المركز العربي للأبحاث ودراسة السياسات
Arab Center for Research & Policy Studies

معهد الدوحة للدراسات العليا
DOHA INSTITUTE FOR GRADUATE STUDIES

AL-MUNTAQA

NEW PERSPECTIVES ON ARAB STUDIES

Vol. 9 | no. 1 | January/February 2026

Azmi Bishara

Two Perspectives on the “Us” and Postmodern Thought

Ahmed Ibrahim Abushouk

Sudanese Peace Agreements (1972-2020): The Legacy of State Formation and the Challenges of Sustainability

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EDITOR'S NOTE

This issue of *Al-Muntaqa* brings together contributions that move across Sudan, Jordan, Morocco, and Palestine, while sharing a concern with postmodern thought and the ways political authority is produced, contested, and made durable through institutions, territory, resources, and law. From postmodern critique to state formation, water governance, settler-colonial economy and space, and voter turnout, the issue's articles examine how social and political orders are shaped by both structural constraints and popular agency.

The first article by Azmi Bishara offers a critical reading of the implications of importing postmodern thought into a non-Western context. It argues that postmodern claims on the relativity of truth, the deconstruction of grand narratives, the transcendence of the authority of universal reason, and scepticism toward human agency are grounded conditions of Western modernity that remain absent in partially modernized societies. Bishara focuses on the domains of science and ethics by deconstructing postmodernist arguments regarding scientific discourse and ethical standards.

The second article by Ahmed Ibrahim Abushouk examines Sudanese peace agreements from 1972 to 2020, situating their repeated fragility within the deeper legacy of state formation. The article argues that Sudan's conflicts cannot be understood apart from the historical concentration of power and development in the political centre, particularly the riverain provinces, at the expense of peripheral regions. It shows why successive peace agreements, limited to partial arrangements for sharing power and wealth, failed to address the structural roots of conflict.

The third article by Youssef Dahraji examines the evolution of water policy in Jordan and Morocco, challenging any assumption that water management has been a neutral technical field. It shows how water has been used since independence as a strategic instrument of territorial control and political authority, arguing that neoliberal approaches to governance have transformed water from a public right into an economic commodity, producing social and spatial inequalities while deepening vulnerability.

The fourth article by Mahmoud Elkhafif, Raja Khalidi, and Tareq Sadeq addresses the economic cost of Israeli settler-colonial occupation on the Palestinian people from 1948 to 2022. Reviewing existing literature and available evidence, the article develops methodological approaches for estimating cumulative Palestinian economic losses, including aggregation, counterfactual estimation, and the calculation of occupation gains.

The fifth article by Walid Habbas and Anmar Rafeedie maps the Israeli settlement project in the West Bank, focusing on its historical development, institutional architecture, and legal status. Proceeding from the premise that the settlement project constitutes an integrated structure organized against Palestinian space, the article traces the bodies, agencies, and planning frameworks through which settlement expansion is administered and sustained.

In the Arab Opinion Index section, Abdelkarim Amengay and Yasmine Lahnin examine the relationship between citizens' perceptions of regime democracy and voter turnout in the Arab world. Drawing on data from the eighth Arab Opinion Index, the article investigates how subjective evaluations of democracy shape voter turnout. Its findings indicate that citizens who view their political systems more positively in democratic terms are more likely to vote, even where objective indicators classify those systems as non-democratic.

Complementing these articles, the issue includes two book reviews that extend its engagement with questions of belonging, knowledge, and contemporary transformation. Mohamed Oubella and Mohamed Salmi review *The Manufacturing of Belonging: A Study of Land Ownership in the Sahrawi Community (the Ait Oussa Tribes 1600–1958)*, while Khatri Elayachi reviews *The Conceptual and Technical Foundations of Artificial Intelligence and Its Evolution: From Computational Models to Machine Learning*.

Across these contributions, *Al-Muntaqa* continues its commitment to critical and interdisciplinary scholarship attentive to the historical depth and contemporary complexity of Arab societies.

Articles

Azmi Bishara*

Two Perspectives on the "Us" and Postmodern Thought**

مدخلان لمناقشة موضوع "نحن" والفكر ما بعد الحداثي

Abstract: This study offers a critical reading of the implications of importing postmodern thought into a non-Western context. It argues that postmodern claims on the relativity of truth, the deconstruction of grand narratives, the transcendence of the authority of universal reason, and scepticism toward human agency are grounded conditions of Western modernity that remain absent in partially modernized societies. The study shows that the adoption of postmodern critique in a modern/premodern context can contribute to the erosion of scientific objectivity, the justification of moral relativism, and the reinforcement of modes of traditional authority. This study focuses on the domains of science and ethics by deconstructing postmodernist arguments regarding scientific discourse and ethical standards. In addition, the study clarifies the differences between scientific, philosophical, and religious truths, as well as those between universal moral values and moral rules, and between theories of ethics and scientific theories.

Keywords: Postmodernism; Relativism; Scientific Objectivity; Universal Ethics; Morality; Scientific Theories.

الملخص: تقدّم هذه الدراسة قراءة نقدية لأثر استيراد فكر ما بعد الحداثية إلى السياق العربي، وتبين أن مقولاته حول نسبية الحقيقة، وتفكيك السرديات الكبرى، وتجاوز سلطة العقل الكوني، والتشكيك في فاعلية الذات الإنسانية، تتأسس على شروط حداثية غربية لا تتوافر في مجتمعات لم تستكمل مشروع التحديث. وتُظهر أن اعتماد النقد ما بعد الحداثي في بيئة حداثية/ ما بعد حداثية قد يؤديان إلى إضعاف الموضوعية العلمية، وتبرير النسبوية الأخلاقية، وتثبيت أنماط السلطة التقليدية. وتركّز الدراسة على محورَي العلم والأخلاق من خلال تفكيك أطروحات ما بعد الحداثية حول الخطاب العلمي والمعايير الأخلاقية. وتبين الدراسة الفرق بين الحقيقة العلمية والحقيقة الفلسفية والحقيقة الدينية، كما تبين الفرق بين القيم الأخلاقية الكونية والقواعد الأخلاقية، وبين الأخلاق ونظريات الأخلاق والنظريات العلمية.

كلمات مفتاحية: ما بعد الحداثية؛ النسبوية؛ الموضوعية العلمية؛ الأخلاق الكونية؛ النظريات العلمية.

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** This study was originally published in Arabic in: Azmi Bishara, "Madkhalān li-Munāqashat Mawḍūʿ: 'Naḥn' wa-l-Fikr mā Baʿd al-Ḥadāthī," *Tabayyun*, vol. 14, no. 55 (Winter 2026), pp. 7-42

Introduction

This study engages with postmodernism from the perspective of a presumed "we", which connects the author with his audience of readers in Arabic language without further definition. Readers may determine the extent to which they belong to this "we". The aim is not to affirm a national identity, but to emphasize membership in a society whose cultural, political, and civilizational reality differs from that of the stage of development that Western postmodernist thinkers call *postmodernity*. As the prefix "post-" suggests, the term refers to Western societies that have moved beyond the stage of modernity, which these thinkers associate with industrial capitalism, technological development, the modern state, and the dominance of what they call the Enlightenment narrative and the authority of "universal reason", among other defining features. The presumed "we", by contrast, has not moved beyond the modernity thus described, nor has its narrative become dominant in its countries. While the standards of science and technology have been applied in many areas of life, these societies remain caught in a struggle between premodern sociocultural phenomena and a truncated modernity stemming from an asymmetrical relationship with modern, developed countries – a relationship that marginalized the organic processes of modernization that were underway in these societies.

The study discusses the potential impact of postmodernism in science and ethics. It proceeds from the conviction that these fields, taken together, constitute the primary intellectual and cultural challenge facing societies (label them Third World, Global South, or any other term) that have experienced Western modernity only in in a partial and fragmented manner. This manifests itself in the instrumental use of modernity's achievements, consumerism, conflicts between indigenous and imported values, and the production of identity struggles. Science and ethics here are closely intertwined with questions of human development and social justice. Moreover, they constitute the foundation for transcending modes of interactions rooted in the dualism of dependency on the one hand, and authenticity and identity, on the other. The study is driven by the concern that certain postmodern ideas, critical of modernity and imported ready-made into "our" countries, do not help the shift from modernity to postmodernity – assuming for argument's sake that this negative condition of "post-ness" does exist in its European countries of origin. Instead, they are deployed to justify the perpetuation of pre-modernity in "our" societies. This recalls the readiness of authoritarian regimes to appropriate arguments that appear radical in their critique of liberal democracy and import them from democratic countries into ones that have either not experienced democracy or have known forms of illiberal regimes claiming to be democratic.

Defending the objectivity of science and recognizing the moral autonomy of the individual and public ethics assume great importance in countries where scientific production plays no significant role in the economy, where the state allocates negligible budgets for research, and Gnostics coexists with the latest imported technologies, without culturally absorbing the scientific mode of thinking that produced them. The theoretical sciences are neglected, research is restricted and censored, and a culture prevails in which the validity of an analysis is judged according to the author's political orientation, or by the answer to the question: "Whom does this analysis serve?", as determined by the political interests, ideology, or faith of the inquirer. Likewise, a real struggle goes on with the position that measures the justice or moral worth of a political position according to calculations informed by the interests of the evaluator, its compatibility with a religious ideology, kinship ties, partisan affiliation, or other considerations with little to do with ethical principles. Within identity groups, moral values are affirmed as though they were social customs, while ethical conduct in the public sphere is treated with disdain. While there are important exceptions and considerable resistance to this condition, it nevertheless poses profound problems and challenges. Yet these concerns and challenges lie beyond the horizon of postmodern theorists in Western academia.

What unites ideas associated with postmodernism is the assertion that a qualitative shift has taken place from modernity to postmodernity, because the world can no longer be understood in the same ways that previously prevailed. Understanding this postmodern condition begins by interrogating the so-called grand narratives of progress and universal truths grounded in reason. This also entails challenging the existence of a unified, knowing human subject that interacts, in that capacity, with an objective world or objects external to itself.

Most postmodern theorists agree that reality is the product of the perspectives, interests, and power relations that generate its representations and conceptions. They also emphasize the disconnect between the world of representations and the reality it represents. This has given rise to accusations of relativism, as it denies the existence of any fixed point of reference by which truth can be distinguished from illusion. Alan Sokal and Jean Bricmont define it as "an intellectual current characterized by the more-or-less explicit rejection of the rationalist tradition of the Enlightenment, by theoretical discourses disconnected from any empirical test, and by a cognitive and cultural relativism that regards science as nothing more than a 'narration', a 'myth' or a social construction among many others".[1]

Some scholars identify one particular issue as a defining feature of postmodern thought. According to Linda Hutcheon, the Italian novelist and scholar Umberto Eco (1932-2016) regarded the acceptance of Michel Foucault's contention that power is not something unitary that exists outside us, but rather permeates all social domains, as the defining criterion of postmodern thought. Hutcheon also points to the existence of multiple "postmodernities", ranging from Jacques Derrida's notions of textuality, différance, and the deconstructing impulse of poststructuralist theory, to Jean-François Lyotard's (1924-1998) conditions of knowledge in advanced capitalist societies to Jean Baudrillard's (1929-2007) concepts of simulacra and the substitution of representations of reality for reality itself.[2]

The terminology of postmodern thought is characterized by ambiguity and obscurity, allowing for multiple interpretations. This made it possible for non-rational ideas and practices to acquire academic legitimacy under the label of postmodernism, once they had gained acceptance in the social sciences and humanities, especially in the fields of literary criticism, philosophy, anthropology, and feminist studies. This is especially true of the second generation of postmodernists. The writings of the first generation, especially the non-philosophical ones, are generally intelligible and contain meaningful ideas – including critiques of Western rationalism – that are open to rational debate. By contrast, some second generation's texts appear profound precisely because they are difficult to understand, blurring the difference between the difficulty arising from the complexity of the texts and the incomprehensibility resulting from their vacuity. This is compounded by their moral and scientific relativism.

Before the term "postmodernism" became associated with intellectual currents in the social sciences, it had been applied to an architectural movement that rebelled against dominant styles of modernist architecture beginning in the 1950s. This movement embraced stylistic pluralism, rejected functional simplicity, and welcomed contradiction and complexity. Before long, this rebellious approach found its way into literature and the fine arts.[3] Postmodern thought drew on the philosophical ideas and terminology

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1 Alan Sokal & Jean Bricmont, *Fashionable Nonsense: Postmodern Intellectuals' Abuse of Science* (New York: Picador, 1999), p. 1.

2 Linda Hutcheon, *The Politics of Postmodernity* (London/New York: Routledge, 2002), pp. 16-18.

3 The Egyptian-born American scholar Ihab Hassan (1925-2015) wrote two seminal books on the postmodern turn in culture and literary production during the 1960s. It was primarily characterized by a subjective perspective, instability of meaning, hybridization, genre fluidity, interpretive multiplicity, reader participation in meaning, and a mistrust of conventional wisdom. See: Ihab Hassan, *The Dismemberment of Orpheus: Toward a Postmodern Literature*, 2nd ed. (Madison, WI: University of Wisconsin, 1982 [1971]); Ihab Hassan, *The Postmodern Turn: Essays in Postmodern Theory and Culture* (Columbus: Ohio State University Press, 1987). For a key reference on postmodern architecture, see: Charles Jencks, *The Language of Postmodern Architecture* (London: Academy Editions, 1977). See also this interview in *Style*: Frank L. Cioffi, "Postmodernism, Etc.: An Interview with Ihab Hassan," *Style*, vol. 33, no. 3, Postmodernism and Other Distractions: Situations and Directions for Critical Theory (1999), pp. 357-371.

of Friedrich Nietzsche and Martin Heidegger, but the term did not enter the philosophical lexicon until Lyotard's *The Postmodern Condition* (*La condition postmoderne*; 1979), in which he offers the following definition: "I define *postmodern* as incredulity toward metanarratives. This incredulity is undoubtedly a product of progress in the sciences: but that progress in turn presupposes it".[4] Lyotard also employs Ludwig Wittgenstein's (1889-1951) model of language games in emphasizing the "close link between the kind of language called science and the kind called ethics and politics". Foucauldian scholars refer to these types of language as types of discourse.[5]

With the decline of the "grand narratives" (*les grands récits*) – to use Lyotard's terminology –, together with the rise of specialized disciplines with their own frameworks of reference, and the growing dependence of scientific research on funding due to the technologies it employs, science became subject to the institutions and administrations that controlled the budgets. Thus, grand narratives no longer served as the source of scientific legitimacy; instead, legitimacy came to rest on the consensus of scholars within each discipline. Consequently, freeing science from control and monopoly became one of the central concerns of the postmodern condition.

In my book *Religion and Secularism in a Historical Context*, I distinguished between two critiques of the Enlightenment. The first is a rational critique developed within critical modern thought – most notably by Theodor Adorno and Max Horkheimer in *Dialectic of Enlightenment* (*Dialektik der Aufklärung*, 1944) – which treats the Enlightenment as an unfinished project capable of self-critique. The second is a postmodern critique, initiated by Michel Foucault before his thought acquired the "postmodern" label, specifically during the period in which he embraced structuralism, before moving beyond it to poststructuralism. In their critique, Adorno and Horkheimer focused on the dialectic generated by viewing knowledge as an instrument of control, and hence on the instrumentalization of reason, the abandonment of theoretical knowledge in favour of the technical application of science, and the privileging of efficiency and success to the point of subordinating values to these two objectives. According to them, this process begins when science is used for the purposes of control through the mathematic method and the neutralization of qualities and qualitative distinctions in favour of numbers, which became the very hypostasis of the Enlightenment. Calculation, efficiency, and control thus became its new trinity.[6] I contended that postmodern thought is effectively a critique of the rational critique of the Enlightenment. It is marked by the shift from critiquing the instrumentalization of science to questioning its objectivity, and from criticizing the prioritization of efficiency and success over values to questioning that universal values are possible at all.[7]

The works that Michel Foucault began publishing in the 1960s attracted considerable attention in American universities, especially his studies on the history of madness, the prison, and sexuality, which introduced questions concerning the relationship between truth and power in postmodern thought. Unlike Horkheimer and Adorno, who were concerned with the instrumental rationalization of the Enlightenment tradition as applied to society or the world, Foucault devoted himself to fields regarded as marginal within the discipline of history, such as madness, illness, sexuality, crime, and death. His studies contribute to tracing the emergence of the modern subject by examining institutions of control, such as surveillance and punishment (prisons) and medical treatment (hospitals), and to exposing the political dynamics of power behind what appear to be objective terms and concepts. Foucault's efforts in these fields, including his analysis of power and knowledge, adhered to the so-called scientific standards.

[4] Jean-François Lyotard, *The Postmodern Condition: A Report on Knowledge*, Geoff Bennington & Brian Massumi (trans.), Fredric Jameson (foreword) (Minneapolis: University of Minnesota Press, 1984 [1979]), p. xxiv.

[5] Ibid., p. xix.

[6] Azmi Bishara, *al-Dīn* wa-l-ʿAlmāniyya *fī Siyāq Tārīkhī*, part II, vol. 1: wa-l-ʿAlmāniyya *wa-l-ʿAlmana* (Doha/Beirut: ACRPS, 2015), pp. 712-725.

[7] Ibid., p. 749.

In the 1980s and 1990s, postmodernism became deeply embedded in social thought and engaged with major social issues such as feminism, gender, postcoloniality, and identity politics. During the same period, the idea of "postmodernity" gained currency as an artistic and literary sensibility blending elitism and decadence (as in the work of Andy Warhol), and as a form of relativism, or a relativist philosophical approach.

In *The Philosophical Discourse of Modernity* (*Der Philosophische Diskurs der Moderne*, 1985), Jürgen Habermas describes postmodern philosophers as neoconservatives, arguing that their intellectual efforts undermine the discourse of the Enlightenment and rationality, which, he regards as synonymous with the discourse of modernity. He also critiques their tendency toward relativism and the aestheticization of knowledge. However, from the perspective of this study, modernity is not a single project that can be dogmatically defended against so-called "postmodernity", thereby facilitating the task of criticism. Modernity is simultaneously rational and irrational, progressive and reactionary, the nation-state and colonialism; democracy and tyranny, individualism and the masses, liberal democracy as well as populism and fascism, tolerance and xenophobia, socio-economic welfare and class disparities, consumer culture, and the multiplication and diversification of human needs and means of satisfying them. It encompasses both the Enlightenment and its critique. Nevertheless, we cannot fail to see a qualitative distinction between modernity and what preceded it in terms of the rise of science and technology; the scientific approach to nature, human body, and society; the rationalization of administration, the emergence of the modern state, and the rise of institutional structures in general; the recognition of the human subject and its dignity; and the rise of the concept of human rights.

Critiquing the Enlightenment has not brought about the dominance of postmodern thought; instead, it has strengthened forces critical of the Enlightenment within modernity itself. Likewise, critiques of liberal democracy in modernity can serve anti-democratic forces within modernity, or, dialectically, they may serve democracy if they develop in ways that overcome its shortcomings, or if the critique itself proceeds from democratic premises. In any event, these critiques have not produced a postmodern political system – nor has anyone yet explained what the defining characteristics of such a political system would be. Postmodernism consists of radical trends that are apolitical, detached from politics, or concerned with post-state politics – yet another expression of depoliticization.

Alan Sokal and Jean Bricmont wrote that "what is new and curious about postmodernism is that it is an anti-rationalist form of thought that has seduced part of the left".[8] The irony is that, historically, the left has historically been characterized by rationality and sought to ground its methodology in science. One factor behind this influence is that certain Marxist predictions – which claimed to employ a scientific method – have proved mistaken, especially those regarding the end of capitalism, class conflict, and the transformation of the revolutionary proletariat into a majority. With the rise of new social movements – such as the Black liberation movement and the feminist and gay rights movements – which emphasized issues of identity and recognition, some leftist circles abandoned orientations that had been regarded as expressions of universal rationality in favour of cultural relativism or other approaches that ascribe greater importance to representations of reality than to reality itself.[9]

Generalizations have also emerged that conflate the critique of theories of the linear progress of history, which is a valid critique, with critiques of progress itself, whose definition is not clear. The latter often go so far as to deny the value of actual advances – such as increased life expectancy, higher standards of living, the diversification of individual needs, greater awareness of personal dignity, and the radical

[8] Sokal & Bricmont, *Fashionable Nonsense*, p. 198.

[9] Ibid., p. 202.

transformation in the status of women – on the grounds of the negative aspects of progress. Politics of identity and authenticity contributed to the spread, in societies where many of these achievements remain far beyond reach, of Western critiques directed at certain forms of progress in Europe and the West.

Science appeared to be an "easy target" compared with the institutions and systems within which it develops and which utilize its results. These are also the institutions in which the majority of postmodern theorists themselves work. Indeed, the vast majority of postmodern theorists are professors at Western universities who have spent their entire lives in academia, first as students and then as faculty members, unlike leftist theorists of the 19th and early 20th centuries.

This current found particular encouragement within academic institutions, especially in the United States, and is no longer a marginal phenomenon in the social sciences and humanities. It has little impact on knowledge production in the natural sciences, and its impact within the social sciences is containable. It might be a radical movement, but it is apolitical or politically ineffective. Its influence is greatest among a segment of the student body and among frustrated circles on the left seeking a theoretical justification for political inaction. Some researchers regard postmodern political thought – or, more accurately, postmodern apolitical thought – as essentially, or at least consequentially, libertarian:

> Rejecting the state and conceiving of a post-state politics is now a central dogma of the new "radical" theorists. Since the state is seen to be inherently despotic, only the spontaneous, autonomous collection of groups who act against the state and outside of it are viewed as vehicles for political change. The absence of domination is now cast as the freedom to explore narcissistic lifestyles as well as expand an already exaggerated subjectivity where participatory and direct democracy become the political ideal. In the end, they valorize the individual's resistance to the state and the power of localism. It is precisely a libertarian ethos of freedom that dominates their vision.[10]

The prevailing ethos thus appears radical, but is in fact libertarian, ultimately reducing itself to a critique of liberalism from the political right. Particularly striking is postmodernism's negative stance on the state and identity in general. Yet this stance is only activated against national identity and nationalism, while communal identities are viewed positively. This might be comprehensible (though not necessarily acceptable) in developed liberal democracies, but it is neither comprehensible nor acceptable in countries gripped by state fragility and the unchecked prevalence of communal identities and every possible form of sectarian and local identity politics.[11]

At times, postmodern philosophy appears to emphasize difference and distinction over identity, understood as sameness. In postmodernist writings, sameness connotes negative implications while difference connotes positive ones – as though these abstract and supposedly neutral distinctions were normative judgements. Yet this strand of philosophy implicates itself in sameness by failing to recognize the fundamental difference between science and other forms of discourse and narrative, and by insisting on the resemblance between all forms of authority – understood as the exercise of material or symbolic power for the purposes of control – while overlooking the distinctive character of state authority and of state violence.

Postmodernism owes its "phenomenal success in the [Western] academy in part to its lack of fixed form or formation", according to John Sanbonmatsu. Under the conditions of Western academia in late industrial society, ambivalence, ambiguity, and the absence of a defined method have become useful

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[10] Gregory Smulewicz-Zucker & Michael J. Thompson, "Introduction," in: Gregory Smulewicz-Zucker & Michael J. Thompson (eds.), *Radical Intellectuals and the Subversion of Progressive Politics: The Betrayal of Politics* (New York: Palgrave Macmillan, 2015), p. 6.

[11] I have addressed this issue in depth in two monographs, namely: Azmi Bishara, *Masʾalat al-Dawla: Uṭrūḥa fī al-Falsafa wa-l-Naẓariyya wa-l-Siyāqāt* (Doha/Beirut: ACRPS, 2023); Azmi Bishara, *al-Dawla al-ʿArabiyya: Baḥth fī al-Manshaʾ wa l-Masār* (Doha/Beirut: ACRPS, 2024). This issue should constitute a third avenue for critiquing postmodernism from "our" perspective, one that perhaps deserves another study.

tools for professional advancement and publication. In such a form, postmodernism poses no threat to the established order; it offers a flexible alternative that can easily be contained in research centres, specialized journals, and conferences. Moreover, the cultural relativism resulting from this philosophy contributes to its spread within conservative and radical circles in the Third World, albeit for contradictory reasons. Scholars within this current adapt quickly, cultivating relationships with periodicals, universities, institutes, and even with the large corporations that fund research centres and projects.[12] In such contexts, there is a postmodern justification for everything.

A salient symptom of postmodern thought is the tendency to avoid criticizing negative phenomena – including oppressive practices in other societies – under the pretext of respecting difference. The futility of this abstract and incomprehensible bias – toward diversity and difference over similarity and unity – becomes apparent in the conversion of these analytical terms into normative categories. The absurdity of this lies in the fact that pure difference itself ultimately equates all phenomena simply for being different. They are all the same in this respect. Criticizing the different other is then construed as bias or as an attempt to impose a single culture or discourse, such as that of the Enlightenment, science, or democracy.

Another common symptom is the illusion that criticizing science and rationality in general is a substitute for criticizing reality – and, more significantly, a substitute for criticizing the forces that use them as instruments of control. One thus gains the impression that not only is postmodernism reluctant to take decisive stances against oppression, but it also leads some students and academics to believe that, by racing to expose the authoritarianism of science or to deconstruct the illusion of universal moral principles, they are actually engaging in critical practice, thus absolving themselves of the responsibility to exercise criticism in public life. As a result, they abandon two fields of critique: moral critique of exercises of power by the state or government – on the grounds that authority/power is diffuse and universal moral values are illusory – and objective, analytical critique engaging the scientific method. They thus refrain from making any useful contribution in either domain.

At another level, many social movements influenced by the mood of the new academic left – including women's and minority rights movements as well as advocacy groups pressing for social welfare policies or the recognition of a sexual orientation or a gender identity – have found a place in the liberal-democratic state. Within this framework, they protect the interests of various groups (minorities, LGBTQ, etc.) by representing them within the established system. But the emphasis on representing these groups – and on representations of reality rather than on reality itself – has diverted attention from the concerns of the majority of the population, particularly the working and middle classes, who have fallen prey to populism,[13] which is hostile to liberalism, foreigners, minority rights, and political correctness.

Ideas that deny the existence of foundations of knowledge and that espouse an antifoundational epistemological approach have interacted with this intellectual climate. According to this perspective, the social world – and even the natural world – is constructed through subjects that are themselves products of existing power relations. Power is therefore not only a negative concept but also a productive one. These discursive subjects – that is, subjects produced by power relations and the discourse that generates them – are constituted through various social conflicts and are therefore partial and biased.[14] Under these conditions, politics becomes more concerned with critiquing and deconstructing language and expressions (i.e., with representation) than with criticizing reality itself, and more concerned with cultural politics than with politics itself.

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12 John Sanbonmatsu, "Postmodernism and the corruption of the critical intelligentsia," in: Smulewicz-Zucker & Thompson (eds.), p. 34; Alan D. Schrift, *Poststructuralism and Critical Theory's Second Generation* (New York: Routledge, 2014), p. 38.

13 Smulewicz-Zucker & Thompson, pp. 1-4.

14 Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Alan Sheridan (trans.), 2nd ed. (New York: Vintage Books, 1995), pp. 194, 202-203; Michel Foucault, *The History of Sexuality,* vol. 1: *The Will to Knowledge*, Robert Hurley (trans.) (New York: Penguin Books, 1998), pp. 100-101.

Cultural relativism is postmodernism' main weapon in its critique of universalism. Yet in this context, it does not defend the victims of this cultural relativism within each culture. Perhaps the most prominent example is Richard Rorty (1931-2007), known for advocating conformity to liberal-democratic norms in societies where they have become established, because they have become the prevailing way of life that has proved itself in the West. He offers no rational or moral grounds for defending them against their detractors, sparing him the need for a profound critique of ideas. After all, every social discourse is simply the product of its context, power relations, cultural determinants, and so on. Rorty's only genuine argument against fascism is that it is not how things are done in the United States.[15] By this logic, he probably would simply argue, in response to the populist and authoritarian practices of US President Donald Trump, particularly in his second term, that what Trump is doing is "un-American".

A subtle collusion thus unfolds between the American postmodernist and the Third-Worldist. The former claims that liberal democracy is a Western way of life and should not be imposed on other countries, while the latter asserts that the other face of this way of life is colonialism, which imposed the Western way of life on Third World countries. Both insist that the purported universality of concepts such as human rights is illusory, since they are Western rather than universal.[16]

This cultural relativism has also permeated postcolonial studies, with the result that what counts as science in one culture is considered a colonial ideology in another. The colonizer shares this perspective, but in reverse. Decolonial scholarship has gone so far as to hold colonialism responsible for almost everything that occurs in former colonized states, to the extent of denying the agency of the colonized and their sociopolitical forces. It even rejects the scientific elements of research conducted by scholars from the metropole, including orientalists, emphasizing only discourse and power relations, while avoiding the effort to expose ideological dimensions by distinguishing them from scientific ones. Why should postmodernist researchers take the trouble to reveal the ideological dimension if science itself is merely another form of domination, no different from any other power relationship between a subject and its object, simply because the latter has become the former's object of inquiry?

When everything is viewed from the perspective of power relations, interests, and a particular culture, every idea becomes a form of ideology. If this is the case, then even the critique of ideology is an ideology, which only derives meaning through a preferential relationship with other ideologies. This deprives us of the ability to criticize the ideological elements in the colonizer's study of the colonized, while taking the opportunity to understand, appreciate, and benefit from the scientific aspects in such studies. This also undermines the confidence of formerly colonized people in their own ability to produce scientific knowledge about themselves and others as fellow members of humanity, thereby transforming formal political independence into genuine independence, rather than confining themselves to contesting the legacy of colonialism.

Decolonial studies have adopted elements of postmodern thought such as the deconstruction of narratives and discourse analysis as an expression of power relations. While this approach may be useful at a particular stage of the research process and for a specific purpose, it offers little beyond that. Within this framework, narratives are multiple, power relations are fragmented and diffuse, no discourse takes precedence over another, and liberation narratives take no priority over colonial ones. In the case of Palestine, for example, the postmodern thinkers emphasize the need to recognize the Palestinian narrative

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15 Terry Eagleton, *The Illusions of Postmodernity* (Oxford: Blackwell Publishing, 1996), p. 27.

16 The Egyptian-Canadian scholar Shadia Drury demonstrates the futility of such a dialogue by dramatizing an imaginary debate between Rorty and Edward Said. In it, Rorty treats liberal democracy as an American lifestyle, whereas Said views it as something the white man has prescribed for the rest of the world rather than holding Western policy to account for its liberal-democratic claims. See: Shadia Drury, "The Postmodern Face of American Exceptionalism," in: Smulewicz-Zucker & Thompson (eds.), p. 29.

while insisting that there are two narratives of the conflict. They likewise foreground the role of Palestinian cultural production and even exaggerate its significance and role so that it stands on par with its Israeli counterpart. Yet the conflict is between colonizer and colonized, and the struggle is for liberation, not a competition between two narratives nor a competition in cultural productivity. Palestinians are under no obligation to outperform Israelis culturally in order for their rights to be recognized.

On the Postmodern Approach to Science

The rejection of grand narratives, which are assumed to have prevailed in modernity, forms part of the very definition of postmodernism. In doing so, however, postmodernism oversimplifies the very phenomenon it rejects. It presumes the dominance of a certain grand narrative (such as that of technological progress or the progress of reason through history), treating it as akin to religious or ideological narratives that shape people's understanding of the world. But even if we concede, for the sake of argument, that all of these are narratives, the available options are not limited to two narrow alternatives: either accepting a dominant narrative or rejecting altogether. There are many other possibilities. We could, for instance, regard a historical narrative as a particular point of view that illuminates one aspect of history, without claiming to possess the password to unlocking the mysteries of history or of the world.

Postmodernists' scepticism toward grand narratives, their critique of claims to universal truths, and their privileging of difference over identity apply to science just as they do to philosophy, religion, and ethics. All of these fields, in their view, are bounded by language, culture, history, and existing power relations – and are all, therefore, discursive. Postmodernists' attitudes to science and their relativism in this regard have been criticized on several grounds, starting with their failure to understand the scientific method and the meaning of truth it seeks, which they conflate it with religious and metaphysical truth, even though the word "truth" is used in entirely different senses across these fields; continuing with their lack of consistency and frequent contradiction of their own views in both their intellectual production and their blanket generalizations; and ending with the fact that they, like everyone else, conduct their everyday lives without recourse to relativism, relying instead on their own perceptions – or those of others – of the realities of nature and society.

The same is true of their position on ethics, although attributing discursivity, pluralism, and difference to ethics is more rational and more open to discussion than the claim that science is just one dominant discourse among others.

In his 1873 essay "On Truth and Lies in a Nonmoral Sense" (*Über Wahrheit und Lüge im aussermoralischen Sinne*), Nietzsche argues that scientific concepts are a series of metaphors that have solidified into accepted facts. To begin with, a nerve stimulus is transferred into an image: first metaphor. The image, in turn, is imitated in a sound: second metaphor. With repetition, a word then emerges, which becomes a concept insofar as it simultaneously has to fit countless more or less similar cases … cases which are never equal and thus altogether unequal. Every concept arises from the equation of unequal things".[17]

This contention, which postmodernists praise as one of Nietzsche's landmarks that shaped their thought, is in fact simply one of several explanations of the origin of words and terms. Yet, in any given society and at any given moment, words do not "emerge"; they are inherited. The transformation of words into terms and concepts is a conscious effort, and those who engage in it are aware that it is artificial. They do so not to deceive themselves, but because language is the only tool available to articulate relations between

[17] Friedrich Nietzsche, "On Truth and Lies in a Nonmoral Sense," reprinted in: Daniel Breazeale (ed. & trans.), *Philosophy and Truth: Selections from Nietzsche's Notebooks of the Early 1870s* (New Jersey/London: Humanities Press, 1979), pp. 82-83.

things or recurrent patterns in the relations among phenomena. This indeed requires borrowing words from language and using them in a particular context in a way that gives them new meaning. But terms and concepts are clearly defined by assigning them meanings distinct from those of the words in which they have come to reside. This does not obliterate the difference between poetic metaphor and scientific concept. For a philosopher to remind us that these are metaphors and, hence, lies, is, at the very least, a pointless exercise in philology (Nietzsche's original discipline). The Nietzschean metaphor might enthral non-experts, but any specialist would regard it as redundant, verbal padding, or at best, a rhetorical flourish. Reading Nietzsche might come in handy as an enjoyable way to pass time (depending on the reader's taste), like reading a literary text peppered with clever and thought-provoking wit. It highlights and amplifies one aspect and obscures others, then generalizes the claims that emerge from this literary exercise as though they were explanations. Such are the characteristics – or flaws – of the Nietzschean texts that influenced postmodernist currents.

Lyotard argues that with the advancement of science, the proliferation of specializations, and the consequent mushrooming of relativism, legitimacy has been parcelled out to each individual subfield. The profusion of scientific discourses is now sorted into inputs and outputs – that is, costs and benefits. Hence, science must be pragmatically quantifiable. The validity of the sciences is no longer absolute, but limited, and the dominant theories in each discipline are determined by scholarly consensus.[18] There is no longer a meta-language serving as a basis on which scientific proof can be validated. No longer is there a single, self-evident method underpinning all sciences, but rather multiple methods. This means that science has lost its narrative foundation.[19] Lyotard contends that the link between scientific and ethical evaluation has been overshadowed by the link between science and technology, that is, by the dichotomy of efficient versus inefficient. The connection between science and technology and between research tools and funding has reduced science to the service of power, leading students to dedicate their studies to what is effective, not to what is true.[20] In postmodernity, according to Lyotard, philosophy and old epistemological traditions act alone like a self-contained field of reflection – one that neither legitimizes other knowledge systems nor dictates to them epistemic or moral prescriptions.

But did not early critical modern thought already embrace this position, for instance in the work of Immanuel Kant, who completely separated science from ethical prescriptions? This was also largely true of any science that developed its principles and laws outside philosophy. Similarly, David Hume held that science has no answers to existential questions, unlike philosophy or religion. In modernity, science is not legitimated through grand philosophical narratives (of the Enlightenment or otherwise), but through the demonstration of the scientific method employed, the rigour with which it is applied, and empirical practice, including the successful application of its findings in industry, agriculture, medicine, and practical life. They also entail formulating laws governing fixed relations between variables, thereby enabling scientific prediction and the development of technologies that harness this predictivity. Science derives its legitimacy – or more precisely, its validity – from these practices, not from grand narratives, as Lyotard contends. Although philosophical and ideological narratives may inspire scientific discovery – or, conversely, impede its development – they are not a source of its validity.

To insist, in Kantian terms, that scientific judgements are separate from moral judgements and argue that science cannot answer existential questions about the meaning of life in this infinite universe (in contrast

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18 Apparently, the most significant postmodern idea Nietzsche put forth is that what we call truths are human conventions: "Truths are illusions which we have forgotten are illusions; they are metaphors that have become worn out and have been drained of sensuous force, coins which have lost their embossing and are now considered as metal and no longer as coins". See: Ibid., p. 84.

19 Sherif Younis, *Suʾāl al-Huwiyya: al-Huwiyya wa-Sulṭat al-Muthaqqaf fī ʿAṣr mā baʿd al-Ḥadātha* (Cairo: Merit Publishing House, 1999), pp. 113-114.

20 Ibid., p. 114.

to religious devotion for believers and regardless of how scientific research might offer its practitioners self-fulfilment or satiate their curiosity and passion for discovery) is not to extol science at the expense of other types of human activity. In fact, these positions could betray dangerous tendencies, such as the subordination of science for unethical ends external to it.

Ethical decisions concerning how science should be used, and the responsibility for decisions, rest with those who use it, especially the owners and executives of major corporations, government decision-makers, and, finally, scientists themselves. No matter how much we reconsider the matter, we will never reach a different conclusion so long as the debate remains rational. Still, a heated debate has persisted since before the advent of nuclear energy on the responsibility of scientists (rather than of science itself), as they have the ability to foresee both the beneficial and harmful uses of their discoveries and, therefore, to sound the alarm about abuses and their potential catastrophic consequences.

Science does not offer answers to existential questions, nor does it distinguish between good and evil; instead, it explains phenomena through the laws it derives, identifies the relationships among variables, and distinguishes the true from the false, and the possible from the certain. It imposes itself through proof, not by imposing a point of view. Science is not itself an opinion; its claims are either demonstrable or not. Scientific thinking might be imposed by force when human authorities adopt scientism as an ideology – i.e., treating science not only as a way to explain natural and social phenomena but as a solution to all human dilemmas and a way to explain all phenomena. Those who espouse such an outlook mistakenly presume the existence of a universal science or they attempt to transfer the laws of a given science (such as biology, physics, or more recently psychology) to all social and political phenomena. Such a politico-ideological practice has nothing to do with science and scientific methods. If an authority adopts such an approach, it is imposing not science, but the ideology of scientism upon society.

Foucault's claim that the 18th century was characterized by the decline of philosophy and the advancement of mathematics, the emergence of the institutional organization of the sciences across institutions such as the university, their homogenization within the encyclopaedia, and the replacement of the coercive authority of dogmatic religious truth by the coercive authority of science rests on the omission of this crucial distinction.[21] The claim regarding the decline of philosophy requires closer scrutiny. The scope of philosophy (up until, let us say, the 18th century) was once very broad, encompassing fields that have become the province of various scientific disciplines. At the same time, however, philosophy remained the concern of a very small intellectual elite. After the 18th century, its scope narrowed with the emergence of specialized sciences, yet it also became the focus of wider public interest owing to the expansion of education, the increasing tendency of philosophers to write in the vernacular, and the translation of classical philosophical works into those languages. All of this occurred during a period in which people increasingly became able to engage with public affairs, at a time when philosophy was addressing many of the questions that the social sciences would take up from the second half of the 19th century onward.

Postmodernists believe that the loss of the grand rational-philosophical narrative, the "compartmentalization of knowledge" into disciplines, and "the dissolution of epistemic coherence" have resulted in the loss of meaning and the fragmentation of narrative elements into what Lyotard calls "linguistic clouds" and "collisions among multiple language games". Within each game the subject moves from one position to another, – as sender or receiver – in heterogeneous moments of subjectivity that do not cohere into the identity of the single self. Even if we grant Lyotard's premises, they do not entail such a conclusion. One might just as plausibly conclude that the fragmentation of narrative elements compels the subject

[21] Zouaoui Beghoura, *Mā Baʿd al-Ḥadātha wa-l-Tanwīr: Mawqif al-Anṭūlūjiyā al-Tārīkhiyya: Dirāsa Naqdiyya* (Beirut: Dar Al Taliaa, 2020), pp. 246-247.

to compensate through a form of self-coherence, making it intellectually possible to project unity onto a fragmented reality. But postmodernists insist that performativity is what bestows legitimacy – specifically in the form of maximizing information flow and minimizing non-functional, reflective movements in the system, such as philosophical approaches. All that cannot be identified as a piece of information or an instrument is redundant. Hence, "the performativity criterion threatens anything not meeting its requirements … with de-legitimation and exclusion".[22] These narratives have not, in fact, been excluded from human life; they have been superseded by the scientific approach to how societies interact with the human body through medicine and with nature through the sciences. Science has even penetrated the domains of society and state, where its struggle with ideological narratives continues through scientists' continual refinement of scientific methods and philosophical critique.

Foucault applied genealogy to formative moments in the history of modernity. In his 1971 essay "Nietzsche, Genealogy, History", he wrote that genealogy "opposes itself to the search for 'origins'" within an identical subject and instead "studies the accidents and contingencies that converge at crucial moments, giving rise to new epochs, concepts, and institutions".[23] This process does not take place according to laws, as it is not an inevitability. As Gary Aylesworth observes,

> In Nietzschean fashion, Foucault exposes history conceived as the origin and development of an identical subject, e.g., "modernity", as a fiction modern discourses invent after the fact. Underlying the fiction of modernity is a sense of temporality that excludes the elements of chance and contingency in play at every moment. In short, linear, progressive history covers up the discontinuities and interruptions that mark points of succession in historical time.[24]

Like Lyotard, Foucault postulates that genealogical research will result in the disintegration of the epistemic subject, as the continuity of the self is broken up by the gaps and accidents that historical research uncovers. Foucault's first foray into historical research was *History of Madness* (*Histoire de la folie à l'âge classique*, 1961), written during his engagement with structuralism. In this book, he "gives an account of the historical beginnings of modern reason as it comes to define itself against madness in the seventeenth century. His thesis is that the practice of confining the mad is a transformation of the medieval practice of confining lepers in lazar houses".[25]

Reason, according to Foucault, defines itself in its earliest infancy in contrast to an Other, while simultaneously determining that Other's truth and identity. Madness does not speak for itself. Reason "subjugat[es] non-reason, wresting from it its truth as madness, crime, or disease".[26] But isn't everything defined according to what it is not? What, then, is new about this? In any case, the definition of madness as the absence or opposite of reason is not the only way to define reason. Reason has never been defined solely through negation – not in modernity nor before it. The problem is not that reason defines itself by isolating madness, but that madness is defined as the loss of reason, superseding its earlier definitions as possession of the human body or soul by evil spirits or demons inhabiting the human body and soul. Instead of exorcizing those demons, the solution now is to confine the mad and subjugate madness to reason. What is new here is not definition by negation, which is an old technique, as Spinoza once wrote: *omnis determinatio est negatio*.

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[22] Gary Aylesworth, "Postmodernism," *The Stanford Encyclopedia of Philosophy Archive* (Spring 2015 Edition), Edward N. Zalta (ed.), accessed on 21/12/2025, at: https://acr.ps/1L9BPdZ

[23] Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews*, Donald F. Bouchard (ed.), Donald F. Bouchard & Sherry Simon (trans.) (Ithaca, NY: Cornell University Press, 1977), pp. 140-142.

[24] Aylesworth.

[25] Ibid.

[26] Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, Richard Howard (trans.), David Cooper (into.) (London/New York: Routledge, 1989), pp. ix-x.

However, as knowledge advanced, so too did psychology and psychiatry, which have identified, analysed, and classified various kinds of mental disorders, and attributing them to cerebral or other causes. It is therefore useful to trace the development of knowledge and the sciences – a phrase I prefer to "the development of reason"[27] – in tandem with evolving definitions of madness. Today, human reason is no longer defined by confining the mentally ill to asylums. Nor was this central to the point Foucault sought to demonstrate in the *History of Madness*; rather, his thesis was that reason defines itself through the repressive authoritarianism inherent in forcible isolation. Yet this conflation of reason with authority obscures the distinction between their respective meanings and the fact that they are as likely to clash as to cooperate. The two trajectories have always existed. To equate reason and science with power and oppression is unfounded. There may be a historical, socio-political relationship, but it is not rooted in the essence or definition of reason or science. Any attempt to equate science's understanding of its object of inquiry – whether natural or social – with its "control" over that object, as though it exercised authority over it, is purely metaphorical. Power, in the sense of domination, is exercised by human beings, not by science or knowledge, for there can be no will without human agency and equating the scientists control of his subject to political power mean overinterpreting control and underestimating political power by very unpolitical academics.

On the subject of the relativity of science, Thomas Kuhn's *The Structure of Scientific Revolutions* (1962), which discusses the emergence and transformation of paradigms based on consensus of scientists, came to be regarded as the epistemological foundation for postmodernism in the philosophy of science, thereby shaping the postmodernist agenda. Another widely cited work in postmodernist scholarship is Paul Feyerabend's *Science in a Free Society* (1978), which contends that science is an anarchic institution and thus not very different from myth. It calls for a separation of science and state – along the lines of the separation of church and state – because the scientistic mentality is an ideology that takes what suits it or what it considers legitimate and rejects everything else.[28]

The important point is that relativists, in drawing their conclusions about scientists' activities and the nature of science, observed scientists at work and arrived at generalizations in much the same way as the rationalists they criticize.

The difference is that their own generalizations can neither be proved nor disproved because they are not scientifically grounded. Moreover, science never claimed to offer certainty, only high probability. Its theories may be proven or disproven, not through differences of opinion or interpretation, but through the scientific method. They are valid insofar as they can still be substantiated, but this does not make them relative. Relativism, in contrast, means that something can be true and false at once. It depends on perspectives of the observers and the power relations governing the discourse and, therefore, relativist claims cannot be verified or falsified.

When relativists present their ideas, they frame them in a rational, logical language designed to persuade. They know that – at least within the scientific community – persuasion entails more than dazzling audiences with rhetorical eloquence, appeals to sympathy, or catchy soundbites. Before proposing his theory of scientific revolution and paradigms, Thomas Kuhn studied data and other sources from which he drew observations about the transformation of scientific paradigms – observations he then presented as coherent findings grounded in solid evidence and, hence, as objective and scientific. It is also important to bear in mind that scientific revolutions do not mean that a new science invalidates what came before. Rather, it redefines the boundaries of validity, turning a general paradigm into a theory that is only valid within its field. The theory of relativity and quantum mechanics did not invalidate Newtonian mechanics; they specified the limits of its validity. Science is not relative with respect to truth but to the applicability of its laws. This point escapes those who invoke the ideas of scientific revolutions and paradigm shifts to justify relativism.

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[27] One of postmodernism's most significant contradictions is its critique of narratives and the trans-historical subject, and its insistence on using the term "reason" as if in reference to a trans-historical subjectivity.

[28] Beghoura, p. 19; Paul Feyerabend, *Science in a Free Society* (London: NLB, 1978), p. 13.

The transition from one paradigm to another takes place according to the same scientific logic, or even the same methodology, driven by a need to understand phenomena scientifically. The process involves formulating a hypothesis based on a form of intuition that is far from a stab in the dark, as it is informed by a background of cumulative knowledge. This is followed by collecting and analysing data, identifying patterns, and formulating generalizations in accordance with established rules, then building on these generalizations to generate others through rigorous deductive processes. This logic continues to be applied in scientific research despite changing paradigms, just as mathematical reasoning continues to underpin scientific inferences.

If relativism were true only for those who subscribe to it – i.e., relativists – no one would care about it. But relativists present their ideas to everyone, claiming that their conclusions are valid for all people, not just for their own societies.[29] In general, a statement's truthfulness in science is similar to its truthfulness in daily life. When an ordinary person says they returned home from their job at a particular factory, they do not mean to say they *believe* they work at that factory, but that they do work there. The statement is true, devoid of any relativity, and the listener assumes it corresponds to reality. The sciences use the very same criterion of truth. But relativism will not declare a statement true or false without the caveat that truth depends on a particular perspective shaped by interests, desires, and relations of power within a given cultural context.

We are not sceptical about our everyday perceptions. We assume that "our perceptions do not *systematically* mislead us and that they are indeed produced by external objects that, in some way, resemble those perceptions".[30] We live with a near-certain conviction that there is an external world that affects our perceptions and sensations, and we act accordingly. Why, then, is relativist scepticism directed primarily at science, which, if it differs from daily consciousness, does so only by being more precise in diagnosing external influences and more careful in distinguishing perception from imagination and illusion? I do not claim that science mirrors reality, nor does science make such a claim. Trying to disprove that science reflects reality and celebrating those scholars who have succeeded in this is like bragging about having broken through a door that was already open.

Scientific theory is the best tool for understanding and interpreting phenomena and for making predictions accordingly. At times, science is content to conduct experiments and extrapolate from the results without developing and proving fully fledged theories to explain the causal relations. It might take years for theories to develop and contribute to explaining or validating how variables interrelate. Experiments might later expose the flaws in the theories. Conversely, a medicine may be used to treat patients once its efficacy has been established through controlled experiments, even before a theory has been developed to explain why it is so. Attempts at explanation may remain mere hypotheses long afterward.

Modern physics deals with theoretical entities imperceptible to the naked eye, such as atoms, electrons, and neutrons. These entities may not take the forms that theory attributes to them. Yet all science can do is hypothesize their qualitative and quantitative properties and design experiments on the basis of these carefully formulated hypotheses. If the results match expectations, they will validate the hypotheses until proven otherwise. Scientific theory is a tool for understanding phenomena – it is not necessarily a reflection of reality.[31] Rather, reality is established through theory and through the scientific experiments conducted on its basis. In the same way, scientific reality is not a tool for understanding the world as a whole. It is neither a narrative nor an overarching philosophical principle, as every scientific theory is concerned with

29 Raja Bahlul, "Muqaddimat al-Tarjama al-ʿArabiyya fī Mā Lā Yufham wa-Mā Huwa Ghayr Qābil li-l-Fahm," in: Alan Sokal & Jean Bricmont, *Hurāʾ ʿAṣrī: Sūʾ Istikhdām Mufakkirī Mā Baʿd al-Ḥadātha li-l-ʿIlm*, Nagib El-Hassadi (trans.) (Doha/Beirut: ACRPS, 2025), p. 47.

30 Sokal & Bricmont, *Fashionable Nonsense*, pp. 54-55.

31 Ibid.

explaining a specific phenomenon or a set of phenomena and deriving laws that predict their behaviour. There is no such thing as "theory of everything". Theory cannot replace religion or ideology as a way of explaining the "truth" of the whole world or "the truth" from a given point of view. Here the descriptor "relative" may be applied without hesitation to such comprehensive (and absolute, in the case of religious faith) perspectives that are external to it, be they philosophical, religious, ideological, or otherwise (bearing in mind the overlap between ideology, philosophy, and religion and the need to distinguish among them). One may adopt a relativist position toward such "truths", but this is not an innovation of postmodern philosophy. In this sense, scepticism is as old as philosophy and religion themselves.

Metaphysical truth and religious truth, though distinct, are both forms of contemplative, belief-based truth. Scientific truth, by contrast, comes in two forms. The first consists of mathematical and logical truths, which are axiomatic or deductive. It would be incorrect to describe them as relative. The second consists of inductively established truths, that are characterized by a high degree of probability, which better captures the relationship between facts. It would not be incorrect to label them as truths, but it risks conflating them with philosophical and religious truths. Scientific truths are as close as can be to the facts of daily life, which shape how people manage their affairs from the moment they wake until they go to bed.

A person may truthfully recount what they did during the course of a day. If that account is shown to be false, this simply means that the events described did not occur; it does not mean that truth is relative. The same applies to the sciences. The earth did not begin rotating around its axis and revolving around the sun only after the discoveries of Nicolaus Copernicus (1473-1543). Rather, Copernicus used observation and contemplation to formulate a scientific explanation of phenomena that only this hypothesis could account for, as later science would confirm. The earlier belief that the earth is stationary, and the sun revolves around it, was not a relative truth; it was false because the available cognitive and observational tools were not yet sufficiently developed.

Scientists strive toward an objective understanding (in keeping with the principles of the scientific method) of the phenomena they study – that is, one consistent with the principles of the scientific method. In the process, they bear in mind the interests of the institution in which they work, their own interests, and other external factors. They, along with their critics, readers, and those who test their conclusions, are aware that any influence of such factors on scientific judgements – whether in selection of data, interpretation of results, or induction of conclusions and inferences from their experiments – would constitute a deviation from scientific objectivity and undermine the credibility of the research. The critical review of deviations, bias, selectivity in data, and faulty deductions is not contingent on philosophical critiques of science. Rather, it is expected an integral part of the scientific inquiry itself, continuously accompanying the conduct of scientific work, the review, and validation processes. Otherwise, it would not deserve to be called science, and it would not be distinguishable from beliefs, literary taste, artistic sensibility, and rumours spread on social media.

The Moral Dimension

1. What Does Moral Relativism Mean?

In the field of ethics, Nietzsche is the most important precursor of postmodernism. In his aristocratic critique of what he called the morality of weakness, which transforms the resentment of weak slaves toward their masters – or toward the strong – into a morality of tolerance, equality, and the like, because the weak are incapable of confronting the strong with their own weapons[32] – he concluded that moral truths are not absolute, but rather interpretations and "points of view". In short, there are no moral phenomena at all, only

[32] Friedrich Nietzsche, *On the Genealogy of Morals* (New York: Vintage Edition, 1967), § 10, pp. 36-39.

a moral interpretation of phenomena.[33] The postmodern turn amplified this view by claiming that human beings exist in a state of irreducible plurality in terms of values and perspectives. For postmodernists, the modernist assumption that universal values exist is a violation of difference.

In *Just Gaming*, Lyotard argues that we must learn to make judgements in the absence of universal criteria. In moral and political matters, he says, judgement is made "case by case". Even when we formulate general rules, they derive their meaning from their application in specific contexts. Lyotard draws on the Aristotelian concept of *phronesis* (practical wisdom)[34] to suggest that every moral situation is singular, requiring a precise identification of its particular circumstances; it cannot merely be subsumed under a general rule or universal prescriptive law.[35] I believe this to be true. However, "particular circumstances" are considered particular precisely because of the assumption that a rule exists and is applied by institutions and states that take such circumstances into account. Individuals, for their part, make judgements based on numerous factors, such as, emotions, cherished values, gut reactions, internalized moral principles, and varying degrees of compliance with norms. Yet the "general rule" is not confined to moral customs in society, nor to principles internalized by individuals through upbringing, social pressure, or indoctrination. It is also informed by a shared human faculty: the capacity for moral reasoning grounded in moral dispositions, such as the ability to distinguish between good and evil or right and wrong; an aversion to violence and physical pain; empathy; the desire to belong to a group; and the need for recognition. These dispositions generate values through the interaction between the individual and society, the necessities of life, and historical experiences that become embedded into mainstream culture.

However, postmodern theorists generally focus almost exclusively on one factor: the individual left alone to face a moral dilemma in the absence of rules to guide his judgement. They tend to regard moral values as social constructs. Moral values as such – i.e., as products of a process of social construction rooted in certain historical social contexts – are historically variable and even contingent; no necessity governs their emergence or disappearance. This is a recurring theme among postmodernist thinkers – though it is not unique to them – and it has led them to conclude that all moral reference or anchor has been lost. However, this should not be read as moral nihilism. Rather it implies that the individual bears a greater moral responsibility – a topic to which we shall return in greater detail.

Postmodernists hold that we should embrace difference and pluralism politically. The ontological basis of this is that the world, in their view, has become devoid of a centre and of any stable foundation – as though it had once possessed one. But if the world has never had a centre, then we are left with a mere assumption and, in broad contexts (such as the world, science, morality), the very notion of decentring loses all meaning. The problem lies not only in the postmodernists' insistence on this view, but also in their tendency to conflate the moral with the factual and what is with what ought to be. In other words, we should live according to the pluralist, uncentered world where difference is fundamental. Yet in reality there is no necessary connection between the supposed absence of sameness in life and how we ought to behave. Also, the claim that there are no indisputable facts is not a moral value; it is at best a description of reality. It does not follow that we must live without a centre or identity. Indeed, why not draw the opposite moral conclusion, which is to behave contrary to this presumed state of the world?

