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U.S.-Saudi Relations in the Trump 2.0 Era from the perspective of Structural Power

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Abstract

In the Trump 2.0 era, U.S.-Saudi relations have exhibited new features that transcend the traditional “security-oil-dollar” interaction structure. While downplaying ideological divergences, both sides have prioritized economic and technological cooperation. Through the reconfiguration of the “security-oil-dollar-investment” nexus and the deep embedding of production and knowledge structures, bilateral cooperation has been further intensified. Global structural shifts—exemplified by the energy transition and great-power technological rivalry—have provided external drivers for this restructuring. Driven simultaneously by domestic political-economic imperatives and the logic of hegemonic preservation, the United States has sought to reinforce its gravitational pull over Saudi Arabia through parallel “security empowerment” and “development empowerment”. In turn, under the deep coupling of regime security and developmental security, Saudi Arabia has treated cooperation with the United States as a pivotal lever for advancing Vision 2030 and national transformation, seeking greater developmental space and strategic autonomy through increased empowerment. The deepening of U.S.-Saudi relations not only intensifies bilateral interest interdependence but also generates profound implications for the regional power configuration in the Middle East and the trajectory of global great-power competition. Nevertheless, the bilateral relations remain constrained by multiple challenges, including U.S. policy uncertainty, persistent regional conflicts, structural contradictions in bilateral demands, and the inherent paradox between “empowerment” and “dependence”. The future trajectory thus remains marked by pervasive uncertainty.

Keywords: *U.S.-Saudi relations; Trump 2.0; structural reconfiguration; development empowerment*

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Introduction

In May 2025, U.S. President Donald Trump paid a high-profile visit to Saudi Arabia, during which the two sides signed a series of framework agreements and investment commitments in the fields of energy, defense, and emerging technologies. Amid the protracted Palestinian-Israeli conflict, the intensifying Iran-Israel confrontation, and the markedly rising instability and uncertainty in the Middle East, the regional order has been evolving rapidly in a state of intertwined turmoil. Against this backdrop, President Trump's visit was not only linked to the United States' strategic posture in the Middle East and the preservation of its global hegemony, but also to Saudi Arabia's national transformation and its strategic positioning as a middle power. During the visit, Trump said U.S.-Saudi partnership has never been stronger, U.S.-Saudi relationship has been a bedrock of security and prosperity (Bell, 2025). Compared with his first visit to Saudi Arabia in 2017, this trip demonstrated a more pronounced orientation toward pragmatism and transactionalism, Cooperation between the two sides reached new heights in the military, economic, and technological domains, marking a new stage of structural reconfiguration and deepened collaboration in U.S.-Saudi relations.

Historically, U.S.-Saudi relations have revolved around the interactive mechanism of “security-oil-dollar”. Since the 1945 meeting between U.S. President Franklin Delano Roosevelt and Saudi King Ibn Saud aboard U.S.S Quincy (Tiezheng and Songye. 2000, p133), a mechanism centered on the exchange of “oil for security” has laid the foundation of bilateral relations. The collapse of the Bretton Woods system and the oil crises of the 1970s fostered a dual linkage between U.S. dollar and oil, thereby establishing the petrodollar system. Through this arrangement, the United States consolidated its global financial hegemony, while Saudi Arabia became a pivotal pillar for Washington in controlling Gulf security, containing Soviet penetration, and sustaining dollar dominance. Subsequently, the Iranian Revolution and the Gulf Wars further underscored the strategic significance of the Gulf region, reinforcing the stability of the “security–oil–dollar” structure. In recent years, despite recurrent frictions between Washington and Riyadh in regional and international affairs, and the impetus of U.S. shale revolution and its strategic retrenchment in the Middle East that has driven Saudi Arabia toward greater strategic autonomy, this interactive structure has remained fundamentally intact. The “security-oil-dollar” nexus continues to constitute the irreplaceable structural foundation of U.S.-Saudi relations.

The theory of structural power was proposed by Susan Strange, a leading figure of the British School. She identified four structures through which power is exercised: the security structure, the production structure, the financial structure,

and the knowledge structure. Strange argued that structural power does not exist within a single dimension but operates through these four distinct yet interrelated structures. She defined the security structure as a framework of power in which one actor provides defense and protection for another; the production structure as determining what is produced, by whom, and for whom; and the financial structure as encompassing the arrangements that govern the availability of credit and the factors determining the terms of exchange between national currencies. The knowledge structure, according to her, concerns the means and conditions for the storage and transmission of knowledge, as well as technological innovation. Strange further noted that technological achievements are often mobilized to serve national interests and to reinforce state authority. Although the four structures—security, production, finance, and knowledge are mutually independent and interactive, none can claim absolute dominance. Nevertheless, Strange emphasized that the influence of the knowledge structure has become increasingly profound in modern societies (Strange, 2006, p28, 47, 68, 96, 131, 135, 146).

The renewed deepening of U.S.-Saudi cooperation during the Trump 2.0 era represents both a continuation of historical logic and a structural reconfiguration of bilateral relations. Judging from the substantial institutional and contractual achievements reached during Trump's visit to Saudi Arabia, U.S.-Saudi relations have transcended the traditional mechanisms of "oil for security" and the petrodollar system, evolving into a comprehensive stage of deepened cooperation centered on new energy, high technology, and artificial intelligence. Building upon the traditional "security-oil-dollar" framework, bilateral relations in the Trump 2.0 era have been endowed with new connotations, entering a new phase of structural reconfiguration and intensified collaboration. Against this background, this study adopts the theory of structural power as its analytical framework and seeks to address the following core questions: What new characteristics have U.S.-Saudi relations exhibited during the Trump 2.0 era? What are the underlying driving forces and strategic logics behind these changes? On this basis, how can the evolving dynamics and future prospects of bilateral relations be assessed? Exploring these questions not only helps to reveal the new trajectory of U.S.-Saudi relations under Trump's second presidency, but also provides a new interpretive framework for understanding the evolving geopolitical configuration of the Middle East and the strategic readjustment of U.S. policy in the Gulf region.

1. New Characteristics of U.S.-Saudi Relations in the Trump 2.0 Era

On May 13, 2025, President Trump paid a high-profile visit to Saudi Arabia and achieved substantial outcomes. The two sides signed large-scale cooperation agreements covering multiple sectors, including energy, defense, investment, and

high technology (Liu, 2025). These outcomes, in terms of both scale and scope, went far beyond the cooperation framework reached during Trump's first visit to Saudi Arabia in 2017, signifying a shift in U.S.-Saudi relations from the traditional "security-oil-dollar" interaction model toward a more diversified and complex structural reconfiguration. Specifically, the de-emphasis of ideological divergence, the upgrading and reconfiguration of the "security-oil-dollar-investment" nexus, and the deeper embedding of the production and knowledge structures have jointly shaped the salient characteristics of U.S.-Saudi relations in the Trump 2.0 era. Under Trump's pragmatism and transactionalism foreign policy orientation, the new logic of bilateral relations lies in achieving institutionalized arrangements and structural reconfiguration, thereby providing renewed momentum for the deepening of U.S.-Saudi ties.

1.1 The de-emphasis of ideological divergence and the Focus on Economic Cooperation

The de-emphasis of ideological divergences, the mitigation of mutual misperceptions, and the strengthening of economic cooperation constitute the defining features of U.S.-Saudi relations during the Trump 2.0 era. After Trump returned to the White House, both sides deliberately downplayed sensitive issues such as human rights and value-based diplomacy, marginalizing political disagreements within the bilateral agenda to prevent them from constraining strategic cooperation. Instead, pragmatic cooperation anchored in economic and security linkages has continued to expand. Through large-scale economic and security partnerships, the United States sought to safeguard its core interests and consolidate its strategic presence in the Gulf, while Saudi Arabia actively responded to U.S. initiatives in investment, arms sales, and high-tech collaboration to advance its national transformation goals. This "de-ideologized" diplomatic interaction not only reduced sources of friction but also enhanced the overall resilience of bilateral relations.

Dominated by transactionalism and pragmatism, Trump's foreign policy approach was first reflected in the intentional de-emphasis of human rights and value-based agendas in U.S. policy toward Saudi Arabia. During the Biden administration, bilateral relations were frequently strained over human rights concerns. Shortly after assuming office in 2021, the new team in the White House has promised a complete reset of relations with Saudi Arabia where human rights will now feature prominently (Gardner, 2025). Throughout Biden's tenure, Washington repeatedly criticized Riyadh over the Khashoggi case, the Yemen conflict, and broader human rights issues, leading to significant fluctuations in bilateral relations. Although both sides reached new agreements in security,

energy, and defense (Alghannam & Yaghi. 2025), Biden's advocacy of value-oriented diplomacy remained a major impediment to deeper cooperation, with political frictions substantially constraining economic engagement. In contrast, Trump largely refrained from invoking the Khashoggi case, human rights protection, or political reform in his dealings with Saudi Arabia, emphasizing instead strategic interests and economic reciprocity. This policy shift eased Riyadh's political pressure in its engagement with Washington and restored bilateral relations to the traditional axis of security and economic cooperation. Similarly, Saudi Arabia avoided disputes with the United States over religious or governance-related issues, instead demonstrating its cooperative intent through active participation in investment, defense procurement, and joint projects. This "de-ideologized" logic of interaction not only lowered the political sensitivity of the relationship but also laid a favorable foundation for subsequent large-scale cooperation between the two sides.

Against this backdrop of "de-ideologized", economic cooperation acquired unprecedented priority in U.S.-Saudi interactions during the Trump 2.0 era. Guided by the "America First" doctrine, Trump pursued a strategy oriented toward the maximization of U.S. interests (Zhiqiang & Degang, 2025, p58). Trump's policy toward Saudi Arabia displayed a distinctly transactionalist orientation, concentrating strategic cooperation on energy, investment, and technological domains. This approach stood in sharp contrast to the value-driven antagonism under Biden, during which ideological frictions severely constrained economic collaboration. By contrast, Trump's transactionalist logic deliberately bypassed political disagreements through "de-ideologized", refocusing bilateral cooperation on economic domains and thereby expanding opportunities for collaboration in energy trade, capital flows, and high-tech partnerships.

1.2 The Reconfiguration of the "security-oil-dollar-investment" Nexus

Since the historic 1945 meeting between President Franklin Delano Roosevelt and King Ibn Saud aboard U.S.S Quincy, U.S.-Saudi relationship has revolved around a structural interplay among "security-oil-dollar". During the Trump 2.0 era, the fundamental logic of bilateral cooperation remained deeply embedded in this triadic structure. Under the new political and economic conditions, the traditional "security-oil-dollar" nexus has been endowed with new meanings. As the United States achieved energy independence and diversified its crude oil imports, its dependence on Saudi oil production has significantly declined. Yet, the financial pillar function of oil as a global commodity has been amplified, continuing to underpin the international hegemony of the dollar. Meanwhile, oil exports remain a vital source of Saudi dollar revenues, which in turn sustain large-scale investments in the United States, thereby forming a new

interactive mechanism linking “oil-dollar-investment”. Furthermore, defense procurement and military cooperation remain the cornerstone of U.S.-Saudi relations. During the Trump 2.0 era, the two sides further deepened their collaboration in security and defense, leading to a notable strengthening of the “security-dollar” structural linkage.

Consolidating the petrodollar system and strengthening oil’s role as a financial pillar constituted a major strategic objective of Trump’s policy toward Saudi Arabia. Following U.S. shale revolution, the United States has largely achieved energy self-sufficiency. In 2024, Saudi oil exports totaled 179.494 billion dollars, of which trade with China accounted for approximately 26.7%, India 10.9%, and the United States only 4.65% (UN Comtrade Database, 2025). As energy cooperation between Saudi Arabia and emerging economies such as China and India expanded, calls for local-currency settlement in oil trade grew louder. In September 2024, against the backdrop of fluctuations in U.S.-Saudi relations and deepening China-Saudi economic ties, Saudi Minister of Industry and Mineral Resources Bandar Alkhorayef stated that the Kingdom described positive sentiment in his country toward using the petroyuan in transactions (Ahmed, 2024). Facing the growing challenge of de-dollarization in the energy sector, the United States sought to reinforce its cooperation with major oil exporters to sustain dollar dominance in global finance. Accordingly, the Trump administration offered Saudi Arabia tangible security and economic benefits to ensure the continued predominance of the dollar in oil trade. This arrangement was not only crucial to the consolidation of U.S. financial hegemony but also served as an indispensable strategic linkage within U.S.-Saudi relations.

Saudi Arabia’s petrodollar revenues constitute the foundation of its investment capacity in the United States. Although the Kingdom, under the guidance of Vision 2030, is striving to diversify its economy and reduce its dependence on fossil fuels, oil revenues remain the core pillar of its national economy in the short term. In 2024, Saudi exports totaled 305.399 billion dollars, with oil exports accounting for 179.494 billion dollars, or approximately 58.8% of the total (UN Comtrade Database, 2025). Nearly 100% of Saudi oil exports are settled in the dollars. Consequently, petrodollar income provides the financial backbone for its overseas investment activities. Moreover, the strategic goal of building a global investment powerhouse motivates the Kingdom to expand its dollar earnings, creating a two-way interaction between oil revenues and outward investment. During Trump’s 2025 visit to Riyadh, Saudi Arabia pledged to invest 600 billion dollars in the United States, covering infrastructure, defense industries, artificial intelligence, and advanced technologies (The White House, 2025). The new linkage mechanism of “oil-dollar-investment”, grounded in Saudi Arabia’s

oil production, centered on the dollar, and oriented toward investment in the United States, is deepening the substance of U.S.-Saudi cooperation.

The mutual coupling of security commitments and capital inflows has further consolidated the traditional “security-dollar” interaction. In May 2025, the two sides signed the largest defense sales agreement in history, nearly 142 billion dollars (The White House, 2025). This not only delivered substantial orders to U.S. defense industry but also heightened Saudi Arabia’s security dependence on the United States. Through military protection and defense supplies, Washington strengthened its dominance within Saudi Arabia’s security architecture; meanwhile, Riyadh’s dollar-based investments facilitated the recycling of capital back into U.S. defense sector, serving as an external driver of its military-industrial reproduction. The coupling of defense dependency and capital flows has thus created a structurally entrenched “security-dollar” nexus.

Overall, under the logic of “security-oil-dollar-investment”, U.S.-Saudi relations during the Trump 2.0 era underwent a profound structural reconfiguration. Oil trade remains a crucial pillar of dollar hegemony; Saudi Arabia, using petrodollars as a key linkage, exchanges investment and defense alignment for security guarantees and economic diversification. For the United States, although oil trade now represents a smaller share of bilateral economic cooperation, its utilization of oil’s financial attributes serves to consolidate dollar supremacy in global finance.

1.3. The Embedding of Production and Knowledge Structures: A New “Energy-Technology” Linkage

The structural reconfiguration of U.S.-Saudi relations during the Trump 2.0 era is not confined to the structural upgrading of the “security-oil-dollar-investment” framework. More fundamentally, it is reflected in the dual embedding of production and knowledge structures, forming a new interactive mechanism centered on energy and technology. As global energy transition accelerates and technological competition intensifies, Saudi Arabia, leveraging its abundant resource endowment, has become an essential partner for the United States in advanced technology sectors such as semiconductors and artificial intelligence. The emerging “energy-technology” linkage, centered on Saudi Arabia’s resource supply and the United States’ technological output, has emerged as a defining feature of U.S.-Saudi relations during the Trump 2.0 era.

Saudi Arabia’s natural advantages in critical minerals have laid the foundation for bilateral cooperation in high-tech industries. The Arabian Shield in western Saudi Arabia holds valuable rare earth elements, such as tantalum, for which it has a quarter of the world’s reserves and has applications in high-tech

industries including electronics, and niobium, which is used in industrial alloys, its applications including jet engines and rockets (Pouran, 2025). During Trump's 2025 visit to Saudi Arabia, the two sides signed Memoranda of Understanding on energy cooperation and critical minerals, creating a framework for cooperation to strengthen and secure supply chains for critical minerals mining and processing (US department of Energy,2025). Building on Saudi Arabia's resource endowment and joint efforts in critical mineral development, the partnership provides a material basis for U.S.-Saudi collaboration in high-tech industries. During the visit, Trump lifted the semiconductor export restrictions imposed under the Biden administration. NVIDIA entered into a strategic partnership with Saudi firm Humain, agreeing to send 18000 AI chips to support Saudi AI and data center construction (NVIDIA, 2025). Notably, U.S. will not engage in full-scale technology sharing in core sectors such as semiconductors. Rather, this initiative represents a form of limited technological reciprocity—a partial empowerment strategy aimed at leveraging Saudi resource advantages to reinforce America's strategic presence in the Middle East and maintain its competitiveness amid intensifying great-power technological rivalry. Through such limited cooperation, Washington seeks to embed Riyadh within a U.S.-led technological ecosystem, deepening the structural interlinkage of production and knowledge.

Saudi Arabia's vast potential in clean energy, coupled with the energy constraints facing U.S. AI sector, has further driven bilateral cooperation in big data and artificial intelligence. In July 2025, under the leadership of the Saudi Ministry of Energy, ACWA Power and other firms signed five large-scale solar photovoltaic plants and two large-scale wind energy plants, with a total capacity of 15000 MW (ACWA Power, 2025). Saudi Arabia's enormous electricity-generating potential makes it an ideal partner for energy-intensive industries such as AI and big data. Meanwhile, the United States faces a severe energy bottleneck in AI development. According to the International Energy Agency, U.S. will remain the world's largest consumer of electricity for data centers in the coming years, By 2030, U.S. electricity consumption is expected to increase by about 240 terawatt-hours, a growth of roughly 130% compared with 2024 levels (International Energy Agency, 2025). Hence, Saudi Arabia's clean energy resources and U.S. AI industry's massive power demand exhibit strong complementarity. Following Trump's visit, cooperation in artificial intelligence and digital infrastructure deepened further. Amazon and HUMAIN announced plans to invest 5 billion-plus dollars in a strategic partnership to build a groundbreaking "AI Zone" in the Kingdom to advance Saudi Arabia's mission to be a world leader in AI (Amazon Staff, 2025). Similarly, AMD signed a 10 billion dollars agreement with Humain to deploy 500 megawatts of AI computing capacity and build an interconnected AI computing network linking Saudi Arabia and the United States

(AMD, 2025). This indicates that the traditional oil-dollar logic has now extended into clean energy and advanced technology domains, forming a new “energy-technology” interaction structure.

In essence, the new embedding of production and knowledge structures signifies a renewed form of structural dependence between the United States and Saudi Arabia. In the context of changing global energy dynamics, shifts in bilateral trade structures, and intensifying great-power technological competition, oil-based interdependence alone is no longer sufficient to sustain the relationship. Consequently, the two countries have moved beyond the traditional “security-oil-dollar-investment” framework toward a structurally embedded interaction that integrates production and knowledge dimensions, thereby shaping a new phase of comprehensive cooperation.

2. The Structural Drivers of U.S.-Saudi Relationship Reconstruction

The current international order is undergoing profound adjustments, as major powers engage in increasingly fierce competition and rivalry across geopolitical, economic, technological, and resource dimensions. Against the backdrop of accelerating global structural transformation, U.S.-Saudi relations have entered a new stage of structural reshaping and upgrading. In recent years, with the ongoing transformation of the international political and economic landscape, the stability of the traditional “security-oil-dollar” framework has come under multiple pressures. The accelerating trend of energy transition and intensifying technological rivalry among major powers have brought about fundamental structural changes in the global system. These profound external shifts have compelled both the United States and Saudi Arabia to reconfigure and upgrade their bilateral relationship on the basis of the traditional structure. In this process, the motivations of the United States and Saudi Arabia are both divergent and interlinked. Driven by domestic political and economic pressures, strategic competition in the Middle East, and the imperative to maintain its global hegemony, the United States emphasizes short-term interest maximization and seeks to sustain its regional dominance through low-cost strategies, replacing unilateral security commitments with development-oriented empowerment. Guided by the logic of coupling regime security with development security, Saudi Arabia has transformed its Vision 2030 into a key instrument for national transformation and for positioning itself as a middle power. Amid its enduring dependence on the United States, Saudi Arabia strives to achieve greater strategic autonomy and pursue broader developmental empowerment.

2.1 Global Structural Transformation: Energy Transition and Technological Rivalry

The structural reconfiguration of U.S.-Saudi relations is an inevitable outcome driven by profound global structural changes. The long-standing “security-oil-dollar” framework that has underpinned U.S.-Saudi relations since the Second World War is now under unprecedented pressure due to the worsening climate crisis and the accelerating global energy transition. At the same time, a new wave of technological and industrial transformation is reshaping the global order, turning technological innovation into the main battlefield of great power competition. Consequently, the structural shifts in global energy and technology serve as the external driving forces behind the reconfiguration of U.S.-Saudi relations.

2.1.1 Intensifying Climate Crisis and the Global Energy Transition

The intensifying global climate crisis has accelerated the global energy transition and the development of clean energy. According to the State of the Global Climate 2024, the year 2024 was the warmest year in the 175-year observational record, above the 1850–1900 average used to represent pre-industrial conditions (WMO, 2025), marking an unprecedented challenge to human civilization and the global economy. The impacts of climate change on water, food, and energy directly threaten human survival (Zhenlin, C., Changlin, W., et al, 2023, p36). In the face of these challenges, promoting global climate governance has become an international consensus, with the development of clean energy and the control of carbon emissions as key goals. The Sustainable Development Goals explicitly calls for a substantial increase in the share of renewable energy in the global energy mix (UNDP, 2025). The worsening climate situation demands that international actors reduce their reliance on fossil fuels and advance a green and low-carbon energy transformation.

In recent years, the global energy transition has eroded the dominance of oil and other fossil fuels within the international energy system, making clean energy a major driver of global energy development. The first oil well drilled in Pennsylvania in 1859 marked the beginning of the modern oil industry (Bo Wang, 2013, p252), and for over a century, oil has played a decisive role in the global energy order. However, the accelerating climate crisis has increased investment in clean energy and reduced the relative importance of traditional fossil fuels. According to the International Energy Agency, global oil demand growth slowed significantly in 2024, and oil's share in total energy consumption fell below 30% for the first time in 50 years. Meanwhile, renewables accounted for 38% of global energy growth, compared with only 11% for oil and 8% for nuclear energy (International Energy Agency, 2025). Clean energy has thus become a fundamental

pillar of sustainable development and a key force in meeting global energy demand while advancing the transition toward a greener energy system.

2.1.2 The Fourth Industrial Revolution and Great Power Technological Rivalry

Alongside the global energy transition, the Fourth Industrial Revolution—driven by intelligent technologies and centered on artificial intelligence, big data, and other advanced technologies—is reshaping the technological balance of power among nations and transforming the global political and economic order. Throughout history, four industrial revolutions have profoundly altered modes of production, social structures, and international power relations. The First Industrial Revolution enabled Britain to complete industrialization ahead of other countries, thereby facilitating the expansion of its global colonial system and the establishment of its world hegemony. The Second Industrial Revolution allowed the United States and Germany to emerge as major capitalist powers, shifting the international system from British unipolarity to multipolar competition, which eventually contributed to the outbreak of two world wars. During the Third Industrial Revolution, U.S. leveraged its advantages in computing and aerospace to consolidate its hegemonic position, establishing the pattern of its unipolar dominance after the Cold War. Today, humanity stands amid the Fourth Industrial Revolution, characterized by breakthroughs in information technology, new materials, renewable energy, and life sciences. Emerging industries such as AI and blockchain are rapidly developing (Zhisheng, Peiheng, & Chengxiong, 2019, p2), turning technological innovation into the central arena of great power rivalry and a key driver of global power redistribution.

