eu lieu pour atteindre cette durabilité dans la réalité au niveau de tous les domaines. , jusqu'à ce que les scientifiques imaginent la possibilité d'y parvenir, il s'agissait donc de promouvoir le développement durable de l'environnement, le développement durable du tourisme, le développement durable de l'agriculture, le développement durable de l'habitat et autres, mais la réalité est un mensonge, rien n'est durable.

Lorsque le microscopique virus Corona a réussi à provoquer une stagnation économique mondiale, à couper les transports internationaux, à paralyser le tourisme, à fermer les usines les plus vitales et à couper les visites familiales, il a été confirmé que la permanence du sentiment de sécurité humaine est illusoire, tout comme le navire géant "Titanic", où ceux qui l'ont construit ont affirmé qu'il continuerait à naviguer avec l'impossibilité de couler, et malheureusement il a coulé au premier départ, cette réalité a également été constatée par l'homme au Yémen, en Syrie, Irak, Libye, Palestine et autres pays du monde.

Si la sécheresse s'abat sur la planète et que les eaux des puits sont inondées, alors qui donne à l'homme de l'eau fraîche, cela est confirmé par Dieu, le Créateur de l'univers, lorsqu'il s'adresse à l'homme, réfutant le terme permanence pour lui-même, mais la permanence est lié à la volonté de Dieu, Est-il possible pour l'homme d'arrêter les changements climatiques ou d'assurer la pérennité des eaux souterraines ? Face à cette incapacité, nous réalisons une autre incapacité représentée dans la réalisation de la durabilité de la sécurité.

De même qu'il n'a pas pu arrêter la première et la deuxième guerre mondiale, il craint le déclenchement d'une troisième guerre mondiale en raison de la crise ukrainienne entre la Russie et ses alliés, notamment la Chine, avec le camp occidental mené par les États-Unis d'Amérique. Dans ce numéro de la revue, vous trouverez différents sujets liés à la sécurité humaine dans certains domaines.

Rédacteur en chef de la revue
Dr. Ali Latreche



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Analysis of the phenomenon of double deficits in the structure of the Iraqi economy

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Abstract :

The study sought to test the hypothesis that there is a causal relationship between the budget deficit and the current balance deficit in the Iraqi economy, and to achieve this, it aimed at analyzing the macroeconomic variables of the period (1990-2018) to identify the effects of the fiscal deficit on the level of economic activity as a result of the large limit of public revenues to the oil sector instead of looking for other sources of revenue, and the slowdown in the investment of fiscal surpluses during the days of the recovery of oil prices to diversify non-oil revenues, The role of the private sector in economic life has been neglected, as well as the decline in the contribution of manufacturing and the services sector to the GDP structure, while the results have found a unilateral impact from the net trade balance towards the budget deficit.

Keywords: *the budget deficit, the trade deficit, the current balance deficit, double deficits, the Iraq economy, the macroeconomic variables.*



Introduction

The relationship between the budget deficit and the trade deficit in the countries of the world has captured the attention of many economies and economic decision makers due to the continuing deficit for a long time, which produced a package of economic effects, which in turn has exacerbated the process of economic development and worked to drain fiscal surpluses to pose a threat to fiscal policy in achieving internal and external economic balance, as most of these countries, especially very unilateral, such as Iraq, suffer from the permanent deficit in the public budget due to the widening gap of government spending. At the expense of the low public revenues, which make up oil exports as the main source, as the association of the country's financial revenues with external variables difficult to control its price behavior, it made the Iraqi economy a loose economy unable to cope with crises, even simple ones.

In addition to the underdevelopment of infrastructure and its high expenditures, the rigidity of the tax system, as well as an undeveloped banking system, and the inflexibility of the national production apparatus, which has made the economy in a state of double deficit embodied in the trade balance deficit and deepened the deficit gap of the general budget deficit. The concept of the budget deficit is a chronic phenomenon in the overall economies of both developed and developing countries after the introduction of the ideas and proposals of the Kinzi doctrine through the adoption of the government's policy of intervention in economic life and its positive role, which exacerbated the problem of the budget deficit and widened the negative impact on economic variables, and the means and channels of financing this deficit varied from country to country according to the advantages and economic features enjoyed by the country as well as technical and economic progress, Most of the time, the method of financing is adopted through the channel of domestic and external public debt, raising the tax rate or selling the government securities to the central bank, making the economy in a state of structural imbalance .

The trade deficit, which is represented by the growing import side at the expense of exports including foreseeable goods and services, and due to the inflexibility of the national production system, which leads to a decrease in the total supply of goods and services in exchange for a surplus total demand for these goods and services domestically, and since government spending represented by operational and investment expenditures in the general budget, In view of the inflexibility of the national production system, which leads to a decrease in the total supply of goods and services in exchange for a total



surplus demand for these goods and services locally, and since government spending represented by operational and investment expenditures in the general budget, where the proportion of operational expenditures is the largest percentage (salaries and wages of employees) spent on imported goods and services as a result of the undersupply and the inability to meet the total demand, which will contribute to keeping pace with the deficit in the general budget and the deficit in the trade balance In that one.

First: The deficit of the general budget

1-Concept

One of the economic phenomena affecting the level of economic activity, whether in developed or developing countries, is the issue of other economic phenomena such as stagnation, inflation and unemployment, as it is necessary to address the multiple views of the concept of budget deficit, some of them know the budget deficit as a phenomenon that reflects the excess of public expenditures from public revenues as a result of the state's overspending of government spending and the inability of the tax system to respond quickly to this spending during the period of time, whether it is military spending or administratively, socially or servively, and from another point of view known as increased public revenues and a decrease in some others, i.e. actual revenues are lower than the estimated or expected revenues when the budget is implemented during the fiscal year (Khatib, 2007).

2- Types of budget deficit

- **Regulated deficit**

The phenomenon of organized deficits to address the recession associated with stimulating effective aggregate demand through full operation until maximum production capacity is reached, the government has a set of measures to address the Great Depression, but the expansion of government spending or the reduction of taxes or policies together results in a phenomenon called the theory of the intended deficit (regulator).

The government also resorted to organized budget deficits when it adopted lower tax collection than government spending, at which point developed countries adopt a successful expansionary fiscal policy, as increased government spending stimulates effective aggregate demand as a result of higher real incomes among individuals and thus a rise in strength. The increase in incomes is more than their tax burden and lower tax

collection encourages an increase in overall supply when using better and efficient resources.

Developing countries, characterized by the inflexibility of the national productive system and the high rate of marginal tendency to consume, will not be able to finance the deficit by issuing government bonds, which have to issue a new cash issue that is growing high (Khalil, 1994) stimulates effective aggregate demand and does not result in an increase in the total supply of goods and services, thus limiting the increase in cash income rather than real to inflation and a decrease in purchasing power.

- **Unregulated deficit**

There are types of old women under the name of unregulated deficits that are divided into:

- A. Current and overall deficits: The rate of difference between total expenditures and government revenues is expressed after government spending was introduced to meet previous government debt, while the overall deficit represents the negative difference between total public expenditures, including interest paid between total public revenues from taxes, customs duties and other revenues (Thomas, 2016).
- B. Operational deficit and accumulated deficit: The operational deficit relates to the obligations of government debt and the public sector after the introduction of interest on debt due taking into account the high rate of inflation and the depreciation of the real debt, the government is obliged to pay the difference to creditors as a result of the high prices (Zaki, 1999). The accumulated deficit theory is one of the theories that uses the general budget deficit to reduce the economic deficit during acute crises such as unemployment and recession, where the government spends public spending in the form of salaries, wages, workers and subsidies to absorb unemployment and without public opinion flags to maintain the state's confidence and financial position, but in the case of emergency crises such as wars, where public spending is financed by issuing banknotes and the government's trend towards economically unproductive employment such as military production, and to avoid inflation using the system of emergency war. Government price control cards or controls (Qatish, 2013).
- C. Structural and cyclical deficits: The structural deficit reflects the inability of public revenues to meet and cover government tunnels permanently and continuously, which is more than the state's financial outcome, and cannot be addressed by using

fiscal policy instruments only because it represents an imbalance in the structure of the national economy, especially in the economies of developing countries, so that the government should take action to reduce the proportion of structural deficits, including (hashish, 1982) :-

(1) Reducing the overuse of government tunnels in accordance with a well-thought-out mechanism consistent with the economic, financial, social and political objectives that the state seeks to achieve, since expenditures vary according to the role and contribution of economic activities and sectors.

(2) The expansion, increase and diversification of public revenues to cover public tunnels that are less returnable and productive than private sector spending due to poor economic planning, guidance, regulation, stagnation and underdevelopment of the tax system, and others point to structural deficits when income is equal to full employment (Musgreve, 2010). As for the periodic deficit: - The concept of periodic deficit applies then exceeds the actual deficit to the deficit of use or full operation. The cyclical deficit is a temporary short-term deficit that is within the economic cycle and is because government expenditures and revenues are linked to (GDP. 2003).

D. Vulnerabilities and power deficits: These old age are new types of budget deficits, the first of which is known as the deficit caused by the weakness of government administration and its inability to generate revenues on the one hand and irrational spending on the other, while the old women of power are known as the deficit resulting from the support provided by the Government in the form of social and economic subsidies, whether for individuals or projects to achieve economic and social goals or work to raise growth rates in their economic sectors (Robert, 1974).

E. Nominal deficit and real deficit: The nominal deficit represents the amount of the difference in the digital match in the general budget between public revenues and public expenditures regardless of economic factors, while the real deficit represents the nominal deficit adjusted for inflation (David, 2006). The phenomenon of inflation erases debt (accumulated deficits - accumulated surpluses), as debt fades through the phenomenon of inflation and deficit equal to the rate of increase in debt from year to year, and therefore the phenomenon of inflation affects the deficit through the following equation:
$$\text{Real deficit} = \text{nominal deficit} - (\text{inflation} * \text{total debt service})$$

Second: - The concept of trade deficit

The balance of payments is one of the most important tools and indicators used by the state in formulating its foreign economic policy by providing a statistical database of importance to foreign economic policy makers to make an external economic decision, as well as providing information on payments and receipts of the state that contributes to the regulation of monetary policy, as well as showing the degree of international openness to national income within a period of one year, as the balance of payments is an accounting record in which all movements of money between a country with. The rest of the other countries during a certain period of time are mostly one year and the balance of payments is divided into the following (Mohammed, 1999) :

1. Current account or trade balance: - It represents the calculation of trade and service account and records all economic exchanges that affect the balance of payments during the same year or period in which they occurred and is divided into- :
 - A. The balance of trade perspective: - It represents all paragraphs related to the exchange of tangible goods from exports and imports to a country with the outside world and is registered when crossing the border in the customs department.
 - B. Invisible trade balance: - is the economic processes of services such as navigation, aviation, railways, tourism, travel insurance, and investment returns.
- 2- Unilateral account of transfers: This account represents one of the sub-accounts of the balance of payments unilaterally transferred free of charge from foreign currency such as grants, donations, transfer of workers abroad, subsidies, which are provided by the state to other countries free of charge where they are fixed in balance accounts Payments upon receipt of foreign currency by the state are in credit either when the state pays foreign currency, which is fixed in the debtor's custody (Amin, 2008) and for another free of charge where it is fixed in balance accounts .
- 3- Capital Account: Y=This represents all items related to the creditor and debtor side that reside between residents and non-residents over a certain period of time is not current but previous or subsequent (Sr.2000), and is divided into a long-term capital account (David, 2011) and a short-term capital account.
4. Net international reserves of cash gold and liquid assets: the exchange of gold internationally to settle international payments and not for a consumer purpose to

cover the deficit in part or entirely in the balance of payments, results in a balance between creditor and debtor i.e. balance of payments (MIROFI, 2006).

Third: - Types of trade deficit

1-The deficit of the foreseeable trade balance: - It represents the difference between the value of physical commodity exports and the value of the physical commodity imports of a particular country with the countries of the outside world when recorded in the data of the Customs Department within a period of one year.

2-The deficit of the invisible trade balance: - It represents the difference between the value of the creditor and the value of the debtor for the commercial and financial operations of a particular country with the countries of the outside world within a period of one year, which is related to the production process, income and wages such as services, transportation, life insurance, expenses of study missions, commercial commissions.

Fourth: - The causes of the trade deficit

The trade balance is more important than other sub-accounts within the balance of payments, which include the current account, the capital account and the gold account (Shaqir, 1961) because of its large size and acquisition of all consumer and productivity activities in the national product, as the causes of the trade deficit are divided into the following:

1-Reasons arising from the imbalance in the relationship between the trade balance and national income .

Exports are the outputs of national product, and imports from national income payments, which indicates an inevitable relationship between the trade balance and national income, and this can be explained by the identical Keynes- :

$$Y=C+I+X-M) 1$$

The equation of the national product of goods and services of a particular country is directed to domestic consumption (c), domestic investment (i) and government tunnels (G), these economic variables can be coded by code (B) and called local uses and (x-m) is called the balance of trade balance.

$$B=C+I+G \quad 2$$

After compensation equation (2) in equation (1) we get the following- :

$$Y-B=X-M \quad 3$$

The right side represents the balance of trade balance (x-m) the difference between exports and imports of a particular country and represents the bulk of the current account resulting from the trade deficit when GDP is lower than domestic uses $y < B$ and thus the annual government tunnels on imports increase more than exports ($m > x$) (2) and vice versa in the case of surplus.

2-Reasons arising from the different relationship between domestic savings and domestic investment

$$I+(X-M) \quad (1) +GDP=C$$

GDP includes private consumption (C), domestic investment (I) and net exports, i.e. balance (X-M), as this GDP of domestic goods and services is used against income (Y) and GDP is directed to consumption (C) and the remaining savings (S)

$$Y=C+S \quad (2)$$

This indicates that domestic investment (I) is equal to domestic savings (S) plus trade balance (X-M) after consumption has been completed or excluded

$$S-I=X-M \quad (3)$$

That the left side of equation (3) S-I determines the right side X-M, the superiority of domestic investment from the level of domestic savings indicates that the tunnels are higher than the level of GDP and leads to increased imports from exports causing a trade deficit (Serenkel, 2015).

3- Unexpected sudden causes (emergency) there are sudden causes that cannot be expected or predictable cause a trade deficit such as natural disasters, the climate affecting seasonal crops, wars, a change in consumer taste, whether at the local or international level, in demand for goods.

4- Structural reasons: these reasons are the different contribution of multiple sectors and economic activities in varying proportions, as well as the sovereignty of the oil sector and giving it leadership and the decline in the contribution of other sectors as a result of the inflexibility of the commodity production system, high labor wages and the depletion of commodity stocks, misuse of available resources, changing consumer tastes, as well as the increasing import of capital productive goods to provide economic development requirements. It is called a trend imbalance, causing a long-term trade deficit as a result of the national economy's transition from underdevelopment to progress.

Ways to address the trade deficit

- 1- The method of reducing spending: The Government uses a deflationary monetary policy to reduce the trade deficit through the central bank, which in turn uses monetary policy instruments, including raising the rebate rate ((interest rate)) or increasing the ratio of legal monetary reserves in order to reduce the monetary reserves of commercial banks and thus reduce their ability and role in granting bank credit and loans, resulting in lower cash spending, and thus lower income and production, this policy leads to a decrease in the supply of cash and a decrease in the level of the year Prices ((inflation phenomenon)) and thus reduce the ratio of the trade deficit, as well as a restrictive fiscal policy can be used to address the trade deficit by reducing government spending, whether consumer or investment, resulting in lower income due to the impact of Doubling and thus production and operation and declining the level of economic activity and thus reducing the deficit of the (Quraishi , 2000) That the deflationary monetary and fiscal policies can be used to address the trade deficit by reducing the tunnels, and can be used in flexible and fixed exchange rates, fixed exchange rates lead to increased effective fiscal policy, while the flexible exchange rate increases the effectiveness of monetary policy, and the International Monetary Fund stressed developing countries with trade deficits by eliminating subsidies for some goods and reducing government tunnels as well as raising interest rates and floating the currency. The measures taken by the state to address the trade deficit through the use of a deflationary fiscal and monetary policy in order to affect the following:
 - Reducing the growing total demand for goods and services.

- Identify the amount of goods and services that must be produced after reducing total demand for reduced imports and increased exports
- 2- How to direct spending or money

The second way the government is addressing its trade deficit by directing demand towards GDP instead of imported goods through the adoption of a fixed exchange rate in the devaluation of the national currency, leading to higher exports and lower imports of foreign goods as a result of higher prices, the domestic consumer demand for GDP in turn addresses the trade deficit, depending on the ability of the local economy to channel demand and flexibility (Ghandour,1971) The national production system in the production of goods and services to keep up with the growing demand may not reduce the trade deficit for the following reasons:

A- The degree of flexibility of the country's demand for exports and imports

B- The level of full operation in the economy and its capacity, as well as the reduction of export prices of goods with a high degree of flexibility and quality for international goods by reducing production costs, convincing trade unions not to demand higher wages, reducing export duties, and supporting domestic export producers and their ability to switch to external exports from competition, efficiency, quality and quality of output in the context of international openness (Zpoon , 2015).

3-Use of trade policy tools

Trade policy instruments include customs duties, quotas, import permits, and trade protection to address the trade deficit, as the only way to quantify when using trade policy instruments is to increase GDP, full employment and reduce unemployment, where supporters of this policy adhere to the argument because of the following justifications (David,2010):

A- The use of a trade protection policy with positive retaliation against the national product through the work of the Keynesian multiplier, the decline in imports, which represents a leaking factor, is a positive retaliation against the output and national income.

B- The adoption of a trade protection policy that limits competition to GDP and encourages local industry and thus expands domestic industry, increasing production, employment, wages and income and reducing the unemployment rate.

The lack of a trade protection policy results in the inability of domestic industry to compete internationally, reducing production, employment, wages, income and high unemployment. Another economic impact of followers of trade policy instruments is that members of society bear part of the import tax, with commodity prices rising by import tax on the one hand, and on the other hand, higher commodity prices and the intolerance of the domestic product by an import tax that stimulates increased production (Abu Sharrar, 2010).

Methodology and Data

Research Problem

The growing budget deficit in light of the adoption of the market economy and the increasing level of government spending to stimulate economic activity, but the imbalance of structures (output - foreign trade - the general budget has undermined the course of the development process, which required studying and analysing the impact of the fiscal deficit on the economic balance and its internal and external stability, which required a diagnosis of the effectiveness of the government budget deficit and its economic effects and implications in order to estimate the total size of the relevant financial revenues in targeting the overall economic balance at both levels. Internal and external.

2-The importance of study

The importance of the study lies in analysing the severity of the causal relationship between the budget deficit and the trade deficit in the Iraqi economy environment within the framework of a number of economic, political and social variables, as well as the distortion of its production structure, as most countries of renty nature suffer from a growing number of structural imbalances due to the close correlation between them and the fluctuations in world oil prices. The budget is an effective tool that allows the state to achieve a package of political, economic and development objectives by adopting modern scientific methods in planning and management when preparing and implementing the budget, as well as adjusting the instruments of fiscal policy.

3-The goal of the study

- Statement of the positions of economic intellectual schools in analyzing the relationship between the budget deficit and the trade deficit.
- Analysis of the pattern of the relationship between the budget deficit and the trade deficit under a recent theoretical framework, as well as clarifying the effects of the budget deficit on the level of macroeconomic activity.

4-The study hypothesis

The study is based on the premise that there is a causal relationship between the budget deficit and the trade balance deficit in light of the increasing financial fragility of the Iraqi economy to the level that limits the ability of the existing financial system and fiscal policy to create and provide appropriate fiscal space by expanding the financing of the general budget.

Measuring and analysing the phenomenon of double deficits in the Environment of the Iraqi economy

First: - Unit root test

In order to measure the relationship between the budget deficit (NBI) and the net trade balance (NTI) in Iraq, two tests were used to determine the stillness of the time series and to know their degree of integration: the self-association function and the expanded Dickie-Fuller test (unit root test).

1-Self-association function

The self-link function shows the strength of the link between the same variable views at different time periods of the time series (Younis, 2012), and the self-link function at the gap (k) symbolizes it with the symbol:-

$$\rho_k = \frac{E[(y_t - \mu_y)(y_{t+k} - \mu_y)]}{\sqrt{E[(y_t - \mu_y)^2]E[(y_{t+k} - \mu_y)^2]}} = \frac{COV(Y_t, Y_{t+k})}{\sqrt{\text{var}(y_t) \cdot \text{var}(y_{t+k})}} = \frac{\gamma_K}{\gamma_0}$$

That:-

- γ_k = Represents the heterogeneity (common contrast) at the gap (slowing down).
- γ_0 - Represents the contrast.

$$\hat{\rho}_k = \frac{\sum_{t=1}^{T-k} (Y_t - \bar{Y})(Y_{t+k} - \bar{Y})}{\sum_{t=1}^T (Y_t - \bar{Y})^2}$$

Each is estimated, according to the following formula (Attia, 2004):

$$\hat{\gamma}_0 = \frac{\sum (y_t - \bar{y})^2}{T - 1}$$

$$\hat{\gamma}_k = \frac{\sum (y_t - \bar{y})(y_{t+k} - \bar{y})}{T - k}$$

The value of the self-association factor ranges from (1+and-1) and the time chain is static if the self-link coefficient is zero or swings around it, for any gap greater than zero ($k > 0$), i.e., the values of self-associations waive as the k slow scores increase and concede quickly and are close to zero .

If time series data are stable, self-association transactions are usually distributed naturally with an average of zero, variation of magnitude and confidence limits for the large sample, such as:

$$\pm 1.96 \sqrt{\frac{1}{n}}$$

If the estimated value $\hat{\rho}_k$ of the self-association factor falls within these limits, i.e. between the two limits of confidence, :

$$\frac{-1.96}{\sqrt{N}} \leq \rho_k \leq \frac{1.96}{\sqrt{N}}$$

$$\Pr\left\{\frac{-1.96}{\sqrt{N}} \leq \rho_k \leq \frac{1.96}{\sqrt{N}}\right\} = 0.95$$



In this case, we accept the hypothesis of nothingness because self-association transactions are equal to zero, so the time chain is static, but if the self-association transactions are mostly outside the limits of trust, the time chain is non-static (Muhammad, 2003).

Instead of testing self-association transactions separately, the Q statistic proposed by Box and Pierce & BOX can be used as follows:

$$Q_{BP} = T \sum_{k=1}^q \hat{\rho}_k^2$$

In the case of large samples, the statistics follow the distribution of a degree of freedom and a moral level .

If the calculated value is x^2 greater than the table value, we reject the hypothesis of nothingness that all self-association transactions are equal to zero and the time chain is non-static, and if the calculated value is lower than the table, the string is static, and there is an alternative statistic that gives better results in the case of small x^2 samples called Test Liung-Box (LB) and calculated according to the following formula (Samir , 2014)

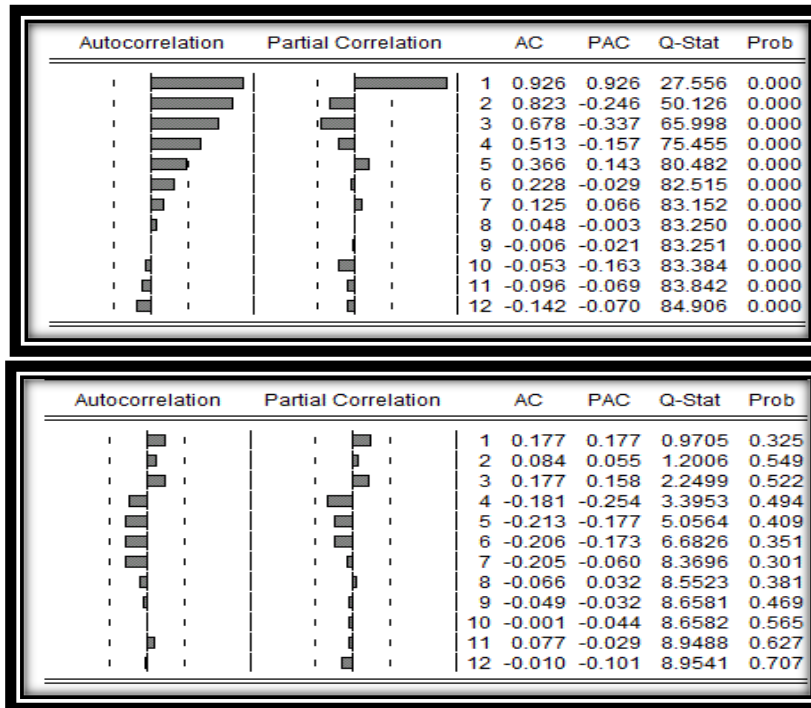
$$Q' = T(T + 2) \sum_{k=1}^q \frac{\hat{\rho}_{(K)}^2}{T - K}$$

The graphs indicate that the variable (budget deficit) is not static at level I (0) through the statistic (Q) which shows the probability score less than (0.05), as well as gradually waiving, for the purpose of addressing non-sleep, the first difference was taken with which the budget deficit variable became inhabited i(1),



Shape(1)

Stability of Iraq's budget deficit variable for 1990-2018

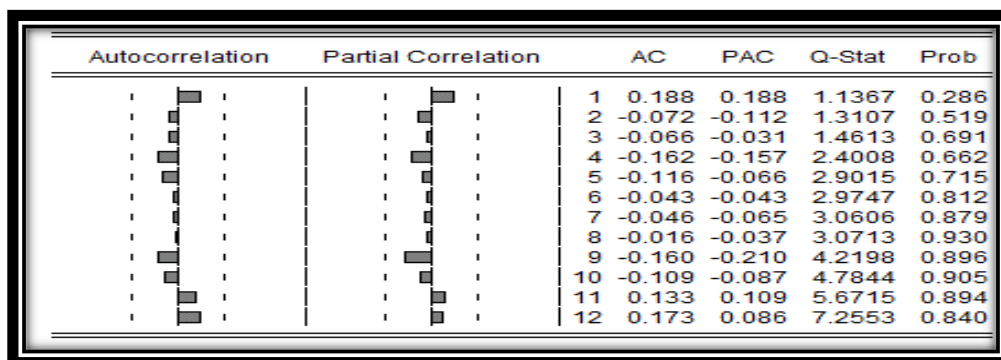


Source: - Results of the statistical program.

As for the change in net trade balance, the results of the self-association function indicate its stability at the level, as in the following form: -

Shape (2)

Stability of Iraq's net trade balance variable for 1990-2018



Source: - Results of the statistical program.

2 - Dickie Fuller Extended Test

To test the stability of time series data in Iraq for the budget deficit variables (NBI) and net trade balance (NTI), and after estimating the three models representing a fixed limit, fixed limit, time direction, without fixed limit and time direction at a moral level (1%) and (5%) and by conducting a random error limit stability test at the level and differences, the results described in the following table were reached:

Table (1)

ADF test results at the first level and the first difference of economic variables In Iraq for duration (1990-2018)

Stationary	test-critical	t-statistic	test-critical	t-statistic	test-critical	t-statistic	Variab le
Degree of stability	Critical value	Model 3	Critical value	The second form	Critical value	First form	
level	- 2.30566 7	- 2.23402 8	- 4.32397 9	- 2.93420 2	- 3.68919 4	- 2.82956 8	NBI
1st dif	- 2.65691 5	- 5.48273 6	- 4.35606 8	- 5.18235 1	- 3.71145 7	- 5.36657 3	NBI
level	- 2.30566 7	- 3.18956 5	- 4.32397 9	- 4.48886 2	- 3.68919 4	- 4.16021 5	NTI

Source: - Results of the statistical program

Data from the previous table show that the variable budget deficit in Iraq is unstable at the level, as the calculated value of the first model (-2.829568) and (-2.934202) for the second model, while the calculated value of the first model (-2.829568) and (-2.934202) for the second model, while the amount (-2.234028) of the third model, these values are lower than the corresponding scheduling values. As described in the previous table, when taking the first difference of the variable (NBI), the results proved to be devoid of the root

of the unit for the three models, with calculated values (-5.366573) (-5.182351) and (-5.482736) respectively, which is Larger than the scheduling values (-3.711457), (-4.356068) and (-2.656915), respectively.

As for the net balance of trade variable (NTI), the results of the unit root test indicate that it is stable at the level of the three models, with calculated values (-4.160215) of the model (-4.488862) for the second model and (-3.1895) 65) for the third model, these calculated values are greater than their scheduling counterparts (-3.689194), (-4.323979), (-2.305667), respectively, at moral levels (1%) or (5%).

3-Joint integration (self-regression of ardl slow time gaps):

The joint integration test requires that the entire time series be first-class integrated as a prerequisite (Nasr, 2016) because there are some variables that are integrated at the level and others are integrated at the first teams, presented by Besran and Chen Pesaran & shin general 1999 ARDL (Autoregressive-Distributed Lag) method of joint integration, and then developed this method by Besran and others in 2001, this test features several advantages, the most important of which (- Shrestha, 2005 -:

(a) The ARDL model does not require time series to be equally stable, so it can be used whether it is grade 0 I or grade 1, i.e. regardless of sleep.