There are other cases in which postmodernists conflate analysis of what exists (from their perspective) with prescriptive discourse by embedding normative values in their analytical process. For example, if deconstruction leads to the conclusion that collective identity is a construct – built around interests, power

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33 Friedric Nietzsche, *Beyond Good and Evil*, Marion Faber (ed. & trans.), Robert C. Holub (intro.) (Oxford: Oxford University Press, 1998), §108, p. 64.

34 Jean-Francois Lyotard & Jean-Loup Thebaud, *Just Gaming*, Wlad Godzich (trans.) (Minneapolis: University of Minnesota Press, 1979), p. 26.

35 Ibid., p. 44.

relations, authority, and dominant culture (and attitudes for or against it) – then postmodernists see identity as artificial. This, in turn, is interpreted by some as suggesting that this collective identity should not exist or should be dismissed – particularly when it is a national identity rather than a homosexual or gender identity. The latter, in their view, is "emancipatory", whereas national identity is "repressive".

The concept of morality is said to have undergone a radical reconfiguration in postmodern thought, which subjects it to the same scepticism directed at grand narratives. However, the issue here is not morality per se, but ethical concepts and theories. Postmodern thinkers have in fact dealt – without explicitly stating so – with meta-ethics, particularly with the relationship between the formation of moral concepts and to language, culture, and existing power structures. But they have not engaged with morality itself.

Just as postmodernism critiques science on the premise that it is a grand narrative, it critiques modern ethics as a set of fixed rules or objective commands grounded in reason or nature. Yet if this critique of modern ethics reflects a new reality in which grand narratives have disintegrated, and if, as postmodernists believe, morality has thereby become a purely individual concern and endeavour, then precisely which ethical theories treat morality as universal rules and objective commands independent of human will?

Modern ethical theories generally proceed from the assumption that human beings possess a moral sense grounded in empathy, together with moral rules that combine moral sentiment with practical reason. They are generally formulated on the basis of a particular conception of human nature, or or on the principle of promoting the greatest happiness for the greatest number of people, or from a consequentialist standpoint, whereby action seeks to promote the values espoused by the moral agent. Others take natural dispositions expressed through empathy and aversion, building moral values upon them, and deriving further values through accumulated human experience and social interaction, beginning with the family and extending to society as a whole. All of these are philosophical accounts of morality; none claims to be a scientific theory. Moreover, they are inherently relative in that they hinge on the different premises on which they rest, such as the human pursuit of happiness as the highest good; the existence of an innate moral disposition such as empathy; the desire for recognition; an aversion to physical harm; the view that moral judgement is a free act requiring the ability to distinguish between good and evil; and the distinction between moral judgement and other forms of judgement by virtue of its universality – which, in turn, signifies the human willingness to act according to what could serve as a law for all humanity (Kant's categorical imperative).

A philosophy preoccupied with defending difference or cultural specificity, while neglecting equality and even respect for the humanity of human beings, in fact contains premodern elements, despite being labelled postmodern.[36] Indeed, some tenured professors at American universities – who publish their works in their institutions' journals and presses, enjoy the freedoms of Western liberal democracy, and fear the threat posed by figures such as Trump on these freedoms, yet would never choose to live in a contemporary country of the Global South – have attempted to advise Arabs that the most suitable political system for them is that of the early centuries of Islamic rule, before the third Hijri century (c. 815-911 CE).

The same argument applies to the postmodern position on universal values, such as the claim that every human being deserves respect simply by virtue of being human, regardless of their particular culture, place of birth, social role, or other attributes. Postmodernists regard this as a false universal value that masks Western aspirations of domination, arguing that the hypocrisy of its proponents is easily exposed. Nevertheless, those who celebrate exposing such hypocrisy fail to see that the tension between values and praxis is a crucial impetus for criticism and change within liberal democratic societies and in these societies' relations with others. There is a fundamental difference between formal affirmations, embodied in charters

36 Eagleton, p. 89.

and official discourse that all human beings are equal and possess what are called human rights and, for instance, racist discourses that openly categorize people into classes and races and accord some people rights while denying them to others. This difference is not merely verbal. It reflects different balances of power and different cultures, as well as new opportunities, possibilities, and horizons for influence and practice.

In Foucault's genealogical studies of the origins of morality – especially in his analyses of the evolution of punishment and of what is permissible and possible in sexuality – he showed that what he counts as "moral" in a given historical context is inseparable from discursive formations and power relations. This led later postmodern thinkers to assume that he had debunked the Enlightenment conception of a "permanent moral reason",[37] Jean-Jacques Rousseau stood out among the thinkers of the 18th century enlightenment for denouncing the falsity of morality of civilization and calling instead for the return to the natural morality inherent in human beings prior to the emergence of property relations. Moreover, few can rival Karl Marx in the harshness of his critique of the presentation of bourgeois interests, such as private property, as universal values and in tracing the origin and formation (or "genealogy", in postmodern terminology) of individual freedom to the conditions of free trade and the emancipation of the peasant from bondage to the land and its owner, rendering him free to sell his labour power. Marx would rank among the modernists if the criteria are his adoption of a grand historical narrative and his attempt to cast his social theories as science. While his shortcomings in moral philosophy may be among his weaknesses, this does not mean that he failed to distinguish between good and evil. Indeed, his entire project can be summarized as the pursuit of human emancipation and happiness in a society free from class exploitation and private property.

The question of how morality can remain possible after the "death of God" and the collapse of universal certainties has been instrumental in motivating most ethical theorization in postmodern thought. Thinkers such as Foucault, Derrida, and Lyotard have argued that morality should not be understood as fixed universal prescriptions, but as a creative, context-sensitive practice. The argument up to this point remains intelligible and open to rational debate. For instance, one might claim that individual responsibility and sensitivity to context do not contradict the existence of moral rules, whether those rules are followed or challenged on contextual grounds.

The problem – indeed, the dilemma – arises when we ask how this can be reconciled with the notion of the "death of man" and the disappearance of the subject, which postmodernists have presented as a philosophical metaphor. They are alluding to Nietzsche's declaration of the "death of God" – a catchy sound bite that adds nothing fundamentally new to philosophy. Zouaoui Beghoura, citing Foucault's *The Order of Things* (*Les mots et les choses*, 1966), observes that structural anthropology, through its contrast between culture and nature, studies factors external to humans, thereby converging with psychoanalysis, which studies what lies outside human consciousness in order to understand it. Thus, both disciplines "dissolve the human", to use Foucault's term.[38] Foucault adds that

> man is neither the oldest nor the most constant problem that has been posed for human knowledge. Taking a relatively short chronological sample within a restricted geographical area – European culture since the sixteenth century – one can be certain that man is a recent invention within it … As the archaeology of our thought easily shows, man is an invention of recent date. And one perhaps nearing its end.[39]

There can be no morality that is subjective or intersubjective, relative or absolute, local or universal without the human subject – unless the "death of man" is simply a Nietzschean play on linguistic metaphors,

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[37] Michel Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress," in: Paul Rabinow (ed.), *The Foucault Reader* (London: Penguin Books, 1991), p. 352.

[38] Beghoura, pp. 185-186; Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Pantheon, 1970), p. 279.

[39] Beghoura, p. 186; Foucault, *The Order of Things*, pp. 386-387.

a style more suited to literature than to philosophical thought. This metaphor is followed by another: the revolt of the individual and the advent of an age of individuality committed solely to itself, and to absolute individual responsibility.

Moral theories ought to be approached as relative; they are not scientific theories but philosophical attempts. This does not mean, however, that morality itself is relative. Human beings act on the basis of different motivations depending on the context. In some instances, they might be guided by deontological values that keep them from committing certain acts; in others, utilitarian considerations may lead them to act in ways they believe advance a particular value. Or they may act in accordance with the categorical imperative. But this does not mean that truthfulness can be considered immoral or that lying can be a moral value. People generally regard lying as bad – as they do theft, violations of human dignity, torture, and killing. All of these are seen as wrong and evil: there is no relativism here. This is why any justification for committing one of these wrongs requires subordinating it to another value or claiming that it serves a higher moral end, such as saving a human life, or invoking necessity, which permits what would otherwise be prohibited. But the prohibitions remain prohibitions. Morality is not relative!

In his later works, Foucault distinguished between the "moral code" and "morality", which was his way of differentiating between morality and ethics.[40] He explains: "By 'morality', one means a set of values and rules of action that are recommended to individuals by various prescriptive agencies such as the family (in one of its roles), educational institutions, churches, and so forth … we can call this prescriptive ensemble a 'moral code'". [41]

Scholars generally agree that moral rules – or what Foucault calls "moral codes" – change over time. Some Marxist claims go even further than postmodernist ones, linking moral rules and norms not only to interests and power but specifically to the interests of ruling classes. All such explanations, however, are one-dimensional. They fail to capture the richness of the relationship between human dispositions and their makeup, social structures, cultural hegemony, prevailing norms (whether codified or not), and human agency.

Moral philosophy, in general, investigates the rules governing human conduct toward others – the question "what should I do?" – and the human aspiration to live a good life. Kant, whom postmodernists regard as the one who systematized Enlightenment philosophy, approached the question by positing the existence of an autonomous individual who determines how to formulate a personal moral law that applies to all humanity. This law is to accept for others what one accepts for oneself, i.e., a philosophical formulation of the "Golden Rule". Philosophy did not invent it; this has long predated philosophy and has existed in human conduct, including in the Christian tradition, for example, since the Sermon on the Mount. There is, therefore, no uniquely Kantian achievement here, especially once one probes his conception of humanity, which excluded non-Europeans. If there is a Kantian achievement in this realm, it lies in prioritizing moral duty over utility and even over happiness – even if the Stoics regarded virtue as the highest form of happiness. In addition, there are the sharp distinctions Kant drew between the judgements of pure reason (including the limits he established for scientific knowledge expressed in the question "what can I know?"), the judgements of practical reason (ethics as epitomized by the question "what ought I to do?"), and the judgements of religious faith.

In general, moral rules are not created by thinkers or philosophers, modern or otherwise, but by the interplay between human dispositions, social structures, and social development. When these rules change

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[40] In principle, there is no difference between the two terms, except that the first derives from Latin and the second from Greek. They have been used to mean the same thing. However, many philosophers use morality to refer to the rules governing interaction between individuals, and ethics to denote a broader domain, which includes the inquiry into the virtuous life, how a person ought to live a good life, or how one can become a better human being, and other related questions. See: James Griffin, *What Can Philosophy Contribute to Ethics* (Oxford: Oxford University Press, 2015), p. 93.

[41] Michel Foucault, *The History of Sexuality,* vol. 2: *The Use of Pleasure*, Robert Hurley (trans.) (New York: Penguin Books, 1985), p. 25.

– as in changing conceptions of shame, taboo, chastity, sexuality, and the like – it is not moral philosophers who lead the process, and they rarely participate in the cumulative struggles that bring such changes about. When advocates demand full equality of women or protest against the treatment of women as mere bodies or objects of sexual desire, activists gain nothing from postmodernists' assertion that grounding such demands in a universal moral principle merely expresses a will to domination, or that those advancing such claims should recognize that they are appealing only to a norm relative to a particular culture.

I doubt that any postmodernist has managed to produce an example of an Enlightenment thinker who formulated moral values as eternal, universal moral rules in the way the Stoics did, or as religions do in their commandments to the faithful. Attempts to formulate a universal morality are by no means unique to modernity. Indeed, from this perspective, a more accurate label for postmodernism in this realm might be "post-Stoic" or "post-Christian". Nor is the formulation of universal moral rules, strictly speaking, the task of moral theory. Instead, theorists should ask the following types of questions: why is the prohibition of killing a principle accepted across societies and cultures, differing only over the exceptions that may justify violating it? Why do human beings universally recoil from the torture of the human body? Why is lying regarded as unfit to serve as a basis for communication among people? Clearly, not all moral values are relative and mutable. Some fundamental values are shared among human beings, yet insufficient emphasis is placed on their validity beyond the identity groups within which certain sets of moral rules operate.

In my view, the great challenge of modernity, one overlooked by postmodern thinkers who were preoccupied with its opposite (i.e., the localization of values), has outlived them. That challenge is this: how can these values extend across cultural, national, sectarian, or political communities of identity? This is the inverse of the preoccupation with cultural relativism. Modernist moral thought was a form of inverted cultural relativism: it acknowledged the existence of different cultures with different moral standards, while maintaining that the morality of modern societies was the correct one and ought to prevail. Postmodern relativism, by contrast, offers no pathway toward a shared human morality that would enable dialogue amid diversity. For what meaningful dialogue can exist between particularist cultures with nothing in common?

Foucault shifted his focus from normative moral systems to ethics as a practice of self-care and the creative formation of the self. In the Nietzschean vein, his approach viewed morality as an aesthetic and personal practice rather than a universal law.[42] This perspective can be seen as a continuation of the Socratic tradition of grounding morality in the question "How should I live a virtuous life?" or "How can I become a better person?". Yet it can also be interpreted as orienting the individual toward self-centredness and a kind of narcissism of the strong, primarily concerned with the refinement of one's conduct, style, and aesthetic appearance – as in Nietzsche's idealization of imagined Hellenic and Roman cultures as embodied in heroic statesmen and leaders.

In addition, it is not clear whether Foucault is describing morality as it actually exists, or as it ought to be. If his intent is descriptive, his claim can be refuted by showing that morality functions differently in practice. Human beings possess innate moral intuitions, act from diverse moral motivations, and differ in their understanding of moral duty and in their ethical practices. If, however, the intent is prescriptive, then we are dealing with a moral stance and conviction that Foucault aims to generalize and that can be interpreted and analysed. A critique of such a stance may be prompted by a moral conviction regarding the danger of conflating aesthetic with moral judgement. Alternatively, it may stem from the view that formulating moral values ought, at the very least, to aspire to universality, not through the imposition of universal rules, but through universalizing one's own humanity and, accordingly, recognizing the dignity of every human being.

42 Ibid., p. 26.

To this, I will add a consequentialist observation: amid the struggles for justice and liberation, denying the existence of the humanity that binds all human beings can only produce harmful consequences.

2. The Question of Moral Rules and Individual Responsibility

As discussed earlier, postmodern thinkers are preoccupied with the shattering of grand narratives. In the moral realm, this translates into the insistence on confining morality to individual moral choice, a position that is coupled with the assertion that mere adherence to moral rules does not make an action moral. In *Postmodern Ethics* (1993), Zygmunt Bauman offers a conception of morality in a postmodern context. It emphasizes moral uncertainty in a world shaped by the decline of the authority of universal reason, as formulated by modernity. To my mind, this is one of those sweeping generalizations that are widely repeated yet rarely examined. Still, Bauman – whom I regard as a rational, critical thinker, although some associate with postmodernism – asserts that this decline in what he calls the "authority of universal reason" does not leave behind a nihilistic void. Rather, it opens the way for a new kind of moral responsibility rooted in the individual's relationship with the Other.

Moreover, responding to the criticism that postmodernism leads to a relativism that allows everything, he takes issue with certain postmodern theorists who create this impression. He also censures the hypocrisy of developed Western societies that claim to subscribe to universal values but practise them as narrow, localized ones – a valid critique, indeed.

Bauman defines postmodern ethics as "morality without an ethical code". Morality rests on the self's responsibility toward the Other. Specifically, it is rooted in the face-to-face encounter between the self and the Other, an encounter that calls forth a responsibility exceeding the dictates of rules. Imposed duties are not the same as moral responsibility. Individuals distinguish themselves from others through the assumption of moral responsibility ("The Moral" in Bauman's terms); they resemble others in the performance of duties ("Ethics").[43] This distinction resembles the one drawn by Foucault discussed above.

Some "wordplay" is involved in Bauman's densely written account. No society can function unless a majority understands morality in terms of duties – or more precisely, prohibitions. This is particularly true in societies marked by fragmentation of the public sphere and the decline of public morals and the weakening of individuals' sense of responsibility toward the common good. Yet compliance with prohibitions is not sufficient to distinguish individuals from each other in terms of their understanding of what it means to do good, or of what they do to cultivate their characters and find meaning in their lives. The debate over the nature of ethics of responsibility has long existed among modern moral philosophers under headings such as consequentialism and virtue ethics.

Bauman's argument resembles Charles Taylor's discussion of finding meaning and individual identity in values that define the self, or what Bauman calls "moral self". In my view, this stands in stark contradiction to the postmodern discourse on the end of the subject or the "death of man" – unless what is meant is the death of man in modernity and his resurrection in postmodernity.

Bauman maintains that the absence of a unified moral code does not weaken the sense of responsibility but intensifies it. In the absence of the reassurance of external certainty, moral decision-making reverts to the conscience of the individual, who must assume full responsibility. But when did modernity ever combine the reassurance of an external certainty with the autonomy of the individual?

Can any society – whether we call it modern or postmodern – exist without moral rules? Individuals face moral responsibility in their relationship to the Other, whether or not moral rules exist. Moral rules

43 Zygmunt Bauman, *Postmodern Ethics* (Oxford: Blackwell, 1993), pp. 5, 11, 14, 48.

and deontological values – especially universal prohibitions such as "Do not kill", "Do not steal", "Do not lie", "Do not violate the dignity of others" – do not diminish the challenge of taking responsibility toward the Other. Moreover, this responsibility has never been either fully realized or entirely absent at any known stage of human history.

Postmodernists' quick and sweeping generalizations bring to mind similar claims made by many modern philosophers and literary figures regarding the decline of premodern religious certainty, the disintegration of intimate social bonds in rural communities and and other traditional forms of social life, and the rise of individual responsibility in the modern age. They also echo some generalizations associated with the rise of Romantic philosophy in reaction to Enlightenment thought, as well as the Frankfurt School's critique of instrumental reason under advanced capitalism and mass society. It seems that such patterns of thought recur during periods of major transformation and crisis.

Bauman observes that under the bureaucratic ethics of modernity, one could say: "I am only obeying the rules" or "I am following the law", thereby evading responsibility and transferring it to the system. In postmodern ethics, by contrast, these external assurances collapse, and responsibility reverts to the individual. It is a condition in which "morality has no excuse", as he puts it. Each individual, alone, encounters an open-ended moral dilemma: having to choose between good and evil without absolute assurance – it is "a cruel predicament … a drama of choice".[44]

A warning against blind obedience to laws, regulations, and orders in the name of one's official duties is present in every line of Bauman's argument. This was precisely how some Nazi officials justified their conduct during the Holocaust – a justification that avoids facing the choice between good and evil and thus shirks responsibility. Here the motivation behind Bauman's argument becomes clear: he is the author of *Modernity and the Holocaust*.

It is also worth stressing here that there is no connection between committing a crime out of obedience to laws or orders and the existence of general moral rules. In both cases, obedience or disobedience constitutes a moral stance and does not absolve one of moral responsibility. Nor is there any guarantee that individuals will refrain from obeying orders in the future because of some hidden feature distinguishing postmodernity that supposedly endows individuals with moral responsibility. Unless, of course, Bauman's argument is not an analysis of a historical condition distinct from modernity but rather a call for such moral responsibility.

I disagree with Bauman's assertion that moral action is not amenable to codification. Without some degree of codification, no society can function. Yet he correctly observes that genuinely moral acts often arise in response to the unique needs of a particular individual, which no general law can determine. Showing empathy may require breaking a rule or going beyond the bounds of duty. Like Derrida, Bauman underscores the elements of singularity and spontaneity in moral action: "Before society, its law-makers and its philosophers come down to spelling out its ethical principles, there are beings who have been moral without the constraint (or is it luxury?) of codified goodness".[45]

Although I am inclined to accept Bauman's insistence that moral reasoning is not purely rational, that it is rooted in human nature, and that individuals' moral nature leads to social life rather than the reverse, it is still important to stress that individuals have never existed in isolation – whether in human history or in their personal histories. They have always lived within groups or societies, which entails norms, prohibitions, and duties. It is true that these do not exhaust the domain of morality. Individual morality begins with their conscious practice, that is, with a conscious and often tense relationship to those norms,

44 Ibid., p. 13; Zygmunt Bauman, "What Prospects of Morality in Times of Uncertainty?," *Theory, Culture & Society*, vol. 15, no. 1 (1998), p. 13.

45 Bauman, *Postmodern Ethics*, p. 61.

and does not end with individual moral choices, even in the most traditional societies. The importance of such choices, however, increases with the growing autonomy of the individual and the expansion of freedoms in modern society.

Bauman emphasizes the absence of what he calls "universal certainties", yet without relinquishing the call for moral commitment. He holds that postmodernity restores ethics to the human level. Rather than erasing the distinction between good and evil, the postmodern condition compels us to confront that distinction in the course of our own moral decisions. Bauman's work constitutes a philosophical response to the equation of postmodernism with moral decay. He paints a picture of moral actors without universal assurances, each a moral subject bearing individual responsibility. It is a morality grounded not in rules but in dialogical relationships with others, consistent with the postmodern emphases on alterity, locality, and difference.

The problem emerges when one agrees with postmodern thought in its most important texts on ethics. The adamant rejection of universal rules leads to an exaggerated account of the burden of individual moral responsibility, which reaches an even greater extreme Derrida's *The Gift of Death* (1992). Derrida approaches morality through the concept of responsibility and questions the assumption that moral decisions can be made on the basis of clear universal rules.

In that book, Derrida treats the biblical story of Abraham and Isaac as an example of an aporia – that is, an irresolvable dilemma given the available premises, in this case moral premises. He argues that any decision worthy of being called moral involves such an aporia, as no general rule can dictate – or even justify – the decision. Yet the individual must still make a choice and bear responsibility for it. If a decision could be determined in advance by a rule or formulaic calculation, then, according to Derrida, the consequent act would not be an authentically moral act; it would be merely an act of obedience and execution. This is mistaken. Choosing to adhere to a moral rule – provided that adherence is itself voluntary – is already a moral decision.

For Derrida, however, true responsibility lies in the state of anxiety and uncertainty about what is right under any given rule, where every decision has a cost, since responding in solidarity to the call of one obligation entails sacrificing another. In *The Gift of Death*, he formulates this point forcefully: "I cannot respond to the call, the request, the obligation, or even the love of another without sacrificing the other other, the other others".[46] The problem is that, for Derrida, this dilemma is not confined to extreme cases such as God's command to Abraham to sacrifice his son; rather, it lies at the very heart of morality. Responsibility toward one person implies irresponsibility toward others, since human attention and resources, at any given moment, are limited.

Is it true that deciding to help a needy or oppressed person at any given moment means neglecting others? Is there, indeed, a moral duty to help all human beings? In my view, the answer is no. Responsibility is, by definition, the antithesis of irresponsibility. But it does not follow that exercising responsibility toward one person simultaneously entails irresponsibility toward everyone else. Nor does failing to help someone amount to helping all others. Failure to assist is not an act that occurs when one is helping someone else. On the contrary, acting in solidarity with the oppressed in one area may contribute to helping others, by setting an example, for instance. Certainly, people face dilemmas when having to choose how to allocate limited resources, but such dilemmas are not peculiar to morality alone.

Although Derrida's conception of moral responsibility is open to discussion, I do not believe he identifies a genuine problem. Moral action is rarely motivated by general rules but instead is usually a

46 Jacques Derrida, *The Gift of Death*, David Wills (trans.) (Chicago: University of Chicago Press, 1995), p. 68.

response to particular cases. Individuals may internalize certain general rules, thereby making them part of their motivations. They may also act out of their moral sense or a desire to be a good or noble person. Indeed, they may simply conform to a social norm in their conduct or in their stance toward a particular issue, believing this to be the moral course of action expected of them.

One may face situations in which assuming one responsibility entails neglecting another, or where helping one person – rescuing them from the atrocities in Gaza, for example – means abandoning others, given the limits of one's available resources for acts of solidarity. But does helping a single person really create such a dilemma? Or is Derrida overcomplicating the matter? The ordinary moral person (as distinct from the philosopher) – someone who is genuinely noble or altruistic – helps those they can recognizing that they cannot help everyone. Nor does this mean that such help comes at the expense of others. That conclusion rests on a fallacy based on pairing a word with its opposite, unless the philosopher simply means that any act of assistance comes at the cost of one's time or comfort. However, the moral person does not think in this way. They understand that benevolent deeds require a sacrifice of time, and perhaps money, and they weigh their abilities and resources accordingly. This is not an ethical dilemma. The real problem arises in cases of conflicting commitments, where meeting one comes at the expense of another. For example, one hesitates between helping victims of injustice and fulfilling one's obligations toward one's family. This issue has been extensively discussed in moral philosophy, and Derrida contributes little that is genuinely new.

Nor should we forget that many people believe that the most effective moral act, instead of rescuing a person or two from poverty or war, is political struggle against such conditions. They might then combine, if possible, individual acts of compassion with political action. There are many ways to avoid confronting Derrida's dilemma.

Moral philosophy has long grappled with dilemmas arising in extreme situations, such as whether to sacrifice one person to save many others, or whether to torture a prisoner to extract a confession that could save lives. These, too, involve conflicts between values, as well as between moral theories – for instance, between consequentialist reasoning, which may permit such actions in certain cases, and deontological approaches, which prohibit torture absolutely. But this is not Derrida's intent; his claim is far too general, reducing every moral responsibility to one responsibility undertaken at the expense of another. It thereby transforms moral action into a source of suffering rather than of fulfilment.

What is particularly striking in this context is Derrida's invocation of the story of Abraham, which does not belong in this discussion. It is wholly unsuited to illustrating the kind of moral dilemma he seeks to explain. The entire biblical episode is about a test of faith, not a test of morality. From a moral standpoint, there should be no dilemma. Sacrificing one's son is an immoral act, and the moral question it raises is easily resolved by any human being. There is no moral dilemma here. This is not a case of upholding one moral value at the expense of another. Agreeing to sacrifice one's son is to prefer obedience to God over both morality and one's love for one's child. But this situation does raise an important question, namely, the potential conflict between religious faith and morality. Certain forms of religiosity – especially the more dogmatic ones – prioritize faith, as they understand it, over morality. They behave as though faith were a substitute for morality. Many societies have suffered the consequences of religious dogma that replaces morality with absolute faith and blind obedience. Some continue to suffer those consequences today, including parts of Iraq and Syria formerly controlled by the Islamic State (ISIS).

The moral person, by contrast, gives priority to moral values over religious faith, or interprets their faith in moral terms, thereby enabling them to preserve that faith while rejecting any immoral practice carried out in its name. The model presented by Abraham is one of combining absolute faith with absolute obedience, without questioning the reason or the purpose. God tested him, and he passed the test by preferring obedience over parental love (having suspended morality altogether). Only then did God provide a ram to sacrifice instead of his son. But whenever religious extremists prefer their literal understanding of the texts they believe in over moral values (whose existence they themselves recognize), God neither speaks to them directly nor sends a ram at the end of the test. Yet they continue to prefer what they regard as a higher purpose, accessible only to an elite among the faithful, over the values that bind ordinary people. They thereby "rise" above those values when, in reality, they sink below them.

Does this not recall Nietzsche's revaluation of values – despite the fact that he believed in no religion and despised what he called "slave morality"?

Conclusion: On the Nature of Morality

Doubt about grand narratives and refusing to confine explanations of the world, or "truth", to science gave rise to scepticism not only toward theories of ethics but also toward universal morality. These have come to be viewed as a form of Western discourse invested in relations of power and domination over the rest of the world. This outlook ignores the fact that certain currents within Islam and Christianity advanced universal moral values for all humanity long before modernity. These values were grounded in the oneness of God, His creation of the universe and humankind, and His appointment of humans as His representatives on earth – in contrast to modernity's emphasis on human centrality.

In this respect, postmodern thought begins by questioning the very foundations upon which moral theory has been built. Its scepticism encompasses every comprehensive moral theory, whether grounded in divine law, universal rationality, an assumed human essence, or aspects of human nature. Instead, morality is understood as a collection of local narratives, each legitimate only within its own historical and geographical boundaries, without any claim to an absolute, all-embracing moral truth. We should take note of an underlying assumption in the postmodern approach: it treats moral theories in the same way it treats scientific ones, despite the fundamental difference between the two. The former are not scientific theories; they are philosophical propositions. On the one hand, they offer explanatory models; on the other, they articulate moral values to which people ought to aspire. In other words, they are normative theories.

In general, modern moral philosophies assume the existence of a human moral sense that can serve as the foundation for moral rules. There is an important distinction between criticizing moral theories that derive moral rules from a particular principle and criticizing universal morality. The latter does not depend on the existence of universal moral theories. Moral conduct grounded in the belief that humanity is a shared attribute of all human beings does not necessarily proceed from acquaintance with any particular theory of moral philosophy.

There is also a distinction between people's attitudes and conduct in everyday life and the attempt to formulate them as general rules, as moral philosophical schools, such as consequentialism, utilitarianism, realism, and deontology, is another. Such efforts are philosophical enterprises, not unlike those of postmodern thinkers themselves. They do not legislate moral laws; rather, they classify and systematize patterns of conduct, attitudes, and forms of moral hesitation already present in human life.

Moral theories are rarely mentioned in everyday contexts or referenced in newspapers – let alone on social media. Rather, they are discussed in academic conferences and journals or perhaps cited in commentaries on government policies or parliamentary legislation from the perspective of one moral philosophical school or another. If we regard morality as applying to a community of persons that encompasses humanity as a whole, then it addresses such values as

> the respect for the life, integrity, and well-being, even flourishing, of others. These are the ones we infringe when we kill or maim others, steal their property, strike fear into them and rob them of peace … We are dealing here with moral intuitions which are uncommonly deep, powerful, and universal. They are so deep that we are tempted to think of them as rooted in instinct … There seems to be a natural, inborn compunction to inflict death or injury on another.[47]

While it seems natural, in my view, that deontological morality should apply to human beings as such – i.e., universally – the problem lies in the fact that belonging to a group tends to activate moral values primarily within the group, and only conditionally outside it, subject to a variety of conditions and circumstances. At the same time, individuals differ in how they define the boundaries of the group. One person's horizon may encompass all of humanity, as in the Stoic concept of the cosmopolis and its motto: "all human beings are brothers".

Scientific practice is difficult to imagine without laws and theories, but moral practice is woven into the fabric of life itself, both in modernity and beyond. Humans adopt moral positions in their daily interactions with others, from family members to strangers they encounter, without consulting moral theories. They do so because they possess certain values, as well as both moral and non-moral motives. If a society lacks shared public values – let alone laws – it cannot rely solely on its members' individual sense of moral responsibility and personal calculations. Such a situation gives rise not to a postmodern society but to a condition of disorder. Yet norms, laws, and prevailing values alone do not create a moral society. For that reason, there must also be moral individuals capable of critically questioning these norms, laws, and values.

Values are not called "universal" simply because all people adopt them. Not all people act in accordance with universal values, nor do governments base their policies on them. Universal values are those formulated to apply to all human beings. They may sometimes be expressed as natural rights inherent in all humanity. They have achieved widespread recognition and legitimacy and remain capable of being defended. Today, it has become difficult to make moral judgements about individuals' behaviour, institutional policies, or state actions beyond the sphere of personal relations, in a manner that is intelligible to others without invoking universal values.

One might assume that the source of postmodernists' scepticism was not the collapse of scientific theories before the eyes of these late 20th-century thinkers – even though they later invoked such Thomas Kuhn, Paul Feyerabend, and others to support their scientific relativism. Rather, its origins were moral, arising from great disillusionment within Western civilization, such as the horrors of World War II and the Holocaust; the alienation of the individual in mass consumer societies awash with media spectacle;[48] dismay at the dictatorships and other outcomes of socialism in the Soviet Union and Eastern Europe; and the commodification of everything, including culture, in advanced capitalist societies.

Postmodern thinkers were no more sensitive than others to these shocks. Many Marxists abandoned Marxism following the Soviet intervention in Hungary (1956) and the exposure of Stalinist crimes at the Twentieth Congress of the Communist Party of the Soviet Union. Some turned to Kant in an attempt to correct the conflation of theory and moral values in historical materialism. Meanwhile, the Frankfurt School – from Adorno and Horkheimer's *Dialectic of Enlightenment* to Herbert Marcuse's *One-Dimensional Man* and *Reason and Revolution* – subjected mass culture and its commodification to sustained criticism, offering profound, emancipatory critiques of Western modernity, while opposing both capitalist exploitation and the authoritarianism of bureaucratic socialist regimes.

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47 Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), pp. 4-5.

48 Some postmodern thinkers have recast these societies as domains of freedom and individuality, viewing "trends" as a mode of rebellion and individual personality formation, unconstrained by rules of appearance or "style". The generation represented by Gilles Lipovetsky presents the most forceful expression of this view. They see themselves as moving beyond postmodernity into hypermodernity. See: Gilles Lipovetsky & Sébastien Charles, *Hypermodern Times* (Cambridge: Polity Press, 2005). This book epitomizes the view that postmodern thought is a phenomenon linked to late capitalism.

Therefore, in my view, these shocks are not sufficient to explain the postmodernists' moral scepticism and relativism. Rather, what led to what Lyotard calls the "loss of authority" enjoyed by traditional value systems was the fragility of the French philosophical milieu under a French regime that collaborated with Nazism. This milieu proved incapable of criticizing that regime directly or of holding itself accountable for its failure to do so, while French and German philosophers continued to produce their work under it.

This angst-ridden current in French philosophy discovered revolutionary critical elements in the thought of Nietzsche and Heidegger – the two thinkers least qualified to provide points of departure for a critique of Nazism and fascism. Indeed, the Nazis themselves were more influenced by them than by any other modern thinkers (albeit – as others argue – through misinterpretation).

After World War II, postmodernists extended the scope of their critique to Western culture as a whole. Once this process began with Nietzsche's elitist critique of the prevailing value system (a premodern critique because of its aristocratic character), it developed its own internal dynamic, and Nietzsche's premodern critique was transformed into a postmodern one. One of the ironies in the history of ideas is that, when Nietzsche's critique of values is exported to "us" in postmodern guise, it reverted to its original premodern form. In this context, it becomes necessary to rethink the origins of morality. If belief in the existence of moral foundations or dispositions in human nature is abandoned, or if the possibility of universal values is denied, then the origin of morality becomes contingent upon and dependent on historical and cultural contexts. Such a claim explains everything and, hence, explains the specificity of nothing. Failure to grasp what distinguishes a phenomenon from another is a failure to understand it at all.

It should also be added that postmodern philosophy emerged after the failure of the student movement, or cultural revolution, of the 1960s to achieve a political revolution, although it contributed to transforming Western societies by strengthening the link between democracy and liberalism and expanding the scope of individual freedom. It preserved radicalism largely at the level of discourse, expressed in its emphasis on difference and plurality as though they were forces of good, in contrast to unity, identity, universality, totality, and order, which were cast as forces of evil. The leading figures of this current recognize the existence of these tensions and acknowledge them. However, they are unwilling to view them in their totality and, instead, align themselves with one side of the opposition – for example. Because of this prior commitment to one pole against another, postmodernism itself can become exclusionary, censorious, and orthodox: it welcomes the language of gender while dismissing class; it embraces cultural particularity while excluding human nature; it speaks extensively of the body, pleasure, and power while avoiding questions of justice and equality; and it overuses postcolonial discourse while avoiding questions of liberation movements and state-building.[49] In their critique of liberalism, postmodernists ignore the fact that life under it is preferable to life under tyranny, because they refuse to view phenomena in their totality, including liberal democracy in all its contradictions and historical development.

Postmodern thought is neither nihilistic nor devoid of morality. Rather, it reimagines morality as contextual, pluralistic ethics centred on alterity and on the formation of the self without foundational grounds. But does this justify accusing it of moral relativism? Is it possible to construct a coherent moral outlook in the absence of foundations?

Postmodern ethics is concerned with the "other" (whether a concrete individual or someone identified as belonging to a different culture) and with the relationship of the subject to itself, rather than with obligations or abstract principles. Whereas a modern ethical person might ask, "What is the universally correct action in this situation?", "How would a moral person behave here?", or "How do I realize my self-conception through moral action?", a postmodern moral person is more likely to ask: "What is the

[49] Taylor, pp. 7-9.

nature of my relationship to this particular other in this spatio-temporal context, and what moral obligations arise from that relationship?". Nevertheless, it quickly becomes clear that answering this question requires presupposing either moral dispositions inherent in human beings as such or moral rules that may be followed or transgressed. This, in turn, takes us back to questions associated (perhaps imprecisely and arbitrarily) with what might be called the "modern moral subject".

Postmodern thinkers do not concern themselves with the distinctions that could genuinely make a difference in moral behaviour. These include: first, the distinction between a person whose actions and behaviours are guided by value-based considerations and another who readily sidelines morality in favour of other considerations at the first real test; second, the distinction between two individuals in terms of the nature and weight of moral considerations in their conduct and lives generally, relative to interests, fears, and other calculations; third, the distinction between an autonomous individual – whether called modern or not – and an individual constrained by the norms of the group to which they belongs, acting according to its conventions and its definitions of what is good and bad in every circumstance; and fourth, the distinction between an autonomous individual with strong moral commitments and another for whom morality consists merely in obeying the law and refraining from prohibited acts, while remaining indifferent to doing good for those outside the narrow circle of family or the identity group to which they are attached.

In my view, these are important questions. Most of them receive little attention in modern moral philosophy, and they are equally absent from postmodern critiques directed against it.

Many other distinctions between what is moral and what is immoral readily come to mind. All of them have been, and remain, far more meaningful than the distinction between a modern and a postmodern moral subject. If an ordinary person were to assess the conduct of authors of difficult postmodern texts by looking at their lives beyond their books and philosophical debates – even in the corridors of the university – the distinctions outlined above would prove far more illuminating than the distinction between a modern and a postmodern person.

It thus becomes clear that the critique of universality, the glorification of alterity and difference, and the departure from normative models in favour of a Nietzschean aesthetic project of self-formation do little to determine whether a person treats others with respect; refrains from harming or degrading them; is sincere in the expression of emotions; helps those in need; refrains from ranking human beings by worth; is racist or not; or remains a passive observer in the face of the annihilation of another people.

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Ahmed Ibrahim Abushouk*

Sudanese Peace Agreements (1972-2020): The Legacy of State Formation and the Challenges of Sustainability**

اتفاقيات السلام السودانية (1972-2020): إرث المنشأ وتحديات الاستدامة

Abstract: This study examines Sudanese peace agreements from 1972 to 2020, analysing the roots of conflict between the political centre and peripheral regions. The analysis draws on the concept of the legacy of state formation, which has cumulatively shaped historical grievances, primarily through political, economic, and cultural marginalization. The study argues that, since the colonial period, central state policies have concentrated development and power in the riverain provinces at the expense of other regions. This situation led to the emergence of grievance-based movements that later evolved into armed insurgency. Although several peace agreements were concluded between the warring parties, most relied on partial sharing of power and wealth while failing to address the fundamental causes of conflict. Further compounding this failure were a lack of trust among factions, foreign mediator intervention, failure to implement commitments, and the use of such agreements to serve short-term political agendas. The study finds that the failure to sustain peace was a direct consequence of persistently ignoring the legacy of state formation and the absence of structural solutions.

Keywords: Sudanese Peace Agreements; Legacy of State Formation; Sudan; South Sudan; Darfur.

الملخص: تبحث هذه الدراسة في اتفاقيات السلام السودانية في الفترة 1972-2020، من خلال تحليل جذور الصراعات بين المركز والأطراف، استنادًا إلى مفهوم إرث المنشأ الذي يعكس تراكم المظالم التاريخية الناتجة من التهميش السياسي والاقتصادي والثقافي. وترى الدراسة أنّ سياسات الدولة المركزية منذ الحقبة الاستعمارية ركّزت على التنمية والسلطة في الوسط النيلي على حساب مناطق أخرى، وهو أمرٌ ولّد حركات مطلبية تحوّلت لاحقًا إلى تمرّدات مسلّحة. وعلى الرغم من توقيع عدة اتفاقيات سلام كثيرة، فإنّ معظمها اتسم بـتقاسم جزئي للسلطة والثروة من دون معالجة أسباب الصراع البنيوية، إضافة إلى غياب الثقة بين مختلف الأطراف، وتدخّل وسطاء خارجيين، فضلاً عن نقض الالتزامات، وتوظيف الاتفاقيات لأجندات سياسية قصيرة المدى. وتؤكد النتائج أن الفشل في استدامة السلام كان نتاجًا مباشرًا لاستمرار إرث المنشأ من دون حلول جذرية.

كلمات مفتاحية: اتفاقيات السلام السودانية؛ إرث المنشأ؛ السودان؛ جنوب السودان؛ دارفور.

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** This study was originally published in Arabic in: Ahmed Ibrahim Abushouk, "Ittifāqiyyāt al-Salām al-Sūdāniyya (1972-2020): Irth al-Manshaʾ wa-Taḥaddiyāt al-Istidāma," *Siyasat Arabiya*, vol. 13, no. 76 (September 2025), pp. 49-67.

Introduction

Upon gaining independence on 1 January 1956, Sudan faced multiple deep-rooted political, economic, and social challenges: defining its system of government, achieving balanced development, and managing cultural and social diversity within a framework of sustainable national unity. Among these challenges was the emergence of movements in the peripheral provinces (*mudīriyyāt)*, demanding their legitimate right to power within a federal system and a fair share of wealth and development comparable to that enjoyed by the riverain provinces in northern and central Sudan. Successive central governments failed to meet the aspirations of these movements; on the contrary, their responses deepened the sense of deprivation in the peripheries relative to the level of development in the northern and central provinces. As a result, the nature of these movements changed, shifting from peaceful protest movements that advanced specific demands to armed movements asserting their claims and political presence through force. The ruling authorities in Khartoum concluded bilateral peace agreements with these movements, but most failed to address the root causes of the problems that had given rise to them. Others were breached by the central government itself under authoritarian regimes, and consequently these agreements foundered or proved unable to build sustainable peace in Sudan.

This study reviews and analyses the bilateral peace agreements concluded between the central government and rebel movements during the period 1972-2020, taking into account the objective circumstances under which they were reached, to identify their limitations. These agreements were all based on the principle of a political settlement and power-sharing between the two principal parties to the conflict: the central government and the opposition movements. Several fundamental questions stem from this premise: What legacy of state formation underlies the recurring conflicts between successive national central governments and peaceful protest movements? Why did peaceful movements transform into armed movements in their conflict with the central government? What common patterns characterized the bilateral agreements reached between the parties? To what extent did the power- and wealth-sharing formula that formed the basis of the negotiating agenda contribute to the failure of these agreements? If so, why?

Conceptual and Historical Framework: The Legacy of State Formation

The legacy of state formation, albeit not an established independent concept, is grounded in identity studies and political anthropology. In the Sudanese context, it intersects with other concepts, including the historical memory of injustice,[1] structural marginalization, and a central identity rooted in the dominant Arab-Islamic culture.[2] In this sense, the concept may be situated within what Benedict Anderson describes as the narratives forming part of the collective imagination,[3] or the broader collective consciousness that Sudanese protest movements employed to claim their "rightful" share of power and wealth. The concept of the legacy of state formation can thus serve as a historical and analytical framework for understanding grievance-based conflicts and the resulting peace agreements.

The features of this legacy took shape during the colonial period (1898-1956) and were reinforced by successive national governments' tendency to concentrate development in the riverain provinces, or irrigated areas, because of the profits it generated. This pattern was accompanied by the preferential appointment of people from these regions in the civil service owing to their professional qualifications, which were not available to people from less developed regions. At the same time, other cultures were marginalized

1 For more detail, see: Francis M. Deng, *War of Visions: Conflict of Identities in Sudan* (Washington, DC: Brookings Institution, 1995).

2 For more detail, see: Ahmed Ibrahim Abushouk, *al-Sūdān: al-Ṣulṭa wa-l-Turāth*, vol. 6 (Omdurman: Abdulkarim Mirghani Centre, 2018), pp. 181-232.

3 For more detail, see: Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York/London: Verso Books, 1983).

in favour of the dominant Arab-Islamic culture. The legacy of state formation thus constitutes a symbolic, cultural, and political reservoir linked to an individual's or a group's affiliation with a particular race, culture, or place. It is invoked in political, social, and cultural discourse to justify demands, explain accumulated grievances, or affirm the us-versus-them dynamic.

The legacy of state formation was therefore tied to policies of structural marginalization, practised consciously or unconsciously by successive national governments, which led to civil wars in southern Sudan (1955-1972, 1983-2005), Darfur (after 2003), southern Kordofan, southern Blue Nile, and eastern Sudan. Armed movements in these regions instrumentalized the legacy of state formation, with its various components, as a slogan for their political and military struggle to claim their share of power and wealth, citing inequitable development policies and the marginalization of cultural, linguistic, and religious identities in favour of the identity of the riverain provinces, whose members monopolized key public positions in the state.

This study uses the legacy of state formation as a historical framework for discussing the justifications underpinning armed movements' demands. This legacy endured throughout successive peace negotiations and agreements, reflecting the inability of both the central government and the peripheries to alter its core components. Key themes associated with this legacy – "uneven development", "the monopoly of key public positions by members of riverain groups", and "the marginalization of cultures, religions, and ethnicities in favour of Arab-Islamic culture", which formed the culture of the ruling centre – were repeatedly invoked in negotiations and peace agreements between the central government and some armed, demand-based movements. The historical narrative shows how the components of the legacy of state formation posed a challenge to sustainable peace agreements and were among the factors that led to the secession of South Sudan in 2011.

The Recurrent Historical Dimension in Sudanese Peace Agreements

The legacy of state formation was one factor that led to conflict between successive national governments in the centre and peaceful protest movements in the peripheries. This conflict was rooted in ethnic, religious, cultural, and economic disparities, reinforced by the legacy of slavery and its negative repercussions,[4] as well as by the investment philosophy of the colonial government, which concentrated its economic projects and the development of supporting human resources in areas with sustainable irrigation, as these were more profitable than rain-fed agriculture and pastoral activities.[5]

The colonial state established structural barriers through its Closed Districts policy, which permitted Christian missionary and proselytizing organizations to operate in southern Sudan. This arrangement gave rise to a social stratum that, having benefited from colonial development projects unavailable to the less developed provinces, gained influence over central decision-making. It also reinforced an already ingrained sense of superiority among Arabized Muslim northerners and their condescending attitude towards other social groups that neither claimed an Arab or Islamic affiliation nor possessed the modern cultural and educational foundations that would qualify them to control the levers of power and wealth in the political centre.[6] This distinction manifested in the emergence of southern parties with a regional character, representing a rejection of the nationalist movement parties with their Arab-Islamic leanings, which had failed to establish effective channels of political communication with southern constituencies.[7]

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4 For more detail, see: Muhammad Ibrahim Naqd, *ʿAlāqāt al-Riqq fī al-Mujtamaʿ al-Sūdānī: al-Nashʾa, al-Simāt, al-Iḍmiḥlāl* (Cairo: Dar al-Thaqafa al-Jadida, 1995); Mansur Khalid, *al-Sūdān: Ahwāl al-Ḥarb wa-Ṭumūḥāt al-Salām, Qiṣṣat Baladayn* (Khartoum: Dar Madarik, 2008), pp. 77-126.

5 For more detail, see: Joseph Garang, "al-Ṭarīq al-ʿIlmī li-Ḥall Mushkilat Janūb al-Sūdān," *Majallat al-Taliʿa*, no. 9 (September 1969), pp. 92-98.

6 For more detail, see: Deng.

7 For more detail on the party lists that took part in the parliamentary elections from 1953 to 1986, see: Ahmed Ibrahim Abushouk & al-Fatih Abdullah Abdulsalam, *al-Intikhābāt al-Barlamāniyya fī al-Sūdān (1953-1986): Muqāraba Tārīkhiyya-Taḥlīliyya*, 2nd ed. (Doha/Beirut: ACRPS, 2020).

At this juncture, the divide between the Arabized Muslim north and the African south, with its mostly Christian or traditional local beliefs, deepened into a stark north-south rupture. Signs of this tension began to appear before the declaration of independence, in protests by the southern elite against the unilateral political and administrative decisions made by northern party leaders that laid the foundations of the post-colonial state. The early protests centred on pivotal issues, including the exclusion of southerners from the self-government negotiations that produced the 1953 agreement, the limited ministerial representation granted to southerners in the first transitional government formed by the National Unionist Party (1954-1956), and the decisions of the Sudanisation Committee, which were criticized as unfair for failing to fulfil the commitments made at the Juba Conference in 1947.

These and other issues were discussed at the second Juba Conference, organized by the Liberal Party from 18 to 21 October 1954. With attendance limited to southerners, *al-Ayyam* newspaper described the conference as "racial prejudice" on the grounds that it excluded non-southerners and focused solely on southern affairs, as if the south and the north did not constitute a single country.[8] Prior to the conference, the government in Khartoum took several pre-emptive measures intended to undercut its effectiveness, including announcing higher salaries for southern employees and workers to bring them into line with those of their northern counterparts.[9] Nevertheless, in addition to criticizing the marginalization of southerners in discussions of crucial issues and the Sudanization of administrative and military posts, conference participants advanced two fundamental recommendations. The first called for the full independence of Sudan – meaning no union with Egypt – and the second affirmed the need for a federal relationship between the south and the north within a unified Sudan.[10] The participants rejected the policy of replacing foreign officials with northerners, arguing that it would lead only to unrest and chaos in the south. They further demanded secession should federalism be rejected, arguing that the south could not survive without it.[11]

These factors combined to create fertile ground for the outbreak of the first southern rebellion on 18 August 1955, which lasted for several months.[12] Some political circles attributed the timing of the rebellion to Egyptian intelligence, which was dissatisfied with the Sudanese parliamentary resolution of 16 August 1955 affirming the Sudanese right to self-determination and addressing the condominium powers accordingly, with no mention of union with Egypt.[13] Once the turmoil in southern Sudan had abated somewhat, the transitional government began the parliamentary process of declaring independence. Southern representatives reiterated their demand for a federal system of government between the south and the north that would allow them to govern themselves, free from the tutelage of northern officials. The transitional government (1954-1956) accepted this demand in exchange for southern parliamentary support for the declaration of independence (the House of Representatives and the Senate). Yet after independence was declared by unanimous parliamentary vote on 19 December 1955, the government reneged on its promise, thereby igniting a civil war that lasted in southern Sudan for 17 years (1955-1972).[14]

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8 Cited in: Faisal Abdulrahman Ali Taha, *al-Sūdān ʿalā Mashārif al-Istiqlāl al-Thānī: 1954-1956* (Omdurman: Abdulkarim Mirghani Centre, 2010), p. 128.

9 Ibid., pp. 130-132. For more detail on the problem of wages in southern Sudan, see: Abdullah Ali Ibrahim, "Ḥaraka Waṭaniyya Sūdāniyya am Ḥarakāt Waṭaniyya: Tārīkh mā Ahmalahu al-Tārīkh ʿan Janūb al-Sūdān: Ujūr al-Zanj wa-Masʾalat al-Janūb," in: *Infiṣāl Janūb al-Sūdān: al-Makhāṭir wa-l-Furaṣ* (Doha: ACRPS, 2012), pp. 113-147.

10 Cited in: Taha, *al-Sūdān ʿalā Mashārif al-Istiqlāl al-Thānī*, p. 128.

11 Ibid., pp. 134-135. Further detail is found in: Salman Muhammad Ahmad Salman, *Infiṣāl Janūb al-Sūdān: Dawr wa-Masʾūliyyat al-Quwā al-Siyāsiyya al-Shamāliyya* (Fairfax, VA: Center for Sudan Research, 2015), pp. 52-75; Abel Alier, *Janūb al-Sūdān: al-Tamādī fī Naqḍ al-Mawāthīq wa-l-ʿUhūd*, Bashir Muhammad Said (trans.) (London: Midlight, 1992), pp. 20-22.

12 For more details on the rebellion and its repercussions, see: *Report of the Commission of Inquiry into the Disturbances in the Southern Sudan during August 1955* (Khartoum: McCorquodale and Co. Ltd., 1956).

13 See the summary of the deliberations on self-determination in: Mahmoud Salih Othman Salih (ed.), *al-Wathāʾiq al-Biriṭāniyya: 1940-1956,* vol. 11, 1955-1956, Faisal Abdulrahman Ali Taha (trans.) (London/Beirut: Riad Al Rayyes Books and Publishing, 2002), pp. 114-117.

14 For more detail, see: Salman, pp. 52-75.

After repeated violations of agreements, numerous attempts were made to reach a political settlement between north and south, all of which failed until the government formed on 25 May 1969 released a statement on 9 June 1969 recognizing the “cultural, economic, religious, ethnic, and social differences between north and south”. The statement then declared the government’s intention “to grant the south autonomy, putting an end to the ongoing confrontation between north and south”. It outlined a four-point programme that included a general amnesty for southerners residing abroad, specific plans for the economic, social, and cultural development of the south, and the appointment of a minister for southern affairs.[15] In accordance with the statement, President Jaafar Nimeiri (1969-1985) appointed Joseph Garang as minister for southern affairs (1969-1971). Abel Alier succeeded him in the same position after the suppression of the coup of 19 July 1971.

The government’s willingness to address the southern problem from a new perspective, coupled with the role played by the minister for southern affairs and the mediation efforts of Ethiopia and the church councils, paved the way for direct negotiations between the central government and rebel factions in the south,[16] culminating in the Addis Ababa Agreement in 1972.[17] The agreement set out four fundamental principles to define the relationship between north and south: first, respect for all religions, including traditional African religions, and the non-conferral of a religious character on the state; second, recognition of the cultural characteristics of the people of the south, including their right to develop their local culture and arts; third, recognition of the south’s right to self-governance without domination by the central government; and fourth, the integration of the armed movements’ military factions into the People’s Armed Forces through a joint committee composed of both parties, with these forces placed under the president’s authority in their internal and external operations.[18]

Based on these principles, and given that most were implemented in practice, the Addis Ababa Agreement succeeded in preventing the resumption of war between north and south for eleven years. However, it failed to build a durable peace founded on restored mutual trust, to lay the groundwork for a democratic transition as envisaged in the agreement, or to implement the social and economic development projects agreed upon by the two parties. This failure can be attributed to the performance of the southern regional government and, at times, to a lack of cooperation from the central government, as Abel Alier details in his *South Sudan: Too Many Agreements Dishonoured*. Moreover, President Nimeiri disregarded Article 34 of the Self-Government for the Southern Provinces Act, which explicitly stipulated that the Act could be amended only by a three-quarters majority of the People’s National Assembly and confirmed by a two-thirds majority in a referendum held in the three Southern Provinces of the Sudan.[19] Ignoring this provision, Nimeiri dissolved the Southern Regional Government and divided the Southern Region into three regions, and appointed new leaders who lacked social and political weight in the south. He also

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[15] For more detail, see: Alier, pp. 48-50; Mansur Khalid, *Janūb al-Sūdān fī al-Mukhayyala al-ʿArabiyya: al-Ṣūra al-Zāʾifa wa-l-Qamʿ al-Tārīkhī* (London: Dar Turath, 2000), pp. 322-323; Mahmud Muhammad Qalandar, *Janūb al-Sūdān, Marāḥil Inhiyār al-Thiqa baynihi wa-bayn al-Shamāl (1900-1983): Qirāʾa Tārīkhiyya li-l-Mushkila min Manẓūr al-Ittiṣāl al-Ijtimāʿī* (Damascus: Dar al-Fikr, 2004), p. 299; Salman, pp. 166-167. Items in the statement of 9 June 1969 had first been proposed by the Sudanese Communist Party in 1954 and were again included in the party’s programme outlined at its third conference in 1956. See: Taj al-Sir Othman, “al-Dhikhrā 52 li-Bayān 9 Yūnyū 1969,” Centre for Secular Studies and Research in the Arab World, 8/6/2021, accessed on 16/7/2024, at: https://bit.ly/3zI9eeS. The full text of the 9 June 1969 statement is found in: Mudathir Abdulrahim al-Tayyib, *Mushkilat Janūb al-Sūdān: Ṭabīʿatuhā wa-Taṭawwuruhā wa-Athar al-Siyāsa al-Biriṭāniyya fī Takwīnihā* (Khartoum: al-Dar al-Sudaniyya, 1970), pp. 219-223.

[16] Qalandar, pp. 299-305.

[17] The Addis Ababa Agreement on the Problem of South Sudan consists of three parts. The first, “The Draft Organic Law to Organise Regional Self-Government in the Southern Provinces of the Democratic Republic of Sudan”, was agreed to on 27 February 1972 and enacted by the Sudanese government on 3 March 1972. It contains two appendices, one on fundamental rights and freedoms (A) and the other on revenues and taxes (B). Part two is the ceasefire agreement for the southern regions, while part three is made up of four protocols on interim arrangements: interim administrative arrangements, temporary arrangements for the composition of the units of the people’s armed forces in the southern region, amnesty and judicial arrangements, and the relief and resettlement commission.

