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EDITOR’S NOTE

The process of selecting articles from the six journals published in Arabic by the Arab Center for Research and Policy Studies for translation into English is not an easy one. We seek thematic and geographic diversity to the extent possible, and we make sure to provide opportunities for promising young researchers to publish their work and reach an international audience. This volume achieves both of these goals. The articles included cover the Horn of Africa, the Eastern Mediterranean, and North Africa. They tackle diverse themes ranging from state formation and state failure in Somaliland to women's rights in Palestine, the multiplicity of Kurdish identity, the impact of remittance on Tunisian urban spaces, and the plight of Egyptian prisoners fighting for the right to education. The volume also features an analysis of raw data published by the Arab Opinion Index pertaining to the West Bank and Gaza, then concludes with two book reviews.

Suhaib Mahmoud offers a comprehensive analysis of the cultural and political structures in Somaliland that contributed to state failure. He discusses the motives of and obstacles to Somaliland's secession from Somalia in 1991 and assesses the international community's attitudes towards this partition.

Aya Randall argues that both the PLO and the PA have dealt with women's rights as a matter of means, not as ends in themselves. She illustrates how the PA has in effect marginalized those rights, only leveraging them to secure political gains.

Seevan Saeed deconstructs Kurdish identity and provides an analysis that avoids essentializing it. He distinguishes between traditional and new Kurds, a binary that has produced dichotomous labels based on Kurds' self-identification within the current political atmosphere of the region's Kurdish communities.

Chiheb Yahyaoui identifies the main sectors and areas that absorb migrants' financial returns in Tunisia and examines the impact of remittances on the urban space. He explores the ways in which migrants serve as agents of development in Tunisia and how this in turn provides them with social capital.

Saif Alislam Eid sheds light on de facto policies and practices that render prisoners' rights to education null in Egypt since the 2013 military coup, contrasting these procedures with the guarantees of this right that local legislation and international law and treaties provide for.

Yara Nassar analyses material from the Arab Opinion Index to examine popular sentiment in the West Bank and the Gaza Strip toward certain political issues in order to highlight major differences of opinion between the residents of both territories.

Sena Khateeb reviews Azmi Bishara's Transition to Democracy and its Problematics: A Theoretical and Applied Comparative Study. She sheds light on how the book grounds its analysis in experiences from the Arab region and integrates these local cases into wider debates on democratic transition.

Sofia Hanezla reviews Asef Bayat's Revolutionary Life: The Everyday of the Arab Spring, exploring the ways in which Bayat shifts the analysis of the so-called Arab Spring revolutions from the realm of high politics to that of everyday life and the grassroots.

Almntaqaa's editorial board owes acknowledgement to our dedicated translators: Chris Hitchcock, Nancy Roberts, Nick Lobo, and Abby Al Zoubi.
Suhaib Mahmoud*

Understanding the Secession of Somaliland

History of the Formation and Failure of the Somali State (1960-1991)**

فهم انفصال صوماليلاند
تأريخ تشكّل الدولة الصومالية وإخفاقها (1960-1991)

Abstract: This article examines the secession of Somaliland by exploring its historical, political, and legal foundations. It argues that secession was an inevitable result of the structural, political, and cultural context of the emergence and unification of the post-independence Somali state. The historical perspective helps explain not only the secession of Somaliland, but also how Somalia became a textbook example of a failed nation-state. The article starts with a general background on the modern social history of the Somali peninsula and analyses key moments, starting from the history of the formation of the modern state in British Protectorate Somaliland and Italian Somaliland until the establishment of Somalia as a unified nation-state. The article also discusses the motives of and obstacles to Somaliland's separation from Somalia in 1991 and evaluates the stances of the international community toward this secession.

Keywords: Nation State; Post-independence; Somalia; Somaliland.

ملخص: تسعى هذه الدراسة إلى فهم انفصال صوماليلاند، وتقرأ خلفياته ودوافعه التاريخية والسياسية والقانونية، وتطرح فرضية رئيسة هي أن الانفصال نتيجة موضوعية للعوامل البنيوية والسياسية والثقافية التي أحاطت بشأنا الدولة الصومالية وتوجيها في فترة ما بعد الاستقلال. وتحاول أن المنظور التاريخي يوفر فهما أفضل ليس في حالة انفصال صوماليلاند فحسب، بل أيضًا لاستيعاب الجذور العميقة لتحول الصومال إلى حالة أنشطة فشل الدولة الوطنية القطرية. وتطالب من خلفية عامة حول التشكّل السوسيولوجي الحديث لشبه الجزيرة الصومالية. وتحدد نطاق اشغالها الزمني والمكان على أربع مراحل أساسية، تبدأ من تاريخ تكوّن الدولة الحديثة في إقليمي صوماليلاند البريطاني والصومال الإيطالي وصولًا إلى قيام الدولة الصومالية القطرية بصفتها القومية الموحدة، ومن ثم تمر إلى تفسير مبررات انفصال صوماليلاند وخلفياته عن باقي الصومال في عام 1991، وتختتم بتقييم مواقف المجتمع الدولي منه ومواجهتها.

كلمات مفتاحية: الدولة الوطنية؛ ما بعد الاستقلال؛ الصومال؛ صوماليلاند.

* Doha-based Somali Researcher, Qatar.
Email: zuheibar@gmail.com

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**Introduction**

Somaliland represents a unique case of secession with several historical peculiarities. It is distinct from other entities with separatist claims in Africa, not only as a unilaterally declared republic that has proved able to survive and build a relatively stable and democratic state, but also because its claim to sovereignty is centred on a narrative that it is a territory with a colonial political history different from the rest of Somalia. Conversely, the post-independence Somali Republic aimed at building a nation-state that represents all Somalis in the Horn of Africa. The two regions were unified after Somaliland's independence from the United Kingdom on 26 June 1960, and Italian Somaliland's independence from Italy on 1 July 1960.

After gaining independence, African states largely adopted the borders carved out by colonial administrations as the political borders of their own national territories. Somalia represents one of two exceptions to this pattern (the other being Morocco) that contested regional borders upon the establishment of its national state. It refused to sign treaties preserving colonial borders, especially agreements demarcating its borders with Kenya and Ethiopia, given that the British colonists had "gifted" historically Somali lands to the neighbouring countries.

This study explores the historical and political background of Somaliland's secession by tracing its historical and political formation in the early colonial period, the rise of the separatist movement, unity and the struggle for independence, and the establishment of the Somali nation-state. It also examines the colonial experience of the 1940s, which laid the foundations of the modern state in both Italian and British Somaliland. The paper argues that colonialism, especially British, did not change social, political, and economic structures, but rather adapted to and engaged with clan-based society in order to serve its political interests. It also contends that the subsequent secession of Somaliland was an inevitable outcome of the failure to build a Somali nation-state and create durable national unity, in addition to the human rights violations committed by the military against the northerners. The study concludes with a critical assessment of the political and legal justifications for the secession process.

**Colonization and the Formation of the Modern State in the Horn of Africa (1884-1960)**

The Horn of Africa took shape as a political entity in the first quarter of the 19th century, when Britain, France, Ethiopia, and Italy each claimed sections of the peninsula during the Berlin Conference of 1884. The three European empires scrambled to legitimize their colonies by signing agreements with the numerous Somali clans and sultanates, while the Ethiopian empire (known by the exonym Abyssinia) expanded eastwards into Somali territory.

Each colonial power had its own motivations: Britain and France sought to secure the Suez Canal by controlling the supply routes in the Horn of Africa, while Italy wanted to establish a colony in the mould of British Kenya so it could join the proverbial club of powerful colonizers. The British established their protectorate in the north under the name of British Somaliland in 1887, pursuing an administration based on indirect rule by signing treaties with local clans. The first agreement was made with the Sultanate of Warsangali, ruled by Mohamoud Ali Shire in 1888. The British colony of India initially assumed governance in the protectorate until 1898, after which the Foreign Office took over, eventually succeeded by the Colonial Office in 1905.

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Years after the establishment of the protectorate, Britain ceded most of the territory, especially the Hawd areas, to the Ethiopian Empire in an attempt to court the Emperor Menelik II (1844-1913), who was at the peak of his political and military might after his victory at the Battle of Adwa (1896). Britain retained only the coastline, a hundred kilometres inland, which it considered sufficient to protect the meat supply to Aden. With the exception of the coastal city of Berbera, most areas of the protectorate were left without colonial administration and British forces were reduced to a minimum. Thus, it is fair to say that Britain did not actually rule most of Somaliland except for the coastal cities, and that colonialism did little to transform the precolonial political structures in a way that influenced the building of state's foundations, as Andreas Wimmer notes. Instead, the British strengthened the authority of clan leaders through whom they could manage society and declined to build the elements of a central government, such as a public infrastructure, nor did they establish a modern political authority until the 1940s. Britain also took control of land on the peripheries of the Somali Peninsula, which was later called the Northern Frontier Province and fell within the British colony of Kenya.

Meanwhile, Italy sought to control southern Somalia by concluding agreements with southern sultanates and tribal leaders through trading companies. The first of these agreements was signed in Banaadir in 1888, under the nominal sovereignty of the Sultan of Zanzibar, Barghash bin Saeed, followed by the Sultanate of Hobyo led by Yusuf Ali Kenadid (1890-1911) in the same year. A similar agreement was concluded with Sultan Osman Mahmoud in the Majeerteen Sultanate in 1889 but Italy dissolved these trusteeship agreements unilaterally in 1925, and on 5 April 1908, the Italian parliament passed legislation to unite all of southern Somalia as "Somalia Italiana", which Governor Maria De Vecchi turned into a full-fledged Italian colony in 1927.

Italy successfully established a colony in southern Somalia for Italian settlers and worked to introduce modern agricultural methods to raise productivity as well as providing services to the settlers that they did not make available for Somalis. The colonial governor in Mogadishu appointed provincial leaders from the Italian population, with a council of tribal elders to advise the colonial governor. As a result, their rule was more centralized and direct than British rule in Somaliland. Meanwhile, France controlled the territory of what is now known as Djibouti by signing treaties with the sultans of Issa and Afar, declaring it a French colony under the governorship of Leonce Lagarde, who played a prominent role in expanding the area of French influence in the Horn of Africa. This colony was known as French Somaliland from 1896 until 3 July 1967, when the French administration renamed it the French Territory of the Afars and the Issas, before the country eventually gained independence as Djibouti in 1977. Notably, the goal of French colonialism was to build coal facilities for French ships in the Red Sea and the Indian Ocean.

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5 Ibid., pp. 90-91.
6 Adwa was the decisive battle in the First Italo-Ethiopian War, where the Ethiopians defeated the invading Italian forces on 1 March 1896, curbing Italy's campaign to expand its empire in the Horn of Africa. See: Raymond Jonas, *The Battle of Adwa: African Victory in the Age of Empire* (Cambridge, MA: Harvard University Press, 2015).
9 Baadiyo, p. 97.
10 Ibid., pp. 99-100.
11 Ibid., p. 101.
12 Ibid., p. 99.
13 It is important to note that Italian colonial rule in the south had far greater political and social impact than the British did in Somaliland; in the south a vast urban class of Western-educated colonial bureaucrats, the so-called comprador bourgeoisie, arose. But the colonial administration remained focused on an export industry dominated by Italian settlers and did little to establish state institutions.
14 Baadiyo, p. 103.
15 Ibid.
Finally, Emperor Menelik II, who expanded the borders of his Abyssinian empire tenfold, seized much of the Somali territory and the western Somali region (known as Ogaden according to the colonial administration) in 1897. Not content with the way Somali lands were fragmented, Britain signed an agreement to annex the western Somali region to the State of Ethiopia that same year, but it was temporarily subject to British administration again in 1947, before Britain once again returned it to Ethiopia in 1948 against Somali wishes. The territory remains part of the Federal Republic of Ethiopia to this day.

In the aftermath of World War II, the colonial map of Somalia changed because of two main factors. The first was legislation from Westminster establishing the British Commonwealth (1931) as a political and economic framework for the British colonies. The second factor was the defeat of the fascist Mussolini regime in East Africa early in World War II. The British military administration took over all of the Somali territory by 1941 and adopted a more centralized and direct policy of governance. It moved the seat of its colonial government in Somaliland from Berbera to Hargeisa as an expression of its desire to rule the entire region, rather than being confined to the coastal cities, and set up programs to develop the protectorate’s economy. Political reform and economic modernization, hence, became a new focus for British policy in Somaliland. The colonial administration also began to establish modern political institutions, creating an advisory council in 1946, then municipal councils (1950-1954), the Legislative Council (1957), and the Executive Council (1959).

The Establishment of the Modern State in Somaliland

Towards the end of the 1940s, the colonial administration changed its style of indirect governance to building new institutions that reproduced the tribal system under the pretext of balancing the representation of clans within these state institutions. This interference in the clan structure directly affected the formation of the post-colonial Somali state: clan relations became the most prominent determinant of the political process in the post-independence state, and political parties began to compete based on these relations for access to power and state resources.

The colonial blueprint for state-building in Somaliland began in 1946 with the establishment of an advisory council, composed of major merchants and civil servants on the one hand and elders and clan chiefs on the other. On the surface, these councils seemed to represent both the traditional (clans) and modern (merchant class) elements of society. These representatives, in turn, chose the members of the local municipal councils in the cities of Somaliland (Berbera, Hargeisa, then in Burao, Ergabo, Burma and Lasanod, respectively). These municipal councils were also based on clan ties, and to some extent they were successful in the cities but failed in the rural areas after the expansion of the roles of clan elders in the first colonial government was met with fierce resistance.

Two major determinants played a fundamental role in the formation of the state in Somaliland, and in the Somali region more generally: the emergence of Somali nationalism, and the call for Somalia's unification under one state.

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16 The Somali region of Ethiopia, or Region 5, according to the state's administrative division, has been under Ethiopian sovereignty since the middle of the 20th century. Its population is about 8 million, all of whom are ethnically Somali, and share close cultural ties with Somalis in Somaliland, Djibouti, and Somalia. They speak Somali as their mother tongue.


18 Lewis, A Modern History of Somalia, p. 133.

19 Lewis states that the number of Somali civil servants rose significantly after World War II thanks to economic programs introduced by the British colonial administration as part of its “Welfare Scheme”. See: Ibid., p. 70; Abdi Samatar points out that the rise of livestock exports brought Somaliland into the global capitalist system, as the economy of the protectorate was linked to the Protectorate of Aden. Thus, economic inequality became more prominent in society, which led to the emergence of a petty bourgeois class among the merchants, associated with the colonial economy. See: Samatar, The State and Rural Transformation, pp. 81-82.
1. Emergence of Somali Nationalism

Somali nationalist discourse was produced by the political parties, civil organizations, and youth unions that emerged alongside British and Italian colonization. The first Somalilander political organization, the Somali Islamic Society, was founded in the early 1920s in Aden with the help of Somalis living in Yemen, seeking to promote a discussion on "the issues of the Somali community in Aden and the issue of British rule in Somaliland". In 1935, another organization was founded, the Somali National Assembly, which in 1951 transformed into a political party called the Somali National League (SNL). In Italian Somaliland, thirteen young men founded a youth organization called the Somali Youth Club (SYC) in 1943, which turned into a nationalist political party in 1974 called the Somali Youth League. Later, these two parties (SNL and SYL) led the movement to unify the regions of British and Italian Somaliland, with the SYL becoming the ruling party in the independent Somali Republic.

The first parliamentary elections were held in Somaliland in February 1960, with several political parties running, including the SNL, the United National Front (NUF), and the United Somali Party (USP). The SNL won the elections with a two-thirds majority on a nationalist manifesto and the party embraced the idea of Somali unity. However, during these elections, a clear contradiction between the nationalist discourse and the political practice of these parties emerged during the electoral campaign. Although all the parties participating in the elections were calling for the unification of the Somali lands in one state, clan ties remained the only significant difference between candidates, demonstrating that those parties were merely a continuation of the old clan social structure and networks.

2. The Idea of Somali Unity

At the end of World War II, all the regions of Somalia fell under British rule with the exception of Djibouti, which remained a French colony. To assuage Somali discontent with the colonial fragmentation of their historical lands, British Foreign Secretary Ernest Bevin (1881-1951) proposed the idea of unification — or the concept of Greater Somaliland. The other major powers (France, the Soviet Union, and the United States) rejected the British plan, which they believed would undermine their interests in the Somali Peninsula, and the Ethiopian Emperor Haile Selassie strongly protested against that unity. Responding to international pushback, Bevin addressed the British House of Commons in June 1946, saying:

At about the time we occupied our part, the Ethiopians occupied an inland area which is the grazing ground for nearly half the nomads of British Somaliland for six months of the year.

21 SNL won 20 of the 33 seats, while USP won 12 and NUF just one. Thus, Muhammad Haji Ibrahim Egal headed the first elected legislative council as prime minister of a cabinet made up of: Jarad Ali Jarad Jameh (Member), Haji Ibrahim Nour (Member), Ahmed Haj Dawali (Ahmed Qais) (Member), and Haji Youssef Iman (Member).
22 With regard to Somali unification, Britain organized a meeting for the SYC in the presence of representatives from all Somali clans to convince them of the idea. British policy changed after Bevin's announcement in the British House of Commons that Britain was prepared to fulfill the Somalis' desire for Somali unity and independence within the framework of the British Commonwealth of Nations if the Somali people agreed to that. By negotiating with the party's central committee, Bevin linked Somalia to the British Commonwealth. The British administration in southern Somalia distributed official leaflets inviting all Somalis from the colonial administration, police, and army to join the SYL and offered those who became members of the party the privileges of high-level posts and access to jobs in general. Meanwhile, two prominent Somaliland protectorate politicians, Michael Mariano and Adam Aweys, were transferred to Mogadishu to represent Somaliland in the party ranks. The party's constitution provided for the unification of the five Somali regions under one state. Eventually, a major conference was organized in Mogadishu, with Sultan Abdillahi Deria of Hargeisa presiding. However, southern politicians refused to move forward under the British administration, preferring to be placed under the tutelage of the United Nations. Thus, the UN Security Council took control of Somalia from Italy and set a deadline of ten years to give it independence.
23 Gordon Waterfield, "Trouble in the Horn of Africa? The British Somali Case", International Affairs (Royal Institute of International Affairs), vol. 32, no. 1 (January 1956), pp. 52-55.
24 The King of Ethiopia, Haile Selassie, had stated his right to include the Somalis in his kingdom. See the memoirs of Ambassador Ahmed Qibi: Adan Ahmed Mohamed, Danjire Qaybe Ivo Cialanka, Duale Bobe Abdirahman (ed.) (Hargeisa: Sagaljet, 2013), pp. 44-50; See also the report of Haile Selassie's visit to the United States in 1954. A few years later, Ethiopia illegally took control of Eritrea in 1961; see: Theodore M. Vestal, "Emperor Haile Selassie's First State Visit to The United States in 1954," International Journal of Ethiopian Studies, vol. 1, no. 1 (Summer/ Fall 2003), pp. 133-152.
Similarly, the nomads of Italian Somaliland must cross the existing frontiers in search of grass. In all innocence, therefore, we proposed that British Somaliland, Italian Somaliland, and the adjacent part of Ethiopia, if Ethiopia agreed, should be lumped together as a trust territory, so that the nomads should lead their frugal existence with the least possible hindrance and there might be a real chance of a decent economic life, as understood in that territory.25

During the 1950s, the call for a unified Somali state became widespread for three reasons: 1) Somaliland's SNL and southern Somalia's SYL carried out intense political campaigns calling for Somali unity;26 2) Bevin proposed to grant Somalia independence immediately if they accepted remaining under British tutelage; and 3) Given Britain's prior annexation of the Hawd Reserve, located within the borders of the British Somaliland Protectorate, to Ethiopia in 1942, as well as the western Somali region in 1948, there was a prevailing fear that the Ethiopian empire would seize Somali territory region by region if they did not unite as one country.27

On 6 April 1960, the Somaliland Legislative Council held a meeting in Hargeisa chaired by the British Governor, Sir Douglas Hall, to discuss two items: the independence of Somaliland, and its union with Italian Somaliland. The majority of the council members expressed their enthusiasm for the union with Italian Somaliland, which was under the tutelage of the United Nations, while other members, such as Garad Ali Garad Jama and Somaliland Prime Minister Mohamed Haji Ibrahim Egal, suggested that Somalis obtain independence first and wait to unite with Italian Somaliland.28

On 16 April, a government delegation from Somaliland departed for Mogadishu, the seat of the Italian Somaliland government. The delegation included three members: Mohamed Haji Ibrahim Egal, Garad Ali Garad Jama, and Haji Ibrahim Nur, accompanied by Lieutenant Abdullahi Adam "Congo" in his capacity as an advisor to Egal. With the government of Abdullahi Issa Mohamud (the final government of the 1956-1960 trusteeship period in Italian Somaliland), the delegation discussed the idea of unity between the two regions. The Mohamud government proposed to the Somaliland delegation that the country remain independent for a while,29 describing the idea of unity as "hasty" and "premature".30 However, the Somaliland delegation decided to establish an unconditional and unrestricted union.31 Ultimately, during this conference, the decision was made to merge Somaliland and Italian Somaliland into one country on 1 July 1960, with its capital in Mogadishu.

Egal left on 2 May 1960 to attend a constitutional conference in London, also attended by Hall. This meeting set the date for Somaliland's independence as 26 June 1960, with the British reiterating their support for the unification of the two Somali regions.32 The SNL's electoral campaigns were based on promises of that union, in line with popular opinion at the time.

On 26 June 1960, the protectorate of Somaliland gained independence and Hall, as the last British governor of the protectorate, formally handed power over to Osman Ahmed Hassan, the first local governor. In its first session, the governing council of Somaliland voted by an overwhelming majority in favour

26 Historical sources suggest that the British encouraged the latter to subvert the Italian presence in the south.
27 Ibid.
29 Ibid.
30 Ibid.
31 Ibid.
32 As Lewis points out, the British encouraged the idea of Somali nationalism because India's independence in 1947 had greatly reduced the strategic importance of the British presence in Aden and, hence, of British control of the Somaliland coast. As a result, the British government announced that it would not oppose unification with Italian Somaliland, should it be desired by the Somali nationalists. See: Lewis, A Modern History of Somalia, p. 152.
of the union with Italian Somaliland, which gained independence four days later, on 1 July 1960. Thus emerged the Somali state, composed of two different colonial regions and intending to annex the remaining regions. In addition, the flag of Somali independence raised in Hargeisa centred a white five-pointed star symbolizing the five regions of Somalia.

The Birth and Death of the Somali Republic (1960-1969)

The nationalist political elites achieved the dream of establishing a nation-state consisting of both British and Italian Somaliland following independence as part of a vision for a Greater Somalia that included the five Somali regions. However, this dream soon collided with the contradictions inherent in the African regional context, where colonial borders had become sacrosanct. Two of the regions that Somalia sought to annex were located within the borders of neighbouring countries. The nationalist political elite found themselves faced with the problem of building a nation-state based on democratic citizenship in a society divided by clans, as well as the technical and legal challenges resulting from the unification of two governing administrations with different colonial backgrounds. It took three years to fully merge the administrative, legal, judicial, police, and military institutions of the two systems and to unify the language of state institutions.\(^{33}\) These challenges were exacerbated by a lack of basic infrastructure; there was no telephone line between the north and the south, and no regular air services besides police aircraft.\(^{34}\)

As a result of these challenges, the independent state was unable to build a stable establishment, as clan divisions and border conflicts with neighbours remained an existential threat, persisting throughout the period of unity between the two regions. The crisis in the emergence of the Somali state, the procedural complexities, and the legal and political problems that accompanied the process of unification between the north and the south planted the seeds of failure for the project to establish a unified Somali Republic.

How did the national elites fail to create an imagined Somali national identity that transcends clan affiliations and the traditional social structure, instead allowing Somalia to be governed by loyalties and rivalries that triggered conflicts between clans? These conflicts would be exacerbated when Siad Barre's regime seized power through a military coup, with the unity of the two regions collapsing as a bloody conflict raged in the early 1990s.

1. The Shaky Foundations of the Unified State

Throughout the process of establishing the Somali Republic, the political clan remained a dominant feature of the partisan elites, even as they regurgitated the slogans of Somali nationalist rhetoric. Abdalla Mansur calls the political clan "the cancer of the Somali state"\(^{35}\) – a practice that, as mentioned earlier, has its roots in the British colonial rule when the British attempted to apply a strategy of equitable representation of clans in government, public positions, and services in Somaliland. They failed to achieve any such balance, however, when some clans obtained more important positions in administration, especially in the post-colonial state, indicating a structural defect in the organization and understanding of modern political action, as well as the very idea of the modern state itself.

The legal, cultural, and political problems faced by the independent state can be summarized as follows:

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\(^{33}\) The Somali language had no official script until 1972, and the post-independence bureaucracy has been compared to the "Tower of Babel", whereby English, Italian, and Arabic were all haphazardly employed as official languages. See: Hussein M. Adam, "Formation and Recognition of New States: Somaliland in Contrast to Eritrea", Review of African Political Economy, vol. 21, no. 59 (March 1994), p. 21.

\(^{34}\) Lewis, A Modern History of Somalia, p. 171.

a. Legal and Constitutional Challenges

• The Problem of the Union of Somaliland and Somalia Law

At the Mogadishu conference on 16 April 1960, the representatives of the Somaliland protectorate government and the regional government of Italian Somaliland reached a decision to unite the two regions on 1 July 1960.\(^\text{36}\) A clause was added to the constitution stating that "the existing President or Vice President of the Legislative Assembly of Somalia shall preside over the National Assembly of the Somali Republic for the purpose of taking the oaths of allegiance in accordance with subsection (1) hereof and for the purpose of electing the first President of the National Assembly only."\(^\text{37}\) The Somaliland Legislative Assembly approved the "Union of Somaliland and Somalia" draft law unilaterally, a day after it gained independence.\(^\text{38}\) It consists of 27 clauses and stipulates in Article 1 (a) that "[t]he State of Somaliland and the State of Somalia do hereby unite and shall forever remain united in a new, independent, democratic, unitary republic the name whereof shall [sic] the SOMALI REPUBLIC".

On 30 June 1960, the Constituent Assembly of Italian Somaliland approved another bill, called "The Somalia Act of Union", consisting of three articles. Thus, the two legislative assemblies approved two different documents. At midnight on 30 June 1960, the Speaker of Italian Somaliland's National Assembly, Aden Abdulle, declared the independence of his country in his capacity as the interim president. On the same night, the constitution was promulgated by presidential decree to take effect immediately.

In the first joint session of the unified legislative assemblies in Somaliland and Somalia, Aden Abdulle was elected interim president of the Republic on 5 July 1960, after standing uncontested, with 107 out of 130 votes available from the unified assemblies. However, it is worth noting that in this session no official unification law was signed, contravening the stipulations of the constitution.\(^\text{39}\)

The existence of two different laws of unification was legally problematic for multiple reasons. First, the Somaliland-Somalia union law was drafted in the form of bilateral agreements, but neither was signed by the representatives of both regions. Second, "The Somalia Act of Union" promulgated by the Italian Somaliland Government was approved "in principle" but never ratified by any legislature – whether unilaterally by its legislative assembly or by the joint legislative assembly – and remained a presidential decree, signed on 1 June by the Interim President of the Republic. Because it was never turned into law according to Article 63 of the Constitution,\(^\text{40}\) it never officially entered into force.

In an attempt to overcome this legal dilemma, the Joint Legislative Assembly, seven months after the date of union, repealed the "Union Law of Somaliland and Somalia" and issued in its place another law, the "Act of Union", dated 31 January 1961. It was adopted retroactively, starting from 1 July 1960,\(^\text{41}\) but some jurists objected to this step, citing the principle of "non-retroactivity of the law".\(^\text{42}\)

• The Unified Constitution

On 21 June 1960, the Constituent Assembly established following unification adopted a constitution that entered into force on 1 July 1960 as the official constitution of the Somali Republic. Article 3 (1) of the constitution stipulated that it had to be submitted to a popular referendum within one year. A referendum was

\(^{36}\) Cotran, p. 9; I.M. Lewis, "The Somali Republic: An Experiment in Legal Integration", *Africa: Journal of the International African Institute*, vol. 32, no. 3 (July 1962), pp. 219-238.
\(^{38}\) Ibid.
\(^{39}\) Cotran, pp. 10-11.
\(^{40}\) Ibid., pp. 12-14.
\(^{41}\) Proponents of Somaliland's secession use this argument as evidence of the fundamental illegitimacy of the union. This is examined in the third section of the study.
\(^{42}\) Cotran, p. 12.

held on 20 June 1961, yielding an overwhelming majority in favour of the constitution, despite campaigns launched by political parties in the north to boycott the referendum on the pretext that they did not have the opportunity to participate in its preparation and discussion, which was ultimately limited to southerners.43 Remarkably, it was the SNL that led these calls for a boycott.44

b. Cultural Challenges and the Crisis of Nation-Building

In preserving the sources of its traditional frameworks, the Somali Republic faced a major cultural and intellectual challenge. The nationalist Somali political elites had failed to establish a modern nation based on citizenship and loyalty to a centralized political authority. Nationalist discourse had taken a gamble on language, religion, and ethnicity to build a modern nation-state. But these are pre-societal elements of mechanical solidarity as opposed to the organic solidarity necessary in the context of building a nation-state, revealing the limitations of Somali national discourse. The same party elites who adopted a nationalist ideology failed to bring about the cultural and intellectual transformations necessary for members of society to make decisions based on the legal individual. In their failure to realize this, the national elites leant on a utopian, populist discourse that was totally divorced from the political reality, inadvertently providing a space for sub-identities to compete over control of state institutions, translating into a political clientelism dominated by the demand to keep the clan base content.

Nation building as a direct source of loyalty and as a foundation for the individual is not a matter of will in the context of the so-called third world. Rather, as Burhan Ghalioun explains, nationalism is a historical issue: the embodiment of a historical social process created by culture, economy, and politics combined. The people of Europe witnessed this process as a historical fact.45 In his thesis, Benedict Anderson explains that the origins of national consciousness in Europe emerged with the advent of the printing press that spread in the period from 1500-1550, during which about twenty million books were printed, which put an end to the exclusivity of scriptural languages such as Latin. Capitalist entrepreneurs searched for new markets in the masses who spoke local vernaculars, which helped nurture a national awareness among locals by deliberately publishing literature and poetry in their dialects. This soon led to an alliance between Protestantism and print capitalism, under the influence of the tide of religious reform, resulting in the decline of the Church and the emergence of the first important non-monarchical European states in what is now the Netherlands.46

Anderson also argues that what he calls the "last wave" nationalisms that emerged in Asia and Africa after WWII represented a reaction to global imperialism, forming an ideology that combined popular and official nationalism because of the abnormal problem of states created by colonialism after drawing arbitrary borders based on the interests of the colonizer, not on the social and ethnic structure of the local population, which has also been dubbed "colonial nationalism".47 Considering how nationalism emerged through colonialism in Somalia, it becomes clear how much this case resembles other British colonies in India and elsewhere. Anderson aptly discusses the "notorious" 'Minute on Education' by British politician Thomas Macauley, who argues that, in India, introducing a "thoroughly English education system […] would create 'a class of persons Indian in blood and colour, but English in tastes, in opinions, in morals and

44 There were campaigns in some southern cities against the constitution. The Party for Defence of Democracy launched a boycott campaign in Beledweyne.
Anderson further quotes Macauley's observations that Indian magistrates were spending their formative years in England, returning to their country with the "social conventions and ethical standards" of the English, becoming social and moral pariahs in their societies, "as much [strangers] in [their] own native land as the European residents in the country."

