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Master in Public International Law and PhD Researcher

THE PANDEMIC EFFECT ON THE EXECUTION OF THE INTERNATIONAL PUBLIC CONTRACT

The Study includes (France, Italy, Germany, Spain, England, Netherlands, Sweden, Egypt, India, and International law)

Presented by

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ABSTRACT

Confirmed cases of COVID 19 have soared over 118000 worldwide with fatalities crossing the threshold of 4291, which has led the World Health Organisation (“WHO”) to upgrade the COVID 19 outbreak from a “public health emergency of international concern” to a “pandemic” (the “Pandemic”) on 11 March 2020. Different industries have been hard hit by the aggressive measures imposed by the authorities worldwide, and working from home is not an option for labour, except for certain activities. These measures have disrupted many businesses, supply chains, operations, and different contractual relationships. Therefore, there are many voices calling for the necessity of declaring this epidemic as a “Force Majeure”. Therefore, it became necessary to clarify the effect of the pandemic on the execution of the international administrative contract? Is it considered a force Majeure? And the rights and the obligations of each party during the period of a pandemic?

KEYWORDS: *Public International Law, Crises Force Majeure, Pandemic, Public Law.*

Résumé

Les cas confirmés de COVID 19 ont grimpé en flèche au-dessus de 118.000 dans le monde avec des décès dépassant le seuil de 4291 ce qui a conduit l'Organisation mondiale de la santé

(«OMS») à faire passer l'épidémie de COVID 19 d'une «urgence de santé publique de portée internationale» à une « pandémie » (la« pandémie ») le 11 mars 2020.

Différentes industries ont été durement touchées par les mesures agressives imposées par les autorités du monde entier et le travail à domicile n'est pas une option pour la main-d'œuvre, sauf pour certaines activités. Ces mesures ont perturbé de nombreuses entreprises, chaînes d'approvisionnement, opérations et différentes relations contractuelles. Par conséquent, de nombreuses voix appellent à la nécessité de déclarer cette épidémie comme une «Force Majeure».

De Plus, nombreuses questions se sont posées quant à l'impact de l'épidémie sur les contrats et les accords juridiques.

Par conséquent, il est devenu nécessaire de clarifier l'effet de la pandémie sur l'exécution du contrat administratif international? Est-ce considéré comme un cas de force majeure? Et les droits de chaque partie pendant la période de la pandémie?

INTRODUCTION

International Public Contracts or the State contracts are considered administrative contracts. Those types of contracts can be defined as “contracts where one of the parties is a public person. Administrative contracts are qualified as such either by virtue of a specific legal attribution, or because they concern a public service or contain a highly unusual clause (clause exorbitant). They are examined by the Administrative Court.

In order for a contract to be considered as an “administrative” one, it must fulfill the following conditions:

1. One of the parties thereto must be a public authority.
2. The administrative judicial authorities must have jurisdiction to look into such contracts.
3. It must be related to public service or be classified by the law as an administrative contract.
4. It must include an “onerous” clause or condition from the public law.

We should take into our consideration that most civil law jurisdictions apply a different regime and rules to public contracts entered into with the state or a public agency and private contracts between private parties. Moreover, disputes are resolved by administrative courts for public contracts, and civil or commercial courts for private contracts.

Actually, the pandemic effects are based on its classification. All over the world we found that the approach followed or adopted, by the legislator, in dealing with the legal effects of the epidemic is different.

Therefore, the author have to clarify the situation of each country legislation in dealing with the pandemic of Coved – 19. Is it classified as a Force Majeure? Or a Hardship? Additionally, the rights and obligations of each party in this case according to the following:

I- How the Pandemic may qualify as Force Majeure, in both common and civil law countries, and its consequences.

The analysis includes France, Italy, Germany, Spain, England, Netherlands, Sweden, Egypt, India, and International law.

II- Numerous questions clarifying the rights and obligations of the contracting parties.

I- HOW THE PANDEMIC MAY QUALIFY AS FORCE MAJEURE, IN BOTH COMMPN AND CIVIL LAW COUNTRIES, AND ITS CONSEQUENCES:

The author will explain how international legislation, in many countries, dealt with this matter as follows:

In France:

- **Force Majeure:**

According to article 1218 French civil code which stipulated that “There is force majeure in matters relating to a contract when an event, beyond the control of the debtor that was not foreseeable at the time of the contract and whose effects could not be avoided by appropriate means, prevents the debtor from performing his obligations”.

French Courts have established that “to consider an event as a Force Majeure, It had to be:

- **Unforeseeable:** the event could not have been reasonably foreseen at the time of the contract and French Courts expected an experienced contractor to foresee most events that could negatively impact the works and;
- **Irresistible:** It had to be beyond the control of the contractual Parties and could not be prevented or avoided by adequate steps; and
- **External:** the occurrence of the event did not have any connection with the Parties¹.

Regarding the burden of proof, the party seeking to invoke force majeure (typically the party who stop performing the contract duties) must prove that these conditions are met. Such party will typically need to show a causal link between the force majeure event and the failure to perform contractual obligations².

We should notice that, French Jurisprudence, in their earlier decisions, has been reluctant to admit that epidemics (such as Ebola, SARS or the H1N1 flu) could qualify as Force Majeure. This COVID 19 Pandemic is, however, unprecedented not only as a deadly global outbreak but also in consideration of the government's radical measures taken as an attempt to control its spread.

However, the Court of Appeal of Colmar decision, rendered on March 12, 2020, has already ruled that COVID-19 is a force majeure event. We might assume that this case law was the first one issued in France on this issue³.

Actually, the application of force majeure will always be assessed by the French judge to determine whether the corona virus pandemic constitutes a force majeure event on the basis of the facts of each case, and in particular with regard to the possibility of implementing appropriate measures to prevent or avoid adverse effects on the performance of the contract (e.g., Using other sites for production).

¹ (fn) CHAMPALAUNE C., 2015.

² (B) Klaus Peter Berger (2004); see also Hubert Konarski (2003).

³ (Fn)FAGES B., 2009.

We all know that this is probably not the ideal outcome for contractors facing substantial additional charges as a result of the Pandemic!

Therefore, another legal concept generally referred to as “Hardship” has been created, which may provide to the contractor an alternative way to claim compensation or to ask for a renegotiation of the onerous terms of a contract in order to avoid termination. This will be the case if the exceptional event resulted in unforeseeable difficulties that disrupt the economic balance of the contract¹.

- **Hardship in France**

The legal term of **Hardship** (“théorie de l’imprévision” in French) has derived from the jurisprudence of the council of state. In addition, article 1195 of the French Civil code provided that:

“If a change of circumstances, unforeseeable at the time of the contract, renders performance excessively onerous for a party who has not agreed to bear the risk, therefore, such party is entitled to ask the other party for a renegotiation of the contract. It will however continue to perform its obligation during the renegotiation period.

In case of refusal or failure of the renegotiation, the parties may agree to terminate the contract at a date and with the effects of their choice. Alternatively, they may mutually agree to ask the judge of the contract to adjust it. If the parties fail to reach agreement within a reasonable period, either party may ask the judge of the contract to pronounce its termination at a date and with the effects to be determined by the judge”.

Basically, If the occurrence of an unforeseeable event makes it very difficult or substantially more onerous for the contractor to continue the performance of its obligations as agreed in the contract, hardship may be invoked by the contractor of a public contract. Additionally, the contractor is entitled to seek compensation and/or to ask for a renegotiation of the onerous terms of the contract in the event the economic balance of the contract is likely to be disrupted by some 30% or more².

¹ (Fn)K.Zweigert, H. Kötz, 1998.

² (B) See E.Baranauskas, P.Zapolskis 2009.

The rationale behind such an administrative-legal Term is to ensure the continuity of public service as a priority over and above the sanctity of contracts.

It is noted that **Hardship** would open a new path to contractors who would rather continue performance of their contracts at economically acceptable conditions, rather than rely on Force Majeure and the limited relief of an extension of time or an early termination without compensation. Therefore, on 25 March 2020, the French government adopted ordinance no. 2020-306 on the extension of time limits and adaptation of legal procedures during the period of the public health emergency (Article 4).

ITALY

Italy was one of the first and most affected European countries which faced the Pandemic, which lead the government to adopt drastic measures, such as the closure of non-core economic activities and the restriction of the free movement of people and goods.¹

In front of the obvious effects of these measures on the economy, the government provided an initial response with Decree-Law no. 9 of 2 March, 2020, stipulated that "the terms for contractual obligations were suspended from February 22 to March 31 of this year for those who work in the cities affected by the pandemic."²

Additionally, The Italian Government intervened again with Decree-Law no. 18 of March 17, 2020, (introducing the new paragraph 6, art. 3 of Decree-Law no. 6 of February 23, 2020)³, Providing that "Compliance with the containment measures referred to in this decree is always considered for the purposes of exclusion, pursuant to and for the effects of articles 1218 and 1223 of the Italian Civil Code, of the debtor's liability, also with regard to the application of any forfeiture or penalties connected with delayed or failed performance".

Those measures did not consider the epidemic as **force majeure** explicitly, but rather they applied procedures that guarantee the rights of the damaged Party.⁴

¹(b)https://www.multilaw.com/Multilaw/Documents/Italy_COVID19_impact_on_business_contracts_in_Italy.pdf

² (S) See art. 10 of Decree-Law no. 9.

³(B)https://www.esteri.it/mae/resource/doc/2020/03/decreto_del_presidente_del_consiglio_dei_ministri_8_marzo_2020_en_rev_1.pdf.

⁴ (B)[file:///C:/Users/mohamed/Downloads/2020-03-Covid19%20GPP%20Europe%20overview%20\(1\).pdf](file:///C:/Users/mohamed/Downloads/2020-03-Covid19%20GPP%20Europe%20overview%20(1).pdf)

GERMANY

In order to face the Covid-19 Pandemic, Germany has passed “The Law on Mitigating the Consequences of the COVID-19 Pandemic in Civil, Bankruptcy and Criminal Procedure Law”¹.

With regards to Contract Law, the legislator provides, by the new and temporary Art.240 § 1 of the German EGBGB, a “**right to refuse performance**” for consumers and micro-businesses (and a maximum of EUR 2 million as an annual turnover) until June 30, 2020. These apply to essential long-term contracts which have been concluded before March 8, 2020. This includes, particularly, contracts for the supply of electricity and gas or telecommunications services, and for water supply and disposal.

According to this article, contractors who are unable to fulfill their contractual obligations (due to the COVID 19 Pandemic) are granted the right to temporarily refuse or cease their performance without being subject to legal responsibility. This also excludes liability for damage caused by delay and an obligation to pay interest. In spite of the moratorium was limited to June 30, 2020, an extension option (up to a maximum of September 30, 2020) has already been created in the law.

However, the exercise of **the right to refuse performance** is excluded **if** the contractual creditor cannot be reasonably expected to exercise it. In this case, the micro-entrepreneur has the option of being released from the contract².

SPAIN

The Additional Provision 4th of the Royal-Decree 463/2020 (BOE March 14, 2020) was the procedure issued by the Spain Government to handle the COVID-19 Pandemic’s effect. It declared the State of Alarm, stipulating that: “the suspension of the statute of limitations and expiration of any actions and rights during the validity of the state of alarm”.

¹ (S) For example, Germany has already made COVID-19 specific changes to the Introductory Law to the Civil Code which permits consumers and small businesses to withhold performance in certain circumstances. These changes are currently set to expire at the end of June 2020 (see Art.240, §1 “Moratorium”).

² (B) See M. Schmidt-Kessel and C. Möllnitz, (2020).

the jurisprudence decided that this lack of legal support does not imply that the Pandemic situation and the state of alarm do not affect the ordinary contractual obligations, and to solve the arising issues, reference is to be made to the following Spanish law principle “pacta sunt servanda” (the obligation to comply with what has been agreed) ¹, which must be balanced with the Fortuitous Event and Force Majeure principles².

The Supreme Court indicates that in order to apply the Force Majeure, it must be a matter of circumstances: “totally unpredictable at the time of contracting and that by themselves prevent the provision“. On the other hand, the Supreme Court also requires “good faith in the contractual field”.

ENGLAND

Like the USA, English statutes do not cover this issue which means that the force majeure is a creature of contract and not of the general common law out. The general rule applicable here is that “where a party does not perform its obligations under a contract, this would give rise to liability towards the other party”.³

However, if a contract does not include a Force Majeure clause, the contract could potentially still be terminated on the grounds of frustration. Which means “when something occurs after the formation of the contract, which renders it physically or commercially impossible to fulfil the contract” this will be a case of Frustration. If a contract has been frustrated, it is automatically discharged and the parties are excused from their future obligations.

Otherwise, taking into consideration the unprecedented nature of the Covid-19 outbreak and/or the actions of governments around the world in response, Most of jurists expected that Covid-19 would constitute a force majeure event, under force majeure clauses which are mentioned above⁴, Which will lead to **excuse** the contractor from its obligations and/or liability under the contract, without any damages being payable, **extension** of time, **suspension** of time, or termination in case of non performance.

¹ (S) (articles 1.091 and 1.256 CC).

² (S) (articles 1.105, 1.602, 1.625, 1.777, etc. CC)

³ (B)Stott, Clifford, Owen West and Mark Harrison, 2020.

⁴ (Fn)Stevenson, Douglas, 2020.

NEDERLAND

In the Dutch legal system, there are no specific laws that regulate the fate of contractual obligations that are not enforceable due to the effects of the coronavirus emergency and no provision to consider it as a force majeure. However, the Dutch government has taken measures to help businesses that are affected by this crisis.

For example: the government will award a compensation of EUR 4.000 to business sectors that have been hit hardest by the mandatory closing until 6 April.

SWEDEN

In Sweden “Force Majeure” is not regulated in statutory law and there is a case of lack legislative, because the Swedish Parliament, Contrary to some other European countries, has not issued any specific laws or regulations regarding contractual obligations during the period of pandemic.

It is supposed that, if contractual parties have agreed on a Force Majeure clause, this clause will determine whether or not a specific situation can be classified as force majeure.

Additionally, In order to determine if a party is relieved from responsibility for not being able to perform according to contract with reference to force majeure, it is necessary to analyze the agreed Force Majeure clause and the specific circumstances of the particular case.

India

The concept of force majeure finds its genesis under the Indian Contract Act, 1872. When it is relatable to an express or implied Clause in a contract, it is governed by Chapter III dealing with contingent contracts, and more particularly, Section 32 thereof. A force majeure event which occurs de hors the contract, it is dealt with by a rule of positive law under Section 56 of the Act. Section 56 of the Act deals with the agreement to do an impossible act or to do acts which, afterwards become impossible or unlawful.

The approach of the Courts has been to examine the issue based on the facts of each case and relief has been granted to parties accordingly.

Egypt

As a rule, for reasons of force majeure or the public interest, the Public Administration has the right to declare the suspension of a contract or even revoke the contract; because of acts of God, force majeure or the public interest. The suspension or the termination of the administrative contract, here, is unilaterally.

The government declared that the case of national emergency due to the COVID-19 pandemic. In addition, the Egyptian legislator, by article 147 of the Egyptian Civil Code, provided that “When, however, as a result of exceptional and unpredictable events of a general character, the performance of contractual obligations, without becoming impossible, becomes excessively onerous in such a way as to threaten the debtor with exorbitant loss, the judge may, according to the circumstances, and after taking into consideration the interests of both parties, reduce to reasonable limits, the obligation that has become excessive”¹. Moreover, the Supreme administrative court classifies the corona virus as a force majeure².

INTERNATIONAL LAW

It is a fact that there are no European regulations or international conventions governing such issues, however, support may be provided by the Vienna Convention of 1980 and by the UNIDROIT principles.

- According to Art.79 of the 1980 Vienna Convention on Contracts for the International Sale of Goods (CISG) “failure to perform a contractual obligation which has caused by an impediment (like Force Majeure), beyond the debtor’s control, and not foreseeable at the time the contract was signed **is not a source of the contractor liability**”³.

¹ (B) <https://www.lexology.com/library/detail.aspx?g=0a1432b8-9889-4884-950b-d8b1c729cff8>

² (S) Supreme administrative court, decision no.2489/63, session 15/01/2020.

³ (S)It provided that “(1) A party is not liable for a failure to perform any of his obligations if he proves that the failure was due to an impediment beyond his control and that he could not reasonably be expected to have taken

- More generally, the principles of international trade (UNIDROIT) provide (Art. 6.2.2.) that “if an unforeseeable and uncontrollable event threatens the fundamental balance of the contract (either by reducing the value of the performance or increasing its cost), the disadvantaged party is entitled to ask the other party to renegotiate the terms of the contract and, in the alternative, to ask for the termination the contract¹.

II- NUMEROUS QUESTIONS FOR CLARIFYING THE RIGHTS OF THE CONTRACTING PARTIES:

Can a contractor ask for a contract suspension due to the COVID-19 pandemic?

Yes, the contractor can request the suspension of a contract due to force majeure or fortuitous event, however, it is up to the Public Administration to decide if the request is granted or not.

In which phase the contract can be suspended due to the COVID-19 pandemic?

The suspension of the contract can be declared once the contract is effective and during its execution.

What is the maximum term in which the execution of the contract can be suspended?

Six months is the maximum term for the suspension of the execution of the contract, which can be extended for another equal term.

What are the required procedures to declare the suspension of the contract?

The suspension should be notified by writing and indicating the following:

the impediment into account at the time of the conclusion of the contract or to have avoided or overcome it or its consequences.....”. See more at : <http://cisgw3.law.pace.edu/cisg/text/e-text-79.html>

¹(B) <https://www.unidroit.org/instruments/commercial-contracts/unidroit-principles-2010/403-chapter-6-performance-section-2-hardship>

- The part of the contract that has already been executed until that moment and its current status.
- Who is responsible for safeguarding the part that has already been executed.
- Measures that will be taken to guarantee the financial balance of the contract.
- The date in which the contract execution will restart, **which** should also be notified in written, before the date in which the suspension comes to an end.

What are the effects of contract suspension with respect to the rights and obligations of the parties?

The suspension of the contract implies the suspension of all obligations and rights of the parties, and, therefore, entails the suspension of the contract's term as well, however, it is possible that the term for the execution of the contract is suspended and the contract's obligations remain according to the Egyptian law¹.

What happens if the contractor does not receive any notification of the suspension of the contract?

In this situation, the contractor should continue executing the contract, under the terms and conditions previously agreed upon.²

Is the contractor entitled to compensation in case of contract suspension due to the COVID-19 pandemic?

¹ (S)It stipulated that "A different thing occurs when the suspension of the term for the execution of the contract operates without the suspension of the contract. As a matter of fact, it is possible that the term for the execution of the contract is suspended and the contract's obligations remain. It is also possible that a partial suspension of the execution term is declared, for example, of a certain obligation, without having any effect over the execution term of the other obligations included in the contract".

² (S) If the contractor doubts whether to carry on executing the contract or has difficulty doing so, the author advises to deliver a written inquiry to the Administration or directly requesting suspension of the contract. However, as long as the Administration has not expressly authorized contract suspension, the contractor must continue with execution its contractual obligations.

In case of contract suspension, the Administration should recognize the following economic compensation to the contractor:

- Compensation for the part of the contract that has already been executed.
- Damage compensation due to contract suspension¹.

Is the contractor entitled to claim for "recognition of lost profits" caused by the contract suspension due to the COVID-19 pandemic?

Since contract suspension due to COVID-19 originates from force majeure or fortuitous event and not in a unilateral action of the Public Administration, on principle, there is no right of the contractor to claim lost profits, however, each case should be analyzed in the light of the surrounding circumstances.

What happens if the contractor does not restart contract implementation/execution on the agreed upon date?

If this happens, the procedures of termination of the contract should be adopted by the administration, unless the public interest reasons require immediate execution of the contract².

CONCLUSION

Finally, regarding the corona virus and Force Majeure, we can find in common law countries that Force Majeure exists only as a contractual concept. This means “in the absence of a Force Majeure clause in the contract or if such clause is inadequate to address the devastating effects of COVID-19, the affected contractor will have to seek relief otherwise”.

¹(S) The author recommend that the contractor registers and justifies every additional cost that it paid with a note for reference, so that it can be used to determine its price using objective parameters.

² (Fn)(V. TGI Strasbourg, ord. réf., 5 janv. 2016), (Lasserre Capdeville J. ; Gaz. Pal. 7 juin 2016,(Crédot F.-J. ; TGI Montpellier, 9 juin 2016), (SCP Grappin Adde-Soubra, av., Gazette du Palais, 5 juillet 2016).

That leads to the fact that, unless the contract expressly states otherwise, Force Majeure in such jurisdictions may entitle the contractor to an extension of time or to termination without fault but not to compensation for extra costs and losses. In brief, Force Majeure may entitle the contractor to time and exemption of liability but not to money¹.

By contrast, most civil law countries acknowledge Force Majeure as a legal concept, which is generally enshrined in codified law and expanded upon by case law. However, such legal concepts will differ from one jurisdiction to another and also evolve over time within the same jurisdiction².

Additionally it is supposed that, with the rapid spread of COVID-19 and the expansion and escalation of government measures taken to combat and contain the outbreak, we are likely to see more cases of parties declaring force majeure.

Therefore, the author recommended that affected companies should review the force majeure provisions in their contracts carefully and consider the implications if such force majeure provisions are to be invoked. Companies may also consider drafting their force majeure clauses more broadly in the future to clearly include epidemics and public health emergencies, without the need to rely on a force majeure certification.

References

Books

- ALBARIAN A., 2009. L'avènement de la doctrine de la frustration en droit anglais des contrats grâce à la décision Taylor v. Caldwell: une belle leçon d' "œcuménisme juridique". *Droits. Revue française de théorie, de philosophie et de culture juridiques*, n° 4, p. 1.711-1.745.
- K.Zweigert, H. Kötz, 1998, "An Introduction to Comparative Law", 518.

¹ (Fn) ALBARIAN A., 2009.

² (Fn)CHAGNY M., 2015. And P. Stoffel-Munck ed. 2015.

- CHAGNY M., 2015. La généralisation des clauses abusives (articles 1168 et 1169 du Code civil). In P. Stoffel-Munck ed. 2015. *Réforme du droit des contrats et pratique des affaires*. Paris: Dalloz, p. 47-59.
- CHAMPALAUNE C., 2015. Les grands traits de la réforme. In P. Stoffel-Munck ed. 2015. *Réforme du droit des contrats et pratique des affaires*. Paris: Dalloz. p. 7-15.
- See Berger.K., (2004), Renegotiation and Adaptation of International Investment Contracts: The Role of Contract Drafters and Arbitrators, *Transnat'l Disp. Mgmt.*, P.44; see also Hubert. K, 2003 “Force Majeure and Hardship Clauses in International Contractual Practice”, *Int'l Bus. L. J.* 405, “noting that force majeure clauses “constitute ordinary commercial safeguards as a means of protecting the parties against an unexpected turn of events”, p.425.
- FAGES B., 2009. Effets du contrat ; Même pour respecter l'équilibre contractuel, le juge ne peut modifier le contrat ; Note sous Cour de cassation, troisième Chambre civile, 18 mars 2009, pourvoi numéro 07-21.260. *Revue Trimestrielle de Droit Civil*, n° 3, p. 528-529.
- See Baranauskas.E, Zapolskis.P, 2009 ‘The Effect of Change in Circumstances on the Performance of Contract’, *Jurisprudence*, 4 (118), p. 200 and A. Karampatzos, ‘Supervening Hardship as Subdivision of the General Frustration Rule: A Comparative Analysis with Reference to Anglo-American, German, French and Greek Law’, *European Review of Private Law* 2/2005, p.144.
- Stott, Clifford, Owen.W and Harrison.M, (2020) “A Turning Point, Securitization, and Policing in the Context of Covid-19: Building a New Social Contract Between State and Nation?” *Policing: A Journal of Policy and Practice* Article 021 (advance online article, published 29 April 2020).
- Stevenson, Douglas, (2020) ‘Shutdown, Frustration & Property Contracts’, 233(*Spring*) *Writ* 25-26

- Introductory Law to the Civil Code, Art.240, §1(1) and (2). For a brief analysis (in German), see M. Schmidt-Kessel and C. Möllnitz, “Coronavertragsrecht – Sonderregeln für Verbraucher und Kleinunternehmen” (2020) *NJW* 1103.
- V. TGI Strasbourg, ord. réf., 5 janv. 2016, n° 15/00764 : LEDB mars 2016, n° 048, p. 6, obs. Lasserre Capdeville J. ; Gaz. Pal. 7 juin 2016, n° 267b3, p. 64, obs. Roussille M. ; RD bancaire et fin. 2016, comm. 54, obs. Crédot F.-J. ; TGI Montpellier, 9 juin 2016, n° 11-16-000424, M. X c/ Société coopérative CRCAM du Languedoc, M. Perez, prés. ; SCP Grappin Adde-Soubra, av., Gazette du Palais, 5 juillet 2016 n° 25, p. 19, note Jérôme Lasserre Capdeville.

Links of websites

- https://www.multilaw.com/Multilaw/Documents/Italy_COVID19_impact_on_business_contracts_in_Italy.pdf
- https://www.esteri.it/mae/resource/doc/2020/03/decreto_del_presidente_del_consiglio_dei_ministri_8_marzo_2020_en_rev_1.pdf
- file:///C:/Users/mohamed/Downloads/2020-03-Covid19%20GPP%20Europe%20overview%20(1).pdf
- <https://www.lexology.com/library/detail.aspx?g=0a1432b8-9889-4884-950b-d8b1c729cff8>
- See more at : <http://cisgw3.law.pace.edu/cisg/text/e-text-79.html>
- <https://www.unidroit.org/instruments/commercial-contracts/unidroit-principles-2010/403-chapter-6-performance-section-2-hardship>

Laws, decrees and court decisions

- See art. 10 of Decree-Law no. 9. of 2 March, 2020, Italy.
- See Art.240, §1 “Moratorium” For example, Germany has already made COVID-19 specific changes to the Introductory Law to the Civil Code which permits consumers and

small businesses to withhold performance in certain circumstances. These changes are currently set to expire at the end of June 2020.

- Articles 1.091 and 1.256 CC.
- Articles 1.105, 1.602, 1.625, 1.777, etc. CC.
- Art. 57 of Vienna convention, It provided that “(1) A party is not liable for a failure to perform any of his obligations if he proves that the failure was due to an impediment beyond his control and that he could not reasonably be expected to have taken the impediment into account at the time of the conclusion of the contract or to have avoided or overcome it or its consequences.....”.
- Egyptian Supreme Administrative Court, decision no.2489/63, session 15/01/2020.

Preventing Medication Errors with Medication Reconciliation: A Review Article

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Abstract

The use of medications is omnipresent. Errors can happen at any point in the medication-use process and in any care setting. Medication errors are the leading cause of morbidity and mortality in developing countries as in the developed ones. Designing and maintaining accurate medication reconciliation process is a key approach for reducing medication errors. In this review, we summarize the important role of pharmacist-led medication reconciliation at admission time and at times of transition between care settings in preventing medication errors and adverse events. Lastly, we present successful examples of the use of information technology systems in reducing and preventing medication errors.

Key words:

Medication reconciliation. Medications errors. Information technology

Introduction

Medication errors are the leading cause of morbidity and mortality in the medical field. Medication errors ranked in the third position of causes of death in the United States, after heart disease and cancer (Makary, Daniel, 2016) see figure 1

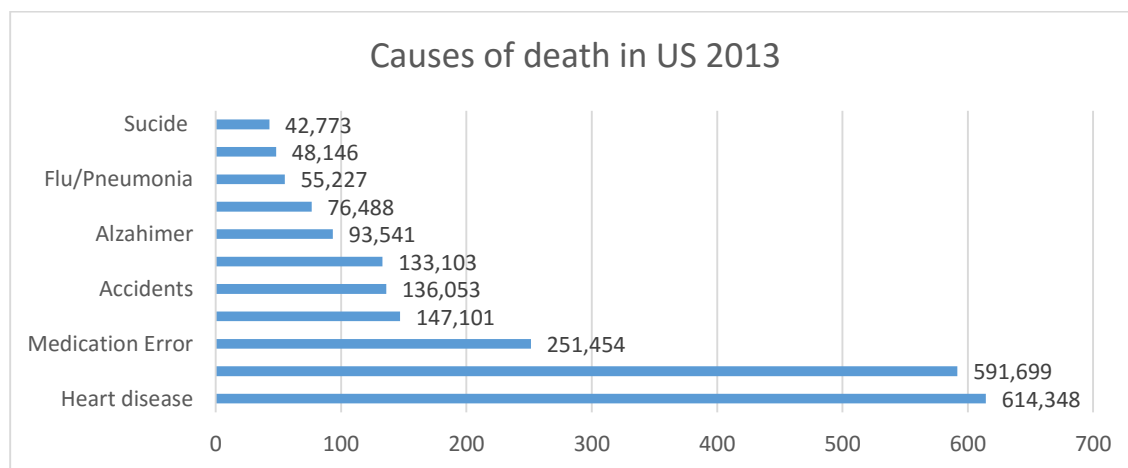


Figure 1: Causes of death, US, 2013

Medication errors affect one million and more patients in the United States annually and may lead to the death of some of them (WHO, 2007). More than 67% of prescriptions are evaluated, one or more error was observed at different time during patient care, with the spread of errors in hospitals (WHO, 2007).

In 1995, the United States Pharmacopoeia (USP) held its first meeting with 15 interdisciplinary organizations with the authority, mechanisms and resources to find solutions to the problems of medication errors that negatively affect the healthcare and safety of patients (NCCMERP, 2015a). The National Coordinating Council for Medication Errors Reporting and Preventing (NCC MERP / The Council) has been formed to encourage reporting, understanding and prevention of medication errors to improve patient safety via the participation of these organizations using a systems-based perspective (NCCMERP, 2015a).

Reason's theory of the Human Error has been widely accepted as a framework for the system-based patient, raising awareness about importance of continuous improvements and preventing errors that affect patient safety. the problem of human error can be seen from two views: the person approach and the system approach:

(ASHP,2018). Because human beings are not perfect, mistakes should be expected. Blaming or passive encourage healthcare workers to be more careful will not prevent these errors because it does not change the latent conditions that contributed to the error. A system based approach seeks to change the conditions of the worker and to build defenses, barriers and safeguards to prevent errors in the future; or mitigate risk to decrease negative effects of mistakes(ASHP,2018).

The reason (2000) depicted that through the Swiss cheese symbolic model. The defensive lines in Fig. 2 are supposed to be intact, but in fact they look like Swiss cheese slices, the layers are full of holes. Having holes in any one "slice" does not necessarily mean a negative outcome but when the holes (as a result of errors and near misses occur) are lined up in many layers in a path that increases the opportunity of accidents - causing damage to the victims(Reason,2000). The holes in the defenses due to two reasons: active failures and underlying (latent) conditions. All adverse events involve mix up of these two groups of causes (Reason,2000).

Active failures are the unsafe practices of healthcare providers towards the patient or the system and they directly and short-term affect the safety of the defenses and cannot be predicted specifically(Reason,2000). The underlying (latent) conditions are "resident pathogens" that cannot be avoided in the system. These are strategic decisions capable of creating system gaps and may remain hidden within the system for years before they combine with their active failures to create opportunities for accidents. Underlying situations can be identified and corrected before an adverse event happen. This leads to proactive risk management rather than reactive risk management. Examples include: time pressure, staff shortness, inadequate equipment, fatigue, lack of training, unreliable alarm systems, a design and construction deficiencies(Reason,2000).

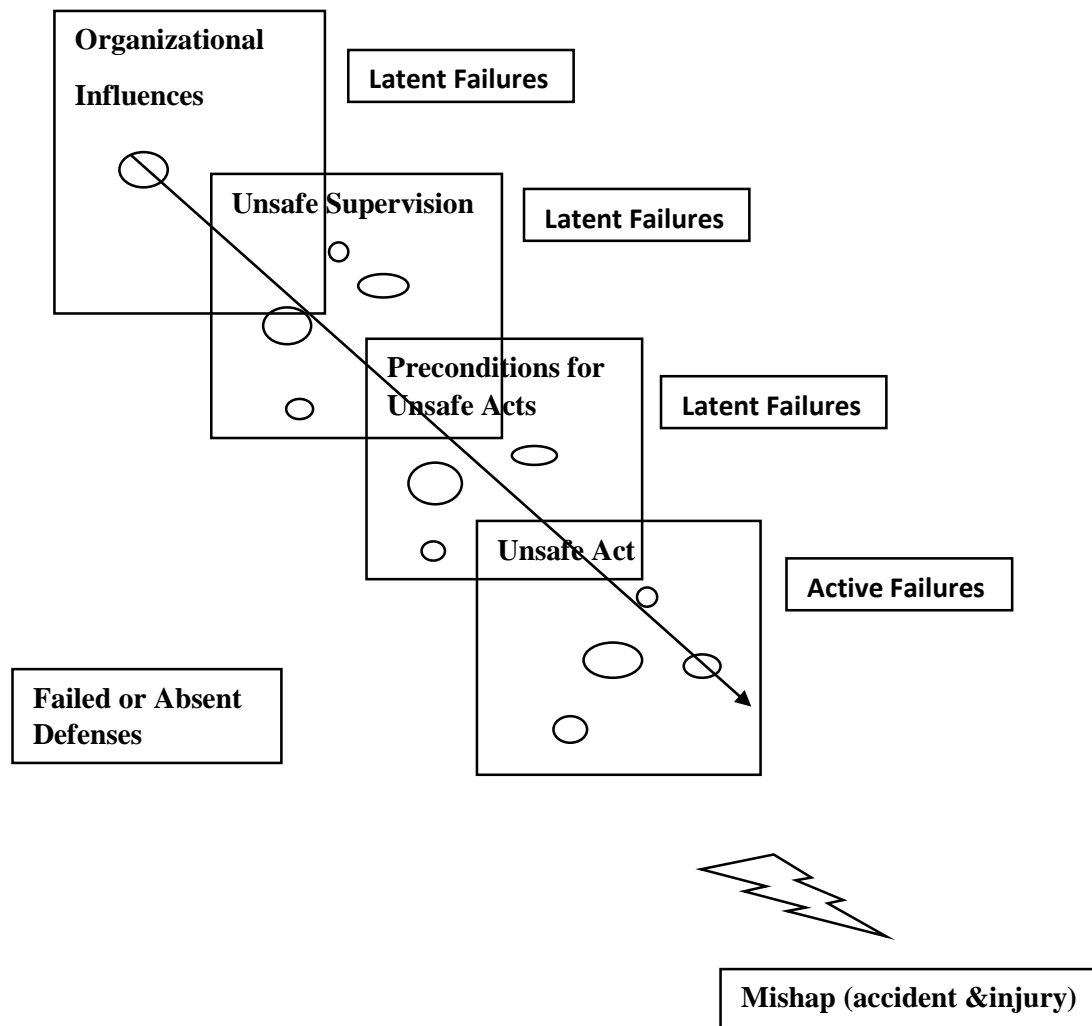


Figure 2: Reason's swiss cheese model

Definition of a medication error

There is no agreement about the definition of a medication error. A systematic review of literature found twenty-six different terminologies used for a medication error are not the same (Lisby *et al.*, 2010). A medication error can be defined as any error that may occur during the process of medication use (Williams, 2007). The most comprehensive definition for a medication error is put by the United States National Coordinating Council for Medication Error Reporting and Prevention as the following: "Any preventable event that may cause or result in inappropriate medication use or harm to the patient during the control of the medicine by a healthcare professional, patient or consumer." These events may be related to professional practice, health care products, procedures, and systems, including prescribing, order communication, product

labeling, packaging, and nomenclature, compounding, dispensing, distribution, administration, education, monitoring, and use” (NCCMERP, 2015b). The frequency of errors was estimated to be at the prescribing stage 39%, at the transcribing stage 12%, at the dispensing stage 11%, And during administering stage 38%. However, most of the errors that actually affect the patient in the hospital occur at administration stage when the dose of the medication is given incorrectly at bedside (Leape *et al.*,1995).

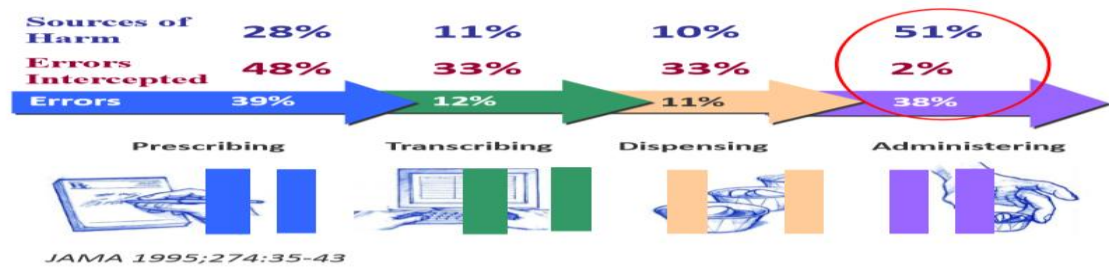


Figure 3: Errors in medication use process

Example in case scenario and figure 4 for a fatal case of medication error due to methotrexate overdose with the Reason’s Swiss Cheese Model

Case scenario :an example (Shaikh *et al.*,2018) edited by us

A 78 years old female patient was admitted to a hospital due to deep venous thrombosis (DVT).According to referral history,the patient with severe rheumatoid arthritis (RA) and use methotrexate 7.5 mg (low dose therapy) weekly (on Friday).However, the dose was transcribed in the patient’s medication list to 7.5 mg daily(on afternon).After six days of hospital admission,the patient experience a worsening of symptoms.This finding lead checking the patient’s medication list after 10 days of hospitalization.The doctors discovered that methotrexate was administered to patient accidental daily rather than weekly dosing.The patient died with sepsis after two weeks of hospital stay

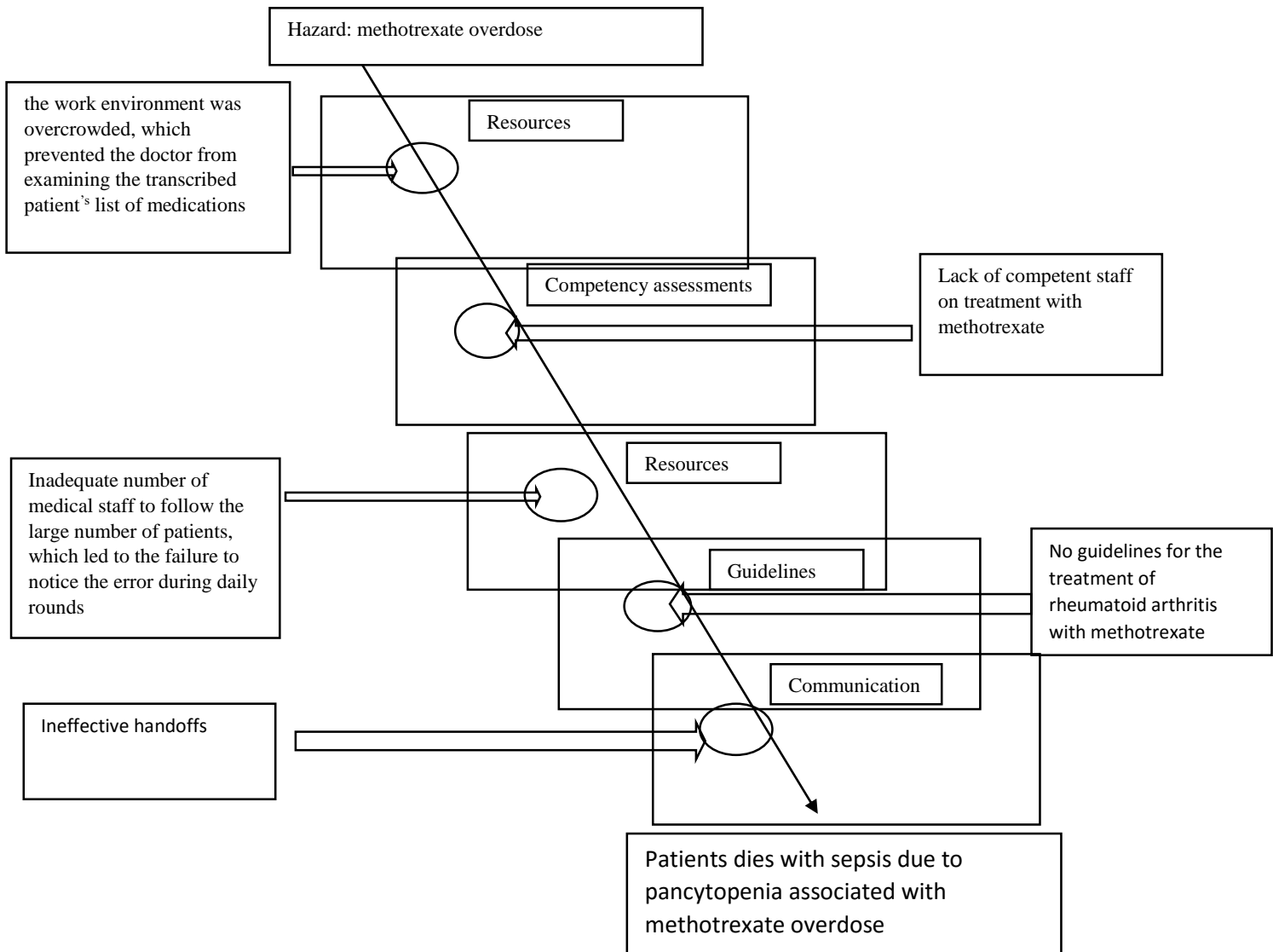


Figure 4: A fatal case of medication error due to methotrexate overdose with the Reason’s Swiss Cheese Model

Medication errors classification, types and categories

Table 1: The classification of medication errors based on a psychological approach (Ferner, Aronson, 2006; Aronson, 2009)

Type of error	Example	Outcome
Knowledge based	To be unaware of drug interaction between warfarin and Macrolides (ex: erythromycin and clarithromycin)	Increase risk of bleeding
Rule based	-Prescribing of oral therapy in a patient with dysphagia -Using overdose of a medicine	Lung aspiration or failure to cure
Action based (slips)	Being distracted, writing diazepam for diltiazem	Sedation
Technical	-The handwriting is unclear, leading to confusion so that the "Panadol" (paracetamol) is dispensed instead of "Priadel" (lithium) ^a -Failure associated with cannula insertion	Loss of effect
Memory based (lapses)	Forget determine the maximum daily dose of the drug "as required"	unnecessary treatment or toxicity

^a This emphasizes the importance of using the generic name whenever possible because more errors occurred by brand names confusion than generic names.

Table 2: Medication error types and examples (Misasi, Keebler, 2019).

Error type	Example
Wrong dose (regardless of appropriateness)	Intended 75 mg diclofenac sodium, administered 100 mg diclofenac sodium
Inappropriate or jeopardize situation for administration/ not indicated	Administration of Amiodarone (an antiarrhythmic drug) to cardiac arrest patient with PEA ^a
No guidelines / unauthorized (regardless of appropriateness)	Appropriate administration of drug, without guideline or online authorization
Wrong drug	Intended chlorpromamide, administered chlorpromazine
Dilution/ preparation error (correct dosage)	potassium chloride was given to the patient without dilution with a compatible I.V. solution (fatal)
Omission of medication	A single dose of prophylactic antibiotic not given prior to incision that increased incidence of postoperative SSIs ^b
Wrong route of administration (correct dose)	intramuscular versus intramuscular and vice versa
Contraindicated	Use of Isotretinoin (a drug used for acne) in pregnant
Expired medication	Use a Medicine beyond the labeled expiration date
Wrong time/ late medication administration	Prophylactic Antibiotics was not given within 30 to 60 minutes of a surgical incision

^a PEA :pulseless electrical activity

^b SSIs :Surgical site infections

Table 3. Medication error reporting and prevention index category definitions

(Misasi, Keebler, 2019)

Category	Definition
Errors that do not 'reach' the patient/ incomplete errors	
No error	
Category A	Circumstances or events that have the capacity to cause error (i.e. a safety concern).
Error, no harm	
Category B	An error occurred but the error did not reach the patient, an 'error of omission' does reach the patient (i.e. a near-miss).
Errors that 'reach' the patient/ Completed errors	
Error, no harm	
Category C	An error occurred that reached the patient, but did not cause patient harm.
Category D	An error occurred that reached the patient and required monitoring to confirm that it resulted in no harm to the patient and/or required intervention to preclude harm.
Error, harm	
Category E	An error occurred that may have contributed to or resulted in temporary harm to the patient and required intervention.
Category F	An error occurred that may have contributed to or resulted in temporary harm to the patient and required initial or prolonged hospitalization.

Category G	An error occurred that may have contributed to or resulted in permanent patient harm.
Category H	An error that occurred that required intervention to sustain life.
Error, death	
Category I	An error that occurred that may have contributed to or resulted in the patient's death.