B- The ARDL model takes a sufficient number of time-slowng periods .

The ARDL model gives the best results that can be relied upon heavily .

C- The error correction model can be obtained from it through simple linear conversion, as the error correction model helps to measure the short-term relationship between the study variables.

D- The ARDL model can be used if the number of views is small.

E. Short-term effects can be separated from the long term, as well as the possibility of determining the complementary relationship between the dependent variable and independent variables in the long and short term in the equation itself, and determining the impact of each of the independent variables in the dependent variable.

ARDL is used in a number of stages, as the joint integration is tested under the formulation of the UECM unrestricted error correction form, which takes the following formula:

$$\Delta Y_t = \delta + \lambda_1 Y_{t-1} + \lambda_2 X_{t-1} + \sum_{i=1}^m \beta_{1i} \Delta Y_{t-i} + \sum_{i=0}^n \alpha_{2i} \Delta X_{t-i} + \varepsilon_t, \dots, 1$$

Y - The child variable.

X -Independent variable.

λ_1, λ_2 -Long-term relationship transactions.

β, α -Short-term relationship information:

m, n Time-slowng periods for variables

ε_t - The random error limit (white jamming) represents it in the middle of zero calculations and constant variation and has no serial self-associations between them . The model works under the following hypothesis:

$$H_0 : \lambda_1 = \lambda_2 = 0$$

$$H_1 : \lambda_1 \neq \lambda_2 \neq 0$$

The hypothesis of nothingness: - There is no common integration (there is no long-term balance between variables).

Alternative hypothesis: a common integration of variables (a long-term balance between variables), and in order to have a common integration (long-term relationship) λ_1 between the dependent variable and the independent variable, the ARDL model must be characterized by two conditions: λ_1 negative and moral, because if it is moral and positive, there can be no correction of error .

For the purpose of verifying the existence of common integration within the unfettered error correction model (UECM), Pesaran et Al and others in 2001 introduced a modern approach known as bounds testing approach, and in order to test the existence of a long-term balance between model variables we calculate statistically (F) through Wald testing where the hypothesis of nothingness is tested

There is no common integration between model versus alternative imposition variables that provide for a long-term common integration relationship between the level of model variables.

Through wald test, we compare the F count with its scheduling values developed by Bessran et Al, at indication levels (1%5%) consisting of two limits, the lower Critical



Bound, which assumes that variables are integrated in class, and the second is the Upper Critical Bound, which assumes that variables are integrated in the following cases:

- If the calculated F value is greater than UCB, then the hypothesis of nothingness is rejected and the alternative hypothesis is accepted in the sense of a common integration of variables.
- If the calculated F value is lower than LCB, then we accept the premise of nothingness in the sense that there is no common integration between variables.
- If the calculated F value occurs between the UCB and LCB borders, the result is not determined .Prior to the ARDL integration test after the stability of the time series variable data has been tested(Turgut,2016), the presence of the causal relationship between these variables is tested and their direction determined during the period (1990-2018) as the model assumes that the independent variable is stable at the level and the dependent variable is stable in the first difference, and the results shown from table data (2) and according to Granger) indicate a causal relationship at least one way, and the table that shows these results agencies

Table (2)

Granger causal consequences of the relationship between the budget deficit and Iraq's net trade balance for the period (1990-2018)

The hypothesis of nothingness	% 5 Prob	F - Granger
Net trade balance does not cause budget deficits	0.0034	4.23587
Budget deficit does not cause net trade balance	0.9249	0.07830

Source: - Results of the statistical program.

The results of the causal test note that there is a causal relationship in one direction from the net trade balance as an independent variable to the general budget deficit as a





dependent variable, as the value (F-GRANGER) calculated (4.23587) which is moral at the level (1% and 5%), unlike the relationship in the other direction, which indicated that there is no causal relationship between the two variables, and therefore can be tested joint integration according to the ARDL model.

We use ardl method in estimating the relationship between the net balance of trade, which was found to be static at the level and the deficit of the trade balance that proved to be still at the first difference, this method is done according to three stages, the first relates to tribal tests such as the test of the root of the unit and the second stage, the estimate of the model to know the morale of the correction factor and its indication, if its signal is negative and moral indicated the existence of a long-term balance relationship between the variables under study, and the third stage is the remote tests and includes Stability test using cusum, and finally LM self-association test.

Bounds test approach will be used to identify the common integration that represents the long-term balance between net trade balance and balance deficit, and this method is based on the F test, as the "H0" hypothesis of no common integration of the variables of the model versus the alternative hypothesis (H1) is tested, which requires a common integration of the estimated model variables.

Table (3)

Bond test of the relationship between iraq's net trade balance and the budget deficit

Test statistic	Value	K
F - statistic	7.865877	1
Critical value bounds		
significance	I0 Bound	I1 Bound
1%	6.84	7.48
5%	4.94	5.73

Source: - Results of the statistical program.



The results shown in table 3 indicate that the calculated value of the F test was (7.865877) greater than the higher scheduled limits values of their values according to sample size and degrees of freedom at a moral level (1%5%), which means rejecting the hypothesis of nothingness and accepting the alternative hypothesis, i.e. the existence of common integration between the variables.

The other step is to determine the short- and long-term relationship between the net trade balance and the budget deficit, and the error correction model is estimated, and table data (4) shows the error correction model and short- and long-term flexibilities between the two agency variables: -

Table (4)

Common integration formula and partial flexibles in the short and long term

Cointegrating Form				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
D(NBI(-1))	0.512362	0.312274	1.640745	0.1173
D(NBI(-2))	-0.124172	0.264586	-0.469306	0.6442
D(NBI(-3))	0.416900	0.252945	1.648186	0.1158
D(NTI)	0.013169	0.048207	0.273183	0.7877
CointEq(-1)	-0.774102	0.306084	-2.529046	0.0204
Cointeq = NBI - (0.0170*NTI + 3777336.9648)				
Long Run Coefficients				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
NTI	0.017012	0.062287	0.273127	0.7877
C	3777336.96	2966892.593	1.273163	0.2183

Source: - Results of the statistical program.

The results of the table above indicate that coinEq (-1) was valued at (0.774102),as it is statistically negative and moral, which means a common integration between the net trade balance and the general budget deficit, and deviations Long-term economic growth corrects at a rate (0.77-) between two periods of time, i.e. the pace of adjustment towards the long-term balance is 77%, which is a fairly high ratio between the net trade balance and the budget deficit, and we can infer the results The estimate also has a very weak impact on the net trade balance in the budget deficit for the short term, as the value of

flexibility was short-term in the current year (0.013), and was positive, moral and very weak in the previous year at (0.013). 512), meaning that if the net trade balance increases by 100%, the budget deficit will increase by 0.5%, which is very low and does not correspond to the net trade balance in the budget deficit in Iraq, and this conclusion is justified by the fact that Iraq's budget after 2003 does not depend as much on the net trade balance as on political tensions and the attempt at power. The legislature used it as a tool to achieve the greatest support by increasing public spending, especially current spending, through the allocation of central appointments and unjustified expenditures that burdened public expenditures and caused structural imbalances in the general budget, meaning that the general budget is considered without taking into account considerations of the trade balance.

In the long term, the results indicate a positive and weak impact on the net trade balance in the budget deficit, which means that increasing the net trade balance by 100% leads to an increase in the net general budget by (0.017%) and this is in line with the economic theory that assumes a expletive relationship between the budget deficit and the trade balance deficit.

The other and most important step is the STABILITY test of the ARDL model to know that there are no structural changes in the estimated model, done using the cumulative total of the following pyetal test (CUSUM), and this test shows the extent to which there is a structural change in the data, and to know the stability and harmony of long-term parameters with short-term parameters,

Conclusions

1. The concept of the budget deficit expanded continuously and continuously during the study period as a result of high government spending and low public revenues or limited to one supplier, and to meet domestic demand and due to the inflexibility of the national production system, non-oil countries turned to the import channel, creating a deficit in the trade balance, while the oil countries represented by Iraq that oil exports exceed the volume of domestic demand.
2. The supremacy of inflationary effects when financing the deficit directly from the central bank (new monetary issue) when the economy reaches maximum production capacity and thus leads to deepening the trade deficit .

3. Unjustified departure in harmony and coordination between the instruments of fiscal and monetary policy in Iraq after 2003, which weakened the role of fiscal policy in the face of internal shocks of military spending, financial and administrative corruption, and an inefficient tax system, but the external shocks of the decline in oil prices financed to public revenue, which in turn paved the way for external public borrowing and acceptance of unfair conditions from international economic institutions.
4. There is a common correlation between the economic objectives that economic decision makers try to achieve after drawing up the country's economic policy to achieve internal stability represented by production, employment, wages and prices, while external stability balances the balance of payments.
5. The dominance of current government spending with a large percentage of total spending in exchange for low investment spending in the Environment of the Iraqi economy.
6. The results showed a unilateral impact of the budget deficit towards the trade deficit in Iraq.

Recommendations

1. Diversifying sources of intervention and not adopting oil revenues as a major source by diversifying the GDP structure and providing support to the agricultural and manufacturing sector, as well as the services sector.
2. Work to reduce the budget deficit by reducing unnecessary consumer spending .
3. Increasing the amounts allocated for investment in the general budget, especially supporting economic development projects and infrastructure projects crisis to promote the agricultural and industrial sector .
4. Supporting the private sector and giving it the greatest role in the implementation of investment projects through the provision of incentives and loans .
5. Work to increase the revenues of the turkish from the border crossings by controlling them in accordance with the marginal methods of collection
6. The functional structure of the Iraqi government is being bribed by new ministries and independent bodies .



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ADMINISTRATIVE VARIABLES IN RELATION OF FDI A STUDY ON LIBYAN INVESTMENT CLIMATE

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Abstract

At the beginning of the 21st century Libya declared its intention to liberalise its economy and to integrate into the global economy in order to achieve comprehensive development. This paper aims to investigate and explores whether or not investment climate in Libya in terms of administrative and organisational concerns 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 in terms of administrative and organisational situations.

The paper reveals that investment climate in Libya in terms of administrative and organisational situations unfavourable for attracting FDI to the non-oil sectors. Therefore, Libyan development has failed to make use of the information revolution in an effective way to introduce fundamental changes to improve performance.

The paper recommends themes that information technology and e-government are crucial for the development of Libyan investment climate making it more attractive for FDI.

Keywords: *Investment Climate; FDI; Libya.*

1. Introduction

Economic development needs a capital accumulation, which is no longer an easy task, even for industrialized countries. Although borrowing remains an important alternative, it has proved to be an expensive method in the long run. Consequently, to attract foreign direct investment (FDI), developing countries have been liberalizing their economies, which is expected to contribute to job creation and income generation.

The Libya, as the case with other developing countries, suffers numerous financial and economic problems such as a dependency on the oil and gas sector as the main source of the national income. In addition, the limited capacity of its local market given its relatively small population acts as a constraint on economic growth. However, the huge potential of the hydrocarbon sector, the high levels of financial flows generated from these resources that can provide a reliable source of capital, and the need to develop the country's infrastructure should make Libya a target for FDI. Such investment is promising for the simple reason that the use of the associated modern technology provides the ideal investment for the local natural resources.

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

Despite the huge economic resources available in Libya, the productive sectors are under-performing 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, 2022).

The Privatization and Investment Board (PIB) was established at the end of 1998 at a time when the business environment was particularly weak. As 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.

It should be mentioned that investment projects department at the PIB approves FDI projects and provides the necessary service. It, also, controls and follows up foreign investment projects at the establishment and operational stages through three of its departments; project affairs, investor's service and control and follow up department.

The key research question in this context is: to what extent that investment climate in terms of administrative and organisational concerns is appropriate to attract foreign companies, particularly in the non-hydrocarbon sectors.

2. 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.

A number of studies emphasise the importance of administrative stability and the simplification of procedures as a determinant for attracting FDI. Kamaly (2004) highlights the importance of simple and prompt procedures based on a one stop shop in improving the Egyptian investment climate. Hong (2003) reach the same conclusion. Furthermore, Nunnenkamp and Spatz (2000) in their study assessing 28 developing countries spanning 1987 to 2000 established a negative relationship between administrative bottlenecks and the flow of FDI. Moreover, according to a report compiled by the World Economic Forum (2002) the competence of the relevant organisations and institutions plays a major role in enhancing the investment climate in a country, and this competence increases with decreasing procedures associated with the establishment of investment projects and the settlement of disputes. However, Morisset and Neso (2002) point out that administrative procedures differ between countries because of differing structures such as the political system, the level of corruption, the legal system, and public sector wages.

In the case of Libya poor institutional stability has negatively affected the performance of the public administration. The situation has been exacerbated by the many changes to the administrative divisions: the country was initially divided into three regions, then into ten provinces, then 13 counties, and finally 31 counties (Shirnnina and El-Fergani, 2007). The effects of this was emphasised by one senior Libyan official who stating that “we are not sure if the LIB will survive the new restructuring of the state” (Al-Zawi, 2009).

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.

3. 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 economic sectors was covered 50% of the research population was taken as a sample.

After selecting the 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.

4. Results and Discussion

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.

As can be seen from appendix 1, the chi-square value for the initial application factor is 53.676 and 66.382 for application procedures on two degree of freedom. Furthermore, the chi-square value for approval time is 13.912 on four degree of freedom. The P value for the first two factors is 0.000, and 0.008 for the last factor. Because the observed P was less than alpha (alpha = 0.05), the results were considered statistically significant for all factors of the administrative and organisational variables. This means that the cells of a contingency table should be interpreted by using cross tabulation tables.

It can be concluded from the data displayed in appendix 2 that respondents in all three sectors are unhappy, although at varying levels, with the number of documents required for investment in Libya. In this regard, the service sector appears to suffer the worst with the level of dissatisfaction standing at 85.7% as compared to the manufacturing sector with 70.3% of the representatives expressing dissatisfaction. The situation appears to be best for the agricultural sector with one-third of respondents expressing satisfaction. By comparing the percentages with the average, it is apparent that the service sector is the least happy with the situation with a level of dissatisfaction of 85.7% which is above the average of 75.0%.

As can be seen appendix 3 demonstrates the level of satisfaction of FDI Company by sector with the processing of investment applications. The majority of the representatives are not satisfied with the way applications for FDI are processed.

Importantly, service companies are the most affected with 82.1% of respondents expressing dissatisfaction with the processing procedures, while 78.4% of industrial companies are dissatisfied. However, the situation is better for the agricultural sector where only two-thirds expressed discontent. These results are confirmed by comparing the level of satisfaction with the average as the results for the service sector stand well above the average of 79.4%.

Appendix 4 shows the licensing period in terms of company sector. For example, in cases involving manufacturing companies 13.5% of the respondents stated that they obtained their licenses in less than one month while 35.1% obtained their licences within a period of between one and two months, 13.5% between two and three months, 29.7% between three and four months and 8.1 % waited over four months. In the service sector 10.7% of the representatives stated that they obtained their licences within one month, 25.0% between one month and two months, another 25.0% within two to three months, 28.6% had to wait for a period ranging between three and four months while 10.7% had to wait for four months or more. In the agricultural sector two-thirds of respondents obtained their licences within a period of time ranging between one and two months, while the remaining one-third of licences were issued between two to three months.

The key research question is: what are the attitudes of the respondents towards the administrative variables emphasised in the survey.

The results of the survey reveal that investors expressed their dissatisfaction with large number of documents required as well as the way their applications were processed. The levels of dissatisfaction were 75.0% for the number of documents required and 79.4% for the application procedures. Furthermore, the more advanced the stage of decision-making the higher the level of dissatisfaction which increases from 75.5% at the document presentation stage to 79.4% at the application processing stage. In this context one senior Libyan official put the blame on policies on the acquisition of land for tourism activities along the coastal strip as part of the planning scheme.

Two further obstacles are the procedures related to the number of documents and the processing of applications. The fact that more than one office deals with applications increases the number of required documents, and secondly the LIB does not take part in the decision-making process in relation to applications.

Legislation is confined to the administrative procedures of the LIB, stopping short of allowing it to decide on the applications. Thus, the main task of the board is to compile technical reports in relation to FDI applications, whilst decision-making rests with the

GPC for Economy, Trade, and Investment after consultation with the GPC. According to the law the board has to provide a report within 60 days of the application to the appropriate authorities. Article seven of the law states that:

The People's Committee of the board undertakes the task of assessing applications and providing technical reports with the appropriate recommendations including its opinion on the project as to its relevance to the national economy within a maximum of sixty days provided the applicant has presented all the required documents, and that the board has to refer its proposals and recommendations to the secretary of the GPC for Economy, Trade, and Investment to take appropriate decision on the matter (Article Seven of Law No. 5 of 1997).

The level of dissatisfaction of international investors in relation to the organisational and administrative aspects reflects the realities associated with the administrative system which is rife with bureaucracy and corruption. This is despite the efforts of the GPC between 2003 and 2007 when restructuring reduced the number of public institutions, the number of staff and procedures to a minimum.

The key research question is: what challenges face the general administration to minimise the levels of bureaucracy?

Senior Libyan officials believe that the administration needs to speed up procedures in order to make business environment more attractive to investors. This implies raising the competence of the public administration through the training and qualification of the workforce, and the need for a one window policy particularly in relation to taxation, customs, electric power and water services.

Another problem is that the administrative system lacks coordination between different government bodies. This problem goes beyond the one stop shop policy to the establishment of the investment map discussed previously. Since 2007 the LIB has been attempting to introduce the one stop shop policy in response to the GPC resolution No. 150 of 2007, to speed up and simplify FDI applications by reducing bureaucracy through the establishment of a single office (GPC Resolution No. 5 of 2007).

From the field survey the researcher discovered that investors have to deal with more than one office, and that the board plays the role of a mediator to provide investors with the documents required by the various government bodies. The traditional mechanism of the general administration can be blamed for the poor coordination



between the various bodies, as well as the inefficiency of the administrative system as reflected by its absolute bureaucratic approach.

Information technology provides a chance for everyone to take part in the process of decision-making, or at least helps to raise the level of public awareness and makes people feels socially active. Also, it can make bureaucratic practices more transparent and therefore it is easier to call the authorities responsible for any malpractices. In this context Warren and Weschler (1991) state that the availability and easy access to information tends to improve the capabilities of all parties involved including lay people in government decisions. The most important aspect in this regard is electronic democracy which endeavours to encourage citizens to take part either directly or indirectly through local opinion polls. For this reason information should be available in order to enable the population to form their opinions about ideas put forward for discussion. At Clift argues: “one must refer to the great difference that exists between making information available following the process of decision-making, and making it available prior to decision-making to encourage the active contribution in the process of decision-making per se” (2001:17). However, Battelle points out that for the time being:

The challenge is to switch from the industrial model of government (centralisation, the hierarchy of authority, and working within a confined economy) to a new model of government taking into account the surrounding realities, globalisation, and a digital economy based on information, and the social change which is taking place (1998:21).

The concept of e-government should mean opening the door for the people and the business sector to interact so that business and government activities will be electronically dependent. As far as Libya is concerned the democratic experience, based on the hierarchy of authority and poor communication between the local government and the people, should mean finding methods that would activate the process of communication creating a fair outflow of information for an effective participation in the process and implementation of decisions. Figure 9.1 shows the advantages and the obstacles of using information technology in e-government and trade.

One of the advantages of the application of e-investment and e-government is the smooth outflow of information to promote mass awareness which raises economic efficiency to international standards. In contrast the most prominent obstacle that can



disrupt the progress of the e-trade and e-government programme in Libya is the low penetration rate of the internet and the poor e-infrastructure.

In practice it is necessary that the administrative role should be activated through strategies featuring the application of information technology to assist communication between the different government departments on the one hand and between government departments and the population on the other. Meanwhile, the process of identifying the needs of the population would enable administrators at both the local and central government levels to introduce plans. Moreover, it allows the implementation and the evaluation of the outcome of these plans. However, before this can be achieved billions of dollars need to be invested in the communication sector to improve the passage of information between the different parties involved in the process of planning, monitoring and control in order that anyone can be called to account for any malpractice.

5. Conclusion

The paper examines whether or not investment climate in Libya in terms of administrative and organisational variables is appropriate to attract foreign companies, particularly in the non-hydrocarbon sectors. By using qualitative techniques of data collection and analysis 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 in terms of administrative and organisational situations.

The paper reveals that investment climate in Libya in terms of administrative and organisational situations unfavourable for attracting FDI to the non-oil sectors. It also found that In this regard, the service sector appears to suffer the worst with the level of dissatisfaction compared to other sectors. Therefore, Libyan development has failed to make use of the information revolution in an effective way, as it failed to capitalise on the earlier industrial revolution. Libya is to a great extent unaware of the advances in information technology in relation to e-government and the subsequent failure of the government system to introduce fundamental changes to improve performance.

The paper recommends themes that information technology and e-government are crucial for the development of the country and making it more attractive for FDI.



6. Appendices

Appendix 1 Chi-Square of Goodness of Fit for Administrative Variables

	Initial Application	Application Procedures	Approval Time
Chi-Square(a,b)	53.676	66.382	13.912
Df	2	2	4
Asymp. Sig.	0.000	0.000	0.008

a 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 22.7.

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

Appendix 2: Cross Tabulation of Company Sector and Initial Application

		Initial Application			Total
		Satisfied	Not sure	Dissatisfied	Satisfied
Sector	Industry Number	7	4	26	37
	%	18.9%	10.8%	70.3%	100.0%
Services	Number	3	1	24	28
	%	10.7%	3.6%	85.7%	100.0%
Agriculture	Number	1	1	1	3
	%	33.3%	33.3%	33.3%	100.0%
Total	Number	11	6	51	68
	%	16.2%	8.8%	75.0%	100.0%





Appendix 3: Cross Tabulation of Company Sector and Application Procedures

		Application Procedures			Total
		Satisfied	Not sure	Dissatisfied	Satisfied
Sector	Industry Number	6	2	29	37
	%	16.2%	5.4%	78.4%	100.0%
Services	Number	4	1	23	28
	%	14.3%	3.6%	82.1%	100.0%
Agriculture	Number	1	0	2	3
	%	33.3%	0.0%	66.7%	100.0%
Total	Number	11	3	54	68
	%	16.2%	4.4%	79.4%	100.0%

Appendix 4: Cross Tabulation of Company Sector and Approval Time

		Approval Time					Total
		Less than 1 month	1-2 months	2-3 months	3-4 months	4+ months	Less than a month
Sector	Industry Number	5	13	5	11	3	37
	%	13.5%	35.1%	13.5%	29.7%	8.1%	100.0%
Services	Number	3	7	7	8	3	28
	%	10.7%	25.0%	25.0%	28.6%	10.7%	100.0%
Agriculture	Number	0	2	1	0	0	3
	%	0.0%	66.7%	33.3%	0.0%	0.0%	100.0%
Total	Number	8	22	13	19	6	68
	%	11.8%	32.4%	19.1%	27.9%	8.8%	100.0%

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Obama's Strategy towards China "Containment Strategy"

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Abstract

China's rise in the Asia-Pacific region is considered a significant threat to U.S. national security and the U.S. allies in this region. China's military capabilities have become a real threat to U.S. national interests worldwide. Within a decade, China may replace the United States as a military power in the Asia-Pacific region which has strategic importance to the United States.

The U.S. strategic analysis assumed that China took advantage of the 2008 financial crisis. Another assumption was that the United States had focused heavily on the Middle East in its war against terror, giving China more flexibility to interfere in the Asia-Pacific region and disrupt the balance of power.

The Obama administration's strategy has been classified under different concepts such as pivot strategy, rebalance strategy, new engagement strategy, and Containment strategy.

This paper explores Obama's strategy as a containment strategy towards China. To achieve this strategy, Obama's administration paid equal attention to soft and hard power as tools to contain China's raising. Thus, this administration tried to accomplish this strategy by relying on political-diplomacy, economic, security-military, and alliances. The main key factor that helped Washington in its efforts to contain China was the regional willingness to embrace America as a counterbalancing power to China's geopolitical ambitions.

Key Words: *The U.S, China, Asia-Pacific, Strategy, containment, alliances.*



"Our efforts to advance security and prosperity and human dignity across the Asia-Pacific... the United States has been and will be a Pacific nation..."

Barack Obama

"The future of politics will be decided in Asia... and the United States will be right at the center of the action."

Hillary Clinton

"Asia will return to its historic status, with more than half of the world's population and half of the world's economic output. America must be present there. Markets and economic power rest on political frameworks, and American military power provides that framework."

Joseph Nye

"The Obama administration's strategy is an effort to initiate a Cold War-style containment strategy of China, one based on U.S. political and military leadership of an opposing coalition."

Barry R. Posen

"Attempting to suppress China's growth by isolating Beijing from its neighbors and the world"

Ashely J. Tellis

- **Introduction**

The Asia-Pacific region is a region of vital importance to the United States of America. This importance has increased after China has grown politically, economically, and militarily in Asia-Pacific; this growth in the Chinese capabilities directly influences the American's interests in this region.

China's rise in the Asia-Pacific region is considered a significant threat to U.S. national security and the U.S. allies in this region. China's military capabilities have become a serious threat to U.S. national interests in the Asia-Pacific region. Within a decade, China may replace the United States as a military power in this region which has



strategic importance to the United States.

The U.S. strategic analysis assumed that China took advantage of the 2008 financial crisis. Another assumption was that the United States had focused heavily on the Middle East in its war against terror, giving China more flexibility to interfere in the Asia-Pacific region and disrupt the balance of power. China attempts to benefit from this strategic opportunity to impose its domination on countries in the Asia-Pacific region and escalate its claims in the South China Sea, Hong Kong, and Taiwan.

Obama administration's strategy has been classified under some terms such as pivot strategy; rebalance strategy, new engagement strategy, and Containment strategy.

This paper explores Obama's strategy as a containment strategy towards China. Therefore, the primary U.S. strategy in Asia-Pacific is to encircling China through the presence of U.S. forces in China's strategic depth areas and encircling China through a set of security alliances, political treaties, and economic initiatives, in what is known as the "China Containment" strategy.

There is no doubt that Sino-U.S. relations are complex relations ranging from co-operating, competition, and conflict when it is different due to differences of interests of each other. China believes the need to move towards a multipolar world, the world's absence of American hegemony, but the balance between different forces exists.

To achieve this strategy, Obama's administration paid equal attention to soft and hard power as tools to contain China's raising. Thus, this administration tried to accomplish this strategy by relying on pillars such as political-diplomacy, economic, security-military, and alliances. The main key factor that helped Washington in its efforts to contain China is the regional willingness to embrace America as a counterbalancing power to China's geopolitical ambitions.

Therefore, this paper tries to concentrate on main pillars of this strategy, as follows.

- 1: Security and Military pillar.
- 2: Political and Diplomacy pillar.
- 3: Economic pillar.
- 4: Alliances

- **Security and Military**

The U.S. military deployments and activities in the Asia-Pacific region are vital

manifestations of its "containment" strategy. Since 2009, the U.S. global military strategy shifted its focus and priority from the Middle East to the Asia Pacific. In 2012 and 2013, Obama's administration announced it would increase its presence in the region to reach 60% of American Navy ships, and 60% of its air force would be deployed in the Asia-Pacific region by 2020.

The U.S. has gradually built up its troop deployments, forward presence, and military activities and exercises in the region. It has concentrated on increasing military cooperation with its regional allies and partners such as Japan, South Korea, Australia, the Philippines, and Singapore (Team, 2016).

Joseph Nye has pointed out that: "the U.S. can achieve political and economic goals as components of containment strategy in Asia-Pacific depending on its military power."

Posen pointed out that: "Obama's administration tries to rely on containment strategy which had been used in the cold war to contain the Soviet Union in order to contain China." (Posen, 2014).

In the cold war tenure, the United States utilized the strategy known as " Firm and vigilant containment" to face the Soviet Union, which was the peer competitor for the U.S. at that time - George F. Kennan established this strategy-. Obama's administration attempted to rely on this strategy to contain the Chinese rising in the Asia-Pacific region (Sempa, 2019).

During Obama's terms, the United States has sought to strengthen its military presence in East Asia by increasing contact and cooperation with allies and other states, increasing military resources, and sending personnel to the region.

The United States believed that it must increase its military capabilities in East Asia to deter China from using force to realize its strategic ambitions and reassure the U.S. security partners that they can rely on the United States to provide for their security against a rising China. This approach showed how to maintain the balance of power in East Asia (Ross, 2013).

During the Obama Administration, the U.S expanded its defense cooperation with ASEAN countries. In 2011, the U.S. became the first country to establish a dedicated Military Advisor at the U.S. Mission to ASEAN in Indonesia. At the same period, the Secretary of Defense Robert Gates had attended every ASEAN Defense Ministers' Meeting Plus (ADMM+), an essential forum for advancing security cooperation. Robert



Gates hosted his ASEAN counterparts in Hawaii in 2014 to discuss critical strategic challenges.