It can thus be said the idea of Somali nationalism was a somewhat violent reaction to colonialism and its fragmentation of Somali historical land. However, the failure emerged in the culture of the national political elites in the independent state, unable to establish modern and inclusive national frameworks and instead reliant on clan politics in a way that perpetuated social division. This was embodied in the clan rivalry over control of state institutions and portfolios in the post-independence period and the formation of a unified state. The rivalries were inflamed when the southerners took control of the most prominent government roles and the northerners felt that they were living as second-class citizens compared to the southern clans. These sentiments were reflected in the rise of songs and poetry criticizing the unification process. The lyrics of one of those songs, "Let Me Remind You", published in 1964 and written by the poet and songwriter Ali Sugule (Cali Sugulle, 1936-2016) allude to the political and economic advantages the north would have enjoyed had it not joined with southern Somalia.

c. Political Challenges

Upon the establishment of the unified Somali Republic, a political challenge emerged in the shape of power-sharing arrangements between the north and the south in the new state. The south retained the country's capital of Mogadishu and two-thirds of the seats in parliament, with both the President and Prime Minister hailing from the south, thus maintaining a monopoly on the positions of authority. The administrative language remained Italian, while the new administrative capital was 2,000 miles away from Somaliland. Thus employment opportunities in public government sectors for citizens from those regions were virtually non-existent, especially in the absence of a road network linking the north and south. Consequently, Somaliland became a marginalized region within the Republic.

This problem only got worse as the prevailing political culture continued to barter with government positions. Despite a pluralistic party system, political parties did not compete in elections on the merits of ideological, political, or economic manifestos, but rather over their respective ability to appease their voter base through clientelism and bribery in the form of privileges such as government jobs and public services.

In an expression of the political challenges to continued unity, two events with serious implications occurred before the Somali Republic had completed its second year. The first was a coup attempt by officers from Somaliland on 1 December 1961. Disputes began to erupt between northern officers, graduates of the British Sandhurst College, and the Italian-trained officers in Mogadishu. Adam notes that:

Led by the popular Hassan Keid, northern officers felt corporate interests, personal ambition and regional grudges ignited following the precipitate union. "This abortive military coup had unmistakable secessionist objectives; however, the people, not yet ready for a radical break with Mogadishu, opposed it and it failed. Paradoxically, the absence of a legally valid Act of Union assisted their defence at their trial. The judge listened to different arguments but decided to acquit them on the basis that, in the absence of an Act of Union, the court had no jurisdiction over Somaliland."
This event revealed the fragility of unity between the two regions, not only socially and politically, but also from a legal perspective.\(^{53}\)

The second major event was the northern ministers' mass resignation from the national government in October 1962.\(^{54}\) Egal, who had been Prime Minister of Somaliland prior to the union, resigned and, along with southern politician Sheikh Ali Jiumale, formed the Somali National Congress (SNC), a new opposition party. The first post-independence elections were held in 1964, but Egal's attempts to defeat the ruling party, the SYL, were frustrated by its nationalist discourse and its unequal resources. Thus, in the aftermath of the elections, he joined the SYL and supported former Prime Minister Abdirashid Ali Shermarke in his successful 1967 presidential campaign against the incumbent Aden Abdullah Osman. Egal consequently secured himself the position of prime minister, becoming the first northern politician to do so – two years before a military coup that killed the president and saw Egal himself imprisoned for ten years.\(^{55}\)


On 15 October 1969, Abdirashid Ali Shermarke was assassinated by a police officer while visiting drought-stricken areas in the north-east of the country. While the National Assembly met on the evening of 20 October to choose a transitional president, Defence Minister and Commander of the Somali National Army, General Mohamed Siad Barre, was setting in motion a military coup that would unfold in the early hours of the next morning. The constitutional institutions were subsequently dissolved, the prime minister and other politicians imprisoned, and the country renamed the Somali Democratic Republic.\(^{56}\)

With society firmly in the grip of the military junta, northern grievances with the union would eventually intensify. But in its early years, the junta succeeded in attracting a measure of support from northerners, due in part to its progressive "scientific socialist" ideology, but also to its revival of the greater Somali dream laid to rest by the civilian government in 1967. However, Barre's ambitions were also extinguished when a Soviet-backed Ethiopia inflicted a devastating defeat upon Somalia in the Ogaden War (1977-1978), and the regime's popularity and economy began to crumble. Around 250,000 refugees, mostly from the Ogaden tribes living in the Somali region of Ethiopia, were resettled in the north, largely among the northern Isaac clans.\(^{58}\)

Somalia's defeat annihilated Somali nationalism, an ideology that the Barre regime had relied upon as a populist discourse to refute clan rivalries and had exploited as a populist demagogic veil for the prevailing inequality. As Azmi Bishara indicates in his foreword to the Arabic translation of *Imagined Communities*, this practice is considered both the secret of the appeal of nationalism and of its danger. Bishara thus distinguishes between nationalism and nationalist ideology; the modern individual, in his opinion, can be nationalist in affiliation while critical towards nationalism as an ideology, which is not an option under a non-democratic regime, such as Barre's. In a similar context, Bishara points out that nationalist systems are capable of competing with religious forces at the level of identity, as is reflected in Siad Barre's bitter struggles with the Islamist discourse that he worked to suppress.\(^{60}\)

\(^{53}\) Cotran, p. 11.
\(^{55}\) Adam, pp. 27-28.
\(^{56}\) Ibid.
\(^{60}\) Ibid.
Indicating the extent to which populist fervour had penetrated the Barre regime, the regime criminalized "tribalism" and the use of family names and adopted the title *Jaaalle* (comrade) among members of society. Getting rid of all manifestations of clanship became a top priority for the socialist government, as part of an expanded program called *Dabargooynta qabyalaadda* (Eliminate Tribalism). However, the 1978 defeat was an early indication of the contradictions of the national discourse and its inability to build a modern, democratic Somali state.

Meanwhile, the military junta failed to conduct any substantial development projects in the north, increasing resentment in those areas. Unfair distribution of public services led to the outbreak of political and military opposition from the north. In the early 1980s, it became clear that the Barre regime was systematically discriminating against the northern Isaac tribes. Popular dissatisfaction with the state culminated in student demonstrations in Hargeisa in 1981, which the regime met with murderous repression and extrajudicial executions. Subsequently, the Somali National Movement (SNM) was formed in 1982.

The government responded to the threat posed by the movement by targeting civilians with extrajudicial killings, forced disappearances, arbitrary arrests, detention, and torture. These attacks escalated with the escalation of the movement's activity in the north, and the regime targeted the cities of Hargeisa and Burao with indiscriminate air strikes that claimed the lives of more than fifty thousand people, in addition to displacing more than half a million refugees to Ethiopia and the internal displacement of a similar number. For northerners, these atrocities served as further proof that leaving the union was the only solution to their repression.

### 3. The War on the North

In the aftermath of the war with Ethiopia, in 1978, some officers from the Somali National Army attempted a military coup attempt against Barre but failed. The officers, led by Abdullahi Yusuf who would go on to serve as President of Somalia in the Transitional Federal Government from 2004-2008, managed to flee to Kenya. Yusuf moved from Kenya to the Ethiopian border to establish the first armed opposition front seeking to overthrow the regime, the Somali Salvation Democratic Front (SSDF). Thereafter, the SNM, which established its political headquarters in Britain in 1981, was formed and soon moved into the Somali-Ethiopian cities and villages bordering Somalia.

Soon enough, the struggle against the Barre dictatorship became a common goal for many armed opposition factions. During this period, and a kind of extension of the Ogaden War, both Barre and Ethiopia's Mengistu Mariam were supporting armed movements against the other. In this context, Addis Ababa found an opportunity in the anti-Barre fronts to undermine the ruling regime in Somalia and began hosting the military bases of those armed fronts stationed along the Ethiopian-Somali border and providing them with weaponry and funding.

Barre and Mengistu met for the first time at the establishment of the Intergovernmental Authority on Development (IGAD) in Djibouti in January 1986, and the two parties launched negotiations aimed at normalizing relations. In 1988, an agreement was signed between the two, according to which Barre gave up his support for the Western Somali Liberation Front (WSFL), in return for Ethiopia expelling the SNM from its territory. However, before the agreement could be implemented, the SNM decided to move its forces across the Somali border and launch surprise attacks on government targets in the main cities of Hargeisa and Burao.

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61 A student demonstration that broke out on 20 February 1982 sparked what would become a protracted struggle against the authoritarian regime, immortalizing this date in the national memory following Somaliland's secession. For more on that day and its symbolism, see the doctoral dissertation: Ebba Tellander, *The Wind That Blows before the Rain: Acts of Defiance and Care in Northern Somalia in the 1980s*, International Institute of Social Studies (ISS), Erasmus University, Rotterdam, 2022.

62 Renders, p. 60.

63 Ibid., pp. 60-71.

64 Ibid.
Barre responded with airstrikes and heavy artillery, committing war crimes against civilians whom he considered incubators for the armed movements and razing 90% of Hargeisa. The genocide would be overshadowed by the civil wars that raged after the fall of the regime, but estimates put the number of resulting deaths anywhere from fifty to a hundred thousand. Other reports claim that as many as two hundred thousand civilians were killed. Furthermore, the genocide resulted in the establishment of what was at that time the largest refugee camp in the world along the Ethiopian border with Somaliland in 1988. Some humanitarian organizations have described the genocide as the "Hargeisa Holocaust" and the "Dresden of Africa". But despite the devastation of the genocide, by 1988 the national movement had tightened its control over most of the north.

Meanwhile, other armed movements in the south sought to topple Barre, including the United Somali Congress (USC) and the Somali Patriotic Movement (SPM), finally succeeding on 16 January 1991 when Barre fled to Nigeria. The SNM quickly announced the secession of the north on 18 May, while the rest of the country plunged into a civil war fought by the various factions that had overthrown Barre. Somalia consequently became the quintessential example of the "failed state".

Although the purpose of this study is not to detail the history of how Somalia disintegrated, it is crucial to highlight the fact that the unification of the north and the south in the context of independence was destroyed by the military state when it committed massacres in the north. As soon as the SNM took control of the north, it declared its independence unilaterally, reinstated the British colonial borders, and established the Republic of Somaliland.

The Secession of Somaliland: Context, Justification, and Obstacles

This section situates the secession of Somaliland in a historical context, presenting the various arguments that the secessionist narrative invokes, as well as the problems unearthed and faced by the process of separation.

1. The Historical Context

The Somali National Movement's objectives have been heavily debated. Was independence the ultimate goal of its armed action against the regime or had it initially sought to preserve the union? Its narrative in the early days was certainly one of a nationalist character, and it had come to understandings with southern factions and movements to adopt a type of federalism once the regime had fallen. In fact, many of the movement's leaders had initially declared that they did not support secession and had merely sought to overthrow the regime, not divide the country.

But the movement subsequently adopted secession as its main goal due to two decisive factors. The first was the brutality of the military government's campaign in the north, which had unified the ranks of the northerners against the political regime in Mogadishu. Second, a new national government in the

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capital was announced unilaterally in January 1991, without consulting the SNM. These two factors would be enough to achieve a consensus among the SNM leaders on the matter of secession, so the movement held a series of meetings and conferences for Somaliland clans. The first national conference was held in the city of Burao in May 1991, attended by the leaders of the movement's armed wings as well as northern sheikhs and clan leaders. Three main items were announced during the conference: 1) the declaration of Somaliland's independence from Somalia and the reinstatement of the colonial borders of the British territory of Somaliland; 2) the consolidation of peace between the northern clans; and 3) the formation of a transitional government for a period of two years that would guarantee these clans fair representation.  

It is worth noting that southern political elites did not react to this dangerous development in the north, with the exception perhaps of the Islamic Movement in Somalia (Muslim Brotherhood) which issued a statement from its office in Canada rejecting "attempts to divide the country to serve the agenda of the nation's enemies". The rest of the country had fallen under the control of warlords who emerged from the factions that overthrew the military regime, and civil wars spread throughout the South. No government was established in Somalia until 2000, when the Somalia National Peace Conference was held in Arta, Djibouti and Abdiqasim Salad Hassan was elected the first transitional president since the overthrow of the regime. But he failed to stabilize the capital and liberate it from clan militias and warlords, remaining abroad until the end of his electoral term (2000-2004). A second election was subsequently held in Mbagathi, Ethiopia and Colonel Abdullahi Yusuf was finally chosen as the country's second transitional president (2004-2008). During his term he was able to enter the capital Mogadishu, with the support of Ethiopian forces. 

Meanwhile in Somaliland, as the two transitional years of SNM rule drew to a close, a civilian government was elected with the participation of the Guurti (House of Elders), made up of 82 sheikhs representing the northern clans. They chose Egal as the new president, during whose term the national constitution was drawn up and a constitutional referendum organized, until he died in office in 2002. Many considered his death a test of whether Somaliland could continue on as a separate entity, as well as of its political cohesion, but his deputy Dahir Riyale immediately assumed power in accordance with the constitution. 

Since then, Somaliland has known smooth transfers of power, through direct presidential, parliamentary, and municipal elections in an atmosphere of partisan plurality. Successive governments in Somaliland have presented their ability to host peaceful elections as evidence of the success of the state project and its eligibility to gain international recognition as an independent state. Official discourse in Somaliland is based on the most common, albeit oversimplified, definition of the state provided by the Montevideo Convention on the Rights and Duties of States, the basic criteria of which are: (a) a permanent population; (b) a defined territory; (c) a functional government; and (d) the capacity to enter into relations with the other states. The separatist narrative argues that Somaliland meets these criteria, but as many global examples demonstrate, meeting this standard does not automatically confer recognition as an independent state. Somaliland is proving to be a bleak example of this.

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73 This conference successfully implemented its decisions, especially with regard to the disarmament of armed militias, helped by the presence of the House of Elders (Guurti), a traditional parliamentary institution made up of clan leaders representing each Somalilander clan, established in 1989, which took over the reins of power from the SNM. The Guurti achieved a smooth democratic transition in Somaliland, aided by the lack of external interference. See: Sarah G. Phillips, *When There Was No Aid: War and Peace in Somaliland* (Ithaca, NY: Cornell University Press, 2020).

74 In its statement dated 19/5/1991, the movement accuses Israel and Ethiopia of being behind this separation, without reference to any evidence for such an accusation. The movement describes the secession as a real tragedy for the Somali people, an implementation of the colonial agenda against the Somali people. In its statement, the movement called for besieging the separatists and taking a unified stance towards them. See: "Bayān min al-Ḥaraka al-Islāmiyya fi al-Ṣūmāl Ḥawl Muḥāwalat Taqsīm al-Bilād," 19/5/1991, accessed on 7/3/2023, at: https://bit.ly/3cW3Jbu


2. Justifications for Secession

Calls for secession in Africa are not dealt with explicitly and publicly due to the African Union's sanctification of the colonial borders and its complicated history of dealing with separatist claims. Subsequently, Somaliland has demanded secession based on several alternative historical, legal, and political justifications. These justifications and claims can be summarized as follows:

a. Restoration of Sovereignty

This claim is based on a region's right to revive the colonized peoples' right to self-determination or restore their lost sovereignty, in a process dubbed "restorative secession" by legal researcher Dirdeiry Mohammed Ahmed. This argument that is built on the premise that Somaliland once existed as a sovereign state and is accordingly entitled to withdraw from the unified Somali state and restore its original borders. The legitimacy of this claim is rooted in the fact that African states were considered the legitimate heirs to the borders drawn by colonialism. From that perspective, Somaliland is legally an independent, sovereign state, which gained independence from Britain on 26 June 1960 as a post-colonial entity. Somaliland has consistently reiterated, in its official discourse, that the premise of its claim to independence is based on the agreed-upon borders of the independent state of Somaliland in 1960.

Yet, according to some legal experts, this argument lacks any legal basis given that "reversion to sovereignty [the principle that a state which has lost its sovereignty has the right to restore it] has no application". James Crawford explains this by saying that "whatever the validity or usefulness of reversion as a political claim, there is little authority and even less utility for its existence as a legal claim". Thus, a country cannot simply restore its sovereignty after having merged with another, except in accordance with the agreement of both countries. Likewise, a country does not lose UN membership even after having voluntarily withdrawn or merged with another country (such as Syria after its merger with Egypt). Dirdeiry Ahmed makes the observation that Somaliland would have gained some legal weight if it had secured UN membership during the short period in which it enjoyed sovereignty. Despite the recognition Somaliland had gained from 35 member states, including the five permanent members of the Security Council, it was not given a seat in the United Nations during those initial five days of independence.

b. The Illegality of the Union

It has been argued that the merger of Somaliland and Somalia was never legally binding, an argument accepted by the 2005 report of the African Union Fact-Finding Mission. The mission, which was sent to the region at the behest of the Somaliland government, wrote in its report: "The fact that the 'union between Somaliland was never ratified', and also malfunctioned when it went into action from 1960-1990, makes Somaliland's search for recognition historically unique and self-justified. As such, the African
Union should find a special method of dealing with this outstanding case." \(^{85}\) This argument does not hold up well to scrutiny however: in practice, the procedures to unify the two regions were completed, and the state continued to exist as a single national entity for more than two decades, regardless of any legal shortcomings associated with the initial steps of the merger. But the argument persisted because it provides a convenient legal exemption from the AU Constitutive Act prohibiting any secessionist claims on the continent, whatever the justification. \(^{86}\)

c. "Remedial" Secession

The discourse of successive Somaliland governments has repeatedly laid claim to the right to secede based on the population's exposure to excessive human rights violations, coupled with a lack of representation in the national government established after unification. This argument is bolstered by the northern rejection of the referendum on the unified constitution, the coup attempt by the northern officers, and the resignation of northern representatives from the unity government. Furthermore, the war waged by the military regime against the Somaliland region is often cited as a claim for the right to secession based on the theory of suffering, which "postulates that if a people keep up guerrilla warfare for long enough, they will be rewarded with statehood". Relatedly, remedial theory "upholds the right to self-determination in cases where serious and persistent violations of human rights exist […] and no remedy except self-determination is feasible"; this was used to justify the secession of South Sudan. \(^{87}\)

d. Constitutional Claims

Somaliland held a popular referendum on the 2001 constitution that asked voters whether they agreed that "Somaliland should be an independent, sovereign state", with 97 percent of the respondents voting in favour of independence. Article 1 of the constitution states that Somaliland is a "sovereign and independent state". Although critics question the integrity of that constitutional referendum, given that it was conducted by the separatist claimants themselves, this controversy has the potential to be resolved by holding a popular referendum on secession under international supervision.

The above has outlined the complexities of the political, legal, and human rights-based claims invoked by the proponents of Somaliland's secession, highlighting the intersection of colonial history with the intricacies of the formation of the post-colonial African nation-state, combined with the principles of the right to self-determination guaranteed in international law. As such, Somaliland's unique intricacies call for a completely fresh approach in dealing with the matter.

3. Ramifications of Secession

The separation process is complicated by many unresolved obstacles and problems, including:

a. The Border Dispute to the East

Border disputes constitute a major problem for post-colonial African countries, as reflected in the frequent military conflicts on the borders of Somaliland and the autonomous Somali federal state of Puntland over the Sool and Sanaag regions. The dispute is both a remnant of European colonialism and a legacy of the complications arising from the collapse of the central state and Somaliland's unilateral declaration of

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secession. Accordingly, the conflict is multi-dimensional and intersects with political, clan, regional, and national dynamics.

The outbreak of the conflict dates back to the collapse of the central state in Somalia in 1991, when Somaliland and Puntland set out on different trajectories in the face of the new reality. The former unilaterally declared independence in 1991, asserting its "right" to administer Sool and Sanaag as part of its historical territory. Meanwhile when Puntland declared itself an autonomous state of Somalia in 1998, before the country had adopted a federal system, it claimed the region as part of its territory.

While Somaliland's claim is based on sovereignty over the two regions within the colonial borders as a British protectorate, Puntland's claim is based on clan ties in the region; the two main clans that live in Sool and Sanaag (Dhulbahante and Warsangali) and the main clan in Puntland are two branches of the greater Darood/Harti clan. Thus, Puntland mobilizes clan loyalties against secession as a non-representative project. In addition, Puntland presents itself as the defender of a unified Somalia. Former President of Puntland Abdiweli Gaas, in a speech delivered on 23 June 2016 before the Puntland Parliament, based in the regional capital of Garowe, rejected the legitimacy of colonial borders as a guideline in the conflict, adding that Puntland has a "sacred duty" to forcibly "liberate" the disputed areas.

Disputes over disputed territories have led to divisions within the Dhulbahante and Warsangali clans, from which, in turn, complications have arisen in administering Sool and Sanaag, further militarizing intra-clan conflict in the region, which has often escalated into fighting between Somaliland and Puntland forces. Starting in 2007, Somaliland launched multiple military offensives to expand its authority eastward, seizing a series of towns and villages in Sool, including the provincial capital, Las Anod. However, rather than resolving the conflict, the move only served to exacerbate it. The two parties continue to weave relations with the political elites of the two clans by granting them high positions in their respective governments, in addition to registering civil servants and members of the army in those areas. The political elites of the two clans switch back and forth between the governments of Somaliland and Puntland to try to maximize their gains. Since 2012, local clan entities demanding autonomy have emerged, such as the Maakhir of the Warsangali clan and the Khatumo of the Dhulbahante clan, with the primary aim of providing better services to the people of the border areas than those offered by the governments of Hargeisa and Garowe.

The unstable situation in these regions undercuts the dominant Somaliland narrative and its claim to independence, which is based on historical colonial frontiers that the border dispute directly affects its ability to maintain. Furthermore, politicians and activists from the eastern regions who reject secession remain a serious obstacle to international recognition. A sustainable solution requires a just and satisfactory formula for the people of both regions and their increased involvement in the political process and development projects in Somaliland. In any case, these territories will remain the arena in which national identity is determined, from which the future political system of the Somalis will be formed – whether as two states or as one.

b. The Opportunism of the Northern Political Elites

Since the end of the Cold War, power-sharing has become the standard approach to ending civil war. As Katia Papajiani argues, "power-sharing arrangements are almost inevitably an element of peace agreements, especially in situations where conflict arises from minority ethnic, linguistic or religious grievances". In Somalia, the 4.5 formula was adopted at the Arta Reconciliation Conference in Djibouti in 2000 as a
power-sharing mechanism. The quota divides seats in parliament and various government positions equally among four major clans – namely the Hawiye, the Darod, the Dir, and the combined Digil and Mirifle – in addition to a fifth quota allotted to the remaining minor clans and communities including the Midgaan, the Yibir, the Bantu, the Jareerwayn, the Xamarwayn, the Baraawe, and the Benadiri.

This formula, despite its many flaws, guarantees the participation of northern politicians in the Somali political process, enabling political opportunism among the politicians from the disputed eastern regions and from some other regions in Somaliland. When they fail to secure parliamentary or party positions in their regions, they can easily revert to the quota system in Mogadishu, where the 4.5 formula virtually guarantees them a chance to represent the northern Dir tribes. They are further facilitated by a "political marketplace" driven by "marketized political relationships" and "the monetisation of patronage". This Machiavellian practice undermines the right of secession claimed by the political elites in Somaliland.

c. The International Community's Rejection of the Secession Process

While countries such as Denmark, the United Kingdom, South Africa, Ethiopia, Djibouti, Belgium, South Sudan, Kenya, the United Arab Emirates, and Taiwan have opened up consulates or representative offices in Hargeisa, no country has yet recognized Somaliland as an independent state. International recognition eludes Somaliland for several reasons, most notably because of the reigning bias, especially in the US, that has prioritized the restoration of security and stability and the project to combat terrorism in Somalia over the past two decades. The US believes that recognizing the independence of Somaliland will weaken these efforts and also considers the issue an African matter. For its part, the AU fears that the recognition of Somaliland would spur the emergence of more secessionist cases on the continent. The political map of Africa has not witnessed any change over the past fifty years, with the exception of two cases of secession: Eritrea in 1993, and South Sudan in 2011, both of which followed protracted civil wars. In contrast, more than twenty countries emerged in Europe and Asia during the quarter century that followed the end of the Cold War.

Conclusion

This study has dug deep into the roots of Somaliland's unilateral secession, mapping out the political and historical context and the trajectory of the region from colonial rule, through the establishment of a unified Somali state, until the demand for independence. Somali history has never known a centralized political authority that has ruled the Somali region in its entirety. Prior to European colonization, Islamic and tribal sultanates were confined to specific regions, then Portugal's military exploits starting in the 16th century and colonialism posed an existential threat to those sultanates. Thus, when the unified Somali nation state was established, it struggled with the challenge of nation building, for which the national elites failed to properly lay the foundations.

The paper has argued that these complexities are the seeds that sprouted the rapid failure of the Somali state, in addition to the geopolitical complications resulting from sacrosanct African borders that are impervious to regional and continental conventions: this constituted an insurmountable obstacle to the stability of the Somali state and its regional relations. By claiming two territories that fall within the scope of the sovereignty of neighbouring Kenya and Ethiopia, Somalia became entangled in regional wars that exhausted the economic and military capabilities of the state, leading to its disintegration. When the

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Somali state was pulled into the grip of the military junta, clan divisions flared up and Siad Barre's regime dragged the country into a devastating war with Ethiopia, renewing social and political discord. Thus, the secession of Somaliland surfaced as an inevitable result.

Somaliland's elites and successive governments have made political, historical, legal, and human rights-based claims to justify the secession process, which this paper has scrutinized, arguing that a special approach is required to deal with this truly unique case. Despite the constant stream of praise it receives for its democratic political model, Somaliland stands alone, grasping for recognition amid international forces pushing the country to re-join the Federal Republic of Somalia. The US and other Western powers prioritize the restoration of a functioning state in Somalia, quelling terrorist groups, and ridding the country of warlords who control the political system outside the confines of the law. Somaliland has exhausted its means of legal recourse: the international community hands the responsibility of recognizing Somaliland's independence to the AU, and the AU resolutely clings to its traditional rejection of any secession attempts on the continent. These approaches have clearly turned stale, and a new attempt to deal with the issue in a way that takes into account all of its historical, political, and legal complexities is necessary to ensure a fair outcome.

It is important to note that Somaliland and Somalia have been conducting routine and intermittent negotiations for eight years, held in the capitals of neighbouring countries and other states in East Africa. In the absence of any intervention by the AU, the main gatekeeper of sovereign changes on the continent, or any other international party, however, this conflict is likely to continue. In this context, the best option for Somaliland may be to seek recourse to the International Court of Justice, the highest judicial body of the UN. This is the route taken by Kosovo and it is likely that if the ICJ were to hear the case, Somaliland's claim to independence would be approved. Somaliland's President, Muse Bihi Abdi, confirmed in his speech to mark Independence Day in 2020 that the country is ready to present its case to the ICJ if negotiations do not lead to independence.
References


Women's Rights and the Palestinian Authority**

Abstract: This study analyses the Palestinian Authority's (PA) policy on women's rights by tracing their historical development under both the Palestinian Liberation Organization (PLO) and the PA. It argues that the PLO and the PA have dealt with women's rights as a matter of means, not ends. The limited rights gained by women under the PLO were a result of the latter's attempt to win popular support for the national struggle. The PA inherited this habit of using women's rights to secure political gains, but its main priority has been to use the international diplomatic process to convince the world of the need to recognize a Palestinian state. Instead of popular support, it is now focused on winning international support for the state-building process. This has led to the marginalization of women's rights gained during the period of national struggle. This study argues that this move away from securing popular support has been fuelled by a national approach to rights similar to that of many postcolonial third world countries, exacerbating the marginalization of women's rights.

Keywords: Women's rights in Palestine; Palestinian Authority; National Struggle; Palestinian Liberation Organization; State-building Process.

ملخص: تسعى هذه الدراسة لفهم ماهية سياسات السلطة الفلسطينيّة تجاه حقوق النساء عن طريق تتبع المسار التاريخيّ لتطور هذه الحقوق في عهد منظمة التحرير الفلسطينيّة، ثم السلطة الفلسطينيّة: إذ تجادل بأنّ النهج الحقوقيّ لكلّ منهما قائم على توظيف فكرة الحقوق بصفتها وسيلة لا غاية. فتحول النساء على بعض الحقوق والحرّيّات الجرعيّة في عهد المنظمة يُعزى إلى رغبة الأخيرة في كسب التعاطف الشعبيّ في عملية النضال الوطنيّ. وتجادل الدراسة بأنّ السلطة والسلطة وتبعاً للمنظمة يُعزى توظيف الحقوق لتحقيق مكاسب سياسية، لكنّ اختلاف أولويّات السلطة عن أولويّات المنظمة أدى إلى إهالها باستخدام المسار الدبلوماسيّ الدوليّ لإقناع العالم بضرورة الإسراع في الاعتراف بدولة فلسطينيّة: ما أدى إلى انصرف الأخيرة عن كسب التعاطف الشعبيّ وتوجّه إلى كسب التعاطف الدوليّ لتجنيده في عملية بناء الدولة، ما أسهم في تمهيد مكتسبات النساء الجرعيّة التي حصلن عليها في مرحلة النضال الوطنيّ. وأخيراً تجادل الدراسة بأنّ حدّة انصرف السلطة عن كسب التعاطف الشعبيّ قد تفاقمت بإتباعها نهجًا حقوقيًا شبيهًا بنهج دول العالم الثالث في مرحلة ما بعد الاستعمار على المستوى الوطنيّ: ما أسهم في مزيد من التهميش لحقوق النساء الفلسطينيّات.

كلمات مفتاحية: حقوق النساء في فلسطين؛ منظمة التحرير الفلسطينيّة؛ النضال الوطني؛ السلطة الفلسطينيّة؛ بناء الدولة.

* Assistant Professor, Doha Institute for Graduate Studies.
Email: ayah.randall@dohainstitute.edu.qa

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Introduction

The question of women’s rights in Palestine has often been a source of controversy, not least with the heated debate on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) that has swept across Palestinian society since the Palestinian Authority's decision to adopt it without entering any reservations.¹ Those who support its full implementation – the apparent preference of the PA – have engaged in an increasingly fierce dispute with those who reject some of its provisions as contrary to Islamic law and the traditions of conservative Arab societies.² The PA itself has remained silent on the issue.³ Where, then, do women’s rights actually rank on the PA’s policy agenda? Does its decision to sign up to various human rights treaties, CEDAW included, really signal the existence of a political will to bring about a serious improvement in the rights of women?