Causes of medication errors

Table 4: Factors that may influence medication errors (Avery *et al.*, 2012; Slight *et al.*, 2013)

<p>Factors related to health care providers</p> <ul style="list-style-type: none"> ➤ Inadequate therapeutic training ➤ Insufficient drug knowledge and skills ➤ Inadequate patient education ➤ Insufficient perception of risks ➤ Overloaded or fatigued health care providers ➤ Physical and emotional health problems (ex: sadness, depression) ➤ Lack of communication between health care providers and with patients
<p>Factors related to patients</p> <ul style="list-style-type: none"> ➤ Characteristics of the patient (e.g., language barriers) ➤ Clinical cases complexity, including multiple health problems, concurrent use of multiple medicines by the patient (polypharmacy) and high-alert medications
<p>Factors related to work environments</p> <ul style="list-style-type: none"> ➤ Overload and time pressures

<ul style="list-style-type: none"> ➤ Interruptions and distractions in workflow so the duration of healthcare providers' tasks (scheduled and non-scheduled) increases as they have to manage many interventions simultaneously. ➤ Lack of standardized essential guideline and policy & procedures ➤ Inadequate Resources (e.g., human, financial) ➤ Physical work environment (e.g., lighting, ventilation and temperature)
<p>Factors related to medicines</p> <ul style="list-style-type: none"> ➤ Confusion associated with look-alike & sound alike medications (LASA). ➤ Labeling mistakes
<p>Factors related to tasks</p> <ul style="list-style-type: none"> ➤ Repetitive systems for ordering, processing and authorization ➤ Patient monitoring (dependent on practice, patient, other health care settings, prescriber)
<p>Factors associated with computerized information systems</p> <ul style="list-style-type: none"> ➤ Technical problems of system and System incompatibility with workflows in manual system ➤ Difficulty of access to information and inaccuracy of patient records. ➤ Inadequate design that allows for human error
<p>Primary-secondary care interface</p> <ul style="list-style-type: none"> ➤ Ineffective communication with secondary care in the absence of structured transfer protocols ➤ Insufficient justification of secondary care recommendations

Relation between medication errors, adverse drug events and adverse drug reactions

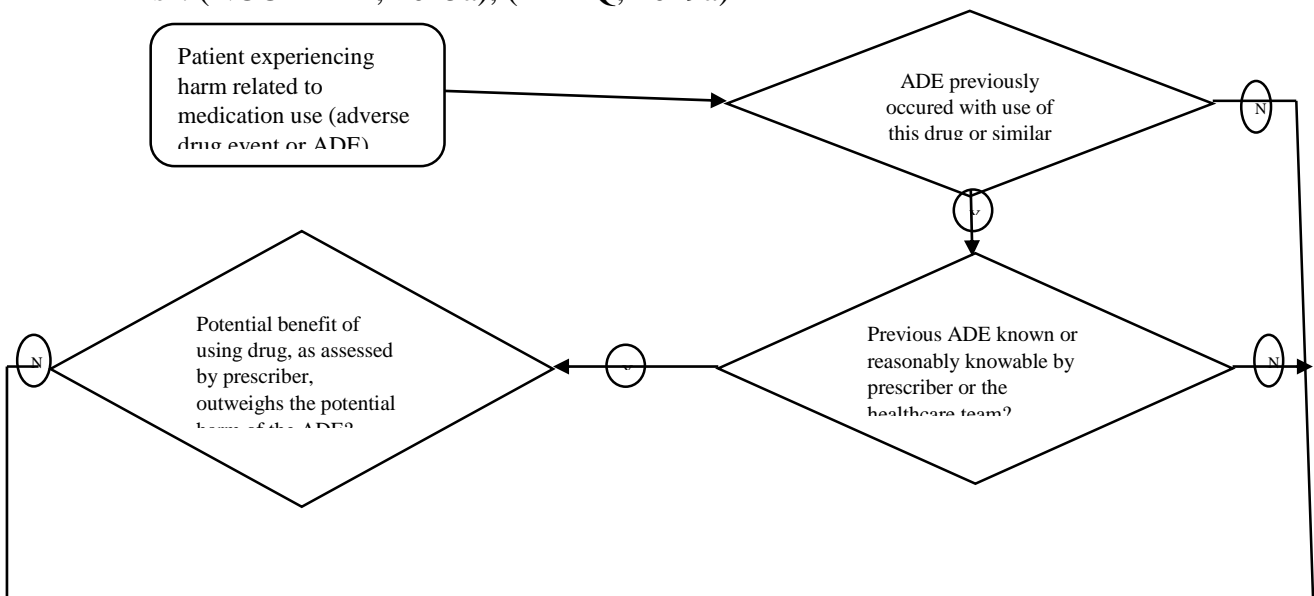
A medication error is defined as "any error (commission or omission) that may occur at any stage along the pathway that starts from the physician writing a prescription and ends when the patient actually receives the medicine". ADE is defined as "any injury occurring during medication treatment of the patient resulting from either appropriate, inappropriate or substandard care". (CoE, 2005) The definition therefore includes ADRs

and MEs. However, ADE does not necessarily mean that there is an error or a poor quality of care (AHRQ, 2019a).

In 2015, the NCCMERP proposed that the term "ADE" should be divided into two categories, the first "preventable" and the other "non-preventable", and the cessation of the use of the term "ADR". (NCCMERP, 2015a)

"Preventable ADE" is any degree of harm caused by a medication error that reach the patient and can be prevented. It represents 25% of ADEs (IOM, 2006). (For example, giving the patient a normal dose of the drug but the medicine is contraindicated in this patient). These events should be investigated by the healthcare provider to determine why it occurred. (NCCMERP, 2015a)

"Non-preventable ADE" is a medicine-induced harm, although the medicine is used properly (for example, anaphylaxis in the patient from the use of antibiotic and the patient has no previous allergic reaction history) (NCCMERP, 2015a). These situations (which are popularly known as side effects) cannot be prevented at the present time. The uniform use of these terms will focus on elimination of preventable ADE. The algorithm (see Figure 5) is distinguished between "preventable ADEs" and "non-preventable ADEs". (NCCMERP, 2015a), (AHRQ, 2019a)



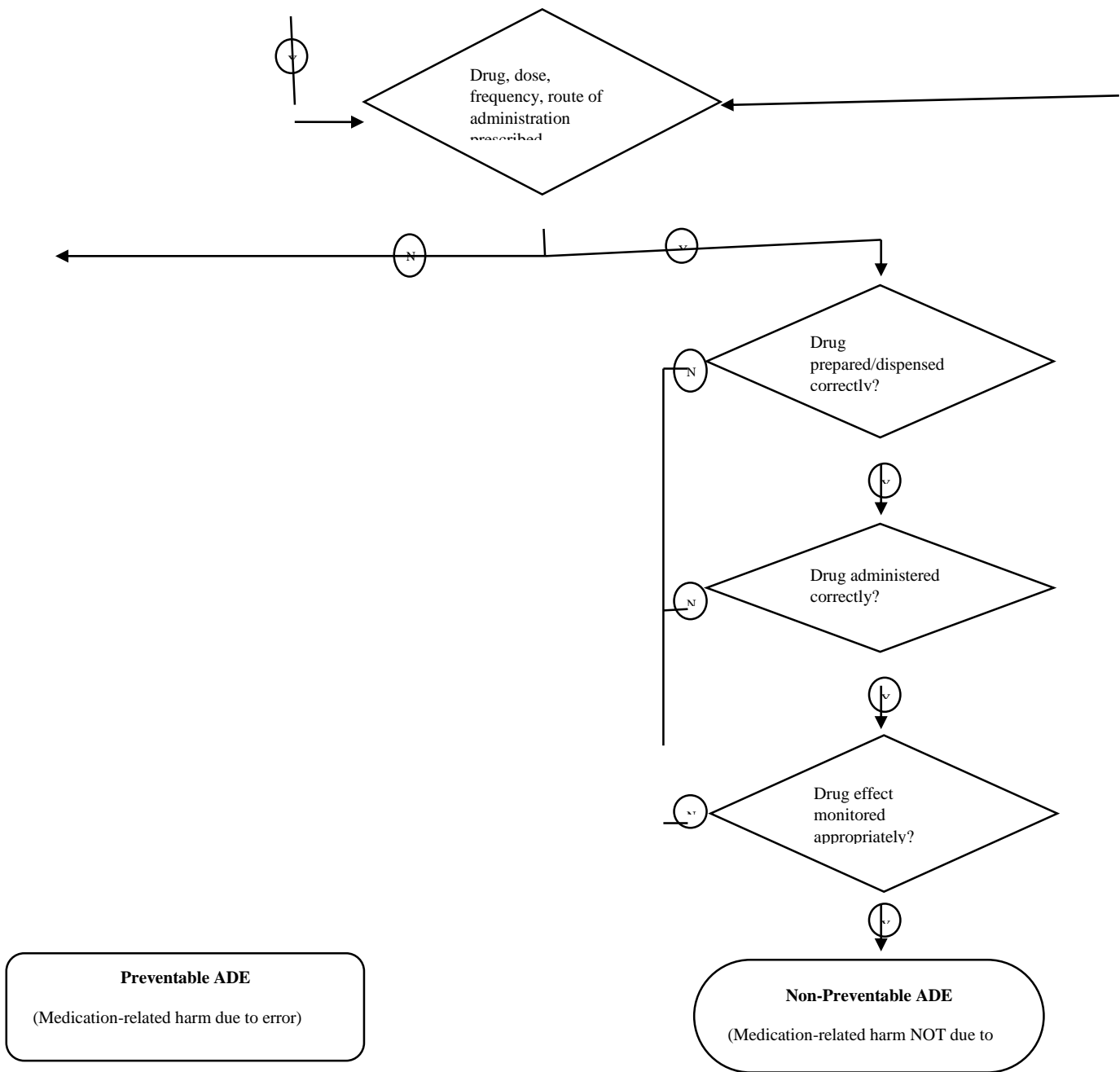


Figure 5: The algorithm distinguishes between “Preventable ADEs” and “Non-Preventable ADEs (NCCMERP, 2015a)

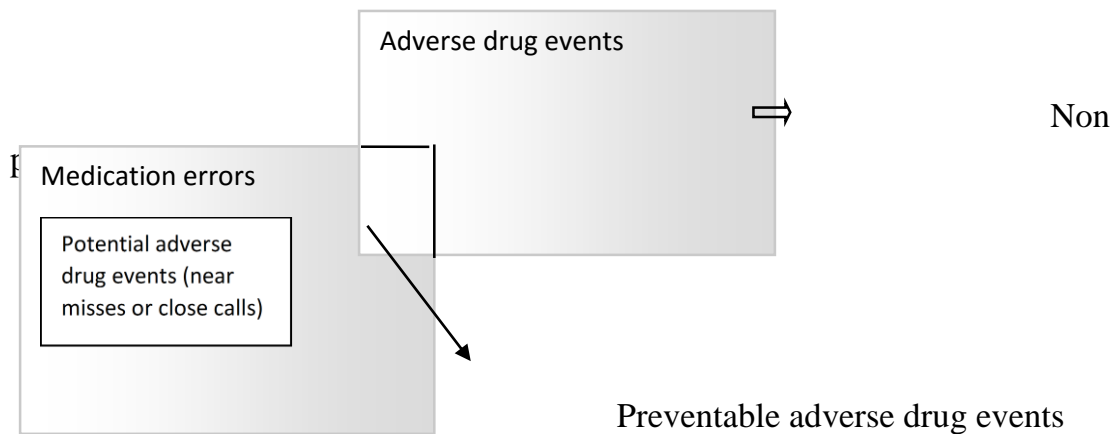


Figure 6: Relation between medication errors, adverse drug events and adverse drug reactions

Medication errors that does not actually result in patient harm - either because they are discovered before they reach the patient or because of chance (luck) - are called potential ADEs or near misses or close calls (AHRQ, 2019a).

A medication error either leads to harm to the patient or has the potential to lead to, cause harm to the patient "(Aronson, 2009) This is in contrast to the adverse drug event (ADE), which is" an unintended actual drug event that occurs during medication treatment. "The difference lies in the occurrence of the event in the ADE however, the medication error is a failure in the treatment process may result in the event. An example of a medication error is when a patient is not prescribed with his/her regular medications upon admission to the hospital; this will be omission error. However, When the right dose of a medicine is given to the patient and leads to unintended side effects ex: anaphylaxis, it will be classified as adverse drug event (ADE) (Bates *et al.*, 1995; Knez *et al.*, 2011). Medication reconciliation play a vital role in improving patient safety by reducing medication errors at discharge and during transition of care and shifts in care (Karapinar-Carkit *et al.*, 2009).

Table5. Strategies to Prevent Adverse Drug Events and medication errors (AHRQ, 2019a)

Stage	Safety Strategy
Prescribing	<ul style="list-style-type: none"> ➤ Avoid unnecessary medications by following the principles of conservative prescribing ➤ Use of computerized physician order entry with clinical decision support (CPOE-CDS) ➤ Medication reconciliation at times of transitions in care
Transcribing	<ul style="list-style-type: none"> ➤ Use of computerized physician order entry (CPOE) to eliminate errors related to ambiguity of handwriting
Dispensing	<ul style="list-style-type: none"> ➤ Inpatient pharmacists to oversee dispensing process ➤ Proactively Implement safety strategies to minimize confusion between look-alike, sound-alike medications (LASA medications) ex: Use of "tall man" lettering ➤ Use of Automated dispensing cabinets for high-alert medications.
Administration	<ul style="list-style-type: none"> ➤ Follow the "Five Rights" of medication administration (administering the Right drug, in the Right Dose, at the Right Time, by the Right Route, to the Right Patient) ➤ Implementation of Barcode medication administration (BCMA) technology to ensure medication is given to the correct patient

	<ul style="list-style-type: none"> ➤ Reduce interruptions to allow nurses to administer medications safely ➤ Use of Smart infusion pumps for intravenous infusions ➤ Use of electronic Multicompartiment medication devices and reminder systems for patients taking multiple medications in ambulatory or long-term care settings ➤ Educate patients about their medications
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Medication errors related to high alert medications

According to the Joint Commission, based on the work of Institute For Safe Medication Practices (ISMP), high-alert medications are defined as "medications capable of causing significant patient harm when they are used in error (IHI, 2012).

Errors of these medications may not be as common as we think, but if they reach the patient, their consequences are fatal. ISMP began its activities in 1989 with the publication of the first list of " high alert" medications (Davis, Cohen,1989).

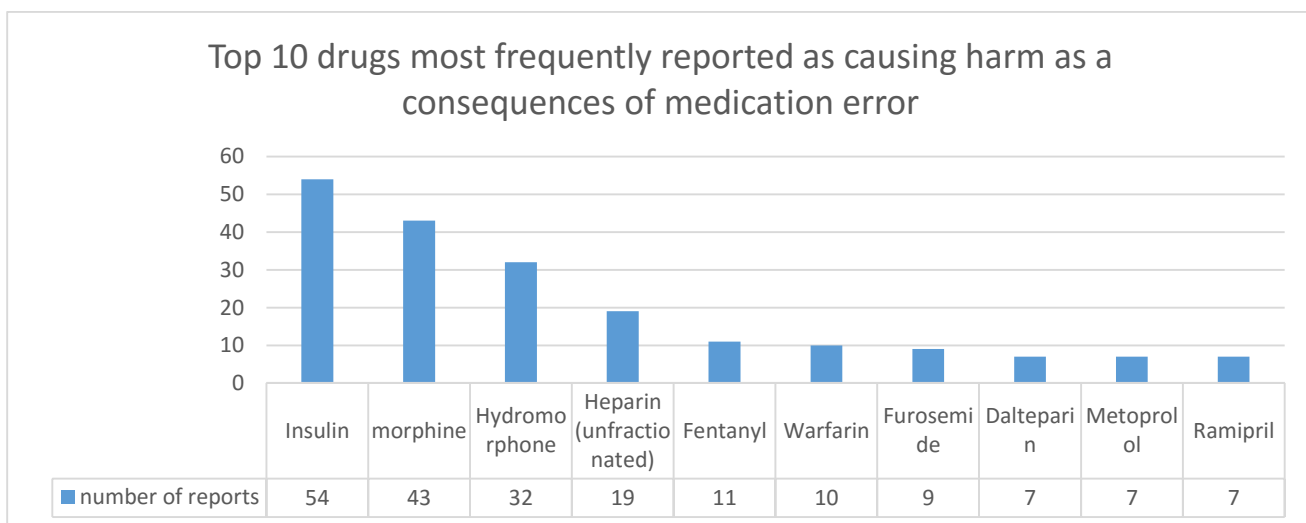


Figure 7. Top 10 drugs most frequently reported as causing harm as a consequence of medication error (ISMP, 2006)

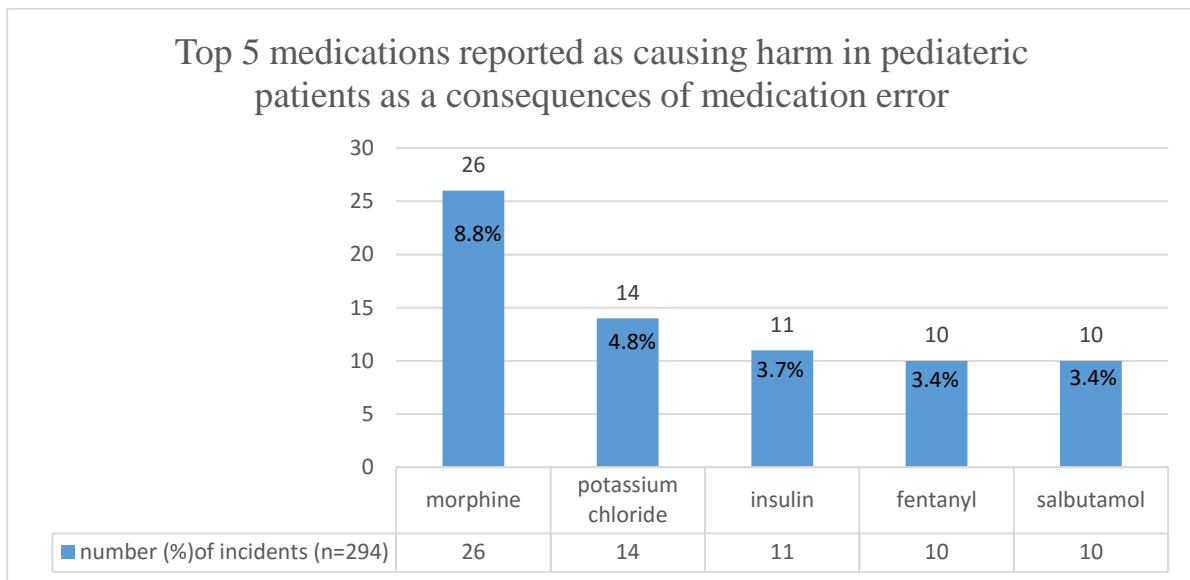


Figure 8: Top 5 Medications Reported as Causing Harm in Paediatric Patients as a Consequence of Medication Error (Based on Reports from 11 CAPHC Member Organizations) (ISMP, 2009)

A review of 317 preventable Adverse drug events in adverse drug events database. Reveal important findings that three high priority preventable ADEs represented 50% of all reports: (1) Haemorrhagic events associated with overdoses of anticoagulants due to inappropriate dosage adjustment according to laboratory test results (2) somnolence (drowsiness) and respiratory depression (hypoventilation) associated with overdoses of opiate agonists due to insufficient medication appropriateness (3) hypoglycemia associated with overdoses of insulin due to insufficient monitoring of insulin (Winterstein *et al.*,2002;Anderson, Townsend,2015).

Therefore, Hospitals have been working to improve the safety of high alert medications by maintaining a comprehensive list of identified high-alert medications to address potentially harmful errors based on ISMP updates for high-alert medications(www.ismp.org/Tools/institutionalhighAlert.asp). Also, Other medicines can be added to the list Such as new medicines which is considered to be high risk is added to the hospital formulary, all medicines regarded as potentially harmful used temporarily in cases of emergency and shortage and can be removed once the situation is over, and by hospitals in their internal event reporting systems for medicines involved in potential adverse events, even if the medicine is not included in ISMP list. For

example, wrong route of administration errors if Exparel (bupivacaine liposome injectable suspension) is confused with propofol, due to similarity in appearance and accidental intravenous administered instead of propofol, ventricular arrhythmia and cardiac arrest might result, hospitals added the drug to their list. The hospital pharmacy and therapeutics committee should update the list of high-alert medications as needed and should review it at least every two years(Grissinger,2016).

ISMP recommends conducting a multi-disciplinary failure mode and effects analysis (FMEA) as a proactive risk assessment tool to systematically identify sources of failure with the use of high alert medications in addition to the importance of using medication reconciliation to improve handoffs of drug information (IHI, 2012).

Medication reconciliation is a useful strategy to prevent medication errors

Drug reconciliation (see Figure 9) is the process of comparing the patient's list of current medication to all medications was taken by the patient and patient's condition to avoid any discrepancies. Medication reconciliation is a process designed to reduce medication errors such as omission, medication dosing errors, therapeutic duplication, or drug interactions. This should be done at every transition of care in which new medicines are requested or the current orders are rewritten (The Joint Commission, 2006).

Transitions in care involve changes in healthcare practitioners, setting or care level. This process consists of five steps: (1) current medications list; (ii) a list of prescribed medications; (iii) a comparison of two lists; (iv) clinical decision according to the comparison; (v) communicate the new list to health care providers and to patients (The Joint Commission, 2006)

Preventable adverse drug events (ADE) at transition of care represent 46-56% of all medication errors (Chhabra *et al.*, 2012).

In 2005 medication reconciliation was designated as international patient safety goal # 8 by the Joint Commission(AHRQ,2019b). In 2011, medication reconciliation was

integrated into international Patient Safety Goal #3, "Improving the safety of using medications." This National Patient Safety Goal requires that organizations "maintain and communicate accurate medication information" and "compare the medication information the patient brought to the hospital with the medications ordered for the patient by the hospital in order to identify and resolve discrepancies." (AHRQ,2019b)

Obtaining a best possible medication history (BPMH) for the patient at the time of admission to hospital is an essential part of medication reconciliation because the medication history is generally helpful in determining the medication regimen during hospitalization, so any inconsistency in medication history may lead to a discrepancy during hospitalization period(Mazhar *et al.*,2017). 22% of drug discrepancies can lead to patient harm during hospitalization, while 59% of them stay after discharge (Boockvar *et al.*, 2011).

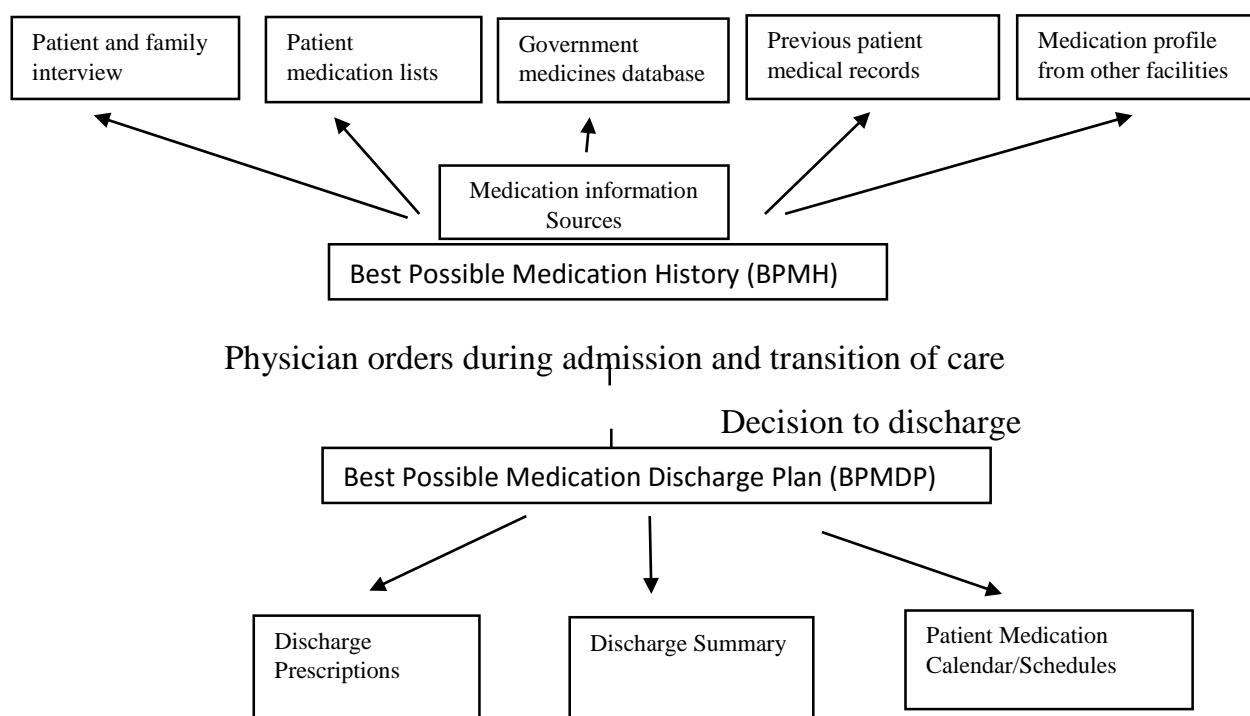


Figure 9: overview of Medication reconciliation process

Table 6: Types of medication discrepancies at the time of hospital admission (Boockvar *et al.*, 2011; Hellstrom *et al.*, 2012; Mazhar *et al.*,2017).

Intended medication discrepancies
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<ul style="list-style-type: none"> • Drug initiation or dosage modification is according to the new clinical condition of the patient • Medical decision not to prescribe a medicine or to change its dose, frequency or route of administration • Formulary/therapeutic substitution based on hospital policy
<p>Unintended medication discrepancies</p> <ul style="list-style-type: none"> • Omission of a regularly used medication or prescribed medication (accounts for 42%-60% of medication errors) • Differences in dose, frequency, time and route of administration • Wrong medicine • Medicine use without indication • Therapeutic duplication • Drug interaction

Table 7: Examples of Drug Related Problems Identified and interventions.

Identified Problem	Intervention
The patient took atorvastatin 40 mg (a cholesterol –lowering medication) before admission. There was no atorvastatin or other drug in the same class (statins) for replacement.	The doctor has been notified of the omission and the medicines included
The patient, who suffers from diabetic neuropathy, has been on treatment for two years. Medicines are not prescribed to treat these disease upon admission.	The doctor has been notified of the omission and the medicines included
The patient is using enalapril 25 mg (ACE inhibitor) ^a to treat hypertension once daily before entering the hospital.	The doctor has been notified and the dose adjusted.

The dose was doubled by admission, although there was no history of high blood pressure or any other medical condition that could lead to dose adjustment.	
Identifying patient at high risk for venous thromboembolism however, the prophylaxis drug was not prescribed.	The doctor has been notified of the omission and the medicines included

^aACE:angiotensin converting enzyme

Conclusion

Although medication errors cannot always be prevented, but organizations can minimize potential harm by implementing medication reconciliation process at hospital admission or care transfers, pharmacists in the health system are responsible for conducting drug reviews to improve current system. medication reconciliation is also important in improving safety of high alert medications. Furthermore, the importance of adopting information technology systems in reducing and preventing medication errors such as Computerized Physician Order Entry(CPOE), Clinical Decision Support System (CDSS), Barcode Medication Administration (BCMA), electronic medication reconciliation, automated dispensing and secure platforms to share patient data across healthcare providers and patients.

References

- Agency for Healthcare Research and Quality (AHRQ) Patient Safety Network. Medication Errors and Adverse Drug Events; Last Updated: January 2019a .Available from <https://psnet.ahrq.gov/primers/primer/23/medication-errors-and-adverse-drug-events>

Agency for Healthcare Research and Quality (AHRQ) Patient Safety Network. Medication Reconciliation; Last Updated: January 2019b Available from <https://psnet.ahrq.gov/primers/primer/1>

American Society of Hospital Pharmacists. ASHP guidelines on preventing medication errors in hospitals. *Am J Health-Syst Pharm.* 2018; 75:1493–1517.

Anderson P, Townsend T. Preventing high-alert medication errors in hospital patients. *Am Nurse Today.* 2015;10(5). <https://www.americannursetoday.com/wp-content/uploads/2015/05/ant5-CE-421.pdf>. Published May, 2015. Accessed October 4, 2018.

Aronson JK. Medication errors: definitions and classification. *Br J Clin Pharmacol* 2009; 67(6): 599–604

Avery A, Barber N, Ghaleb M, Franklin BD, Armstrong S, Crowe S, et al. Investigating the prevalence and causes of prescribing errors in general practice: the PRACTiCe Study. London: GMC; 2012. <http://www.gmc-uk.org/about/research/12996.asp>

Bates D.W., Boyle D.L., Vander Vliet M.B., Schneider J., Leape L. Relationship between medication errors and adverse drug events. *Gen. Intern. Med.* 1995;10(4):199-205. doi: 10.1007/BF02600255.

Boockvar KS, Blum S, Kugler A, Livote E, Mergenhagen KA, Nebeker JR, Signor D, Sung S, Yeh J. Effect of Admission medication reconciliation on adverse drug events from admission medication changes. *Arch Intern Med.* 2011; 171(9):860-1.

Chhabra PT, Rattinger GB, Dutcher SK, Hare ME, Parsons KL, Zuckerman IH. Medication reconciliation during the transition to and from long-term care settings: a systematic review. *Res Social Adm Pharm.* 2012;8:60–75.

Council of Europe (CoE). Committee of Experts on Management of Safety and Quality in Health Care (SP-SQS) – Expert Group on safe medication practices: glossary of terms related to patient and medication safety; 2005. Available from : https://www.who.int/patientsafety/highlights/COE_patient_and_medication_safety_gl.pdf

Davis NM, Cohen MR. Today's poisons: how to keep them from killing your patients. *Nursing* 89; January 1989:49-51.

Ferner RE, Aronson JK. Clarification of terminology in medication errors: definitions and classification. *Drug Saf* 2006; 29: 1011–22.

[Grissinger](#), M. Your High-Alert Medication List Is Relatively Useless Without Associated Risk-Reduction Strategies. *P T.* 2016 Oct; 41(10): 598–600.

Hellstrom LM, Bondesson A, Hoglund P, Eriksson T. Errors in medication history at hospital admission: prevalence and predicting factors. *BMC Clin Pharmacol.* 2012;12(9):1–9. doi: 10.1186/1472-6904-12-9.

Institute for Healthcare Improvement (IHI). *How-to guide: Prevent harm from high-alert medications.* Cambridge, MA: IHI; 2012. Available from :<http://www.ihl.org/resources/Pages/Tools/HowtoGuidePreventHarmfromHighAlertMedications.aspx>

Institute for Safe Medication Practices (ISMP) Canada. Top 10 drugs reported as causing harm through medication error. Safety Bulletin 2006;6. Available from :<http://www.ismp-canada.org/download/safetyBulletins/ISMPCSB2006-01Top10.pdf>

Institute for Safe Medication Practices (ISMP) Canada Safety Bulletin National collaborative. Top 5 drugs reported as causing harm through medication error in paediatrics. August 31st 2009, Volume 9, Number 6. Available from: <https://www.ismp-canada.org/download/safetyBulletins/ISMPCSB2009-6-NationalCollaborative-Top5DrugsReported.pdf>

Institute of Medicine(IOM). Preventing Medication Errors: Quality Chasm Series. Washington, DC: National Academy Press; 2006.

Karapinar-Carkit F, Borgsteede SD, Zoer J, Smit HJ, Egberts AC, van den Bemt PM. Effect of medication reconciliation with and without patient counseling on the number of pharmaceutical interventions among patients discharged from the hospital. *Ann. Pharmacother.* 2009;43:1001–1010.

Knez L, Suskovic S, Rezonja R, Laaksonen R, Mrhar A. The need for medication reconciliation: A cross-sectional observational study in adult patients. *Respir. Med.* 2011;105:S60–S66.

Leape LL, Bates DW, Cullen DJ, et al. Systems analysis of adverse drug events. ADE Prevention Study Group. *JAMA* 1995;274:35e43.

Lisby M, Nielsen LP, Brock B, Mainz J. How are medication errors defined? A systematic literature review of definitions and characteristics. *Int J Qual Health Care.* 2010;22:507-18.

Makary MA, Daniel M. Medical error: the third leading cause of death in the US. *BMJ* 2016; 353:i2139

Mazhar F, Akram S, Al-Osaimi YA, Haider N. Medication reconciliation errors in a tertiary care hospital in Saudi Arabia: admission discrepancies and risk factors. *Pharm Pract.* mars 2017;15(1):864.

Misasi P, Keebler JR. [Medication safety in emergency medical services: approaching an evidence-based method of verification to reduce errors.](#) *Ther Adv Drug Saf.* 2019;10:1–14.

National Coordinating Council for Medication Error Reporting and Prevention (NCCMERP). Two Decades of Coordinating Medication Safety; 2015a Available from: https://www.nccmerp.org/sites/default/files/20_year_report.pdf

National Coordinating Council for Medication Error Reporting and Prevention (NCCMERP). About medication error; 2015b Available from : <https://www.nccmerp.org/about-medication-errors>

Reason J. Human error: models and management. *BMJ.* 2000; 320:768-70.

Shaikh N, Sardar M, Raj R, Jariwala P . A Rapidly Fatal Case of Low-Dose Methotrexate Toxicity. *Case Rep Med* 2018: 9056086.

Slight SP, Howard R, Ghaleb M, Barber N, Franklin BD, Avery AJ. The causes of prescribing errors in English general practices: a qualitative study. *Br J Gen Pract.* 2013;63:e713-20.

The Joint Commission. Using medication reconciliation to prevent errors. Sentinel Event Alert. 2006;35:1–2.

WHO (World Health Organization). Assuring medication Accuracy at Transitions in Care. Patient Safety Solutions, v.1, sol.6, p.1-4, 2007. Available from: <http://www.who.int/patientsafety/solutions/patientsafety/PS-Solution6.pdf>

Williams DJP. Medication errors. *J R Coll Physicians Edinb.* 2007;37:343–346

Winterstein AG, Hatton RC, Gonzalez-Rothi R, Johns TE, Segal R. Identifying clinically significant preventable adverse drug events through a hospital's database of adverse drug reaction reports. *Am J Health Syst Pharm.* 2002 Sep;59(18):1742-1749.

*The Reality of Partnership between Private-Sector Institutions and Yemeni
Universities: Challenges and Demands*

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Abstract:

The research aims to define the nature of the relationship between the private sector and public universities in the Republic of Yemen. It intends to identify the most prominent challenges and obstacles, display successful experiences of universities' relations with the private sector in some countries, and suggest effective means to achieve partnership between universities and the private sector in the Republic of Yemen, in light of the findings of this study.

Research Methodology: The researcher adopted the descriptive approach through collecting information from different researches, studies, reports, published books and examining some successful experiences in the relations between universities and the private sector.

Research Questions: The research attempts to answer the following questions:

- How to benefit from the successful experiences of some countries in this field?
- What is the nature and form of relationship between Yemeni universities and private sector institutions?
- What are the most prominent obstacles or challenges to strengthening the relationship between Yemeni universities and the private sector?
- How to activate and strengthen the partnership and cooperation between Yemeni universities and private sector institutions?

The research reached some findings, the most important of which are:

1. Forming a higher committee at the Ministry of Higher Education that constitutes the frame of reference for partnership between the private sector and the Ministry, provided that the committee should have legal, administrative and financial advisors, and attracts some businessmen who are known for their multiple contributions to human development.
2. Implementing the National Vision Strategy for the Republic of Yemen, where goals and programs share common visions. The operational role of the private sector in the strategy is a legal and ethical commitment to ensure the continuity of the partnership in order to achieve the lofty and high goals and objectives we all seek to achieve.

Finally, the research concluded with a set of recommendation, as follows:

- Forming joint committees between the Chambers of Commerce and Industry in each governorate, as a representative of the private sector, and the universities in this region.
- There is a necessity for conducting scientific study the structure of the labor market in Yemen and its needs for higher education outcomes.
- There is a necessity to link secondary school education policies with higher education policies so as to achieve a common goal in community building and providing it with appropriate human competencies.

Introduction

Since the early 1980s, advanced technology centers known as Centers of Excellence have been established and Business Incubators for technology have been founded in order to create channels to link the private sector with universities through scientific research. Another objective was to create cooperation between scientific research at universities and productive institutions through the establishment of several joint research centers between university professors and industry members in society, as scientific research forms an important element in the life of educational institutions. Germany, Britain and the United States considered have given priority research and later the American Academic Revolution was launched, which considered research as one of

the most frequently used standards for the assessment of a faculty member at American universities. This can be realized through two ways: research projects that he/she can attract to the university would increase the university's abilities and income, and improving his/her teaching ability. Big budgets are allocated to achieve that, believing in the importance of scientific research (Markus & Kathryn Walsh, 2007, p. 35) For example, Singapore's education budget was 7 billion SGD in 2006, and it increased in 2007 to 7.5 billion, equivalent to 2.15% of the entire state budget. As a result, education in Singapore has reached an advanced status, and Singaporean students were awarded the TIMSS Mathematics and Science Award for 1995, 1999 and 2003. Moreover, since 1990, Singapore has sought to attract reputable foreign institutes by establishing training centers for them in Singapore to upgrade their educational level and to become an international beacon of science, attracting students. Education in Singapore is one of the best in Asia, and even worldwide. Furthermore, Singapore has four national universities, and these achievements have had a profound impact on many other countries which were inspired change.

The United States was the first to emulate Singapore and began to revise its educational curricula, teaching methods, and educational policy, and to train teachers well. As a result, the findings of the studies applied to 11 industrial sectors found that the new products that were produced by scientific research have contributed to an increase in sales by 80% and in profits by 30%. Moreover, some specialized studies in business administration have shown that the companies interested in scientific research can succeed in offering new products and can remain competitive in the market. On the contrary, companies that do not have departments for research and development and do not practice scientific research cannot provide products that are compatible with the requirements of change concerning the needs of the customer.

The Japanese experience regarding the partnership between the private sector and universities is successful. The value of research requested by private sector institutions from Japanese universities increased from \$502 million in the early 1990s to about \$3.5 billion until the end of 2001. The value of these research works reached more than \$ 10 billion by the end of 2010. Besides, the number of cooperative research centers between

the private sector and universities grew from about 23 centers in the early 1990s to about 62 centers until the end of 2001. The number of centers is expected to reach approximately one hundred in 2010.

Another experience is SABIC company which has been one of the world's leading companies in fertilizer, chemical, polymers, and metals industries. It supplies the materials to other companies that use such products on which the world depends. SABIC Research and Technology Complex was established in 1991 and has played a significant and effective role in activating the frameworks of this cooperation through deeper understanding the requirements of research and development and fruitful interaction with researchers and research agencies in universities. SABIC company has supported universities through several programs, including research grants and grants for scientific conferences and study scholarships. It also offers SABIC Award for Best Graduation Project in Chemical Engineering. Besides, it contributes to building and equipping laboratories in universities and research centers, making comprehensive agreements, consultancy services and specific contracts.

There are more than 100 (one hundred) existing and supported projects annually. Therefore, SABIC has become the largest profitable public joint stock company in the Middle East. This success was achieved by focusing on two things:

1. Contributing to local participations.
2. Applying the best technologies and programs.

This is confirmed by Hana Hamid *et al.* (2016, p. 22).

The progress made by these advanced countries and led to their scientific excellence was not due to their natural or agricultural wealth or their numerical superiority, but due to their scientific and technological progress. The source of this progress is the scientific research, contributing to supporting scientific research and applying university technologies and programs. [2]

Types of Relations between Universities and Private Sector

According to international experiences, there are several forms of partnership between universities and the private sector; the most prominent ones are as follows:

Sponsored Research: In such research works, the private sector institutions sponsor scientific research to solve specific problems for their benefit or for the benefit of society.

Contract-based Research: These are research works that serve private goals and benefits of private sector institutions; as they seek to make partnership with universities in carrying out research in specific activities and fields.

Consulting Services: Here, some members of the teaching staff are deputed to work as part-time experts or consultants in institutions in a manner that does not conflict with the progress of the educational process. The scientific and technical capabilities available in universities, such as laboratories and research databases are offered for use to meet the needs of the institutions within some specific frameworks and formulas of cooperation.

Solidarity: In this type of partnership, a number of institutions stand in solidarity to support a scientific research that addresses a technical issue for the common interest of this group of institutions; and they sponsor the research that is entrusted to a university to implement.

License: Under this type of partnership, the private sector obtains a commercial right to the intellectual property that belongs to the university in exchange for license fees or a proportion of sales after the institution converts the idea or invention into a new product.

Establishing Companies: This type of partnership often happens when the element of risk increases for investors, especially when the technology resulting from the research is in its early stages. Subsequently, the university enters as a partner with the investors in establishing companies to carry out the research.

Cooperative Education: Economic enterprises cooperate with universities in the implementation of educational curricula by training students on the requirements for working in enterprises; where university students exchange periods of work and periods of study according to an organized program. This field offers an opportunity for students to experience the work environment; it also allows employers to nominate some of these students to work for them after graduation.

Consultation is one of the most common forms of relations between universities and the private sector. It is done through establishing consulting contracts between universities and industrial companies on specific research fields in exchange for agreed fees between consulting centers in universities and industrial companies. The informal nature of consulting is done individually between researchers in universities and industrial companies, which specify the type of experiences and consultations required. The consultation requests are referred to specialists in the university consulting centers to be carried out in exchange for a specific fee. The purpose is to transfer knowledge from university departments and laboratories to the practical application in the private sector (Richard, 2010) [3]. Moreover, universities grant licenses for industrial companies for the right to use the patents and intellectual property generated in universities to achieve creativity and produce new products. We find that large companies and institutions abroad monitor researchers during their work, make contracts with them and sponsor their research and provide them with everything they need. This is because the companies are the beneficiaries of the research later. This is what the Arab League mechanism (2014) indicated, that USA, Canada and Britain receive 75% of Arab immigrants. On the contrary, the Arab world loses \$ 200 billion due to brain drain. Besides, 100 thousand of scientists, engineers, doctors and experts migrate per year from eight Arab countries. Furthermore, 31% of the competencies and minds who migrate from developing countries are Arabs. 50% doctors, 23% engineers and 15% scientists migrate from all Arab competencies to Europe, USA, and Canada.

Link of University Education in Yemen to Labor Market

There is a close relationship between the achievement of higher education institutions' goals, i.e. scientific research, and providing the community with human competencies and community service. The achievement of these goals is reflected on the labor market in a way that contributes to the development of the labor market through the available qualified university human capabilities (Habib, 2007) [4]. Al-Shaibani, Al-Hadhram, and Al-Sharabi also agreed, as their studies confirmed, that university education in Yemen is still based on personal or individual efforts, devoid of any clear philosophy or general features of goals and strategy to be achieved (Al-Shaibani, 2000, p. 21 [5]; Al-Hadhram, 1999, p. 122 [6] and Al-Sharabi, 2000, p. 64 [7]). Yemeni universities are still lagging behind in their traditional role, with limited interest in applied and technological research that guarantees partnership with the private sector in its various institutions. This is revealed by the results of the process of analyzing the internal environment of higher education in Yemen, including weakness of educational programs, repetition of the same programs. Besides, there is a large number of complaints about this in most Yemeni universities, including the following: most of the current educational programs and curricula are without specific goals; and most of the courses and their contents are not based on the goals of educational programs. This is what Al-Aidaros confirmed, stating that the absence of the employment agencies opinion (public and private sectors) and that the failure to keep pace with the technological knowledge explosion facing the educational process in its various branches are due to the traditional typical patterns in the current study plans (Al-Aidaros, 2004) [8]. Al-Mu'afah (2003) [9] emphasized that teaching methods, educational aids, theoretical lectures, practical lessons and field training do not serve the goals of private sectors. Universities seek, through their cooperation with private sector institutions, to obtain financial support that helps universities in developing their performance. Likewise, the private sector wants to improve its products and services as well as reinforce its competitive position in the market after these institutions had realized that the outputs of many higher education institutions do not rise to the level of their current and future aspirations and requirements of research, consultations and human resources. The university at present is required to confront a large number of requirements and changes. Riyadh Chamber of Commerce and Industry (2007) [10] as

well as the study of Mukred (2010) [11] indicate that there is cooperation and partnership between universities and the private sector and as a result, there are benefits and gains for universities, the most important of which are as follows:

- Developing new funding sources for universities to enable them to activate their academic performance through the contribution of the private sector in financing scientific research, equipment and construction in universities.
- Providing scientific training for university students in business organizations to increase their chance of joining the labor market after graduation.
- Employing university research to serve the private sector will help to improve production and develop new products needed by the local and external market, as the field of applied research based on technology is considered one of the most important aspects of cooperation between universities and business organizations. Likewise, research on employees' behavior or administrative, financing or marketing problems will be of vital importance.

The Relationship between Universities Scientific Research and the Private Sector in Yemen

The research function of higher education institutions, especially universities, is to study issues and problems facing society and work to detect these problems. In addition, the scientific research plays a role in other academic respects, which contribute to achieving the objectives of universities.

In view of this role, it is obvious that our universities and institutes do not consider their mission towards scientific research in general; nor do they care to link it to the labor market. In this respect, it is well noticed that there are deficiencies in the interactions with the local environment through the nature of scientific research, if any. The research works often do not meet the needs of the local community and the needs of the marketplace except for only a limited percentage. Moreover, there is a lack of expenditure on scientific research, a lack of researchers mainly and a lack of access to appropriate conditions and requirements for a successful scientific research.

If we arguably assume that there are some research works conducted in association with community issues, a few of which are taken into effect and the rest remain kept on shelves and offices. This is mainly due to the lack of a policy that links higher education institutions with their research centers and other community institutions. In fact, each one works separately.

Scientific research is one of the most important factors through which university can assist the private sector in developing its performance, improving the work environment and achieving competitiveness. The scientific research activity represents a group of activities that adopt knowledge, experiences and ideas as inputs. Their outputs or findings represent a new knowledge, an expansion to the existing knowledge, or a development of a specific product. Hence, the use of scientific research in private establishments, supported with material and human resources, will have positive responses. This includes developing and improving existing products and services; creating new products and services; using better technologies that lead to tangible development in the establishment's economic efficiency; rationalizing production costs; reducing waste from production processes; reducing stock and stagnant goods; enhancing the competitiveness of enterprises; and overcoming the problems faced by them in any stage of operational and marketing processes.

The Yemeni Universities Law stipulated special objectives for scientific research. However, Yemeni universities lack a clear policy in the field of scientific research from which plans are derived. The issuance of the National Vision for the year 2020 was not implemented due to the Coalition aggression and the blockade imposed on Yemen, which represent major obstacles for the implementation of all aspirations of the National Vision for Building the Modern State, which indicated:

- 1- Creating an integrated national system of scientific research and technology.
- 2- Supporting and encouraging scientific research by raising the share of scientific research from the national gross income and creating funds for scientific research support.
- 3- Providing and developing specialized infrastructure for scientific research.