In 2015, the U.S. announced a new Technical Advisor to ASEAN to support increased information-sharing on transregional threats. ASEAN members are essential partners in global security efforts, including the Global Coalition to Counter ISIL/ISIS (Malaysia, Singapore) and counter-piracy off the Horn of Africa (Malaysia, Singapore, Thailand) (House, 2016).

The United States relied on a network of solid alliances (bilateral and multilateral) with the region's states such as Japan, South Korea, and Australia.

Robert Gates, the U.S. Secretary of Defense, "We are a Pacific nation.... we will remain

engaged, and we will continue to build relationships with friends, partners, and allies in Asia." (Alexander, 2011).

The U.S. national security advisor, Tom Donilon, believed "the united states' alliances in Asia-Pacific region are crucial for the U.S. strategy in this region" (Donilon, 2013).

Figure1 shows some facts about the U.S. forward-deployed military presence in the Asia-pacific

• 325,000 Military and civilian personnel in the Pacific theater approximately
• The Pacific Fleet alone includes 6 aircraft carrier battle groups (CVBG)
• 180 ships and submarines
• 1500 Aircraft, and 100,000 personnel
• The US military stations 16,000 personnel at sea
• 54,000 troops in Japan





<ul style="list-style-type: none"> • 28,000 troops in South Korea
<ul style="list-style-type: none"> • 500 (rotationally) in the Philippines
<ul style="list-style-type: none"> • 4,500 troops in Guam (to grow to 9,000)
<ul style="list-style-type: none"> • 250 troops marines in Australia (to grow to 2,500)

Figure1 the U.S. forward-deployed military presence in Asia-Pacific region/ source: (Team, 2016), (Policy, 2013).

- Political and Diplomacy

The political and diplomatic pillars of the U.S. strategy toward Asia-Pacific were supported by U.S. increased diplomatic activities and high-level state visits. The U.S. has strengthened its political and diplomatic presence through visits to senior U.S. officials - President and Secretary of State- focused on Japan, South Korea, Australia, Vietnam, and other neighbors for China. Obama's administration relied on "forward-deployed" diplomacy, which depends upon the dispatch of all diplomatic tools to every country and corner of the Asia-Pacific region (Srpová, 2018).

When Secretary of State Hilary Clinton described "forward-deployed" diplomacy as "...dispatch[es] the full range of our diplomatic assets – including our highest-ranking officials, our development experts, our interagency teams, and our permanent assets – to every country and corner of the Asia-Pacific region." (Clinton, 2011).

Since the inception of "forward-deployed" diplomacy -which Hillary Clinton defined-, the U.S. has expended much effort in its implementation (Cropsey, 2014).

Implementations for this diplomacy, President Obama alone made 14 trips to Asia-Pacific and visited 14 countries -this means that the relationships with these countries are highly valued-, which was more than any of his predecessors during his two terms in office from 2008 to 2016.





Obama was also called the "Pacific president" by the media. Moreover, in numerous official documents and speeches. For example, his speech at the Australian parliament in 2009 reaffirmed the region's importance for U.S. security and economy. The United States also actively participated in Asia-Pacific regional organizations (Srprová, 2018).

Figure2 presents an overview of state visits by President Obama and the secretary of state Hilary Clinton and John Kerry to the Asia-Pacific over the period 2009-2016. These indicators indicate the intensity of diplomatic engagement with allies in this region as a part of the containment strategy

Year	The U.S. President Barack Obama	The U.S. Secretary of State Hillary Clinton & John Kerry
2009	Japan, Singapore, China, Republic of Korea,	Japan, Singapore, China, Republic of Korea, Thailand, Philippines, Indonesia, India
2010	Japan, Republic of Korea, India, Indonesia	Japan, Republic of Korea, China, Malaysia, Cambodia, Vietnam
2011	India	Japan, Republic of Korea, Thailand, Philippines, Burma, Indonesia
2012	Republic of Korea, Thailand, Burma, Cambodia	Japan, China, Thailand, Cambodia, Burma, Singapore, Vietnam, Indonesia, India, Laos
2013		Japan, Republic of Korea, China, Vietnam, Indonesia, India, Malaysia, Philippines, Brunei
2014	Japan, Republic of Korea, Burma, Malaysia, Philippines	Republic of Korea, China, India, Indonesia, Burma
2015	India, Malaysia, Philippines	Republic of Korea, china, Malaysia, Vietnam, Singapore, Sri Lanka
2016	Japan, China, Vietnam	Japan, China, India, Vietnam, Philippines, Burma, Laos

Figure2 shows the U.S. President and Secretaries of State trips/ Source: (State, 2021)



The aim of the intense moves of the U.S. political and diplomacy towards these countries was to consolidate the alliances and develop relations in this region, decrease China's ambitions, and prevent the goals that China seeks to achieve, or at least raise the cost of achieving these goals.

The main key factor helped Washington in its efforts to contain China was the regional willingness to embrace America as a counterbalancing power to China's geopolitical ambitions. There was already a growing sense of danger among leaders and public opinion in the South China Sea region, particularly in the Republic of Korea, Japan, Vietnam, and the Philippines, from China's rise as a dominant power, which wants to change the balance of power in the region. This situation provides a strategic opportunity for Washington as regional support for its containment strategy towards China.

- Economic

Since the 1970s, Asia-Pacific nations have experienced long-term economic growth rates that were, on average, double and triple those of the United States.

Asia's population was about 63% of the total world population and shared world GDP about 35% (Meters, 2019). The region consumes 60% of American exports. In fact, from 2008 to 2016, the U.S. exports to the Asia-Pacific region have grown almost double, and it is twice the rate of export growth to Europe (Lowther, 2013).

The United States under Obama has signaled a greater interest in expanding its economic engagement with Southeast Asia. The U.S.'s economic relations with ASEAN countries are becoming more assertive. Trade-in goods increased by 5% in 2015. The US-ASEAN two-way trade was over \$200 billion in 2015, including over \$80 billion in U.S. exports. Under the Obama administration, trade in goods with ASEAN has risen to 55%. Trade-in goods and services with ASEAN countries has created over 500,000 jobs in the United States.

Furthermore, U.S. companies continue to be the most important foreign direct investment (FDI) source in ASEAN. The U.S. foreign direct investment in ASEAN, more than \$870 billion, has almost doubled between 2008 and 2016. Also, the foreign direct investment from ASEAN to the United States stood at \$24.2 billion in 2014 (Nguyen, 2016). The *Figures 3&4* show the American exports, Imports, and

investment in the Asia Pacific region.



Figure3 shows the American exports and imports/ Source: (USTR, 2019)

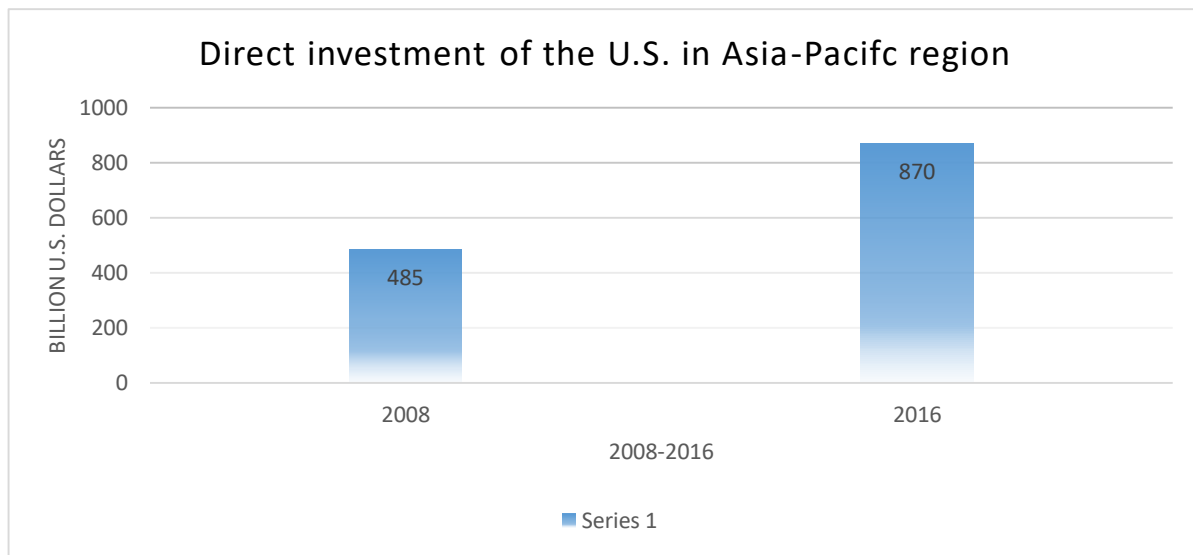


Figure4 shows the American direct investment/ Source: (Statista, 2021)

These statistics suggest the region's importance to both the U.S. and global economies and the need to formulate a coherent economic strategy that can assist the U.S. for the following years (Cropsey, 2014).

The economic analysis suggests that the dynamism of the Asia-Pacific will continue to outpace growth in the West. The 49 states of the region often have competing interests. Thus, the United States has an opportunity to play a stabilizing role, with American airpower playing a leading role in ensuring U.S. credibility.

When a state of the region's great powers -Specifically China- acts overly assertive or appears to be dominant, states within the Asia-Pacific may look to balance against that power. Nevertheless, to do this, the United States must demonstrate that it is willing to serve as an impartial arbiter when intraregional disagreements arise and that it has the staying power required to balance a rising effectively and increasingly confident China. Therefore, states in this region have welcomed the U.S. to act as a balanced power against China's rise (Lowther, 2013).

Thus, the United States has sought to create substantial economic influence within the Asian continent by building economic relations with countries to reduce China's economic role, reduce its growth, and halt China's growing role in the Asia-Pacific region.

Obama's administration expanded its trade relations with four ASEAN countries (Brunei, Malaysia, Singapore, and Vietnam), those countries are part of the Trans-Pacific Partnership (TPP). Obama's administration had a Trade and Investment Framework Agreements and other formal trade dialogues with 9 of the 10 ASEAN members and separately with ASEAN as an institution. These agreements and dialogues provided a mechanism to address trade and investment issues and deepen American ties in the region. The U.S. collaborated with ASEAN countries to create the ASEAN single window, facilitating customs processing and reinforcing an efficient regional trade environment (House, 2016).

Hillary Clinton pointed out this goal when she said: "the United States has moved to fully engage the region's multilateral institutions, such as the Association of Southeast Asian Nations (ASEAN) and the Asia-Pacific Economic Cooperation (APEC) forum, mindful that our work with regional institutions supplements and does not supplant our bilateral ties. There is a demand from the region that America plays an active role in the agenda-setting of these institutions, and it is in our interests as well that they are

effective and responsive." (Clinton, 2011).

The most important economic initiative which could be a cornerstone of the U.S. economic dimension was Trans-Pacific Partnership (TTP). This initiative was the centerpiece of President Obama's strategy towards Asia-Pacific. The TPP was set to become the world's largest free trade deal, covering 40 % of the global economy.

The implementation of the Korea-U.S. Free Trade Agreement in March 2012, which was signed in June 2007, was the most significant accomplishment regarding the economic dimension (Cropsey, 2014).

All these economic initiatives had an aim to promote containment strategy just as military and diplomatic efforts are designed to attain this strategy.

In short, the trans-pacific agreement (TTP), Korea-U.S. Free Trade Agreement (KORUS) and other initiatives (Posen, 2014)) integration need to fulfill the containment strategy's goal of promoting greater cooperation throughout the Asia-Pacific to contain China's economic growth.

- **Alliances**

The rationale for America's post-World War II system of bilateral Pacific Alliances, known as the San Francisco System, has changed significantly for its various partners over time. The system was brought into being in the early 1950s when the United States positioned itself to contain communism in the region. This guiding principle initially shaped America's defense relationships with Japan, Australia, South Korea, Thailand, and the Philippines.

The U.S. needed bilateral and multilateral alliances because America's alliances and security relationships in the Asia-Pacific need to continue to adjust to the shifting geopolitical realities of Asia, which needed more than bilateral alliances after the Chinese rising in the region. Some observations indicate that the United States is increasingly insecure because of the post 9/11 environment and a China threat in the Asia-Pacific (Vaughn, 2007).

The study will focus on some examples of American alliances in the Asia-Pacific region in the following pages.

1. The U.S.-Japan Alliance "the Cornerstone".

The alliance with Japan remains a cornerstone of peace, security, stability, and



prosperity in the region (Cropsey, 2014). The U.S.-Japan alliance formed After Japan's defeat in World War II, and it provides a platform for U.S. military readiness in Asia. Under the Treaty of Mutual Cooperation and Security, which signed on January 19, 1960 (Chanlett-Avery, Campbell, & Williams, 2019), which found its root in the US-Japan security treaty, which signed on September 8, 1950, and kept adjusting to this day- (Green, 2008). Japan grants the U.S. Armed Forces the use of land and facilities in Japan in exchange for U.S. military support for the defense of Japan, among other things. Approximately 54,000 U.S. troops stationed in Japan. The United States exclusively uses 85 facilities throughout the archipelago, constituting the most extensive U.S. forward logistics base in Asia-Pacific (Chanlett-Avery et al., 2019).

Between 2009 and 2012, the U.S. and Japan have continued to engage with China through regional institutions and request greater transparency of Chinese military matters. The security alliance is characterized by around 54,000 U.S. troops in Japan and a carrier strike group, the 5th Air Force, the III Marine Expeditionary Force, and a shared missile-defense system.

By signing the Defense Policy Review Initiative (DPRI), a new alliance commitment was signed under the 2006 U.S.-Japan Realignment Roadmap. The signing of the Guam International Agreement in February 2009 further enforced this realignment. This agreement was part of a lengthy process of the employment of American forces on U.S. territory in Guam to 'increase deterrence and power projection for possible responses to crises and disasters, counter-terrorism, and contingencies in support of South Korea, Japan, the Philippines, Taiwan, or elsewhere in Asia (Rijk, 2011).

Japanese' leaders realized that the balance of power in the region has collapsed in recent years due to China's dramatically increasing military budget -China continues a double-digit increase in china's military budget-. Especially considering the dispute over diaoya and Senkaku Islands in the East and the South China Sea-, Japan felt insecure about the rising of China despite the nation's pacifist principles (Hiyashi, 2017).

The United States and Japan share common strategic interests in the face of a rising China. The US-Japan alliance is a crucial instrument for tackling uncertainties and risks which might result from China's assertive actions in the Asia Pacific region, such as in the East and the South China Sea and Taiwan Strait.

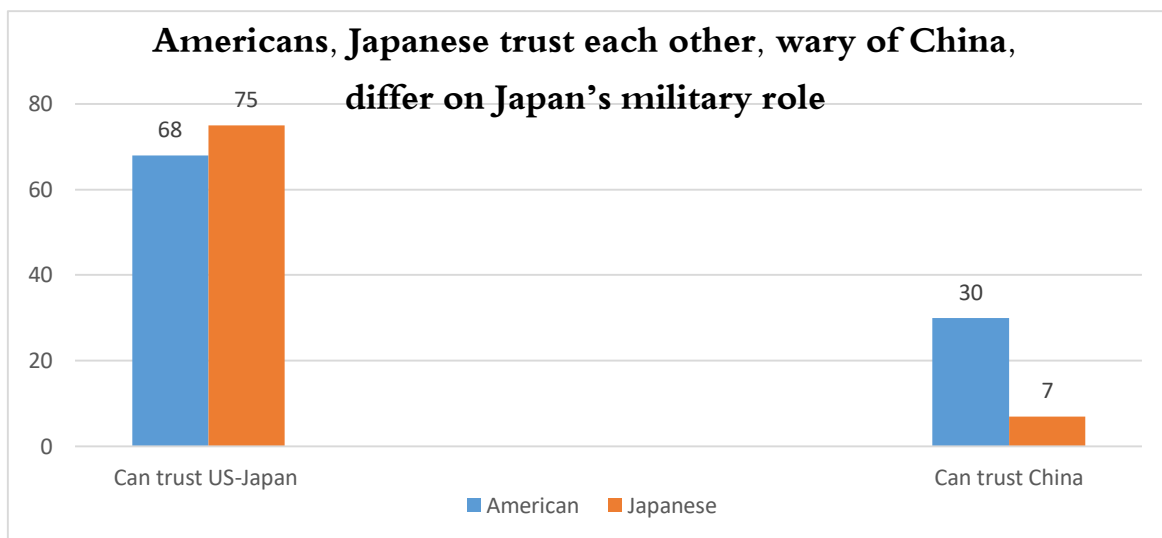
Shinichi Kitaoka, a security expert and former Japanese ambassador to the United Nations, argues that "in relations with China, it will be essential to adopt a 'hedge and





engage' approach. Engagement is implemented to ensure that China does not become a threat while remaining vigilant. Hedging is applied to prepare for any threats". While Former U.S. Secretary of Defense Ash Carter argued that "Japan's willingness to participate in Asian security, including training and exercises with other nations, beyond a purely passive, home-island defense role makes it an increasingly important player in the region." Such views, which consider China's aggressiveness, seem to be widely shared among intellectuals and policymakers in Japan and the United States (Kato, 2019). This historical alliance has allowed the U.S. strategy to move forward to accomplish its aim, as both parties want to contain China's growth and threat in the Asia-Pacific region.

Figure5 about Americans, Japanese trust each other, wary of China, differ on Japan’s military role.



Source: (Pew, 2015)

2. The U.S.- Republic of Korea Alliance

Besides Japan's role in stabilizing and prosperity in Asia-Pacific, South Korea's role in achieving this stability and prosperity cannot be overlooked. Therefore, American leaders were aware that the Korean Alliance was significant in maintaining stability in the region. It provides the U.S. with an ally in strategic cooperation on neutralizing security threats from North Korea and China. The U.S. military troops cooperate closely with their Korean counterparts in a joint posture of the Peninsula -the Korean Peninsula-, there are approximately 28,500 U.S. troops stationed in the Republic of Korea. (Bajoria & Lee,

2011).

For decades, the U.S.-ROK alliance has primarily focused on the threat posed by the Democratic People's Republic of Korea (DPRK), but after China's geopolitical importance has expanded, and the military budget for China has increased, that leads to the collapse of the balance of power in the region. Therefore, leaders in Seoul and Washington started to concern about the importance of China, and they began to concern about establishing a regularized mechanism to enhance dialogue, coordination, and cooperation on national policies and strategies related to China (Snyder, 2019).

In 2007 both countries agreed that wartime command authority over the combined ground, naval, and air forces would be given to the South Korean government by 2012. Due to the 2010 military provocations from North Korea, the decision was made to delay this transfer of authority to 2015 (Bajoria & Lee, 2011).

Hillary Clinton, the U.S. secretary of state said that: "our alliance with South Korea has become stronger and more operationally integrated and we continue to develop our combined capabilities to deter and respond to North Korean provocations. We have Agreed on a plan to ensure successful transition of operational control during wartime..." (Clinton, 2011).

Concerning Public opinion in the U.S. and South Korea toward China provides a critical window. Parallel public opinion polls by the Chicago Council on Global Affairs and the Asian Institute for Policy Studies show that public opinion strongly supports the U.S.-South Korea security alliance as a hedge against China's rise. China's more muscular approach toward regional security and increasing military expenditure has provoked a backlash among the South Korean public, which held a relatively rosy view of China's future influence and impacted the region. In the Asian survey, over 78% of South Koreans said that: "their government should prioritize strengthening ties with the United States over China.". South Koreans continue to favor the United States overall over their immediate neighbors (Snyder, 2019). The U.S.- Republic of Korea relations have flourished and reached a high level due to the strong personal relationship between Korean president Lee Myung-bak and U.S. President Barack Obama. (Bajoria & Lee, 2011).

Japan and South Korea have a significant relationship with the United States in diplomatic, economic, security, and military. Public opinion has boosted this relation, and they believe that their governments should prioritize strengthening ties with the

United States over China, because of polls in both countries which reached 80%, proved that public support the trilateral coordination among Japan, South Korea, and the United States to neutralize security threats from North Korea and China.

3. The U.S.-Australia alliance

The government's defense and foreign policies in Australia asserted on "support a balance in the Indo-Pacific favorable to our interests and promote an open, inclusive and rules-based region." (Government, 2017)

For more than six decades, The U.S.-Australia alliance has been well suited to counter direct and overt coercion and interference. This alliance especially applies to defense cooperation concerning the force posture for both countries, the interoperability of capabilities, the greater sharing of intelligence, and the Australian hosting of US assets. It also applies to coordinated and joint strategic and military activities in the region. Both the United States and Australia are likely to increase cooperation in this context (Edel & Lee, 2019).

The U.S.-Australian alliance represented the military and security aspects through; the (ANZUS) security treaty alliance and the bilateral Australia-United States Ministerial (AUSMIN) consultations. The U.S. and Australia operate joint defense facilities in Australia.

The main topics of discussion during the AUSMIN ministerial meeting in 2009 were Afghanistan, Iraq, and Iran. Moreover, their respective relationship with China was one of the most important topics discussed during the meeting. The main topic of the AUSMIN meeting in 2010, 2011, and 2012 was strengthening the institutional architecture in the Asia-Pacific region. In terms of military cooperation, the U.S. and Australia have been working on the Force Posture Review since 2010. This plan revolves around the continued joint operation of Australian facilities (Rijk, 2011).

In 2011, Robert Gates said that: "our military presence will be strong and important in the Asia-Pacific, and we will support this presence by advance arms and technology, in order to protect our alliances and interests and secure maritime trade routes... the American troops will deployed-forward to promote ours existing in northeast Asia and southeast Asian in the Pacific Ocean, our military will be strengthened by the facilities which Australia gives to us in the Indian Ocean. " (Jason Reed, 2011).

Regarding other alliances in the Asia-Pacific region, Hillary Clinton asserted in her speech in 2011 that: " in Southeast Asia, we are renewing and strengthening our

alliances with the Philippines and Thailand, increasing, for example, the number of ship visits to the Philippines and working to ensure the successful training of Filipino counterterrorism forces through our Joint Special Operation Task Force in Mindanao. In Thailand, our oldest treaty partner in Asia, we are working to establish a hub of regional humanitarian and disaster relief efforts in the region." (Clinton, 2011).

Figure 6 shows the negative public opinion toward China was surveyed at its highest ever in some main countries in Asia-Pacific

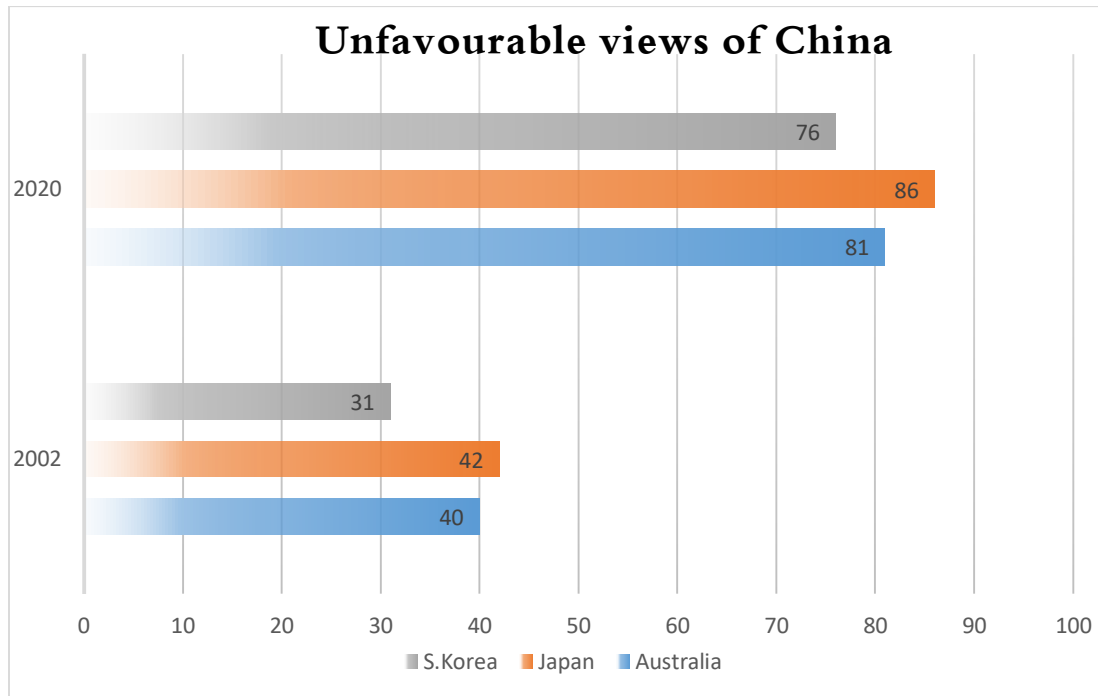


Figure 6 shows the negative public opinion toward China / Source: (Pew, 2020)

• **Conclusion**

The Asia-Pacific region is a region of vital importance to the United States of America. This importance has increased after China has grown politically, economically, and militarily in the Asia-Pacific. This growth in the Chinese capabilities has a direct influence on the American's interests in this region.

The Obama administration's strategy was to initiate a Cold War-style containment strategy of China, based on an opposing coalition's U.S. political and military leadership. This administration tried to isolate Beijing from its neighbors and the world by strengthening its military presence and long-standing bilateral alliances with Japan, Korea, and Australia. This strategy attempts to draw these countries -Asia-Pacific countries- into a containment circle and jointly oppose China.



The American "containment strategy" towards the Asia-Pacific region aimed to consolidate the alliances and develop relations in various aspects of military and security, policy and diplomacy, and economics. The U.S. believed that could decrease China's ambitions and prevent China's goals or raise the cost of achieving these goals.

The main key factor that helped Washington in its efforts to contain China is the regional willingness to embrace America as a counterbalancing power to China's geopolitical ambitions. There was already a growing sense of danger among leaders and public opinion in the region, particularly in the Republic of Korea, Japan, Vietnam, and the Philippines, from China's rise as a dominant power, which wants to change the balance of power in the region. This situation provided a strategic opportunity for Washington as regional support for its containment strategy towards China.

To achieve a containment strategy, the United States resorted to a forward-deployed policy and attempted to strengthen greater cooperation throughout the Asia-Pacific region to contain China's growth and threat.

These diplomatic, economic, and military efforts attempted to implement the containment strategy to contain China or reduce its influence and threat on American interests in the Asia-Pacific region

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The Impact of the Floating Egyptian Pound in Foreign Investment in the Stock Exchange and EGX30 Index

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Abstract

This research seeks to answer two questions; First: What is the impact of floating the Egyptian pound on foreigners' transactions in the Egyptian Stock Exchange? Second: What is the impact of floating the Egyptian pound on the performance of the Egyptian Stock Exchange, as measured by the EGX30 index? The limits of this research are the period from 2015 to 2021. The statistical method will be used in this research to test the relationship between changes in the exchange rate of the Egyptian pound in US dollars and each of the foreigners' transactions in the Egyptian Stock Exchange and the EGX30 index, during the study period. The research found a clear impact of floating the Egyptian pound on foreigners' transactions in the Egyptian Stock Exchange, as their net purchases doubled during the year following the flotation, but the general effect during the study period as a whole was not statistically significant. While the effect on the EGX30 index was positive and statistically significant.

Key words: Exchange Rate, Stock Market, Foreign Investment, Hot Money, EGX30.

Introduction

On November 3, 2016, the Egyptian government took a decision to float the exchange rate of the Egyptian pound, after a widening gap between its price in banks and its price in the black market. This research seeks to find out a specific point represented in knowing the impact of this government decision on foreign investment decisions in the Egyptian stock market only, and it will not be exposed to any other effects.

This research seeks to answer two questions; First: What is the impact of floating the Egyptian pound on foreigners' transactions in the Egyptian Stock Exchange? The second: What is the impact of floating the Egyptian pound on the performance of the Egyptian Stock Exchange, as measured by the EGX30 index? By testing the following two hypotheses:

1. There is a significant Statistical relationship between exchange rate changes and foreign investment in the stock.
2. There is a significant Statistical relationship between exchange rate changes and EGX30 index.

The research will use the statistical method to test the two previous hypotheses, based on official data on the exchange rates of the Egyptian pound in US dollars issued by the Central Bank of Egypt, and the EGX30 index issued by the Egyptian Stock Exchange.