The PA’s engagement with international agreements began in 2012, when it was granted non-member observer state status by the United Nations. This allowed it to become a signatory to many such agreements, which it duly did in April 2014, entering no reservations in respect of any of them; CEDAW was at the top of the list.⁴ At the time, this was considered a great victory for human rights activists. But in subsequent years, it has become evident how little effect these agreements have had on domestic human rights, as the regular reports submitted by the PA to international committees responsible for monitoring the agreements’ implementation indicate limited progress. Therefore, this paper asks: what position does human rights policy really occupy on the PA agenda, and how does it affect the reality of Palestinian women’s rights?

To outline the position of women’s rights on the PA’s broader rights agenda, the peculiarity of the Palestinian situation must first be addressed: the makeup of the PA, its continuing coexistence with the PLO, their different values, and the dialectical relationship between them. This requires first an investigation of the trajectory of women’s rights under the PLO to identify the contours of PA policy in this regard and to understand how this policy influences women’s rights today.⁵

A review of the literature on women’s rights under Arab national liberation movements suggests that the struggle against the colonizer broke down many of the restrictions put in place by patriarchal social structures, with feminists often forming part of the broader movement to end foreign rule.⁶ Feminist movements generally arose alongside national movements as a reaction to western colonialism.⁷ However, following independence and during the state-building process, this cooperation broke down. Some feminist elites withdrew from political life in protest, especially when it became clear that the policies implemented during the state-building period often fell short of the ambitions of the feminist movement's leadership.⁸

This split can be attributed to the desire of national liberation leaders – now the leaders of the state-building process – to align themselves more closely with their societies, balancing the concerns of modernity.
against local tradition in order to secure the legitimacy necessary to construct new institutions. The distinct experience of the Algerian feminist movement during the national struggle and after independence provides stark evidence for this attribution. But the question that presents itself here is: How can women's rights in Palestine be assessed, given the peculiar conditions where the PLO – its marginalization notwithstanding – and the national struggle that it represents continue to exist alongside the PA and its own state-building project?

To understand the various aspects of the women's rights issue within the agenda of the PA while taking into account Palestinian peculiarity, we must begin with a study of the relationship between national liberation movements and human rights in the post-independence period. This will allow us to identify the general contours of the PA's human rights agenda and its effects on the rights of Palestinian women. Some writers have found a strong relationship between human rights principles and anticolonial projects, arguing that human rights values have been key to national liberation due to their association with the right of self-determination. The establishment of this latter principle by the 28th US President, Woodrow Wilson (1856-1924), was closely tied to the emergence of national liberation movements, and effected an unprecedented change in the makeup of the international community. The supporters of this view thus maintain that the concept of human rights provided the stamp of legitimacy for national liberation movements in general. Others, however, maintain that in practice the relationship has been more complicated than it first appears. They note that human rights were neither overwhelmingly prominent nor entirely absent during the national liberation period and suggest that it is impossible to generalize.

Historical studies show that it was quite unusual for national liberation movements to refer explicitly to human rights principles as set out by the United Nations. During the Nigerian struggle for independence, Nnamdi Azikiwe (1904-1996) drew up a "Freedom Charter" explicitly mentioning, among others, the rights to life, education, health, and self-determination. But other national movements maintained that the idea of "human rights" in this sense was irreconcilable with the essence of the anti-colonial struggle, since it was itself a tool of western colonialism, as the Ghanaian leader Kwame Nkruma (1909-1972) argued. While there are scattered references to human rights principles in the literature produced by national movements worldwide, they are still few in number when compared to the great volume of documents. It has been noted that they were particularly common in addresses to international gatherings or UN bodies, to the point that it might be said that some movements evoked these principles strategically in order to further particular political aims and not as an end in themselves.

The post-independence states of the Third World, on the other hand, had quite a different relationship with human rights. Emerging in force onto the international stage and becoming a majority in the UN Assembly during the 1950s and 1960s, these states played a key role in the development of international human rights law. This relationship began to recede following the rise of authoritarian regimes in these countries and their failure to participate as effectively in the international community as they had hoped. At the 1968 UN Human Rights Conference in Tehran, they began to oppose the emphasis on political and

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14 Ibid., p. 116.
15 Ibid.
17 Ibid., p. 117, 121.
18 Ibid., p. 119.
civil rights, instead prioritizing economic development. The rise of "cultural relativism" in the 1970s signalled these states' growing wariness of human rights tout court.

In the Palestinian context, the PLO made very few references to human rights. In fact, the concept does not appear anywhere in the many documents produced by the organization, least of all the Palestinian National Charter, except for the Declaration of Independence published in Algeria on 15 November 1988. Despite this absence, Palestinian women were able to secure some partial rights. They were able to enter the public sphere and participate in political action and in the national struggle as part of an effort to mobilize the whole of society in a broad-based popular resistance. Here we can clearly see how the PLO made use of the rights-based approach to make political gains at the popular level and how that in turn resulted in partial gains for women during the national struggle.

When the Palestinian Authority was established, it was not at all obvious whether the national liberation project was still ongoing or whether it had been redirected into a fully-fledged Palestinian state-building project. The self-governing PA was supposed to oversee a five-year transitional period during which Palestinian and Israeli negotiators would agree on a final settlement. But with the collapse of the second Camp David summit (July 2000) and the failure of all subsequent negotiations, the transitional period was extended indefinitely.

The PA's readiness to cite the exigencies of the (extended) transitional period and the need to focus on state-building and securing international recognition has pushed human rights discourse onto the side-lines. Some theorists see a similarity between the PA's domestic rights policies and those of other post-independence state-building projects, noting that they share a certain wariness of the concept. Internationally, however, the PA has evinced a greater openness to the idea, firstly in order to preserve foreign funding, and then – following the breakdown of negotiations with the Israelis – it began to use human rights discourse to make political gains and win sympathy, an approach also taken by other national liberation movements. This has produced a duality of policy between the domestic and international spheres over time.

Based on this duality, this paper argues that the PA's confused relationship with human rights, rooted in its oscillation between the approach of a national movement and that of a state-building project, has produced a deep ambiguity in its human rights policy, with negative consequences for the rights of Palestinian women.

The main question, then, is as follows: what is the relationship between this dual policy adopted by the PA and the deteriorating rights of women today? To answer this question, I analyse primary sources, including the PA's own reports to the Committee on the Elimination of Discrimination against Women (CEDAW) and the reports of various relevant organizations, as well as the rulings of the Palestinian Constitutional Court on the legal standing of international treaties within the Palestinian legal system. In the first section, I use these documents to test the dual policy hypothesis. In the second, I provide a theoretical account of the backsliding of women's rights under the PA, assessing the effects of this duality on Palestinian women.

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19. Anghie, pp. 204-207.
27. Ibid., p. 61.
28. Ibid., p. 68.
Dual Policy on the PA Human Rights Agenda

At the international level, the PA has signed up to numerous human rights conventions without entering any reservations, which means that these conventions are supposed to have full legal force. It has done so even with respect to certain controversial agreements that do not enjoy broad consensus in Arab and Islamic countries (as is the case with some of the provisions of CEDAW, for example), contrary to many surrounding countries, which registered both specific and general reservations when becoming signatories to these agreements. Domestically, however, the decisions of the Constitutional Court on the status of international treaties within the national legal system, the official response to popular attacks on CEDAW, and the limited government efforts to bring domestic legislation in line with international agreements reveal quite a different agenda.

1. The PA’s Approach to Rights on the International Stage

The PA has long sought to win international sympathy as part of its efforts to move forward with its state-building project. Securing full membership of the United Nations – widely considered to be a fundamental marker of statehood – has been one of the most important means of achieving this goal. The PA has fought a fierce diplomatic battle to this end, hoping to complete the work of the PLO, which received non-state observer status on 22 November 1974. After its attempts to win full membership failed, the PA applied instead for non-member observer state status, which it was accorded on 29 November 2012, thus qualifying it to become a signatory to various international agreements. In April 2014, the PA endorsed fifteen such agreements all in one go, registering no reservations either general or specific. CEDAW was one of these agreements. The PA has subsequently become a signatory to many more agreements, some 98 as of November 2020.

Adopting CEDAW with no reservations is supposed to mean bringing domestic legislation into line with its provisions to ensure that women enjoy full legal capacity. This would entail women having the ability to marry without a guardian's consent, give testimony in court and have it be equal to a man’s testimony, and inherit property on an equal basis with male coinheritors. It would also mean abolishing polygamy and establishing equal rights of guardianship. In general, it would mean accepting the controversial provisions set out in Articles 2, 9, 15, 16 and 29 of CEDAW, in respect of which most Arab and Islamic countries have entered reservations.

Becoming a signatory with no reservations has served two different purposes. The first was to bolster the independent legal status of the PA on the international stage by demonstrating its ability to secure its citizens’ rights and to meet obligations, two of the most important indicators of legal personality under

32 Hamadan, ibid.
33 Ibid.
34 Ibid.
international law.\textsuperscript{38} The second was to use the PA's new position to achieve political gains on the international stage, such as seeking prosecution of Israel via the International Criminal Court under the 1998 Rome Statute, the Geneva Conventions, and the Convention Against Torture.\textsuperscript{39}

Despite the popular movement that swept across Palestine in December 2019 protesting the joining of CEDAW without registering any reservations against its controversial provisions, PA officials have rejected the possibility of withdrawing from the agreement and then re-joining with reservations – a possibility provided by Articles 54-56 of the 1969 Vienna Convention on the Law of Treaties. This indicates the importance of the international political gains that the PA has sought through its unconditional accession to agreements.

### 2. The PA's Approach to Rights on the Domestic Stage

This section of the paper will look at the rulings of the Constitutional Court on the application of international treaties within the framework of Palestinian national law. Although constitutions generally set out the basic contours of the relationship between domestic law and international treaties to which a state is a signatory, there are no such provisions in the Palestinian Basic Law.\textsuperscript{40} As such, the Supreme Constitutional Court has issued two rulings to clarify this relationship: Constitutional Appeal No. 4 of 2017 and a subsequent interpretive ruling in March 2018.

#### a. The Relationship Between International Agreements and the Domestic Legal System

In November 2017, some time after the PA first became a signatory to various international agreements, the Constitutional Court issued its ruling on Constitutional Appeal 4/2017. In this ruling, the Court set out the status of international treaties in Palestinian law, indicating that they take precedence over domestic law insofar as they conform with the religious, national, and cultural identity of the Palestinian people.

The irony in this ruling is that it actually narrows the scope for application of international treaty provisions, restricting it to cases where they do not conflict with religious, national, or cultural identity. Many human rights activists found this evocation of religious, national, and cultural identity very concerning, considering it a serious regression of the PA's international human rights commitments and an embodiment of cultural relativism, a long-standing obstacle to the implementation of human rights principles in many Arab countries.\textsuperscript{41}

On 12 March 2018, the Constitutional Court issued a second ruling on the subject, giving the constitution precedence over international treaties. This ruling marked another step back for human rights at the domestic level, with many human rights activists describing it as a flagrant breach of the PA's international commitments and an embodiment of cultural relativism, a long-standing obstacle to the implementation of human rights principles in many Arab countries.\textsuperscript{42}

The Constitutional Court's interpretation, apart from being subject to scrutiny by human rights activists, represents a common practice internationally. States use the principle of constitutional precedence as a pretext to insulate the domestic political system from international treaties. For instance, American states wishing to avoid implementing international agreements that the federal government has ratified employ what is known as "constitutional conservatism", claiming these treaties violate state constitutions.\textsuperscript{43}

\small\textsuperscript{38} Shaw, pp. 155-156.  
\textsuperscript{39} Al-Fatatfa.  
\textsuperscript{40} Shaw, pp. 97-105.  
\textsuperscript{43} Shaw, p. 119.
The common denominator in both rulings is that the Constitutional Court has introduced domestic reservations in respect of international treaties on behalf of the political leadership: first when it cited religious and cultural patrimony (the principle of cultural relativism) and then, more decisively, when it invoked the constitution in its interpretive ruling. The great divergence between the PA's international approach to human rights and how it operates domestically comes out clearly here. Acting at the behest of the political leadership, the Constitutional Court has greatly restricted the application of an international treaty that the same political leadership has accepted in full.

b. The PA's Attitude to the Popular Attack on CEDAW

The PA's tendency towards restricting the domestic application of international treaties is also visible in its response to the popular attack on CEDAW. In late 2019, a campaign was launched in the West Bank against integration of CEDAW into Palestinian law, led by local politicians and tribal forces who considered human rights treaties in general (and CEDAW in particular) instruments of western colonial thinking incompatible with the religious and social particularities of Palestinian society. The PA itself took no steps to confront or contain this crisis. Moreover, some elements within the PA were keen to defend and justify the campaign.44

c. The Limited Progress in Implementation of CEDAW

To track the PA's implementation of the provisions of CEDAW, it is necessary to look at its official reports and at the Concluding Observations made by the CEDAW Committee, as well as the shadow reports provided by some human rights organizations in this respect.45

The PA's preliminary report was submitted on 8 March 201746 and discussed before the CEDAW Committee in July 2018, with the Committee publishing its Concluding Observations on 25 July.47 The report, which was produced in accordance with Article 18 of CEDAW, highlighted various areas in which the PA had been able to make progress.48 In its Observations, however, the Committee pointed to areas in which the PA needed to improve implementation and asked it to submit a follow-up report within two years so that the Committee could reassess progress on the issues it considered major priorities.49 Unlike the preliminary report, the Committee's remarks emphasized the need for far-reaching reform – legislative, judicial and political – in order to improve women's rights in the Palestinian territories.50 Article 53 set out a number of issues on which the PA was expected to make progress as soon as possible.51

The PA submitted its follow-up report on 27 July 2020,52 detailing the progress made in the areas specified by the Committee. Ironically, this report unwittingly revealed the PA's unwillingness to make far-reaching reforms on these issues, despite its attempts to play up its success in implementation. In order to illustrate this unwillingness, some of the PA's claims will be refuted by pointing out some of the problem areas left unaddressed by legal reform during the period covered by the report.

47 Committee on the Elimination of Discrimination against Women, Concluding observations on the initial report of the State of Palestine, p. 1.
49 Ibid, p. 909.
50 Committee on the Elimination of Discrimination against Women, Concluding observations on the initial report of the State of Palestine, pp. 1-18.
51 Ibid, p. 18.
• Paragraph 11a: Adopt, without delay, national legislation that includes a comprehensive definition of discrimination against women covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres.

The official follow-up report indicated that a "comprehensive definition of discrimination against women" had been included in the Law on the Protection of Women from Violence. But this is not sufficient. The Law has never been promulgated; it remains a draft with no legal force. Indeed, Article 9 of the 2003 Palestinian Basic Law already alludes to the principle of non-discrimination on the basis of sex, colour, religion, or political belief. But over the last ten years, this principle has never been translated into substantive legislation. The definition of discrimination needs to be incorporated into the Basic Law as a constitutional principle. Simply including it as one provision of a dubious draft law beset by numerous problems – as will be shown later – is not enough. 53

• Paragraph 13c: Take concrete steps to accede to the Optional Protocol and publish the Convention in the Official Gazette.

  • Acceding to the Optional Protocol

On 10 April 2019, the PA acceded to the Optional Protocol, which grants the CEDAW Committee the right to receive individual complaints from women who have been subjected to CEDAW violations and who have exhausted all domestic means of securing restitution. While this is an important step inasmuch as it implies that the PA recognizes the importance of the package of rights set out in CEDAW itself, it is unlikely to bear fruit given the very limited progress made in implementation of the Convention in the Palestinian Territories. Accession to the Optional Protocol should be accompanied by rapid government action to incorporate CEDAW into domestic legislation.

  • Publishing the Convention in the Official Gazette

Here, the PA is instructed to publish the Convention in the Official Gazette, thereby making it part of domestic law.54 The official follow-up report, however, shows that this step has not yet been taken. In order to mask this failure, the follow-up report focuses on various procedural points, such as the existing level of CEDAW compliance at the Public Prosecutor's Office and in Shariʿa Courts without publication. 55

This sort of partial compliance is not an alternative to official publication. The ongoing failure to publish CEDAW in the Official Gazette is important evidence of the broader failure of the PA to make any meaningful progress in its implementation. Prior to publication, the Convention is not part of domestic law, and complainants cannot use its provisions as the basis for litigation. So long as it has not been published, any attempt to use CEDAW will be vulnerable to an appeal on the basis of non-constitutionality.

• Paragraph 15c: Expedite the review of draft laws to ensure their compliance with the Convention, including the draft penal code, the draft personal status code and the draft family protection law, and their adoption.

The PA drew up its own draft Penal Code in 2011 with the intention of replacing the Jordanian Penal Code (16/1960) used in the West Bank and the mandate-era Code (74/1936) used in the Gaza Strip. Close attention to the draft reveals that no substantial progress has been made on crimes displaying major gender disparities compared to the old codes that it would overturn. Article 486, for example, makes it legal to

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55 Taqrīr al-Mutābaʿa a l-Rasmi li-Dawlat Filasṭīn.
murder women in cases where the family has been dishonoured, similar to Article 340 of the Jordanian Code; rather than trying to extirpate honour killing, it thus enshrines it in law.\(^{56}\)

- **Draft Family Protection Law**

The Ministry of Social Development first submitted the draft Family Protection Law for promulgation as a decree on 11 May 2020, but in the absence of agreement on the final version, it has been trapped in legislative limbo ever since.\(^{57}\) The draft suffers from various loopholes affecting both its content and its basic aims (i.e., penetrating and regulating the private sphere of the family). It leaves undefined a number of essential terms that would have enhanced its ability to produce a more balanced relationship between the sexes within the framework of the family. For example, it does not define violence as "a form of discrimination and one symptom of the historically unequal power relations between men and women", nor does it provide a sufficient definition of discrimination.\(^{58}\) Overall, the draft is not sensitive to gender, adopting a "neutral" tone towards women and overlooking the reality that women are far more vulnerable to gender-based violence.\(^{59}\)

- **Personal Status Code**

The 1976 Jordanian Personal Status Code used in the West Bank and the Rights of the Family Law used in Gaza are of great importance. Taken together, they provide the sole basis for the regulation of the private sphere,\(^{60}\) and they both contain various discriminatory provisions.\(^{61}\) The PA has made no progress in updating its Personal Status Code and has failed even to develop a clear idea of what this law should look like. The only meaningful change that has occurred in the area is the decision to raise the marriage age by amending Article 5 of the 1976 Code (Law 21/2019).\(^{62}\)

**The Effect of the Dual Agenda on Palestinian Women’s Rights**

This section sheds light on the effect of the PA's dual agenda on women's rights by tracing their historical development, looking at the situation under the PLO to compare it with the situation today. The PA's dual rights agenda has contributed to a deteriorating in the rights of Palestinian women compared with their situation under the PLO. Some feminists believe that in order to re-establish balance between the sexes, we are obliged to penetrate the private sphere by means of legal regulation, while also strengthening women's participation in the public sphere in such a way that positive law is capable of regulating this sphere.\(^{63}\) The situation of Palestinian women in the public and private spheres in each period will be analysed to make this comparison.\(^{64}\)

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58. Ibid.


1. Women’s Rights Under the PLO

The Palestinian National Charter that comprises the basic constitutional framework of the PLO has essentially no content concerning rights. Nonetheless, the fight against occupation destabilized traditional Palestinian society and brought about a great shift in the pre-existing social, economic, and political structures. Moreover, it helped create a sense of shared interests capable of bringing together the many parts of Palestinian society: women (for example) were directly harmed by the occupation and its practices, and they thus became an indispensable part of the popular revolution, another constituency that had to be mobilized. This brought about what some have called a "democratization of the national struggle" between 1976-1981, characterized by "the incorporation of new social forces, particularly the less advantaged sectors of society, into Palestinian institutional life" to gain public sympathy and to encourage all of society to take part in the struggle against the occupier.

As a result of this process, the hegemony of traditional social structures – particularly those based on gender, such as sex-based division of labour and restriction of women's labour to the private sphere of the family – diminished, unable to accommodate to the new reality imposed by the occupation. The national struggle thus played a part in the removal of the many different social obstacles produced by a patriarchal authority that blocked women's participation in the public sphere, in order to facilitate their participation in the national struggle. As a result, Palestinian women enjoyed many significant freedoms during the 1970s and 1980s.

The increased participation of women in the national liberation movement – their involvement in the military, activist, and political aspects of the movement, including party activity, union organizing, and the creation of the Palestinian Women's Union in 1965 – led to important changes in women's rights. Issues such as improving women's working conditions, reforming personal status law, and providing adequate healthcare were discussed publicly and at major events. This great shift did not result in similar achievements at the political level, and they continued to be underrepresented on the PLO Executive Committee. But this can be attributed to the reluctance of the feminist movement to demand these rights despite a more propitious environment for such demands than there had ever been before.

At the beginning of the state-building period, the feminist movement made efforts to reorganize the private sphere. The feminist movement realized early on that women's entry into the public sphere had to be followed directly by attempts to legally regulate the private sphere and narrow the gap between the sexes. Feminists thus attempted to reform the Personal Status and Penal Codes, aware that if such discriminatory laws were allowed to continue existing, they would threaten all the achievements that women had made thanks to their participation in the national movement.

2. Women’s Rights Under the PA

The relationship between the PLO and the PA has always been characterized by ambiguity. It has never been clear whether the project of national liberation is still ongoing or whether it has become a matter of

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65 Kuttab, p. 69.
68 Ibid.
69 Kuttab, p. 72.
71 Rubenberg, p. 65.
73 Kuttab, p. 74.
74 Gluck, p. 12.
building a future Palestinian state – or, for that matter, whether the PA is a state-building project in itself, particularly given the indefinite extension of the transitional period. Nonetheless, during the establishment of the PA the feminist movement made efforts to regulate the private sphere by legal means, drafting a proposed new Personal Status Code in order to cement the gains made in the previous phase. But when only four women were appointed to the Special Committees formed after the Madrid Conference to establish the foundations of the new state (out of a total of some 300 members), feminist activists' anxieties about the political initiative falling into the hands of a group of traditional politicians were intensified.

Similar developments occurred across the Third World during the state-building process. The PA's human rights policies are very similar to those pursued by neighbouring postcolonial countries: women are typically excluded from the state-building project as part of efforts to create a balance between modernity and societal tradition, producing very conservative rights policies. Comparing these policies to the practice of the PA in the period immediately before its establishment shows clear signs of the dualism that has brought about a marked reversal in women's rights compared to the pre-PA period.

Domestically there were major efforts to force women back out of the public sphere and into the private sphere, and to undermine the gains made in the previous period. At first, this centred on the PA's refusal to take the final steps necessary to consolidate women's entry into the public sphere. The PA made no effective attempts to pierce the private sphere and regulate it by legal means, either by amending the old Personal Status Code or by introducing a Family Protection Law capable of checking the unbalance between the sexes, as we have already seen.

The PA also undermined women's gains by weakening civil society, which had provided the most fertile ground for their public action. A sphere that had been supported by a broad range of political parties in the era prior to the Oslo Accords was now reduced to total dependency on foreign funding. This process has been characterized as the "NGOization" of the Arab Women's Movement, or the "transformation of issues of collective importance into projects isolated from the broader context in which they emerge, with no attention paid to the economic, social and political factors that influence them".

At the international level, the desire of funders to improve women's situation was initially influential on the PA, which hoped to retain its sources of foreign funding. This was the origin of the women's quota incorporated in the electoral law. A Ministry of Women's Affairs was set up in 2003, whose priorities have changed steadily over the last few years along with those of funders: while its original strategy relied on national liberation and women's role in the struggle against occupation, it then shifted its focus onto women's role in state-building and ultimately onto education, girls' professional and technical training, and economic and political empowerment.

Comparing the approaches of the PA and the PLO, we find that both have treated rights questions more as a means than as an end. Women's success in securing partial rights and freedoms under the PLO was a product of that organization's desire to win popular support for its mobilization of society as a whole.

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75 Nawfal, pp. 1-3; Hajjar, p. 61.
76 Gluck, p. 11.
77 Ibid.
82 Ibid.
whole in the name of the national struggle. The PA inherited this instrumental approach to rights, but its differing priorities have meant that it has used international diplomacy, much like other national liberation movements, to try and convince the world of the need to grant prompt recognition to a Palestinian state. The turn in its attention away from winning popular sympathy and towards winning international sympathy in order to use it in the state-building process contributed to the side-lining of women's partial gains. The PA's adoption of an approach to rights similar to those followed in postcolonial Third World countries only exacerbated this development.

This duality has led to an indecisiveness in the PA's approach to human rights issues in general and women's rights in particular, with negative consequences for the rights situation overall. Although the PA has repeatedly promised to improve the rights situation at home, its achievements on the ground have remained very limited. In the private sphere, there have been no substantive changes to the Personal Status Code or the Penal Code, despite long years of effort by feminist activists to this end.83

With regard to the public sphere and women's participation in decision-making, meanwhile, the 2020-2021 data of the Central Bureau of Statistics show that women continue to play little part in public life – the quota, the establishment of a Ministry of Women's Affairs and the creation of Gender Units aiming to reintegrate women into these areas notwithstanding. Women account for only 5% of Central Council members and 11% of National Council members. Only one of the sixteen provincial governors is a woman, and not a single municipality within Areas A and B has a female mayor. Similarly, only 14% of General Directors in the civilian sector are women,84 a disparity which only widens in the military sector (the biggest employer in the PA), where they account for only 6% of workers. Even fewer hold decision-making positions.85

These figures – which some may consider evidence of an improvement – are not positive at all. Indeed, they represent a reversal for women's rights. Despite having contributed actively to the national struggle, which might have been expected to represent a major step towards their liberation, women now find themselves back at square one, pushed back into a deeply unbalanced private sphere. Their participation in the public sphere is now marginal, driven entirely by foreign funding.

Conclusion

All Arab countries have acceded to various human rights conventions, often entering reservations reflecting their desire to strike a balance between modernity and societal traditions. The Palestinian Authority has followed its neighbours in becoming a signatory to many of these conventions but has diverged in other aspects. While the PA has sought to build a state similar to those in its immediate geographical environment, its more complicated political project has meant that it has needed to demonstrate its ability to build a modern state, especially since the breakthrough of Israeli-Palestinian negotiations. The political leadership has used rights discourse to convince the world of the maturity of the Palestinian project, in order to demonstrate that the creation of a state is an urgent priority and to expedite UN recognition. As a result, rights issues have become no more than a means of easing Palestine out of the bottleneck, the political deadlock that has kept it stuck in place for decades. By pursuing this path, the PA has essentially adopted a strategy followed

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Women's Rights and the Palestinian Authority

by various national liberation movements before it, instrumentalizing rights for political gains. Its rights agenda has, hence, been marred by a duality of approach.

An investigation of the rights situation in the Palestinian Territories in general and the rights of women in particular shows how this duality has affected the PA’s rights practices. This dual practice began with the establishment of the PA, which has made consistent efforts ever since to push women back into the private sphere by undermining civil society (the foundation of women's public activity) and disregarding any attempt to regulate the private sphere through legislation that might have addressed the gender imbalance within the family. At the same time, the PA has promised the international community that it will carry out major reforms to improve the situation of Palestinian women. This has resulted in some superficial changes that have benefited only a small number of elite women. Quite the contrary: this duality has only worsened their marginalization. Various examples to support this argument have been presented, and ultimately concluded that duality has reversed many of the gains made by the Palestinian feminist movement during the national struggle.

The nature of this approach has only become clearer with the decision to accede to various international treaties, including CEDAW. It is writ large in the gulf between the PA's practices at home and on the international stage. For this reason, becoming a signatory of CEDAW without any reservations has not produced any genuine reforms that might improve the situation of Palestinian women.
References


An Illusory Unity
Understanding the Construction of Kurdish Political Identity

Abstract: This article re-conceptualizes the notion of Kurdishness by distinguishing between two different political identities – "traditional" and "new" – within the Kurdish struggle. Each identity has crafted its own history, politics, social and cultural frameworks, and economic and diplomatic relations. I discuss the process of identity construction within both blocs, which has split political identity according to bipolar discourses and dichotomous labels: Good Kurds vs Bad Kurds, Old Kurds vs New Kurds, Submissive Kurds vs Subversive Kurds, Collaborator Kurds vs Terrorist Kurds, and, finally, Honourable Kurds vs Dishonourable Kurds. These form parts of a new divided Kurdish political identity based on the Kurds' own perspectives and self-identification, as well as their descriptions of one another, in the current political arena.

Keywords: Kurds; Kurdishness; Political Identity; Identity Construction; Self-identification.

ملخص: تحاول الدراسة إعادة صياغة مفهوم "الكردية" عبر التفريق بين هويتين سياسيتين مختلفتين: واحدة "تقليدية" وأخرى "جديدة". وتجادل بأن هاتين الهويتين أسستا كل واحدة منهما تاريخها وسياستها وأطرها الاجتماعية والثقافية وعلاقاتها الدبلوماسية بطريقة خاصة بها. وتشرح الكيفية التي تُبنى بها هاتان الهويتان اللتان تسكتانها في خطابين متمايزيين قائمين على عدة ثنائيات: الأكراد الجيدون مقابل الأكراد السيئين، الأكراد القدماء مقابل الأكراد الجدد، الأكراد الخانعون مقابل الأكراد المتعاونين، الأكراد المتعاونون مقابل الأكراد الإرهابيين، الأكراد الشرفاء مقابل الأكراد الخونة. لكن تبين الدراسة أن كل هذه الثنائية تشکل هوية سياسية كردية منقسمة جدًا تركز إلى تعريف الأكراد بذواتهم، بالإضافة إلى تصنيفهم لبعضهم البعض في خضم الوضع السياسي الراهن.

كلمات مفتاحية: الأكراد؛ الكردية؛ الهوية السياسية؛ بناء الهوية؛ التعريف بالذات.
Introduction

It has often been argued that given the history, geography, and, most importantly, culture of the Kurdish region, Kurds have a more or less united identity and share the common elements of a cohesive nation. However, political identity and social expression among the Kurds have almost always been fragmented and troublesome. The process of constructing a unified Kurdish political identity involves several complications, arguably rooted in the modern understanding of political identity as the distinctiveness of one group in relation to others. The Kurds appear to have all the elements necessary to be recognized as a single nation. However, these elements lack a formal political organization and sovereign boundaries. In other words, they lack a state as the most recognizable entity in the modern political arena, which poses not simply a practical problem, but a conceptual one as well.

The notions of Kurdishness and Kurdish political identity cannot be approached solely from within the modern understanding of political identity. Thus, I examine political identity construction by looking at the notion of Kurdishness from a different angle. More specifically, I analyse the Kurds’ recent history and current status in the Middle East from the perspective of the Kurds themselves. That said, the Kurdish case has been regarded as problematic by external powers due to the threat it poses to the unity, stability, and integrity of the states in which the Kurds live. Thus, despite the variety of approaches that have been taken to deal with the Kurds’ situation, Kurdish political identity has been treated by Turkey, Iran, Iraq, and Syria as a monolithic entity for the past hundred years.

However, within the Kurdish political arena itself, Kurdish identity has been fraught with disunity given that Kurdish political actors themselves do not regard it as a unified entity. Instead, it has been approached in ways that are coloured by Kurds’ dependency on the powers and resources of the states in which they reside. In the last three decades, and particularly since the emergence of the Kurdistan Workers Party (the Partiya Karkerên Kurdistan, or PKK), the process of building political identity has manifested in two principal forms. This paper examines Kurdish political identity based on the premise that there are now two distinct Kurdish political identities.