- 4- Bridging the gap between the outputs of scientific research institutions and development.

Despite the conducted studies and researches and the issuance of the National Vision 2020 [12] recently, the relationship between scientific research in Yemen and the productive institutions is weak and unclear. This is because the development of higher education in Yemen is based on a traditional policy that has made higher education a source to equip graduates with university degrees only to which labor market does not respond. Therefore, such agency will be unable to accommodate the increasing numbers of Bachelors, Masters, and PhD degrees holders, especially those who do not have practical qualifications required by the sustainable development needs in light of a new policy directed towards the market economy. This is due to the inconsistency between university outcomes and the requirements of the labor market. It is also due to the nature of the educational system based on the instructive deductive education methodology, which is full of theoretical information and lacks knowledge and applied skills. Consequently, the graduates' education is directed towards the public sector employment that provides job stability and guaranteed retirement away from creativity and innovation.

Accordingly, we find that the private sector in Yemen is facing a set of challenges. This entails development and modernization in its performance in order to be able to face them, and to continue its role efficiently. The most important challenge is the lack of clarity in the strategic path. Besides, the importance of the economic path lies in adopting a comprehensive treatment while integrating the elements of this treatment by setting national development plans and taking into account the importance of the public-private sectors partnership and complementarity. Hence, such plans should aim at increasing the ability and capacity of the system, directing the results towards the market and enhancing the demand for them.

The absence of national strategies that enhance the role of sciences in the field of sustainable development, within the context of recent developments, is another significant challenge that should be taken into consideration. There is absence of national authorities that should set scientific research policies in addition to the

weakness of laws, legislations, systems and regulations in the field of scientific cooperation.

We know that Yemen follows the free economy policy that allows entry of all foreign products to its markets. This makes the national products in a competitive confrontation with foreign products. Therefore, it is imperative to encourage scientific research with a view to support the private sectors in achieving a high degree of quality, which makes the national products in a competitive confrontation with these imports. This would provide the national products with opportunities to withstand and compete strongly with foreign products. Here comes the role of scientific research in universities where scientific research can develop and improve their endogenous technical capabilities. In addition, scientific researches should be implemented to support industrial institutions and companies for achieving a high degree of quality, allowing the national products the opportunity for withstanding and competing strongly with foreign products.

Moreover, the results of the researches conducted in universities are rarely taken into account due to the lack of a policy that links higher education institutions and their research centers with other community institutions, as each sector works separately.

In order for an effective partnership between the private sector and universities to exist, it must be based on market and commercial rules and standards, away from theorizing and academic practices that the private sector is not satisfied with, which is controlled by profit criteria. The more the universities are capable of converting scientific research into applied practices that serve the profitability objectives of the private sector organizations, the more these organizations become highly inclined to establish true bonds of beneficial partnership away from the compliments or prestige, which may be tolerated by the private sector sometimes, but not always.

The Private Sector's Need for Scientific Research Activities:

Scientific research is one of the important qualities and features of higher education institutions in every society. A nation's or peoples' development and progress

are measured by the size of support they provide for scientific research, owing to the positive return that higher education institutions and society received through the scientific research efforts. The progress made by many advanced countries leading to their scientific excellence was not because of their natural, agricultural wealth or their numerical superiority; rather, it was made by means of their scientific and technical progress generated by scientific research.

Barriers to Partnership between the Private Sector and Yemeni Universities:

Businessmen believe that the Yemeni universities are not qualified to discuss the problems that concern the business sector in all of its branches and institutions, and that the job of these universities is just teaching. They also consider that the universities tend to focus on selecting more qualified faculty members than focusing on preparing outputs who can meet the requirements of the labor market. Private institutions continue to draw on the foreign experience due to the lack of stable channels of communication through which coordination and cooperation with other universities can be established. In addition, there is a general absence of mechanisms to commercialize the university scientific research transferring them from a conception to the stage of production and application and obtaining the required returns.

The cooperation between the private sector and the universities faces many obstacles, which can be summed up as follows:

- General Obstacles.
- Obstacles related to the private sector.
- Obstacles related to the universities.

General Obstacles:

- The absence of stable and definite communication channels through which coordination and cooperation between both private sector establishments and university research centers can be established.
- The high cost of research preparation and the materials and machinery it requires.

Obstacles related to the universities:

- The universities tend to focus more on the educational aspects more than the society's problems, and give priority to the educational process over the graduates training process.
- The slow development process of programs and curricula adopted by the universities in their faculties.
- Aging of the curricula and programs adopted by the universities.
- The difficulty of developing or modifying the faculties established by the universities with a view to meet the requirements of the labor market.
- The universities isolationism in developing their faculties and programs, and their little consideration for monitoring the changes and developments in the private sector.
- The universities focus on attracting more qualified faculty members than their focus on attracting experts and consultants who are able to transform researches and theoretical studies into an applied reality, from which private sector establishments may benefit.
- Researchers in the universities and research centers focus on conducting basic research with the purpose of getting promotion, but not with the view of serving the private sector.
- Faculty members' are preoccupied with the tasks of teaching students, allocating a low percentage of about 5% of the workload for research activities
- The difficulty of obtaining the data and information required for research purposes from many private sector institutions, as they are deemed confidential information related to the conditions of the private sectors that shall not be disclosed.

Obstacles related to the Private Sector:

- The negative impressions among many private sector establishments that the universities are relatively uninterested in the scientific research that they require.

- The interest of the business sector in short-term studies and researches that accomplish either a real-time solution to technical problems facing its institutions, or a simple modification of the technical aspect used. They do not have any interest in conducting long-term researches that would result in patents or new scientific creations and innovations, which can be utilized in the productive fields.
- The private sector's lack of awareness and appreciation of the benefits that will be accrued as a result of expenditure on research and development activities.
- Reliance on external knowledge and techniques, thus undermining the incentive to local research capabilities. We know that the private sector continues to adopt the philosophy of aspiring for new technology, but from the perspective of "undertaking all of the old procedures better by improving the existing products."
- The universities aspire to have opportunities to use modern technology, but from the perspective of undertaking new and innovative procedures through designing new products and services.
- The private sector has, limited research capacities and relies mainly on the transfer and adoption of technologies.
- The universities seek to develop the research bases through partnership with the private sector, but communication is a major challenge in achieving this.
- The necessity of the private sector and the universities' adoption of a research and development approach as partners, which is the main problem.

The study of Al-Hariri (2010) [13] confirms that there are some obstacles and barriers to the achievement of cooperation between the universities and the private sector, the most important of which are as follows:

- The universities' lack of interest in the marketing aspect and public awareness of the universities' activities, outputs, programs, services and specializations, and their ability to solve the problems of society and business organizations through research and development.

- The low willingness of private institutions to share the costs of research projects.
- The lack of confidence of the private sector organizations in the universities' outputs of human skills, programs, research and scientific studies, and their lack of conviction of the benefit of such to them as organizations.
- The lack of confidence in the local Yemeni capabilities and expertise, as some private organizations resort to contracting with foreign research institutions for consultations and conducting research.
- Some productive institutions are satisfied with their own experts and technicians to solve their problems.
- The negative impressions among many private sector establishments that the universities are relatively uninterested in the scientific research that they require.
- The interest of the business sector in short-term studies and researches that accomplish either a real-time solution to technical problems that its institutions have, or a simple modification of the technical aspects used. Besides, they lack interest in conducting long-term researches that would result in patents or new scientific creations and innovations that can be utilized in the productive fields.
- The difficulty of obtaining the data and information required for research purposes from many private sector institutions, as they are deemed confidential information of the private sectors' conditions.
- The universities focus on teaching and the academic aspect rather than the applied aspects.
- The universities' strategic plans lack interest (if any) in linking programs and specializations in the universities with the business organizations requirements in terms of skills, knowledge and capabilities.
- The implementation of scientific research in the universities is associated with unplanned programs that primarily aim at assisting researchers to get their academic degrees promotions. The design of current research works does not reflect the needs of society or solve its problems.

- The lack of interest in carrying out applied research that addresses the problems of business organizations.
- The universities are waiting for the private sector's initiatives for partnership, but not vice versa.
- There is a rapid development in some productive sectors, and the subsequent problems exceed the level of contribution that universities can offer.
- The educational curricula and training courses are irrelevant to the current reality of the productive sectors and the problems and constraints they face. They are limited to the theoretical aspect only rather than the practical aspects in the educational curriculum.
- The universities' lack of Centers of Transfer, which are specialized laboratories for transferring the results of scientific research into a Prototype that is marketable prior to the commercial production.
- The scientific research carried out by university professors are used only for getting academic promotion.

We conclude with the following results:

- 1- Announcing the strategic vision for higher education with a view to give the private sector an opportunity to operationalize its plans in accordance with the policies and legislations of the Ministry of Higher Education.
- 2- Forming a supreme committee at the Ministry of Higher Education to represent the legitimate reference for the partnership between the private sector and the ministry. The committee should include legal, administrative and financial advisors, in addition to recruiting some businessmen known for their multiple contributions to human development.
- 3- Implementing the strategy of the National Vision of the Republic of Yemen, where the goals and programs should have participatory visions. The operational role of the private sector in the strategy is a legal and moral obligation to ensure

the continuity of the partnership in order to achieve the lofty and supreme goals and objectives that we all seek.

- 4- Eliminating the traditional and slowness approach. Partnership is a necessary effort for efficiency and the adoption of the method of immediate transfer of research findings and converting them into practical practices in enterprises in a timely manner.
- 5- Setting and drafting an action plan from the beginning of each research project and creating a plan to determine the ownership of intellectual rights for the new technology and to define the role and rights of sponsors and funders in it.
- 6- Conducting a field survey to determine the needs of the labor market, starting with the university, provided that this procedure is carried out at the level of each college and through the Department Council, which identifies public and private sector entities that the college can communicate with to seek their views on the academic program and its outputs. This helps in identifying aspects of satisfaction and dissatisfaction in the performance of graduates and their job competencies, taking their proposals on the aspects to be developed and determining the characteristics of development in the labor market in terms of technology, knowledge and skills, and directions for their future development. It also has to identify the possible aspects of cooperation between the labor market and the academic department of the college. They should agree on how to provide training opportunities for students of the program. In return, the department should provide advice and proposals to develop the work of labor market institutions benefiting from the program outputs and the scientific department's experiences, and estimating the need for the program graduates, at present and in the future. Then the academic department determines the needs of the labor market. By linking university education with the labor market, its graduates will be in line with the needs of development and economic advancement. This link is evident through the participation of the business sector in developing policies and strategies for university education, developing university educational curricula, teaching curricula, as well as the necessity of evaluating university education graduates and granting them documents and certificates. This leads to

securing the needs of the labor market for the skilled individuals who are well equipped with appropriate professional and scientific university competencies. It also leads to creating job opportunities for university graduates, provided that the private sector should seek to create and establish a broad and deep partnership with universities in the future. Universities provide the private sector with efficient and high-quality graduates. These main outputs of the university would influence the work and quality of performance of the private sector.

- 7- Facilitating access to databases from private establishments.
- 8- The private sector facilitates the work of universities by enabling students to do practical training sessions within its facilities in the context of real training and not just agreements that do not benefit students.

Recommendations:

- 1- Allocating a part of the revenues of the public and private industrial, commercial and service productive sectors (the proportion is to be agreed upon with the labor market institutions) to support the scientific research sectors at the university.
- 2- Allocating a proportion of customs' income for this purpose or issuing a postage stamp in the name of development, part of its revenue should be specified for scientific research.
- 3- Taxation on the prices of domestic and foreign travel tickets (land, air and sea) for the benefit of scientific research in universities and research centers.
- 4- Taxation on all foreign companies that extract natural resources, on private companies and large contracting companies upon signing agreements, and allocating a certain percentage from these contracts for scientific research.
- 5- Taxation on *qat* plantation that should go to the benefit of scientific research.
- 6- Linking the scientific research budget with the state budget and allocating 1% of the gross national income to fund scientific research activities.

7- Establishing a fund to support scientific research and development, in line with the specialized development funds, to support applied research projects for the benefit of private sector enterprises.

8- Forming joint committees between the chambers of commerce and industry in each governorate as a representative of the private sector and the universities located in the region. They should discuss ways of building an effective partnership between them, with a view to reach the stage of collecting the results of these committees in a joint higher committee including the Council of Chambers of Commerce and Industry and the supreme council of university that includes university rectors. They should reach a general framework for an effective partnership between them, which can be circulated later.

9- A scientific study must be carried out to study the structure of the labor market in Yemen and its needs for higher education outputs.

10- Secondary education policies should be linked with higher education policies, as they represent the achievement of one goal, which is building society and providing the appropriate human competencies for it.

Suggestions:

There should be a strategy for partnership between universities, the government and the private sector. Besides, the Ministry of Higher Education and the government together should provide a response to the logic of partnership and support it with the necessary laws and procedures, not to mention the sources of funding, and that the partnership strategy reflects the needs of society and its basic issues.

References

- Al-Rifai, et al. (1999). "Al Bahth Al-'Ilmi Fi Jami'at Aden, Siassatuh wa Awlawiyyatuh wa Takhtituh: Al-Waqea wa 'Affaq". A symposium on *Waqea Albahth Alelmi Fi Jameat Aden wal Jamiaat Al-Yemenia Al 'Okhra: Al-Waqea wa 'Affaq Al-Moustakbal*. December, 4-6. Aden University, Yemen.
- Al-Aidarous, N. (2004). *Ardh wa tahleel Al-Anshitah Al-'illmiyyah wal bahthiyyah wal mujtama'yyah Fi Jami'at Aden*. Unpublished MA Thesis. Faculty of Administration Sciences, Aden University.
- Al-Hadram, A. (1999). "Al-Ta'leem Al-'Aali Fil Yemen: Al-Waqe'a wal Tomouh wal intilaq." A symposium of the Consultative Council on *Al Ta'leem Al-'Aali wa ihtiajat Souq Al Aamal*. November, 22-23. Sana'a, Yemen.
- Al-Hareeri, Kh. (2010). *Al 'Alaqah Bain Al Jamia'at wal Qetta'a Al Khas wa Dawruha Fi Tahqeeq Jawdat Al Ta'leem Al Aali Fil Jomhouriah Al Yemenia*. Fourth Scientific Conference, Aden.
- Al-Muaafah, M. (2003). *Tatweer Al Bahth Al 'Ilmi Bil Jami'aat Al Arabia Limoajahat Tahadiyyat Al Moustakbal fil Watan Al Arabi*. The 10th Annual Conference (2nd Arab) of the Center of University Education Development, Jamiaat Al Moustakbal. December 27th - 28th, Ain Shams University, Cairo.
- Al-Sherai, B. (2000). "Azmat Al Ta'leem Al Aali fil Yemen wa Tahadiyyat Al Waqe'a: Namouthaj Jame'at Sana'a." The Conference of *Al Ta'leem Al Aali wal Aahli*. May 30th - June 1st), Queen Arwa University, Sana'a.
- Habib, M. (2007). "Afaq Jadidah lil Ta'leem Al Jamia'i Al Arabi Fi Dhaw' Al Mustajadat Al Alamiyah Al Mu'asirah fi Souq Al Amal." A Paper Presented to the Sixth Arab Conference on Higher Education. November, 25th – 26th, Egypt.
- Hamid, Hana. et al (2016). *Al Tajroubeh Al Yabania fil Ta'leem wa Sobul Al Istifdah minha fi Misr*. Central Administration of Information and Documentation Center, Egypt.

Markus Perkmann & Kathryn Walsh (2007) "University-industry relationships and open innovation: Towards a research agenda" *International Journal of Management*.

Mokred A. (2010) "Tatweer Al Bahth Al 'Ilmi Bil Jami'at Al Yemenia fi Dhaw' Al khibrat Al Alamia Al Hadithah." A Research Presented for the Fourth Scientific Conference of the University of Aden on *Jawdat Al Ta'leem Al Aali: Nahw Tahqeeq Al Tanmiyah Al Moustdamah*. October, 11th - 13th, Aden.

Richard, B. D. (2010) "University-Industry Collaboration: Technology Demands for New Innovation Systems" FED Symposium, Tokyo, Japan.

Riyadh Chamber of Commerce and Industry. (2007). *Sobul Bina'a Sharakah Fa'elah Bain Al Qetta'a Al Khas wal Jamia'at fil Mamlakah Al Arabia Al Saudia*. Research and Studies Center, Public Department for Research and Information.

Sub-Saharan immigrants' integration policies in Morocco**Article review**

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Running title: Integration policies in Morocco.

Abstract:

Morocco's strategic position between Europe, the Middle East and Sub-Saharan Africa leads it to be a new destination country that has received growing flows of sub-Saharan immigrants. This fact has challenged the government to launch the National Policy on Immigration and Asylum NPIA to integrate them in the socio-economic fabric. This article review aims to assess the impact of the NPIA on the integration of sub-Saharan immigrants in labor, education and healthcare sectors. Accordingly, we have made a selection of 14 articles and reports dating back from 2002 to 2019. They are included in a qualitative synthesis. Data depict that the administrative regularization does not

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change the battle for survival. Studies depict inequality and discrimination against particular nationals. Moreover, immigrants suffer from lack of job opportunities and forced to work in informal economy or in hard labor sectors with low wages. Furthermore, the Integration of immigrants' children in Moroccan schools remains very limited in comparison to the increasing numbers of this population. The educational system and the extensive enrollment process keep immigrants' children out of this service. For healthcare, most of the interviewed migrants benefit from pregnancy monitoring and child birth, yet, despite the government and civil society efforts, huge number of immigrants cannot get access to healthcare services either being in illegal situation or being Anglophone. Thus, Morocco is ill-prepared to integrate sub-Saharanans successfully in the socio-economic life.

The keywords: Integration, sub-Saharanans immigrants, refugees, NPIA.

Introduction:

Migration phenomenon is a topic that dominates the World debates since decades. Yet, recently especially after the 1973 oil crisis, destination countries realized that adopting intensive stricter -measures to curb the flows of irregular migrants are useless; especially after the recent statistics from the United Nations Department of Economic and Social Affairs (DESA) which suggest that the population of sub-Saharan Africa will double by 2050¹; hence, a massive movements within and outside the borders of Africa will not have an end. For this reason, European member states become aware that irregular migration is no more a European matter. It entails the necessity of integrating the neighboring countries particularly transit countries like Morocco to externalize the problem outside the boundaries of Europe. Accordingly, Policy- makers have tried to

¹ Inc, « Get Africa Involved ».

manage the issue more systematically and humanely in order to establish laws and intensify the integration of the immigrants on its territories.

Morocco's strategic position between Europe, the Middle East and Sub-Saharan Africa leads the country to be a new destination country that has received the first waves of irregular immigrants since 1990s. Most of them prefer to settle in Morocco instead of crossing the Mediterranean because of the excessive security measures from both costs of the Mediterranean or the high costs of smuggling. As a result of these stricter-border measures, in 2018 it was a decrease of over 54,000 migrants compared to 2017 that witnessed more than 154,000 migrants who crossed the Mediterranean to get to Europe¹. Moreover, sub-Saharan immigrants including both economic migrants and refugees residing on the Moroccan territories are estimated to be more than 700,000 African immigrants (Ghazouani 2019). The influxes embody youth, women and children nowadays. Thus, Morocco is no more just a source and a transit country, it plays also a third role that is of a receiving destination during the last twenty years². This fact leads the Moroccan government not only to sign various bilateral agreements with the European Union member states and West African countries at the level of its foreign policy, but also to improve the adopted legislative measures and launched the National Policy on Immigration and Asylum NPIA. Besides, Morocco is party to the 1951 Geneva Convention and its 1967 New York Protocol as well as the 1969 Organization for African Unity Convention.

Therefore, Morocco accepted the challenge to integrate sub-Saharan Africans in terms of granting residence cards and getting access to the economic and social services. The monarchy provides an example of how an African and Arabic country takes the lead to ensure better integration of the African immigrants and refugees by developing its own national migration integration policies in the MENA region. Accordingly, this article review analyses various results related to migration and integration of Sub-Saharan

¹ « Morocco is an immigration country too ».

² « The Evolution of Moroccan Immigration: a Lesson for All Countries | Inter Press Service ».

immigrants in Morocco. It targets the NPIA integration achievements and assesses the improvement of the life conditions of sub-Saharan immigrants.

Search methodology:**Search and Study Selection:**

We have made an extensive research in various web sites that provide scientific databases such as research gate, Google scholar, Google and others. The selection of a number of articles dating back from 2002 to 2019 covered the period before and after the reform (table 1.). The reports were selected following a preliminary screening of titles and abstracts. Studies that did not meet the illegibility criteria are excluded.

From a total of 53 documents, 23 records were excluded. Titles and abstracts of 30 records were screened. The total number of excluded records was 43 for their illegibility. The remaining studies were evaluated and included in a qualitative synthesis (figure 1). The results are shown in two section format: The first section included the studies that evaluate the previous legislative laws and the second section presents the current integration strategy. The outcomes are analyzed and discussed below.

Eligibility criteria:

The selected articles meet the following criteria:

1. Documents published in peer reviewed journals.
2. Reports are written in English, French and Arabic languages.
3. Papers included data and figures and analyze statistics.
4. Documents based on case studies, interviews and statistics.
5. Studies conducted by Moroccan and European experts in the field of migration and integration.

Results:

Accordingly, the gradual change from a transit to a hosting country obliged Moroccan policy makers to launch a range of legislatives as a framework for immigrants' integration in the Moroccan society. Thus, integration as a multi-dimensional process that guarantees access to employment, housing, health care, and other social services. Yet, this review focalizes merely on three dimensions of integration; it targets the integration of the sub-Saharan in labor market, education, healthcare services. Hence, the assessment of current policy achievements entails the comparison and analysis of articles and reports that provide a clear idea about the situation of this vulnerable minority before and after the adoption of the National strategy on immigration and asylum in 2013 by the Moroccan government¹. This comparison would assess the impact of this reform on the sub-Saharan Africans' life conditions more accurately. (Table 1.)

The strategy came shortly after the events of the Arab uprising and the refugee crisis that followed. **It replaced the 2003 law 02-03, that criminalized irregular migration and established prison penalties for irregular immigrants and traffickers². However, the new law is based on humanitarian considerations that yearn not only to grant them regular status, but also to permit them enjoying human rights and access to the socio-economic services³. In fact, NPIA is considered to be the most forward-looking approach among the countries of the Maghreb, and even of Africa.**

On the one hand, the following studies analyzed the situation of sub-Saharans before the launching of the NPIA. For instance, a study reported how Moroccan administrative framework has failed to protect refugees. The interviewed refugees declared that they get assistance only from Caritas Rabat like vaccinations, clothing, blankets, and social counseling. It shows also that priority was given to French-speaking refugees since the interviewed English-speaking population had never received

¹ « Stratégie nationale d'immigration et d'Asile ».

² « Morocco's Triple Role in the Euro-African Migration System ».

³ « Almost Home? Morocco's Incomplete Migration Reforms ».

assistance from Caritas. The study found also that most UNHCR-recognized refugees are not granted refugee status by the Moroccan authorities. Only six interviewees obtained a residence permit after a delay of up to four years. And only one Sierr Leonean refugee had been able to obtain a work permit, because he has married to a Moroccan woman. Six out of the fifty asylum seekers and refugees interviewed were engaged in regular income-generating activities. One Liberian refugee, a father of 11 children, none of his children attended school because they are not proficient neither in French nor Arabic. And he cannot afford the tuition fees for private schools.¹ Moreover, another report illustrates the interviewees' dire conditions of employment and the inability to access to the social services, which are impacted by their illegal status. It recommended the urgent need for a new policy framework operating at national, regional and international levels². Besides This report, other studies, which were done in 2002 by the Forced Migration and Refugee Studies (FMRS) Programme at the American University of Cairo Egypt (AUC), evaluated the implementation of domestic legislations related to the status of refugees. The study reveals that significant problems that hinder the full protection of refugee rights exist on the ground³. Furthermore, a thesis included results from the survey conducted by Amerm-Afvic-Cisp in 2007 and published in 2008 on 1,000 mostly irregular Sub-Saharan transit migrants in Morocco. It presents the following proportions of countries of origin in the late 2000s: Nigeria (15.7%), Mali (13.1%), Senegal (12.8%), Ivory Coast (9.2%), Guinea (7.3%), Cameroon (7.0%), Democratic Republic of Congo (6%) and Gambia (4.9%). Sixty percent of the migrants interviewed declared having no source of income, nineteen percent had resorted to begging and 10 percent received aid from charity associations. Only 2.3% declared themselves employed, often in the building, retail trade and domestic service sectors. The article showed also that 35.4% of the employed migrants are Francophone whereas 28.8% are Anglophone. About 34.9% of Anglophones stated charity as a

¹ Channe Lindstrom, « Report on the Situation of Refugees in Morocco: Findings of an Exploratory Study October 2002 ».

² Myriam Cherti, « THE MYTH OF TRANSITSUB-SAHARAN MIGRATION IN MOROCCO ».

³ Channe Lindstrom, « Report on the Situation of Refugees in Morocco: Findings of an Exploratory Study October 2002 ».

source of income, while only 3.5% are Francophone. Moreover, in term of access to healthcare, 47.3% of the Francophone migrant received medical care since their arrival to Morocco, compared to 33% of the Anglophone migrants ¹. Consequently, all considered studies analyzed the situation of the migrants during the period before 2013 integration strategy and pushed inevitably the Moroccan government to move forwards and did an unprecedented initiative in two regularization campaigns.

On the other hand, several studies depict that the administrative regularization granted residence permits to almost 50,000 migrants during the first and second regularizations in 2014 and 2017, including both Arabic and non-Arabic speaking migrants. They benefited from residence permits and access to the socio-economic services. The beneficiaries were mainly sub-Saharanans from countries like Mali, Senegal, Niger, Nigeria, Côte d'Ivoire and Guinea². Likewise, more studies based on statistics of the 1st pardon presented by the Moroccan State Minister of Interior showed that 10,178 women and children applications were accepted and 25,000 from 27,332 applications were accepted covering 92%. Even the regularization included nationals represented 116 countries; Senegalese formed the largest group with 6,600 legal statuses, followed by Nigerians (2,380), Ivoirians (2,281), Cameroonians (1.410), Guineans (1.408), and Malians (1.119). (Mbarek Naama, s. d.). Similar studies concluded that 70% of respondents in an international university of Rabat survey of 1400 migrants applied for the first phase of the 2014 regularization, though they express preference to stay in Morocco, they acknowledge the unsatisfied standards of living and unemployment obstacles. The fifty thousand migrants, who obtained residence cards in the two campaigns, belonged to 113 countries. As a result, from 2014 onwards 73000 migrants have received permit cards ³. Furthermore, another report submitted by the department of immigration affaires announced the implementation of integration activities. For education services, 5545 student benefited from formal education in 2017/2018 school

¹ Mbarek Naama, « SUB-SAHARAN IRREGULAR MIGRANTS IN MOROCCO & THE EXCEPTIONAL REGULARISATION PROGRAMME IN 2014 ».

² Inc, « Get Africa Involved ».

³ Ghazouani, « A Growing Destination for Sub-Saharan Africans, Morocco Wrestles with Immigrant Integration ».

year, among them 2729 female students. They benefit also from the national programmes like one million school-bags, school feeding programme. Remedial work was provided for 315 students, benefiting from nursery schooling for 150 children. Teaching languages and Moroccan culture Programmes were given to 1615 participants. Concerning healthcare, 75 social workers provide assistance to sub-Saharan migrants. All most 967 diagnose during the national programme combating tuberculosis. Migrants benefit from 745 monitoring pregnancy and childbirth cases, 502 family planning and vaccination for 751 children. Furthermore, in terms of training and employment, there were about 54 beneficiary vocational training & job promotion. Education & training centers received 401 registered migrant and refugee. Seven hundred seventeen immigrants benefited from job search workshops, 549 job interview, and 607 job application. Forty nine migrant are integrated in employment and 23 entrepreneur benefited from accompaniment.¹ More studies explored the change brought to non-formal education system by the new reform In 2013/2014 school year. There were 110 migrant beneficiaries in the non-formal education system. This figure grew to a total of 1,628 participants backed by 15 different organizations. However, the number was decreased to 482 for the 2015/2016 school year. This study stressed also the lack of multicultural/migrant sensitive teacher training besides the absence of the integration of cultural diversity into school curriculum².

The status of refugees in Morocco concerns the international community too. Hence a study evaluated the partnership between Moroccan government and United Union High Commissioner for Refugees UNHCR stressed the following results. In 2018 Refugees Status Determination RSD and UNHCR data show that the Country Office CO registered in 2017 about 1,975 sub-Saharan individuals and 2,618 in 2018 , with an increase of 32 per cent. The sub-Saharan population registered in Morocco is increased from a percentage of 60% in 2016 to 80% in 2018 compared to Arab refugees. They were mainly nationals from Guinea, Nigeria, South Sudan and the Central African

¹ « report: The activities of the ministry for Moroccans Living Abroad and Migration Affairs ».

² Ella Schoenen, « Migrant Education in Morocco: Cross-Cultural Competence Favored Over Integrative Reform. An Analysis of the Moroccan Government's Migrant Integration Efforts through Education. »

Republic. Moreover, only 16 (9%) of the 183 unaccompanied minors whose applications were examined were recognized as refugees (Enric Grau Christophe Charras Elena Lucchi 2019).

Furthermore, a study covered four cities in Morocco revealed that sub-Saharanans occupied low-skilled temporary jobs in farms in Oujda and Nador, they are paid between 40 and 60 dirhams per day; whereas they work in construction sector In Rabat. Migrants' occupations are also gender-biased; most sub-Saharan women work as hairdressers, in bakeries, or as cleaners, while Senegalese female migrants often work as maids for bourgeoisie. Sub-Saharan migrants especially Anglophone nationals found difficulty to access to employment. According to an interview with ABCDs president in Oujda, employers prefer to hire locals or Syrians. While an interview with ABCDS and ACM members showed that including registered migrants in the ANAPEC (Agence Nationale de Promotion de l'Emploi et des Compétences) remained limited to Casablanca. All migrants interviewed in Meknes, Nador, and some in Oujda, practiced begging as a source of income. For the question of healthcare, from the out-camp, four pregnant women both in legal and illegal status attended the hospital for primary check-up, and gave birth, unlike women in the Nador camp, who may go to hospital at the moment of giving delivery for fear of deportation. Moreover, many migrants mainly Anglophone stressed that, without an NGO representative, they would not get any medical care. Most interviewees did speak neither Arabic nor French and they had never received any language training to facilitate their integration into society. For education services, the interviewees in camps cannot integrate their children in formal or informal schools. They claimed that the administrative procedures discourage many of them, besides the teaching of Arabic and Islamic culture in schools discourages them from enrolling their children¹.

¹ Imane Bendra, « Sub-Saharan migrants' life circumstances under the new Moroccan migration policy ».

Discussion:

For an accurate assessment of the integration policies, the analyzed data presented in the above studies reveals much reality. Three dimensions are discussed in this review. To begin with, the variable of employment is an important dimension that reflects the inadequacy of the policies. For instance, the administrative situation regularization of the 73000 migrants received permits from 2014 onwards does not change the battle for survival of sub-Saharanans. Most of the studies highlighted discrimination against immigrants in terms of granting residence cards. They concluded that the priority was often giving to Senegalese nationals and to immigrants whose countries of origin belong to The Economic Community of West African States (ECOWAS). During the first pardon Senegalese formed the largest group of 6,600 regularization from 25,000. This discrimination is due to the deep historical relations and the political bilateral agreements that strengthened the diplomatic relations between the two countries. Female migrants also are preferred for home services. This trend unearths the historical representation linked to the common memory of slavery, when many slaves were brought from Senegal to serve for the bourgeoisie. Moreover, migrants are forced to work in informal economy and in labor sectors such as construction, call centers, or domestic work with low wages, because of the lack of options and entrepreneurship; besides high unemployment rate (22.3%) among Moroccans university graduates, which is another evidence for lack of job opportunities; immigrants encounter “Moroccan first” policy¹. Thus, sub-Saharan immigrants face discrimination since employer preferred to employ Moroccan nationals or Syrians instead of sub-Saharanans. These latter are framed to lack qualification ; since the Moroccan collective memory believes that the west African countries still suffer from illiteracy and backwardness. In addition to that, discrimination is vivid in the rate of Anglophone migrants too, 28.8% can get access to jobs in comparison to 35.4% Francophone migrants. Accordingly, Moroccan employers

¹ Hannah Mangen, « Hannah, “KUL SHAE MIZEAN—MOROCCAN RHETORIC OF RACISM: Obscured Moroccan Racism and Its Effects on Sub-Saharan African Refugees’ Integration in Rabat” ».

prefer to hire Francophone nationals that share the same colonial history and language. As a result, obtaining a residence card does not change the immigrants' dire situation.

The inability to work hinders immigrants' abilities to access to education too. The Integration of 5545 students in 2017/2018 school year remains very limited in comparison to the increasing numbers of the immigrants' children. Most interviewers suffered from the extensive enrollment process that keeps children out of this service. More important, the ministry of education is still lacking a multicultural teacher training in the pedagogical centers. The absence of the integration of cultural diversity into school curriculum presents another obstacle particularly in front of immigrants who are non- Muslims and do not speak Arabic. The non-formal education system is suffering from poor educator quality indeed. On the whole, large discrepancies between what the Moroccan government claimed to enact through integration actions and what is happening in reality.

Finally, the Access to healthcare is also stressed in the studies above. We conclude that Anglophone migrants are suffering more than Francophone nationals. All most 47.3% of the Francophone migrant received medical care since their arrival to Morocco, compared to 33% of the Anglophone. Discrimination is due to the lack of language proficiency that hinders communication with the population and the institutions. Francophone immigrants integrate themselves faster and better than Anglophones; thanks to the common colonial heritage especially in terms of the French language. Most of the interviewed migrants admit that they can benefit from pregnancy monitoring and child birth, weather they were in legal or illegal situation. According to the department of immigration affairs, 745 beneficiary monitoring pregnancy and child birth, 502 family planning and vaccine for 751 children. Yet, these figures remain insufficient since there are still women who can give birth in camps in the border areas for fear of deportation. Additionally, the Moroccan health sector is ill-prepared to provide sub-Saharan assistance; as its capacity is still very limited. Migrants most of the time resort to the government partners including civil society and UNHCR assistance; that plays a significant role in the country. In short, a reform with big

promises but limited resources would obviously fail to offer healthcare services for West African immigrants.

Conclusion:

To sum up, The NPIA policy brings hopes to sub-Saharan migrants. In fact, it changes the situation of many sub-Saharan immigrants; however, the studies discussed in this article review show that integration actions are very slow and inadequate. Furthermore, most of the sub-Saharan African immigrants denounced the discriminatory acts against particular minorities mainly in legislative regularization selection, employment, education and healthcare. In the final analysis, despite the current improvements and regularization campaigns, migrants continue to live in marginalization and exclusion in Morocco.

List of references:

« Almost Home? Morocco's Incomplete Migration Reforms ». Consulté le 17 avril 2020. <https://www.worldpoliticsreview.com/articles/15691/almost-home-morocco-s-incomplete-migration-reforms>.

Channe Lindstrom. « Report on the Situation of Refugees in Morocco: Findings of an Exploratory Study October 2002 ». Forced Migration and Refugee Studies Programme, American University of Cairo, 2002.

Ella Schoenen. « Migrant Education in Morocco: Cross-Cultural Competence Favored Over Integrative Reform. An Analysis of the Moroccan Government's Migrant Integration Efforts through Education. » SIT Graduate Institute/SIT Study Abroad, 2016.

Enric Grau Enric Grau Christophe Charras Elena Lucchi. « UNHCR Country Portfolio Evaluation: Morocco (2016–2019) », décembre 2019.

Ghazouani, Driss El. « A Growing Destination for Sub-Saharan Africans, Morocco Wrestles with Immigrant Integration ». migrationpolicy.org, 1 juillet 2019.

<https://www.migrationpolicy.org/article/growing-destination-sub-saharan-africans-morocco>.

Hannah Mangen. « Hannah, “KUL SHAE MIZEAN—MOROCCAN RHETORIC OF RACISM: Obscured Moroccan Racism and Its Effects on Sub-Saharan African Refugees’ Integration in Rabat” ». *Independent Study Project (ISP) Collection*. 2531., 2017.

Imane Bendra. « Sub-Saharan migrants’ life circumstances under the new Moroccan migration policy ». <http://www.migratingoutofpoverty.org/documents/bendra-moroccos-new-migration-policy-update.pdf>, s. d., 30.

Inc, Google. « Get Africa Involved: Morocco’s Lead in the Management of Immigration ». Policy Center for the New South, 30 août 2019. <https://www.policycenter.ma/opinion/get-africa-involved-morocco%E2%80%99s-lead-management-immigration>.

Mbarek Naama. « SUB-SAHARAN IRREGULAR MIGRANTS IN MOROCCO & THE EXCEPTIONAL REGULARISATION PROGRAMME IN 2014 ». *Thesis, Spring 2017*, s. d.

Movisie. « Morocco is an immigration country too ». Consulté le 1 mai 2020. <https://www.movisie.nl/artikel/morocco-immigration-country-too>.

Middle East Institute. « Morocco’s Triple Role in the Euro-African Migration System ». Consulté le 17 avril 2020. <https://www.mei.edu/publications/moroccos-triple-role-euro-african-migration-system>.

Myriam Cherti, Peter Grant. « THE MYTH OF TRANSITSUB-SAHARAN MIGRATION IN MOROCCO ». Institute for Public Policy Research, juin 2013.

« report: The activities of the ministry for Moroccans Living Abroad and Migration Affairs ». department of immigration affaires, 2018.

Le Ministère délégué auprès du Ministre des Affaires Étrangères, de la Coopération Africaine et des Marocains Résidant à l’Étranger, chargé des Marocains Résidant à

l'Étranger. « Stratégie nationale d'immigration et d'Asile ». Consulté le 11 mai 2020.
<https://marocainsdumonde.gov.ma/strategie-nationale-dimmigration-et-dasile/>.

« The Evolution of Moroccan Immigration: a Lesson for All Countries | Inter Press Service ». Consulté le 1 mai 2020. <http://www.ipsnews.net/2018/12/evolution-moroccan-immigration-lesson-countries/>.

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Figures Legends:

Figure 1: The process of the studies selection according to PRISMA flow diagram

Tables Legends:

Table 1: A summary of studies covered the period before and after the reform (2002 – 2019)

LANGUAGE POLICIES, LINGUISTIC RIGHTS AND NATIONAL SECURITY IN THE SUDAN

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Abstract

The present paper investigates the position of language policies, the dominance of a mono-language system; *Arabicization* policies and the position of the elites², linguistic groups and linguistic rights in Sudan. It reviews the perception and the notion of 'linguistic rights' from the perspective of the international norms, in particular from the perspective of the UN conventions and what they mean in regard to linguistic rights (or language rights or linguistic human Rights, LHRs), as well as to various linguistic issues. In addition, the adverse viewpoints of the elites concerning language policies and national security in Sudan are among the issues discussed. The paper also aims at providing insights into how linguistic groups in Sudan (in the four areas of conflicts) perceive the notion of 'linguistic rights' and what do they mean by linguistic rights violations and does it seen by them as one of the reasons of conflicts: the civil war in southern Sudan (1983-2005), the Darfur crisis (2007), the conflict in the Nuba Mountains and in the Blue Nile area.

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² The term elites is used in this context to denote the Sudanese intellectuals who are considered as a potential leaders in their communities, i.e. the elite of the dominant Arabic-speaking population.

1. Introduction

Linguistic rights draw the attention of researchers due to its relation with many sensitive issues. Language groups¹ are currently under pressure from dangers arising from the concern to language rights and cultural rights, and the issues of un-codified languages, or a cultural model opposed to the dominant one, which makes it impossible for many languages to survive and develop, unless the following basic rights enshrined in the Universal Declaration of Linguistic Rights are taken into account. When one speaks about preserving linguistic diversity and the right of all communities to communicate in their own language, one frequently appeals to the implications of this issue.

The benefits of acknowledging linguistic diversity rests on gaining better life for all. One nation-one language policy is no longer feasible, since people are aware of the role played by their mother tongues² in the formulation of their identity, and the preservation of their heritage, culture, history, tradition, and knowledge.

2. Language, Culture and International Standards

Many declarations were pronounced to achieve basic human rights and in particular language rights. Among the most important ones are those which focus on the basic cultural and linguistic rights. The principal UN document is the Universal Declaration of Human Rights (1948), the International Covenants on Civil and Political Rights (16 Dec.1966, article 27) as it is considered the first and embracing and legally binding international treaties in the field of human rights together with the universal declarations, the European Charter on Minority Languages (Strasbourg,1992), and the

¹ There are many language groups in the Sudan which have started to document and codify their native languages such as Tima, Nobiin, Beja, Tagoi, and some of the Nuba Mountains language groups. In addition, the description of the Sudanese languages is among the priorities of Department of Linguistics, Faculty of Arts, University of Khartoum, because Sudanese languages are classified as endangered languages with different levels of language endangerment (*see* Abu-Manga 2014: 14).

² Sometimes the term mother tongue or mother language is used for the language that a person learnt at home (usually from his parents). Children growing up in bilingual homes can, according to this definition, have more than one mother tongue (Rampton 2003: 108; Bonfiglio 2010: 36-39).

Convention on the Rights of the Child (1989), and the Universal Declaration of Linguistic Rights (6 June 1996, Barcelona, Spain).

In the direction of principles of the Universal Declaration of Human Rights and with this declaration constantly in mind, the Declaration calls for the right of teaching and education to promote and respect the basic rights and freedoms and by progressive measures, on the national and international levels. The International Covenant on Civil and Political Rights recognizes that civil and political rights derive from the inherent dignity and where everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights. The European Charter for Regional or Minority Languages (Strasbourg, 1992), which includes 23 articles,¹ stresses the value of interculturalism and multi-lingualism. It considers that the protection, preservation and enhancement of regional or minority languages should be neither to the detriment of the official languages nor to the detriment of the need to learn them. The Charter² is a convention designed on the one hand to protect and promote regional and minority languages as a threatened aspect of Europe's cultural heritage, and on the other hand, to enable speakers of a regional or minority language³ to use it in private and public life. Its overriding purpose is cultural. It covers regional and minority languages, non-territorial languages and less widely used official languages. The Charter sets out the main objectives and principles that states undertake to apply to all regional or minority languages existing within their national territory. Secondly, the Charter contains a series of concrete measures designed to facilitate and encourage the use of specific regional or minority languages in public. The Universal Declaration of Linguistic Rights (6 June 1996, Barcelona, Spain)⁴ contains 52 articles. The second and third title, is the overall linguistic regime; Section I: Public administration and Official bodies (articles 15-22), Section II: Education (articles 23-30), Section III: Proper Names (articles 31-34),

¹ <http://conventions.coe.int/Treaty/en/Treaties/Html/148.htm>

² Office of the United Nations High Commissioner for Human Rights (https://www.coe.int/t/dg4/education/minlang/aboutcharter/default_en.asp).

³ A minority language is defined by Swann et al. (2004: 206) as "...a language that is spoken by a numerical minority (or by a politically subordinate group): the language group is referred to as a linguistic minority. A minority language is sometimes also referred to as a community language, ethnic language, or heritage language."

⁴ <http://www.unesco.org/most/lnngo11.htm>.

Section IV: Communications and Media. This convention, considers as the axes of a linguistic community: historicity, territoriality, self-identification as a people, and the fact of having developed a common language, as normal means for communication between its members and that the native language of a given territory as the language of the community historically established in a specific space. The necessity of preserving the linguistic rights of which is understood as a human collectivity, which shares the same language and which have been established in the territorial space of another linguistic community but without an equivalent historicity. The Declaration does not consider the territory only as a geographic area, but also as a social and functional space essential to the full development of a language. By this when they are separated from the main body of their community by political or administrative boundaries, when they have been historically established in a small geographical area surrounded by members of other languages communities; or when they are established in a geographical area which they share with the members of other language communities with similar historical antecedents (Article 1.3).

The Declaration is based on a balanced articulation between the rights of the communities and linguistic groups, and the rights of the individuals which belong to them. Therefore neither one nor the other can represent an obstacle to interrelation and integration with the receiving linguistic community, nor restrict the rights of this community or of its members in the full public use of their own language throughout their territorial space. Thus, it makes explicit a series of inalienable personal rights which may be exercised in any situation, rights such as: the right to be recognized as a member of a language community; the right to the use of one's own language, both in private and in public; the right to the use one's own name; the right to interrelate and associate with other members of one's language community of origin; the right to maintain and develop one's own culture; and all the other rights related to language which are recognized in the International Covenant on Civil and Political Rights of (16 December 1966) and the International Covenant on Economic, Social and Cultural Rights, Article 3.1; (16 December 1966). At the same time, it considers a right and an obligation of the individuals who establish themselves in the territory of a different

linguistic community to maintain there in relationships promoting integration, understood as a resocialization of these individuals in the society that receives them. While accepting assimilation only as the result of a totally free individual option, assimilation being understood as the acculturation of the individuals within the society that receives them, so that they substitute their own original cultural features with the references, values and behaviour proper to the receiving society (Article 4.2). To these personal rights, the declaration adds as rights of linguistic groups: the right for their own language and culture to be taught; the right of access to cultural services; the right to an equitable presence of their language and the culture in the communications media; the right to receive attention in their own language from government bodies and in socioeconomic relations (Article 3.2). Besides the general principles, the headings of the declaration define linguistics rights in the fields of public administration and official bodies.