[18] Khalid, *Janūb al-Sūdān fī al-Mukhayyala al-ʿArabiyya*, p. 28.

[19] Article 34 of the Self-Government for the Southern Provinces Act.

embarked on the Islamization of certain state institutions and laws, with less regard for the sensitivities of the southern provinces.[20]

These and other factors led to the outbreak of the Second Sudanese Civil War in 1983, which lasted for more than two decades (1983-2005). The war was interrupted by successive rounds of negotiations, conducted first under the elected parliamentary government (1986-1989)[21] and later by the National Salvation coup government (1989-2019). Under the Salvation Government, the Khartoum government and rebel movements concluded three agreements: first, the Khartoum Peace Agreement, signed by the government with Riek Machar on behalf of the South Sudan Independence Movement and Kerubino Kuanyin on behalf of the Sudan People's Liberation Movement (SPLM) – Bahr al-Ghazal faction on 21 April 1997; second, the Fashoda Agreement, signed by the government with Lam Akol Ajawin on behalf of the SPLM – United faction on 20 September 1997; and third, the Comprehensive Peace Agreement of 2005.

The first two agreements acknowledged the problems associated with the legacy of state formation and based their solutions on four pillars: first, recognition of the right of the citizens of the south to exercise their right to "self-determination through a referendum" in the three southern provinces;[22] second, acknowledgement that "Sudan is a multi-racial, multi-ethnic, multi-cultural and multi-religious society." Islam is the religion of the majority of the population, and Christianity and the African creeds are followed by a considerable number of citizens. Nevertheless, the basis of rights and duties in the Sudan shall be citizenship, and all Sudanese shall equally share in all aspects of life and political responsibilities on the basis of citizenship";[23] third, that "the South Sudan Defence Force (SSDF) shall remain separate from the National Army and be stationed in their locations under their command"[24] and that "Police, Prisons, Wildlife, Civil Defence, Fire Brigade and Public Security in the Southern States shall be drawn from the people of Southern Sudan", with a reduction in the size of the Armed Forces operating in the south;[25] and fourth, that "Sharia and Custom shall be the sources of legislation"[26] and "Arabic is the official language of the Sudan, English is the second language in the Sudan. The government shall endeavour to develop other languages".[27]

These four pillars indicate that the two agreements tacitly acknowledged that problems associated with the legacy of state formation constituted a genuine obstacle to Sudanese unity. This legacy prompted the armed movements to seek radical solutions, including self-determination and the non-integration of their military forces into the national armed forces, as had been the case under the Addis Ababa Agreement of 1972. Moreover, both agreements included provisions for the recruitment of some security and paramilitary units from among southerners, as well as a reduced presence of the national armed forces in the south. Indeed, Riek Machar told US Ambassador Donald Petterson that he and his party "would never waver from their insistence on the complete separation of the south from the north".[28]

[20] For more detail on the causes for the division of the south, see: Alier, pp. 231-244; Salman, pp. 541-594.

[21] The Koka Dam Declaration, signed on 20 March 1986, by the National Alliance and the SPLM, demanded that the government lift the state of emergency, institute a ceasefire, repeal the 1983 Sharia laws, and cancel military agreements with Egypt and Libya. The government rejected these conditions, and the conference subsequently failed. The Sudanese Peace Initiative, signed on 20 November 1988, by Mohamed Osman al-Mirghani, leader of the Democratic Unionist Party, and SPLM leader John Garang enshrined the principles of unity and the supremacy of citizenship over all other bonds. It also provided for the repeal of the 1983 Sharia laws pending a national constitutional conference with the participation of all political, social, and military forces, the cancellation of all military agreements between Sudan and other countries that infringe on national sovereignty, the lifting of the state of emergency, and a ceasefire.

[22] The Sudan's Khartoum Peace Agreement, 21 April 1997, Chapter One, General Principles, Article 4.

[23] Ibid., Chapter Three, Political Issues, Constitutional and Legal Matters, Religion and State, Article 1.

[24] Ibid., Chapter Six, Security Arrangements during the Interim Period, Article a.

[25] Ibid., Chapter Six, Security Arrangements during the Interim Period, Articles b and c.

[26] Ibid., Chapter Three, Political Issues, Constitutional and Legal Matters, Religion and State, Article 6/A.

[27] Ibid., Chapter Eight, Final Provisions, Article 1.

[28] Cited in: Khalid, *al-Sūdān*, p. 770.

The third accord, the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (CPA), was signed by Ali Osman Mohamed Taha, first vice-president of the republic, on behalf of the government, and John Garang De Mabior, chairman of the SPLM and the Sudan People's Liberation Army (SPLA), on behalf of the movement and the army, in Nairobi, on 9 January 2005.[29] The two parties recognized Sudan as "a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country",[30] meaning that this diversity represents the legacy of state formation and should not be used as a basis for division in determining the rights and duties of Sudanese citizens. The agreement guaranteed "freedom of belief, worship, and conscience for followers of all religions or beliefs or customs" and stipulated that "no one shall be discriminated against on such grounds". Citizenship, rather than religion, beliefs, or customs, was to be the basis for holding public office, including the presidency, provided the required qualifications are met.[31]

The agreement also acknowledged existing imbalances and discrimination within the civil service. To address these, it provided for "affirmative action and job training to achieve equitable targets within an agreed time frame" and "additional educational opportunities … for war-affected people". It established a National Civil Service Commission tasked with: first, formulating policies for training and recruitment in the civil service to allocate 20–30 per cent of positions to southerners; and second, ensuring that at least 20 per cent of the middle- and upper-level positions in the National Civil Services were filled by qualified southerners within the first three years of the signing of the agreement, rising to 25 per cent in the following five years.[32] Regarding the adoption of Arabic as the sole official state language as a form of negative discrimination, the agreement stated that "all the indigenous languages are national languages which shall be developed and promoted", while designating Arabic and English as the working languages of national government business and higher education.[33] These provisions established a general framework for managing diversity in Sudan.

Yet the negotiating parties encountered a problem concerning the sources of legislation in the constitution that would govern horizontal and vertical state relations: should they be secular or derived from Islamic law and popular consensus? The compromise they reached was as follows:

> 3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.
>
> 3.2.3 Nationally enacted legislation applicable to the Southern States and/or the Southern Region shall have as its source of legislation popular consensus, the values and customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity.
>
> 3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:
>
> (i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs…[34]

This duality of legislative sources led to the creation of two systems and four levels of government within a single state: the federal government, the government of southern Sudan, the state governments,

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[29] Negotiations for the CPA were held from May 2002 to December 2004 in Karen, Machakos, Nairobi, Nakuru, Nanyuki, and Naivasha in Kenya, under the auspices of the Intergovernmental Authority on Development and the Kenyan government. The two parties signed the agreement in Nairobi on 9 January 2005.

[30] CPA, Chapter I, Part B, State and Religion.

[31] Ibid., Chapter I, Part B, State and Religion, Articles 6.2 and 6.3.

[32] Ibid., Chapter II, Power Sharing, Part II, Articles 2.6.2.1 and 2.6.2.2.

[33] Ibid., Chapter II, Power Sharing, Part II, Articles 2.8.1-2.8.5.

[34] Ibid., Chapter I, Part C, National Government, Articles 3.2.2-3.2.4.

and local administrations. The agreement also provided for the right of the people of the South to self-determination through a public referendum to be held in southern Sudan after six years of transitional governance, at which point southerners would decide either to remain part of a united Sudan or to secede and establish the state of South Sudan.[35] The 2011 referendum resulted in a vote for secession and the establishment of an independent state.

At the same time, the problems associated with the legacy of state formation revealed that, despite the north-south division, the north was not a monolithic entity. It was itself multi-cultural, multi-ethnic, multi-religious, and multi-lingual, although Islam was the religion of the majority and Arabic served as the lingua franca for most of its inhabitants. The development projects initiated and implemented by the colonial regime to serve its strategic interests, and later inherited by national governments, had uneven effects across regions; the same applied to the legacy of slavery and issues of racial discrimination. This was clearly manifested in the armed conflicts that occurred during the CPA negotiations, most notably the civil war that erupted in Darfur in 2003.

On one side of the conflict stood the Darfur Liberation Front, which later changed its name to the Sudan Liberation Movement (SLM) and subsequently split into two main factions, later joined by the Justice and Equality Movement (JEM), founded by Khalil Ibrahim. Opposing these anti-government armed groups were the Janjaweed, armed tribal militias supported by the government in its struggle against the “rebel” movements. The escalation of the armed conflict in Darfur[36] resulted in “grave human rights violations across the [then] three states of Darfur, in which all parties to the conflict participated to varying degrees. These violations resulted in immense human suffering for the people of Darfur, manifested in displacement [within Sudan] and refugee flows into Chad” and other countries.[37] Subsequent international reports estimated the number of victims at 300,000, prompting UN Security Council intervention that internationalized the Darfur crisis at both the official and public levels. To end the war, a series of negotiations were held between the two sides, culminating in the 2006 Darfur Peace Agreement (the Abuja Agreement) between the Government of the Sudan and the SLM (Minni Arcua Minnawi faction), and the 2011 Doha Document for Peace in Darfur between the Government and the Liberation and Justice Movement.

Organizations advocating for the rights of the people of eastern Sudan to a fair share of power, wealth, and development had also evolved into armed movements by the 1990s. To end this conflict, the Sudanese government signed the Eastern Sudan Peace Agreement, which consisted of two separate agreements. The first was negotiated in Tripoli between the Sudanese government and the Free Lions Movement[38] and signed on 14 June 2000. The second was an agreement between the government and the Eastern Front. Before the final signing, the two accords were merged into a single agreement, also called the Eastern Sudan Peace Agreement, which was signed by both parties in Asmara on 14 October 2006. Years later, Musa Mohammed Ahmed, head of the Beja Congress and then assistant to the president of the Sudan, stated in a press conference that his party’s central committee was dissatisfied with the level of implementation and would raise its concerns with the Khartoum government, adding that if no response were forthcoming, they would “make a decision to withdraw from power”.[39]

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[35] Ibid., Chapter I, The Right to Self-Determination for the People of South Sudan, Articles 1.3-2.5.

[36] For more detail on the history of armed movements in Darfur, see: Muhammad al-Amin Khalifa, “al-Ḥarakāt al-Musallaḥa fī Dārfūr: al-Tarkība wa-l-Adwār,” in: Abdelwahab El-Affendi & Sidi Ahmed Ould Ahmed Salem (eds.), *Dārfūr: Ḥaṣād al-Azma baʿd ʿAqd min al-Zamān* (Doha: Al Jazeera Centre for Studies, 2013), pp. 105-136.

[37] “Taqrīr Lajnat Mawlānā Dafaʿ Allāh al-Ḥājj Yūsuf ḥawl Taqaṣṣī al-Ḥaqāʾiq bi-Dārfūr,” *Mawsuʿat al-Tawthiq al-Shamil*, 30/8/2009, accessed on 12/10/2010, at https://bit.ly/3eDwDzx

[38] The Free Lions, founded and led by Mabrouk Mubarak Salim, was an armed organization that emerged in eastern Sudan among the Rashaida tribe, with the support of the Eritrean government, in 1999.

[39] “Mutamarridūn Sābiqūn fī Sharq al-Sūdān Yuhaddidūn bi-l-Insiḥāb min al-Sulṭa,” *Elaph*, 1/9/2012, accessed on 8/4/2023, at: https://bit.ly/419QltJ

In the wake of the December 2018 revolution, the Revolutionary Front signed the Juba Peace Agreement in 2020 following negotiations conducted along five parallel tracks: 1. the Darfur track (SLM – El-Hadi Idris faction, JEM, SLM – Minni Arcua Minnawi faction, the United Popular Front for Liberation and Justice, and the Gathering of Sudan Liberation Forces); 2. the Two Areas track, covering the southern Blue Nile and South Kordofan (SPLM – Malik Agar faction and SPLM – Abdelaziz al-Hilu faction); 3. the Northern track (Kush Liberation Movement and the Northern Entity); 4. the Central track (al-Tom Hajo of the Democratic Unionist Party – Revolutionary Front); and 5. the Eastern track (the Beja Congress).[40] Before the agreement was signed, negotiations were marked by both supportive and opposing positions, and this tension persisted until the coup of 25 October 2021 and the subsequent war that began on 15 April 2023.

In sum, the Sudanese peace agreements engaged with the legacy of state formation from various angles, acknowledging its problems and its fundamental role in fuelling the conflict between the central government and the peripheries, and in generating peaceful protest movements that later transformed into armed groups. Yet the piecemeal settlements embodied in these agreements, together with the persistent lack of trust between the central government and rebel groups, were among the principal reasons for the proliferation of such agreements and their failure to establish a durable peace in Sudan. Adam Mohammed Ahmed Abdullah attributes the failure of Sudanese peace agreements to “quotas and power sharing absent a focus on the core issues”, as well as to the failure to consult technical and academic bodies in developing appropriate solutions. Central governments were primarily concerned with winning over the opposition with “wealth and positions,” while many leaders of the armed movements prioritized lesser personal gains (material and professional) over addressing the core issues, thereby losing the confidence of the central governments and failing to gain the trust of the people on whose behalf they claimed to speak.[41]

As a result of these recurring fractures, comprehensive and objective solutions to problems associated with the legacy of state formation were largely absent from the texts of the Sudanese peace agreements. Furthermore, neither the central government nor the other parties demonstrated any genuine commitment or credibility in implementing their basic obligations. The central government repeatedly breached agreements and undertakings that it perceived as posing an existential threat, while other parties prioritized their own or partisan interests over the public interest that had formed the foundation of their negotiating discourse and the provisions of the concluded agreements. What, then, are the common features of Sudanese peace agreements, and what binaries remained points of contention and structured the agreements that were concluded?

Common Features of Sudanese Peace Agreements

Sudanese peace agreements between 1972 and 2020 exhibit common features that lay at the root of their failure and prevented the establishment of sustainable peace. The result has been a perpetual cycle of conflict and negotiation between successive national governments and armed movements, punctuated by short-lived peace agreements. This study focuses on three key features as the underlying causes of these failures.

1. Partial Power-Sharing

All previous peace agreements, including the Juba Peace Agreement, were based on a model of partial power-sharing, in contrast to inclusive power-sharing which involves all entities and organizations representing key interest groups, thereby conferring political legitimacy on governing institutions and enhancing the durability

[40] For more detail, see: *Juba Agreement for Peace in Sudan between the Transitional Government of Sudan and the Parties to Peace Process*, Juba, 2020.

[41] Adam Muhammad Ahmad Abdullah, “Taqyīm Ittifāqiyyāt al-Salām fī al-Sūdān: Awjuh al-Najāḥ wa-l-Fashal,” *Majallat al-Sudan*, no. 7 (2016), p. 112.

of agreements.[42] Inclusive power-sharing typically emerges during periods of democratic transition led by moderate leaders, or in exceptional circumstances in which all parties agree on the need to move beyond their present crisis and seek viable solutions to build a better future. Arend Lijphart termed this type of political consensus, achieved without recourse to elections, "consensus democracy" because, in his view, it represents the majority supporting political transformation while excluding no influential party from the process.[43] Consensus democracy is not an end in itself, but rather a tool for fostering an environment conducive to addressing the root causes of problems objectively. Three factors explain the failure to adopt an inclusive power-sharing model in Sudan.

First, all the agreements, with the exception of the Juba Peace Agreement, were concluded under totalitarian military regimes (the May government, 1969-1985, and the National Salvation Government, 1989-2019). These regimes were unwilling to share power, which they had seized by force, with other stakeholders. Instead, they resorted to policies of intimidation or inducement, or breached agreements in their dealings with opponents, thereby undermining those agreements. A clear example is the Khartoum government's stance on the 1972 Addis Ababa Agreement: President Nimeiri violated its terms and drained it of substance in response to sharp criticism from some southern members of the National Assembly directed at his central authority and the practices of the regional government in southern Sudan.[44]

Second, partial power-sharing did not enable the ruling authorities and opposition parties to address the root causes of the conflicts. On the contrary, the central government used partial power-sharing to consolidate its control or settle political scores. The most telling example is the 1997 Khartoum Peace Agreement, which both sides exploited to serve their tactical interests in the broader struggle within the SPLM. Consequently, when the central government failed to implement the terms of the agreement, the dissident factions returned to the SPLM.

Third, power-sharing was not comprehensive. Neither the governing elites in Khartoum nor the other parties treated the peripheral conflicts as national problems requiring a holistic vision, one that would employ both central and local mechanisms and ensure broad participation from actors with legitimate political, economic, and social demands. Such an approach was essential to ensure that proposed solutions addressed the root causes of ethnic and regional conflicts in Sudan. Consequently, all agreements took a bilateral character, failed to involve all stakeholders, and proved short-lived because they were grounded in the particular interests of the signatory groups in their relationship with the central government.

2. Lack of Trust among Parties to the Peace Process

Within the framework of partial power-sharing, a deep, historically accumulated lack of trust characterized the relations among the parties to peace agreements in Sudan. This mistrust stemmed from sharply divergent social, cultural, and political realities, as well as from the antagonism between the ruling elite in Khartoum and those advancing regional demands from the peripheries. This lack of trust was engendered by the social and cultural conflicts arising from objective conditions across Sudan's various regions and, at its most pronounced, by the practices of the ruling political elite in Khartoum, who considered themselves the architects of independence and viewed the contributions of the people of the south and other regions as secondary and, at times, negligible. This predisposition, as Mansur Khalid describes it, fostered a paternalistic or condescending attitude towards others, which became more acute when "national governments assumed

[42] Ahmad Amal Muhammad, "Taqāsum al-Sulṭa al-Shāmil wa-Atharuhu ʿalā al-Intiqāl al-Siyāsī fī al-Sūdān," *Majallat Kulliyat al-Siyasa wa-l-Iqtisad*, vol. 15, no. 14 (April 2022), p. 526.

[43] For more detail, see: Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (New Haven: Yale University Press, 1984).

[44] Alier, pp. 190-193.

– whether in good faith or bad – that northern sub-nationalism, with all its cultural, religious, and even racial components, should be the sole component of national identity for all of Sudan”.[45]

Some parties resisted such condescension, as reflected clearly in the CPA of 2005, which recognized in its preamble the need to establish “a democratic system of governance which, on the one hand, recognises the right of the people of Southern Sudan to self-determination and seeks to make unity attractive during the Interim Period, while at the same time is founded [on] the values of justice, democracy, good governance, respect for fundamental rights and freedoms of the individual, mutual understanding and tolerance of diversity within the realities of the Sudan”.[46] The premise of this text is that democratic governance would foster an environment conducive to a lasting agreement, drawing on lessons from past experience.

For example, President Nimeiri, with the support of some southern leaders, violated the Addis Ababa Agreement by altering the composition of southern Sudan and dividing it into three regions without following the procedures set forth in Article 34 of the Self-Government for the Southern Provinces Act of 1972.[47] Another breach, which sparked intense controversy in both north and south, was the declaration imposing Islamic law in September 1983, which southerners regarded as a violation of the fundamental rights and freedoms set forth in Appendix A of the Addis Ababa Agreement and enshrined in the 1973 Permanent Constitution. These violations drew the SPLM’s attention to the shortcomings of the Addis Ababa Agreement, prompting it to demand self-determination as an alternative to unity in the 2005 agreement. When southerners ultimately concluded that unity with the north was no longer appealing, 98% voted in favour of self-determination and the establishment of South Sudan on 9 July 2011.

3. Foreign Mediators and Negotiations

The role of regional and international mediators was to persuade the parties to the armed conflict - the central government and rebel movements - to resume negotiations in order to end the civil wars that devastated Sudan’s vital resources, posed a threat to national and regional security, delayed development in areas of armed conflict, and reduced opportunities for foreign investment. Under pressure from regional and international mediators, the parties to the conflict, at various stages, agreed to negotiate, on the condition that talks were held outside Sudanese territory - in Addis Ababa, Naivasha, Abuja, Tripoli, and Asmara - as the rebel movements did not trust the central government, whether under the May regime or the National Salvation government.

The mediation process began when the World Council of Churches reached out to the May regime and the Southern Sudan Liberation Movement (SSLM) with a view to ending the first civil war and resolving the southern problem. Secret meetings and consultations began at the initiative of the All Africa Conference of Churches (AACC) in London, attended by representatives of the Sudanese government and the SSLM. In November 1971, representatives of the AACC, the Government of Sudan, and the SSLM met in Addis Ababa for a preparatory meeting “to explore the positions of both parties and express their mutual desire for peace”.[48]

The Sudanese government delegation was headed by Abel Alier (vice-president and minister for southern affairs), and the SSLM delegation by Ezboni Mondiri Gwanza (former minister of transport in

45 Khalid, *al-Sūdān*, p. 11. Khalid’s conclusions correspond to those of Muhammad Abulqasim Hajj Hamad: “Only one identity in Sudan exhibits the attributes of nationalism, and that is Arabism; all else is tribal elements. And only one religion exhibits the attributes of a universal religion, and that is Islam; all else is collections of beliefs bound to the fabric of customs and traditions specific to tribal contexts and not open to engagement with others”. See: Muhammad Abulqasim Hajj Hamad, “al-Sūdān baʿd ʿAshr Sanawāt ʿalā Thawrat al-Inqādh: Masʾalat al-Huwiyya. Hal Hunāk Ittifāq ʿalā al-Huwiyya fī al-Sūdān?” *al-Hayat*, 11/6/1999.

46 CPA, Preamble.

47 For more detail on the 1972 act, see: Faisal Abdulrahman Ali Taha, *Masʾalat Janūb al-Sūdān fī Siyāq Tārīkhī, 1899-1986* (Omdurman: Abdulkarim Mirghani Centre, 2012), pp. 151-158.

48 Khalid, *al-Sūdān*, p. 323.

the October 1964 government). Also attending the initial negotiation sessions as observers were Nabiyelul Kifle, representing Emperor Haile Selassie I (1930-1974); Leopolda Niilus (Latin America) and Kodwo Ankrah (Ghana), representing the World Council of Churches; Burgess Carr (Liberia), the secretary-general of the AACC; Samuel Bwogo, representing the Sudan Council of Churches; and the British legal expert, Sir Dingle Foot, serving as legal advisor to the SSLM delegation. Both parties nominated Carr as chair and mediator for the negotiations.[49]

Following this preparatory meeting, direct talks began on 20 January 1972 in Addis Ababa, under the auspices of Haile Selassie I. Through these negotiations, the two parties reached the Addis Ababa Agreement, which they signed on 27 February 1972.[50] The role of external mediators was to facilitate negotiations by providing the parties with the space for serious dialogue that produced the agreement. The accord might have endured had it not been for the intervention of President Nimeiri, who undermined its internal momentum and viability in order to preserve his near-absolute central authority, as well as the actions of some members of the southern government that were inconsistent with the spirit of the agreement.

The 2005 CPA offers another example of foreign mediation, beginning with the failure of the first round of direct negotiations between the National Salvation Government and the SPLM in Addis Ababa in August 1989. The second round was held in Nairobi in December 1989 under the auspices of former United States President Jimmy Carter (1977-1981) and Daniel Arap Moi, but it did not culminate in an agreement, as the Khartoum delegation accused the American mediator of bias towards the SPLM.

Some years later, at a meeting of the Intergovernmental Authority on Drought and Development (IGADD) in 1993,[51] President Omar al-Bashir requested mediation by IGADD members to end the civil war. IGADD subsequently convened the first round of negotiations from 17 to 23 March 1994. Although these talks produced no concrete progress, they paved the way for the second round, held in May 1994, which yielded the Declaration of Principles. That document prioritized the unity of Sudan within the framework of a “secular and democratic state” that guaranteed “freedom of belief and worship and religious practice … in full to all Sudanese citizens”, while also affirming the right to self-determination on the basis of federalism or autonomy and providing for the option for southern citizens “to determine their future including independence, through a referendum”.

The Government of Sudan initially refused to recognise the Declaration of Principles, which called for the secularization of the state. Given these complications, the Center for Strategic and International Studies (CSIS) in Washington, with funding from the United States Institute of Peace, commissioned Francis Deng and Stephen Morrison of CSIS to develop a framework to support peace in Sudan. They recommended that the US administration take serious steps by appointing a special envoy to Sudan, designating a high-level figure to serve as a liaison between the US government and rebel factions in southern Sudan, and basing negotiations on the Declaration of Principles while preserving a unified Sudan with two separate political systems in the north and south.[52]

In tandem, the United States Congress passed the Sudan Peace Act on 10 October 2002, which called on the United States to “use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including … “the multilateralisation of economic and diplomatic tools to compel the

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49 Ibid.; Abdulrahman Abdullah, *al-Sūdān: al-Wiḥda wa-l-Tamazzuq*, al-Fatih al-Tijani (trans.) (Beirut: Riad Al Rayyes, 2002), pp. 164-166.

50 Khalid, *al-Sūdān*, pp. 325-328.

51 IGADD was created in 1986 to combat drought and desertification. In 1996, the heads of member states met in Nairobi and agreed to amend the organization’s charter and change its name to the Intergovernmental Authority on Development. Today its membership includes eight states: Djibouti, Sudan, South Sudan, Somalia, Kenya, Uganda, Ethiopia, and Eritrea.

52 For more detail, see: Francis M. Deng & J. Stephen Morrison, *U.S. Policy to End Sudan's War: Report of the CSIS Task Force on U.S.-Sudan Policy*, Center for Strategic and International Studies (Washington: 1/2/2001).

Government of Sudan to enter into a good-faith peace process".[53] Meanwhile, Republican Senator John Danforth, Washington's presidential envoy to Sudan, proposed a comprehensive agreement to establish two systems of governance in northern and southern Sudan within a single state. This agreement would grant the south economic autonomy and control over internal affairs, guarantee religious and cultural freedoms, ensure the equitable distribution of oil resources, and establish a power-sharing arrangement between the central and regional governments. In this way, the United States administration paved the way for direct negotiations between the Government of Sudan and the SPLM.

Negotiations began on 17 June 2002, in Machakos, Kenya, under the auspices of IGAD and its secretariat, which consisted of General Lazarus Sumbeiywo (Kenya), constitutional expert Nicholas "Fink" Haysom (South Africa), and a number of advisors. The two sides discussed the relationship between religion and the state, the right to self-determination, and the form of government. They signed the Machakos Protocol on 20 June 2002, which paved the way for subsequent protocols: the Protocol on Security Arrangements, signed on 25 September 2003; the Protocol on Wealth Sharing, signed on 7 January 2004; the Protocol on Power-Sharing, signed on 26 May 2004; the Protocol on the Resolution of the Conflict in the Two Areas of Southern Kordofan and Blue Nile, signed on 26 May 2004; and the Protocol on the Resolution of the Abyei Conflict, signed on 26 May 2004. Together, these six protocols formed the CPA, which was signed in Nairobi on 9 January 2005 by Ali Osman Mohamed Taha, first vice-president of Sudan, on behalf of the Government of Sudan, and John Garang de Mabior, chairman of the SPLM, on behalf of the movement and the SPLA.[54]

The agreement established a partial power-sharing arrangement and fulfilled most of the requirements of the transitional period, including the drafting of the Interim Constitution in 2005, the conducting of a census in 2009, and national elections in 2010. Nevertheless, it contained within it the seeds of southern secession and the establishment of the state of South Sudan, which materialized in 2011.[55] The partisan conflict between the two parties to the agreement did not make unity "attractive." The situation was further complicated by the death of John Garang, whose plane crashed on 30 July 2005 while he was returning from Uganda to Sudan. He was succeeded by his deputy, Salva Kiir Mayardit, who harboured secessionist leanings. When the referendum on unity or secession was held, as stipulated in the CPA, 98 per cent of southerners voted in favour of secession, and the Republic of South Sudan was established in July 2011.[56]

The 2006 Darfur Peace Agreement (Abuja) and the 2011 Doha Document for Peace in Darfur represent two other models of external mediation. Following the outbreak of civil war between the Sudanese government and armed groups in Darfur in 2003, Chadian President Idriss Déby (1990-2021) invited the parties to the conflict to talks in Abéché, Chad, in September 2003. JEM, however, refused to participate, questioning Déby's impartiality. A second round of talks was held in Abéché, but these also collapsed, after which talks were moved to N'Djamena on 16 December 2003. These fared no better than their predecessors, breaking down before direct negotiations could begin, after the SLM introduced a demand outside the agenda of the previous talks: autonomy for the Darfur region. Following this, talks between the two sides

[53] Public Law 107-245-Oct. 21, 2002, 107th Congress, Section 2, 16 and 16/A, accessed on 13/4/2026, at: https://acr.ps/hBy2sid

[54] The agreement was witnessed by Mwai Kibaki, president of Kenya, on behalf of IGAD; Yoweri Museveni, president of Uganda, on behalf of IGAD member states; Ahmed Aboul Gheit, Egyptian foreign minister, on behalf of Egypt; Senator Alfredo Mantica, deputy foreign minister, on behalf of Italy and the IGAD Partners Forum; Fred Racke, special envoy of the Netherlands, on behalf of the Netherlands; Hilde F. Johnson, minister of international development, on behalf of Norway; MP Hilary Benn, secretary of state for international development, on behalf of the UK; Colin Powell, secretary of state, on behalf of the US; Alpha Oumar Konare, chair of the AU, on behalf of the AU; Charles Goerens, minister of development cooperation, on behalf of the EU; Hilde Johnson, minister of international development, on behalf of the IGAD Partners Forum; Amre Moussa, secretary-general of the League of Arab States, on behalf of the league; and Jan Pronk, special representative of the secretary-general in the Sudan, on behalf of the UN.

[55] For more detail on these and similar issues, see: Ahmed Ibrahim Abushouk, *al-Intikhābāt al-Qawmiyya fī al-Sūdān li-Sanat 2010: Muqāraba Taḥlīliyya fī Muqaddimātihā wa-Natāʾijihā* (Doha: Al Jazeera Centre for Studies; Beirut: al-Dar al-Arabiyya li-l-Ulum Nashirun, 2012).

[56] For more detail on the problem of the south and its ramifications, see: Salman, pp. 15-20.

were suspended for four months before resuming in April 2004 under the auspices of the President of Chad, with observers from the African Union (AU), the United States, and the European Union present.[57]

When the N'Djamena negotiations faltered, the AU assumed the role of mediator between the Sudanese parties at its summit held in July 2004 in Addis Ababa. A small committee was formed, chaired by Olusegun Obasanjo, the Nigerian president (1999-2007) and then-chairman of the AU, and including the chair of the AU Commission, Oumar Konaré, along with the presidents of Sudan, Senegal, and South Africa, to propose solutions for ending the civil war in the region.[58] The committee then invited the Sudanese government and the armed movements in Darfur to a meeting in Addis Ababa. Showing little enthusiasm for the talks, the armed movements sent a second-tier delegation that raised a number of contentious issues, and the meeting ended without result. In August 2004, negotiations moved to Abuja, where seven rounds of talks were held, the last in November 2005.

Finally, on 5 May 2006, the Sudanese government and the SLM – Minni Arcua Minnawi faction signed the Abuja Agreement, while the SLM faction led by Abdul Wahid Mohamed al-Nur and the JEM rejected it. Representatives from the AU and several Western and Arab states witnessed the signing ceremony.[59] Months after the agreement was signed, military clashes erupted in Darfur, and relations between Khartoum and N'Djamena deteriorated, prompting the United States to ask the UN Security Council to replace the AU mission[60] with a UN mission, arguing that the latter was better equipped to restore security and stability to the troubled Darfur region. To this end, the Security Council adopted Resolution 1706 on 31 August 2006, expanding the mandate and tasks of the UN mission in Darfur (UNMIS).[61]

The Sudanese government, however, refused to implement the resolution, considering it interference in its internal affairs. To overcome this dilemma, the Security Council adopted Resolution 1769 on 31 July 2007, establishing a joint AU-UN mission (UNAMID) to oversee peace operations under Chapter VII of the UN Charter. UNAMID commenced operations on 31 December 2007.[62] This was followed by the appointment of Djibril Bassolé, the former foreign minister of Burkina Faso, as the joint UN-AU peace mediator for Darfur. Qatar then agreed to host the Darfur peace negotiations, and Ahmed bin Abdullah Al Mahmoud, minister of state for foreign affairs, was appointed as co-mediator.

Bassolé welcomed the Qatari partnership and adopted an innovative model for the peace talks, whereby experts would develop a framework agreement on governance, security, and development with

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[57] Salini Muhammad al-Saghir, "Ḥall al-Nizāʿāt al-Dawliyya bi-l-Ṭuruq al-Silmiyya: al-Mufāwaḍāt Namūdhajan," *Majallat al-Dirasat wa-l-Buhuth al-Qanuniyya*, vol. 5, no. 2 (2020), p. 135.

[58] Abdelwahab El-Affendi, *Azmat Dārfūr: Naẓra fī al-Judhūr wa-l-Ḥulūl al-Mumkina* (Abu Dhabi: Emirates Center for Strategic Studies and Research, 2009), pp. 76-77; Bilqis Badri, "Ittifāqiyyat Salām Dārfūr: al-Juhūd wa-Taḥaddiyāt al-Taṭbīq," in: El-Affendi & Salem (eds.), pp. 310-311.

[59] El-Affendi, *Azmat Dārfūr*, pp. 76-77; al-Saghir, pp. 135-137.

[60] The AU mission in Darfur was created pursuant to UN Security Council Resolution 1564 of 18 September 2004, which defined its mission as disarming armed militias in Sudan. Paragraph 4 of the resolution "Calls upon the Government of Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Army/Movement, to work together under the auspices of the African Union to reach a political solution in the negotiations currently being held in Abuja under the leadership of President Obasanjo, notes the progress made to date, urges the parties to the negotiations to sign and implement the humanitarian agreement immediately, and to conclude a protocol on security issues as soon as possible, and underscores and supports the role of the African Union in monitoring the implementation of all such agreements reached". United Nations Security Council, "Resolution 1564 (2004) Adopted by the Security Council at Its 5040th Meeting, on 18 September 2004," S/RES/1564 (2004), 18/9/2004, accessed on 6/4/2023, at: https://acr.ps/hBy2syO

[61] The cooperation between the UN and AU missions is based on UN Security Council Resolution 1706 of 31 August 2006, which defined its mission as disarming armed militias in Sudan. Paragraph 5 of the resolution "Requests the Secretary-General to consult jointly with the African Union, in close and continuing consultation with the parties to the Darfur Peace Agreement, including the Government of National Unity, on a plan and timetable for transition from AMIS to a United Nations operation in Darfur; decides that those elements outlined in paragraphs 40 to 58 of the Secretary-General's report of 28 July 2006 shall begin to be deployed no later than 1 October 2006, that thereafter as part of the process of transition to a United Nations operation additional capabilities shall be deployed as soon as feasible and that UNMIS shall take over from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006". For more detail, see: United Nations Security Council, "Resolution 1706 (2006) Adopted by the Security Council at Its 5519th Meeting, on 31 August 2006," S/RES/1706 (2006), 31/8/2006, accessed on 6/4/2023, at: https://acr.ps/hBy2sPp

[62] For more detail, see: United Nations Security Council, "Resolution 1769 (2007) Adopted by the Security Council at Its 5727th Meeting, on 31 July 2007," S/RES/1769 (2007), 31/7/2007, accessed on 6/4/2023, at: https://acr.ps/hBy2t60

the participation of stakeholders, before persuading them to adopt it, with regional and international donors subsequently providing the necessary material and moral support for its implementation.[63] Bassolé envisaged beginning with one of the armed movements, after which other movements would be invited to participate. He reached out to JEM, which accepted the offer and signed a goodwill agreement with the Sudanese government on 17 February 2009. For his part, Abdul Wahid Mohamed al-Nur described the agreement as "merely a reconciliation between Islamists … using the genocide in Darfur as a means to remain in and share power … It's an Islamist charade … the aim of which is to block Article 7 and replace it with Article 16 so that this document can be taken to the Security Council, so they can say there's real peace in Darfur".[64]

The framework agreement was signed on 23 February 2010 by Ahmed Tugod Lissan on behalf of JEM, Amin Hassan Omar on behalf of the Sudanese government, and mediators Ahmed bin Abdullah Al Mahmoud and Djibril Bassolé. The signing ceremony was attended by the Emir of Qatar, Sheikh Hamad bin Khalifa Al Thani (1995-2013), Sudanese President Omar al-Bashir, Chadian President Idriss Déby, and Eritrean President Isaias Afwerki (1991-).[65]

Yet, after signing the framework agreement, JEM withdrew from the Doha negotiations, claiming that the government had launched a military offensive against its positions in Darfur. Its withdrawal, along with the divisions among the other armed groups negotiating in Doha, posed a significant challenge to the joint Qatari-international mediation, which had succeeded in improving relations between Sudan and Chad and in securing Libyan and Eritrean support. After the other armed groups withdrew from the Doha talks, the Sudanese government signed the Doha Document for Peace in Darfur on 14 July 2011 with the Liberation and Justice Movement, led by Tijani Sese.

The document addressed fundamental issues such as human rights and basic freedoms, power-sharing and the administrative status of Darfur, wealth-sharing, reparations and the return of internally displaced persons and refugees, justice and reconciliation, a permanent ceasefire and final security arrangements, internal dialogue and consultation, and methods of implementation. The document remained open for signature by other movements that had participated in the negotiations, but none had acceded to it by the time of the December 2018 revolution.

The 2020 Juba Peace Agreement was preceded by the 2006 Eastern Sudan Peace Agreement, which itself consisted of three separate agreements. The first was negotiated in Tripoli between the Sudanese government and the Free Lions Movement and signed by both parties on 14 June 2000. It provided for the establishment of a tribal administration for the Rashaida tribe in eastern Sudan, attention to development issues affecting nomadic communities, a cessation of hostilities, and the surrender of the Free Lions' weapons to the Sudanese government. However, most of the agreement's provisions were not implemented.[66]

After the eastern opposition factions (the Free Lions and the Beja Congress) united against the National Salvation government in 2005, with the assistance of the Eritrean government – which was at odds with the Sudanese government – the Libyan mediator invited representatives of the Free Lions, Rashaida tribal leaders, and the Sudanese government to a meeting in Tripoli on 24-25 December 2005. There, the two parties signed a second bilateral agreement establishing a timetable for the implementation of the 2000 agreement. The signing was witnessed by Suleiman al-Shuhoumi, secretary for foreign affairs of the General

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63 Alex de Waal, "al-Dawr al-Iqlīmī fī al-Azma: Ibtikārāt Khallāqa wa-Sirāʿāt Muʿaṭṭala," in: El-Affendi & Salem (eds.), p. 319.

64 "ʿAbdulwāḥid Yaʿtarif bi-Ziyārat Isrāʾīl wa-Yuhājim Ittifāq Dārfūr bi-l-Dawḥa," *Al Jazeera*, 18/2/2009, accessed on 8/4/2023, at: https://bit.ly/3KJjtCI. For more detail, see: al-Fatih al-Amin al-Zaki, "al-Wasāṭa al-Qaṭariyya fī al-Istiqrār al-Siyāsī li-Iqlīm Dārfūr (2008-2014)," PhD diss., Omdurman Islamic University, 2018, p. 195.

65 "Tawqīʿ Ittifāq Salām Dārfūr bi-l-Dawḥa," *Al Jazeera*, 24/2/2009, accessed on 8/4/2023, at: https://bit.ly/40QrJqg

66 For more detail, see the text of: *Eastern Sudan Peace Agreemen*t, Asmara, 14/10/2006, pp. 66-72.

People's Congress, in the presence of observers from the Rashaida tribe in the Sudan and Kuwait and the Baraʿsa tribe in Libya, under the auspices of Colonel Muammar Gaddafi.[67]

Yet some factions within the Eastern Front viewed this agreement as an attempt to fragment the front and pre-empt the planned joint meeting with the Sudanese government in Tripoli on 17 January 2006. They also questioned the impartiality of the Libyan mediator, whom they perceived as biased towards the Sudanese government, declaring themselves "released from all obligations to the Libyan mediator, who revealed his lack of credibility from the first moment".[68] This scepticism towards Libyan mediation appears to have led to the relocation of talks from Tripoli to Asmara, where the third agreement was negotiated between the Sudanese government and the Eastern Front.

Prior to the final signing, the three agreements were merged into a single agreement, the Eastern Sudan Peace Agreement, signed on 14 October 2006 by Mustafa Osman Ismail, then advisor to the president, on behalf of the Sudanese government, and Musa Mohamed Ahmed on behalf of the Eastern Front. Yemane Gebreab, political affairs officer of the People's Front for Democracy and Justice, witnessed the signing on behalf of the Eritrean government. The signing ceremony was attended by Sudanese President al-Bashir, Eritrean President Afwerki, and Amr Moussa, secretary-general of the League of Arab States. The Eastern Sudan Peace Agreement was concluded relatively quickly compared with the other agreements, and unlike them, was not subject to significant external interference or pressure. Nevertheless, implementation faced several challenges, prompting some factions within the Eastern Front to threaten to withdraw from the government.[69]

The Juba Peace Agreement emerged from the legacy of these earlier agreements and negotiating practices, without adequate consideration of the new political context created by the overthrow of the National Salvation government and the establishment of a transitional government that included representatives of most of the parties previously engaged in political and military conflict with the central government. The impulse to resort to external mediation to resolve internal conflicts appears to have remained deeply ingrained among Sudan's political leaders, who failed to appreciate the needs and requirements of the new phase. They chose Juba, the capital of South Sudan, as the venue for peace negotiations, with Tut Gatluak representing the South Sudanese government that sponsored the talks.

All of this took place prior to the formation of the Peace Commission, which the 2019 constitutional document stipulated should be established to conduct peace negotiations and oversee the implementation of their outcomes. This suggests that politicians and leaders of armed movements had no desire for a national body that would examine problems associated with the legacy of state formation, develop appropriate solutions, and present them to political actors for deliberation, with the aim of forging a political consensus capable of ensuring the implementation of agreements and providing the safeguards necessary for their durability.

Bypassing this foundational groundwork, representatives of the transitional government, the Revolutionary Front,[70] and the Gathering of Sudan Liberation Forces met in Juba from 9 to 11 September 2019. After lengthy deliberations, the parties to the peace process signed the Juba Declaration for Trust-

[67] For more detail, see: *Eastern Sudan Peace Agreement*, Appendix G: Implementation of Tripoli Agreement Signed between the Sudanese Government and the Free Lions Movement in 14/06/2000, Tripoli 24-25/12/2005, pp. 73-83.

[68] "Bayān Tawḍīḥī min Qiyādat Jabhat Sharq al-Sūdān 27/12/2005," *Sudanese Online*, 27/12/2005, accessed o 31/7/2024, at: https://bit.ly/3yw4N6u

[69] "Mutamarridūn Sābiqūn fī Sharq al-Sūdān Yuhaddidūn bi-l-Insiḥāb min al-Sulṭa."

[70] Led by al-Hadi Idris Yahya, the Revolutionary Front consists of: the Sudan Liberation Movement – Transitional Council (al-Hadi Idris Yahya); JEM (Jibril Ibrahim;) SPLM (Malik Agar Eyre); Sudan Liberation Army (Minni Minnawi); Beja Congress (Osama Saeed); United Popular Front for Liberation and Justice (al-Amin Daoud Mahmoud); Kush Liberation Movement (Mohamed Daoud Mohamed); Democratic Unionist Party (al-Tom Hajo); and Sudan Liberation Forces Alliance (al-Taher Abu Bakr Hajar).

Building Measures and Pre-Negotiation Principles on 11 September 2019, under the auspices of South Sudan. At this juncture, the five negotiation tracks commenced, culminating in the Juba Agreement for Peace in Sudan, signed by the transitional government and representatives of the five tracks on 3 October 2020.

The Dynamic of Binary Oppositions in Peace Agreements

In addition to the shared features of Sudanese peace agreements discussed above, three core issues have shaped the conflict between the central authority in Khartoum and rebel movements, as well as among political parties with diverse ideological and doctrinal orientations: the relationship between diversity and citizenship, religion and state, and democracy as a system for the rotation of power alongside federalism for the distribution of powers and resources.

1. The Binary of Diversity and Citizenship

Diversity refers to the ethnic, religious, and cultural differences within Sudanese society, which necessitate that citizenship serve as the fundamental criterion for determining civil and political rights and duties, without discrimination on the basis of religion or race. For this reason, Article 5 of the Self-Government Statute of 1953 states:

> (1) All persons in the Sudan are free and are equal before the law.
>
> (2) No disability shall attach to any Sudanese by reason of birth, religion, race, or sex in regard to public or private employment or in the admission to or in the exercise of any occupation, trade, business, or profession.[71]

This law formed the basis of Sudan's provisional constitution of 1956, amended in 1964. Yet after independence in 1956, several attempts were made to Islamise the constitution through parliamentary mechanisms. These attempts met with opposition from southern forces and from leftist and liberal parties, prompting the architects of the 1972 Addis Ababa Agreement to address diversity and citizenship directly. Article 1 of Appendix A states that "a citizen should not be deprived of his citizenship", a principle reinforced by Article 2: "All citizens, without distinction based on race, national origin, birth, language, sex, economic or social status, should have equal rights and duties before the law". Article 4 provides for every Sudanese person's right to "enjoy freedom of religious opinion and of conscience and the right to profess them publicly and privately".[72]

This principle was reiterated in Article 16(d) of the 1973 Permanent Constitution, which states: "The State shall treat followers of religions and noble spiritual beliefs without discrimination as to the rights and freedoms guaranteed to them as citizens by this Constitution. The State shall not impose any restrictions on citizens or communities on the grounds of religious faith".[73] The CPA of 2005 likewise recognized Sudan as "a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country". Accordingly, eligibility for public office, including the presidency, "shall be based on citizenship and not religion, beliefs or customs".[74] This clause was incorporated into the 2005 Interim Constitution as "citizenship shall be the basis for equal rights and duties for all Sudanese".[75]

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71 The Self-Government Statute, Chapter II. Fundamental Rights, Right to Freedom and Equality, Article 5. See in: Fadwa Abdulrahman Ali Taha, *Kayf Nāl al-Sūdān Istiqlālahu: Dirāsa Tārīkhiyya li-Ittifāqiyyat 12 Fibrāyir al-Miṣriyya-al-Biriṭāniyya ḥawl al-Ḥukm al-Dhātī wa-Taqrīr al-Maṣīr li-l-Sūdān*, 2nd ed. (Omdurman: Abdulkarim Mirghani Centre, 2008), p. 410.

72 See: Ahmad al-Mubarak Muhammad Ahmad, "Ittifāqiyyāt al-Salām al-Sūdāniyya, Adīs Abābā – al-Kharṭūm li-l-Salām: Dirāsa Muqārana," Masters thesis, Faculty of Commerce, al-Neelain University, 2002, p. 6.

73 *Permanent Constitution of the Sudan*, 1973, Article 16(d).

74 *CPA*, Chapter I, Part B, State and Religion.

75 *Interim National Constitution of the Republic of the Sudan*, 2005, Part One, Chapter I, 7(1).

The same principle was expressed in the Eastern Sudan Peace Agreement: “Sudan is a multi-cultural, multi-religious, multi-lingual and multi-racial nation. Recognition and respect of this diversity is an important foundation of national cohesion”. Accordingly, “citizenship shall be the basis for civil and political rights and obligations”.[76] The concept of citizenship was also inscribed in the Doha Document for Peace in Darfur: “Citizenship shall be the basis for equal political and civic rights and obligations for all Sudanese”.[77] The term “citizenship” appeared in the Juba Peace Agreement more than 30 times in different contexts, all linked by the general principle that Sudan is a pluralistic state “where rights and duties are based on citizenship without discrimination on grounds of race, faith, culture, sex, colour, gender, social or economic status, political opinion, disability, regional affiliation or any other reason”.[78]

The repeated invocation of citizenship appears deliberate, suggesting that the parties to the various peace negotiations held in Sudan from 1972 to 2020 agreed that citizenship must serve as the basis for determining civil and political rights and duties and for managing diversity, without discrimination on the basis of race, religion, or culture.

2. The Binary of Religion and State

The 1956 Transitional Constitution of Sudan was largely secular, “remaining silent on religion”[79] and making no mention of an official state religion or sources of legislation. In fact, “it did not use the word ‘Islam’ anywhere, though it affirmed freedom of belief and the right to practise religious rites”.[80] After independence, several attempts were made to Islamise the constitution, but the coup of 25 May 1969 thwarted the last of these efforts (the 1968 draft constitution). Following the coup, the new rulers rejected the idea of Islamizing the constitution and sought to end the civil war and establish a lasting peace in southern Sudan on the basis of justice, equality, democracy, and freedom.

The Addis Ababa Agreement of 1972 produced a compromise. The constitution that emerged from it recognized Islam as the religion of the majority and acknowledged that Christianity and African beliefs had significant adherents among the population. It made citizenship the basis for rights and duties, while designating Sharia and custom as sources of legislation.[81] Yet neither the agreement nor the constitution explicitly declared Islam the official religion of the state; rather, both implicitly pointed to the separation between religion and state without formally declaring the state secular. As Jaafar Muhammad Ali Bakhit observed: “The state is the authority of society, and society established the state on the basis of citizenship, not religious affiliation – that is, on the basis of loyalty to Sudanese soil, not beliefs. If the state adopted a specific religion, it would thereby stray from its original linkage toward something new that does not unite all Sudanese”.[82]

This tacitly secular vision persisted until President Nimeiri abandoned it, announcing the implementation of Sharia in September 1983 to Islamise the institutions of state and society. This Islamization was rejected outright by southern forces of all partisan affiliations, as well as by most leftist parties, and contributed to

76 *Eastern Sudan Peace Agreement*, Chapter One, Article 1(2-3).

77 *Doha Document for Peace in Darfur*, Chapter I, Article 1/3.

78 This text is taken from the 2019 constitution, Chapter 1, Article 4, Nature of the State, paragraph 1.

79 Abdulatif al-Buni, *Dustūr al-Sūdān ʿAlmānī am Islāmī?* (Khartoum: Maktabat Ibn Rushd, 1998), p. 14.

80 Abdullah Ahmad al-Naim, *al-Islām wa-ʿAlmāniyyat al-Dawla* (Cairo: Dar Merit, 2010), p. 368.

81 *Permanent Constitution of the Sudan*, Articles 9 and 16.

82 Cited in: Mansur Khalid, *al-Nukhba al-Sūdāniyya wa-Idmān al-Fashal* (Cairo: Matabiʿ Sijjil al-Arabi, 1993), p. 507. Jaafar Muhammad Ali Bakhit (1930-1976) was a university professor and political activist. He received his PhD in political science from Cambridge University and taught in the political science department at Khartoum University. He joined the May government after the July 1971 coup, assuming the post of minister of local government. He was also a negotiator in the Addis Ababa Agreement of 1972 and a consultant on the 1973 constitution. He was further a leading member of parliament, overseeing deliberations on draft constitution. His book, *al-Idāra al-Biritāniyya wa-l-Ḥaraka al-Waṭaniyya al-Sūdāniyya (1919-1939)* [*The British Administration and the Sudanese National Movement (1919-1939)*], a translation of his doctoral thesis, is an important reference for Sudanese studies.

the escalation of the armed conflict in southern Sudan. After the National Islamic Front's coup against the parliamentary system on 30 June 1989, matters became more complicated, as the coup leaders proceeded to implement an Islamic system of government (1989-2019). This project met with opposition from the parties of the National Democratic Alliance in the north and from advocates of a "New Sudan" in the south. After more than a decade of political and military conflict between the two sides, serious negotiations between the National Salvation government and the SPLM began in the early 2000s, culminating in the CPA of 2005.

The agreement adopted what Mohamed Ibrahim Khalil described as a "compromise-oriented" approach to the issue of religion and state. It did not explicitly provide for a secular state or for the separation of religion and the state. Rather, it considered "religion, customs and traditions … [as] a source of moral strength and inspiration for the Sudanese people", affirming "freedom of belief, worship and conscience for followers of all religions or beliefs or customs" without discrimination on any grounds.[83] The agreement recognized both Sharia and popular consensus as sources of legislation. The 2005 Interim Constitution elaborated on this arrangement in Article 5:

> (1) Nationally enacted legislation having effect only in respect of the Northern states of the Sudan shall have as its sources of Islamic Sharia and the consensus of the people.
>
> (2) Nationally enacted legislation applicable to Southern Sudan or states of Southern Sudan shall have as its sources of legislation popular consensus, the values and the customs of the people of the Sudan, including their traditions and religious beliefs, having regard to Sudan's diversity.[84]

Pursuant to this classification of legislative sources, the agreement established two levels of government: one national, reflecting the supreme sovereignty of the state, and another for the south, under which the Government of Southern Sudan exercised executive, legislative, and judicial authority over the southern states while maintaining significant representation in the national, or federal, government.

The relationship between religion and state was not addressed in peace agreements concluded after the 2005 agreement. It resurfaced in the Juba Peace Agreement, which provides for the "complete separation of religious institutions and state institutions to ensure that religion is not exploited in politics and that the state stands at equal distance from all religions and beliefs, provided that this is enshrined in the constitution and laws of the country".[85] Abdelkhalig Shaib argues that while this article affirmed the separation of religion and the state, it did not explicitly invoke the term "secularism", which many Sudanese Muslims equate with atheism.[86] The absence of any explicit mention of secularism in the agreement prompted Abdelaziz al-Hilu, the head of the SPLM-North, to withdraw from negotiations before the final agreement was signed. Prior to the negotiations, al-Hilu had advocated the establishment of a secular state to resolve the question of the relationship between religion and the state.[87]

Most supporters of his position argue that separating religion and the state does not mean a separation of societal practices, but rather prevents the exploitation of religion in politics, based on the principle that religion is for God and the nation for all. In short, the relationship between religion and the state is contentious and requires broad intellectual discussions based on equal citizenship, a democratic system of government, and the protection of public freedoms and the human rights of the Sudanese people.

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83 Muhammad Ibrahim Khalil, *Limādhā Infaṣal Janūb al-Sūdān?* Othman al-Nusayri (trans.) (Khartoum: Dar Madarik, 2021), p. 198.

84 *Interim National Constitution*, Part One, Chapter I, Article 5(1-2).

85 *Juba Peace Agreement*, Title 1, Article 1.7.

86 Abdelkhalig Shaib, "Sudan: Have the Juba and Addis Ababa Agreements Untangled the Dichotomy between Religion and the State?" Arab Reform Initiative, 15/12/2020, accessed on 16/5/2024, at: https://acr.ps/hBy2six. For more detail on religion and secularism, see: Azmi Bishara, *al-Dīn wa-l-ʿAlmānīya fī Siyāq Tārīkhī*, part 1: *al-Dīn wa-l-Tadayyun* (Doha/Beirut: ACRPS, 2013).

87 For more detail on the relationship between religion and the state in Sudan, see: Jamal Abdulrahim Salih, *al-Dīn wa-l-Dawla: Mashrūʿ Ruʾya li-Fakk al-Ishtibāk* (Khartoum: Dar al-Musawwarat, 2021).

3. Democracy and Federalism

The terms "democracy" and "federalism" were frequently invoked in peace agreements concluded under totalitarian regimes that showed no regard for democracy in practice. In the Permanent Constitution that emerged from the 1972 Addis Ababa Agreement, the legislator clarified that the Sudanese state sought to establish a "new, democratic, socialist society". It further affirmed that "the Sudanese Socialist Union is the sole political organisation; founded on the alliance of the working forces of the people, as represented by the farmers, workers, intellectuals, national capitalists, and soldiers".[88] This provision barred multi-party democracy and any political activity outside the framework of the Socialist Union.

Under the National Salvation regime, the 2005 CPA recognized the need to "establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan".[89] The National Elections Law was drafted pursuant to this provision, covering both executive institutions (the president, the president of the Government of Southern Sudan, and state governors) and legislative bodies (the Southern Sudan Legislative Assembly, the state legislative assemblies, and the National Assembly). A census was conducted, and electoral districts were delineated. Yet opposition parties described the vote as lacking integrity and transparency owing to the undue control exercised by the two ruling parties (the National Congress Party and the SPLM) over the electoral process. Accordingly, most opponents of the regime argued that the 2010 national elections did not represent a genuine democratic transition, but rather entrenched a new form of authoritarianism cloaked in the guise of democracy.[90]

Peace agreements concluded after the CPA continued to draw on the 2005 Interim Constitution as their model of democracy. The term "democracy" appears across the Juba Peace Agreement in broad and dispersed contexts, acknowledging the importance of a democratic system without defining procedures for a democratic transition in practice. The passage that best encapsulates the use of the term in the agreement describes Sudan as a "democratic, parliamentary, pluralistic" state. Such generalities did not, however, lead to the enactment of procedural laws or practical measures – such as a population census and the delineation of electoral districts – that are fundamental to democratic transition, even up to the coup of 25 October 2021 against the transitional government and the outbreak of war between the armed forces and the rebel Rapid Support Forces on 15 April 2023.