Kurdish Cultural and Political Identity

Due to oppression and statelessness, there are no precise statistics on the global Kurdish population, although it is estimated at around 40 million. There are sizable Kurdish communities in various metropolises of the world, such as Istanbul, Tehran, Damascus, and Baghdad. A people of Asian origin, the Kurds live primarily in the area known as Kurdistan, which extends from the Loristan region of Iran to Kharput, where the two branches of the Euphrates converge. Kurdistan is bounded by Turkey, Armenia, and Georgia to the north, and by Turkey and the Mediterranean Sea to the west. It is flanked on the east by Iran, and on the south by Iraq and Syria. Notable topographical features include the valleys of Bitlis, Adham and Sherwan, and the

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6. The PKK, which is listed as a terrorist organization by Turkey, the USA, and the EU, was founded as a party in 1978 by Abdullah Ocalan (‘Apo’) and his comrades in Turkey. When the group launched its armed struggle in 1984, it boasted a huge following throughout Kurdistan, particularly in Turkey and Syria. It is the largest, most widely influential Kurdish political party in the Middle East.
An Illusory Unity: Understanding the Construction of Kurdish Political Identity

The cities of Diyarbakir in Turkey, Erbil in Iraq, Qamishli in Syria, and Sanandaj in Iran are viewed by Kurds as regional capitals. While the Kurds have never claimed that those metropolises are Kurdish areas proper, their large Kurdish populations make them very important to the Kurdish struggle for influence and social and political identity. For instance, Istanbul is sometimes considered the largest Kurdish city rather than Diyarbakir or Erbil, since there are around four to five million Kurds living in Istanbul. There are large Kurdish communities in countries of the former Soviet Union, such as Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, and Russia, among others, over two million in Europe and the USA, and more than a million in Germany.

For a number of reasons, Kurdish nationalism and national identity have followed a different path than the one taken by nationalism as described by scholars elsewhere. According to the ethnic-symbolism theory put forward by Anthony Smith, collective memories play a decisive role in nation formation, which is to be distinguished from state-making. Arguably, states might be established without recourse to memory. Nations, by contrast, require shared memories to give their heterogeneous citizenry a source of pride and dignity, a shared home, and a common destiny. Based on a close historical investigation of the Kurdish nationalist movement, one might argue that one of its problematic features has been the failure to maintain a collective memory. Indeed, fragmentation has been seen as decisive in shaping the process of building the Kurdish nation and national identity.

Kurdish history up to the collapse of the Kurdish Republic of Mahabad (1946), with its various accomplishments and upheavals, is shared by the majority of Kurds. However, the elements of the universally shared Kurdish history or memory are best articulated by Edmonds, who, five decades ago, summed up what he termed "the historical bases of Kurdish nationalist thinking" as follows:

The Kurds constitute a single nation which has occupied its present habitat for at least three thousand years. They have outlived the rise and fall of many imperial races: Assyrians, Persians, Greeks, Romans, Arabs, Mongols, and Turks. They have their own history, language and culture. Their country has been unjustly portioned. But they are the original owners, not strangers to be tolerated as minorities with limited concessions granted at the whim of the usurpers.

This statement mentions most of the constituent elements of the kind of "nation" referenced in ethno-symbolism, ethnic ties (mythic or real), symbols, culture, territory, and above all, a political claim to "the right of self-rule", which Kedourie and Gellner deem a pillar of nationalist conviction. The statement quoted above might also apply to the Kurdish nationalist conviction which emerged at the close of the nineteenth century, predominantly among educated young Ottoman Kurds, and which was evident in

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9 McDowall.
14 Smith, Memory and Modernity, p. 384.
15 Bengio (ed.).
16 Edmonds.
18 Smith, Nationalism.
20 Gellner.
the language of the first Kurdish printed newspaper, Kurdistan, first published in Cairo in 1898. However, it is arguable that the modern history of the Kurds, especially since 1946, breaks with Kurdish historical memory, especially among the Kurds of Iran and Iraq. This break might be traced in part to the efforts of individual states which have Kurdish populations, and partly to the nature of the modern Kurdish political parties which became active shortly after the collapse of Mahabad. This argument may have more empirical evidence to support it in the particular case of Iraqi Kurdistan and the enduring internal divisions within the Iraqi Kurdish nationalist movement which erupted among leaders of the Kurdistan Democratic Party (KDP) in 1960 and continued throughout 1970s and 1980s.

Some scholars base the idea of a break, or gap, in the history of Kurdish national consciousness on the first (and only) attempt to establish an autonomous Kurdish quasi-state in 1946, which was fragile due to an already-existing social fragmentation (rural-tribal vs. urban-leftist). It was this fragmentation that split the Kurdistani Democratic Party in Iraq, the enterprise’s standard-bearer, which was established in the same context and became the most popular Kurdish party at that time. However, this claim as regards the Kurdish cause should be based on empirical observation rather than simply taken for granted. As Abbas Vali observes, the dominant conviction within Kurdish nationalist historiography is both "primordialist" and "ethnicist". For most Kurdish nationalists, Vali argues, "the Kurdish nation is a primordial entity rooted in the nature of every Kurd which defines the identity of the people and the community throughout history". As for the ethnic side of the discourse, Vali suggests that the "notions of Kurdish community and identity are both premised on common national origin, which is defined in terms of a uniform Kurdish ethnicity".

A close examination of the discourse of identity that emerged in the northern part of Kurdistan in Turkey in the mid-1990s highlights a number of dramatic socio-economic and political transformations that have taken place since that time in Turkey’s Kurdish national movement and its community. While Kurdish identity had long been defined in largely ethnic terms, recent years have witnessed an upsurge in ethno-nationalist discourse in the northern part of Kurdistan, especially since 2005, at which time the Union of Kurdistan Communities (Koma Civakên Kurdistan, or the KCK) was established. Since then, concepts such as civil rights, democracy, nationalization, and coexistence have come to the fore along with popular ethnic nationalist terms such as "Kurdishness" (Kursidh, Kurdayeti).

Shifts in social structure and Kurdish political thought have produced a new situation with respect to questions of identity and belonging; while the nascent identity shares the same basic components as the dominant ethnic national identity, the latter is beginning to assimilate new social and intellectual elements. In other words, the practices of the KCK have introduced a new Kurdish political identity that goes beyond the traditional, ethno-nationalist understanding of Kurdishness. Inspired by the steadfast struggle of the PKK, this "new" perspective on Kurdishness is being cautiously advanced by the KCK and the Kurdish...

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22 McDowall.
23 The KDP may be viewed as the origin of modern Kurdish nationalism in Iraq. It was founded by Hamza Abdullah, Ibrahim Ahmed, and their comrades and led by the legendary Mullah Mustafa Barzani, who stood up against Iraq numerous times until being forced to flee in 1975 following the signing of the Iran-Iraq Algiers Agreement.
26 McDowall, p. 127.
29 Ibid, p. 61.
31 Saeed, Kurdish Politics in Turkey.
movement in Turkey. We thus have a newly forming political identity which has begun to compete with older, more traditional perspectives on Kurdishness.

Two Political Identities

As argued above, Kurdish political identity cannot be understood in light of mainstream social theories of nationalism. Rather, the notion of Kurdishness can best be conceptualized in terms of two distinct political identities, each of which has already built its own history, politics, social and cultural frameworks, and economic and diplomatic relations. Neither can be assimilated into the other, nor can they be combined to create a united Kurdish identity. Rather, each of them claims title to authentic Kurdish history and culture; at the same time, each of them lacks certain aspects of essential Kurdishness while displaying others.32

Neither the entire Kurdish community nor external parties and commentators have been satisfied with the process of constructing the Kurdish political identity. The dichotomies of Good Kurds vs Bad Kurds, Old Kurds vs New Kurds, Submissive Kurds vs Subversive Kurds, Collaborator Kurds vs Terrorist Kurds and Honourable Kurds vs Dishonourable Kurds reflect aspects of a new divided Kurdish political identity based on the Kurds' own perspectives and self-identifications, as well as their descriptions of one another.33

This divided perspective has impacted all aspects of Kurds' daily lives. As proponents of the two camps highlight their differences rather than their commonalities, the sense of disunity is becoming more visible and intense. It is difficult for a Kurd to be politically active without being labelled as belonging to one side or another. There are, in fact, some political actors who claim to belong to neither of the two blocs, but whose discourse and actions nevertheless reflect a loyalty to one or the other.34 Despite the existence of scores of political parties and movements among the Kurds, the two main blocs are currently represented by the KDP (led by Masoud Barzani) and PKK (led by Abdullah Ocalan), whose vehement differences and rivalries are reflected in everything from their stated aims and objectives to their symbolic and practical approaches. Their disagreements touch on issues ranging from Kurdish independence and notions of the nation-state, democracy, and society to the nature of relations with local, regional, and international powers and the symbolic and stylistic differences between their military forces (Peshmerga and Guerrilla).35

Political discourse and strategies

For the purposes of this discussion, I will refer to the Barzani/KDP discourse as the "Traditional Kurds" and the Ocalan/PKK discourse as the "New Kurds"; terms borrowed from the literature of both blocs and their countless labels for each other's discourses. Based on a number of examples illustrating the two different understandings of Kurdishness and Kurdish political identity, I attempt in what follows to analyse a number of important events that embody further contrasts between these two discourses.

The main political discourse and identity of both blocs revolve around notions of nation and state, the central question being whether the Kurds ought to have a nation-state similar to other nations in the region and, if so, how to achieve this goal.36 Given the prolonged oppression and deprivation to which the Kurds have been subjected both individually and collectively, the notion of the state has been a sensitive one. On one hand, almost every Kurd hopes to establish a Kurdish state similar to those of the Arabs, Persians, and Turks. Only rarely would one encounter a Kurdish person who rejects the dream of independence for the

34 Saeed, Wercherxani Bizawti Netewiy Kurd, p. 249.
36 Saeed, Kurdish Politics in Turkey.
Kurds and Kurdistan. On the other hand, Kurds have always expressed ambivalence about whether they can trust the state and, therefore, whether it is worthy of their loyalty.\textsuperscript{37} Some commentators argue that this ambivalence has become a chronic psychological state among the Kurds.\textsuperscript{38}

Recent history demonstrates that most Kurds hope for a day when the Kurdish state will be a reality. However, we also have historical examples of Kurds collaborating with their enemies against their own people. One might even argue that nearly every Kurdish uprising and quest for freedom has failed due to some Kurdish groups' collaboration with the oppressor.\textsuperscript{39} As such, the clash between the two discourses arises not only out of ideological perspectives on the concepts of nation and state but also out of internal conflicts and rivalries among the Kurds' various religious, sectarian, tribal, political, and social factions. The PKK's fiercely radical Marxist-Leninist stance is diametrically opposed to the tribal and feudal structure that has reigned in the expansive rural areas of North Kurdistan. However, this very structure is the staple of the KDP's traditional discourse and power in South Kurdistan. In fact, the KDP, which was formed within a tribal structure, has drawn its strength from this structure, and now practices conservative policies in the Kurdistan Region of Iraq (the KRI).\textsuperscript{40} These differing ideological stances towards the notion of feudalism and landownership in Kurdistan have contributed to divisions over the notions of nation and state, as well as the division of the Kurdish identity.

In keeping with this feudal social structure founded upon tribal organization, the leaders of the KDP have no plans to build a Kurdish nation-state in the modern political sense of the term. In fact, their discourse makes clear that they view it as an unfeasible idea. As Kurdish leader and former president of Iraq Jalal Talabani reiterated famously in 2009, "a Kurdish independent state is a poet's illusion,"\textsuperscript{41} and the most Kurds could hope for was to cooperate with the world's major powers to secure some degree of self-rule in every part of Kurdistan.\textsuperscript{42} Talabani thus insisted that it was not realistic for the Kurds to demand their own nation-state. Apart from the allegedly failed 2017 independence referendum in Iraqi Kurdistan, which I will examine below, the Traditional Kurds' political discourse has never embraced the ideal of independence or the struggle to win a nation-state for the Kurds. In fact, the KDP has consistently reassured the governments of Turkey, Syria, Iraq, and Iran that an independent Kurdistan was not part of its agenda.\textsuperscript{43}

The other bloc, the "New Kurds" as represented by the PKK, began calling for a Kurdish nation-state in the late 1970s and 1980s. Despite the hardships and nearly insurmountable obstacles it faced, the PKK distanced itself from the Traditional Kurds by pursuing the dream of establishing an "Independent Kurdish Socialist Nation-State" in the manner of neighbouring states in the region.\textsuperscript{44} However, as Ocalan began re-examining the notion of the nation-state, the PKK shifted its focus to a democratic confederacy as an alternative solution for the region and for the countries with sizable Kurdish communities rather than calling for a sovereign Kurdish nation-state. In other words, the PKK concluded that not only was it unrealistic to think of establishing a Kurdish nation-state similar to the Turkish entity, but that its establishment would not secure freedom and dignity for the Kurdish people.\textsuperscript{45}

\textsuperscript{37} Ocalan, \textit{Liberating Life}.
\textsuperscript{40} Xerib, p. 236.
\textsuperscript{41} Ausama Gulpi, "Dewleti Kurdi xewneki shaiyraneye," ["The Kurdish State is an Illusion of Poets"] 2011, accessed on 20/2/2020, at: https://bit.ly/3kTR0jk
\textsuperscript{42} See the interview with Mustafa Barzani by a French journalist: "Mulla Mustafa Barzani: Only Autonomy for South Kurdistan," YouTube, 30/12/2015, accessed on 12/4/2022, at: https://bit.ly/3vb0M
\textsuperscript{43} Ibid.
\textsuperscript{44} See: McDowall; Saeed, \textit{Wercherxani Bizawti Netewiy Kurd}, p. 236; Xerib, p. 239.
\textsuperscript{45} Ocalan, \textit{Liberating Life}. 
This is an important point that deserves elaboration. And while our purpose here is not to detail Ocalan's ideas on the democratic confederation, the issue can be summed by saying that the notion of equality among the ethnic and religious groups that enjoy a certain degree of autonomy and social, cultural, and political rights within existing states (Iraq, Iran, Turkey, and Syria), might lead to the idea of a cultural confederation without undermining existing national borders, provided that the powers that be in Ankara, Tehran, Baghdad, and Damascus approach the Kurdish question in a positive manner. Ocalan's basic position is that the Kurds are incapable of winning the battle against these four powerful states. However, there needs to be a sense of brotherhood among the various cultural, religious, and ethnic groups residing in them. The New Kurds' rhetoric is an attempt to offer a solution to the Kurdish question by promoting freedom and equal rights for all ethnic minorities within existing structures rather than insisting on the establishment of an autonomous Kurdish state as they had done in the past.

The shift in the PKK's discourse away from an insistence on an independent, sovereign Kurdistani state to a quest for a free and democratic society in the countries in which Kurdistan is situated grew out of evolving ideological and practical perceptions on the part of Kurdish policy makers, who had begun to modify their understanding of the Kurds' situation and re-evaluate the feasibility of achieving their goals. During his imprisonment, Ocalan had the opportunity to rethink his movement's ideological stances, and he came to believe that "for the time being," the notion of an autonomous nation-state for the Kurds would have to be abandoned. However, the PKK has never totally rejected the ideal of Kurdistan as a nation-state. The contemporary discourse and activities of the New Kurds as they relate, for example, to a democratic confederacy, make clear that building a sovereign national status for the Kurds remains on their agenda, but that they do not aspire to undermine the sovereignty of the states among which Kurdistan has been divided. Rather, Ocalan and other PKK officials have suggested an alternative to the nation-state, namely, a democratic nation or republic that is not based on ethnic superiority.

As noted earlier, the Traditional Kurds have never contested the borders of the nation-states in which Kurdish populations are situated. The only exception to this rule appears to be the independence referendum that was held for the Kurdistan Region of Iraq on 25 September 2017. Barzani and his supporters announced that they wanted to be good neighbours to all four states surrounding the forthcoming Kurdish state, and they would not support the Kurdish struggle in their territories. In a speech he delivered after the failure of the independence referendum in Iraqi Kurdistan, Barzani called for the Iraqi government to restart dialogue with KRG, insisting that the Kurds did not intend to redefine existing borders. Nevertheless, the Iraqi state attacked the Kurdish army (Peshmerga), the city of Kirkuk was retaken by the Iraqi government after being under Kurdish control for 14 years, and Barzani was forced to step down as president of the KRI. Therefore, the case of the independence referendum held in Iraqi Kurdistan was not an exception to the stance taken historically by the traditional Kurds. Rather, it was a tactical step by Barzani and his allies

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47 It is interesting to note that, not only for the Kurdish people, but also for the PKK leadership, and especially for Ocalan himself, it was difficult to get beyond the notion of the nation-state. This was due to the fact that for a long time in the history of the Kurds, their dreams and hopes for the future were entirely bound up with the idea of having a state as other nations did, and this despite the balances of power that militated against such an eventuality. See: Ocalan, Prison Writings II, p. 49.
48 Saeed, Wercherxani Bizawti Netewiy Kurd, p. 258.
50 Preliminary results showed approximately 92.73 percent of votes cast in favor of independence. Despite reporting that the independence referendum would be non-binding, the autonomous Kurdistan Regional Government (KRG) did characterize it as binding, and Iraq's federal government rejected the referendum as illegal. The referendum led to a military conflict with Iraq's federal government in which the KRG lost 20 percent of its territory and its main source of revenue, the Kirkuk oil fields.
in the KRI to extend their rule and avoid the consequences of measures being taken by the Iraqi federal government at the time to maintain control over Iraq's oil resources.53

Conclusion

This article has examined the fragmentation in the Kurdish community and the two main blocs – "Traditional Kurds" and "New Kurds" – that have shaped the structure of contemporary Kurdish political identity. Despite these blocs' mutual rivalry and name-calling, those who oppose Kurdish national freedom view the two groups as a monolith. And despite their countless points of contention, the states of Syria, Turkey, Iraq, and Iran all agree on the need to combat the Kurds' desire to build an autonomous nation-state. These states commonly reserve the label of "good Kurds" for those who collaborate with them (primarily the KDP and its supporters), and that of "bad Kurds" for those who resist their authority (primarily the PKK and its adherents). At the strategical level, however, both blocs are seen as a threat to these four states' territorial integrity and national security.

Both blocs appear to advocate for a united Kurdish identity. This is particularly true of the PKK as representative of the New Kurds, which has often called for a revival of the Kurdistan National Congress (KNK) and the inclusion of all Kurdish political parties, social movements, and organizations.54 Senior PKK leaders, including Ocalan himself, have often suggested that unless the Kurds revive the KNK, they will be unable to confront the new developments reshaping Middle Eastern politics.55 In practice, however, leaders of both blocs and their stakeholders have allowed political, ideological, tribal, and even personal interests to widen the rift that divides them. The two main rival Kurdish blocs often highlight their differences and ignore their commonalities, attacking each other's political identities and pelting each other with accusations. For instance, the PKK claims that the Traditional Kurds are enemies and collaborators in the service of their political interests at the expense of the national interests of Kurdistan, while the KDP accuses the New Kurds of straying from authentic notions of Kurdishness and of using non-Kurdish symbolism and terminology in their struggle, such as when they borrow the Latin American term "guerrilla" rather than "Peshmerga", coined by the Kurds during the era of the Mahabad Republic and Qazi Mohammad.56

At the theoretical level, the Kurdish question raises additional, highly complex issues regarding the conceptual connections between the notion of the nation-state in the political sense, and the nation-state in the cultural and ethnic sense. In practice, these understandings come up against the idea of the nation-state as an entity founded on the principles of citizenship and democracy, which is all but non-existent in the region. This conceptual and theoretical mix is further complicated by the fact that neighbouring states base their legitimacy not only on political affiliation but, in addition, on ethnic variables that speak to the issue of Kurdish ethnic identity. This phenomenon manifests itself clearly in the relationships between Arabness and Persianness, and between Persianness and Turkishness, relationships that have been distorted by a concept which, though it ceased to apply politically in the beginning of the last century, has maintained its mental and strategic force: namely, Ottomanism.

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53 The federal government had begun withholding funding from the Kurdistan Regional Government in January 2014. In response, the KRG had made moves to export oil via the northern pipeline into Turkey, but the Iraqi government lobbied international governments to block the oil's export and sale. See: Sevan Saeed, "Partiya Boykote Bi Ser Ket," [The Party of Boycott Had Victory] Yeni Özgür Politika, accessed on 28/10/2019, at: https://bit.ly/3OdVuLK

54 "Interview with Murat Karaylan."


56 Born in the Kurdish region of Iran in 1893, Qazi Muhammad was a Kurdish independence movement leader and the founder of the Kurdish Democratic Party of Iran. He later became president of the Republic of Mahabad, which lasted only from 1945 to 1946.
References


Chiheb Yahyaoui*

Migration and the Developmental Impact of Migrant Remittances on the Urban Space in Tunisia
What Development Dynamics?**

Abstract: Historically, migration has served as a key factor determining countries' development strategies and monetary and financial policies. This article traces the developmental impact of remittances and the social capital migrants take back to their home communities in urban spaces. Based on the assumption that migration is marked by developmental and urban dynamics in which migrants serve as agents of development in their local communities, the study identifies the main sectors and areas that absorb migrants' financial returns, as well as specific social criteria and contexts which have impacted the developmental effectiveness of migrants' investment behaviour.

Keywords: Migration; Remittances; Development; Urban Spaces, Developmental Effectiveness.

ملخص: مثّلت ظاهرة الهجرة تاريخيًّا إحدى الرافعات التي بَنت عليها الدول استراتيجياتها التنموية وسياسات النقدية والمالية. وفي هذا الإطار البحثي، تنقّي الدراسة الأثر التنموي للتحويلات المالية والرساميل الاجتماعية التي يأتي بها المهاجرون العائدون معهم إلى مجتمع المنشأ في المجالات الحضرية، مفترضين أنّ للهجرة دينامية تنموية وحضرية تجعل من المهاجرين فواعل تنموية في مجتمعاتهم المحليّة. ومن أجل ذلك، تتبع الدراسة القطاعات والمجالات الأشدّ امتصاصًا لعوائد المهاجرين المالية، بتفكيك الخلفية السوسيولوجية لفعلهم التنموي، وهو فعل ارتبط بمعايير وسياقات اجتماعية مختلفة، كان لها أثرّ بٌين في الفاعلية التنموية لسلوكهم الاستثماري.

كلمات مفتاحية: الهجرة؛ التحويلات المالية؛ التنمية؛ المجالات الحضرية؛ الفاعلية التنموية.

* Professor of Sociology, the Higher Institute of Human and Social Sciences, University of Tunis El Manar.
Email: yahyaoui.chiheb08@gmail.com
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Preface

The new realities of the dynamics of individual and collective migration provide the foundation for a new approach to the complex relationship between the local dimension of development, and international — regular and irregular — migration. The new approach thus goes beyond the stereotype of the migrants from the 1960s or 1970s, who journeyed in order to improve their living conditions and overcome poverty. Rather than being simply a strategy to improve the family's socioeconomic situation within its original community (temporary migration), the emigration of a single individual has turned into an investment which will pave the way for a collective emigration, or a final move by the family to the host community (permanent migration).

This shift from individual to collective dynamics\(^1\) has created new conditions and justifications for migration. It has also reduced the chances of returning home, which has become increasingly difficult given the growing economic frailty exhibited by communities of origin and the development approaches adopted therein. Viewed as a "geographical and sociological movement fuelled by a variety of motives and causes, and involving the polarity of attraction and expulsion dealt with in the literature on the sociology of migration and the classical theories explaining the phenomenon",\(^2\) migration takes diverse forms which impact both formal and informal levels of economic life, the job market, and the urban space, including changes in the forms and aesthetics of architecture in local communities.

However, changes in the strategies and structures of individual and collective migration do not negate the impact of international migration. In fact, migration is having an increasing impact on the macroeconomic level of countries of origin (for example, via cash transfers and their role in supporting the state budget, improving economic and financial balances, etc.). The same applies to the microeconomic level, where we see change not only in the conditions of migrants' families, but also in the impacts of migrants' financial remittances, or their final return home, on urbanization, development, real estate, architecture, and the social structure of the local community. Manuel Castells\(^3\) views the city not as a static physical entity, but as a space of flows. Based on this understanding, migrants returning to their cities of origin are agents of change and development in the urban space given the financial, social, and cultural capital and the varied life experiences they bring back with them. As such, they offer successful models that can change negative perceptions of migration as a perilous venture which others should be discouraged from undertaking.

This study examines the ways in which Tunisians' external migration creates economic shifts in the urban and architectural fabric of Tunisia, and its impact on perceptions of and attitudes toward migration. In so doing, this research does not merely repeat macro-developmental theses that approach the relationship between migration and issues of development and change by focusing on the impact of official financial transfers on the country's hard currency balance, the value of the Tunisian dinar, national savings, the financing of major state development projects, and the importance of financial flows from Tunisians living abroad for improving the state's financial balances and reducing the public deficit.\(^4\) Rather, it views this relationship in terms of micro-sociological factors, that is, particular phenomena relating to migrants as actors, the investment decisions they make in relation to their financial returns, and the ways in which...

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\(^1\) Reports on illegal migration describe cases in which a father, mother, and infant son all perish together, or in which a mother dies with her newborn child, leaving her husband and one of her children in the country of origin. Security reports also reveal a shift in the types of people who venture out on potentially deadly journeys for the sake of immigrating. Migrants are no longer limited to the unemployed, those running from the law, and those lacking strong employment skills; rather, they include well-to-do families, mid-level state executives, and individuals with advanced degrees in modern scientific and technological disciplines.


\(^4\) Samir Bouzidi, "Mobilisation de la diaspora: Bonnes pratiques à l'international et éléments de transposabilité en Tunisie," LEMMA Projet de soutien au partenariat pour la mobilité UE Tunisie (Tunisie, 2018), pp. 8-11.
they employ the capital they accumulate during or after migration. This is connected not only to changing their social status and that of their families, but also to the creation of developmental dynamics. Hence, this study examines the effectiveness of migration in bringing about economic and social changes in the urban space based on how Tunisian migrants' cash transfers and financial returns are invested, the areas that most attract such investments, and their developmental impact.

Making use of relevant literature, qualitative studies, and official quantitative reports on the migration in Tunisia, the study is based on field work conducted by the author in the Ibn Khaldun neighbourhood of the Omrane Supérieur district in Tunis. It includes interviews with ten individuals, some of whom had emigrated, then settled permanently in their home cities, and others who had remained abroad but continued to visit their original residential areas and followed up on their commercial or real estate projects. Based on this inquiry into the developmental effectiveness of Tunisians' remittances, the study concludes that although the financial returns resulting from Tunisians' migrations constitute a developmental engine and a dynamic of change for Tunisian migrants' local communities of origin, this dynamic primarily affects local communities' urban and architectural fabric.

The study is divided into two sections. The first section deals with the patterns of migration and the shift in its dynamics from the individual to the collective. It reviews the history of migration in Tunisia since its independence in 1956 across three generations of migrants according to the classification of Abdelmalek Sayad. Based on the results of the fieldwork, the second section examines the validity of the research approach that views migration as a developmental dynamic which contributes to changing local communities primarily in their urban and architectural dimensions, concluding that the investment of these migrants' financial returns brings us into what might be termed "the economy of proximity".

The Patterns of Migration and the Shift in its Dynamics from the Individual to the Collective

1. On the History of Tunisian Migration

International migration in Tunisia began on a limited and modest scale during the French protectorate period, specifically after World War II. Migration flows did not expand noticeably until the early 1960s, in spite of the fledgling nation-state's attempts to restrict migration in order to preserve its human capital, which was still in its formative stages. This restrictive tendency was reinforced during the early years of independence by the state's adoption of a planned economy based on production co-operatives. While the Tunisian state and its economy were unable to absorb the increasing demand for jobs, France, Germany, and Belgium were the most attractive European states to unskilled or trained workers in search of employment. 

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6 According to the latest housing census (2014), the capital city's Ibn Khaldun neighbourhood of the Omrane Supérieur district has a population of 55,513, of whom 44,808 are over the age of fifteen, and 65.3 percent of whom have a primary to secondary school education. Ibn Khaldun neighbourhood of the Omrane Supérieur district has an unemployment rate of up to 16.17 percent, with more than a third of those employed working in education, health, and administrative services, followed by commerce. We find that 61.64 percent of them own the houses they live in, 81.03 percent of which are attached dwellings or one floor of an attached dwelling, and that more than half of them bought their residences rather than building them. See: The Republic of Tunisia, National Institute of Statistics, "General Population and Housing Census 2014," Statistiques Tunisie, accessed on 19/6/2022 at: https://bit.ly/3KJIT5
The 1970s marked an important shift in the phenomenon of migration in Tunisia. State control over migration decreased with the failure of its cooperative model and the Tunisian government's adoption of a policy of state liberalism. This shift in the development model brought about a profound change in the state's policy on Tunisians' migration abroad. After having acted as a barrier and a gatekeeper of scarce national human capital during its early years of independence and nation state-building, the Tunisian government began regulating and structuring the process of Tunisians' migration. This qualitative shift in the role and position of the state saw the number of Tunisian migrants to France triple from what it had been in the 1960s (going from 52,179 to 149,274 in 1973). For the Tunisian state, and the North African countries generally, migration has gone from being an economic and social dilemma to a catalyst for strategies to solve poverty and unemployment, and an important dimension at every level of the development process. Convinced now of the developmental benefits to be considered when setting development policies, the Tunisian state began to institutionalize and formalize migration by creating governmental structures whose purpose was to regulate and structure the flow of migration towards Europe in particular. The year 1967 saw the establishment of the Office of Vocational Training and Employment (OFPE), which, in 1969, worked in coordination with the French National Office for Migration (ONI) to regulate the migration of Tunisian labourers, providing them with professional qualifications, following up on migrant workers abroad, and facilitating their return should they decide to.

The flow of Tunisian migrants towards Europe witnessed an acute crisis in 1973-1974, as Europe's welcome began to cool with the end of the "Glorious Thirty" (1945-1975). However, this shift opened up new migration routes for Tunisian workers, who began heading primarily for oil-producing Arab countries (Libya and the Arab Gulf states), which were in great need of both skilled and unskilled Arab workers. The Tunisian state's policy of organizing trained migrants extended into the 1990s, during which migration underwent an expansion and an important shift in pattern as increasing percentages of competent migrant workers headed for both Europe and the United States. There was now a greater focus on training the labour force and, at the same time, marketing it through mediation between workers and host countries interested in bringing in Tunisian labour, especially the Arab oil-producing countries. The establishment of the Tunisian Agency for Technical Cooperation (ATCT) in 1972 opened diverse new outlets for migration to Tunisian workers with a range of specializations and skill levels based on work contracts, which numbered more than 2,000 in 2008, for example. ATCT sought to expand the developmental impact of Tunisian migration abroad and the overall benefit derived from cash transfers, especially in development programs and plans. Further, the Office of Tunisians Abroad (OTE) was established in 1988 under the supervision of the Ministry of Social Affairs, its purpose being to develop programs and strategies that could overcome the obstacles and difficulties that prevent maximum benefit from the material returns of migration, and to offer Tunisian migrants various incentives and facilities to save or invest their financial returns in their country of origin.