Based on the above mentioned declarations, the concepts of 'Linguistic Human Rights' and 'Linguistic Citizenship' are introduced and developed within the fields of language planning and socio-linguistics. The following paragraphs presents information on the two concepts in order to evaluate how the speaker of Sudanese indigenous languages in the various areas of conflict, perceive these rights and how the Sudanese elites adopting Arabicization policies view and react towards these rights.

3. Linguistic Human Rights

Linguistic rights (or language rights or linguistic human Rights, LHRs) is a field that developed within language planning and sociolinguistics (Fishman et al. 1968, Whiteley 1971, Heath 1976). The fundamental goal of any legislation about language, as Turi (1994) put it, is to resolve the linguistic problems, which stems from conflicts and inequalities by legally establishing and determining the status and use of the concerned languages. However, 'Linguistic Rights' or 'Linguistic Human Rights' are viewed differently. De Witte (1993), Giordan (1992), Vilfan (1993) and many others give historical, descriptive and theoretical accounts of official and non-official language policies where human rights are considered as

a dependent or resultant variable. An exhortatory and even ideologically biased group dealt with social change or future developments in which language rights are clearly independent or casual variable. A third group represented by Domínguez and López (1995), Hale et al. (1992), Robins and Uhlenberg (1991) focuses on endangered and disappearing languages. The definition of the term 'linguistic rights' or 'linguistic human rights' differs in law from country to country (Paulston 1997: 75). However, it is defined by Skutnabb-Kangas (1995) as the human and civil rights concerning the individual and collective right to choose the language or languages for communicating in a private or public atmosphere, regardless of ethnicity or nationality or the number of the speakers of a language in a given territory. Linguistic rights include the right to legal, administrative and judicial acts, education, and the media in a language understood and freely chosen by those concerned. They are a means of resisting forced cultural assimilation. Linguistic human rights have two dimensions: individual and collective. The first one, individual, involves continuity from one generation to the next over time. It is the rights to acquire the cultural heritage of the preceding generation, initially in primary socialization in the family and close community. The second one, collective, involves cooperation between individuals, binding together a group, people, a population of a country through sharing the languages and cultures of all (Skutnabb-Kangas 1995: 11-12). The lack of linguistic rights is viewed by some researchers as among the reasons of social, economic and educational backwardness. According to Skutnabb-Kangas, (1995: 7), “[...] *the lack of linguistic rights often prevents a group from achieving educational, economic and political equality with other groups. Injustice caused by failure to respect linguistic human rights is thus in several ways one of the important factors which can contribute to inter-ethnic conflict*”. Berair (2007: 149-150) argued that minority groups in the Sudan do not obtain their linguistic rights. Ethnic languages are abandoned and marginalized and there is a violation, of some degree, of

the minor Sudanese languages. The domination of one single language, or more specifically, the “*Arabic-only language policy*”, has resulted in a form of linguistic violence and linguistic impoverishment (ibid).

However, many decrees and laws concerning language have been declared in Sudan such as the Addis Ababa Accord 1972, but they are not implemented due to scarcity of academic and financial resources. The Comprehensive Peace Agreement (CPA) in 2005 between the South (SPLM) and North Sudan (the government of Sudan) is an example at hand. It embodies articles on the respect and promotion of indigenous languages. Accordingly, the concerned councils should be activated to make actual steps in the promotion and documentations of these languages. The real implementation of these articles on the ground remains symbolic, because languages are not among the decision makers’ priorities. The question of language remains unanswered, although it becomes clear that language may be among the factors of the conflicts in Sudan. Therefore, some researchers argue that Arabic has to be viewed as a neutral language without relating it to Islam. Maintaining languages and cultures in Sudan has to be the task of their own native speakers. Linguistic awareness among these groups has to be raised, because a lot of them do not even know that their languages have undergone change, shift or are endangered. Linguistic rights have to be promoted by the state through policies accounting for the minority languages. As in South Sudan, after CPA, Southern Sudanese indigenous¹ languages are recognized as national languages and their functions are extended to include many formal domains at the level of the states. In the state of Northern Bahr el-Ghazal (NBeGS) -one of South Sudan’s states- the Dinka language is used in courts, broadcasting and in education. It is taught as a subject in primary education (Nashid 2014).

4. Linguistic Citizenship

Stroud and Heugh (2004: 14) introduce the concept “linguistic citizenship” to enable real participation in governance for all citizens. Within the general frame of linguistic

¹ An indigenous language is used in sociolinguistic literature to denote a language that is native to a region and spoken by indigenous people but has the status of a minority language (Muniz 2007: 157-158).

citizenship, minority languages should be available in the political discourse and linguistic diversities and has to be acknowledged and respected. According to them (ibid: 18), “[...] *linguistic citizenship pertains to a view of language as a symbolic, material, intimate and global resource in the service of participatory governance.*” In this sense, language is seen as a resource speakers use to gain advantages from exercising “*multilingual repertoires*”.

According to Petrovic (2009), the complexity of the nexus of multilingualism and citizenship is not accommodated in language human rights discourses. Therefore, the concept of linguistic citizenship is introduced to “*reposition language into discourse of postliberal citizenship, more widely and to capture a better understanding of languages as a (material sociopolitical) resource in complex late modern context of multilingualism*” (ibid: 212). In this sense, linguistic diversity and difference are seen as a primary means, rather than problems, for material realization of democracy. It focuses attention on how speakers themselves may exercise control over their language, deciding what languages are, and what they mean, and how language issues can be discursively tied to a wider range of social issues (Stroud 2001).

Stroud’s notion of linguistic citizenship is based on distinction between affirmative and transformative orientations to the problem of resource redistribution and status recognition. The affirmative orientation is the one behind linguistic human rights. According to Stroud (2001: 344), it attempts to resolve such problem by “[...] *positively affirming, or recognizing the cultural uniqueness, identify and/or value of the collectivity in question, thereby also underwriting the right of groups to equal treatment or, even more radically ‘positive discrimination’.*”

In this sense, affirmative orientation assumes that the identification of a specific group is clear. In contrast, transformative orientation, the one behind linguistic citizenship, attempts to “*deconstruct the previously devalued identities of stigmatized collectivities and solve problems of a more equitable discrimination by means of general welfare strategies*” (Stroud 2001: 344). It denotes the problematic implications of a group’s recognition. According to Stroud (2001: 342), linguistic citizenship is transformative orientation, because the concept has historically been an avenue by

which different issues (from economic right to gender) is thrown up for public discussion.

According to Assal (2010: 9-13), multilingualism, citizenship and national identity are interrelated. Therefore, there is a relationship between citizenship as a concept identified by political science and linguistic human rights. In Sudan, the question remains between minor Sudanese languages against one dominant language, i.e. Arabic. Citizenship rights are universal and in contexts of multicultural societies, there is a need to shift the attention from nationality to citizenship. It is an appropriate legal framework for codifying equal rights for all citizens regardless of ethnicity, religion or other differences.

Linguistic citizenship is important, as claimed by Birair (2010: 120), since the awareness of citizenship can be considered as the starting point of the individual's formation of self-evaluation, countries and associate in citizenship evaluations. Therefore, self-actualization is achieved through an individual's own language, which cannot be completed unless the individual gains his/her linguistic rights. Individual linguistic rights are a means of being a citizen terms of belongingness, participation and equality.(ibid)

Arabic, the national lingua franca, has to be introduced to the Sudanese nation by creating the means of learning it, and it has to be taken as a central basis for Sudanese citizenship. Recognition of the other Sudanese languages has to be increased. Accordingly, both Arabic and the ethnic languages can flourish together as stated by Bell (1989: 194-195):

“[...] The top priority must be to increase the power of the Sudanese citizen over his environment and to benefit himself and his community; he must master the national lingua franca, Arabic. This will entail the development of even more imaginative techniques to help him learn Arabic. Adding to that, there must be a continuing move towards the recognition of vernacular languages. This will help to demolish psychological obstacles to Arabic and will enrich the national culture. These languages flourish alongside Arabic and make their distinctive contribution. Certain vernacular

languages are already established as the media of early primary education. Particular emphasis must be placed upon mutual understanding within the nation”.

5. Sudan Language Policies

Background information of language policy and planning in Sudan will be presented in the following paragraphs. The historical development of official language policies in Sudan will be periodized into three stages (Nashid 2014): the first one was during the Anglo-Egyptian rule (1898-1945), the second period started from the end of World War II, 1945, to the Addis Ababa Accord, 1972, and the third one extended from Addis Ababa Accord (1972) to the era of the National Salvation Government and National Congress party government (1989-2005).

The main goal in the first period was to curtail the spread of Arabic language and eventually curtail Islam in southern Sudan. To achieve this goal, English was chosen as the official language in both the north and the south, whereas, a number of vernacular languages were chosen to be developed and used for administrative and educational purposes.

During the Colonial era, a number of measures were taken to linguistically differentiate the North from the South.¹ These measures started with the *Regaf Conference* (1928) in which six Southern Sudanese languages were selected to be written in Latin script and to be used in primary education as a medium of instruction. They are Dinka, Nuer, Shilluk, Bari, Latuko (or Latuho) and Zande. The conference also concluded that “[...] *Colloquial Arabic in Roman script will be required in certain communities where the use of no other vernacular is practicable*” (Matthew 1928:30). The British aim was to stop the spread of Islam and Arabic language in the south through the implementation of the *Southern Policy* or the *Closed District Policy*, i.e. the Construction of No Man’s Land (1929), the Creation of the *Closed Areas District Ordinance* (1929) and the *Ordinance of the Educational Policy of the Nuba Mountains* (1930)-one of the regions of Sudan. This policy aimed at separating the two regions of southern Sudan and the Nuba Mountains from the north. According to Abu-Manga and

¹ See Annex 4 for more information on the Southern Policies.

Abu Bakr (2006), the failure of this policy was due to the fact that the implementation of this policy was characterized by being extreme and neglected some practical sides as the necessity of developing a lingua franca among southern multilinguals. The main impact of the Southern Policy was the creation of a small southern Christian and English-speaking elite (Miller 2003:162).

The second period started from the end of the World War II in 1945 to the Addis Ababa Accord in 1972. In 1946, the separatist policy towards the south was abandoned. In the 1949, the Legislative Assembly passed a resolution that the Arabic language should be the official language for the whole country. Against this background, the southern Sudanese elites opposed to what they saw as political linguistic and cultural domination by the ethnic groups from the north.

After the independence in 1956, the policy of the elite¹ tended towards national integration through the use of the Arabic language. Therefore, the Sudanese state adopted a single language and single culture-oriented policy of Arabization and Islamization of the southern population in order to counteract previous colonial policies and promote national integration and social cohesion. Behind the Arabization policy was the idea that the Arabic language and culture were superior to African cultures (Miller 2003: 163).

During the period 1958-1969, the educational system was the main instrument used to impose the Arabic language and Arabization of the south (Nyombe 1997:117). The government adopted the choice to merge the north and the south. Therefore, Arabic was allowed to spread without giving any attention to three issues. *Firstly*, other languages and their speakers' cultures and spiritual beliefs are not considered. *Secondly*, neither consideration nor attention was given to the problematic issues of education and syllabi and how these syllabi are important to the environment of the students. *Thirdly*, no attention is given to the fact that Southern Sudanese students had received their education in completely different syllabi, which did not reflect their culture and environment. *Lastly*, the teachers working in the south received no special training for

¹ Elite (*al-ṣafwa* or *al-nukhba*) is a widely used term in the political context in the Sudan. It denotes the decision makers, potential leaders and intellectuals.

teaching Arabic to non-speakers of Arabic. That is to say, the government started implementing this policy without ample preparation of teachers and materials (Abu-Manga and Abu Bakr 2006).

The results of these policies had affected and handicapped the educational process. Generally, the language policy from independence to 1969, aimed at replacing English and southern Sudanese languages with Arabic and eliminating the use of local languages in all domains of official interaction, especially in the domains of education and mass media. As stated by Abdelhay (2007: 244):

“ [...] In the postcolonial policies of Arabicisation in the North and the South, Arabic was instrumental in attempt to build a unified and homogenous nation-state. This state declared policy of Arabicisation was strongly resisted by the Southerners. ”

The third period extends from the Addis Ababa Accord (1972) to the advent of the National Salvation and National Congress party government and up to the Comprehensive Peace Agreement (CPA), 1989-2005. Previous to the Addis Ababa Accord was a change in policy towards diversity, i.e. the language policy changed towards recognition of the diverse cultural and linguistic heritage of southern Sudan. In the 1972 Accord, Arabic was adopted as the official language of the country whereas English was the working language in the south. Since education is the main arena for language policy, six southern Sudanese languages (Dinka, Bari, Kresh, Lotuto (Lotuko), Moru, Ndodgo and Nuer) were selected to become media of instruction in grade 1-2 in primary schools, while Arabic or English were the means of instruction from grade three and upwards. Sixteen other southern Sudanese languages were assigned for general literacy purposes in Southern Sudan. The refusal of the Northern power holders to accommodate the needs of the southerners in the post-colonial Sudan has led to the eruption of civil war between the two parts of the country, which was settled by the CPA in 2005 (Abdelhay 2007).

Thus, throughout the post-colonial era, Arabic became the only medium of instruction in all northern and southern government schools, except for schools in the states of east and western Equatoria, which either used English or both English or

Arabic. Arabic was used in literacy programs all over the country. Since 1990, tertiary education was Arabicized in Sudan.

In 1997, a National Assembly for Language Planning was constituted. The decree to create the assembly was proposed by academic experts; namely Abu-Bakr Yusif Al-Khalifa¹ and Almin Abu- Manga². Arabic was recognized in the decree as the official language and the other Sudanese languages as national languages. The aims of the decree were to propose an official language policy and planning, to promote the spread of Arabic in its capacity as a language of wider communication and to endorse Arabic as “*a means for economic growth and social development in addition to its role in the political and intellectual management of the nation*” (Al-majlis Al-watani 1997: 4B). Therefore, linguistic and cultural diversity was recognized. As it is mentioned, the linguistic heritage in Sudan can be protected by “observation, transcription and documenting of different languages” (ibid). Generally, Arabic and Islam were promoted during this period and the policies of Arabicization were greatly adopted. Language policy practices in different domains in Sudan, as presented by Abu-Bakr and Abu Manga (1997: 2-12) can be summarized as follows:

In legislation, laws are written in Arabic, translated into English and published in both Arabic and English. In the judicial system, both Arabic and English are used; besides, other Sudanese languages can also be used in local courts in non-Arabic speaking areas. Arabic is to be used in administration in the north and English is allowed to be used in the south. Political practices as election campaigns and political meetings are to be conducted in Arabic and in local languages when addressing monolinguals, and Pidgin Arabic (Juba Arabic) when addressing multilinguals in the south. Religion is another domain in which Arabic is used in public worship places in both mosques and churches. Relevant languages such as Dinka and Nuer are to be used in linguistically homogeneous areas. Arabic is the dominant language within business. Press is communicated in Arabic with the exception of a few newspapers and magazines written in English. There are 18 regional radio stations in addition to the National Radio of

¹ The director of the Yusif Al-Khalifa Centre for Writing Languages in Arabic Scripts.

² The Head Department of African Languages, IAAS, University of Khartoum.

Omdurman, where the major broadcasting language is Arabic. Fifteen other languages were used in broadcasting, including Pidgin Arabic, Dinka, Hausa, Beja, Berta, Ingassana, Fulfulde, Nyimang, Koalib, Belanda, Jur, Shilluk, Nuer in addition to English and French. The national TV broadcasts mainly in Arabic and sometimes in English and French.

The Arabization¹ and Islamization policies were among the reasons of the eruption of civil wars in southern Sudan (see Wol 2007, and Tutkuay 2011). In 2005, with the signing of the CPA to settle the conflict, the CPA recognized the linguistic and cultural diversity of Sudan. CPA contains significant language policies that were included within the *Protocol on Power-Sharing*, the arena of intensive power struggle between the north and the south.² It was assumed that the implementation of the above mentioned agreement would lead to a change in the future language policy, since the Sudanese languages were given, for the first time, the status of national languages. Therefore, this was considered by a number of researchers as Abdelhay (2007) as a landmark in the history of Sudan. If the CPA clauses on language are implemented, then other Sudanese languages will be documented, protected and increasingly used. They might be adopted as official working languages for administrative or educational purposes at state level which may help these languages to be maintained. In addition, southern nationalism will be achieved as claimed by Abdelhay (2007: 190): “A *faithful implementation of the NLP (Naivasha Language Policy) within a multinational democratic federation informed by the principle of active citizenship can contain not only the divisive monolingualism but also the southern nationalism.*”

Moreover, the languages used in education were highly evaluated by southern Sudanese and government of Southern Sudan (GoSS) as mentioned by Abdelhay (2007: 188): “[...] *There is a piece of ethnographic evidence showing that GOSS and its people regard education as a liberating tool from the cultural control of northern governments*”.

¹ See Appendix 3 for more information on Arabization and Arabicization.

² See Appendix 2 for the main five statements, which constitute the *Naivasha Language Policy*.

In the CPA, both English and Arabic are given the status of the official working languages and at governments and higher education levels in southern Sudan, in addition to any other national language of southern Sudan when it is necessary. With the effect from the 2010 academic year, southern Sudanese indigenous languages would be included in southern Sudan's school curricula. South Sudanese have expressed satisfaction with the introduction of local languages into their school curricula by the Ministry of Education. It was implemented in South Sudanese schools, as in Northern Bahr el Ghazal State, in which the Dinka language is being taught as a subject in both primary and secondary education, and it is required when the student attends his/ her final examination to enter university. Therefore, it is being taught both in government and private schools (Nashid 2014).

Teaching of the local languages, as is mentioned by many South Sudanese when they were interviewed in the study of Nashid (2014), will help their children to study better, can increase children's understanding and help them to discover their environment, and also promote national cohesion. However, the diversity and multiplicity of languages in South Sudan increases the difficulty of the languages to be chosen as a media of instruction (Nashid 2014).

To sum up, language policies and planning in Sudan - as has been reviewed above - excludes Sudanese languages and in the south they were directed towards the favour of either Arabic or English depending on the motivations or ideologies behind the choice, i.e. they reflect the ideological backgrounds of the policy makers. Besides, the linguistic and socio-cultural assimilative policies, which were implemented in northern Sudan, had very little success in the south since southern Sudanese still remain socially, linguistically and culturally distinct communities¹. They are among the reasons for language shift and marginalization of other Sudanese languages and cultures, which the CPA attempt to maintain. This claim is expressed by different researchers as Berair (2007), Wol (2007) and Tutkuay (2011). Berair (ibid) claims that the lack of a proper

¹ This idea can be supported by the researcher's discussions with South Sudanese people in both Sudan and South Sudan in which they emphasize these differences and also from their speech in TV and radio programs. In addition, they called their war which was the longest war in Africa (1955-2005) as 'liberation war'. At the end they chose the secession in 2011 and July 11th is their Independence Day.

and accommodating language policy in Sudan, which includes minority languages, started a sort of linguistic impoverishment or pauperization to the extent that many indigenous languages have become endangered languages¹. None of the Sudanese languages satisfy the condition of the ‘major languages’ status as explained by Abu-Manga (2012: 8). The operating forms of ideology resulted in different acts of hegemonization to a considerable degree of cases of linguistic rights violations and language inequality. Minority languages and cultures have been assimilated into a dominant one; in other words, periphery languages into spoken Arabic of Khartoum and rural cultures into urban cultures or city cultures (Berair 2007).

6. Linguistic Human Rights and National Security

National security is defined by various classical scholars in the West as: *a state or condition where our most cherished values and beliefs, our democratic way of life, our institutions of governance and our unity, welfare and well-being as a nation and people are permanently protected and continuously enhanced* (Holmes 2015). The term “national security” has long been used by politicians as a rhetorical phrase and by military leaders to describe a policy objective. More recently, however, it has been adopted by social scientists, to refer to both an analytical concept and a field of study. When modern social scientists talk of the concept, they generally mean the ability of a nation to protect its internal values from external threats. The field of study, therefore, encompasses attempts to analyze the manner in which nations plan, make, and evaluate the decisions and policies designed to increase this ability.²

There are seven fundamental elements that lie at the core of the term national security, and therefore further amplify the definition of national security. At the same time, they constitute the most important challenges facing the nation and people. These

¹ Previous sociolinguistic surveys covered different areas in Sudan, such as Darfur in 1984 (al-Fashir 1969, 1975, 2001, Nyerteti 1986, Nyala and South Darfur State 2012), Dongola 1975, Sinkat 1975, New Halfa (1975 and 1980), Blue Nile (Mairuno 1987), al-Rahad (Kenana 1984), Shendi 1996 and the Nuba Mountains 1978-1979 and 1999 (Dair, Angarko and Habila 1979, Heiban 1978, Abu Jebeiha 1996 and Dilling 2005 and 2006). In addition to the studies conducted on immigrants in Khartoum, they show the tendency of these groups of language shift towards Arabic, and their negative attitudes towards their native languages. Sudanese languages are unwritten with low status (see Nashid 2014: 112-165).

² From: online encyclopedia http://www.encyclopedia.com/topic/National_Security.aspx.

are socio-political stability, territorial integrity, economic solidarity and strength, ecological balance, cultural cohesiveness, moral-spiritual consensus, and external peace.¹ The armed conflict in many areas of the Sudan can be considered as a threat to the national security. Some of the researchers (see Wol 2007) mention the issue of linguistic rights among the factors of these conflicts, in particular the violations of linguistic rights as they assume. Therefore, this study approaches the issue by examining two different viewpoints: linguistic groups in the four areas of conflicts (South Sudan, Darfur, the Blue Nile and the Nuba Mountains) and elites, who adopt Arabicization policies, which were reviewed in the previous section (4).

In post-World War II, throughout the Cold War and in the post-colonial Sudan, the idea of the traditional nation-state, whereby a single distinct national or ethnic, cultural or linguistic group dominates the political mind of the elites, was dominant. This is the case in the majority of countries around the globe and in particular in Africa, the Middle East and the Arab World, including the Sudan. Despite the fact that states are multi-cultural, and the norm today is that most states are recognised as multi-cultural, most states are ruled by power elites, who seek to impose their identity and language on other cultural or linguistic groups or minorities, with whom they share the same land and territories. Attempts to impose linguistic and cultural characteristics of the dominant elites often come at the expense of other linguistic, cultural and minorities groups (see UN and International Conventions above, *op.cit.*).

According to the UN Declarations, speakers of linguistic or cultural groups have the right to education and communication with the government in their mother tongues. As such, states bear the responsibility to ensure that various cultural and linguistic groups enjoy their fundamental linguistic and cultural rights. In this direction, most of elite participants perceive the issue of linguistic rights and cultural rights as a threat to national security, because obtaining linguistic rights - as they assume - will create different groups that will ask for separation or secession from the country, as southern Sudanese did. The result will be the fragmentation of the Sudan. Hence, the dilemma of

¹ From: <http://www.dlsu.edu.ph/offices/sps/rotc/pdf/ms1/threat-NatlSecurity.pdf>.

the perception of language diversity evolves as a problem and not a resource. In other words, language diversity is perceived by the elite participants as a source of conflict as they think that the 'one-nation, one-language' ideology is the best policy to create a homogeneous Sudanese nation, as stated by a member of the High Corporation for Arabicization, the Ministry of Higher Education "[...] *Arabic language is the best choice for all Sudanese, we need to unify people and this could only be achieved through Arabic language*", another member supported this by saying " [...] *calls for Ruṭāna¹ is irrational because it leads to the total fragmentation of this country; therefore it posed threats to the national security of the Sudan, thus, policy makers should choose the best for the Sudanese, and it is Arabic*". He added *if it is just a language issue why southern Sudanese people choose English when they are given the choice and not one of their languages? This emphasized the fact that it is just a war against Arabic not more not less*".

National security is a concept which varies from society to society and from nation to nation. Back in the early post-colonial era and Cold War era, the concept of security is quite different from the present globalization era. The prevailing term is the ability of a country to safe guard itself from the use of economic, political and military force. According to Holmes (2014: 23), national security is the safekeeping of the nation as a whole. Its highest order of business is the protection of the nation and its people from attack, thus, it affects all policies (ibid). Adding to that, Cortbett (2015: 20-21) emphasized that viewing the perceived social "injustices" or inequality as a national security problems, is a distortion of the concept of national security, since they are a domestic concern. Based on Cortbett's argument, the violation of linguistic rights is not a national security matter if it is seen as social "injustices" or inequality.

At present, despite the so-called *Arabic Spring* and *globalization*, the Arab elites in general and the Sudanese elites in particular, continue to handle the issue of national security with the same traditional paradigm and frame of mind of the post-colonial era, and within the same perspective of the Cold War era. As such, every cultural, linguistic

¹ This term is often used to refer to the languages spoken by the non Arab people of Sudan and it is not preferred by linguists for its bad connotation.

or human rights issue, or any issue concerning the issue of minorities or rights of linguistic and cultural groups, is considered as an issue of national security and must be dealt with as such- as has been clearly stated by Sudanese elites who have been interviewed by the researcher in the High Corporation for Arabicization, the Ministry of Higher Education, Khartoum at Thursday, 27 of August 2015. Where they emphasized that Arabicization policies as an officially declared state policies is the best choice for the Sudan national security. Thus, the position of the state concerning language policies is handled within this frame of mind, as being an issue of national security. Moreover, the issue of national security and the position of the elites do not include the interest of other linguistic or cultural groups sharing the same country, land or territory and living in the same state.

Thus, the the majority of the Sudanese elites, who adopted the Arabicization policy, since the post-colonial era, the Cold War era and even in the globalization era, have dealt with the issue of linguistic rights and language policies within the framework of trying to impose a mono-language or mono-cultural perspective on all other languages, linguistic and cultural groups living in Sudan.

6.1. Summary

Based on the previously discussed issues, researchers, such as Berair (2007), agreed on the great effects of the one-language policies on the language situation in the Sudan. It is considered by them among the factors of conflicts in different areas of Sudan (see Wol 2009), which will be summarized below:

- Language policies and planning in Sudan excludes indigenous Sudanese languages and is directed towards the favour of either Arabic or English, depending on the motivations or ideologies behind the choice, i.e. they reflect the ideological backgrounds of the elites and the state.
- The policies of Arabization and Islamization are a reflection of an implicit attitude which considers language policies as one of the main issues threatening the national security.

- Communities, cultural and language groups, perceive state policies as one of the major factors concerning the lack of their basic human rights, from which their grievances stem. The state policies are also among the many reasons for the previous conflict in the southern Sudan, and now in all other marginalized areas of the Sudan.
- The refusal of the northern power holders to accommodate the needs of the southern Sudanese, which include ‘linguistic rights’, in postcolonial Sudan, led to the eruption of civil war between the two parts of the country, which was settled by the Comprehensive Peace Agreement (CPA, 2005).
- The lack of a proper and accommodating language policy in Sudan, which includes minority languages, started a sort of linguistic impoverishment or pauperization to the extent that many indigenous languages can be labeled as endangered languages.
- The operating forms of ideology resulted in different acts of hegemonization to a considerable degree of cases of linguistic rights violations and language inequality. Minor languages and cultures have been assimilated into the dominant one. In other words, periphery languages into the Colloquial Arabic of Khartoum and rural cultures into urban or city cultures. The Comprehensive Peace Agreement (CPA) included, for the first time, the recognition of national languages.

7. Methodology

This section tackles the methodology used in the present study: the main tools of data collection and the demographic characteristics of the participants. It also provides an analysis of the data and ends with the results.

A qualitative method¹ is used in the present study to have insights on the underlying reasons, opinions, and motivations for the phenomenon under investigation. It helps the researcher to gain general understanding of the phenomenon from different

¹ For more information about qualitative method see Denzin and Lincoln 2005 Flick 2006, and Kuhn 1996

viewpoints. Individual interview is the main tool of data collection. The aim of these interviews is to find answers to the following questions: how do linguistic groups (in the four areas of conflict, including the former southern Sudan) in Sudan perceive the notion of linguistic rights? Is the violation of these rights among the factors of conflicts in Sudan? How do Sudanese elites who adopt Arabicization policies interact with this issue? Would linguistic rights of these linguistic groups threaten the national security of Sudan?

A number of interviews are conducted with two categories: participants and elites¹. Participants (above 20 years old, male/female, and educated/illiterate) are people belonging to South Sudan, Darfur, the Nuba Mountains and the Blue Nile area. The second category is elites adopting or believing in Arabicization policy. The data is obtained from two sources: primary (interviews) and secondary (documents)². The sample is taken from the two main categories. The first category (participants) is subdivided into: population and key informants. The key informants are divided into two types: positional³ and reputational⁴. The second category (elites) includes key informants.

Sample selection is distributed on the states according to age, gender and education for population, convenience for reputational key informant based on having influential and guiding role in the community, and on being at the job at the time of interviews for positional key informants. In addition, twelve interviews are conducted in each state and are distributed equally on the above mentioned three categories. Based on the fact that southern Sudan consisted⁵ of ten states (Northern Bahr el Ghazal, Western Bahr el Ghazal, Warrap, Jonglei, Unity, Upper Nile, Western Equatoria, Eastern Equatoria, Central Equatoria, and Lakes) and Darfur consists of five states (Western Darfur, Southern Darfur, Northern Darfur, Eastern Darfur and Central Darfur), one state

¹ The terms 'participant' and 'elite' are used in the present paper just to distinguish between two categories of participants.

² The literature on the Sudan language policies is the secondary source of information.

³ The term 'positional key informant' is used in the present paper to denote individuals or governmental and non-governmental organizations.

⁴ The term 'reputational key informant' is used in this context to denote individuals having influential position in the community.

⁵ There is new administrative division in which these ten states are subdivided in a number of states

(Southern Darfur) is randomly chosen to represent the area. In addition, twelve interviews are conducted with the elites. If the saturation did not obtained by the determined interviews, the number would be increased. But the saturation is obtained by the 60 interviews.

The interviews were carried out during the period of July 2015 to January 2016 and with the assistance of three students from the University of Khartoum. Halim Fadul, Jacob Lanjor Riek Deng, and Mubark Mohammed Idris. The interviews with the participants of the Nuba Mountains and Darfur were carried out at Khartoum due to the sensitive and insecure situation there which make it impossible to go. These interviews were carried out with the great assistance of Halim Fadul- from Darfur. The interviews with southern Sudanese participants were carried at Khartoum by Jacob Lanjor Riek Deng- Nuer, and in South Sudan by the researcher. Mubark Mohammed Idris- from the Blue Nile area- is the one who conducted the interviews with the Blue Nile participants in the area of conflict. The researcher conducted the interviews with the elites, mainly with participants from the High Corporation for Arabicization, the Ministry of Higher Education, Khartoum.

7.1. Demographic profile of the participants

The 48 participant's ages range between 20-78 years old. 77.1% of them are males (37/48) and the remaining 22.9% are females (11/48). 95.8% of the participants (46/48) are educated and the remaining 4.2% are illiterate (2/48) and they are females. Only 4.2% are civil servants (2/48) and the rest (95.8%, 46/84) are joining private jobs. They belong to different ethnic groups, including West African immigrants and Sudanese. They are Fur, Zaghawa, Masalit, Nuba, Tunjur, Dinka, Nuer, Shilluk, Anuak, Ingassana, Berta, Gumuz, Hausa, Bargo and Felatta.

The choice of the twelve individuals representing Sudanese elites was based on one criterion: believing or adopting Arabicization policies. Ten out of them are males and the remaining two are females. They are highly educated, civil servants, in addition, some of them are post graduate students. They are above forty years old, and belonging to different ethnic groups; mainly Arabs and Nile Nubians (Nobiin).

It is worth mentioning that ethnic origin, linguistic knowledge or education (for elites) are not among the inclusion criteria of participants' or elites' choice. Therefore, being highly educated and belonging to Arab or Nobiin ethnic groups for the 12 Sudanese elites and belonging to different ethnic groups with different levels of education for the 48 participants in the four areas of conflicts in the Sudan is not determined or controlled by the researcher. And what is presented in the above paragraphs is just a description of the demographic profile for the participants and elites.

8. Data analysis and discussion

The interviews with the participants from the four area of conflict in Sudan aim at having a comprehensive idea about the participants' language acquisition, language repertoire/knowledge, and the languages they used more. It is found that 83.3% (40/48) of the participants acquire their native languages¹ as first language² (L1) and the remaining 16.7 % (8/48) acquire Arabic. The majority of the participants are multilinguals (52.1%, 25/48), 43.8% are bilinguals in Arabic, local languages³ and English. Mother tongues, Arabic and English are what constitute the linguistic repertoire/knowledge of the majority of the participants in the four areas and they are the languages spoken more. The majority of the participants prefer to speak their native languages and Arabic. Since the participant's knowledge and use of their native languages is an important aspect of their linguistic behaviour, one can assume that speaking these languages in all domains of language use may be among the priorities of

¹ A native speaker is someone who acquires a particular language from birth to early childhood naturally, via interaction with family and community members, rather than by formal instruction. As such everyone is a native speaker of at least one language (Swann et al. 2002: 220). Sometimes the term native language is used, in sociolinguistic literature, to indicate a language that a person is as proficient in as a native inhabitant of that language's base country, or as proficient as the average person who speaks no other language but that language.

² The term first language is used generally to refer to the first language that an individual acquires. However, it may also refer to the language in which an individual is most competent at any one point in her/his life, and this may be different from the first language in a chronological sense (Swann et al. 2004: 110).

³ Local languages are generally vernacular but certain local languages are limited carrier languages. Carrier languages are languages that are spoken in at least two countries, and are largely widespread beyond their regional boundaries. In some countries, some local languages have specific status. Still their usage goes no further than the limits of the groups that use them as native languages (Diki-Kidiri 2001).

their speakers' self and group identification. Based on that, not obtaining such rights may be one of the driving forces of conflicts.

Two questions try to shed light on the participants' viewpoints on the necessity of using their native languages on all domains of language use and it also focuses on the actual use of their native languages. It is found that 25% (12/48) of the participants show the necessity of speaking their native languages on all domains, 66.7% (32/48) emphasize their use only in private domains especially in group communication and the remaining 8.4% (4/48) assume that it is not necessary at all to use them either in public or private domains.

The actual use of native languages is necessary since it gives insights on the participants' obtaining of "linguistic rights". About 47.9% (23/48) emphasize the use of their native languages, 29.2% (14/48) use them only in private domain and 14.6% (7/48) do not use them at all. Accordingly, more than 50% do not feel freedom of code choice. The lack of this right is considered by the participants as: a violation of human rights, the real causes of the extinction of their native languages, results in the full domination of Arabic language and it lies behind the elimination of identity and culture of the speakers of other Sudanese languages (these are a translation of some examples of their answers).

Do the participants from the four areas of conflicts perceive the notion of "linguistic right" as being reviewed above? This question is important. If they have a clear perception of their linguistic rights, the assumed violation of these rights may be among the reasons of conflicts. About 83.3% (40/48); in which 97.5% (39/40) of the participants develop their own notions which are based on the right of using their native languages only on the private domain; specifically in ingroup communication. The remaining 16.7% (8/48) have a clear idea about the concept/notion of 'linguistic rights'. For those who clearly identified the concept of 'linguistic rights', it is found that level of education (university students) and profession are among the factor which raised the participants' awareness of this concept. South Sudanese and Darfurians appear to be more aware compared with the other two groups may be because the conflict in the two areas is politicalized.

Do they viewed the violation of “linguistic rights” as one of factors of conflicts in the four areas of conflict in Sudan? About 16.7% of the participants do not have any idea about the violation of their ‘linguistic rights’ since they voluntary acquire and use Arabic whereas 83.3% emphasize this violation as one of the reasons of conflicts. All the participants from the Nuba Mountains, and 70% of the South Sudanese have claimed these linguistic violations.

The question on the consequences of not obtaining linguistic rights can be summarized as: violation of human rights, language extinction, and Arabic domination, elimination of identity and culture of the speakers of other Sudanese languages, Arab colonialism, and the creation of a feeling of the necessity of defending the Sudanese languages.

To 18.3% of the participants, ‘linguistic rights’ is not among the reasons of conflicts in Sudan, it is just a political issue related to power sharing and authority. The participants belonging to the Blue Nile area emphasize this view and go further to say that knowing one language is the main reason of conflict in the Blue Nile area. Because the use of native language among the speakers belonging to one ethnic group excluded others and open the way to more conflicts. Exceptionally, South Sudanese and some of the Christian participants belonging to the Nuba Mountains who consider the imposing of Arabic language as one of the main factors of conflicts because it reflects the Arab colonialism.

It is important to approach the issue from an alternative or opposing viewpoint. Therefore, a number of interviews (12) were conducted with some of the Sudanese elites who adopt Arabicization policies; mainly in the High Corporation for Arabicization, the Ministry of Higher Education¹. These interviews focus on a number of issues: what are their views on the linguistic diversity in Sudan? Do they consider the implementation of Arabicization policies is the perfect solution for what can be resulted from this linguistic diversity? What do elites claim on this violations of linguistic rights?

¹ These interviews were conducted in the Higher Corporation of Arabicization, on Thursday, 27 of August 2015.

Are Arabicization policies one of the reasons of conflicts in the four areas of conflicts in Sudan?

To 70% of the Sudanese elites, the linguistic diversity which characterizes the linguistic situation of Sudan is absolutely a negative phenomenon because the existence of these different languages is an indicator of different cultures, thinking and life styles. The remaining 30% believe that this linguistic diversity will enrich the Arabic language within which all these Sudanese nations will be melted in one nation, one-language. Do they think that these policies are the suitable solution for the consequences of this linguistic diversity? They agreed on the validity of these policies because having one language is the direct way towards national integration. In addition, how can these languages be used officially on the state's level since they are not codified and unwritten languages, and they receive no attention from their native speakers?. Therefore, these languages are better to be used only on the private domains for communication between speakers of a linguistic group. Accordingly, Arabic language should be the country's official language, the language of education, and administration. Moreover, the use of the Arabic language is a necessity to overcome this complex situation.

The elite participants believe that the implementation of the Arabicization policies is one of the mechanisms of achieving national unity. This demolishes the claim of the existence of a violation of the linguistic rights in the Sudan. Moreover, there is no relation between these policies and the conflicts in Sudan since Arabic language is acquired and used by these groups based on their free will, not forcefully. What is mentioned by those who claimed violations of "linguistic rights" is just a politicalization of language issues and hence threatening the national security of Sudan¹. More than one language policy will result in the fragmentation of the Sudanese nation, i.e. a number of completely different nations in one country and each one will ask for its secession on the long run as the case of southern Sudan. All this is threading the national security. They substantiate their viewpoints by mentioning that for those who ask for linguistic

¹ This viewpoint is supported by Al-Tayeb Hassan Badawi, the Sudanese Minister of Culture, in his speech in the symposium entitled: "the Role of Arabic language on the enrichment of Sudanese national languages", held at the National Centre for the Development and Promotion of National Languages, Khartoum Monday 11.5.2015.

rights, they do not choose any one of the Sudanese indigenous languages as an alternative of Arabic, instead they choose English. About 91.7% (11/12) of the participants of the Sudanese elites emphasize that language issues cannot be among the factors of conflict in Sudan. The remaining 8.3% (1/12) claims that there is no violations of linguistic rights as defined by the international standards, instead there is a necessity of using Arabic language as previously mentioned.

The last question with the Sudanese elites focuses on that if the use of Sudanese languages on the state's level may negatively affects the national security of Sudan. They all agreed on that it affects negatively the national security because it leads to the fragmentation of the Sudanese nation which will result in a number of petty states on the long turn. They also believe on the success of Arabicization policies in achieving its goals; unifying the Sudanese nation. But the questions arise here, does Sudanese nation integrated/unified? On what bases can the Sudanese nation be defined/identified? Is it on the basis of language, race or culture?

9. Conclusion

The aim of this paper is to investigate the position of language policies, the dominance of a mono-language system; Arabicization policies and the position of the elites, linguistic groups and linguistic rights in the Sudan. It also aims at providing insights into how linguistic groups in the Sudan (in the four areas of conflicts) perceive the notion of 'linguistic rights' and what do they mean by linguistic rights violations and does it seen by them as one of the reasons of conflicts: the civil war in southern Sudan (1983-2005), the Darfur crisis (2007), the conflicts in the Nuba Mountains and the Blue Nile areas?.

The literature on language rights in the Sudan could be classified as being of historical and/legal nature. Moreover, a link can be made between this issue and the ongoing, ideologically-governed debate, since 1930s, on identity, culture, nation-building, and the ethnolinguistic diversity of the Sudan. This debate was directed lately towards one-nation, one-language policies. The main question here is how can the Sudanese nation

be identified? Should it be identified on the basis of Africanism (*al-Afrigaaniyyia*)¹, Arabism (*al-ʕuroopiyyia*)² or Sudanness (*al-Sudaanawiyyia*)³ The answers to this fundamental issue is not determined yet, and of course language is central to each one of these bases.

It is found that the majority of the (48) participants prefer to speak their native languages and Arabic; although, they emphasize their use of their native languages only in private domains especially in group communication. Since the participant's knowledge and use of their native languages is an important aspect of their linguistic behaviour, one can assume that speaking these languages in all domains of language use may be among the priorities of their speakers' self and group identification which leads to the necessity of obtaining the linguistic rights for these groups. The lack of this right is considered by the majority of the participants as: a violation of human rights, the real causes of the extinction of their native languages, results in the full domination of Arabic language and it lies behind the elimination of identity and culture of the speakers of other Sudanese languages.

Moreover, the majority of the participants in the four areas of conflict in Sudan have no clear perception about "linguistic rights" as identified by universal declarations/standards; in spite, they develop their own notions which are related to the use of native languages in private domains. For the few participants who clearly identified the concept of 'linguistic rights', it is found that level of education (university students) and profession are among the factor which raised their awareness of this concept. In addition, some of them (all the participants from the Nuba Mountains, and 70% of the South Sudanese) emphasize the violations of their linguistic rights and a number of them consider these violations as one of the reasons of conflict. How can we give support to the view which focuses on the violations of linguistic rights as one of

¹ It is a trend adopted by some of the Sudanese who attempt to identify Sudan within as African (*cf* Hashim 2009, and Rahim 1971).

² It is a widely spread ideology which identified Sudan within the frame Arab identity (Hashim 2009, and Rahim 1971).

³ Sudan to this group is basically identified within the Sudanese frame (Hashim 2009, Zin al-ʕaabiddiin 1991 and Bashir 1991).

the reasons of conflict in Sudan that is raised by people who do not have a clear idea about this notion?

For the Sudanese elite participants who adopt or believe in Arabicization policies, the linguistic diversity which characterizes the linguistic situation of Sudan is absolutely a negative phenomenon because the existence of these different languages is an indicator of different cultures, thinking and life styles; thus, it will lead to the fragmentation of the Sudanese nation unless it is well managed by the Arabicization policies, i.e. all these Sudanese ethnic groups/nations should be melted in one nation, one-language. They considered this linguistic diversity as a direct threat to Sudan's national security. Moreover, they confirmed that there are no violations of linguistic rights and what is claimed by these researchers is a politicalization of linguistic issues. Also, there is no relation between the Arabicization policies and the conflicts in Sudan since Arabic language is acquired and used by these groups based on their free will, not forcefully. The negative effects of the linguistic and cultural diversity of Sudan, as assumed by some of the Sudanese elites, threaten the momentum consolidation of the country. They agreed on the validity of these Arabicization policies because having one language is the direct way towards national integration. They believe that, other Sudanese languages could not be used officially on the state's level since they are uncodified, unwritten, and receive no attention from their native speakers.

This issue needs more investigation. Each area has to be studied individually since each one of them has its own ethnolinguistic characteristics and privacy, so there would be differences in perceptions and causes of conflicts. Other methods of data collection as focus group discussion, participants' observations, and questionnaire can be used. The sample size could be increased based on statistical equation. Additional dimensions should be added to have a comprehensive coverage of the issue.

References

Abdelhay, Ashraf Kamal (2007): The Politics of Language Planning in the Sudan: The Case Study of Naivasha Language Policy, PhD thesis (unpubl.), Linguistics and English language, University of Edinburgh.

Abu-Manga, Al Amin (1978): Fulani and Hausa Speech Communities in Sudan: A Case Study of Maiurno in the Blue Nile Province, MA thesis (unpubl.). Khartoum: I.A.A.S, University of Khartoum.

Abu-Manga, Al Amin (2014): "Linguistic diversity and language endangerment in the Sudan", in: *Dirasat Ifriqiyya*, no. 52, pp 7-30. Accessed at 10/10/2020 at:

http://publications.iaa.edu.sd/iaa_magazines/%D8%AF%D8%B1

Abu-Manga, Al Amin and Yusif Al Khalifa Abu Bakr (2006): *Awdāc al-Lughafī al-Sūdān* (Situations of languages in Sudan), *Silsilat al-Dirāsāt al-Lughawiyya* (Series of Linguistic Studies), no. 10, IAAS, University of Khartoum.

Assal, Munzoul A.M (2010): "Sociological perspectives on nationality and citizenship in Sudan", in: Sudanese Writers Union (second birth): 4th Union General Conference: Citizenship and Referendum, Unity and Secession, Al Sharjah Hall, Khartoum from 27th – 28th of December, 2010.pp. 3-15.

Babiker, Abdel Rahim M (2001): *Research Methodology: Research Proposal, A simplified Manual*, Sudanese Community Promotion Organization, the Academy Printing Press.

Bashir, Muhammed Omer (1991): "al-Sudaanawiyiyya", in: the Seminar of the Cultural Identity of the Sudan, al-Sharja Hall, IAAS, University of Khartoum , August 20-22.

Bell, Herman (1989): "Language and ethnic identity in the Sudan and the Soviet Union: A comparative study", in: *Ethnicity, Conflict and National Integration in the Sudan*, ed. by Sayyid H. Hurreiz and Elfatih Abdel Salam, Sudan library series 16, I.A.A.S, University of Khartoum, pp. 186-195.