The new wave of technological revolution has intensified technological rivalry among major powers. As Joseph Nye has argued, traditionally the test of a great power was its strength in war. Today, however, the definition of power is losing its emphasis on military force and conquest that marked earlier eras. The factors of technology, education, and economic growth are becoming more significant in international power (Nye, Joseph S, 1990, p154). A state's technological capacity not only reflects its scientific strength but also determines its national security and international competitiveness. The accelerating technological revolution has thus intensified great power rivalry. Emerging economies are seeking to seize the strategic window of technological change to achieve breakthroughs in strategic industries, enhance their international standing, and reshape the global order. Meanwhile, traditional powers such as the United States are attempting to monopolize core technologies through strategies of “small yard, high fence” employing technological containment to restrict the development of emerging

economies and to maintain their dominance, thereby deepening global fragmentation and systemic polarization.

In sum, structural transformations in global energy and technology constitute critical external factors driving the structural reconfiguration of U.S.-Saudi relations. The accelerating global energy transition compels Saudi Arabia to reduce its dependence on oil and pursue economic diversification. The expansion of clean energy opens new fields for U.S.-Saudi cooperation, enabling Saudi Arabia to convert its resource advantages into technological momentum and to shift from “security empowerment” to “development empowerment”. For the United States, whose hegemonic position faces increasing challenges, cooperation with Saudi Arabia—a “resource-capital” type state—serves to strengthen its dominance in the global technological system and maintain its hegemonic stability.

2.2 U.S. Drivers: Domestic Demand, Hegemonic Maintenance, and Development-Oriented Empowerment of Saudi Arabia

The structural reconfiguration of U.S.-Saudi relations during the Trump 2.0 era is the result of multiple, overlapping drivers. The structural adjustment of U.S. policy toward Saudi Arabia in this era is shaped both by domestic political and economic pressures and by Washington’s strategic objectives in the Middle East and its efforts to preserve global hegemony. At bottom, the United States’ strategic goal of development-oriented empowerment of Saudi Arabia is simple: through the structural reconfiguration and upgrading of bilateral ties, Washington seeks, on the one hand, to consolidate political support and stimulate economic returns, and on the other hand, to sustain global leadership with relatively limited costs. In this process, Saudi Arabia—an important partner by virtue of its energy, capital, and strategic position—has been redefined as a key node within U.S. policy logic.

2.2.1 Domestic political-economic drivers

U.S. policy toward Saudi Arabia in the Trump 2.0 era is rooted in domestic politico-economic imperatives. For decades, U.S. military-industrial complex has been deeply embedded in the American political and economic landscape and has exerted substantial influence on U.S. foreign policy and the reproduction of global hegemony. In recent years, however, pressures such as high defense spending and fiscal deficits have posed significant challenges to this sector. The mega arms sales agreements concluded between Trump and Saudi Arabia serve not only to protect the interests of U.S. defense industry but also as an instrument to achieve political and economic objectives. Concretely, large defense contracts generate

substantial fiscal revenues for U.S. government and sustain dollar liquidity, thereby supporting the stability of U.S. financial markets. Expanded arms production also generates persistent upstream and downstream orders across industrial supply chains, stimulating job creation and symbolically delivering on political promises to revive American manufacturing—thereby alleviating structural tensions and social pressures stemming from manufacturing decline. At the same time, slogans and pledges such as “America First”, “job creation” and “manufacturing revival” were crucial to Trump’s 2024 electoral appeal; multi-billion-dollar arms deals with Saudi Arabia can be quickly translated into tangible achievements that consolidate domestic political support.

Beyond the traditional interests of the defense sector, the rise of the high-tech industry is another motive driving Trump’s push for deeper technological cooperation with Saudi Arabia and greater development-oriented empowerment of the Kingdom. Compared with Trump’s 2016 campaign, the composition of his political support in 2024 shifted to include major tech firms. Companies such as Tesla, Apple, Google, and Amazon contributed financial and political support during the campaign, becoming important pillars of his electoral coalition. Trump’s repeated public commitments to support the U.S. technology sector—especially Silicon Valley firms and Texas energy interests—and to open new markets for American tech thus translate into support for enhanced U.S.-Saudi tech cooperation. Moreover, rapid growth in U.S. high-tech industries such as artificial intelligence has generated strong demand for new markets; Saudi Arabia, with its fiscal capacity and resource endowments, has emerged as a key destination for U.S. technological capital.

2.2.2 Regional and global imperatives for hegemonic maintenance

During the Trump 2.0 era, the United States placed greater emphasis on development-oriented empowerment of Saudi Arabia. Concretely, while retaining control over critical technologies and strategic prerogatives, Washington offers calibrated empowerment to Riyadh to meet the Kingdom’s needs for economic development and national transformation. Since the second World War, the United States and Saudi Arabia have been deeply intertwined in security, energy, and financial domains, with the United States historically holding development prerogatives. Yet recent declines in bilateral oil trade and the accelerating global energy transition have fundamentally challenged the structural basis of the relationship and increased Saudi strategic autonomy. To preserve the alliance, the United States has sought to leverage Saudi developmental demands—deepening economic and trade ties while maintaining security commitments—in order to grant Riyadh greater economic latitude and thereby consolidate U.S. priority and agency in Saudi development.

A reappraisal of the regional strategic landscape is another important driver prompting Washington to deepen ties with Riyadh. Strengthening relations with Saudi Arabia is central to U.S. strategic posture in the Middle East. As one of the region's leading states, Saudi Arabia occupies a crucial geopolitical position. Following the 2023 resurgence of the Israeli-Palestinian conflict, the Middle East has undergone dramatic change: the so-called "axis of resistance" centered on Iran has suffered significant setbacks, Iran faces acute internal and external challenges, and the region is witnessing a new phase of power realignment. Against this backdrop, deepening cooperation with Saudi Arabia allows the United States to reinforce its regional presence. On the one hand, bilateral security and development cooperation with Riyadh serves to exert pressure on Iran and to counterbalance its regional influence. On the other hand, with perceived declines in Iranian capabilities, shifts in Syrian politics, and a recalibration of Russian influence, Washington sees an important strategic window in the Middle East. By forging deeper ties with Saudi Arabia and leveraging the Kingdom's regional influence and diplomatic voice, the United States aims to cultivate Saudi Arabia as a "pivot state" that can help expand U.S. influence, reconfigure regional balances, and safeguard American geopolitical interests.

At the regional level, U.S. motive can be summarized as maintaining high leverage at low cost. Through development-oriented empowerment of Saudi Arabia, Washington seeks to preserve its geopolitical interests and influence in the Middle East while withdrawing or reducing costly direct commitments. Since the end of the Cold War, U.S. military engagements in the Middle East have often been criticized as "high cost, low return"; the prolonged wars in Iraq and Afghanistan have strained U.S. fiscal capacity and eroded Washington's credibility and influence. Following the Obama administration's strategic retrenchment, the Trump approach—marked by transactionalism and pragmatism—has aimed to consolidate U.S. influence through deep economic linkages with Saudi Arabia. By delegating parts of regional engagement to intensive economic cooperation, the United States reduces direct political and military exposure while consolidating long-term influence across the Gulf and the wider Middle East.

At the global level, the imperative to preserve dollar dominance and to reinforce American technological primacy are key drivers of deeper U.S.-Saudi engagement. As noted above, shifts in the global energy landscape and the diversification of energy trade have elevated the role of emerging economies such as China and India in Middle Eastern markets, and currency diversification in oil trade has become a focal concern. The BRICS grouping, which includes major energy producers and consumers, has actively expanded local-currency settlement

mechanisms and pushed for broader monetary diversification. Faced with these tendencies, the United States has sought to shore up the petrodollar system by encouraging Saudi investment in U.S. economy and widening channels for dollar circulation, thereby protecting the dollar's central role in energy settlement and cross-border finance. Concurrently, U.S. strategic calculus in the Middle East includes technological competition. Science and technology now constitute the core of great-power economic and military capacity (Feng & Banghao, 2025, p9). With China's rapid advances in AI and green technologies and with deepening Saudi-Chinese cooperation across investment, industrial chains, and scientific domains, Washington has grown increasingly wary of Chinese technological influence in the Kingdom. By selectively empowering Saudi capabilities in high-tech sectors, the United States aims not only to maintain its influence in Saudi high-tech development but also to lock Riyadh into a U.S.-centered technological ecosystem, thereby structurally embedding Saudi dependence on the United States and preventing further Chinese technological penetration. In other words, U.S.-Saudi cooperation also constitutes an extension of U.S.-China strategic competition into the Middle East.

In sum, the drivers behind the United States' push for structural reconfiguration of U.S.-Saudi relations in the Trump 2.0 era are rooted in domestic politico-economic needs and in the imperatives of regional and global hegemonic maintenance. Domestically, the demands of the defense and technology sectors and the political pressures faced by the Trump administration necessitate leveraging Saudi partnership to sustain internal momentum; internationally, regional rebalancing, the stability of the dollar system, and global technological competition compel Washington to deepen reliance on Riyadh. Thus, the reconfiguration of U.S.-Saudi relations is not merely a product of policy choice but an outcome shaped by larger international political-economic structural transformations.

2.3 Saudi Arabia Drivers: The Deep Coupling of Regime Security and Developmental Security

During the Trump 2.0 era, Saudi Arabia actively pursued a structural reconfiguration and upgrading of its relations with the United States. Its drivers were not confined to the singular pursuit of economic diversification; rather, they reflected a multidimensional calculus concerning both regime security and developmental security. Domestically, Saudi Arabia seeks to mitigate the fiscal and social pressures generated by dependence on a single-resource oil economy through structural transformation, thereby maintaining regime stability and legitimacy. At the regional level, against the backdrop of ongoing power

reconfiguration and shifting dynamics in the Middle East, Riyadh prioritizes the enhancement of regional strategic agency in order to consolidate its position as a major power in the region. At the global level, while the Kingdom aims to cultivate new sources of national competitiveness amid energy transition and technological revolution, it remains unable to disentangle itself from structural dependence on the United States in security, technology, and finance. As a result, Saudi Arabia seeks additional calibrated “empowerment” under an American-led framework, enhancing its developmental autonomy within the restructured relationship.

2.3.1 Regime Consolidation and the Politicized Function of Vision 2030

State survival constitutes the foundation of state interests, and state interests provide the principal driver of foreign policy (Qingmin, 2019, p138). As a classical rentier state, Saudi Arabia’s economic development and social functioning have long been heavily dependent on oil revenues. Oil rents supply income to the royal family, tribal elites, the military, and the civil bureaucracy, functioning as the core guarantee of monarchical stability and state operation, while simultaneously underpinning economic and social development and sustaining the provision of public goods and high-welfare systems (Mo, 2020, pp67-75). However, with the acceleration of the global energy transition, oil can no longer serve as the sole and indefinite pillar of regime stability, and the negative externalities of oil dependence have become increasingly salient. According to statistics from the International Labour Organization, prior to 2020, Saudi youth unemployment consistently exceeded 20 percent (WorldBank, 2025). In parallel, pronounced volatility in global oil prices has undermined fiscal stability and constrained the state’s capacity to maintain its welfare commitments. Accordingly, economic diversification is not merely an economic imperative but a precondition for regime security.

Vision 2030 is not solely an economic modernization blueprint; it functions as a security strategy tied to regime stability. The plan seeks to position Saudi Arabia as the heart of the Arab and Islamic, a global investment powerhouse, and a confluence connecting three continents, driving economic diversification and national transformation (CEDA, 2020). By promoting industrial diversification, developing clean energy, and introducing high technologies, the Kingdom seeks to build new fiscal and employment pillars, thereby advancing economic progress and social development while consolidating internal regime security — a political-economic dual gain. Given Saudi Arabia’s technological constraints and its need for market expansion, achieving the objectives of Vision 2030 requires external support, particularly in technology and capital. The United States possesses significant advantages in high-technology, dollar capital, and defense

capabilities, making it a pivotal partner in advancing this strategy. In other words, developmental imperatives and security imperatives are mutually embedded, jointly driving the deepening of cooperation during the Trump 2.0 era.

2.3.2 Reconciling the Continuity of US Dependence with the Pursuit of Autonomy

Although Saudi Arabia has actively pursued diplomatic diversification to enhance its strategic autonomy, in core domains the United States remains “irreplaceable,” and the Kingdom continues to be structurally dependent on Washington. In the security domain, the United States has long served as the principal guarantor of Saudi defense, and the security order of the Gulf has been American-led for decades. During the Cold War, Saudi Arabia served as a forward position in US containment of Soviet expansion in the Middle East. After the 1979 Iranian Islamic Revolution, U.S. “Twin Pillars” strategy in the Gulf suffered a major setback. Saudi Arabia confronted severe threats from Iran across security, ideological, political, and religious dimensions, while US–Iran relations deteriorated amid fundamental divergences in core principles. Against this backdrop, US–Saudi security cooperation deepened further, strengthening Riyadh’s security dependence on Washington. During the Gulf War, the United States capitalized on Saudi geostrategic positioning, resulting in a deeply embedded defense partnership. Despite episodes of turbulence in recent years, the United States remains Saudi Arabia’s largest supplier of military equipment, and the Kingdom’s dependence on U.S. in the security field remains substantial. In the financial domain, the petrodollar system continues to constitute an external pillar of Saudi economic stability. The dollar remains resilient in energy trade, and dollar hegemony is unlikely to be overturned in the short term. Although Saudi Arabia has experimented with local-currency energy settlement with China and other major energy consumers, such measures are primarily symbolic. Only a major crisis capable of fundamentally eroding global confidence in the dollar could decouple oil from the dollar (Yuyan & Zenggang, 2010, pp271-272). At present, large-scale “de-dollarization” remains unrealistic. In the technological domain, the United States maintains clear advantages across the global value chain, including semiconductors, artificial intelligence, and defense technologies. Saudi Arabia’s structural dependence on the United States in security and finance renders “de-Americanization” infeasible; in order to secure developmental empowerment and space for national transformation, the Kingdom must concede certain benefits.

Saudi Arabia is not passively dependent but rather seeks autonomy within dependence, leveraging “empowerment” to expand its developmental space. In the

context of US–China strategic rivalry, Saudi Arabia, guided by national-interest considerations, adopts a hedging strategy to avoid alignment and maintain a calibrated balance (Gaoyang & Xinyu, 2024, pp120-121) The essence of this balancing is to extract greater empowerment and material benefit from both Washington and Beijing. As strategic competition between the United States and China intensifies, Saudi Arabia—with its strategic location, significant clean-energy potential, and strong policy commitment to transformation—has become a focal point of great-power competition. Riyadh treats this competition as a strategic opportunity, hedging between the two sides and engaging in dual-betting to secure greater developmental gains and strategic autonomy.

3. Impacts and Prospects of the Structural Reconfiguration of U.S.-Saudi Relations

During the Trump 2.0 era, U.S.-Saudi relations have transcended the traditional interactional structure of “security-oil-dollar” and entered a new phase characterized by the reconfiguration of the “security-oil-dollar-investment” structure, the deep embedding of the production and knowledge structures, and the parallel advancement of “security empowerment” and “development empowerment.” The structural reconfiguration and upgrading of U.S.-Saudi relations generate multiple impacts. For both sides, on the one hand, the deepening of U.S.-Saudi relations serves the United States’ need to maintain its influence in the Middle East and to sustain its global hegemony; on the other hand, it provides external support for Saudi Arabia’s pursuit of national transformation and Vision 2030, its enhancement of national competitiveness, and the expansion of its diplomatic maneuverability. At the regional and global levels, the adjustment of U.S.-Saudi relations has spillover effects: it not only shapes the evolution of the Middle Eastern power configuration, but also affects the trajectory of great-power strategic competition. Moreover, the renewed U.S.-Saudi cooperation is not free of friction. Its inner tensions stem from the degree of implementation of bilateral arrangements, the persistent volatility of the Middle East, and the structural contradictions between the demands of both sides. In this regard, this chapter argues that although the United States and Saudi Arabia have constructed a multi-layered and high-return strategic cooperation scheme at the levels of institutional design and structural embedding, its implementation remains fraught with uncertainties and challenges.

3.1 The Multiple Impacts of the Structural Reshaping of U.S.-Saudi Relations

The deepening of U.S.-Saudi cooperation during the Trump 2.0 era has generated multidimensional effects. For the United States, the relationship is closely tied to the maintenance of dollar hegemony and technological strategic positioning, as

well as to its diplomatic configuration and hegemonic preservation in the Middle East. For Saudi Arabia, it represents a pathway whereby security and development proceed in parallel; yet the intensification of structural dependence on the United States may compress the Kingdom's room for strategic autonomy. For China, it introduces new competitive pressure, complicating the environment for China-Saudi technological cooperation and China's strategic layout in the Middle East, though it does not fundamentally alter the overall trajectory of China-Saudi cooperation. At the regional level, U.S. efforts to draw in Saudi Arabia and other GCC states by extending development-oriented empowerment further enhance the power configuration of the Gulf region. However, Trump's economic unilateralism heightens major-power strategic rivalry and injects additional uncertainty into regional development.

3.1.1 Impact on the United States: Low-Cost Rent Extraction and Hegemonic Preservation

The structural reconfiguration of U.S.-Saudi relations enables the United States to extract interests at low cost and to sustain its hegemonic position under conditions of strategic retrenchment. As U.S. recalibrates its global posture and reduces direct military intervention in the Middle East, the Trump administration—instead of investing in costly, long-term military engagements—has pursued deeper and broader cooperation with Saudi Arabia to secure high-leverage returns at relatively low-cost. The large-scale deals reached during Trump's visit to Saudi Arabia can be rapidly converted into visible political and economic outcomes. Compared with long-horizon military deployment, this transaction-based mode of interaction entails lower political risk and yields immediate, observable gains—consistent with Trump's deal-oriented diplomatic style. Within this transactional framework, cooperation with Saudi Arabia in security, energy, investment, and technology allows the United States to meet the development demands of the military-industrial complex and the high-tech sector, thereby consolidating domestic political support. At the international level, it helps reinforce dollar hegemony and dampen the impact of de-dollarization. Moreover, by granting Saudi Arabia limited empowerment in fields such as AI and semiconductors, the United States embeds Saudi development into a US-led technological system, constrains other major powers' entry into the Saudi market, and safeguards its own technological competitiveness. The geopolitical implications are equally significant. By binding Saudi Arabia more closely to U.S. orbit, Washington strengthens its strategic influence in the Middle East and gains initiative in major-power competition with China. In this sense, the structural reconfiguration and upgrading of U.S.-Saudi relations functions as a crucial instrument for the United States to maintain hegemony under strategic retrenchment—achieving high

political and economic returns at low cost, while sustaining its dominance at both regional and global levels.

3.1.2 Impact on Saudi Arabia: The Tension Between Developmental Empowerment and Strategic Autonomy

The structural reconfiguration and upgrading of U.S.-Saudi relations has provided Saudi Arabia with empowerment on both the security and development fronts, injecting new momentum into national transformation and the implementation of Vision 2030. Through cooperation with the United States in high technology, clean energy, and financial capital, Saudi Arabia can rapidly import advanced technologies, expand access to investment, and enhance industrial competitiveness. This cooperation strengthens economic resilience, reduces fiscal and social risks arising from a single-resource economy, and creates a favorable external environment for Saudi Arabia to position itself as a regional power and an emerging global actor in the post-oil era. However, such developmental empowerment is not cost-free: in exchange for market access and technological entry, Saudi Arabia must in practice surrender part of its economic rents to the United States under the pressure of “America First” and transactional diplomacy.

For Saudi Arabia, the deepening of the bilateral relationship constitutes a double-edged sword, generating a structural tension between gaining empowerment and preserving autonomy. On the one hand, U.S. “empowerment” in security, energy, and technology provides Saudi Arabia with greater developmental space and a relatively stable transition pathway, helping it to reduce its dependence on oil revenues, achieve economic diversification, and maintain regime stability. Saudi Arabia is actively converting its resource advantages into developmental advantages by leveraging the Fourth Industrial Revolution as a strategic window to elevate its position and influence within global technological competition. On the other hand, the deep structural dependence on U.S. in finance and technology inevitably compresses the room for maneuver of Saudi Arabia’s diversified diplomacy and constrains the exercise of strategic autonomy. Although Riyadh seeks to hedge risk by simultaneously deepening cooperation with China and other emerging economies, its reliance on the United States in core technologies and financial infrastructures renders its “multi-balancing” strategy structurally limited. Moreover, given Trump’s intent to weaponize technological cooperation as leverage in great-power rivalry, the United States is likely to pressure Saudi Arabia to side with Washington in its competition against China, further narrowing Riyadh’s autonomous strategic space. In sum, while the current model of U.S.-Saudi cooperation may, in the short term, provide Saudi Arabia with significant external support for development and transformation, the deepening



structural dependence on U.S. simultaneously generates new constraints on its long-term capacity for autonomous development. The structural reconfiguration of bilateral relations thus gives rise to a trade-off in which Saudi Arabia must continuously balance “gaining empowerment” against “ceding autonomy.”

3.1.3 Impact on China: Intensified Competition amid Persistent Cooperation

The deepening of U.S.-Saudi cooperation—particularly the advancement of cooperation in high-tech sectors and clean energy—objectively heightens the competitive pressure China faces in its strategic deployment in the Middle East, but it does not fundamentally alter the overarching trajectory of China-Saudi cooperation. By providing Saudi Arabia with limited technology access and capital support, the United States seeks to seize the initiative in critical areas such as artificial intelligence, semiconductors, data centers, and the new-energy industrial chain, thereby weakening China’s strategic competitiveness in Saudi Arabia’s high-tech industries. U.S. intervention and containment against China will complicate the external environment surrounding China-Saudi technological cooperation and industrial coupling, rendering the competitive pressure more salient.

Despite the intensification of competitive pressure, U.S.-Saudi cooperation does not constitute a structural shock to China-Saudi cooperation nor does it disrupt its long-term trajectory. First, China and Saudi Arabia retain vast cooperation space and development potential in energy, infrastructure, and manufacturing. Saudi Arabia is China’s largest trading partner in the Middle East, while China is likewise Saudi Arabia’s largest trading partner. Their trade structures are highly complementary. China possesses irreplaceable advantages in clean-energy equipment, digital-economy applications, infrastructure engineering, and commodity trade, which align with Saudi Arabia’s demands for national transformation and economic diversification—advantages that the United States cannot fully substitute. Second, in advancing Vision 2030, Saudi Arabia pursues a diversified foreign policy and multi-channel development strategy with an emphasis on strategic autonomy at the diplomatic level. While U.S.-Saudi cooperation in technological domains may generate frictions for China-Saudi cooperation, it does not imply that Saudi Arabia will abandon China or tilt fully towards the United States—such a move would contradict Saudi Arabia’s strategic interests. As one of the earliest supporters and co-constructors of the Belt and Road Initiative, Saudi Arabia will not relinquish its strategic opportunities to deepen cooperation with emerging economies such as China simply due to U.S. pressure. Third, the substantive logic of U.S.-Saudi cooperation determines that

Riyadh will not reduce cooperation with China but instead expand development space through hedging. As previously noted, Saudi Arabia's deepening cooperation with the United States stems from its structural dependence on U.S., seeking greater empowerment in security and development in exchange for enhanced guarantees for national transformation, regime stability, and its pursuit of middle-power status. Moreover, the transactional nature of U.S.-Saudi cooperation and the uncertainty and unpredictability of Trump's governance make it implausible for Saudi Arabia to take sides and sacrifice one for the other; instead, it will leverage U.S.-China competition to maximize gains by "putting eggs in different baskets" and enhancing its ability to navigate risks amid intensifying great-power competition. Fourth, the structural power distribution of the international system and the foreign policies of the major powers make it impossible for Saudi Arabia to fully rely on and align with the United States. In recent years, although the United States remains the world's leading superpower, the accelerating trend of global multipolarity has enabled the "Global South" to rise comprehensively in economic, political and international status, generating unprecedented influence and becoming one of the key variables shaping the evolution of the world order (Xijun & Chen, 2023, p64). The relative decline of U.S. hegemony and leadership is an objective reality. Trump's second administration—characterized by "America First"—further amplifies global instability and uncertainty, driving states to recognize the risks of unilateral dependence on the United States. China, by contrast, adheres to openness, inclusiveness, reciprocity, and win-win cooperation, forming a sharp contrast to Trump's interest-maximizing unilateralism.