1. Floating the exchange rate and attracting hot money for speculation in the stock exchange

When countries face a shortage of capital needed to finance investment, they use several solutions, including attracting foreign investments, whether direct (in the form of establishing factories, for example, which leads to an increase in the growth rate and employment of labor and thus a decrease in the unemployment rate) or indirect investments. (Such as investing in portfolios in the stock market). (Konar, 2019)

Probably the foreign direct investment is less risky than foreign investment in financial portfolios in the stock market. (Razin & Sadka) It is known that the investment decision in general and the decision to speculate in the stock market in particular is governed by many determinants, including psychological, financial, social and others. (Tate & Thompson, 2017)



Hot money is one of the most prominent manifestations of short-term foreign speculation in the stock market. It waits for the opportunity to flow in and then waits for the next opportunity to come out with the largest possible gains. (Adil, Fiaz, & Ahmad, 2021) Although this may be beneficial for both local and foreign parties in the short term, this type of foreign indirect investment is not appropriate in achieving sustainable development for the host country for this hot money, and therefore foreign capital flows must be reformed in line with local development goals. (Bigg, 2002)

The sharp decline in the exchange rate of the local currency is attractive to hot money, as the purchasing power of foreign currencies increases dramatically, but at the same time, the influx of these foreign currencies in abundance leads to a rise in the exchange rate of the local currency, and then the foreign speculator can buy back his foreign currency at a cheaper price, That is, he gets a larger amount of money that he has contributed to the flow of money into the country, and then this money flows again abroad. (ŞEKEROĞLU & ACAR, 2020)

2. The US Dollar Exchange rate in Egyptian Pound from 2015 to 2021

The Egyptian government took a decision to float the exchange rate of the Egyptian pound on November 3, 2016, which led to a significant drop in its value against the dollar, which reached half, as the exchange rate of the US dollar doubled against the Egyptian pound. The following table shows the exchange rate evolution from November 2015 to November 2021.

Table (1): Exchange Rate of the US Dollar in Egyptian Pounds (2015-2021)

N	November	US dollar Exchange rate in Egyptian Pound	Change rate %
1	2015	7.94	-
2	2016	14.65	85%
3	2017	17.69	21%
4	2018	17.97	2%
5	2019	16.19	-10%
6	2020	15.77	-3%



N	November	US dollar Exchange rate in Egyptian Pound	Change rate %
7	2021	15.77	0%
Average		14.44	16%

Source: (Central Bank of Egypt, 2021)

For more clarification, we can represent the data of US dollar exchange rate in Egyptian pounds by the following figure.

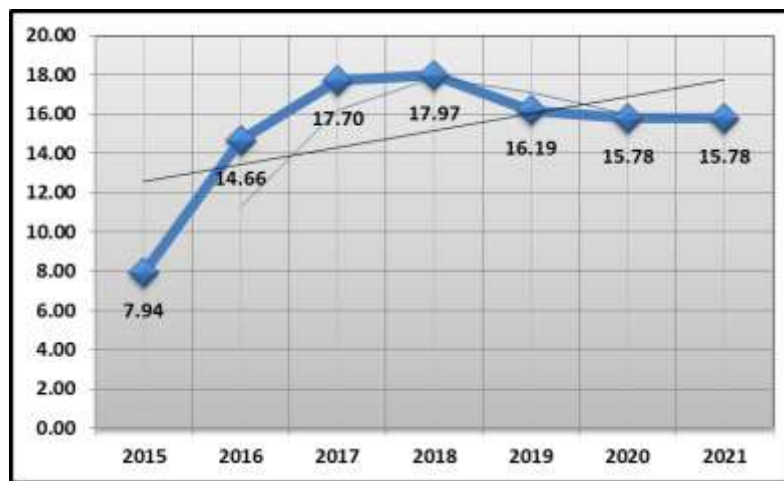


Figure (1): Exchange Rate of the US Dollar in Egyptian Pounds (2015-2021)

It is clear that the exchange rate of the US dollar in Egyptian pounds took a general upward trend during the period as a whole, With an annual average growth rate of about 16%. If we divide the whole period into two terms, we will find that it took an upward trend from 2015 to 2018, As it increased from 7.94 pounds to 17.97 pounds, then it takes a downward trend from 2018 to 2021, where decrease from 17.97 pounds in 2018 to 15.77 pounds in 2021.

3. Foreigners’ transactions in the Egyptian Stock Exchange

Egypt's economy is an open economy, therefore the Egyptian Stock Exchange, foreigners are allowed to deal in it, buying and selling in accordance with the legislation and rules regulating the work of the stock exchange in Egypt. The following table will

show the value of foreign purchases and sales in the Egyptian Stock Exchange, and the net value of these transactions by subtracting sales from purchases.

Table (2): Foreign Transactions in the Stock Market in Million Pounds (2015-2020)

N	June	Purchases	Sales	Net	Change rate %	Ratio of Foreigner transactions to total transactions
1	2015	56474	52178	4296	-	32.5%
2	2016	34844	33397	1447	-66%	26.6%
3	2017	79402	70651	8751	505%	29.4%
4	2018	96596	90015	6581	-25%	32.7%
5	2019	60365	61303	-938	-114%	32.8%
6	2020	68522	75852	-7330	-881%	35.1%
7	2021	Not available				
Average					-116	31.5%

Source: (Financial Regularity Authority, Egypt, 2021)

For further clarification, the data of the net value of foreign transactions in the Egyptian Stock Exchange from 2015 to 2020, can be represented in the following figure.

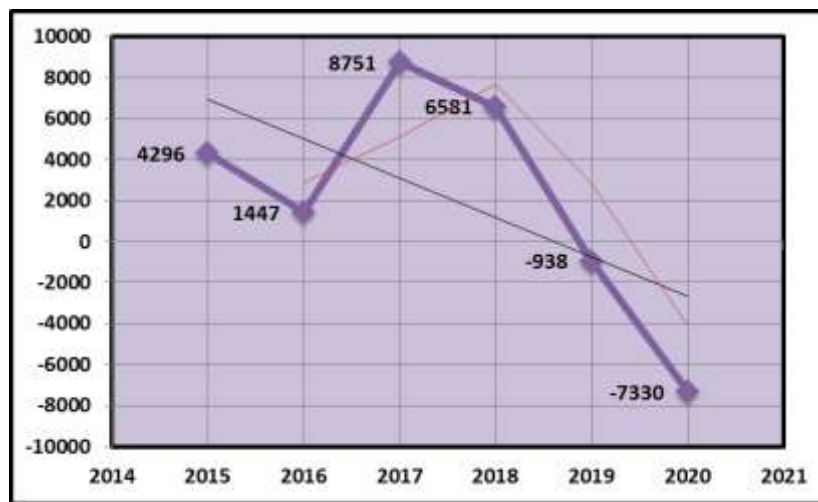


Figure (2): Foreign Transactions in the Stock Market in Million Pounds (2015-2020)

As it is clear, the value of foreign transactions in the Egyptian Stock Exchange took a general declining trend during the period from 2015 to 2020. But by dividing that period into two terms, we found that it took an upward trend in the first term from 2016 to 2018, where it rose from 4296 million pounds to 8751 million pounds (net purchases), then took a downward trend in the second term from 2018 to 2020, where it decreased from 8751 million pounds to reach a negative value (net sales) of -7330 million pounds. Which is consistent with the trend of the exchange rate divided into two terms.

The huge rise in the net value of foreign transactions in the Egyptian Stock Exchange can be explained, as the dollar can buy a larger number of securities and thus foreigners are able to buy a large number of securities with the same amount of dollars in the year preceding the flotation, and thus they will achieve several gains. The first gain is the purchase of a larger number of securities, the second is to obtain the interest of bonds or profits distributed to shareholders, and the third is to make profits from selling those securities and borrowing more dollars when the exchange rate of the dollar decreases after the increase in confidence in the Egyptian economy after the success of the flotation process, and therefore it is a profitable process for foreigners, and at the same time, the Egyptian government and Egyptian investors in the stock market have benefited from it by activating the Egyptian Stock Exchange.

1. Estimating the US Dollar Exchange Rate impact on net foreigners' transactions in the Egyptian Stock Exchange from 2015 to 2021

In order to answer the first question of this research, we need to conduct statistical tests to find out the impact of exchange rate changes on the net value of foreign transactions in the Egyptian Stock Exchange. The SPSS output results are shown in table No. 1 in the appendix.

The results showed a non significant positive correlation between them, with a weak degree of 30.4%, which is the value of the Pearson correlation coefficient (R).

From the data, it is clear that the flotation of the Egyptian pound has led to an increase in the net value of foreign transactions on the Egyptian Stock Exchange by more than five times its value in the year preceding the flotation, But the results of the statistical test showed that the general impact of the exchange rate change on the value of net foreign transactions in the Egyptian Stock Exchange during the period from 2015 to

2020 It was not definitively clear, As it was not statistically significant. Therefore, the first hypothesis of this research has not been confirmed.

2. The EGX30 Index from 2015 to 2021

The Egyptian Stock Exchange launched the main index of the Egyptian Stock Exchange on February 1, 2003, to include the 30 largest companies in terms of liquidity and activity, weighted by market capitalization adjusted for trading shares. The index is distinguished by avoiding focusing on a specific industry, thus providing a good representation of the various industries and sectors operating within the Egyptian economy. It reflects diversity and provides suitable options for investors and helps them to make investment decisions. The index was calculated as of January 4, 1998, with a value of 1,000 points. The index was denominated in dollars calculated starting from March 1, 2009 .okan issued under the name of) CASE30) that changed its name to EGX30 on March 1, 2009, to reflect changes in the stock market name as was replaced by Cairo and Alexandria the Egyptian Stock Exchange according to the encroachments Head Market Law Money No. 95 for the year 1992. (The Egyptian Exchange, 2021)

The following table shows the evolution of the value of the EGX30 index from 2015 to 2021.

Table (2): The EGX30 Indicator from November 2015 to 2021

N	November	EGX30	Change Rate %
1	2015	6432	-
2	2016	11641	81%
3	2017	14600	25%
4	2018	13234	-9%
5	2019	13892	5%
6	2020	10891	-22%
7	2021	11396	5%
Average		11726	14%

Source: (EGX30, 2021)

For more clarification, we can represent the data EGX30 in the following figure.

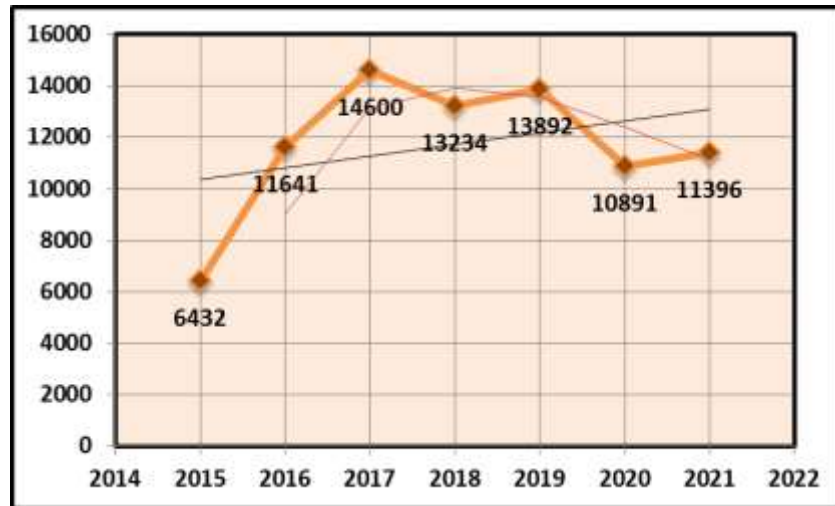


Figure (2): The EGX30 Indicator from November 2015 to 2021

It is clear that the EGX30 has fluctuated around an overall upward trend, rising from 643 points in 2015 to 11,396 points in 2021, with an annual average rate change of 14%. The Egyptian Stock Exchange, like all other stock exchanges in the world, was affected by the Covid-19 pandemic, and its indices decreased significantly since the beginnings of 2020. (Elsayed & Abd Elrhim, January 2020) This is evident in the previous figure, where the EGX30 index decreased from 13892 points in 2019 to 10891 points in 2020, then recovered relatively in 2021 to become 11396 points.

3. Estimating the US Dollar Exchange Rate Impact on EGX30 Indicator from 2015 to 2021

The second question seeks to find out what is the impact of the change in the exchange rate of the dollar in Egyptian pounds on the performance of the Egyptian Stock Exchange, as represented by the EGX index. Therefore, statistical tests were conducted between the two variables, and their results are shown in Table No. 1 in the appendix

The results showed a significant positive correlation between them, with a degree of 93.4%, which is the value of the Pearson correlation coefficient (R).

The result of the coefficient of determination also showed that the change in the exchange rate of the US dollar in Egyptian pounds (the independent variable) explains about 87.4% of the change in the EGX30 index (the dependent variable).

From the value β_1 , which is the linear marginal slope, we find that the increase in the exchange rate of the dollar in the Egyptian pound by one pound leads to a rise in the EGX30 index by approximately 748 points.

These results indicate that the effect of the rise in the exchange rate of the US dollar in the Egyptian pound is positive, as the rise of the first leads to the rise of the second, and this is the answer to the second question of this research. Thus, the second hypothesis of this research has been confirmed.

Conclusion

In this research, we answered two questions, the first is what is the effect of floating the Egyptian pound on foreign transactions in the Egyptian Stock Exchange, and it was found that the decision to float has led to an increase in the net value of foreign transactions by about five times, but no significant statistical relationship was reached during the study period As a whole. This indicates that the capital that flowed into Egypt after the flotation of the Egyptian pound is hot money.

The second question was also answered, which is what is the effect of exchange rate changes on the performance of the Egyptian Stock Exchange, and it was found that there is a statistically significant positive correlation between the dollar exchange rate and the EGX30 index during the study period.

Appendix

Table (1): SPSS output statistical relation between US Dollar exchange rate and Net foreigners’ transactions in the Egyptian Stock Exchange

Correlations			
		Net foreigners’ transactions in the Egyptian Stock Exchange	US Dollar exchange rate in Egyptian pounds
Net foreigners’ transactions in the Egyptian Stock Exchange	Pearson Correlation	1	.304
	Sig. (2-tailed)		.558
	N	6	6

Table (2): SPSS output statistical relation between US Dollar exchange rate and EGX30

Correlations			
		EGX30	US Dollar exchange rate in Egyptian pounds
EGX30	Pearson Correlation	1	.934**
	Sig. (2-tailed)		.002
	N	7	7

** . Correlation is significant at the 0.01 level (2-tailed).

Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.934 ^a	.872	.846	1063.94726

a. Predictors: (Constant), US Dollar exchange rate in Egyptian pounds

Coefficients ^a						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	390.356	1987.332		.196	.852
	US Dollar exchange rate in Egyptian pounds	748.477	128.500	.934	5.825	.002

a. Dependent Variable: EGX30

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A legal reading of President Kais Saied's decision about invoking article 80 of the Tunisian Constitution

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Abstract:

President Kais Saied's invoking Article 80 of the Tunisian Constitution and the subsequent dismissal of the Prime Minister and the freezing of members of Parliament raised a wave of questions in the Tunisian street in particular and the region in general about the legitimacy of these decisions. In the first section, this paper discusses Article 80 of The Tunisian constitution and the formal and substantive conditions necessary to activate this article of the constitution. Moreover, it examines if the decisions of the Tunisian president were consistent and compatible with what was stated in article 80. Then it addresses in the second section the issue of what some considered a coup or a misinterpretation of the Tunisian constitution. Finally, the article discusses the possible scenarios after this crisis and what are the available tools to confront these decisions in the light of the absence of the Constitutional Court.

Keywords : *Tunisian constitution, Kais Saied, Article 80, legal reading,*

Introduction

Tunisia's revolution in 2011 is often held up as the only success of the Arab Spring revolts throughout the region, but the lack of economic and political stability has made the state vulnerable. The recent coronavirus wave has fueled massive public anger. On 25 July 2021, after violent extensive mass protests, President Kais Saied invoked Article 80 of Tunisia's constitution to sack Prime Minister, freezing the parliament and suspending immunity for all MPs for 30 days.¹ Saied, by invoking Article 80, which authorizes the president to take the necessary measures to stop any imminent danger threatening the integrity of the country, stated that he will personally head the public prosecution and take the charge of the executive power.² The recent developments are highly linked to a strong power conflict between the presidency, the PM and the speaker of parliament. On 23 Aug 2021 Tunisian President Kais Saied has extended the suspension of parliament and the immunity of members of parliament until further notice.³

I. What is the article 80 of the Tunisian constitution and has it been legally applied?

Tunisian law article 80 provides guidance for emergency situations. This article allows the president to assume the executive power under exceptional circumstances.

Article 80 states:

“In the event of imminent danger threatening the nation's institutions or the security or independence of the country, and hampering the normal functioning of the state, the President of the Republic may take any measures necessitated by the exceptional circumstances, after consultation with the Head of Government and the Speaker of the Assembly of the Representatives of the People and informing the President of the Constitutional Court. The President shall announce the measures in a statement to the people. The measures shall guarantee, as soon as possible, a return to the normal

¹ Doğru, Alaattin, "Tunisia's president suspends parliament, assumes executive powers", Anadolu Agency, accessed on 20/09/2021 at : <https://www.aa.com.tr/en/middle-east/tunisia-s-president-suspends-parliament-assumes-executive-powers/2313990>

² - Tunisia: Human rights must be upheld following suspension of parliament", Amnesty, accessed on 20/09/2021 at: <https://www.amnesty.org/en/latest/press-release/2021/07/tunisia-human-rights-must-be-upheld-following-suspension-of-parliament/>.

³ - Tunisia's President Kais Saied extends suspension of parliament", Aljazeera, accessed on 20/09/2021 at : <https://www.aljazeera.com/news/2021/8/24/tunisias-president-kais-saied-extends-suspension-of-parliament>.

functioning of state institutions and services. The Assembly of the Representatives of the People shall be deemed to be in a state of continuous session throughout such a period. In this situation, the President of the Republic cannot dissolve the Assembly of the Representatives of the People and a motion of censure against the government cannot be presented. Thirty days after the entry into force of these measures, and at any time thereafter, the Speaker of the Assembly of the Representatives of the People or thirty of the members thereof shall be entitled to apply to the Constitutional Court with a view to verifying whether or not the circumstances remain exceptional. The Court shall rule upon and publicly issue its decision within a period not exceeding fifteen days. These measures cease to be in force as soon as the circumstances justifying their implementation no longer apply. The President of the Republic shall address a message to the people to this effect.”

So, to apply the article 80 according to the Tunisian constitution, there is a series of substantial and formal requirements should be considered.

A. The substantial requirements

Two substantial factors must exist in order to invoke article 80:

1. imminent danger threatening the nation’s institutions or the security or independence of the country
2. hampering the normal functioning of the state

The term “imminent danger” is mentioned three times in the Tunisian constitution (articles 56, 75., 80.) but there is no clear definition of this term. So, the body who has the authority to interpret this term is the Constitutional Court and the problem is that Tunisia has not been able to form a constitutional court since its new constitution was passed in 2014 and this has meant that once Article 80 was invoked, it left Tunisia’s president with total control over the legislative, executive and judicial branches. Kais Saied took the advantage of the absence of the constitutional court and considered the recent covid -19 wave in Tunisia as an imminent danger which hampering the normal functioning of the state. Saied says invoking Article 80 is necessary because of the “imminent threat“ facing Tunisia with anti-government anger increasing by the covid-19 crisis and unemployment. When the issuance and interpretation of regulations is limited to the person of the president and when there is no independent judicial body (constitutional court) that has the authority to monitor the decisions of the president, this calls into question the validity and legality of the decisions issued by the president, as he has all the powers. Rabeh Al-Kharaifi, a professor of law said “in the absence of the Constitutional Court, the president

has a monopoly on the interpretation of the constitution.”⁴ Salsabil al-Kalibi, a professor of constitutional law also described invoking article 80 by Kais Saied as a monopolizing of the interpretation of the constitution. "According to the law, the president has the authority to determine the imminent danger, and in the absence of the Constitutional Court, he is the one who monopolizes this interpretation."⁵

B. The formal requirements

There are four formal conditions that must be taken into account during invoking the Article 80 of the Constitution :

- a. consultation with the Head of Government
- b. consultation with the Speaker of the Assembly of the Representatives of the People
- c. informing the President of the Constitutional Court
- d. The President shall announce the measures in a statement to the people.

Before invoking article 80, the president is required to consult the prime minister and the speaker of assembly and inform the president of the constitutional court. Parliament speaker Ghannouchi denied having been consulted, Prime Minister Hichem Mechichi has not spoken in public since Saied dismissed him, and the constitutional court has not been set up.⁶ Therefore, President Kais Saied’s decision to invoke Article 80 violated most of the formal conditions stipulated in the Tunisian Constitution in order to apply Article 80. Iyadh Ben Achour, a law professor, said *"The decisions were completely contrary to the constitution ... the condition of imminent danger does not exist and he did not consult the speaker or prime minister."*⁷

Supplementary to what mentioned above, Kais Saied decided to freeze the parliament while it **must remain in continuous session until the situation is resolved**. So given

⁴ - "Inqisam alqanuniyyin walsiyasiyyin altuwnusiyyin bishan al'azmat aldusturia (Tunisian jurists and politicians are divided over the constitutional crisis)", Euronews, accessed on 21/09/2021 at <https://arabic.euronews.com/2021/07/26/tunisia-crisis-ea3> .

⁵ - "Al'azmat fi tunis jadal bayn khubara' alqanun aldusturii hawl qararat saeid (The crisis in Tunisia, Controversy among constitutional law experts over Saied's decisions)", DW, accessed on 21/09/2021 at <https://www.dw.com/ar> .

⁶ - "Tunisian lawyers, politicians split on constitutional crisis", Reuters, accessed on 21/09/2021 at: <https://www.reuters.com/world/africa/tunisian-lawyers-politicians-split-constitutional-crisis-2021-07-26/> .

⁷ - *Ibid.*

the nature of the measures announced by President Saied, he exercised his powers beyond the scope and conditions stipulated in the constitution.⁸

II. Coup or a miscalculation in the implementation of the constitution

Back in 2013, Kais Saied himself issued a warning that if strong institutions were not protected, Tunisia's new constitution would be left vulnerable for misuse by the officials in power.⁹

It is the absence of the Constitutional Court in Tunisia that creates such problems because it is the legal body who has the authority to give the proper interpretation, define the legal framework for the president's decision, decide on their legitimacy and compliance with the articles of the constitution.

Some jurists, including the professor of constitutional law, **Abdul Razzaq Al-Mukhtar**, went to **describe what happened as not a coup in the full sense of the word, but a coup against the 2014 constitution.** Al-Mukhtar believes that what happened is an attempt to transform the presidential system by paving the way for the return of the old Tunisian constitution.¹⁰

Others looked at what happened as a coupe like the Professor of constitutional law **Ayyad Ben Achour**, who considered the decisions taken by Saied represented as a "*coup against the constitution and the state and a violation of the law,*" noting that invoking Article 80 of the constitution "is illegal" because it requires substantial and formal conditions." He explained, in radio statements, that "the essential conditions are those stipulated in Chapter 80 in its preamble that presuppose the country's exposure to an imminent danger threatening the nation's institutions or the security or independence of the country and hampering the normal functioning of the state. The crisis that the country is experiencing has not reached a state of imminent danger that threatens the entity of the state, and therefore the essential condition is not available. Also, the formal condition is to consult the heads of the government and parliament and inform the head of the

⁸ "Experts react: What's next after Tunisian president's parliamentary freeze?", Atlantic Council, accessed on 21/09/2021 at: <https://www.atlanticcouncil.org/blogs/menasource/experts-react-whats-next-after-tunisian-presidents-parliamentary-freeze/>.

⁹ - Zdf12ad, (2013,,April 24), qis saeid munadidan bitajawuzat alnahdat -khufi min 'an yakul aldustur himar (Kais Saied criticizes the excesses of the Ennahda party, He expressed his fear for the constitution). Youtube. https://www.youtube.com/watch?v=sVrQvAK4zo0&ab_channel=zdf12ad.

¹⁰ - Zitouna tv official, (2021,Jul 26), qira'at ghayat fi al'ahamiyat li'ustadh alqanun aldusturii eabd alrazaaq almukhtar fi qararat qays saeid (A very important reading of the professor of constitutional law Abdul Razzaq Al-Mukhtar in the decisions of Qais Saeed). Youtube. https://www.youtube.com/watch?v=8Y0_WjU9kRw.

Constitutional Court.” Ben Achour doubted that this happened, despite Saeed’s assertion that the presidencies of parliament and the government were consulted, which was also denied by the parliament’s presidency¹¹.

I hold the view that **what happened cannot be described as a coup**, but rather a defect or miscalculation in the implementation of the constitution, **Professor Manar Esselimi**, head of the Atlantic Center for Strategic Studies and Analysis security, has the same opinion regarding to Kais Saied’s decision.¹²

III. *Guarantee a return to the normal functioning of state institutions and service” clause.*

Did President Saeed's decisions guarantee *a return to the normal functioning of state institutions and services*? Given that the Tunisian president interpreted the deterioration of the health situation in Tunisia due to the increasing COVID-19 cases, as an imminent danger that threatens the state, Mr. Saied said: "We have taken these decisions... until social peace returns to Tunisia and until we save the state."¹³

So, the health situation and the number of infections with the COVID-19 should be evaluated to distinct the difference between the period before and after the decisions of President Kais Saied

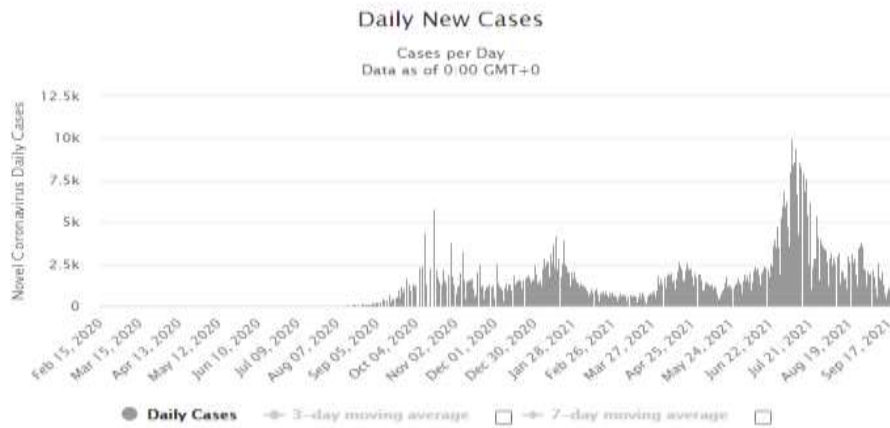
Indeed, when I look at the graphs of the number of daily cases and the number of deaths in Tunisia (*see the graph number 1., 2., 3. below*) , I noticed that they have decreased significantly. Therefore, it seems that there is an improvement on the health level and the COVID-19 crisis.

- ¹¹ Salman, Hasan, “Kais Saied bayn "muhawalat alianqilabi" wa "su' alfahm" hal 'akhta 'ustadh alqanun aldusturii fi qira'at aldusturi? (Qais Saeed between the “coup attempt” and “misunderstanding” Did the constitutional law professor misread the constitution?), Alquds al- Arabi, accessed on 22/09/2021 at: <https://www.alquds.co.uk>.

¹² - Medi1TV, (2021, July 27), manar asalimiun yuqadim qira'atan qanuniatan fi qararat qays saeid alati aitakhadhaha bimujib alfasl al 80 min aldustur (Manar Asleimi provides a legal reading of the decisions of Qais Saeed, which he took under Chapter 80 of the Constitution).Youtube.
<https://www.youtube.com/watch?v=whdZBSXne5A> .

¹³ - “Tunisia's PM sacked after violent Covid protests”, BBC, July 26, 2021

Daily New Cases in Tunisia



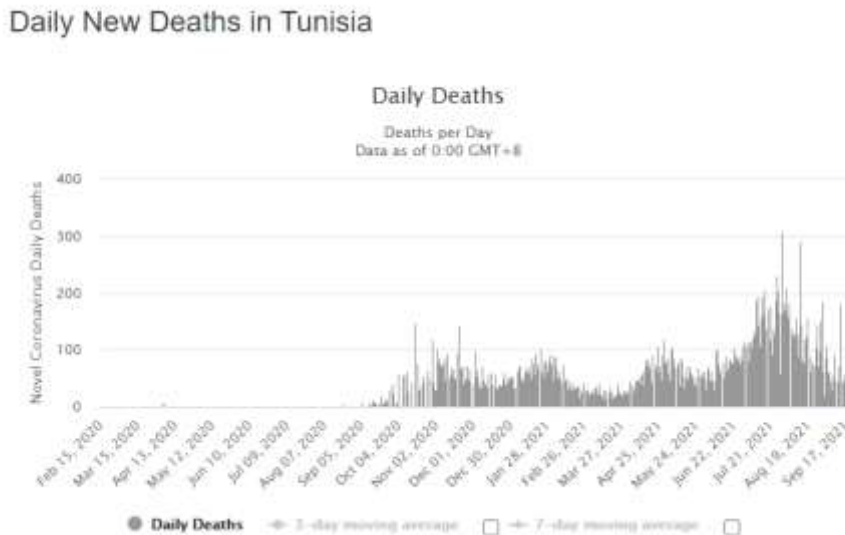
(Graph 1)¹⁴

Active Cases in Tunisia



¹⁴ - "Tunisia coronavirus cases", Worldometer, September 23, 2021.