The relationship between democracy and federalism thus became organic within peace agreements, with democracy regarded as a prerequisite for a federal system suited to culturally, ethnically, and religiously diverse societies and capable of achieving a degree of balance in services and development. Demands for a federal system were voiced in the south even before Sudan gained independence in January 1956, but northern politicians then in power mistakenly believed that federalism would lead to southern secession and therefore rejected it.

In subsequent peace agreements, however, federalism became conflated with decentralization: the Addis Ababa Agreement, for example, granted the south self-rule within a decentralized system of government. This quasi-federal arrangement was later enshrined in the 1973 Permanent Constitution of the Democratic Republic of Sudan. The 2005 CPA, by contrast, established a dual-track system of governance (the Government of Sudan and the Government of Southern Sudan) within a unified state, based on principles of decentralization that distributed authority across the three branches of government without full devolution of powers.

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88 *Permanent Constitution of the Sudan*, Part I, Articles 1 and 4.

89 *CPA*, Chapter I, Part A, Article 1.5.1.

90 For more detail, see: Abushouk, *al-Intikhābāt al-Qawmiyya fī al-Sūdān li-Sanat 2010*, pp. 43-52.

In the Juba Peace Agreement, the protocol for the Two Areas (southern Blue Nile and South Kordofan) stipulated the establishment of "decentralised governance (whether federal or autonomous) within a framework of a united Sudan … in a manner that addresses historical injustices and the root causes of the conflict and strengthens the unity of Sudan". Meanwhile, the people of eastern Sudan demanded the implementation of a "decentralised, federal, pluralistic and democratic system of governance which ensures delegation of powers and resource allocation and which comprises three levels of governance (federal-state level/regional-local)" to remedy the political, economic, and developmental marginalization experienced in eastern Sudan. This conflation of political and administrative terminology can be attributed to the absence of technical experts supporting the political actors who oversaw the negotiations and drafted the final provisions, and it is one reason why some parts of the agreement are inconsistent, at times to the point of ambiguity.

Conclusion

Based on the foregoing analysis, the legacy of state formation, with its multiple constituent components – uneven development, the dominant Arab-Islamic identity, and the political hegemony of riverain groups – constituted the central node of the problems that generated armed conflicts in Sudan. These elements also underpinned the demands advanced by armed movements, which pursued power- and wealth-sharing as their primary solutions, despite the differing manifestations of this legacy across regions, its political instrumentalization in accordance with regional circumstances, and its prominent presence in negotiations and in the texts of the peace agreements concluded between 1972 and 2020.

The persistence of demands and protests associated with the legacy of state formation across time and place reflects the inability of peace agreements to offer durable solutions to these deep-rooted problems. This is because such agreements were bilateral and piecemeal in nature, relying primarily on power-sharing formulae that reinforced the authority of the central government while granting a measure of power to the leaders of armed movements to appease them. They did not offer comprehensive or objective solutions capable of addressing the underlying problems in both the centre and the affected peripheries.

In other words, there was no clear national vision of the peace process as an integrated state-building endeavour – one requiring fair representation for all stakeholders and a strategic plan that addressed the root causes of the problems both horizontally within the relevant regions and vertically between the central ruling authority and actors with demands in the peripheries. Nor was there a coherent vision for establishing a federal system of governance that would account for regional differences in Sudan and faithfully reflect the provisions of agreements intended to deploy federalism as a mechanism for managing ethnic, cultural, and religious diversity, while ensuring the democratic rotation of power with respect for civil liberties and human rights.

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Public Right or Economic Commodity? The Evolution of Water Policy in Jordan and Morocco**

المياه من حق عمومي إلى سلعة اقتصادية: تحولات سياسات المياه في الأردن والمغرب

Abstract: This study argues that water management policies in Jordan and Morocco have never been neutral. Rather, since independence, they have functioned as strategic instruments, leveraged to impose territorial control and reinforce political authority. Using a comparative analytical approach, the study traces the evolution of dam policies, privatization choices, and the role of international financial institutions in governing this vital resource. It finds that neoliberal approaches to water governance have commodified water, transforming it from a public right into an economic commodity, and in doing so have generated deep social and spatial inequalities alongside heightened water vulnerability. The study further underscores the limited capacity of privatization to deliver sustainable development and spatial justice.

Keywords: Water Policy; Dam Policy; Water Governance; Water Scarcity; Jordan; Morocco.

الملخص: تتناول هذه الدراسة سياسات إدارة المياه في الأردن والمغرب. وتنطلق من فرضية أن سياسات المياه لم تكن محايدة، بل شكلت رهانًا استراتيجيًا منذ الاستقلال لضبط المجال الترابي وتعزيز استقرار السلطة واستمراريتها. واعتمادًا على منهج تحليلي مقارن، رصدت الدراسة تطور سياسة السدود، وخيارات الخصخصة، وتدخل المؤسسات المالية الدولية في إدارة هذا المورد الحيوي. وقد خلصت إلى أن هيمنة نموذج الليبرالية الجديدة على إدارة المياه أفضى إلى تسليعها وتحويلها من حق عمومي إلى سلعة اقتصادية؛ مما أنتج تفاوتات اجتماعية ومجالية عميقة وهشاشة مائية متزايدة. وأكدت الدراسة محدودية سياسات الخصخصة في تحقيق التنمية المستدامة والعدالة المجالية.

كلمات مفتاحية: سياسات المياه؛ سياسة السدود؛ حوكمة المياه؛ الندرة المائية؛ الأردن؛ المغرب.

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** This study was originally published in Arabic in: Youssef Dahraji, “al-Miyāh min Ḥaq ʿUmūmī ilā Silʿa Iqtisādiyya: Taḥawwulāt Siyāsat al-Miyāh fī al-Urdun wa-l-Maghrib,” *Hikama*, vol. 6, no. 12 (March 2026), pp. 60-85.

Introduction

Far from being merely a natural resource, water constitutes a deeply social and political issue, shaped by competing priorities and conflicting interests among a range of actors. This complexity therefore requires analytical approaches that move beyond purely technical or environmental explanations. Public policy analysis examines water management as a field of state intervention, institutional choice, and political contestation.[1] Accordingly, this study compares two Arab kingdoms, one from the Mashreq and one from the Maghreb: Jordan and Morocco, investigating the extent to which water has functioned as a strategic priority in the public policies of Arab states.

Following independence, both Jordan and Morocco adopted centralized development strategies. Yet subsequent implementation exposed their repeated failure to achieve their stated objectives, against a backdrop of weak economies, rising unemployment, and deepening social inequalities. Consequently, both governments borrowed from international financial institutions and accepted dictates and conditions that curbed their public administration. In this context, they adopted privatization policies that transferred ownership of several productive sectors from the public to the private sector.[2] From the early 1990s, both countries also embraced a liberal approach to water management, leading to the commodification of this vital resource and increasing its cost for citizens.

Transformations in water management in both countries have raised questions that previous scholarship has sought to address. Some studies have examined the role of informal institutions in water management at the municipal and village levels;[3] while others have focused on the legislative frameworks accompanying water management projects and policies,[4] or the importance of data systems as a cornerstone of governance.[5] Further research has yielded important insights into the effects of privatization and the commodification of water on citizens' daily lives.[6] These processes have transformed water from a shared, public resource into a commodity increasingly subject to control by international financial institutions and transnational corporations – developments that can impoverish communities, erode their sovereignty over natural resources, and undermine food security.[7] Other studies have linked the water question to climate change,[8] treating it primarily as a consequence of natural transformations, while leaving aside the interests that shape public policies around water.[9]

Given that it is such a multifaceted and complex issue, water management policies and projects must be formulated within a comprehensive, integrated, and sustainable public policy framework. Such sustainability depends on accurate and reliable data on both water resources and demographic trends, to achieve a balance between available water supplies, whether conventional or renewable, and levels of demand. Both Jordan and Morocco have diverse water resources, including surface water, groundwater,

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1 For further reading on the analysis of decision-making (and the lack thereof) in public policy on water, see: Thomas. R. Dye, *Understanding Public Policy*, 11th ed. (Boston: Pearson, 2008); Pierre Muller, *Les politiques publiques*, Collection: Que sais-je? 2nd ed. (Paris: PUF, 1994).

2 Habib Maalouf, "Siyāsāt al-Bank al-Dawlī al-Tarwījiyya li-Mashārīʿ al-Istithmār fī al-Miyāh wa-Khaṣkhaṣatihā: Sadd Bisrī Lubnān Namūdhajan," in: Abdulmawla Ismail (ed.), *al-Ittijār fī al-ʿAṭash: Muʾassasāt al-Tamwīl al-Dawliyya wa-l-Ḥaqq fī al-Miyāh bil-Minṭaqa al-ʿArabiyya* (Cairo: Sefsafa Publishing House, 2018), p. 117.

3 Rabih Wahba, "al-Miyāh: Min Ḥaqq lil-Jamīʿ ilā Mawrid fī Aydī al-Muhayminīn: Dawr al-Sharikāt ʿĀbirat al-Qawmiyyāt wa-l-Muʾassasāt al-Māliyya al-Dawliyya," in: Ismail (ed.), p. 28.

4 Munther Haddadin, "Evolution of water, Administration and Legislation," in: Munther Haddadin (ed.), *Water resources in Jordan: Evolving Policies for Development, The Environment and Conflict Resolution* (Washington, DC: Resources for the Future Press, 2006), p. 28.

5 Franklin M. Fisher et al., *Liquid Assets: An Economic Approach for Water Management and Conflict Resolution in the Middle East and Beyond* (Washington: Resources for the Future Press, 2005), p. 155.

6 Wahba, p. 28.

7 Ibid., p. 29.

8 Fisher et al., p. 171.

9 Jürgen Habermas, *Connaissance et intérêt*, J.-R. Ladmiral (trans.) (Paris: Gallimard, 1979 [1968]).

and water derived from wadis and dams. Yet there is a fundamental difference between the two countries: Unlike Morocco, Jordan does not enjoy full sovereignty over all its water resources. This helps explain shifts in Jordan's water management policies, while also inviting closer scrutiny of Moroccan policies and their faltering outcomes.

In this context, water projects and policies have attracted considerable attention in both countries since independence. Following independence, both countries embarked on dam-building programmes to address water scarcity. Over time, this challenge was compounded by climate change, particularly as international reports have been ranking Jordan and Morocco among the countries most vulnerable to water scarcity due to recurring droughts and rising temperatures.[10] These dam policies were not politically neutral. Rather, they were shaped by political stakes connected to stability and the production of legitimacy. In Morocco, the political struggle over who had the authority to make public policy decisions helped tip the balance in favour of the notables (*al-aʿyān*) at the expense of other social groups, thus deepening the gulf between the ruling minority and the rest of society.

In contrast, Jordan's context was geographically and politically distinct. Policies governing the Jordan River's water reflected the regime's desire to achieve a measure of spatial justice. Yet Jordan's location in a region of constant tension has impeded the implementation of these goals, forcing it to share water resources with Syria and Israel. Thus, water has played a key role in the outbreak of various wars and conflicts in the region.[11] Amman's failure to implement the proposal by the American engineer Mills Bunger, who advocated for the construction of a dam at Maqarin instead of Lake Tiberias, can be explained by Jordan's unilateral approach to managing the resources of the Jordan River, without establishing mechanisms of consultation and coordination with the riparian states, particularly Syria and Israel.[12]

The political systems of the two countries are similar in several aspects: both have constitutions and recognize political and cultural pluralism[13] though not to an extent sufficient to curb marginalization or social inequality.[14] Likewise, the development of water resources for economic and social purposes has remained a stated objective, but the results have fallen short of this goal. In general, post-independence public policies in both countries were linked to the question of power, through a security-based approach aimed at controlling and monitoring territory rather than developing it. This alienated the state from citizens and helped create a vast chasm between the ruling political class and the rest of society.[15]

In this context, this study examines state public policies on water management and related development sectors in order to understand the obstacles affecting their outcomes and sustainability. It adopts a comparative analytical approach as its primary methodological framework, comparing the experiences of Jordan and Morocco in water management through the lens of public policy analysis. The study investigates the political, social, and economic dimensions of water policy, employing historical

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[10] Dominick de Waal et al., *The Economics of Water Scarcity in the Middle East and North Africa: Institutional Solutions* (Washington, DC: World Bank Group, 2023).

[11] In 1965, Israeli Prime Minister Levy Eshkol said: "Israel may be forced to fight for its water". See: A. Wolf, *Hydropolitics along the Jordan River* (Tokyo: United Nation University Press, 1995), p. 51. In 1992, Shimon Peres said: "Israel needs water more than it needs land". See: Frédéric Lasserre, "Le prochain siècle sera-t-il celui des guerres de l'eau?" *Revue internationale et stratégique*, no. 33 (1999), pp. 1-17; Hugo Sada, "L'Afrique entre guerre et paix," *Revue internationale et stratégique*, no. 33 (1999), p. 104. See also: Razmig Keucheyan, *La nature est un champ de bataille. Essai d'écologie politique* (Paris: Zones, 2014); J. Cooley, "The War Over Water," *Foreign Policy*, no. 82 (1991).

[12] Haddadin, p. 31.

[13] On political and cultural pluralism in political systems in general, see: Jacques Lagroye, *Sociologie politique* (Paris: Presses FNSP-Dalloz, 1997); Gabriel Almond & Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton: Princeton University Press, 1980).

[14] "NMD et la Crise de l'Eau: Déconstruire le lien entre les Retards d'Implémentation et le Désespoir Socio-économique de la Génération Z au Maroc," *marocscenarios*, 13/10/2025, accessed on 15/1/2026, at: https://acr.ps/1L9B9Gy; Fisher et al., pp. 177-179.

[15] "Ḥāzim al-Nāṣir Yantaqid Ḥukūmat al-Razzāz: Ilghāʾ Sulṭat al-Miyāh Khaṭaʾ Kabīr," *Nesan*, 18/2/2020, accessed on 3/7/2025, at: https://acr.ps/1L9F3d0. In the same source, al-Nasser, a water sector expert and former finance minister, says: "The issue of water is not a top priority for the current government, nor was it a priority for the previous government [that of Omar Al-Razzaz]".

analysis to trace the evolution of these policies since independence, with a focus on dam policies, privatization, and the intervention of international financial institutions. It also draws on a multi-level analysis, including institutional analysis to understand the role of formal and informal institutions; legal analysis to explain the legislative frameworks governing the water sector; and socioeconomic analysis to assess the impact of neoliberal reforms and privatization on water resource management. Finally, it considers the societal effects of these policies by examining the social and spatial inequalities, as well as water insecurity produced by the commodification of water.

State Public Policies: Between Development Goals and Spatial Control

While the dominant political theories of the immediate post-independence period advocated the mobilization and management of financial resources[16] in ways that would contribute to building and developing a national economy to achieve political and democratic development, public action in both countries remained hostage to the question of who held power, and who governed. Following independence, concern for political stability became a significant factor in shaping decisions and political priorities in both countries.[17] As a result, water policies became linked to objectives that often diverged from those publicly proclaimed by the states, which sought to present water management as part of a broader public policy. Political stability is crucial for effective governance, and its absence can disrupt and delay development projects.

Yet the pursuit of stability has also contributed to the postponement or abandonment of important political decisions, leading to the loss of significant developmental opportunities. It can therefore be argued that two key periods shaped the conditions of political stability in both Jordan and Morocco, directly affecting the state's approach to resource management in two key respects: the use of public policy to exercise territorial control and monitor the population; and the blocking of crucial decisions that could have offered different prospects for development and spatial justice.

1. Jordan: Water Security and the Construction of Spatial Control

Water security in Jordan is closely linked to the trajectory of the Arab-Israeli conflict. The region's groundwater and the waters of the Jordan River have been targets of Israeli colonial ambitions since the establishment of the state.[18] Water policy in Jordan developed within a regional context shaped by colonial plans to establish a Jewish state in Palestine, plans that materialized with the creation of Israel following the Nakba of 1948.[19] The period from 1952 to 1957 marked a key moment in Jordan's political history, following the enactment of the constitution, as the state adopted plans and programmes developed by foreign water experts and engineers, which formed the basis for all subsequent water management policies and projects. In 1955, the Jordanian government adopted a water resources management policy for the Jordan River Basin based on the ideas of the US ambassador, Eric Johnson, who proposed a unified plan for all parties. Thus, the state's water policies focused on the Jordan River Basin, and the British civil engineering company Sir M. MacDonald & Partners was commissioned to conduct a feasibility study for using the basin's water. That study formed the basis for subsequent comprehensive policies.[20]

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16 Catherine Colliot-Théléne, "Violence et contrainte," in: Etienne Balibar & Bertrand Ogilvie (dir.), *Violence et politique*, Collection: Revue Lignes, no. 25 (Paris: Edition Hazan, 1995), pp. 264-279.

17 Jordan gained independence with the end of the British Mandate in May 1946, and Morocco gained independence with the end of Spanish and French protectorates in 1956.

18 Haddadin, p. 30.

19 Ibid.

20 Ibid., p. 32.

The stated objective here was economic and social development. Yet the main underlying aim was to control territory and manage the population by controlling water resources and how they were administered, a responsibility previously held by local councils. Thus, the Jordanian government focused on amending its water policies, prioritizing the water of the Jordan River and regulating its management, while linking the right to use it to land ownership. This measure helped control the population at the local level by establishing a new irrigation system, for which fees were collected from beneficiaries in exchange for management and maintenance.[21]

Since governance requires political legitimacy or public consent, the Jordanian government resorted to water management and distribution policies and projects based on agricultural land ownership, redistributing land and determining the amount of water needed for irrigation.[22] A superficial reading of its plan for redistributing these lands and modernizing the sector, under Law No. 38 of 1946, which granted the government the authority to manage water resources, and Law No. 40 of 1952, which defined land and water ownership rights, suggests that the state was aiming to minimize potential disputes among farmers. However, an alternative reading centered on the perceptions of political actors reveals that state intervention was not merely regulatory in nature. It also functioned as an instrument of population management and territorial control.

The regulation of real estate and the allocation of water quotas were manifestations of state authority at the territorial level. Through this process, the state became able to identify each individual in the population by tracking their movements. Its external services assisted in this through the appointment of loyal public officials, to ensure the faithful implementation of government programmes and plans, including the modernization of the real estate sector through the identification of irrigable land in new title deeds issued by the Land and Survey Department.[23] One could conclude that the decision to redistribute land to farmers and enable them to benefit from water quotas proportional to the area they owned reflected the state's pursuit of spatial justice as a primary objective. However, the reality was that state control over the distribution of water quotas to farmers concealed a hidden agenda: keeping access to land and water conditional on loyalty and obedience. While observers had assumed that political life in Jordan was institutionalized and organized according to rational rules, they were in fact confronted with political practices based on customary law, which effectively paralysed the role of political parties, whose legal operation was not resumed until 1989. One justification offered for this system was the preservation of state security and stability.[24]

At certain junctures, Jordanian political actors failed to grasp that formulating policies and projects related to the Jordan River Basin necessarily entailed engaging in regional interactions with neighbouring countries, even in situations marked by hostility. The logic of political realism rests on transcending the dichotomy of permanent friends and enemies,[25] asserting instead that interests are the primary determinants of political behaviour. Therefore, dealing with an adversary in specific contexts requires the adoption of rational strategies aimed at containing or neutralizing the threat it poses. Indeed, political practice may sometimes compel the formation of temporary alliances dictated by interest and necessity.[26]

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21 Ibid.

22 Ibid.

23 Ibid.

24 Ibrahim Fawzi Riyath, "The Role of Political Parties in Shaping the Democratic Process in Jordan," *Al-Biruni Journal of Humanities and Social Sciences*, vol. 3, no. 4 (2025), pp. 1-8.

25 Julien Freund, *L'essence du politique,* 3ème ed. (Paris: Dalloz, 2003).

26 In his interpretation of engagement in political practice, Max Weber held that: "The early Christians recognised that the world was ruled by demonic forces, and that an individual's involvement in politics – as a sphere of power and violence – amounted to entering into a covenant with evil forces". Max Weber, *Le savant et le politique*, Julien Freund (trans.) (Paris: Éditions Plon, 1959), p. 210.

Consequently, Jordan's engagement in negotiations with Israel and the resulting forms of normalization never constituted a strategic choice stemming from an independent political will, given the structural pressures the Kingdom has faced since independence. But this does not preclude an interrogation of the governance of water policies within a complex system of relationships, roles, and strategies.[27] This system is governed by rules that every actor seeking influence within it must understand and effectively utilize to achieve the desired outcomes. From the perspective of organizational psychology, and given the excessive depletion of natural resources under the capitalist system, particularly since the mid-20th century, there is an urgent need for robust and innovative management models. In this context, some researchers have advocated for approaches based on what is known as "conflict-based cooperation" as a practical mechanism for managing tensions.[28] Therefore, in light of intensifying competition over shared water resources, cooperation appears inevitable, despite differences in value systems and cultural frameworks among the actors.

2. Morocco: Who Decides? Elite Control of the Public Sphere

Morocco's post-independence political life was defined by a central question: Who decides on public policy? This became the focus of a political struggle between the palace and the parties comprising the nationalist movement, which sought a monarchy that would reign but not rule. These parties favoured political change and the construction of a national economy based on industrialization, the training and empowerment of farmers and peasants, and the formation of a cadre of senior administrators. However, they often lacked both strategic vision and flexibility in their positions.[29] Their insistence on a one-party system and on a monarchy with limited authority ultimately hindered Morocco's efforts to join the ranks of developed nations.

Within the context of this struggle for power, water policy did not become a government priority before 1960. The period from 1956 to 1962 was deeply politically significant, as leftist parties and the palace promoted competing visions over who should decide on public policy. King Hassan II (1962-1999) was hostile to these parties and their vision; after dismissing the government of Abdallah Ibrahim (1958-1960), he adopted a strategy aimed at building stable relations with the West while achieving domestic political stability through conservative economic and social policies.[30] The new government adopted a different outlook. Instead of seeking to industrialize the country, it focused on agriculture and relied on the tourism sector to bring in foreign currency.[31] To achieve his goals and fulfil his promises to the West, King Hassan issued a new constitution in 1962, founded on a separation of powers that favoured the monarchy.[32] Article 19 also enshrined the King as Commander of the Faithful, underlining the monarchy's historical and religious legitimacy.[33] However, ongoing tensions and a lack of dialogue or mutual recognition continued to dominate the political landscape, which remained stagnant until 1977.[34]

At the territorial level, the concern for unity was the defining factor in state policy. Rabat adopted a security-led approach aimed at keeping the country under close surveillance. This was facilitated by the

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27 Michel Crozier & Erhard Friedberg, *L'acteur et le système* (Paris: Éditions Seuil, 1977).

28 Marc Benninger, "Compte rendu du livre d'Yves Clot: Le prix du travail bien fait, éd. La Découverte, 2021, 221 pages," *hrtoday*, 16/6/2022, accessed on 22/1/2026, at: https://acr.ps/1L9F2yw

29 Youssef Dahraji, "al-ʿUzūf al-Siyāsī fi-l-Muʾaththir fī al-Siyāsāt al-ʿUmūmiyya," *al-Majalla al-Maghribiyya lil-Dirasat al-Qanuniyya wa-l-Siyasiyya*, no. 1 (2023), p. 288.

30 Pierre Vermeren, *Histoire du Maroc depuis l'indépendance* (Paris: Edition La Découverte, 2006), p. 30.

31 Ibid., p. 23.

32 Mohamed Moatassim, *al-Ḥayāt al-Siyāsiyya al-Maghribiyya 1962-1991* (Casablanca: Muassasat Isis lil-Nashr, 1992), p. 13.

33 R. Elmossadek, "Les forces politiques face au problème de la démocratisation du régime au Maroc," PhD. diss., Political Science Department, Université Paris-XII, 1981, p. 15.

34 Mohamed Moatassim, *al-Niẓām al-Siyāsī al-Dustūrī al-Maghribī* (Casablanca: Muassasat Izis lil-Nashr, 1992), p. 70.

control it now exerted over the distribution of lands and water resources reclaimed from the country's occupiers,[35] through policies and projects that primarily benefited the notables at the expense of other groups, who suffered marginalization and social inequality. In this way, a historic opportunity to achieve spatial justice was squandered. One consequence of this situation was that citizens took to the streets in opposition to all forms of marginalization and violence. The Rif Revolt of 1957 had a particular impact: the authorities responded to them differently, through the Sebou Project, a local development initiative. This could have marked a turning point in state policy toward the Rif and High Atlas regions, opening the way for policies aimed at their economic and social development and empowerment, rather than their control and surveillance.[36]

As was the case elsewhere in the Middle East, international organizations were prepared to finance projects related to the development and regulation of Morocco's major river basins. The Sebou Project provides a revealing example. Given the immense agricultural potential of the Gharb Plain, experts from the United Nations Food and Agriculture Organization (FAO) believed that the region could be developed through large-scale irrigation schemes and the organization of farmers into productive agricultural structures. The Moroccan state, however, represented at the time by the Minister of the Interior, Mohamed Oufkir (1964-1972), viewed the project differently. It interpreted these proposals as part of a communist-inspired agenda and consequently brought the mission to an end.[37]

One objective of the Sebou River Basin Project was to organize and modernize land ownership in the Gharb plain by distributing land to farmers. However, the state believed that such a measure could disrupt the political and social balance in the region, and that the regime's stability and continuity required the Interior Ministry to maintain control over the population.[38]

As a result of water and agricultural policies that favoured the local elite, the regime faced two coup attempts, in 1971 and 1972. These policies had created social disparities between an elite that owned the means of production and the rest of society. For example, in the early 1980s, dam policies were financed through price increases on basic commodities like tea and sugar. Given citizens' weak purchasing power, they took to the streets in protest, particularly in major cities such as Casablanca, Fez, and Marrakech, as well as in the Rif region.[39]

An assessment of Morocco's dam policies from their inception reveals a lack of impartiality in their design and implementation, indicating that political legitimacy was the primary consideration. In 1973, the king issued the decree on "Moroccanization", which reclaimed land from the colonial powers for distribution to Moroccan citizens. However, the benefits largely went to the local elite, whom the state granted complete freedom to cultivate crops without any oversight or evaluation – essential elements of any integrated, sustainable water policy. Thus, the elite exploited the tense political and social situation, as well as the legal vacuum concerning the structuring, organization, distribution, and use of water, and proceeded to cultivate water-intensive crops, expand the drilling of wells, and overconsume water, depleting the country's water resources.

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[35] Mohamed al-Nasiri, "Murāqabat al-Majāl al-Turābī aw Tanmiyatuh? Maʾziq al-Ṣulṭa Mundhu Qarn," in: Mohamed al-Nasiri et al., *al-Taḥawwulāt al-Ijtimāʿiyya bil-Maghrib* (Rabat: Markaz Tariq ibn Ziyad lil-Dirasat wa-l-Abhath, 2000), pp. 15-75, 45.

[36] Ibid., p. 44.

[37] Ibid., p. 45, 49.

[38] Ibid.

[39] In January 1984, residents of Morocco's major cities took to the streets to protest the high cost of living. The late King Hassan II referred to the protesters in the Rif region as a "rabble", in a speech that can be considered a defining moment of those protests. See: Michel Rousset, "Politique administrative et controle social," in: Jean-Claude Santucci (dir.), *Le Maroc actuel: Une modernisation au miroir de la tradition?* (Paris: Aix-en-Provence, Institut de recherches et d'études sur les mondes arabes et musulmans, CNRS Éditions, 1992), pp. 151-169.

Based on these summaries, neither Jordan nor Morocco had anticipated the policies that would result from their internal political contradictions and differences, or from foreign alliances and interests. The domestic and external circumstances surrounding both countries obscured key priorities for political actors, in government and opposition alike, including those related to water. The political experiences of both kingdoms highlight a lack of strategic water management. While Jordan sought to implement policies and projects related to water resources of an international character without consulting its riparian neighbours, its funding was blocked by Israel. Morocco's Sebou project could have made a significant difference, had it been properly utilized: the basin could have been equipped for irrigation and Moroccan farmers organized, given the willingness of international organizations on the ground to provide financial support. However, conflicting interests led to the project being halted. The episode demonstrates that when political actors neither share a common vision of the public interest nor adhere to principles of consultation and cooperation, they squander genuine opportunities.

Water: A Developmental or Political Imperative?

Water is a vital resource that plays a fundamental role in shaping societies. Studies have shown that progress in Europe only accelerated after governments made water and sanitation a policy priority, mobilizing financial and technological resources and enacting regulations to guarantee universal access to water and sanitation services. Prior to these reforms, Europe suffered from high infant mortality rates and widespread epidemics and infectious diseases. However, the adoption of integrated and sustainable water policies led to tangible gains in health and education. For example, the development of sanitation in Britain helped increase life expectancy by approximately 15 years during the four decades after 1880.[40] The sector was restructured by prioritizing water quality through safe supply and recognizing water as a fundamental right. This reflected the conviction that water security affordable access to sufficient clean water – at least 20 litres per person per day.[41] Engaged intellectuals championed these policies through works that fostered awareness and accountability.[42]

Considering Jordan and Morocco, it is possible to understand the constraints imposed by conditions in the post-independence period. However, circumstances change, and data on water level has become more widely available. This data can be used to design and implement water management policies and projects that reduce overuse and improve quality. With declining rainfall and rising temperatures, both Jordan and Morocco face increasing challenges related to water scarcity and hydrological stress. How, then, have the governments of the two countries dealt with the problem of scarcity, drought, and water stress and pollution? And have they managed water as a commodity, or as a public asset?[43]

1. The Impact of Water Scarcity and Pollution on Individuals' Social Lives

Jordan and Morocco both face severe water crises due to drought and the depletion of water basins and exacerbated by prolonged water shortages that have affected natural resources, the environment, and the population.[44] Low rainfall, declining river levels, and the depletion of surface and groundwater basins

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40 United Nations Development Programme, *Taqrīr al-Tanmiyya al-Bashariyya lil-ʿĀm 2006, Mā Huwa Abʿad min al-Nudra: al-Quwwa wa-l-Faqr wa-Azmat al-Miyāh al-ʿĀlamiyya* (Cairo: UNDP, 2006), p. 21.

41 Ibid.

42 Fiction has also highlighted the centrality of issues related to the provision of public services and facilities. Notable examples include Victor Hugo (1802-1885), who devoted his most prominent works to defending the marginalized and those suffering from harsh living and health conditions, including his famous novel *Les Misérables*. Similarly, George Orwell wrote a vivid account of deprivation and poverty in the late 1920s and early 1930s, in *Down and Out in Paris and London*.

43 Elinor Ostrom, *Governing the Commons-The Evolution of Institutions for Collective Action* (Cambridge: Cambridge University Press, 1990), p. 28.

44 Anil K. Gupta et al., "Drought Disaster Challenges and Mitigation in India: Strategic Appraisal," *Current Science*, vol. 100, no. 12 (2011), pp. 795-806.

can be attributed to government policies and projects as well as external circumstances. In Morocco, the government has been reluctant to regulate the water sector, especially since the country began adopting structural adjustment policies in 1981. Morocco was forced to adopt a liberal policy approach to managing the agricultural sector, allowing investors to cultivate profitable crops without any assessment of their impact on groundwater, surface water, or green water resources. This trajectory began with the Agricultural Development Fund and continues with the policies adopted under two strategies: the 2008-2020 Green Morocco Plan (Plan Maroc Vert) and Green Generation 2020-2030.[45]

Jordan, meanwhile, has long possessed permanent springs and watercourses, yet their use was not managed in a systematic and sustainable manner.[46] In the period from 1952 to 1983, the government embarked on some innovative water management policies and projects, establishing bodies responsible for their management and for monitoring water use. However, regional tensions and armed conflicts, coupled with criticism from political actors regarding the delegation of water sector management to independent bodies, constituted structural obstacles for the desired outcomes.[47]

Despite the efforts of both countries, they have failed to mitigate the negative effects of water scarcity, especially in light of population growth. Morocco's population increased from 11.5 million in 1960 to 38.5 million in 2025,[48] while Jordan's rose from 853,471 to 11.5 million over the same period.[49] This imbalance between population and water resources helps explain the challenges facing water policies and projects in both countries.[50] According to water experts, when annual water supplies fall below 1,700 m3 per capita, a region experiences water stress; if supply drops below 1,000 m3 per capita annually, the population faces water scarcity. If water availability falls below 500 m3 per capita, the population faces "absolute scarcity".[51]

In Jordan, rainfall remains very low, averaging between 50 to 200 mm annually. In 2024 it received just 89.4 mm, down from 145.4 mm in 2023,[52] while the lowest level was recorded in 2017, at 53.2 mm.[53] Precipitation can vary widely between the north and the south, from 400 mm annually in the northwest (west of the Jordan River), to less than 100 mm annually in the south.[54] By comparison, average annual precipitation exceeds 300 mm over approximately two-thirds of the land area of the United States and Europe.[55] Due to low rainfall and its arid to semi-arid climate, Jordan faces structural challenges related to drought, the negative effects of which are evident in the environment, water supplies, agriculture, food security, the functioning of dams and water basins, and various forms of pollution. Consequently, the government has attempted to employ modern technology to collect and analyse rainfall data, measure temperature and wind speed, and inform policy.[56]

In Morocco, weak, variable, and irregular rainfall has resulted in recurring droughts. Their intensity varies between the north and the south. The country receives significant rainfall during only two months of the year, October and November, while temperatures are highest between June and August. The year 2022

45 A 2024 report by Morocco's Royal Institute for Strategic Studies (IRES) noted an expansion in the drilling of wells and the exploitation of aquifers, supported by the Agricultural Development Fund after its establishment in 1985. This trend accelerated significantly with the launch of the Green Morocco Plan in 2008. See: Mohamed Qarnan, "al-Maʿhad al-Malakī lil-Dirāsāt Yajlid al-Mukhaṭṭaṭ al-Akhḍar wa-l-Siyāsāt al-Zirāʿiyya bi-Sabab Istinzāf al-Māʾ," *Tel Quel Arabi*, 30/5/2024, accessed on 30/8/2024, at: https://acr.ps/1L9F2Fa

46 Haddadin (ed.), p. 32.

47 Ibid., pp. 33-39.

48 "Morocco Population," *Worldometer*, 1/7/2025, accessed on 15/8/2025, at: https://acr.ps/1L9F2jk

49 "Jordan Population," *Worldometer*, 1/7/2025, accessed on 15/8/2025, at: https://acr.ps/hBy2sUB

50 Haddadin (ed.), p. 43.

51 Saeed Nairizi (dir.), *Irrigated Agriculture Development under Drought and Water Scarcity*, ICID.CIID (October 2017), p. 21.

52 "Jordan Average Precipitation," *Trading Economics*, accessed on 18/8/2025, at: https://acr.ps/hBy2tbc

53 Ibid.

54 Ibid.

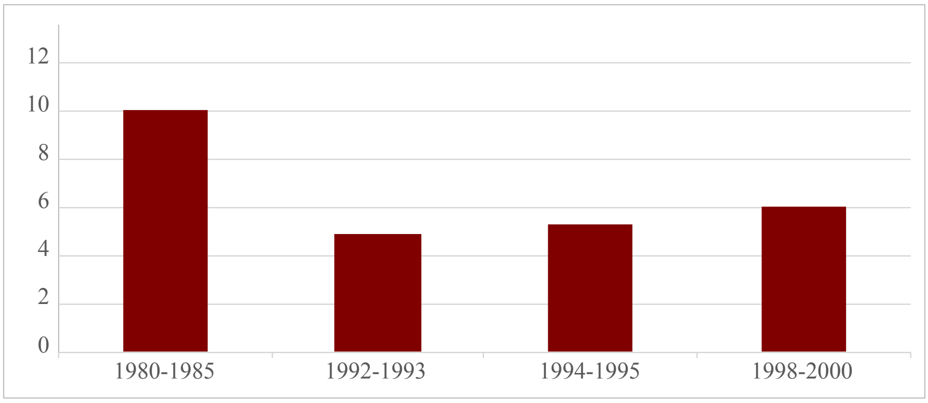
55 Elias Salameh & Helen Bannayan, *Water Resources of Jordan, Present Status and Future Potentials* (Amman: Friedrich Ebert Stiftung, 1993).

56 Hala Zawati Katkhuda & Munther J. Haddadin, "Water Data Systems in Support of Water Management and Planning," in: Haddadin (ed.), p. 55.

saw the highest temperatures in the past 40 years, with the national mean temperature exceeding the 1981-2010 average by +1.63°C.[57] The precipitation deficit reached 27% compared with the average, and the period from 2019 to 2022 was the driest in over 60 years, with a deficit of nearly 32%.[58] Between 1981 and 2024, only 18 years recorded above-average rainfall.[59] Whereas Morocco had previously experienced one year of drought every 11 years, it has recently recorded six drought years in quick succession. Annual rainfall did not exceed 103 mm in 2017,[60] while the 2021-2022 season was particularly severe, with rainfall down by 50% and Morocco's stored water reserves falling below two billion m3, compared with an average of 10 billion m3 in recent years.[61]

A good indicator of this state of drought is the decline in surface water volumes, from an annual average of 19 billion m3 to 10 billion m3 over the period 1980-1985; then to 4.9 billion m3 in 1992-1993; 5.3 billion m3 in 1994-1995; and 6 billion m3 in 1998-2000.[62] Figure (1) illustrates the factors that underly this decline, alongside he policy of dam construction, after water storage mobilization had previously reached 40 billion m3 in some years.[63]

Figure (1): Annual Average Surface Water in Morocco



Source: World Bank Group, "Country Climate and Development Report, Historic Trends: Water Scarcity and Droughts in Morocco," accessed on 25/7/2025, at: https://acr.ps/1L9B9Lr

In Jordan, successive periods of drought led to a policy of building dams to trap rainwater and develop water resources, through a series of water projects that initially focused on the Jordan River Basin. These projects were expected to be adopted immediately after independence, based on plans and studies prepared by foreign experts and in alignment with the state's public policies, which placed a high priority on regulating land ownership.[64] However, strained relations with Israel forced their postponement. The first project, the Sharhabil Bin Hassneh Dam, was constructed in 1967. Today, the Kingdom has 17 dams of varying sizes

[57] Royaume du Maroc, Ministère de l'équipement et de l'eau, *Maroc état de climat en 2022* (Mars 2023), p. 3, accessed on 26/2/2026, at: https://acr.ps/1L9Ba3j

[58] Ibid. p. 4.

[59] Fatima Ezzahra Mengoub, "Au fil de l'eau: L'innovation hydrique au Maroc," *Publications*, Policy Center for the New South, 22 March 2024, accessed on 26/2/2026, at: https://acr.ps/1L9F2NJ

[60] Ibid.

[61] Interview with water expert Abdelhafid Al-Dabbagh, "Ḥadīth al-Thulāthāʾ: Ayy Tadbīr lil-Mawārid al-Māʾiyya fī al-Maghrib bayn al-Siyāsāt al-Qiṭāʿiyya wa-Jawdat al-Ḥikāma," Policy Center for New South, 12 April 2023.

[62] World Bank Group, "Country Climate and Development Report, Historic Trends: Water Scarcity and Droughts in Morocco," accessed on 25/7/2025, at: https://acr.ps/1L9B9Lr

[63] Morocco's 2024 Climate Report highlights how low rainfall and rising temperatures have had a negative impact on water inflows to most of the country's dams, exacerbating the decline in reservoir levels, harming the agricultural sector, and making the provision of potable water costly and complicated. See: Royaume Du Maroc, Ministère de l'équipement et de l'eau, Direction générale de la météorologie, *Etat du climat Maroc 2024*, accessed on 26/2/2026, at: https://acr.ps/1L9B9xY

[64] Haddadin (ed.), pp. 29-32.

and storage capacities. Among the most important are the King Talal Dam in Jerash Governorate,[65] fed by the Zarqa River, and the Unity (Al-Wehda) Dam, a joint Jordanian-Syrian facility located on the Yarmouk River, with a storage capacity of 110 million m3.[66] However, the storage capacity of these dams has declined significantly due to decreasing rainfall in recent years, including during the 2024-2025 rainy season.[67] Whereas storage capacity was approximately 75 million m3 at the King Talal Dam, 110 million m3 at the Unity Dam, 55 million m3 at the Karameh Dam, and 30 million m3 at the Mujib Dam, the majority of the reservoirs behind these dams are now on the verge of drying up. At the time of writing, water reserves in three of them did not exceed 20 million m3.[68] World Bank experts who assessed the situation in Jordan for the *Jordan Country Climate and Development Report* have emphasized that climate and development goals should be defined based on public policies and the promotion of investment in five strategic sectors: first and foremost water, followed by energy, agriculture, transport, and urban development.[69]

Morocco began constructing dams as early as 1929, during the French Protectorate. However, dam building to mobilize water resources, as a practical strategy to address the challenges and constraints associated with low and irregular rainfall, became policy in 1967, the year a World Bank report classified Morocco as an agricultural country. The late 1970s saw the construction of the Al Massira Dam, the second largest in the Kingdom, with a storage capacity of 2.7 billion m3. Al Wahda Dam, the country's largest in terms of volume, was also built to provide irrigation water for 100,000 hectares. Further construction brought the total number of dams in Morocco to over 140, both large and small, suggesting the prominence of water mobilization in the country's development plans.

From 1945-1980, Morocco's dams mobilized 20 billion m3 of water on average, sometimes rising to as much as 40 billion m3. This declined by an estimated 30% between 1980 and 2021, to the point that average water mobilization in recent years has not exceeded 10 billion m3. In 2021, Morocco recorded a severe water shortfall of some two billion m3.[70] Some 50 years later, Morocco's dam strategy has revealed serious limitations, failing to achieve its stated objectives of irrigating 100,000 hectares, and providing the population with a reasonable supply of drinking water.[71]

Agriculture is one of the country's most water-intensive sectors. Between 1998 and 1999, Morocco's agricultural sector consumed 9.95 billion m3 out of 13.64 billion m3 of groundwater and surface water. Thus, 70% was used for irrigation, while only 2.27 billion m3, or 16%, was allocated for drinking water.[72] The dams that were built have irrigated no more than one million out of 7.7 million hectares of arable land.[73] Given the scarcity of rainfall and the limited availability of water reserves in basins and dams, Morocco's

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65 Fisher et al., p. 157.

66 "al-Urdun ʿalā Ḥāffat al-ʿAṭash Wasaṭ Azmat Miyāh wa-Sudūd Shibh Khāwiya," *Al Jazeera*, 2/11/2025, accessed on 26/2/2026, at: https://acr.ps/1L9F2Jg

67 Ibid.

68 "Baʿd Jafāf al-Sudūd... al-ʿAjz al-Māʾī Yuṭārid al-Qiṭāʿāt al-Iqtiṣādiyya bil-Urdun," *Al Jazeera*, 15/11/2025, accessed on 26/2/2025, at: https://acr.ps/1L9F38F. The article quotes Hazem al-Nasser saying: "Drought has affected most of the dams, and three of them have reserves of less than 5%". He notes that water was not a priority in the preceding government's public policies; as a result, water reserves in the three dams did not exceed 20 million m3. He also warned of a drought at King Talal Dam.

69 World Bank, *Jordan Country Climate and Development Report*, 7 December 2022, accessed on 12/5/2024, at: https://acr.ps/hBy1Clq

70 "Rapport climat et développement au Maroc, Pénurie d'eau et sécheresse," Groupe de la Banque Mondiale,

3/11/2022, p. 5, accessed on 25/7/2025, at: https://acr.ps/1L9F2OI

71 Addressing the challenges associated with water management projects raises numerous issues, as it requires attention to public policy in an integrated and comprehensive manner. Discussions of water policies in both countries must link them to production patterns, assessment, and data collection. At the same time, it is worth examining water-related projects and programmes, as well as the nature of the political groups involved in them and benefiting from them.

72 Kevin Warkins (dir.), "Résumé: Rapport mondial sur le développement humain, au-delà de la pénurie: pouvoir, pauvreté, et crise mondiale de l'eau," Programme des Nations Unies pour le Développement (PNUD), 2006, p. 32, accessed on 15/6/2025, at: http://hdr.undp.org

73 Nairizi (dir.), p. 21.

National Water Report shows that per capita water availability decreased from 2,500 m3 in 1960 to 830 m3 in 1990, and to just 411 m3 in 2020,[74] putting the country in a situation of absolute water scarcity.

Meanwhile Jordan has undergone exceptional population growth, particularly with successive influxes of refugees, reaching 1.9% by the end of 2023, and having increased from 7.1 million in 2011 to 11.1 million in 2022.[75] This has increased demand for water, alongside scarce rainfall and drying dams. Jordan's per capita water supply is expected to decrease further; it currently stands at less than 100 m3, a figure significantly lower than the 500 m3 per capita threshold used in international reports.[76] The real figure may be even lower if the water needs of refugees are taken into account.[77] These factors Jordan among the countries most severely affected by water scarcity. Therefore, the country faces several challenges related to irrigation in the agricultural sector and to meeting the population's drinking water needs.

Furthermore, the influx of refugees from Syria and other neighbouring countries further stressed water supplies.[78] Water is delivered only once a week in major cities like Amman, and once every 12 days in some areas. A World Bank Group report on Jordan warned that the implementation of development projects and policies in Jordan is threatened by water scarcity, which is only expected to worsen due to climate change.[79] The report added that rising demand could place greater pressure on the sustainable use of water resources, resulting in groundwater depletion exceeding 200%, in addition to an annual decline of approximately 20% in surface water reserves in water basins.[80]

In response to the multiple challenges threatening water security, the governments of both Jordan and Morocco have implemented policies focused on water diversion technologies. Morocco has worked on transferring water between river basins, particularly in the Souss-Massa, Oued Tensift, and Oum Er-Rbia basins.[81] A study conducted on Jordan, the West Bank, and Israel confirmed the existence of large-scale water transfer operations. Israel's water conveyor diverts an average of 450 million m3 annually from north to south, using Lake Tiberias as a strategic reservoir.[82] In Jordan, the capacity of the King Abdullah Canal's northern sections is estimated at approximately 600 million m3 annually, decreasing to about 180 million m3 annually in the southern part of the Jordan Valley, with an average annual flow ranging between 140 and 160 million m3. The canal helps divert water from the Yarmouk River for irrigation in the upper Jordan Valley, as well as supplying the Deir Alla project with an average annual volume of approximately 35 million m3.[83]

The quality of water used for irrigation is also at risk; from agricultural runoff, pollution, the effects of climate change, soil composition, and the quantities of fertilizers and pesticides used.[84] Research conducted in the Tadla region of Morocco, specifically in the expansive irrigated areas of Beni Amir and Beni Moussa, revealed nitrate concentrations in numerous wells exceeding the national drinking water safety limit of

74 "Rapport climat et développement au Maroc," p. 4.

75 The Hashemite Kingdom of Jordan, Department of Statistics, Population and Social Statistics, "ʿAdad al-Sukkān al-Muqaddar li-Nihāyat ʿĀm 2025," January 2026, accessed on 6/2/2026, at: https://acr.ps/1L9Bagw

76 World Bank Group, "Morocco: Country Climate and Development Report, CCDR: Background Paper -Water Scarcity and Droughts" (Washington, DC: 2023), accessed on 25/2/2026, at: https://acr.ps/1L9Ball

77 Edoardo Borgomeo et al., *Ebb and Flow*, vol. 2. *Water in the Shadow of Conflict in the Middle East and North Africa* (Washington, DC: World Bank Group, 21/12/2021), accessed on 25/2/2026, at: https://acr.ps/1L9F2rv

78 Ibid.

79 World Bank, "al-Mamlaka al-Urduniyya al-Hāshimiyya: Tashjīʿ Inhāʾ al-Faqr wa-Taʿzīz al-Rakhāʾ al-Mushtarak, al-Dirāsa al-Tashkhīṣiyya al-Manhajiyya ʿan al-Urdun," *Report*, no. 103433-JO (February 2016), p. 71, accessed on 15/8/2025, at: https://acr.ps/1L9B9M2

80 Ibid., p. 68.

81 Alia Gana & Mohamed El Amrani, "Les crises hydrauliques et la gestion sociale des risques. Illustrations en Tunisie et Au Maroc," in: Alexandre Brun & Frédéric Lasserre (dir.), *Politiques de l'eau: Grands principes et réalités locales* (Québec: Presses de l'Université du Québec, 2006), p. 367.

82 Gilbert F. White et al., *Water for the future, The West Bank and Gaza Strip Israel and Jordan* (Washington: National Academy Press, 1999), p. 128.

83 W. Alkhoury et al., "Water quality of the King Abdullah Canal/Jordan – impact on eutrophication and water disinfection," *Toxicological and Environmental Chemistry*, vol. 92, no. 5 (2010), pp. 855-877.

84 Gana & El Amrani.

50 mg/L. Similar observations were made regarding the Sebou River, where nitrate levels are increasing by five mg/L annually, posing a significant public health risk.[85] The same study also indicated that wastewater discharge significantly affects water quality, with half of the samples collected from water stations showed water of average to poor quality.[86] This highlights the need to promote scientific research aimed at improving water quality and reducing pollution levels.[87]

2. Toward an Integrated and Sustainable Water Policy

According to the UNDP's Human Development Report, water insecurity poses a grave threat to human development in most developing countries. This underscores the responsibility of public authorities to implement sound water policies to ensure access to fresh water and sanitation for the whole population at affordable prices.[88] Recognizing the challenges they face due to water scarcity and poor water quality, from 1990 onward both Morocco and Jordan quickly adopted alternative policies aimed at balancing water supply and demand, rationalizing consumption through pricing policies, and employing modern technologies to develop non-conventional resources, particularly seawater desalination, reverse osmosis, cloud seeding, water harvesting, and watershed management.

In Jordan, government water management projects and policies have largely been unable to meet citizens' needs for potable water and for agricultural and industrial use, even when those efforts have been overseen by independent and highly effective bodies. A 1978 study by a British company indicated that by 2000, the available water resources would not be sufficient to meet municipal and industrial demand without compromising supplies allocated for the expansion of irrigated agriculture in the Jordan Valley. The deficit was estimated to be approximately 160 million m3 by the turn of the millennium, unless the government took immediate measures to secure additional supplies.[89] Amman reached an agreement with Damascus for the construction of the Maqarin Dam on the Yarmouk River, with US financial support estimated at $150 million. However, strained relations between the two countries during the Iran-Iraq War from 1980 onward prevented the project's completion. Groundwater was, however, discovered in the Yarmouk and Wadi al-Arab valleys, enabling the supply of municipal water to Irbid in the north and the surrounding areas.[90]

This development, amid a turbulent regional political landscape, necessitated the signing of a peace agreement with Israel in 1994. The Wadi Araba Treaty defined the sharing and allocation of common water resources from the Yarmouk River and Lake Tiberias,[91] regardless of the Arab League's position, reflecting the Jordanian government's awareness of the challenges posed by the population's water needs. Jordan also adopted a new approach to water resource management, publishing a strategic water policy and establishing a Ministry of Water and Irrigation in 1995. Furthermore, it implemented a series of plans aimed at rationalizing the use of treated wastewater in agriculture and improving the management of water supply in the country's western regions.[92] However, wastewater treatment in urban areas requires

85 Ibid.

86 Ibid.

87 Jean Maurice Arbour & Sophie Lavallée, *Droit international de l'environnement* (Cowansville, Qc: Yvon Blais, 2006), Introduction.

88 Warkins (dir.), Chapter 2: "L'eau destinée à la consommation humaine," p. 75.

89 Haddadin (ed.), p. 40.

90 Ibid.

91 National Research Council, *Water for the Future: The West Bank and Gaza Strip, Israel, and Jordan* (Washington, DC: National Academy Press, 1999), p. 171.

92 Rémy Courcier, Jean Philippe Venot & François Molle, "Historical Transformation the Lower Jordan River Basin (in Jordan): Changes in Water Use Basin and Projections (1950-2025)," *IWMI Research Reports H038306*, International Water Management Institute, 1 January 2005, p. 29, accessed on 17/1/2026, at: https://acr.ps/1L9F2Ex

twin municipal distribution systems, one for drinking water and the other for treated water, to mitigate the potential environmental damage and water pollution caused by treatment technologies.[93]

As the Ministry of Water and Irrigation focused on the causes of water loss and explored ways to improve its management, it decided to prioritize three key areas in the Jordan Water Sector Efficiency Project, implemented in cooperation with the United States Agency for International Development (USAID):[94] reducing leakage in water networks; preventing water theft; and ensuring accurate billing for consumption and payments. Accordingly, it focused on restructuring and upgrading water networks and pumping stations, and on providing smart metres and rapid leak-detection devices.[95] The project included water management services, wastewater networks, wastewater treatment plants, and drinking-water pumping stations, such as the Zara Ma'in water treatment plant, the Samra wastewater treatment plant (which treats 70% of the country's wastewater), and the Wadi Al-Arab project, designed with support from USAID.[96]

Jordan has also launched several other initiatives, such as the Sahara Forest Project (SFP) in the Wadi Araba region, which includes a solar-powered seawater desalination plant. There is also the planned Aqaba-Amman Water Desalination and Conveyance Project (AAWDC), also known as the National Water Carrier, which aims to desalinate Red Sea water and transport it to Amman via pipelines. Funded by the European Investment Bank (EIB), the project aims to meet Jordan's water needs by 2028. It is also expected to mitigate the decline in water levels in the Dead Sea, contribute to its recovery, and provide the hydraulic pressure required for reverse osmosis desalination. It is worth noting that the sustainability of such a project will require evaluations of the cost of fresh water, chemicals, and energy generation, as well as the environmental impacts of using the Carrier.[97]

Furthermore, employing innovative agricultural technologies, such as harvesting local runoff and floodwater, helps prevent soil salinization and produce high-quality crops for export, including ornamental plants, fruits, vegetables, and herbs. Additionally, fertigation can reduce groundwater pollution, while efforts to desalinate brackish water offer clear potential to increase the available water supply.

Many foreign experts advocate against cloud-seeding techniques, due to ongoing debates about their effectiveness. While some estimates suggest that Jordan's cloud-seeding programme has contributed to an approximately 19% increase in rainfall, increases in surface runoff have been less significant, raising questions about the technique's real impact on water resources. As a statistical analysis by Rangno and Hobbs showed in 1995, seeding experiments in two Israeli trials were marred by statistical errors that cast doubt on their validity, meaning that they did not produce any statistically significant effect on rainfall.[98] The World Meteorological Organization states: "If one can accurately predict rainfall from a cloud system, it is easy to detect the effect of artificial cloud-seeding in that system … As such, the expected effects of seeding often occur within the range of natural fluctuations ... and our ability to predict natural behaviour remains very limited".[99]

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93 Ibid.

94 Jacqueline Marie Tront, "Project Information Document - Jordan Water Sector Efficiency Project - P176619" (Washington, DC: World Bank Group, 2023), accessed on 26/2/2026, at: https://acr.ps/1L9B9sr

95 Ibid.

96 According to the Minister of Water and Irrigation, Engineer Raed Abu Al-Saud, the Zara Ma'in Water Treatment Plant is one of the main systems supplying Amman, with a capacity of 100,000 m3 per day – or 38 million m3 annually – of potable water. See: Hashemite Kingdom of Jordan, Ministry of Water and Irrigation, "Ittifāqiyya li-Taṭwīr wa-Istidāmat Maḥaṭṭat al-Zāra Māʿīn bi-Qīmat 1.8 Milyūn Dūlār," 24/1/2025, accessed on 26/2/2026, at: https://acr.ps/1L9F2Yy

97 White et al., p. 125.

98 Between 1961 and 1975, two cloud seeding experiments were conducted in northern and central Israel. Each claimed to have contributed to rainfall, with a 15% increase in the first experiment and a 13% increase in the second. See: White et al., p. 156.