In sum, while U.S.-Saudi cooperation in key sectors raises the level of structural competition China faces in the Middle East, it does not destabilize the foundational structure of China–Saudi relations. Competition and cooperation will coexist within a higher-order structural game, and China's influence will remain resilient.

3.1.4 Impact on the Middle East: Power Reconfiguration and Rising Uncertainty

The deepening of U.S.-Gulf relations in the Trump 2.0 era—particularly the new cooperation model anchored in dual-track empowerment in security and development—is driving a profound structural reconfiguration of regional power in the Middle East. Trump's "development empowerment" of Gulf states is likely to intensify intra-regional strategic competition and rivalry. On the one hand, U.S. cooperation with Saudi Arabia in new energy, artificial intelligence, and critical minerals significantly enhances Saudi Arabia's momentum in national

transformation and strengthens its competitive position within the Gulf and broader Middle East. On the other hand, Trump's "Middle East trip" also yielded large-scale economic agreements with the UAE and Qatar, covering energy, aerospace, and artificial intelligence (Whitehouse, 2025b). "Development empowerment" has therefore become a unified policy logic of the Trump 2.0 administration toward Gulf states. Overlaps in development goals and domains between Saudi Arabia, the UAE, and Qatar are bound to intensify competition and rivalry within the GCC. Furthermore, U.S. development empowerment does not eliminate structural fragility in the Middle East; rather, it risks intensifying regional imbalance and fragmentation. Amid Iran's weakened capabilities and the deterioration of the Gaza crisis, deepened U.S.-Gulf cooperation may generate adverse spillovers. Expanded U.S.-Gulf alignment in security and defense may heighten Iran's insecurity, triggering escalatory dynamics and introducing greater volatility into regional security and power equilibrium. Meanwhile, the protracted Israel-Palestine conflict and the humanitarian catastrophe in Gaza stand in sharp contrast with the deepening of U.S.-Gulf cooperation, magnifying the risk of regional polarization and social rupture.

3.2 Challenges Facing the Development of U.S.-Saudi Relations

Despite the embedded, multi-domain cooperation achieved at the structural level—which has enhanced the stability and resilience of bilateral relations, but U.S.-Saudi cooperation is not seamless and still faces a series of challenges. Whether the outcomes reached at the level of U.S.-Saudi agreements can be fully implemented and converted into robust strategic assets remains subject to several constraints, including the uncertainty of U.S. policy, the continued deterioration of the Gaza situation and fractures in Saudi-Israeli relations, and the structural contradictions in U.S.-Saudi expectations.

3.2.1 Constraints from U.S. Policy Uncertainty

Domestic concerns within the United States regarding risks of technology leakage, combined with the uncertainty and volatility of Trump's foreign policy, have to some extent undermined the stability and deepening of U.S.-Saudi cooperation. Trump's move to loosen chip restrictions on Saudi Arabia and expand cooperation in fields such as artificial intelligence has triggered domestic anxiety over the loss of leadership in AI. Experts at the Center for a New American Security have argued that AI chips should not be bargaining chips for broader trade deals, that might be beneficial for trade in the near term, but cede AI leadership in the longer term (Chow Andrew R, 2025). Moreover, the uncertainty and volatility inherent to Trump-style foreign policy further increase instability in U.S.-Saudi cooperation. Since Trump's return to the White House in January

2025, he has resumed the process of imposing reciprocal tariffs on countries around the world, using tariffs as an important instrument for implementing “America First”, fueling an escalating global trade war. Driven by the logic of U.S. interests supremacy, Trump employs economic sanctions, tariff hikes, and technology export controls as tools to compel concessions from other states. In the course of U.S.-Saudi cooperation, should short-term returns diverge from U.S. expectations, Trump may at any time re-evaluate the strategic value of Saudi Arabia, thereby adding to the instability of bilateral cooperation.

3.2.2 Continuing Israel-Palestine Conflict and Fractures in Saudi-Israeli Relations

The Israel-Palestine conflict continues to escalate, the humanitarian crisis in Gaza is worsening, the normalization process between Saudi Arabia and Israel has stalled, and cracks in the bilateral relationship are widening. In this context, the United States has pushed for Saudi-Israeli normalization, urging Saudi Arabia to join the “Abraham Accords” in the hope of reconciling U.S. allies in the Middle East. However, this initiative directly collides with Saudi Arabia’s insistence on making the “two-state solution” a precondition for normalization.

While Saudi Arabia requires external support from the United States to advance its domestic transformation, as a leading state in the Middle East it must also respond to demands of the Arab world on the Gaza issue. Any move perceived as sacrificing Palestinian interests in exchange for diplomatic gains could erode Saudi influence in the Arab and Islamic worlds and undermine its regional leadership. Saudi Arabia must therefore firmly uphold the two-state solution as the path to resolving the Gaza conflict. In July 2025, at a UN headquarters meeting, the Saudi foreign minister endorsed the the final document of the high-level International Conference on the Peaceful Settlement of the Palestinian Question and the Implementation of the two-state solution and called on states to work together to end the war in Gaza and reaching a just, peaceful, and lasting settlement of the Israeli-Palestinian conflict (Saudi Press Agency, 2023). In sharp contrast, while the United States has aggressively sought to normalize relations among its Middle East allies, aiming to reduce strategic risk and reshape the regional balance, it has ignored Saudi demands on implementing the two-state solution and instead continues to pursue an overtly pro-Israel policy. This refusal to advance the two-state solution has created a fundamental political divergence between Washington and Riyadh on Gaza, casting a shadow over further deepening of bilateral relations.

3.2.3 Structural Contradictions: Saudi Hedging and U.S. Alliance-Integration Demand



At the most fundamental level, the core expectations of the two sides for deepening bilateral cooperation are marked by structural contradictions. Against the backdrop of global energy transition and intensifying great-power technology rivalry, Saudi Arabia's rationale for deepening cooperation with the United States is to leverage U.S. influence in the Kingdom and the strategic window provided by U.S.-China technological competition to reduce dependence on a single external provider of security and finance through U.S. developmental empowerment, thereby achieving a higher degree of strategic autonomy.

Saudi Arabia thus gravitates toward a strategy of diversified balancing: it deepens cooperation with the United States while simultaneously maintaining close economic ties with China, Russia, and other states. In regional affairs, Saudi Arabia adheres to a moderate foreign policy, prioritizes development as its central national task, and exercises caution while retaining maneuverability in regional flashpoints. On Iran, Saudi Arabia has actively sought to consolidate the hard-won rapprochement reached in 2023, refraining from fully aligning with U.S. hardline position amid continued Iran-Israel confrontation so as to avoid strategic entrapment. On Gaza, Saudi Arabia has played an active role, firmly defending the two-state solution and responding to the demands of the Palestinian people and the broader Arab world—demonstrating the strategic responsibility expected of a major Middle Eastern power. By contrast, U.S. seeks to integrate Saudi Arabia into a more clearly defined strategic orbit through deepened cooperation, via arms sales, technological cooperation, and other instruments, transforming the Kingdom into a key proxy for U.S. strategic competition in the Middle East. The structural contradiction at the core of U.S.-Saudi strategic expectations lies in the paradox of “empowerment and dependence”: Saudi Arabia advances national transformation through greater U.S. empowerment, yet empowerment simultaneously produces deeper dependence, constraining its strategic autonomy. The United States, meanwhile, uses expanded empowerment to strengthen Saudi dependence and secure strategic returns at relatively low cost, but in the long term will inevitably face challenges to governance and trust as its partner's strategic autonomy increases.

Conclusion

The structural reconfiguration and upgrading of U.S.-Saudi relations during the Trump 2.0 era is not only a microcosm of the ongoing transformation of oil-producing states in the Middle East, but also a reflection of the evolution of the global power configuration. Against the backdrop of the global energy transition, shifts in the energy landscape, the Fourth Industrial Revolution, and intensifying great-power technological rivalries, the two sides have moved beyond the traditional “security–oil–dollar” structure. By the reconfiguration of the “security–

oil-dollar-investment” nexus and deeply embedding energy and technological structures, U.S.-Saudi relations are being propelled toward a more complex composite configuration. This transformation both continues the strategic logic of U.S. hegemonic maintenance and reflects Saudi Arabia’s demand for external support under the pressure of domestic transformation. Through low-cost intervention and development-oriented empowerment, the United States has consolidated its regional influence; in turn, Saudi Arabia has utilized U.S. empowerment in the dual dimensions of security and development to advance Vision 2030 and national transformation, gaining room for development amid structural dependence. However, this structurally embedded cooperation is far from frictionless. Under Trump’s “America First” transactional diplomacy, the continuity and stability of cooperation remain uncertain. Meanwhile, Saudi Arabia remains structurally dependent on the United States in finance, technology, and security, making it difficult to reconcile “empowerment extraction” with “strategic autonomy”. As a result, the long-term sustainability and stability of U.S.-Saudi cooperation remain deeply uncertain.

U.S.-Saudi cooperation affects not only the bilateral level, but also regional dynamics and shifts in the international order. For the United States, it yields low-cost, high-leverage returns and contributes to hegemonic preservation. For Saudi Arabia, it simultaneously generates opportunities and risks. At the regional and great-power levels, on the one hand, the Gulf region has become more salient due to internal developmental upgrading and external empowerment, enhancing its regional weight. Yet, given Iran’s weakening and the protraction of the Gaza conflict, asymmetric development between Gulf states and other parts of the Middle East may further deepen regional imbalance and fragmentation, incubating new instability. On the other hand, the upgrading of U.S.-Saudi cooperation intensifies U.S.-China strategic competition in the Middle East, turning the region into a key arena of great-power rivalry.

The structural reconfiguration of U.S.-Saudi relations is not merely the outcome of bilateral interaction, but the product of international structural change and the redistribution of resources. Its future trajectory will exert profound impact on regional security dynamics, and on the evolution of global energy, financial, and technological orders, as well as on great-power competition. It is foreseeable that the future of U.S.-Saudi relations will exhibit a “dual-track” pattern: in the short term, convergent interests will continue to generate visible deliverables; in the longer term, the interaction may be repeatedly recalibrated due to internal and external tensions embedded in their structural configuration.

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The role of marginal capital adequacy in reducing risks and enhancing banking performance

an analytical study of a sample of commercial banks in Iraq

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Abstract

Capital adequacy and risk management in banks is one of the most important topics that economists have given great attention to, both economically and from a banking perspective, following the crisis that struck the global economy and led to the bankruptcy of several major banks. This research aims to analyze the relationship between capital, risk management, and banking performance, taking into account the challenges and special circumstances facing Iraqi banks. Given the importance of the topic at the local and international levels, international regulatory bodies have set standards and criteria for the adequacy of commercial banks' capital, the risks they face, the magnitude of these risks on banking sector indicators, and the measurement of their impact on capital and risk-weighted assets. Given the inadequacy of some provisions of international standards with the nature of private businesses in Iraq due to the underdevelopment of the banking sector in Iraq, this research attempts to shed light on the impact of capital adequacy on commercial banks.

Keywords: Marginal capital adequacy, risks, commercial banks, banking performance, banks

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Introduction

Research Problem

Considering the significant developments in commercial banking activity globally and the increased risks they face, capital adequacy standards have emerged and developed significantly through the issuance of the three Basel Accords. However, commercial banks in Iraq still fall below the required level in keeping pace with these developments. Hence, the problem of determining the extent of capital adequacy applied to the performance of commercial banks operating in Iraq can be raised.

Research Hypothesis

The research is based on the hypothesis that there is a positive relationship between marginal capital adequacy and the performance of commercial banks, as marginal adequacy affects the performance of commercial banks and is affected by them.

Research objectives

The research seeks to achieve several objectives, the most important of which is to study the most important developments characterizing banking activity, as well as to understand capital adequacy and its impact on the banking sector. This is achieved by examining the impact of the relationship between them according to the controls established by the Basel Committee, with a focus on capital adequacy. This research also seeks to achieve the following objectives:

1. To understand the concept of capital adequacy in banks and how to estimate it.
2. To study the various provisions of the Basel Accords regarding capital adequacy in banks, and to identify the banking system related to capital adequacy in commercial banks, strengthening the credibility of the financial and banking system in Iraq, and the resulting balance between banking risk and return, which is reflected in maximizing the value of commercial banks.

Research structure

The research was divided into two sections. The first section dealt with capital adequacy and commercial banks - the theoretical and conceptual framework. The second section focused on marginal capital adequacy indicators and their role in improving banking performance in the banks of the study sample. The research concluded with a set of conclusions and recommendations.

1-Capital Adequacy and Commercial Banks - Theoretical and Conceptual Framework

To understand the foundations of the relationship between capital adequacy and commercial banks, we need to understand capital adequacy, the risks to which they are exposed, and the impact of these risks on commercial banks. To understand these risks and their impact on the relationship between the two study variables, the first section of the research is as follows:

First: The concept of capital adequacy: is defined as the awareness and awareness of various types of risks that commercial banks may be exposed to in their operational processes. This relationship can be expressed through the following equation:

$$\text{Risky assets equity ratio} = \frac{\text{intellectual property rights}}{\text{Risky assets}}$$

Risky assets are defined as all assets except liquid assets (cash, balances at the central bank, balances at banks and financial institutions), Examples of risky assets include secured or unsecured loans, other securities, and long-term investments (Khrioush, Hosni, et al., 2004, 59-77.).

Capital adequacy refers to the ability and efficiency of commercial banks to measure, direct, and monitor the risks they face, with the aim of limiting and controlling them, making decisions that are consistent with their strategy and policies, and strengthening their competitiveness. Capital adequacy also helps in pricing banking services and maximizing the returns of bank operations. It also helps in establishing the necessary policies and procedures to prevent various types of risks, which arise as a result of technological and electronic developments, increasing complexity in banking operations, and intense competition among banks. Therefore, commercial banks are obligated to provide sufficient capital coverage to confront any potential risks they may be exposed to, and to develop an appropriate strategy to maintain this coverage, ensuring that the bank remains above the specified ratio, avoiding intervention by monetary authorities to prevent its decline. This is known as corrective action (Saud Musa Al-Tayeb, 2011, p359).

This ratio illustrates the relationship between a bank's capital sources and the risks surrounding its assets and any other operations. The capital adequacy ratio is a tool for measuring a bank's ability to meet its obligations and address any future losses. In other words, increased capital adequacy in banks is an indicator of protecting depositors' funds, helping to reduce the risks of crises that a bank may be exposed to, especially the costs of bankruptcy (Ezz El-Din Mustafa Al-Kour, 2010).

Second: Capital components according to the Basel Committee's decisions:
Capital adequacy is determined based on the following considerations:

1- Linking the bank's capital reserves to the risks arising from its various activities, regardless of whether they are included on the bank's balance sheet or off-balance sheet.

2- Dividing capital into two groups or tranches:

First // Core capital: Includes shareholders' equity + declared reserves, general and legal reserves + undistributed or retained earnings.

Second // Supplementary capital: Not exceeding 100% of core capital, and includes undisclosed reserves + asset revaluation reserves + reserves to meet bad debts + medium- and long-term lending from shareholders + securities (stocks and bonds that convert to shares after a period). The decisions also stipulate that debt to third parties (i.e., capital bonds) should not exceed a maximum of 50% of supplementary capital.

Risks Surrounding Commercial Bank Assets:

1- Liquidity Risk : represents the current and future risks associated with commercial banks' profitability and capital. These risks arise from banks' inability to meet their obligations as they fall due, as well as their inability to manage unexpected declines or changes in funding sources. Liquidity risk increases when banks are unable to anticipate new demand for loans or deposit withdrawals and are unable to access new sources of cash to cover these demands. Liquidity risk can be measured using the following equation:

$$\text{Liquidity Risk} = \frac{\text{Liquid Assets}}{\text{Total Liabilities}}$$

Liquid assets represent cash and balances with the central bank and balances with banks and financial institutions, while total liabilities represent all long-term and short-term obligations such as current and savings deposits.

2- Interest Rate Risk: It is the risk resulting from interest rate fluctuations that may have a negative impact on banks' revenues and capital, as banks face these risks as financial intermediaries. Therefore, interest rate risks may pose a significant threat to the bank's profits and capital. (Nasr Abdel Karim, Mustafa Abu Salah, 2007, p11)

Interest rate risks are measured using the following equation:

$$\text{Interest rate risk} = \frac{\text{Interest rate sensitive assets}}{\text{Interest rate sensitive liabilities}}$$

Interest rate-sensitive assets represent credit facilities, while sensitive liabilities represent customer deposits, bank and banking institution deposits, and borrowed



funds. The literature indicates that there is an inverse relationship between interest rate risks and capital adequacy, meaning that an increase in capital risks leads to a decrease in capital adequacy (bank solvency), and vice versa.

3- Return on Equity (ROE): This ratio expresses the return owners achieve on their investment in the bank. It is considered one of the most important profitability ratios used, as based on this ratio, owners may decide to continue the activity or transfer funds to other investments that achieve an appropriate return. This model has been used since the early seventies in the United States of America by David Cole, as a measure to evaluate the performance of banks. It is summarized in several forms that enable the analyst to evaluate the source and size of the bank's profits related to selected risks, mainly credit risk, liquidity risk, interest rate risk, capital risk, and operational risk. (Muhammad Qureshi, 2004, 89-95.)

This variable can be measured using the following equation:

$$\text{Return on Equity} = \frac{\text{Net Profit After Tax}}{\text{Total Equity}}$$

This ratio reflects the bank's efficiency and success in investing its funds. Financial and banking literature has demonstrated a direct relationship between the return on equity and the degree of capital adequacy. This means that any increase in the return on equity will lead to an increase in the degree of capital adequacy, and vice versa.

4- Return on Assets (ROA): This ratio represents all the assets owned by the bank and their ability and efficiency to generate profits over a specific period of time. In other words, it demonstrates the bank's success in investing its assets and its adequacy in directing them toward profitable investment opportunities. This ratio is measured using the following equation:

$$\text{Return on Assets} = \frac{\text{Net Profit After Tax}}{\text{Total Assets}}$$

5- Capital Risk: This represents the probability of a bank's inability to meet its obligations. A bank is unable to meet its obligations when it faces negative equity. A bank's net equity is determined by the difference between the market value of its assets and the market value of its liabilities. Capital risk can be measured as follows:

$$\text{Capital Risk} = \frac{\text{Paid - up Capital}}{\text{TRisk - Weighted Assets}}$$

Paid-up capital represents invested capital, while risk-weighted assets represent all assets excluding cash and balances with banks and financial institutions (Hill Ajami Al-Janabi, 2005, 273).

Financial and banking literature indicates a close relationship between capital risk and capital adequacy, represented by the ratio of equity to risk-weighted assets. This means that increased capital risk requires increased capital adequacy to

address investment risks, which ultimately requires the bank to increase equity to address capital risks. Thus, it becomes clear that the relationship between capital risks and capital adequacy is an inverse relationship, meaning that an increase in capital risks leads to a decrease in capital adequacy (bank solvency) and vice versa.

6- Credit Risk (CR) Credit risk arises when banks provide loans or credit to individuals and various economic sectors, but the borrower is unable to repay the loan amount and interest. This may result from the borrower's inability to repay the loan amount and interest by the due date, or because the borrower has the financial ability to repay but does not wish to do so for one reason or another. Therefore, credit risk represents the losses that banks may incur due to the customer's inability to fulfill their obligation or their lack of intention to repay the loan principal and interest (Kamal Raziq, Farid Kurtal, 2007).

This variable can be measured using the following equation:

$$\text{Credit Risk} = \frac{\text{Total Loans} - \text{Provisions for Doubtful Debts}}{\text{Total Assets}}$$

Financial and banking literature indicates an inverse relationship between credit risk and bank credit, meaning that the lower the bank credit risk, the higher the bank credit, which leads to a higher equity ratio for risky assets and a higher margin of safety against investment risks.

Third // The Concept of Commercial Banks:

Banks that grant short-term loans and accept deposits that can be withdrawn on demand or after a short period are called commercial banks. The basic criterion that distinguishes commercial banks from other banks is that their economic activity is focused on short-term credit operations and accepting deposits on demand. Most of commercial banks' short-term loans focus on financing commercial transactions, given that their resources depend primarily on deposits that can be withdrawn on demand. This does not mean that they are limited to this type of financing alone, but rather extends to providing all types of lending, whether medium- or long-term (Falih Hassan Khalaf Al-Ghazi, 1976, p29). Commercial banks can be defined as banks that routinely accept deposits payable on demand or for limited periods, engage in domestic and foreign financing operations, and undertake savings and financial investment development operations at home and abroad. They also contribute to the establishment of projects and the banking, commercial, and financial operations required by them, in accordance with the conditions determined by the Central Bank (Mahmoud Younis, Abdel-Nasser Mubarak, 1982, p130).

Fourth // Sources of Financing for Commercial Banks:

Financing sources are the bank's obligations that appear on the liabilities side of the bank's balance sheet (Sayed Mahmoud Al-Hawari, 1987, p212), which contains all sources from which the commercial bank is financed and is divided into internal and external sources.

1- Internal Sources: Consisting of the bank's own funds, this group consists of:

A- Paid-up capital, represented by the amounts paid by the bank's owners or shareholders to form the capital. This source represents a small percentage of the total funds the bank obtains from all sources. However, the importance of this source cannot be overstated, as capital helps create confidence among the bank's clients, especially depositors.

B- Retained earnings: Profits are retained in banks for various reasons and represent a part of shareholders' equity. Some see them as a means of obtaining the necessary funds for internal investment. The forms that these profits take can be divided into reserves (which are deducted from profits to meet any emergency at the time of forming the reserve and have different types), provisions (which are the value of assets and represent their actual value at the date of preparing the budget, and profits are usually charged with the value of these provisions), and undistributed profits or retained profits (which are distributable in the form of dividends, and the management may distribute a part of them and retain another part in the form of undistributed profits, and they remain retained and distributable whenever the bank wishes).

2- External Sources: External sources of financing for banks are divided into several categories, the most important of which are:

A- Long-term debt securities: Reserve capital, allocations, and undistributed profits are the traditional internal sources of funds for commercial banks. Modern sources include long-term debt securities, which are external sources and are issued by the bank and sold to the public and institutions. The bank retains the resulting funds within its own funds and has the right of priority to repay deposits upon liquidation of the bank's operations (Ziad Salim Ramadan, and Mahfouz Ahmed Joda, 2000, p55).

B- Deposits: Deposits are generally one of the most prominent external sources of financing for banks. Both domestic and foreign deposits constitute the primary source of funds for commercial banks (Falih Hassan Khalaf Al-Ghazi, 1976, p25.)

C- Borrowing from the Central Bank or other banks: Borrowing from the Central Bank is an external source of financing, and occurs when the bank's own resources are insufficient to finance its operations. The Central Bank rarely refuses to assist banks facing a liquidity crisis or other emergency. However,

resorting to this source should only be in extreme circumstances, as central banks consider it a rare source of lending to commercial banks, and that lending from them is a privilege granted to commercial banks (Abdul Hamid Siddiq Abdul Barr, 1999, p120).

E- External credit facilities as a source of financing: These are loans and credits obtained by banks from their correspondents abroad. These are usually in foreign currencies. Therefore, this source is not considered a direct source.

2. Marginal Capital Adequacy Indicators and Their Role in Improving Banking Performance in the Study Sample Banks

First // Indicators of the Iraqi Banking System: The Iraqi banking sector consists of (74) banks, divided into (7) government banks, including three commercial banks, three specialized banks, and one Islamic bank, with (389) branches distributed inside and outside Iraq. The number of private banks is (67), including (28) local Islamic banks, (25) commercial banks, (12) foreign commercial banks, and two commercial banks. Table (1) shows an increase in the number of banks and branches operating in Iraq.