(Graph 2)¹⁵



(Graph 3)¹⁶

But on the political level, things are still turbulent and there are clashes and exchange of accusations between supporters of the decisions of the Tunisian president and its opponents. The list of opponents of President Saied's decisions includes former President Moncef Marzouki, Ahmed Najib Chebbi, one of the most important opponents of the Ben Ali regime, and Hama Hammami, leader of the leftist parties. In addition to Lotfi Lamraïhi, head of the Republican People's Union Party, and a former candidate for the presidency.¹⁷ By Monday morning 26 July 2021, Tunisian troops had been deployed to the government palace in Tunis and surrounded parliament, where they blocked Rachid Ghannouchi, head of the moderate Islamist party Ennahda and speaker of parliament, from entry. Ghannouchi has accused Saied of carrying out “a coup attempt”. Videos on

¹⁵ *Ibid.*

¹⁶ - *Ibid.*

¹⁷- Al-Saaidani, Al-Monji, “Tunisiwn yahtajawn didaaltadabir alaiistithnariyati lirayiyi aljumphuria (Tunisians protes against the president's extraordinary measures)”, Aawsat, accessed on 23/09/2021 at: https://aawsat.com/home/article/3196726/tm_medium=referral&utm_source=nabdapp.com&ocid=Nabd_App.

social media on Sunday appeared to show some demonstrators vandalizing local party offices of Ennahda¹⁸.

On the other hand, despite the wave of criticism that the Tunisian president has been subjected to in the recent period, Saied continues to lead the way in voting for the upcoming presidential elections, as a large majority of Tunisians adhere to President Saied's directions. An opinion poll conducted by the Sigma conseil Foundation revealed that Saied has a "great confidence" among about 72 percent of Tunisians, and won 90 percent of voting intentions in the presidential elections.¹⁹ Therefore, it is clear that there is a gap and a crisis of confidence that is widening between the Tunisian street and the political parties opposing the decisions of President Kais Saied, which threatens the continuation of the crisis at the political level, and consequently, it may hinder the state and the government from carrying out its normal tasks.

IV. What next? Potential scenarios and the available means.

Tunisia's future is murky and unclear after President Kais Saied's recent decisions, especially after declaring that he can rule by decree and dispense with the constitution²⁰. This statement, of course, will further complicate matters, especially in the absence of the Constitutional Court and monopolized the three powers by the president.

Article 87 of the Tunisian constitution states: "*The President of the Republic cannot be prosecuted for acts that were carried out in the context of performing his/her functions.*" And as we mentioned above Kais Saied consider his decision by invoking article 80 as an act were carried out in the framework of performing his functions and as a president of Tunisia according to the article 72, He is the symbol of its unity. He guarantees its independence and continuity. Therefore, if the opposition political parties and personalities object to the legality of the president's decisions especially in the absence of

¹⁸ - Parker, Claire, "Tunisia's president fires prime minister, dismisses government, freezes parliament", The Washington Post, accessed on 24/09/2021 at : <https://www.washingtonpost.com/world/2021/07/25/tunisia-saied-mechichi-parliament/>.

¹⁹ - "Aistiqtab mutasaedun shaebiat alrayiys wamakhawif alaiinqisam fi 'awsat alshaeb altuwnisii (Escalating polarization, the president's popularity and fears of division among the Tunisian people)", Mena media monitor, accessed on 25/09/2021 at: <https://mena-monitor.org/>.

²⁰ - "Tunisia's Saied issues decree strengthening presidential powers", Aljazeera, accessed on 30/09/2021 at : <https://www.aljazeera.com/news/2021/9/22/tunisia-saied-issues-decree-strengthening-presidential-powers>.

a constitutional body that monitors the president's constitutional decisions, it is likely that Kais Saied will resort to Articles 87 and 72 of the Tunisian constitution to respond to all those who question the legitimacy of his decisions and call for their annulment.

V. The legality of President Kais Saeed's decisions and the remaining means

Accordingly, what are the remaining means for parties and personalities who question the legality of President Kais Saeed's decisions?

Tunisia has not witnessed in its modern history a legal and constitutional vacuum crisis like it is witnessing today. Unfortunately, the Tunisian political parties bear the responsibility for this constitutional and legal vacuum, as they have not reached an agreement since 2014 to form a constitutional court, which gave the president almost absolute power without judicial oversight, and Thus, making the legal options to respond to these decisions almost non-existent, We review here some options and scenarios that could be applicable in order to confront President kais Saied's recent decisions

Call for early legislative elections are likely to bring into power other political forces than the current ones. This may be led to adopting a new constitution to change the political system and call to reform the constitutional body by remedy the legal gap through calling for the urgent establishment of a constitutional court

A. Objection to the legitimacy of decisions

Political parties have the right to object to President Kais Saied's decisions within the framework of democratic practice and freedom of expression.

The opposition political parties and civil society organizations, in cooperation with prominent political and legal figures in Tunisia, to form a civil bloc whose function is to pressure President Kais Saied and urge him to reverse his decisions. It also calls on him to fix the gaps in the constitutional system and to consult with all parties and the political spectrum to reach an agreement that satisfies all parties and brings Tunisia out of the political impasse it is living in today.

B. Recourse to Article 88 of the Tunisian Constitution - A grave violation of the Constitution-

Article 88 states: *“The Assembly of the Representatives of the People may, through the initiative of a majority of its members, present a motion to bring to an end the President of the Republic’s term for a grave violation of the Constitution.”*

It seems unlikely that this article of the constitution can be used, given that all members of the People's Assembly have been suspended, in addition to the absence of the Constitutional Court. Therefore, in light of these few options available, it seems that the option of pressure on the president by political parties and the street in Tunisia to make real reforms in the constitutional and political system and the establishment of the Constitutional Court and consultation with all parties may be the key to solving this crisis, which is perhaps considered as the greatest threat that the freedoms and democracy in Tunisia has faced since the success of its revolution in 2011.

Conclusions

- The fact that President Kais Saied invoked Article 80, sack Prime Minister, freezing the parliament and suspending immunity of all MPs without observing the substantive and formal conditions of Article 80 is considered as an act that violates the law and does not comply with the spirit of Article 80 of the Tunisian Constitution.
- The absence of the Constitutional Court in Tunisia led to a lack of legal and interpretative oversight of President Kais Saied’s decisions and created a state of confusion and conflicting opinions among Tunisian institutions, officials and politicians about the legitimacy of President Kais Saied’s decision to invoke Article 80 of the Tunisian Constitution.
- Some in Tunisia described President Kais Saied's decision as a coup against the constitution and legitimacy, but legally the decision of President Kais Saied to invoke Article 80 of the Tunisian Constitution cannot be considered as a coup against the Constitution, even if it did not take into account the substantive and formal conditions of Article 80. It is more accurate to name what the Tunisian



president did as a misapplication and misinterpretation of the articles 80 of the Tunisian constitution and exploiting the absence of the Constitutional Court by interpreting the COVID-19 crisis in Tunisia as an imminent danger and thus activating Article 80 of the Tunisian constitution.

- The Tunisian President, by invoking Article 80 of the Tunisian Constitution, has monopolized the three powers in his person, and this could threaten the independence of the judiciary. Judicial independence is one of the cornerstones of a rights-respecting society and should not be trampled on. It is clear that there is a noticeable improvement regarding the COVID-19 crisis, and there is a noticeable decrease in the number of infections and deaths after President Kais Saied's decision to invoke Article 80 of the Tunisian Constitution. Tunisian President Kais Saied still enjoys good popularity in the Tunisian street, but on the other hand, the country is in a state of turmoil at the political level and at the level of government, especially with the presence of large parties that have a majority in the Tunisian parliament, such as the Ennahda Party and figures who have weight in the Tunisian street, such as former President Moncef Marzouki. They oppose the decisions of President Kais Saied and describe them as threatening the political life in the country and in violation of Tunisian law.
- As we mentioned before, The available legal means to respond to President Kais Saied's decisions may be non-existent, which may raise a state of instability at the political and legal levels. Calling early legislative elections or reaching joint understandings between the government and the opposition and paving the way for the establishment of the Constitutional Court may be the best scenario in order to end the ongoing political crisis in Tunisia.



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Vol d'art et d'antiquités

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Résumé :

Cette recherche vise à examiner la richesse qui ne intéresse pas les pays arabes, qui est représentée dans les antiquités , les artefacts et l'archéologie , sur la base de plusieurs rapports et articles internationaux et statistiques tirés d'institutions gouvernementales et non gouvernementales telles que Emirates Auctions , et l'Association Chinoise des enchères , ainsi que de comparer l'histoire de son commerce et de son vol à travers les guerres, et de poser les fondements , les lois et les objectifs pour le protéger aujourd'hui et à l'avenir , car c'est une véritable richesse qui sert de garantie pour les prêts d'institutions financières internationales telles que la Banque mondiale , et est plus sûr que l'or.

Mots d'ouverture : *Art et antiquités, antiquités, pays arabes, pays asiatiques et africains .*



1- introduction

Selon la définition de Bennett selon laquelle les antiquités et les artefacts sont venus pour montrer les merveilles du monde classique, en particulier européen, qui était considéré comme la base de la grandeur et de la curiosité coloniale européenne²¹. De plus, les musées, en rassemblant des œuvres d'art, des antiquités et des pièces importantes de cette époque, sont devenus une valeur importante au sein de la communauté pour éduquer les membres.

Il n'est pas surprenant que l'art de Van Gogh, Kandiski ou Monet se vende entre 11 et plus de 80 millions de dollars. La peinture Meules de Claude Monet de 1890 s'est vendue chez Sotheby's pour près de 110 millions de dollars, soit une augmentation de 44 fois en 33 ans seulement de 1986 à 2019. En effet, une telle richesse constitue les capacités d'un vœu d'individus super riches à accumuler leur richesse en échange d'un rendement garanti supérieur à l'or. Les peintures, les antiquités et les sculptures sont un bon et étonnant moyen de blanchiment d'argent et d'évasion fiscale, car les gouvernements ne peuvent pas déterminer le plafond d'une peinture plastique ou d'un chef-d'œuvre ou d'une sculpture, qui oblige ses propriétaires - vendeurs et acheteurs - à blanchir leur argent en vendant ces antiquités avec un chiffre qui convient à leur argent illégal, faisant de cet argent une source spécifique avec le gouvernement, ce qui est des antiquités ou des tableaux, car c'est un moyen d'échapper aux impôts. Le même pourcentage réel en investissant de l'argent dans l'achat de tableaux et d'autres pour réduire les fonds autorisés et ainsi réduire le taux d'imposition imposé par l'Etat.

Il est à noter que les antiquités et les peintures ne perdent pas leur valeur face aux crises économiques passagères, quelque soit leur gravité, rapidement et commencent à croître sans aucun dommage pour la valeur des artefacts.

L'État peut construire des refuges pour les antiquités et les peintures en tant que banques où les peintures et les œuvres d'art sont déposées au lieu de ports de stockage qui exonèrent les taxes pour les marchandises en transit, comme un investissement important pour fournir une protection complète pour recevoir des dépôts bancaires dans le cadre de l'industrie mondiale pour se soustraire à l'impôt des pays d'origine de ces riches pour

²¹ Bennett 1995 : 96





protéger leur patrimoine, en retour augmenter le nombre d'opérations bancaires et faire des bénéfices en investissant dans ce domaine, ce qui proposent de nombreux pays²².

2- Adoption de produits artisanaux

La Banque mondiale sera-t-elle en mesure de mener des réformes fiscales et juridiques similaires aux tentatives des gouvernements d'adopter des artefacts comme garantie pour contracter des prêts ?

Après 1984, les transferts caritatifs ont fait l'objet d'une réforme fiscale, et ces musées ont été transformés en institutions caritatives²³, et il en allait de même de la décision d'émettre le règlement final publié en 1982 selon lequel ces transferts étaient légalement autorisés²⁴. Le mandat est que ces transferts caritatifs de propriété s'appliquent à des choses dont la valeur n'excède pas 5 000\$²⁵, et ce montant s'applique aux timbres, pièces de monnaie et livres²⁶.

Et avec cette croissance des ventes et ces tentatives de réforme fiscale, c'est certainement face à ces tentations, et il est très attendu que la Banque mondiale prépare une équipe d'experts et d'économistes afin d'évaluer les œuvres d'art et d'insérer une marque ou un certificat pour le prix en temps réel de chaque pièce, afin de structurer cet important secteur économique dans les vingt. Cependant, il est nécessaire de clarifier le problème qu'il peut être un obstacle majeur à ce projet, qui est le même que ce qui s'est passé à la suite des accords de Bretton Woods²⁷ en 1944, qui a clarifié l'hégémonie des États-Unis États d'Amérique au détriment du projet keynésien britannique²⁸, devenant ainsi le pays dominant dans l'économie mondiale qui est le principal moteur d'évaluation des Artefacts, des antiquités et de leurs performances financières, et la pratique d'un système similaire au multilatéral système de compensation européen par l'intermédiaire de courtiers en compensation, et donc les œuvres d'art ne peuvent pas être invoquées comme alternative à

²² Il existe plusieurs installations de stockage antiquités, œuvres art et autres à Pékin, Genève, Zurich, Monaco, Luxembourg et autres.

²³ Loi sur la réforme fiscale de 1984, pub.

²⁴ Trésors. rég - 1.170A-13 (tel que modifié en 1996).

²⁵ Loi sur la réforme fiscale de 1984, Pub. L. N : 98 - 369, 155 - Trésors / rég 1.170A-13 (tel que modifié en 1996

²⁶ PERSONNEL DE JT - COMM. ON TAX& N, 98TH CONG. EXPLICATION GÉNÉRALE DES DISPOSITIONS SUR LES REVENUS DE LA LOI SUR LA RÉDUCTION DU DÉFICIT DE 1984 (HR 4170, 98th Congress; Pub. L. No. 98-369), à 506 (1984).

²⁷ Un accord fut conclu entre le 1er et le 22 juillet 1944, sur la base de échange du dollar-or pour faciliter le commerce international.

²⁸ En relation avec économiste John Maynard Keynes .



la détermination de la dépendance à leur égard pour l'obtention de prêts de manière précise et spécifique.

Et sur une autre considération, il doit être entouré d'institutions financières internationales et de gouvernements, car les guerres civiles, les tendances sectaires et la fragilité de la sécurité intérieure sont l'une des raisons de ne pas préserver les antiquités et les œuvres d'art, comme la guerre en Syrie, en Irak, en Libye et même l'Egypte a constitué une voie Il est facile de faire passer des antiquités et des artefacts en contrebande vers l'Europe, l'Amérique et les pays du Golfe. Le ministère public égyptien a confirmé que l'Egypte a récupéré près de 115 artefacts volés à Paris²⁹, et les autorités égyptiennes ont déjà arrêté des personnes engagées dans des fouilles illégales dans le but de faire de la contrebande et de la vente.

La Libye et la Syrie ont souffert plus que cela, ce qui confirme que l'Europe et les pays puissants deviendront le centre de ces effets, en contrepartie d'une grande perte que les pays du tiers monde vont récolter.

D'autre part, l'avertissement du patriarche catholique Raphael Sacco concernant la destruction d'artefacts et d'artefacts en Syrie et en Irak en raison de la contrebande vers Aruba et de la destruction du reste des choses, et les décrivant comme plus précieux que le pétrole, suggère que même idée. Le monde se dirige vers la richesse actuelle et future , car certaines de ces pièces peuvent égaler le revenu d'un pays comme l'Algérie pour une période de 15 jours à un mois de production de pétrole , et ISIS s'est appuyé sur la même idée pour financer son projet politique , comme l'indiquent de nombreux rapports et articles dans la contrebande de ces antiquités par l'intermédiaire de contrebandiers étrangers à travers la Turquie et la Hongrie ont estimé , selon le général irakien Dia Kadem al-Saidi 200 tableaux volés dans la ville de Nimrud , ce qui est un nombre énorme en termes de valeur morale et matérielle .

Pour ces considérations, une fois de plus les défis de la juste présentation des richesses devant la Banque mondiale seront la concentration de toutes ces pièces en Europe, notamment en France, en Allemagne et en Italie, et même en Amérique et en Russie, alors quelle est la solution alors ?

²⁹ Une déclaration du procureur général égyptien dans un article pour Africanews , 25/06/2021

3 - Mécanismes de protection des artefacts

Parmi les suggestions sur lesquelles on peut s'appuyer figurent :

- Augmenter la protection de ces pièces artistiques et archéologiques en mettant fin aux guerres et aux conflits.
- Des sanctions plus sévères pour les contrebandiers et le manque de tolérance des autorités des ports et aéroports avec ces opérations.
- Développer une stratégie de coopération en matière de sécurité entre les pays contre les passeurs via Interpol.
- Sensibiliser les gens sur l'importance de ces pièces en tant que ressources nationales matérielles et morales, et le danger de les violer sur l'histoire et l'économie de l'État, ce qui peut ressembler à de la contrefaçon de monnaie.
- Veille des réseaux sociaux et Internet dans les expositions à vendre.
- Organiser des ventes aux enchères sous peine de loi et avec l'approbation des autorités.

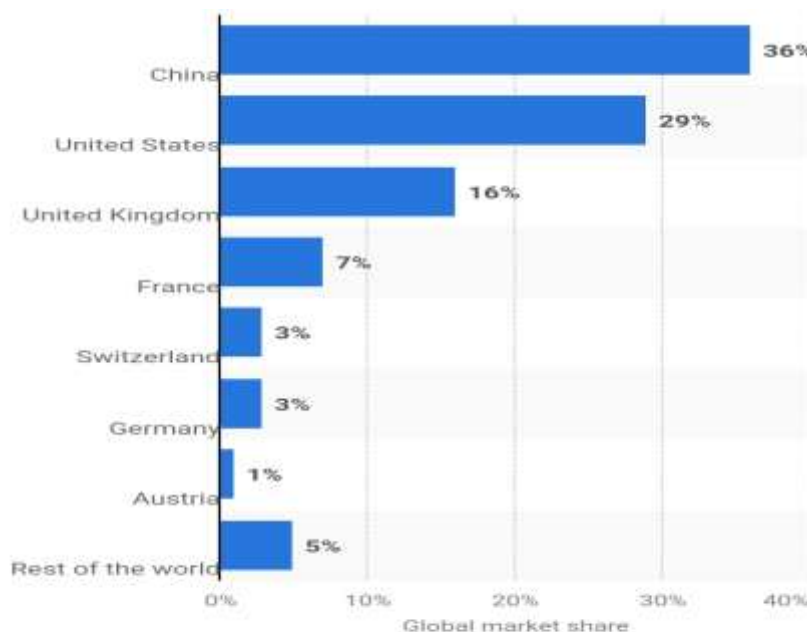
4- Enchères en ligne et publiques.

Les ventes aux enchères classiques (en présence des personnes participantes , en particulier de la classe aisée) sont une opportunité d'ajouter de l'importance à l'œuvre d'art, de montrer son importance historique et une opportunité de discuter et d'évaluer son prix grâce aux enchères des riches qui essaient d'obtenir pour des sommes énormes qui peuvent dépasser des millions , alors que les enchères en ligne sont un moyen rapide d'atteindre un grand nombre de participants et d'obtenir des revenus plus élevés .

Au cours de l'année 2020 , la Chine a enregistré un nombre considérable de ventes aux enchères publiques , puisqu'elle a capté à elle seule 36% des ventes totales de ce secteur à travers le monde , tandis que les États-Unis ont obtenu 29% et le Royaume-Uni 16%, tandis que le reste du monde n'a reçu que 5% du total des ventes, et ces pays ont établi toutes les conditions nécessaires pour organiser des enchères publiques et en ligne afin d'assurer la conduite des affaires et des ventes et de maintenir la sécurité et la confidentialité des informations pour les enchérisseurs . 2014 à travers des enchères en ligne à 3,2 milliards de dollars au sein du marché de l'art chinois³⁰ , qui illustre

³⁰ Association chinoise des enchères .

l'importance des technologies de l'information dans le marketing de l'art , et cette forme (c'est-à-dire les enchères virtuelles et les enchères publiques) s'apparente à la monnaie représentée dans le métal et le papier , tandis que le virtuel s'apparente plus au travail numérique , sauf que la valeur ici est La peinture et son prix physique , et dans une autre comparaison , la monnaie numérique ne se caractérise pas par la centralisation par rapport au papier et au métal , mais les peintures et leur valeur physique et virtuelle atteignent centralisation dans tous les cas , ce qui les rend plus importants et une bonne compensation pour l'argent comme pour l'or , malgré quelques problèmes qui peuvent apparaître comme le prix de la peinture ou de l'œuvre d'art .



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Au niveau des pays arabophones , les Emirats Arabes Unis ont excellé dans ce domaine , car malgré leur entrée dans le domaine des enchères en 2014 , ils ont su casser la vapeur , et organisent chaque année 200 enchères publiques et électroniques , 3 enchères par semaine, et a pu entrer 10 fois dans le Livre Guinness des Records , et réaliser des revenus financiers très élevés³¹ , en s'appuyant sur des enchères de haute qualité et sur

³¹ Emirates Auction

Internet , malgré le fait de ne pas accumuler de nombreuses œuvres d'art à revenus élevés, comme c'est le cas en Chine , aux États-Unis et en France.

Avec la croissance de la classe riche et aisée à travers le monde , cela se reflète dans le nombre d'enchérisseurs , et donc l'Etat doit prendre des mesures pour investir dans ce domaine , à travers :

- Le souci de l'Etat est de toucher le plus grand nombre d'enchérisseurs et de partenaires , que ce soit par l'intermédiaire de ses partenaires étrangers , pour obtenir des pièces artistiques de haute valeur matérielle et morale , et les vendre dans des enchères plus importantes , que ce soit en public ou via Internet .
- Assurer la sécurité des informations personnelles des soumissionnaires.
- Obtenir une large base de clients fortunés et de hauts fonctionnaires de gouvernements étrangers et de propriétaires d'entreprises et d'institutions du secteur privé.
- Utiliser les derniers moyens et systèmes innovants pour mettre en place des enchères publiques et en ligne.
- Une large couverture médiatique sur les antiquités et les œuvres d'art exposées.

5 - Que gagneront l'Asie et l'Afrique en tant que berceau de la civilisation et centre de l'art et des artefacts archéologiques ? .

Le commerce de l'art d'aujourd'hui est considéré comme important , surtout avec le développement de la vision économique pour tous les pays , qu'ils soient européens , américains , africains et asiatiques, ce ne sont pas des matériaux métalliques comme l'or à exploiter par des entreprises multinationales qui font des impôts sur les bénéfices un bénéfice supplémentaire , et exploiter plus intensément les ressources minérales et primaires , cela ne signifie pas que les pays aux économies fortes ne chercheront pas à dominer le domaine de l'art et des antiquités , mais les gouvernements africains et asiatiques , comme la plupart des régions en termes de valeur et de nombre d'artefacts et antiquités , se trouvera devant un nombre limité de pièces , ce qui leur permettra de l'ajouter en tant que troisième secteur après le pétrole - le gaz et les minéraux , et cela permettra aux entreprises gouvernementales et non gouvernementales d'essayer d'explorer et d'évaluer en permanence les antiquités réfléchir sur la découverte de l'histoire comme l'une des priorités , et former la relation entre l'histoire et l'économie .

Ce que l'on peut montrer à travers tout cela, c'est que les pièces et antiquités vont jouer le rôle de garant des prêts accordés par les institutions et institutions financières , et l'objectif global n'est pas de les échanger sur le marché libre , mais avec la croissance de découvertes , les activités commerciales peuvent être pratiquées de manière à équilibrer l'économie à long terme et à ne pas gaspiller les biens archéologiques à court terme .

Il est nécessaire pour les pays en développement de construire une économie diversifiée et de continuer à augmenter la croissance économique et de ne pas dépendre de ressources naturelles non permanentes et non renouvelables. Le commerce d'antiquités et d'œuvres d'art peut être considéré comme un commerce de pétrole, de gaz et de minéraux. La construction de l'économie et le développement des infrastructures fournissent l'atmosphère de faire des affaires, et donc le commerce s'épanouit, y compris les antiquités et l'art, et l'économie se diversifie pour assister à une grande croissance, faisant de l'économie un saut qualitatif par rapport aux modèles des économies du nouveau monde.

Exemple :

Une vente aux enchères d'œuvres d'art et de pièces archéologiques a eu lieu à l'intérieur de l'hôtel Mina Al Salam , à Dubaï , qui comprenait des pièces d'art rares 146 , le groupe de pièces se composait de trésors internationaux tels que des meubles victoriens , des pièces ottomanes , persanes et russes des 19 et 20 siècles , étaient exposés des chefs-d'œuvre de verre de Bohême et d'Opale , deux vases en verre fabriqués par le célèbre verrier (Broker) au 19 siècle , un ensemble de diamants fabriqué par le célèbre orfèvre (Mouawad) et une partie du joaillier royal britannique Garrard and Co , une célèbre maison d'orfèvre , depuis 1735 , et bien d'autres pièces , un tapis iranien a été vendu pour environ 1 million 600 mille dirhams émiriens³² , et cela met en évidence le volume de transactions qui peuvent être générées en fouillant les pièces et en les faisant entrer dans le pays .

6- La vision historique du vol d'art et d'antiquités.

En mai 1796, Napoléon Bonaparte décide de voler quelques artefacts à Venise et pendant la guerre contre l'Autriche, alors qu'il continue de piller trésors , œuvres d'art et

³² Journal Asharq Al-Awsat , Shaker Nouri , samedi 25 janvier 2014 .

archéologie à chaque fois qu'il colonise une ville ou un pays , et ce pillage lui vaut la possession de Statues grecques antiquité , jusqu'aux " Noces de Cana " de Paul Véronèse³³ , qu'il peignit pour 324 ducats et un tonneau de miel offert par les moines bénédictins , et que la France conserva au Louvre en vertu du traité de Campoformio du 17 octobre 1797 pour contributions de guerre après la première campagne d'Italie malgré que l'Autriche le revendique , aujourd'hui cette pièce unique et distinctive est très chère , et elle est presque inestimable .

La France coloniale a utilisé ses musées à moitié vides pour collecter des artefacts et les a volés à ses colonies africaines et asiatiques , et le génie de la vision de Napoléon et après lui des colonisateurs européens qui avaient une vision future des antiquités et des œuvres d'art , mais cela ils amènent des touristes à travers le monde ne peuvent pas être cachés , sauf qu'Aruba connaît avec certitude son importance en tant que richesse qui dépasse le pétrole et les minéraux eux-mêmes , car il ressemble plus à de l'or .

Règle générale :

Le constat à partir duquel on peut dater les vols d'objets d'art, d'antiquités et d'antiquités est qu'il doit :

- Adopter la diplomatie et la sérénité dans les rapports avec les autres pays et exclure la guerre, mais elle draine argent et richesses, car elle impose la logique de soumission au vainqueur, qui aura en main toutes les richesses du pays à l'aide d'accords et de traités, y compris l'art , les antiquités et les antiquités .
- Construire une banque d'antiquités, d'artefacts et d'artefacts archéologiques, tout en la sécurisant pour préserver ces pièces comme une richesse pour le pays.
- Investir dans cette banque et amener d'autres gouvernements à y mettre leur art et leurs pièces archéologiques , c'est une sorte de diplomatie qui garantit leur protection et que la guerre ou le conflit n'éclatera pas à l'intérieur avec aucune sorte d'ingérence étrangère pour déstabiliser la stabilité interne .

³³ Le vol de la fête de Véronèse par Napoléon par Cynthia Saltzman (Farrar , Straus et Giroux , Thames & Hudson , image avec l'aimable autorisation de Farrar , Straus et Giroux) .

- Établir une loi qui ne soit pas différente de la loi contre le terrorisme et la lutte contre la drogue et d'autres, pour réprimer les crimes de vol et de contrebande d'œuvres d'art et d'antiquités en tant que révolution nationale.

7- Le secret des tableaux et des antiquités coûteux

Pourquoi les peintures, les artefacts et les antiquités sont-ils si chers ? .

Personne ne sait quand le tableau " Diego et moi " de l'artiste mexicaine Frida Kahlo a été vendu pour 34,9 millions de dollars aux enchères de Sotheby's, même s'il a été vendu en 1990 pour environ 1,43 million de dollars seulement, c'est-à-dire 41 ans après avoir été peint, et il est actuellement considéré comme l'un des tableaux les plus précieux d'Amérique latine³⁴ .

La chose ne différera pas d'un pays à l'autre, mais la bonne commercialisation de ces pièces revient à des nombres et des sommes de valeur énormes, et cela peut se faire selon les principes suivants :

- Bonne commercialisation des pièces et des artefacts par le biais des médias audiovisuels et des médias sociaux.

- En atteignant un nombre important d'enchères , car il est considéré comme le nombre qui commencera à augmenter , par exemple , en le vendant lors de la première vente aux enchères à un prix de 2 millions de dollars , le nombre peut atteindre 50 millions de dollars dans 10 à 15 ans , ce qui équivaut à 900 kg d'or carats 24 carats , ce qui équivaut à près d'une tonne de réserves d'or , qui sont toujours à risque d'inflation et de dévaluation .

7- Comparaison entre l'or les pièces de monnaie et les artefacts.