Bell, Herman (1995): " The Nuba Mountains: Who spoke what in 1976?", A communication presented to the third Conference on Language in Sudan (Language situation in Sudan), I.A.A.S, University of Khartoum (3-5 December 1995). Retrieved on 2/8/2010 from

www.smi.unb.na/sa/tan/Nuba.htm/.

Berair, Ahmed Al-Sadiq (2007): *Linguistic Politics in Sudan: Issues of Power, Ideology and Cultural difference*, PhD diss. (unpubl.), I.A.A.S, University of Khartoum.

Birair, AḥmadŞādiq (2010): "al-Khōriṭa al-lughawiyafī al-Sūdōn wa qaḍāya al-hawiyawa al-muwāṭana " (Sudan linguistic map and the issues of identity and citizenship), in *Ittiḥād al-Kuttāb al-Sūdāniyyīn*, 2^{ed} edition, al-Mu'tamar al-Rābi': al-MuwāṭanawaTaqrīr al-Maṣīrbayn al-Wiḥdawa al-Infīṣāl (the Fourth Conference: Citizenship and Self-determination between Unity and Secession), Sharja Hall, 27-28 December, pp. 115-121.

Bonfiglio, Thomas Paul (2010): *Mother Tongues and Nation: The Invention of the Native Speakers*, *Trends in Linguistics, Studies and Monographs* 226, ed. by Volk Gast, New York: Walter de Gruyter Inc. Retrieved on 10.2.2014 from

<http://books.google.com/books?id=bhRnWijVdUMC&printsec=frontc>

Cortbett, Anly (2015): "National security and national interest; the derivation and implementation of UK national security strategy, King's College London, accessed at 10/10/2020, from:

https://www.researchgate.net/publication/286048772_National_Security_and_the_National_Interest_the_derivation_and_implementation_of_the_UK_National_Security_Strategy

De Witte, Bruno (1993): "Conclusion: a legal perspective", in: *Ethnic Groups and Language Rights*, ed. by S. Vilfan, Aldershot: Dartmouth, pp. 303-314.

Diki-Kidiri, Marcel (2009): "Overview of the sociolinguistic situation in Africa", *Sociolingüística*, Noves sl., Summer 2002. Retrieved on 14.8.2009

<http://www6.gencat/IIengcat/noves/hm0/estiu/internacional/a-diki-6.h>

Denzin, Norman K. and Lincoln, Yvonne S. (2005.): *Handbook of Qualitative Research*. London: Sage.

Flick, Uwe (2006, 3rd ed / 2007): *An Introduction to Qualitative Research*, London: Sage. Chapter 9.

Domínguez F and López N (1995): *Sociolinguistic and Language Planning Organizations*, Lang. Int. World Dir, Amsterdam: Benjamins.

Fishman, Joshua. A, Charles Albert Ferguson and Jyotirindra Dasgupta (1968): "Nationality-nationalism and nation-nationism", in: *Language Problems of Developing Nations*, ed. by Joshua A Fishman, Charles A Ferguson and Jyotirindra Das Gupta, New York: John Wiley and Sons, pp. 39-52. Retrieved on 4.10.2012 from

<http://books.google.com/books?id=Sz073IzPRKgC&pg=PA334&lpg>

Garri, Dhahawi Salih Ali (2012): *Language, Culture and Identity in the Context of Conflict: The Case Study of Ethnolinguistic Communities in South Darfur State*, PhD thesis (unpubl.), Department of Linguistics, Faculty of Arts, University of Khartoum.

Giordan Henri (1996): *Les Minorities en Europe: DroitsLinguistiques et Droite de Homme*, Paris: Kimé.

Hale, Ken, et al. (1992): "Endangered languages", in: *Language*, no. 68 pp.1-42.

Hashim, Muhammed Jalaal Ahmed (2009): "al-Sudaanawiiyyia aw taḥaaluf al-haaribiin: al-mashru^a al-thagaafi li ^Abd Allah ^Ali Ibrahiim fi al-Sudaan", retrieved at 4.3.2016 from:

<http://www.mjhashim.blogspot.com/search?updated-max=2009-07-05T11:34:00-07:00&max-results=20&start=6&by-date=false>

Heath, Shirley Brice (1976): "A national language academy?", *International Journal of Sociology of Language*, vol. 11, pp. 9-43.

Holmes, Kim R (2015): Xplore all-new assisment of U.S. military strength, in: *2015 Index of US Military Strength*, retived at 3.12.2015 from:

<http://index.heritage.org/military/2015/important-essays-analysis/national-security/>

Holmes, Kim R (2014): "What is national security?", in: *2015 Index of US Military Strength*, the Heratige Foundation, pp. 17-26, [accessed at 10/10/2020, from:](#)

https://www.heritage.org/sites/default/files/2019-10/2015_IndexOfUSMilitaryStrength_What%20Is%20National%20Security.pdf

Hurreiz, Sayyid. H (1989): "Ethnic, cultural and national identity in Sudan: An overview", in: *Ethnicity, Conflict and National Integration in the Sudan*, ed. by Sayyid H. Hurreiz and Elfatih Abdel Salam, Sudan library series 16, I.A.A.S, University of Khartoum, pp. 69-101.

Idris, Helene Fatima (2007): *Status and Use of Languages in Sudan: Data and Results from Surveys in Nyala and Khartoum*, PhD dissertation, Göteborg: Göteborg University, Sweden.

Ismail, Sara (1978): *Language Situation in Haiban*, Language Survey series no. 2, I.A.A.S, University of Khartoum.

Ismail, Sara (1984): Significant Pattern of Language Use in Kenana Sugar Project (A sociolinguistic study), PhD diss. (unpubl.), Khartoum: I.A.A.S, University of Khartoum.

Ismail, Sara and Mahmud, Ushari Ahamed (1978): *Language Survey Studies*, Language survey series, no. 1. Khartoum: I.A.A.S, University of Khartoum.

Kuhn, Thomas (1996): *The structure of scientific revolution*, University of Chicago Press, First published in 1962.

Mahmud, Ushari Ahmed (1983): *Arabic in Southern Sudan: History and Spread of a Pidgin- Creole*. Khartoum: FAL Khartoum advertising and printing Co. Ltd.

Maḥmūd, ^cUshāri Aḥmad (1984): “Ḍidd al-Taʿrīb” (Against/Opposing Arabicization), a paper presented to the 1st International Conference, IAAS, Khartoum, 13-17 Oct.1984, unpublished.

Matthew, J.G. (1928): *Report of Proceeding: Rejaf Language Conference*, Held at Mongolla Province, Sudan 9th to 14th April 1928. London: Sudan Government.

Miller, Catherine (2003): “Linguistic policies and the issues of ethno-linguistic minorities in the Middle East”, in: *Islam in the Middle Eastern Studies: Muslims and Minorities*, ed. by A .Usuki and H. Kato, Osaka: The Japan Center for Area Studies (JCAS), National Museum of Ethnology, pp. 149-174.

Miller, Catherine (2006): "Language, identities and ideologies: A new era for Sudan?", Author manuscript, published in 7th *International Sudan Studied Conference*, Bergen, Norway. Retrieved on 5/8/2009 from:

<http://209.85.132/search/?q=cache:F-sujo80dmEJ:holsh.archives-ouve>

Mugaddam, Abdel Rahim Hamid (2002): Language Maintenance and Shift in Sudan: The Case Study of Ethnic Minority Groups in Khartoum, PhD diss. (unpubl.), I.A.A.S, University of Khartoum.

Mugaddam, Abdel Rahim Hamid (2006): "Language status and use in Dilling city, the Nuba Mountains", *Journal of Multilingual and Multicultural development*, Vol. 27, no. 4, pp. 290-404. Retrieved on 4.10.2010 from

[Y: multilinMguamatters/articles/JMMD444F/jmmd444f-3d\[x\]](http://multilinMguamatters/articles/JMMD444F/jmmd444f-3d[x]).

Muniz, Gloria J. Bock (2007): Indigenous Language Preservation Program and Language Policy in Education: A Web-Based Intertextual Analysis, PhD thesis, ProQuest Information and Learning Company, Oregon State University. Retrieved on 1.2.2014 from

<http://books.google.com/books?id=IqVrgZYv534C&printsec=frontco>

Nyombe, Bureng G. V. (1997): "Survival or extinction: The fate of the local languages in the Southern Sudan", *International Journal of the Sociology of Language*, no. 125, pp. 99-130. Retrieved on 21.11.2012 from

<http://books.google.com/books?id=Ih6b9iupT6oC&pg=PA40&lpg=P>

Rahim, M A (1971): "Arabism, Africanism and Self-Identification in the Sudan", in Y.F. Hasan (ed.), *Sudan in Africa*, Khartoum University press, 1970. Paulston, Christina Bratt (1997): "Language policies and language rights", *Annual Review of Anthropology*, ed. by D. Schieffelin, vol. 26, pp. 73-85. Pearsall, Judy (ed.) (1998): *The New Oxford Dictionary of English*, Bibliogra, Inst. and Brokha (publisher), Oxford: Oxford University Press.

Petrovic, John. E (ed.) (2009): *International Perspective on Bilingual Education: Policy, Practice and Controversy*, A volume in International Perspectives on Educational Policy, Research and Practice, Inc: Information Age Publishing. Retrieved on 24.11.2012 from

<http://books.google.com/books?id=NEnMsRhCByC&printsec=frontc>

Robins, H R and Uhlenberg E M (eds.) (1991): *Endangered Languages*, Oxford: Berg.

Salih, Kamal Osman (1989): "The British colonial policy and the accentuation of inter-ethnic division: the case of the Nuba Mountains region of the Sudan", in: *Ethnicity, Conflict and National Integration in the Sudan*, ed. by Sayyid H. Hurreiz and Elfatih Abdel Salam, Sudan library series 16, I.A.A.S, University of Khartoum, pp. 231-268.

Sharkey, Heather J (2008): "Arab identity and ideology in Sudan: The politics of language, ethnicity, and race", by Royal African Society, *Oxford Journal*, Oxford University Press, African Affairs (lond), no. 107, pp. 21-43. Retrieved on 24.10.2012 from

<http://afraf.oxfordjournal.org/cgi/content/ful/107/426/21?maxtoshow>

Sample Locality series (1978-1979): I.A.A.S, University of Khartoum (29 different issues concerned with Nuba Mountains Language Survey).

Sid-Ahmad, MuhammadYousif (1979): *An Analysis of the Nuba Mountain Language Survey: a Comparative Study of Language Usage in Dair, Angarko and Habila*, MA thesis (unpubl.), Khartoum: I.A.A.S, University of Khartoum.

Stroud, Christopher (2001): "African mother tongue programmes and the politics of language: linguistic citizenship versus linguistic human rights", *Journal of Multilingual and Multicultural Development*, ed. by Stroud, C and Heugh, no. 12, pp. 339-355.

Skutnabb-Kangas, Tove, Robert Phillipson and Mart Rannut (eds.) (1995): *Linguistic Human Rights: Overcoming Linguistic Discrimination*, ed. by Tove Skutnabb-Kangas and Robert Phillipson, Berlin: Mouton de Gruyter. Retrieved on 24.10.2012 from

<http://books.google.com/books?id=YrKangas,Tove+et+al.+ed.+1995>

Stroud, Christopher and Kathleen Heugh (2004): "Language rights and linguistic citizenship", in: *Language Rights and Language Survival: Sociolinguistic and Sociocultural Perspectives*, ed. by J. Freeland and D. Patrick, Manchester, UK, and Northampton MA: St. Jerome Publishing, pp. 191-218.

Swann, Joan, Theresa Lillis, Ana Deumert and Rajend Mesthrie (2004): *A Dictionary of Sociolinguistics*, Edinburgh: Edinburgh University Press.

Şālih, Hāshim Aḥmad Muḥammad (1987): *al-Wuḍaʿ al-Lughawīyya fī Nertiti: Dirāsāt fī al-Taḥawwul al-Lughawī al-Ijtimāʿī*, (The Sociolinguistic Change in Nertiti), MA thesis (unpubl.), Khartoum: IAAS, University of Khartoum.

Thelwall, Robin, S (1971): "A linguistic survey of al Fashir secondary school", *S.N.R.*, vol. III, no. 52, pp. 46-55.

Thelwall, Robin, S (1978): "Linguistic profile", in: *Aspects of Languages of the Sudan*, ed. by R. Thelwall, Coleraine: The New University of Ulster, pp. 1-23.

Tutkuay, Kuach Yak (2011) "Is Arabic an afterbirth of the Islamism". Retrieved on 2.6.2013 from

<http://www.southsudan.net/>.

Turi, Joseph G (1994): *"Typology of language legislation"*. In: *Linguistic Human Rights: Overcoming Linguistics Discrimination*, (eds.) Skutnabb-Kangas Robert Phillipson and Mart Rannut, Berlin: Walter de Gruyter&Co, pp. 111-119.

United Nations (1995): *Universal Declaration of Linguistic Rights*, Follow-up Committee: (April, 1998), Production: Instituted ÕEdicions de la Diputaci. de Barcelona Design: Miquel Llach Printing: Inresa, translated by: Beatriu Krayenb.hl i Gusi and Wislawa Szymbroska, *View with a Grain of Sand*, Orlando (Florida), Harcourt Brace & Company, 1995.

https://www.coe.int/t/dg4/education/minlang/aboutcharter/default_en.asp.

United Nations (2007): *Legislative History of the Convention on the rights of the child*, Volume I, United Nations: New York and Geneva, 2007, Office of the United Nations, High Commissioner for Human Rights.

(<http://www.linguistic-declaration.org/main-gb.htm>).

Vilfan, Sergij, Gudmund Sandvik and Lode Wils (ed.) (1993): *Ethnic Groups and Language Rights*, European Science Foundation, Aldershot: Dartmouth.

Wol, Dhieu Mathok Diing (2009): *Politics of Ethnic Discrimination in Sudan-A Justification for the Secession of South Sudan*, Kampala: Netmedia publisher ltd.

Whiteley, W H (ed.) (1971): *Language Use and Social Change: Problems with Multilingualism with Special Reference to Eastern Africa*, Oxford University Press.

Zin al-^Aaabidiin, Ahmed al-Ṭayeb (1991): “al-Sudaanawiyyia al-tashkilla: hal hiyia aakhir al-mataaf”, in: *Majalat Huruuf*, no. 2/3, 1st year.

Zumrawi, Fatima M.A. (1980): *Dynamics of Language Uses in the Nubian Community of New Halfa*. MA Thesis (unpubl.).Khartoum: I.A.A.S, University of Khartoum.

Appendices

Appendix 1: Comprehensive Peace Agreements (CPA); the main statements on language

The CPA contains significant language policy that included within the Protocol on Power-sharing, the arena of intensive power struggle between the North and the South. The main five statements, which constitute the Naivasha language policy, are:

Chapter1, article

2.8Language

2.8.1 All indigenous languages of the Sudan are national languages and shall be respected, developed and promoted.

2.8.2 Arabic language is the widely spoken national language in Sudan.

2.8.3 Arabic, as a major language at the national level, and English shall be the official working languages of the national government and languages of instruction for higher education.

2.8.4 In addition to Arabic and English, the legislature of any sub-level of government may adopt any other national language(s) as an additional official working language(s) at its level.

2.8.5 There shall be no discrimination against the use of either Arabic or English at any level of government or stage of education.

The implementation of the above mentioned clauses will lead to a change in the future language policy, since the Sudanese languages are given, for the first time, the status of national languages. Therefore, it is considered by a number of scholars as a landmark in the history of Sudan. If CPA clauses on language are implemented other Sudanese languages will be documented, protected and increasingly used, which may help them to be maintained. In addition, Southern nationalism will be achieved as claimed by Abdelhay (2007: 190): “... *A faithful implementation of the NLP (Naivasha Language Policy) within a multinational democratic federation informed by the principle of active citizenship can contain not only the divisive monolingualism but also the southern nationalism*”.

The NLP is intended to act as a corrective to the divisive ideology of monolingualism by contributing to the emancipator project of ‘New Sudan’. There is a piece of ethnographic evidence showing that GOSS and its people regard education as a liberating tool from the cultural control of northern governments (ibid: 188)

The Interim Constitution of Southern Sudan (2005), which followed CAP, mentions language in Part 1, chapter 1, article 6 as follows:

1.6.1 All indigenous languages of Southern Sudan are national languages and shall be respected, developed and promoted.

1.6.2 English and Arabic shall be the official working languages at the level of the governments of Southern Sudan and the states as well as languages of instruction for higher education.

1.6.3 There shall be no discrimination against the use of either English or Arabic at any level of government or stage of education .

1.6.4 English, as a major language in the Southern Sudan, and Arabic shall be the official working languages of the governments of Southern Sudan and the states and the languages of instruction for higher education.

1.6.5 In addition to English and Arabic, the legislature of any sub-level of government of Southern Sudan may adopt any other national language as an additional official working language or medium of instruction in schools at its level.

1.6.6 The Government of Southern Sudan shall promote the development of a sign language for the benefit of people with special needs.

Appendix 2: International Declarations of Linguistic and Cultural Rights

1-Universal Declaration of Human Rights,1948,

2-International Covenant on Civil and Political Rights,16 Dec.1966.article 27,

3-European Charter on Minority languages,1992,

4-Convention on the Rights of the Child,1989.

5-Universal of Linguistic Rights,6 June, 1996.

Appendix 3: Arabization and Arabicization

To arabize means to give someone or something an Arab or Arabic character. The adjective ‘Arab’ is relating to Arabs as people and Arab countries while the adjective Arabic is related to literature or the language of Arab people (Pearsall 1998: 83).

Maḥmūd (1984: 2) mentioned three kinds of ‘ta^ḥrīb’: linguistic, cultural and social. The linguistic one, Arabicization, focuses on Arabic language; its structure, lexicography, terms, scripts, typing, its relation with foreign and national languages, translation to and from Arabic, its reinforcement, its use in education, administration and society, and lastly the maintaining of its linguistic accuracy. Cultural Arabization is connected with the Islamic-Arabic culture, Arabism, Arabic nationalism and Islam. Its fundamentals are revival and restoration of the Arabic-Islamic identity, the spread and reinforcement of the Arabic-Islamic culture, and the elimination of the cultural dependency and subordination. Social Arabization focuses on the economic and political fundamentals it has in facing the position and role of an Arab nation, which lives within the challenge of an international civilization and the dialogue-conflict, based on the relationships it has with the countries of the North. The linguistic and cultural Arabization is opposed by the Southerners language ideology. However, there was another Southern Sudanese group who believe that arabizing the South is legal.

According to Miller (2006), Arabization increased after Sudan’s independence in 1956 and it seems to have considerably speeded up in the last three decades due to the combination of several factors, such as: urbanization, migration, mobility, schooling, and pro-Arabization state policy.

Appendix 4: The Southern Policy or Closed District Policy

Rejaf Language Conference (1928)

One of the significant measures intended to separate the south religiously, culturally and politically was the Rejaf Language Conference. The conference took place at Rejaf in Southern Sudan in 1928.

- 1. List of languages and dialects spoken in the southern Sudan;***
- 2. To make recommendations as to whether a system of group languages should be adopted for educational purposes, and if so, which of these languages should be selected, for the various areas;***
- 3. To consider and report as to the adoption of a unified system of orthography;***

4. To make proposals for co-operation in the production of **text-books**; and the adoption of skeleton **grammars, reading book, and primers** for general use.

The construction of no man's land, (1929)

*One of the measures adopted by the British government to **restrict the spread of the Arabic language** in the south was the creation of what has come to be known as '**the no man's land**'. The policy of creating this 'no man's land' is embodied in the following statement which is worth quoting in full:*

*Another aspect of the implementation of the Southern Policy required that **contact between the southern tribes and their neighbouring Arab tribes should be discouraged**. Tribes such as the Banda, Dongo, Kreish, which had been greatly influenced by Islam and Arabic culture and were in constant contact with the Arab tribes in Darfur and Kordofan, were **removed from their regions and rehabilitated in other areas away from the influence of their Northern Arab neighbours**. This created a vast 'no-man's land' between the tribes of the southern Sudan and the Arab Nomadic tribes North of the **Bahr al Arab River** in Darfur, which acted as a barrier between the two.*

The creation of the Closed Areas District Ordinance, (1929)

*This regulation was intended to exclude the Egyptians, the northern Sudanese, and Muslims from the south. The ultimate target was to protect the south from the influence of the Arabic language and culture. As a result, **northerners were prohibited from entering the south** without the prior consent of the British authorities. This measure also demanded that tribal leaders and their followers should **abandon Arabic dress and the use of Arabic names**.*

The Ordinance of the Educational Policy of the Nuba Mountains, (1930)

- one of the regions of Sudan.

International Law and Egyptian Policy in Confronting Security Threats in the Middle East

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Abstract:

The current conditions in the Middle East are a stage full of challenges and developments that have been restoring the balance of power in the Middle East and perhaps the entire world since the beginning of 2020. From the wildfires in Australia to the Corona pandemic, the conflicts that are taking place in most Arab countries are divided and multi-party, which are about to collapse.

Perhaps I would like to focus my research here on the foreign policy and challenges of the Arab Republic of Egypt, as well as on the role of international law in the protection of international peace and security.

We have to offer what some neighboring countries are facing, as in the Libyan Republic, or what urges the Palestinian issue and the continuous Israeli violations in violation of all international law rules, of course the Syrian issue, the presence of armed militias, and the role of Turkey, Iran, and Russia in the Arab countries. The emphasis is on the aspirations of each of these and the real reasons for their presence in the Arab countries.

Keywords: The Arab World, International security, Foreign Policy, Egypt, Current Threaten, International Law, African Countries.

Introduction:

The hope of tomorrow, what happens in the world at this moment, is the result of many actions and processes that have taken place over the past years that have established what we are today, perhaps there are some observations about the global evil forces' clawing on the Arab world, perhaps due to the twentieth century.

With many developments in the Middle East, It is the century in which the Zionist entity emerged, in which oil fields exploded from the Arab world's caves, and this was the standard that helped shape the map of the Arab world and the map of Arab international relations with the policy of the neighboring countries in the Middle East and the world.

Speaking about the subject of our discussion, which is the international law and the Egyptian foreign policy in the face of security threats from the Middle East countries, we are about to talk about two main issues, namely, Egyptian international relations from a political perspective with the neighboring countries, whether on the Arab level or on the regional level. The second is the international law and its role in protecting Egyptian foreign policy against security threats, while considering the law's position on the current regional issues represented in closing the Ethiopian Renaissance, the Libyan and Syrian files... Also consider the Turkish and Iranian position regarding the current events and their ambitions in the Arab world's wealth.

We must first take a look at what Egyptian foreign policy is so that we can explain the impact of international law on foreign policy. In view of the concept of Egyptian foreign policy, it is up to us to talk about Egypt's recent history, which we mean for the past five decades.

After the United Kingdom became the Arab Republic of Egypt, and Egypt became a monarchy-to-Republic policy, the Revolutionary Command Council, led by Gamal Abdel Nasser, had to take a new course of progress and development toward some of the world's great powers, such as the Soviet Union, Korea, China, and others. In the past few decades, Egypt's Arab Republic has had to adopt an international

political strategy with world powers such as Russia, China, Japan, the United States, and others.

International law plays the role of patrimony on the international relations that keep the cover of the international peace between countries, especially with the emergence of many international violations of the international law provisions, as happened recently in the Syrian policy or even the long decades to date between Israel and the first Arab issue, the Palestinian file. But it does represent the protector of the general framework of what is happening now on different international levels, which threatens international security for Egypt, specifically, or even for most of the Arab world countries.

Of course, we do not hide the fact that some African countries are destabilizing the region, and accordingly I will be very close to explaining the elements and history of the Ethiopian Renaissance Dam, whose place is currently very important. The Sudanese side is undoubtedly playing an important part in establishing the rules of negotiations for the benefit of the Egyptian and Ethiopian parties, and the Security Council and the United Nations stand toward the various international issues that preoccupy the public opinion.

Also on the level of international security threats surrounding the Arab world, we have many issues that control the situation in some countries: Syria, Libya, Lebanon, Yemen and Egypt, too.

Importance of Study:

The current circumstances on the international and domestic arena may play the biggest role in highlighting the role and importance of this paper, which in turn shines light on more Egyptian foreign policy issues, but also highlights the disclosure of many international issues concerning neighboring countries' policy. Whether at the Arab world level or even at the Middle East and the world levels.

Also, to clarify the role of African countries under the current circumstances and their position with Egypt's foreign policy, whether on the level of the crisis of the GERD or even with the brotherly state of Sudan and its internal disorders. The role of international law in shaping current events and in giving legal cover to allow international legitimacy to formulate concepts through which negotiations are conducted that resolve outstanding regional issues at various levels.

Study objectives:

1. To identify the means of the Egyptian state to negotiate with the Ethiopian side and the Libyan side regarding the different threats from both sides, and to clarify the political and diplomatic tools used by both sides and the role of international law in solving the different disputes now.
2. To clarify the role of the United Nations and the Security Council in the application and manifestation of the role of international law in obliging aggressor States to the rights of other States; The adoption of the necessary strict international resolutions is binding and may even lead to the imposition of various international sanctions against the international community, which are in the process of threatening the security and stability of the Middle East.
3. The role of the world's great powers in the circumstances of most Arab and Middle Eastern countries, And to demonstrate the factors influencing applicable international decision-making leading to effective and urgent crisis-resolution solutions.
4. Sound negotiation through the application of the rules of international law, and the mediation of the great powers in resolving the international crisis brings us to a more stable international community.

Search problem:

We would like to ask about who is responsible for everything that happens in the Middle East in this decade, starting with the Syrian crises, Yemeni, Libyan and Egyptian, and their relation with the African countries... And the role of Middle East countries like

Turkey and Iran in shaping the current political movement, why does this all happen? And for whom?

Research Plan:

We have several axes through which to reach the objectives of the research, first we will talk about the concept of Egyptian foreign policy, and of course we will move on to explain the policy of the neighboring countries at the level of Arab countries and the Middle East, a detailed explanation of the various crises that threaten Egyptian national security and Arab security. It ended up with the role of international law in the current period.

First: Egyptian Foreign Policy.

The Arab revolutions have shaped the concept of Egyptian foreign policy, especially after the region has gone through many internal conflicts different from previous events in the region, by moving from stable regions to unstable regions such as Libya, Syria and other Middle East regions.

Egypt was not far from the debate in the Middle East, especially given its leading role in the region, but before the January 2011 revolution Egypt had established its position among countries through its vital positions in resolving the crises and conflicts in the region, for example, Egypt's role in resolving the Palestinian crisis. It also plays a role in resolving the Turkish-Syrian crisis in 1998, as well as in resolving the Middle East's proliferation of weapons of mass destruction.

After the January Revolution, the situation was completely different, two factors determining the legitimacy of Egypt's leading role in the region, namely economic weakness that clearly supports political and military activity in the world, and the other trend that it believes will need more time to regain its sovereign position on the continent of Africa. These circumstances, which the Egyptian state has experienced in isolating President Mubarak and then moving to the rule of the Muslim Brotherhood, each of which has its political orientation, which it tried to impose on the nature of the Egyptian international relations. President Abdel Fattah el-Sisi's period marked a new beginning

in terms of economic stability and strategic leverage in the world. But, of course, many international security crises have escalated at various levels and around the world.

Second: Foreign Policy Features since 2014

With the start of a new and recognized regime after the July revolution in which millions of Egyptians supported President Abdel Fattah al-politician, the new regime's policy Should have worked throughout the country, and foreign policy may have had different characteristics.

The expansion of the external activity of the country, with no influence on the scope of its influence, there is a diversification of Egypt's foreign relations through Egypt's policy of diversifying its foreign relations, so that they are not limited to a number of countries, which restrict the movement of strategic vision in the Arab and international region. President Mohamed Morsi's tenure has consolidated governance with a number of countries that are restraining Egypt's status in the region, but Egypt's new policy has been liberalized by establishing relations with many of the world's great powers, such as China, Russia, North Korea, and others.

The second feature is to make Egyptian foreign policy a tool to reinforce the country's external legal powers in the world, and thus to guarantee the support of the international powers to the Egyptian government and guarantee its international support, as well as the third attribute, which is an increase of dependence on the military powers. The country no longer depends on soft power or diplomatic powers to impose the political image in all matters concerning security and stability in Egypt. Speaking of the role of military forces in the field of foreign policy, Egypt sent the armed forces to fight the terrorist organization of ISIS in many Arab countries such as Syria and Libya, even when the Arab alliance was formed to confront any threat of instability in the Arab region.

Third: A look at the different international relations in the region.

It is a self-evident view of the international relations of neighboring countries in one region to swing between stability and tension that the one geographical scope

creates a complex interlocking group between the factors of convergence and divergence that sometimes reach between alliance and even violent hostility. All countries in the world are sphere-based influence and influence, particularly neighboring countries.

The factors of tension and divergence differ from several reasons:

1. There are different national issues, with which many wars and conflicts are concentrated in memory among peoples.
2. Ideological and ideological differences, credibility questioning in events prevails.
3. Water and oil disputes, which are a recent focus in this research, have worsened expectations of many disputes and wars over water and oil, especially in the region.
4. Political and expansionist tendencies, which include a false ambition to restore old glories of old occupation and which have no place in our time.

All these differences are real and cannot be turned away, except to pretend even that they do not exist, as they establish unfriendly relations and conflicts between Arab and neighboring countries, perhaps among these hostile manifestations, such as the following:

❖ **The non-friendly relations with Israel.**

The first Arab issue that the Arab world has been busy with for many decades, the Palestinians see the region as their historical homeland, where they lived for thousands of years, and in return the Jews consider that these lands are their right. Political and sectarian differences between Palestine and Israel increased in 1948, and the killings and displacement of Palestinians increased.

But in 1973, a ceasefire was agreed and ceasefire agreements were signed following the October 6 war, and a peace agreement was signed between Egypt and Israel in 1979, leading to the withdrawal of Israeli forces from the Sinai Peninsula. But the conflicts between the Israeli entities reached the height of the conflict between Palestine and Israel in 1982 during the Lebanon War, and the Oslo agreement created a central authority for the state of Palestine in 1994.

Regional organizations stressed the necessity of establishing the comprehensive peace process in the Arab region and the Middle East, as a result of the international

legitimacy as a result of the international violations that violate the international laws on the Palestinian people. Although all these conflicts have occurred on a very small regional scale, they have received very considerable international media and political attention.

A contractual legal settlement reflects the intention to establish a just peace. So we can say that a settlement is the first real step toward peace and that it is not a certain step for coexistence or regional integration. If we apply this perspective at the current stage, the Arab-Israeli conflict, but peace - which seems to be a peaceful choice - needs new thinking and vision.

It calls us here to reflect on what is happening at the international and regional levels, to discover the size of Israeli policies, and certainly Israel will not be able to include all the peoples of the earth for it, that the shift in the balance of power will change one day. The origin of co-existence is the right of peoples to fully realize their rights without the control of anyone.

❖ **Egyptian-Iranian Relations.**

Egyptian, Arab and Iranian relations have always been characterized by tension. The Arab-Iranian conflict since the beginning of history since the time of Persia, and there is a conflict between them and Iran, which always seeks to control the whole region, sometimes by undoing some of our enemy forces and other antics by practicing malignant politics in an attempt to spread their different communist doctrinal ideas Culture of the whole Arab world.

The conflict has acquired the Arab-Iranian homeland a religious form and a political dimension following religious confusions in the early 16th century, as well as the conflict of the Arab territories. In 1925, it began to control the Arab region of Arabistan, now known as Khuzestan, north of the Arab Gulf, known as the richest Iranian oil region, which led to more tension in the Middle East region, until it reached the occupation of the three Emirates islands, so that the matter in the Arab world became even angrier. The Arab League has even expressed its outrage at Iran's continued interference in Arab affairs.

As for the Arab attitude toward the Iranian nuclear file, the Arab countries agreed unanimously on the necessity of abiding by the agreement reached in July 2015 between the Iranian Republic and the Gulf countries group, emphasizing the role of the International Atomic Energy Agency in this regard. And reemphasizing the use of sanctions if Iran deviate from international agreements on the rules of using weapons of mass destruction.

A. Egyptian Policy toward Iran.

Diplomatic relations between Cairo and Tehran remained severed by the Iranian revolution after signing Camp David agreement between Egypt and Israel in 1979, Iran took a strict stance toward Egypt, and even called the killer of President Sadat the name of the killer on a street there. Indeed, Tehran has received a large number of leaders of the terrorist Brotherhood as a kind of expression of Tehran's hatred of Cairo.

Several reasons prevented the restoration of Egyptian-Iranian relations as they were, some of them related to calculating gains and losses of Iran's internal political system. Egypt-US relations with the Gulf Cooperation Council have been and continue to be a threat to many Middle Eastern countries, including Iran, one of the most important reasons that has prevented Iran from considering restoring international relations with Cairo.

The decision to restore Egyptian-Iranian relations is purely strategic, and taking such a decision requires many multifaceted calculations and estimates. Abul Gheit, former Egyptian Foreign Minister and current Arab League president, says that "the ruling element in the possibility of developing the Egyptian-Iranian relation or not was the security dimension and personal experience of the president and the relevant security services. The security services have always doubted the Iranian intentions and their desire to penetrate Egypt for its traditional and revolutionary trends."

The path of Iran-Egypt relations, despite many political considerations that may call for rapprochement between both regimes, will remain the decision to converge on many of the above-mentioned limitations and concerns, The Egyptian decision remains stalled when there is a real change in the regime and Iranian

intentions toward the concepts of Egyptian policy in the Arab region, and it is worth mentioning that Cairo cannot abandon relations with Arab brothers or even with the United States to restore relations with Iran.

❖ **Egyptian-Turkish relations and current security threats.**

We cannot translate international relations between Egypt and Turkey without reference to the historical roots that have been linking the two countries. The relations between the two countries, where Egypt is located at the meeting point between the African and Asian continents, thus controlling the water movement between both continents, while Turkey is located between Asia and Europe, which is also a strategic passage between both continents. Cairo and Ankara have both regional influence and the region's most influential military powers.

The relationship between the two countries was very good in the mutual policy until it reached the crossroads, where each became the biggest threat in the region after we explain how it happened. From the beginning of 2011, with the Arab Spring and the Arab revolutions beginning, this has been an obstacle and an opportunity for Turkey to adjust its foreign policy toward the Arab countries so that it can be excluded from The current event.

Turkey considered that what happened in Cairo in the events of July 30 only came as a military coup of President Abdel Fattah al-Sisi, and that some policies toward Egypt's government of coup d'état should be taken after the overthrow of President Mohamed Morsi, Turkish politics has taken a different approach to Egypt, as it has gone through two stages:

- Transition: After Morsi's rule, two first periods emerged: The transition period of interim President Adly Mansour's rule in 2013 and President Abdel Fattah el-Sisi's term in office.

The Muslim Brotherhood is one of the pillars of the Turkish political leadership in the Arab world, but after they were overthrown from political rule in Egypt and the leaderships fled to Turkey, Turkey's hostility to Egyptian politics was clearly and publicly taken and took a clear and open hostile form. During President Abdel Fattah al-Sisi's tenure, Cairo resented interference in the country's internal affairs, competition

for regional role in the Middle East emerged, and each country tried to project itself even more in the region.

Turkey went on to appear as a strong ally of the Gulf Cooperation Council countries under the coolness of Egyptian relations with some Arab countries, whereas Cairo offered Egyptian-European relations a step forward, even on the level of the black continent, Cairo greatly improved the relation with the African countries. Competition between both also has emerged over many military and economic areas.

The differences between the two countries continue after the recent military and political turmoil over the Egyptian-Greek border demarcation agreement to maximize the benefits of the Mediterranean's fortunes, while Turkey has objected to such an agreement. This is not everything on the Turkish side that has strongly intervened in Libyan territory, posing a real threat to the western border of the Egyptian state, as Egypt has always believed that Turkey supports terrorist groups in cooperation with Qatar to stabilize the Egyptian state and to seek consensus on the country's oil fields We will explain the Libyan case in some detail.

❖ **Libyan case and Egyptian National Security.**

Since the beginning of the Arab Spring events in the Arab region, which coincided with the civil war in Libya and then the military intervention to the death of leader Muammar Al-Gadhafi, the existence of the civil war has affected the spread of armed groups, which have also been silent in the process of violence and armed conflict. The abundance of oil fields in Libya has made it a place for armed groups and many armed forces, such as Russia, Turkey, Iran, and others.

Given the close proximity of the borders of both Egypt and Libya, each has had an impact on the other, on the one hand, and on the other, on the other, Libya has had several armed groups and militias supported by many external powers, such as Iran, that support events in Syria, and that some groups in Libya support instability in the region. Cairo should have taken a serious position on the events because it represents a real threat to Egyptian national security because of the presence of many terrorist groups.

First and foremost, the Cairo Declaration on many important points, which received international support from many international powers such as Russia, the United States of America, Greece, Italy and Germany, has certainly made several points:

1. To reaffirm the unity and integrity of Libyan territory, to respect all international efforts, initiatives and relevant Security Council resolutions and to build on the commitment of all parties to the ceasefire.
 2. The initiative was based on the results of the Berlin summit, which resulted in a comprehensive political solution that includes clear implementation steps, political, security, economic and respect for human rights International human law is an investment in the consensus that emerged from the Berlin Conference among the leaders of the countries concerned with the Libyan crisis.
 3. The UN-sponsored 5+5 military Commission in Geneva has completed its work and has the effect of making the rest of the tracks work, taking into account the importance that the UN and the international community commit all foreign sides to remove mercenaries from all Libyan lands, dismantle militias and hand over their weapons so that the forces can hand over the Libyan National Army in cooperation with the agencies Security forces are responsible for their military and security missions in the country.
 4. Working on restoring the Libyan state to its national institutions, with determining the suitable Libyan national mechanism to revive the political track under the auspices of the United Nations and to invest the international community's efforts to solve the Libyan crisis.
 5. Restoration of State control over all security institutions and support to the military (Libyan National Army); The National Army carries out its responsibilities in fighting terrorism and confirms a course in cooperation with the security and police services to protect Libyan sovereignty and restore security in the air and land maritime field.
- ❖ **The Ethiopian Renaissance Dam case and the Egyptian Water Security threat.**

The Nile River file was considered as a thorny file on the table of discussions between African countries in the 1990s, relations between Egypt and Nile Basin countries became very tense. This was the result of the Egyptian administration's

question of this file due to the disparity of powers between Egypt and many African countries, and also because it represents a threat to Egyptian water security.

It is therefore necessary to address several concepts on the concept of regional water security, then to address the Egyptian administration in its handling of the crisis and its developments, and the positions of the Nile Basin countries.

- **National Water Security:**

The concept of water national security, since it is one of the dimensions of the country's general national security and has a close relationship with all matters concerning the state security and the life of the citizen, water security is what per capita water needs represent throughout the year. According to the above, the concept of national water security "Hua" confers available water resources, uses them in various aspects of life and searches by all means for new water sources.

Water security is therefore an integral part of the national security of the State. The Egyptian policy on water security is based on two principles: Regulating the Nile water and ensuring that the Nile water reaches the extent specified by history.

- **International agreements on the Nile River and Egypt's position on it:**

- a) **Bilateral agreements:**

On the level of bilateral agreements, Egypt has concluded several agreements with Ethiopia and Sudan, and between them and some Nile Basin countries.

- 1) **Rome Protocol 1891:** This agreement was signed between Rome and Italy, during the Italian colonization of Eritrea, Italy, at this time, had been extended after any facilities on the Nile River that would disrupt the flow of water to the rest of the Nile.
- 2) **The 1902 Addis Ababa Convention:** The agreement was signed by Britain on behalf of Egypt and Ethiopia, during which the Ethiopian

emperor pledged not to establish any facilities that would hinder the movement of water access to the last of the infected countries.

- 3) **The Convention of 1906:** The Convention was signed between Britain, France and Italy by agreement to secure the arrival of Nile River tributaries in Egypt.
- 4) **Rome Convention 1925:** A series of letters exchanged between Britain and Italy in 1925, in which Italy recognizes the water rights acquired by Egypt and Sudan from their share in the Nile.
- 5) **Collaboration framework:** Signed in Cairo on July 1, 1993, between Egyptian President Mohamed Hosni Mubarak and Ethiopian Prime Minister Meles Zenawi.

Fourth: The role of international law in the light of international transformations.

International law has undergone a major transformation in recent times over many different international events from revolutions in the Arab world. By causing turmoil in many countries, we have ended up in an international crisis, the virus of the Corona that is now spreading around the world. International law is not a possibility of sanctification or immortality, but it is a change in international circumstances and conditions to be adapted to the current reality in the turbulent circumstances, after many upheavals, the need to overcome the current crisis of international law has become more urgent than ever. Since two crises are at the forefront of the Ethiopian Renaissance Dam crisis and the Libyan Republic crisis, Egypt is based on international law in resolving the Ethiopian crisis, based on several important principles that support its position at the international level and at the Security Council level: International conventions signed between Egypt and Ethiopia that recognize Egypt's water rights and regulate its relationship with the Nile Basin countries, principles of international law for the non-navigational uses of international watercourses. Egypt is relying on a number of Ethiopian problems, including violations of the principles of good faith in negotiations and in the implementation of international treaties.

The role of international law and the United Nations in the light of the Libyan crisis is to present its vision of a fundamental solution in the context of the contradictions

of the priority of the disarmament and democratization without a clear horizon of constitutional stability. In view of all these complexities, the United Nations does not seem to place political dialog as a priority in political arrangements, the political changes in the processes of applying international law in various current crises seem to be not sensitive to political realities. This leads to a reduction in the country's stability. The absence of international controls with a degree of consensus among all countries around the world, which frames various international interventions and practices, would precipitate the collapse of international law as a whole.

Fifth Conclusion:

In our research we reviewed many information about the international relations and foreign policies practiced by neighboring countries against the Egyptian state in light of these difficult circumstances, we may not know why some want to control the Middle East, why some want to overthrow the Egyptian state and its leading role in the process of building lasting peace In the Arab region, many of the problems were listed starting from the Turkish ambitions and their role in overthrowing the Libyan regime or the Syrian or Yemeni problem. Also, the spotlight was shed on what the state of Iran aims and what it wants from the Arab countries ... even the problem is the Renaissance Dam the Ethiopian side, the Ethiopian side took advantage of the Egyptian revolution in 2011 until it started to build the dam, hitting all international treaties and agreements. It was the largest water threat in the Egyptian state, and it threatened the water security.

Lasting peace is a clear message that does not need explanation, perhaps an impossible task that cannot be reached, and we can only strive to reach peace that achieves the greatest degree of stability in light of international relations that are free from the purposes of control and domination that will only reach us to Ruins and destruction are in the region, and we hope that we will not get there one day.

Sixth: references**Rules:**

- Salman, S. M. (2007). The Helsinki Rules, the UN Watercourses Convention and the Berlin Rules: perspectives on international water law. *Water Resources Development*, 23(4), 625-640.
- D'Souza, R. (2006, December). Dams, 'Development' and International Law'. In *International Environmental Law Research Centre Conference on 'Workshop on Water, Law and the Commons'*, New Delhi (pp. 8-10).

Books:

- Schachter, O. (1991). *International law in theory and practice*. Brill Nijhoff.
- Shelton, D. (2004). *International environmental law*. Brill Nijhoff.
- Birnie, P. W., & Boyle, A. E. (1994). *International law and the environment*.
- Simmons, B. A. (2009). *Mobilizing for human rights: international law in domestic politics*. Cambridge University Press.
- Meron, T. (2006). *The humanization of international law*. Brill Nijhoff.

Articles:

- Bozorg-Haddad, O., Zolghadr-Asli, B., Sarzaeim, P., Aboutalebi, M., Chu, X., & Loáiciga, H. A. (2020). Evaluation of water shortage crisis in the Middle East and possible remedies. *Journal of Water Supply: Research and Technology—AQUA*, 69(1), 85-98.
- Selby, J. (2005). The geopolitics of water in the Middle East: fantasies and realities. *Third World Quarterly*, 26(2), 329-349.
- Kelman, H. C. (1998). Social-psychological contributions to peacemaking and peacebuilding in the Middle East. *Applied Psychology*, 47(1), 5-28.
- Kramer, A. (2008). *Regional water cooperation and peacebuilding in the Middle East*. Adelphi research: Initiative for Peacebuilding.
- Lesch, A. M. (1991). Contrasting Reactions to the Persian Gulf Crisis: Egypt, Syria, Jordan, and the Palestinians. *Middle East Journal*, 45(1), 30-50.

- Hinnebusch, R. A. (1997). Egypt, Syria and the Arab state system in the new world order. In *The Middle East in the New World Order* (pp. 162-181). Palgrave Macmillan, London.
- Shay, S. (2018, April). The ‘Renaissance Dam’Crisis. In *Herzliya Conference, Herzliya, Israel, April*.
- Dakkak, A. (2014). Egypt’s water crisis–Recipe for disaster. *Retrieved February, 26, 2016*.
- Hong, Z. H. O. U. (2011). Feature: The Libyan Crisis. *Chinese Journal of European Studies, 3*.
- Patrides, C. A. (1963). ‘The Bloody and Cruell Turke’: The Background of a Renaissance Commonplace. *Studies in the Renaissance, 10*, 126-135.

One Belt One Road Initiative: A win-win Partnership**Dana Nabil Khalil Abu-Haltam****Master's Degree in diplomatic studies****University of Jordan, Amman Jordan****E-mail: dana.abuhaltam@gmail.com****Abstract**

In September 2013, the Chinese president Xi Jinping announced his vision of a “Silk Road Economic Belt” during his visit at the Nazarbayev University in Kazakhstan. The initiative aims to promote economic integration by building transport, linkages and energy infrastructure along the historical routes for the ancient Silk Road as early as 2,000 years ago, to deepen and expand the surface, sea, and air linkages with more than 60 countries all over Asia, Africa and Europe. This study will discuss the main purposes and goals for this initiative to China and will examine the challenges that face this initiative. In addition to that, this paper will study the implications of the initiative on the participating countries all from Africa–Asia and Europe. And the US perspective and point of view to this new One Belt One Road OBOR or what it known also the Belt and Road initiative BRI or B&R.