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13 Tibu, p. 114.
14 In other words, paths of migration and the evolution in its volume and forms are associated with changes and developments in both communities of origin and host communities. The "Glorious Thirty" refers to the period after World War II during which "North America and Western Europe achieved remarkable rates of economic growth and relatively low levels of inequality for capitalist societies, while instituting a broad range of benefits for workers, students, and retirees. From roughly 1980 on, however, the neoliberal movement, rooted in the laissez-faire economic theories of Milton Friedman, launched what became a full-scale assault on workers' power and an attempt, often remarkably successful, to eviscerate the social welfare state." See: Juan Cole, "From Oakland to Tunisia: How a New Age of Activism was Born," Mother-Jones, accessed on 5/2/2023, at: http://bit.ly/3J3J2Err
16 Tibu, p. 115.
The flow of Tunisians abroad has historically been affected by changes in the development approaches adopted by the national state. Since the 1970s, it has become one of the key constants in development policy in Tunisia due to the role played by migrant remittances in bolstering hard currency reserves, increasing national savings, balancing budgets, and revitalizing economic sectors, particularly agriculture (within rural spaces), and services (within rural and urban spaces). However, the process of estimating the volume and value of migrants' remittances remains complex and imprecise as organized migration mediated and facilitated by state structures accounts for only a small percentage of the Tunisians going abroad and the financial flows into the country. Much of the money sent back to Tunisia is transferred informally due to the complexity and high costs of transferring funds through banks and the post. Irregular migration thus began to constitute an attractive path for Tunisians, especially since the 2011 revolution and the decline in the state's power on the security, development, and international levels.

2. The Shift in Migration Dynamics from the Individual to the Family

An in-depth reading of the quantitative data and research variables upon which the statistics published by UN-affiliated international organizations and bodies depended\(^\text{17}\) makes clear that migration is facing profound structural transformations. This situation calls for a comprehensive analysis of the new dynamics of migration and their wider implications locally and internationally. The act of migrating is no longer an individual venture which one undertakes in secrecy. It no longer involves avoiding the fears of family members about one's safety upon leaving an unsatisfactory but safe environment for an alluring, yet dangerous, distant land. At present, even irregular migration takes place with the consent of one's family, who may even fund the venture. Indeed, security and press reports on what is known in Tunisia as "al-Ḥarga" (putting to sea for Europe knowing full well that one is highly likely to die) often document multiple victims from a single family on the same doomed passage.

Be it regular or irregular, migration has come to be motivated by a despair so deep that an individual will feel justified undertaking the risks involved in al-Ḥarga. One young man asked, "Do I have a life in my country that I would fear losing? No, I'm already dead. So, the death you're talking about doesn't frighten me, since it will just put an end to the ongoing ordeal of living. If I risk death, I do it for the sake of a chance to live a real life."\(^\text{18}\) Families have begun preparing their most capable members to meet the conditions for being accepted and integrated into the host societies, especially children who are outstanding students or who have obtained training certificates under the supervision of institutions affiliated with or recognized by the country of destination. By preparing them for regular, or even irregular migration, such families hope their children can serve as bridges for other members into a new field of work, thereby enabling the family to find stability in Arab or European societies.

One respondent, a recent graduate, says:

\begin{quote}
I don't intend to stop at completing a master's degree. Rather, I see my success in getting this scholarship as a doorway to permanent residency in Germany. Frankly, I don't intend to go back and settle in Tunisia again. I'm going to live and build my future world abroad, which can't possibly be worse than what I would await me in Tunisia. I also bear a burden for my family, so \(\text{17}\) United Nations, International Organization for Migration, Taqrīr al-Hijra fī al-ʿĀlam li-ʿĀm 2018, accessed on 20/6/2022, at: https://bit.ly/3HEli0o;
\(\text{18}\) A personal interview in Ibn Khaldun neighbourhood of the Omrane Supérieur district, Tunis, on 7/1/2020 with M. H., a 30-year-old man without a steady job who works with a relative selling grain.
my success can open the door for my brother to follow me and build his future there too. I'll go on visiting home in order to see my family and help them improve their living conditions and their housing situation, which, as you can see yourself, promises nothing but more poverty.

The situation in our country doesn't bode well for the future.19

This is a decision which is not arbitrary, but rational and purposeful in the Weberian sense.20 It is no longer a matter of individual paths associated with individual projects, but rather a collective dynamism, not in the sense of the family gathering in what Abdelmalek Sayad calls "the third age of migration",21 but, rather, in the sense of the family's influence on and participation in the decision to have its children emigrate, and the building of appropriate strategies to achieve success as a collective goal rather than an individual one.22 Abd al-Sattar al-Sahbani, for example, has clarified the shift in the dynamic of migration and the powerful presence of the group (family and friends who have migrated previously).23

Accordingly, the decision to migrate has multiple effects, being a quest for collective, not individual success. The search for employment is the primary motive par excellence for making the decision to emigrate, as it both produces migration and changes the forms it takes. As for the familial factor, the fact that it ranks second in the list of motivations for migration, the choice of destination does nothing to undermine its importance and influence, which, according to Sarah Harbinson,24 are determined by the family's structure and quality. The rationale behind the decision to migrate is not individual, but collective. The calculations and expectations of profit and loss go beyond the individual migrant to the entire family,25 which mobilizes its material resources and devotes them to one of its members in the desire to make a success of a project that is, from beginning to end, a collective one in terms of both making the decision to migrate, and the consequences to which it may lead.

The transitionentailed by migration may be permanent, or it may be a temporary strategy to change the family's socioeconomic status in its city of origin. However, the shared nature of the transition points to the transformation of migration from an individual act (a personal decision) to a collective one (a shared decision). This in turn points clearly to a growing consensus that there is an absence of economic, political, or social insecurity in the community of origin. This sense deepens as the society of origin grows increasingly unable to integrate its members into economic life and provide what is needed for social or political security due to the stalling of the development process, and as the development model proves incapable of preventing the exacerbation of unemployment, poverty, rising costs of living, and a dearth of decent work opportunities.26 The 2021 National Survey on International Migration showed that 55.2 percent of

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19 A personal interview in Ibn Khaldun neighbourhood of the Omrane Supérieur district, on 7/1/2020 with T. K., a 22-year-old student with a diploma in applied media who is preparing to leave for Germany after obtaining a scholarship from a German university.
22 The collective dimension of the rationality of the act of migration comes not only from the family's participation in decision-making, but also from the fact that the family shares values, ideas, perceptions, attitudes, and expectations that motivate and encourage family agreement on the decision to migrate.
26 These include, for example: al-Sahbani; Mehdi Mabrouk, Ašṣi’ar a wa-Milḥ: Thaqāfa wa-l-Majāl: Dirāsa fī Susyulūjya al-Taḥaddūr wa-l-Hijra fī al-Maghrib (Fez: Faculty of Arts, Dahr al-Mahraz, Sociology of Social Development, 2015), pp. 183-184.
27 It is no longer a matter of individual paths associated with individual projects, but rather a collective dynamism, not in the sense of the family gathering in what Abdelmalek Sayad calls "the third age of migration", but, rather, in the sense of the family's influence on and participation in the decision to have its children emigrate, and the building of appropriate strategies to achieve success as a collective goal rather than an individual one. Abd al-Sattar al-Sahbani, for example, has clarified the shift in the dynamic of migration and the powerful presence of the group (family and friends who have migrated previously).
the reasons for migration were related to improving income, working conditions, and standard of living.\textsuperscript{27} Despite being employed, poor workers succumbed to the desire to embark on the experience of migration, that is, to search for a different, more attractive life experience, since migration has been increasingly seen as a channel to advance one’s living conditions,\textsuperscript{28} and which the family supports and participates in. In fact, the family does this according to a strategy which it deems best suited to achieving its goals and its vision of itself, its status, and its relationship to its environment.

This perspective was voiced quite clearly by one migrant, who said,

\textit{Even if it's available, work in Tunisia doesn't amount to a real guarantee of security for the future. I left my job in Tunisia and travelled to France, and thank God, I managed to get a job and improve my family's situation and housing, as you can see. Work in Tunisia is to ensure the minimum standard of living, but it doesn't build the future and or achieve a decent life. Working abroad shortens the time needed to secure your future in Tunisia if you want to come back.}\textsuperscript{29}

\textbf{Table (1)}

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|c|}
\hline
\textbf{Justifications for migration} & \textbf{Males} & \textbf{Females} & \textbf{Total} \\
\hline
Looking for a job & 27.8 & 15.6 & 23.2 \\
Improving income, nature, and conditions of work & 29.6 & 26.7 & 28.5 \\
Improving living conditions & 26.5 & 27.0 & 26.7 \\
Bringing family together & 0.6 & 3.7 & 1.7 \\
Education & 11.6 & 18.3 & 14.1 \\
Desire to travel & 2.2 & 5.2 & 3.3 \\
Other reasons & 1.7 & 3.5 & 2.5 \\
Total & 100.0 & 100.0 & 100.0 \\
\hline
\end{tabular}
\caption{Distribution of Migrants According to Justifications for Migration and Gender}
\end{table}

Source: Prepared by the researcher based on: Republic of Tunisia, Ministry of Social Affairs, National Observatory for Migration, "International Migration in Numbers Based on the National Survey of International Migration in Tunisia," accessed on 20/6/2022, at: https://bit.ly/3n4M0pL.

This shift in migration from the individual to the collective (which has gone from merely a family supporting or approving an individual decision to migrate to being a major part of the decision to migrate) has been confirmed by the results of research and social surveys done on migration over the last decade.\textsuperscript{30} According to a field study conducted by the National Observatory for Youth, clandestine or irregular migration, even \textit{al-Ha\rq\rq a}, has itself begun receiving family backing in the form of both moral support and financing.\textsuperscript{31}

\textsuperscript{27} Republic of Tunisia, Ministry of Social Affairs, National Observatory of International Migration, \textit{al-Hijra al-Dawliyya fi Ar\q\q min Khilal al-Mash al-Wa\q\qant li-I-Hijra al-Dawliyya bi T\u00f9nis}, accessed on 20/6/2022, at: https://bit.ly/3n4M0pL.

\textsuperscript{28} Sayad, p. 18.

\textsuperscript{29} From a personal interview, Ibn Khaldun neighbourhood of the Omrane Supérieur district, Tunis, 8/1/2020 with S. F., a 50-year-old man who traveled to France illegally 20 years ago, but who was able to straighten out his situation in the host country and improve his family's situation. He has now added an upper floor to his house and completed a commercial project in his neighborhood.

\textsuperscript{30} Such as those done by Abd al-Sattar al-Sahbani, Mehdi Mabrouk, Muhammad Ali bin Zina, Aisha al-Tayeb, and others, as well as Arab Index surveys, the Arab Center for Research and Policy Studies.

A study by Mehdi Mabrouk on the culture of clandestine migration shows that family support (the collective dimension) is clear on a widening scale within the framework of regular migration. Nearly half of all families not only support their children's migration-related projects and the search for new educational and life paths, but even help them in planning and preparing both mentally and financially to make the project a reality. They do this based on the conviction that emigration is a path to success worthy even of great risks in a developmental context that does not bode well for an improvement in living conditions or solutions to widespread unemployment, especially for the educated (those with advanced degrees). What most preoccupies Arab citizens, and Tunisians in particular, is economic problems related to the high cost of living and worsening unemployment. This concern coincides with an almost universal conviction that Arab governments lack the will or ability to solve the problems that are most important to their citizens. This conviction is clearly evident in the results of the 2017/2018 Arab Index survey, in which approximately 60 percent of respondents stated that they did not trust their governments and did not believe they were serious about prioritizing citizens' day-to-day problems in their economic policies and in the model of development and governance adopted by successive governments since the revolution.

**Figure (1)**

*Trends in Public Opinion on Governments' Seriousness About Solving the Most Important Problems Facing Their Countries (Tunisia)*

![Graph showing trends in public opinion on government seriousness about solving problems](https://bit.ly/2LadHMF)


In a departure from classical and neoclassical approaches, the individual is no longer the referential actor whose decision to migrate is governed simply by the laws of attraction (a known or imagined situation in the host society, such as getting a job, or a high financial return) and the principles theorized by geographer Ernst George Ravenstein, which revolve around actors' economic motives (an unsuitable or unacceptable position in the society of origin, such as unemployment and low wages). Much of the research that has been done on migration acknowledges a change in the goal associated with migration. For although the goal of maximizing profit never loses its lustre and attractiveness no matter how minimal it is compared to the possible loss one

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32 Mabrouk.
34 Ibid.
might suffer as a result of not migrating. The possibility of remaining in a stagnant situation with poor chances of development and change is itself perceived as a risk by those who have made up their minds to emigrate.

This transition from a prevailing perception of migration as a break with the community of origin (an expulsive situation) to the perception of it as a process of creating transnational ties through the formation of social capital is based on the fact that the individual, in terms of understanding network theories and social capital, is linked to a social structure. This social structure is related to the family in both its narrow and expanded dimensions, as well as to friends, neighbours, and neighbourhood residents, which provide social networks (or what Granovetter terms "the power of weak ties") that constitute sources of information and act either to motivate or discourage the decision to migrate. For even though migration is undertaken by one member of the family, this impact extends beyond this one member to the entire family. It also touches on the economic sphere, which reinforces individual perceptions of migration as a path that is essentially unavoidable if one is to escape a situation of marginality and vulnerability under a weak state that can no longer perform the roles expected of it on behalf of weak and disadvantaged groups whose socioeconomic status continues to deteriorate.

![Figure (2) Respondents' Characterizations of Their Families' Income (Tunisia)](image)

**Figure (2) Respondents' Characterizations of Their Families' Income (Tunisia)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not know/ Declined to answer</td>
<td>0</td>
</tr>
<tr>
<td>Our household income meets our requirements and we are unable to save</td>
<td>57%</td>
</tr>
<tr>
<td>Our household income meets our requirements and we are able to save</td>
<td>10%</td>
</tr>
<tr>
<td>Our household income does not cover our requirements and we have difficulty paying for necessities</td>
<td>33%</td>
</tr>
</tbody>
</table>


The percentage of Tunisians who describe their family situation as bad, or very bad, rose from 57 percent in the 2017/2018 Arab Index to 88 percent in the 2019/2020 Arab Index. A family's socioeconomic status is one of the factors underlying its collective determination not to remain in a society where the role of the state declines with every passing day. These factors may lead to a final departure from the country of origin; however, emigration may also be viewed as an alternative, albeit temporary, space that will be

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more conducive to meeting the family's goals and its economic and social status in the country of origin. As such, migration serves as a means of achieving aspirations that would otherwise be unattainable. Hence, the Tunisian sociologist Reda Boukraa views migration as a cultural act which reflects an awareness of the noninevitability of continuing to endure a miserable existence in the country of origin. Thus, he views the decision to migrate as an act of liberation from an unsatisfactory economic, social, cultural, and political situation through the pursuit of alternative possibilities.

In light of the foregoing, this research has investigated the developmental benefits of migration for families and the urban spaces from which they have moved. Reports on the volume of the financial returns of Tunisians abroad and the areas in which returning migrants spend their accumulated capital or financial transfers reveal the developmental implications of migration, the structure of this developmental dynamism, and the extent of its effectiveness. Therefore, it is prudent to examine the relationship between the financial return of migration and developmental action by asking whether migrants can be considered developmental actors in their urban space, and whether their financial capital becomes a developmental dynamic within the local community. Based on a reading of the data from the National Institute of Statistics and the Central Bank, as well as previous studies that will be referred to later in this analysis, the financial returns of migration have not, in fact, turned into capital in the sense of creating wealth through investment in specific economic sectors.

Migrants as Expatriate Developmental Actors: The Dominance of the Urban Dimension

This study traces the impact of urban dweller migration on social change and development within the urban space. It also tracks the implications and outcomes of migrants' developmental action through the investment of their financial transfers. There is a close link between the sociology of migration and the sociology of the urban space. It is not possible to think about the city and urban development without raising the issue of migration, be it internal (into the city) or external (out of the city). Accordingly, returning migrants' investment of financial, social, and cultural capital, whether in development projects or in improving living conditions within the urban space, reinforces the view of migration not as a risk and an adventure into the unknown, but as a typical life experience both individually and collectively.

As the state mobilizes additional resources in response to the major challenges it faces, especially with increasing demands by various segments of the workforce since the revolution, the financial remittances of Tunisians abroad are steadily increasing in volume, as is their economic and developmental importance. This explains the state's increasing preoccupation with overcoming legal and regulatory obstacles related to migrants' seasonal return and the transfer of their funds to their families in Tunisia. To better understand the dynamic of these funds and their developmental impact, the study traces the financial benefit achieved by Tunisians' foreign migration and its developmental impact on the macro-economic level. Similarly, the developmental and social impact of Tunisian migrants at home is examined by looking into the destination of their individual investments (micro-economic) and their cash transfers to their families in the community of origin (micro-spatial).

1. The Financial Return of Tunisian Migration

The financial returns of migration are significant in that they support the national economy and development projects more substantially than tourism, national savings, or the gross national product. According to

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41. According to data from the Central Bank of Tunisia, remittances of Tunisians abroad grew at an average annual rate of nearly 20 percent, from $508 million in 1992 to $3984 million ($3.98 billion) in 2014, reaching DT 4949.3 million (4.94 billion) in 2019.
estimates by the Central Bank of Tunisia, the financial and in-kind transfers of Tunisians through official channels in 2018 came to DT 5.03 billion ($1.90 billion), or the equivalent of 4.8 percent of the gross domestic product. Between 2006-2016, the volume of cash and in-kind transfers from Tunisians abroad nearly doubled, from DT 2.01 billion to DT 3.91 billion ($1.82 billion) in 2016. Most of these transfers were cash, and played an influential role in adjusting the balance of payments by covering 37 percent of the trade balance deficit for the year 2016, representing 4.7 percent of the GDP in 2017.

According to official data released by the Central Bank of Tunisia on 9 June 2020, the cash transfers of Tunisians abroad throughout 2019 amounted to about DT 5.2 billion ($1.77 billion), reaching DT 8.6 billion ($3.08 billion) in 2021 according to the National Observatory for Migration. However, the importance of migrants' cash transfers lies less in their material volume than in their developmental outcomes, and the impetus they provide for sectors which are vital to the national economy and to the local communities of these migrants. Although the macro-developmental approach provides us with important figures which have financial implications for overall financial balances, especially national savings, they do not reflect the value of migrant money actually transferred into Tunisia, which virtually doubles if money transferred through informal channels is taken into account.

Figure (3)
Remittances from Tunisian Workers Abroad and the Expenses of Capital Income

Hence, the financial returns of migration in the form of migrants' remittances are not being used in a way that yields substantial development within the country of origin. Migrants' intentions to invest or involve themselves in investment projects with their accumulated capital have not been sufficiently robust to

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42 The calculation of the US dollar amount is always based on the exchange rate of the dollar against the Tunisian dinar during the same year as given in the Central Bank of Tunisia's annual averages for interbank exchange rates. See: "Monetary, Economic and Financial Statistics," Central Bank of Tunisia, accessed on 20/6/2022, at: https://bit.ly/3tNmvgo
be developmentally impactful in local communities. Add to this the fact that female Tunisians living abroad are less willing to invest in Tunisia than their male counterparts. This willingness is greatest among first generation migrants – that is, those born in the country of origin – who transfer funds home most regularly.

First generation migrants exhibit a powerful bond to their cities of origin, which is expressed through their determination to transfer all the money they have accumulated in the host country to their home communities. For these older migrants, who have a powerful desire to return home, migration does not reflect a negative emotional stance towards their country of origin. On the contrary, it is simply a strategy for improving their situation, a change of course in life which, as noted earlier, is marked by a profoundly communal dimension that involves the desire to support and motivate other family members.

One older, first generation migrant gave clear expression to this line of thought, saying:

*I know my children are more inclined to stay abroad, especially with the deterioration of the security, economic, and political conditions back home. As for me, though, I didn't emigrate to stay indefinitely. Rather, I did it in order to achieve in my own country and my hometown what I couldn't do here. I haven't given up the idea of going home, and I've made a point of transferring the money I've made from my job here back to Tunisia on a regular basis. I'm not trying to become a capitalist or get rich. Therefore, I am not inclined to invest in any economic project that might fail, causing me to lose the savings I worked so hard to build up. I've renovated my house and added two floors that I've put up for rent so that, when my children decide to come back some day, they'll have a home ready for them to live in. And that's enough for me.***

2. Reading the Developmental Impact of Remittances: The Predominance of the Social Dimension

There is no direct relationship between the volume of financial transfers to local communities and the creation of a dynamic local development capable of improving the economic status of local communities. The capacity of remittances, or migrants' financial capital (which, according to a study carried out by the Central Bank of Tunisia in cooperation with the German Agency for International Cooperation (GIZ), came to 9 percent of the gross national income in 2020) to bring about change within their local urban communities is not determined by the volume of cash transfers despite their importance; rather, it is determined primarily by how and where these funds are invested and the developmental roles they can play. In order to strengthen the socio-developmental dimension of migration and the link between migrant remittances and the development of communities of origin, it will be necessary to dismantle the structure of migration remittances and the development of communities of origin, it will be necessary to dismantle the structure of migration. The developmental impact of migration returns, or what might be termed the migration dynamic, is strongly affected by the pattern of migration, the strength or weakness of the qualified labour force, and/or the loss of highly trained and qualified competencies through brain drain.

When migrants return to their communities of origin equipped with money, experience, and training, this gives them a broader impact on migration's developmental yield, as it will be deeper and more effective than that of poorly qualified, unqualified, and/or illegal migrants. This is because the developmental outcomes of migration vary for communities of origin in the transition from mass migration to selective migration, that is, from the migration of a poorly qualified or unqualified labour force which has entered

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48 Ibid.
49 A personal interview on 8/6/2020 with S. M., a 60-year-old man who spent 35 years in France. After returning permanently to Tunisia some time ago, he settled in the capital city's new Ibn Khaldun neighbourhood of the Omrane Supérieur district, and made great improvements to his residence.
the host community through informal routes, to migration which is subject to the supervision, guidance, and follow-up of national structures concerned with regulating the migration process and monitoring working conditions abroad.

On the macro-developmental level, the capacity of migration to act as a developmental catalyst is determined by the ways in which the state uses financial transfers and the social, financial, and cognitive capital accumulated by migrants residing abroad for at least 5 to 10 years to launching development projects that absorb the labour force, promote local development, minimize regional disparities, reduce the general deficit, and so on. In order to do this, however, the state must have a strategic vision which includes the implementation of programs to mobilize the material and human potential of Tunisians abroad.

On the micro-developmental level, the developmental dynamic of migration is affected by migrants' destinations and the composition of migration (particularly in terms of competence and qualification). Moreover, the material capital with an economic and developmental impact in urban spaces is determined not only by direct financial transfers, but also by the social capital which migrants accumulate throughout their experience as migrants – that is, patterns of behaviour, the formation of relationships with the worlds of money and culture, and the creation of projects and social connections with tangible applications to developmental action and change in cities of origin. The effectiveness of migrants' remittances and their developmental dynamics in the urban spaces from which they came will vary according to the pattern and composition of migration in the sense that it is deeply affected by the quality of migrants, that is to say, their competencies, qualifications, their ability to link strong relationships within the host country with financial and economic circles or scientific, research, economic or development institutions which can open up real opportunities to develop the urban spaces in the country of origin by, for example, spearheading projects that respond to the need to combat poverty, reduce unemployment and build infrastructure.

Thus, the developmental dynamic of the financial returns of migration is affected by migrants' ability to integrate in their country of residence, since it is this ability which will enable them to bridge their home culture with the host culture, thereby creating social and cultural capital that imbues physical capital with a depth that will facilitate change in their communities of origin. Migrants' ability to develop their urban space is determined to some extent by their levels of integration and involvement in the intellectual, scientific and economic life of the host community, and by their pursuit of professional training and the development of the skills they acquire during their time in the host society. However, migrants' capacity for integration is in turn greatly affected by the competencies and qualifications they bring from their country of origin, which guarantee them a better position within the host society, facilitate their integration into the labour market, and enable them to benefit more fully from the migration experience. There is a strong reciprocity between the status of migrants in their community of origin and their capacity for integration in the host society which plays a major role in determining the developmental impact of migration in the community of origin and the extent to which migrants emerge as local developmental actors. However, the impact of Tunisian migrants as local developmental actors may be diminished by their geographical distribution, as

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53 Ibid., A/60/871, p. 69.
57 Benhaddad & Hammouda, p. 93.
well as the variable sectoral distribution of their investments, either directly upon their permanent return home, or through the influence of the family that receives their remittances and implements their investment strategies on their behalf.

The 2015 reports of the International Organization for Migration regarding the locations where returning Tunisians have invested their material capital in development projects reveal a disparate geographical and sectoral distribution for such investment. The city of Sfax in south-eastern Tunisia, for example, illustrates the pyramid of differential distribution, as is clear from the number of small projects that were carried out there as compared with other regions. Furthermore, of the 310 Tunisian migrants who returned home for good in 2015, 274 (88.38 percent) invested their financial returns in starting up small individual or group projects. One notes from this study that 52 percent of the returnees benefiting from this programme invested in the agricultural sector, especially sheep and cattle breeding, which employed a number of local workers, whether family members or unemployed local residents. Meanwhile 18 percent of the projects formed part of the so-called proximity economy involving businesses attached to a personal or family residence (cafes, grocery stores, small gas stations, etc.).

![Figure (4)](image)

**Percentage of Micro-Enterprises According to Activity**

- Workshops
- Adjacent businesses
- Housing/Construction
- Hunting
- Horticulture
- Grocery store/small gas station
- Cattle breeding
- Sheep breeding
- Small farms
- Restaurant/Cafe

Source: L'Organisation internationale pour les migrations (OIM), "Projets de retour... Projets d'avenir," BROCHURE 31 mai 2016, p. 47, accessed on 21/6/2022, at: https://tunisia.iom.int/fr/search

However, the general feature revealed by the reports of the National Organization for Migration in Tunisia, the National Immigration Observatory, and the latest census conducted by the National Institute of Statistics is that Tunisian migrants do not generally see themselves as development actors within their communities of origin. This is clear given the fact that few migrant families expressed the intention to invest in projects with a developmental yield or impact, the vast majority of them using their children's remittances to cover the family's day-to-day necessities. This is consistent with the findings of the 2020 National Immigration Observatory study, according to which 55.67 percent of the social reasons

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61 "General Population and Housing Census 2014."
for migration had to do with improving the status of the family, while many respondents stated that a significant percentage of their transfers to their families during their stay abroad were intended to cover health expenses (surgical operations or treatment in private clinics); pay tuition (financing siblings' or children's postgraduate studies abroad or at private universities inside the country); or enable the family to make improvements or expansions to their home. In many cases personally observed within the urban spaces where migrant families were interviewed, the money was used to restore or rebuild the façade of the house, replacing the traditional with the modern, the old with the new, and the simple with something more architecturally artistic or aesthetically pleasing.

The statements of respondents in the cases studied reveal that Tunisian migrants believe that helping family is a duty as long as they are employed and settled abroad. As for when they return home or plan such a return, buying or building a house is their main preoccupation, linked as it is to the idea of securing comfortable and suitable housing upon their final return or upon reaching retirement age. This is consistent with the 2011 TIDO study on expatriate Tunisians' contribution to Tunisia's economic and social development. Of the sample studied, 39.7 percent spent their financial transfers, which were predicted by official channels to come to 5 percent of the GNP in 2014, then to decline to 4.7 percent of the GNP in 2017 ($1.89 billion, or the equivalent of 233 percent of foreign direct investment), on the purchase or construction of housing.

Cities of origin are generally the place where returning migrants tend to build or buy a home. Three-quarters of returning Tunisian migrants (77.4 percent) prefer, and are even determined, to buy or build a house in the neighbourhood in which they have previously rented a residence, or as part of the family home. In so doing, they seek to translate an experience of social success into a material act that repositions them within the structures of their social milieu. The architectural improvements or expansions made possible by the capital migrants have sent or brought back with them upon their return have symbolic dimensions, since they demonstrate their improved standard of living to the surrounding community. Given the returning migrants' new perception of themselves and their place in society, this material reality thus becomes a semiotic text of sorts, the purpose of which is to affirm a social bond and a post-migration shift in social status that will be recognized by the community of origin.

The keenness to renovate or enlarge the façade of one's home in a way that communicates a change in one's material capacities and in the social bond to the urban space to which the migrant has returned confirms the link we have hypothesized between migration and urban change within cities of origin, since Tunisian migrants' development-related initiatives are dominated by the urban and architectural dimension. Tunisians' investment of income in the host society lacks a profit rationale, as the vast majority of Tunisian migrants' expenditures are absorbed by the real estate sector, which has profoundly impacted the urban dimension of local communities' development since the 1970s. Furthermore, what we have observed in the cases we have studied can be generalized to the behaviour of other Tunisian migrants, who likewise demonstrate the desire to show off their material and social status by spending most of their accumulated capital in unproductive spheres by, for example, acquiring luxury cars, rebuilding, expanding, or modernizing the family home, or purchasing a new house in their home neighbourhood.

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65 Bouchoucha, Fourati & Zekri, p. 19.
However, some in the study sample viewed their new (post-immigration) social status as incompatible with the urban space from which they came. This perception has created a dynamic of urban expansion in cities marked by the emergence of new, better-equipped neighbourhoods, most of whose real estate owners are from the upper middle class and returning migrants, such as in the Mahres district of the state of Sfax, for example, in the city of Manzil Kamel in the state of Monastir, and the neighbourhoods of Ibn Khaldun (the focus of our study), Tahrir, Tadamon, and Douar Hicher in Greater Tunis.

The absence of an entrepreneurial spirit on the part of Tunisian migrants is evident in the fact that they rarely invest their money in economic enterprises, and that they do not search for material profits through the purchase of homes during their stay abroad. Rather, their main purpose in purchasing housing in the cities of origin is to achieve a sense of social safety, which is associated in their minds with securing housing upon their final return, or upon reaching retirement age and the end of their work contracts in the host countries. Another aim is to highlight their new social status as proof of their success abroad, and as a model of social success in their family or community milieu. An older migrant, even one who did not spend a long time abroad, might say, for example,

*Thank God, I was able after a long time abroad to build this house and secure housing for my two sons, which will at least lighten their burden when they want to start families in the future. Nowadays, Tunisian employees can’t reconcile the costs of getting married, starting a family, and building a foundation for their lives. Frankly, I’m not prepared to risk what I earned by the sweat of my brow and a long exile on launching some enterprise that might or might not succeed. But building a house for my children comforts me psychologically, and makes me feel I’ve given them something that will provide them with shelter.*

Although the economic factor fuels and justifies the individual or familial decision to migrate, it seems to do little to encourage the investment of the material returns of migration in the country of origin, be it on the part of central governments, or the local groups and communities from which the migrants came. According to the National Institute of Statistics, the poorest and least developed rural areas, which represent more than half of the locations from which Tunisian migrants originate, have failed to attract investment by these migrants in large or medium-sized agricultural enterprises, or in the establishment of economic institutions capable of absorbing some of the country’s many unemployed, reorganizing the job market, and bringing down the high poverty rates within these regions (the urban margins, and the interior regions in the centre and south of the country in particular).