La comparaison reste courante et admissible entre l'or, les pièces et les artefacts, en fonction de leur rôle et de leur valeur et de la mesure dans laquelle ils remplissent ce rôle de garantie de prêts ou de rendement financier. Malgré cela, il est possible d'atteindre dans cette comparaison les éléments suivants :

- La hausse du prix de l'or reste majoritairement dépendante de l'augmentation du taux d'inflation et de l'échec de la plupart des types d'investissements et de l'augmentation de la demande pour celui-ci en contrepartie du manque d'offre , et ce sont quelques périodes qui sont principalement l'otage des crises économiques mondiales, contrairement aux

³⁴ Reuters

antiquités et aux œuvres d'art qui sont un refuge à tout moment et Il n'est exposé à aucune fluctuation des prix , mais son prix augmente avec le temps , et c'est donc un refuge contre l'inflation et l'économie et fluctuations financières .

- S'agissant du rôle des réserves d'or des pays pour assurer le remboursement des emprunts des institutions bancaires et financières, elle n'est pas autant soumise à un contrôle qu'elle est soumise à une déclaration de ce qui est disponible, et une personne peut demander : Si les tonnes d'or dans le coffre-fort de la banque centrale d'un pays, comment une institution financière peut-elle s'assurer d'octroyer le prêt à ce pays, d'en connaître la valeur et le poids, et est-ce de l'or du tout ? , Et ici, la réponse appropriée réside dans le facteur sur lequel le commerce et l'économie sont construits, c'est la confiance, mais avec cela, les antiquités et les œuvres d'art sont plus sûres pour cela et plus réalistes pour l'inspection sans toujours avoir besoin d'un facteur de confiance .

8- L'exploration et l'extraction de l'or et son impact sur l'environnement.

Contrairement aux œuvres d'art, l'extraction et l'exploration de l'or restent l'un des contributeurs à la pollution de l'environnement, ce qui est spécifié dans ce qui suit :

- Les véhicules et l'extraction de l'or et les mécanismes d'extraction constituent un moyen de pollution de l'air par la combustion des moteurs, ainsi que la possibilité de pollution de l'air dans le processus d'extraction par la présence de mercure, qui est un métal lourd et dangereux.

- La possibilité de fuite des concentrations de cyanure utilisé pour éliminer les impuretés dans l'environnement, qui est une substance très dangereuse.

- Exposition du sol à la fertilisation acide par l'acide sulfurique résultant de la rupture de roches contenant du sulfure, et cet acide est dangereux, similaire au rayonnement dans son danger.

- Les eaux souterraines sont polluées après les opérations de lavage à l'acide, et cette eau polluée peut se retrouver dans les rivières, menaçant la faune, la vie humaine et les poissons flottant dans l'eau douce, et c'est ce qui s'est passé dans la mine de Minahasa Ria en Indonésie en 2003, la société qui gère la mine a déversé 4 millions de tonnes de déchets toxiques dans le golfe de Bawat³⁵.

³⁵ Lamscience , types de pollution causée par l'extraction de l'or , 2021

Ainsi tout le monde devra émettre l'hypothèse que la nouvelle tendance mondiale vers un environnement sain par la pollution peut imposer aux transactions économiques un changement vers la durabilité, et cela inclut l'exploitation aurifère et l'exploration et l'exploitation minière, ainsi est la solution pour trouver de nouvelles méthodes d'une exploration et une exploitation minière respectueuse de l'environnement Ou pour réduire la taille du secteur ou le modifier ?

Conclusion :

Au final , si les économistes et les spécialistes du commerce international voient que les phosphates seront une alternative au pétrole , et les énergies renouvelables une alternative au gaz naturel , peuvent-ils voir les antiquités et les artefacts comme une alternative appropriée à l'or , qui est toujours tributaire de l'abondance de la demande et le manque d'offre sans possibilité de sa valeur continue si l'offre augmente Dans un moment de découvertes de mines énormes et énormes ? .

Il est certain que la tendance mondiale de la durabilité et de l'énergie durable et ce que posent les risques naturels feront la différence, et inciteront les économistes à rechercher une alternative à tout ce qui est extrait et exploité ou qui contribue d'une manière ou d'une autre à l'aggravation de la situation naturelle.

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Pandémie de Corona: Défis et réponses aux systèmes éducatifs

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Résumé

Cette recherche vise à identifier les défis auxquels sont confrontés les systèmes éducatifs pendant la pandémie de Corona, et la mesure dans laquelle ces défis affectent le progrès de ces systèmes. La méthodologie de l'analyse du contenu a été adoptée pour collecter les données, à travers les publications périodiques internationales. Deux types de défis ont été identifiés: la fermeture des écoles et ses résultats sur: Les étudiants, les parents, l'inégalité, la nutrition et la santé physique et psychologique des étudiants. Le deuxième défi est la crise économique résultant de l'inactivité des secteurs économiques, l'impact sur les enseignants et les familles, et la continuité du travail des écoles privées. La recherche a recommandé l'adoption de trois étapes pour relever les défis: l'adaptation, la gestion de la continuité et de l'amélioration et l'accélération de l'apprentissage

Mots-clés: *La pandémie de Corona - Les fermetures des écoles - La crise économique - L'adaptation - La gestion de la continuité - L'amélioration et l'accélération de l'apprentissage.*

Introduction

Avant la pandémie de Corona, le monde souffrait d'une disparité dans l'éducation. Il y avait 258 millions d'enfants et de jeunes en âge de fréquenter l'école primaire et secondaire qui ne fréquentaient pas l'école⁽¹⁾. En raison de la faible qualité de la scolarité, Des franges entières de la population n'ont pas reçu un apprentissage suffisant. Le taux de pauvreté scolaire dans les pays à revenu faible et intermédiaire était de 53%, ce qui signifie que plus de la moitié des jeunes de 10 ans sont incapables de lire et de comprendre une histoire simple adaptée à l'âge⁽²⁾.

Pire encore, la crise n'a pas été répartie uniformément: Les enfants et les jeunes défavorisés souffraient d'un accès limité à l'éducation, de taux de décrochage élevés et des taux les plus élevés de déficits d'apprentissage⁽³⁾. Tout cela signifie que le monde s'est en fait écarté de l'objectif de développement durable, qui exige que tous les pays veillent - entre autres objectifs - à ce que "toutes les filles et tous les garçons bénéficient d'une éducation primaire et secondaire gratuite, équitable et de qualité."

Lorsque les systèmes éducatifs essayaient de faire des progrès dans l'éducation dans tous les pays du monde, avec la pandémie de la Corona, ces progrès étaient menacés par deux grands types de défis :

- Quasi-fermeture totale des établissements d'enseignement à tous les niveaux d'enseignement dans le monde,
- La crise économique et la stagnation provoquées par les mesures prises pour lutter contre la pandémie.

Les fermetures d'écoles et la récession mondiale peuvent avoir des coûts à long terme pour l'éducation et le développement si les gouvernements ne s'y attaquent pas. Ces défis nécessitent des efforts considérables pour contrer leur impact sur le processus éducatif. Le défi de la fermeture quasi totale des écoles au cours des deux dernières années a entraîné, et entraînera par la suite, d'autres pertes d'apprentissage, une augmentation des taux de décrochage et une augmentation des inégalités. Le deuxième défi de la crise économique a, et va par la suite, exacerber les dégâts, en réduisant l'offre et la demande de l'éducation, car elle affecte les ménages. Les deux seront préjudiciables au capital humain et au bien-être à long terme.

La pandémie de Corona menace maintenant de détériorer les finalités de l'apprentissage, qui ont déjà eu un impact profond sur l'éducation, avec la fermeture

d'écoles dans presque tous les pays du monde, le plus grand choc pour tous les systèmes éducatifs de l'histoire. Les dommages devraient s'aggraver en raison de la profonde dépression mondiale que cette situation sanitaire d'urgence entraînera.

Premier défi: Fermeture des écoles

À la fin de l'année dernière, des écoles de plus de 180 pays avaient fermé leurs portes et 85% des élèves dans le monde n'étaient pas scolarisés⁽⁴⁾. Sans une intervention politique audacieuse, les systèmes éducatifs auront des coûts directs pour l'éducation et la santé des enfants et des jeunes en:

- le déclin de l'apprentissage et les taux d'abandon élevés, en particulier parmi les groupes défavorisés. Les élèves ont généralement cessé d'apprendre des matières scolaires, et il y a eu un déclin important chez les enfants d'âge préscolaire, dont les familles ont commencé à accorder la priorité à leur éducation pendant les fermetures d'école. L'écart d'inégalité dans l'apprentissage s'est creusé, car les enfants de familles plus riches et mieux éduquées ont accès à un soutien à l'apprentissage à domicile. Enfin, le risque de décrochage scolaire a augmenté, en raison du manque d'encouragement des enseignants, afin de réduire la participation des élèves marginalisés à l'éducation scolaire.
- La santé et la sécurité en souffrent également, en l'absence de soutien et d'infrastructures fournies par les écoles. La nutrition et la santé physique des élèves ont été affectées, quelque 368 millions d'enfants dans le monde dépendent des programmes d'alimentation scolaire. La santé psychologique des élèves a également été affectée par l'isolement pendant le confinement ou la distanciation sociale et les effets douloureux de la crise sur les familles, qui peuvent encourager les jeunes décrocheurs à adopter des comportements à risque et peuvent augmenter la fertilité des adolescents.

Deuxième défi: Le choc économique

Selon les statistiques du Fonds monétaire international (FMI), l'économie mondiale a diminué de 4,1% au cours de la dernière année, diminuant plus que lors des crises financières mondiales de 2008 et de 2009⁽⁵⁾. Ce choc a eu de graves conséquences pour les gouvernements et les ménages, et a affecté à la fois l'offre et la demande de l'éducation:



1. Le taux de décrochage a augmenté, car de nombreux élèves ont abandonné l'école pour toujours, et ce taux fut remarquable parmi les membres des groupes défavorisés. Lorsque les écoles ont été rouvertes à la suite de la crise d'Ebola, qui a causé la perte de presque une année scolaire complète en Sierra Leone, les filles étaient environ 16 points de pourcentage moins susceptibles de retourner à l'école. Le taux élevé de décrochage devrait entraîner une hausse du travail des enfants et du mariage des mineurs et des adolescents.
2. La souffrance de l'apprentissage a été encore aggravée par les pressions économiques sur les ménages. Même si les étudiants n'abandonnent pas l'éducation, la capacité des ménages à se permettre des intrants éducatifs - comme les livres à la maison ou les tutoriels - diminue jusqu'à ce que l'économie se redresse. Les parents ont fait passer leurs enfants des écoles privées aux écoles publiques, ce qui exerce une pression supplémentaire sur les systèmes scolaires publics déjà surpeuplés et réduit leur qualité.
3. l'effondrement économique a affecté les conditions des établissements scolaires et des enseignants. Les pressions financières ont réduit les investissements dans l'éducation, réduisant ainsi les ressources disponibles pour les enseignants. La qualité de l'enseignement (aussi bien sur Internet que lorsque les écoles reprennent) souffre de difficultés car certains enseignants sont directement touchés par cette crise sanitaire et d'autres souffrent de pressions financières dues à des réductions de salaires ou des retards. En raison du manque d'outils d'évaluation pendant la période de fermeture, les enseignants ont éprouvé des difficultés considérables à essayer de soutenir leurs élèves à distance dans le processus d'apprentissage. Enfin, certaines écoles privées ont été forcées de cesser de travailler en raison du faible revenu, ce qui a réduit l'offre de scolarisation.

3-1- Coût futur élevé:

Si ces effets ne sont pas traités, ils imposeront des coûts à long terme aux étudiants et à la société. Compte tenu de l'augmentation probable de la pauvreté éducative, cette crise pourrait empêcher toute une génération de réaliser son véritable potentiel. Les élèves qui devront abandonner l'école ou qui connaîtront un déclin important de leur capacité d'apprentissage subiront un déclin de leur productivité et de leur capacité de gagner leur vie.

L'écart d'inégalité s'élargira, car ces effets sont plus susceptibles d'affecter les étudiants des familles pauvres et marginalisées. Les enfants qui ont le plus besoin d'éducation pour sortir de la pauvreté sont les plus





susceptibles d'être privés d'éducation en raison de cette crise. Ce déclin des perspectives économiques peut à son tour conduire à une augmentation des activités criminelles et des comportements dangereux, ainsi qu'à une escalade des troubles sociaux chez les jeunes. Dans de nombreux pays à revenu faible et intermédiaire, un nombre croissant de jeunes et de faibles perspectives se sont révélés être un mélange explosif à tout moment. Le déclin du capital humain de la génération actuelle d'étudiants - concentré parmi les groupes les plus défavorisés - perpétue la pauvreté et l'inégalité.

La crise peut-elle se transformer en opportunité? Comment? prévenir les dégâts, reconstruire mieux.

Les conséquences négatives dont j'ai parlé plus tôt ne sont pas inévitables. L'éducation a aujourd'hui des coûts énormes, comme toutes les valeurs sociales, mais si les États allaient dans le sens de l'apprentissage continu, ils seraient en mesure de réduire ce préjudice, même partiellement. Grâce à une bonne planification et à des politiques efficaces, ils peuvent exploiter la crise pour créer une occasion de construire des systèmes éducatifs plus inclusifs, plus efficaces et plus résilients aux crises.

Comment transformer une crise en opportunité? Grâce aux réponses stratégiques des systèmes éducatifs, les politiques nécessaires pour changer cette situation sont regroupées en trois étapes qui se chevauchent: adaptation, gestion de la continuité et amélioration et accélération de l'apprentissage.

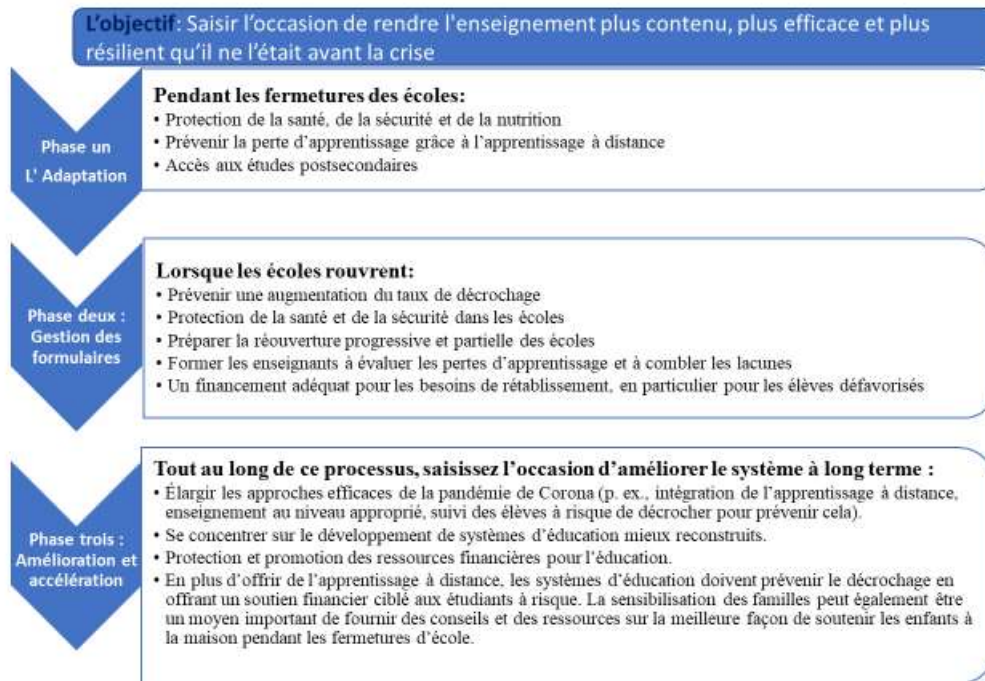
Dans la mise en œuvre de ces stratégies, les systèmes éducatifs mondiaux devraient s'efforcer de se rétablir sans répéter les erreurs du passé, car la situation dans de nombreux pays a été caractérisée par de faibles niveaux d'apprentissage, des inégalités élevées et des progrès lents. Aujourd'hui, les systèmes éducatifs offrent aux États l'occasion de "mieux reconstruire": ils peuvent faire de leurs stratégies de redressement les plus efficaces une plate-forme pour des améliorations à long terme dans des domaines tels que l'évaluation, l'éducation, la technologie, le financement et la participation des parents.



Figure 1-1: Chocs sur l'éducation



Figure 2-1: Les trois étapes de la réponse éducative qui se chevauchent



Phase un: L'Adaptation

La première étape consiste à s'adapter avec succès aux procédures de fermeture de l'école, en protégeant la santé et la sécurité, et à faire tout ce qui est possible pour prévenir les pertes d'apprentissage des élèves dans l'apprentissage à distance. Dans le même temps, les pays doivent commencer à planifier la réouverture complète des écoles, et ont commencé à les ouvrir en partie. Cela signifie prévenir l'abandon scolaire, assurer la santé des élèves et utiliser de nouvelles techniques pour favoriser un rétablissement rapide de l'apprentissage dans des domaines clés une fois que les élèves retournent à l'école. Lorsque le système scolaire sera installé, les États seront en mesure d'employer le travail ciblé et l'innovation qui ont caractérisé la période de récupération pour "mieux reconstruire". Ce qui est important: Ne pas répéter les systèmes éducatifs actuels d'erreurs qui existaient avant la pandémie de Corona, mais travailler à améliorer les systèmes et accélérer l'apprentissage de tous les élèves.

En plus de protéger les élèves et leurs familles contre l'infection, de nombreux États mettent en œuvre des programmes d'alimentation complémentaire ou de transfert de

fonds pour s'assurer que les élèves qui sont généralement dépendants des programmes d'alimentation scolaire ne tombent pas victimes de la faim.

- Pour éviter les pertes d'apprentissage, les pays ont lancé des programmes d'apprentissage à distance d'urgence dans le monde entier, du Nigeria à la Norvège. Les meilleurs utilisent des plateformes qui ont accès à tous les enfants, quel que soit le revenu du ménage (comme la télévision, la radio et les smartphones). Ces méthodes de confinement sont très importantes : sans politiques explicites pour atteindre les ménages défavorisés, seules les familles plus riches et plus instruites peuvent faire face à ce traumatisme.
- En plus d'offrir un enseignement à distance, les systèmes d'éducation doivent prévenir le décrochage scolaire de façon proactive en tendant la main aux étudiants à risque et en leur offrant un soutien financier ciblé. La sensibilisation des familles peut également être un moyen important de fournir des conseils et des ressources sur la meilleure façon de soutenir les enfants à la maison pendant les fermetures d'école.
- Enfin, les pays devraient utiliser leurs universités et d'autres établissements postsecondaires pour le soutien technique, la formation rapide et l'accès aux connaissances mondiales.

Phase deux: Gestion de la continuité

Le monde a récemment assisté à un relâchement progressif des règles de séparation sociale après le retour au travail de certains établissements, de sorte que les systèmes éducatifs doivent assurer la réouverture sécuritaire des écoles, réduire au minimum le taux de décrochage scolaire et commencer à restaurer le processus d'apprentissage. La réouverture des écoles est un processus complexe, qui doit être ouvert par étapes, avec la possibilité de fermer d'autres cours en période d'épidémie. Les systèmes doivent commencer à planifier cela et tirer des leçons de l'expérience d'autres systèmes qui l'ont traversé, comme la Chine et Singapour. En plus d'assurer la santé des écoles, il faut faire de plus en plus.

- Dans de nombreux pays à revenu faible ou intermédiaire, la réouverture des écoles doit être précédée de campagnes de réenrôlement pour réduire au minimum le décrochage scolaire. Les groupes les plus à risque de décrocher (comme les filles ou les élèves des communautés marginalisées) devraient recevoir un soutien ciblé et des messages médiatiques.

- Une fois que les élèves retournent à l'école, le rétablissement de l'apprentissage devrait être une priorité, afin d'éviter que les possibilités pour les enfants et les jeunes ne soient jamais touchées. Cela nécessitera un ensemble de mesures pour compenser les pertes d'apprentissage, de l'amélioration de l'évaluation en classe à une éducation et un programme plus ciblés (pour permettre l'enseignement au niveau approprié après la fermeture) à l'intégration de la technologie dans l'enseignement. Ces efforts exigeront des directives et du matériel clairs à l'échelle du système, ainsi qu'une formation pratique ciblée pour les administrateurs scolaires et les enseignants. Des ressources substantielles seront également nécessaires, ce qui signifie que les budgets pour l'éducation doivent être protégés, à un moment où les familles seront moins en mesure de soutenir l'éducation à domicile, avec le potentiel d'une demande accrue pour les écoles publiques.

Phase trois: Améliorer et accélérer l'éducation

La crise offre également l'occasion de reconstruire des systèmes éducatifs plus forts et plus équitables.

- Une fois la pandémie terminée, les parents, les enseignants, les médias, les gouvernements et d'autres intervenants auront changé leur point de vue et leur perception de leur rôle dans le processus éducatif. Par exemple, les parents comprendront mieux la nécessité de collaborer avec les écoles pour promouvoir l'éducation de leurs enfants. L'écart d'égalité sera plus clair et la nécessité urgente de le réduire deviendra également évidente. Il y aura une meilleure compréhension de la fracture numérique - différences dans l'accès au matériel, la connectivité et les logiciels appropriés ainsi qu'un énorme déficit dans les enseignants familiers avec les compétences numériques.
- Ce sera une occasion, mais elle doit être utilisée pour une meilleure reconstruction. Les innovations qui seront appliquées au cours des phases d'adaptation et de continuité fourniront un schéma directeur de ce que les États peuvent faire lorsqu'ils mettent davantage l'accent sur les moyens les plus efficaces et équitables de combler les lacunes d'apprentissage chez tous les enfants. Il est important que nous investissions ces succès et que nous les intégrions à nos processus habituels - y compris une utilisation plus efficace de la technologie dans les systèmes d'apprentissage à distance; des systèmes d'alerte précoce pour prévenir l'abandon scolaire; des programmes éducatifs et scolaires pour enseigner au niveau approprié

et développer les compétences institutionnelles; et un soutien intensif pour les parents, les enseignants et les élèves, y compris un soutien social et émotionnel.

Conclusion

Il est temps de s'efforcer d'avoir une meilleure éducation. Tous les systèmes éducatifs dans le monde sont maintenant pleinement en alerte aux situations d'urgence proportionnelles à la pandémie, ce qui est naturel, parce que la crise nous a soudainement envahi et les systèmes éducatifs ne sont pas prêts à faire face à la pandémie, et la priorité immédiate aujourd'hui est de s'adapter: - d'abord pour protéger la santé et la sécurité, Ensuite, exploiter les efforts pour garder les élèves dans un engagement constant par l'apprentissage à distance et d'autres moyens de communication avec l'école.

Avec l'adaptation, la planification d'un avenir meilleur doit commencer dès aujourd'hui. À mesure que les systèmes d'éducation s'adaptent aux fermetures d'écoles, ils doivent commencer à planifier la façon de gérer la continuité lorsque les écoles rouvrent et planifier et accélérer l'amélioration de l'apprentissage. Le principe devrait être de saisir chaque occasion, à chaque étape, d'améliorer le rendement. En tirant parti des innovations et des actions émergentes, les systèmes éducatifs seront en mesure d'harmoniser et d'appliquer plus largement des solutions plus efficaces. Ils pourront ainsi consolider leur apprentissage scolaire, leur agilité et leur résilience aux crises. La vision et l'action proactive contribueraient non seulement à réduire les dommages causés par la crise actuelle, mais aussi à transformer la reprise en véritable croissance. Les sociétés ont une réelle opportunité de "reconstruire mieux", et elles doivent saisir cette opportunité.

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L’imaginaire de l’eau entre l’Asie et l’Afrique : une carte sensible génératrice du paysage et de l’urbanité durable.

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Résumé:

Cet essai cherche à transcender, dans différentes civilisations, l’imaginaire de l’eau qui peut à première vue sembler ésotérique puisque l’eau contient un amalgame de contes et de cérémonies plongés dans l’au-delà spirituel. Certes, la fabrication de légendes autour de l’eau en Afrique, ou en Asie en général, s’impose comme étant une adaptation de l’homme à sa réalité naturelle, d’autant plus que l’eau est parfois rare ou ponctuelle. L’inverse, d’autant qu’il est fréquent, impose un mode de vie et un système social particulier induisant l’évolution vers une urbanité durable. Les significations symboliques de l’eau restent abondantes, cependant elles authentifient que l’Homme dans ces civilisations a cherché à décortiquer dans l’eau une croyance protectrice qui lui permet non seulement de connaître l’origine des choses mais aussi d’affronter les problèmes. L’eau est la raison et la cause de toutes les circonstances que l’homme entremêle à sa réalité, sous des cieux différents et des ethnies innombrables : bouddhistes, juives, chrétiennes, hindoues et même païennes.

Mots-clés : légende, imaginaire de l’eau, en Afrique, en Asie, urbanité durable, croyance protectrice.

Introduction :

On essaye d'analyser de la forme et les détails de l'imagination de l'eau chez l'Homme en prenant comme point de départ celle de la doctrine africaine, passant par d'autres multiples expériences que nous avons recueillies dans un seul cadre puisqu'elles témoignent de la répétition des mêmes concepts et pratiques et arrivant finalement à la philosophie islamique de l'eau.

L'eau touche profondément les sensibilités, les représentations et les mentalités qui établissent les bases de l'identité individuelle et collective, justifiante de l'agrégation socioculturelle dans divers lieux et divers temps. En examinant de près la racine étymologique du mot "culture", l'interprétation latine du mot "colare, cultus" signifie "couler, s'écouler". L'eau est donc une culture et vice versa ce qui nous mène à dire que l'eau reste une constante ou une prépondérance de la culture humaine et reflète sa perméabilité aux plus diverses impacts.

1. Approche socio-culturelle d'eau en Afrique :

Les significations symboliques de l'eau restent abondantes surtout en Afrique. On a choisi ce lieu vu que notre recherche est en partie située en Afrique et qu'en vertu de cette imbrication géographique on cherche à repérer la dialectique qui nous permet de comprendre certaines rites et pratiques attachées à la valeur de l'eau. En Algérie par exemple, on a remarqué que sa communauté noire préserve encore des pratiques qui datent d'une époque préislamique d'origine animiste : la fête des fèves. La survivance de « Aïd El Fould » qui se fait au bord de la mer et consiste à égorger un taureau au milieu d'une foule. *L'eau lustrale et le sang du taureau dont la foule est aspergée comme d'une pluie sacrée* se rattache non seulement à un simple apport, ou à une habitude des esclaves noirs qui se sont acclimatés en Algérie mais aussi exprime une stratification de pensée symbolique de l'Homme en Afrique : l'eau de par ses ambivalences se cristallise sous forme culturelle et permet donc à cet être humain d'appréhender toute réalité dans sa totalité non pas matérielle mais spirituelle.

L'homme en Afrique se cramponne à l'eau dans la mesure d'affronter les emblèmes de la vie : la vie et la mort, le profane et le sacré, l'interdit et le licite. Ces dualités se mêlent souvent dans la poésie africaine et redonne un autre sens à l'eau : elle est l'alchimie relatant un nouveau rapport de l'homme face à la mort. *«Ceux qui sont morts ne sont*



jamais partis, les morts ne sont pas sous la terre : dans l'eau qui coule, dans l'eau qui dort, dans la cave, les morts ne sont pas morts». Cette nouvelle vue directive voit dans l'eau une spiritualité distinguée, une alliance entre la vie et la mort, comme s'il s'agit d'un défi de l'homme porté à la vie. Mais pourquoi donc choisir l'eau comme un pacte symbolique entre les vivants et les morts ? La réponse semble nous dénicher que l'eau pour l'Homme africain n'est plus un simple liquide, on y voit de l'infinité et on y sent la prolongation de l'existence humaine, en fait l'Homme lui confère une dynamique temporelle : de par l'eau, la vie est en perpétuel mouvement de recomposition et elle dépasse même la mort. Le défis de l'être humain face à la mort devient aussi pertinent si on se prolongeait à relever toutes les idéologies construites autour de l'eau. Ainsi on cherche dans cette partie à transcender l'imaginaire de l'eau en Afrique qui peut paraître à première vue ésotérique puisque l'eau contient un amalgame de contes et de cérémonies plongées dans l'au-delà spirituel.

Certes, la fabrication de légende autour de l'eau en Afrique s'impose étant une adaptation de l'homme face à sa réalité naturelle qui est le désert, d'autant que l'eau est rare ou à l'inverse d'autant qu'elle est fréquente elle impose un mode de vie et un système social particulier induisant la régression ou l'évolution. En Mali, le groupe ethnique Bambaras (ou Bamanan c'est-à-dire homme des crocodiles) contribue à l'élaboration d'un corpus expliquant la cosmogonie : en fait une masse lourde Pemba tombe en tournoyant et forme la terre simultanément qu'une autre proportion d'esprit Faro formule le ciel, Faro tombe sur la terre formant l'eau qui par la quelle débute la vie : au départ il ya avaient les animaux aquatiques puis viendra par la suite l'Homme : premier pêcheur Bozo.