Key words: One Belt One Road, Soft power, Win-win partnership, Hegemony, Bilateral Relations

Introduction:

The Chinese Silk Road is the most ancient overland trade route in the world. It established when China officially open trade with the west. It was a network of trade routes connecting China and with the Europe and Middle East. Established since Han Dynasty period 130 B.C. when China officially opened trade with the West¹.

The silk were sent westward, and wools, gold, and silver were going to the east. Buddhism and Nestorian religious also received via this road and the interaction between the civilizations. It also carried goods and ideas between the two great civilizations of Rome and China.

“Routes extended from the Greco-Roman metropolis of Antioch across the Syrian Desert via Palmyra to Ctesiphon (the Parthian capital) and Seleucia on the Tigris River, a Mesopotamian city in modern-day Iraq”.

Seleucia, routes passed eastward over the Zagros Mountains to the cities of Ecbatana (Iran) and Merv (Turkmenistan), from which additional routes traversed to modern-day Afghanistan and eastward into Mongolia and China². But in 1453 A.D. the Ottoman Empire boycotted trade with China and the road were no longer used³.

In the fall of 2013, President Xi Jinping of the People’s Republic of China (PRC) announced to invoke the ancient Silk Road and present the new One Belt, One Road (OBOR) initiative. And the 21st-century Maritime Silk Road that spans China visa Asia, Europe, Africa, and the Middle East and

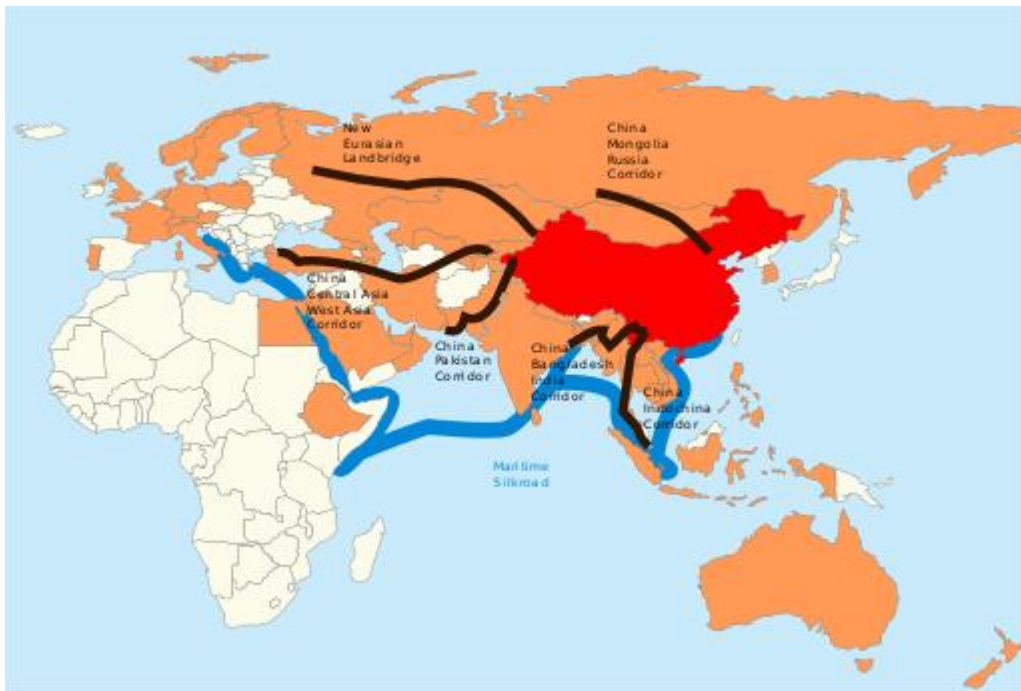
¹ History.com, Silk Road, History, <https://www.history.com/topics/ancient-middle-east/silk-road>, September 26, 2019, 18 August 2020

² Michael A. Peters, The ancient Silk Road and the birth of merchant capitalism, Educational Philosophy and Theory, DOI: 10.1080/00131857.2019.1691481

³ History.com, Silk Road, History, <https://www.history.com/topics/ancient-middle-east/silk-road>, September 26, 2019, 18 August 2020.

make China closer by constructing investment and trade networks using hyper-efficient infrastructure and new institutional linkages. And the maritime road that starts from China and cross South China Sea, Indian Ocean, and Suez Canal to Europe¹.

Figure 1: Map of One Road, One Belt/21st-century Maritime Silk Road



- Source: Liu Zhongyun, The Economic and Trade Cooperation of China with Countries along the Belt and Road, Xing Zhi College of Xi'an University of Finance and Economics Xi'an, China.

It comprises about 65 countries and 900 projects with an investment volume of 850 billion dollars². This new initiative is supported by Asian Infrastructure Investment Bank (AIIB), various international development banks and

¹ Adrian Brona, One Belt, One Road: new framework for international relations?, Polish Journal of Political Science, Volume 4 Issue 2 (2018),58p.

² (Chua, A.C. (2017) One Belt One Road and Opportunities.

http://www.centerforfinancialstability.org/research/Chua_OneBeltOneRoad_7_6_17.pdf)

Chinese Silk Road Fund¹. It is not new idea to the country, according to Tim Summers, it is original a development plan for China since 1980s².

As China' economic develop, its global role becomes more sensitive and powerful. China has begun to advocate a greater role for itself in the international order. It has also established itself as a global leader with the OBOR Initiative. This OBOR initiative is a signature that China promote trade and economic development by constructing transport links³.

The sources of finance: As one of the largest projects in the world history, OBOR requires a huge amount of finance. The Chinese government has already declared for USD 40 Billion from its side. The other funding institutions like China Investment Corporation, Export Import Bank of China, China Development Bank and the State Administration of Foreign Exchange have allocated the fund in 2015.

Research questions:

The main purpose of this study is to answer the questions:

- 1) What are the main goals of the One Belt One Road initiative?

- 2) What are the contexts of origin and challenges of OBOR initiatives?

¹ Adrian Brona, One Belt, One Road: new framework for internationalrelations?, Polish Journal of Political Science, Volume 4 Issue 2 (2018),59p

² Tim Summers, "China's 'New Silk Roads: Sub-National Regionsand Networks of Global Political Economy,'" Third World Quarterly 37,no. 9 (2016): 1633, doi:10.1080/01436597.2016.1153415

³ Layne, Christopher, 2018, The US–Chinese Power Shift and the End of the Pax Americana, *International Affairs Journal*, 5 January 2018, Volume 94, Number 1, p. 101

3) What is the implications of this initiative for the participated countries from Africa, Europe and Asia?

4) What's the United States of America point of view of this Initiative?

Hypotheses:

- 1) China propose One Belt One Road initiative to create for itself an important role in the political system to end the American hegemony.
- 2) China creates a win-win partnerships with the participating countries in the initiative.
- 3) China is affecting the global politics and will change a lot in the international politics in the future with the new One Belt One Road initiative.

Importance:

The importance of this paper is to be knowledgeable and aware of this new initiative and get to know the main purpose of Chinese foreign policies for building and proposing the One Belt One Road initiative in order to know whether it going to reflect to us positive or negatively.

Literature Review and previous studies:

Md Nazirul Islam Sarker, Md Altab Hossin, Xiaohua Yin, Md Kamruzzaman Sarkar, 2018, One Belt One Road Initiative of China: Implication for Future of Global Development

The study examined the suitability of One Belt One Road initiative for future of global development in economic, political, and cultural terms. The study argues that the initiative has a great potential for future of global development. It is also examined the origin, vision, strategy, opportunities and challenges that is facing the initiative. In addition to that this study contributes

the ongoing debates on what if this initiative effect positively or negatively on the global especially future global development.

Ali Salah, 2018, The Belt and Road Project: How does China connect its economy with the outside world?

This research examined the origin of this initiative and explore all the global trade routes and corridors also the Silk Road routes. It also studied the aims and motives of China for establishing One Belt One Road initiative. It also talked about the economic repercussions on the participating countries, and the difficulties and challenges that face China and the participating countries in this initiative.

Aims and Goals of the Initiative:

China is experiencing a very rapid economic growth in the world history. In 2012, the idea to “promote all-around improvements to China’s open economy” was discussed at the 18th national congress of the Communist Party of China (CPC). They call for coordinating bilateral, multilateral, regional and sub-regional cooperation as well as promoting interconnection with neighboring countries. In 2013, CPC Central Committee proposed that China should focus on building Silk Road economic belt and a maritime silk road and accelerating the construction of infrastructure connecting China with neighboring countries and region. In 2015, the CPC Central Economic Work Conference proposed to “do a good job of OBOR initiative construction and implementation”. This initiative involves three continents (Asia, Europe, and Africa)¹.

¹ Liu, Haiquan, 2017, The Security Challenges of the “One Belt, One Road” Initiative and China’s Choice, *The Journal of Institute for International Relations*, Vol. 23, Issue 78, p. 130-130.

The goal of One Belt, One Road initiative is to make China a global power and strengthen China's position in the world. China emphasizes that OBOR comes without any political strings attached, as it is helping in securing Chinese natural resources as well as expanding and strengthening Chinese hegemony¹.

It is also aiming to promote free flow of economic factors, deep integration of markets and a highly efficient allocation of sources. In addition, it develops and improves transport infrastructure across the BRI region (remove physical barriers) to improve international bilateral trade. Furthermore, of higher standards, and jointly creating an open, inclusive, and balanced regional e, it encourages “the implied countries to achieve economic policy coordination and carry out broader and more in-depth regional cooperation economic cooperation architecture that benefits all”².

In terms of security, China also wants to speed up development of Central Asia, which could have stabilizing effect on Xinjiang Uygur Autonomous Region. And to build an overland route that they can use extensively during any potential military confrontation on the seas. All of these narration infrastructure constructions (sea ports, railroads, and airports) are advocated by China using Chinese labor for economic and security.

Also, China is aiming to strengthening the position of the Chinese currency (Yuan) internationally, as well as to increase its influence in the regional and global. This initiative is using the soft power of China in competition with the United States of America level, by building new huge investments across the world to expand their

¹ Nathan Hayes, *The Impact of China's One Belt One Road Initiative on Developing Countries*, LSE International Development, 2017, Article.

² Vision and Actions on Jointly Building Silk Road Economic Belt And 21st-Century Maritime Silk Road, 2015/03/28, Issued by The National Development and Reform Commission, Ministry of Foreign Affairs, And Ministry of Commerce of The People's Republic of China, with State Council Authorization, March (2015), Part I: Background.

influence and provide an alternative development model¹. And to Strength China's presence in the Eurasia region because of its geostrategic important.

Implications of the Initiative on the Participated Countries:

Participating in the initiative represents a great opportunity to develop countries' infrastructure, such as roads, ports, electricity networks and cables. It will stimulate investments in other economic sectors and generate more job opportunities and eliminates unemployment. What really encourage developing countries to deal with China is that the latter affirms the principle of zero interference in the internal affairs of countries (unlike Western countries), as they reject a conditionality political, and this is within the framework of the so-called (Beijing Consensus), where the Chinese government emphasizes equality between countries, mutual trust and balanced economic cooperation, which is why developing countries see that China can be an alternative to Western countries, especially since China is a permanent member of the Security Council that has the right to veto, so establishing strong relations with China could save it from sanctions from the Security Council.

This initiative also help in reducing the time of transporting goods through these new corridors and the new infrastructure, which will be established within the framework of this initiative.

The "Chinese Belt and Road" initiative was supposed to contribute by investing in buildings the infrastructure in raising the level of employment within the countries participating in this initiative. But projects are often awarded to Chinese institutions rather than local institutions, the Chinese are not only using Chinese goods and equipment, but also bring to labor a Chinese workers, instead of employing local workers. But going back to one of the reasons behind this initiative is the slowdown in growth in the Chinese economy had led to surplus in production capacity, especially in

¹ Ali (Salah): "The Belt and Road Project: How does China connect its economy with the outside world?" Future Report, p.7, 2018, 26 issue

large infrastructure development projects in which Chinese companies have gained good experience, and the initiative can make room for the export of this production capacity and technological skills of that would be a pull factor for the local economy. But At the end, China is the one who support the investments financially and it is at the end a win-win partnership, the local country get developed in many aspects and China use its production and excess capacity.

In Kazakhstan, China's desire to purchase agricultural lands in the regions through which the initiative is passing has led to an increase the concerns of the local population, aimed at extending the rent law of agricultural land to foreign investors from ten to twenty-five years, and a series of protests from the people led to the withdrawal of this project¹.

In 2020 the new Covid-19 virus pandemic effect the whole world witnessed a collapse in the economy, affecting billions of people business as well as countries economy. But China doing its part and while defeating the epidemic and recovering the economy China announced that it is willing to give priority to “strengthening communication and coordination with partners in the “Belt and Road” initiative, focusing on providing support in five areas. One is to support the “Belt and Road” partners affected by the epidemic, especially developing countries, to fight the epidemic and restore economic and social development within the US\$2 billion international aid plan announced by President Xi Jinping. Second, in the process of vaccine development and use, actively consider the needs of partners in the “Belt and Road”, and support platforms such as the “Belt and Road” International Science Organization Alliance to carry out anti-epidemic technology exchanges and cooperation. The third is to conduct technical communication and coordination with partners in the “Belt and Road” as soon as possible, and negotiate the establishment of convenient channels for cross-border movement of people and goods. The fourth is to hold a video conference of transnational transportation ministers with partners in the "Belt and Road" to jointly maintain the

¹ (Paulo Afonso) Brardo, OP. CIT, p 131

smoothness and safety of the international industrial chain, supply chain and logistics system. The fifth is to strengthen innovation cooperation with partners in the “Belt and Road”, jointly develop “Silk Road E-commerce”, and promote cooperation in smart city construction and green development.”¹

The Initiative Challenges:

The first difficulty and challenge of this initiative is economic one. Most of the participating countries do not have financial abundance that suffers from poor infrastructure, high inflation and low level of development. Which will cost China an extra cost also most of the project costs will be borne by China and the Chinese supply institutions such as China Development Bank² and This caused cancellation or postponement of the implementation of some projects, for instance, in Thailand, a project of an express train between China and Singapore was postponed due to lack of funding³.

Second one is the fear of the participating countries that suffer from difficulties in financing their obligation to become dependent on China and that China control it. For example, some quarters in Myanmar are concerned the Chinese investments in the port of Kyaukpyu, which Beijing seeks to use as an alternative to “Malacca Strait”. With investments estimated at about 9 billion dollars, or about 14% of the country's gross national product, with the possibility of Myanmar's debt being unable to pay And Fears that Beijing will pursue the debt strategy.

But an example that China is use debt-asset swap strategy that Pakistan and Sri Lanka defaulted on and entered Chinese debt, and after negotiations with Beijing, they agreed on "debt-asset swap, that is, the signing leasing contracts for those assets. For

¹ Ministry of Foreign Affairs of the People's Republic of China, Wang Yi: China is willing to provide support in five aspects to partners in the “Belt and Road” initiative 2020-06-18

²A study showing promising economic prospects for countries participating in the Belt and Road Initiative

http://arabic.news.cn/2018-04/19/c_137122245.htm, 2018-04-19

³ Arab Democratic Center Publications, Germany: Berlin, First Edition 2019 p.113

example, Chinese companies have leased the Sri Lankan port of Hambantota for about 99 years also the areas adjacent to the Pakistani port of Gwadar have been leased for about 43 years¹.

In addition, the Chinese leaders' disclosure that the goal of strengthening the regional and international standing of China is to establish a new global economic order in which China has a strategic position, away from the hegemony of the major powers and the largest target is the United States, China has refused US hegemony since the end of the Cold War and has explicitly declared the American with the latter's logic in using force and imposing sanctions on states².

Another challenge is the Security aspect and the foreign interest in Interfering in China's internal affairs and tarnishing China's image. The region's proximity to Afghanistan makes China vulnerable to the transmission of terrorism and extremism to it, and the transfer of terrorist groups to it, which constitutes a state of instability for China.

Another challenge is the existence of old hostilities for China with some of its neighbors is an obstacle to the success of the Belt Initiative - The road, like its relationship with India due to the border dispute over areas of the border up to 4 Thousands of kilometers³.

United States of America point of View of the New Chinese One Belt One Road Initiative

Great power countries used to adopt the global order to reflect their own interests and preferences. For years, China focused on peaceful rise in

¹ Jonathan E. Hillman, China's Belt and Road Initiative: Five Years Later, CSIS, 2018.

² Brzezinski, Zbigniew, The Great Chessboard, 2008, p.191.

³ Arab Democratic Center Publications, Germany: Berlin, First Edition 2019, p. 127

decision making of its foreign policy. Despite the lack of soft power in Chinese government, China considered economic interests are potentially a more effective instrument to advance their foreign policy interests. Due to that, in 2013 one belt one road initiative aimed to improve Chinese open economic level and maintain economic cooperation, investments, energy infrastructure projects, tourism, education, transport and culture areas. It was also initially a plan aimed to promote the bilateral relations of China and its neighbor and this initiative played not only economic role but also play significant role in building political relations with other countries.

Chinese one belt one road initiative is the largest project of the century, investments in more than 60 countries representing 70 % of the world's population, 75 % world's energy reserve and 55 % of its gross national product. And it could threaten the hegemony of the United States of America. The world's great powers in the OBOR area have exert a huge effort to enhance their regional influence. Hilary Clinton, Secretary of U.S. State, in July 2011 in Chennai, India proposed the "Greater Central Asia" idea and the concept of "New Silk Road". Clinton also advocated for the establishment of a link between South Asia, Central Asia and West Asia and economic and transport developed network. The purpose of the proposal is to maintain the leadership position of America and weaken China's influence in the region. For example, the plan proposes that neighbouring countries in Afghanistan should invest to maintain the role of the United States in the region. The United States has also promoted the "rebalancing of Asia and the Pacific" initiative, "using the territorial disputes that surround China's maritime territories," continues to strengthen the military power of Asia and the Pacific, "firmly supporting its allies in these field and related disputes, and finally implementing the balance between China and its neighbours. " Offshore initiative¹. The goal of One Belt, One Road initiative is to make China a

¹ Liu, Haiquan, 2017, The Security Challenges of the "One Belt, One Road" Initiative and China's Choice, *The Journal of Institute for International Relations*, Vol. 23, Issue 78, p.135.

global power and strengthen China's position in the world. China emphasizes that OBOR comes without any political strings attached, as it is helping in securing Chinese natural resources as well as expanding and strengthening Chinese hegemony¹.

Trump administration endeavored to “help South Asian nations maintain their sovereignty as China increases its influence in the [region](#).” And updated the partnership of the QUAD, which includes the United States, Australia, India and Japan.

China has begun to advocate a greater role for itself in the international order. It has also established itself as a global leader with the OBOR Initiative. China sought to create economic frameworks or new international institutions that work as parallel alternatives to replace US-led regimes, such as the dollar based on financial system. BRI and AIIB were considered a challenge for the American foundations of economic orders and introduced as the beginning of “Sino-Centric” period².

America is concerned that China's political investment in BRI projects will lead to security activities outside China and initiatives led by China³. For example, China does not care about the environmental or labor rights of the recipient countries. America is concerned that China will use its economic power to replace the liberal norms that prevail in the post-war international economic order of the international system⁴(Chance, 2016, p.18). As China's ability to influence the international order grows, US

¹ Vision and Actions on Jointly Building Silk Road Economic Belt And 21st-Century Maritime Silk Road, 2015/03/28, Issued by The National Development and Reform Commission, Ministry of Foreign Affairs, And Ministry of Commerce of The People's Republic of China, with State Council Authorization, March (2015), Part I: Background.

² Wethington, V. Swainson, 2015, United States District Court for the Western District of Oklahoma, *U.S. Dist. LEXIS 7421* (W.D. Okla., Jan. 22, 2016), p.16.

³ Simeon Djankov, Cullen S. Hendrix, Robert Z. Lawrence, Sean Miner, Edwin M. Truman And Fredrick Toohey, 2016, *China's Belt and Road Initiative: Motives, Scope, And Challenges*, Published at Peterson Institute for International Economic, p.25.

⁴ Chance, Alek, 2016, *American Perspectives on The Belt and Road Initiative Sources of Concern and Possibilities for Cooperation*, Institute for China-America Studies 1919 M St. NW Suite 310 Washington, DC 20036,p.18.

academics are not sure of the long-term goals of China's foreign policy. The United States is also not sure of the principles of its policies.

Conclusion

China played an important role by announcing the new One Belt one Road initiative. It creates new friendships and partnerships with several countries, from which it create w win-win partnership between China and the participating countries as well. China is using the initiative for clear purposes as a soft power and peaceful policy. The initiative has some challenges, but China can get rid of them by concluding greater cooperation and providing a trustful environment for the participating countries. America will take advantage of any opportunity to sabotage China's project, given its knowledge to the importance of this initiative and its ability to make a markable changes in the global system.

Sources and References List

1. History.com, Silk Road, History, <https://www.history.com/topics/ancient-middle-east/silk-road>, September 26, 2019, 18 August 2020.
2. Michael A. Peters, The ancient Silk Road and the birth of merchant capitalism, Educational Philosophy and Theory, DOI: 10.1080/00131857.2019.1691481
3. History.com, Silk Road, History, <https://www.history.com/topics/ancient-middle-east/silk-road>, September 26, 2019, 18 August 2020.
4. Adrian Brona, One Belt, One Road: new framework for international relations?, Polish Journal of Political Science, Volume 4 Issue 2 (2018),58p.

5. (Chua, A.C. (2017) One Belt One Road and Opportunities. http://www.centerforfinancialstability.org/research/Chua_OneBeltOneRoad_7_6_17.pdf)
6. Adrian Brona, One Belt, One Road: new framework for international relations?, Polish Journal of Political Science, Volume 4 Issue 2 (2018), 59p
7. Tim Summers, “China’s ‘New Silk Roads: Sub-National Regions and Networks of Global Political Economy,” Third World Quarterly 37, no. 9 (2016): 1633, doi:10.1080/01436597.2016.1153415
8. Layne, Christopher, 2018, The US–Chinese Power Shift and the End of the Pax Americana, *International Affairs Journal*, 5 January 2018, Volume 94, Number 1, p. 101
9. Liu, Haiquan, 2017, The Security Challenges of the “One Belt, One Road” Initiative and China’s Choice, *The Journal of Institute for International Relations*, Vol. 23, Issue 78, p. 130-130.
10. **Nathan Hayes, The Impact of China’s One Belt One Road Initiative on Developing Countries**, LSE International Development, 2017, Article.
11. Vision and Actions on Jointly Building Silk Road Economic Belt And 21st-Century Maritime Silk Road, 2015/03/28, Issued by The National Development and Reform Commission, Ministry of Foreign Affairs, And Ministry of Commerce of The People's Republic of China, with State Council Authorization, March (2015), Part I: Background.
12. Ali (Salah): “The Belt and Road Project: How does China connect its economy with the outside world?” Future Report,
13. p.7, 2018, 26 issue
14. (Paulo Afonso) Brardo, OP. CIT, p 131
15. Ministry of Foreign Affairs of the People’s Republic of China.
16. A study showing promising economic prospects for countries participating in the Belt and Road Initiative
17. http://arabic.news.cn/2018-04/19/c_137122245.htm, 2018-04-19

18. Arab Democratic Center Publications, Germany: Berlin, First Edition 2019 p.113
 19. Jonathan E. Hillman, China's Belt and Road Initiative: Five Years Later, CSIS, 2018.
 20. Brzezinski, Zbigniew, *The Great Chessboard*, 2008, p.191.
 21. Arab Democratic Center Publications, Germany: Berlin, First Edition 2019, p. 127
 22. Liu, Haiquan, 2017, The Security Challenges of the "One Belt, One Road" Initiative and China's Choice, *The Journal of Institute for International Relations*, Vol. 23, Issue 78, p.135.
 23. Vision and Actions on Jointly Building Silk Road Economic Belt And 21st-Century Maritime Silk Road, 2015/03/28, Issued by The National Development and Reform Commission, Ministry of Foreign Affairs, And Ministry of Commerce of The People's Republic of China, with State Council Authorization, March (2015), Part I: Background.
 24. Wethington, V. Swainson, 2015, United States District Court for the Western District of Oklahoma, *U.S. Dist. LEXIS 7421* (W.D. Okla., Jan. 22, 2016), p.16.
 25. Simeon Djankov, Cullen S. Hendrix, Robert Z. Lawrence, Sean Miner, Edwin M. Truman And Fredrick Toohey, 2016, *China's Belt and Road Initiative: Motives, Scope, And Challenges*, Published at Peterson Institute for International Economic, p.25.
- Chance, Alek, 2016, *American Perspectives on The Belt and Road Initiative Sources of Concern and Possibilities for Cooperation*, Institute for China-America Studies 1919 M St. NW Suite 310 Washington, DC 20036,p.18.

The Role of Corporate Social Responsibility CSR in the Promotion of Entrepreneurship Projects' Sustainability

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Abstract

The aim of this paper is to highlight the role of Corporate Social Responsibility CSR in the promotion of entrepreneurship projects' sustainability and this after the increase of the need of entrepreneurship' social aspects regarding the importance of entrepreneurship in the creation of small and medium enterprises SMEs which constitute the predominant proportion of corporations constituent of the economic fabric and the seedbed of entrepreneurship development. So these SMEs must contribute to this development by integrating Corporate Social Responsibility in their activities in order to ensure the survival of these corporations, and thus to guarantee the sustainability of these entrepreneurship' projects.

The result of the study revealed that there is a need to apply corporate social responsibility in the activities of corporations in order to ensure their survival as we have seen through the case study that it has a significant impact on the promotion of entrepreneurship' projects.

Key words

Entrepreneurship, corporate social responsibility, sustainability, entrepreneurship' projects.

Introduction

Researches consider entrepreneurship to be a key plank of economic recovery, the engine of technological and social growth, also it is considered as a key actor in the economic activity for being responsible on the establishment and the development of Small and Medium Enterprises. SMEs which constitute the predominant proportion of enterprises constituent of the economic fabric and which play a key role in the economic and social development. And regarding the current shifts in societal expectations given the growing interest in social aspects and given the growing reality that business needs the approval of society to prosper, these SMEs must be involved in this global trend by its responsible and sustainable commitment towards society without abandoning its primary objective which is achieving profitability and this through the integration of corporate social responsibility. In Algeria, like any other country in the world, SMES represent an important part of the economic system and the pillar on which the State is founded in the promotion of the economy because they are the seedbed for entrepreneurship development, so it is upon them to contribute to this development by integrating the social responsibility in its activities and this through the adherence of entrepreneurs to these practices in order to ensure and support the survival of these enterprises. So according to the importance of entrepreneurship in the economy, we need to redefine the social value added of entrepreneurial activities to the society in order to guarantee the sustainability of those entrepreneurship' projects, but this requires the integration of the corporate social responsibility, bottom of the pyramid and social entrepreneurship perspective.

Of the above, we will ask the following question:

How can Corporate Social Responsibility CSR contribute to the promotion of entrepreneurship projects' sustainability?

To deepen our problematic we will use the following questions:

- What is corporate social responsibility and what are its benefits?

- What does sustainable entrepreneurship means and what are its economic and social effects?

- Does corporate social responsibility have an impact on HODNA Milk corporation's sustainability?

The importance of the study

- Know the benefits of applying corporate social responsibility within corporations.

- To see the economic and social effects of entrepreneurship.

- Knowledge of the impact of the application of corporate social responsibility on entrepreneurship projects' sustainability.

The structure of the study

To answer our problematic, we have divided this paper into three themes as follows:

Chapter 01: The theoretical framework of the Corporate Social Responsibility.

Chapter 02: Basics about sustainable entrepreneurship.

Chapter 03: The impact of Corporate Social Responsibility on the sustainability of HODNA Milk.

Chapter 01: The theoretical framework of the Corporate Social Responsibility.

For an entrepreneur, sustainable enterprise means going one step further than law requires, inspired by a future vision of society (MVO Nederland)ⁱ, so Corporate Social Responsibility CSR is the benchmark for doing business in the 21st century. CSR means that a company is taking responsibility for the effects of its business on people, the environment and business operations in general. In other words the company makes conscious choices to find a balance between the three P's: People, Planet and Profit, and thus contributing to society's long-term prosperity and since the activities of CSR vary according to the company, the sector and the country, the Corporate Social Responsibility is a process and not a final destination because the objectives pursued change over time and with every business decision. It's all about looking for achievable steps to give shape to social responsibilityⁱⁱ.

1- Definition of Corporate Social Responsibility.

Although the concept of CSR is widely discussed in theory and practice, there is no general agreement about its definition. CSR is seen here according to the definition of the European Commission as “a concept whereby companies decide voluntarily to contribute to a better society and a cleaner environment”, or “is a process by which companies manage their relationships with a variety of stakeholders who can have a real influence on their license to operate, the business case becomes apparent”. This responsibility is expressed towards employees and more generally towards all the stakeholders affected by business and which in turn can influence its successⁱⁱⁱ. So for the European commission: “Being socially responsible means not only fulfilling legal expectations, but also going beyond compliance and investing more into human capital, the environment and relations with stakeholders”^{iv}.

Also, the World Business Council for Sustainable Development defines CSR as: “The continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large”^v. As for the Business for Social Responsibility, the Corporate Social Responsibility is defined as: “Operating a business in a manner that meets or exceeds the ethical, legal, commercial and public expectations that society has of business”^{vi}. While the World Bank defines Corporate Social Responsibility as “the voluntary commitment by company managers to integrate social and environmental considerations in their business operations. This commitment goes beyond normal compliance with the legal, regulatory, and contractual obligations, which companies are expected to meet”^{vii}.

For Manuela Weber, the Corporate Social can be interpreted as an extra investment into human capital, the environment, and stakeholder relations^{viii}. And finally, for Zahra & Wright, CSR refers to a company’s efforts, investment and activities aimed to improve relations with stakeholders such as customers, investors and communities. These activities center on building the company’s reputation and relationships with stakeholders^{ix}.

So most definitions of corporate social responsibility describe it as a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis^x.

Although definitions abound, we can say that two main directions can be highlighted, these being the contribution of own resources or voluntarily attracted ones to social development (community) and the networking with targeted groups important for business and key factors for the company (employees, customers, suppliers, nonprofit organizations, public authorities, the media). All CSR approaches have in common the idea that organizations have responsibilities regarding the social well-being^{xi}.

2- The reasons of the emergence of Corporate Social Responsibility CSR.

There are many factors that are driving this move towards corporate social responsibility and which has contributed to the emergence of this concept, and among them we find:

- New concerns and expectations from citizens, consumers, public authorities and investors in the context of globalization and large scale industrial change;
- Social criteria are increasingly influencing the investment decisions of individuals and institutions both as consumers and as investors;
- Increased concern about the damage caused by economic activity to the environment;
- Transparency of business activities brought about by the media and modern information and communication technologies^{xii};
- Increasing government and public pressures: through legislations calling for the protection of consumers, environment and workers;
- Rapid technological developments: technological developments have produced a revolution in materials technology areas and the dynamics of operating, which was reflected in providing a suitable environment which will pay attention of the quality of products, processes and the development of workers' skills;

- International competition: competition has widened because of the breadth of the market and its borders, causing the transmission of local and regional competition to a global competition, and the most prominent example of this is the multinational companies;
- Disasters and moral scandals: the most prominent examples of this disaster, Paul Indian factories, Nuclear Chernobyl in the former Soviet Union, and the bribery scandals of many global companies, including the American company Lockheed and others. These disasters and scandals were a sufficient reason to enact a law which regulates dealing with bribery cases and the causes of disasters^{xiii}.

3- The historical development of Corporate Social Responsibility.

Since the early twentieth century, economic philosophies have appeared and evolved coinciding with the growing separation between ownership and management in modern companies. In the beginning, the economic philosophy, that were existing, was the classical philosophy which assume that the primary duty of companies, if not the only one, is to maximize profitability without undertaking any duty towards society. This will enable companies to grow, and thus, to provide a wider range of goods and services to consumers, and will assure paying a better wages to employees. And among the pioneers of this traditional and classical view, we find Milton Friedman, in the seventies of the last century, who believes that the company's responsibility is achieved through the payment of wages to workers in exchange for the work they do, and the provision of goods and services to consumers in exchange for the money they pay, and the payment of taxes to governments that provide public services to citizens and the respect for the rule of law by respecting contracts. Also, for them, the adoption of the social responsibility by the company would reduce profits and increase labor costs, and would give a social force to work much more than necessary^{xiv}. And unlike this theory, executives have started to pay attention to other objectives as well as maximizing profits, such as the interests of consumers, employees, creditors and communities' interests. And this development was linked with the rise of interest groups, particularly labor unions, and at the same time the business environment legislation was developing. Also, the governments in industrialized countries began to grant tax exemptions for the

contributions made by companies and associations to charity, which encouraged these companies to allocate a portion of the profits to social work, taking advantage of such exemptions and material incentives^{xv}. After this, the talk about the importance of corporate social responsibility and the social performance indicators has received increasing importance. After that “Sheldon” made clear that the responsibility of each organization is determined through its social performance and the benefits achieved for the community, then the conference held at the University of California in 1972, recommended the necessity of obliging organizations to pay attention to the social aspects of environment and to contribute to the social development, and finally, to abandon the philosophy of profit maximization as an only objective^{xvi}. With the growing emergence of social movements, such as civil rights groups and consumer protection associations, which have an increasing role in corporate behavior by monitoring the environmental effects of large-scale industries and the level of product quality. This has obliged corporations to develop its policies in the field of employment and to undo the discriminatory policies toward people with special needs as well as the development of control systems and the protection against pollution and finally, reducing energy waste. Given the important role played by these companies in the economies of countries, the need to develop regulations and standards to make sure that the response of these companies is in the public interest was increasing. Then, economic and administration’ scientists have developed concrete rules for measuring corporate social responsibility^{xvii}, including the World Charter for Social Responsibility (2000) where the United Nations launched a strategic policy called the UN Global Compact. The UN Global Compact asks companies to embrace, support and enact a set of core values in human rights, labour standards, the environment and anti-corruption, called the ten principles of the Global Compact. Those principles are:

- Businesses should support and respect the protection of internationally human rights.
- And make sure that they are not complicit in human rights abuses.

- Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining.
- The elimination of all forms of forces and compulsory labour.
- The effective abolition of child labour.
- And the elimination of discrimination in respect of employment and occupation.
- Businesses should support a precautionary approach to environmental challenges.
- Undertake initiatives to promote greater environmental responsibility.
- And encourage the development and diffusion of environmentally friendly technologies.
- Business should work against corruption in all its forms, including extortion and bribery.

Also, the events of 11 September 2001, which encouraged the material and moral support given by a large number of large companies to the affected people of these events, as well as the financial scandals of a number of international companies and the increased attention to issues related to poverty, low level of living and unemployment have led to an increased interest in the subject of corporate social responsibility.

Forecasts indicate that this importance will witness more developments in the future and this is because of the attention paid by consumers to the ethical behavior of companies. And perhaps one of its most prominent supporters is the economist “Paul Samuelson”, who indicates that the concept of social responsibility should integrate economic and social dimensions together and that companies nowadays must not be just connected with the social responsibility but they must sink into its depths, and seek some creativity in its adoption.

Then the concept of social responsibility has been evolved and integrated into corporate strategies and its daily performance which shows the good understanding of the changing demands of society in the present and the future^{xviii}.

4- The dimensions of Corporate Social Responsibility.

We can clarify the dimensions of the corporate social responsibility and its main and sub components through the following table^{xix}:

Table n° 01:The dimensions of Corporate Social Responsibility and its key and sub elements

Dimension	Key elements	Sub-elements
Economic	Fair competition	<ul style="list-style-type: none"> - Prevent monopoly and prevent harming consumers -Respecting competition rules and prevent harming competitors
	Technology	<ul style="list-style-type: none"> - Society should benefit from the technological advances - The use of technology in repairing the damages caused to society and the environment
Legal	Consumer protection laws	<ul style="list-style-type: none"> - Consumer protection from harmful substances - Health and cultural protection of children
	Environment protection	<ul style="list-style-type: none"> - prohibit all the types of pollution - Conservation and resources development - Disposal of products after its consumption
	Safety and justice	<ul style="list-style-type: none"> - Reducing work-related injuries - Improve working conditions and prohibit the work of elderly people and children - Prevent discrimination on the basis of sex or religion

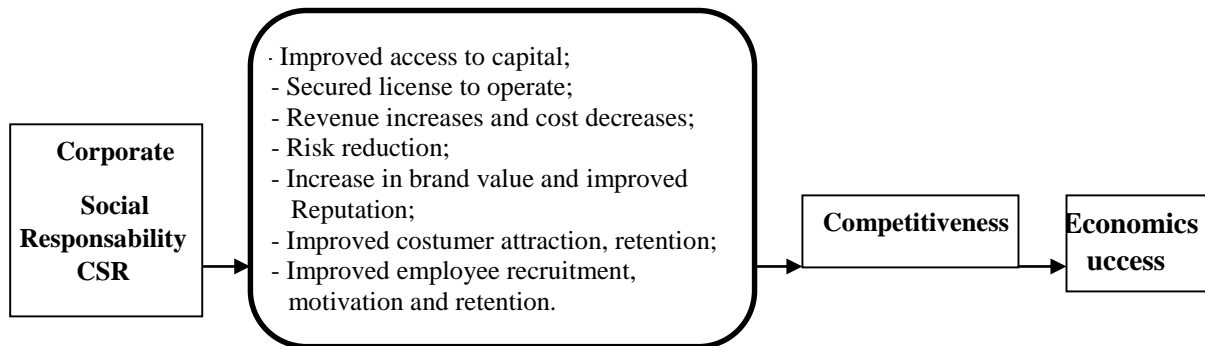
		-The employment of people with special needs
Social	Ethical standards and social values	- Taking into account the principle of equal opportunities in employment - Observance of human rights - Respect of habits, traditions and the observance of ethical aspects in consumption.
	Quality of life	-Quality of products and services offered - providing the basic needs to the society.

Source: TaherMohssen Mansour ELGHALBI, Saleh Mahdi Mohssen El AMRI, (in Arabic), “Social responsibility and business ethics”, Wael publishing, Amman, 2005, p 82.

5-Economic, commercial and social benefits of Corporate Social Responsibility.

Taking CSR into consideration makes a company more receptive to adapt itself to the changing business environment. Companies that have embedded CSR tend to outperform their competitors. Building a reputation as a responsible company sets you apart. A strong reputation through greater distinctiveness and trust among its clients, in the labor market and in the community, will provide a better market position. A better market position is also accomplished through cost reduction, increase innovation. Implementing CSR will also result in new sales and partnership opportunities, which also can lead to new businesses. And last but not least, research has shown that CSR creates a strong business culture: employees are more motivated, more productive and healthier if they can make a positive contribution to society through their work. Also, energy-saving measures or increasing sustainability will save the company energy and money in the long run. These benefits can be summarized in the following figure^{xx}:

Figure n° 01: The benefits of Corporate Social Responsibility CSR.



Source: Brochure offered by the Embassy of the Kingdom of the Netherlands in Jordan, in cooperation with the Amman Chamber of Commerce and the Talal Abu-Gazaleh Organization, “CSR brochure”, February 2016, p 05.

Chapter 02: Basics about sustainable entrepreneurship.

In this chapter we will first define the concept of sustainable entrepreneurship, and then we will discuss its dimensions. After that we will talk about the five pillars of the social role of entrepreneurship and finally we will discuss the economic and social effects of entrepreneurship.

1-Definition of sustainable entrepreneurship

Table n° 02: Definition of sustainable entrepreneurship.

Authors	Sustainable Entrepreneurship Definition
Gerlach (2003, p. 3)	“Innovative behavior of single or organizations operating in the private business sector who are seeing environmental or social issues as a core objective and competitive advantage”.

Crals and Vereeck (2005, p. 1)	“The continuing commitment by business to behave ethically and contribute to economic development, while improving the quality of life of the workforce, their families, local communities, the society and the world at large, as well as future generations. Sustainable Entrepreneurs are for-profit entrepreneurs that commit business operations towards the objective goal of achieving sustainability”.
Dean, & McMullen (2007, p. 58)	“The process of discovering, evaluating, and exploiting economic opportunities that are present in market failures which detract from sustainability, including those that are environmentally relevant”.
Cohen and Winn (2007, p. 35)	“The examination of how opportunities to bring into existence future goods and services are discovered, created, and exploited, by whom, and with what economic, psychological, social, and environmental consequences”.
Choi and Gray (2008, p. 559)	"Create profitable enterprises and achieve certain environmental and/or social objectives, pursue and achieve what is often referred to as the double bottom-line or triple bottom-line”.
Hockerts & Wüstenhagen (2010, pp 482)	The discovery and exploitation of economic opportunities through the generation of market disequilibria that initiate the transformation of a sector towards an environmentally and socially more sustainable state”.
Schaltegger & Wagner (2011, pp. 224)	“An innovative, market-oriented and personality driven form of creating economic and societal value by means of break-through environmentally or socially beneficial market or institutional innovations”.

Source: Bell, J. F., & Stellingwerf, J. J., “Sustainable Entrepreneurship: The Motivations & Challenges of Sustainable Entrepreneurs in the Renewable Energy Industry”, Jönköping International Business School, Stockholm, Sweden, p06.

Deriving from these definitions, we can conclude that Sustainable Entrepreneurship has a considerable conceptual overlap of other streams of research - namely Ecopreneurship and Social Entrepreneurship. Sustainable Entrepreneurship is a balancing act of strategically managing and orienting environmental and social objectives and considerations, with entity specific financial goals steering the business objective. No business, company or venture operates on a desert island; it is embedded in an economic, social, cultural and ecological environment ^{xxi}

2-The Five Pillars of the Social Role of Entrepreneurship

Entrepreneurship research can be viewed as largely being concerned with five broad themes. First, who does entrepreneurship involve? This question is especially important given the growing variety of stakeholders involved in an entrepreneurial ecosystem, not just the individual entrepreneur. Institutions and other companies, both new and established, are important to birthing and growing entrepreneurship. For example, new companies in energy-related industries have to deal with many established institutions and emerging ones, host of other companies and multiple stakeholders with competing interests and claims. The diversity of these groups and their multiple needs affect these new ventures' behavior and also shape the evolution of their ecosystems.

Second, what does entrepreneurial behavior involve? This question concerns the activities of entrepreneurs^{xxii}, which may be productive, unproductive or dysfunctional. A large portion of entrepreneurial activities takes the form of ‘petty self-employment’ that is limited in productivity or economic benefits. Even though these activities may serve the needs of those individuals who otherwise may be unable to gain employment, they raise a legitimate question about the overall value added of entrepreneurship. This suggests a need to reflect on the significance of entrepreneurial activities and what actions are needed to make them happen.

Third, what format does entrepreneurship take? To date, research has largely focused on formal dimensions, notably independent start-ups or spin-offs, and various forms of corporate entrepreneurship, but entrepreneurship may also be informal. These informal activities occur in advanced as well as emerging and underdeveloped economies. They provide legitimate employment and fulfill specific social and economic needs. But sometimes informal entrepreneurs engage in illicit trade in prohibited items such as rare and exotic animals, sex trade, and drug trafficking ^{xxiii}

Fourth, where is the impact of entrepreneurship felt? This is a concern that goes beyond individual and firm wealth creation to encompass macro-economic effects such as growth in GDP. Entrepreneurship affects communities, societies and humanity. The work of entrepreneurs addressing issues from food and water shortages, environmental pollution and decay and sustainability through innovative and affordable technologies covers and crosses these levels.

Fifth and finally, how is the impact of entrepreneurship measured? This question has traditionally concerned issues relating to the measurement of growth and financial performance, but may also need to encompass measures of social impact, such as community development, happiness and social cohesion. ^{xxiv}

3-Dimensions of sustainable entrepreneurship.

We can resume the dimensions of sustainable entrepreneurship in the next figure.

Figure n° 02: Dimension of sustainable entrepreneurship



Entrepreneurial ventures literally generate new wealth. Existing businesses may remain confined to the scope of existing markets and may hit the glass ceiling in terms of income. New and improved offerings, products or technologies from entrepreneurs enable new markets to be developed and new wealth created.

Additionally, the cascading effect of increased employment and higher earnings contribute to better national income in form of higher tax revenue and higher government spending. This revenue can be used by the government to invest in other, struggling sectors and human capital.

Although it may make a few existing players redundant, the government can soften the blow by redirecting surplus wealth to retrain workers.

In addition there is another dimension of sustainable entrepreneurship which is blending a balance between profit people and planet and this are very important because if we

talk about sustainability we must think about the right atmosphere so that the corporations can maintain its existence.

We can conclude that Sustainable Entrepreneurship has a considerable conceptual overlap of other streams of research - namely Ecopreneurship and Social Entrepreneurship. Sustainable Entrepreneurship is a balancing act of strategically managing and orienting environmental and social objectives and considerations, with entity specific financial goals steering the business objective. No business, company or venture operates on a desert island; it is embedded in an economic, social, cultural and ecological environment

Sustainable Entrepreneurship encompasses Social Entrepreneurships core objectives, creating social impact, solving societal problems and enhancing social wealth. Our above conceptualization of Social Entrepreneurship illustrates that these entrepreneurs are creative individuals, driven by questioning the 15 status quo, that refuse to give up, with the objective to exploit new opportunities and to make the world a better place .

4-The Economic and Social Effects of Entrepreneurship.