Table (1) Number of Banks and Branches Operating in Iraq

Year	Total Number of Banks	Number of Branches	Private Banks	Number of Branches	Government Banks
2014	38	576	32	424	6
2015	64	830	57	405	7
2016	72	866	65	413	7
2017	76	834	69	430	7
2018	78	864	71	427	7
2019	80	888	73	430	7
2020	83	891	76	432	7
2021	81	904	74	411	7
2022	80	907	75	414	7
2023	82	911	77	416	7

Source: From the researcher's work based on Munther Aliwi Hamid, Mona Shaheen Hussein, *Banking Performance between Financial Inclusion and Development Financing in Achieving Sustainable Development in Iraq after 2004*, Al-Kut Journal of Economics and Administrative Sciences, Volume (16), Issue: 54-2024, p. 191.

The efficiency of the banking spread map indicates that the banking density in Iraq rose from (29.9) in (2014) to 46.20 in (2022), while the banking spread index decreased from (3.34) in (2014) to reach 2.2 in (2021) with the increase in the population.

Table (2) Population rate, density index and banking penetration

Year	banking penetration	banking density	number of bank branches	Population (thousand people)
2014	3.34	29.9	1204	36.004
2015	2.31	43.2	1213	36.933
2016	2.29	43.7	1068	37.883
2017	2.27	44.05	843	37.140
2018	2.26	44.16	865	38.200
2019	2.25	44.25	888	39.300
2020	2.21	45.06	891	40.150
2021	2.2	45.51	905	41.195
2022	2.3	46.20	907	41.225

Source: From the researcher's work based on Munther Aliwi Hamid, Mona Shaheen Hussein, *Banking Performance between Financial Inclusion and Development Financing in Achieving Sustainable Development in Iraq after 2004*, Al-Kut Journal of Economics and Administrative Sciences, Volume (16), Issue: 54-2024, p. 191.

As for working capital, it recorded a remarkable increase in the year (2021) by (5.3) percent, recording an amount of (17.8) trillion dinars compared to (16.9) trillion dinars in the year (2020), in order to meet the decision of the Central Bank, which requires banks to increase their capital and funds to (250) billion. From Table (3), we can see the increase in the size of assets, liabilities, and the size of deposits.

First // Assets: Total assets at the end of 2021 recorded an increase of (8.4%) and a value of (28.9) trillion dinars, compared to (26.7) trillion dinars in (2020), with a significant contribution of (20.2%). This is attributed to changes in the exchange rate at the end of 2020 (Central Bank of Iraq, 2021, p39).

Table (1) shows the relative importance of the components of the assets of the consolidated balance sheet of commercial banks for the year 2021, as current deposits with the Central Bank of Iraq occupied 27.5%, followed by debts on the private sector and other sectors at 25.2%, and then foreign assets at 20.2%. **Second // Liabilities:** Total liabilities of commercial banks increased by the end of 2021 by (15.6) compared to (2020) and a value of (28.9) trillion dinars compared to (26.7) trillion dinars in (2020) with a significant contribution rate of (20.2%). This is attributed to the increase in all its components, as current deposits increased by (18.1%) to reach (43.9) trillion dinars compared to (37.2) trillion dinars in (2020) and to record the highest contribution rate of (30.7%) of the total liabilities of banks. This is attributed to the opening of current accounts for settlement on the one hand and the Central Bank's initiative that requires opening a current deposit for the customer with the bank in order to deposit the loan

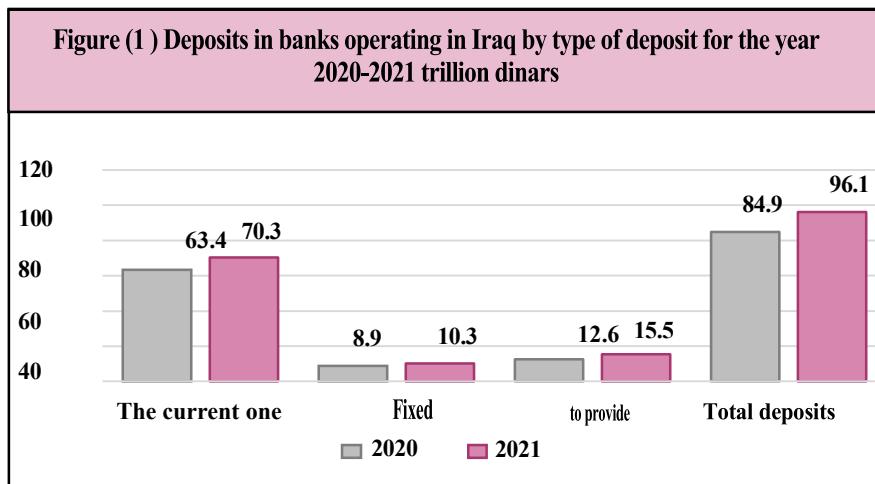
amount in it until benefiting from another customer. Other liabilities recorded an increase of (13.8%) to reach (16.1%) of the total liabilities of commercial banks, as shown in Table (3).

Table (3) Assets and Liabilities of Commercial Banks

Paragraphs	Relative importance%	Change%	2021	2020
Assets				
cash on hand	3.5	-16.7	5,035,598	6,044,136
Current deposits at the Central Bank of Iraq	27.5	41.8	39,364,395	27,768,926
foreign assets	20.2	8.4	28,898,359	26,664,980
government debts	16.8	-5.4	24,069,636	25,452,346
Debts on the private sector and other sectors	25.2	16.5	36,035,305	30,937,352
buildings	2.3	7.0	3,339,607	3,121,884
Other assets	4.6	64.0	6,530,217	3,982,191
Total assets or liabilities	100	15.6	143,273,117	123,971,815
Requirements				
Current deposits	30.7	18.1	43,925,173	37,194,354
Savings and fixed deposits	13.7	20.7	19,680,608	16,309,028
Deposits of credits and guarantees	2.8	63.4	4,033,800	2,468,176
government deposits	25.9	8.0	37,145,626	34,383,788
foreign liabilities	0.5	6.6	781,592	733,237
Capital, reserves and allocations	10.2	16.0	14,654,925	12,635,753
Other requirements	16.1	13.8	23,051,393	20,247,479

Source: Researcher's work based on the financial reports bulletin issued by the Central Bank of Iraq.

Third // The volume of deposits : It is clear from Figure (1) that the total volume of deposits increased for the year (2021) compared to the year (2020), as the total deposits increased from (84.9) trillion dinars to (96.1) trillion dinars in 2021.



Second // Indicators of marginal capital adequacy and their impact on reducing banking risks

1- The ratio of owned capital to deposits: This indicator measures the risk capacity resulting from an increase in deposits from capital (Jamal Hadash Muhammad, and Muhammad Hamid, 2023, p275).

Table (4) shows that the commercial bank with the highest capital adequacy ratio among the banks in the study sample for the specified years was the Trans-Iraq Bank, which reached (5.1736) in (2020). This enabled Trans-Iraq Bank to meet sudden capital withdrawals from depositors without reaching a state of financial difficulty or deficit, while also maintaining a highly sufficient owned capital. The bank that ranked last in terms of the capital adequacy ratio was the Bank of Baghdad.

Table (4) Owned Capital / Deposits

year	Bank Across Iraq	Mansour Bank	Ashur Bank	Mosul Bank	alkhalijBank	Sumer Bank	Credit Bank	National Bank	United Bank	Middle East Bank	Investment Bank	Bank of Baghdad
2014	4.8855	0.4958	2.4589	3.6793	0.7629	1.9150	0.9308	1.0976	1.7024	0.8575	1.1052	0.1960
2015	2.8943	0.3924	2.2371	3.0292	0.8487	3.1562	1.9128	1.5147	1.4055	0.8351	1.0813	0.2992
2016	2.5000	0.3682	2.5043	2.0837	0.7438	3.9470	1.7113	1.9449	2.3200	1.1410	1.0204	0.3416
2017	0.8239	0.2968	2.9951	2.2230	1.2072	2.9794	2.1881	1.5508	2.8626	0.8046	1.0043	0.3875
2018	0.7240	0.2399	1.5133	2.0382	1.3500	3.3238	1.9308	1.3643	2.3610	0.6226	1.0992	0.3392
2019	4.3580	0.2415	1.8817	2.2631	1.5215	4.2982	1.4260	1.0242	4.3695	0.9847	0.9782	0.3407
2020	5.1736	0.2967	2.3337	2.6655	1.6992	4.8160	1.3503	0.7334	1.9945	0.9932	0.8943	0.2594

Source: *Jamal Hadash Muhammad, Muhammad Hamid, The Impact of Capital Expansion on the Structure of Full Expansion Financing: An Analytical Study of a Sample of Nafila for Listing on the Iraq Stock Exchange 2014-2020, Warith Scientific Journal, Vol. 5, 2023, p. 275.*

2- Equity to Assets Ratio: This indicator measures the capital adequacy of banks and determines the extent to which the equity can be used to finance assets. (Jamal Hadash Muhammad, and Muhammad Hamid, 2023, 96.)

Table (5) Ratio of owned capital to assets

year	Bank via Iraq	Mansour Bank	Ashur Bank	Mosul Bank	Gulf Bank	Sumer Bank	Credit Bank	National Bank	United Bank	Bank of the East Middle East	Investment Bank	Bank of Baghdad
2014	0.6611	0.3191	0.6216	0.7553	0.4254	0.6191	0.4641	0.4276	0.5310	0.4495	0.5079	0.1600
2015	0.7234	0.2684	0.5980	0.7185	0.3983	0.7133	0.4880	0.4860	0.5534	0.4117	0.5097	0.1732
2016	0.6650	0.2604	0.6742	0.6478	0.3962	0.7594	0.5976	0.4973	0.6115	0.4292	0.5014	0.2356
2017	0.7893	0.2204	0.7072	0.6066	0.5319	0.6856	0.6618	0.4731	0.5726	0.3620	0.4934	0.2540
2018	0.8353	0.1898	0.5742	0.6486	0.5438	0.6554	0.6299	0.4904	0.5891	0.3340	0.4663	0.2395
2019	0.7701	0.2037	0.6288	0.6545	0.5585	0.7691	0.5686	0.4056	0.5021	0.4060	0.4919	0.2415
2020	0.7844	0.2226	0.5772	0.6783	0.6014	0.7892	0.5573	0.3440	0.4342	0.4088	0.4641	0.1961

Table (5) shows that the highest capital adequacy ratio among the study sample banks was for the Trans Iraq Bank, reaching (0.8353) in (2018).

This indicates that the bank has sufficient capital to preserve the funds of depositors and investors, as well as to guarantee shareholders' rights. It is also a clear indication of the ability of Trans Iraq Bank to meet its current and future obligations and its ability to deal with risks. The lowest capital adequacy ratio was for the Bank of Baghdad, reaching (0.1600) in (2014). Due to this low ratio compared to the banks studied, this is a result of the failure of most of the bank's branches due to the events that occurred in the country, which led to failure and a decline in activities.

Conclusions:

1. The marginal capital adequacy ratios vary among the banks in the research sample. The highest capital adequacy ratio among the banks was held by the Trans-Iraq Bank, reaching 0.8353 in 2018. This indicates that the bank possesses sufficient capital to protect depositors' and investors' funds, as well as to guarantee shareholders' rights. It is also a clear indication of the ability of Trans-Iraq Bank to meet its current and future obligations and its ability to manage risks.
2. The efficiency of the banking spread map (banking density) in Iraq indicates an increase in the banking density index from 29.9 in 2014 to 46.20 in 2022, while the banking spread index decreased from 3.34 in 2014 to 2.2 in 2021, with the increase in population.

Recommendations:

1. Strengthen financial performance measurement tools by using modern tools to measure return on capital (such as ROE and ROA) and analyze profitability by type of investment or loan.
2. Training banking personnel and investing in human capital within the bank itself enhances the availability of a workforce capable of managing risks, analyzing markets, and managing portfolios.
3. Using technology to analyze customer data, evaluate loans, and manage risks increases the efficiency of capital utilization within the bank.
4. Compliance with international standards (such as Basel III), which improves capital quality and ensures a balance between return and risk.

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The Fiduciary Obligation: A Proposal for the Sudanese Courts and Legislature

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Abstract

This paper discusses the different aspects of the fiduciary obligation with specific emphasis on the position of Sudan. The historical aspects that connect the fiduciary obligation with Sudan and the Sudanese legal system are explored to build up a realistic scheme of proposals for the future

The fiduciary obligation originated in equity under the old English legal system. Originally, there were two separate streams of courts in England which were, common law courts and equity courts. This continued until the two systems of courts were merged by the Judicature Act 1873. The main function of equity courts was to do justice to cases where the rigid rules (writs of actions) of common law fail to do so.

In Sudan we have a history of the formula of Justice, Equity, and Good Conscience, brought to our courts by the British with the purpose of filling up the gaps in the law at that time. It was aimed at encouraging judges to think of the best approach to decide cases when no clear legal rule can be found to cover the particular situation. On this basis, the concept of the fiduciary obligation as a product of equity, has a solid historical foundation in the Sudanese legal system. The analysis will provide clear evidence of the relevance of fiduciary concept to Sudanese law¹. We will discuss the origin of the concept, its definition, scope and the constituent duties it embraces².

Full understanding shall be the cornerstone in causing the fiduciary concept to be applied in a conscious and intended way by the Sudanese courts, and cause

¹ We will follow the historical background of the Sudanese jurisprudence in the fiduciary law, to help us build on that to provide realistic proposals for the future.

² The fiduciary obligation is a broad concept that embodies a number of subordinate duties, reference to the fiduciary obligation is reference to the concept or principle, whereas reference to the fiduciary obligations or fiduciary duties refers to the group of subordinate duties.



Sudanese writers to give it more attention. We will arrive at certain suggestions and recommendations that will rely on our legal heritage and previous practices and explain how they can be enhanced and employed to further support the application of the fiduciary obligation in Sudan.

Keywords: Trust, Conflict of Interest, Unjust Enrichment, Equity, Secret Profits, Fiduciary Duties.

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Introduction

Many aspects of the fiduciary law remain obscure. This is the case even in leading common law countries. In this paper we will, first, throw some lights on the essential aspects of the fiduciary obligation as applied by the common law.

The common law system was highly technical as the remedies it provided depended on specific writs of action, which were limited and sometimes unjust for some of the cases. We will explore the wisdom behind the fiduciary obligation in order to grasp the underlying benefits of its application. Knowing the background of the concept will certainly help in connecting it with the specific types of cases in which it is applied. We will offer most of our attention to the aspects that should prompt the application of the fiduciary obligation by the Sudanese courts. We will also analyze the relevant legislative provisions in Sudanese law that can be enhanced to allow for the application of the fiduciary duties by courts of the Sudan³. Attention will also be given to the enhancement of the courts understanding and performance, and building capacity for judges to deal with the fiduciary duties.

³ Our focus will be on three laws, the Companies Act, 2015, the Law on Combating Illicit and Suspected Enrichment, 1989, and the Civil Transactions Act, 1984.

1. What is fiduciary law? Definition, origin and scope

We will provide some basic information on which we can build the arguments to follow, and which will help to grasp the foundations of these arguments. This will include a brief account on the definition, origin and scope of the fiduciary law.

1.1 Definition of the fiduciary law and fiduciary duties:

It has always been mentioned by legal writers and scholars that legal concepts are difficult to define, or are not eligible for a precise definition. This is because they, from a philosophical point of view, don't prefer to have limited confines to what they are handling. Our approach is, however, to make it simple; to provide an identification to what we mean by the fiduciary law and fiduciary obligation.

The fiduciary law is a branch of law that deals with the relationship between two parties, one is the beneficiary who is to be served, or taken care of, in a way or another, by the other party who is the fiduciary. The fiduciary must place the beneficiary's interest before his own interest (Weinrib, E. J,1975,pp1-22). In this sense, fiduciary law is different from law of contract in that, parties to a contract are not usually required to subordinate their interests to the interests of another person. They are required to comply with the terms of the contract, and entitled to serve their own interests. Fiduciary obligation is also different from tort law in that, reasonable care required in tort law doesn't go to the extent of putting the interests of another person first (Weinrib, E. J,1975,p2).It should be noted that the fiduciary law didn't develop as a separate branch of law such as the law of contract or tort law but existed to supplement the rules pertaining to preserve certain relationships in which a high degree of trust and confidence should prevail. This is further explained by McLachlin J in *Norberg v Wynrib*;

in negligence and contract the parties are taken to be independent and equal actors, concerned primarily with their own self-interest.....the essence of a fiduciary relationship, by contrast, is that one party exercises power on behalf of another and pledges himself or herself to act in the best interests of the other...the fiduciary relationship has trust, not self-interest at its core.4..

Examples of fiduciary relationships is the trust relationship, partnership, directors and the company, and the agency relationship, to name a few. The purpose is to enforce some types of duties, mainly by the fiduciary towards the beneficiary, which are outside the four corners of any contract between them. The fiduciary law was first applied and enforced by the Court of Chancery (Waters D.W., 1986).

⁴(1992) 2 SCR 226 at 272-4, see also *Canson Enterprises Ltd v Boughton & co (1991) 3 SCR at 543.*

That was the court which was responsible for applying extensive remedies to do justice when the specific common law writs are not sufficient.

The 19th century was the truly formative period of the fiduciary obligation under common law system (Finn P.D,2016). As a result of consistent and repeated cases, rules pertaining to fiduciary obligation began to crystallize and applied to a wide range of relationships of a trust-like nature. The most pivotal development was when the equity and common law streams were merged by the Exchequer Act as a result, common law courts and equity courts were merged together and there was one system of courts in England as a result. Both the common law and the equity rules are now applied by the same court.

Vigilant trust v deferential trust:

Some writers classified the fiduciary obligations in terms of the type of trust it reflects (Flannigan R, 1989, pp.285-322). They identified two types of trust, vigilant trust and deferential trust. Vigilant trust arises in relationships where the beneficiary is usually aware and knowledgeable of the task being exercised on his behalf by the fiduciary. Vulnerability of the beneficiary in these cases arises from the fact that he/she can't interfere at the suitable time in case of any breach from the fiduciary. He is vulnerable for being absent from the scene, bot for his technical ignorance, cases of these relationships are the agent-principal, partners vi-sa-vi one another, director and the company.

On the other hand, deferential trust arises from cases where the beneficiary is totally at the mercy of the fiduciary because he is totally ignorant of the tasks. These include professional services such as the patient and doctor, lawyer and client⁵. There is another type of relationships where there is an element of undue influence such as the father and child, teacher and student relationships.

1.2 Origin and scope of the fiduciary obligation:

The fiduciary law under English law originated in equity (Finn P.D,2016,p67). The truly formative period of the fiduciary obligation was the 19th century. Initially, there used to be one system of law which was the common law. Practice revealed that the common law system alone can't do justice in all cases, so there were some thoughts of a parallel system that can go further than common law in providing justice to particular cases. These are the cases in which the common law remedies proved to be unsatisfactory. Common law remedies were confined to only the

⁵ Actually the typical trust relationship which is the source of the fiduciary obligation possesses this aspect of “vulnerability” that renders the beneficiary entirely at the mercy of the trustee.

award of damage, i.e monetary compensation. By the application of fiduciary obligation many other remedies can be applied such as injunctions and specific performance, and restitution in cases of unjust enrichment. A complainant who wished to be granted specific performance had to seek this remedy in the Court of Chancery (Waters D.W, 1986), even if his case was originally raised before a common law court.

The relationship of trust between the trustee, beneficiary and the settler, constituted the basic fiduciary relationship. The fiduciary/trustee has legal ownership of the property and controls the assets held for the benefit of the beneficiary. He must make decisions that are in the best interest of the beneficiary who hold equitable title to the property. Other status fiduciary relationships followed such as the agency relationship, partnership, company directors, and employees especially those with wide array of discretion. All these are characterized with the possession of wide discretion by the fiduciary to make decisions that affect the legal and practical position of the beneficiary. This should be practiced in total disregard of any personal interest of the fiduciary or any other interest that conflict with the ultimate interest of the beneficiary.

The simple inference is that the fiduciary obligation exists when there is an access to assets by a person for a limited and defined purpose (Flannigan R, 1990, p45). This person is the fiduciary. This situation explains the traditional theory (Flannigan R, 1990, p46). There is a possibility that the fiduciary may abuse this access and employ the assets in a way that is not aligned with the proper purpose for which access is given. Confidential information that consists of valuable technical and financial information is one of the famous assets. Access to confidential information may be given by a party to another for the purpose of evaluating an intended venture. Recipient of the confidential information is obliged to use the information for the limited and defined purpose for which it is given. The recipient stands in a fiduciary position *visa-vi* the owner of the information. If the recipient uses the confidential information for other purposes, he will be in breach of confidence, which is turn a mode in which the fiduciary obligation is breached. The factual situation that necessitates the application of the fiduciary obligation in this case is that, the recipient always possesses the proximity or ability to divert the assets, which is the confidential information, away to his own benefit and thus abusing the trust reposed in him by the owner of information. We should always bear in mind that the effect of the fiduciary rule is prophylactic, no excuse is accepted for the breach or justification for the improper conduct (E.J. Weinrib, 1976, p334).

There is a modern theory which may be considered as derived from the traditional theory; this is the power and discretion theory. It is the most popular among the

recent academic writings (Shepherd L.S, 1981). The discretion which is given to the fiduciary for a limited or defined purpose makes the trust vulnerable to abuse.

It might be more convenient to employ and intermediary in many of the transactions between individuals. The intermediary is granted some degree of discretion in relation to the task to be performed⁶. Beneficiary's interests can be largely affected by the manner in which the fiduciary uses the discretion to perform the delegated tasks. The fiduciary obligation is the law's blunt tool for the control of this discretion, therefore, the two elements, under the power and discretion theory, which delineate the frontiers of the fiduciary obligation are, first, the fiduciary must have a scope for the exercise of discretion and, second, this discretion must be capable of affecting the legal position of the principal/beneficiary. The need to control discretion has been a justification for the imposition of the harsh rule concerning the fiduciaries.

In the civil law system, the fundamental principles of the fiduciary obligation can be traced back through the Code of Napoleon of 1803⁷ to the institutes of Justinian enacted in the sixth century, and from there to the Twelve Tables of Rome of 450 B.C which imposed stringent obligations on the guardian of an infant Institutes of Justinian (Institutes of Justinian, 1912, pp37-38)

It is evident that, under the civil law system, the fiduciary obligation was motivated by the Christian beliefs which dominated the continent. Most probably cases of undue influence were the dominating cases in those days. They were primarily based on protection of infants; they impose on the guardian of an infant an obligation not to exploit his position to divert money away from the infant for his own benefit.

2. Application of the Fiduciary Obligation in Sudan

Until recently, Sudan used to be a purely common law country (Mustafa, Zaki, 1971). The historical origin of common law in Sudan was when the country was under the condominium rule of the British and the Egyptian. The British were the real active player. They introduced common law as this was the law that they were aware of and can handle in their different colonies. It should be noted that common law was not imposed directly, as the British were not willing to do so, but left it for the judges to find what is suitable to the circumstances of the Sudan

⁶Supra note 13, at p. 14

⁷Code of Napoleon, Article 1596 which renders void any purchase by a guardian, agent, or public official if the purchase is within the scope of his authority.

through the formula of Justice, Equity and Good Conscience⁸. Actually the British got into the dilemma of how they can reflect that they respect the country, its people and traditions. For this reason they opted to give a wide discretion for the judges to choose from many local and foreign law as long as they are aligned with justice, equity and good conscience.

Sudan's legal system nowadays reflects a hybrid between the inherited common law structures, Sharia law, and customary traditions. The invocation of justice, equity, and good conscience acted as a bridging principle to navigate gaps and tensions between these sources. In contemporary contexts, the Sudanese legal system is affected by political, religious and social forces.

As a mixed system influenced by Islamic law, English common law, and civil law, the Sudanese legal system is a natural fit for the reception and application of the fiduciary obligation in the current era.