Ensuite, Pemba entre en guerre avec Faro : cette péripétie entraine la mort, les maladies et les catastrophes. Mais la fin se marqua par l'échec de Pemba, Faro dieu de l'eau a pu rétablir l'ordre et déclenchait de nouveau la formulation des septes cieux, des saisons, des jours et des nuits. On peut donc dire que le dieu de l'eau est présenté comme une sorte d'escorte de la vie dans cette tradition orale des Bambaras. La transmission de témoignages sur les liens entre l'eau et l'Homme en Mali se prolonge subséquentment par la représentation des Dogons, pareil à celle des bambaras comme si les légendes sur l'eau n'en finissent pas et ne sont autre que cette feuille -qui nous pourrit point le jour de sa chute dès qu'elle touche l'eau- retenue dans le proverbe des Bambaras.



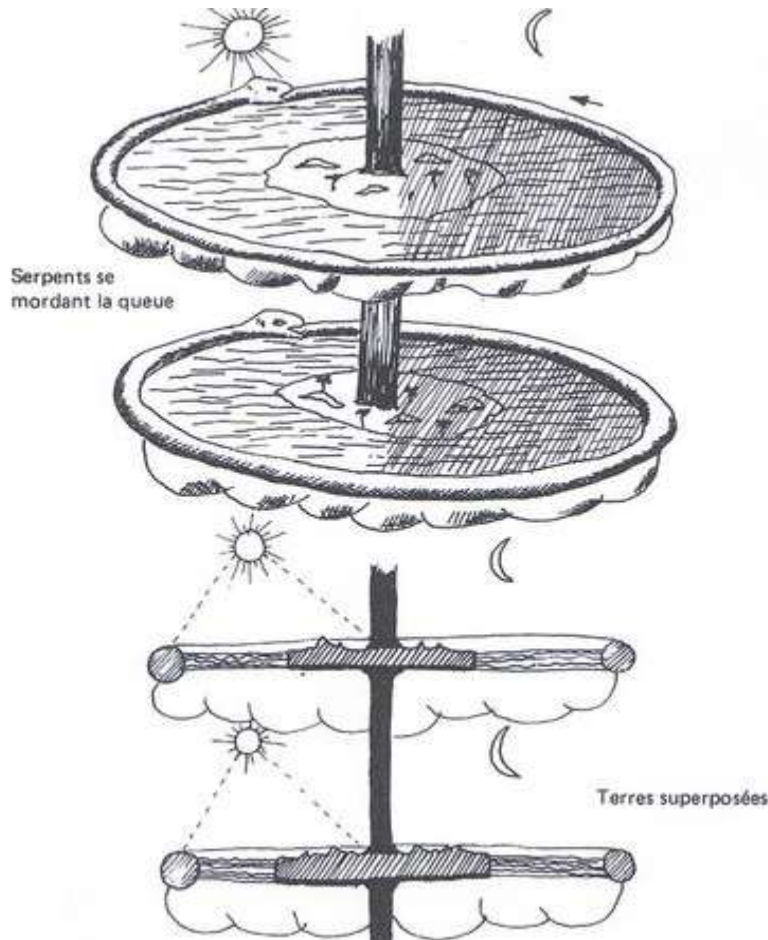


Figure 1 : Carte sensible de la représentation du monde selon les Dogons

Source : Marcel Griaule, Essai de schématisation du système du monde tel que le conçoivent les dogons (Masques Dogons, p. 44, 1938)

Selon eux, le dieu suprême Amma féconde la terre-femme engendrant des jumeaux verts mi-hommes mi-serpents (Nommo) et c'est cette semence devine qui donne l'eau, les précipitations, la béatitude humaine. Chargé de lumière et de grâce, les dogons se penchent à éduquer d'une génération novice à une autre ce culte comme une méthode discursive qui perçoit derrière toutes apparences la profondeur du symbole. Sinon, si les dogons tournent le dos à leur culte, ils seront puni par la sécheresse et les désastres. Ils



cherchaient à décortiquer dans l'eau une croyance protectrice qui leur permet non seulement de savoir l'origine des choses mais aussi de faire face aux problèmes : l'eau en ait la raison et la cause de toutes les circonstances qu'entremêle l'Homme face à sa réalité. Dans ces clans totémiques, l'eau a eu aussi une incidence positive sur le regard de la société face aux femmes : la femme authentifie la disponibilité de l'eau, seule elle peut promettre à son village situé en hautes plateaux ou plaines ou falaises l'arrivée de l'eau par contre en son absence les hommes dogons seront privés de vie surtout si on sait que leur vie agricole dépend de l'eau. Par cette juxtaposition entre eau et femme, on parvient à confier aux femmes via une division de travail accordée selon cette position un entretien domestique ou la fabrication de poterie nécessaire pour apporter l'eau. Le respect qu'éprouve l'homme dogon face aux femmes se comprend aussi par la représentation de figure féminine dans les statues utilisées comme objet de culte : une femme assise les mains sur le ventre remémore son rôle maternel et personnifie la première ancêtre morte en donnant la vie à son enfant.

En Mali, les bambaras ou dogons ont réussi à garder toute leur authenticité et leur traditions en dépit de l'absence d'une tradition écrite. La population a choisi d'écouter la parole des anciens, d'utiliser son passé et de garder ses racines pour résister à la sécheresse. Face à cette situation : sol aride écorchée, eau rare, l'homme en Afrique noir - qui arrive difficilement à subvenir à ses besoins vitaux- trouve en eau sa force qui lui permet de résister à cette vie infernale et surmonter par des interprétations symboliques les épreuves difficiles de la réalité. L'imaginaire de l'eau traduit une pulsion de vie énorme guidée par un sens profond. Et c'est évident alors qu'en Kenya, plus précisément chez les Masaïs ou peuple de la pluie, qu'on évoquait l'eau comme une prime du défi de l'homme face à une contrainte majeure : une force terrible qui fait peur mais aussi le retient pour la vaincre et ressentir cette victoire par l'eau même. Pour eux le dieu rouge « Engai Nanyoke » est un dieu destructeur qui cause des inondations, ainsi, la répulsion de ces effets néfastes se fait en apportant la magnifique crinière de ce dieu rouge – après l'avoir tuer - dont les traits sont assimilables à un lion féroce.

Dès lors, le dieu noir « Engai Narok » surgit et trompe la terre d'une pluie bénéfique abondante. Ce qui demeure émérite chez les Masaïs, est que cette piété autour de l'eau se voit aussi se prolonger en termes du comportement du peuple face à la nature et l'environnement : on optait pour des labours légers et non pas lourds, car la culture de la terre avec l'usage de force n'est autre qu'un acte de violence. L'imbrication entre le monde symbolique de l'eau et la vénération de la nature en générale se déploie aussi sur





tout l'Afrique, en Congo par exemple, la terre prend l'ampleur d'un esprit, on ne peut donc en aucun cas la captiver en forme d'un bien marchand exploité d'une manière quelconque surtout s'il s'agissait de la vendre auprès des étrangers : ceci est considéré comme une violation de leur esprit.

Le roi congolais optait pour l'emplacement des canaris d'eau d'ici et delà pour servir tous les passagers. Cette générosité à servir l'eau gratuitement et partout s'est perpétué dans une action inconsciente que l'homme en Afrique la répète en buvant de l'eau : avant de boire il verse de l'eau par terre, la terre 'esprit' a une priorité de se rafraichir d'eau avant même d'éteindre la soif de l'homme : c'est comme si l'eau se transforme en un objet culturelle qui donne la vie et le sens à la spiritualité de son être et qui précède ses besoins vitaux corporelles. Au moment où l'eau est disponible, l'homme en Afrique Noir ne peut que le partager avec son esprit (la terre). Non seulement la terre comme élément inerte, bénéficie de cette culture d'eau, mais aussi la faune gagne de cette dévotion. Dans le contexte actuel de menace sur ces espèces et de promotion de l'être humain dans sa protection, s'interroger sur l'eau et la nature à travers une approche symbolique pourrait nous révéler en quoi notre rapport à l'eau est encore teinté de croyances anciennes qui non seulement sont des simples chapelles dont certaines ne sont autre que des coquilles vides mais émanent d'une volonté à s'éduquer par l'eau.

A Abidjan, la lagune ivoirienne 'Ebrié' est protégée durant des mois par l'introduction de baleine imaginaire, pour proroger le développement adéquat de la faune sans détériorations de l'Homme : l'eau protège la nature de cet acte honni qui a pour cause l'homme en lui-même. Pareillement, en Sénégal, au moment où le fleuve dévaste la région à cause des fortes pluies en 1999, 2000 et 2001 : Ces inondations entraînent l'abdication des habitations touchées et un relogement des sinistrés dans des conditions parfois précaires, les gens considèrent ces afflues comme nouvelles, parce que n'étant jamais survenues auparavant et commencèrent à donner des offrandes pour calmer la nature offensée par l'Homme.

L'abondante anaphore du terme 'eau' comme une didactique -qui nous apprend à désapprendre l'environnement, respect de la terre : origine de reproduction, respect des faunes, compréhension même de l'eau en colère. En fait c'est un châtiment qu'elle exerce pour pousser l'homme à se retourner vers la nature et demander son pardon en cas d'oubli- se situe en reprise si on prend l'analyse des contes Bara et Diolas en Afrique occidentale c'est-à-dire le Mandingue (le berceau étant en Guinée, du sud du Sénégal aux frontières de l'est du Tchad, englobant le Mali, le Burkina Faso, le nord de la Côte



d'Ivoire et du Ghana et la Mauritanie). A partir du premier conte, le dieu d'eau 'Ndriyananahari' tombe un jour malade et aucun de ses fils : soleil, lune, étoiles, ne veut se sacrifier pour lui seul le nuage a eu le courage de donner sa vie en ses faveurs, alors le dieu sauvé de mort lui confère le pouvoir de voiler ceux qui ont refusé de se dévouer. Ce don de pouvoir était en fait une sorte de damnation pour eux mais aussi une reconnaissance envers la noblesse d'âme du nuage. Néanmoins, à partir du deuxième conte Diola, le dieu de la pluie 'Montogari' se dispute dès fois avec le dieu de la sécheresse 'Amatong', les femmes de ce dernier ' dieu Amatong' firent partir leur enfants en les trainant au-dessus des peaux. Les peaux attachées par des cordes faisaient du bruit : qu'on interprète en sorte de tonnerre et des poussières dont les enfants s'occupaient de la former en nuage pour donner par la suite la pluie. Ce qu'on peut saisir d'après les deux contes bara et Diolas, en dépit de cette position distinguée et éminente du nuage, que le corpus symbolique de l'eau laisse percevoir un jeu de fables et de contes. Ce jeu non seulement s'avère être un indicateur d'une certaine fantaisie dans l'interprétation sociale de la formation de l'eau et ses relations avec les autres composantes de la 'nature' mais aussi une manière d'éducation dont les méthodes pédagogiques prônent sur le fait de jouir et de plaire avant même d'apprendre et de s'instruire. Le conte vaut donc par son histoire et ne s'enfoncent pas ou se déclinent dans des interprétations métaphysiques complexes qui nuisent la compréhension et laissent l'homme perplexe devant la symbolique de l'eau : au contraire il apparaît sous la forme d'une présomption à thème imaginaire, souvent merveilleux, dont la fin majeure est l'éducation de la révérence de l'eau par le divertissement.

L'Afrique noir nous raconte l'eau par la simplicité des contes, par les fêtes et par la liaison entre l'eau et la vie : division du travail, relation avec la nature. Toutes ces répercussions positives de l'eau sur l'homme et de l'homme sur le champ symbolique de l'eau se résument dans des conditions hasardeuses qui font face à l'homme et peuvent se convertir en des événements heureux : à titre d'exemple les rois de Ségou (en Mali) lors de leur fuite de leur ennemis n'ont pas pu franchir le fleuve que grâce à un poisson d'eau douce : le silure, géant introduit comme un *pont vivant* qui ramène les hommes vers une autre rive : celle de la vie. Par ces chances ou ces soudainetés, de nouvelles personnifications de l'eau se mettent à s'affecter à ses pensées.

2. Eau : persévérance des pratiques :

En permanence, l'eau n'est pas seulement pour l'être en Afrique sa source de vie, son énergie à saccager ses faiblesses lorsqu'il se confronte à des contraintes ou même à des

menaces, elle l'est aussi pour d'autres. Elle se conjugue dans différents lieux, mais reste invariante, comme un code qui retisse les liens entre les hommes et part du même principe celui de se familiariser avec son imaginaire, ses états physiques et états d'âmes. Parfois, l'eau « reliante » selon Gaston Bachelard, crée du lien entre deux dimensions : le temps et l'espace. L'eau exerce un transfert symbolique essentiel à travers les générations et entre les différentes cultures qui sont éloignées géographiquement et linguistiquement.

Partant de l'Asie du sud-est, la sacralisation de l'eau est acquiescée par les afflux et les catastrophes qui se déclenchent d'un moment à un autre : les gens essayèrent de convaincre l'eau fortement offensive par des offrandes de chèvres pour leur dieu de pluie chez les hindous. Cette révérence se réverbère dans la pensée occidentale. L'anthropologue britannique *Mary Douglas dans son livre 'De la souillure. Essai sur les notions de pollution et de tabou', 1967'* voit que l'eau a une fonction de purification morale.

Les personnes qui se sentent coupables d'avoir commis des actes honteux affligent une nécessité de se laver comme pour s'innocenter de cette tache mentale. Les psychologues appellent cela l'« effet Macbeth » en référence à la pièce de William Shakespeare, dans laquelle lady Macbeth, responsable de crimes, ne cesse de se laver les mains pour tenter d'effacer les tâches de sang qu'elle y voit apparaître indéfiniment.

Ainsi elle dénonce dans cet ouvrage que notre répulsion de la pollution de l'eau ou la pollution tout court n'est pas un acte purement rationnel souvent simpliste, c'est-à-dire se justifie par la simple peur de microbes et leur prolifération. Mais il s'intègre dans une méthodologie symbolique qui veut mettre de l'ordre à notre réalité, en effet nos réactions envers la saleté n'est autre que la même envers le désordre, on ne peut pas l'expliquer.

On part vers un constat fort simple celui d'appréhender à voir qu'en fait nous mettons de l'ordre dans notre milieu en agissant sur la pollution de l'environnement. Cette réflexion repose sur une liaison conceptuelle entre le sacré et l'eau : nos consciences profondes s'opposent au désordre, au manque d'hygiène ; pollution n'est autre qu'un manque d'éthique, d'une sensation impalpable envers des positions chaotiques. Ainsi, la saleté ou le désordre, « c'est quelque chose qui n'est pas à sa place ».

En revanche, on peut dire qu'en Asie, la sacralisation de l'eau s'est propagée en occident ce qui non seulement exprime que l'eau est devenu une interprétation mentale, affective et émotionnelle, mais aussi une parole qui dépasse les différenciations de langue écrites ou parlées et qui est largement médiatisée.

Ce déploiement de la vénération au tour de l'eau, est défini aussi chez les japonais. Dans cet archipel de grattes ciel, de grandes entreprises, de l'urbanisation futuriste et de développement technologique, à première vue, on croit que le pays est occulté par un matérialisme pragmatique le rendant comme un patin vide de sens. Cependant, la société en japon s'immunise contre son pouvoir et ses technicités par la revendication des fêtes d'eau comme un retour à ses origines et ses fondements socio culturels.

C'est alors, qu'on célèbre la cérémonie bouddhiste du Shuni-e, dite "du deuxième mois", plus connu sous le nom d'Omizutori (littéralement "puisage de l'eau sacrée"), au cours de cette cérémonie on confesse les méfaits pour effacer pour un temps les peines et les malchances et générer la paix. Et puis, on offre l'eau lustrale à toutes les personnes souffrant d'une épidémie, les cataclysmes et les révolutions sont aussi considérées comme maladie qu'on guérit par l'eau de Shuni-e.

Plusieurs autres fêtes tel le festival de Takayama qu'on célèbre près de la rivière de Maya et auquel on glorifie le temple de Nishimiya afin de parfaire la qualité d'eau nécessaire pour la fabrication de la boisson japonais ' le saké' composée de 80% d'eau et de 20% de riz fermenté. Très souvent, on constate que ces fêtes d'eau sont alliées avec la mise en valeur de l'activité agricole tel est le cas des rizières sacrées : pour améliorer le rendement de la production de riz ou autre, on implore par l'eau les divinités dans des sanctuaires.

Les festivités en Japon, ne sont pas borné par des prières ou des adjurations seulement comme si la relation à l'eau ne quitte pas cette attitude corporelle : il n'en est rien que l'inclinaison physique de l'être humain, mais elle amarre l'homme dans une autre dimension : la fragrance culturelle par des chants, des danses, de pièces de théâtre, des divertissements. Chaque Juillet, les enfants badinent en humectant les passants avec des pistolets à eau.

Autrefois on asperge également de l'eau parfumée sur les mains des plus âgés : cette attitude est aussi utilisée en Thaïlande. Enfance et eau sont reliées pour transiter aux matures la vie, la joie et la grâce. C'est à l'eau et l'enfant renouveler les sens de la vie affadie et de rappeler l'enfance auprès des Hommes. Par ces quelques fiestas reprises en Japon à des temporalités tendues sur toute l'année, si on change de lieu en Vietnam par exemple, on repère presque les mêmes pratiques, les mêmes attentions que l'homme adopte. Autour de son delta Mékong, ce pays prospère une richesse socioculturelle regagnée par ces fleuves mythiques.

La première ethnie en Vietnam appelée Viêt organisent ses ‘réjouissances d’eau’ en lançant des courses de bateau à Hong Kong et en disposant sur les champs de rizière des carillons qui répandent une sonorité musicale nécessaire à envoûter les êtres surnaturelles ou les divinités comme une sorte de stimulation pour requérir une bonne récolte et une bonne eau. Par contre, dans la deuxième ethnie juive, on repère la libation d’eau pendant les fêtes de Soukkot et de la Pâque. Selon la Mishna du traité Soukka, "*Celui qui n'a pas vu la réjouissance au lieu de la libation d'eau n'a jamais vu de réjouissances de sa vie.*"

Bien entendu, ces préceptes ne se restreignent pas seulement à ces lieux, on les trouve aussi en Inde, dans la culture indienne ou connu sous son intitulation hindouisée, le fleuve n’est pas défini par ses dimensions spatiales mais plutôt par ses usages rituels. Les hindous pratiquent donc leur ablation dans le Ganga qui est considéré comme un fleuve parfait puisqu’elle passe par la montagne : Himalaya, les plaines et finit dans le symbole d’unité où tout y part et y revient : l’océan. Ils souhaitent en faisant plusieurs pèlerinages dans les fleuves sacrés et en faisant plusieurs offrandes tout en se purifiant près du Ganga de ne pas renaître après leurs morts pour accéder au stade de ‘moksha’ stade où ils voient leurs âmes se dissoudre paisiblement dans l’univers.



Figure 3 : Tableau représentant la ville sacrée de Varanasi et le Gange. Daté du 18e siècle Source : gettyimages.fr

En somme, l'eau en Inde en dépit de son état très sale et pollué conserve son rôle symbolique de purification spirituelle, c'est pour cela qu'en Holi : la fête d'eau et de couleur, les gens s'aspergent de couleur souvent tiré de plante, cette cérémonie consiste à réconcilier les conflits entre les gens par l'eau de la paix tout en allumant la veille du feu qui symbolise le diable : la force du bien conquiert celle du mal.

L'aspersion par l'eau chez les hindous est en fait une action plus au moins modernisée, à l'époque ancienne. Si on change de lieu et on étudie le cas de la Birmanie- le passage à la nouvelle année bouddhiste se marqua par la célébration de cinq jours de fêtes : le premier jour, les enfants se mettent à mouiller les adultes, ensuite, pendant trois jours, les adultes en prennent le relais : la prédiction d'une bonne année pleine de prospérité est fonction de la quantité d'eau reçue, plus on est mouillé plus on s'ouvre sur la bénédiction prochaine. Le dernier jour, la population ramène leur statuette de bouddhas pour les laver dans les monastères avec l'eau parfumée de fleurs, se lance ensuite dans l'eau et on y relâche des poissons.

C'est l'organisation des fiestas d'eau sous différentes cieux dans différentes ethnies qui sont innombrables : bouddhiste, juive, chrétienne, hindouisée et même païenne qui remonte à l'époque de Babylone puisque celle-ci considère que l'eau est l'origine de l'existence et que le trône de dieu repose sur l'eau et trouve son écho chez la pensée pharaonique égyptienne.

Le dieu râ ' dieu de disque solaire' était bien posé sur une pierre sacré sous forme de pyramide au-dessus de l'eau. Ce qui a formé le principe d'identité par rapport à l'eau et a fondé l'inférence et les mailles figuratives de ce liquide. En effet, chaque société crée son imaginaire d'eau dans un sens qui lui est propre, et qu'analogiquement elle déploie dans tous les domaines de son existence ; mais en outre, la conjugue mutuellement d'une manière qui paraît sous forme de stratification, de répétition, d'échange.

Le paradigme de l'eau en est le même, reçu par les contes ou appris par les fêtes accompagnant l'homme dès sa naissance. Pour bien des populations africaines, le nouveau née reçoit la parole par l'eau c'est-à-dire à sa naissance on le trompe par l'eau pour le vagir, ceci nous rappelle aussi le baptême des enfants par l'eau chez le christianisme afin qu'ils grandissent épuré ou innocenté de péchés. Mais aussi dans les événements de mariage : en Cameroun, le père bénit sa fille par l'eau pour lui ouvrir un avenir plein de bonheur et d'entente conjugale, jusqu'à même la mort de l'homme et au-

delà comme on a vu pour les cas en Afrique noir, ou les cas des hindous en Inde : les morts flottent dans les eaux de fleuve Ganga. On en tire ici les leçons pour une persévérance des pratiques d'eau, en prise concrète avec la plasticité des cultures et des ethnies.

Conclusion :

Si l'eau est omniprésente dans le monde physique : partant de la terre au corps humain, elle est un des vecteurs primordiaux d'une culture enracinée dans les perceptions de monde subtil. L'imaginaire de l'eau conçu par les mythes ou les croyances religieuses ou les traditions et les fêtes d'eau, préserve la même résonance partout dans le monde, les expressions se différencient certes selon l'environnement et l'héritage stratifié dans les pensées mais elles convergent vers un sens unique, celui de trouver quelque part une éthique universelle qui apprend l'Homme à respecter son présent par son passé.

L'eau est donc un patrimoine dont les latitudes mentales se rapprochent que ce soit dans les sociétés hypermodernes ou même primitives. Le besoin de mythologie de l'eau devient désormais un discours apologétique, puisqu'on prouve que l'imaginaire de l'eau fait face par ses ampleurs anthropologiques à la déstructuration des comportements dans les sociétés, certains psychologues comme Régis Debray affirment que certaines conduites vis-à-vis de l'eau : la pollution, le gaspillage d'eau sont liés à un manque d'investissement symbolique : La symbolique de l'eau donne à penser et à agir par la suite.

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Les Principes constitutionnels des collectivités territoriales au Maroc

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RESUMER :

A travers ce travail, on cherche à mettre en évidence les mesures nécessaires pour savoir les objectifs de la décentralisation territoriale au Maroc, cette décentralisation se présente comme un système d'organisation administrative qui consiste à remettre d'importants pouvoirs de décisions, dans les matières plus au moins étendues, à des agents locaux répartis sur l'ensemble du territoire national et liés au pouvoir central par une obéissance hiérarchique, appelée la tutelle. La constitution de 2011 avait consacré la décentralisation comme principe fondamental d'organisation de l'Etat, cette loi suprême, institué de nouveaux modèles et de principes de gestion des affaires locales pour les collectivités territoriales, à savoir : la subsidiarité et la libre administration...

MOTS CLE :

Collectivités territoriales, subsidiarité, libre administration, développement territorial, régions, régionalisation avancée.



Introduction

Il ne fait aucun doute que le développement de tous les pays ne se fonde pas uniquement sur des critères généraux et globaux, mais sur des indices bien précis et à même de rendre compte de la croissance économique et sociale de chaque partie territoire¹.

De ce point de vue, la plupart des pays évolués, ont axé leurs efforts sur les moyens administratifs et financiers les plus importants à donner aux collectivités territoriales (CT), afin que celle-ci se gèrent de manière autonome et constituent non plus des entités prolongement de l'Etat, mais des unités au rôle prépondérant au sein desquelles l'efficacité de la présence de l'Etat s'évalue en grande partie par rapport à son désengagement ou, tout au moins, à la réduction de son intervention.

Le Maroc a opté pour la décentralisation dès les premières années de l'indépendance, acquise en 1956.

A cette époque le découpage communal étant réalisé et les élections s'étant déroulées (1959) dans des conditions satisfaisantes², il restait à promulguer la charte communale³.

L'efficacité de la décentralisation se mesurerait en matière de gestion des dépenses locales et de mobilisation des ressources locales.

La notion de collectivité territoriale n'est pas nouvelle en droit marocain. Il est vrai qu'un grand nombre des textes relatifs à la décentralisation utilise la notion des collectivités locales et pas des collectivités territoriales, néanmoins, le Dahir du 23 juin 1960 relatif à l'organisation communale, a défini les communes comme « des collectivités territoriales de droit public dotées de la personnalité civile et de l'autonomie financière »⁴. Sur le plan constitutionnel, la notion de collectivité territoriale est utilisée pour la première fois par la constitution du 29 juillet 2011, et commence de plus en plus à remplacer celle de collectivité locale dans les différents textes juridiques, elle a consacré

¹ Jilali Chabih, « Les finances des collectivités locales au Maroc », édition l'harmattan 2005, p.7.

² Abdellatif El chaddadi, "la gouvernance territoriale à la lumière de la nouvelle charte communale", REMALD, n°84, 2013, p.190.

³ Dahir n°1.59.315 du 28 Dhou al-hijja 1379 (23 juin 1960) relative à l'organisation communale, BO 2487 du Dhoua al-hijja (24 juin 1960), p. 1230.

⁴ L'article premier du Dahir n° 1-59-315 du 28 dhou al-hijja 1379 (23 juin 1960) relatif à l'organisation communale, B.O 2487 du 24/06/1960, p.1230.



pour la première fois, la décentralisation comme forme de l'organisation territoriale du Royaume et réserve tout un titre composé de douze articles aux CT⁵.

Le 23 juillet 2015, les lois organiques relatives aux CT sont publiées au Bulletin officiel Marocain. Il s'agit de la loi organique 111-14⁶ relative aux régions, la loi organique 112-14⁷ concernant les préfectures et les provinces et la loi organique 113-14⁸ sur les communes.

Dans cet ordre d'idées, la problématique essentielle de ce thème et la suivante :

Quels sont les principes fondamentaux des collectivités territoriales ?

Dans ce sens, l'importance de ce thème permettra de relever deux principes constitutionnels fondamentaux à savoir Il s'agit précisément du principe de subsidiarité (1) et de la libre administration (2).

1- Le principe de subsidiarité

Le principe de subsidiarité n'avait aucune existence juridique dans le droit positif Marocain, avant la constitution 2011. Sa consécration comme base des compétences des CT constitue l'une des nouveautés du texte constitutionnel (A), tout de même ce principe a des implications diverses qui doivent être éclairées (B).

A- La constitutionnalisation du principe de subsidiarité

Au Maroc comme en France la subsidiarité est un principe de répartition des compétences au sein d'un État unitaire. Elle règle le cadre et les limites des organisations infra étatiques, il s'agit d'une nouvelle façon de penser l'intervention publique et une idée

⁵ Dahir n° 1.11.91 du 27 chaâbane 1432 (29 juillet 2011) portant promulgation du texte de la constitution, bulletin officiel, n° 5964 du 28 chaâbane 1432 (30/07/2011), p. 1766.

⁶ Dahir n° 1.15.83 du 20 Ramadan 1436 (7 juin 2015) portant promulgation de la loi o n° 111-14 relative aux régions, bulletin officielle n° 6380 du 6 chaoual 1436 (23 juillet 2015), p.6599.

⁷ Dahir n° 1.15.84 du 20 Ramadan 1436 (7 juin 2015) portant promulgation de la loi n° 112-14 relative aux préfectures et provinces, bulletin officielle n° 6380 du 6 chaoual 1436 (23 juillet 2015), p.6625.

⁸ Dahir n° 1.15.85 du 20 Ramadan 1436 (7 juin 2015) portant promulgation de la loi n° 113-14 relative aux communes, bulletin officielle n° 6380 du 6 chaoual 1436 (23 juillet 2015), p.6660.

capable de transformer l'action publique⁹. Le principe de subsidiarité trouve l'application aussi dans les systèmes décentralisés, dans lesquels les CT autonomes dotées de la personnalité morale et de l'autonomie financière disposent des compétences propres, qu'elles exercent grâce à des organes élus au suffrage universel dans des conditions fixées par la loi ou la constitution¹⁰.

Par ailleurs, en droit Marocain le principe de subsidiarité est l'une des innovations de la constitution du 29 juillet 2011, ainsi et contrairement à la constitution Française, le texte Marocain donne une existence juridique et constitutionnelle à la notation de subsidiarité.