As mentioned above, migrants conscientiously transfer money to their families on a regular basis throughout their stay abroad: first, in order to help them cover daily expenses related to food, clothing, medical care, and schooling, and second, to help them improve or expand their homes or build new ones. The capital accumulated throughout the migrants' stay abroad is spent less on the production of added value and the maximization of capital, and more on consumables (food, clothing, and medication), or fixed assets (real estate). Only 4.7 percent of the capital that came from Tunisian migrants in 2011 was invested in contracting and projects, and the investments that were made tended to be cautious, as evidenced by the launching of small and micro enterprises that relied primarily on family capital and family management.

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67 According to the TIDO 2011 study, of the funds transferred to families in their country of origin, only 4.4 percent are invested in economic enterprises. See: Bouchoucha, Fourati & Zekri.


69 A personal interview conducted in Ibn Khaldun neighbourhood of the Omrane Supérieur district on 10/1/2020 with B. A., a 45-year-old teacher who spent ten years in an Arab Gulf country.
According to a study done by the North Africa Office of the United Nations, this type of economic establishment (the economy of proximity) constituted 98.8 percent of the contracting concluded in 2011.  

According to a study conducted by the National Agency for Employment and Self-employment (ANETI) on the economic yield of investments by Tunisians returning from France between 2011-2015 based on a sample of 160 returnees, economic enterprises had a very weak operational capacity, with a single project providing no more than a single job in addition to that of its founder. The findings of this study were consistent with those of other studies it relied on, as well as the field notes recorded in the Ibn Khaldun neighbourhood from interviews with families who had lived abroad for many years before deciding to return to their city of origin, and others who were still settled abroad and were diligently transferring their earnings to their families at home. Results reaffirmed the extreme caution that marks Tunisian migrants' investment behaviour and their unwillingness to launch medium-size or large projects. Similarly, the findings confirmed the family's powerful influence over both the decision to migrate and how to allocate migrants' remittances and the capital they accumulate and bring home.

As noted earlier, Tunisians returning from abroad who were included in this study expressed apprehension about taking on an economic risk by investing all their financial returns in launching medium or large projects, fearing potential loss or the complexities of the investment procedures that would be required by Tunisian law. At the same time, their behaviour revealed a specific perception of their image as developmental actors, and their awareness of the state and local community's expectations of them as owners of capital from abroad capable of creating a development dynamic in the residential area, whether in its narrower sense (the neighbourhood or city) or its broader sense (the region and the country). At the same time, most migrants were deterred from engaging in investment by their concern to secure their own families, which led them to prioritize building, acquiring, or expanding their home and purchasing a car that would reflect their newly acquired affluence. The migrants we interviewed in various urban settings viewed their home and their car as visible measures of their social status, and they craved the reactions of those around them in their neighbourhood or city.

The powerful attraction held by the real estate sector for migrants thinking of investing their financial returns is not specific to the study population. Rather, this feature has likewise been observed in numerous Moroccan studies of the complex relationship between migration and development. In a study conducted by the National Institute of Statistics and Applied Economics in Rabat (l'INSEA), the real estate sector was the number one destination for Moroccans' capital investments. Similarly, a Tunisian study on the investments of returning migrants showed that the construction sector accounted for a full 44.6 percent of such investments and real estate accounted for 29.8 per cent, as compared with only 6.7 percent for business enterprises. Other studies have revealed a similar trend among Moroccan migrants with respect to the investment of their financial returns in their communities of origin, in that more than half of their financial returns went to meet the family's needs, and about a third on building or acquiring a home.

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70 Bouchoucha, Fourati & Zekri, p. 18.
72 In the area that was studied, nearly a third (31.9 percent) of the adults cited housing as a major reason for their decision to emigrate in 2014 (5,363 immigrants). See: "General Population and Housing Census 2014."
73 This cautious behavior with respect to spending the financial returns of migration has been observed definitively among two particular groups: (1) retired immigrants, that is, those who have a pension sufficient to meet their basic needs, and who therefore direct most of their income into meeting their children's needs, securing adequate housing, and acquiring their own vehicle, and (2) young people who consider postponing their final return home as a justification for spending most of their income on improving the family's housing and living conditions and meeting its needs for health care, education, and housing.
75 Republic of Tunisia, Ministry of Social Affairs, National Observatory for Migration, "International Migration in Numbers Based on the National Survey of International Migration in Tunisia," accessed on 20/6/2022, at: https://bit.ly/3n4M0pL
Conclusion

The state undoubtedly bears a major responsibility for the poor developmental yield of immigration revenues given the absence, or inadequacy, of special programs to guide migrants and encourage them to invest their financial transfers in development projects with high economic and developmental returns that will help solve the problems of poverty and unemployment while developing local economic sectors that reflect the nature of the region and its sociological composition. In addition to improving the balance of payments and increasing the value of national savings, the value of financial transfers from Tunisian migrants also involves their transformation into capital that produces added value, and a national, regional and local development tool that touches many aspects of economic life.

Migration is an indicator of the level of development in the country of origin. Its expansion points to the inability of the state and its development approach to maintain its skilled and unskilled human capital due to its lack of developmental solutions to the problems of unemployment and poverty and the absence of scientific, professional, and operational prospects capable of meeting the aspirations and expectations of an educated and qualified work force. At the same time, migration has become one of the most important underpinnings of the development strategies of countries of origin due to the high flows of remittances which they provide, and which have prospects for development dynamics if governments provide proper support for returning migrants and guide them in such a way as to turn them into important development actors.

This study of the developmental impact of spending the financial capital transferred to local communities of origin does not support the conclusion that Tunisian immigration is a dynamic of development. This is due to the predominance of non-productive consumerism related to covering the costs of medical treatment, education, food, and clothing, and to the relative unlikelihood of launching medium and large development enterprises, whether rural or urban, capable of absorbing some of the unemployed local labour force, creating economic dynamism, or creating new markets. The vast majority of the projects that absorb immigration revenues fall under the category of the economy of proximity, which represents an extension of the dominance of the family, whether in the form of managing these small projects or in the fact that the family home is the space in which these projects are carried out (grocery stores, shops selling clothes, perfumes, or home accessories, small gas stations, etc.).

Migration must therefore be transformed into a developmental dynamic, especially within migrants’ local communities of origin. State institutions directly concerned with monitoring the conditions of Tunisian migrants, both those living abroad and those returning home on a permanent basis, need to intervene by supporting and guiding the investment of migrants’ financial returns, and by providing technical, legal and financial assistance to direct these investments into the economic sectors most capable of absorbing this capital, thereby developing and integrating it into the economic cycle and into the development process both in the country as a whole, and within local communities. In this context, the 2021 economic balance released by the Tunisian Ministry of Economy, Finance and Investment Support included a mechanism entitled “Our Tunisia for Integration” to be supervised by the Office of Tunisians Abroad. The balance also included the launch of the National Survey of International Migration in Tunisia (HIMS Tunisia), which was completed June/July 2020 and March 2021 in cooperation with the National Institute of Statistics and the National Immigration Observatory, which provides accurate and up-to-date statistical data related to various aspects of outgoing and incoming Tunisian migration, particularly the contribution of Tunisian migration to development, and where and how returning migrants are investing their transferred funds.
Migration and the Developmental Impact of Migrant Remittances on the Urban Space in Tunisia: What Development Dynamics?

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Migration and the Developmental Impact of Migrant Remittances on the Urban Space in Tunisia: What Development Dynamics?


The Right to Education and Egypt's Prison Policies since 2013**

Abstract: This study investigates the right to education in Egyptian prisons since the July 2013 coup and the challenges that put political detainees in opposition to many authoritarian policies. Hence, it explores the guarantees of this right in international law and treaties in addition to local laws (e.g., the Prisons Organization Law and Egyptian Prison Regulations) to illustrate the contradictions between international and Egyptian law, drawing on comparisons with de facto practices in prisons. The study argues that Egyptian law prescribes authoritarian policies that nullify the rights of political prisoners to education in prisons. It addresses de facto practices affecting the rights of political detainees to education in Egypt since 2013.

Keywords: Right to Education; Egyptian Prisons; 2013 Egypt Coup; International Law; Egyptian Law.

ملخص: تتناول الدراسة الحق في التعليم داخل السجون المصرية بعد انقلاب تموز/ يوليو 2013، وما تكتنفه من صعوبات تجعل المعتقل السياسي في مواجهة عدد من السياسات السلبية المقنَّنة والممارسة. ومن أجل ذلك، تبحث الدراسة في ضمانات الحق في التعليم في القانون والمواثيق الدولية، وتنتقل إلى جانب القوانين المحلية (قانون تنظيم السجون، ولائحة السجون المصرية)، لتبني ضمانات الحق في التعليم، وكذلك أوجه التناقضات بين القانون الدولي والمواثيق الدولية من جهة، والقانون المصري من جهة أخرى. وتجادل الدراسة بأن ثمة سياسات سلطوية ينص عليها القانون المصري، هدفها إجهاض حقوق السجناء السياسيين في التعليم داخل السجون، ثم تقف الدراسة على السياسات الفعلية المطبقة بحق المعتقلين السياسيين بعد عام 2013 فيما يتعلق بالحق في التعليم.

كلمات مفتاحية: الحق في التعليم؛ السجون المصرية؛ انقلاب تموز/ يوليو 2013؛ القانون الدولي؛ القانون المصري.
Introduction

With political detentions on the rise conspicuously in Egypt since the 3 July 2013 coup, it has become difficult to explain the subsequent ongoing expansion of prison construction without examining the unprecedented growth in the number of political prisoners, whether in preliminary detention centres (e.g., police stations), general prisons, or maximum-security limān prisons. According to a report published by the Arabic Network for Human Rights Information, there were 78 prisons in Egypt in 2021, about half of which (35) had been constructed after the 25 January 2011 revolution. Human rights reports have revealed tens of thousands of dissidents languishing there, hailing from all kinds of professional, social, and regional backgrounds. Despite this, the complexity of prison administration systems and their restriction of basic human rights and freedoms have not been sufficiently researched for several reasons, including the security services' reluctance to divulge prison conditions, nationwide obstacles to academic research and data collection, and the targeting of academics conducting research on political topics. Nevertheless, the topic is in critical need of research.

Demographic statistics on prisons indicate a steep increase in the number of detained students in the beginning of the 2013–2014 academic year. Between the 2013 coup and 11 November 2015, around 3,242 university students were detained – an unprecedented number in the history of student activism in Egypt – in addition to hundreds of high school students. These numbers grew with the fierce security crackdown on the student activism that had gained pace in Egyptian universities and schools following the coup. The movement's objectives included overthrowing the military regime, rejecting military rule and oppression, and calling for the expansion of students' rights in educational institutions. Some detained students were subjected to forced disappearance or lengthy pre-trial detention periods. This reflects authoritarianism reinforced by the collusion of prosecutors and a politicized judiciary, which has handed down many arbitrary sentences against political prisoners.

Students held in general and central prisons, police stations, and under unofficial detention in security services headquarters had to seek their right to education from their detention centres. Therefore, their relationship with prison administrations has created a set of complex, overlapping phenomena. This study examines the legal aspects of exercising the right to education within Egyptian prisons and illustrates the present situation post-2013 coup. It analyses the way prison, security, and political authorities treat

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1 A type of large prison that tends to be located in major cities and hosts the longest-serving prisoners.
4 Ibid.
5 Many Egyptian academics have been detained because of their research or for reasons pertaining to their political activism against the regime, including Ismail al-Iṣkandrani, Ahmed El Tohamy, Abdullah Shehata, Salah Sultan, and Amgad Gabbas. There are no accurate statistics as to their numbers. See: "Munāţazma Duwālīyya Tuţālib Mişr bil-Ifrāj ʿan Akadīmī Muʿtaqal,“ Freedom Seekers Monitor, accessed on 5/11/2022, at: https://bit.ly/3E4VASS.
6 It is difficult to identify detained high schools, as they come and go rapidly. Many of them have faced forced disappearance and detention without trial or have been brought before civilian or military prosecutors.
10 The right of prisoners to education is based on international human rights legislation. Egypt has ratified many binding international agreements, such as the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and the Nelson Mandela Rules on prisoner treatment (2015).
student dissidents, especially detainees, and contrasts these practices with legislation and international agreements signed by Egypt.

This study posits that political prisons in post-2013 Egypt have become a contentious space, where security officials employ authoritarian, oppressive policies, and political prisoners resist through both organized and non-organized action, using whatever instruments they find at their disposal. Resembling a social movement, political prisoners raise their grievances and claims, which the prison administration refuses to address by implementing existing laws.  

Michel Foucault defines prison as a space in which the nature of authority becomes evident through two basic modes, discipline and punishment, which frame incarceration policies and explain the behaviour of prison authorities toward inmates. Thereby, prison serves as a test ground for authoritarian policies. Based on this conception, this study examines the regime's behaviour toward Egyptian prisoners in dealing with their right to education. It employs a qualitative methodology that in part uses a legal approach to analyse local and international legal texts, and draws comparisons that demonstrate the extent of authoritarian infringement upon Egyptian legislation, especially after the 2013 coup and under the regime of Abdelfattah el-Sisi, which has overseen new extremes in human rights violations.

The study is based on semi-structured interviews conducted with former prisoners who pursued education while in prison between 2013 and 2018 (see appendix). This sample varies by the age of respondents when they sought to invoke this right, as well as by educational level. The study is not limited to legal adults (over 18 years) but also involves inmates who were under the age of 18 at the time of arrest.

It is worth noting that the study does not account for ideological differences, as these did not have a substantial impact on the results. Moreover, the author was unable to conduct interviews with female former political detainees, due to social considerations and lack of access.

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**The Right to Education in International Treaties and the Mandela Rules**

The UN has given attention to the right to education since its establishment in 1945. The Universal Declaration of Human Rights (UDHR), ratified in 1948, guarantees the right to education generally and indiscriminately as stated in the first two paragraphs of Article 26. Two important international covenants were signed in 1966,

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11 For greater depth on the concept of contentious politics, see: Charles Tilly & Sidney Tarrow, Contentious Politics, 2nd ed. (New York: Oxford University Press, 2015).
13 Ibid.
18 See: Interviews with AH, DS, MA, and NG.
then came into effect in 1976. The first was the International Covenant on Economic, Social, and Cultural Rights, which affirms the individual's right to education and stipulates that "education shall be directed to the full development of the human personality". The second charter, the International Covenant on Civil and Political Rights, stipulates that the prison system on the whole should give particular attention to the education of inmates as a component of reform and social rehabilitation. Egypt, it should be noted, was one of the states that took part in crafting the UDHR, and it ratified both covenants on 14 January 1982.

The international community would subsequently become aware of the need to designate resolutions and charters to address specific cases, including prisoners as a group of people subject primarily to penal authority and whose basic rights are marginalized. As such, the UN Economic and Social Council (ECOSOC) passed Resolution 1990/20, the third clause of which places much emphasis on education in prisons. It concludes by affirming that "education should be an essential element in the prison regime [and] disincentives to prisoners who participate in approved formal educational programmes should be avoided", and that "the outside community should be involved as fully as possible". The resolution also stresses the significance of prison education for social reintegration, which is most important as prisoners re-enter society after their release.

Because the international community considered ECOSOC resolutions insufficient to compel state governments to protect prisoners' rights, the UN adopted the Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) through Resolution 70/175 on 17 December 2015. Work on these principles went underway in 1955, followed by revisions to harmonize them with more recent legislation on improving the circumstances of prisoners. Like most international human rights legislation, the Mandela Rules took decades to finalize while state deliberated on verbiage to suit their interests and legislative systems, a matter that has attracted criticism.

The UN Commission on Crime Prevention and Criminal Justice (CCPCJ), in accordance with General Assembly Resolution 65/230 dated 21 December 2010, agreed to create an open-ended intergovernmental expert group to reach consensus on best practices, keep up to date on national legislation and international law on prisoner treatment, and offer recommendations as to steps that may be taken to develop the Mandela Rules. However, at the group's first meeting in Vienna in 2012, the subject of empowering prisoners to exercise their right to education was not discussed. Moreover, at the proposal and deliberation stage, the committee received responses from 39 UN member states, of which only two – Qatar and Lebanon – were Arab states, reflecting a disregard for the rights of prisoners among Arab leaders.

Consisting of 122 principles, the Mandela Rules comprehensively detail the minimum rights that must be afforded to prisoners in all countries, beginning with general rules that apply to all prisoners, whether

22 The ratification took place in such a way as not to contradict Islamic law, the primary basis for legislation according to the 1971 Egyptian constitution.
24 Ibid.
25 Ibid., p. 93.
28 i.e., all General Assembly member states have the right to representation therein.
30 Ibid.
32 Ibid., Rules 1, 2, 3, 4, 5, pp. 2-3.
political or criminal, as well as persons detained without charge.\textsuperscript{33} The Mandela Rules give particular attention to prisoners' right to education; the second paragraph of Rule 4 states that prison administrations must offer a minimal degree of education in service of rehabilitating inmates so they may re reintegrate into society.\textsuperscript{34}

In relation to the right to education, the personal effects of political prisoners, such as textbooks and notes when preparing for exams, face frequent violation, contrary to rules 50, 51, and 52 which state that periodic searches by prison administrations must respect the privacy and dignity of inmates, as well as the principles of local and international law. These belongings are often subject to damage during unannounced cell searches.\textsuperscript{35} Several respondents in this study confirmed that their books and papers were scattered at exam time and deliberately destroyed during searches, particularly those of an "intrusive" nature as addressed in Rule 53\textsuperscript{36} and carried out by the Department of Prisons without warning. Regular searches are also conducted when inmates are transferred to a new prison, known as \textit{tashrīfas} (lit. "welcoming ceremonies"), which may extend to inmates' genital areas.\textsuperscript{37} Rule 52 addresses this issue, stating in the second paragraph that such searches must be conducted in private by trained staff of the same sex as the prisoner. This principle is at odds with testimony from detainees who were transferred to designated locations to sit their exams, subjected to bodily searches, and even forced to defecate in the main hall of the prison: all procedures imposed by general prisons, on university students in particular, upon their arrival to sit their midterm or final exams.\textsuperscript{38}

Education-related guarantees are of particular concern to prisoners; rule 64 states that "every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it".\textsuperscript{39} In the Egyptian case, inmates do not have access to prison libraries; they are reserved for a small number of prisoners who are favoured by the secret police and the State Security Investigations Service [\textit{mabhāith ʾamn al-dawla; SSI}], and generally are not political detainees. Libraries are sometimes used to administer exams in general prisons, such as Borg el-Arab in Alexandria.\textsuperscript{40}

Rule 68 stresses\textsuperscript{41} that prisoners have the right to inform their family of the places of detention to which they are transferred: a principle often violated in Egypt. Student inmates are transferred without warning to the prisons in which they will sit their exams without being able to inform their families, as several interviewees personally attested.\textsuperscript{42} On the subject of transfers, the second clause of Rule 73 prohibits the transport of prisoners in poor conditions, including inadequate light or ventilation.\textsuperscript{43} Many inmates describe being transferred from one prison to another to sit exams as "the trip to hell", some of whom even refused to do so again due to the squalid conditions of the transfers van and the long hours detainees (especially political) face during transit. They are regularly abused, forced to relieve themselves inside the blue van, and made to wait for hours under the hot sun, particularly during second semester exams which are usually held in May and June.\textsuperscript{44}
International legal principles have also provided guidance for the treatment of incarcerated juveniles. The UN adopted the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) at the recommendation of the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders. Section 13.5 stresses the importance of education, alongside "all necessary individual assistance – social, educational, vocational, psychological, medical and physical – that they may require in view of their age, sex and personality", and Section 26.6 urges disciplinary institutions to attend to the education of minors "ensuring that they do not leave the institution at an educational disadvantage".

**Prisons Organization Law and its Regulations**

Political science literature has taken interest in the contradiction between legislation and practice, especially in authoritarian states where there is often a notable contrast between the legislative aspect, which nominally corresponds with the principles of democracy, and the practical aspect. Adam Przeworski argues that 80 per cent of dictatorships have an outwardly independent legislative authority that passes laws alongside an executive authority that is either unelected or elected through pro forma elections. This form of authoritarianism without democratic elections applies to successive Egyptian regimes which have sought to give the legislature the appearance of independence, passing laws that protect rights and freedoms in theory despite being in total contradiction with observed practices. This discrepancy has been evident ever since the Free Officers Movement took full control in 1954 and has intensified since the 3 July 2013 coup. In illustrating the relationship between authoritarianism and legislation, Dawn Brancati also holds that the legislature in authoritarian states performs a cosmetic function so as not to conflict with the will of the executive, which exercises true control over state affairs. Laws passed in authoritarian states, Brancati argues, are the product of their environment and cannot escape compliance with the authoritarian context in which they emerged. Similarly, Lynne Henderson writes that the legislature under despotic regimes is based on the whims of the dominant authority.

In Egypt, Article 19 of the 2019 Egyptian constitution states that all citizens have the right to education, that the state must provide it free of charge at every stage, that it is compulsory through the secondary level, and that the state will oversee its implementation in schools and institutes. However, there is a dearth of legislation to guarantee the right to education for the incarcerated and the detained, or even to mandate that their wishes to pursue education be respected; only one out of 98 articles in the Prisons Organization Law, last amended in 2022, mentions this right. Article 31 of the Prisons Organization Law No. 396 of 1956, amended in 2015, states that "prison administrations should encourage prisoners to learn and keep informed, facilitate studying for prisoners who wish to continue their studies, and permit them to sit their exams at the committee headquarters". Outwardly, the text of the statute obliges prison administrations and officials to support education within prisons and allow inmates seeking to continue their institutional

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46 Ibid.
education and sit their exams, without drawing a distinction between criminal and political detention. This
distinction, in fact, is not present in any legal texts but is rather a long-standing custom that was revived
after the renewed waves of detention following the 2013 coup.

The phrase "committee headquarters" (maqārr al-lijān) in Article 31 is ambiguous: does it refer exam
committees in educational institutions (i.e., schools and universities) or somewhere else? While holding
exams within prisons is an old practice, dating back to the mid-1990s and early-2000s and continuing for
a short period after the July 2013 coup, former Interior Minister Mohamed Ibrahim issued an unpublished
ministerial order that prohibited prisoners from sitting exams at universities and schools and ordered
that they be conducted instead at security forces headquarters, police stations, general prisons, and limān
prisons. This decision came after student activism in Egyptian universities began to pose a credible threat
to the regime after the 2013 coup, leaving the matter to the discretion of the Interior Ministry for whom
the question of educating prisoners, despite a growing student detainee population, was not a high priority.

The same applies to prison organization regulations, issued by Interior Ministry Ordinance No. 79
of 1961, then amended in 2015 and 2022, are supposed to designate inmates' responsibilities, rights, and
the details of their daily lives inside and outside their cells. Although Article 15 guarantees prisoners
the right to access written materials, it restricts this right through ambiguous wording that allows prison
authorities to categorize books and reference works according to the whims of SSI or National Security
[qiṭāʿ al-ʾamn al-waṭanī] officers, and to label any written materials (books, magazines, or even notes)
as inconsistent with the prison system and its internal, unpublished regulations. The interviews in this
study attest to this practice of obstructing the arrival of textbooks on the pretext that they are against prison
policy, especially for students in the social sciences and humanities; there is no clear criterion within the
laws in force that defines what constitutes a violation of the prison system that warrants banning books,
placing this measure among the authoritarian policies that Egyptian prison authorities have extensively
practiced since 2013. The article thus further reveals the statutory deficit to prisoners' rights in Egyptian
law, in contrast to the stipulations of international law.

Since 2013, the prison organization regulations have been amended multiple times without consultation
with civil society and human rights organizations. The first of these came under discussion in August 2014
when the Legal Affairs Division of the Interior Ministry recommended several changes to the Egyptian
Council of State in preparation for amending the Prisons Organization Law, without regard for inmates'
basic rights such as health and education. According to a report from the Egyptian Initiative for Personal
Rights, Sisi, as President of the Republic wielding legislative and executive authority, passed amendments
to the law before the election of the 2015 parliament, considered the regime's ally and legislative arm,
under the auspices of the military intelligence.

The second revision to the law, completely overlooking the right to education, came in 2015 through the
first post-coup parliament. Seven years later, in March 2022, the parliament approved several amendments
to Articles 1, 2, 31, and 81 of the Prisons Organization Law No. 396 of 1956. The most prominent of these

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52 Eid, “Ṭullāb Muqāwimūn.”
54 We were unable to obtain the internal regulations for Egyptian prisons and discovered, upon consulting with human rights specialists, that they
are not published to begin with; neither attorneys nor rights advocates can obtain them. Generally, the decision is left up to wardens, the SSI, or National
Security – whomever manages to exert their influence.
55 Egyptian Initiative for Personal Rights, Taʿdīlāt Lāʾiḥat al-Sujūn: Dūn al-Mustawā wa-Tanquṣuhā-l-Shaffāfiyya (Cairo: September 2014),
revisions was to Article 31, which settled the matter of the designated locations in which detainees and prisoners would sit their exams. This may be regarded as a perpetuation of authoritarian policies and a narrowing of the concept of the right to education when we consider that Egyptian educational institutions since 2014 – a year that saw massive student protests in which many members of faculty took part – have been under the new regime's control. This became the case especially after the law was amended to stipulate that university presidents are to be appointed by the President of the Republic, despite that one of the victories of the 25 January 2011 revolution had been the election of university presidents by university councils.

De Facto Prison Policies toward Prospective Students

*In prison, behind its bars and between its walls, I immediately began thinking about how to gain knowledge [...] when year-end exams approached, everything else would leave my mind, especially because they love to mock you and manipulate the hopes you cling to under their captivity... those hopes they're so afraid of, that you'll be free and seek out further freedom.*

The text of the law does not necessarily articulate the hidden content of the authoritarian policies being tested and implemented in reality that restrict the safeguarding of prisoners' basic rights (whether stipulated by laws and regulations or not), both political and criminal alike. It is important to consider the incentives that motivate political prisoners to stand up for their right to education, which the interviews conducted for this study demonstrate to range from the desire for self-realization to communal considerations and resisting authoritarianism.

Abdelrahman ElGendy, who was detained during his first year of university at the Faculty of Engineering of the German University in Cairo (GUC), expressed that what drove him to seek his right to education was the desire to keep his humanity and his dignity, perpetually seeking to overcome the "prisoner" label in favour of the "student" label. He discovered that "studying was the only way out of the nightmare, to preserve a minimum level of humanity and sanity." According to his testimony, ElGendy sat 49 engineering exams while in prison, completing his university studies in 2018.

In contrast, prisoner YG, who was detained during final exams of his second year of al-Azhar secondary school in Sharqia Governorate. He was released afterward, only to be forcibly disappeared and "recycled" a few weeks later on a new charge. YG asked a prison officer during his forced disappearance to allow him to apply to sit his exams within the prison, and the officer ignored his request – on the pretext that he was not registered as a prisoner to begin with! He recalls: "the officers treat us as if we have no basic, biological rights. It was difficult to move due to the shackles and blindfolds they made us wear throughout the forced disappearance, so it'd have been impossible to request our right to education!" YG's motivation was to

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58 Law No. 52 of 2014, amending Law No. 49 of 1972, prescribed the President of the Republic's appointment of university presidents at the recommendation of the Minister of Higher Education. It also allowed the President to dismiss university heads before the expiration of their appointments if they neglect their duties: a vague phrasing that opened the door wide to their arbitrary dismissal. The same law took away the rights of faculty members to elect deans of faculties and institutes. See: Arab Republic of Egypt, "Qarār Raʾīs Jumhūriyyat Miṣr al-ʿArabiyya bil-Qānūn Raqm 52 li-Sanat 2014 bi-Taʿdīl Baʿḍ Aḥkām Qānūn Tanẓīm al-Jāmiʿāt al-Ṣādir bi-Qānūn Raqm 49 li-Sanat 1972," al-Jarīda al-Rasmiyya, No. 25 bis. (a), 24/6/2014, accessed on 20/5/2022, at: https://bit.ly/3giMXuG


60 The study distinguishes between political and criminal prisoners in the Egyptian context due to the blatant inconsistency in how criminal offenders and political detainees are treated, especially since 2013.


62 i.e., that he was under forced disappearance legally. YG.
The Right to Education and Egypt's Prison Policies since 2013

resist the coercive system in which he found himself. The same was true for MS, who was disappeared during his first year of university at the Faculty of Computers and Information and was unable to even apply to sit his final exams.

In contrast, Amr Hashad, who was a second-year engineering student at Assiut University, did not wish to pursue his right to finish his studies during his five years (2014-2019) in prison due to the lack of basic necessities and the coordination of authoritarian policies from several institutions against him. The university permanently expelled him a few days after his arrest on the claim that he was a "student saboteur" and refused to allow him to transfer to another government university. Next, the administrative court rejected his appeal to return to university, and the public prosecution transferred his case to the military court despite his being a civilian. Hashad explains:

I believe this was all the doing of National Security, which controls university and legal institutions in Egypt. But, upon my family's desire and the insistence of my colleagues in prison, I turned to private education despite its considerable financial requirements and registered at one of the higher institutes for business administration in Cairo, so I wouldn't be far from my detention location [Wadi El Natrun 1 Prison at the time]. I was granted an exceptional admission due to being a detainee, in exchange for a fee my family paid.

Hashad's case resembled that of NG, who was arrested during his third year of general secondary school in a northern governorate. Despite the difference in education level and prison system, NG likewise had no desire to continue his studies in prison due to having lost faith in the educational process, especially because he had been arrested at a young age (17 years). "There is no such thing as the right to education in prison in the first place – there were no opportunities to do anything useful other than arguing with the guards to obtain humane living conditions, let alone to pursue an education [...] yet under my parents' persuasion and their wishes that I not fall behind, I finished my [secondary school] studies despite the difficulties".

The Process of Sitting Exams in Egyptian Prisons

While there are various reasons that hinder their desire to pursue education from inside the prison, detainees also often undergo various procedures and complexities to finalize the exam request. There are various aspects that include authoritarian obstruction of the right to education in prisons, the lengthy cycle of applying to sit exams, surveilled or limited access to educational materials, obstructed access to exam centres, and unsuitable exam conditions.

1. Authoritarian Cooperation in Obstructing the Right to Education in Prison

Authoritarian policies that limit the exercise of the right to education in prisons are not limited to the internal environment. Generally, several institutions play a role in the regime's policies: first, the educational institution (i.e., school or university); second, the Department of Prisons; third, the National Security Agency, the most powerful security institution in managing the affairs of political detainees; and fourth, the judiciary. Thus, inmates must obtain approval from all four agencies at once.
These institutions work together to frame the approval process to allow an inmate to sit an exam, with slight variations based on the inmate status. Pre-trial detainees submit a request to the public prosecutor to grant them permission to sit an exam, after a representative from the family has submitted an official proof of enrolment from the educational institution. Detainees referred to trial and those who have received a final verdict submit their requests to the court in which they are being (or were) tried after providing proof of enrolment and a photograph of a notarized exam schedule from the educational institution.