4-1Entrepreneurs Create New Businesses

Path breaking offerings by entrepreneurs, in the form of new goods & services, result in new employment, which can produce a cascading effect or virtuous circle in the economy. The stimulation of related businesses or sectors that support the new venture adds to further economic development.

For example, a few IT companies founded the Indian IT industry in the 1990s as a backend programmers' hub. Soon the industry gathered pace in its own programmers' domain. But more importantly, millions from other sectors benefited from it

Businesses in associated industries, like call center operations, network maintenance companies and hardware providers, flourished, education and training institutes nurtured a new class of IT workers offering better, high-paying jobs. Infrastructure development organizations and even real estate companies capitalized on this growth as workers migrated to employment hubs seeking new improved lives.

Similarly, future development efforts in underdeveloped countries will require robust logistics support, capital investment from buildings to paper clips and a qualified workforce. From the highly qualified programmer to the construction worker, the entrepreneur enables benefits across a broad spectrum of the economy.

4-2 Entrepreneurs Add to National Income

Entrepreneurial ventures literally generate new wealth. Existing businesses may remain confined to the scope of existing markets and may hit the glass ceiling in terms of income. New and improved offerings, products or technologies from entrepreneurs enable new markets to be developed and new wealth created.

Additionally, the cascading effect of increased employment and higher earnings contribute to better national income in form of higher tax revenue and higher government spending. This revenue can be used by the government to invest in other, struggling sectors and human capital.

Although it may make a few existing players redundant, the government can soften the blow by redirecting surplus wealth to retrain workers.^{xxv}

4-3 Entrepreneurs Also Create Social Change

Through their unique offerings of new goods and services, entrepreneurs break away from tradition and indirectly support freedom by reducing dependence on obsolete systems and technologies. Overall, this results in an improved quality of life, greater morale and economic freedom.

For example, the water supply in a water-scarce region will, at times, force people to stop working to collect water. This will impact their business, productivity and income. Imagine an innovative, automatic, low-cost, flow-based pump that can fill in people's home water containers automatically. Such an installation will ensure people are able to focus on their core jobs without worrying about a basic necessity like carrying water. More time to devote to work means economic growth.

For a more contemporary example, smartphones and their smart apps have revolutionized work and play across the globe. Smartphones are not exclusive to rich countries or rich people either. As the growth of China's smartphone market and its

smartphone industry show, technological entrepreneurship will have profound, long lasting impacts on the entire human race.

Moreover, the globalization of tech means entrepreneurs in lesser-developed countries have access to the same tools as their counterparts in richer countries. They also have the advantage of a lower cost of living, so a young individual entrepreneur from an underdeveloped country can take on the might of the multi-million dollar existing product from a developed country.

4-4 Community Development

Entrepreneurs regularly nurture entrepreneurial ventures by other like-minded individuals. They also invest in community projects and provide financial support to local charities. This enables further development beyond their own ventures.

Some famous entrepreneurs, like Bill Gates, have used their money to finance good causes, from education to public health. The qualities that make someone an entrepreneur are the same qualities that motivate entrepreneurs to pay it forward.

Chapter 03: The impact of Corporate Social Responsibility on the sustainability of HODNA Milk

1-Presentation of HODNA Milk Corporation.

HODNA Milk is a corporation is created in 1999 by M. DILMI Ismail in partnership with two other shareholders (SARL), in the industrial zone of **M'sila**, and by advantages of government in the projects of (APSI/ANDI). This corporation sits on an area of 6 hectares, with 04 units of production and storage warehouses, and administration department.

We can resume the historical evolution in this points

- Creation on 30/01/1999 with a unit of milk
- On 22/08/2000 new two products are added to the milk which are leben and raib
- The second unit is created on 16/08/2003 with a new product which is yogurt

- On 06/03/2005 was the creation of the third unit with two new products which are flavored and fruity yogurt.

- On 09/12/2007 was the creation of the fourth unit with two new products light and bio yogurt.

2-The financial evolution of HODNA Milk Corporation.

We can resume the evolution of HODNA Milk corporation in terms of turnover and employment in the next table.

Table n 03: The evolution of HODNA Milk in terms of turnover and employment.

Exercise	Turnover	employment	
		Salary Mass	Effective
2004	705.371.249 DA	10.363.434	74
2005	1.221.594.000 DA	27.235.563	142
2006	2.213.551.771 DA	42.105.373	197
2007	2.939.428.562 DA	59.451.508	282
2008	3.801.328.162 DA	90.407.000	310
2009	4.300.324.201 DA	103.338.900	350
2010	4.954.434.000 DA	125.004.360	390

Source: Hodna MILK

In this table we resume the evolution of HODNA Milk in its turnover and its employment which give us an impression that HODNA Milk is a sustainable corporation because it began with a small amount of turnover 705.731.249 DA with a workforce of 74 workers in 2004 to reach 4.954.434.000 DA and a workforce of 390 at 2010, this means that there is an evolution of HODNA Milk which was a small corporation and became a medium corporation after 6 years of production and this due to innovation and development of its production, also we observe that it has technologies that could help it to concur with more 17 corporations in this field. And we can confirm this by the evolution of production units in this corporation.

Unit One

It- began its production in October 1999 with a capacity of 200.000 liters of milk and 80 workers.

Unit Two

It starts in September 2004 with a capacity of 200.000 liters of milk, and 6 types of yogurt and 200workers

Unit Three

It began in February, 2010with a capacity of 95000 liters/ day, of milk and 60 workers with three other types of products (Lacto fermented product, fresh cheeses, .

Unit Four

It began in august 2010, with a capacity of 25000 liters/ day, of milk with five types of products (flavored and fruity yogurt, Lben, Raib and finally milk in bottle) and a workforce of 30 workers^{xxvi}.

3- Measuring the impact of corporate social responsibility variables on HODNA Milk sustainability

In this point we will see the impact of some selected corporate social' variables on HODNA Milk'sustainability. Those variables are manifested by three dimensions which are the economic, the legal and the social dimension.

3-1The first dimension: the economic dimension.

The social responsibility is applied by HODNA Milk in terms of the economic dimension which is manifested by the element of fair competition because we find that HODNA Milk exists in a competitive environment regarding milk and yogurt products. For the milk production, HODNA Milk has been able to achieve a market share estimated at 15% of the national market with four competitors at the local market level^{xxvii}. But regarding yogurt product, the number of existing corporations in the market amounted to 15 competitors leaded by DANONE corporation, which is classified

as a leader in the market, followed by SOMMAM corporation and in third place we find TREFLE corporation. But regarding HODNA Milk, it occupies the fourth place. And the following table shows the market share of the largest corporations of yogurt industry^{xxviii}.

Table n° 02: Market share of the largest corporations of yogurt industry.

The corporation	Marketshare
DANONE	40%
SOMMAM	23%
TREFLE	15%
HODNA Milk	10%
Other corporations	12%
Total	100%

Source: ZAWSH Reda, (in Arabic), “Marketing strategy and its impact on the effectiveness of the organization's performance- case study: HODNA Milk”, Magister degree, university of Mohamed BODIAF in m’sila, economic science-management and commerce science faculty, 2005-2006, p 91.

3-2The second dimension: the legal dimension.

The legal dimension is manifested by the protection of environment and also the safety and justice.

3-2-1 Protection of environment

HODNA Milk corporation sought through the application of Law 03-10 on 19 July 2003 that the protection of the environment in the context of sustainable development^{xxix}. And in this way HODNA milk will introduce a plan to achieve ISO 9000 and ISO 26000.

For the remains, HODNA milk is very advanced in its dealing with wastes and in a manner that permit the separation of wastes according to their quality and then destroying what to destroy and recycle the rest.

3-2-2 Safety and Justice

Table n° 03: the development of socio-professional categories between 2004 and 2010

Socioprofessional Categories	2004	2005	2006	2007	2008	2009	2010
Frames	8	14	18	27	32	35	39
Agent-control	15	28	40	59	61	74	79
Enforcement Officer	51	100	139	196	217	241	272
Total	74	142	197	282	310	350	390

Source :Hodna Milk

In this table which expresses the development of the workforce of workers between 2004 and 2010, we note that there is a balance between categories that means that the corporation of HODNA milk realize its strategies in a way that satisfy their needs of different categories of workers which give impression that this corporation recruit its workers with a professional ways and by a fair manner.

Also, depending on a study conducted by the researcher HADJI, by using a questionnaire which was distributed to a sample of 64 individual of HODNA Milk workers, we concluded from the results that she obtained that the workers loyalty, which is represented by the extent of its positioning in the mind of its workers, has reached 90% which indicate that HODNA Milk has succeeded in creating some feelings towards it from the part of its employees. This is confirmed by the proportion of HODNA Milk' promotion by its workers and which amounted to 84.28%, and this means that those workers convey a positive image about HODNA Milk to the external environment and

this represents an opportunity to be exploited by transforming those workers into marketers^{xxx}.

3-2-3 Worker Safety

HODNA milk gives a big importance to the safety of workers especially in its eagerness to control if its workers follow the safety procedures, and we have seen that in laboratory and production' units.

3-3 The Third Dimension: the Social Dimension.

In terms of the social dimension, and which is represented by the contribution of HODNA Milk in the coverage of the essential needs of the society, we find that HODNA Milk cover all the local market needs in terms of milk production. This market includes M'sila and go beyond it to include: Bordj Bou Arreridj, El Oued, Biskra and Djelfa. While the yogurt product is distributed at the level of national territory (HODNA Milk has succeeded in covering 33 cities). Also its diversified products line has helped it to take its place in the local and international market and this when yogurt products were exported to Libya in 2004-2005.

As for the quality of the products and services provided, HODNA Milk has relied on the brand "HODNA Lait" at the beginning of its activity and as a sufficient brand for milk products, whether in bags or in bottles, and this to distinguish milk because it is marketed heavily at the local level so consumers will know HODNA Milk corporation through the milk brand and thus this will make HODNA Milk corporation known among a lot of consumers. But regarding yogurt products, HODNA Milk corporation has four brands: DEY for flavored yogurt in a bowl, FURY for creamy dessert, YORTY for flavored yogurt in a bottle, and lastly Oh FRUIT for all that is mixed with fruits.

And finally we can say that the diversity of HODNA Milk products which cover all consumer tastes and which are distributed in several cities of the country, so HODNA Milk occupies a significant place in the mind of the consumers. And thus, HODNA Milk cares about the quality of its products and contributes significantly in satisfying all the tastes of consumers and meets the different needs of the society^{xxxii}.

Also after a study conducted among consumers to know their needs concerning HODNA Milk products, it was found that the HODNA Milk must focus its attention on the launch of products of different sizes: 100 g, 110 g, 125 g, 1 L, and in different forms, whether in cans or bottles, and this to reach the largest possible level of satisfaction of the needs and desires of consumers. It is also noted that consumer preferences vary by age and by gender because there is a category of children, adult and elder category and patient's category. So HODNA Milk, has taking into account these informations during the design of its products in order to meet all the tastes of consumers^{xxxii}. And this is shown by the following table.

Table n°03: The various tastes of HODNA Milk products.

Number	The type of Product	Tastes
1	Flavored yogurt 100 g (Yorty)	Strawberry, pear, apricot, apple, banana, raspberry, cherry, pineapple, Forest fruits
2	Flavored yogurt 125 g (Yorty)	Peach, cherry, raspberry, strawberry, banana, apricot
3	Flavored yogurt (El Dey)	Lemon, cherry, apple, fruit woods, pears, bananas, apricots, pineapple, raspberry, vanilla, strawberry.
4	Flavored yogurt 110 g (Yog)	Forest fruits, apricot, pear, banana, peach, cherry, raspberry, pineapple, strawberry, lemon.
5	Flavored yogurt 1L (Yorty)	Banana, apricot, strawberry, peach with pear, grapefruit, orange and lemon.
6	The Fruit Gourmand 100 g	Strawberry, peach, apricot, forest fruits.
7	Flavored mixed yogurt (100 g)	Vanilla, apricot, peach, strawberry.
8	Light without added sugar (110 g)	Lemon, peach, apricot, forest fruits, strawberry.
9	Bifidus Flavored (110 g)	Peaches, lemons, apricots, Forest fruits, pineapple.

10	Cœur Fruity (125 g)	Apricot, strawberry
11	Yogurt with fruits 1L (Oh FRUIT)	Apricot, strawberry, peach, pears, bananas, apricots.
12	PURLAIT 1L	Pasteurized skimmedmilk
13	LABEN (FERMENTED Milk) 1L	Pasteurized partially skimmed milk in bags or bottles
14	RAIB (Curdled milk) Bottled 1L	Pasteurized partially skimmed milk
15	Creamy dessert 125 g (HODNY)	Caramel, chocolate
16	Creamy dessert 100 g (HODNY)	Caramel, chocolate
17	Caramel flan (FLANIA) 100g	/
18	FERMENTED Milk bag	/
19	PASTEURIZED cow Milk	/
20	PASTEURIZED Milk	/

Source: Mourad CHERIF, (in Arabic), “the use of marketing researches as a tool for planning and preparation for marketing strategy- case study: HODNA Milk corporation in m’sila”, management and economic sciences review, n° 12, 2012, p 191.

Conclusion

In conclusion, we can say that the application of corporate social responsibility and its integration in the activities of corporations has a great impact on the survival of these corporations and its development which will guarantee its sustainability. And this given the growing reality that business needs the approval of society to prospect, and given the growing interest in entrepreneurship’ social aspects. So, in order to guarantee the sustainability of entrepreneurship’ projects, corporations must redefine the social value added of entrepreneurial activities to the society and this by the integration of the corporate social responsibility, bottom of social entrepreneurship perspective.

If we talk about entrepreneurship in Algeria we observe that the most of SMEs in Algeria can't survive and this due to the lack of its development, and this because they can't get out of being a family corporation and thus they can't be developed to be a big corporation and this of course threat its survival giving that they can't concur with other corporations. And this led us to ask about how we can promote the development of small corporations in light of economic openness and technological development

Through our case study, we conclude that HODNA Milk Corporation has resisted from this environment' changes by innovation, the use of new technologies and finally by the integration of some dimensions of corporate social responsibility, despite it suffers from some problems. But, it strives to get the ISO certificate (especially ISO 9000, ISO 26000).

Bibliographie

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- ⁱMVO Nederland (CSR Netherlands) is a Dutch knowledge center and network organization for corporate social responsibility. MVO Nederland aims to help entrepreneurs wishing to make their commercial operations sustainable.
- ⁱⁱBrochure offered by the Embassy of the Kingdom of the Netherlands in Jordan, in cooperation with the Amman Chamber of Commerce and the Talal Abu-Gazaleh Organization, "CSR brochure", February 2016, p 11. Available on the website: http://www.tagorg.com/UploadFiles/TAG-Org_Website/CSR-Brochure-Feb2016.pdf.
- ⁱⁱⁱCommission of the European Communities, "Green paper: promoting a European framework for corporate social responsibility", Doc/01/9, Brussels, 18 July 2001, P 5.
- ^{iv}UNIDO and the World Summit on Sustainable Development, Corporate Social Responsibility: Implications for Small and Medium Enterprises in Developing Countries, Vienna, 2002, p 05.
- ^vWorld Business Council for Sustainable Development (WBCSD), "Meeting changing expectations: Corporate social responsibility", 1999, p 03.
- ^{vi}مدحت محمد أبو النصر، "المسئولية الاجتماعية للشركات والمنظمات: المواصفة القياسية ISO 26000"، المنهل، 2015، ص 33.
- ^{vii}World Bank, "Opportunities and options for governments to promote corporate social responsibility in Europe and Central Asia: Evidence from Bulgaria, Croatia and Romania", Working Paper, March 2005, p 01
- ^{viii}Manuela WEBER, "The business case for corporate social responsibility: A company-level measurement approach for CSR", European Management Journal, Vol 26, 2008, p 248.
- ^{ix}Shaker A. Zahra, Mike Wright, "Understanding the social role of entrepreneurship", Enterprise Research Centre ERC, research paper n° 33, June 2015, p 09.
- ^xCommission of the European Communities, "Green paper: promoting a European framework for corporate social responsibility", Doc/01/9, Brussels, 18 July 2001, P 8.
- ^{xi}Catalina Silvia MITRA, Anca BORZA, "Social entrepreneurship and social responsibility: comparative study", management & marketing: challenges for the knowledge society, Vol06, n°02, 2011, p 245.
- ^{xii}Commission of the European Communities, "Green paper: promoting a European framework for corporate social responsibility", Doc/01/9, Brussels, 18 July 2001, P 5.
- ^{xiii}البرواري، نزار عبد المجيد، أحمد محمد فهمي البرزنجي، "استراتيجيات التسويق"، دار وائل للنشر، عمان، 2004، ص-ص 51-52.
- ^{xiv}راجع:

- Friedman, M. 1970. The social responsibility of business is to increase its profits. New York Times Magazine. September, 13. available in: <http://www.colorado.edu/studentgroups/libertarians/issues/friedman-soc-resp-business.html>
- جون سوليفان وآخرون، "مواطنة الشركات المفهوم والتطبيق"، مجلة الإصلاح الاقتصادي، العدد 24، مركز المشروعات الدولية الخاصة، ص 8.
- Barry Gaberman, "A Global Overview of Corporate Social Responsibility", The John D. Gerhart Center for Philanthropy and Civic Engagement, American University in Cairo, Spring 2008, pp6-7
- ^{xv} A.B. Carroll, "The pyramid of Corporate Social Responsibility: Toward the moral management of organizational stakeholders", Business Horizons, July-August 1991, p1. available in: <http://www.cbe.wvu.edu/dunn/rprnts.pyramidofcsr.pdf>.
- ^{xvi} نهال المغربل، ياسمين فؤاد، "المسؤولية الاجتماعية لرأس المال في مصر: بعض التجارب الدولية"، المركز المصري للدراسات الاقتصادية، ورقة عمل 138، سبتمبر 2008، ص 4.
- ^{xvii} هانيا الحوراني، "حكمة الشركات ومسؤوليتها الاجتماعية في ضوء مستجدات الأزمة الاقتصادية العالمية الراهنة"، المؤتمر الثاني حول "مواطنة الشركات والمؤسسات.. والمسؤولية الاجتماعية"، صنعاء، 24-25 يونيو 2009، ص-ص 4-5.
- ^{xviii} Tracey SWIFT, Simon ZADEK, "Corporate Responsibility and the competitive advantage of nations", the Copenhagen centre and institute of social and ethical accountability, July 2002, p-p. 13-14.
- ^{xix} طاهر محسن منصور الغالبي، صالح محمد يحسن العامري، "المسؤولية الاجتماعية وأخلاقيات الأعمال"، دار وائل للنشر، عمان، 2005، ص 82.
- ^{xx} Brochure offered by the Embassy of the Kingdom of the Netherlands in Jordan, in cooperation with the Amman Chamber of Commerce and the Talal Abu-Gazaleh Organization, "CSR brochure", February 2016, p 05. Available on the website: http://www.tagorg.com/UploadFiles/TAG-Org_Website/CSR-Brochure-Feb2016.pdf.
- ^{xxi} Crals, E., Vereeck, L. (2005). The affordability of sustainable entrepreneurship certification for SMEs. International Journal of Sustainable Development & World Ecology 12, 173-183
- ^{xxii} Baumol, W. J, 'Entrepreneurship: Productive, unproductive, and destructive'. Journal of Business Venturing, Vol11, 1986, p 3-22.
- ^{xxiii} Autio, E, and others, 'Entrepreneurial innovation ecosystems and context', Research Policy, 2014, p 43
- ^{xxiv} Fryges. H, Wright. M, 'The origin of spin-offs – A typology of corporate and academic spinoffs', Small Business Economics, Vol43, 2014, p 245-5
- ^{xxv} André van Stel, Martin Carree, "The effect of entrepreneurship on national economic growth: An analysis using the GEM database", paper prepared for the first GEM research conference: "entrepreneurship, government policies, and economic growth" Berlin, 1-3 April 2004, p 5 ; 6 ; 7 .
- ^{xxvi} Zaki MOUZAOU, "de l'apprentissage à la compétitivité des firmes : cas de l'entreprise HODNA LAIT de M'sila", mémoire du magister en science économique, option : gestion des entreprises, université Mouloud MAMMERI de Tizi-Ouzou, 2013, p 112.
- ^{xxvii} محمد سليمان، " الابتكار التسويقي وأثره على تحسين أداء المؤسسة دراسة حالة: مؤسسة ملينة الحضنة بالمسيلة"، مذكرة ماجستير، جامعة المسيلة، تخصص علوم التسويق - فرع: التسويق، 2006-2007، ص 176.
- ^{xxviii} زاوش رضا، " الإستراتيجية التسويقية و أثرها في فعالية أداء المؤسسة- دراسة حالة مؤسسة الحضنة للحليب HODNA Lait"، مذكرة ماجستير، جامعة محمد بوضياف بالمسيلة، كلية العلوم الاقتصادية وعلوم التسويق والعلوم التجارية، 2005-2006، ص 91.
- ^{xxix} الجريدة الرسمية للجمهورية الجزائرية، العدد 43، 20 جمادى الأولى 1423هـ، الموافق ل 20 يوليو 2003.
- ^{xxx} حاجي كريمة، "تأثير الولاء التنظيمي على ولاء الزبون- دراسة حالة ملينة الحضنة 2010-2011"، مذكرة ماجستير، جامعة محمد بوضياف بالمسيلة، كلية العلوم الاقتصادية والتجارية وعلوم التسويق- فرع: إدارة المنظمات، 2011/2012، ص-ص 69-70.
- ^{xxxi} زاوش رضا، " الإستراتيجية التسويقية و أثرها في فعالية أداء المؤسسة- دراسة حالة مؤسسة الحضنة للحليب HODNA Lait"، مرجع سبق ذكره، ص 90.
- ^{xxxii} شريف مراد، " استخدام بحوث التسويق كأداة للتخطيط و الإعداد للإستراتيجية التسويقية - دراسة حالة مؤسسة حضنة حليب (SARL HODNA LAIT) بالمسيلة"، مجلة العلوم الاقتصادية وعلوم التسويق، العدد 12، 2012، ص-ص 190-191.

The Reality and Future of E-commerce in Africa in Light of the Coronavirus

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Abstract

The great progress that we are witnessing at all technological and digital levels has allowed the process of organizing the products displayed on the Internet, as different digital commercial platforms can direct users to the products they are looking for based on their data; Where a number of economic experts predict that e-commerce in the world has a bright future; Due to the large purchasing power of individuals and customers , and the widespread use of the Internet. The same applies to Africa, where there has been an increase in online buying and selling, and e-commerce has boomed, especially with the spread of the Corona virus, an increase in the number of Internet shoppers, and an improvement in electronic payment processes. The study found a noticeable improvement in e-commerce operations in Africa as a result of the increase in the number of Internet and mobile phone users, and the development of the financial and banking sector in Africa, but Africa still faces several problems in the way of developing e-commerce, the most important of which is the weakness of the electronic infrastructure , the weak confidence in electronic transactions , and the high rates of illiteracy in Africa.

Key Words : E-Commerce , Corona pandemic , Africa .

1) Introduction:

In the midst of the successive developments taking place in the world, information and communication technology has emerged and its economic role has increased dramatically, as it carried with it the hope of achieving a breakthrough in all aspects of life, especially the commercial side, as this technology introduced a new model for economic activities, thus radically changing the methods of trade and business. . E-commerce has become the dominant Way in most commercial transactions, as it has contributed to making this world just a small village and a single market in which the opportunities given to all companies of all sizes are equal to penetrate global markets, as well as opportunities to promote goods and commodities easily, thus crossing all borders, The same applies to customers who are able to acquire their needs with just one click of a button and without the need to leave their places and incur high costs.

The study addresses a major question, which is : To what extent e-commerce is used in Africa, and what are the most important opportunities and advantages that it brings to the African economy, and the challenges it faces?

The importance Of study derives from dealing with the phenomenon of trade Electronic technology, which is one of the features of the knowledge-based economy, and one of the most prominent achievements of the technological revolution Informatics in the contemporary economy. The importance of electronic commerce in Africa is increasing, due to the fact that it contributes to raising rates of economic growth, enhancing its foreign trade, advancing many local sectors, and integrating the continent with the economies of the outside world.

From this standpoint, this study aims to identify the phenomenon of e-commerce, whether in terms of its concept or different forms. As well as shedding light on the reality of e-commerce in Africa and its contribution to the gross domestic product, and focusing on the biggest companies operating in the field of e-commerce in Africa. And the importance of e-commerce for Africa, especially in light of the establishment of the Continental Free Trade Area. In addition to disclosure of the challenges that prevent its development and growth. As well as addressing the extent of benefit made from e-commerce applications in Africa during the Corona epidemic crisis.

The study uses a descriptive methodology through exposure to the theoretical framework related to the concept of electronic commerce and its forms. As well as using the analytical method for statistical data on the E-Commerce Index , its components, and extending its contribution to economic growth.

From this standpoint, the structure of the study is represented in the first exposure to the concept of electronic commerce and its forms, then the applications of e-commerce in Africa and the extent of its contribution to economic growth, as well as exposure to the most important companies operating in the field of e-commerce in Africa. The study also examines the most important economic benefits that accrue to Africa from e-commerce applications, as well as the challenges it faces. The study concludes with the most important findings and recommendations.

2) The concept of electronic commerce :-

E-commerce is like any new phenomenon that is the subject of many definitions in contemporary literature, the most important of which are the following:

- E-commerce represents a form of commercial deals that involves dealings by the parties so that the exchange is electronic instead of direct physical dealings. Through this definition, it is clear that e-commerce is a commercial process, whether its object is a commodity, service, or work performance. E-commerce is also defined as the performance of business through the Internet, or the sale and purchase of goods and services through Internet sites , but this definition is a narrow definition to a large extent, so that e-commerce is restricted to the exchange of goods and services through an electronic means or an electronic medium ^{xxxii}.

- The concept of E-commerce refers to marketing products via the international internet and electronic programs without going to the store or to the company. Moreover, e-commerce includes communications between various companies at the local or international level, which facilitates the process of trade exchange and increases its volume .

- There is a more comprehensive definition of e-commerce, as it is believed that it is the implementation of everything related to the purchase and sale of goods, services and information for e-commerce. It is the implementation of everything related to the purchase and sale of goods, services and information such as (advertisements for goods and services, payment of financial obligations, technical support for goods. The transactions that customers purchase, the distribution and delivery of goods and the follow-up of procedures, the electronic exchange of data, including electronic invoices, bank transactions, automatic correspondence related to the sale and purchase operations). E-commerce can also be defined broadly as the implementation of economic activity from the sale, purchase and exchange of goods, services and information between the parties to the economic activity through the electronic field, using information and communication technology, media and electronic methods by creating effective links between the parties to the activity^{xxxii}. And here falls under e-commerce several components ^{xxxii}:-

A) Electronic Procurement : the implementation of the activity responsible for purchasing and providing goods and services, using information and communication technology, media and electronic methods.

B) Electronic Sale: the producers and suppliers display their products and goods on the Internet, or use other electronic media for the purpose of direct sales to users, and the implementation of the sale process using the Internet.

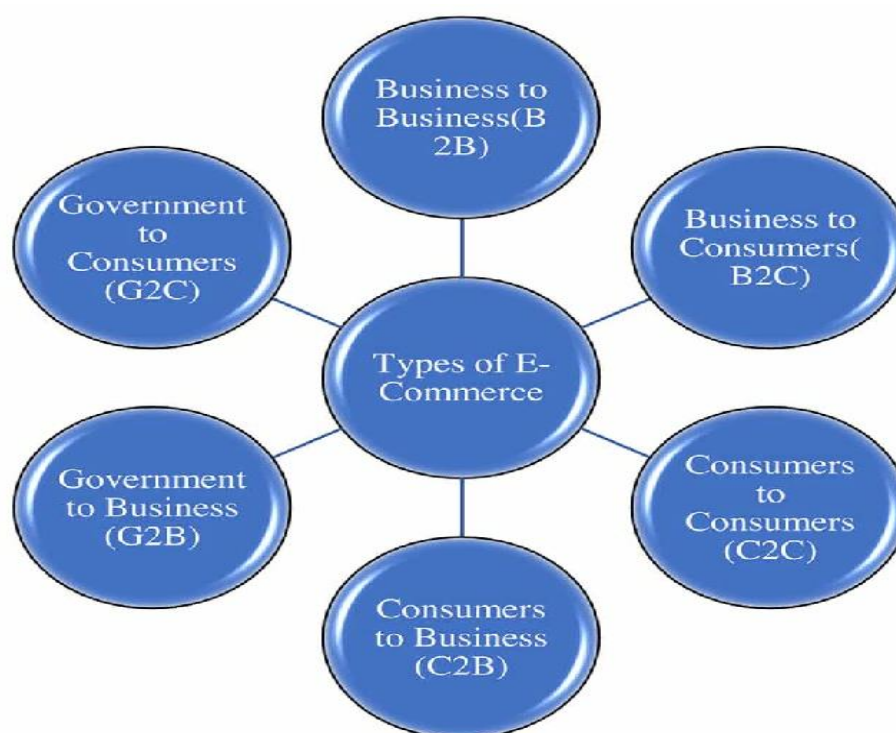
C) Marketing and Electronic Advertising : that is, displaying, promoting and introducing goods and services on the Internet, either on the website of the establishment, or on other websites specialized in advertising, as well as through the methods of search engines, using electronic messages, or using the SMS service on devices Cellular communications.

D) Electronic Commercial Mediation: It is represented by mediation between the parties to the contract or facilitating the flow of information between the parties to the contract using electronic media.

3) Forms of Electronic Commerce :

The forms in which e-commerce can be implemented differ according to the nature of the sellers and consumers. Figure No. (1) shows the most important forms of electronic commerce as follows^{xxxii} :

Figure No.(2)E-Commerce Types.



Source : Doğaner, M., (2007). **A study on the development of electronic commerce in Turkey and electronic trade from business to consumer.** Master Thesis. (Konya: Selcuk University Faculty of Economics and Administrative Sciences).

a) E-commerce between a business unit (company) and the consumer Business to Costumer (B to C) :-

Through it, the consumer who wants to satisfy his need for certain commodities seeks to search for them electronically, to put what he wants in his basket of goods on the website, and to determine the payment and receipt methods that suit him.

b) E-commerce between a business unit and another business unit Business to Business (BtoB):-

It means buying and selling between companies, whether they are parties to a commercial process, partners, or in the form of electronic exchange. An example of this type of electronic commerce is the company's use of Communication network to obtain its orders from suppliers and receive invoices, as well as make electronic payment.

c) E-commerce between enterprises and government administration Business to government (B to G) :-

It covers all transactions between companies and government organizations, where the government displays procedures, regulations, drawings and transaction forms on the Internet so that companies can view them electronically, and to conduct the transaction electronically without the need to deal with a government office, for example: companies settle their taxes online. As well as for the government to publish details of its purchases online, which enables companies to respond to them electronically.

d) E-commerce between the consumer and governmental organizations, Customer to government (C To G) :-

It refers to all transactions that bring together the consumer and the government, as the government seeks to develop the services it provides to the masses, whether in terms of obtaining information and data, or meeting some demands at a low cost, and the best example is: extracting car licenses and licenses.

3)E-commerce applications and its economic role in Africa :-

The process of using e-commerce applications in Africa has witnessed remarkable progress since the last ten years of the twenty-first century, as it is estimated that there are at least 21 million online shoppers in Africa until 2018. While this percentage is low compared to the other countries of the world. It represents less than 2% of the global total of Internet users in shopping, and the value of e-commerce operations in Africa was estimated at 16.5 billion dollars for the same year. This compares to a value of \$ 7.5 billion, according to statistics from the United Nations Conference On Trade & Development (UNCTAD) in 2017. The value of these operations is expected to increase in the coming years, as in another report issued by McKinsey Global consulting, Company, indicates that the value of e-commerce operations in Africa could reach \$ 75 billion by 2025^{xxxii}.

The e-commerce index is measured from the business sector and companies to consumers through the e-commerce index issued by the UNCTAD (B2C E-commerce index), it measures the readiness of the economy to support online shopping in 152 countries, and the index consists of four sub-indicators that are highly related to shopping through Internet, and each of them is given one relative weight, as the index is calculated as the arithmetic average of four sub-indicators, They are as follows :-

- the proportion of the adult population over the age of 15 years who owns a financial account in any financial institution or have the ability to provide mobile money service through a mobile phone,
- the percentage of Population who uses the Internet,
- the index of reliance on postal services,
- the availability of secure Internet servers per million people.

B2C Index value ranges between zero to 100, and the closer to 100, the better the situation of e-commerce in that country^{xxxii}. The value of this index in Africa reached 29 points in 2019, compared to 87 points in developed economies and 59 points for West Asian countries^{xxxii}, while the global average for this indicator reached 55 points for the same year as shown in Table (1).

**Table No(1) Regional Values for The UNCTAD B2C E- Commerce Index ,
2019 .**

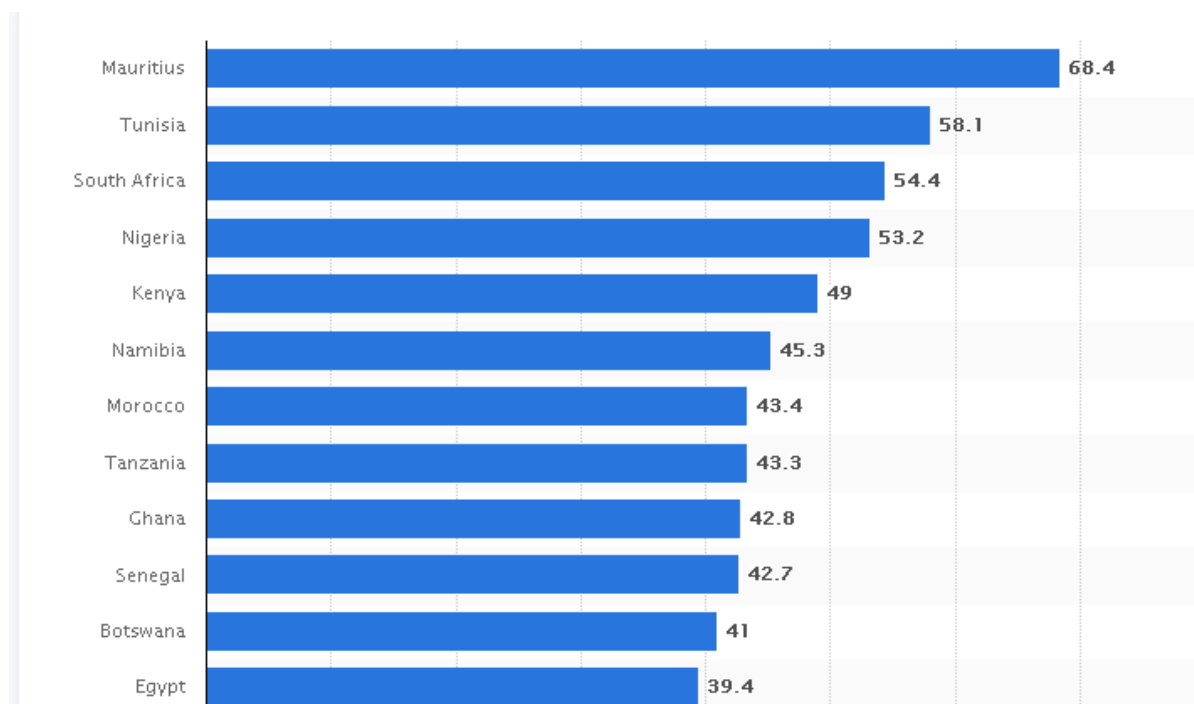
	Share of individuals using the Internet (2018 or latest)	Share of individuals with an account (15+, 2018 or latest)	Secure Internet servers (normalized) (2018)	UPU postal reliability score (2018 or latest)	2019 Index value	2018 Index value
Africa	25	40	29	22	29	30
East, South & Southeast Asia	53	59	57	59	57	57
Latin America & the Caribbean	59	53	53	28	48	46
Western Asia	75	58	49	52	59	57
Transition economies	67	58	62	65	63	65
Developed economies	86	93	87	82	87	86
World	57	60	55	49	55	55

Source : United Nations Conference on Trade And Development , **UNCTAD B2C E-COMMERCE INDEX 2019**, (Geneva : UNCTAD , 2019) , P.6.

Despite the spread of e-commerce steadily in North Africa as well as the countries of sub-Saharan Africa, there are still three economies that largely dominate e-commerce operations. According to the 2018 UNCTAD E-Commerce Index Report, Nigeria, South Africa and Kenya accounted for more than half of Africa's online shoppers in 2017. Nigeria is the largest commercial market in Africa in terms of the number of shoppers and e-commerce revenue^{xxxii}. And according to the 2019 edition of the UNCTAD B2C E-Commerce Index, things have changed dramatically as Mauritius, Tunisia and South Africa were considered the most willing to support online shopping in Africa .

Mauritius ranked 58 in the world with a value of the index reaching (68 points), and it is the highest ranked African country, as 90% of its population owns electronic accounts for buying and selling via the Internet, and the country launched an electronic portal for online shopping in 2018. I tried to connect SMEs with that portal, while nine of the ten least prepared countries are in Africa. Meanwhile, the rest of the top ten African countries are Tunisia (1.58), South Africa (4.54), Nigeria (2.53), Kenya (49), Namibia (3.45), Morocco (4.43), Tanzania (3.43), Ghana (8.42) and Senegal (7.42)^{xxxii}.

Figure No. (2) UNCTAD B2C E-commerce index value in Africa in 2019, by country



Source : Statista , **UNCTAD B2C E-commerce index value in Africa in 2019, by country** ,at:-

<https://www.statista.com/statistics/1125563/e-commerce-readiness-in-africa-by-country/>

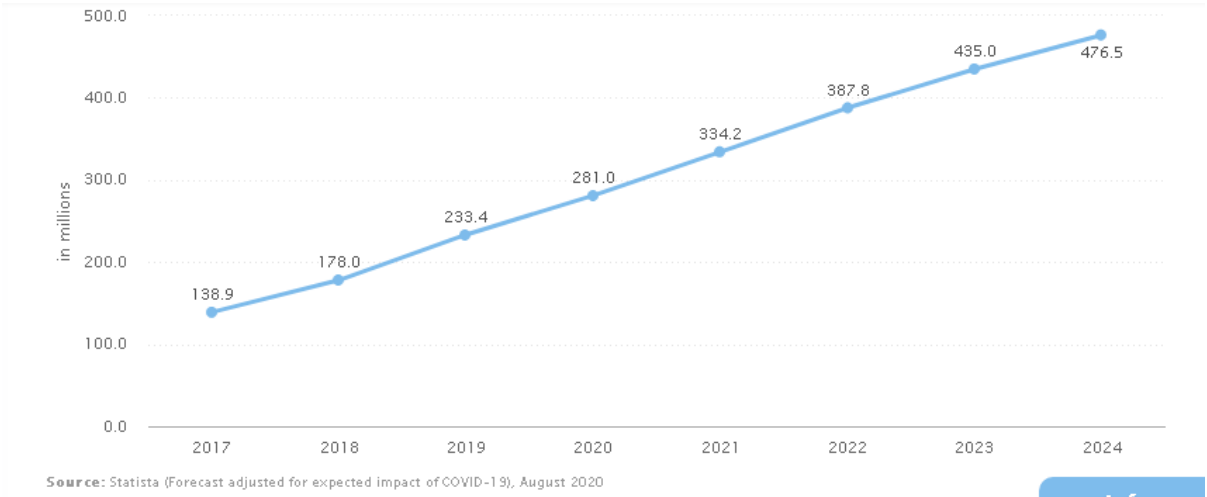
- Factors that contributed to the growth of electronic commerce in Africa:-

Several factors contributed to the relative improvement in the performance of e-commerce operations in Africa, including :-

-The increase in the number of Internet shoppers, as the percentage of adults who use the Internet in general in Africa is about 25% on average of the total population, although this percentage is still low compared to other countries as it reached 86% in developed economies, and 79% in West Asia. While the global average for that percentage was about 57%. As for Internet users for shopping purposes, (UNCTAD) report stated that the number of Internet shoppers in Africa has increased annually by 18% since 2014.

The rapid spread of the Internet via smartphones over the second decade of the twenty-first century has contributed to the growth of E-commerce for Africa xxxii. As shown in Figure No.(3) , there has been a remarkable increase in the number of Internet users in Africa, which has reached about 233 million as internet users in the year 2019 , and it is expected to increase to 476.5 million users by year 2024 .

Figure No(3) .the number of internet users in Africa during the period (2017-2024*)



Source : Statista. (2020) , **E- Commerce , Africa** , available at :-

<https://www.statista.com/outlook/243/630/ecommerce/africa>

- An increase in the percentage of People has official financial accounts, as that percentage reached about 40% in Africa, compared to about 93% in developed economies, 59% in East and South Asia, while the global average reached 60%.

- Electronic payment processes have improved: the electronic structure of payment processes has evolved in Africa in response to the development in information and communication technology operations, and these operations may take place regardless of whether customers have bank accounts or not, there are some companies through

which goods are bought and sold with payment services activated. On receipt, which contributed greatly to the adoption of Internet buying and selling in Africa. Africa also has the largest share of adults who have bank accounts in banks, as well as mobile phone services provided with a money transfer service, as that percentage reached 6.42% in 2017 in Africa^{xxxii}. Although most of those uses for moving money via mobile phone are concentrated in East African countries, they are also starting to spread rapidly in other parts of the continent^{xxxii}. Kenya is one of the leading countries in the field of transferring money through mobile phones, relying on the M-PESA platform for exchanging money via mobile phone, which began there in 2007, and is currently used by more than 17 million people in their transactions. Cash. Family Bank Limited in Kenya and the financial technology company SimbaPay also collaborated to provide an instant money transfer service that enabled customers in Kenya to send money from a mobile app, and it was linked to WeChat service in China, which is the largest payment service in China and the largest money transfer system. Via cell phones, this step has improved the online shopping and payment system between China and Africa^{xxxii}.

4) The most important African companies operating in the field of electronic commerce^{xxxiii}:

-Jumia Company : it is an online retail company based in Lagos, Nigeria, where its website was launched in 2012 and then spread to 23 African countries, and currently it is present in almost all major markets on the continent, and Jumia is also from One of the best funded e-commerce sites in Africa, and it has built an excellent reputation for being a hub for products and services that span across retail stores, food and electrical goods, clothes ... and other goods. The Jumia One app is one example of how mobile technology has supported the growth of commerce. Electronic in Africa, which provided users with access to all of Jumia's services, such as payment transactions, shopping and advertising services. PESA in Kenya.

- Takealot Company: located in South Africa, it is considered among the retail stores available on the Internet in an easy and smooth way to use, and its site was established in 2002, where customers can shop in many things from books to games, computers,

televisions and others. In April 2017, Takealot registered a major investment of more than \$ 69 million from Naspers, one of the largest digital companies in Africa, to hold a 5.53% stake in Takealot, and received a \$ 100 million investment from Tiger Global investment firm Tiger Global. In 2014, Global owned 34% of it.

-Killimall Company : Killimall is the largest online shopping center in Kenya, and it is a relatively new company in the field of e-commerce, but it has succeeded remarkably since its inception in 2014. The site started in other countries such as Nigeria and Uganda. Electronics such as phones and computers The site also offers other products such as home appliances, clothes, books, health and beauty products, and all its policies are accompanied by after-sales services, and the possibility of return within a week of purchase, which makes it a good choice for many consumers.

- Konga Company : It started in 2013 as an e-commerce site in Lagos, specializing in health, beauty and baby care products, and turned into a major online retailer, often called (Amazon Africa). In 2015, Kango Corporation cooperated with Nigerian banks to launch the Kango Pay service, which is a safe and convenient way to pay online without facing the problems of lack of confidence in electronic financial transactions.

- Bidorbuy Company : It is an electronic store founded in South Africa in 1999, and it is one of the oldest online markets in Africa. One of the advantages of this store is that buyers can offer a price quote for products similar to an online auction. Antiques and rare collectibles represent one of the most important items Most popular in this store, as it acquires about 40% of all items sold.

5) The economic importance of E-commerce in Africa:-

The economic advantages accruing to Africa as a result of the growth of electronic commerce are numerous, the most important of which are as follows:

- Acceleration of the Continental Free Trade Area (CFTA) in Africa : -

The African Continental Free Trade Area, which announced its operational phase in 2019, was established on five main pillars or what is known as operating mechanisms to ensure the activation and success of the region. These mechanisms are: unified rules

of origin, a special secretariat for the region that operates with a degree of independence from the African Union based in Ghana and a president for it has been chosen from South Africa, an electronic mechanism to monitor and remove non-tariff barriers, a new digital payments system for African countries and an observatory for African e-commerce. If these mechanisms indicate anything, then they indicate the priority given by African countries to accelerate the digital transformation of their economies and the electronic upgrading of their transactions by establishing an observatory for their intra-trade and an electronic system for settling payments. On the other hand, and in light of the growing interest in dealing through electronic communication, whether with regard to trade, payments, or the transparent exchange of information about rules and laws, the African private sector is also seeking, in cooperation with the African Union and to benefit from mutual preferences within the framework of the Continental Free Trade Area, to establish what is known as the platform The African Union for e-commerce, which would work to collect, store and classify African data within the continent and in African hands and maintain the security of that data, which is a new field that the countries of the continent have not yet penetrated and requires building an integrated African infrastructure linking African countries to facilitate electronic exchange between them ^{xxxii}.