We will explore the relevance of the fiduciary obligation under each of the three types of legal systems that apply in the Sudan.

2.1. Islamic principles and fiduciary obligation:

The fundamental principles of honesty and morality, which are the cornerstone of the fiduciary obligation, are deeply rooted in Islamic teachings. This makes a strong interrelation between Islamic jurisprudence and the fiduciary obligation. Both are founded upon good faith dealings, especially in business relations. Many concepts under Islamic jurisprudence can be spotted as relating to the fiduciary obligation, these are:

1. The concept of **Amanah (trust/faithfulness)**, which simply means that the fiduciary should not betray confidence⁹. In this regard the Islamic heritage tells us that Prophet Mohamed (Gods peace and prayer upon him) was the first one who taught Muslims how to adhere to these standards. When he joined his first wife Khadija in a business partnership, prophet Mohamed was an example of honesty that he used to be called “The Honest” among his people “. Under the Islamic teachings, what prophet Mohamed did, and how he behaved in conducting the business becomes a *Sunna* which is one source of Islamic jurisprudence after the holy Quraan. It is obligatory for all Muslims to follow these teachings in similar dealings throughout their lives.

⁸See the Civil Justice Ordinance 1900 Article 4, reenacted in the Civil Justice Ordinance 1929, Article 9, which stated that “in cases not provided for by any provision of this law or any other law, the court shall decide the case according to the requirements of justice, equity, and good conscience”

⁹ See, from Holy Quran, Surah An-Nisa 4:58, and Surah Al-Tawbah 9:119.

2. The concept of **Daman**

One concept that is deeply rooted in Islamic jurisprudence and closely connected with the fiduciary obligation is the concept of Daman. This concept corresponds to the constructive trust in common law. It obligates any person who is in control of property that is entrusted to him for a particular purpose to compensate for or make good any damage or loss that occur to such property as a result of his act. The entrusted party is not allowed to act negligently, without due regard to the interests of the entrusting party when dealing with property. The concept of daman applies in all business relations when one party manages the business on behalf of another. Examples include, the Islamic business relationship of *Mudaraba* where one party “the mudarib” is responsible for the management, and consequently for any loss that might be sustained as a result of a breach of his duties to the capital provider. Also in the agency relationship under Islamic business law, we find all the strict obligations applicable to agents under common law. The agent is regarded, under the concept of daman as a constructive trustee for all losses sustained by the principal as a result of his act. The agent also has the duty to account for any additional discounts or profits made by him. If he succeeded to obtain a better deal than expected, he has to account to the principal all the benefits of the better deal. He is not allowed to keep all or part of the benefit to himself, unless by the informed consent of the principal. Duties of the agent to account for secret profits and extra discounts, and his duty to make good any losses sustained by the principal because of his negligence are the main applications of the concept of daman in the Islamic financial and commercial relationships.

3. The concept of **Hisbah (accountability/oversight)**

also refers to a well-known fiduciary duty. It means that a person in a fiduciary position should adhere to the strictest standards imposed by such duty. The *Hisbah* under Islamic jurisprudence aims at monitoring the performance of duties by certain fiduciaries, mainly government officials, to ensure that they abide by the avoidance of conflict of interest, non-competition and not to make secret profits employing assets or information owned by the business or government entity. The purpose is ensuring integrity in delegated authority which should be used for the appropriate purpose for which it is provided.

4. Prohibition of unjust enrichment (**gharar** **prohibition**):

This mainly refers to the prohibition against secret profits (Al Darir, Al Siddiq, 1990). Gharar in Islamic Sharia refers to excessive uncertainty, ambiguity, or risk in a contract, especially when the outcome or the fundamental terms of the agreement are unknown or unclear to one of the parties. It is a key concept in Islamic financial law. Transactions involving a significant gharar are prohibited

as they lead to injustice that will lead to disputes. In this sense, gharar will lead to unjust enrichment by one contracting party to the detriment of the other party. Prohibition under Islam is called **haram**.

Although well founded in the teachings of Islam, the fiduciary obligation did not attract the attention of modern Muslim jurists. The basic foundations of the concept being western, it has no real existence in the legal practice of Islamic communities. Morality, good faith and loyalty, all are require formal legal mechanism for their proper enforcement. Any unscrupulous behavior should be forbidden by law, especially we have secular laws in most of the Muslim countries. Implementation of moral values should be channeled through the fiduciary obligation. This is not the case in Islamic countries including Sudan. The fiduciary obligation as a default scheme of regulation can play a leading role in our countries and can be provided for expressly as a concept of reference side by side with the contractual and tortious liability.

2.2 Attitude of Sudanese courts:

The notion of trust was clearly crystallized in the decisions of courts pertaining to land law in the Sudan. In the case of Bakheita Yousif Hassan v Burrie Mohamed Dafalla (SLJR, 1968, pp65-73). The issue was resulting or implied trust. The Court of Appeal decided that, the principle of implied trust is a general principle of equity which is reasonable and fair, therefore it should be applied by Sudanese courts in appropriate cases. The rule clearly stated by Osman El Tayeb J, seems to be that, where a house in dispute belongs to a family but registered in the name of one of the sons to enable him to obtain a loan, the son holds the house as a trustee on behalf of the other family members. The son becomes a trustee incumbent with all the obligations that are imposed by virtue of the trust. It should be noted that the resulting trust is a presumption drawn by the court in the circumstances of the case and is rebuttable upon proof by the defendant of the fact that he took the house for valuable consideration.

It is worth mentioning at this point that the Sudanese courts in receiving English statute or common law, were to scrutinize the contents of that law, and make sure that they suit the economic and social conditions of the Sudan (Natale Olwak, 1968, pp230-235). The courts, however, were to apply English law and should not apply any other law unless English law is contrary to Justice, Equity and Good Conscience.

The fiduciary issue was discussed by the Sudanese courts in the husband-and-wife relationship. The case of Mukhtar Ahmed Abdel Rahim and other v. Fatima Hussein Ai illustrates this (SLJR, 1958, pp82-124). The case related to the heirs of the wife claiming the house of the husband to be registered in the name of the wife. They relied on a verbal promise of the husband that he will register the

house in her name if she paid money towards the construction of the house. The court founded that there was evidence that the wife paid some money but there was no proof that it was her own money.

The issue of a fiduciary relationship was raised when the defence for the husband (Appellant) alleged that the case was statute barred, as the limitation period for bringing up the case was five years and this period had been exceeded. Respondent claimed that the Prescription and Limitation Ordinance, 1928¹⁰ is not applicable because the relationship between Respondent and her husband was a fiduciary relationship within the meaning of section 12 of the Ordinance.

As to the existence of the fiduciary relationship, the Appeal Court referred to the English case of *Howes v. Bishop*¹¹, where it was said that, “there is no general rule of universal application that the rule of equity as to confidential relationships necessarily applies to the relationship of husband and wife”.

The court decided that, this must be the law in Sudan where both personal and customary law confer upon the wife a degree of independence which English law had attained only after a series of reforms.

As appeared. The issue of the fiduciary obligation and fiduciary relationship was a crucial issue that was considered by the court for deciding the case. The action was dismissed because, in the opinion of the court, there was no fiduciary relationship between the husband and the wife, so the ten years extension for raising the action under the Prescription and Limitation Ordinance, 1928 did not apply. The limitation period for raising the case was only five years which already had expired.

The Sudanese courts used to follow the steps of English courts where they can find a clear guidance in the accumulated heritage of these courts. This was due to the fact that, most of the judges, especially in commercial matters, were British. English law was well known to them, and it was easy for them to grasp the jurisprudential foundations of what the English courts apply, so they had more confidence in applying English law without neglecting the effect of the economic and social differences.

Partnership is one of the most popular business vehicles that used to exist in Sudan. It followed exactly the pattern of English common law in its structure, scope, and, most importantly, the underlying duties among the partners and between them and third parties.

¹⁰ This was a law governing land in Sudan that dealt with the acquisition and other rights in land through long possession or use of property, and the period within which a cause of action can be raised to challenge ownership. This was replaced by the current comprehensive law of Civil Transactions Act, 1984.

¹¹ (1909) 2 K.B. 390

It is a known fact under common law that the relationship between partners is a fiduciary one. Partnership is one of the status fiduciary relationships which imposed stringent duties upon partners such as they are not to make secret profits in exclusion of the other partners, duty of disclosure of any personal interest, duty not to employ partnership assets for any purpose other than the partnership, and duty to provide accurate accounts especially for managing partners. All these duties were received and applied in Sudan by the courts to the fullest extent with which they were applied by English courts. An example is the case of Mohamed Hassanein Abul Ela and others (Appellant) v. Joseph Tabet (Respondent) (SLJR, 1956, pp11-27). Different issues relating to partnership were raised. The Court of Appeal decided, after applying the known criteria, that a partnership existed as between the parties, although it was of the opinion that the land was not a partnership property. According to the partnership agreement, the parties were entitled to share in profits and losses and the Respondent didn't share in the value of the land. He had the share of 1/3 in losses and profits.

One of the issues discussed in the case was the fiduciary duty of Appellants to produce proper and regular accounts to the Respondent. Although Appellants admitted their liability to submit accounts, evidence produced before the court showed that they failed to do so despite frequent requests by the Respondent. Accordingly, the court concluded that, Appellants were in breach of their agreement with the Respondent. Such agreement obliged the parties to bring into account all profits derived from any transaction in the land, and none of the parties have the rights to make agreements, brokerage, or any benefit other than the benefit to be derived of the partnership.

The court went on to decide that, “the Appellants, being responsible for management, were acting as implied trustees for the Respondent. The duty to produce proper accounts is the most notable consequence of this trust”.

The decision of the case seemed to be ultimately based upon breach of the fiduciary obligation. The court reviewed the evidence showing the continued quarrelling that precluded all reasonable hopes of reconciliation and friendly cooperation. In this regard the court referred to Lindley on Partnership page 691¹². It was decided in that case, in order for the court to interfere, it is enough to show that it is impossible for the partners to place confidence in each other, and that such impossibility has not been caused by the person seeking to take advantage of it.

The court was of the opinion that, the Appellants were in breach of their duty to keep proper accounts, on the other hand Respondent did not take prompt steps to protect his interests (delay defeats equity). Failure of the Appellants to submit

¹² Citing the case of *Re yenidji Tobacco Co. Ltd.* [1916] 2, Ch.426.

accounts was regarded by the court as a very serious matter, but the Respondent was not regarded by the court to have come with clean hands.

Finally, the Court of Appeal decided to terminate the relationship. Lack of mutual confidence between the partners brought the relationship to a deadlock. The court therefore, “has an inherent jurisdiction to terminate the relationship, if it is just and equitable to do so”¹³. The court was of the opinion that, both parties did not seem to be prepared to go on with the relationship and it is clear that the relationship ought to be ended.

As a close association of persons acting in common for profit purposes, a partnership requires a high degree of confidence and good faith for its continuation. If the court is of the opinion that this mutual confidence is not to that high standard, it should decide that it is impossible for the parties to continue as one firm.

Decisions of Sudanese courts on cases involving the bank-customer relationships shows the readiness of the courts to accept the fiduciary obligation and be mindful for its application. In the case of Sudan Government v. Fayed Ghali Girgis & Wannis Michael (SLJR , 1957, pp74-76) though a criminal case, highlighted the true nature of the bank-customer relationship. It was decided in the case, that a bank accountant who fraudulently debits customer’s account and credits the money to his own, was held guilty of criminal breach of trust under sec.347 of Sudan Penal Code, 1925.

M.A. Abu Rannat C.J, in denying the allegations made by the accused in appeal, stressed the trust nature of the bank-customer relationship. He stated that:

Although principally the relationship is a debtor-creditor relationship, but it has a confidential aspect under which the bank should not, in ordinary situations, disclose information relating to his customer’s affairs. Also the customer may rely on the bank for a specialized advice, thus creating an element of “dependency” in the relationship.

The court referred to “control” over property as the basis of the bank’s responsibility. Though not strictly a fiduciary position, this, of course, typically corresponds to the breach by the fiduciary of his duty of good faith by acting inconsistently with the terms of his fiduciary office.

This decision shows that the Sudan courts were open to discussing and analyzing the nature of the fiduciary obligation.

The idea of good faith and honesty appeared in the Sudanese courts decisions in cases relating to government authority and power. These authorities must exercise their powers in good faith. Governments and their organs, whether local or

¹³ This is a discretion for the court to exercise after analyzing the relationship of the parties.

central, are vested with certain powers and authorities which assist them in discharging responsibilities on people's behalf and for their benefit.

In the case of the Building Authority of Khartoum v. Evangellos Evangelidis (SLJR, 1958, pp16-44), the issue of the exercise of government authority was discussed beside other issues. The main issue related to the exercise of the building authority of the power to order a demolition of a building. The High Court issued a decision restraining the Building Authority from demolishing the premises in question. The Building Authority appealed against the decree. One of the issues in appeal was that the court was acting *ultra vires* in reviewing the administrative decision of the building authority. In deciding on the appeal, the Court of Appeal asserted that courts had jurisdiction to review the act of an administrative authority when the latter is vested with a legal authority to determine questions affecting the rights of subjects, and exceeds the legal authority so conferred. Sudan courts have authority to grant relief within the limits in which an English court can review administrative decisions. The court then proceeded to explain the basis of the authority of review of English courts.

The Court of Appeal quoted the observations made by Atkin L.J in the case of R.V. Electricity Commissioners [1924] 1.K.B. at page 205. This case extended the ambit of the operation of writs (certiorari and prohibition) to proceedings of bodies other than courts of justice. Anybody having legal authority to determine matters that affect the rights of subjects is subject to the jurisdiction of the competent court.

In the present case, the court regarded the Building Authority as having legal authority. The issue of determining demolition was falling within the ambit of the wide powers specified by the legislation.¹⁴ The Building Authority also had jurisdiction to determine questions affecting rights of subjects whose property it seeks to demolish in pursuance of that power. The power given to the Building Authority should be exercised *bona fide* for the purpose for which it was given. If the power was exceeded, or exercised in an improper way, judicial intervention becomes necessary and the decision of the Building Authority will be quashed for wrongful exercise of government powers.

The case clearly shows that, government must act *bona fide* in the exercise of its powers. Though the acts of government are lawful, they might be accomplished through improper means, or for wrong purpose. Such a situation was not tolerated by courts, and acts of this nature were quashed for the wrongful exercise of government powers.

The prevalent argument about persons occupying government positions in the public authorities' is that they are not fiduciary but share some characteristics of

¹⁴ Local Government (Municipality) Ordinance 1937.

fiduciary duties such as the prohibition on private profit by the holder of a power (Seth Davis,2014) (Timothy Endicott, 2016). This is an attempt to narrow the scope of the fiduciary duties. Prohibition against private profit is a fiduciary duty, how can it be true to say that a person is subject to a fiduciary duty but he is not a fiduciary? The undertaking to serve public interests is there, it starts from the moment such person starts the public position. It is not required that he should enter a separate undertaking with each individual in order for a fiduciary relationship to be established.

2.3 Fiduciary Obligation under Sudanese Laws:

The fiduciary obligation was reflected in some of the laws of the Sudan. There used to be rules scattered in the different laws which relate to the fiduciary obligation in various instances. The fiduciary obligation comes occasionally in some of the laws and constitutes a pivotal aspect in other laws, such as the Law Combating Illicit Enrichment, 1989. The application of these laws, however, was not given the appropriate scope to fully serve the interests for which the law were issued.

2.3.1 The Civil Transactions Act, 1984:

In 1984, the Civil Transactions Act, 1984 (CTA) was promulgated in Sudan as a comprehensive law which embodies all branches of law pertaining to civil transactions. These laws used to be modeled after English law, and under the new law they turned to be based upon Civil law.

There are basic similarities between Common and Civil law both in the approach and in theory. Upon the promulgation of the Civil Transactions Act many laws, such as the law of contract, sale of good, and agency law, were abolished as they were combined in the Civil Transactions Act.

The Civil Transactions Act, 1984, specifies some of the duties of managers of business organizations in general terms. These duties are mainly based upon the Islamic principle of **Daman** referred to earlier. Under the principle of Daman an implied, or constructive trust arises against the party responsible for the misuse of assets or information. That party is asked to make good any losses sustained as a result of his wrongful act in dealing with the business property, whether intentional or negligent.

Section 250 (1) of the Civil Transactions Act, 1984, provides that, unless there is a provision of agreement to the contrary, there subsists a mutual agency between

the members of the company.¹⁵ According to section 250 (2), as a result of the mutual agency between the members, a mutual trust on the property also arises. The scope of the trust corresponds with the scope of the agency subsisting within the association. If all members have the right of management, then each is regarded a trustee who is responsible before the others for any losses sustained as a result of misuse of the firm's property that is placed under his disposal for business purposes. Members may agree, however, to authorize only one of them to carry out managerial functions. In this case the manager will alone be responsible for representing the company, and will also have exclusive discretion to deal with its property for the benefit of all the members. This is provided for in subsection 3, which also goes on to state that the selected manager will be burdened with all the necessary consequences of his agency. As the manager has a discretion to deal in the property of the firm and to take decisions affecting other members' interests, he has to bear the consequences of this discretion. The application of the concept of Daman through the imposition of a trust on the manager is the blunt tool used to make that manager responsible for the losses sustained as a result of misuse of the firm's assets.

The CTA also includes the relationship of **Mudaraba**. This is an unincorporated company, codified in sections 266-276 of the CTA.¹⁶ It is a contract whereby one person provides the capital and another (the Mudarib) undertakes to employ that capital for profit. It may be either restricted or unrestricted Mudaraba. In the first type the capital provider lays down any legitimate restrictions on the Mudarib. In the second, the capital provider gives the money to the Mudarib without placing any restrictions on his freedom to invest it the way he likes, and in any kind of project.

Mudaraba is one of the most important Islamic modes of investment financing, resorted to by banks in Sudan. The underlying factual structure of that relationship provides a typical example of a situation that gives rise to the fiduciary obligation. In Islam, traditional loans are not acceptable. Money can't be a commodity by itself; there should be a specific commodity for which the loan is extended.

Section 267 of the CTA provides that, the capital provider and the Mudarib must have the capacity to act as principal and agent. The Mudarib is an agent to the capital provider in the management of the business. He has a share in profits also, which makes him similar to the managing partner.

¹⁵ Company here means partnership under common law. Sudanese jurisprudence still keeps the companies law as a separate law.

¹⁶ See the Sudan Civil Transactions Act, 1984 at page 90.

The most important factor that justifies the application of the fiduciary obligation in the Islamic Mudaraba outside the scope of banking operations is the element of vulnerability on the part of the capital provider. The capital provider usually is not of experience in business matters, so he entrusts another person to invest his money on his behalf. The relationship is not between able and experienced businessmen as the case in partnership and other business associations. The capital provider places much confidence on the Mudarib as a person of knowledge in business matters.

It is different when the capital provider is a bank. The bank has the capabilities to monitor the Mudarib and detect any abuse of trust at the right time. There is only a “vigilant” type of trust and no deference is involved.

The fiduciary obligation is an essential factor for preserving the integrity of the Mudaraba relationship. The duties pronounced by the fiduciary obligation in this relationship are, 1. A special account should be kept for the purpose of the Mudaraba operations, 2. The Mudarib has to keep proper and updated accounts supported by invoices. The capital provider has the right to review these accounts, either personally or through an auditor, 3. The Mudarib should keep the Mudaraba capital separate from his own money and should not give it to others by way of Mudaraba unless by consent of the capital provider.

The capital provider is responsible alone for any losses that arise in the usual course of business without the fault of the Mudarib (Siraj Eldin, and A.A. Alla, 1993). The concept of Daman is applied when the loss results from any mismanagement, negligence, or misuse of capital by the Mudarib. In these cases the Mudarib will be asked to account for the losses sustained and to settle the accounts in full.

We should acknowledge that, whatever precautions are taken, they will not be sufficient to prevent all deviations from the part of the Mudarib. The possibility of abuse is inherent in the factual structure of the relationship. This is where the fiduciary obligation should be imposed to safeguard the integrity of the relationship and treat any abuse with the strictest measures.

The **Musharaka** relationship is another type of a joint association in Islamic jurisprudence introduced by the CTA. It's the most flexible mode of investment financing employed by banks. The relationship is based upon participation between the bank and customer in capital, management, and profits and losses. Again, it is an Islamic finance mode that avoids the prohibitions in the traditional finance.

As in case of Mudaraba, management is carried out by one of the parties and a percentage of profits is paid for management. The fiduciary obligation is imposed on the managing partner as a trustee for funds and assets. He is under a duty to employ these for the business of the association and the benefit of all the parties. Contrary to Mudaraba, losses sustained in the usual course of business without the wrongful act of any party are divided among the parties in proportion to their capital participation.

2.3.2 Sudanese Companies Act, 2015:

This is the main law organizing the business of companies in Sudan. This law was issued after a fairly long time of its predecessor of 1925. It includes several sections that directly or indirectly address fiduciary obligations. The Act requires directors of a company to disclose any personal interest they have in a proposed or existing contract with the company. This is the cornerstone of fiduciary accountability and is provided for in Sections 151 to 154 of the Act.¹⁷ Prohibition of the use of assets and opportunities of the company for personal gain is also prohibited unless expressly approved by the shareholders or the board as the case may be. The good faith duty is implied in these duties as their gist is to act in the best interest of the company not just their own interest or those of a particular shareholder group.

Enforcement is an essential aspect. While we find satisfactory mention to the fiduciary duties in the Act but enforcement depends heavily on the courts and the extent to which judges are willing to give the true scope for the enforcement. This willingness is not reflected in the Sudanese judicial precedents so far. We don't find on record cases such as *Regal (Hastings) Ltd v. Gulliver*¹⁸, a landmark English decision by the House of Lords on the fiduciary duties of company directors. It is related to a situation where directors profit from their position without proper disclosure or consent. The decision is a clear example of how stringent the fiduciary obligation is. The directors were liable even though the company could not have taken the opportunity itself, and even if they acted in good faith and intended to benefit the company. The rule is very strict that, no profit can be made by a fiduciary out of the trust reposed in him except with the informed consent of the beneficiary. The other example of cases which we don't find among Sudanese courts' decisions is the decision on *Canadian Aero Service Ltd. V. O'Malley*¹⁹, a landmark Canadian case. In this case it was decided that senior officers who resigned from a company to take for themselves a business

¹⁷ This mirrors Section 177 of the UK 2006 Companies Act

¹⁸ [1942] UKHL 1

¹⁹ [1974] S.C.R. 592 (Supreme Court of Canada).

opportunity that they were negotiating on behalf of their former company, were in breach of their fiduciary obligation.

2.3.3 Law on Fighting Illicit and Suspected Enrichment, 1989:

The purpose of this law is to prohibit and punish illicit and suspicious enrichment. Typical application of this law is on persons who occupy fiduciary positions such as public officials who have a duty not to profit from their office, and company directors, especially in private sector, who handles public funds and assets. Illicit and suspicious enrichment means a disproportionate increase in a person's assets that can't be explained by lawful income. Article 6 defines Illicit Enrichment as any assets obtained without consideration or against the laws and regulations that regulate conduct of those occupying public office, exploiting the authority of his position to further his own wealth in contradiction to the legitimate purposes or public interest, or accepting a gift or loan of a high value not acceptable by normal traditions or good conscience.

Article 7 defines Suspected Enrichment as any wealth that appears to be gained by a person which no legitimate means can be identified for its gain.

Both the illicit and suspicious enrichment give the authority the powers to investigate, freeze, and recover the assets which are the subject of the illicit or suspected enrichment.