99 "WMO Statement on Weather Modification," *World Meteorological Organization*, 14/6/2025, accessed on 26/2/2026, at: https://acr.ps/1L9Babx

Several studies have warned against the overexploitation of groundwater resources in Jordan, estimated at some 300 million m3 annually, highlighting that this could lead lower water levels and lead to the salinization of freshwater aquifers. Thus, any attempt to meet the population's water needs by increasing surface-water and groundwater extraction risks causing environmental degradation and depleting freshwater resources.[100]

Morocco's water policy has been marked by a reformist trend since the 1990s. Despite maintaining the same goals and the support of the elite across all its policies, the Moroccan government, headed by Aziz Akhannouch since his victory in the 2021 legislative elections, has produced a draft law on public procurement.[101] The country continues to build dams, despite the limitations of this policy, the influence of certain interest groups over it, and the absence of governance and sustainability mechanisms which would support productive sectors, particularly agriculture. In addition, the liberalization of agricultural investment, which started in the 1980s in response to the structural adjustment programme mentioned above, has negatively affected the structure and organization of water management by giving agricultural investors the freedom to cultivate crops and drill wells without any oversight, monitoring, or evaluation.[102]

The liberalization of the agricultural sector has led to the excessive and indiscriminate use of both groundwater and surface water, affecting the water table. Some experts argue that this has moved the country from a state of scarcity to one of water stress.[103] State agricultural policies introduced in 1985, which established the Agricultural Support Fund to promote the farming sector, have generated counterproductive results in the form of expanded well drilling and depletion of the water table. The Green Morocco Plan, which allocated substantial financial support within the framework of the National Drip Irrigation Programme further added to this stress.

Faced with the ongoing challenges posed by drought and water scarcity in Morocco, the National Water Resources Management Strategy has encouraged the use of modern and innovative irrigation technologies within the framework of the National Irrigation Water Conservation Plan, as well as the pursuit of alternative solutions such as wastewater treatment and seawater desalination (Figure (2)).[104] It should be noted that the government has established a programme to support investment in the water sector through the Agricultural Development Fund, which provides 30% support for projects with budgets not exceeding two million Moroccan dirhams.[105]

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100 Clive Lipchin et al. (eds.), *Integrated Water Resources Management and Security in the Middle East*, NATO Science for Peace and Security Programme (Amsterdam: Springer, 2006).

101 "Marsūm Raqam 2.22.431 Ṣādir fī 15 min Shaʿbān 1444 (8 Ādhār/Mārs 2023) Yataʿallaq bil-Ṣafaqāt al-ʿUmūmiyya," *Official Gazette of the Kingdom of Morocco*, no. 7176, p. 2861. The first section of this paper discussed the stakes involved in the state's public policies amidst the power struggle between the palace and Morocco's nationalist parties. It became clear to the monarchy that resolving the conflict in its favour required strengthening its legitimacy. Consequently, it became evident that the only actors that could support it at that time were the notables (*al-aʿyān*). Thus, the monarchy positioned agriculture as the economic foundation of the state, contrary to the wishes of the three-party Koutla alliance. The notables also benefited from the Moroccanization policy of 1973 and the privatization policy of 1989. The creation of a new investment system, known as "innovative management", was merely another vehicle for supporting capitalists in various ways. Furthermore, the Green Plan was a clear form of support for large landowners at the expense of small farmers.

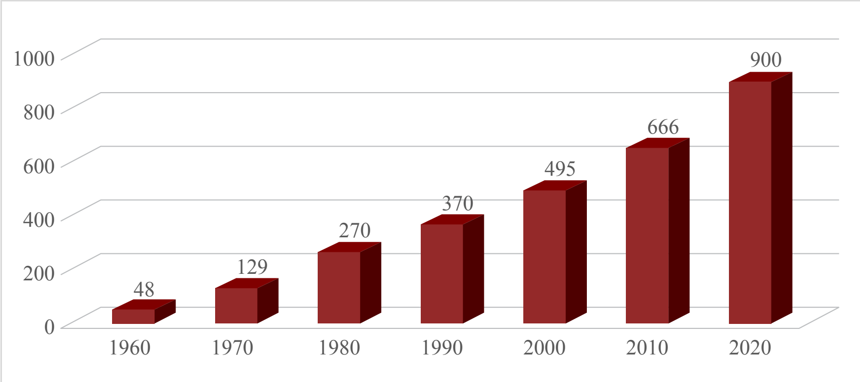
102 Economic researcher Najib Akesbi has criticized agricultural policies in Morocco, specifically the Green Morocco Plan, which he has argued focuses solely on technical aspects, implementing ready-made solutions at the expense of other dimensions, particularly social and cultural ones. He has also warned that the plan's reliance on high sector productivity threatens natural resources and fails to address the issue of food security for Morocco. See: Najib Akesbi, "Le Plan Maroc vert: Une analyse critique," in: AMSED (Rabat, Maroc), Fondation CDG (Rabat, Maroc), *Questions d'économie marocaine* (Rabat: Presses universitaires du Maroc, 2011), pp. 9-46.

103 According to the World Bank, "Since 1979, Morocco has seen its water inflows (surface water) declining from an annual average of 22 billion m3 between 1945 and 1978 to an annual average of 15 billion m3 between 1979 and 2018. In addition, while there was an 80% probability of having an annual inflow of 15 billion m3 between 1945 and 1978; this probability declined to a mere 50% between 1979 and 2018". See: World Bank Group, "Country Climate and Development Report."

104 Kingdom of Morocco, Ministry of Energy Transition and Sustainable Development, Sustainable Development Sector, "al-Mawārid al-Māʾiyya wa-l-Taṭhīr al-Sāʾil bil-Maghrib," accessed on 20/8/2025, at: https://acr.ps/1L9F3bJ

105 "Marsūm Raqam 2.23.1 Ṣādir fī 25 Rajab 1444 (16 Fibrāyir 2023)," Articles 10 and 11, *Official Gazette of the Kingdom of Morocco*, no. 7172, p. 2211.

Figure (2): Wastewater Potential in Morocco



Source: Kingdom of Morocco, Ministry of Energy Transition and Sustainable Development, Sustainable Development Sector, "al-Mawārid al-Māʾiyya wa-l-Taṭhīr al-Sāʾil bil-Maghrib," accessed on 20/8/2025, at: https://acr.ps/1L9F3bJ

The National Programme for Potable Water Supply and Irrigation (PNAEPI, 2020-2027) aims to strengthen Morocco's capacity to meet the challenges posed by drought and the increasing demand for water from individuals and economic sectors, particularly agriculture and industry. It is expected to generate investments of approximately 115.4 billion dirhams, with the goal of diversifying water supply through the construction of dams and desalination and water-treatment facilities; optimizing demand by reducing leakage from distribution networks and adopting drip irrigation; and ensuring the availability of high-quality drinking water.[106]

The National Drinking Water Supply and Irrigation Plan (NWP) is the first phase of the National Water Plan 2020-2050 (PNE) and outlines the steps necessary to achieve water security in Morocco over a 30-year period. Official data shows that the Kingdom currently has over 150 dams, with a storage capacity of 19.9 billion m3. However, their effectiveness remains dependent on both rainfall levels and efforts to combat social exclusion. In recent years, Morocco has therefore had to use water-transfer technology to redirect water from parts of the system with a surplus to others requiring additional supplies. Sixteen water transfer facilities have been constructed, spanning a distance of 785 kilometres.[107]

In terms of seawater desalination, Morocco has nine operational plants and a further seven under construction. It is also expected to launch wastewater treatment facilities to enable the reuse of approximately 32 million m3 of treated water per year.[108] Since water-related projects and policies require legislation and the establishment of institutions to ensure their implementation, the state has made efforts to pass laws aimed at implementing strategies, regulating the sector, and monitoring consumption. Law No. 10-95 of 1995 established agencies tasked with managing water basins,[109] while Law No. 36-15 of 2016 enshrined access to water as a human right.[110] However, while laws regulating the water sector are important, they alone are insufficient to guarantee effective governance; they must be supported by evaluation on the ground to assess the practical aspects of their implementation.[111]

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106 Kingdom of Morocco, Ministry of Energy Transition and Sustainable Development, Sustainable Development Sector, "al-Barnāmij al-Waṭanī lil-Taṭhīr al-Sāʾil," "al-Istrātījiyya al-Waṭaniyya lil-Miyāh," p. 29, accessed on 10/8/2025, at: https://acr.ps/1L9F2jo

107 Kingdom of Morocco, Economic, Social and Environmental Council, *al-Taqrīr al-Sanawī 2023*, p. 62, accessed on 15/8/2025, at: https://acr.ps/1L9F2nA

108 "al-Maghrib Yusarriʿ Mashāriʿ Taḥliyat al-Miyāh wa-l-Sudūd li-Takhfīf Āthār al-Jafāf," *Al Jazeera*, 14/6/2025, accessed on 14/1/2026, at: https://tinyurl.com/ypf6stkk

109 "Dahir n° 1-95-154 du 18 rabbi I 1416 (16 août 1995) portant promulgation de la loi n° 10-95 sur l'eau," *Bulletin Officiel*, no. 4325, 20/9/1995, p. 626.

110 "al-Qānūn Raqam 36.15 al-Mutaʿalliq bil-Māʾ al-Ṣādir bi-Tanfīdhihi al-Ẓahīr al-Sharīf Raqam 1.16.113 bi-Tārīkh 6 Dhī al-Qaʿda 1437 (10 August 2016)," *Official Gazette of the Kingdom of Morocco*, no. 6494, 25/8/2016, p. 6305.

111 Michel Grozier, *On ne change pas la société par décret* (Paris: Edition Grasset, 1979), p. 83.

Generally, public administration falls short if it is limited to the logic of technical competence, however important that may be. To be effective, it must also incorporate political dimensions, as an expression of differing perceptions and values that may be marked by ambiguity or even irrationality, especially in times of crises and exceptional circumstances.[112] In this context, several theoretical approaches[113] – particularly Max Weber's distinction between the ethics of persuasion and the ethics of responsibility[114] and Jürgen Habermas's theory of communicative action[115] – have helped provide analytical tools for understanding the trajectories of public policies, from planning to implementation.[116] Consequently, the implementation of water policies and projects becomes contingent upon the availability of effective leadership, given that major transformations are often associated with the contributions of leading actors to guiding and influencing the dynamics of public decision-making.[117]

Conclusion

Water policies and projects in both Jordan and Morocco have failed to achieve their stated development goals, despite significant investments in infrastructure, especially dams. At crucial junctures, these policies have been shaped more by political and security considerations than by principles of sustainability and spatial justice, thus further deepening spatial disparities and social inequalities. The dominance of a security-focused, liberal approach to water management has limited the effectiveness and efficiency of water policies and stripped them of their social dimension. Moreover, the absence of integrated strategic planning, along with weak evaluation and accountability mechanisms, has deepened water vulnerability and exacerbated spatial inequalities. Furthermore, the privatization and commodification of water, under the influence of international financial institutions, has left the state unable to guarantee the right to water and exposed this vital resource to conflicting private interests. In light of intensifying climate change, demographic pressures, and urban expansion, the shortcomings of the current approach necessitate a comprehensive reassessment based on good governance, policy integration, and active stakeholder participation.

These findings inform a series of recommendations. The first is to strengthen water management policies in Morocco and Jordan through a clear political will, and to foster integrated strategies to take these projects and programmes forward. Political will is key to strengthening mechanisms for overseeing water companies and setting price ceilings, in order to prevent the commodification of public resources from becoming a tool for impoverishing populations. Alongside a comprehensive strategy, there is an imperative to adopt integrated, inclusive, and sustainable policies. One cause of waster waste and scarcity is the adoption of multiple, independent sectoral water management policies that disregard the needs of other sectors. Therefore, coordination mechanisms should be developed among stakeholders at the central, regional, and local levels, particularly those in agriculture, the sector that consumes the largest share of water, and in public health.

The study also recommends the development of decision-making mechanisms to help reduce groundwater depletion, such as making well-drilling subject to a permit granted following an environmental impact assessment. Developing these mechanisms would also include establishing a robust, information-

112 Catherine Colliot-Thélène, “Carl schmitt contre Max Weber, rationalité juridique et rationalité économique,” in: Carlos-Miguel Herrera (ed.), *Le droit, le politique autour de Max Weber, Hans kelsen, Carl schmitt* (Paris: Harmattan, 1995).

113 Crozier & Friedberg.

114 Max Weber, *Le Savant et le Politique*, Catherine Colliot-Thélène (pref., trans. & notes) (Paris: Éditions La Découverte, 2003).

115 Jean-Marc Ferry, *Habermas: L'éthique de la communication* (Paris: Presses Universitaires de France 1987) (réédition numérique FeniXX).

116 Yves Meny & Jean-Claude Thoenig, *Politiques publiques*, Collection: Thémis (Paris: Presses Universitaires de France, 1990); Pierre Muller, *Les politiques publiques*, Collection: Que sais-je? (Paris: Presses universitaires de France, 1990).

117 Paul Ricœur, “Min al-Sulṭa ilā al-ʿUnf: Ufūl al-Siyāsa,” Fuad Makhoukh (trans.), *Majallat Fikr wa-Naqd*, no. 56 (February 2004).

based decision-making system, with continuously updated, comprehensive data, to build policies based on concrete evidence. It is also vital that haphazard investment in the agricultural sector is curbed. It is no longer viable to continue with a model that grants private actors absolute freedom to select crops and decide on their production cycles without any guidance or planning, as this leads to water depletion and degradation of ecosystems. The cultivation of genetically modified crops must be reduced, as they are detrimental to soil fertility and pose risks to public health. Water resource management should be entrusted to public bodies, although there is no reason to exclude private-sector involvement, with the exception of foreign entities. Finally, there is a need for investment in research focused on innovative technologies for water resource development and the reduction of pollution.

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The Cost of Israeli Settler-Colonial Occupation on the Palestinian People****

تكلفة الاحتلال الاستيطاني على الشعب الفلسطيني

Abstract: This study reviews the available literature to estimate the economic cost borne by the Palestinian people as a result of the Israeli occupation of Palestinian territory, covering the period 1948-2022. It seeks to develop a methodology through which a broad estimate of the economic cost of the occupation can be generated, drawing on existing studies and available evidence to assess the cumulative economic losses incurred by Palestinians over this period. It advances three methodologies for such an assessment: aggregation, counterfactual estimation, and occupation gains. The choice of methodology depends on the type of economic variables being assessed. By updating cost estimates employed in previous studies, the analysis indicates that Israel's gains from its settlements and its occupation of the West Bank and East Jerusalem during the period 2000-2022 range between US$955 billion and US$1.707 trillion. Furthermore, when estimating the value of the losses resulting from the Nakba of 1948 in 2022 terms, material losses are found to have increased from US$3 billion to US$719 billion between the two years.

Keywords: Cost of Occupation; Economic Losses; Research Methodologies; Settlement Project; Israeli Occupation.

الملخص: تستعرض الدراسة ما أمكن حصره من دراسات من أجل تقدير التكلفة الاقتصادية التي يتكبدها الشعب الفلسطيني جراء الاحتلال الإسرائيلي خلال الفترة 1948-2022، لتقديم منهجية يُمكن عبرها تقدير واسع للتكلفة الاقتصادية للاحتلال. وتقترح الدراسة ثلاث منهجيات لتقدير تلك التكلفة: التجميع، والافتراض، ومكاسب الاحتلال، ويعتمد اختيار المنهجية على نوع المتغيرات الاقتصادية المراد تقديرها. وبتحديث تقديرات التكلفة التي اعتمدتها بعض الدراسات السابقة، يتضح أنّ مكاسب إسرائيل من مستعمراتها واحتلالها الضفة الغربية والقدس الشرقية، خلال الفترة 2000-2022، تراوح بين 955 مليار دولار أميركي و1707 مليارات دولار. وعند تقدير ما وصلت إليه قيمة خسائر نكبة عام 1948 في عام 2022، يتبيّن أنّ الخسائر المادية بين هذَين العامَين زادت من 3 مليارات دولار إلى 719 مليار دولار.

كلمات مفتاحية: تكلفة الاحتلال؛ الخسائر الاقتصادية؛ منهجيات البحث؛ المشروع الاستيطاني؛ الاحتلال الإسرائيلي.

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**** This study was originally published in Arabic in: Mahmoud Elkhafif, Raja Khalidi & Tareq Sadeq, "Taklufat al-Iḥtilāl al-Isrāʾīlī ʿalā al-Shaʿb al-Filasṭīnī," *Omran*, vol. 14, no. 54-55 (Winter 2026), pp. 47-78.

Introduction

The costs of the Israeli occupation of Palestine and its settler-colonial enterprise cannot be calculated through monetary valuation alone. Such frameworks fail to capture losses, particularly human losses, that are fundamentally non-quantifiable. Any estimate must therefore be limited to material losses that can be measured over time. It should not be understood as putting a price on the occupation or as an alternative to ending it, but rather as a cumulative record of documented damage. Estimating these costs and losses not only serves to document rights and assess harm, but also identifies the development needs required to remedy their destructive effects. Without such documentation, assessment, and redress, it is impossible to envisage a lasting and comprehensive peace, a just resolution of the Palestinian cause, or an end to the suffering of the Palestinian people.

This study first examines the literature produced since the 1948 Nakba that has sought to estimate the overall economic costs imposed on the Palestinian people by Israeli occupation. These costs stem both from the appropriation of Palestinian land, resources, and assets, and from policies designed to generate economic benefits for the occupying power while imposing economic losses on Palestinians. The study reviews and compares previous Palestinian and international efforts to estimate these costs, including those since 1967 associated with the settlement enterprise, which constitutes the most visible manifestation of the occupation on the ground.

The analysis begins by examining the theoretical approaches used to conceptualize the economic cost of occupation and the methodological challenges involved in estimating measurable losses. It then assesses existing estimates and updates selected calculations of losses resulting from the 1948 Nakba by expressing them in 2022 values. The study goes on to propose an alternative methodology for estimating the economic cost of occupation in the West Bank by quantifying the economic gains appropriated by Israel through its occupation of the West Bank and East Jerusalem. Finally, it discusses three complementary approaches to estimating the cost of occupation – aggregation, counterfactual estimation, and occupation gains – and proposes a framework for integrating all measurable economic costs within a single methodology, thereby minimizing double counting and ensuring consistency across estimates.

Post-Nakba Studies on the Costs of Settlement and Occupation

1. Conceptual Framework and Methodology

The economic dimension of occupation may be defined as the harm resulting from actions taken by the occupying power to appropriate the property, natural resources, and any economic benefits belonging to the occupied population. It also encompasses measures that undermine this population's ability to access their lands and use its natural resources, restrict their freedom of movement within their own homeland, and restrict their internal commercial, economic, and social interactions, as well as their dealings with neighbours and trade partners. In this context, the economic dimension of occupation encompasses not only the harm suffered by the occupied population, but also the economic benefits and gains accrued to the occupying state as a direct result of its policies and practices. The most costly economic harm has long-term effects, as the measures of the occupying state deprive the occupied population of one of the most important internationally recognized human rights, namely the right to development. As a result, present and future generations are deprived of their rights to employment, education, healthcare, safe drinking water, and food security, in addition to other basic human rights.

The principle underlying compensation for losses may be summarized as follows: when a change in economic conditions improves the welfare of some individuals while reducing that of others, those who benefit should compensate those who incur losses in a manner that leaves all parties at least as well off as they were prior to the change. In other words, compensation should restore those adversely affected to a position equivalent to that which existed before the change occurred. This principle extends beyond individual economic losses to encompass losses in social welfare, understood as the aggregate welfare losses borne by society as a whole. Such losses may be individual or collective in nature and include damages to public goods, namely goods whose consumption by one person does not diminish their availability to others.

The legal equivalent of compensation for losses arising from a change in economic circumstances is reparation,[1] namely the remedying of the harm and losses resulting from it. The essence of reparation, or full compensation, lies in restoring the situation to what it was before the loss occurred. If this is achieved through the restitution of rights, it constitutes restitution in-kind. However, restitution alone does not eliminate the need for compensation. The injured party must also be compensated for the losses incurred during the period between the occurrence of the harm and the restoration of the lost rights or property. Where restitution is impossible or does not take place, monetary compensation should be sufficient to place the injured party in a position equivalent to that which would have existed in the absence of the loss. Such compensation must also cover any additional economic losses sustained between the occurrence of the harm and the final monetary settlement.[2]

In this context, the economic cost of occupation corresponds to the compensation required to remedy the losses arising from occupation and settlement. These losses may arise from the appropriation of land, resources, and assets, and from the economic benefits thereby accrued to the occupying power. They may also result from denying the occupied population access to its resources and the ability to utilize them, as well as from restricting its capacity to formulate and implement policies that would enable the optimal use of its land, resources, and economic assets.

One approach is to estimate the total annual rental value, or annual return, generated by land, real estate, capital, and other assets that have been appropriated, for each year during which the appropriation has persisted. This methodology applies where the appropriation violates international agreements, laws, or norms, or where the occupied population has not consented to compensation for it. In such cases, the occupying power remains obligated to return what it has seized by force once a final resolution is reached. In that event, the right itself, that is, the assets, must be restored, and compensation is therefore not based on the value of the assets as a stock variable, but on payment of their annual rental value as a flow variable, together with an annual return on the accumulated rental value. This approach is suitable, for example, in estimating the losses resulting from what Israel has appropriated in Area C since the establishment of the Palestinian Authority (PA), because its appropriation of assets in Area C is contrary to all relevant agreements and international law. Accordingly, those rights must be restored to their rightful owners upon the end of the occupation and the conclusion of a final settlement.

The second methodology, which might be termed the counterfactual methodology, is best suited to estimating the economic cost of occupation in cases where the occupied population denied the ability

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1 Based on the Pinheiro Principles on refugees and post-Cold War reparations, see: United Nations Economic and Social Council, "Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons," 28/6/2005, accessed on 15/9/2025, at: https://acr.ps/hBy2szM. See also: United Nations, Office of the High Commissioner, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (A/Res/60/147), 21/3/2006, accessed on 15/9/2025, at: https://acr.ps/hBy2sjb

2 Nehemiah Robinson, *Indemnification and Reparations: Jewish Aspects* (New York: Institute of Jewish affairs, American Jewish Congress, 1944).

to make optimal use of its land and resources. This methodology has been employed in most estimates of the economic costs associated with the period following the establishment of the PA in 1994. It relies on the construction of counterfactual scenarios designed to answer a simple question: what would economic outcomes have been in the absence of occupation?

These assumptions vary according to the variable being estimated and the model employed. Various types of economic model may be used, including macroeconomic models, general equilibrium models, and models grounded in modern techniques such as Night-Time Luminosity (NTL) analysis.[3] The model need not be complex; rather, its principal requirement is that it adequately captures the key economic relationships relevant to the economy under study.

2. The Losses Suffered in the 1948 Nakba

Four studies employed the aggregation methodology to estimate the monetary value of the losses suffered by the Palestinian people in 1948. These estimates varied notably from one study to another, owing to the quantity and types of assets included in the estimation, as well as the prices used to assess the monetary value of the assets seized by the Zionist militias. The studies were conducted respectively by the United Nations Refugee Office of the Palestine Conciliation Commission, the League of Arab States,[4] Yusif Sayigh,[5] and Atef Kubrusi in collaboration with Sami Hadawi.[6]

The first two studies estimated the value of Palestinian losses at 1948 prices only, without adjusting for subsequent changes in purchasing power or for the return that the appropriated assets would have generated over time. Yet so long as the occupying power has neither restored the assets nor compensated their owners, both factors remain relevant to any estimate of the losses. Consequently, these early studies are best understood as providing empirical evidence of the real value of specific losses at the time they occurred rather than providing a comprehensive estimate of their economic value over time.

Sayigh estimated the value of the 1948 losses in pounds sterling at the prices for that year, and then re-estimated them at 1962 prices by incorporating compound adjustments for inflation and the return on capital between the two years. Kubursi similarly estimated losses in Palestinian pounds and US dollars at 1948 prices and later updated those estimates to 2000 values by adjusting for changes in purchasing power and for the return on capital stock over the period 1948-2000. The following section extends these calculations by incorporating both factors through to 2022.

The United Nations assessment was based on UN General Assembly Resolution 394 (V), adopted on 14 December 1950.[7] Prepared by the Refugee Office and presented as an annex to the Palestine Conciliation Commission's report to the General Assembly in 1951,[8] the assessment divided refugee losses into two categories: immovable property, including abandoned land in urban and rural areas, together with the buildings and structures situated on it; and movable property, comprising assets that

[3] Night-Time Luminosity (or Night-Time Lights, NTL) is the measurement of artificial light radiance emitted from the Earth's surface at night. Captured by satellite sensors, NTL serves as a key indicator of human activity, urban expansion, economic development, and population density. (Translator)

[4] *Arab Property and Blocked Accounts in Occupied Palestine* (Cairo: League of Arab States, 1956).

[5] Yusif Sayigh, *The Israeli Economy* (Beirut: PLO Research Centre, 1966), pp. 92-133.

[6] Atef Kubrusi, "An Economic Assessment of Total Palestinian Losses in 1948," in: Sami Hadawi & Atef Kubrusi, *Palestinian Rights and Losses in 1948: A Comprehensive Study* (London: Saqi Books, 1988), pp. 113-189.

[7] United Nations General Assembly, *Resolution 394 (V), Palestine: Progress Report of the United Nations Conciliation Commission for Palestine; Repatriation or Resettlement of Palestine Refugees and Payment of Compensation Due to them*, A/RES/394 (V) (New York: 14/12/1950), accessed on 12/7/2025, at: https://bit.ly/4lrAGR6

[8] United Nations General Assembly, *Progress Report of the United Nations Conciliation Commission for Palestine Covering the Period from 23 January to 19 November 1951*, A/1985 (Paris: 1951), accessed on12/7/2025, at: https://bit.ly/44YHy2u

refugees were forced to leave behind, such as vehicles, bank deposits, livestock, shares, securities, and agricultural equipment.

Regarding losses of immovable property, the Refugee Office estimated the abandoned area, which Israel seized and utilized after 1949 in its new colonial enterprise, at approximately 16,324 square kilometres, of which 4,754 square kilometres (4.75 million dunams) were agricultural land. Using the 1947 real estate tax assessments in Palestinian pounds,[9] the value of these areas was estimated at approximately 100 million pounds, allocated as follows: 69.5 million Palestinian pounds for rural lands, 21.5 million pounds for urban lands excluding Jerusalem, and 9 million pounds for land in Jerusalem.

Movable property losses were estimated at approximately 20 million pounds. Rather, it was based on assumptions regarding the Palestinian share of national income and, by extension, the presumed Palestinian share of the total stock of movable assets. As a result, the estimate should be regarded as indicative rather than definitive.

Accordingly, the Refugee Office estimated the total value of the immovable and movable property lost by Palestinians who were forced to flee their homeland at £120 million (Palestinian pounds, at 1947 prices). The Palestine Conciliation Commission regarded this figure as a debt owed by Israel to the refugees in the context of General Assembly Resolution 194, which affirms the Palestinian refugees' right to return to their homes and to receive compensation for their losses. Nevertheless, the estimate suffers from important limitations, including weaknesses in asset valuation and the absence of sufficiently reliable mechanisms for identifying and documenting the full range of Palestinian property losses.

The League of Arab States estimated total Palestinian losses in 1948 at £1,933 million at 1948 prices.[10] This estimate was based on a detailed methodology that assessed losses under the following categories: 1) agricultural land, accounting for approximately 57% of total losses, including orchards, cultivated land , pastures, and lands of average quality; 2) property in cities and villages, including land, buildings, installations, factories, livestock, and equipment; 3) movable property, comprising household furniture, furnishings, goods, merchandise, jewellery, vehicles, means of transport, ships, boats, and the like; and 4) bank deposits, securities, and insurance company funds.

The area of privately owned Palestinian land prior to the 1948 occupation was estimated at approximately 7.5 million dunams, representing 36.6% of the total land area in 1948, while state land was estimated at around 11.4 million dunams, making up 55.6% of the land area in 1948. A limitation of this estimate, however, is the lack of detail regarding land values and areas. Sayigh classified Palestinian losses under five headings:[11]

1. Personal property, including homes, hotels, restaurants, offices, automobiles, home and office furnishings, factories, bank deposits, securities and bonds, land, and livestock.

2. The Arabs' share in public utilities and property, including government buildings; roads, railway lines and stations, airports, and seaports; infrastructure; schools, hospitals, and laboratories; water networks; furnishings; forests, pastures, and state lands; natural resources; and the lands of the Negev Desert.

3. Losses of income, including losses resulting from the loss of employment opportunities or access to sources of income with high growth rates, particularly the loss of employment opportunities for skilled workers and professionals.

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9 The Palestinian pound was approximately equal to the pound sterling.

10 *Arab Property and Blocked Accounts in Occupied Palestine*.

11 Sayigh.

4. Transitional losses, including the economic cost of displacement, as well as losses incurred by the West Bank and the Gaza Strip due to their separation from the Palestinian economy.

5. Separation losses, representing the economic burden borne by neighbouring Arab states in absorbing large numbers of refugees.

According to Sayigh's estimate, the total value of personal property losses came to £756.7 million at 1948 prices, of which 53%, or £403.4 million, were attributable to land losses. When he revalued these same losses at 1962 prices, their value rose to approximately £1,169.3 million. The discrepancy between 1948 and 1962 values, an overall increase of £412.6 million, is explained by two factors: an increase of £279.9 million resulting from cumulative inflation between the two years, in order to preserve the purchasing power of the real value of the 1948 losses, and a further increase of £132.7 million representing the return on capital stock. This latter sum reflects what could have been generated as surplus value from the 1948 losses on the basis of annual growth rate of 4% between 1948 and 1962. However, this estimate is considered approximate, since it was not the primary focus of Sayigh's study.

In his detailed assessment of the losses of 1948, Kubrusi took the shortcomings of previous studies into account. He examined, in extensive detail, the value of confiscated Palestinian urban and rural lands, and classified the losses under the following ten categories:[12]

1. Urban and rural land, including the value of all land and buildings in the cities and villages that Palestinian refugees were forced to leave in 1948.

2. Industrial capital, calculated based on the 1943 General Census of Industrial Establishments, including the number of establishments, invested capital, number of workers, and the value of gross and net output after deducting the value of production inputs.

3. Agricultural capital, including farming tools and equipment, livestock, fixtures, and rural residences.

4. Private and commercial cars and vehicles.

5. Commercial capital and securities.

6. Hotels and restaurants.

7. Financial assets and bank deposits.

8. Personal and private wealth.

9. Infrastructure, including roads, railways, water and sewage networks, airports, and seaports.

10. Natural resources, including spring water, wells, and forests.

All the above were listed as material losses. Kubrusi also estimated losses in human capital resulting from the loss of the ability to work, as Palestinian labourers, technicians, professionals, and farmers were forced to compete with local workers in host countries for limited employment opportunities. Many Palestinian workers had to wait months or even years before finding work, which led to a loss of their skills.

Kubrusi also emphasized the need to assign a value to compensate for the psychological suffering caused by the loss of homeland, residences, parents, children, and displacement, drawing a comparison with the substantial compensation paid by the Federal Republic of Germany to Jews after World War II for psychological suffering and related losses. But his estimates did not attempt to assess this factor.

[12] Kubrusi.

Kubrusi estimated Palestinian material losses in 1948 at approximately 743 million Palestinian pounds, and losses in human capital at around 439.2 million Palestinian pounds, giving a total of 1,182.2 million pounds. Given that the exchange rate for that year was $4.03 to the Palestinian pound, material losses, human capital losses, and their combined total at 1948 prices came to approximately $2,994.3 million, $1770 million, and $4,764.3 million respectively.

Using the annual US inflation rate for the period 1948-2000, Kubrusi estimated the 1948 losses in terms of US dollars at 2000 prices. To adjust these losses in line with the principle of return on expropriated capital stock, he assumed a 4% annual growth rate in the real value of the losses over the same period. Table (1) shows estimates of the 1948 losses at both 1948 and 2000 prices. According to these estimates, which represent the most recent and methodologically and factually accurate figures available, the cost of the occupation of Palestine borne by the Palestinian people in material damages alone reached $173 billion at 2000 prices, while human losses of various kinds added a further $154 billion to this exorbitant cost of settler colonialism, arising from the 1948 Nakba alone.

Table (1): Estimated Value of Palestine's Material and Human Losses in 1948 in 2000 Prices

1948			2000	
Type of losses	**1 million Palestinian pounds**	**Millions of US dollars**	**Billions of US dollars**	**4% annual growth (billions of US dollars)**
Material	743.0	2,994.3	22.5	173.0
Human capital	439.2	1,170.0	13.2	102.0
Total	1,182.2	4,764.3	35.7	275.0
Psychological and moral	185.0	745.0	7.0	52.0
Aggregate	**1,367.2**	**5,509.3**	**42.8**	**327.0**

Source: Atef Kubrusi, "An Economic Assessment of Total Palestinian Losses in 1948," in: Sami Hadawi & Atef Kubrusi, *Palestinian Rights and Losses in 1948: A Comprehensive Study* (London: Saqi Books, 1988); Atef Kubrusi, "Palestine Losses in 1948: Calculating Refugee Compensation," Center for Policy Analysis on Palestine, 3/8/2021, accessed on 7/9/2025, at: https://acr.ps/1L9GQ2H

3. The Economic Cost of the Occupation Since the Establishment of the PA

After the studies on the losses incurred during the 1948 Nakba, the subject of the economic cost of the occupation did not receive sufficient attention, nor did it receive discussion within the international community, until the report issued by the United Nations Conference on Trade and Development (UNCTAD) pursuant to paragraph 9 of General Assembly Resolution A/RES/69/20, adopted on 25 November 2014.[13] The report noted that a comprehensive assessment of the economic cost of the occupation requires a complex, detailed, and integrated framework capable of estimating direct and indirect economic costs across all economic sectors. It also requires coordination of efforts and resources, since the efforts undertaken so far have come from individual initiatives by specific institutions and do not fall within a unified framework that would bring them together without duplication or overlap.

The situation remains largely unchanged to this day, despite serious efforts by various national institutions, including the Palestine Economic Policy Research Institute (MAS) and the Applied Research Institute – Jerusalem (ARIJ), as well as certain international organizations, such as UNCTAD. Since 2016,

[13] United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation*, Note by the Secretary-General, General Assembly, Seventy-first Session, Item 35 of the provisional agenda (Geneva: 2016).

UNCTAD has undertaken what is arguably the most sustained and methodologically sophisticated effort in this field through a series of reports prepared pursuant to a United Nations General Assembly mandate renewed every two years. These reports have examined the economic costs of the Israeli occupation using an established methodology designed to assess both the direct economic damage caused by occupation and settler colonialism and the losses associated with foregone development opportunities. More recent UNCTAD studies have also sought to estimate the contribution of the settlement enterprise to the growth of the Israeli economy in the Occupied Palestinian Territory. This approach provides an alternative perspective on the economic costs borne by Palestinians by measuring the gains accruing to the occupying power from the same processes that generate Palestinian losses.

a. Foundational Studies

To assess the economic cost of the constrained policy space available to Palestinian policymakers as a result of measures taken by the occupation authorities and the Paris Protocol on Economic Relations, a 2009 UNCTAD study employed an econometric model of the economy of the Occupied Palestinian Territory. This model was used to simulate an alternative policy framework that would expand economic policy space beyond the limits imposed by the Israeli occupation and the Paris Economic Protocol.[14] The simulation assumed an integrated policy alternative combining expansionary fiscal policy, an exchange-rate policy designed to encourage exports and foreign trade, and a policy to promotion employment creation. The study found that, if a Palestinian state were granted full sovereignty over its economic policy instruments, Gross Domestic Product (GDP) could increase at an annual rate of 24% in the initial years following the expansion of policy space, while the unemployment rate could fall by 19% relative to its current level.

Following UNCTAD's earlier work, the World Bank focused on partial estimates of the cost of occupation in Area C in the sectors of agriculture, Dead Sea minerals and cosmetics, mining and quarrying, construction, tourism, and telecommunications.[15] The World Bank estimated the direct and indirect costs of occupation in Area C in these sectors at approximately $3.4 billion at 2011 prices, equivalent to 35% of the 2011 GDP, of which $2.2 billion were direct costs. It further estimated the concomitant fiscal cost at approximately $800 million in foregone public revenues, an amount equivalent to roughly half of the Palestinian fiscal deficit in the same year. The study also concluded that Palestinian employment could increase by 35 per cent if restrictions in Area C were lifted and Palestinian access to the area restored.

In research similar to the 2009 UNCTAD study, the Ministry of National Economy of the State of Palestine and the Applied Research Institute – Jerusalem (ARIJ) estimated the cost of the occupation for the year 2010 at nearly $6.9 billion, equivalent to 85 per cent of GDP at the time.[16] This figure represents an aggregate estimate of the costs resulting from the blockade imposed on Gaza, restrictions on water and other natural resources, including natural gas fields, the policy of closure and restrictions on movement, other restrictions imposed on domestic and international trade, the loss of tourism in the Dead Sea region, the uprooting of fruit trees, and the destruction of and damage to public facilities.

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14 United Nations, United Nations Conference on Trade and Development, *Alternative Policies for Sustainable Palestinian Development and State Formation* (Geneva: 2009).

15 Orhan Niksic, Nur Nasser Eddin & Massimiliano Cali, *Area C and the Future of the Palestinian Economy* (Washington DC: The World Bank Group, 2013).

16 Ministry of National Economy of the State of Palestine, The Applied Research Institute – Jerusalem (ARIJ), *The Economic Costs of the Israeli Occupation for the Occupied Palestinian Territory* (Bethlehem: 2011).

b. Fiscal Leakage

The earliest estimate of the leakage of Palestinian public funds to Israel appeared in the 2011 UNCTAD report,[17] followed by a more detailed study released in 2019,[18] which estimated the fiscal leakage and drainage of Palestinian fiscal revenues to Israel. However, this assessment did not assume an end to the occupation and therefore did not posit a scenario involving full Palestinian sovereignty over fiscal, monetary, or trade policies. Instead, it focused exclusively on the leakage resulting from Israel's obstruction of the implementation of certain provisions agreed in the Paris Protocol on Economic Relations, or from its allowing goods and commodities to be smuggled into the Occupied Palestinian Territory without the collection of any Palestinian taxes or customs duties. Within these parameters, the financial cost of the occupation, in terms of the accumulated leakage and loss of financial resources, was estimated by 2015 at approximately $1,660 million, equivalent of 13.1% of annual GDP at the time. Of this total, $473.4 million represented fiscal drainage into the Israeli treasury, while the remaining $1.2 billion represented lost Palestinian financial resources resulting from smuggling, Israel's control over Area C, and customs evasion through the under-invoicing of imports from Israel or through it.

The cumulative financial cost of the occupation, of which fiscal leakage constitutes one component, was estimated for the period 2000-2017 at approximately $19.5 billion in 2017 prices, equivalent to one and a half times of 2017 GDP. When compounded interest, which the Palestinian side is required to pay to offset the calculated annual losses, is added, the cumulative financial losses rise to $47.7 billion over the same period, or three times the 2017 GDP. Using a macroeconomic simulation model, the cumulative economic losses over the period 2000-2017 were further estimated at approximately $36.6 billion, in real terms with 2015 as the base year. This represented, on average, 22% of GDP and was associated with the annual loss of 111,000 potential jobs which could have reduced the unemployment rate by 9%.[19] Here, the economic cost lies in the increase that GDP could have recorded had the funds been available to the PA, thereby enabling it to pursue an expansionary fiscal policy.

Separately, the World Bank estimated the loss of Palestinian public revenue from various other sources at approximately $285 million, equivalent to 2.2% of GDP in 2014. The report also noted that Israel had withheld $668 million in Palestinian clearance revenues, equivalent to 5.3% of GDP in the same year.[20]

c. Sectoral Estimates

In 2015, UNCTAD estimated the direct damage resulting from the three Israeli wars on Gaza between 2008 and 2014 at approximately $5.6 billion at 2014 prices, or nearly twice the Gaza Strip's GDP in that year.[21] These damages include the value of destroyed buildings and facilities, as well as the loss of GDP during the 2014 war alone. However, the total cost of the destruction is much higher if indirect costs are taken into account, including the loss of human capital and the future income that could have been generated by destroyed productive assets, uprooted trees, and agricultural land that can no longer be cultivated. It may be said that this estimate is based on the aggregation methodology, since UNCTAD relied on the World Bank's assessment and on a survey of losses conducted by the Palestinian Economic Council for Development and Reconstruction (PECDAR).

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[17] See Paragraphs 31ff. of this report: United Nations, United Nations Conference on Trade and Development, Trade and Development Board, *Report on UNCTAD's Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory*, Fifty-eighth Session (Geneva: 2011).

[18] United Nations, United Nations Conference on Trade and Development, *The Economic Costs of the Israeli Occupation for the Palestinian People: Cumulative Costs* (Geneva: 2019).

[19] The 21.5% figure represents the average for the period 2000-2017, whereas this percentage reached 26.6% in 2017.

[20] *Economic Monitoring Report to the Ad Hoc Liaison Committee* (Washington DC: The World Bank Group, 2016).

[21] United Nations, United Nations Conference on Trade and Development, Trade and Development Board, *Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory*, Sixty-second Session (Geneva: 2015).

In a World Bank study of the Palestinian telecommunications sector, total revenue losses in the Palestinian mobile telecommunications sector during the period 2013-2015 were estimated at between $436 million and $1,150 million, approximately 1% of GDP,[22] in addition to losses in Palestinian public revenue ranging from $70 million to $184 million.

Other research has demonstrated that a 10% reduction in checkpoints, by shortening access times by to markets, could increase West Bank GDP by 0.6%. In the absence of such barriers, average per capita GDP in the West Bank by is estimated to increase by as much as 6.1%.[23] Israel has seized control of the Gaza Marine Basin, depriving Palestinians of the right to explore for and develop oil and gas resources in the West Bank and the Gaza Strip. It has also imposed severe restrictions on Palestinian activities aimed at utilizing natural resources, including building stone and sand in the Gaza Strip, phosphates and mineral resources in the Dead Sea, and petroleum and natural gas.[24] The value of building stone confiscated by Israel in Area C is estimated at approximately $900 million annually, equivalent to 0.7% of the 2015 GDP.

The Applied Research Institute – Jerusalem (ARIJ) estimated the direct costs and lost revenues resulting from the restrictions imposed by the Israeli occupation on the freedom of movement of people and goods in the West Bank, and on access to natural gas fields, oil reserves, fishing grounds, irrigation water, and Palestinian agricultural land.[25] This estimate also included the direct costs arising from the destruction of infrastructure, home demolitions in the West Bank, and the 2014 war on Gaza. The estimated cost came to approximately $9.95 billion, equivalent to 74% of GDP. However, the study covered only the direct costs of certain restrictions imposed by the Israeli occupation.

According to the UN Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory, 299 Palestinian communities have been adversely affected by the construction of the Apartheid Wall in areas where construction has been completed or remains underway.[26] By 31 May 2024, the Register had collected 73,785 claims for compensation from 269 affected Palestinian communities, of which 44,630 had been approved,[27] the vast majority relating to agricultural losses. However, the Register has not assessed the value of the damage covered by the accepted claim. It is crucial to estimate the economic value of these losses, since they constitute a significant, documented component of the economic cost of Israeli settler-colonial expansion.

Israel's appropriation of oil and natural gas is one of the most obvious direct economic costs of the occupation, yet it is also among the most difficult to measure because Israel withholds information and data on this vital resource. UNCTAD has sought to shed light on this component of the economic cost of the occupation.[28] Israel has seized control of the two Palestinian gas fields, Marine 1 and Marine 2, located

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22 Xavier Stephane Decoster et al., *Telecommunication Sector Note in the Palestinian Territories: A Missed Opportunity for Economic Development* (Washington DC: The World Bank Group, 2016).

23 Niksic, Nasser Eddin & Cali.

24 Walid Mustafa, *al-Mwārid al-Ṭabīʿiyya fī Filasṭīn: Muḥaddidāt al-Istighlal wa-Āliyyāt Taʿẓīm al-Istifāda* (Ramallah: Palestine Economic Policy Research Institute – MAS, 2016).

25 Applied Research Institute – Jerusalem (ARIJ), *The Economic Cost of the Israeli Occupation of the Occupied Palestinian Territories* (Bethlehem: 2015).

26 The United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory was established pursuant to United Nations General Assembly Resolution A/RES/ES-10/17, dated 24 January 2007. It focuses on damages related to the construction of the apartheid wall in the West Bank, including within and around East Jerusalem. However, it does not cover any other measures undertaken by the occupying power. See: "The Separation Wall," Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem), 11/11/2017, accessed on 15/9/2025, at: https://acr.ps/1L9BPa3

27 United Nations, General Assembly, "Letter Dated 8 July 2024 from the Secretary-General Addressed to the President of the General Assembly," 18/7/2024, accessed on 15/9/2025, at: https://acr.ps/1L9GPKN

28 United Nations, United Nations Conference on Trade and Development, *The Economic Costs of the Israeli Occupation for the Palestinian People*.

off the coast of Gaza, as well as the oil field near the Rantis area in the West Bank.[29] Gas reserves in the two Gaza fields are estimated to approximately 1.4 trillion cubic feet. Using the average price of gas during the period 2012-2017, around $3.90 per 1,000 cubic feet, the total value of these reserves is estimated at $5.4 billion. After deducting production costs, the net value is estimated at approximately $4.6 billion.[30]

Verified oil reserves in the Occupied Palestinian Territory are estimated at approximately 1.53 billion barrels. At a price of $65 per barrel,[31] their total value is at around $99 billion. After deducting production costs, their net value is estimated at $63.3 billion. Had Palestinians been able to benefit from revenues from the two Gaza gas fields from the start of their operation in 2000, they would have obtained between 2000 and 2018 a sum of $4.6 billion available for investment in development and their improvement of the well-being of the Palestinian people.[32]

d. Regional Estimates

In a study of the cost of the Israeli blockade on Gaza during the period 2007-2018, UNCTAD analysed a counterfactual scenario assuming that the Gaza economy would have grown at the same average annual rate as the West Bank economy, namely 6.6 per cent, On this basis, had Gaza not been under blockade and had wars not occurred there, its economy could have been approximately 50 per cent larger than its observed size during that period.[33] Accordingly, the cumulative real economic losses are estimated at approximately $16.7 billion in 2015 prices.[34] In addition, the blockade, the Israeli wars on Gaza, and other occupation-related measures increased the cost of eliminating poverty in Gaza from $209 million in 2007 to $838 million in 2017.[35]

UNCTAD further estimated the cumulative economic cost of the occupation resulting from the policy of closure, restrictions, and military incursions imposed by the occupying state in the West Bank after the Second Intifada, over the period 2000-2019, at approximately $57.7 billion, in constant 2015 prices, equivalent to three and a half times the GDP of the Occupied Palestinian Territory in 2019,[36] with an average annual cost of $2.25 billion, or 34.8% of West Bank GDP. This estimate was based on a counterfactual scenario, which posited that, instead of the severe economic contraction experienced by the West Bank economy during and after the Intifada period (2000-2006), it would have continued to grow at an annual rate of 7.1%, corresponding to the average growth rate recorded between before and after the Intifada (1995-1999 and 2007-2019).

In a report to the General Assembly, and later in a more detailed study, UNCTAD estimated the cost of the occupation's control over Area C in the West Bank.[37] This estimate used an economic model based on modern night-time luminosity (NTL) satellite imagery analysis, and was built on a counterfactual scenario assuming that Palestinian economic activity had been allowed in Area C, with annual growth in the area under such activity equivalent to the growth recorded in Areas A and B during the period 2000-2020.

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29 Ibid.

30 Ibid.

31 This is the price that held at the time the study was prepared in 2018. By the final quarter of 2024, it stood at around $68.00.

32 United Nations, United Nations Conference on Trade and Development, *The Economic Costs of the Israeli Occupation for the Palestinian People*.

33 United Nations, United Nations Conference on Trade and Development, *The Economic Costs of the Israeli Occupation for the Palestinian People: Impoverishing Gaza Under Siege* (Geneva: 2020).

34 Ibid.

35 Ibid.

36 United Nations, United Nations Conference on Trade and Development, *The Economic Costs Incurred by the Palestinian People Due to the Israeli Occupation: Constraining Development and Aggravating Poverty in the West Bank* (Geneva: 2021).

37 United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: Losses Arising from Additional Restrictions Imposed in Area C, 2000–2020* (Geneva: 2022); United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: The Cost of Restrictions Imposed in Area C from Space* (Geneva: 2022).

The annual cost incurred by the Palestinian people as a result of the occupation's control over Area C was estimated at approximately 25.3% of West Bank GDP. On that basis, the cumulative loss over that period was estimated at approximately $49.9 billion at constant 2015 prices, equivalent to more than two and a half times Palestinian GDP in that year.[38]

UNCTAD estimated recently the economic benefit derived by the occupying state from its control over Area C, including East Jerusalem, at 2.7 times annual Palestinian GDP over the period 2000-2020. Consequently, the cumulative benefit to Israel's economy from its settlements during this period was estimated at approximately $628 billion, in constant 2015 prices, equivalent to 11.7% of Israel's cumulative GDP over those years. In other words, according to this estimate, an eighth of Israel's economy is derived from Area C in the West Bank, which has been designated for its settlement expansion. Accordingly, it may be argued that the true cost of the Israeli occupation's control over Area C in the West Bank is what that control generates, namely at least $30 billion year annually, at constant 2015 prices. This figure represents the cost of Israel's occupation of Area C alone, not of its entire occupation of the West Bank. This estimate may be challenged on the grounds that the Palestinian production function may not be as efficient as the Israeli one. The counterargument is that Palestinian productivity and economic efficiency would likely be substantially higher under conditions of full sovereignty and unrestricted access to land, resources, and markets.

Updating Cost Estimates and Exploring Estimate Methodologies

1. Methodology Suitability

When estimating the economic cost of occupation, it is important to distinguish between two types of loss. The first arises from the occupying state's appropriation of land, natural resources, property, and other assets belonging to the occupied population. The second results from depriving that population, wholly or partially, of the ability to make optimal use of its land, resources, and productive assets. Each type of loss requires a different methodological approach. The first methodology is intended to estimate losses resulting from the appropriation of assets, including land, real estate, property, and other forms of wealth – that is, losses associated with stock variables. In such cases, the aggregation methodology described above is generally the most appropriate. This approach relies on identifying and valuing all assets that were seized, appropriated, or abandoned by Palestinians who were displaced during the events of 1948.

The principal limitations of this methodology lie in the impossibility of producing a complete inventory of all affected assets, as well as in the difficulty of assigning precise monetary or rental values to the assets identified. The second methodology is used to estimate losses resulting from occupation-imposed restrictions that lead to losses in income, added value, GDP, or increased impoverishment. In other words, it is used to estimate losses associated with flow variables. In such cases, the most appropriate approach is what we have termed the counterfactual methodology, which relies on economic models to simulate counterfactual scenarios in which there is no occupation, or in which the restrictions and measures imposed by the occupation are less severe. The principal limitation of this methodology lies in its generality, which may limit its ability to estimate losses in a specific geographical region or economic sub-sector.

Moreover, the reliability of the resulting estimates depends on two key factors: (1) the accuracy of the simulation model and its ability to capture the underlying economic relationships of the economy under

[38] United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: Losses Arising from Additional Restrictions Imposed in Area C, 2000–2020*, p. 2.

study; and (2) the plausibility of the assumptions underlying the counterfactual scenario, namely, what economic outcomes would likely have occurred in the absence of occupation.

2. Updating Estimates of Nakba Losses

The previous section discussed four estimates of the losses sustained by the Palestinian people in the 1948 Nakba, all based on the aggregation methodology. These estimates were conducted by:

1. United Nations Refugee Office of the Palestine Conciliation Commission.

2. The League of Arab States.[39]

3. Yusif Sayigh.[40]

4. Atef Kubrusi,[41] whose study is the most recent, comprehensive, and methodologically and factually precise, as it took into account the reservations raised regarding the previous estimates.

In what follows, the study updates Kubrusi's estimates of the Nakba's losses to estimate their value in 2022, 74 years after the Nakba, given the absence of reparation, restitution, and compensation. This estimate was selected because it is the most recent, comprehensive, and accurate. The valuation of these losses in 2022 is determined at two levels. At the first level, Nakba losses are revalued in 2022 to preserve the purchasing power of the original loss amount over the intervening 74 years. This is achieved by adjusting the dollar value of the Nakba losses, originally assessed at 1948 prices, using the annual inflation rate derived from the US Consumer Price Index (CPI). To preserve the purchasing power of Nakba losses at 1948 prices, the dollar value in 2022, increased in nominal terms by approximately 12.7 times. In other words, what one dollar could buy in 1948 required $12.7 in 2022. Consequently, the discrepancy in the monetary value of the losses between 1948 and 2022 is attributable to inflation rather than to an increase in actual market value (Table (2)).

Once the preservation of the purchasing power of the Nakba losses over time has been taken into account, the second level introduces the factor of preserving the return on capital. If reparation or compensation had actually taken place in 1948, and if the Palestinians had had access to these sums over the ensuing 74 years, what real return could that capital have generated, or what real growth rate could it have achieved during that period?

The second level adds the factor of the lost return on the material and human capital stock lost by the Palestinian people in 1948. According to the studies by Sayigh and Kubrusi, the figures in the final column of Table (2) are based on the assumption that the value of the Nakba losses grew at a real annual rate of 4%.[42] The real value of the losses in 2022 was then adjusted using the CPI to preserve the purchasing power associated with the Nakba losses, in the same way as at the first level.

Table (2) presents Kubrusi's estimates of the value of Nakba losses between 1948 and 2022. As would be expected, the value of these losses rises substantially once account is taken of the preservation of purchasing power and the return on capital. However, the figures in the final column reveal that the primary cause behind this very large increase is the return on material capital, that is, the growth that could have occurred had sums equivalent to the Nakba losses been available to the Palestinians and invested over those 74 years. Given the difficulty of identifying a methodology to estimate lost returns on human capital over 75 years of changing conditions, this study does not attempt a calculation of such values.

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39 *Arab Property and Blocked Accounts in Occupied Palestine*.

40 Sayigh, pp. 92-133.

41 Kubrusi, pp. 113-189.

42 An annual growth rate of 4% was assumed to avoid overestimation. This is a conservative rate when compared to the actual growth rate of Jordan's economy, which grew at an annual average of more than 5% between 1948 and 2022.

Table (2): The Value of Nakba Losses in 1948 and 2022

	Value of losses in 1948 (millions of dollars)	Value of losses in 2022 (millions of dollars)	
		After inflation	After inflation and growth of material capital
Kubrusi's Estimates			
Material losses	2.99	37.9	718.9
Human capital losses	1.77	22.4	22.4
Psychological and moral losses	0.90	11.4	11.4
Aggregate losses	**5.66**	**71.8**	**752.7**

Source: The figures reflecting the value of losses as of 2022 were prepared by the authors.

3. Updating Estimates of the Economic Cost of the Israeli Occupation Since the Establishment of the PA

Most of the 15 reports discussed earlier, which address various aspects of the economic cost of occupation, relied on the hypothetical methodology that simulates a counterfactual scenario positing either the absence of occupation or its continuation under fewer restrictions. This methodology estimates the cost of losses in flow variables, such as income, value added to the economic sector, or GDP, the cost of combating poverty caused by the occupation, or the rental value of confiscated assets. Consequently, a criticism levelled against some of these studies is that they estimated losses relating both to flow variables and to stock variables, such as losses arising from the destruction of facilities or the confiscation of land and property. This led to overlap and duplication in the estimates. If, for example, the loss resulting from the destruction of an asset that had generated income is calculated, it is not appropriate also to calculate the cost of the lost income, since the value of the asset itself has already taken into account.

These 15 reports were unable to estimate the total cost of the occupation due to the difficulty of formulating a comprehensive set of assumptions capable of stimulating a counterfactual scenario reflecting the complete end of the occupation and, consequently, full Palestinian sovereignty over all political, economic, social, environmental, and security spheres. UNCTAD's estimate of the economic gains that accrued to the occupation authorities from their illegal settlements in the West Bank and East Jerusalem comes closest to the overall economic cost of the occupation of the West Bank.[43] That particular estimate will therefore be discussed separately in the next part of this section.

The two UNCTAD studies employed the hypothetical methodology through the stimulation of a macroeconomic model of the Occupied Palestinian Territory.[44] The objective of the first study was to estimate the cost of the occupation resulting from the restriction of the economic policy space available to Palestinian decision-makers, that is, the absence of economic sovereignty. The second study aimed to estimate the cost associated with the leakage and loss of Palestinian public funds. Neither study provided a comprehensive estimate of the cost of the occupation. Nor is it advisable to combine the two estimates, given the possibility that part of the cost may have been double-counted in both studies.

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43 United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: Losses Arising from Additional Restrictions Imposed in Area C, 2000–2020*; United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: Losses Arising from Additional Restrictions Imposed in Area C*.

44 United Nations, United Nations Conference on Trade and Development, *Alternative Policies for Sustainable Palestinian Development and State-Building*; United Nations, United Nations Conference on Trade and Development, *The Economic Costs of the Israeli Occupation for the Palestinian People: Cumulative Costs*.