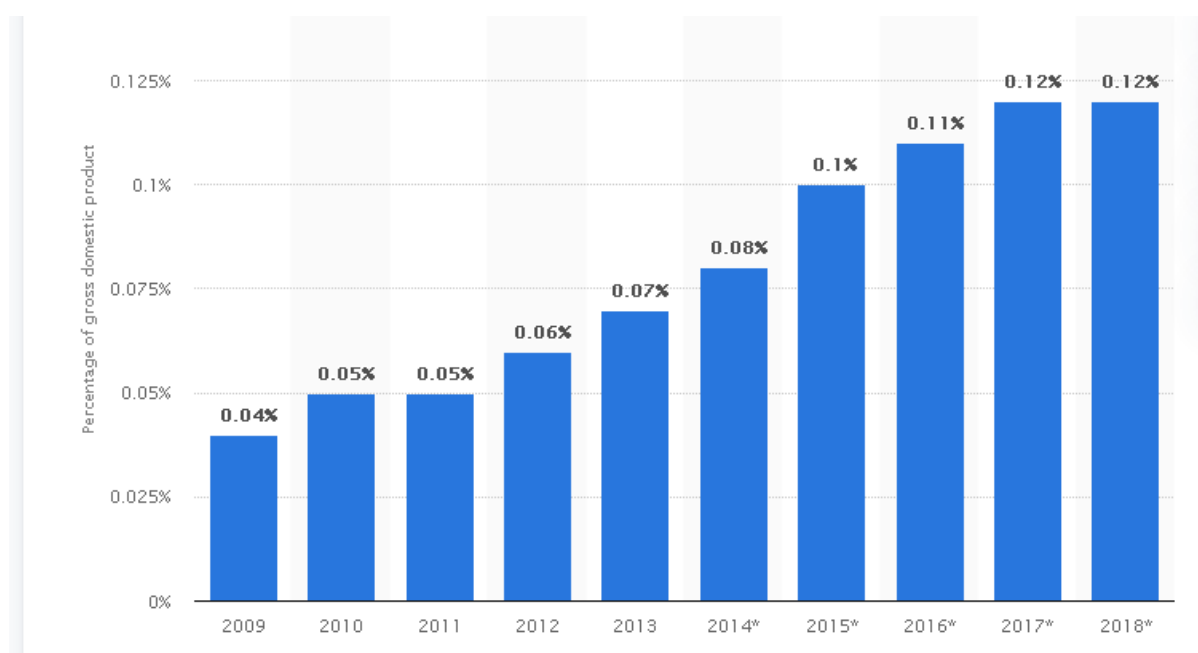
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leadership in the African digital economy and supporting intra-regional trade by using information technology as a tool to facilitate trade.^{xxxii}.

- Raise the rates of economic growth :-

The development of e-commerce in Africa can contribute to achieving comprehensive growth in many countries of this continent that face great development challenges. Despite the improvement in the volume of operations that take place within the scope of e-commerce in Africa, it still contributes weakly to the gross domestic product, as that percentage increased from 0.04% in 2009 to 0.12. % in 2018, and despite the slight increase in that percentage, but It is still significantly low compared to the global average for that percentage, which amounts to 0.61% of the GDP for the year 2018 ^{xxxii}.

Figure No .(4) B2C e-commerce as percentage of GDP in the Middle East and Africa from 2009 to 2018



Source : Statista . (2020) , B2C e-commerce as percentage of GDP in the Middle East and Africa from 2009 to 2018 , available at :-

<https://www.statista.com/statistics/324608/b2c-e-commerce-as-percentage-of-gdp-mea/>

- Increase Business Efficiency ^{xxxii} :-

One of the main benefits of e-commerce is that it increases the speed and accuracy of commercial exchanges, thus reducing business transaction costs for both buyers and sellers such as postage, deposit and storage costs. E-commerce platforms also reduce labor costs associated with sales support and order-receiving processes such as customer service, quotations, and product availability checks, all of which are in the interest of supporting the company's level of efficiency.

3.2. Increase Market Efficiency ^{xxxii}:-

In theory, the concept of a perfectly competitive market is characterized by several main advantages, including the presence of a large number of buyers and sellers, which ensures that there is no possibility of manipulation to judge prices, at a time when these companies produce homogeneous goods, at a time when information related to the market and price is available to all. . With the possibility of entering and exiting the market easily. In fact, e-commerce achieves all the advantages of perfect competition apart from homogeneous products, which ideally focus on manufacturing quality rather than the nature of the market.

- Reducing unemployment rates :-

E-commerce contributes to reducing unemployment rates that are rising dramatically in Africa, providing the opportunity for many individuals to work from their homes and enabling them to work and develop commercial projects without the presence of capital to generate huge profits for them in hard currency. It also opened the doors to work for housewives and people with special needs. And retirees to work in this area from their homes, which made them an important role in the development process. , e-commerce will also provide many job opportunities that reach 3 million by the year 2025.

-Ease and flexibility^{xxxii} :-

Shortening geographical distances and overcoming political borders by quickly obtaining the largest possible amount of information and products, in order to ensure the provision of goods and services quickly, and lead to effective communication with

companies and customers, in addition to allowing individuals to exchange views and experiences about services and products through electronic communities on the Internet.

6) The Obstacles Facing the Growth of E-Commerce in Africa:

There are many obstacles that prevent the growth and advancement of e-commerce in Africa, while the number of start-ups entering the e-commerce market in Africa is about 264 companies operating across the continent, less than 30% of African companies are emerging in the field of commerce. Electronic companies are profitable; Because the rest of these companies face many problems that prevent their progress and expansion in the continent, including weak confidence, logistical difficulties, transportation and shipping difficulties ...etc . Among the most important of these obstacles are the following:

- **Poor Communication of Citizens with Internet Networks**, only about 20% of the population of the African continent has an Internet connection. This coverage, despite its steady, witness a gradual increase to reach 25% in 2019, but it still needs further improvement, both in terms of providing Internet networks and improving their quality, and reducing their high costs so that it can attract the largest possible number of African consumers ^{xxxii}.
- **Weak infrastructure and logistics services** : One of the biggest obstacles facing e-commerce in Africa is poor infrastructure, as weak roads which hamper the rapid transfer of goods. Hence, it reaches customers faster and more efficiently. Likewise, the lack of appropriate national address systems in most African countries, as companies rely on the addresses and descriptive features to some extent provided by customers during the initial stages of the online buying process, and most of them do not provide clear information about the exact location of customers and lead to delays in shipping operations ^{xxxiii}.

An African Development Bank report on African economic prospects for 2019 indicates that "the costs of e-commerce due to poor performance of logistics markets may be a greater barrier to trade than tariffs and non-tariff barriers." Although some African countries recorded better performance in terms of infrastructure and logistics,

in a 2018 World Bank report, the Logistics Performance Index put South Africa, Kenya, Rwanda and Côte d'Ivoire at the top of the four best performing countries in Africa. And some companies working in the field of e-commerce are thinking of faster ways to deliver goods and alternative transport methods, including the use of motorcycles, known as (bodabodas, which have been used in countries such as Kenya and Nigeria to avoid crowded roads in dense cities in terms of population ^{xxxii}.

- **Lack of confidence:** Citizens are often afraid of buying and selling via the Internet, due to their exposure to cases of deception and electronic fraud, as cases of hacking through e-mail, or pre-collection of shipping fees and the price of goods without delivering them to buyers. Hence, many people do not feel safe putting their financial information - like credit cards, onto most store's websites.

-**Electronic Payment methods are limited to cash payment:** Most Africans prefer to pay for their electronic purchases in cash upon receipt. About 90% of online purchases are made by the method, which is the method that suits most Africans, as only 10-15% of the population owns it. A bank account through which money can be transferred via the Internet instead of paying in cash, which does not help the progress and growth of e-commerce ^{xxxii}. A large percentage of the African population is still without a bank account, the International Monetary Fund estimates that only 20% of the population has a bank account.^{xxxii} . Although there are some African countries, such as South Africa, that have the highest Internet penetration rate, and the highest percentage of people who have bank and financial accounts, compared to sub-Saharan Africa, they also suffer from the lack of use of credit cards and money transfer services via mobile phones.

- **Fragmented markets:** Africa has a very large number of countries of great diversity - culturally, economically and politically. This creates many barriers, whether in languages or culture, consumer habits, methods of cross-border payments ...etc . This makes it difficult for e-commerce sites to easily expand in Africa and enjoy the economies of scale. To alleviate this challenge, African countries should continue with the steps of continental economic integration in order to harmonize the working conditions of most e-commerce companies.

- **High illiteracy rates:** This means that many individuals cannot participate directly on e-commerce platforms, due to their lack of ability to read or write; Consequently, it is more difficult for them to communicate via the Internet, which makes Africa need to continue investing in education vigorously to increase the number of people who can read and write and to reduce illiteracy rates that are in favor of economic development in Africa ^{xxxii}.

7) Uses of E-commerce in Africa during the Coronavirus :-

At a time when the repercussions of the Corona epidemic affect all economic sectors negatively, the e-commerce movement has rebounded significantly in Africa, and online shopping companies have been the most benefiting and profitable from the existing crisis. For example, (Jumia) announced a four-fold increase in all sales of grocery products and basic commodities in the first quarter of 2020 compared to the previous year, especially the e-commerce operations that took place in North African countries such as : Tunisia and Morocco. As the imposition of the ban in most African countries, and the closure restrictions on commercial stores, have led to a preference for electronic dealings. And agricultural via the internet. Likewise, it has launched (Farm Crowdy), a Nigerian agricultural technology platform allowing people to invest in existing farms and capture a share of the profits, as well as expanding farmers' access to markets within its network ^{xxxii}. Also in Nigeria, Applectart is seeing more online grocery store demand, as buyers stock essentials of goods to prepare for a potential market shutdown or movement in the country. In Sierra Leone and Liberia, online stores have confirmed that they are seeing slight increases in demand after The spread of the Coronavirus ^{xxxii}.

In South Africa, a survey conducted by Visa Company showed that 64% of consumers in South Africa bought most of their basic needs online for the first time due to the outbreak of the Corona epidemic, and that 53% made their first online purchase, most of which are concentrated in purchasing medicines from pharmacies^{xxxii}. It should also be noted here that most West African countries have found severe difficulties in electronic business dealings due to poor internet networks in most countries in the region, especially villages and suburbs far from the capital ^{xxxii}.

Conclusion:

It can be said that there are great opportunities for the growth of e-commerce in Africa, but there is a need to pay attention to internet networks and raising their speed and efficiency, in addition to services related to technological and financial infrastructure, postal and shipping services. Likewise, the need to raise the level of awareness among citizens of the importance of electronic transactions in the era of progress and technology, to enhance their confidence in those transactions that take place remotely, and work to develop an observatory of electronic commerce at the continental level to serve the objectives of African continental integration within the framework of the Continental Free Trade Area.

E-commerce companies operating in Africa must work to adopt development plans aimed at increasing the spread and expansion, and technological empowerment among the various providers of marketing services via the Internet, and the well-known e-commerce centers in Africa must be committed to supporting small enterprises that seek to market their products via the Internet. And using their leadership positions to continue paving the way towards supporting economic integration in Africa^{xxxii}.

References

^{xxxii})Faith Masekesa . (2020) , **Nigeria, South Africa and Kenya dominate the e-commerce industry in Sub-Saharan Africa**, at :

<http://www.theasianbanker.com/updates-and-articles/nigeria,-south-africa-and-kenya-dominate-the-e-commerce-industry-in-sub-saharan-africa?fbclid=IwAR12psawImoTYwI9HbWola9BoUQNX-FO5w4rmNa-PPacFaPHsPxhjG4s96Y>

^{xxxii}) UNCTAD , UNCTAD B2C E-COMMERCE INDEX 2018 FOCUS ON AFRICA, **Op.cit** , PP12-14.

^{xxxii})UNCTAD. (2019) , UNCTAD B2C E-COMMERCE INDEX 2019, **Op.cit** , P.6

^{xxxii}) **World Bank . (2020)** , Account ownership at a financial institution or with a mobile-money-service provider (% of population ages 15+) - Sub-Saharan Africa , at :-

<https://data.worldbank.org/indicator/FX.OWN.TOTL.ZS?locations=ZG>

^{xxxii})UNCTAD. (2020) , **Dialogue on the Digital Economy and Inclusive Development in Africa** , at :

https://unctad.org/en/Pages/DTL/STI_and_ICTs/Dialogue-on-the-Digital-Economy.aspx

^{xxxii}) Faith Masekesa , **Op.cit** , at ,

<http://www.theasianbanker.com/updates-and-articles/nigeria,-south-africa-and-kenya-dominate-the-e-commerce-industry-in-sub-saharan-africa>

^{xxxiii}) **Fundi Maseko. (2019) , 6 sites driving eCommerce in Africa , ITNewsAfrica , at :-**

<https://www.itnewsafrika.com/2019/01/6-sites-driving-ecommerce-in-africa/>

and :-

-She .Leads .Africa (ALA). (2020) , **5 top e-commerce platforms in Africa** , at :-

<https://sheleadsafrica.org/growth-of-ecommerce/>

^{xxxiii}) **Ify Ogo . (2020) , An Agenda for the AfCFTA Protocol on E-Commerce , , TRALAC TRADE LAW CENTRE , at :-**

<https://www.tralac.org/news/article/14692>

And :-

- United Nations Conference on Trade and Development. (2018) , **Continental free trade area to boost e-commerce in Africa** , at :-

<https://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1957>

^{xxxiii}) Alistair Tempest . (2020) , **The Digital Economy and Ecommerce in Africa – Drivers of the African Free Trade Area?**, Special Report , June 2020 , (Johannesburg : South African Institute of Internayional Affairs , PP.28-30.

^{xxxii}) **Statista . (2020) , B2C e-commerce as percentage of GDP in the Middle East and Africa from 2009 to 2018 ,at :-**

<https://www.statista.com/statistics/324608/b2c-e-commerce-as-percentage-of-gdp-mea/>

^{xxxiii}) **Marrilyn B.Clack .(2020)**, 6 Reasons Why eCommerce Is So Important for Your Business , **Digital Marketing Community** , at :-

<https://www.digitalmarketingcommunity.com/articles/importance-of-ecommerce/>

^{xxxiii}) **Dennis Ndonga . (2012) , "E-Commerce in Africa: Challenges and Solutions" , African Journal of Legal Studies , Volume 5: Issue 3 , , PP.247-248.**

^{xxxiii}) **WHAT IS THE ROLE AND IMPORTANCE OF E COMMERCE DEVELOPMENT COMPANIES . (2019) , Available at:-**

<https://www.tekshapers.com/blog/What-is-the-role-and-importance-of-E-commerce-Development-Companies>

^{xxxii}) **African Exponent .(2015)** , Top 5 Challenges Facing E-commerce Startups in Africa ,
Available at :
<https://www.africanexponent.com/post/top-5-challenges-facing-ecommerce-startups-in-africa-44>

^{xxxii}) **Cathrine Murray . (2012)** , The challenges of ecommerce in Africa [Tech4Africa],
Available at :
<https://memeburn.com/2012/11/the-challenges-of-ecommerce-in-africa-tech4africa/>

^{xxxii}) Nicolas Goldstein.(2019) , **The Future Of E-commerce In Africa: A Mere Illusion?** ,
,at :-
<https://africa.com/the-future-of-e-commerce-in-africa/>

^{xxxii}) Nicolas Goldstein.(2019) , **The Future Of E-commerce In Africa: A Mere Illusion?** ,
Available at :-
<https://africa.com/the-future-of-e-commerce-in-africa/>

^{xxxii}) Faith Masekesa .(2020) , **Nigeria, South Africa and Kenya dominate the e-commerce industry in Sub-Saharan Africa** , Available at :-
<http://www.theasianbanker.com/updates-and-articles/nigeria,-south-africa-and-kenya-dominate-the-e-commerce-industry-in-sub-saharan-africa?fbclid=IwAR12psawImoTYwI9HbWola9BoUQNX-FO5w4rmNa-PPacFaPHsPxhjG4s96Y>

^{xxxii}) **African Exponent.(2015)** , Top 5 Challenges Facing E-commerce Startups in Africa,
Available at :-
<https://www.africanexponent.com/post/top-5-challenges-facing-ecommerce-startups-in-africa-44>

^{xxxii}) Yomi Kazeem. (2020) , **African e-commerce is getting a much needed boost from coronavirus lockdowns** , Available at:-
<https://qz.com/africa/1855227/africas-e-commerce-boosted-by-coronavirus-lockdowns/>

^{xxxii}) **Coronavirus pandemic boosts online trade in Africa** .(2020) , Available at :-
<https://www.dw.com/en/coronavirus-pandemic-boosts-online-trade-in-africa/a-53752808>

^{xxxii}) **Nqobile Dladla . (2020)** , South African e-commerce is a COVID-fired market of risk and reward, , **Available at :-**
<https://www.reuters.com/article/us-health-coronavirus-safrica-ecommerce/south-african-e-commerce-is-a-covid-fired-market-of-risk-and-reward-idUSKCN24G1A6>

^{xxxii}) **Stacey Knott . (2020)** , E-commerce Increases Across West Africa as COVID-19 Sweeps the World, , **Available at :-**
<https://www.voanews.com/science-health/coronavirus-outbreak/e-commerce-increases-across-west-africa-covid-19-sweeps-world>

^{xxxii}) Josephine Wawira .(2019) , **Logistics challenges facing eCommerce in** , Available at :-
<http://africabusiness.com/2019/06/26/e-commerce-jumia-africa/>

**Cyber Warfare in Light of the Rules of International
Humanitarian Law**
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Introduction

The threat of cyber warfare looms greater than ever. Today, technological advances and the growing digital infrastructure link entire societies with a wheel of complex and interconnected systems, and the Internet has become the central nervous system in society.

Information and communication technology plays its role, be it in the field of work, learning or entertainment. The Internet enables the dissemination of knowledge and information in an unprecedented way in world history. The power of social entanglement connects and affects populations in ways that are completely separate from governments, and in a way that these governments never expect. It has enabled individual empowerment, self-expansion and the diffusion of unfamiliar ideas through a mechanism that is mostly unaffected by borders or diplomatic or political considerations. Today, anyone can quickly influence perceptions, values, ideas and biases through their ability to create and distribute content on a global scale. But the prevalence of the Internet has also given birth to criminal activities and created new ways of gathering intelligence and conflict information. Weaknesses in operating systems, software, and security situations open the door to the possibility of actions that threaten basic services provided to the civilian population, facilitate economic espionage, and affect government operations. There are viruses, worms, distributed

denial of service attacks, property theft, and spam and fraud, all of which undermine the credibility of ICTs and the ability of societies and economies to operate.

Research Importance:

Advances in digital technology and the interconnected interconnectedness of computing and communications have brought about many changes that affect the way we live. From 2000 to 2008, the Internet expanded at an annual rate of 290 percent globally, and currently an estimated 1.4 billion people are online, which is approximately 25 percent of the world's population. Technology has advanced very quickly and is much more user-friendly; At the same time, people around the world are getting more advanced use of technology. These trends have also created unparalleled opportunities for cybercriminals. Criminal behaviors that would have been unimaginable a few years ago have become everyday realities today. Today's digital technologies offer ordinary citizens the tools that have the power and the capacity to inflict massive damage. As never before, and at low cost, criminals can cause enormous harm to individuals, companies, and governments from places no one has heard of. New advances in technology, both at the physical and the soft level, create new opportunities for cybercriminals; Although the same crimes that are illegal outside the Internet are, in principle, considered equally illegal in cyberspace, online crimes take different forms with regard to the nature of the offender and the proof of the crime. In order to create a mechanism for monitoring cyberspace and a form of deterrence for cyber criminals, a number of countries around the world have reformed their current laws and legislation; However, these solutions have proven to provide vague and ineffective solutions. This book is said to be for establishing ethical standards in cyberspace.

Part One : Definition of Cyber Wars:

To define cyber warfare, cyberspace must be defined, as the Oxford Dictionary defines it as “: the virtual environment through which the communication process is

completed via computer networks.” Based on this simple definition, cyberwarfare can be considered as a form of conflict with political aims, which is located within the environment. Despite the attempts of experts, states and international organizations to find a unified definition of cyber warfare, yet no comprehensive general definition has been established for it. For the United States and NATO, the focus is on the economic and material aspects of cyber warfare, unlike the countries of the Shanghai Cooperation Organization. Which is trying to advance a definition that includes aspects of national sovereignty and preserving the borders and cultural identity of peoples as targets for conflict in cyberspace. However, the definition of the group of NATO experts in Rule 30 of the "Tallinn" guide.

Manuel de Tallinn on the applications of international law in the areas of conflict and cyber warfare states: “All cyber operations, whether defensive or offensive, which are believed to cause injuries or deaths to humans, or damage and damage to physical objects The term "cyber warfare" appears to be used by many groups of people to denote various things. The term is used here to refer to the means and methods of warfare that consist of operations in cyberspace that rise to the level of armed conflict or take place Perhaps the best in its context, within the meaning of international humanitarian law simplified definition of cyber warfare is that which considers it a group Hostilities directed against electronic state data stored, processed, or The exchange from one computer to another with the aim of detecting, copying, modifying, destroying, or obstructing its flow, is like an attack on the air traffic control system.

Part 1.1 : The Principle of Distinction in Electronic Warfare

At the beginning of the law of war, it calls on the parties to the conflict to make sure during the armed conflict that the attacks are directed at combatants and not civilians, and if civilians are the targets, those parties must ensure that civilians have lost the protection established for them under international humanitarian law, as a result

of their participation in military operations in a manner Directly, and the question here is, can cyber attacks distinguish between combatants and civilians?

Defining combatants in international humanitarian law requires a degree of responsible leadership and organization. These requirements exist in countries whose armies possess electronic warfare capabilities. And international humanitarian law defines combatants in a confused manner regarding cyberspace, as it does not recognize individuals who voluntarily participate in cyber attacks against an opponent, for example, amateur hackers who carry out attacks against an adversary state for political or ideological justifications, these attacks justify the target state to respond by means Appropriate, in light of electronic warfare, they are not considered within the category of legitimate combatants, but rather within the category of unlawful fighters or civilians who are not protected as long as they participate in hostilities. Therefore, the pirates participating in those operations are preparing a legitimate target for targeting, so participation is achieved when the causation is achieved between the civilian action. The contributor and the achieved result that shows tangible results on the opponent's power. Participation in an action that does not lead to that result does not achieve the meaning of direct participation, and this is directed towards electronic warfare as is the case in conventional war For the civilian who contributes to distributed cyber attacks, the contribution must be effective, leading to the normal course of things to achieve the expected result, as for contributing a small part that does not achieve the result alone, we are not facing direct participation, as a vehicle driver carrying a weapon as part of the war effort like the researcher at the university. Or the contractor to develop a computer hacking program, whose work according to the chain of events is not sufficient to lose protection. The extent of the legitimacy of the decision to direct electronic attacks against dual-use targets depends on the intent behind the attacks. Cyber attacks are legitimate if they target a facility Dual use to achieve a military advantage, and vice versa, if the target is behind the attack undermines the political support for the conflict party, not to achieve the military advantage. International humanitarian law imposes obligations on the attacking party and the defending party. These obligations are contained in Article 52 and Article 52 of the First Additional Protocol. The question is,

to what extent can electronic warfare fulfill the requirements of Article 52 and Article 52?

Article 52 (Precautions during Attack) stipulates many measures that must be adhered to by whoever is planning an attack or deciding on it. The cyber attacker must direct his attacks to the electronic elements of military targets, in line with the requirements of the principle of proportionality, but in practice there is a difficulty in predicting accidental losses, in the case of cyber attacks, from traditional attacks. As for Article 58 (precautions against the effects of attack), when applying Article 58 to electronic warfare, it is important to note that the delegations participating in the diplomatic conference indicated that the term (as much as possible) that was mentioned at the beginning of the article obliges the parties to provide protection according to the capabilities of the party in Armed conflict, and not exceeding its capabilities, a specialist in the field of electronic warfare goes on to say that it is difficult to secure protection for electronic networks over time and as a result another trend goes that protection is provided to the most vital installations to implement the requirements of Article 58.

The second content of Article 58 relates to taking precautions under its control of the civilian population or civilian property that falls under the control of a military port. An obligation arises on the commanders of that port to take measures that protect civilians and civilian property from the results of military operations, including attacks by the enemy, similar to any computer Internet, electronic systems, transmitters, and communication devices in hotels, under government control, entails the implementation of this commitment. And the implementation of the commitment during electronic attacks by the enemy, for the government to take measures it deems necessary to control the computer network, to ensure the continuation of the government's work, that network remains civilian while military communications remain a legitimate target for targeting.

Part 2.1 : Cyber War and Armed Cyber Attack Requirement:

The cyber warfare is required to be carried out by carrying out an armed cyber attack, within the existence of an armed conflict in its traditional sense, and this is what was

enshrined in Rule 20 of Tallinn's Handbook on the application of the law of armed conflict, as it stipulated that all Siberian activity should be subject to the law of armed conflict, but it stipulated That this takes place in the context of an armed conflict, whether international or within the state's geographical borders. Therefore, Rule 26 of the Tallinn Handbook defined "members of the armed forces. As a result, mercenaries in cyberspace according to Rule 28 do not enjoy the status of combatant or prisoner. It is worth noting the ambiguity of the concept of attack. Armed electronics and the difficulty of determining it in practice, and the vagueness of the attack concept here leads to ambiguity of the targets Also, the electronic attacks target the military electronic network of the army of the enemy state, but sometimes this attack takes place outside the armed conflict and by people strangers to the parties to the conflict, and then the issue of the legitimacy of the target in such a case arises as one of the most prominent factors that led to the emergence of cyber war, It is the great development that it is witnessing Communication technology, which in turn spawned a new society called the "electronic society" as a result of the influence of internet technology and social networks, and this is what led many countries to adopt electronic administrative management, meaning "e-governments This is what made it easier for everyone to launch attacks through the virtual space, given the large spread of the Internet in the world The economic interests of the major powers, expansionist ambitions, and the desire to dominate other countries by non-traditional means have increased to the adoption of Siberian war as the ideal means to achieve those goals in the easiest and fastest way, while sparing the human losses among the armed forces that are indispensable in the case of the classic war that is used. It contains the classic means of war, such as soldiers, planes, tanks, and others. Technological development has turned the traditional concept of national security on its head, because the existence of cyberspace changed the patterns of international relations and the rules of war. As a result, the borders are no longer prohibited or important, and the risk of local destruction is no longer limited to the parties to the conflict, but can extend to countries whose national networks have crossed the malicious information programs.

Regarding the seriousness of this type of war, the commander of the Israeli Military Intelligence Division, General “Aviv Kochavi,” declared at the annual conference of the Center for National Security Studies that “cyber warfare” has become, in his view, more important than the discovery of gunpowder. He stressed that the field of cyber warfare is still at the beginning, and that serious developments await it in the future, stressing.

The boom brought about by the cyber war, where ten people were required in the past to gather intelligence information, for example, but now, after the development in this field, we can do that task through one person only. In this regard, the ICRC is concerned about cyber warfare due to the weak electronic networks and the potential human cost of cyber attacks. When a country's computers or networks are attacked, hacked, or obstructed, this may put civilians at risk of being deprived of basic needs such as drinking water, medical care, and electricity. If GPS systems are not working, civilian casualties may occur by disrupting takeoffs of rescue helicopters. The text of the Tallinn Manual states the legal responsibility of the state in general in Rule 6 of it, whereby the state holds international responsibility for the assigned cyber operations. It has, which represents a violation of its international obligations, especially the cyber operations carried out from its cyber infrastructure (Al Qaeda),⁷ but what distinguishes international responsibility for crimes committed during cyber war is the ambiguity of the basis on which it can be based, i.e. is it based on risk theory or on the basis of illegal action, for the establishment of international responsibility in this field, 3 main conditions must be met: Existence of damage resulting from an unlawful act committed by a specific state. Liability shall be excluded if the damage is the result of a force majeure, or a mistake committed by the state that was affected by the damage, and the activity with the damage resulting from the use of cyberspace that causes damage may be legitimate, but for considering the use of this space legitimate, conditions must also be met. Also, the party against which the conflict that may arise in connection with the implementation of a cyber attack by a certain state against another country may be brought up, is it the UN Security Council (Manuel de Tallinn) “from the Tallinn 18 guide,” according to the Conseil de Sécurité rule of the Council International

security, or as the body competent to maintain international peace and security, is the issue related to waging war against a state, or is the International Court of Justice (Cour Internationale de Justice is the only authority competent to deal with this dispute, considering that the issue is related to the arrangement of primary responsibility, and compensation for damages caused to the injured state. The world has become in the current period a new type of arms race, not similar to what is known in the field of conventional and non-conventional weapons, and this race is based on the creation or development of electronic programs designed for military purposes known as Cyber. Some countries have brought to mind the theory of the balance of terror that has prevailed for decades on the international community, and in particular the race of states to acquire weapons of mass destruction, but in a somewhat different way, using electronic technologies in the range of hostilities. Researchers have started not more than five years ago to research and legal analysis on this topic, in light of confirmed data that a threat Cyber attacks will cause it at the level of international peace and security, with a level no less than the most serious threats known internationally.

The Second Part : Rules of International Humanitarian Law

In addition to the rules of the “Tallinn” guide relating to the rules of international law applicable to cyber wars that are waged during armed conflicts, the rules and principles of international human law, especially the customary ones, must also be applied, as a condition of “Martinenzo” and other customary principles, such as the principle of distinction, proportionality, military necessity etc. Given that those rules are peremptory or binding on all, which was recently included in the rules of the “Tallinn” guide, which included in Rule 20 the issue of applying the law of armed conflict to cyber wars, while Rule 14 was devoted to talking about the principles of necessity and In addition to the above, the application of international humanitarian law in cyber warfare aims to limit the use of these cyber weapons when they are not legitimate, and there is no doubt that international humanitarian law attaches special importance to protecting civilians from the dangers of war operations. It always affirms that the right of the parties to the conflict to choose the methods and means of warfare is not an absolute right, rather it is restricted to respect for the lives of civilians. That is

why we find that the 1977 Protocol I contains a rule that is considered a basic guarantee for general protection from the effects of hostilities, which states: (Parties to the conflict shall distinguish between the civilian population and combatants, and between civilian objects and military objectives, and then direct their operations against military objectives without Others, in order to ensure respect and protection of the civilian population and civilian objects Based on this rule, a number of humanitarian principles governing the behavior of combatants have been decided, in order to protect the civilian population from the dangers resulting from military operations. It goes without saying that adherence to these principles would achieve general protection for children from the dangers of fighting, as they are more vulnerable to injury, so the place calls for reminding and emphasizing the most important of these principles The child needs to be protected in particular during armed conflicts, which was recognized by the Fourth Geneva Convention of 1949. Indeed, the First Protocol of 1977 added special protection in favor of children in situations of armed conflict. It states: “Children must be accorded special respect, and protection must be guaranteed against any form of shame, and the parties to the conflict must provide them with the care and assistance they need, whether because of their young age, or for any other reason.

The Second Protocol also guarantees Article 4/3, which states that “Children shall be provided with care and aid to the extent they need it to protect children during non-international conflicts. The first protocol stipulates in Article 8/1 that births and newborns are to be classified with the wounded and sick as a group in need of protection.

The fourth convention affirms in Article 24 that children need special care, stating that “children under fifteen who have been orphaned or separated from their families due to war may not be left to themselves, and that their subsistence, the practice of their religious beliefs, and their education should be facilitated in all circumstances While international humanitarian law takes children into account, it has recognized that special measures must be taken for the sake of providing relief to children, reuniting families separated by the war, as well as evacuating children from besieged or encircled areas.

Part 1.2 : The Role of ad hoc International Tribunals in Determining Individual Responsibility for War Crimes

It is not only the state that violates the laws and customs of war that bears international responsibility, but there is also the individual's criminal responsibility the Nuremberg and Tokyo tribunals, which were held after World War II to try war criminals, issued a number of rulings that contributed significantly to the formation of the law relating to individual criminal responsibility under international law. These trials paved the way for the United Nations to assert individual criminal responsibility for human rights violations in wartime, when the United Nations General Assembly adopted Resolution 90 (D-1) in 1946, by which it approved the principles of international law stipulated in the Charter of the Nuremberg and Tokyo Tribunals. The following year, the General Assembly commissioned the International Law Commission to prepare the drafting and codification of these principles, as well as to codify violations against peace and human security. In the year 1950 the International Law Commission adopted its report on the principles of international law recognized in the Charter of the Nuremberg Tribunal. The General Assembly's affirmation of the Nuremberg Tribunal's principles and their drafting by the International Law Commission were important steps towards a law for international crimes involving individual responsibility. Like this, the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the General Assembly in 1948, which classified genocide, whether committed in peacetime or in time of war, as a crime under international law. Likewise, the Geneva Conventions of 1949 adopted the principle of the individual's criminal responsibility for acts. The commission of which is considered as grave breaches of it, or more correctly, acts that are considered war crimes according to the meaning of those conventions. And that the prosecution of the perpetrators of grave violations, that is, war criminals, is a duty at all times and in any place, and this duty rests in the first place on states to take the necessary legislative measures to punish persons who commit grave breaches of the conventions. These trials may be handled by national courts in various countries, or by an international body With regard to the scope of application of individual responsibility, the agreements establish the direct responsibility of the perpetrators of these violations as well as their superiors, and include civilians and military alike, whether these military members are members of official or unofficial forces.

There is no doubt that what the agreements went to in terms of considering the human individual alone as being criminally responsible for committing grave violations, which are considered war crimes, and this is consistent with historical precedents and what international documents have decided.

The Third Part: Cyber Law and Cybersecurity in Developing and Emerging Economies:

First of all, computer networks in the Internet community in cyberspace have led to the exploitation of new technologies to carry out crimes. In addition, traditional laws have not been developed with the cyber community in mind. The main issue is to what extent this legislation is relevant to dealing with cybercrime. Traditional criminal laws describe qualifying immoral behaviors that have been developed over hundreds of years. Technological developments in information and communication technology networks have provided criminals with new opportunities to carry out attacks and fraud on the Internet. The costs incurred due to these attacks are substantial: loss of data and information, lost revenue; Losses related to the reputation and image of the damaged entity, and damage to soft and hard infrastructure. Due to the nature of cyberspace in terms of not having geographic borders, these attacks can cause immediate and invaluable devastation in a number of countries simultaneously. Numerous individuals have been involved in combating computer crime since its early years. The leader in computer crime, according to many experts in this field, including Dawn. Parker is a senior computer security advisor at the Stanford Research Institute in the United States. His journey began with computer crime and cyber security in the early 1970s. His first book on the subject was Computer Crime published in 1976. Parker was also the lead author of Computer Crime: A Criminal Justice Resource Handbook (1979), which is the first primary US federal handbook for computer-related law enforcement. In 1982, the Organization for Economic Cooperation and Development (OECD) appointed a committee of experts, the Computer Information and Communication Policy Committee (ICCP), to discuss computer-related crimes and the need for changes in legal systems. This committee made its recommendations in 1986, which states that, given the nature of cybercrime, it was highly desirable to formulate some form of international

cooperation to limit and control this activity. In addition, it recommended that member states change their criminal legislation to include cybercrime (OECD, 1986). Cyber criminals have been very active in both developed and developing countries. While the developed world moved at an early stage to enact laws to deal with cybercrime, the developing world was very lenient in moving in this direction. The 1980s and 1990s saw a large number of developing countries diversify their economies from reliance on commodities. Many have chosen to leverage information technology (IT) to become knowledge-based societies. To this end, there is an urgent need for an adequate legal basis or electronic laws. Also evoking is the fact that the Internet is difficult to regulate, given that there is no single independent regulator with jurisdiction over international domains. The legal system, even in advanced economies, has always encountered difficulties in keeping pace with technological advances.

Security and Confidence in Cyberspace:

A recent study sponsored by McAfee revealed how the economic downturn is negatively affecting the security and confidentiality of vital information. The study found that information has become an international type of currency, and that cyber criminals are targeting this new form of wealth. The report concludes with the following findings: More and more essential information that is digitally transferred between companies and continents is lost; The current financial crisis will pave the way to create a tsunami of information security risks, as the increasing pressure on companies to reduce spending and reduce their size leads to weak information technology and increase opportunities for cybercriminals; Due to geopolitical perceptions, a number of countries are emerging as clear sources of threat to sensitive information and data; Cyber criminals have gone beyond the simple hack aimed at stealing personally identifiable information and credit card data, to targeting intellectual property. The term "cyberspace" was first used in 1984 in *Neuromancer*, a science fiction novel written by William Gibson. Description of the virtual world of computers. Today, cyberspace has become synonymous with the Internet. However, cyberspace is not the only World Wide Web. In addition to the hard infrastructure offered by WWW, soft infrastructure is essential

in terms of regulatory mechanisms and cyber law. The growth of e-commerce and activities in cyberspace in the past few years has created the need for dynamic and effective regulatory mechanisms to further enhance the legal infrastructure essential to the success and security of cyberspace. All of these mechanisms come All of these regulatory mechanisms and legal infrastructure come within the domain of cyber law. Internet law is important because it touches nearly every aspect of the transactions and activities related to the Internet, the World Wide Web, and cyberspace. Cyber law matters to everyone, too; The most active cyber gangs use a tried and true method of work to find web applications with major bugs; They do simple activities, like overload a badly written program with lots of input, to break into it. Usually, the intruder aims to gain control of the victim's PC and use it to multiply the infection and perform illegal activities. Meanwhile, all important data of the victim is collected and shared. In the past few years, email, blogging sites, social media messages, search engine results, and popular web pages have become burdened with such infections. In 2008 alone, a computer security company tracked more than 15 million malicious programs spread over the Internet (Nisen, 2009). One can only speculate on the root cause of the spread of these attacks. Lately, fraudsters have been targeting smaller financial services firms and smaller banks around the world, which may not be as prepared as banking institutions And the use of cyberspace in companies, government and various societies. This widespread use of information and communication technology has accelerated the growth of cyber activities in many parts of the world. Information and communication technologies have transformed businesses, increased economic prosperity, and facilitated communication within a country and between countries around the world. The world is rapidly moving towards internet-based economic structures and knowledge societies, which comprise networks of electronically linked individuals, companies and countries in interconnected and interactive relationships (United Nations Conference on Trade and Development, 2003). Additionally, cyberspace activities promise to be the driver of a new boom in economic growth and development. To study the effects of adopting new information technologies including cyber activities, two independent schools of thought were developed over the past decade. Proponents of the first school emphasized technology diffusion models, integrating theories from

management, innovation and technology diffusion (Larsen, 1998). The second school of thought defines the impact of innovation or new technologies where innovations are the means to change the organization, either as a response to a change in the external environment or as a preventive measure to affect the environment (Rogers, 1995). The spatial implications of the communications revolution are profound. Cyberspace and e-commerce have become a driving force in the globalization of the global economy, and countries that do not participate in e-commerce may endanger the competitiveness of their economies. As a result, many companies and organizations in developing countries have become an integral part of global productive supply chain networks that increasingly use e-commerce mechanisms. Through these networks, entities in more developed countries are urging developing country companies to adopt new information technologies, regulatory changes and business practices. The prevalence of internet use in developing / emerging economies is relatively low. The main obstacles are related to organizational, cultural and social factors, including the lack of regulations for handling data messages and the recognition of electronic signature; also the lack of specific legislation protecting consumers, intellectual property, personal data, information systems and networks; The scarcity of appropriate tax and customs legislation covering electronic transactions; And the absence and / or insufficiency of laws dealing with cybercrime. Technological progress today is faster (Moore's Law) and more fundamental (breakthroughs in genetics). They are cutting costs (computing and communications) at an unprecedented rate. These transformations are driving the accelerating developments in information and communication technology, biotechnology, and the newly emerging nanotechnology. Information and communication technology includes innovations in microelectronics, computing (hardware and software), telecommunications, optoelectronics - microprocessors, semiconductors, and optical fibers. These innovations allow the processing and storage of vast amounts of information, as well as the rapid distribution of information through communication networks. Moore's Law predicts a doubling of computing power every 18-24 months due to the rapid development of microprocessor technology. Gilder's Law predicts a doubling of communications power every six months - an explosion in

bandwidth - due to advances in optical fiber networking technologies.

Although most of these organizations are trying to reach a level of protection with computer and network security defenses, such as spam filters and fraud detection systems, this still has the potential for millions of victims.

Recommendations:

Clear and transparent penal legislation should be developed and adopted; In other words, new laws must be enacted to deal with cybercrime. In addition, since cybercrime has no boundaries, as criminals can direct their attacks at many people, systems and institutions in any country in the world regardless of their geographical location, international cooperation between law enforcement agencies and harmonization of cyber laws in different countries is extremely important. Information and computer technologies (ICT) have also developed, as have crimes related to their use; As a result of the transition to use in addition to raising capabilities and building skills for workers in the field of cybersecurity, the Arab League adopts an Arab agreement to which member states are committed to ensuring the safety and security of cyberspace, in addition to adherence to international standards in dealing with and extracting cyber evidence, especially in terms of arrangement and mechanism, as well as control and standardization The names and criminal models related to cybercrime and adopting legislation to shed the burden of protection and insurance on companies in their relationships before individuals and encourage scientific research and innovation fields. In addition to the necessity to educate workers in all state institutions, develop their professional professional standards, and establish an infrastructure to enter the global software industry and be able to compete with the imported product; And the interest of Arab governments to stimulate investments and companies operating in this sector and cooperation between them and the government and military sectors, so that each sector benefits from the other without prejudice to the principles of confidentiality and privacy.

References:

- Muhammad Fakhreddin, The Limits of the Fifth Domain - What are Cyber Wars ?a war conference Cyberspace, 15/05/2015, Research available at the following link: <https://seconf.wordpress.com/05/2015/15/>, last accessed on: 12/02/2017

* Darwish Said, cyber wars and their impact on human rights, a study in light of the provisions of Tallinn, Algerian Journal of Legal, Economic and Political Sciences

Dr. Osama Sabry Mohamed, Electronic warfare and the principle of discrimination in international humanitarian law

- Dr . Abdel-Ghani Abdel-Hamid Mahmoud, Protection of Victims of Armed Conflicts in International Law Humanitarian and Islamic Law, International Committee of the Red Cross delegation - Cairo, fourth edition 2009

Dr Mohamed Saadi, The Impact of New Technology on Public International Law, The New University House, 2014

See The Tallinn Manual, North Atlantic Treaty Organization, Tallinn Manual on the International Law applicable to Cyber Warfare, NATO Cooperative Cyber Defence Centre of Excellence, Cambridge University Press, UK, 2013

-Stuart Casey-Maslen, Weapons under International Human Rights Law, Cambridge University Press)CUP(, Cambridge, 2014

Author: [Zeinab Karake Shalhoub](#) [Lubna Al Qasimi](#) Cyber Law and Cyber Security in Developing and Emerging Economies

Schmitt, E. (2000), 'The multilingual site blueprint', The Forrester Report June, accessed March, 2008 at www.eriksen.com/Portals/O/Multi_Lingual_Site_Blueprint.pdf.

Symantec (2008), Report on the underground economy', white paper, accessed at www.symantec.com. Teece, D.J., G. Pisano and A. Shuen (1997),

‘Dynamic capabilities and strategic management’, *Strategic Management Journal*, 18(7): 509–33. United Nations Conference on Trade and Development (UNCTAD) (2003), *Ecommerce and Development Report*, New York: United Nations. Vogel, T. and P. Druckerman (2000), ‘Latin internet craze sets off alarm bells’, *Wall Street Journal*, 16 February.

Digital seCuRity CyBeR teRRoR anD CyBeR seCuRity The Digital World Digital Communications Digital Games Digital Music...Author: Ananda Mitra

On this problem: See: The ICRC Report International Humanitarian Law

Conflict challenges The Red Cross and Red Crescent: (The Power of Humanity) Geneva, Switzerland, December 10-8, 2015 Document number: IC / 15xxx / 32, available online at:

[https://www.icrc.org/en/document/international-humanitarian-law-and-challenges-](https://www.icrc.org/en/document/international-humanitarian-law-and-challenges-34h-and-13h)

34h and 13h:, at 10/12/2016 last visit to the site, Day of Contemporary Armed Conflict

The protection of civilians is concentrated in Chapter Two of the Fourth Geneva Convention 1949.

Dr. Heba Abu Al-Amaim, The Status of Children in Armed Conflicts in International Humanitarian Law, *Journal of Childhood and Development*, Issue 9

Dr. Abdel-Rahman Abu Al-Nasr, The Fourth Geneva Convention for the Protection of Civilian Children of 1949 and its Application in the Occupied Palestinian Territories, PhD Thesis, Faculty of Law, Cairo University, 2000

Protection of War Victims, Proposals of the International Committee of the Red Cross, Geneva, April / 1994, *International Review of the Red Cross*, Seventh Year, Issue 39, September-October 1994

Dr. Murshid Ahmad Al-Sayed, Ahmed Ghazi Al-Hormzi, *International Criminal Court*, House of Culture for Publishing and Distribution, Amman, Jordan, 2002

Dr. Abdel Fattah Bayoumi Hegazy, *International Criminal Court*, Dar Al Fikr Al Jami'ya, Alexandria, 2004

Dr. Fadil Talafha, Child Protection in International Humanitarian Law, International Conference on Child Rights from a Legal and Educational Perspective, 2010

Dr. Yahya Yassin Saud, The Syriac War in Light of the Rules of International Humanitarian Law, The Legal Journal is a magazine specialized in legal studies and research

Charter of the United Nations. - Statute of the International Criminal Court - Additional Protocol to the Geneva Conventions

Dr. Ahmed Aubais Neima alfatlaw. Cyber Attacks: An Analytical Legal Study on the Challenges of Contemporary Regulation, Zain Human Rights Publications / Beirut - Lebanon

TheInternational
Committee of the Red Cross, What restrictions does the law of war impose on cyber attacks? Frequently asked questions, an interview with Mr. Laurent Giselle, legal advisor at the International Committee of the Red Cross Dated Available at: <https://www.icrc.org/ara/> , Last visit to resources / documents / faq / 130628-cyber-warfare-q-and-a-eng.htm On 12/02/2017.