There is an obligation under Article 9(1) on a wide group of occupiers of constitutional positions and leading public servants to submit yearly declarations of their wealth. They should also submit a final declaration within 3 months of the date of termination of employment.²⁰ There is a committee for the review of the declaration headed by the Attorney General, and if the declaration concerns the Attorney General himself, the Chief Justice shall preside the committee.²¹

The law has certain features that attribute to the fiduciary obligation analysis. First, it uses a substantive test; the offence is triggered when wealth is unexpectedly occur to a person and no lawful means can be shown for their acquisition. The factual disparity is exactly the kind of evidence that can show a fiduciary has profited improperly from his position. Second, there is an evidential pressure that reverse the burden of proof. Once a disproportion is shown, the person is often required to account for the source; it is enough to trigger enforcement and then the person must explain. That evidential pressure aligns with how a claim of breach of the fiduciary obligation is proved i.e, unexplained

²⁰ This is according to Article 9(2)(c) of the Illicit Enrichment Law.

²¹ Ibid, Article 10.

gains by a fiduciary create a strong inference of breach. Third, the law imposes a duty of disclosure. A person who enriched himself (or his spouse/minor children) to explain the enrichment at any stage before criminal prosecution. Conviction can be avoided if assets are returned or satisfactorily explained. This is an important part for remedies and practical negotiation in fiduciary disputes.

Sudan's 1989 illicit enrichment law is a powerful evidentiary and recovery tool that complements fiduciary duty claims. Unexplained wealth is treated as an offence creating a strong evidence of fiduciary breach, while the Act shape remedies through administrative and self- disclosure mechanisms.

There are some downsides that accompanied the application of the Illicit Enrichment law. Enforcement was uneven and politically motivated. There is an unfortunate selectivity in the application of this crucial law; it is used as a weapon against political opponents. This renders legal risk an existing reality and the law didn't fulfill the purposes for which it was made. Also it's said that the law overlaps with anti-money laundering and financing of terrorism law and regulations

3. Observations and theoretical analysis

Although laws in Sudan started and continued to conform to common law for long years, the fiduciary concept did not play the same role it played in leading common law countries. In these countries, the fiduciary obligation is recognized as an independent cause of action. The concept was not really understood or properly received in Sudan; we find only scant mention of it in Sudanese courts litigations or rulings. This created a noticed vacuum in our legal system as a whole. Many cases were lost, or not directed the right way, because of the unawareness from the part of the litigants, lawyers, and courts, of the benefits of instituting a suit on the basis of breach of the fiduciary obligation. The concept did not receive a serious consideration as a basis of litigation the same as contractual and tortious actions. In countries applying common law we find considerable attention to the fiduciary obligation and a realization of its importance. It constitutes an integral part of the legal literature such as writings of scholars and researchers and judicial precedents. Part of the law reform in these countries is prompted by a desire to give more effect to the application of the fiduciary obligation.

Instituting a case on the basis of the breach of fiduciary obligation has many advantages. The most important of these is that, it gives more rewarding benefits (in terms of remedies) than instituting a case on the basis of tort or contract. This is bearing in mind that each has a realm of application that may be intertwined in

some cases. The plaintiff, in fiduciary cases, doesn't gain only an estimation of losses in the form of damages, but also the defendant is asked to forgo all the benefits which were received by him as a result of the breach. The burden of proof is also much easier than in contract or tort cases. The plaintiff has to prove that there is a fiduciary relationship between him and the defendant. This is considered a light burden of proof, contrary to contract and tort cases where the plaintiff is burdened with the duty of providing detailed and exhaustive evidence for his case. At the same time it is a heavy burden on the defendant to rebut the evidence provided by the plaintiff.

Since many years ago, laws of Sudan progressed towards being in conformity with Islamic or sharia laws. This reached its peak in 1984 by the promulgation of the Civil Transactions Act, 1984 (CTA) referred to earlier. The moral values and obligations of honesty and fidelity are fundamental in Islamic teachings. Application of the CTA necessarily involves adherence to these values. As we have seen in our discussion of the Islamic business models, they are types of relationships largely dependent upon the principles of honesty and good faith mutually extended by one party to the other. The CTA embodies explicit principles influenced by sharia which are relevant to honesty (amana), good faith, and unjust enrichment. If we are really keen to give the Islamic business relations their real scope of applicability, we must find a way to preserve the integrity of these relationships. The way to do this is to create more awareness of the fiduciary obligation as a default scheme of regulations. This is only natural as it is in conformity with the letter and spirit of Islamic teachings, and hence the CTA. The tool for attaining this is through the courts; judges should be more open to educate themselves with what the fiduciary obligation mean and how it is related to the laws they are applying, to achieve justice to many of the cases that spill between their fingers unintentionally. This can only be achieved by the enforcement of the moral obligations by identifiable legal principles such as the fiduciary obligation

As we have seen from the discussion, Sudan legal system has every reason to be influenced by and to apply the fiduciary obligation, both in theory and practice. The call for the application of the fiduciary obligation is not without strong foundations and justifications. We will explore the weaknesses in the relevant laws that render them short of satisfying the purpose of clearly identifying legislative guidelines.

We first have to analyze the laws of Sudan that are closely related to the fiduciary obligation. The purpose is to determine the extent to which they adequately cover the requirements or there is a need for review.

The Sudanese Companies Act, 1925 was criticized as outdated and patchy on director disclosure and conflict of interest regulation, in addition to corporate governance. In addition to outdated provisions that are not suitable for modern corporate activity. Although this law was modeled on English law, it didn't cope with the many developments that took place in English law. This had the effect of compromising investors' confidence and accountability (John A.Brierley and Hussein Elnafabi, 2002, pp113-116). Any reform should fit within Sudan's broader investment and regulatory framework (existing investment Act and related corporate rules).

The Sudanese Companies Act, 2015, was passed with the purpose of modernizing corporate regulations and attract investments. The law is a break through on governance, company types, and some disclosure obligations. For example, there is a recognition of more company forms and structures, and more modern framework for company registration and management. In the fiduciary context, the law added some provisions requiring disclosure of directors' interests.

There are still some remaining gaps. The first gap is the Act doesn't fully codify and define fiduciary duties such as duty of loyalty, duty to avoid conflict of interest, duty of confidentiality, and their subordinate duties. Courts must still rely on common law precedents from England or general equitable principles. Also, the conflict-of-interest framework is inadequate.

The second gap is, there is a mention of disclosure but: 1. no details on how disclosure should be made, e.g. oral, written, or recorded. 2. There are no clear rules for refusal or independent approval of conflicted transactions. 3. There is no provision for keeping a register of directors' interests, which is a key element.

A third gap is the lack of appropriate enforcement mechanisms. There is no authority and resources to investigate and enforce fiduciary duties on the part of the Registrar of Companies, and no specialized corporate governance regulator exists. Even when breaches are detected, penalties are too low to deter misconduct.

A fourth gap is that there are no appropriate provisions for a derivative action. Minority shareholders face obstacles in challenging directors' actions and decisions. This gives directors absolute control in situations where this should not be the case.

A fifth gap is the absence of a link with other relevant laws such as the Illicit and Suspected Wealth Act, 1989, and the AML laws. The companies Act should strongly linked to these laws to prevent hidden beneficial ownership or abuse by politically exposed persons (PEP).

The Illicit and Suspected Enrichment Act, 1989, is a cornerstone of Sudan's anti-corruption framework. It was enacted to combat illegal wealth gained by public officials and others in positions of trust. However, it has many weaknesses in both substance and enforcement, especially when measured against international standards such as the UN Convention against Corruption (UNCAC). The main criticism to the Act is that it is much outdated in definition and scope.

The first weakness is that the law focuses only on public officials. This doesn't cope with modern trends that include private sector actors colluding with officials, professional intermediaries such as lawyers, accountants, brokers, and politically exposed persons (PEPs) operating through relatives or shell companies.

The second weakness is that "enrichment" is not clearly defined, leaving interpretation gaps for the courts to fill and may struggle with.

The third weakness is that it doesn't address corporate vehicles, beneficial ownership, or modern forms of asset hiding, such as crypto currencies or offshore trusts.

The fourth weakness is that the Act is not adequately linked to the Companies Cat, 2015, and AML laws. There is no mechanism to track enrichment through company structure, making it easy to hide illicit wealth behind private companies. Also there is no direct cross referencing of directors' disclosure duties under the companies' Act.

4. Suggestions and Recommendations for the Future of the Fiduciary Obligation in Sudan

After conducting the above discussion, supported by the observation and analysis we go on to conclude with the suggestions and recommendations trying to make them precise and direct to the point.

4.1 Legislative Reform:

Legislative reform is the cornerstone for any development and improvement in the application of the fiduciary obligation. Based on our discussion we recommend the following in this regard.

- **1st** to insert explicit statutory fiduciary duties in the Companies Act 2015, in the appropriate details. These should include loyalty, good faith, and avoidance of conflict of interest. Each of these should be defined in the law, and the subordinated duties should be mentioned in clear provisions. This will make Sudan more attractive to foreign investors and international financial institutions. Also it will result in more certainty to courts as they will have explicit statutory duties to rely on in their decisions.

- **2nd** to focus more on the duty of disclosure by providing details on the requirements of disclosure, such as a written disclosure, the time of giving disclosure, the process of dealing with it by other directors/shareholders as the case may be, and the approval or refusal of disclosure. This focus on disclosure will encourage transparency and better business practices.
- **3rd** to enhance the powers of the Registrar of Companies on investigation and sanction of breaches involving fiduciary duties. There should be clear penalties for each breach, and to build capacity within the Registrar to deal with the different situations. This will help combat insider dealing, state owned enterprise abuse, and politically exposed persons hiding assets..
- **4th** there must be a scheme of remedies and enforcement for breach of the fiduciary obligation, such as damages, injunction, restitution, and disgorgement of profits made.
- **5th** there should be a simplified process for minority suits against directors (derivative action).
- **6th** to link company disclosure to beneficial ownership registers and AML reporting. This will enhance enforcement of the Law on Fighting Illicit and Suspected Wealth, 2019.
- **7th** to update the definition of Illicit Enrichment in the Law on Fighting Illicit and Suspected Wealth 1989, to cover indirect enrichment through family members or associates, corporate entities, and modern financial assets.
- **8th** Explicitly include state- owned companies directors, senior officers and directors to the definition of Public Servant in the Illicit Enrichment law.
- **9th** there must be a mechanism to harmonize the Companies Act, 2015 and the Law on Fighting Illicit and Suspected Wealth, 1989, by creating a strong mechanism to track enrichment through company structures to prevent illicit wealth behind private companies. Also through a direct cross referencing of directors' disclosure duties under the Companies Act, by requiring companies to report suspicious enrichment by directors or executives.
- **10th** the Companies Law, 2015, law should treat abuse of corporate office (breach of the fiduciary duties) as illicit enrichment.

4.2 Recommendations for Judicial Improvements:

Beside legislative reform, we have to pay good attention to judicial improvement and enhancement. Even with strong statutory amendments, the real test is whether the courts can enforce fiduciary obligations effectively. Narrow and inconsistent judicial interpretation have been historical weaknesses in Sudan. The suggestions to enhance courts performance are as follows:

- 1st establish appropriate commercial and corporate courts with judges trained in company law and corporate governance.
- 2nd continuous judicial education by regular workshops for judges on fiduciary law, drawing on comparative case law in UK, Kenya, South Africa, and India.
- 3rd training on how fiduciary duties align with trust obligation in Sharia (amanah, daman, maslaha, no unjust enrichment), and the inherent traditions of justice, equity, and good conscience deeply rooted in Sudanese legal system.
- 4th encourage courts to rely on persuasive precedents such as *Regal (Hastings) Ltd v. Gulliver* [1942], and *Canadian Aero Service v. O'Malley* [1974]
- 5th ensure systematic publication of corporate cases so fiduciary principles become visible and predictable.
- 6th the Supreme Court to issue interpretive guidance on directors' duties similar to Kenya's Practice Directions in corporate disputes.
- 7th empower courts to impose disqualification orders, restitution, and even refer cases to criminal enrichment investigation.
- 8th courts must interpret the 2015 Act in light of fiduciary principles as protective norms, not mere technicalities.

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The Effectiveness of Hearing Aids in Enhancing Auditory Perception in Children with Hearing Impairment

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Abstract

Hearing impairments are among the most significant developmental challenges affecting children's linguistic, cognitive, and social growth, particularly during early childhood when auditory input plays a crucial role in language acquisition and communication, this study aimed to evaluate the effectiveness of hearing aids in enhancing auditory perception among children with mild to moderate hearing loss, by assessing improvements in auditory and linguistic abilities following the use of hearing devices, the study sample consisted of 30 children aged between 6 and 10 years who were fitted with hearing aids and monitored over a specified period, a quasi-experimental design was employed, involving pre- and post-intervention assessments using a series of standardized auditory and cognitive tests, as well as behavioral observations and reports from parents and teachers in both home and educational settings, the results indicated significant improvement in several aspects of auditory perception, including the ability to discriminate between verbal and non-verbal sounds, increased accuracy in word recognition, and enhanced auditory attention and interaction in daily environments, the effectiveness of the hearing aids was particularly evident among children who received early intervention, reinforcing the importance of timely diagnosis and auditory rehabilitation, no significant adverse effects related to the use of hearing aids were reported, indicating high levels of acceptance and functional compatibility, the study concludes that hearing aids are an effective tool in improving various dimensions of auditory perception and play a pivotal role in supporting linguistic and cognitive development in children with hearing loss, the findings underscore the need to strengthen early screening programs and raise awareness among parents, educators, and healthcare providers about the critical role of early auditory intervention and the provision of appropriate hearing devices during the early years of development.

Keywords: Hearing Aids - Auditory Perception Hearing- children- Impaired Individuals.

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Introduction

There has been increasing interest in recent times among specialists in disability studies and special education to support individuals with special needs so that they may live normal lives like their typically developing peers, their personalities, like those of non-disabled individuals, are subject to influence, however, individuals with special needs face numerous obstacles-regardless of the type or severity of their disability-stemming either from a lack of societal awareness or from challenges inherent in the individual's own personality, such factors may lead to disturbances and issues in the personality of the person with a disability as a result of that disability (Al-Najjar, Tariq Mohamed El-Sayed, 2013). Disability has long been a persistent concern in human societies from ancient times to the present day, societies have varied in their perspectives and treatment of individuals with disabilities, influenced by prevailing values, traditions, religious beliefs, and social norms (Al-Adrah, Ibrahim, 2016). One of the disabilities that has become increasingly prevalent in recent times is hearing impairment, which ranges in severity from mild hearing loss to profound hearing loss or complete deafness (Al-Khatib, Jamal, 1998) When a student receives information accurately and clearly through the senses, their cognitive processes are likely to be correct, resulting in accurate information processing, this however, depends on the integrity of their auditory perception, if there is any distortion or inaccurate auditory perception of information, it can lead to faulty or confused processing, and thus incorrect interpretation, consequently, their responses or reactions may be inappropriate (Al-Rousan, Farouq, 2006, p: 175). Auditory perception-with its components (auditory discrimination, auditory memory, auditory-verbal association, and auditory interpretation of instructions) is considered one of the most critical auditory skills that should be developed in hearing-impaired individuals, especially those with partial hearing loss at the elementary school level.

At this stage, students with hearing impairments heavily rely on auditory perception to comprehend the surrounding aspects of life, it serves as their primary means of accessing knowledge and awareness through their connection with the external world, enabling the formation of various sensory perceptions that support their understanding (Mohamed Faheem Mostafa, 2001). Auditory perception is one of the most fundamental cognitive processes that enable a child to interact with the world around them, It forms the basis for language acquisition, vocabulary development, and the enhancement of both verbal and non-verbal communication skills, This ability begins to develop in the early stages of life and is influenced by the quality and nature of the auditory input to which the child is exposed, However, any impairment in the auditory system-whether congenital or

acquired-can lead to delays in the development of auditory perception, which in turn negatively affects linguistic, social, and cognitive development,

One of the studies that addressed this aspect is the study by Saleh, et, al, 2022 titled "The Level of Auditory Memory in Children with Hearing Impairment According to the Variables of Assistive Hearing Devices and the Age at Which Hearing Loss Occurred, the study aimed to identify the level of auditory memory among children with hearing impairment aged between 4 and 7 years, as well as to examine the significance of differences in auditory memory levels based on two variables: the type of hearing device used (hearing aids vs, cochlear implants) and the timing of hearing loss (congenital-pre-lingual deafness vs, acquired-post-lingual deafness) the study sample consisted of 20 children, with 10 using hearing aids and 10 using cochlear implants, while considering the age at which hearing loss occurred, the participants were purposefully selected from the Syrian Organization for Persons with Disabilities (Aamal) in Damascus, the researchers employed an auditory memory scale developed by the author, whose validity and reliability were verified within the Syrian context, the study yielded the following findings: There were no statistically significant differences in the total and subscale scores of the auditory memory scale attributable to the type of hearing device used (hearing aids or cochlear implants), statistically significant differences were found in the total and subscale scores of auditory memory in favor of children with acquired hearing loss (post-lingual), as opposed to those with congenital hearing loss.

Elizabeth, M, Fitzpatrick, et, al. (2012) conducted a study in Canada entitled "Comparison of Outcomes in Children with Hearing Aids and Cochlear Implants", aiming to evaluate the performance of children with sensorineural hearing loss ranging from moderate to severe, by comparing the effectiveness of hearing aids versus cochlear implants, the study sample included 41 children with bilateral sensorineural hearing loss who used cochlear implants, along with 20 children with moderate hearing loss who used hearing aids, Participants were aged between 6 and 18 years, the researchers employed a range of assessment tools, including speech recognition tests, standardized measures of speech and language production, and evaluations of reading and writing skills, the findings revealed no statistically significant differences between the two groups in terms of speech recognition or expressive language abilities, However, children who used hearing aids outperformed their peers with cochlear implants in receptive language, auditory memory, and reading comprehension.

Yoshinaga - Itano, et, al. (2010) conducted a study in the United States entitled: "Describing the Trajectory of Language Development in the Presence of Severe-to-Profound Hearing Loss:

A Closer Look at Children with Cochlear Implants Versus Hearing Aids, the study aimed to examine the language development trajectories of children with severe-to-profound hearing loss, comparing those who used cochlear implants with those who used hearing aids, the sample consisted of 87 children aged between 48 and 87 months, all of whom had received early intervention services through a home-based intervention program in Colorado, most children received services from auditory-verbal therapists, the researchers utilized the Auditory Comprehension subtest of the Preschool Language Scale.

Third Edition (PLS-3), as well as the Expressive Language subscale from the Minnesota Child Development Inventory (covering birth to 36 months), Findings indicated that participants demonstrated language growth equivalent to 4 to 7 years on these assessments, aligning with age-appropriate expectations observed in children with normal hearing, However, children who used hearing aids showed greater deviation from the age-equivalent developmental trajectory in auditory language comprehension and single-word expressive vocabulary tasks compared to their peers with cochlear implants, the study concluded that accelerated language development is possible for some children with severe-to-profound hearing loss and may be facilitated through cochlear implantation, despite the valuable insights provided by previous studies, there remains a pressing need to specifically examine the effectiveness of hearing aids in enhancing auditory perception-an essential component in the language development of children with hearing impairment, this need is particularly significant in light of the varying degrees of hearing loss and the individual differences in response to assistive technologies, hence, the current study aims to investigate the impact of hearing aid use on the development of auditory perception skills in this population, with the goal of contributing to the improvement of early intervention programs and guiding clinical decision-making with greater precision and efficacy.

In this context, hearing aids are considered one of the most effective assistive tools aimed at improving hearing quality in children with varying degrees of hearing loss, these devices function by amplifying surrounding sounds and delivering them clearly to the ear, thereby enabling the brain to analyze and process auditory input in a manner closer to normal hearing, the role of hearing aids goes beyond merely enhancing auditory capacity; they also play a critical part in fostering the perception of both linguistic and non-linguistic sounds, which directly contributes to the development of speech, comprehension, and communication skills, Numerous recent studies have indicated that early intervention through the provision of appropriate hearing aids can lead to significant improvements in auditory perception development, especially when

combined with auditory training and language rehabilitation programs, the earlier the intervention occurs, the greater the likelihood of language development following a more typical trajectory, thereby reducing the developmental gap between children with hearing loss and their typically developing peers, Based on these considerations.

This study seeks to explore the effectiveness of hearing aids in enhancing auditory perception among children by evaluating auditory and linguistic performance before and after the use of hearing aids, It aims to analyze the impact of these devices on sound and word recognition, auditory response speed, and interaction with the surrounding environment, Additionally, the study highlights the importance of early detection of hearing impairment and the role of auditory technologies in improving the quality of life for children from psychological, educational, and social perspectives.

1. Study Procedures

1.1. Methodology Used

This study employed a quasi-experimental design, which is well-suited to the research objective of evaluating the impact of hearing aids on auditory perception in children with hearing loss, the design involved measuring changes in the children's auditory abilities before and after the introduction of hearing aids, without the use of a control group, Pre-and post-intervention assessments were conducted using standardized auditory and cognitive tests to determine the extent of improvement attributable to the intervention, quantitative results were further supported by qualitative data, including behavioral observations and reports from parents and teachers, in order to provide a comprehensive understanding of the functional outcomes in real-life settings, the methodological approach is particularly appropriate for applied research involving limited samples and field conditions where full experimental control is not feasible.

1.2. Study Sample

Given the importance of accurately representing the target population in studies addressing auditory development issues in children, the study sample was carefully selected to align with the research objectives and questions, The sampling process aimed to capture the diversity of hearing loss cases in terms of degree and type, thereby enhancing the generalizability of the findings to the broader population under investigation, the study sample consisted of thirty (30) children who had been diagnosed with varying degrees of hearing loss (mild, moderate, severe), ranging in age from 6 to 10 years. A stratified random sampling technique was employed to ensure proportional and systematic representation of different degrees of hearing loss within the study population.

This approach contributed to the reliability and validity of the results and the soundness of the conclusions drawn.

1.3. Study Instruments

Given the nature of this study, which aims to evaluate the effectiveness of hearing aids in enhancing auditory perception among children with hearing impairments, a diverse set of tools was employed, combining both quantitative and qualitative methods.

The selection of these instruments was guided by their appropriateness for the target age group, as well as their ability to yield accurate and reliable data reflecting the real-life use and impact of hearing aids, the study instruments included, first, objective and subjective audio logical assessments used to determine the degree and type of hearing loss, These assessments included audiograms and auditory brainstem response (ABR) tests, in addition to age-appropriate behavioral hearing tests that rely on the child's ability to respond, furthermore, auditory perception tests were used to measure the child's ability to discriminate sounds, recognize words, and comprehend spoken language, these tests were administered both before and after a period of hearing aid use, allowing for precise measurement of changes in auditory performance, to capture behavioral and communicative changes in the child's natural environment, semi-structured interviews and questionnaires were administered to parents and teachers, These tools gathered qualitative data regarding their observations of the child's auditory behaviors and linguistic and social interactions in daily life, finally, a daily monitoring log was maintained to document the duration and consistency of hearing aid use, this tool provided valuable insight into the relationship between usage adherence and improvements in auditory and perceptual abilities.

1.4. Study Procedures:

To evaluate the effectiveness of early auditory intervention using hearing aids in children with hearing impairment, a structured research methodology was employed to ensure the accuracy and reliability of the findings, The study procedures included the following steps:

1. Initial Assessment: A comprehensive baseline evaluation was conducted for all participating children to determine the degree of hearing loss and the level of auditory perception, Standardized and validated assessment tools were used prior to the fitting of hearing aids.
2. Provision of Hearing Aids: Each child was fitted with an appropriate hearing aid based on individualized recommendations provided by a team of

audiology and speech-language professionals, ensuring that the specific needs of each participant were addressed.

3. Periodic Follow-Up: Participants underwent regular follow-up over a period ranging from six months to one year, during this time, changes in auditory perception were monitored using the same assessment instruments applied in the initial evaluation, ensuring consistency in measurement.
4. Data Collection and Analysis: Upon completion of the follow-up period, data were collected and subjected to statistical analysis to determine the extent of improvement in auditory perception. The analysis also explored potential associations between the degree of improvement and variables such as duration of hearing aid use and severity of hearing loss.