La constitution déclare que : « sur la base du principe de subsidiarité les CT ont des compétences propres, des compétences partagés avec l'État et celle qui leurs sont transférées par ce dernier »¹¹.

Ce principe n'est pas totalement inconnu, il a déjà fait l'objet d'une consécration bien que de manière implicite par les différentes lois sur la décentralisation, il est désormais placé au rang constitutionnel avec plus de force et de valeur¹².

B - Les implications du principe de subsidiarité

Aristote, avant John Luck certainement été l'un des tout premiers philosophes à s'intéresser à ce qu'on appelle aujourd'hui la sociopolitique¹³.

Il est le premier philosophe à évoquer ce principe. La société décrite par Aristote se compose des groupes, dont chacun accomplit des tâches spécifiques et pourvoit à ses besoins propres, pour lui seule la cité, (organe proprement politique), est capable d'atteindre la pleine suffisance, et c'est ainsi qu'elle se définit par l'autosuffisance, synonyme de perfection.

⁹ Drago Guillaume, « Le principe de subsidiarité comme principe de droit constitutionnel », revue internationale de droit comparé, vol 46 n°2, avril-juin 1994, p.p. 583-592.

¹⁰ Abdelhamid Mouarad, «Le principe de subsidiarité appliqué aux collectivités territoriales », mémoire pour l'obtention du diplôme de master en droit public, FSJES-FES, 2014-2015, p.11.

¹¹ Article 140 de la constitution du 29 juillet 2011.

¹² Tarik Zair, « Régionalisation avancée : quelle répartition des compétences ? », REMALD, n° 93/2010, Rabat, p. 27.

¹³ Ibid, p. 95.

Il met alors en avant la notation contractuelle entre les différentes cellules de la société et l'appartenance à un groupe plus vaste pour l'accomplissement de certaines tâches¹⁴.

En vertu de ce principe, la constitution consacre le principe d'une compétence attribuée en priorité aux CT et opère une réapparition positive des compétences entre ces collectivités et l'État. Il apparaît comme le fondement et non la négation ou la restriction de l'exercice par compétences. Il préserve une sphère de compétence propre exercées exclusivement par les CT, où elles interviennent conjointement avec l'État, et ce celle du ressort de ce dernier mais pouvant leur être transférée¹⁵.

La subsidiarité ne s'oppose pas, en cas de nécessité, à ce que les conseils communaux peuvent sur leur demande et après leur délibération ou sur demande de l'État moyennant des encouragements financiers dans le cadre de la dualisation entre communes ou à l'initiative de la province ou préfecture, transférer l'exercice des compétences qui leur sont conférées au profit du conseil de la préfecture ou de la province intéressé¹⁶.

D'autre part et conformément à ce principe, les compétences des régions sont définies en fonction de leur ressources propres, quand à celle qu'elles partagent avec l'État, ils sont définies sur la base du principe de la différenciation, leur exercice s'opère par voie de contractualisation¹⁷.

Le principe de subsidiarité trouve l'application aussi dans les systèmes décentralisés, dans lesquels les CT autonomes dotées de la personnalité morale et de l'autonomie financière disposent des compétences propres, qu'elles exercent grâce à des organes élus au suffrage universel dans les conditions fixées par la loi ou la constitution¹⁸.

En consacrant le principe de subsidiarité, la constitution ne formule pas seulement norme constitutionnelle participant à l'édification institutionnelle de l'État (mais promeut une logique plus technocratique)¹⁹.

¹⁴ Jaouad Abibi, « Les collectivités territoriales à la lumière de la constitution marocaine de 2011 », mémoire pour l'obtention du master, université Strasbourg, 2014-2015, p. 49.

¹⁵ (J) Abibi, op.cit, p. 50.

¹⁶ Article 91 de la loi organique 113.14, précitée, p.6660.

¹⁷ Article 110 de la loi organique 111.14, précitée, p.6599.

¹⁸ (J-L) Clergerie, « Le principe de subsidiarité », édition Ellipses, Paris, 1997, p. 31.

¹⁹ Hicham Baraka, « Dimensions économique dans la nouvelle constitution », REMALD, n° 103, mars-avril/2012, p.97.

Les nouveaux rapports qu'établit le principe de subsidiarité entre l'État et les CT, ont, certes des effets importants sur leur mission et leur place respective, le champ d'intervention de ces collectivités assez large, et qui est appelé à s'élargir encore plus au dépens du domaine réservé à l'État, ne saurait laisser indifférent. Il faut bien relever que le principe de subsidiarité induit inéluctablement de manière progressive une restructuration institutionnelle fondamentale, mais le champ d'intervention des CT aussi large soit-il, n'est pas une négation ou un dessaisissement total de l'État²⁰.

Ce ne sont pas les CT qui définissent elles-mêmes et en toute liberté leurs compétences, le principe de subsidiarité ne provoque pas de profond bouleversement quand bien même il est devenu un principe constitutionnel, il ne saurait être appréhendé que dans le cadre strict de l'organisation administrative de l'État qui a conservé intégralement sa forme unitaire, la définition du contenu des compétences locales passe comme pour les autres principes par la voie organique, à la fois moins lourde que la voie institutionnelle mais dotée d'une force contraignante à l'égard du législateur²¹.

2- Le principe de la libre administration

Le principe de la libre administration des CT est affirmé par l'article 136 de la constitution du 29 juillet 2011 précitée, elle stipule que : « l'organisation territoriale du Royaume repose sur les principes de libre administration, de coopération et de solidarité... ».

Il convient tout d'abord de déterminer la libre administration comme un principe constitutionnel **(A)** avant de préciser les limites de ce principe **(B)**.

A- La libre administration un principe constitutionnel

La constitutionnalisation de libre administration constitue plus qu'une avancée, plutôt une métamorphose de la décentralisation, car les incidences qu'il induit dans le corpus juridique et réglementaire transformant substantiellement les relations entre l'État et les CT.

Ainsi, nous relevons que la constitution de 2011 a attribué un réel statut constitutionnel aux CT en détaillant les principes fondamentaux présidant à la

²⁰ Ibid, p. 98.

²¹ Amal Mechrafi, « Les collectivités territoriales dans la constitution marocaine », actes de la Xème journée Maghrébine de droit, 17/18 avril 2015, RJMA, p. 105.

répartition des pouvoirs entre le centre et les territoires ainsi qu'à la protection des libertés locales.

Onze articles regroupés sous le titre IX intitulé "Des régions et des collectivités territoriales " ont remplacé les articles 100 et 101 du titre XI de la constitution de 1996, "Des collectivités locales".

Le contexte ayant à cette évolution substantielle est marqué par deux interventions Royales :

1. Le discours royal du 3 janvier 2010 qui a annoncé l'institution d'une commission consultative de la régionalisation, une régionalisation visant à placer les provinces du Sud récupérées parmi ses premières bénéficiaires, dans le cadre de la recherche d'une solution politique réaliste fondée sur l'initiale d'autonomie.

2. Le discours Royal du 9 Mars 2011 annonçant une réforme constitutionnelle de grande ampleur, poursuivant le processus de parachèvement démocratique.

Le processus de réforme de la régionalisation a entamé les travaux de la commission ad hoc qui a rendu son apport le 10 Mars 2011, le lendemain du discours Royal du 9 Mars²².

Le rapport ne préconisait pas la constitutionnalisation de la régionalisation et de ses principes, mais sa majesté le Roi a estimé que ses conditions démocratiques étaient réalisées et qu'un "choix plus audacieux" pouvait être fait :

«Suivant une démarche progressive, la commission a proposé la possibilité d'instaurer la régionalisation avancée au moyen d'une loi, dans le cadre institutionnel actuel, en attendant que murissent les conditions de sa constitutionnalisation».

«Or, nous estimons que le Maroc, au vu des progrès qu'il a réalisés en matière de démocratie, est apte à entamer la consécration constitutionnelle de la régionalisation avancée».

«Il nous a paru judicieux de faire ce choix audacieux, parce que nous tenons à ce que la régionalisation avancée soit l'émanation de la volonté populaire directe, exprimée à travers un référendum constitutionnel... » .

Contre toute attente, le principe de libre administration est survenu dans le texte constitutionnel et a contribué à instaurer une régionalisation et une

²² Mohammed Mesmoudi, "Le principe de libre administration des collectivités marocaines : l'expérience marocaine », Al Khazina, revue de la trésorerie générale du royaume, n° 12 avril 2017, p.5.

décentralisation beaucoup plus avancées que celle préconisées par la commission sur la régionalisation²³.

B -Les limites du principe de la libre administration

Le principe de la libre administration n'est pas le seul principe de valeur constitutionnelle. Il en existe une pluralité hiérarchisée.

Ainsi, la libre administration doit être conciliée avec les principes constitutionnels qui lui sont supérieurs²⁴.

A titre d'exemple, le juge constitutionnel fait prévaloir le principe d'égalité des citoyens devant la loi et celui de liberté de l'enseignement sur la libre administration. Le législateur peut prévoir l'octroi d'une aide des CT aux établissements d'enseignement privés mais les conditions essentielles d'application de cette législation ne peuvent pas dépendre de décisions de ces collectivités et doivent être les mêmes sur l'ensemble du territoire²⁵.

Dans le même ordre d'idées, le conseil constitutionnel fait prévaloir le principe de continuité des services publics sur celui de libre administration²⁶.

Par ailleurs les limites pratiques sont l'ensemble des éléments qui ne sont imposés ni par les textes, ni par la jurisprudence, et qui entravent la libre administration des CT.

Alors, les CT sont dotées de larges compétences dans l'ensemble des domaines relevant des affaires locales, l'exercice de ces compétences nécessite la mobilisation des moyens considérables.

Néanmoins, les moyens humains, matériels et financiers dont disposent ces collectivités ne sont pas toujours suffisants pour remplir leurs missions²⁷.

Ainsi, l'insuffisance des moyens ne constitue pas uniquement une limite à la libre administration mais à l'idée de la décentralisation en général.

De même, la formule « libre administration » constitue, elle-même, une limite.

²³ (M) Mesmoudi, op.cit, p. 5.

²⁴ Nadine Dantonel-Cor, Le droit des collectivités territoriales, 3^e édition, BREAL, 2007, p. 12.

²⁵ Conseil constitutionnel français, décision n° 93-3329 DC du 13 janvier 1994, loi relative aux conditions de l'aide aux investissements des établissements d'enseignement privé par les collectivités territoriales, journal officiel du 15 janvier 1994, p. 829.

²⁶ Conseil constitutionnel français décision n° 82-149 DC du 28 décembre 1982 relative à l'organisation administrative de Paris, Lyon-Marseille et des établissements publics de coopération intercommunale, journal du 29 décembre 1982, p. 3914.

²⁷ Driss Basri, « La décentralisation au Maroc de la commune à la région », NTHAN, 1994, p. 122.

En effet, il ne s'agit pas pour les CT de gouverner librement mais simplement de l'administrer librement. Ainsi, elles ne disposent que la liberté de gestion des affaires locales, dans le respect des lois et des règlements en vigueur.

Autrement dit, la libre administration se limite à des compétences administratives et exclue les compétences régaliennes qui demeurent un domaine réservé de l'État.

Conclusion

Dans un monde globalisé, la décentralisation est devenue un choix inévitable. La constitution votée en 2011 a donné une très grande importance à la protection d'un tel processus. Sur le plan institutionnel, on note plusieurs acquis pour les collectivités territoriales dorénavant invitées à s'administrer librement. Du point de vue fonctionnel, l'introduction de la subsidiarité est de nature à encadrer les relations entre l'Etat et les CT en matière de répartition des compétences.

De même, le modèle de la régionalisation avancée ne peut réussir en l'absence d'une volonté politique manifestée par la mise en place des politiques et mesures favorisant la bonne gouvernance des acteurs locaux et la bonne concrétisation des objectifs stratégiques préalablement fixés.

En effet, plusieurs principes et conditions doivent être respectés Il s'agit notamment de :

- La constitution de la région à partir d'un ensemble de composantes spatiales intégrées sur la base de leurs potentialités économiques et qui répondent au principe de la contiguïté géographique,
- Le développement du contrôle budgétaire exercé par les Cours Régionales des Comptes, en leur conférant un pouvoir de décision,
- L'évolution et le suivi continu des politiques territoriales, notamment de l'état d'avancement du projet de la régionalisation avancée afin d'en améliorer les performances.

De ce constat, la réforme territoriale peut être considérée parmi les réformes les plus importantes car elle est en relation directe avec la réalité des citoyens, du territoire, avec la problématique du développement, avec l'égalité urbaine et avec la proximité. En effet pour atteindre les objectifs de cette réforme, les CT

mettent en œuvre des stratégies plus éclatées, plus proches du besoin, pour améliorer les conditions de vie de la population.

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Performative and Performativity: Sufi Festival at Fes Morocco as a Case Study.

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Abstract

This article aims to study the differences among three important elements of behaviourism and people interaction. These three elements are; performance, performative and performativity in addition to the relationship that gathers all these elements with festivals and their impact on the audience behaviour. Besides, the article provides definitions of the three elements and other concerned terms like speech act. The main purpose of the article is to clarify each word alone and to mention its relation with the other from a general standpoint then from an artistic point of view.

Key words: *Performance, Performative, Performativity, festivals, Viewers, and speech act*

Introduction

The human life world is about speech utterances and speech act, the daily routine of every man or woman is consisting of performative and performativity. The performance is innate in us, nobody can talk without performing the action, it is a being with a doing. This chapter is a study about the difference between performative and performativity and it is also an investigation about the relation among performative, performativity, audience and musical festivals. So, what is performative and performativity? And what is their process of work in the festivals?

Performative versus Performativity

The first scholar who formulates and gives much more time and importance to the topic of performative and performativity is J.L. AUSTIN, he writes books explaining, performance, performative, and performativity. The concept of performance is more used in drama, cinema and theatre, it is a term which used in other domains like the work of a player, a machine, a company or an investment, it is the skill of a crafty person or machine or a piece of art.

The following quotes are said by J.L. AUSTIN through which he mentions some of his thinking about performative and performativity.

You are more than entitled not to know what the word ‘performative’ means. It is a new word and an ugly word, and perhaps it does not mean anything very much. But at any rate there is one thing in its favor, it is not a profound word⁶³.

In these examples it seems clear that to utter the sentence (in, of course, the appropriate circumstances) is not to describe my doing of what I should be said in so uttering to be doing or to state that I am doing it: it is to do it⁶⁴.

According to Austin, the performative is a speech with a doing, in other words, sentences and phrases are not simple letters voiced out but these utterances are carrying actions with themselves. Performative means the act that is transmitted via the

⁶³ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P, 6.

⁶⁴ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P,8.

performative language like promising, betting, swearing, and performing a marriage ceremony. Performativity is coined in a perfunctory way; it is a term that appears meanwhile a trend called speech act theory⁶⁵.

Constative and Performative Language

Austin states that they are two contrasting views of language, there is a constative language and another one that is performative. The constative language is true, false statement, it is interrogative questions and exclamation sentences⁶⁶; the constative language is descriptive and narrative. The performative language is neither a descriptive sentence nor a narrative one, the performative language is an utterance with a doing, it is spoken with an action⁶⁷; for example, during a wedding ceremony, the priest asks the couple whether they accept and they answer by I do so it is an utterance with an action, the second example, 'I name this ship the queen Elizabeth', spoken when breaking a bottle against the hull of the ship⁶⁸.

Performative

Performative is an utterance with an action that is to say it is a verbal piece of information with acting the action in the real world, but there is a performative in the art world that seems non-serious performative. The performative I am addressing is of festivals, this kind of performative is seen as serious since the place of deliberating the utterance is not an art of literature but is a means of media advertisement.

Performative is something that becomes a ritual in the language and basically with the ordinary language. The language for some is perceived as ordinary but for others, there is a kind of normativity inside the language. The word normativity means abiding by the rules and the circumstances, normativity is defined as the following: “normativity is the phenomenon in human societies of designating some actions or outcomes as good or desirable or permissible and others as bad as undesirable or impermissible”⁶⁹ ;

⁶⁵ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007.P,1.

⁶⁶ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P, 7.

⁶⁷ - Ibid. P, 8.

⁶⁸ - Ibid. P, 8.

⁶⁹ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P, P32.

therefore, the articulation and the performative are not the birth of a time but is something produced from the inside of the locution and the illocution.

The performative of the festivals is deliberated in the language spoken by the idol of the scene. To start with, the world nowadays is revealed in the overall scenes and the daily life of people around the world and also in the language. The universal language of nowadays changes from the tissue of the bodies, there are sets of the language that helps in one way or another in the performative actions, the purpose from this is implementing the actions in the real world either via language or via customary life of people⁷⁰.

Sometimes, there is a digression or insincerity of performative speech and the content and other times not⁷¹. This contrasting view is seen in the performative scenes that are only urging one's unconscious and motivating him or her to follow the wave of the entertainment since the utterance is void of any useful benefit. On the other hand, some are bonded to their performative utterances, which means they reveal what their inner self says and they create a Sufi atmosphere.

Rules of performative scenes and roles of the performer are a kind of diplomacy and reattachment. To start with, there is an embedded commitment between the performer and the audience, this bonds which is a recent birth of the performance is a kind of duty that gathers the audience with the idol, the kind of relationship is an agreement or convention that begins at a certain time and place and ends up at a certain place and time. This comes up with a social contract or social obligation that connects between both of the viewers and the performers, and it appears in the language spoken by the audience⁷².

A speech act is a term coined by Searle and it is a partner of performative theory. To start with, certain features specify the targeted speech act; for example, a valid act is that act that is suitable to the mood of the environment⁷³; secondly, the act is not something that comes out from nature but it is nurtured, in the sense, it is cultural evocative⁷⁴. As a clear meaning of speech act, it is "an utterance that serves a function in communication. We perform speech act when we offer an apology, greeting, request, complaint, invitation, compliment, or refusal⁷⁵". Moreover, a successful performance is

⁷⁰ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P,35.

⁷¹ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P, 38.

⁷² - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P, 52.

⁷³ - Ibid. P, 52.

⁷⁴ - Ibid. P,48.

⁷⁵ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P,60.

depending on the following conditions, there should be common semantics and referential elements; second, there should be a compromise between the speech act and the intention (thought) also with the place of speech act⁷⁶.

Being performative is an action that is carried when a person or collective can derive from the pre-identity to a new identity. To start with, the identity is not born with us, it is not something that is innate but it is something required and achieved according to a person's beliefs and attitudes; hence, culture is the process of identity composition⁷⁷. Culture is responsible for one's cultural identity, it is the making of one's identity, the activities done by an individual or a group is not coming from the inside to the outside but it is the reverse.

Performativity

The life process of a person is like a machine playing a certain role and doing a certain job, this is like people and individuals performing actions and acts abiding by the general system. To start with, this audiences or people, in general, are performing culture, a culture that might be theirs or not⁷⁸. Performance is an act that is basically in theatres and cinema but in real life, it is not; on the other hand, the performative is adopted from festivals since they are free to access and the audiences are being performative.

Ordinary social intercourse is itself put together as a scene is put together, by the exchange of dramatically inflated actions, counteractions, and terminating replies. Scripts even in the hands of unpractised players can come to life because life itself is a dramatically enacted thing. All the world is not, of course, a stage, but the crucial ways in which it isn't are not easy to specify⁷⁹.

Social intercourse is a performance that becomes a kind of performative since it is not on platform but it is on the stage of humans behaving and interacting. The case of this thesis is the festivals and the audience are being performative, they utter what the idol or singer speaks up and they repeat after him or her so it is a kind of performative; in fact, it

⁷⁶ - Ibid. P, 48.

⁷⁷ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P, 118.

⁷⁸ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P,140.

⁷⁹ -Ibid. P,151.



is role-playing and one's shaping identity and physical appearance⁸⁰. To conclude, performative acts are the result of one's place and social interaction.

Historically speaking, the concept of performativity is traced back to the linguist philosopher J.L. Austin in his book *How to do things with words* during the 1960 and he sets up the foundation of performative⁸¹. Performativity is "the capacity of speech and communication not simply to communicate but rather to consummate an action or to construct and perform an identity⁸²", the term performativity has been used by many scholars in different fields and domains but it has one sense which is the acting of certain actions according to the circumstances of one's place and its favourite believes.

Judith Butler is the most known thinker by the word performativity, she writes books about performativity from a gender perspective. Today and via this article, there will be an investigation of the same thought and perceptions of Judith Butler on the aim of the paper are the Musical Moroccan festivals. Let's first explain the vision of Judith Butler about performativity. To begin with, according to Judith Butler, performativity means the power of language to affect human's behaviour⁸³, as far as Judith Butler is concerned, gender is socially and culturally constructed, it is not naturally built but there are outside features and population factors that affect the construction of sex either female or male. This socialization is due to entertainment factors or cultural factors.

Performativity in the field of music festivals is prescribed in the show of the idol. To start with, this kind of performative is a sort of performativity since the audience who are being performative and following the streams and the waves of an idol bring about later performativity adopted from the spectacle. For example, the changing of lifestyles (clothes, food, and behaviour) is a sort of performativity in addition to westernizing the language. Hence, musical festivals are a direct media influence on the Moroccan People performativity.

⁸⁰ - Loxly, James. *Performativity*. 1 st, vol. One, New York, Routledge, 2007. P,151.

⁸¹ - Companion Websites. "Performance Studies: An Introduction - Victor Turner's Social Drama." *You Tube*, uploaded by AFAF, 17 Dec. 2012, www.youtube.com/watch?v=Pnsw5xFuXHE.

⁸² - The Audiopedia. "What Is PERFORMATIVITY? What Does PERFORMATIVITY Mean? PERFORMATIVITY Meaning & Explanation." *You Tube*, uploaded by AFAF, 18 Apr. 2017, www.youtube.com/watch?v=MQ6H084EDVA.

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The Sufi Festival and the concepts of performative and performativity.

The Sufi festival is one of the oldest festival organized in Morocco and bascially in the city of Fez. In 2021 is the fourteen version of the festival and it was held between, 09 and 16 October in an old traditional palace in the old medina of Fez under the name of travelling to the high places of Sufism. This version permits the lovers of sufism to wander and discover the beautiful features and the deepness of this spiritual heritage around the world. The programme is the following :fi heritage in its various cultural expressions. Especially in the present times we are currently facing, and in which the question of the searc

The program is fruitful with workshops, seminars and visits to old and ancient places in the old medina of Fez all these activities to approach the culture of sufisim more to the audience and particiants of the festival. The event is heavy in terms of its thought, knowldege, and narrations of sufi stories and incidents. For instance, the first day were seminars in Arabic and French , all are doing performative act because people are dreaming and traveling with the lecturer to the world of sufisim like the first seminar of Mr Moulay Abdellah Ouzzani who travels with the audience to the world of Al Salat Al-Mashiyya and Ibn Ajiba live. So, the audience survives with the lecturer and tries to act the verbal acts of the speaker in their consciousness without doing any movement. Moreover, the lecture of the opening night under the title of THE SYMBOLIC OF THE VOYAGE IN SUFI CULTURE, The music of ziarat (visits to shrines in Balochistan, India, Iran by Jean illustrated wih music and this is a kind of performative because it contains all the definitions and characteristics that I have discussed before. Furthermore, the lecturer Moulay Abdallah Ouzzani gives a lecture called Tafsir spiritual of the Koran according to Ibn Ajiba's commentary and tries to get in the explanations of Ibn Ajiba. Finally, there were exhibitions as well in the festival like Vernissage Exhibition of Najoua El Hitmi's YOU ARE FOREVER A TRAVELER to keep that link between the sufi men and women and the world of sufisim and here it comes performativity since the lessons taken from sufisim and the believes of these followers of sufism transform to performativity and daily acting of sufi rituals.

The festival manages to make music, cinema, and tour to the old spiritual places of the city in order to live the spirit of Sufism. For instance, the programme based on the mood of Samaa' and it was called the traveling in the Sufi Maqamat, the first Samaa' was by the Whirling Dervishes from Rum's Mausoleum in Koney Turkey. Also, there is a seminar of listening to the Sufi texts by Amal Ayouch as a form of living with the



performative act of speaking under the title Kabir the holy weaver of Benares (India): the flute of Infinity. The second Samaa' and the therapeutic aspect of music in Muslim culture (music therapy) master class by Jean portrayed by musical moments. There was on the fourth day a Samaa of the Charqaouiya Brotherhood and the Squaliya Brotherhood. Ultimately, the festival ended by Samaa' of the Tidjaniya of Niger. All these Samaa are sort of performative that exhibits to the audience a parole with an act. Furthermore, cinema is also present during the days of the festival, there was a movie about the journey of Ibn Battuta from Tangier to Mecca, a special youth screening with educational introduction. The organizers of the festival chose the film of the journey of Ibn Battuta from Tangier to take the largest place of pilgrimage in Sufism, Mecca. Ibn Battuta takes us through the high places of Sufism such as Cairo, Damascus or Medina.

It is a special documentary where the viewers recognize with Ibn Battuta landscape of extreme beauty like so many sources of meditation, crossing the mountains including Mount Arafat, traveling in the desert, on the Nile or the Red Sea. It is a traeling with Ibn Battuta the world of Sufism discovering the performative act of the traveller Ibn Battuta. Last but not least, there were tours to the old medina to the heritage of Fes and spirituality like the Library of the Al Quaraouiyine University and Medersa bou inania, also the calligraphy and sacred geometry.

The term of performativity exists in the streams of sufism; many people who adopt the philosophy of sufism take that philosophy from books to their habitual real life. To start with, sufism as a discipline and art urges its followers to act as the science exhibits that is why these followers are wearing and performing in certain performativity that is the result of their contact and socialization with the scholars of sufism. The title of the festival in its 14th version is a journey to Maqamat of Sufism and it would reveal the most important treasures of the Sufi heritage.

To reach this Maqamat of Sufism, the festival organized round table discussion, music parties of spiritual songs, and exhibitions of paintings. As far as I am concerned, all these act are included in the aim of performativity and to socialize the people on the messages of sufism from the lyrics of its philosiphers and poets. In all the days of the festival were creative parties of hearing to the different appraoches of sufism from Morocco and the world, also, there were intellectual meetings for exchanging thought and learn from each other, there are masterclasses online to keep in contact with the audience even after the festival. Finally, it is managed to attend some courses with limited numbers in Medersa Bou inania.





The festival's days were full of activities and lectures by expertes in the world of sufism. The festival is a chance to discover the beautiful expressions and the depth that sufism constitutes around the world. This version would like to take its listeners or audience to a world of Maqamat to search for sense which is based on to build individual and group projects and it is the soul of every culture and every creativity and every social intelligence. Furthermore, in the palace of Shahrazad gathers all the scholars and participants of Sufism to listen to the music of Sufism and surf in the world of spirituality and the sacred places. The presedent of the festival Faouzi Skali says during the festival

The Sufi heritage is rich and a sea with no coast, it get renewed every year according to the circumstances that we are living. It is a matter of thought and vivid thought and it is not just a university matter.

We try this year to walk through the path of Maqamat Sufism not just at the level of geography and history, but through analog platform that would make it easy to travel and also through concept of Sufism and its meaningful and symbolic side that be in the heritage of Fes since centries ago.

The phenomena of performative and performativity is an act that we practise but it was not theorised like before and now by thinkers and scholars who explain and analyse the pheonomena from theories and standpoints that seem logical and acceptable to reason. The reason to choose this festival is because of its theme and in general the concpet of Sufism which carries from the senses of performative and performativity the lots. The festival focuses on themes that serve the meaning of performative because as mentioned before are sessions of listening and praising of God , seminars , discussions, art gallery, listening to poetry and sufi texts, in addition to tours to saints like Tijania, Fassia, and the cemetry of righteous people like the pole of the sufi man Abdelaziz Debar. Besides, there were visits to the heritage of Fez to follow the Sufi side in its architecture. All these practices are sort of performative because they move from the lesctures and seminars to doing which is the visiting to these Sufi and spiritual places as well to the architecture that uncover the world of the sufi poet and inspire the audience to see how much they were artistic.

Performativity is the outcome of the festival is when the participants and the audience get a general overview and attatchment to sufism and would like to adapt and adopt the sufi philosophy in their daily life and would like to learn from other sufi streams like the sufism in the east: Iran and Turkey. Thanks to the sufi culture , the world could



co-exist and live with each other because there is the impact of the sufi philosophy works on the socialization of the human beings and as a result these followers of the sufi culture become doing performativity in their habitual life, as the Doctore Faouzi Skali declares to the press ;

The sufi culture exists everywhere and it has richness and a power. The new thing that the festival provides is the idea and the vision of culture that is the sufi culture which would be a reference to all the sufi followers around the world and thus creates a common heritage.

Conclusion

To sum up, the above article is a detail explanation of the term's performance, performative and performativity. Personally speaking, after reading about performative and performativity I could not deny that these concepts are the basic of studying behaviourism, life style and the construction of people. There is a big link between the three and the outside factors from media and street and festivals are one of these factors that via performative and performativity reshape people's identities and cultures.

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