As noted, the UNCTAD studies posited counterfactual scenarios for Gaza and the West Bank, though not through an economic simulation model. Instead, they assumed fewer restrictions than those imposed by the occupation, together with growth rates higher than those recorded in reality.[45] In the case of Gaza, the losses resulting from the blockade between 2007 and 2018 were estimated based on a counterfactual scenario in which Gaza's economic growth rates matched those of the West Bank.[46] The first study of the West Bank estimated the cost of the tightening of occupation measures and restrictions during the Second Intifada (2000-2006) by simulating a scenario in which the economic growth rate was higher than that actually recorded, assuming an annual growth rate equivalent to the average observed before and after that period.[47]

To estimate the cost of the occupation in Area C, a third study sought to answer the following question: What would have happened had Palestinian economic activity in that area mirrored activity in Areas A and B during the period 2000-2020?[48] What distinguishes this study was its use of modern NTL technology. However, a weakness of these three studies is that their counterfactual scenarios are somewhat weak, since they do not posit an end to the occupation. Instead, they estimate the cost of specific restrictions imposed by the occupation while assuming its continued existence, and while excluding East Jerusalem from the estimate. On the other hand, one advantage of these studies is that their estimates can be combined, since there is no conflict or double-counting among them.

With regard to the 44,630 compensation claims accepted by the Register, it is essential to estimate both the value of the damaged assets and their rental value to quantify the cost of the occupation arising from the construction of the Apartheid Wall. It is also important to demand that Israel provide in-kind restitution, in addition to paying the rental value and the return on it at appropriate interest rates from the date of seizure or damage until the date of restitution.

Table (3) presents an update of pre-2022 estimates of the economic cost of the occupation. It displays the cumulative economic cost of the occupation over a 23-year period (2000-2022) at constant prices, with 2015 as the base year, as well as its cumulative nominal value in 2022. However, all these estimates are predicated on assumptions reflecting a relaxation of occupation restrictions and allowing Palestinians to make use of their lands and resources within the parameters of the Paris Economic Protocol. By 2022, the cumulative total of the costs resulting from narrowing of economic policy space or from the leakage and loss of Palestinian public funds is estimated at approximately $77 billion, or around five times the GDP of the Occupied Palestinian Territory in that year. In this context, the study does not update the estimate provided by the Applied Research Institute – Jerusalem (ARIJ), because it includes not only the cost of lost GDP but also the cost of destroyed facilities and infrastructure and Israel's appropriation of gas and oil fields. In other words, it conflates flow variables and stock variables in its cost calculations.

UNCTAD's estimates, namely items 3, 4, and 5 in Table (3), can be aggregated into a single estimate of the cumulative cost of the principal occupation-related restrictions in the Gaza Strip and the West Bank,

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45 United Nations, United Nations Conference on Trade and Development, *The Economic Costs of the Israeli Occupation for the Palestinian People: Cumulative Costs*; United Nations, United Nations Conference on Trade and Development, *The Economic Costs Incurred by the Palestinian People Due to the Israeli Occupation: Constraining Development and Aggravating Poverty in the West Bank*; United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: The Cost of Restrictions Imposed in Area C from Space*.

46 United Nations, United Nations Conference on Trade and Development, *The Economic Costs of the Israeli Occupation for the Palestinian People: Cumulative Costs*.

47 United Nations, United Nations Conference on Trade and Development, *The Economic Costs Incurred by the Palestinian People Due to the Israeli Occupation: Constraining Development and Aggravating Poverty in the West Bank*.

48 United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: The Cost of Restrictions Imposed in Area C from Space*.

excluding East Jerusalem, because they do not overlap and there is no duplication between them. As shown in the table, the aggregate value of these estimates of the cumulative cost of the occupation over the period 2000-2022 exceeds $176 billion in 2022, equivalent to more than 11 times GDP in that year. By contrast, the World Bank estimate is confined to the cost of the occupation of Area C, with a cumulative total of $113 billion, equivalent to more than seven times GDP in 2022.

Table (3): Estimates of the Cumulative Economic Cost of the Occupation between 2000 and 2022

	Estimate Study	$1 million Fixed prices (2015 base year)	$1 million by 2022 prices	Cost as multiple of Palestinian GDP for 2022
1	UNCTAD (2009): Cost of lack of economic sovereignty (restricted scope for economic policy making); 23.6% of annual GDP	62.27	76.33	4.9
2	UNCTAD (2009): Cost of leakage and loss of Palestinian public funds; 26.6% of annual GDP	63.09	77.34	4.9
3	UNCTAD (2020): Cost of blockade on Gaza; 26.6% of annual GDP	21.98	26.94	1.7
4	UNCTAD (2021): Cost of occupation-related restrictions on Areas A and B of the West Bank after the Second Intifada; 28.8% of annual GDP	70.51	86.43	5.5
5	UNCTAD (2022): Cost of lack of Palestinian control over Area C of the West Bank; 20.9% of annual GDP	51.32	62.90	4.0
6	**Total cost of 3 + 4 + 5: occupied Palestinian territory excluding East Jerusalem**	**143.8**	**176.27**	**11.3**
7	World Bank (2013): Cost of the occupation of Area C: 35% of annual GDP	92.35	113.20	7.2

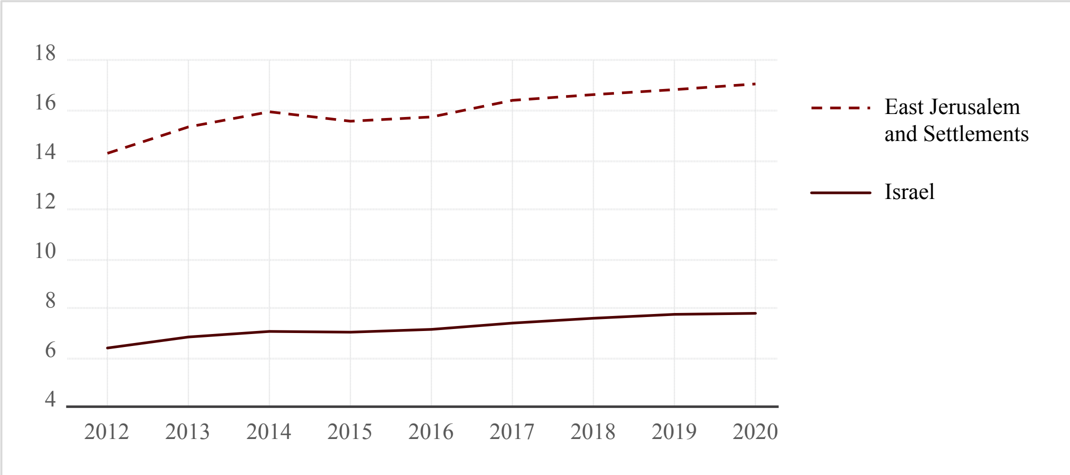
Source: Ibid.

4. Israeli Economic Gains from Its Occupation of the West Bank (2000-2022)

One of the best new approaches to estimate the economic cost of the occupation is to assess the gains appropriated by Israel through its occupation of the West Bank and East Jerusalem. UNCTAD was the first to estimate the cost of occupation from this perspective, using NTL analysis. By applying this methodology, UNCTAD was able to estimate the GDP appropriated by the occupying state through the use of Palestinian land and natural resources for the benefit of its own economy and its illegal settlements in the West Bank and East Jerusalem.[49] Figure (1) shows that the average annual NTL emanating from occupied East Jerusalem and the Area C settlements is twice that emanating from Israel. This indicates that the average per capita GDP in East Jerusalem and the West Bank settlements may be as much as twice the average in Israel. However, as a matter of extreme caution, UNCTAD assumed that the relative contribution of the population to GDP was the same in both regions, in which case the level of NTL in the two would be identical or at least closely comparable.

Figure (1): Israel, East Jerusalem, and the Settlements: Average Annual NTL (nW/cm-2sr-1)

[49] Ibid.



Source: United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: The Cost of Restrictions Imposed in Area C from Space* (Geneva: 2022), p. 29.

Table (4) presents two estimates of the benefits Israel gained from its occupation of the West Bank, including East Jerusalem, between 2000 and 2022. The first estimate is based on UNCTAD's conservative assumption, namely that the West Bank's share of Israel's GDP is proportional to the share of the region's population in the combined population of the West Bank and Israel. The second estimate assumes that per capita GDP in the settlements of the West Bank and East Jerusalem is double the per capita GDP in Israel. Thus, as shown in the final column of Table (4), the estimated GDP generated in East Jerusalem and the West Bank settlements is at least 78% higher than the estimate based on the conservative assumption, that is, the difference between the final two columns of Table (4).

Table (4) indicates that the population of Israel, occupied East Jerusalem, and the settlements in the West Bank increased from 6.3 million in 2000 to 9.6 million in 2022, and that the share of the population residing in East Jerusalem and West Bank settlements rose from 11% in 2000 to 12.3% in 2022. According to UNCTAD's conservative estimate, the cumulative Israeli GDP generated through Israel's occupation of East Jerusalem and Area C of the West Bank between 2000 and 2022 amounted to $955 billion in 2022, or $757 billion at constant 2015 prices. This represented approximately 11.8% of Israel's GDP over that period and 48 times Palestinian GDP in 2022.

The second estimate indicates that the total GDP generated by East Jerusalem and the West Bank settlements during the same period came to $1,707 billion, or $1,354 billion at constant 2015 prices. This represented 21.1% of Israel's GDP during that period, or over 85% of twice Palestinian GDP in 2022. These figures point to the massive gains Israel reaped from its occupation of the West Bank. These gains can also be used to estimate the annual rental value of confiscated assets and, consequently, the cumulative compensation due until restitution is made.[50] Furthermore, these estimates suggest that ending the occupation of Area C and East Jerusalem would enable the Palestinian people to achieve a qualitative developmental leap capable of expanding their economy at unprecedented rates.

Table (4): Israel's Cumulative Economic Gains from Its Occupation of the West Bank (2000-2022)

(1)	(2)	(3)	(4)	(6)* (5) = 4x2

[50] The assumption underlying this conclusion is that the estimated gains made by the Israeli economy are equivalent to the losses inflicted on the Palestinian economy as a result of Israeli settlement. However, given the disparities in technology, productivity, and production inputs, this assumption may not necessarily be accurate. Be that as it may, the question remains: What would prevent the Palestinian economy, including its technology, productivity, and production inputs, from equaling those achieved by the Israeli economy if there were no occupation? These estimates can thus be utilized to determine both the annual rental value and the total monetary value of the assets that have been appropriated.

Year	Israel: Real GDP in millions of dollars (base year, 2015)	Population of Israel, the settlements and East Jerusalem	Share of settlement and East Jerusalem population	Real GDP of East Jerusalem and the settlements	
				UNCTAD assumption: equal economic activity	Maximum: doubled economic activity**
		(thousands)	(%)	Millions of dollars (base year, 2015)	
2000	184.40	628.90	11.0	20.19	36.40
2001	185.02	643.90	11.0	20.34	36.66
2002	184.81	657.00	11.0	20.36	36.68
2003	187.38	668.97	11.1	20.82	37.48
2004	196.35	680.90	11.2	21.92	39.44
2005	204.46	693.01	11.2	22.94	41.25
2006	215.88	705.37	11.4	24.53	44.06
2007	228.90	718.01	11.5	26.25	47.11
2008	238.43	730.88	11.6	27.67	49.58
2009	251.95	748.56	11.5	28.91	51.86
2010	265.96	762.36	11.6	30.80	55.21
2011	272.84	776.58	11.7	31.82	56.99
2012	284.89	791.05	11.8	33.69	60.25
2013	296.05	805.95	11.9	35.30	63.08
2014	303.41	812.57	11.9	35.99	64.35
2015	317.13	838.01	12.0	38.05	67.94
2016	330.70	854.60	12.1	39.88	71.17
2017	344.16	871.33	12.1	41.76	74.48
2018	358.46	888.28	12.2	43.72	77.94
2019	351.80	905.40	12.3	43.25	77.02
2020	382.10	921.69	12.4	47.45	84.42
2021	408.21	939.20	12.3	50.21	89.42
2022	416.36	957.05	12.3	51.21	91.21
Real cumulative value 2015	**6409.67**			**757.07**	**1354.00**
Cumulative value as of 2022	**8082.16**			**954.61** **11.8%**	**1707.30** **21.1%**

* GDP in this case is calculated based on NTL as shown in Figure (1). The calculation is done based on the following equation: Y2/P2 = Y*R/(P1+R*P2); where 2 refers to Region 2 (East Jerusalem and the settlements), 1 refers to Region 1 (Israel), P and Y denote population and income, respectively, and R represents the level of NTL in Region 2 relative to that in Region 1. The final term reflects per capita income in Region 2 relative to that in Region 1.

** See note above.

Source: Israel's GDP, the World Bank. See: World Bank Group, "World Development Indicators," *World Bank Group*, accessed on 27/9/2025, at: https://acr.ps/1L9BPuz. For population data covering the period 2000-2020, see: United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation: The Cost of Restrictions Imposed in Area C from Space* (Geneva: 2022), p. 30. Data for the years 2021-2022 are based on estimates derived from rates observed during the preceding four years.

5. A Comprehensive and Unified Framework?

The NTL methodology for measuring economic activity in the settlements is the most accurate due to its reliance on precise satellite data reflecting settlement economic activity. UNCTAD's estimate assumes that per capita GDP in the settlements and East Jerusalem is at least equal to that in Israel as a whole. This estimate suggests that settlement economic activity reflects the losses suffered by the Palestinian economy as a result of settlement economic growth. This may not necessarily be the case, but it does not provide an indicator of the extent of the Palestinian people's losses. UNCTAD's methodology for Area C assumes that Palestinian GDP growth rates in the West Bank's Area C are equal to those in Areas A and B. However, if the PA were to assume control of Area C, the growth rate across the West Bank would rise. The estimates produced by this methodology may therefore be viewed as conservative.

Estimating Israeli economic activity in the settlements and East Jerusalem is an important first step toward assessing the losses incurred by the Palestinian economy. This concluding section of the analysis proposes a methodology for estimating the value of resources exploited and appropriated by Israeli settlements in the West Bank and then adopts a counterfactual scenario that posits the utilization of those resources within the Palestinian economy itself.

The value of resources used in Israeli production can be estimated using the Leontief Input-Output Matrix model for the Israeli economy. This matrix is published on the website of the Organisation for Economic Co-operation and Development (OECD) covering the period from 1995 to 2020.[51] Based on this model, total economic sector output (X) is defined in terms of the input-output matrix (A), and the final demand for the products of the various sectors (F), as follows:

$$X = (I - A)^{(-1)} F$$

Consequently, the ratio of resources to the value added within the sectors can be expressed using the equation below, where P represents the matrix of product prices for the Israeli economic sectors[52]:

$$v = P (I - A)$$

This method enables an estimation of the resources used not only in the settlements, but in the Israeli economy as a whole. However, it may be assumed that the same technology and inputs are used both within the Green Line and in the settlements. Accordingly, once the value of the resources used in the Israeli economy has been estimated, the value of the resources used in the West Bank settlements can be estimated based on the settlements' share of Israel's GDP as shown in Table (4).

Moreover, the calculation can be undertaken using the two alternative estimates discussed above: (1) the UNCTAD estimate, which assumes that economic activity in the settlements is equivalent to that within Israel proper on a per-capita basis; and (2) an alternative estimate that assumes economic activity in the settlements is twice as large.

Once estimates of the resources used in settlements have been obtained, there are two options. The first is to use the aggregation methodology, while the second is to use the counterfactual

[51] The Organisation for Economic Co-operation and Development (OECD), "Input-Output Tables," accessed on 13/7/2025, at: https://bit.ly/3TCYxkw

[52] Thijs Ten Raa, *The Economics of Input-Output Analysis* (Cambridge: Cambridge University Press, 2006); Seyit Kerimkhulle et al., "The Use Leontief Input-Output Model to Estimate the Resource and Value Added," paper presented at 2022 International Conference on Smart Information Systems and Technologies (SIST), Kazakhstan, 28-30/4/2022.

methodology to calculate the economic losses incurred by the Palestinian economy as a result of settlement activity. Under the aggregation methodology, the value of the resources is adjusted to account for price inflation and accrued interest returns, while the counterfactual methodology entails the use of a macroeconomic model, such as the Leontief Input-Output model or the Computable General Equilibrium (CGE) model. However, these models require an input-output matrix. The only Palestinian matrix available is for 2004, which was updated by the Palestinian Central Bureau of Statistics (PCBS) in 2020.

Another model based on the counterfactual methodology could also be used, namely, the UNCTAD model, which is based on behavioural equations for the Palestinian economy. However, because this model relies on long time-series data, numerous assumptions would be required to generate the necessary time-series data on economic activity in the settlements. Furthermore, it would be necessary to incorporate new behavioural equations into the model in order to capture the relationship between settlement activity and the economic activity of various sectors in the West Bank. The matrix presented in Table (5) illustrates the channels through which settlements affect production sectors. For instance, the process of determining the value added to the agricultural sector requires variables such as the number of settlement outposts, including pastoral outposts, the number of workers employed in settlements, and the value of settlement-produced goods sold in Palestinian markets. Additionally, the NTL variable could be used for settlements operating quarries. Although some of the variables listed in Table (5), such as control over water resources and settler attacks on roads and farmers, are difficult to measure precisely, it is possible to use a proxy variable as an approximate indicator of such factors, such as the settler population in the West Bank.

Through the use of such methodologies, it would become possible to estimate the total cost of settlements. However, it is also essential to examine partial estimates at the sectoral level. Analysing the impact of settlements at the sectoral level does not yield a definitive estimate of their total cost, since such aggregation overlooks the interplay among sectors. Nevertheless, this approach can shed additional light on specific aspects that are often overlooked when calculating the overall cost of settlements.

UNCTAD has proposed that economic losses across various sectors should be measured according to the type of loss, such as physical damage, losses of water and natural resources, human capital losses, lost opportunities, public finance losses, losses suffered by local communities and residential areas, and psychosocial losses.[53] However, many of these losses arise from numerous overlapping causes, which makes them difficult to measure. Furthermore, economic sectors are interconnected and interdependent through the exchange of intermediate goods. Consequently, losses incurred in one sector will also have indirect adverse effects on others.

The matrix presented in Table (5) illustrates the principal channels through which settlements affect Palestinian production sectors. Estimating the losses incurred across all Palestinian production sectors due to settlement activity in the West Bank goes far beyond the scope of this study. That said, it offers a set of terms of reference pertinent to such methodologies. This matrix requires in-depth examination, in consultation with all relevant stakeholders, to ensure that all direct effects of settlement activity are taken into account.

[53] United Nations, United Nations Conference on Trade and Development, *The Economic Costs Borne by the Palestinian People Under Israeli Occupation*.

Table (5): Input-Output Matrix

Production inputs	Agricultural Sector	Industrial Sector	Construction Sector	Transport, Communications and Storage Sector	Financial Sector	Service Sector	Trade Sector	Government
Land and natural resources	Pastoral settlement, control over water resources, and settler attacks on agricultural lands	Control over oil and gas fields	Control over stone resources in Area C and construction of settlement quarries					Tax losses
Technology, capital merchandise and intermediate goods	Bans on the use of advanced technologies in irrigation and cultivation	Bans on the entry of advanced industrial technologies and "dual-use" commodities		Preventing telecommunications companies from using new frequencies (fourth and fifth generation)				Tax losses
Human resources	Working in the settlements	Working in the settlements	Working in the settlements				Working in the settlements creates dependency on the Israeli economy and reliance on imports from Israel	Tax and social security losses
Infrastructure	Bans on the development of water supplies in Area C The presence of checkpoints and the Separation Wall	Poor electricity infrastructure and policies of home and facility demolition	Poor electricity infrastructure, and directing Palestinian facilities to work in settlements industrial zones	Bans on road improvement in Area C and the presence of checkpoints	Occupation control over telecommunication infrastructure	Bans on the construction of services in Area C and demolition of those that exist	Checkpoints and control over roads	Tax losses
Trade	Flooding Palestinian markets with settlement products	Flooding Palestinian markets with settlement products				Heavy reliance on imports	Checkpoints and control over crossings	
Institutional and legislative environment	Civil administration measures	Civil administration measures and refusal to grant permits for facilities in Area C and Jerusalem	Civil administration measures, refusal to grant building permits and home demolitions	Civil administration measures	Civil administration measures	Civil administration measures	Civil administration measures	Civil administration measures to undermine the role of the Palestinian Authority

Source: Prepared by the researchers.

Concluding Recommendations

The evidence presented underscores the urgent need for a comprehensive research approach to monitoring and measuring the effects of the Israeli occupation and settlement enterprise on the various facets of life in the West Bank. The research conducted thus far suggests a number of recommendations and lines of inquiry that call for in-depth exploration in future studies, including the following:

1. Sector-specific analyses of the West Bank economy, undertaken within a broader research programme that extends beyond the scope of the present study. Such analyses should include surveys of firms, farms, and economic facilities in order to identify the constraints they face, including settlement expansion, settler violence, checkpoints, demolition policies, restrictions on construction, and limitations on access to electricity and water.

2. An estimate of the value of settlement-produced goods sold in Palestinian markets. Such an estimate would require interviews and focus groups with business owners, merchants, and labourers employed in the settlements.

3. A detailed legal and policy analysis of the procedures implemented by Israel's Civil Administration and the economic policies it imposes on the West Bank.

4. The formulation of a clear model based on production inputs that makes use of modern econometric tools to quantify the bias arising from omitted and intervening variables (inverse relationships in measurement), as well as a unified framework encompassing losses across all sectors. Such a framework must guard against redundancy, duplication, and overlapping measurement periods, while also identifying any areas of overlap that may exist. The objective is to prevent the double-counting of losses and to ensure that no loss, whether material or moral, is overlooked. Such a model must distinguish between losses associated with flow variables, such as income, and those associated with stock variables, such as real estate and physical capital, while incorporating a comprehensive survey of all damage that specifies what can and cannot be quantified.

5. Periodic updates of existing estimates of the losses incurred during the 1948 Nakba, and recalculation of their value based on recent prices. Such updates should preserve the purchasing power of the 1948 losses, as well as the hypothetical cost, that is, the return on appropriated capital stock, accumulated between 1948 and the year in which the update is made.

6. Estimates of the cost of the occupation during the periods 1967-1994 and 1994-2000, both of which remain comparatively under-researched. This should include the valuation of Palestinian land, real estate, and other assets appropriated by the occupying state in the West Bank from the date of their seizure.

7. The assignment of a monetary or rental value to all damages reported in the claims submitted to the UN Register.

Finally, there is an urgent need for a comprehensive framework for identifying, assessing, and documenting the losses sustained by Palestinians as a result of the war of extermination that the Israeli occupation has waged against the Gaza Strip, as well as the cities and villages of the West Bank, since 7 October 2023. Such a framework must account for the grave losses in human and physical capital, including infrastructure, as well as psychological and moral losses, and ensure the documentation of every war crime perpetrated by the Israeli occupying state.

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Walid Habbas *& Anmar Rafeedie**

Mapping the Israeli Settlement Project in the West Bank: History and Institutions***

رصد المشروع الاستيطاني الإسرائيلي في الضفة الغربية: المسارات التاريخية، والمؤسسات الحاكمة، ومكوّناته الرئيسة

Abstract: This article examines the various components of the Israeli settlement project in the West Bank, as well as the Israeli agencies and institutions that plan, implement, and support it. It also addresses the status of settlement activity under international law. It proceeds from the premise that the settlement project constitutes an integrated structure engaged in a conflictual relationship with Palestinian space, governed by a zero-sum logic. The study begins with a historical overview of the development of settlements in the West Bank. It outlines the project's structural components, followed by an analysis of the four Israeli bodies that administer the expansion of settlement and shape its legal and planning frameworks. Finally, it considers the position of international law regarding Israeli settlements.

Keywords: Settler Colonialism; Israeli Settlements; International Law; West Bank; Palestine; Israel.

الملخص: تستعرض الدراسة مكوّنات المشروع الاستيطاني الإسرائيلي في الضفة الغربية، وأنواعه، والمؤسسات والأجهزة الإسرائيلية التي تخططه وتُنفذه وتدعمه، إضافةً إلى مكانة الاستيطان في القانون الدولي. وتنطلق الدراسة من تأكيد شمولية هذا المشروع الاستيطاني بوصفه بنية متكاملة في علاقة صراعية مع الحيز الفلسطيني تحكمها معادلة صفرية. تُقدم الدراسة سردًا تاريخيًا لتطوّر الاستيطان في الضفة الغربية، ثمّ تستعرض مكوّنات هذا المشروع في الضفة الغربية، وتتناول الجهات الإسرائيلية الأربع التي تدير التوسّع الاستيطاني، ويشرع كل منها في تشريع المصادرة وتسهيل التخطيط، بوصفها البنية البيروقراطية والإجرائية التي تدفع المشروع الاستيطاني قُدمًا. كما تركّز الدراسة على موقف القانوني الدولي من الاستيطان.

كلمات مفتاحية: الاستعمار الاستيطاني؛ الاستيطان الإسرائيلي؛ القانون الدولي؛ الضفة الغربية؛ فلسطين؛ إسرائيل.

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*** This study was originally published in Arabic in: Walid Habbas & Anmar Rafeedie, "Binyat al-Istīyṭān al-Isrāʾīlī fī al-Ḍaffa al-Gharbiyya: Marāḥil al-Mashrūʿ wa-Mukawwinātuh wa-Muʾassasātuh", *Omran*, vol. 14, no. 54-55 (Winter 2026), pp. 11-45. The present English version has been revised and updated to incorporate major developments that have occurred in the West Bank since the publication of the Arabic version.

Introduction

Israel established Jewish settlements across all the territories it occupied in 1967: in the Sinai Peninsula, the Syrian Golan Heights, the Gaza Strip, and the West Bank, including East Jerusalem.[1] In 1982, Israel dismantled its settlements in Sinai, and in 2005 it withdrew from the settlements in the Gaza Strip while maintaining control over the territory and its population by land, air, and sea. During the genocidal war (2023-2025), however, Israel reoccupied large parts of Gaza amid growing Israeli calls to reestablish settlements there, at least within the so-called “Yellow Line”. In the West Bank and East Jerusalem, which constitute the primary focus of this study, the settlement project began during the first months of the occupation with the establishment of the settlement of Kfar Etzion near Bethlehem on 27 September 1967, and it has continued to expand systematically ever since. This study examines all components of the settlement project in the West Bank, in its various forms, and the Israeli institutions and state bodies involved in planning, implementing, and supporting it; it also analyses the status of Israeli settlements under international law.

Before turning to the structure of this study, it is important to highlight three fundamental characteristics of Israeli settlement in the West Bank. These characteristics remain essential for understanding the broader dynamics of the settlement project and should stay present in the reader’s mind throughout this extensive study.

1. Israeli settlement in the West Bank has evolved far beyond a series of scattered enclaves into an integrated and expansive structure. In 2026, approximately 532,000 settlers live in the West Bank, as well as around 250,000 in the settlements of East Jerusalem, distributed across more than 500 sites. These include residential settlements such as cities, towns, kibbutzim, and pastoral farms spread throughout the West Bank, alongside extensive infrastructure networks including modern road systems, industrial zones, shopping centres, roadside facilities, biblical parks, forests, schools, and colleges. As this study demonstrates, the settlement project extends far beyond the construction of Jewish housing in the West Bank. It constitutes a gradual process of Israelization aimed at consolidating the social, economic, cultural, and spiritual life of the settler community while integrating it ever more deeply into Israel’s urban and institutional landscape.
2. Israeli settlement in the West Bank does not exist as a structure that is merely “adjacent” to the Palestinian space within the occupied territory. Rather, it develops through a fundamentally conflictual relationship with that space, as settlement expansion necessarily entails the displacement, exclusion, or confinement of Palestinians and their civic sphere. The relationship between Jewish settlement and Palestinian society therefore operates as a zero-sum struggle. Understanding the settlement project as a settler-colonial structure remains essential for grasping both its present and future implications for Palestinians. As the settlement enterprise expands quantitatively and qualitatively, it further isolates Palestinian communities while intensifying systems of domination and control aimed at consolidating a superior and privileged settler society.
3. Although this study also examines in detail the Israeli institutions, state agencies, and organizations involved in expanding and supporting the settlement enterprise, it is important to emphasize that one of the defining features of settlement expansion over the past decade has been the growing leadership of the religious-nationalist Torah current in Israel. This current now drives the settlement project under the banner of returning to the Promised Land and establishing Jewish sovereignty over it as part of a

[1] Politically, the West Bank encompasses the entire area of Jerusalem occupied in 1967, which lies east of the 1949 Armistice Line or “Green Line”, and was under Jordanian rule from 1948-1967. However, Israel has annexed Jerusalem administratively and imposed Israeli law there, whereas the rest of the West Bank remains under military rule.

redemptive divine vision. Although settlements affiliated with this ideological stream constitute only around one-third of existing settlements, the movement is increasingly shaping the direction of the project as a whole. It views the Palestinian presence in the West Bank as an obstacle to the fulfilment of its redemptive vision, which centres on imposing Jewish sovereignty over what it refers to as Judea and Samaria.

Against this backdrop, the present study offers a comprehensive overview of the Israeli settlement project in four main sections. The first section provides a historical account of the development of settlement in the West Bank over four major phases: the administration of the occupied territory (1967-1977), the legalization and institutionalization of settlement under Likud rule (1977-1992), its contested expansion during the Oslo period (1993-2011), and the rise of the settler movement as a dominant political force after 2011. The second section examines the various components of the settlement project in the West Bank, including residential settlements in their different forms, outposts, industrial zones, the separation wall, infrastructure networks, confiscated lands, natural resources, and nature reserves. The third section focuses on the four main Israeli actors managing settlement expansion: the Israeli military, the religious settler movement, the Israeli government, and the Supreme Court. It analyses the role of the army, the Civil Administration, planning bodies, the inspection unit, and the Custodian of Government Property in legalizing land confiscation and facilitating settlement planning, highlighting the bureaucratic and administrative apparatus that continuously advances the settlement enterprise. The fourth and final section addresses the position of international law regarding Israeli settlements and reviews the core principles governing military occupation, including its temporary nature, the prohibition on transferring sovereignty, and the ban on transferring the occupying power's civilian population into occupied territory.

The Historical Context of Settlement Development in the West Bank

In Hebrew, the term *hitnachaluyot* (sing. *hitnachalut*) refers to Jewish settlements established in the territories occupied by Israel after 1967. By contrast, Jewish settlements established before 1948 were commonly known as *moshavot* (sing. *moshava*).[2] Each of these terms carries distinct political and ideological connotations.

During the nineteenth century, Western powers widely viewed colonialism as a legitimate, modernizing, and "positive" enterprise. Secular Zionism emerged within this broader historical and intellectual context. For example, in 1884, the Zionist rabbi Haim Zelig Slonimski defined colonialism as "the seizure of authority and possession of land in a country in order to develop and exploit its frontiers, unleash its latent natural energies, and control all of its material resources".[3] After Americans, Germans, Russians, and Greeks established settlements in Palestine, Jewish groups also began founding Jewish "colonies", commonly known as *moshavot*. One of the earliest examples was Petah Tikva, often referred to as the "Mother of the Colonies", established in 1878.[4]

The term *moshava* literally conveys the meaning of a "place of residence" or "dwelling", but it extended beyond its literal sense to describe a particular model of cooperative agricultural settlement within Zionist thought. It combined individual labour with collective solidarity in the management of essential

2 The name *moshava* [colony], which Zionist Jews used to describe their settlement activity before the establishment of the State of Israel, has predominantly European, colonial connotations. The word comes from the Hebrew root *y-sh-v*, which means to abide and settle in a new place.

3 Ayalon Gilad, "When Did Mityashvim Become Mitnakhalim, and Why Are They Being Recast as Mityashvim Again? On the Origins of the Word Hitnachalut," [Hebrew] *Haaretz*, 9/3/2022, accessed on 26/11/2024, at: https://acr.ps/1L9GPOP

4 Although Petah Tikva is known in both Zionist and Arab literature as "the mother of the colonies", some Jewish settlement activity did precede it, including the establishment of the Jewish Agricultural College (Mikveh Israel) in East Jaffa in 1870, and the Montefiore settlements in Jerusalem and the Galilee between 1840 and 1870.

services such as marketing and distribution. Following the 1967 occupation, however, Israeli discourse conventionally adopted the term *hitnachalut* to describe settlement in the West Bank and Gaza Strip. Unlike the European colonial meaning of settlement, this term carries biblical and legal connotations associated with the transfer of inheritance from a father to his sons.[5]

Table (1): Hebrew Terminology for Settlements Before 1948 and After 1967

	Before 1948	After 1967
Hebrew term	*Moshava*	*Hitnachalut*
Connotation	Political – Colonial	Biblical – Legal
Hebrew linguistic meaning	“to sit or settle in a place”	“to settle or take possession of one’s inheritance”

Source: Prepcared by the authors.

The adoption of this terminology stirred deeply embedded emotions within the Israeli collective consciousness and helped construct biblical associations between Israelis and the occupied land. At the same time, it stripped the settlement project of the connotations of aggression and colonialism (concepts that had become increasingly delegitimized in global discourse after the Second World War) and replaced them with meanings centred on the Jewish “right” to reclaim their ancestral inheritance in the Promised Land.[6] This etymological clarification is useful for understanding Jewish and Israeli settlement as a project based on the appropriation and Judaization of the land.[7]

This understanding became embedded in Israeli discourse and practice from the very first months of Israeli control over the West Bank. On 17 December 1967, Israeli Military Order No. 187 stated: “By virtue of the authority vested in me as commander of the Israel Defense Forces in the area… the term ‘Judea and Samaria Region’ shall correspond in meaning … to the term ‘West Bank Region’”.[8] Then, in July 1968, the Israeli government officially decided to replace the name “West Bank” with “Judea and Samaria”. The decision involved politicians, military officers, and academics from the Hebrew University of Jerusalem, and received formal approval from the Government Names Committee, with the endorsement of Prime Minister Levi Eshkol. Politically, the decision marked a symbolic shift toward incorporating the biblical narrative into official Israeli discourse regarding the West Bank and consolidating a historical settlement vision that treated the occupied territories as part of the “Land of Israel” rather than as territories under temporary military occupation.[9]

Accordingly, from the beginning of its control over the West Bank, Israel viewed the territory as a natural space for the expansion of Jewish settlement. The development of this settlement enterprise, however, passed through several distinct phases, with its form, pace, and geographic spread shaped by changing Israeli political considerations and differing government agendas. Broadly speaking, the evolution of settlement in the West Bank can be divided into four main stages:

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5 Gilad.

6 Ibid. Israelis do not use the word *hitnachalut* to refer to settlements in Jerusalem. They simply refer to them as “neighbourhoods”, as they have been annexed to Israel.

7 In biblical writings, particularly in the Book of Joshua, *hitnachalut* refers to a divine promise to grant the land to the 12 tribes of Israel as an eternal right, and is closely linked to the concept of religious entitlement to the land. In this sense, *hitnachalut* differs in its religious basis from *moshav*, which has an agricultural, cooperative character. It also differs from the English term *colony*, which focuses on colonial dimensions and foreign control, while *hitnachalut* is based on a religious narrative of historical rootedness and divinely ordained inheritance of the land.

8 Israel Defense Forces, *Leaflets, Orders, and Appointments Issued by the Israel Defense Forces in the West Bank Area: Booklet No. 9*, 17/12/1967 (Jerusalem: Military Government in the West Bank, 1967).

9 National Library of Israel, “al-Ḍaffa al-Gharbiyya aw Yahūdā wa-l-Sāmira – Taghyīr al-Ism al-Rasmī fī Tammūz 1968,” in: Walid Habbas & Yasser Manaa, *al-Khiṭāb al-Istīyṭānī al-Tawrātī Tijāh al-Ḍaffa al-Gharbiyya – Qirāʾa fī Khiṭāb al-Jaysh al-Isrāʾīlī wa-l-Mustawṭinīn*, Israeli Papers, no. 83 (Ramallah: Palestinian Forum for Israeli Studies – MADAR, 2024), pp. 34-37.

The First Phase: Administering the Occupied Territory (1967-1977)

Shortly after the occupation, the Israeli military officer and politician Yigal Allon formulated the Allon Plan, which proposed a strategic vision for settlement in the West Bank under the justification of protecting Israel's security while taking demographic concerns into consideration. Allon proposed retaining Israeli control over the Jordan Valley, the southern border area of the West Bank with Jordan, and the Etzion bloc in any future political arrangement, with the aim of creating a buffer zone east of the Jordan River.[10] Although the plan never received formal governmental approval, it strongly shaped subsequent settlement policies. The Israeli Labor government did not oppose settlement expansion in the West Bank based on Allon's ideas. On 3 September 1973, it approved the "Galilee Document", which called for settlement expansion in Rafah, the Golan Heights, and the Jordan Valley as part of the party's platform for the Eighth Knesset elections.[11] Settlement practices during this period took two main forms. The first was "top-down" settlement, including the military seizure of land for security purposes and the establishment of combined civilian-military settlements, commonly known as Nahal settlements, many of which later transformed into purely civilian settlements. The second was "bottom-up" settlement, led by religious-nationalist settlers, who established their first settlement near Bethlehem at Kfar Etzion, followed by the establishment of Kiryat Arba using lands confiscated through military orders. The most significant transformation within Israeli society during this period came with the establishment of the Gush Emunim movement in 1974. The movement assumed responsibility for activating and leading the settlement project politically, socially, and culturally. At the end of this phase, in 1975, the settler population in the West Bank remained relatively small, numbering no more than approximately 4,000 settlers.[12]

The Second Phase: Likud Institutionalizes Official Settlement Expansion (1977-1992)

Once the Israeli right wing came to power for the first time in 1977, Prime Minister Menachem Begin declared that the West Bank constituted an inalienable part of the Jewish historical heritage, and his government moved to sponsor and support settlement expansion throughout the entire territory. In 1978, the Israeli government adopted the Drobless Plan, which served as a comprehensive framework for the regional planning of the settlement project, particularly in strategic areas such as mountain ridges and zones adjacent to major Palestinian population centres. According to the plan, these settlements would function as a deterrent against Arab hostility while strengthening Israel's future claims to the land. During this period, the West Bank was divided into seven regional settlement councils, alongside the development of a structured system of settler local governance. These included the Shomron Regional Council (established in 1979), the Binyamin Regional Council (1980), the Jordan Valley Regional Council (1979), the Gush Etzion Regional Council (1980), the Mount Hebron Regional Council (1982), the Dead Sea Regional Council (1981), and the Gaza Coast Regional Council (1979), which later dissolved following Israel's withdrawal from the Gaza Strip in 2005. A coordinating umbrella body for these councils, the Yesha Council, was established in 1980. During this phase, the Israeli military confiscated approximately 908,000 dunams of West Bank land (around 16 percent of the territory that would later be designated as "Area C" under the Oslo II framework of 1995) and reclassified it as "state

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10 Handel Ariel, Marco Allegra & Erez Maggor, "The Israeli Settlements: Past, Present, and Future," in: Asaf Shafir (ed.), *Routledge Companion to the Israeli Palestinian Conflict* (London/New York: Routledge, 2022), pp. 218-233.

11 "Israel Draws a Map for Peace with Egypt," [Hebrew] *Maariv*, 5/1/1973, accessed on 8/7/2024, at: https://acr.ps/1L9GP2A

12 "Population," *Peace Now*, 2024, accessed on 7/7/2025, at: https://acr.ps/1L9GPY2

land", much of which was subsequently allocated for civilian settlement expansion.[13] Organizations such as Gush Emunim, Amana, the Settlement Division of the World Zionist Organization, and the Yesha Council played major roles in advancing settlement activity during this period. By the end of this phase, in 1992, the settler population had risen to approximately 105,000 settlers,[14] reflecting the Likud government's determination to demonstrate its Zionist commitment through the large-scale expansion and institutionalization of settlement in the occupied territories.

Map (1): Boundaries of the Six Regional Settlement Councils in the West Bank

Source: Yesha Council, "About the Yesha Council," accessed on 15/9/2025, at: https://acr.ps/1L9GPap

The Third Phase: The Rise and Collapse of Oslo (1993-2011)

At the time the Oslo Accords were signed in 1993, approximately 128 settlements existed in what later became designated as Area C, distributed across the six regional settlement councils in the West Bank. As Yitzhak Rabin's government negotiated over the future of the West Bank, intending to retain control over the major settlement blocs (particularly Ariel, Gush Etzion, and Ma'ale Adumim), the settlement project increasingly emerged as a deeply contested political issue within Israel itself. Before his assassination in 1995, Rabin had moved toward restraining settlement expansion. However, in 1997, Benjamin Netanyahu advanced what became known as the "Allon Plus Plan", which aimed to preserve Israeli control over roughly 60 percent of the West Bank, including the major settlement areas and road bypass networks.

During this period, the Settlement Division of the Jewish Agency continued to play a decisive role in expanding settlement infrastructure. At the same time, a growing number of settler-oriented "civil society"

[13] Norwegian Refugee Council, *A Guide to Housing, Land and Property Law in Area C of the West Bank* (February 2012), accessed on 8/7/2025, at: https://acr.ps/1L9GPM2

[14] "Population."

organizations emerged, including Nahala, established in 2005, and Regavim, founded in 2006, both of which sought to intensify settlement expansion throughout the West Bank. These organizations subsequently established dozens of settlement outposts, some of them state-funded, despite the official Israeli policy that formally opposed the widespread creation of new settlements.[15] The dismantling of Israeli settlements in the Gaza Strip in 2005 marked a major intellectual and political turning point for religious-nationalist settlers in the West Bank. In response, these groups evolved into a more radical and politically organized force, developing extensive lobbying networks, associations, NGOs, and fundraising mechanisms aimed at accelerating the Judaization of the West Bank.

The negotiations between Ehud Olmert and Mahmoud Abbas in 2007, followed by the Netanyahu-Abbas talks between 2010 and 2011, represented the final political negotiation between the two sides. After these negotiations collapsed, Israeli policy increasingly shifted toward determining the future of Area C through settlement expansion on the ground. By the end of this period – which many Israelis regarded as marking the effective end of the “peace process” – the settler population had nearly tripled compared to its size before Oslo, reaching approximately 311,000 settlers.[16]

The Fourth Phase: The Rise of the Settlers as a Political Force Since 2011

During this phase, the West Bank entered a prolonged condition of “managed status quo”. On the one hand, political negotiations with the Palestinians largely disappeared. On the other, the settlement project in Area C expanded systematically and continuously. Over time, the religious-nationalist settler movement succeeded in shifting the Israeli political debate from the question, “What is the future of the occupation in the West Bank?” to a new question: “When will Israel annex Area C?” Throughout this period, the settler population continued to grow, reaching around 532,000 settlers by 2026, and living across roughly 500 settlement sites, including approximately 246 officially recognized Israeli settlements and around as many unofficial settlements, commonly referred to as outposts.[17] Settlement expansion increasingly reshaped and constrained the boundaries of Palestinian residential space throughout the West Bank.

On 29 December 2022, a new right-wing religious coalition government was formed under the leadership of Benjamin Netanyahu, Bezalel Smotrich, and Itamar Ben-Gvir, together with the ultra-Orthodox parties. The coalition rested on a set of agreements and policy guidelines that effectively granted the religious settler leadership broad authority to shape the future of the West Bank. The coalition’s strategy focused on accelerating the Judaization of as much land in Area C as possible within the shortest feasible timeframe, while preparing the legal and legislative foundations for its future annexation to Israel.

As part of this agenda, a new directorate was established within the Israeli Civil Administration in May 2024 and placed under the authority of Hillel Roth, one of the leading figures of the religious settler movement, with the purpose of advancing the legal incorporation of settlements into Israel’s administrative framework. Bureaucratically, this body operates under the Settlement Administration within the Ministry of Defense, which in February 2023 was placed under Yehuda Eliyahu, a close associate of Minister Bezalel Smotrich. Its primary objective is to accelerate land confiscation and

[15] Walid Habbas, “al-Buʾar al-Istīyṭāniyya al-Zirāʿiyya fī al-Ḍaffa al-Gharbiyya: Min al-Irtijāl wa-l-Taṭawwuʿ ilā al-Maʾsasa wa-l-Tamwīl al-Ḥukūmī!,” *Supplement to The Israeli Scene*, Palestinian Forum for Israeli Studies – MADAR, 12/2/2024, accessed on 16/11/2024, at: https://acr.ps/1L9GPJF

[16] “Population.”

[17] Ibid.

settlement planning while bypassing the traditional channels of the Coordinator of Government Activities in the Territories (COGAT) and sections of the military establishment that have historically shown greater sensitivity to international criticism. In parallel, the Ministry of National Missions was entrusted to Orit Strock, a prominent settler leader from Hebron, enabling the ministry to support settlement outposts directly and finance projects aimed at accelerating the Judaization of the West Bank.

The Main Components of the Israeli Settlement Project

This section examines the principal components of the Israeli settlement project in the West Bank. These include residential settlements located in Area C; annexed residential settlements in East Jerusalem; settlement outposts, whether caravan-based or pastoral; industrial zones and business centres; the separation wall, which isolates approximately 9 percent of the West Bank; infrastructure networks and bypass roads; confiscated lands; appropriated natural resources such as water sources, streams, and mineral reserves; and nature reserves and waste disposal sites.

This section examines these components in detail based on data available in January 2026, while recognizing that the settlement project continues to expand, meaning that many of the figures and conditions described below may already have changed by the time this text is read. The information presented here relies primarily on leading Palestinian and Israeli sources, especially the Palestinian Central Bureau of Statistics, the Israel Central Bureau of Statistics, and the Wall and Settlement Resistance Commission.

Official Residential Settlements in the West Bank

Civilian settlements constitute the most visible and central component of the Israeli settlement project. The officially recognized settlements include approximately 246 residential entities, varying in scale from large settlement cities and towns to small kibbutzim. All of these settlements have received formal approval from successive Israeli governments and therefore receive full state support, including master planning schemes, infrastructure development, municipal budgets, and public services. They contain the institutional foundations of everyday life, including schools, kindergartens, health centres, recreational facilities, and other civic services.

One useful way to understand the scale and geographic distribution of settlements in the West Bank is through the institutional structure of the Yesha Council, the umbrella governing body of the settlement movement. The council consists of 25 members, 24 representing settlements in the West Bank, while one seat continues to symbolically represent the former Gaza settlements even since Israel's withdrawal from the Gaza Strip in 2005. The West Bank settlement representation is divided into four settlement municipalities (or settlement cities), 14 local councils, and six regional councils, with each regional council overseeing several smaller settlements.

The officially recognized settlements are home to at least 532,604 settlers. Collectively, these settlements exercise jurisdiction over an area amounting to approximately 9.4% of the total area of the West Bank.[18] Table (2) presents the main indicators related to the officially recognized settlements established in the West Bank.

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[18] A settlement's area of influence (Hebrew: *shetach shevot*) is the geographical area allocated to its local or municipal council, and is under full Israeli control in terms of its infrastructure, tax collection, public services, management of municipal life for the Jewish population, and security zone.

Table (2): Numbers of Settlers and Settlements (January 2026)

Category	Settlement/ Community Name	No. of Settlers	No. of Settlements
Cities	Ariel	22,383	city
	Ma'ale Adummim	36,185	city
	Betar Illit	73,220	city
	Modi'in Illit	91,323	city
	Total	**223,111**	**Four cities**
Settlements	Oranit	10,044	settlement
	Alfei Menashe	7,981	settlement
	Elkana	4,551	settlement
	Efrat	12,132	settlement
	Beit El	6,540	settlement
	Beit Aryeh–Ofarim	5,795	settlement
	Giv'at Ze'ev	25,850	settlement
	Har Adar	4,234	settlement
	Immanuel	6,232	settlement
	Kiryat Arba	7,832	settlement
	Sha'ar HaShomron	8,793	settlement
	Ma'ale Efrayim	1,862	settlement
	Karnei Shomron	10,755	settlement
	Kedumim	4,565	settlement
	Total	**116,166**	**14 settlements**
Regional Councils	Shomron Regional Council	49,383	55 settlements
	Mateh Binyamin Regional Council	82,434	59 settlements
	Gush Etzion Council	29,464	32 settlements
	Jordan Valley Regional Council	16,755	43 settlements
	Hebron Hills Regional Council	12,402	30 settlements
	Megilot Regional Council	2,889	9 settlements
	Total	**193,327**	**228 settlements**
Grand Total		**532,604**	**246**

Source: Israeli Central Bureau of Statistics, "Population in Localities and Regional Councils – Provisional Estimates, 2025–2026," 2/3/2026, accessed on 21/5/2026, at: https://acr.ps/hBy2sIJ

Residential Settlements Annexed to Israel in East Jerusalem

The settlements in East Jerusalem are addressed separately because Jerusalem was annexed by Israel in 1967 and therefore did not develop through the same settlement mechanisms that shaped the rest of the West Bank, which largely operated under the authority of the Israeli military and regional settlement councils. At the same time, East Jerusalem remains an integral part of the Palestinian territories occupied in 1967. Despite its annexation by Israel, it continues to constitute a central component of the envisioned Palestinian state and its future capital within the framework of the two-state solution. The boundaries of Jerusalem, however, remain among the most disputed issues in the Israeli-Palestinian conflict.

On 29 June 1967, a single "unified" municipality of Jerusalem was established, and Teddy Kollek, who had served as mayor of West Jerusalem since 1966, became mayor of the unified city. Following this internationally unrecognized annexation, Israel declared the unification of West and East Jerusalem and proclaimed the city the eternal capital of Israel. At the end of the war, Defense Minister Moshe Dayan appointed a committee of three generals (including Chaim Herzog, Rehavam Ze'evi, and Shlomo Lahat) to determine the municipal boundaries of Jerusalem. The committee submitted its recommendations at the end of June 1967, resulting in the addition of approximately 70,000 dunams to the boundaries of occupied East Jerusalem. Today, settlement activity in Jerusalem includes settlements, settler homes, outposts, and settlement neighbourhoods, as detailed in Table (3).

Table (3): East Jerusalem Settlements and Populations

Settlement	Classification	Population
Yeshivat Bnei Rachel	School	50
Beit Samuel (Neve Shmuel)	Tourist settlement	est. 10
Tur (Beit Orot)	Settlement/neighbourhood	est. 60
Ma'ale HaZeitim	Settlement/neighbourhood	est. 400
Metzudat Tzion	Settlement/neighbourhood	est. 25
Jewish Cemetery on the Mount of Olives	Settlement/neighbourhood	15
Ma'ale David	Settlement/neighbourhood	est. 50
City of David	Settlement/neighbourhood	250
Beit Yonatan	Settlement/neighbourhood	30
Shimon HaTzaddik	Settlement/neighbourhood	50
Nof Tzion	Settlement/neighbourhood	360
HaMefaked Street	Settlement/neighbourhood	20
Muslim and Christian Quarter	Settlement/neighbourhood	1,000
Pisgat Ze'ev	Settlement	45,100
Gilo	Settlement	32,290
Ramot	Settlement	56,086
Neve Ya'akov	Settlement	25,000
East Talpiot	Settlement	15,398
Ramat Eshkol	Settlement	8,975
French Hill	Settlement	6,800
Ma'ale Dafna	Settlement	4,500
Tallat al-Muftar (Giv'at HaMivtar)	Settlement	est. 3,500
Jewish Quarter (Harat al-Sharaf)	Settlement/neighbourhood	4,200
Ramat Shlomo	Settlement/neighbourhood	16,736
Jabal Abu Ghneim (Har Homa)	Settlement	24,900
Sanhedria Murhevet	Settlement/neighbourhood	est. 5,500
Givat Hanania/Abu Tor	Settlement/neighbourhood	400
Beit HaSheva	Settlement/neighbourhood	est. 50
Total		**251,755**

Source: Israeli Central Bureau of Statistics, 2022 (April 2024 projections), accessed on 15/9/2025, at: https://acr.ps/1L9BPfU

Settlement Outposts in the West Bank

Settlement outposts are residential settlement sites established in an improvised and often informal manner by extremist settler movements and organizations. Unlike officially recognized settlements, these outposts generally lack approved master plans, although the Israeli state frequently provides them with financial support, security protection, legal assistance, and public services. As a result, it remains difficult to determine precisely the total area they occupy. Israeli human rights organizations commonly refer to these sites as "outposts",[19] while in the official Israeli discourse, particularly under right-wing governments, they are often described as "young settlements".

A distinction can be made between unauthorized settlement outposts established for residential purposes and those established primarily for territorial control and land appropriation without the development of permanent residential neighbourhoods. Regarding the residential outposts, Bezalel Smotrich stated, in his political and electoral platform, that 60 of the unauthorized outposts existing in the West Bank were inhabited by approximately 25,000 settlers.[20]

All of these outposts were originally established through initiatives led by settler groups without formal authorization from the Israeli government. Nevertheless, successive Israeli governments have legalized many of them retroactively. One notable example occurred in October 1999, shortly before Prime Minister Ehud Barak departed for the Camp David Summit negotiations. Barak reached an agreement with settler leaders concerning 42 unauthorized settlement outposts in the West Bank. Under the agreement, 32 outposts received various forms of approval: two were relocated, expansion was frozen in 19 (allowing them to remain in place but prohibiting further expansion), and 11 were formally legalized, while the remaining outposts were designated for evacuation.[21]

One of the earliest and most significant attempts to legalize settlement outposts took shape in the 2017 Regularization Law.[22] The law aimed to retroactively authorize thousands of housing units built on privately owned Palestinian land by allowing the state to expropriate usage rights while compensating Palestinian owners financially or with alternative land. In June 2020, however, the Israeli Supreme Court struck down the law, ruling that it disproportionately violated Palestinians' constitutional rights to property, equality, and dignity.[23]

The effort to legalize outposts on a large scale resumed only after two important developments. First, the religious-nationalist far right gained unprecedented influence and, with the formation of Israel's 37th government at the end of 2022, acquired direct control over key institutions responsible for settlement policy. Second, tensions between the settler movement and Israel's judicial system deepened. A major source of this conflict was the disagreement between the government and the Supreme Court over how quickly settlements should expand and which legal tools could facilitate that expansion. The disagreement concerned the methods and pace of settlement growth rather than the legitimacy of the settlement project itself.

This is precisely what unfolded under Israel's 37th government. By 2026, the majority of these outposts had been legalized through a variety of administrative and planning mechanisms, resulting in the establishment of approximately 90 new officially recognized settlements.

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19 The most important of these organizations are the Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem), Peace Now, Volunteers for Human Rights (Yesh Din), and Kerem Navot.

20 Bezalel Smotrich, "List of Sites According to Article 2(b) of Cabinet Decision B/6 Dated 21 February 2023," [Hebrew] *Official Letter*, accessed on 21/11/2024, at: https://acr.ps/1L9GPdL. In his 2018 electoral programme, Smotrich referred to some 70 unauthorized settlements. However, by the time of writing, he had legalized 13 of them, with the intention of legalizing the rest by the end of the 37th Israeli government's term in 2026.