Detainee and political activist Ahmed Douma was arrested in December 2013 and sentenced to 15 years in a high-security prison. He made a request to complete his graduate studies at the Arab League's Institute of Arab Research and Studies in Cairo. However, the Institute required applicants to maintain a minimum attendance of lectures and exams, which was impossible in Douma's case as the prison organization regulations do not grant prisoners enrolled in educational institutions the right to attend lectures. The Institute further required written permission from the Interior Ministry's Department of Prisons, which did not respond to his request. Douma, in turn, announced an open-ended hunger strike that the prison administration met with obstinance and denial. Douma's case resembles that of his fellow detainee Ahmed Ashraf Nassar, a pharmacy student who was not allowed to sit his final year exams after the university administration claimed he was required to complete them in person and prison authorities refused to allow the transfer.

Here it is worth noting that a kind of coordination takes place between security and educational institutions via intermediary institutions to allow some political detainees to seek education and to prevent others from doing so by creating various obstacles. It may be argued that the authority of security institutions trumps that of their educational counterparts when it comes to the right to education in prison.

2. Applying to Sit Exams

Detainees and their families often undergo a lengthy cycle of procedures to finalize the exam request. YG states that his mother travelled from Sharqia Governorate to Cairo several times simply to obtain his roll number from the Azhari Educational Zone Administration, then to deliver it to the Department of Prisons and afterward to the prison administration so the exam committee would be summoned: "If not for my mother's efforts, I wouldn't have been able to complete my education in prison at all". Afterward, the Department of Prisons identifies the appropriate location, which is generally the nearest general prison to the institution in which the detainee is enrolled. The recent revision to the Prisons Organization Law, in March 2022, specifies that student detainees sit their exams within the prisons, when previously (before 2013) some political detainees would do so on university campuses, as mentioned.

The Department of Prisons has designated several prisons for particular universities, in light of the growing numbers of student detainees as well as their central locations; for instance, Tora Istiqbal Prison (part of the Tora prison complex) was designated as the exam location for al-Azhar and Ain Shams University and began to resemble a university itself due to the large numbers of student detainees, particularly from al-Azhar. Student detainees from Cairo University and private universities are assigned Tora Liman, while Alexandria University students are sent to Hadra Prison to sit their exams. General secondary exams are

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67 RM.
68 Ibid.
72 i.e., his exam committee number.
held at various designated prisons, with students being assigned to the prison closest to the committee. Azhari secondary exams are held at the prison closest to the Azhari zone in which the student is enrolled.

3. Monitoring of Reading and Writing in Prison

The request a political detainee submits to the relevant authorities for permission to sit exams does not include access to books and study materials, and such requests are usually granted only on an exceptional basis shortly before the exam date. The rule is that books may not enter the prison without the approval of SSI or National Security officers, contrary to the Prisons Organization Law and regulations that encourage reading and learning—albeit leaving the matter to these officers who administer the prisons to decide. This becomes clear in the case of prominent activist and political detainee Alaa Abd El-Fattah, who engaged in a struggle within prison to obtain books or access to the prison library while his family waged a legal battle on the outside to protect his right to books, indicating the control that SSI and National Security officers have over the matter. Further, authoritarian policies on allowing prisoners access to educational materials vary notably based on the type of prison and how detainees are classified according to the security services. As corroborated by several respondents, AH explained that books would be searched during family visits and regularly destroyed, then passed on to a civilian employee (a social worker) in what appears to be a bureaucratic step to determine whether books are allowed or prohibited, followed by an additional search by prison officers (SSI or National Security); often, security personnel would prohibit books on the pretext of violating prison regulations. AH states: "I used to put books and educational materials back together after they'd arrive tattered".

MA, who sat his exams for al-Azhar's Faculty of Media in Tora Istiqbal Prison, recalls that he was allowed access to books and materials without the usual intransigence due to the large numbers of students, especially from al-Azhar, in his prison. AH adds that the refusal to allow educational materials reached absurd levels when security personnel at al-Abadiya General Prison refused to allow one of the al-Azhar students' books because it was titled The Guide [al-murshid]: "they assumed it was related to Muslim Brotherhood ideology simply because it contained the word murshid, even though it is part of a well-known textbook series that Azhari secondary students all use for their lessons!" SA, who spent around a year in al-Abadiya Prison, adds that he was unable to obtain his political science-related books until he signed an affidavit to the effect that he would not allow any of the other political detainees to read them, which he interpreted as an intimidation move to discourage political discussions among detainees.

The prison environment and the daily life of inmates, especially at police stations (i.e., initial detention centres) which are densely packed with political and criminal detainees alike, do not offer a peaceful atmosphere for study and reading. For example, YG, MA, and DS, who were held at such facilities in three different governorates at various points after 2013, all attest that the initial detention centres were unreasonably overcrowded and lacked sufficient light, in addition to the prevalence of drug use among criminal detainees. This meant that it was impossible to study or simply to read at a reasonable pace at these locations, as is largely the case for the general prisons, which are supposed to be equipped for inmates to reside for longer periods. ElGendy recalls that his attempts to complete his engineering lessons in Wadi el-Natrun Prison

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74 A symbol of the 25 January Revolution, Alaa Abd El-Fattah was arrested in December 2013. His struggle to gain access to books and educational materials has been one of his most prominent demands while in solitary confinement at Scorpion Prison, before his transfer to the Wadi el-Natrun complex. See: Dima Wannous, "Munā Sayf li-al-ʿArabī al-Jadīd': ʿAlāʾ ʿAbd al-Fattāḥ Mustamirr bi-Iḍrābihi ʿan al-Ṭaʿām," The New Arab, 22/5/2022, accessed on 22/6/2022, at: https://bit.ly/3A5vLAlx
75 AH; SA; MA.
76 i.e., the title of the Brotherhood's top official.
77 SA (2014 political detainee; virtual interview, Alexandria; 25/01/2022).
78 See: "We're next": Prisoner's secret filming appears to show torture in Cairo police station," The Guardian, 24/1/2022, accessed on 9/2/2022, at: https://bit.ly/3NawrYa
were exercises in acclimating to the conditions of prison, which prevent detainees from concentrating in any way. Besides ElGendy's experience, there have been numerous similar cases, as monitored by the "Imtaḥinūhum" ("test them!") campaign launched by various student human rights movements to protect prison education. 

Therefore, political detainees engage with the authoritarian policies that prison administrations attempt to impose, which are part of the character of the political regime. Prisoners carry out a resistance struggle within the larger prison society – a spatial domain with its own particularities. This involves emotional support as well as semi-organized, active solidarity and attempts to manage what is in their power to control within their smaller community (i.e., the cell) and their slightly larger community (i.e., the cell block or prison wing). As the authoritarian political regime's institutions work together to create policies that obstruct the prison education process, the emergent prison society cooperates among itself to produce what Egyptian intellectual Abdel-Wahab El-Messiri refers to as a "compassionate community" based on the exchange of experiences between prisoners without material compensation.

Most political detainees wishing to continue their education relied significantly on both the cell community, despite the cramped living conditions inconducive to studying, and the cell block community at times when they were permitted to interact with the other detainees in the recreation yards, for clarification of difficult aspects of their curricula, whether secondary- or university-level. SA recalls that, at the start of exercise time in the mornings, he would send some English social science terms over to a translator in an adjacent cell, who would translate and return them by the end of the day – despite that the administration prohibited dictionaries of social science terminology. As an Azhari secondary student, AH states that he used to seek help with Islamic law, especially inheritance procedures, from some al-Azhar scholars being held in the wings he was transferred between. He often had to bribe security personnel with "a pack of cigarettes" to allow him to meet with one of the other detainees to tutor him outside of recreation periods, when the cell block hallways become crowded. While in Gamasa and Zagazig general prisons, YG recalls that he often depended on inmates with experience in various university subjects, both natural and social sciences, and Amr Hashad mentions frequently asking the prison administration to transfer him to a cell with an accounting professor, which they repeatedly refused.

This phenomenon also encompasses communities of solidarity outside prison. For example, Abdelrahman ElGendy mentions that he used to write questions on a sheet of paper, which he would bring to his scheduled visits for convicted inmates "every two weeks, depending on the chart" with his engineering student friends to answer and return to him for help with difficult problems, particularly in an academic field that requires a precise understanding of mathematical concepts. He also said about his own experience:

My father was a great help on the outside. He got to know one of my classmates, from whom he brought me the papers and books I needed. I explained to him what I was planning to do, so he brought me the materials for two deferred courses from the previous year for me to...
finish during summer holiday. That way, I had finished them by the time the new academic year officially began and could begin studying, then making time for my graduation project.

4. Obstructing Access to Exam Centres

The so-called "exam relocation" is a clear expression of the authoritarian policies associated with prison education. The Department of Prisons transfers inmates who have completed the exam application procedures to the general prison or limān closest to the educational institutions in which they are enrolled. The process is known to be highly unpleasant in several ways. Most detainees are not made aware of the designated time for their transfer and must remain prepared to leave at any moment, day or night, without any opportunity to ready themselves. Transferees are subject to overcrowding in the transport vans, as well as prolonged transfer times of, in many cases, up to twelve hours. They are deprived of their basic rights during these trips, at times to the point of being forced to relieve themselves using plastic boxes inside the vans.

SA, who was transferred to a prison in southwestern Egypt to sit exams, recalls being transported "in a ten-person van in which the Department of Prisons had packed over 25 detainees and their belongings [...] I returned to my prison after a 12-hour journey through four general prisons [during which] I didn't get out of the van to go to the toilet or drink water at all [...] it was one of my most painful experiences in prison, a [form of] systematic torture [that] keeps you from thinking about sitting exams again." MA attests to the same experience during his transfer from al-Abadiya to the Tora Prison Complex, stopping by five prisons to pick up even more detainees headed for the same prison. When he and his fellow student detainees arrived, they found the humiliating experience of the prison tashrīfa awaiting them and were treated as ʾīrād ("fresh prisoners"). Hashad indicates that he was prevented from bringing books that were in his possession when he arrived at Tora Liman from Wadi el-Natrun, due to the administration's fear that they would be distributed among the student population gathered there from several prisons. MA adds that the return trip after exams was no less arduous, recalling that one year, when exams coincided with Ramadan, he and his fellow inmates were forced to spend an entire day in the transfer van without iftar, suhur, or being allowed to go to the toilet.

5. Exam Conditions

Regarding exam conditions, MA, mentions that:

the exam area, called the 'prison school', was like a large stage, and sessions were divided based on the faculty and subject in which student detainees were enrolled, not based on roll numbers. Each faculty would send two recently appointed teaching assistants to supervise us, but they weren't very strict because they were familiar with the degrading conditions that scarcely allowed us to acquaint ourselves with the subjects or the details of the curricula. Security personnel would also 'arbitrarily' monitor us and exercise their control, simply to irritate us.

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86 As this term came up repeatedly among respondents, we decided to apply it to the overall process of inter-prison transfers for exams.
87 Hashad.
88 For more on the transport vehicles, see: "Sayyārāt al-Tarḥīlāt.. Nuʿūsh Mutaḥarrika," ARIJ, 29/12/2013, accessed on 22/6/2022, at: https://bit.ly/3OfvP4T
89 SA.
90 A term used to refer to the reception rituals that security forces carry out against new prisoners or transfers, generally involving beatings, torture, and being forced to take their clothes off and relieve themselves in front of the officers. This is done for two reasons, one explicit and the other implied. First, it ensures the prisoners are not carrying any contraband. Second, it is an attempt to break their will and make them afraid of the prison administration. See: Ahmad Said, Kalām Ḥabsjiyya: Namādhij min Maskūkāt al-Sijn al-Miṣrī (Beirut: Umam Documentation & Research; MENA Prison Forum, 2021), pp. 21-22.
91 MA.
AA, who sat his exams for the Faculty of Engineering at Alexandria University in Hadra Prison, recalls that exams were conducted in an old, dilapidated building called the "prison workshop" that was divided by arranging old wooden chairs on which students would sit while writing their exams. This was after the faculties had sent two teaching assistants for supervision, in addition to the near-constant presence of prison security personnel to "keep the committee in order" and securitize the exam process. These officers would monitor more strictly than the teaching assistants due to their animosity toward the Alexandrian student community, given the impact student activism had on the university and especially the Faculty of Engineering, known for its anti-coup demonstrations and the "Students against the Coup" movement, many members of which had been detained. DS, who sat some of his general secondary exams in Borg el-Arab, reports that exam committees were conducted in the "prison library" which inmates rarely entered, after the tables had been arranged as dividers. Supervision was only strict when an SSI officer was present; otherwise, the committee proceeded with the usual "chaos".

On the whole, exam committees vary according to the system of the prison in which they are held. Prisons with strict surveillance and discipline, such as Tora, Hadra, Damanhour General, and Fayoum General, at times held harsh committees. Experiences also vary according to the students detained at a given prison; prisons in governorates whose universities saw significant student activism after the coup, especially in 2014 and 2015, exhibited what may be described as retaliatory policies against this activity, and these students faced poor treatment in prison.

**Conclusion**

This study has demonstrated the authoritarian policies the Sisi regime enforces limiting the right to education in Egyptian prisons. Egyptian legislation has perpetuated a legal structure, especially since the 2015 parliament, that codifies the authoritarian policies of the post-July 2013 regime and disregards the rights enshrined in international statutes. While some practices were in breach of laws, prison regulations, and international precedent, the legislature now regards them as merely upholding the law.

In terms of de facto policies, not only are these inconsistent with international law and its protections for human rights (e.g., the two International Covenants and the Mandela Rules), they also perpetuate authoritarianism. Conversely, they may use vague wording that is open to several interpretations to promote authoritarian practices. Further, these policies can be regarded as punitive measures against those seeking their right to education at several stages. Nevertheless, detainees engage with and resist these policies in many ways.

Political prisons in Egypt following the July 2013 coup have not received sufficient scholarly discussion given the tight security constraints on academic research. There are other dimensions of the rights of political detainees in Egypt that are inseparable from the right to education and require further research: the right to healthcare, fair trials, and family visits. Work remains to clarify any contradictions that may emerge between international and local legislation on these rights, not to mention how prison administrations implement these policies against inmates.
## Appendix: Interviews

<table>
<thead>
<tr>
<th>Name</th>
<th>Interviewee Location</th>
<th>Interview Type and Date</th>
<th>Interviewee Situation</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>MS</td>
<td>Istanbul, Turkey</td>
<td>Internet; 25/12/2021</td>
<td>Arrested during his first year of university in 2015 at the Faculty of Computers and Information</td>
<td>Refused to provide his full name for safety considerations</td>
</tr>
<tr>
<td>DS</td>
<td>Beheira, Egypt</td>
<td>Internet; 16/6/2022</td>
<td>Arrested during his second year of secondary school in 2014 and spent over three years between multiple prisons; sat part of his general secondary exams in prison</td>
<td></td>
</tr>
<tr>
<td>YG</td>
<td>Istanbul, Turkey</td>
<td>Internet; 11/12/2021</td>
<td>Arrested during final exams of his second year of Azhari secondary school in Sharqia Governorate in 2016. Released afterward, only to be forcibly disappeared and &quot;recycled&quot; a few weeks later on a new charge. Sat his Azhari secondary and first-year university exams (Faculty of Education; al-Azhar)</td>
<td></td>
</tr>
<tr>
<td>Amr Hashad</td>
<td>Istanbul, Turkey</td>
<td>Internet; 29/12/2021</td>
<td>Spent five years in prison; arrested during his second year at the Faculty of Education, Assiut University. Forced to transfer out of the faculty after being expelled.</td>
<td>Currently working as a human rights researcher for several regional and international humanitarian organizations</td>
</tr>
<tr>
<td>NG</td>
<td>Istanbul, Turkey</td>
<td>In-person; February 2022</td>
<td>Spent three years under detention for multiple charges 2014-2015; imprisoned while under 18 years.Prosecuted during second-year exams in secondary school and sentenced to three years in prison</td>
<td></td>
</tr>
<tr>
<td>RM</td>
<td>Cairo, Egypt</td>
<td>WhatsApp; September 2021</td>
<td>Egyptian human rights lawyer, interested in political detention cases</td>
<td>Refused to provide any personal information</td>
</tr>
<tr>
<td>H</td>
<td>Alexandria, Egypt</td>
<td>Zoom; 2/1/2022</td>
<td>Detained for three years beginning in 2014 at the age of 17. Sat his second- and third-year Azhari secondary exams and completed his first year at the Faculty of Sharia and Law while imprisoned</td>
<td>Received highest marks of his year at his Azhari institute, ranked 89th nationwide among Azhari secondary students</td>
</tr>
<tr>
<td>SA</td>
<td>Alexandria, Egypt</td>
<td>Zoom; 25/1/2022</td>
<td>Arrested at 18 years old in 2014, during his first year of university</td>
<td></td>
</tr>
<tr>
<td>MA</td>
<td>Alexandria, Egypt</td>
<td>WhatsApp; 2/2/2022</td>
<td>Detained several times, the longest in 2014, during which he sat his third-year Azhari exams and completed his first two years at the Faculty of Media (al-Azhar)</td>
<td></td>
</tr>
<tr>
<td>AA</td>
<td>Doha, Qatar</td>
<td>In-person; 15/6/2022</td>
<td>Detained three times, first in 2014 while at Alexandria University. Sat exams for three academic years at the Faculty of Engineering at Alexandria University</td>
<td></td>
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</tbody>
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References


ANALYSIS FROM THE ARAB OPINION INDEX
Yara Nassar*

Popular Political Opinions in the West Bank and the Gaza Strip since 2011
Insights from the Arab Opinion Index

Abstract: Alongside a volatile security situation in the West Bank, humanitarian circumstances in the Gaza Strip continue to deteriorate. In both territories, these dire conditions are driven by an ongoing political reality imposed by Israeli settler colonialism. This brief analysis examines popular opinions in the West Bank and the Gaza Strip toward certain political issues in order to highlight major differences of opinion between people in both territories. This analysis utilizes data provided by the Arab Opinion Index (AOI), an annual survey conducted since 2011 by the Public Opinion Polling Unit at the Arab Center for Research and Policy Studies, where a total of 13,400 respondents in Palestine have been surveyed.

Keywords: Palestine; West Bank; Gaza Strip; Arab Opinion Index; Political Opinions.

ملخص: يعيش الناس في الضفة الغربية في ظلّ وضعٍ أمني غير مستقر، بينما يستمر الوضع الإنساني في قطاع غزة بالتدهور. إنّ هذه الأوضاع الحرجة في كلا المنطقتين مدفوعة بواقع سياسي مفروض على الفلسطينيين بسب الاستعمار الاستيطاني الإسرائيلي. تسعى هذه الورقة الموجزة إلى تحليل الرأي العام في الضفة الغربية وقطاع غزة تجاه بعض الأحوال السياسية بغرض اكتشاف نقاط الاختلاف الرئيسية بين الناس في المنطقتين. ويستخدم هذا التحليل البيانات التي يقدمها استطلاع المؤشر العربي الذي تجريه سنوياً وحدة استطلاعات الرأي العام في المركز العربي للأبحاث ودراسة السياسات منذ عام 2011 في عدد من البلدان العربية منها فلسطين، حيث استُطُلِعَ آراء ما مجموعه 13400 متجاوب.

كلمات مفتاحية: فلسطين: الضفة الغربية؛ قطاع غزة؛ استطلاع الرأي؛ الآراء السياسية.

* Researcher, Arab Center for Research and Policy Studies.
Email: yara.nassar@dohainstitute.org
Introduction

The first two months of 2023 have been the bloodiest for Palestinians in the West Bank since 2000, with confrontations breaking out in response to escalating violence committed by Israeli forces that resulted in the killing of 65 Palestinians, 13 of them children. Occupation forces also attacked Palestinian cities in what may be considered the deadliest series of raids since the 2000 Intifada. Meanwhile, Palestinians in the Gaza Strip were subjected to three days of Israeli aggression that caused the deaths of 49 people, 17 of whom were children, and wounded another 360. Amid a 15 year-long siege by Israel, the economic and social situation in the Gaza Strip is further exacerbated by Egypt's border restrictions, thereby depriving Gazans of basic necessities such as electricity, healthcare, and water and leaving around 80% of the Strip's 2.1 million inhabitants dependent on humanitarian aid.

The security situation in the West Bank is thus highly volatile, and humanitarian circumstances in Gaza continue to deteriorate. Yet in both territories, these precarious conditions are driven by an ongoing political reality imposed on Palestinians by Israeli settler colonialism. The geographic separation of the West Bank and the Gaza Strip, especially given the Israeli siege on Gaza since the Islamic Resistance Movement (Hamas) seized control of the Strip in June 2007, has further separated the two areas from each other, including their populations' political needs and aspirations. Therefore, there is a need to explore how people in each territory perceive their political conditions, and where they converge or diverge in their perception of politics.

This analysis uses data provided by the Arab Opinion Index (AOI), an annual survey conducted by the Public Opinion Polling Unit at the Arab Center for Research and Policy Studies since 2011 in selected Arab countries to gauge public opinion around political, cultural, and social issues. In Palestine, a total of 13,400 respondents have been surveyed since 2011: 1,200 in 2011; 1,400 in 2012-13; 1,500 in 2014, 2015, 2016, and 2017-18; and 2,400 in 2019-20 and 2022.

General Opinions

In 2022, 88.4% of Palestinians in the West Bank reported that the situation in Palestine is headed in the wrong direction, compared to 8.6% who thought the situation is going in the right direction. For Palestinians in the Gaza Strip, a majority of 74.4% believed that the situation is headed in the wrong direction, versus 22.4% who reported the opposite. According to respondents, the main reason why things are headed in the wrong direction is the poor economic situation, with 41.3% believing so in the Gaza Strip in contrast to 30.9% in the West Bank. The second and third reasons that people in Gaza identified are the unstable political situation (18.3%) and the occupation (13.9%) respectively, while West Bankers identified the bad security situation (15.2%) and the unstable political situation (11.1%).

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It is somewhat paradoxical that in a conflict zone like Palestine, where the vast majority of people are inundated by political conflicts and beset by the consequences of war and settler colonialism, AOI responses from Palestine reveal widespread political apathy. Almost every year since 2014, a higher percentage of the population is very uninterested in political affairs in the West Bank than in Gaza, with 37.2% interested only to a limited extent in 2014, 37.6% in 2015, 33.3% in 2016, 36.2% in 2017-18, 36.9% in 2019-20, and 28.7% in 2022. In the Gaza Strip, as Figure (3) shows, people have grown less interested in political affairs over time: a total of 57.2% were very interested or interested in 2011, followed by 56% in 2012-13, 55.9% in 2014, 51.2% in 2015, 53.6% in 2016, 54.4% in 2017-18, 44.8% in 2019-20, and 39.6% in 2022. The rest were either interested to a limited extent or completely uninterested.
In 2011, Palestinians perceived their cause as an Arab cause and not one of the Palestinian people alone. Though this perception is still true in 2022 in both territories, it has been in decline; this percentage in the West Bank, which stood at 89.7% in 2011, has now declined to just 67% in 2022. This corresponds with the growing number of Palestinians who consider the Palestinian cause the cause of the Palestinians solely and believe they alone should work to resolve it, increasing from 9.3% in 2011 to 27.9% in 2022. In the Gaza Strip, as many as 92.9% of respondents in 2011 believed that the Palestinian cause is the cause of all Arabs, not the Palestinian people alone, as opposed to only 6.2% who saw it as solely the cause of the Palestinians which they alone should work to resolve. These results must be placed within the context of the Arab uprisings, during which slogans and chants calling for the freedom of Palestine and the Palestinians were widespread. Yet both percentages had changed drastically by 2022; now, 75% of Gazans think that the Palestinian cause is the cause of all Arabs while 22.6% see the opposite. These figures may be influenced by the normalization agreements some Arab countries signed with Israel in 2020, namely the United Arab Emirates in August, Bahrain in September, Sudan in October, and Morocco in December.\(^a\)

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\(^a\) It is worth noting that in a survey conducted by the Palestinian Center for Policy and Survey in the period 7-10 December 2022, 66% of Palestinians regained a lot of trust in Arab nations following their disappointments with the several Arab normalization treaties signed with Israel. This renewed trust came after the huge support to Palestine showcased by football fans during the 2022 Qatar World Cup. 21% of the Palestinians said that they regained some trust, 5% said that their trust remained insignificant, and 4% said that they do not have any trust in the Arab world at all. See: "Public Opinion Poll No. 86."
Figure (5): Gaza Strip on the Palestinian cause

Suitable Political Systems to Palestinians

People in the West Bank and the Gaza Strip identified a political system where all political parties are free to join as the most suitable for Palestine, as shown in Figures (6) and (7). However, the second and third choices in both territories were a system governed by Islamic Sharia and a system where electoral competition is restricted to Islamist political parties, respectively. The aggregate percentages of the second and third choices in the West Bank amounted to 24.2% in 2014, 27% in 2015, 26.2% in 2016, 19.7% in 2017-18, 18.9% in 2019-20, and 19.8% in 2022. In the Gaza Strip, the aggregate percentages were 24.2% in 2014, 33.5% in 2015, 26.3% in 2016, 32.6% in 2017-18, 31.1% in 2019-20, and 35.1% in 2022. The explanatory factor here may be the commitment of Islamist movements to resistance against Israel over the past two decades, granting these movements a greater degree of legitimacy compared to other groups or parties described as "secularist". Another factor may be the conservative public mood in Palestine generally.⁹

Figure (6): West Bank on the most appropriate political system

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⁹ This can be seen, for example, in the public movement that rejected the implementation of CEDAW agreement as a way of preserving the identity. "Palestinian clans reject CEDAW and call for the closure of feminist institutions," Alaraby Aljadeed, 22/12/2019, accessed on 26/2/2023, at: http://bit.ly/3EEtOfV
Popular Political Opinions in the West Bank and the Gaza Strip since 2011: Insights from the Arab Opinion Index

Figure (7): Gaza Strip on the most appropriate political system

![Gaza Strip Political System Survey](image)

These figures are supported by responses as to whether religion should be separated from politics. In both territories, people who disagreed with separating religion from politics constituted a stable majority throughout the years, with similar figures reported in both the West Bank and the Gaza Strip.

Figure (8): West Bank on the separation of religion and politics

![West Bank Separation Survey](image)
Trust in Politics Among Palestinians

Figure (10) portrays how responses from the West Bank reflect a significant decrease in trust in the government and a correspondingly sharp increase in distrust. The aggregate percentage of those who trust the government versus those who do not varied from 2011 (65.1% and 28.9% respectively) to 2022 (37.9% and 56.9% respectively); people in the West Bank reliably tended to trust the government to some extent over the years until 2022, when this trust decreased sharply. A different pattern of trust and distrust is prevalent in the Gaza Strip, as shown in Figure (11). While in 2011 the aggregate percentage of those who trust the government versus those who do not was 47% versus 51.2% respectively, the former percentage declined sharply and reached the peak of its decline in 2016 (38.8%), only to begin rising again and reaching 53.7% in 2022. The percentage of those who distrust the government rose to 60% in 2016, then declined to 46.1% in 2022.
While many reasons underpin these responses, including the social and economic situation, another explanation may lie in corruption. While more than half of the respondents throughout the years said that corruption is very or somewhat widespread in the West Bank, with the same percentage recorded in the Gaza Strip, the majority of West Bankers viewed the government as not serious or only somewhat serious about fighting corruption.

Asking Palestinians about their government is not entirely straightforward considering the various complications associated with who exactly they are referring to. In the Gaza Strip, Hamas seized control and established its own government separate from the Palestinian Authority that rules the West Bank; however, many people in Gaza still work for the Palestinian Authority. In the West Bank, the Palestinian Authority is seen as a mechanism installed to maintain the status quo and as a safety valve to prevent a complete meltdown in the occupied Palestinian territories, in light of its so-called "coordination" with Israel following the Oslo Accords. At the same time, both Hamas and the Palestinian Authority oppress their own populations.

When asked about their ability to criticize their government, almost half of respondents in the West Bank in 2012-13 said that they are able to criticize the government without fear. Yet figures began to decline in 2014, when 54.2% said that they are unable to do so, followed by 58.2% in 2015, 61.3% in 2016, 58.7% in 2017-18, and 61.5% in 2019-20. Numbers from the Gaza Strip indicate that criticizing the government has been consistently regarded as unfeasible, at least since 2012-13 (Figure 13). More than half (and nearly two-thirds some years) responded that they are unable to criticize the government without fear. A more recent survey conducted by the Palestinian Center for Policy and Survey Research on 7-10 December 2022 indicates that 46% of Palestinians in the West Bank feel they are able to criticize the government without fear, as opposed to 51% who said that they are unable to do so. In the Gaza Strip, 48% of respondents claimed that they cannot criticize the Hamas government without fear, while 51% indicated the opposite.10

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10 See: "Public Opinion Poll No. 86."
Regarding political parties, people in the West Bank (Figure 14) expressed declining trust over time, except for the years 2012-13 and 2014 when serious talks about a reconciliation process between Hamas and Fatah were conducted, beginning with the February 2012 Doha Agreement and the May 2012 Cairo Agreement and culminating in the formation of a Palestinian national unity government in June 2014. But distrust has increased sharply, growing from 50.2% in 2014 to 71.7% in 2022. In the Gaza Strip, rates of trust in political parties were nearly constant throughout the years, as evident in Figure (15), with trust in the range of 27.1% to 35.8% and distrust from 62.6% to 70.3%.
The high distrust of political parties is also reflected in the rates of membership in political groups or parties, which remained consistent with very slight variation over time since 2012-13. In the West Bank, 79.2% confirmed that they are not affiliated with any group or party, followed by 72.9% in 2014, 81.5% in 2015, 78% in 2016, 81.2% in 2017-18, 83.9% in 2019-20, and 84.2% in 2022. Rates of political membership have been lower in the West Bank than in Gaza, where 73.5% indicated they do not belong to any group or party in 2012-13, 57.6% in 2014, 66.5% in 2015, 65% in 2016, 54.4% in 2017-18, 61.1% in 2019-20, and 73.3% in 2022.
At the same time, 19.3% in the West Bank reported that they are members of a political group or party in 2012-13, then 21.3% in 2014, 15.9% in 2015, 19.2% in 2016, 16.4% in 2017-18, 14.3% in 2019-20, and 14.8% in 2022. Membership rates were slightly higher in the Gaza Strip, with 24.2% in 2012-13, 38.9% in 2014, 33% in 2015, 34.1% in 2016, 43.7% in 2017-18, 37.7% in 2019-20, and 25.9% in 2022.

Among those who indicated party membership in the West Bank, the data reveals that the overwhelming majority, perhaps unsurprisingly, belonged to Fatah, with 82% in 2012-13, 79.6% in 2014, 75% in 2015, 76% in 2016, 83.3% in 2017-18, 82.2% in 2019-20, and 77.8% in 2022. Hamas came in second place, with 8.4% in 2012-13 and 11.3% in 2022.