1.5. Data Analysis Methods

The study employed a rigorous statistical analysis methodology to interpret the data collected through measurement tools and to determine the effectiveness of hearing aids in enhancing auditory perception among children with hearing impairments, the analysis process included several interrelated stages, beginning with descriptive statistics, followed by inferential tests, and concluding with the examination of relationships between variables, in the first stage, descriptive statistical methods were utilized to analyze the demographic and audio logical data of the study sample, including variables such as age, gender, type and degree of hearing loss, and the type of hearing aid used, this analysis provided a comprehensive overview of the sample characteristics and established a foundational understanding for interpreting subsequent results, in the second stage, inferential statistical tests (such as paired-samples t-tests or ANOVA, depending on the nature of the variables) were applied to examine differences in auditory perception levels before and after the use of hearing aids, these tests were instrumental in identifying whether statistically significant differences could be attributed to the intervention, in the final stage, correlational and regression analyses were conducted to explore the strength and direction of relationships between independent variables (e.g. duration of hearing aid use, degree of hearing loss, age of the child) and the dependent variable (level of auditory perception), these analyses offered deeper insights into the factors influencing the effectiveness of hearing aids and helped identify the most predictive variables related to auditory improvement, all statistical procedures were performed using advanced software such as SPSS to ensure the accuracy of results and provide quantifiable outcomes suitable for scientific interpretation and validation.

1.6. Study Findings

The findings of this study demonstrated the tangible effectiveness of hearing aids in enhancing auditory perception among children with varying degrees of hearing

impairment, Statistical analyses revealed a significant improvement in the children's ability to distinguish sounds and words following a period of hearing aid use, with success rates in auditory perception tests increasing by up to 35% compared to pre-intervention assessments, this indicates that hearing aids play a direct role in improving the auditory brain's capacity to process sound signals, thereby enhancing functional auditory performance in this population, Furthermore, the results indicated that the efficacy of hearing aids varies depending on the severity of hearing loss, Children with mild to moderate hearing loss showed greater improvement compared to their peers with severe hearing loss, with the former group achieving a 40% increase in auditory performance, versus 20% in the latter group, this disparity underscores the importance of early detection and timely intervention, as individuals with less severe impairment tend to derive greater benefit from amplification devices, the data also revealed a clear positive correlation between the duration of hearing aid use and improvement in auditory perception.

Children who consistently used their hearing aids for more than six months achieved better outcomes than those with shorter usage periods, This finding highlights the critical role of consistent and prolonged use in maximizing the long-term benefits of hearing amplification, in addition, the study underscored the value of integrating auditory and language training programs alongside hearing aid use, Children who received such supplementary interventions exhibited more substantial gains in comprehension and communication skills compared to those who did not.

These results were further supported by parental and teacher reports, which noted noticeable improvements in listening behaviors, attention, and verbal interaction following hearing aid adoption, Such subjective observations align with objective auditory assessment data, enhancing the reliability of the findings, Collectively, these outcomes suggest that hearing aids, when combined with appropriate rehabilitative interventions, can significantly improve auditory and communicative outcomes in children with hearing loss, this reinforces the need for a comprehensive, multidisciplinary approach to the management of pediatric hearing impairment.

2.Presentation and Analysis of Results

2.1. Quantitative Results Analysis

Using the paired-sample t-test, the auditory perception results of children were compared before and after the use of hearing aids, the results showed a statistically significant increase ($p < 0.05$) in the rates of sound and word

discrimination, the mean performance score before using the hearing aids was 45%, which increased to 80% after six months of use.

2.1.1. Effect of Hearing Loss Severity on Effectiveness

The sample was divided into two groups based on the severity of hearing loss (mild to moderate, and severe to profound), the first group showed greater improvement compared to the second group, with a mean improvement in auditory perception of 40% for the first group, compared to 20% for the second group.

2.1.2. Duration of Hearing Aid Use and Its Relationship to Improvement

An analysis of the relationship between the duration of hearing aid use (less than 3 months, 3 months, and more than 6 months) and the level of improvement showed that children who used hearing aids for more than 6 months achieved the best results in auditory perception tests.

2.2. Qualitative Results Analysis

2.2.1. Reports from Parents and Teachers

Qualitative data was collected through questionnaires and interviews with parents and teachers, which indicated a noticeable improvement in children's ability to respond to sounds, understand instructions, and engage in social interactions. These observations reflect the positive impact of hearing aids on children's daily lives.

2.2.2. Role of Rehabilitative Interventions:

The data revealed that children who participated in accompanying auditory and language training programs showed faster and greater improvement in auditory perception compared to those who did not receive such interventions, this highlights the importance of integrating rehabilitative therapy alongside hearing aid use.

Summary of the Analysis

The results underscore the effectiveness of hearing aids as a vital tool in enhancing auditory perception among children-particularly when used consistently and from an early age, they also emphasize the necessity of providing complementary rehabilitative support, moreover, the findings show that the degree of hearing loss significantly influences the extent of benefit gained from hearing aids, which calls for the development of targeted therapeutic programs tailored to the specific needs of each case.

3. Discussion

Hearing impairment is one of the most common sensory disabilities affecting children, and it can significantly impact their linguistic, cognitive, and social development-particularly during early childhood. Given the crucial role of auditory perception in language acquisition and communication skills development, effective rehabilitative interventions are essential to mitigate the consequences of hearing loss and improve the quality of life for affected children. Among such interventions, hearing aids occupy a vital role as assistive technological devices aimed at enhancing the ability to perceive sounds and comprehend speech. Findings from the study demonstrate that hearing aids play a pivotal and effective role in improving auditory perception skills in children with hearing impairment. Regular use of hearing aids contributed significantly to better discrimination of sounds and words, as well as enhanced language comprehension over time. Furthermore, early intervention with hearing aids emerged as a key factor in promoting auditory and linguistic development. Children who began using hearing aids at younger ages exhibited greater progress compared to those who received these devices at later stages, moreover, the study revealed that the effectiveness of hearing aids varies according to the severity and type of hearing loss. Children with mild to moderate hearing loss showed more marked improvements in auditory perception compared to those with severe or profound hearing impairments.

A strong correlation was also observed between consistent, long-term use of hearing aids and improvement in auditory abilities, underscoring the importance of daily adherence to hearing aid use as part of a comprehensive auditory rehabilitation plan. Another critical factor enhancing the effectiveness of hearing aids was the integration of complementary rehabilitative programs, such as auditory and language training. These programs contributed to the development of communication and social interaction skills, further maximizing the benefits of hearing aids and supporting a holistic approach to treatment that combines technological and behavioral strategies. Together, these findings suggest that hearing aids, when employed within a comprehensive and individualized rehabilitation framework, represent an effective means of improving auditory perception in children with hearing impairment-particularly when applied early, used consistently, and supported by structured rehabilitative interventions.

3.1. Limitations

Despite the positive findings regarding the effectiveness of hearing aids in enhancing auditory perception among children with hearing impairment, several limitations should be considered when interpreting the results. First, the sample size was limited to 30 children, which may affect the generalizability of the

findings to a broader population of hearing-impaired children. Second, the study was conducted over a specific follow-up period, which might not capture the long-term effects of hearing aid use on auditory perception and language development. Third, the study relied on behavioral observations and reports from parents and teachers, which may introduce subjective biases or variability in assessments. Finally, there was limited control over environmental and social factors that could influence auditory perception development, such as the level of family support and the quality of intervention services provided, potentially impacting the ability to isolate the effect of hearing aids independently.

3.2. Recommendations

In light of the findings of this study, which demonstrated a positive impact of hearing aids on enhancing auditory perception among children with hearing impairment, the researcher recommends the following:

1. Enhancing early hearing screening programs for newborns to ensure timely intervention and the prompt provision of appropriate hearing aids.
2. Providing suitable hearing aids to all eligible children, particularly those with mild to moderate hearing loss, given their proven effectiveness in improving sound discrimination and word recognition skills.
3. Integrating regular auditory training programs into rehabilitation plans, alongside hearing aid use, to maximize the development of auditory and language skills.
4. Developing awareness and training programs for parents and teachers to enable them to effectively support hearing-impaired children in both home and educational environments, and to monitor their auditory and linguistic progress.
5. Encouraging future research with larger sample sizes, longer follow-up periods, and more diverse age groups and degrees of hearing loss, in order to generalize findings and enhance the quality of intervention practices.

Conclusion

In light of the findings of this study, it is evident that the use of hearing aids is an effective tool in enhancing auditory perception among children with hearing impairments, particularly in cases ranging from mild to moderate hearing loss, the comprehensive follow-up-through auditory and cognitive assessments, as well as behavioral observations and reports from parents and teachers-demonstrated

significant improvements in the children's ability to discriminate sounds, recognize words, and engage with their auditory environment, these results underscore the critical importance of early intervention and the provision of appropriate hearing assistive devices in supporting the auditory and linguistic development of children, accordingly, the study recommends the adoption of early hearing screening programs and the provision of adequate support for children and their families to maximize the benefits of hearing aid use and promote equitable educational and social opportunities.

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From the Sharifian Army to the Soldiers of the Tricolor

Recruitment and Perceptions of Moroccan Troops during the Great War

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Abstract

This article examines the fate of Moroccan colonial troops recruited by the French colonial authority in Morocco during the early years of the French Protectorate and the Great War. It highlights the transformation of Moroccan forces from soldiers in the Sharifian Army to colonial troops defending the French tricolor, revealing the multi-scalar impact of colonialism on Moroccan society in general and the military in particular. The Fez mutiny against French training officers in 1912, the anti-colonial insurgency in the Atlas Mountains, and the sudden 'shift of allegiance' and recruitment into the colonial army in the 'pacified' areas are manifestations of this multi-scalar impact. While the French presented this military shift of allegiance as an act of 'volunteerism' on the part of the natives, the process conceals various forms of coercion and economic hardship that were exacerbated during the Great War. The article concludes with an exploration of the European racialized forms of representation of colonial soldiers, despite their role and heavy sacrifices in the war.

Keywords: Moroccan colonial troops, the Great War, shift of allegiance, European perceptions

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Introduction

The Spanish military presence in the enclaves of Ceuta and Melilla in northern Morocco, the French conquest of Algeria in 1830, and the decline of the Moroccan central government rendered European colonial intervention in Morocco's political, economic, and military affairs a *de facto* reality with the beginning of the 20th century. The defeat of the Sharifian Army in the Battle of Isly (1844) against France and the Battle of Tetouan (1859) against Spain exacerbated the situation of a decaying Moroccan state. The archaic political system, the deteriorating economy, and the military anarchy that prevailed in Morocco in the second half of the nineteenth century rendered any reform attempts futile. As the imperial rivalry between European powers intensified at the beginning of the twentieth century, Morocco was an accessible territory. The fast-paced events that occurred between 1907, when France occupied Oujda, and 1912, when Morocco officially became a French protectorate, explain why and how the French army entered Fez—the capital of Morocco at that time—without a single shot.

The signing of the Protectorate Treaty opened the gates of Morocco to colonial exploitation just in time when France desperately needed Moroccan economic and human resources. Two years after Morocco officially became a French colony, the Great War broke out in Europe. The French Empire, including Morocco, had to contribute to the war effort by providing the metropole with the required economic and natural resources. However, France demanded not only the colonies' financial and natural resources but also their potential “reservoirs of men” to deploy them in its vast war fronts across Europe. Although the French conquest was still in its early stages in Morocco, thousands of young Moroccan youths were drafted into the French army and mobilized to the front lines in Europe.

The entanglement of Moroccan troops in World War I was a fundamental aspect of French colonialism in Morocco. However, despite the abundance of postcolonial scholarship on Morocco, the histories of colonial troops remain understudied and often overlooked. This article revisits the involvement of Moroccan soldiers in World War I, highlighting previously unexplored perspectives on their experiences during the global conflict. It first dwells on the

political, social, and military contexts that compelled Moroccan soldiers to switch allegiance and fight under the French tricolor. Second, it examines the French views on raising troops from the subdued territories and the methods French officers used to seduce native recruits, despite Morocco having been a French colony for only two years and most of its territories being outside French control. The article finally examines colonial troops' reception in Europe, exposing the intersection of colonialism, war and cultural stereotypes in the construction of racialized perceptions of the non-European during the Great War.

1 .The Sharifian army in the early months of the protectorate.

On March 30, 1912, Moroccan Sultan Abdel Hafid signed the Protectorate Treaty with France and Spain, marking the beginning of a new phase in Morocco's history under colonial rule. The treaty, however, didn't inaugurate colonial presence in Morocco. France had already occupied large parts of Eastern Morocco using its troops stationed in Algeria. In 1907, the French landed on the western shores of Morocco at the port of Casablanca and began encroaching through the Chaouia plains, moving east toward the capital, Fez. The French were trying to secure a line through Fez to link Oujda in the east with Casablanca in the west. Spain had already started adding a coastal strip to its presidios at Ceuta and Melilla in the north.

Amid these colonial encroachments, Abdel Hafid, the newly throned Sultan of Morocco, was facing massive troubles that were shattering the Moroccan state, threatening its sovereignty and stability. After two years of civil war, he dethroned his brother, Abdel-Aziz, and inherited a disintegrating state. However, his newly proclaimed power bore elements of its demise. Abdel Hafid dethroned his brother with the backing of the religious elites, the grand qaiads of the Middle Atlas and Anti-Atlas, and the tribes that weren't content with his brother's rule. They declared him Sultan of Morocco with a conditional "bay'a," or "pledge of allegiance." According to its terms, they demanded that the new Sultan work for the benefit of the Moroccan community by fulfilling several conditions (Burke III, 1976; Julien, 2011; Miller, 2013; Pennell, 2000). First, he was required to "abrogate" the Act of Algeciras, accepted by his brother in 1905, which gave France the right to intervene in Morocco's political, financial, and military affairs. Second, he was tasked with doing his best to reunite a disintegrating state and

extricate Casablanca and Oujda from French occupation. Third, he was asked to cancel or reduce the unfair taxes that burdened both merchants in the city and farmers in the tribes. Fourth, he was required to repudiate all the foreign debts his dethroned brother had contracted. Finally, he was also required to revive the practice of true Islam and foster closer cooperation with other Muslim powers, especially the Ottoman Empire (Miller, 2013).

The demands were too burdensome for Sultan Abdel Hafid to uphold. To secure his power, he made compromises that amounted to the rejection of the terms of *bay'a* that brought him to the throne. His primary concern was securing recognition from the European powers, as the banks holding Moroccan money and customs receipts were governed by the convention of Algeciras. Since the state's treasury was empty, the solution was to impose more taxes on the urban and tribal populations. This taxation policy was one of the main reasons behind the collapse of his brother Abdelaziz's rule. Aware of the dangers of his decisions, Abdelhafid set out to eliminate his powerful supporters. Abdelhafid crushed religious and tribal figures who would denounce his regressive policy with spectacular violence .

However, using excessive violence against his domestic rivals was more a weapon of weakness than of strength. Abdelhafid was unable to fulfill his supporters' expectations for economic, social, and political reforms. No jihad was declared to recover the occupied territories east, west, and north of the country. He instead solicited further loans from the European powers, who mandated that he acknowledge the Algeciras Treaty as a prerequisite. The French also demanded increased control over the Chaouia and Oujda regions and asked that the Makhzan pay the costs of the French occupation and administration of the two areas (Pennell, 2000). Left with no better choice, the Sultan accepted all the French accords. Things worsened as foreign loans continued to drain the Sharifian treasury. The country's financial autonomy collapsed as the French took control of all regular taxes and finances. The French also gradually seized control of Morocco's central and local administrations, dismissing any administrators with anti-French sentiments and replacing them with French staff or loyal Moroccan elites .

Ironically, on the eve of the Protectorate, Abdel Hafid's position was even worse than that of his brother, whom he dethroned in 1908. He soon faced tribal uprisings that were very similar to those he had led in 1905. Tribes from the Atlas Mountains, Cherarda, and other areas around the walled city of Fez formed a pan-tribal coalition that levied more than 6,000 rebels and set a siege on the city. The French decided to intervene under the pretext of saving the European community trapped in the city. They exerted heavy pressure on the Sultan to appeal to the French for military assistance to relieve the city and its European residents. Abdel Hafid wistfully signed an official letter requesting military support and handed it to the French, who took it as a passport for their troops to enter the city of Fez. A relief column arrived in Fez on May 21, 1911, and delivered the city from the last of its Berber attackers (Burke III, 1976). The capital, Fez, fell practically into the hands of the French.

While these events were unfolding, the French also extended their intrigue to control all pillars of the Moroccan state. The Sharifian Army was their final objective before the signing of the protectorate. In November 1910, with the Sultan's acquiescence, they began restructuring and retraining Moroccan troops. French military experts and collaborative Moroccan officers were put in charge (Poroch, 1987). A few weeks after the arrival of the French forces in Fez to disband the tribes besieging the city, the Sultan handed over full control of the Sharifian Army to the French, who became responsible for its salary, discipline, and armament.

Having controlled the Sharifian army, all that remained for the French was to sign the treaty of protectorate. With both the Algerian and Tunisian models in mind, the French needed to determine the exact colonial policy in Morocco and the role the Makhzan would play in it. Two distinct colonial perspectives evolved in the months leading up to the signing of the Treaty of the Protectorate. The supporters of the first perspective advocated the “assimilation” method and sought to eliminate the Sultan and the Makhzan, as well as all traditional native political institutions. They called for establishing direct ties with the subdued population while using military force to push French colonialism farther into the hinterland of Morocco. For them, “association” or “indirect rule” was insufficient to build a long-term colonial project in Morocco and would merely preserve local tyrants in their positions. The core of this orientation was military action, as most of its

adherents were members of the army. The second perspective believed that the structures of the old Makhzan had to be preserved, and the country should be governed by its native elite and notables. Supporters of this orientation, including the Résident Général Louis-Hubert Lyeauty, believed that the French relief column, mobilized to take over Fez and liberate it from its tribal besiegers, acted in accordance with this policy by helping to restore the Sultan's authority. This perspective paradoxically shaped all military operations during the conquest of Morocco (Porch, 1987).

With Sultan Abdelhafid's signing of the Protectorate Treaty on March 30, 1912, widespread anger reached its highest levels among both urban and rural populations. Although the Sultan insisted that the treaty's signing be kept secret until he got a safe passage to the new capital, Rabat, its "shameful" accords were leaked out to the outraged inhabitants of Fez and the surrounding tribes a few days later. They considered the accords of the protectorate as an act of betrayal by the Sultan. The outraged population even believed that the French had the intention and plans to convert Morocco to Christianity by force (Porch, 1987). Agitated conversations in the streets of Fez openly voiced anti-French and anti-Sultan sentiments (Burke III, 1976).

However, the initial violent reaction against the signing of the Protectorate Treaty didn't come from the frustrated civilians. It came from the Sharifian Army, which was garrisoned in the city and trained and disciplined by French instructors and officers. In addition to the frenzied atmosphere in the city, which negatively affected their temper, the Sharifian troops were vexed by the French officers' decision to implement military reforms that they considered unfair and humiliating. As noted above, the Sultan had signed over the control of the Sharifian Army to the French, who didn't dissolve it. They replaced Moroccan officers with French instructors and officers while keeping the rank and file of the army. The French instructors attempted to reorganize the troops by breaking with the archaic military system of the mehallas that prevailed in the pre-colonial Moroccan army. They enacted new military regulations. The system of military barracks was introduced in Morocco for the first time. The training was now performed daily. Soldiers received a small daily allowance to buy food or other necessities. In the past, the Sharifian army had no stable barracks. The soldiers spent their nights at home with their families if they lived close or in funduks,

mosques, and the streets of Fez when their homes were far away (Porch, 1987; Burke III, 1976). Furthermore, there was no regular payment for the army, and soldiers usually resorted to pillaging, looting, and theft to feed themselves and their families.

Amidst growing anti-French sentiment among Moroccan troops, French officers opted to implement poorly planned military reforms and severe regulations within a fortnight of the protectorate's signing. Among the new regulations that mainly provoked Moroccan troops were the following decisions: French, rather than Arabic, was to be used henceforth to provide military orders; Moroccan soldiers were supposed to carry knapsacks, which they considered a grave humiliation; and, most of all, a newly revised system of payment was introduced again. According to this system, soldiers would receive half of their salary in cash and the other half in kind (Porch, 1987).

Moroccan soldiers reacted to the new regulations with vehement words and gestures that quickly turned into an unstoppable “mutiny.” French instructors and officers lost control over the outraged forces, which transformed into an unruly, violent mob. The mutineers first attacked their direct French officers and killed most of them; then, they pounced on the city’s streets, killing any European they came across. The mutiny started on April 17, 1912, and lasted three days. French soldiers and civilians were besieged in their residences in the southern part of the walled city (Porch, 1987). Order was finally restored in the city on April 19, 1912, with the assistance of Moroccan units loyal to the French and heavy artillery that bombarded the mutineers’ quarters. The French suffered heavy casualties; 53 officers and 13 civilians were killed. On the other side, well over six hundred Moroccan mutineers perished in the uprising and the mass executions (Burke III, 1976).

A direct consequence of the mutiny was the complete disbandment of the Sharifian Army. The mutiny taught the French a hard lesson: retaining the Sharifian troops was like holding a countdown bomb. Immediately after the bloody events, they decided to disband the remaining Sharifian troops. Most soldiers were killed, executed, deserted to join the uprising tribes, or returned to their homes around Fez. The few units that remained loyal to the French during the three days of the uprising were preserved and asked to apply for reenlistment

on an individual basis. This time, they were not in the Sharifian Army but in a newly created force called “Troupes Auxiliaires Marocaines,” serving solely the French tricolor (Gershovich, 2000). The colonial authority was aware that conquering the rest of Morocco would be economically and humanly costly. Creating a “French native army” composed of Moroccan soldiers would reduce the cost of the colonial adventure and spare many French lives. “Troupes Auxiliaires Marocaines” was the first officially organized native force enlisted in the French colonial army in Morocco after the signing of the Protectorate Treaty. However, native “irregular” units had already been raised from the occupied zones of Oujda in 1907 and Chaouia in 1908. They were mobilized apprehensively to fight alongside the French on various fronts against Moroccan anti-colonial resistance .

The dramatic events that occurred over the five years between the first landing of French troops on Moroccan soil in 1907 and the official signing of the Protectorate Treaty in 1912 are crucial to understanding the background of recruiting thousands of Moroccan colonial soldiers from the areas that were just subdued. The archaic structures in pre-colonial Morocco, the failure of political reforms, the French colonial policy and Lyautey’s touch, the nature of the Moroccan army before the arrival of the French and the military disarray that led to “the mutiny,” and the final disbandment of the regular Moroccan troops are essential clues to understand the French colonial authority’s precarious resort to “the human reservoir” in the colonies to man its armies both in the metropole and at home and the empire. It also helps understand why the subdued natives switched allegiance and joined the colonizer’s army as soon as their tribes and villages were often violently subdued.

2 .An army of natives in the service of the tricolor

When France formally colonized Morocco, it had already been recruiting troops from its African, Southeast Asian, and Caribbean colonies for decades. It used them to fight battles in their original countries against their fellow countrymen in areas that still held out against French colonial penetration. They were also displaced from their original environment to fight in other French colonial adventures in Africa and Asia, as was the case with West African units participating in the French landing in Casablanca in 1908. Every time France

embarked on a new colonial adventure, it mobilized native troops from around its empire. Thousands of native troops fought against France's enemies in Europe during the global conflicts of the 20th century. The use of "colored troops" against "white races" provoked endless debates since they first set foot on European soil .