21 "'The Outpost Agreement' – Neither Evacuation nor Freeze: An Analysis of the First Outpost Agreement between Barak and the Settlers since October 1999," [Hebrew] *Peace Now*, 2008, accessed on 21/11/2025, at: https://acr.ps/1L9GPoB

22 Knesset, "Law for the Regularization of Settlement in Judea and Samaria, 5777–2017," [Hebrew] 13 February 2017, pp. 410-414, accessed on 27/9/2025 at: https://acr.ps/hBy2sZk

23 Gilad Morag et al., "High Court Orders Cancellation of the 'Regularization Law' Because It Is Unconstitutional," [Hebrew] *Ynet*, 9/6/2020, accessed on 27/9/2025 at: https://acr.ps/hBy2sbR

Industrial Zones and Commercial Centres

According to a report issued by the State Comptroller of Israel, approximately 35 industrial zones and commercial centres operate in the West Bank, all located within Area C.[24] Comprehensive information regarding all of these industrial zones remains unavailable, and the locations of some facilities appear not to be publicly disclosed. The overwhelming majority of these zones are established on lands administered by the "Custodian of Government Property", a department within the Israeli Civil Administration authorized to manage lands held by Israel in the occupied territories. Some industrial zones function as independent facilities, while others operate as industrial neighbourhoods attached to existing settlements. Certain zones also remain inaccessible to the general public. In addition, approximately 35 stone quarries and stone-processing factories operate in Area C, alongside around 25 fuel stations located independently of settlements and distributed along major highways throughout the West Bank.[25]

Table (4). Major Industrial Zones Located Outside and Inside Settlements

Industrial Zone		Inside Settlement	Geographically Independent	Area (dunams)
Eli Centre	Business/ shopping complex	X		496
Dolev Centre	Business/ shopping complex	X		60
Sha'ar Binyamin (Rami Levy, Jaba')	Business/ shopping complex		X	176
Rami Levy Etzion	Business/ shopping complex		X	94
Neveh Tzuf/ Halamish	Industrial zone	X		N/A
Efrat Hi-Tech	Industrial zone	X		N/A
Ma'ale Amos	Industrial zone	X		N/A
Atarot	Industrial zone		X	1,530
Alfei Menashe	Industrial zone		X	236
Shilo	Industrial zone	X		500
Meitar	Industrial zone		X	2,000
Shahak	Industrial zone		X	8,000
Bar On	Industrial zone		X	1,200
Barkan	Industrial zone		X	728
Ariel	Industrial zone	X		N/A
Ariel West	Industrial zone		X	865
Sal'it	Industrial zone	X		N/A
Emmanuel	Industrial zone		X	120
Gush Etzion	Industrial zone		X	527
Mishor Adumim	Industrial zone		X	1,550
Maccabim	Industrial zone*		X	300

[24] "Industrial Zones under Israeli Administration in the Judea and Samaria Area: A Follow-up Report [Annual Reports]," [Hebrew] Israeli State Comptroller's Office, 28/2/2023, accessed on 10/7/2025, at: https://acr.ps/1L9GQ3Z

[25] The database can be accessed under "Maps", at: Civil Administration of Judea and Samaria, "Civil Administration Digital Database," [Hebrew] accessed on 28/9/2025 at: https://acr.ps/1L9BPSG. Although this database is under the supervision of the Civil Administration, it is significant in that it links its statistics to specific documents, military order numbers, and engineering and structural plans, meaning their accuracy can be verified by searching for them individually at other relevant Israeli ministries and agencies.

Industrial Zone		Inside Settlement	Geographically Independent	Area (dunams)
Sha'ar Shomron	Industrial zone**		X	2,700
Bustanei Hafetz	Industrial zone***		X	980
Nitzanei ha-Shalom	Industrial zone		X	50
Sal'it – Adumim	Quarry		X	200

* Approved in 2016. It is in the advanced stages of urban planning at the time of writing.

** Approved for establishment in 2022.

*** Approved in 2018, but construction has not yet begun.

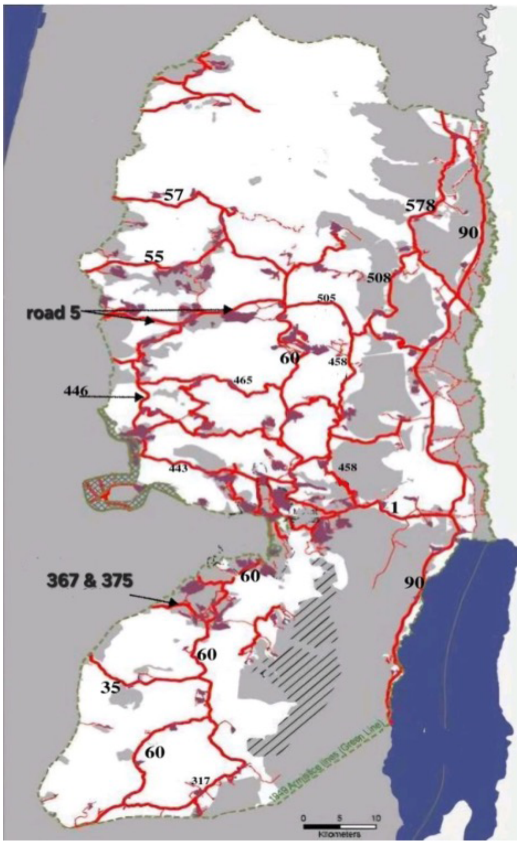
Source: Prepared by the authors based on various sources.

The Separation and Annexation Wall

Israel began constructing the separation and annexation wall in 2002, based on security justifications linked to the Second Intifada in the West Bank. According to Israeli plans, the wall's total projected route extends approximately 714 kilometres, of which around 488 kilometres have been completed to date. The wall is roughly twice as long as the Green Line, with approximately 85% of its route running through the West Bank rather than along the 1967 boundary. In practice, the route of the wall establishes the territorial basis for the de facto annexation of most Israeli settlements in the West Bank. The wall isolates approximately 9% of the occupied Palestinian territory.[26]

Settlement Infrastructure and Road Networks

Map (2): Main Settler Roads in the West Bank



Source: Generated by the authors.

[26] "The Separation Barrier," *B'Tselem*, 11/11/2017, accessed on 7/7/2025, at: https://acr.ps/1L9GPCm

Israel has developed an extensive network of roads and infrastructure designed to facilitate settler life, connect industrial zones to ports and border crossings, and reshape the spatial organization of the West Bank. This settlement infrastructure includes a road system constructed primarily to serve the needs of the settlement project, and has significant economic and geographic consequences for Palestinians. These effects include the fragmentation and isolation of Palestinian areas, the extension of travel times between Palestinian communities, and increased logistical and transportation costs.

A closer examination of the settlement road network reveals two principal categories: 1) Vertical roads (running along a north-south axis), designed to separate Palestinian space from the areas designated for settlement expansion throughout the West Bank; 2) Horizontal roads (running along an east-west axis), designed to connect settlements directly to Israel proper.

Table (5): Major Settler Roads in the West Bank

Name	Direction	Location/ Route	Length
Route 60	North-south	Runs through the centre of the West Bank, passing close to Hebron, Al-Arroub refugee camp, the Bethlehem area (via tunnels), Atarot–Jaba’ and the Jaba’–Nablus road, as far as the outskirts of Jenin	189 km
Route 90	North-south	Runs along the Jordanian border of the West Bank	118 km
Allon Road	North-south	Runs through the Jordan Valley region, from Mishor Adumim to Al-Hamra, passing through Ma’arajat and the villages of Duma and Al-Fasayil	88 km
Route 446	North-south	Connects the city settlement of Modi’in with settlements west of Nablus	31 km
Route 1	East-west	From the Latroun area to the south of Jericho city	65 km
Route 5	East-west	Connects the settlement city of Ariel to Israel; hosts Israeli industrial zones including Ariel, Ariel West, Barkan Industrial Park, and the planned zone of Sha’ar Shomron	18 km
Route 443	East-west	Stretches from Modi’in to Giv’at Ze’ev/ Bitunia	13 km
Route 465	East-west	Starts from Silwad and goes to Ayoun al-Haramiyeh, the Rawabi roundabout, Umm Safa, Aboud, Rantis, and the Rantis checkpoint close to Tel Aviv	35 km
Route 57	East-west	Between Tulkarm and Netanya, cutting transversally through the West Bank	36 km
Route 449	East-west	Between northern Jericho (Al-Auja area) and the Ofra settlement north of Ramallah	36 km

Source: Prepared by the authors, based on a compilation of materials from various sources, including websites for some streets, and analysis of various urban plans.

Israel constructs these roads and infrastructure networks through land confiscation orders issued under the justification of serving the “public interest”. Based on these orders, most of the roads reserve corridors ranging between 50 and 100 metres on both sides of the roadway for future expansion and security purposes. In addition, numerous other roads form part of the broader settlement infrastructure network, although many of them remain difficult to comprehensively document.

Israel has transformed this road network into an integrated system of control and surveillance that functions as a major obstacle to Palestinians' fundamental rights, particularly the right to freedom of movement. By the end of 2025, the West Bank contained more than 1,200 checkpoints and movement barriers restricting Palestinian mobility.[27]

Land Confiscation Under the Designation of "State Land"

"State land" refers to lands held and administered by Israel and constitutes the central territorial foundation upon which the settlement project in the West Bank depends. The term "state land" carries significant legal and political implications, as it effectively reflects a form of de facto annexation (albeit framed within the legal structure of military occupation), the designation itself implying that the land belongs to the occupying Israeli state.

Israel assumed control over lands that had been classified as state land during the period of Jordanian rule in the West Bank between 1948 and 1967, as well as over lands categorized as "enemy property", based on the claim that they had once constituted private property owned by Jews who fled the West Bank before the 1948-1949 armistice boundaries were established. Estimates indicate that these two categories together amount to approximately 527,000 dunams, which Israel controls under Military Order No. 59 of 1967.

More broadly, lands regarded by Israel as falling under state ownership total approximately 1.6 million dunams – equivalent to roughly 30 percent of the West Bank and nearly half of the territory classified as Area C (Table 6).

Table (6): Classification and Areas of State Land

Classification	Area (dunams)
Lands registered as "state land" during Jordanian rule, including "enemy property"	527,000
Lands declared as state land by Israel (1967-1973) on the grounds that they were unregistered in its land tax registries, and appeared to be "government property"	160,000
Lands included in the largest campaign of declarations of state land by the civil–military administration (1979-1992)	908,000
Estimated state land declared since Benjamin Netanyahu first took office (1996-2024)	50,000
Total	**1.645 million (30% of WB)**

Source: Walid Habbas, "Isrāʾīl wa-l-Masʾala al-Filasṭīniyya", in: Honaida Ghanim (ed.), *Taqrīr "Madār" al-Istrātījī 2024: al-Mashhad al-Isrāʾīlī fī al-ʾĀm 2023* (Ramallah: Palestinian Forum for Israeli Studies – Madar, 2024), pp. 25-48.

Israel uses confiscated lands in three principal ways:

1. Construction of Jewish residential settlements: Since 1967, approximately 98 percent of the "state lands" allocated for residential construction have been incorporated into the jurisdiction of settlement councils, thereby making most of these lands available for Jewish civilian expansion. Israeli authorities have often justified this expansion internationally under the concept of accommodating the "natural growth" needs of settlements. These lands are all located in Area C, where the Israeli Civil Administration continues its efforts to expand the classification of land as "state land" by placing land settlement and registration projects at the centre of its policy agenda in the West Bank.

[27] OCHA, "Movement and Access in the West Bank – August 2023," 25/8/2023, accessed on 7/7/2025, at: https://acr.ps/1L9GPDj

2. Confiscation for "public purposes": Israel has also used land confiscation orders justified by "public needs" to seize land, particularly for the construction of roads, arguing that such infrastructure also serves Palestinians. Across the West Bank, the Israeli military controls hundreds of sites related to water, electricity, and other supposedly "public" facilities. The Israeli road network in the West Bank – which occupies extensive areas – is generally excluded from the officially calculated footprint of settlements themselves. Nevertheless, this infrastructure constitutes an essential component of the settlement project, which cannot be understood solely through the physical locations of the settlements themselves; rather, the creation of a modern infrastructural system and an integrated road network is deeply embedded within Palestinian geographic space, especially in Area C.
3. Confiscation for military purposes: Legally, military seizure orders do not formally alter the ownership status of the land and do not transfer property rights to the state, unlike the designation of "state land". Instead, such orders grant temporary rights of use for a specified period and for declared military–security needs. In practice, however, many lands confiscated under military justifications become integrated into Israel's broader system of territorial control in the West Bank. These lands are used for military facilities and bases, the separation wall, checkpoints and crossings, surveillance sites, and watchtowers, as well as strategic zones that may remain undisclosed.

Control over Natural Resources

Natural resources in the West Bank include groundwater reserves, mineral resources such as salts and the resources of the Dead Sea, the agricultural fertility of the Jordan Valley, as well as oil, gas, and solar energy resources. Control over these resources directly affects the Palestinian right to self-determination, while international law prohibits an occupying power from exploiting or pillaging the natural resources of occupied territory. At the same time, Israeli occupation authorities impose a wide range of restrictions that limit Palestinian access to and use of natural resources, particularly land and water resources in areas adjacent to Israeli settlements. These restrictions significantly undermine Palestinians' ability to cultivate their land and utilize water resources for agriculture, thereby weakening agricultural self-sufficiency and constraining the economic sustainability of Palestinian farming communities.

Archaeological Sites, Nature Reserves, and Waste Disposal Facilities

Since 1967, the Israel Defense Forces declared approximately 48 areas in the West Bank as natural or archaeological reserves. Within these areas, Israeli authorities have established dozens of recreational sites, forests, and sites designated as "Israeli" archaeological zones, open to visitors. These reserves cover an estimated area ranging between 350,000 and 360,000 dunams, equivalent to approximately 6.2 percent of the West Bank.[28] In 2023, Amichai Eliyahu announced that the Israeli government had identified approximately 2,400 Jewish archaeological sites in Area C and intended to designate them as biblical-archaeological heritage reserves, while also seeking to register some of them through UNESCO.[29] In addition, the Israeli Civil Administration, through its Environmental Quality Department, manages several waste-related facilities in the West Bank, including landfill sites and waste incineration facilities.[30]

Israeli Institutions and Bodies Overseeing the Settlement Project

Four principal Israeli actors manage and consolidate the expansion of the settlement project: 1) The Israel Defense Forces, as the effective sovereign authority in the occupied territories, including the army's Central

28 "A De Facto Annexation of the West Bank's Nature Reserves," *POICA*, 10/6/2023, accessed on 21/11/2024, at: https://bit.ly/4nIg3BF

29 Walid Habbas, "Isrāʾīl wa-l-Masʾala al-Filasṭīniyya," in: Honaida Ghanim (ed.), *Taqrīr "Madār" al-Istrātījī 2024: al-Mashhad al-Isrāʾīlī fī al-ʿĀm 2023* (Ramallah: Palestinian Forum for Israeli Studies – MADAR, 2024).

30 Civil Administration of Judea and Samaria, "Civil Administration Digital Database."

Command, the Civil Administration, and the Office of the Coordinator of Government Activities in the Territories (COGAT); 2) The religious settler movement, operating both at the political level through settler-affiliated parties and at the civil level through NGOs, associations, youth movements, lobbying groups, and grassroots settler organizations; 3) The Government of Israel, including the Prime Minister's Office, Israeli ministries, members of the Knesset and its committees, and the government's legal advisory bodies; 4) The Supreme Court of Israel, commonly referred to in Hebrew as the *Bagatz* (High Court of Justice).

Israeli Military Institutions and Administrative Bodies

The Israel Defense Forces Central Command functions as the supreme governing authority in the occupied West Bank. The commander of the Central Command effectively serves as the highest governing authority in the territory, exercising legislative powers through military orders, judicial powers through the military court system, and executive powers through the Civil Administration. Within this framework, the most important institution is the Israeli Civil Administration.

a. The Israeli Civil Administration

The Israeli Civil Administration is a military-civil body operating under the authority of the Coordinator of Government Activities in the Territories (COGAT), the Israeli unit responsible for administering and enforcing Israeli control over Palestinian life in the occupied territories. Following the Oslo Accords, its role has also expanded to include coordination and liaison functions with the Palestinian Authority regarding various administrative and civilian affairs. Acting on behalf of the "State of Israel", the Civil Administration manages a broad range of colonial affairs in the West Bank, including planning and construction, settlement expansion, the declaration and administration of state lands, land-use regulation, and enforcement measures such as issuing demolition orders and managing building violations.

The institution functions through a structure resembling a ministerial cabinet, composed of military officers overseeing nearly every sphere of civilian life affecting both Palestinians and Israeli settlers. Its departments include archaeology, environmental affairs, legal affairs and land registration, surveying and mapping, nature reserves, labour affairs, welfare coordination, telecommunications and postal services, transportation and public works, energy, land valuation, agriculture, water affairs, and health services. The welfare coordination office, for example, operates through officials linked to the Israeli Ministry of Social Affairs, who coordinate between the Israeli authorities and representatives of the Palestinian Authority.

b. The Higher Planning Council (Hebrew: Mat'a)

One of the central branches of the Israeli Civil Administration, the Higher Planning Council functions as one of the primary institutional mechanisms driving the procedural expansion of the settlement project. Virtually all planning authority in the West Bank is concentrated in the hands of this body. It serves as the central planning institution in the occupied territory, exercising broad powers that include declaring planning zones, approving regional and local master plans, issuing construction and zoning regulations under the framework of Jordanian planning law, and reviewing objections to decisions issued by planning committees. Several subcommittees operate under its authority, including the Settlement Committee, which approves settlement-related projects; the Planning and Licensing Committee, responsible for reviewing Palestinian planning schemes and construction requests in Area C; and the Roads and Infrastructure Committee, which authorizes infrastructure and transportation projects.

In 1971, the Israeli military issued an order granting the Higher Planning Council broad powers to amend, revoke, suspend, or override any planning scheme or permit, as well as the authority to exempt individuals from licensing requirements mandated by law. Because the military order relied on the Jordanian

Planning and Building Law (which had originally placed the Jordanian Minister of the Interior at the head of the planning system), the Israeli military appointed the Staff Officer for Interior Affairs as head of the Higher Planning Council. Although formally attached to the Israeli Civil Administration, this official receives a salary from the Israeli Ministry of the Interior.

The Council's responsibilities include formulating, implementing, and advancing Israeli planning policy in the West Bank; promoting planning schemes through legal planning procedures; providing professional oversight to local planning and construction committees throughout the territory; and offering technical support regarding planning and construction matters to local authorities, professionals, and private developers. Its authority also extends to issuing planning guidelines for the submission of plans to various committees, regulating Palestinian construction and licensing in Area C, approving agricultural construction permits, authorizing projects related to transportation, roads, environmental protection, mining, and quarrying, and supplying planning-related information concerning construction and land use.

Decisions regarding the approval of new settlement housing units are issued through this Council. In 1979, the Higher Planning Council established the "Settlement Subcommittee", specifically dedicated to handling settlement planning throughout the West Bank.[31]

c. Custodian of Government Property and Abandoned Property

This unit was established in 1967 and, since 1981, has operated within the framework of the Israeli Civil Administration. The authority of the Custodian derives from two military orders: the "Order Concerning Government Property (Judea and Samaria) (No. 59) of 1967" and the "Order Concerning Abandoned Property (Private Property) (No. 58) of 1967". Since 1980, the Custodian has served as the principal authority responsible for declaring "state land" and allocating it for the establishment of new settlements. It is estimated that approximately 1.5 million dunams – roughly 26% of the West Bank – could potentially be classified as state land under the Ottoman land laws that continue to operate within the Israeli military legal framework, particularly regarding uncultivated land. Most Israeli settlements in the West Bank have been established specifically on lands designated as state land. The Custodian delegates various governmental and semi-governmental bodies to develop residential settlement projects on these lands, often relying on institutions such as the Jewish Agency for Israel. Under the applicable legal framework, the Custodian grants long-term land leases to the Jewish Agency for the establishment of settlements, gas stations, industrial zones, and road infrastructure.[32]

d. Inspection Unit

The Israeli Civil Administration operates an Inspection Unit in the West Bank responsible for enforcing planning, construction, and environmental regulations in Area C. The unit primarily focuses on combating what the Israeli authorities classify as unauthorized Palestinian construction, alongside unlicensed Israeli construction, while also overseeing environmental protection, quarry supervision, the prevention of unauthorized water extraction, and the protection of forests and natural areas. In July 2017, the Inspection Unit began operating unmanned aerial vehicles (drones) over areas administered by the Palestinian Authority as part of its enforcement activities, including monitoring and enforcement related to environmentally polluting charcoal production activities.[33]

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[31] "Definition, Summary, and Structure of the Planning Office in Judea and Samaria," [Hebrew] *Civil Administration in Judea and Samaria*, 30/9/2024, accessed on 21/11/2024, at: https://bit.ly/44YAfHW

[32] Israeli Ministry of Intelligence, *The Palestinian Campaign on Area C - Shaping a New Reality in the Region: Description and Implications* [Hebrew] (Jerusalem: 2021), accessed on 10/7/2025, at: https://bit.ly/4lnzPkc

[33] Yuli Kaminsky, "Watch: Drones in the Service of the Civil Administration," [Hebrew] *Channel 7* (Israel), 4/6/2024, accessed on 21/11/2024, at: https://bit.ly/465xSnQ

e. The State Land Delimitation Committee in the West Bank ("Blue Line Committee")

The "Blue Line Committee" was established in 1999 within the framework of the Israeli Civil Administration to review and verify the boundaries of lands declared as "state land" in the West Bank. The Committee emerged in response to demands from Civil Administration experts for more precise demarcation of government lands after concerns were raised regarding inaccuracies in previously drawn boundaries, many of which relied on outdated or imprecise maps. The Committee includes representatives from multiple branches of the Civil Administration, including the Planning Unit, the Land Registration Office, the Survey and Infrastructure Unit, and legal advisors. It operates under the supervision of the Coordinator of Government Activities in the Territories (COGAT). According to its officially declared mandate, the Committee's primary responsibility is to review lands classified as state land in order to ensure that they do not overlap with privately owned Palestinian lands. It also reviews development and planning permits issued in relation to these areas. In addition, the Committee prepares expert reports in cases involving legal challenges to land evacuations and provides legal assessments regarding land ownership claims and previous land use. The Committee's activities undergo ongoing legal and administrative review to ensure that land-related procedures conform to Israeli legal frameworks and to the international legal standards invoked in relation to land confiscation and land use. Its work remains subject to oversight by Israeli legal and executive authorities in order to avoid potential conflicts with private property claims.[34]

Organizations of the Religious Zionist Movement

Religious Zionism constitutes an ideological current within the broader Zionist movement grounded in a nationalist political vision that advocates the establishment and consolidation of Jewish sovereignty across the entirety of the biblical Land of Israel. In contrast to many ultra-Orthodox Haredi interpretations (which hold that the redemption of the Jewish people and the land will occur only with the coming of the Messiah), Religious Zionism promotes active political intervention to achieve Jewish sovereignty. Within this ideological framework, many adherents interpreted Israel's "victory" in the 1967 war and its "return" to Judea and Samaria as a profound act of redemption and a divine signal that the time had arrived for Jews to settle the whole Land of Israel. The central spiritual and ideological figure associated with this current was Zvi Yehuda Kook (1891–1982), one of the leading rabbis of Religious Zionism and a major advocate of the doctrine of Greater Israel.[35] Although the Religious Zionist movement underwent multiple transformations over its long historical trajectory (particularly after 1967 and the emergence of the Gush Emunim movement in 1974), it also experienced significant internal tensions between older and younger generations. The younger generation increasingly adopted more radical positions and embraced more confrontational and violent approaches toward Palestinians. Among the most significant Religious Zionist organizations, institutions, and political parties active as of 2024 are the following:

a. The Yesha Council

The Yesha Council is officially known as the Council of Jewish Settlements in Judea, Samaria, and the Gaza Strip. It was established on 24 December 1980 by Yisrael Harel and functions as the umbrella organization representing the leadership of Israeli settlements in the occupied territories, excluding Jerusalem. The Council was created to promote settlement expansion, represent settler interests, and defend the legitimacy and strategic importance of the settlement project both domestically and internationally. The Council has played a major role in advancing the settlement enterprise by coordinating closely with successive Israeli

[34] See: "Report by the Coordinator's Unit on the work of the Committee," [Hebrew] Government of Israel, 2016, accessed on 28/9/2025, at: https://acr.ps/1L9BPPy

[35] Walid Habbas, "al-Ḥardaliyya: al-Tayyār al-Mutazammit Dīniyyan, al-Mutaṭarrif Qawmiyyan wa-l-Muḥāfiẓ Thaqāfiyyan," in: Honaida Ghanim (ed.), *al-Yamīn al-Jadīd fī Isrāʾīl: Mashrūʿ al-Haymana al-Shāmila* (Ramallah: Palestinian Forum for Israeli Studies – MADAR, 2023), pp. 187-218.

governments, leading campaigns to secure funding for infrastructure projects, and opposing governmental decisions perceived as obstacles to settlement expansion. It strongly supports the annexation of the West Bank, particularly Area C, and opposes political initiatives or peace proposals that could lead to the recognition of a Palestinian state, including proposals associated with former US President Donald Trump. It has also participated in campaigns aimed at integrating major settlements (such as Ma'ale Adumim) more fully into Israel's political and administrative framework. In addition, it successfully campaigned for the removal of international monitoring mechanisms such as the Temporary International Presence in Hebron (TIPH), portraying them as hostile to Israel. Over the years, the Council has consistently maintained a hardline position opposing territorial concessions, and continues to advocate the expansion and normalization of Israeli settlements in the occupied territories.

b. Amana

Amana was established in 1979 as a settlement movement affiliated with Gush Emunim. Its objective is to promote Jewish settlement in the West Bank, the Gaza Strip, the Golan Heights, the Galilee, and the Negev. Since 1989, the organization has been headed by Zeev Hever, widely known by his nickname "Zambish". Amana implements construction projects in the West Bank through its subsidiary company "Binyanei Bar Amana". Its activities include encouraging settler migration, planning and establishing new settlements, and providing support to local authorities within the regional settlement councils. In 2017, the organization announced a long-term strategic vision aimed at settling one million Jews in the West Bank. It has also participated in establishing new settlements in the Golan Heights, the Gaza envelope region, and the Galilee panhandle. The organization has faced legal criticism regarding its receipt of public funds from local settlement authorities in the West Bank. However, the Supreme Court of Israel approved its eligibility to receive such funding on the grounds that it functions as a public organization dedicated to encouraging settlement activity. In June 2024, the Canadian Ministry of Foreign Affairs imposed sanctions on Amana in connection with its role in supporting illegal settlement expansion in the West Bank. The organization currently oversees numerous settlements housing approximately 140,000 settlers (around 27% of the settler population), as well as a significant number of unauthorized settlement outposts.

c. Nahala Movement

Nahala was established in 2005 by Moshe Levinger and Daniella Weiss as an offshoot of Gush Emunim. The movement advocates the settlement of the "Greater Land of Israel" through public mobilization, settlement construction, demonstrations, and grassroots activism. In its early stages, the movement consisted of two branches ("Trustees of the Land of Israel" and "Youth for the Land of Israel"), before later adopting the name "Nahala Settlement Movement". The organization's activities focus primarily on the West Bank, Gaza, and, to a lesser extent, the Galilee. Nahala emerged largely as a reaction to the evacuation of the Gush Katif settlements from the Gaza Strip in 2005. The movement opposes the establishment of a Palestinian state and promotes the vision of a single state under Jewish sovereignty. Nahala actively encourages the establishment of new settlements and engages in fundraising campaigns aimed at purchasing land from Palestinians in order to expand settlement activity in the West Bank. It also organizes initiatives intended to strengthen the connection between Jewish diaspora communities and the settlement project in the occupied territories.

d. Regavim

Regavim is a right-wing Israeli organization founded in 2006 with the stated objective of promoting a "Jewish and Zionist agenda for the State of Israel in matters of land and environment". According to its declared mission, the organization seeks to protect what it defines as the lands of the Jewish people and the natural resources and landscape of the Land of Israel. Its director-general, Meir Deutsch, together with many of the organization's staff members, monitors Palestinian construction activities (classified by Israeli authorities as "illegal") both inside Israel and in the occupied territories. The organization campaigns against what it describes as the "illegal seizure" of Jewish national lands in the West Bank and against alleged misuse of natural resources throughout what it calls the "Land of Israel". Among its founders was Bezalel Smotrich. Regavim focuses heavily on documenting "unauthorized" Palestinian construction in areas such as the Naqab/Negev, the Galilee, and Area C of the West Bank, and regularly transfers this information to the Israeli enforcement authorities. The organization also files legal petitions concerning environmental violations, including illegal dumping sites and river pollution, and cooperates with organizations such as Green Now, as well as with local authorities in the Galilee and the Naqab/Negev. Beyond field monitoring, Regavim is deeply involved in policy research, parliamentary lobbying, and the drafting of political position papers, and has participated in governmental committees. In 2017, the organization played a role in advancing the "Kaminitz Law", which strengthened enforcement mechanisms against unlicensed construction in Arab communities inside Israel. In 2019, it led political lobbying efforts to prevent the law's repeal during discussions surrounding the dissolution of the 22nd Knesset.

e. Guardians of Judea and Samaria

Guardians of Judea and Samaria was established in 2013 to support settler farmers in the West Bank and has become one of the most prominent organizations involved in promoting and sustaining pastoral settlement expansion. The organization provides both individual and group volunteers, who are deployed for nighttime guarding and security activities; it also supplies equipment and logistical support for livestock and agricultural farming operations. The grazing areas operating under the organization's supervision extend across hundreds of thousands of dunams throughout the West Bank, making pastoral settlement one of the most significant contemporary mechanisms for territorial expansion and land control.

The Governmental and Ministerial Role of Israel

Since 1967, and especially under successive governments led by Benjamin Netanyahu, Israeli policy increasingly moved toward explicit annexationist objectives aimed at securing long-term Israeli sovereignty over the West Bank. However, the major developments that unfolded after 2023 significantly reshaped both the nature and scale of this support.

This shift became particularly visible through a series of structural changes within Israel's administrative and legal frameworks that facilitate the new phase of settlement expansion. One of the clearest examples is the memorandum of understanding concerning the division of authority between Defense Minister Yoav Gallant and Bezalel Smotrich, who was appointed an additional minister within the Ministry of Defense with responsibility for civilian affairs in the West Bank. Signed in February 2023, the agreement granted Smotrich extensive governing powers over settlement administration and transferred broad aspects of settlers' daily governance from military authority to civilian structures. As a result, Smotrich acquired effective control over major aspects of settlers' everyday life in the West Bank, contributing to the normalization of the settlers' presence while simultaneously marginalizing Palestinians and confining them to increasingly fragmented and restricted geographic spaces.[36]

One of the central structural transformations involved the establishment of the "Settlement Administration" within the Ministry of Defense, which assumed many powers previously held by the Israeli Civil Administration. These transferred powers include authority over land use, building permits, and

[36] Habbas, "Isrāʾīl wa-l-Masʾala al-Filasṭīniyya."

infrastructure development in settlements, effectively shifting civilian governance away from direct military oversight. Consequently, Israeli settlers in the West Bank increasingly operate under a civilian administrative framework similar to that governing Israeli citizens inside Israel's pre-1967 borders. Palestinians, by contrast, continue to live under military rule, while Smotrich's policies focus on reducing their demographic and territorial presence in Area C.[37]

The Israeli government's broader vision, as articulated in its official policy guidelines, openly advocates the application of full Israeli sovereignty over the West Bank and the consolidation of Jewish supremacy throughout the territory. These objectives have been pursued through legal and administrative reforms, including amendments to Government Decision No. 150, which reduced the level of political oversight required for settlement expansion approvals. The amendment enabled settlements to expand demographically and geographically with minimal bureaucratic constraints, thereby deepening Israeli territorial control.

In parallel, the government has invested heavily in improving settlers' quality of life through major infrastructure projects, including roads and tourism development, while simultaneously reducing enforcement against unauthorized settlement activities. During the same period, ideologically motivated violence directed against Palestinians has escalated substantially, frequently without meaningful legal accountability. The government has also expanded the arming of settlers, contributing to increased and persistent intimidation, harassment, and displacement targeting Palestinian communities.

Taken together, the extensive legal, structural, and financial reforms advanced by the current government reflect a systematic effort to transform the governing regime in the West Bank in ways that consolidate Israeli sovereignty, undermine forms of Palestinian self-rule rejected by the governing coalition, and reduce or displace the Palestinian presence. This transformation represents a new stage in the Israeli settlement project and requires the Israeli government to be understood not merely as a supporter of settlements, but as a central architect of a broader annexationist agenda.

The Israeli Supreme Court

The Supreme Court of Israel has played a central role in legitimizing and consolidating Israeli settlement expansion in the West Bank through a series of judicial rulings and legal decisions that have supported the establishment and entrenchment of settlements since the occupation of the territory in 1967. In the Elon Moreh case of 1979, for example, the Court accepted Israel's seizure of Palestinian land on the grounds of "national security", thereby providing legal justification for the establishment of settlements on privately owned Palestinian land. The ruling subsequently became one of the principal legal foundations used by the state in later settlement projects.[38]

In 2005, the Court also upheld the construction of the separation wall, whose route incorporated numerous settlements within its boundaries and effectively resulted in the fragmentation of Palestinian areas and the de facto annexation of additional land. Despite the severe impact of the wall on Palestinian daily life, the Court justified its position through security-based arguments.[39]

In 2011, the Court supported legislation permitting the confiscation of Palestinian land for purposes defined as serving the "public good", thereby providing settlers with legal cover for taking control of privately owned land, despite the fact that such measures conflict with international legal principles prohibiting an

37 Yesh Din, *The Silent Overhaul: Changing the Nature of Israeli Control in the West Bank Analysis of the Israeli Government's Annexation Policy* (Jerusalem: Boulder; Colorado: Yesh Din, Ofek, Breaking the Silence, ACRI, 2024), accessed on 7/7/2025, at: https://acr.ps/1L9GPYy

38 On the importance of the Supreme Court ruling in the Elon Moreh case over the Israeli army occupying land in the West Bank, see: Yerden Hafir, "1979 – The Elon Moreh Case at the Supreme Court," [Hebrew] *Report*, Israeli Army, accessed on 7/9/2025, at: https://short-link.me/MnlL

39 Sawsan Zaher, *Qarārāt al-Maḥkama al-ʿUlyā al-Isrāʾīliyya bi-Shaʾn al-Arāḍī al-Filasṭīniyya al-Muḥtalla, Salim Salama* (Ramallah: Palestinian Forum for Israeli Studies – MADAR, 2021).

occupying power from exploiting the land of the occupied population for non-military purposes.[40] Reference should also be made to the “Pompeo Doctrine” announced by the administration of Donald Trump, which declared Israeli settlements to be “not inconsistent with international law”. The declaration partly relied on what it described as respect for the Israeli judicial system. Ironically, this “respect” rested on a misleading portrayal of the Israeli Supreme Court as a protector of Palestinian rights, whereas in practice the Court has repeatedly supported settlement expansion and contributed to the institutional consolidation of Israeli control over the occupied territories.[41]

International Law on Settlements and the Israeli Occupation

Under international law, Israel is regarded as an “occupying power” in the Palestinian territories it occupied in 1967.[42] This designation does not necessarily dismiss or negate analyses that understand Israel as a settler-colonial power that established itself through the colonization of Palestinian land in 1948. Rather, the terminology used in international legal instruments specifically refers to the “Palestinian territories” occupied in 1967 (namely the West Bank, including East Jerusalem, and the Gaza Strip), rather than to historic Palestine as a whole. Israel was established in 1948 on approximately 78 percent of the territory of historic Palestine.

Numerous international conventions and legal instruments have defined the concept of belligerent occupation and established regulations governing the duties and responsibilities of both the occupying power and the population living under occupation. These include the Hague Conventions of 1907, the Fourth Geneva Convention, and the Protocol I Additional to the Geneva Conventions. Legal opinions, such as the advisory opinion of the International Court of Justice regarding the separation wall, as well as statements issued by the International Committee of the Red Cross and resolutions of the United Nations Security Council, are also frequently invoked in discussions of the Israeli occupation.

Belligerent occupation refers to the effective control exercised by hostile armed forces over foreign territory. Such occupation falls under international legal frameworks designed to protect the rights of populations living under occupation. International law provides a comprehensive framework regulating the conduct of military occupation with the aim of balancing the security considerations of the occupying authority against the rights and welfare of the civilian population in the occupied territory. Here, the term “rights” refers to rights as understood in terms of international human rights principles, rather than to claims of “historical rights”, which are defined by distinct political and historical contexts.

According to international law, the principal characteristics of military occupation include the following:

1. **The occupation is temporary in nature**

International law, drawing on the Hague Conventions of 1899 and 1907 and the Fourth Geneva Convention, establishes that an occupying power must administer occupied territory on a temporary basis without fundamentally altering its legal structure or demographic composition. This principle rests on the understanding that occupation is inherently non-permanent and that any substantial transformations – particularly attempts at annexation – constitute clear violations of international legal norms. Article 43 of

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40 Ibid.

41 “al-Wilāyāt al-Muttaḥida Taʿūd li-Tuʿlin anna al-Istīyṭān fī al-Ḍaffa al-Gharbiyya ‘Ghayr Sharʿī’: Qirāʾa fī Mawqif al-Wilāyāt al-Muttaḥida min Qaḍiyyat al-Istīyṭān 1977-2024,” *Situation Assessment*, Palestinian Forum for Israeli Studies – MADAR, 6/3/2024, accessed on 2/9/2025, at: https://acr.ps/1L9GPYp

42 Permanent Observer Mission of Palestine to the United Nations, “Israel’s Belligerent Occupation of the Palestinian Territories, including Jerusalem and International Humanitarian Law,” Paper Presented to the Conference of the High Contracting Parities to 4th Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, Including Jerusalem, 15 July 1999, Geneva, accessed on 26/11/2024, at: https://acr.ps/1L9GPYI

the Hague Regulations requires the occupying authority to take the necessary measures to restore and ensure public order, while Article 49 of the Fourth Geneva Convention prohibits the individual or mass transfer or deportation of protected persons from occupied territory under any circumstances.[43] These provisions are widely invoked to affirm the illegality of altering the legal or demographic status of occupied territory.

2. **No transfer of sovereignty over occupied territory**

This principle holds that occupied territory retains a temporary legal status and that the occupying power may neither annex it nor integrate it into its sovereign territory. The Hague Regulations affirm that military occupation does not confer sovereignty upon the occupying state and that it is defined solely by the exercise of effective control without altering the political status of the territory. In its 2004 advisory opinion, the International Court of Justice emphasized that the construction of the separation wall and the establishment of settlements violate the principle prohibiting the acquisition or imposition of sovereignty over occupied territory and undermine the Palestinian people's right to self-determination.[44]

3. **Transferring the population of the occupying power into occupied territory is prohibited**

International law prohibits an occupying power from transferring its own civilian population into occupied territory or encouraging its civilians to settle there. Article 49(6) of the Fourth Geneva Convention states that an occupying power may not deport or transfer parts of its own civilian population into the territories it occupies. This prohibition aims to prevent demographic transformations that undermine the rights of the indigenous population and render the occupation more permanent in character. The International Committee of the Red Cross interprets this prohibition broadly to include both direct and indirect measures, such as the construction of settlements and the provision of incentives encouraging civilian migration into occupied territory. In its 2004 advisory opinion, the International Court of Justice reaffirmed that the establishment of Israeli settlements in the occupied Palestinian territories constitutes a clear violation of this provision.

Both the United Nations General Assembly and the United Nations Security Council have repeatedly affirmed the illegality of Israeli settlements in the territories occupied in 1967, including East Jerusalem, and have stressed that these settlements possess no legal validity under international law. Accordingly, both bodies have repeatedly called for a halt to the construction of new settlements, an end to the expansion of existing ones, and the dismantling of Israeli settlements in the occupied Palestinian territories, including East Jerusalem (Appendix 1-1).

Among the most significant international resolutions concerning the Israeli occupation is United Nations Security Council Resolution 242, adopted after the 1967 war.[45] The resolution affirms the "inadmissibility of the acquisition of territory by war" and calls for the "withdrawal of Israeli armed forces from territories occupied in the recent conflict". It also calls for acknowledgment of the right of every state in the region to live in peace within secure and recognized boundaries.

Similarly, United Nations Security Council Resolution 446 directly addressed the issue of Israeli settlements and declared that Israel's policy and practice of establishing settlements in the Palestinian territories occupied since 1967 "have no legal validity". The resolution explicitly called upon Israel to

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[43] Geneva Convention (IV), *Relative to the Protection of Civilian Persons in Time of War, 1949*, Article 49, accessed on 5/11/2024, at: https://acr.ps/1L9zQAC

[44] International Court of Justice, *Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 2004*, para. 117, accessed on 5/11/2024, at: https://acr.ps/1L9GP3n

[45] United Nations, Security Council, *Resolution 242 [on a Peaceful and accepted Settlement of the Middle East Situation], S/RES/242* (New York: 1967), accessed on 9/7/2025, at: https://acr.ps/1L9GPkn

cease transferring its civilian population into occupied territory,[46] emphasizing that such actions violate Article 49 of the Fourth Geneva Convention, which prohibits precisely these practices.

United Nations Security Council Resolution 452 further reinforced the international position rejecting Israeli settlements by urging the Israeli government to cease the establishment, construction, and planning of settlements in the occupied territories, including East Jerusalem.[47] The resolution reaffirmed that Israel's policy on settlement in the occupied territories is illegal and called on Israel to comply with previous Security Council resolutions. This position was reiterated once again in United Nations Security Council Resolution 465, which reaffirmed the illegality of Israeli settlements and called upon all states not to provide Israel with any assistance connected to settlements in the occupied territories.[48] The resolution further emphasized the necessity of dismantling existing settlements and halting all settlement planning and construction activities.

Numerous additional United Nations resolutions, deliberations, and preambular statements have consistently repeated this international position. One of the most recent and significant was United Nations Security Council Resolution 2334, adopted in 2016, which reaffirmed that all Israeli settlement activities in the occupied Palestinian territories must cease immediately and completely.[49] In 2019, the Committee on the Elimination of Racial Discrimination concluded in its report concerning Israel that Israeli settlements in both the West Bank and East Jerusalem violate international law and constitute "an obstacle to the enjoyment of human rights without discrimination based on national or ethnic origin for the population as a whole".[50] This assessment came despite the already explicit prohibitions regarding settlements in international law and the repeated condemnations issued by the United Nations Security Council through its resolutions and recommendations.[51]

On 19 July 2024, the International Court of Justice, the principal judicial organ of the United Nations, issued what has widely been regarded as its strongest advisory opinion concerning the Palestinian–Israeli conflict. The Court declared that the Israeli occupation of the Palestinian territories, including the settlements in the West Bank and East Jerusalem, is unlawful and must end immediately. The President of the Court stated that the settlements and the system associated with them had been "established and are being maintained in violation of international law".

The advisory opinion further held that Israel bears responsibility for providing reparations for damages inflicted upon Palestinians and explicitly included the obligation to evacuate all settlers from the existing settlements. The opinion therefore represents a major reinforcement of international legal principles while simultaneously increasing international pressure on Israel and weakening legal and diplomatic support for the continuation of the occupation.

The Court additionally affirmed that the United Nations Security Council, the United Nations General Assembly, and all states are obligated not to recognize the legality of the occupation. It also emphasized

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[46] United Nations, Security Council, *Resolution 446 [on Establishment of a Commission to Examine the Situation Relating to Settlements in the Arab Territories Occupied by Israel], S/RES/446* (New York: 1979), accessed on 7/7/2025, at: https://acr.ps/1L9GPdK

[47] United Nations, Security Council, *Resolution 252 [on the Status of Jerusalem], S/RES/252* (New York: 1968), accessed on 9/7/2025, at: https://acr.ps/1L9GQ0t

[48] United Nations, Security Council, *Resolution 465 [on Israeli Settlement Policies in the Occupied Territories], S/RES/465* (New York: 1980), accessed on 7/7/2025, at: https://acr.ps/1L9GPZp

[49] United Nations, Security Council, *Resolution 2334, S/RES/2334* (New York: 2016), accessed on 7/7/2025, at: https://acr.ps/1L9GPkK

[50] Committee of the Elimination of Racial Discrimination, *International Convention on the Elimination of All Forms of Racial Discrimination, Concluding Observations on the Combined Seventeenth to Nineteenth Reports of Israel*, CERD/C/ISR/CO/17-19 (New York: 2020), para. 9, accessed on 7/7/2025, at: https://acr.ps/1L9GPiD

[51] United Nations, Security Council, *Resolution 252*; United Nations, Security Council, *Resolution 2334*.

that states must refrain from providing any aid or assistance that could contribute to maintaining Israel's presence in the occupied Palestinian territories.[52]

Conclusion

The Israeli settlement project in the West Bank has evolved into one of the most enduring and sophisticated settler-colonial formations of the contemporary era. From its earliest stages, the project combined military rule with civilian colonization. Over time, however, it gradually transformed from an occupation administered primarily through military logic into an expansive settler-colonial regime organized around permanent Jewish sovereignty and the progressive fragmentation of Palestinian existence. The cumulative result is a multilayered settlement architecture that encompasses urban settlements, agricultural outposts, industrial zones, bypass roads, military infrastructure, nature reserves, surveillance systems, biblical parks, and segregated mobility networks.

The transformation of the Israeli occupation from a paradigm of "conflict management" toward the production of displacement conditions marks a structural shift in the logic of Israeli rule in the West Bank. Earlier Israeli strategies sought to stabilize the occupation through controlled coercion and limited Palestinian self-administration while facilitating the gradual expansion of settlement. The contemporary settlement project, however, has moved beyond the paradigm of incremental expansion alongside Palestinian presence toward an operative logic grounded in a zero-sum relationship with Palestinian existence itself. Within this framework, displacement emerges as a cumulative condition embedded in everyday life. In this context, the widespread appearance of signs across the West Bank declaring "No Future in Palestine" carries profound significance. These signs condense the historical trajectory examined throughout this article into a single political message.

Figure (1): "No Future in Palestine" Settler Billboard on the Ramallah–Nablus Road in the Occupied West Bank in 2024

Source: "Asa Winstanley (@AsaWinstanley)," X, 8/12/2024, accessed on 20/5/2026, at: https://acr.ps/hBy2sSe

[52] International Court of Justice, *Summary of the Advisory Opinion of 19 July 2024: Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem* (The Hague: 19/7/2024), accessed on 5/11/2024, at: https://acr.ps/1L9GPqr

The growing dominance of the religious-Zionist and messianic current within the institutions governing settlement expansion carries implications that exceed conventional electoral or ideological shifts within Israeli politics. This transformation reflects the relocation of the settlement project from the margins of Israeli political life into the centre of state power and bureaucratic authority. The contemporary settlement enterprise no longer depends exclusively on military institutions or pragmatic security doctrines. It increasingly derives legitimacy from theological and redemptive frameworks that interpret Jewish sovereignty over the entirety of the land as a sacred historical obligation.

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ARAB OPINION INDEX ANALYSIS

Abdelkarim Amengay* & Yasmine Lahnin**

Individual Motives and Voter Turnout in the Arab World: What Role Does Perceived Regime Democracy Play***?

الدوافع الفردية للمشاركة الانتخابية في العالم العربي: أيّ تأثير لتقييم مدى ديمقراطية النظام؟

Abstract: This paper examines how citizens' assessments of the level of democracy in their political system shape their likelihood of voting. To address this question, we draw on data from the eighth Arab Opinion Index, conducted in 2022 across nine Arab countries: Jordan, Tunisia, Algeria, Iraq, Kuwait, Lebanon, Egypt, Morocco, and Mauritania. The data is analysed using binary logistic regression. The findings indicate that individuals who hold a positive view of the level of democracy in their country are more likely to vote, regardless of objective indicators suggesting that the political system is non-democratic.

Keywords: Voter Turnout; Level of Democracy; Arab Countries.

الملخص: تطرح الورقة السؤال البحثي التالي: إلى أيّ حد يُعدّ تقييم المواطنين في العالم العربي لمستوى ديمقراطية النظام السياسي من العوامل التي تؤثّر في احتمالية مشاركتهم في الانتخابات أو الامتناع عن ذلك؟ للإجابة عن هذا السؤال، تمّت الاستعانة ببيانات الدورة الثامنة لاستطلاع المؤشر العربي لعام 2022 في تسع دول عربية (الأردن، تونس، الجزائر، العراق، الكويت، لبنان، مصر، المغرب، موريتانيا) وإخضاعها لتحليل الانحدار اللوجستي الثنائي، الذي أظهرت نتائجه أن تقييم الأفراد الإيجابي لمستوى الديمقراطية في بلدهم يعزز من احتمالية ذهابهم إلى التصويت، وذلك بغضّ النظر عن العوامل الموضوعية التي قد تشير إلى الطبيعة غير الديمقراطية للنظام السياسي

كلمات مفتاحية: المشاركة الانتخابية؛ مستوى الديمقراطية؛ العالم العربي.

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*** A longer version was originally published as a study in Arabic in: Abdelkarim Amengay & Yasmine Lahnin, "Binyat al-Istīyṭān al-Isrāʾīlī fī al-Ḍaffa al-Gharbiyya: Marāḥil al-Mashrūʿ wa-Mukawwinātuh wa-Muʾassasātuh", *Siyasat Arabiya*, vol. 12, no. 70 (September 2024), pp. 48-66.

Introduction

Many studies[1] of voter turnout in non-democratic regimes, including in the Arab world, argue that turnout in "authoritarian elections"[2] is driven primarily by clientelistic ties between candidates and voters – that is, pragmatic, interest-based motivations.[3] From this perspective, voting serves as a means for individuals to secure material benefits or services from the candidate or party they support. In some cases, elected representatives effectively substitute for the state in providing public services, a phenomenon known in some Arab contexts as "service MPs" (*nuwwāb al-khadamāt*).[4] Overall, accounts of voter turnout in the Arab world have remained confined to rational choice frameworks, paying insufficient attention to cognitive factors such as satisfaction with the political system. While such satisfaction is multidimensional and contested, one of its key manifestations in electoral contexts is citizens' assessments of the level of democracy in their country. Citizens may perceive their system as democratic despite evidence of repression or limited political freedoms, as such evaluations are subjective and vary across individuals. This raises the following question: to what extent do Arab citizens' assessments of the level of democracy in their country help explain the likelihood of voting or abstaining?

The paper begins with an examination of how rational choice theory has come to dominate analysis of voting patterns in non-democratic, particularly Arab, contexts. It then lays out the methodological framework, including the dataset used (the eighth Arab Opinion Index (AOI), conducted in 2022). The third section discusses the findings and conclusions regarding the individual-level determinants of voter turnout in Jordan, Tunisia, Algeria, Iraq, Kuwait, Lebanon, Egypt, Morocco, and Mauritania.

Voter Turnout in Non-Democratic Systems: Between Coercion and Clientelism

What drives voter turnout in political systems where citizens' electoral choices have little influence, if any, over those in power? In such contexts, where electoral outcomes appear to be predetermined and the opposition is either constrained or repressed, one might expect widespread voter indifference, or large-scale electoral boycotts. Most prior studies attempting to explain this have concentrated on two factors: coercion, accompanied by fear of regime repression, and the pursuit of individual benefits within clientelistic relations.

Coercion, whether physical or psychological, has been advanced as a possible explanation for voting in non-democratic regimes. This is particularly the case in highly repressive contexts, where voting becomes an act of self-preservation rather than an expression of free will or political choice.[5] Such coercion may originate from the authoritarian regime itself, or from actors operating within a coercive environment who restrict voters' freedoms through threats, even where the political system is not itself authoritarian.[6] However, as intuitive as these accounts may seem, they fail to take into account differences between non-democratic regimes, and the possibility that some of the highly repressive authoritarian regimes may enjoy sincere support among a particular constituency of citizens. Citizens may support such regimes because they hold authoritarian beliefs, have ideological affinities with the existing regime, or derive material benefits tied to it, particularly where

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1 Most of which are based on the rational choice approach even if they do not say so explicitly.

2 Jennifer Gandhi & Ellen Lust-Okar, "Elections under Authoritarianism," *Annual Review of Political Science*, vol. 12, no. 1 (2009), pp. 403-422.

3 Carolina De Miguel, Amaney A. Jamal & Mark Tessler, "Elections in the Arab World: Why do Citizens Turn Out?" *Comparative Political Studies*, vol. 48, no. 11 (2015), pp. 1355-1388.

4 Jasim al-Atawi, "Nuwwāb al-Khadamāt: Nuwwāb Maḥbūbūn wa-Marghūbūn," *al-Ayyam*, no. 10926, 9/3/2019, accessed on 9/8/2024, at: https://acr.ps/1L9zRbb

5 Emilee Booth Chapman, "The Distinctive Value of Elections and the Case for Compulsory Voting," *American Journal of Political Science*, vol. 63, no. 1 (2019), pp. 101-112.

6 Jeff Fisher, "Electoral Conflict and Violence," *IFES White Paper*, no. 1, International Foundation for Electoral Systems, 2002, accessed on 8/8/2024, at: https://acr.ps/1L9zQyA

political sectarianism is prevalent. For example, some studies have shown that even in non-democratic contexts, citizens may view voting as a civic or moral duty, much like their counterparts in democratic systems.[7]

By contrast, several studies[8] on the Arab world emphasize the centrality of clientelism in explaining electoral turnout.[9] Many scholars argue that voters in the Arab world view elections fundamentally as an opportunity to secure material benefits. According to this view, the main factor motivating citizens to go to the ballot box is the prospect of obtaining tangible gains, such as money, jobs, infrastructure projects, or social assistance, by supporting candidates with whom they maintain personal ties or who are embedded in their broader social networks within systems of clientelistic exchange of benefits. Carolina de Miguel, Amaney Jamal, and Mark Tessler even argue that individuals who rely on what is known in Mashreq societies as *wāsṭa* (loosely translated as cronyism) are more likely to vote than those who do not engage in this clientelistic practice.[10] Electoral clientelism has also been used to explain a tendency among voters to cast their ballots for candidates from their own tribe, family, or local community, expecting that such representatives will be more responsive to their needs and interests.[11]

From this perspective, the decision to vote in the Arab world becomes a pragmatic calculation of the likely cost and benefit participation, rather than a matter of abstract principles such as civic duty or political ideology.[12] This includes "clientelistic inducements, that is, the promise and handing out of particularistic benefits to voters, such as gifts, jobs, money or other favours".[13] For example, in his study of university students' attitudes toward participation in Algeria's 2019 presidential elections, Abdelhalim Mahour Bacha notes that more than a third of his sample declared that their participation was driven by purely financial motives connected to the buying and selling of votes.[14] Even Tunisia's 2014 elections, although held in a context widely recognized as democratic and described as "fair, transparent and generally meeting international standards", according to evidence from the field, "hint at some of the symptoms of clientelism at work".[15]

In recent years, however, other scholars have reconsidered the explanatory role of material incentives in electoral participation under non-democratic regimes. A cross-national study by Ferran Matinez i Coma and Lee Morgenbesser, covering 108 authoritarian states between 1960 and 2011, shows that electoral clientelism in fact has a negative effect on voter turnout.[16] Natalie Letsa, moreover, has advanced arguments for the central role played by the perception of voting as a civic duty, as well as the positive role of electoral participation in "improving democracy", in increasing the likelihood of voting in a non-democratic context.[17]

On this basis, we examine the potential role played by Arab individuals' assessment of the level of democracy in the political system under which they live in motivating them to vote in elections. This, in our view, is a factor that has received limited attention. Specifically, we seek to establish the extent to

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7 For example, Ora John Reuter's study on the 2016 Russian elections provides survey data showing that only 2.29% of respondents reported attempts to coerce them into voting. See: Ora John Reuter, "Civic Duty and Voting Under Autocracy," *The Journal of Politics*, vol. 83, no. 4 (2021), pp. 1602-1618.

8 De Miguel, Jamal & Tessler.

9 Jonathan Hopkin notes that there are two kinds of clientelism. The first, "old" clientelism, involves an individual patron providing broad patronage to their clients (i.e. voters) in exchange for their votes. In the second, "new clientelism", the role of patron "is taken up by the organised political party, which, rather than mediating between the client and the state, uses state resources to win the client's electoral support". See: Jonathan Hopkin, "A 'Southern Model' of Electoral Mobilisation? Clientelism and Electoral Politics in Spain," *West European Politics*, vol. 24, no. 1 (2001), p. 116.

10 De Miguel, Jamal & Tessler.

11 Bethany Shockley & Justin J. Gengler, "Social Identity and Coethnic Voting in the Middle East: Experimental Evidence from Qatar," *Electoral Studies*, vol. 67 (2020).

12 Ibid.

13 Eva Wegner & Francesco Cavatorta, "Revisiting the Islamist-Secular Divide: Parties and Voters in the Arab World," *International Political Science Review*, vol. 40, no. 4 (2019), p. 559.

14 Abdelhalim Mahour Bacha, "Ittijāhāt Fiʾat al-Shabāb al-Jāmiʿī Naḥw al-Mushāraka fī al-Intikhābāt al-Riʾāsiyya fī al-Jazāʾir," *Siyasat Arabiya*, vol. 3, no. 13 (2015), pp. 102-116.

15 Ibid, p. 97.

16 Ferran Matinez i Coma & Lee Morgenbesser, "Election Turnout in Authoritarian Regimes," *Electoral Studies*, vol. 68 (2020).

17 Natalie Wenzell Letsa, "Expressive Voting in Autocracies: A Theory of Non-economic Participation with Evidence from Cameroon," *Perspectives on Politics*, vol. 18, no. 2 (2020), pp. 447-448.

which some citizens who vote in the Arab world do so because they genuinely regard the system under which they live as democratic, irrespective of objective indicators that may run counter to this assessment. We therefore advance the following principal hypothesis: *in the Arab world, the more individuals tend to regard their country's political system as democratic, the more likely they are to participate in elections.*

Methodological Framework: Data and Variables

To test the study's main hypothesis, we use data from the eighth AOI, conducted in 2022.[18] The 2022 AOI covers 13 Arab countries,[19] but our analysis is limited to nine of them: Jordan, Tunisia, Algeria, Iraq, Kuwait, Lebanon, Egypt, Morocco, and Mauritania. This selection ensures a diverse sample, representing different Arab regions and taking into account variations among countries in terms of both their political systems and their socioeconomic characteristics.