The high rates of affiliation with Fatah may owe to the fact that Hamas members in the West Bank are reluctant to reveal their affiliation, for fear of prosecution by Israel on the one hand and by the Palestinian Authority on the other. Another explanation is that Fatah is not a monolith and is rather split into many wings.
Numbers varied in the Gaza Strip; not only were those who belonged to a political group or party split almost equally over the years, but also the number of Fatah members decreased in favour of Hamas. In 2012-13, 55% and 37.6% were affiliated with Fatah and Hamas respectively, 39.7% and 33.7% in 2014, 34.6% and 42.3% in 2015, 41.5% for both in 2016, 43.2% and 35.3% in 2017-18, 37.4% and 51.8% in 2019-20, and 31.8% and 50.8% in 2022. These results make sense in light of Fatah's minimal activity in the Gaza Strip and the restrictions Hamas imposes on Fatah student activism.

The enquiry about which political group better expresses the people's thoughts and attitudes again reflects a distrust of parties. Almost half of Palestinians in the West Bank from 2011 to 2015 reported that no groups or parties express their thoughts and attitudes (except for the year 2012-13 with over 70%), and these numbers increased to 60.1% in 2016, 61.3% in 2017/2018, strikingly reaching 73.5% in 2019-20 and 75% in 2022. Fatah was ranked second and Hamas third, as shown in Figure (20). The same pattern of responses was observed in the Gaza Strip, with the majority saying that no political group expresses
their thoughts and attitudes, except that second and third place fluctuated between Fatah (2011, 2012-13, 2016, and 2022) and Hamas (2014, 2015, 2017-18, and 2019-20). Interestingly, while some would argue that support for each rival faction tends to be higher in the territory that is not under its control, Fatah still enjoys greater popularity than its counterparts in the territory it controls (West Bank). Meanwhile, it still competes with Hamas in the Gaza Strip, where these figures are subject to greater fluctuations.

**Figure (20): West Bank on the political group that best expresses thoughts or attitudes**

![Figure (20) West Bank on the political group that best expresses thoughts or attitudes](image)

**Figure (21): Gaza Strip on the political group that best expresses thoughts or attitudes**

![Figure (21) Gaza Strip on the political group that best expresses thoughts or attitudes](image)

**Voting Patterns in the West Bank and the Gaza Strip**

When it comes to voting patterns, people in the Gaza Strip still favour a candidate or list from a particular political movement or party. In contrast, respondents in the West Bank expressed a desire for an independent candidate or a list of unaffiliated candidates. Interestingly, many people in both territories (though to a larger extent in the West Bank) felt unsure as to how they would vote. 27.2% in the West Bank reported that they do not know who to vote for in 2012-13, 31.6% in 2014, 28.8% in 2015, 25.2% in 2016, 32% in
2017-18, and 34.7% in 2019-20. 19.9% in the Gaza Strip had the same response in 2012-13, then 10.7% in 2014, 12.3% in 2015, 15.8% in 2016, 10% in 2017-18, and 5.4% in 2019-20. Contrary to previous years, the percentage of Gazans who confessed that they do not know for whom they would vote if parliamentary elections were held tomorrow was as high as 49.1% in 2022. A slightly higher percentage was observed in the West Bank (52.9%), yet this figure is less surprising relative to previous years.

For those who chose to vote for a particular political group or party in the West Bank, Fatah was the first choice and Hamas a distant second from 2012-13 to 2022, as shown in Figure (24). Respondents in the Gaza Strip fluctuated between Fatah and Hamas, with the majority voting for Fatah in 2012-13, 2014, 2016, and 2017-18 and for Hamas in 2015, 2019-20, and 2022. There is a general perception among Palestinians that, given the existing political structure, it is impossible for any political group or party to win elections beyond Fatah or Hamas. It is also important to note that both Fatah and Hamas fund candidates that run in the elections as independents yet could still be attributed to either party.
Conclusion

Generally, the underlying popular political opinions in Palestine are much the same as they always have been. Palestinians continue to blame the poor economic conditions for things are heading in the wrong direction. Further, the people's interest in politics seems to be in decline, and religion continues to play a role in Palestinian politics. While trust in government is lower generally in the Gaza Strip compared to the West Bank, trust in political parties tends to be more stable in the former than the latter. Both territories reported high rates of a perceived inability to criticize the government, and the majority of Palestinians refrain from joining any political groups. Despite that, Fatah still enjoys high membership rates among the population of the West Bank in contrast with the fluctuations Fatah and Hamas membership in the Gaza Strip. This observation is further supported by voting patterns in both areas.

Meanwhile, whether the recent events in the West Bank will in any way affect the opinion of Palestinians regarding the general situation or their perception of local politics remains to be seen.
References


BOOK REVIEWS

REVIEWED BY SENA KHATEEB, Master’s in Political Science and International Relations, Doha Institute for Graduate Studies; Email: sena.khateeb@gmail.com

"Ash-sha'bd yurid isqāṭ an-nizām ("the people want to overthrow the regime") is perhaps the most famous and iconic chant of the "Arab Spring". It was first heard in Tunisia but soon found its way to the squares of Egypt, the outskirts of Syria, and into the vocabulary of revolutionary crowds across the Arab region. Over a decade has passed since the first protestors took to the streets and squares demanding reform and social justice, followed by another surge (or second wave) of protests in 2019 in Iraq, Lebanon, Sudan, and Algeria. These spontaneous upheavals have propelled attempts to transition to democracy.

In this way, the study of democratic transition (known as transitology) derives its relevance from the aspirations of the common people, elites, researchers, and intellectuals toward democracy. While some researchers have minimized the importance of transitology research in the Arab region, recent events have proven otherwise. The topic of democratic transition in the Arab region has gained currency in the last decade due to the successive revolutions that took place between 2011 and the events of 2019. The successes and failures of these Arab revolutions present us with a set of pressing questions: why did such demands of reform take so long to take shape in the Arab region? Why did democratic transition happen in some Arab countries but not in others? And what lessons can we learn from the Arab Spring?

Tackling such questions on the state of Arab democracy, Azmi Bishara, in his book *Democratic Transition and its Problematics: A Theoretical and Applied Comparative Study*, not only probes the literature on democratic transition in depth – a subject that has not received sufficient attention in Arabic – but also critically engages with this scholarship, discusses its trends in light of experiences from the Arab world, and offers insights on (and from) the region that contribute to the wider debate on democratic transition.

Central Headlines and Critical Discussions from the Book

Prior to the first wave of Arab revolutions in 2011, a prominent trend in the political science literature questioned the lack of democracy in the Middle East, which appeared a farfetched prospect. In 2001, Lisa Anderson asked, "Why has the Arab world been so resistant to democratic change, when much of the rest

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1 A popular chant in the Egyptian protests of 2011 was 'ish, ḥurriyya, 'adāla ḥayya ("bread, freedom, social justice"). It indicates the perceptions of economic, social, and political disparities, which were main drivers behind the revolution.

2 Democratic transition took place in Tunisia and Egypt, in addition to an early unstable transition in Libya. The former was the only Arab country to consolidate democracy.


4 The term "Arab Spring" is used to refer to the revolutions and protests that started in late 2010 across the Arab region.
of the world seems convulsed by liberal revolutions?" Anderson followed up this question in 2004 to ask, "Why have students of the Middle East devoted so much of their attention to an issue [i.e., democratization] of apparently modest relevance in the region?" Other studies posed similar questions, speculating as to whether the Arab world is immune to democracy. This tone shifted after the revolutions, opening the door to a more optimistic tenor, at times overtly so. A new line of literature went as far as to (tentatively) consider these revolutions "the fourth wave" of democracy, following the surge of democratic transitions in the twentieth century that some scholars dub "the third wave" (pp. 220-221).

In any case, it is now apparent that, as Bishara observes, the "study [of democratic transition] has become a pressing topic on the agenda of social sciences specialized in [the study of] Arab countries" (p. 26). After the first wave of the Arab Spring, Tunisia and Egypt were the only two countries to initiate the process of democratic transition, with the former being the sole example that managed a (short-lived) transition to democracy. The success of democracy in Tunisia but not in Egypt, the perceived "failure" of the Arab Spring as a whole, and the recent 2019 revolutionary movements all caused more ambiguities to surface, further substantiating the relevance of democratic transition studies for the region. It is here that Azmi Bishara's *Democratic Transition and its Problematics* becomes indispensable. Critically assessing both the "theory and practice" (p. 13) of transitology as well as its suitability for Arab cases, *Democratic Transition and its Problematics* is composed of sixteen chapters divided into four sections:

1. **Transition Studies and the Conditions for Democracy**

Bishara opens the book's first section by engaging with the theory of modernization. While the latter did not originate as a theory of democratic transition, the two phenomena were soon linked together. Seymour Lipset's early contribution is perhaps the most significant attempt to elaborate the relationship between modernization theory and the study of democracy. However, Bishara explains how Lipset mistakenly conflates the conditions for democratic transition with those of the consolidation of democracy (p. 50), pointing out that 19th century democracies emerged in fundamentally different circumstances than those of the present day. Such unique historical circumstances facilitated the gradual transition to democracy in the past (p. 65). Nonetheless, the gradual path followed by early democracies does not guarantee democratic legitimacy, which he contends is an essential condition for both regime stability and democratization (p. 92). "Gradual" transition, too, is not synonymous with "peaceful" transition, and while historical democracies indeed developed gradually, Bishara argues that they emerged amid conditions that do not necessarily apply to transition today. This is where the current challenge for democratic transition lies; establishing a democracy is no small task, and the historical pathways that led to it in the past were unique to that time period and its circumstances (p. 68).

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9 The term "waves of democracy" was popularized by Samuel P. Huntington to describe the major surges of democracy which occurred in history. Huntington expanded on the concept in his book, *The Third Wave: Democratization in the Late Twentieth Century*. Bishara disagrees with the notion of "global waves of democracy," explaining how this notion implies that democratic transition is a phenomenon that some countries accept while others fail to do so. In his opinion, "global" waves are "regional" waves.

The main point this section advances is that democracy does not hinge on a set of predetermined conditions. It is not necessarily a gradual process, nor does it demand a capitalist economy or cultural homogeneity. It does not relate to a specific colonial identity or religion (pp. 135, 118, 121, 123). Put simply, "there is no rule determining the emergence of democracies" (p. 125): each case is unique, and different countries will adopt diverging paths to democracy.

2. Transitology Theories

Democratic theorists are teleological – but neither having moral goals nor taking an "ethical stance toward tyranny on the basis of values such as human dignity, freedom, and equality" contradicts scientific objectivity.11 Studies of democratic transition are often driven by the goal of establishing democracy, and while the theory of modernization has been closely tied to the history of Europe and North America, new currents in transitology have begun to challenge it. These are the result of moral motivations that reject modernization's pessimism toward the democratic potential of "underdeveloped" countries, and of theoretical motivations on account of new democracies emerging in the absence of modernization's "inevitable" structural conditions.12

Bishara classifies theories of democratic transition into four theoretical approaches.13 The first is the structuralist approach, which most famously includes the theory of modernization presented above. Another approach is the institutionalist approach, which highlights the role of institutions in shaping the decisions of political actors. Institutionalists, as well as neo-institutionalists, consider constructing democratic institutions the most crucial point in the transition process. Thirdly, Bishara presents the political economy approach which is mainly interested in the interactions between politics and economy. The final approach is the strategic choice approach, to which Bishara devotes a whole chapter. Emphasizing the path to democracy rather than the structural conditions it requires, this approach poses the greatest challenge to structuralists and particularly the theory of modernization.

Throughout the second section, Bishara highlights the peculiar characteristics of Arab regimes, where power and the regime apparatus (e.g., security agents, ruling party, army, etc.) tend to concentrate around a one-man ruler (p. 290). Here, the regime's ability and willingness (or the lack thereof) to use violence become important factors in promoting or hindering transition (p. 302).

Bishara further presents the main theoretical debates and trends in the study of democratic transition, engaging with the ideas presented and offering critical assessments on the theories' main premises that underscore their importance as well as their shortcomings. The remaining sections of Democratic Transition and its Problematics further affirm a point made earlier by the author: there is no single paradigm for democratic transition.

3. External Factors and Political Culture

After a thorough discussion of the varying and most important theories of democratic transition, Bishara devotes a chapter in the third part of his book to an often-neglected element in democratic transition: external factors. Due to the role of external factors in the democratization of Eastern Europe, Schmitter previously concluded that it was time to reconsider the impact of the international environment on regime change, though without elevating it to be the primary factor. According to Bishara, however, a close examination of so-called "external factors" is enough to reveal that most of what is referred to as external is in fact

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12 Mainly in Eastern Europe and Latin America. Ibid., pp. 210-211.
13 Ibid., pp. 222-241.
Democratic Transition and its Problematics: A Theoretical and Applied Comparative Study

regional (except in extreme cases such as occupation, for example) (pp. 373-374). As we shift our focus to the Arab countries, the role of this regional environment in complicating the democratic process becomes clear, as, for instance, in the interference of Saudi Arabia and the United Arab Emirates with the course of democratic transition (pp. 374-375) in countries like Egypt, or the growing influence of Iran (pp. 374-375) in places such as Syria.

Bishara also dedicates part of his book to discuss the link between the United States and the idea of exporting democracy around the world which, prior to the Cold War (1947-1991), was not on America's agenda at any level (p. 381). Even following the war, Bishara notes that the United States did not become more supportive of democracies, but rather less supportive of autocrats (p. 378). The country's interventions in the Arab region after the Cold War have been based on strategic decisions rather than human rights or democratization, mainly the preservation of Israel's security and ensuring the flow of oil to the West. The less a country has to do with oil or Israel, the less the international influence on its democratic transition (p. 396). This "Cold War logic", Bishara argues, remains part of the US' attitude toward the Arab region.

The second issue tackled in this section, as implied by its title, is the issue of political culture. Although some scholars hold that a country's popular political culture affects democratic transition, Bishara disagrees; the democratic culture of the public is not a necessary condition for democracy since it does not – and cannot – flourish under despotism (p. 424). On the contrary, he emphasizes the importance of elite political culture in the attainment of democracy. During the transition period, elites must have the aptitude for dialogue and accept democratic institutions and procedures as the best framework for conflict resolution. During the subsequent consolidation period, they must accept the principle of citizenship and fully commit to these democratic institutions and procedures (p. 419).

4. The Arab Cases

The book's final section represents its richest theoretical contribution, wherein Bishara discusses and draws conclusions from experiences from the Arab context. The author describes the revolutions in the region as "reformist revolutions": "an Arab innovation" characterized by demands to change the regime by bringing it down, a rejection of proposed reforms designed to contain popular discontent, and an insistence on regime change without offering an alternative form of leadership (p. 446). Apart from Tunisia, these revolutions did not lead to democracies because the conditions necessary for a revolution to erupt are not congruent with the conditions for a democratic transition. Large-scale change comes not as a result of revolutionary movements per se, but of the regime that succeeds such movements (p. 450). Nonetheless, this does not negate the presence of common obstacles that impede transition across the Arab region, such as the unresolved relationship between the nation, ethnic nationality (pp. 345-346), and the state; the failure to integrate the population through a common citizenship; regimes' reliance on sub-national loyalties and political movements that engender supra-national loyalties; and the impact of rentier economies on the political processes of some countries. These common obstacles (among others) are what Bishara calls the "Arab Question", which he has dedicated an entire book to discussing. All that being said, Bishara concludes that the lack of a "transition paradigm" precludes the idea of "Arab exceptionalism": if there is no rule, there can be no exception (p. 454). This affirms the point Bishara makes over and over in the book on the need to look into the specific circumstances of each case when studying democratic transition.

The cases Bishara tackles particularly his discussion of Tunisia's democratic experience and comparisons between Egypt and Chile and Egypt and Tunisia – suggest a series of conclusions. First, the legitimacy of

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the state as the sole political entity is necessary for democratic transition. Second, cleavages among the ruling elite do not necessarily result from top-down reforms, as proposed by O'Donnell and Schmitter; they may be the result of other causes, such as revolutions. Third, it is crucial that key political elites agree on democracy and adhere to democratic procedures during the transition period. Fourth, democratic transition cannot succeed if the army opposes it or harbours its own political aspirations, and thus it must remain disengaged from the transition period. Fifth, a country in transition cannot be ruled by a narrow majority in the presence of a strong opposition. Finally, the greater a country's geostrategic weight, the greater the weight of regional and external factors upon its transition.

Conclusions from and on the Arab Region

Democratic Transition and its Problematics is a great resource to anyone interested in the study of democratic transitions, whether in the Arab region or elsewhere. Students and scholars of transitology will benefit from the breadth and depth offered by Bishara's discussion and critique of democratic transition theories. For those interested in the topic of transition in the Middle East or other developing countries, this book serves as a candid, Arab perspective on the challenges and aspirations of the region's societies. It is also beneficial to policy-making and activist circles in deepening their understanding of the challenges facing Arab democratization so as to clarify future prospects and formulate improved plans of action.

We can summarize the main takeaways from the book as follows. Bishara challenges the notion of a "transition paradigm", insisting that there are several paths to democratic transition. As such, any serious study of transition in any country must delve into the specificities of the case at hand. The absence of an overarching rule or paradigm also means the absence of exceptions, including so-called Arab exceptionalism as to democratic transition. Arab countries are not immune to democracy, and its absence (or late arrival) relates to unique conditions in those countries. The author also calls the premise of democratic prerequisites into question, proclaiming that the only requirement for a democratic transition is consensus around the state as the sole political entity. Hence, the democratic culture of the people, which cannot flourish under authoritarianism, is not a condition of transition, while elite democratic culture is. Another set of conclusions derived from Bishara's examination of the Arab cases clarifies that the army must remain separate from the transition process and that, as the comparison of Egypt and Tunisia demonstrates, the role of regional and external factors in transition is positively correlated with the geostrategic importance of the country.
References


Critical reflections on the Arab Spring reveal a second epistemic shift in the analysis of revolutions and their relationship to political elites and ordinary people. This shift has developed a critique of the analytical paradigms of failure and success that were initially used to understand the revolutionary processes of the Arab Spring. It presents an attempt to analyse these historical moments from different perspectives and using different methods.

Here emerges Asef Bayat's trilogy: Life as Politics, which examines ordinary people in their everyday life; Revolution without Revolutionaries, which elaborates on large-scale uprisings; and Revolutionary Life, which connects these two contributions, seeking to understand the Arab Spring from the perspective of the popular grassroots' action. Bayat's intellectual project claims that the everyday, the social movements, and the subaltern should be the main domain of analysis while studying what he calls the "refolutions". In the last book of his trilogy, Bayat shifts his approach from the analysis of revolution within the realm of high politics, which entails looking through the paradigm of failure or success, to the scrutinization of "what happened in the social realm, in the everyday life, and among the grassroots" (p. 1).

The first chapter, "Everyday Life and Revolution", articulates the major shifts of both the Tunisian and Egyptian revolutions while focusing on their leaderless, ideology-less, and, consequently, surprising nature. Bayat furthermore reveals the consequences of both revolutions, asserting that they failed to cause a rupture from the old regime (p. 12). Consequently, he defends the originality of the Arab Spring cases compared to previous world revolutions, arguing that they "were not revolutions in the sense of the societal changes that begin with the rapid and radical transformation of the state pushed by popular movements from below. Rather, they were 'refolutions', that is, revolutionary movements that emerged to compel the incumbent states to reform themselves" (Ibid.).

Further, Bayat suggests looking at the revolutions from a down-top perspective, meaning at the level of the everyday shifts and changes, not just at the level of institutions of power. He advocates for the analysis of revolution as an "event"; that is, "a condition of rupture in the routine of life that may give rise to open-ended possibilities" (p. 14).

In this chapter, Bayat specifies his use of the concept "subaltern" or "ordinary" people, explaining that he refers to "groups such as the urban poor, marginalized youth, women, and social minorities who
stand at the margins of the socioeconomic, cultural, and patriarchal structures" (p. 20). In addition to marginalization, Bayat attributes the quality of non-activist engagement to ordinary people, as a category of "nonelite subalterns but also 'nonactivist' individuals to distinguish them from the 'activists'" (p. 21).

Relationships in the undersocieties, "the subaltern, informal, and opaque sphere, hidden from the average observer or otherwise seen as aloof and abnormal" (p. 23), are characterized, according to Bayat, by reliance on family ties, community relations, and friendships within the space of neighbourhoods. These friendships are the building blocks of social "trust, loyalty, and solidarity; [friendship] is nourished by affective and reciprocal bonding forged in everyday life and enacted in the homes, schools, cafés, or street corners". This rational sense of friendship is presented by Bayat as "the basis of future democracy" (p. 24).

Additionally, another social group emerges from the undersociety: the shillas, defined by Bayat as "mostly altruistic [groups] that centre on sociality and support from which local leaders may emerge. [They are] those innumerable small (ten to fifteen members) and informal private or semipublic cliques and collectives within which ordinary people connect, socialize, deliberate, develop trust, and often generate alternative norms and narratives" (p. 25).

The behaviours of these groups and collectivities are based on what Bayat calls nonmovement, which refers to "the dispersed but contentious practices of individuals and families in everyday life who struggle to enhance their life chances often in a quiet and discreet fashion" (p. 27). Consequently, these acts are not contentions in nature and do not imply the subversion of authority. Nonmovement is, moreover, understood as a space for resonance or connectivity between individuals belonging to different communities and groups.

The second chapter, titled "The Subaltern under Atrocities", articulates the history of authoritarianism and oppression in the Middle East. Bayat goes through the pre-2011 history of both Tunisia and Egypt to reveal the survival and subversion techniques and strategies of subalterns facing oppression and "social death". Common traits of the experiences of oppression and precarity in both the Tunisian and Egyptian cases in Bayat's analysis include urban poverty, slums, unemployment, exclusion from formal jobs, reliance on informal economies, a heightened security apparatus, and a precarious relationship with the police. These daily experiences of humiliation and indignity pushed the subalterns "further into their closed cliques and collectives in the underside of these societies" (p. 50).

The contradiction between elevated levels of education and high unemployment and poverty rates among young university graduates created what Bayat called a middle-class poor: highly educated youth from traditionally poor families, urban or rural, with middle class aspirations. This contradiction generated a "paradoxical class", which "not only […] complicate[d] the status of the 'poor' and 'middle classes', but [also] brought the village and slum lives in contact with college, consumer ethos, and urban culture" (pp. 54-55).

The "youth" are another group to which Bayat attends. Although he grants that they are a large category with many internal differences and divisions, he argues that major common traits include their youthfulness and their relation to political power. Hence, this group's individuals and subgroups share similar anxieties and claims associated with the sociological fact of being young. They were "concerned with claiming youthfulness[…] thus, political dictatorship rendered them unsafe, [and] economic hardship worried them about their present and future" (p. 57). Subsequently, the youth developed a sense of shared mistrust towards formal political institutions and thus attempt to create their own spaces of political activism.

Regarding the question of women and gender, Bayat depicts the specific issues and struggles women in the Middle East faced during the uprisings including "additional challenges rooted in patriarchal attitudes and institutions that targeted the female citizens in general" (p. 63).
The question of state feminism features prominently in Bayat's investigation of the relation between women and the political regimes of the Middle East. Slipping through the cracks of this discursive, political expression of feminism, many women felt unseen and unheard, especially rural and poor women. Alongside state feminism and women's institutional activism, another type of gender activism arose from the daily presence and struggle of Middle Eastern women through public defiance, household management, everyday decision making, working outside the home, legal struggles for divorce and child custody, and so on. Here, a new meaning of subversion emerges.

The final subgroup that Bayat focuses on in this chapter is "Social Minorities", especially the queer community. He observes that despite police oppression and legal biases against homosexuality, "same-sex lifestyle went on discreetly in the opaque spaces of their subsociety under the shadow of police surveillance" (p. 72). Within their own spaces, and supported by friendships and *shilla* relationships, queer groups used opacity and ambiguity to survive state oppression and popular prejudices. The uprising offered the queer community a chance to move beyond this strategy of survival to claim their "identity" and seek visibility and acknowledgment.

In chapter 3, "The Subaltern in the Uprising", Bayat constructs the "story of how the subaltern groups got involved in the uprisings – how their individual practices in the nonmovements assumed collective form, and how their close-knit *shillas* served as vehicles for collective thinking, planning, and acting" (p. 81). Here, Bayat follows the daily events of the uprisings in Tunisia and Egypt and dissects the role of *shillas*, brotherhoods, friendships, and kinship relations in igniting and sustaining revolutionary action. At the extraordinary moment of the revolution, these usually silent, peripheral relationalities of the everyday transformed into sites of subversion and mobilization. In doing so, Bayat attempts to put the subaltern at the centre of the struggle for freedom and dignity, and to acknowledge his or her presence and role in its events.

In chapter 4, "The Poor and Plebeian", Bayat follows the moment after the revolution and the abdication of the dictators: a moment marked by a regression in unity and equality, when the sacrifices that subalterns made during the revolution transformed into ill-fated hopes and dreams for a better outcome that would not arrive. Hence, in this chapter Bayat articulates the subalterns' structures of emotion and thought after the revolution. The reason for this transformation, Bayat suggests, is that subalterns "moved to create a new order of things as a way both to respond to their immediate needs and to reorganize local life. In the process, they placed the 'social question' on the political agenda and strived to realize the revolutionary demand for 'social justice' on their own terms" (p. 116). Encroachments, popular committees (*al-lijān al-shaʿbiyya*), the expansion of street trades, cross-border smuggling, refusal to pay tax, clashes with the police, among others are all examples according to Bayat of the subaltern's fight against "the neoliberal policies that had brought them debt and precarity" (p. 121).

The response of institutions and elites to the struggles of the poor was tainted by the former's position towards the latter, where Bayat observes a sense of disdain and neglect towards subalterns. In between the legal jargon of the elite and assertions of legitimacy by the poor, a new source of legitimacy and legality arose: the revolution itself.

Chapter 5, "Mothers, Daughters, and the Gender Paradox", articulates the question of gender in the Arab revolutions, as well as the major shifts and inquiries that emerged and shaped women's issues after the revolutions. Hence, the chapter starts from the premise that "women's presence in the Arab Spring protests was so strong that few could deny the key part they played in the uprisings" (p. 149). According to Bayat, the importance of this presence lay in its capacity "to 'feminize' and 'civilize' – that is, to turn the otherwise narrow, masculine, and potentially violent protests into a broad-based societal upheaval" (Ibid.). Bayat addresses two paradoxes that emerged from this presence. The first he calls the "gender paradox", 


represented by women's presence in the revolutions despite the lack of "any explicit demands for women's rights; the language of gender was simply absent in these spectacular political happenings" (pp. 149-150).

The second, the "democracy dilemma", refers to the fact that "despite their crucial role in the success of the uprisings, women's rights experienced a serious setback on the morrow of the revolutions – […] ironically at the time when the dictators had fallen and space had been cleared for a pluralist democracy" (p. 150).

In both the Tunisian and Egyptian cases, a new female subjectivity emerged during and after the revolution. Therefore, Bayat stresses, "the revolutions had fashioned a wholly new experience of both selfhood and publicness. Women were becoming more self-reflexive, more vocal, and more entitled. It was as though a 'new woman' was emerging from the terror and triumph of the uprisings" (p. 158). Additionally, a new "bottom-up feminism", according to Bayat, arose with the creation of new independent feminist groups and the involvement of new agents in the discussion (e.g., rural women).

In chapter 6, "Children of the Revolution", Bayat explores the youth as major agents during the revolution, then as problematic after the uprisings by focusing on their "thoughts, feelings, and actions in everyday life" (p. 181). In this chapter, Bayat calls for a different framework to deal with the concept of youth, suggesting a shift from studying youth in politics to analysing "youth politics". Based on the premise that the youth are "young individuals [who] may not constitute collective agents unless they assume a youth habitus and an awareness about themselves as 'young'" (p. 182), Bayat associates youth politics with "claiming or reclaiming youthfulness; it expresses the collective challenge whose central goal consists of defending and extending the youth habitus – a set of dispositions, ways of being, feeling, and carrying oneself" (p. 183).

Chapter 7, "The Social World", traces the changes and shifts happening at the level of "farms, families, communities, schools, art scenes, and popular media" (p. 210) after the Arab revolutions. Subalterns' participation, actions, and activism changed both their subjectivities and their relation to the social realm, and these shifts are expressed in Bayat's research as a rupture or an event. The first shift that Bayat focuses on is the effect of the revolution on people's emotional structures. He claims that freedom from fear is the least tangible yet clearest effect of the subaltern's participation in the revolution. The spontaneous presence of ordinary people on the streets, in squares, at sit-ins, and so on generated what Bayat calls a "new public sphere" (p. 216) characterized by self-governance, altruism, inclusion, common-sense initiatives, and free debate. These spaces presented new possibilities for imagining a different future: one that derives from the pathos, desires, and strategies of the social bottom.

Finally, in chapter 8, "Whatever Happened to the Revolution?", Bayat reiterates the need to move beyond the top-down analysis of revolution, in favour of placing the everyday in the centre of analysis (p. 235). He also reflects on the multitude of factors that led subalterns to assume a decisive position on the aftermath of the revolution, when they were driven back to the realm of the everyday and the ordinary. However, he insists that this return is enriched by the revolutionary assets that these subalterns gained from their new experiences and ventures in the public sphere. He also – optimistically, and despite all the challenges mentioned – perceives these experiences and shifts in the pathos, emotional structure, and imagination of subalterns as a possible "ideational basis for a different organization of social life when the opportunity arises and new possibilities open up" (p. 242).

Multiple questions and challenges surround this conclusion, especially in light of the Egyptian and Tunisian cases today. In Tunisia, for example, the subalterns returned to their initial positions and rejected the possibility of revolting once again against the political coup of Kais Saied. Tired and disappointed, the subalterns cursed the revolution and its effects on their lives, their economic and social difficulties having worsened substantially with the rise of prices and shortages of essential food supplies like wheat, sugar,
milk, and oil. The subalterns' general mistrust of the political and economic elite, hence, finds its rationale in the successive failure of the latter to understand and realize their revolutionary dreams and demands. In turn, this facilitated a popular resignation from the political realm. The possibility of popular unrest in the near future seems minimal in Tunisia, which is a direct consequence of the shattering of the subaltern's political imaginary: rendering the revolution a nightmare instead of an emancipatory utopia.

Additionally, while the focus on grassroots social subgroups in understanding the revolution is highly important, how this subaltern category ought to be defined raises many questions. Although Bayat recognizes the convoluted, individualized character of the moment of social unrest, he chooses to exclude this disposition from his definition of the subaltern, which in turn raises the following question: how can we identify the subaltern category in the heated, messy moment of the revolution? During the 2010-2011 moment, the crowds assumed a fluid, moving nature that rendered attempts to describe them highly unsatisfactory. Indeed, the category of the subaltern loses all its analytical potential when faced with the crowd.
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Author's name, Title of the book in italics (Place of Publication: Publisher, Year of Publication), page number. As an example:


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Books written by four or more authors should follow the same rules as above, but only the first author is named, followed by "et al.". As an example: Dana Barnes et al., *Plastics: Essays on American Corporate Ascendance in the 1960s* (Chicago: University of Chicago Press, 1982), p. 142.

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