Although the first non-French units in the French army can be traced back to the 17th century during the first phase of French imperialism under the "ancien régime," they weren't recruited and deployed on a large scale until the final years of the nineteenth century (Fogarty, 2008). French colonial administrators worked under the utilitarian principle that conquering large parts of the world and building an empire required "the collaboration" of indigenous populations. The colonial adventure would fail without them due to its high cost in men and resources. Ronald Robinson's article on the workings of European imperialism perfectly frames this imperial orientation: "If an empire could not be had on the cheap, it was not worth having at all." The financial sinew and the military and administrative muscle of imperialism were drawn through the mediation of indigenous elites from the invaded countries themselves" (Robinson, 1972, p. 120). Colonial advocates sought not only to reduce the costs of the colonial venture but also to spare the lives of Frenchmen who might perish in battles by integrating the natives into the colonial projects. The colonial authority had to incorporate all the subdued indigenous populations into its apparatus. The native elite was going to rule and administer the colonized territories under French supervision. At the same time, the subaltern majority would do the hard work of building and fighting for the empire, rather than the metropolitan workers and troops (Stovall, 1993).

Colonial expertise calculated that the French army would recruit two indigenous soldiers for the cost of one metropolitan soldier (Fogarty, 2008). French troops, exposed to harsh environments within hostile territories in Africa and Southeast Asia, witnessed a frightening death toll. The number of French soldiers who died due to tropical climates and diseases was significantly greater than the number who died in battle (Fogarty, 2008). Colonial adventures thousands of miles from the homeland disposed of French lives and provoked angry reactions from the French public, which politicians found difficult to handle. On the other hand, locally raised native troops had better immunity to local conditions and diseases.

Their knowledge of local geographies and cultures saved the French a great deal of effort in scouting and patrolling territories outside French influence.

A new challenge loomed for France at the beginning of the twentieth century. The political and military rivalry between European colonial powers over the division of colonies was intensifying. This rivalry between France and Germany led to an intense arms race between the two imperial powers. Germany presented a significant political, military, and demographic challenge for France, which had to keep most of its army within the metropolitan borders. The French believed that a war with Germany was inevitable. France's decreased birth rate affected the recruitment of sufficient metropolitan troops. Germany's rapidly growing population, larger army, and increased military power heightened French fears about France's future as a leading power in Europe (Fogarty, 2008). The French faced a twofold dilemma. First, they had to keep the majority of their troops in the homeland, ready for the impending war against Germany. Second, they had to send sufficient troops overseas to maintain their positions in the vast parts of the empire or continue their colonial conquest, as in the case of Morocco .

In this historical context, the idea of “la force noire” appeared. A massive black military force could be raised from the French African colonies to be deployed in Europe during the upcoming global conflict. The promoters of the idea viewed it as the only way to match Germany's military power. One strong advocate of the idea was Charles Mangin, a French officer with a long colonial experience in West Africa. In 1910, he published a book titled *La Force Noire* (Mangin, 1910), in which he campaigned for recruiting native troops from Africa to overcome the shortage of metropolitan troops and alleviate the demographic deficit with Germany. He lobbied for the deployment of African troops in their original country, in other colonies, and mostly in the metropole. On the ground, what he called for was already being applied on various colonial war fronts. In 1908, for example, the “Senegalese Tirailleurs” participated in the French landing in Casablanca and the conquest of the Chaouia Plains west of Morocco. They were also deployed in other parts of the French empire, such as Algeria, Indochina, and the Levant.

Charles Mangin was aware of the idea that the recruitment of African troops to serve under the French tricolor in the colonies and Europe was revolutionary,

given the prevailing European views of the indigenous people as savage races. To convince his political and military superiors as well as the public opinion in France, he used pseudo-scientific and historical arguments derived from colonial ethnography and anthropology about non-European races. He structured the book in a manner that served his campaign in favor of a French army of native warriors .

The book was divided into four chapters, which he titled as “books.” In “Book One,” entitled “Le Dépeuplement de la France,” he responded to the fears of the French about the demographic deficiency and its impact on France’s rivalry with Germany. He argued that West Africa was “an inexhaustible reservoir of men” who were ready to “volunteer” in the French army and provide a force of 100,000 soldiers per year or more. However, given the demographic statistics about West Africa and the reluctance of its people to recruit in the colonial army, it was pure fantasy to raise such a number of soldiers per year (Fogarty, 2008). In “Book Two,” titled “La Force Noire dans l’Histoire,” he resorted to history to provide examples of the successful deployment of African troops. Ancient Egypt, Islamic empires, and the more recent empires of the Middle Ages all recruited African troops for their capabilities in soldiery, though they belonged to “inferior” and “savage” races. In “Book three,” titled “Les Sénégalaïs,” he turned to the pseudo-scientific racist theories provided by colonial anthropology to convince his readers of the fighting qualities of the African troops. He argued that African soldiers possessed “the warrior’s instincts” that remained compelling in “primitive races.” Those instincts were the main reason they survived despite harsh climates and high mortality rates. Using biological terminology, he argued that African troops were the outcome of a “severe natural selection.” Their “less developed” nervous system in comparison to Europeans provided them with a greater pain tolerance and a higher willingness to shed blood on the battlefield.

Moreover, belonging to Africa, which had been “a vast battlefield” for centuries, made them excellent soldiers due to their natural inclination. They had a great capacity to carry heavy loads over long distances owing to centuries of portage and migration. Finally, in “book four,” Mangin provided methods for recruiting, organizing, and mobilizing African troops. He also recommended taking certain precautions with these troops, including limiting their interaction with French civilians. Mangin, however, reassured that the patriarchal nature of their societies

endowed them with a sense of discipline and respect for hierarchy, thereby facilitating their compliance with orders from their French superiors.

In addition to the methods and precautions for dealing with African troops, Mangin had specific roles for them to play in the upcoming war against Germany. For him, they would be especially valuable as “shock troops,” as they possessed precisely the qualities demanded in the long modern struggles: “rusticity, endurance, tenacity, the instinct for combat, the absence of nervousness, and an incomparable power of shock.” (Mangin, 1910, p. 343, author’s translation).

Finally, dealing with the ethical concerns regarding the recruitment of Africans to fight outside their native environments, Mangin paradoxically argued that the formation of “la force noire” served as compensation for the blood and energy France invested during the long and difficult struggle to establish “la paix française” and abolish slavery in Africa. For him, recruiting African soldiers and deploying them on European soil under the banners of the French army was the most significant achievement of France’s “civilizing mission” and the uplifting of the primitive Africans. Therefore, “the French nation “has the right to call upon all of its children for its defense, even upon its adoptive children, without any distinction of race” (Mangin, 1910, p. 350, author’s translation).

Nevertheless, despite Mangin’s relentless campaign, the deployment of African troops in Europe sparked heated debates in France and across Europe. However, the debates were more concerned with the potential harm to the pride of the European civilization and white races than with the moral and ethical implications of exploiting native people in wars that were not theirs. According to the antagonists of the idea of a native army, those troops constituted more of a peril than an advantage. They called attention to the adverse effects that the deployment of African soldiers might have on European troops and civilians and their fellow compatriots when they returned to their countries.

Although Mangin’s ideas sparked contentious debates in France and Europe, they were widely implemented at the outbreak of World War I. As France was in desperate need of troops and supplies for the European front lines, French colonial administrators launched an unprecedented recruitment campaign across the French Empire. The recruitment methods differed from one area to another. They varied from “volunteerism” to “forced conscription.” In West Africa, for example,

the French recruitment officers depended heavily upon the slave trade, which was still a common practice in the late nineteenth century. They used a system known as “rachat” (repurchase) in which French officers paid a bonus to the master to purchase the slaves’ freedom. Formerly enslaved people were to serve in the French army for up to 12 years in return for their purchased freedom (Echenberg, 1991). The improved living conditions of former slaves, their regularly increasing pay, and colorful uniforms lured more “volunteers” to join the colonial army. Other regions of the French empire employed similar enticing strategies to promote “volunteerism”.

As the Great War approached, the recruitment of native troops in the colonies became more systematic. In 1912, the French parliament passed various acts that allowed conscription from all French colonies, except for Morocco, which had a different colonial status. According to the Protectorate Treaty, Morocco was not officially a French colony but a sovereign state under French protection. Conscription, therefore, required a special decree from the Sultan. With heavy casualties among French metropolitan and colonial troops at the outbreak of the Great War, conscription, rather than volunteerism, became the major method of recruitment. Intensive and sometimes forced conscription was undertaken in West Africa, Algeria, Madagascar, and Indochina .

The natives didn’t always welcome compulsory conscription as colonial propaganda claimed. Reactions varied from one area to another and often included hiding from recruitment officers in the mountains, desertion, and, in some cases, armed resistance (Echenberg, 1991). In West Africa, for example, more than 15,000 men avoided compulsory conscription by hiding in the bushes. In other cases, West Africans resorted to armed uprisings to resist forced conscription into the French army, as the metropole requested more recruits to replace the large number of casualties from the battles between 1915 and 1917. The rebellion in Western Volta in 1915 was one example of armed resistance to conscription. Similar adverse reactions were also reported in Algeria and Tunisia, where natives refused to serve in the French army during the European war. Various rebellions took place between 1916 and 1917 (Koller, 2008). Some natives, especially those from the middle classes, avoided conscription, as they considered it dangerous, contrary to their religious principles, or detrimental to their class affiliations (Fogarty, 2008).

3 .Moroccan colonial soldiers' saga with the French army

In Morocco, recruiting native troops was carried out in accordance with Mangin's philosophy of a native army. However, different recruiting methods were adopted. As previously stated, the French Protectorate in Morocco introduced a new colonial policy that implemented an advanced form of indirect rule, preserving the local political structures. Therefore, although Morocco was, by all definitions, a French colony, it formally remained a sovereign state with the Sultan as the highest authority. All decrees required his symbolic seal. In this sense, compulsory conscription in a sovereign state would undermine the image the colonial authority marketed of Morocco as a sovereign state. To find a way to raise the native troops that the metropolitan desperately needed while maintaining the marketed myth of Morocco as an independent state. The way around was to use "volunteerism" instead of conscription to attract potential recruits from the "pacified" territories.

Colonial officers of the Bureau des Affaires Indigènes, as well as collaborative local qai'ds and tribal chiefs, played crucial roles in enticing recruits to join the colonial army. They often recommended potential veterans, directing French officers to popular sites such as the weekly souks, where large numbers of people could be contacted and persuaded to join the colonial army (Gershovich, 2000; Maghraoui, 2004; Maxwell, 2000). In addition to the effective role of those intermediaries, there was indeed a form of agency that explains why native populations, including those subdued just a few weeks or even days ago, found it in their interest to join the colonizer's army and participate in its battles, even against their own tribes. Although they were placed in an inferior position compared to the French troops, most indigenous soldiers perceived the colonial military order as more egalitarian than the social hierarchies present in their hometowns and villages. Joining the colonial army was a means for colonial soldiers to escape their miserable social conditions, which got even worse after colonial subjugation.

It was hardly surprising, then, that as soon as "dissident" tribes were "pacified," native warriors switched sides, seeking recruitment into the army they were fighting against. At times, anti-French local leaders and tribal notables indirectly facilitated the work of recruiting officers as natives joined the French to escape

their tyranny. Lyautey's policy, which prioritized "seduction" over "destruction" in dealing with armed resistance, employed a strategy known in French military circles as the *tâche d'huile*, or "the oil-stain strategy." This strategy was based on attracting natives, even if they were on the other side of the frontline. By implementing various services, such as field medical services, telegraph lines, roadways, railways, and markets on the borders of dissident territories, hostile populations were attracted to "the benefits" of French colonialism, making their switch of allegiance easier (Gershovich, 2004). However, what the French won from this strategy was more than switching allegiance. The territories that pledged loyalty to the French were crucial for sustaining French colonial expansion in the still unconquered areas. Troops raised from those areas were cheaper, and their attrition in battles wouldn't agitate the metropolitan public opinion that was sensitive to any loss of French conscripts.

The locally recruited troops played an eminent role in maintaining the French conquest of Morocco. A brief comparison of casualty figures among French and Moroccan troops during the battles of "pacification" shows that Moroccan troops suffered the highest proportion of casualties. For example, reports on the military operations in the region of Tadla in 1923 estimated the total number of killed and wounded troops at 231, eighty-four percent of whom were Moroccan soldiers (Gershovich, 2004). In all the battles that took place in southern Morocco, the Atlas Mountains, and later in the Rif against Abdelkrim's forces, it appeared that the largest numbers of casualties were among Moroccan troops, not the French metropolitan forces. Local native troops, recruited from recently subdued areas, played a crucial role in maintaining the French colonial enterprise in Morocco during the war years.

Moroccan troops became famous not for the decisive roles they played in the conquest of their country, but for fighting for France during World War I in Europe. As irregular troops who were theoretically volunteers in the French army, Moroccan soldiers received inferior treatment compared to both the French metropolitan army and the native troops conscripted from Algeria and Tunisia (Gershovich, 1994). After their heroic performance during the initial battles of the Great War, a legislative initiative was introduced to address the inequity and equalize their service conditions with those of other troops from North Africa. The initiative was "frozen" following Lyautey's intervention. The latter deemed

the step inappropriate and embarrassing to the Sultan, given Morocco's official neutrality in the Great War (Gershovich, 1994). During his residency in Morocco, Lyautey consistently resisted the imposition of mandatory military service on the native population.

Whether recruitment was via compulsory conscription as in Algeria and Tunisia or through "volunteerism" as in Morocco, both methods often involved tactics of pressure and coercion on the part of indigenous populations. The term "volunteerism" overshadowed multiple overlapping forms of intimidation, especially in periods of crisis when France was in great need of troops. The Great War, World War II, and the wars of decolonization witnessed the most severe forms of coercion and intimidation against the natives, largely due to France's significant troop shortages. The number of Moroccan soldiers recruited in the first two years of the Great War suggested that coercive methods, not "volunteerism," were in use. Although a significant part of the Moroccan hinterland was still outside the scope of French colonization during World War I, and the Sharifian army had just been disbanded after the "mutiny" of Fez, colonial authority succeeded in recruiting about 70,000 soldiers: 34,000 of them served in the regular French units, and the other 36,000 as laborers in weaponry factories (Gershovich, 2000). The recruitment of such a large number in this short period wouldn't be accomplished without economic inducements and physical coercion exercised by the Bureau des Affaires Indigènes and its collaborators from the native notables.

The contribution of Moroccan soldiers was decisive in several major battles of the Great War, including the Marne (1914), Verdun (1916), and the Danube (1918), where they captured an entire German regiment (Mrini, 1997). As Moroccan units were recruited on a voluntary basis, no exact numbers of their wartime casualties are available. Abdelhak Mrini estimated the number of Moroccan soldiers killed to be about 2,500. However, he provided no numbers of the wounded or the prisoners of war (Mrini, 1997). Moshe Gershovich, with deeper archival research, estimates the number of Moroccan soldiers killed to be 9,000, the wounded 17,000, and the prisoners 4,500 (Gershovich, 2000). After the war, the majority of Moroccan troops remained outside Morocco, as Lyautey was convinced that their return to Morocco might jeopardize France's colonial presence in the country. Only 20,000 soldiers returned; the others remained scattered in various parts of

the world, including Turkey and the Levant, but mainly in France and Germany. Their presence in Germany was subject to intense racist German propaganda, and they were finally withdrawn in 1925 (Clayton, 1988) .

4 .Colonial soldiers in Europe: ‘savage warriors’ among ‘civilized white races’.

Despite the stories of bravery, sacrifices, and the heavy casualties in their ranks, the presence of colonial soldiers in Europe proliferated rich cultural tropes and images in European narratives of the Great War. The images generated about colonial soldiers evolved in different ways depending on which side of the frontline they emerged from. In their war experience, colonial soldiers encountered unexpected scenes. They encountered or lived among culturally different social groups that they had never seen in their native towns and villages. Some of them were comrades-in-arms, some were their enemies on the other side of the front, some were their superiors, others were their captives or captors, and some were just civilians whose curiosity drew them to stare at those exotic soldiers who had set foot in Europe for the first time in history .

Two primary forms of cultural representation regarding colonial soldiers prevailed. The first was promoted by Germany, against whom those troops were fighting, and the second was promoted by France, which recruited them and brought them to fight on its side. The German representation of colonial soldiers developed along racist pre-war images of the colonized people in Africa and Asia. German propaganda disseminated those distorted images about African troops in order to influence public opinion inside Germany about the rightfulness of the German cause in declaring war against France and its allies. For the German promoters of the stereotypical images of African soldiers, France had committed a “shameful” crime in using those “savage” troops against the “white races” in Europe. Derogatory jargon was used to describe colonial soldiers, and Expressions such as “barbarians of the world,” “army of niggers,” “primitive beasts,” “apes,” and much more racialized language that negated those troops’ humanity and qualities as regular military forces were evoked when they were referred to .

In this context, colonial troops fighting on the French side were deliberately associated with horrible stories of war atrocities. For example, Moroccan soldiers

were widely believed to have the habit of mutilating the bodies of their enemies on the battlefield. They were reported to have gouged the eyes and cut off the ears, noses, and heads of wounded or captured German soldiers using Moroccan-made daggers and knives (Amt Auswärtiges, 1915) .

German propaganda also evoked images of “innocent German women” being violated by colonial troops to dramatize further their unwelcome presence among Europeans and nations that were still neutral in the war. Putting these women in reach of “these savages” will expose them to the “animal passions” of these “wild beasts.” Using the claimed accounts of German women taken as prisoners, German propaganda recounts how women prisoners were raped by “black soldiers” while being transported on board a train:

Each of the black soldiers selected one of the women prisoners and demanded the use of her sexually. One of them demanded this of me, but I refused with determination. Thereupon he tried to throw me down and force me. He had already exposed his sexual parts, but he did not succeed in forcing me. He therefore called a second black soldier; and when I resisted them both the first one gave me a deep wound with his bayonet, from which the blood ran down. Of the other blacks probably every one succeeded in ravishing one of the prisoners before the eyes of the whole car, despite her resistance (Amt Auswärtiges, 1915).

In this piece of propaganda that was directed at Western neutral nations and white people to convince them to denounce France and Britain’s use of “black” Africans and Indians in the European theater of war, the articulation of white European women in the discussion on colonial troops was the most dramatic argument trying to win their sympathy and denouncement of France and Britain’ military policies. Presenting colonial troops as committing acts of collective rape would undoubtedly serve this end because of the psychological, religious, and cultural impact.

Another recurrent theme in German popular representation of the French colonial troops was their alleged impact on the future of racial hierarchy and the supremacy of “the white races.” German anti-colonial troops propaganda suggests that if the “savage warriors” were trained to use modern European arms and war tactics and were brought to Europe to witness the vulnerability of “the white nations” during their conflicts, they would permanently lose respect for their

European masters. They would return to their colonized nations when the war was over and turn their weapons against their colonial masters (Amt Auswärtiges, 1915).

Following the German propaganda campaign on the French and British “employment of colored tribes in wars between civilized nations,” colonial soldiers were labelled with all sorts of racist expressions that not only negated their quality as regular military forces but also dehumanized them, treating them as animals or beasts. They were described as “Senegalese negroes,” “black North Africans,” “barbarians,” and “wild beasts” with “animal passions” who mutilated the bodies of their enemies, cut their heads, gouged their eyes, and cut their ears to wear them as war trophies, and collectively raped innocent women. Employing such troops with such “savagery and cruelty” was marked as “a disgrace to the methods of warfare of the twentieth century” (Amt Auswärtiges, 1915).

Affected by this highly racialized repertoire, most narratives written about colonial troops henceforth borrow from this repertoire to provide racialized accounts of the presence of colonial troops in Europe. Recurrent vocabulary in these narratives about colonial soldiers includes depictions of colonial soldiers’ presence in Europe as a “chaos of colors and religions,” “devils,” “inhuman savages,” “dead human scum of the wilderness,” “Africans stabbing in devilish ecstasy,” or “riffraff of all colors.” Other terms used included “African exhibition,” “ethnological show of uncivilized bands and hordes,” “black flood,” “dark mud,” and “black shame” (Koller, 2014). These harmful tropes continued to shape Western representations long after the Great War .

These racialized representations undoubtedly contributed to the widespread massacres of colonial troops during the German army’s invasion of France and Belgium in the first two years of World War II. Colonial units stationed on the French and Belgian borders with Germany were ordered not to leave their positions, despite the German army’s overwhelming military superiority. When German troops confronted these helpless units, they surely still held in mind vivid racialized images of the “savage” soldiers circulated during the First World War and the French occupation of the Rhine and Ruhr provinces after the Versailles treaty. The summer of 1940 was a tragic moment in the history of colonial troops with France. German soldiers cold-bloodedly murdered and abused thousands of

colonial troops. “Colored” French troops were often separated from their “white” comrades-in-arms to be subjected to inhuman treatment. There were many reported incidents of mass executions of African prisoners of war, sometimes up to one at a time. One group of captured African prisoners was executed on the field with machine guns and cannons from tanks (Scheck, 2008).

While German images of colonial soldiers were xenophobic and extremely racialized, France and its allies’ images of these troops weren’t much different from those of the Germans, even though those soldiers were fighting on their side. Similar to the images that prevailed in German popular culture, the representation of African troops in French, British, and American cultures drew on racialized terminology that was also used by German propaganda. On their arrival in France at the outbreak of the First World War, African troops were portrayed as “demons noirs who would carry over the Rhine with their bayonets the revenge of civilization against modern [German] barbarism” (Koller, 2014, p. 132). A large portion of the French society shared images of colonial soldiers as “bloodthirsty savages,” “head choppers,” and “rapists” who should not be garrisoned on French metropolitan territories. To counter such negative stereotypes and reassure the “frightened” public, the French authorities began promoting a new “positive” image of the colonial soldier. The African was reintroduced in this new mode of representation as a “grand enfant” who belonged to “races jeunes,” or young races, who were loyal and obedient to their “white masters” because of the latter’s intellectual and technological supremacy. Therefore, they were a danger neither to the “white populations” in the metropole nor to the “race hierarchy” in the colonial space (Fell, 2014).

The stereotypical constructions about colonial troops mobilized in Europe during the Great War contain various cultural and racial tropes familiar in nineteenth-century Eurocentric discourses and colonial representations of the non-European peoples and cultures. The distorted jargon and images used to portray indigenous troops can be easily traced to pseudo-scientific studies, ethnographic work, travel accounts, and literary narratives written in various historical and geographical contexts. Still, they found relevance in the European racialized perceptions of Moroccan and other colonial troops fighting in Europe .

Conclusion

The entanglement of Moroccan troops in the Great War highlights the colonial relations of power that governed the multi-scalar relationship between France and its imperial subjects, particularly in the context of colonial recruitment of native soldiers. Although they were victims of the colonial situation, Moroccan troops played a crucial role in fostering the French overseas empire and the French military efforts during the war in Europe. Their recruitment involved various forms of intimidation, manipulation, and economic temptations, revealing the larger colonial contexts that sought to devote indigenous populations to expanding the empire and mitigating the impact of intra-European wars. The French heavily relied on coercive methods to secure sufficient human supplies for its wars, despite promoting the idea of “volunteerism,” as was the case with Moroccan recruited troops.

The political and social contexts in Morocco, including the weakened central government, the disbanding of the Sharifian Army, and the breakdown of local power structures, allowed for an unprecedented popular encounter between the native populations and the colonial authority. The recruitment of Moroccan veterans into the French army indeed revealed the overarching colonial strategy of exploiting local contexts, social hierarchies, and political instabilities to fulfill its objectives. However, the mutiny of Fez, in addition to the continuous rural uprisings, exposed the deep tensions within this policy, as it uncovered the fragile allegiance of colonial troops to the French cause in Morocco.

The presence of Moroccan soldiers in Europe, while essential to France’s military campaign, also revealed the profoundly racialized and dehumanizing portrayals that characterized colonial military service. The biased treatment and racialized perceptions of these soldiers in both French and German propaganda exemplify the entrenched racial hierarchies that endured despite their involvement in the war. These cultural depictions not only influenced public perceptions of colonial troops but also established the foundation for the ongoing distortion of these soldiers’ roles in the post-war period.

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