The 2022 AOI included several relevant questions, most notably two concerning electoral participation. This first is "did you vote in the last national election (legislative/parliamentary/presidential)?", and the second is "do you intend to vote in the next parliamentary election?". The latter forms the basis of the dependent variable of *voting intention*.. This is a binary variable, taking the value of 1 for respondents who stated that they would vote, and 0 for those who stated that they would not vote in the next parliamentary election.[20] Another key question asked respondents to assess the level of democracy in their country on a scale from 1 (not democratic at all) to 10 (entirely democratic). This forms the basis of the study's main independent variable, which we call *assessment of democracy*.[21]

The third set of variables used in the analysis consists of control variables, as follows:

First, *election integrity*. This variable reflects respondents' assessment of the integrity of the last election held in their country. It is derived from responses to the following question: "in general, how do you assess the integrity of the last national election (legislative/parliamentary/presidential), held on…?". Respondents were offered three options: (1) "it was totally free and fair"; (2) "it was free and fair, but with some problems"; and (3) "it was not free and fair". These responses were recoded so that *election integrity* takes the form of a binary variable, distinguishing between those who considered the election to have been "free and fair", assigned the value of 1, and those who considered it "not free and fair", assigned the value of 0. In other words, values 1 and 2 in the original question were combined to form value 1 in the recorded variable. Here, we assume that individuals who believe the last election in their country not to have been free and fair will have little incentive to vote in the next election, in the absence of any clear change in the structure of the existing political system since that election. No such change occurred in any of the countries studied here, with the possible exception of Tunisia,[22] where respondents were not asked to assess the most recent elections. The same was true of Kuwait. This variable is thus included in the analytical model for only seven countries: Jordan, Algeria, Iraq, Lebanon, Egypt, Morocco, and Mauritania.

Second, *prevalence of corruption*. This variable reflects respondents' assessment of the extent of financial and administrative corruption in their country, measured on a scale from 1 (not prevalent at all)

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18 See the results of the eighth AOI: ACRPS, *AOI 2022* (Doha: December 2022), accessed on 9/8/2024, at: https://acr.ps/1L9zR6x

19 Ibid. The list of countries covered by the eighth AOI includes Jordan, Tunisia, Algeria, Saudi Arabia, Sudan, Iraq, Palestine, Kuwait, Lebanon, Libya, Egypt, Morocco, Mauritania, and Qatar. A total of 33,648 respondents participated, with an average of 2,400 participants per country.

20 Unlike the first question, the second question was asked everywhere, and therefore covers all the countries under study here. It also concerns only one type of election (legislative) in all countries.

21 The precise phrasing of the question is as follows: "assume the existence of a scale from 1 to 10, where 1 means 'the country is not democratic at all' and 10 means 'the country is entirely democratic'. If you were able to choose the number which best represents your view of the level of democracy in your country, then where would you put your country on this scale?".

22 For more on democratic backsliding in Tunisia after President Kais Saied dissolved the democratically elected parliament and assumed autocratic powers in July 2021, see: "Kharīṭat Qays Sʿayyid: Ataḥul Azamat Tūnis Am Tuʿammiquhā?" *Situation Assessment*, ACRPS, 21 December 2021, accessed on 9/8/2024, at: https://acr.ps/1L9zR1K

to 4 (extremely prevalent). We expect that individuals who believe corruption to be widespread in their country will be less likely to participate in elections. This variable is particularly important for engaging with the literature that treats interest-based motivations as a major factor in voter turnout in the Arab world.[23] If corruption is perceived to be widespread in a particular country, there is little reason to assume that elections insulated from such practices. As a political process, elections cannot be separated from the social context in which they occur. From this perspective, if the empirical analysis shows that perceiving corruption as widespread increases the likelihood of voting, this may indicate that voting is driven by interest-based considerations.[24]

Third, *trust in government*. This variable measures respondents' level of trust in their country's government on a scale from 1 to 4, where 1 indicates that the respondent "does not trust the government at all", while 4 indicates a "great deal of trust". This variable is used in the analysis as an indicator of trust in the country's political institutions. We assume that individuals with low level of political trust are less likely to vote in elections.

Fourth, *interest in politics*. This variable ranges from 1 to 4, where respondents who chose 4 are "very interested in political affairs in the country", while those who chose 1 are "not interested at all". Following numerous previous empirical studies,[25] we assume that *interest in politics* is positively correlated with voting and increases the likelihood of voting: the greater an individual's interest in politics, the more likely they are to vote.

Fifth, *social networks*. This variable measures individuals' involvement in groups that may encourage them to vote, in line with the role such networks play in encouraging political participation. This variable was constructed by summing the numerical values of five binary variables in the AOI dataset, each asking respondents whether they were members of one of the following groups: political parties and movements, civil society organizations, professional associations and unions, family associations, and religious associations. For each, a value of 1 corresponds to a "yes" answer and 0 to a "no" answer. The value of the *social networks* variable thus ranges from 0, for individuals who are not members of any of these groups, to 5, for those who are members of all of them. We assume that the more engaged individuals are involved in multiple networks, the more likely they are to vote.

Sixth, a number of socioeconomic and demographic variables. The first is *individual economic status*, a variable ranging from 1, for respondents who indicated that their family's economic status was "very bad", to 4, for those who said that their family's economic status was "very good". The second, *educational attainment*, has four possible values: 1 for "illiterate or barely literate"; 2 for "below secondary level"; 3 for "secondary level"; and 4 for "above secondary level". With respect to economic status, we assume that the better the economic status of an individual's household, the more likely they are to vote. With regard to education, two hypotheses are possible. The first posits a positive correlation: the higher an individual's level of education, the more likely they are to vote. The second posits a negative correlation: a higher level of education may reduce the likelihood of voting, on the grounds that more educated individuals may be more likely to believe that elections in a non-democratic setting have limited efficacy and that there is therefore little point in participating.

Seventh, *age*. This variable comprises five age categories (18-24, 25-34, 35-44, 45-54, and 55+), coded from 1 to 5 respectively. For decades, studies have shown that "older citizens are more likely to

[23] In principle, this is not an ideal variable for measuring clientelistic motives and their effect on the likelihood that an individual will turn out to vote, but since there is no explicit question on this in the 2022 AOI, we will use this as an alternative.

[24] Without excluding the possibility that they may be voting out of a desire to support candidates who are *not* corrupt, or for other reasons.

[25] For more on this, see: Smets & Van Ham, p. 354.

vote than their younger counterparts".[26] In other words, there is a positive correlation between age and voting. On this basis, we assume that, in our sample, the older the individual, the more likely they are to vote, and vice versa.

Finally, *gender* and *place of residence*. These are both binary variables. For gender, a value of 0 denotes female respondents and a value of 1 denotes male respondents. For place of residence, 0 represents countryside inhabitants and 1 represents urban space/the city residents. Here, it may be assumed that, due to societal expectations, men in the Arab world may be more likely than women to vote. The same may also be true of countryside dwellers compared with urban dwellers, since stronger kinship ties in the countryside, including tribal ties, may encourage turnout.

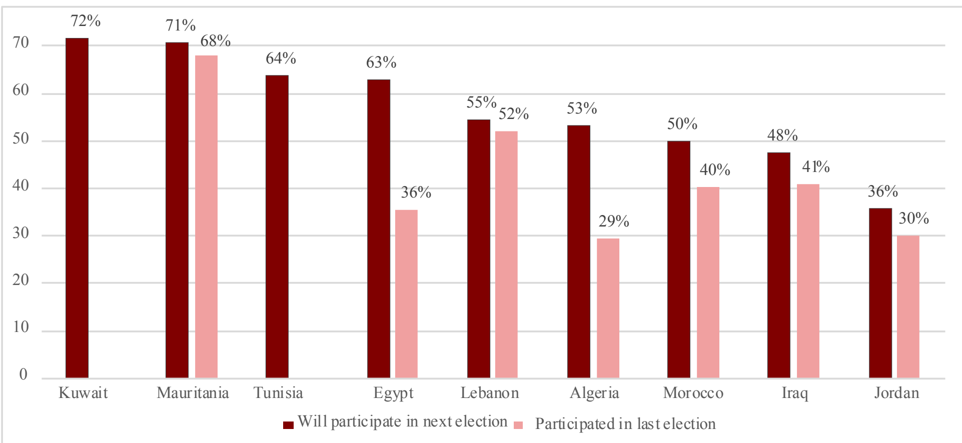
Empirical Findings

To test the main hypothesis concerning the relationship between individuals' assessment of the level of democracy in their country and the likelihood of voting, we use binary logistic regression. This is justified by the binary nature of the dependent variable, which takes one or two values: 1 for those who intend to vote in the next legislative elections, and 0 for those who do not. Before presenting the results of the regression analysis, we first consider selected descriptive statistics on voter turnout in the countries under consideration, alongside citizens' assessment of the level of democracy in those countries.

1. Voter Turnout and Assessment of Democracy: What is the Overall Picture?

In the 2022 AOI data, 18,706 respondents answered the question on future voting in the nine countries under study (Jordan, Tunisia, Algeria, Iraq, Kuwait, Lebanon, Egypt, Morocco, and Mauritania). Of these, 10,559 citizens said that they would vote in the next legislative election in their country, equivalent to 56.4% of respondents, as opposed to 43.5% who said that they would abstain. Figure (1) compares the aggregate percentages of respondents who said that they would participate in the next legislative election (the dependent variable) with the percentage who said that they had actually participated in the last legislative or presidential election held in their country, when this information is available[27].

Figure (1): Voter Turnout in the Last Election



Source: Prepared by the authors based on the 2022 AOI data.

[26] André Blais, Elisabeth Gidengil & Neil Nevitte, "Where does Turnout Decline Come from?" *European Journal of Political Research*, vol. 43, no. 2 (2004), p. 221.

[27] This comparison in presented for each country covered by the sample, except for Tunisia and Kuwait, where the question on participation in the most recent election was not asked.

As Figure (1) shows, the participation rates reported by respondents for the last presidential or legislative election held in their country ranged from 29% in Algeria to 68% in Mauritania. Overall, these figures closely correspond to the official turnout rates recorded in those elections, according to our review of the International IDEA voter turnout database, which aggregates turnout data from countries worldwide, including Arab countries.[28] At the same time, the percentage of respondents who said they would vote in the next legislative election in their country ranges from 36% in Jordan to 72% in Kuwait, narrowly ahead of Mauritania, where the percentage was 71%.

Figure (1) shows that, overall, there is a degree of similarity between the turnout recorded in the last election in each country and expected turnout in the next legislative election, particularly in Jordan, Iraq, Lebanon, and Mauritania. The two exceptions are Algeria and Egypt, where there is a large gap of more than 20% between the share of respondents who stated that they had voted in the most recent election in their country and the proportion who stated that they intended to vote in the next legislative election. This gap suggests that the low turnout in the most recent elections may have been linked to contextual factors specific to Egypt's October 2020 elections[29] and Algeria's June 2021 elections.[30] This interpretation is supported by the much higher proportion of citizens in both countries who expressed an intention to participate in the next legislative election. By contrast, in Jordan, for example, the two figures were both close and low, suggesting that low participation in parliamentary elections there may be tied to structural rather than circumstantial factors.

For example, in Algeria, it can be argued that are at least two factors that may help explain the low turnout in the 2021 legislative elections. The first is that these elections were the country's first parliamentary elections after the ouster of President Abdelaziz Bouteflika,[31] who was forced to step down in the wake of the so-called 2019 Hirak movement. Despite this transition, there was no real change in the structure of Algeria's political regime, which remained "not free" according to the Freedom House classification.[32] The second is that legislative elections in Algeria are, by nature, secondary to presidential elections. This corresponds to what the electoral studies literature calls "second-order elections":[33] elections whose results have a limited effect on a country's public policy, and which therefore provide weaker incentives for citizens to participate than "first-order elections",[34] whose effects are more significant or central. Indeed, this suggests that significant differences in voter turnout rates among Arab countries may be linked to the actual weight or effect of elections in shaping the outputs of the political process.

In this respect, it is notable that the three countries with the highest percentages of respondents reporting that they intended to vote in the next legislative election (Kuwait, Mauritania, and Tunisia) were all classified as "partly free" in Freedom House's 2024 index. By contrast, three of the four countries with the lowest number of respondents expressing an intention to vote in the next legislative election were categorized as "not free" in the same index. This points to the limited role of legislative elections and parliaments in

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28 This correspondence lends confidence to the quality of the Arab Opinion Index data and suggests that the survey provides a reasonably reliable and representative account of electoral behaviour and political attitudes across the region.

The data can be viewed at: "Voter Turnout Database," International Institute for Democracy and Electoral Assistance (International IDEA), accessed on 9/8/2024, at: https://www.idea.int/

29 "Ahamm al-Maḥaṭṭāt al-Intikhābiyya allatī Marrat bihā Miṣr Mundhu 2011," *Deutsche Welle*, 10/12/2023, accessed on 9/8/2024, at: https://acr.ps/1L9zQsf

30 Walid Badran, "al-Intikhābāt al-Tashrīʿiyya fī al-Jazāʾir 2021: Mā alladhī Yajib Maʿrifatuhu ʿan Awwal Intikhābāt Barlamāniyya baʿd Būtaflīqa?" *BBC Arabic*, 10/6/2021, accessed on 9/8/2024, at: https://acr.ps/1L9zRhx

31 Ibid.

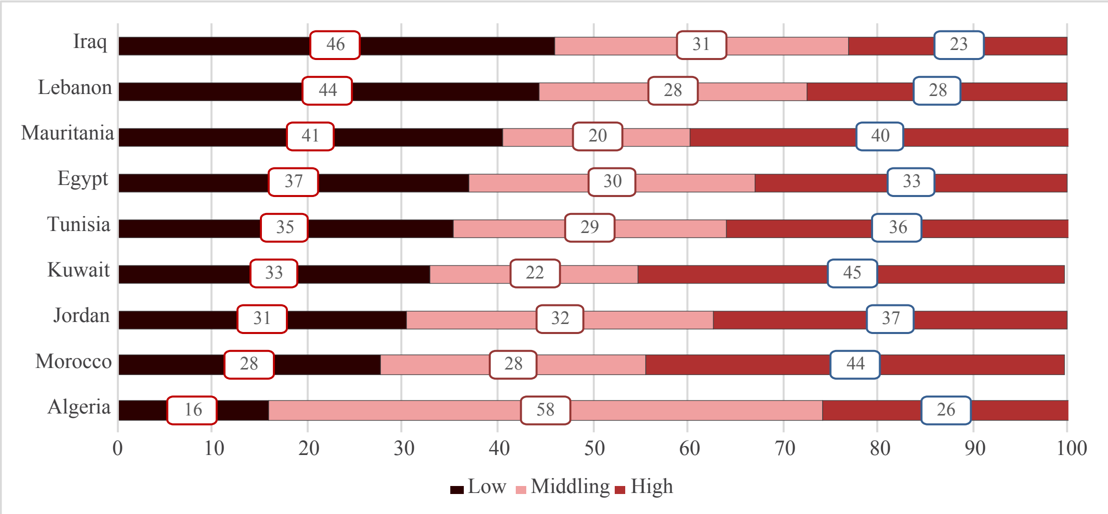
32 See "Freedom in the World 2022," Freedom House, for details.

33 Karlheinz Reif, Hermann Schmitt & Pippa Norris, "Second-order Elections," *European Journal of Political Research*, vol. 31, no. 1-2 (1997), pp. 109-124.

34 Ibid., p. 111.

determining the structure of the system, and may reflect an association, at least at the macro level, between the percentage of voters and the actual level of political freedom in the country.

Figure (2): Respondents' Assessment of Democracy in Sample States



Source: Ibid.

Figure (2) presents the distribution of participants' responses to the question on their assessment of the level of democracy (the main independent variable). These responses are sorted into three categories: citizens who believe that the level of democracy is low in their country (they rated it between 1 and 4); those who consider it to be high (they rated it between 7 and 9), and those who consider it to be moderate (they rated it 5 or 6)[35]..

Figure (2) allows us to highlight several points. First, the percentage of respondents who consider the level of democracy in their country to be "low" ranges from 16% in Algeria (the lowest figure) to 46% in Iraq (the highest figure). Iraq also records the lowest percentage of respondents who believed the level of democracy in their country to be "high", at more than 23%, followed by Algeria at 26%. In other words, Iraqis are the least likely among the sample group to consider that they live in a democratic country, followed by Lebanese respondents at 44%. By contrast, Algeria had the largest percentage of respondents who describe the level of democracy as moderate, at 58%, or almost two thirds of the sample. This makes a distinctive case, since in all the other countries, this group sits at an average of 30%.

Morocco and Lebanon, two of the four countries in the nine-country sample described by Freedom House as "partly free", provide a contradictory picture in terms of respondents' assessments of the level of democracy in their countries. As previously noted, 44% of Lebanese respondents considered the level of democracy in their country to be low, while 28% considered it to be high. In Morocco, by contrast, the pattern is reversed: 44% of Moroccans considered the level of democracy in their country to be high, while 28% considered it to be low. This result is unexpected. In principle, one might have expected little divergence in the distribution of responses between the two countries on this question, given that the actual levels of democracy in their political systems does not differ greatly, at least according to Freedom House, even though the structures of the two systems are radically different: a republic characterized by political sectarianism in Lebanon, as against a constitutional monarchy with a traditionalist dimension in

35 This classification is, admittedly, somewhat subjective in how the boundaries between categories are drawn: for example, why set the upper boundary of the first category at 4, rather than 2 or 3? In our view, however, this is not problematic, since this categorization serves only to make the data more readable from a descriptive perspective.

Morocco. This shows that citizens' assessments of the level of democracy in any country are not necessarily governed by objective factors relating to how democratic the system actually is. Other factors may also intersect in shaping such assessments, which is consistent with the premise from which we developed the research problem.

2. Democratic Attitudes and Their Effect on Voter Turnout

Table (1) shows the results of the pooled logistic regression[36] analysis used to test our main hypothesis. The dependent variable, voting intention, as previously specified takes two values: 1 for individuals reported that they intended to vote in the next legislative election in their country, and 0 for those who stated that they will not. The results presented in the table reveal a strong and statistically significant positive correlation between individuals' assessment of the level of democracy in their country and their likelihood of voting.

The more democratic respondents perceive the political system of their country to be, the higher the odds are that they will vote in the next legislative election. This relationship is evidenced in Model 1, which includes no control variables, and Models 2, 3, and 4, which successively introduce cognitive control variables, sociodemographic variables, and respondents' assessment of the integrity of the most recent legislative or presidential election held in their country. This points to the statistical robustness of the relationship. The relationship also remains consistent when logistic regression analyses are conducted separately for each country (see Appendix).

Table (1): Binary Logistic Regression Analysis of Voting Intention

Variables	Model 1	Model 2	Model 3	Model 4
	Odds ratios			
Assessment of democracy	1.204***	1.171***	1.154***	1.117***
Election integrity				3.864***
Trust in government		1.383***	1.389***	1.234*
Prevalence of corruption		1.007	0.965	1.010
Interest in politics		1.606***	1.613***	1.427***
Economic status		1.178**	1.190**	1.142*
Social networks		1.152	1.216*	1.205*
Gender (women)+		0.892	0.905	0.850
Place of residence (rural)			1.144	1.164
Age groups				
18-24		1.090	1.098	1.144
25-34		1.030	1.042	1.054
35-54		1.247**	1.233*	1.007
55+		1.290*	1.300*	1.159
Educational attainment				
Illiterate/semi-literate		0.952	0.973	0.833

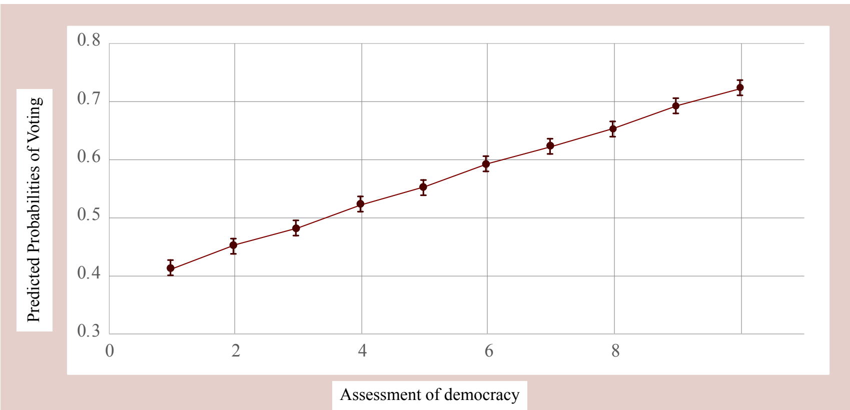
[36] Using the data from the nine countries in a fixed-effects binary logistic regression analysis with clustered standard errors. Models 3 and 4 exclude participants from Kuwait and Tunisia because the question on the integrity of the most recent elections was not asked in these countries. The question on place of residence was not asked in Kuwait.

Did not reach secondary		0.956	1.005	0.928
Higher than secondary		1.245**	1.276**	1.092
Country s fixed-effects				
Jordan	0.592***	0.851**	0.908*	0.905*
Tunisia	2.099***	2.450***	2.570***	--------
Algeria	1.174***	1.064	1.099	1.282*
Iraq	1.184***	1.607***	1.647***	1.556***
Kuwait	2.818***	1.297*	--------	--------
Lebanon	1.542***	2.038***	2.166***	2.219***
Egypt	2.073***	1.533***	1.438***	1.267**
Mauritania	2.845***	2.753***	2.687***	2.819***
Constant	0.324***	0.041***	0.367***	0.044***
N	18200	17680	15989	8413

*(p < 0.05), **(p < 0.01), ***(p < 0.01). The reference groups for the categorical variables are as follows: age category (35-44), Gender (male), place of residence (urban), educational attainment (secondary), country (Morocco).

Model 4 shows that, a one point increase on the scale assessing the level of democracy in the country, which ranges from 1, meaning "not democratic at all", to 10, meaning "entirely democratic", is accompanied by an increase of about 12% in the odds that members of that group will vote, everything else equal. To further clarify the relationship between assessments of the level of democracy and voter turnout, Figure (3) presents the predicted probabilities of individuals of voting, according to their assessment of the level of democracy in their country. These are derived from Model 3 in Table (1), with the values of all other variables in the model held at their mean.

Figure (3): Predicted Probabilities of Voting by Assessment of the Level of Democracy in One's Country



Source: Prepared by the authors.

The line in Figure (3) shows a steadily positive correlation between individuals' assessment of the level of democracy in their country and the likelihood that they will vote in the next legislative election. The probability of voting among those who consider their country to be "not democratic at all" (value 1 in the graph) does not exceed 46%. In practical terms, this means that these individuals are more likely *not* to vote than to vote, since the probability value is below 0.5, the point at which the likelihood of voting and abstaining is exactly equal. By contrast, the probability of voting among those who consider their country to be "fully democratic" (value 10 in the graph) exceeds 71%. This means that individuals in this group are considerably more likely to be among those who will vote than among those who will not participate. Moreover, it can be observed that from value 4 onward on the scale assessing the level of democracy in the country, the probability that respondents will vote becomes higher than the probability that they will abstain.

The results of Model 4 of the binary logistic regression analysis presented in Table (1) also point to a strong association between individuals' assessment of the integrity of the last election held in their country and the odds of voting in the next legislative election. This is one of the strongest relationships revealed by the statistical analyses presented here. When comparing two groups of citizens with the same assessment of the level of democracy in their country, the same views and behavioural tendencies, and the same socioeconomic and demographic characteristics across all the control variables included in Model 4, those who believed that the last election in their country was free and fair were 3.8 times more likely to vote than those who said that it was not. This statistically strong correlation is visible in all the individual countries where the question on election integrity was asked: Jordan, Algeria, Iraq, Lebanon, Morocco, Mauritania, and Egypt (see Appendix).

With respect to the remaining control variables, the regression results show that *trust in government*, *interest in politics*, and *personal economic status* each have a positive and statistically significantly correlation with the likelihood of voting, as shown in Table (1). Model 4, for example, indicates that the factors increasing the odds of voting are: high trust in government, good economic status, high interest in politics, and involvement in social networks, including civil society organizations. By contrast, illiteracy or limited education, belonging to a younger age group, and being female reduce the odds of voting, although this relationship is established only in Models 2 and 3, when the values of all other variables are held constant. It is important, however, to note variation across the nine countries in the effect of some of these variables, as shown by the country-level statistical analysis (see Appendix). This is the case, for example, with the sex variable in Jordan and Egypt, where women are less likely than men to vote, while in the remaining countries this variable has no statistically significant relationship with the likelihood of voting.

Overall, these findings confirm our principal hypothesis: *in Arab countries, the higher the individual rates the level of democracy in their country, the more likely they are to vote,* at least among citizens of the nine countries covered here. This relationship holds across a diverse sample drawn from nine Arab countries that differ substantially in their political institutions, levels of political freedom, and opportunities for citizen participation. Most of these systems are generally categorized as non-democratic by international indices, even if not all of them are classified as authoritarian.

Conclusion

This study contributes to the scholarly debate on the reasons for voter turnout in the Arab world by investigating the relationship between individuals' assessment of the level of democracy of the existing political system and their likelihood of voting. The analysis presented above has shown that those who perceive their country as democratic are more likely to participate in elections, even when the political reality seems to contradict their assessment. These results call into question the thesis that views material interests and clientelism as the primary drivers of voting intentions in Arab countries. This is not to suggest that such motivations are absent or unimportant. Rather, the findings suggest that they do not exhausts the range of factors shaping voter turnout in political systems classified as non-democratic.

The study further demonstrates that numerous variables which previous research has shown to have a positive or negative effect on electoral turnout in Western democratic contexts, or what are often termed "established democracies", such as interest in politics, socioeconomic status, and age, may also affect voter turnout in the Arab countries examined here, and generally do so in the same direction as identified in the broader literature. This finding underscores the importance of empirically testing explanatory frameworks in electoral studies, developed in non-Arab contexts, to establish their validity as a means of accounting for electoral behaviours in the Arab world. This does not, of course, preclude efforts to develop alternative theoretical frameworks capable of offering better explanations of electoral behaviour in the world, nor does it imply that such frameworks cannot be developed.

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Appendix: Binary logistic regression analysis of electoral participation

Variables	Jordan	Tunisia	Algeria	Iraq	Kuwait	Lebanon	Egypt	Morocco	Mauritania
	Odds ratios								
Assessment of democracy	**1.060***	**1.075*****	**1.689****	**1.059****	**1.338*****	**1.122*****	**1.120****	**1.266*****	**1.137*****
Election integrity	**3.410*****	-------	**529.001*****	**3.055*****	-------	**5.077*****	**5.942****	**3.698*****	**1.137*****
Trust in government	**1.300*****	**1.652*****	**3.120****	**1.278*****	**1.316*****	0.969	**1.887*****	1.005	**1.310****
Prevalence of corruption	0.949	0.949	1.023	0.760*	**1.270*****	1.330	1.189	0.928	1.210
Interest in politics	**1.146***	**1.806*****	**3.496****	**1.332*****	**1.458*****	**1.507*****	1.207	**1.527*****	**2.047*****
l Economic status	**1.272****	1.076	1.452	1.056	1.088	0.946	**1.319***	1.063	**1.390*****
Social networks	1.268	**1.340***	0.924	1.158	**1.115****	**1.502*****	**1.424*****	**0.813***	**1.245****
Gender (female)	**0.723***	0.957	0.776	0.885	0.844	0.924	**0.536*****	0.921	1.209
Place of residence (rural)	**1.714***	**1.348***	1.862	0.946	-------	**1.585***	1.246	**1.460****	0.753
18-24	1.376	**0.703***	18.54	0.797	0.917	1.106	0.725	**1.793****	**1.062***
25-34	0.956	0.860	0.472	0.689	0.790	1.290	0.733	**2.176*****	1.205
45-54	1.157	**1.737****	2.665	0.787	1.266	0.999	0.663	1.488	0.881
55+	**1.645***	**1.832*****	2.181	**0.597***	0.967	1.334	0.667	**1.683***	0.992
Educational attainment									
Illiterate/semi-literate	0.815	1.073	0.665	1.244	0.998	0.623	0.815	0.820	0.642
Did not reach secondary	0.935	0.991	1.017	0.993	**0.535*****	0.971	0.768	0.895	0.928
Higher than secondary	0.838	1.206	1.744	1.076	0.887	0.982	1.140	1.312	0.805
Constant	0.246***	0.090***	0.000**	1.197	0.046***	0.323	0.083***	0.118***	0.058*
N	1354	2030	391	1525	1691	1344	1167	1200	1432

BOOK REVIEW ESSAYS

Salem Ouakari, *Ṣināʿat al-Intimāʾ: Dirāsa fī Milkiyyat al-Arḍ fī al-Mujtamaʿ al-Ṣaḥrāwī (Āyt Oūsā 1600-1958)* [*The Manufacturing of Belonging: A Study of Land Ownership in the Sahrawi Community (the Ait Oussa Tribes 1600- 1958)*] (Doha/Beirut : ACRPS, 2023), pp. 488.

REVIWED BY MOHAMED OUBELLA* & MOHAMED SALMI**

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Land is central to the lived world of the Sahrawi tribes of southern Morocco and to their historical, social, economic, and cultural dynamics. It has generated and sustained forms of interaction, production, solidarity, and conflict, and therefore offers a valuable lens through which to understand these tribes' conditions, transformations, disputes, and forms of belonging.

Within this framework, Salem Ouakari's *The Manufacturing of Belonging: A Study of Land Ownership in Sahrawi Society (Aït Oussa, 1600-1958)* examines the relationship between people and space through the specific case of the Aït Oussa tribe's connection to land. In so doing, it addresses a complex subject in which the social, the historical, and the cultural intersect across time, patterns of thought, and human action. The book's central question concerns the ways in which land-related issues contributed to the formation of the social structures of the Sahrawi society under study. Ouakari approaches this question through three dimensions: the material-technical, the relational-social, and the symbolic-cultural.

Ouakari uses land as an entry point for understanding the tribe's social order, livelihoods, and collective identities. Land is not treated merely as a means of production; it is a decisive factor in creating belonging, a strategic resource in the construction of tribal identity, and a source of social hierarchies shaped by ownership and the extent of real estate wealth. It may also operate as a mechanism of exclusion, as in the case of women within the tribe.[1] This multidimensional role of land becomes especially visible when Ouakari turns to the mechanisms through which access, ownership, and use of land are regulated.

The study sees land as both the axis around which social relations revolve and the object of economic and political wagers. Land gives rise to multiple forms of ownership, exploitation, and access, often accompanied by force and violence. Whenever individuals and groups seek to acquire it, particularly pastoral land, they encounter regulatory mechanisms designed to frustrate such claims, generating various forms of violence and social conflict.[2]

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1 Salem Ouakari, *Ṣināʿat al-Intimāʾ: Dirāsa fī Milkiyyat al-Arḍ fī al-Mujtamaʿ al-Ṣaḥrāwī (Āyt Oūsā 1600-1958)* (Doha/Beirut : ACRPS, 2023), p. 170.

2 Ibid., p. 212.

Ouakari shows that land ownership lies at the heart of both the livelihoods and the problems of the Aït Oussa tribe. It is, in his words, "a blend of patterns and systems that may lead to either social cohesion or conflict and competition".[3] Among the Aït Oussa, individual land ownership varies depending on whether the land is located in an irrigated oasis (*wāḥa masqiyya*) or a rain-fed one (*wāḥa būriyya*). In the former, land acquires memory and meaning through its proximity to the *qasr*, a fortified residential complex common in the oases of southern and south-eastern Morocco and built using local techniques and materials. In the latter, land carries less symbolic weight in the consciousness of the settled oasis inhabitants, and is valued chiefly for its capacity to secure an abundant harvest and manage associated risks.

In irrigated oases, land ownership expresses social stratification and reflects the distinctions that have emerged among oasis inhabitants. Ouakari notes that ownership is concentrated among those who enjoy political prestige and accumulated means of production.[4] This has produced broad landless social strata, partly because local custom subjects individual ownership to shifting forms of social and legal exchange. Faced with structural constraints and the volatile modes of exchange – whether Islamic legal, customary, individual, or collective – oasis communities have sought to protect land by endowing it to religious institutions. This has served as a legitimate means of safeguarding individual and family property from transfer and disputes.[5]

Collective ownership, by contrast, is embodied in both agricultural land and the pastoral domain. Since the beginning of their settlement, the Aït Oussi have sought to expand their spatial and demographic control over these lands through the triad of invasion, expulsion, and defence. Despite the changes to customary tenure systems since the colonial era, this strategy has remained central to their identity and to the foundations of their material and symbolic existence. Alongside customary law and Sharia, designed to resolve various intractable disputes,[6] written documents increasingly came to be regarded as the strongest basis for defending land ownership, providing concrete evidence of a party's right. This shift began under colonial rule, when traditional mechanisms underwent profound transformation and more official and administrative instruments emerged.

Beyond legal and customary arrangements, Ouakari also examines how land is embedded in everyday ecological knowledge and productive rhythms. Given the strategies devised by the Bedouin to adapt to their environment and make the best possible use of the land, the tribe's social and cultural ecologies are closely intertwined. The local farmer's production of the agricultural landscape is grounded in a temporal system comprising three elements, each reflecting a specific experience of time. First, "ecological time" structures decisions through the temporal fields of the *manāzil*, the zodiac signs[7] and the seasons. The *manāzil* is a term used in Bedouin and rural settings to refer to the timing of planting, harvesting, hunting, and climatic conditions more generally. This informal order informs decisions about ploughing, date-palm pollination, and crop harvesting, all of which depend closely on climate, a fundamental regulator of the farmer's temporal rhythm.[8]

Cultural time, meanwhile, is linked to values and symbols that enable the peasant to perceive temporal domains and use them in productive practice; folk proverbs, in this context, express the peasant's awareness of ecological time.[9] While cultural time is perceptual and psychological, lived time reflects the practices

3 Ibid., p. 66.
4 Ibid., p. 68.
5 Ibid., p. 444.
6 Ibid., p. 192.
7 Ibid., p. 226.
8 Ibid., p. 228.
9 Ibid., p. 230.

that organize daily life in the oasis. According to Ouakari, lived time for peasants is structured around three rhythms: pastoral-agricultural practices; housework and tasks related to tending livestock; and biological rest, namely sleep.[10] Despite the precision and balance of this temporal order, the continuity of the productive practices associated with it depends on the stability of their material foundation: the land.[11]

While oasis agriculture reveals one dimension of the Aït Oussa relationship to land, pastoral mobility reveals another: an expansive and adaptive use of space shaped by climate, insecurity, and tribal strategy. Pastoral activity is the lifeblood of Aït Oussa tribal existence, and nomadic grazing is practiced on a wide scale. The tribe's movements across migratory territories are influenced by several factors, including environmental and climatic conditions that demand skills of adaptation to a harsh landscape. The inhabitants of the southern Moroccan Sahara are known to guide their herds deep into the desert in search of grass and water, relying on unique forms of spatial perception.

Migration routes and the use of nomadic territory are also determined by insecurity and the prevalence of raiding, a practice associated with certain tribal groups in the Sahara. Consequently, the Aït Oussa's reliance on nomadic practices has therefore been shaped by political strategies intended to confront neighbouring tribes and protect herds from looting and robbery. One such strategy is the *farīk*: a cluster of tents pitched together in a specific location for migration and the pursuit of pasture. These tents move collectively from one place to another in search of grazing and water, and their organization varies according to climate, security concerns, and the condition of grazing and pasturelands.

Ouakari's discussion of pastoral space also examines how nomads symbolically domesticate the places through which they pass. Place in these regions carries a deep anthropological load, particularly in people's representations of the land as a powerful, symbolic, and sacred presence, almost equivalent to honour itself.[12] "Nomads envision every place where they pitch their tents as inhabited by jinn and evil spirits, whose harm must be warded off through blood sacrifices and offerings.[13] To this end, they serve the ritual *maʿrūf* meal, an offering shared in Moroccan village settings within particular cultural contexts, to expel any evil forces that may dwell there. Such cultural practices reproduce and reclaim pastoral space, with the *maʿrūf* functioning as a cultural mechanism for drawing symbolic spatial boundaries. Through the slaughtered animal, a previously unsettling landscape becomes anthropologically "lived in"; a space marked by the imprint and identity of the tribal group, where an eerie geography is transformed into a familiar social world.

This symbolic organization of space also appears in the meanings attached to different directions and regions. Ouakari highlights that the Bedouin hold distinct perceptions of the regions to which they travel. For example, the south has positive associations: it is a source of trade, a homeland of men who work to expand the tribe's base, a source of camel herds that may be looted, and a place of fertile pastures. It is therefore desirable and coveted.[14] By contrast, the North, specifically the Anti-Atlas, is seen as undesirable because grazing is limited by agricultural holdings and mountainous regions. Herds are also poorly adapted to its humid air, which is considered harmful to animals accustomed to the arid desert climate. There is also a belief that anyone who abandons tribal territory for the north will never return; in their cultural perception, it is a space that "devours men".[15]

[10] Ibid., p. 233.

[11] Ibid., p. 445.

[12] Mohamed Bouzenkad, "*Ḥiyāzat al-Arḍ fī al-Ṣaḥrāʾ Bayn al-ʿUrf wa-l-Fiqh*," in: Rahal Boubrik & Ahmed Joumani (eds.), *al-Ṣaḥrāʾ: Amkinat al-Tārīkh wa-Faḍāʾāt al-Tabādul* (Rabat: Publications of the Centre for Saharan Studies, 2019), p. 139.

[13] Ouakari, p. 448.

[14] Ibid., p. 418.

[15] Ibid., p. 419.

The characterization of Saharan lands in terms of property raises a number of conceptual problems, reflected in the terminology used to describe it. Scholars fluctuate between "ownership" (*mulkiyya*) and "tenure" (*ḥiyāza*), as does Ouakari, who often uses the terms interchangeably. Yet the two concepts convey distinct meanings. In a desert region where the Bedouin live and seek out grazing lands, the defining components of ownership are effectively nullified. What is described as "ownership" is often incomplete and may be limited to usufruct rights, which are accurately captured by the term "tenure".[16]

Given the difficulty of delineating property boundaries in the desert, pastoral tribes of the southern Moroccan Sahara, including the Aït Oussa, exercise usufruct rights over grazing land resources without monopolizing them or preventing others from using them. In this context, usufruct rights, especially grazing and watering, are synonymous with tenure. Given the social history of the Aït Oussa and the violence involved in land acquisition through invasion, expulsion, and defence, tenure here is closer to usufruct and territorial dominance than to full ownership as understood in sedentary societies. It should nevertheless be emphasized that the oasis-centred character of Bedouin life among the Saharan tribes of southern Morocco differs somewhat from the oasis life in central and south-eastern Morocco.

Since pastoral land does not qualify for full ownership in this context, its status differs from that of livestock, which is fully owned among pastoral tribes. Camel herds, for example, constitute the foundation of the property system within nomadic pastoral societies, whose survival depends on migration and the search for grazing land. Anthropological studies indicate that these distinctions are historical in nature. As Jacques Berque observes in his work on the Western High Atlas, ownership of cultivated land in village communities enjoys greater importance than ownership of one's dwelling.[17]

These observations are intended only to broaden the scope of engagement with the book. Overall, Ouakari's study provides fertile ground for bringing together different specializations in the study of land and its significance to tribal groups in southern Morocco.

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16 Jacques Berque, *Les Seksawa: Recherches sur les structures sociales du Haut- Atlas Occidental* (Paris: PUF, 1954), pp. 354-355.

17 Ibid.

Ghazza Abderrazzak, *al-Usus al-Mafāhīmiyya wa-l-Tiqaniyya lil-Dhakāʾ al-Iṣṭināʿī wa-Taṭawwuruh: Min Namādhij al-Ḥawsabiyya ilā al-Taʿallum al-Ālī* [*The Conceptual and Technical Foundations of Artificial Intelligence and Its Evolution: From Computational Models to Machine Learning*] (Doha/Beirut: ACRPS, 2024), pp. 448.

REVIEWED BY KHATRI ELAYACHI, Professor of Psychology at Faculty of Arts and Humanities, Ibn Zohr University, Agadir, Morocco.

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From *The Gutenberg Galaxy: The Making of Typographic Man*[1] to *The Global Village: Transformations in World Life and Media in the 21st Century* (co-authored with Bruce R. Powers), Marshall McLuhan's work has inspired numerous theories seeking to make sense of the information age. Technological discoveries have repeatedly reshaped humanity's cultural and behavioural characteristics. Gutenberg's invention of the printing press in the 1440s reveals the significant role books played in shaping the concept of the individual and fostering nation-building.[2] As a medium of communication, books helped create the conditions for leaving the "Gutenberg Galaxy" and entering that of Guglielmo Marconi, inventor of the wireless telegraph system and radio. Whereas print enhanced visual perception and made it the primary sense for communication, "digital media" emerged, as McLuhan foresaw, by engaging multiple senses at once and enabling communication on the scale of the "global village".[3] With the advent of the internet, the defining features of a digital society began to take shape, along with virtual spaces in which digital and human activities intersect.

With the emergence of AI, communication, interaction, and connection have evolved beyond simple exchange toward the creation of machines, robots, and software capable of independent decision- making and idea generation. This has led to "new breakthroughs previously unknown to humankind", as Ghazza Abderrazzak, emphasizes in *The Conceptual and Technical Foundations of Artificial Intelligence and its Evolution: From Computational Models to Machine Learning*. These breakthroughs concern new aspects of the relationship between humans and machines, which now extends far beyond mere use, encompassing data collection, accurate disease diagnosis, language learning, new professions, the decline of others, content creation, e-commerce, and even psychological counselling. It also gives rise to troubling challenges such as cybercrime, privacy violations, plagiarism, cyber violence, internet addiction, and exacerbated unemployment, as intelligent machines perform physical and cognitive tasks far beyond human capabilities. Moreover, AI risks widening inequality, threatening privacy, and distorting digital justice.[4]

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1 Marshall McLuhan, *The Gutenberg Galaxy: The Making of Typographic Man* (Toronto: University of Toronto Press, 1962).

2 Richard Cavell & Marshall McLuhan, "L'histoire du livre," in: Carole Gerson & Jacques Michon, *Histoire du livre et de l'imprimé au Canada*, vol. 3: *de 1918 à 1980* (Montréal: Presses de l'Université de Montréal, 2007), pp. 91-93.

3 Marshall McLuhan & Bruce R. Powers, *The Global Village: Transformations in World Life and Media in the 21st Century* (New York: Oxford University Press, 1989).

4 Khatri Elayachi, "Dirāsa Nafsiyya wa-Ijtimāʿiyya lil-Huwiyya Dākhil al-Shabakāt al-Ijtimāʿiyya: Namūdhaj al-Mawqiʿ al-Ijtimāʿī al-'Facebook'," *Majallat al-ʿUlum al-Ijtimaiyya*, vol. 5 (2018), p. 221.

Abderrazzak's book adopts a linear approach, within a chronological historical framework, to trace the scientific and technological development of what has come to be known as Artificial Intelligence (AI). With intellectual caution, he examines the precursors of modern AI, including regression functions, lambda calculus, and Turing machines.[5] He traces this trajectory before and after the emergence of AI as an academic field in 1956, situating it alongside the revolution in the cognitive sciences, including cognitive psychology, informatics, linguistics, neuroscience, philosophy of mind, and anthropology. He follows the development of AI through two distinct paradigms: symbolic computation, which defines AI as "computation using symbols through explicit formal rules"; and neural associationism, linking AI to "cognition and behaviour, which arise from the interaction of different computational units that are interconnected and governed by learning rules".[6]

The first paradigm is grounded in mathematical logic and based on mechanistic, sequential, and logical principles. The second is rooted in a neural-associationist background, modelling itself on how the brain works and drawing upon dynamic, random, and complex factors. While the symbolic computational approach has faced setbacks in speech processing, image processing, and machine translation, neural associationism has made its mark in these fields by demonstrating the capacities of its cognitive systems in novel and remarkable ways. It has revealed cognitive abilities that appear as manifestations of holistic states emerging from complex, dynamic processes.[7]

Abderrazzak's work comprises six main sections and 22 chapters. The book lays out AI's underlying concepts, tracing its evolution from symbolic computation to machine learning, achieved through the processing of big data. The volume focuses on the foundations of AI, simplifying their content and translating them into Arabic – a significant contribution given that the core literature of computer science and related fields originates largely from Western publishing houses. It describes the mosaic of AI's development, showing how machines process information and explaining the principles underlying their operation (exploration and solution algorithms, knowledge representation systems, and software) in a clear and accessible manner. The author examines the fundamental hypotheses, their underlying assumptions, and the ways in which they have been verified. These hypotheses stem primarily from the possibility of "describing any mental activity with sufficient accuracy to be imitated by a machine".[8] Within symbolic computing, they gave rise to the idea of Artificial General Intelligence (AGI). Yet given the difficulty of achieving AGI, the concept of "expert systems" took its place, leading to the conclusion that "intelligence is first and foremost the application of knowledge rather than a matter of calculation or reasoning".[9]

The author asks: What is knowledge itself? Which kinds of knowledge do we want to represent? What is its nature or logical value?[10] How were machines developed to structure thought – machines that write, read, and simulate human activities expressed in a particular language?[11] How can mathematical and logical issues be addressed, and how can algorithmic procedures solve intractable problems such as the decidability?[12] Can human intelligence be simulated digitally? Is it possible to create computational and symbolic AI?[13] What are the implications of the profound revolution brought about by cybernetics, which "reduced everything to concepts devoid of intellectual content", foremost among them automated control,

[5] Ghazza Abderrazzak, *al-Usus al-Mafāhīmiyya wa-l-Tiqaniyya lil-Dhakāʾ al-Iṣṭināʿī wa-Taṭawwuruh: Min Namādhij al-Ḥawsabiyya ilā al-Taʿallum al-Ālī* (Doha/Beirut: ACRPS, 2024), p. 41.

[6] Ibid., p. 22.

[7] Ibid., p. 421.

[8] Ibid., p. 29.

[9] Ibid., p. 31.

[10] Ibid., p. 23.

[11] Ibid., p. 29.

[12] Ibid., p. 27.

[13] Ibid., p. 119.

information processing, behavioural regulation through feedback, and the search for balance between the systems and its environments through the simultaneous study of the brain, mind, and the machine?[14] How do we build knowledge representations that a machine can use?[15] How can common-sense knowledge be represented? What is the difference between the web and the internet? How has the internet changed our relationship with knowledge?[16]

The book also examines statistical machine learning, along with related concepts such as hypothesis spaces, representation languages, rules of inference, the exploration of possibility, the nature of these rules, and how their effectiveness develops according to available data.[17] The author considers forms of deep machine learning networks and algorithms capable of simulating the behaviour of the human brain.[18]

Abderrazzak analyses the mathematical relationships and logical matrices at play in Machine Learning (ML), a branch of AI concerned with algorithms that enable computer systems to learn and train themselves using vast amounts of data, and to make decisions without direct human intervention. His account of AI's development focuses on the contributions of its founding researchers, including David Hilbert, Alan Turing, Kurt Gödel, Alonzo Church, Claude Shannon, and John von Neumann. He presents their key mathematical, logical, and intellectual achievements, along with their original writings and landmark scientific papers, without discussing the funding sources and research grants that have propelled AI's ongoing progress.

The book details concepts that have evolved alongside scientific and technological advances in AI: from knowledge-based systems to expert systems; from Web 2.0 to the Semantic Web or Web 3.0; and from large mainframe computers to microcomputers. The author also addresses the difficulties in AI's evolution, especially the challenges encountered in computational implementation, such as natural language encoding and machine translation.[19] He further explores alternatives within problem-solving process, an approach that remains central to the book's cognitive framework.

Abderrazzak points out that these remarkable developments in AI continue to shake traditional certainties about knowledge and reality, challenging many beliefs and overturning the symbolic, logical, and existential conceptual framework through which the mind has been understood. This may either complicate our understanding of the brain-body-environment triad in relation to the real world, or deepen our perception of the dimensions inherent in all things.[20]

A more fundamental question follows: why are human qualities attributed to inanimate machines that lack consciousness? In the case of AI, anthropomorphization – the attribution of human qualities to non-human, physical, or animal entities – is a method to which humans resort when faced with psychological, social, and cultural problems that are hard to solve. It thus becomes a crucial tool for understanding non-human behaviours, including those of highly intelligent robots.[21]

One facet of this idea appears in several of the author references. He mentions globalized entities supported by AI, such as YouTube, Facebook, and X, which have bolstered the collaborative web and transcended narrow concepts of software and technology. They have become a comprehensive system for producing data and reshaping relationships, contributing to the creation of virtual, communities, fulfilling

14 Ibid., p. 155.
15 Ibid., p. 244.
16 Ibid., p. 361.
17 Ibid., p. 404.
18 Ibid., p. 415.
19 Ibid., p. 225.
20 Ibid., p. 422.
21 Ameet Deshpande et al., "Anthropomorphization of AI: Opportunities and Risks," *Arxiv*, 24/5/2023, accessed on 10/12/2024, at: https://acr.ps/1L9GPt2

human expectations, and forming spaces for psychological, social, and intellectual projection. Users embraced them with unparalleled eagerness; in the author's words, they offered "a welcome occasion that met a long-standing demand among web users".[22]

In his conclusion, Abderrazzak presents a provocative philosophical scenario conceived by Greg Egan in 1990: what if a device implanted in the human brain could replicate all brain activity perfectly, rendering the brain itself unnecessary, so that after a few years, the person could remove their biological brain and function perfectly with the replica? Known in Egan's work as "the jewel", such a device would mimic the brain's structure, cell by cell and link by link. Once the individual reached adulthood, they could transfer their neural activity to the jewel and achieve immortality.[23] Abderrazzak uses this story to explain the theoretical background of neuroconnectionism, which regards the brain as a black box to be imitated rather than opened.[24] He then distinguishes this background from the premises of symbolic computation.

Despite the number and significance of the issues raised by AI, its momentum, and the complexity of its challenges are the result of a multitude of accumulated features, applications, and forms of immersion in the technological age. Abderrazzak's book clarifies some of these developments through a clear academic and scientific approach. Its intellectual commitment is limited to tracing the development of AI from its earliest beginnings to the present day, without delving into its impact on science, the dilemmas and obstacles it has presented, its impact on humanity, the threats and crises it may pose, or its environmental impact.

The author explores the cognitive framework that underpins AI's representation of knowledge and its processing of big data, which forms the foundation of deep machine learning. Such learning is freed from the cognitive constraints that limit human thought, enabling AI to develop algorithms that predict, implement ideas, or perform tasks once considered pure fantasy – developments that few could have imagined becoming reality. This opens up a field of research requiring human, scientific, and ethical efforts to control a technology whose reach and influence continue to expand, to the point that it threatens humanity's psychological, social, security, and intellectual stability.

This detailed, linear reading of AI's evolution from symbolic computing to deep machine learning – structured through scientific, epistemological, and historical questions – differs sharply from the socio-historical readings exemplified by Matteo Pasquinelli's *The Eye of the Master*.[25] Pasquinelli refutes the notion that AI can mimic the human mind or its neural structures, asserting instead that there is a close relationship between social forms and algorithmic constructs, since the latter are series of sequential steps designed to achieve desired outcomes.

Such steps are not limited to mathematics. The Babylonians used them to define legal principles, predict the future, determine medical treatments, and select foods. In this light, the goals of AI appear to extend little beyond the blind automation of work – replacing humans with machines – and control. AI is thus not a neutral tool, but a reflection of the socio-economic environment in which it was produced, and at the same time, a force that contributes to that environment's enhancement and reproduction.

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22 Abderrazzak, p. 364.

23 Ibid., p. 424.

24 Ibid., p. 425.

25 Matteo Pasquinelli, *The Eye of the Master: A Social History of Artificial Intelligence* (London: Verso Books, 2023).

المركز العربي للأبحاث ودراسة السياسات
Arab Center for Research & Policy Studies

The Arab Center for Research and Policy Studies (ACRPS) is an independent social sciences and humanities institute that conducts applied and theoretical research seeking to foster communication between Arab intellectuals and specialists and global and regional intellectual hubs. The ACRPS achieves this objective through consistent research, developing criticism and tools to advance knowledge, while establishing fruitful links with both Arab and international research centers.

The ACRPS encourages a resurgence of intellectualism in Arab societies, committed to strengthening the Arab nation. It works towards the advancement of the latter based on the understanding that development cannot contradict a people's culture and identity, and that the development of any society remains impossible if pursued without an awareness of its historical and cultural context, reflecting its language(s) and its interactions with other cultures.

The ACRPS works therefore to promote systematic and rational, scientific research-based approaches to understanding issues of society and state, through the analysis of social, economic, and cultural policies. In line with this vision, the ACRPS conducts various academic activities to achieve fundamental goals. In addition to producing research papers, studies and reports, the ACRPS conducts specialized programs and convenes conferences, workshops, training sessions, and seminars oriented to specialists as well as to Arab public opinion. It publishes peer-reviewed books and journals and many publications are available in both Arabic and English to reach a wider audience.

The ACRPS, established in Doha in autumn 2010 with a publishing office in Beirut, has since opened three additional branches in Tunis, Washington and Paris, and founded both the Doha Historical Dictionary of Arabic and the Doha Institute for Graduate Studies. The ACRPS employs resident researchers and administrative staff in addition to hosting visiting researchers, and offering sabbaticals to pursue full time academic research. Additionally, it appoints external researchers to conduct research projects.

Through these endeavours the ACRPS contributes to directing the regional research agenda towards the main concerns and challenges facing the Arab nation and citizen today.

معهد الدوحة للدراسات العليا
DOHA INSTITUTE
FOR GRADUATE STUDIES

The Doha Institute for Graduate Studies (DI) is an independent institute for learning and research in the fields of Social Sciences, Humanities, Public Administration and Development Economics in Doha.

Through its academic programs and the research activities of its professors, the DI aims to achieve its mission of contributing to the formation of a new generation of academics and intellectually independent researchers who are proficient in international scholarship standards and modern interdisciplinary research methodologies and tools, and leading professionals who can advance human knowledge and respond to the needs of the Arab region, resulting in social, cultural and intellectual development.

The DI seeks to establish an intellectual hub that will benefit the Arab region in particular. The DI supports academic research that deals with Arab issues, in an atmosphere of institutional and intellectual freedom.

The DI works in cooperation with the ACRPS and the Doha Historical Dictionary of Arabic Language to facilitate its students and faculty members in their research of the most important current issues related to the Arab world and the wider international community. The involvement of students in the most important research projects is at the heart of the DI's interests.

The DI adopts Arabic as its official and primary language for education and research. English serves as an accompaniment to Arabic, with both languages used in presenting and research.

UPCOMING CONFERENCES

The Iranian Studies Unit Annual Conference

The Iranian Studies Unit is holding its annual conference titled “Security Dynamics in Iran: Internal and External Dimensions”, explores Iran’s evolving security landscape amid shifting regional dynamics, internal pressures, and global power realignments. The conference will reflect on the state of Iran’s security by examining its failures, achievements, survival strategies, and methods of recalibration. In addition to assessing both internal and external pressures on the Islamic Republic’s security, it will address the demise of the so-called Axis of Resistance and the growing need for a new deterrence strategy amid escalating geopolitical threats.

14-15 October 2026

Annual Gulf Studies Forum

The Gulf and Arabian Peninsula Studies Unit is holding its annual conference examining two main themes. The first, “Gulf Security and the US-Israel War on Iran”, examines the security and strategic threats the recent war has presented for the Arab Gulf states, ways to address them, and the ability of those states to adapt to the resulting challenges. The second theme “Language Policies in the Arab Gulf Countries: Contexts, Trends, and Content” addresses the centrality of the Arabic language to the Gulf states, and the profound transformations occurring within their linguistic landscapes in the context of growing multilingualism, accelerating globalization, and the ever-increasing presence of English in education, the labour market, and academia

21-22 November 2026

COVER ARTWORK

“The balcony” (2024)

Mixed media on canvas, 100*100 cm, by **Layla Dagher**

Lebanese artist, holding a master’s degree in Visual Arts from the Académie Libanaise des A rts-Beaux (ALBA) and teaches Fine Arts at Notre Dame University-Louaize. Her work has been featured in exhibitions in Beirut, Tokyo, Seoul, and Paris, and her paintings are included in private and public collections, including that of the Lebanese Ministry of Culture.