

**The Impact of U.S. Sanctions Policy on the
Middle East Region:
Iran, Syria, and Saudi Arabia as Case
Studies**

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Abstract

U.S. sanctions policy has been long targeting the middle east region for various reasons accordingly to serve its interests in the area. This Article scrutinizes thoroughly the special effects and consequences generated by the implementation of U.S. economic penalties basically on the three countries, Iran, Syria, and Saudi Arabia as representative cases. At the outset, it is designed to take a panoramic overview of U.S. sanctions on the Middle Eastern three selected cases. Moreover, the following sections will inspect the impact on each country aside from limiting the timeline on the last two presidential administrations, Obama, and Trump.

ملخص

لطالما استهدفت سياسة العقوبات الأمريكية منطقة الشرق الأوسط لأسباب مختلفة وفقاً لخدمة مصالحها في المنطقة. تدرس هذه المقالة بدقة الآثار والعواقب الخاصة الناتجة عن تنفيذ العقوبات الاقتصادية الأمريكية بشكل أساسي على الدول الثلاث،

إيران وسوريا والمملكة العربية السعودية كحالات تمثيلية. في البداية، تم تصميم هذا المقال لإلقاء نظرة عامة بانورامية على العقوبات الأمريكية على ثلاث حالات مختارة في الشرق الأوسط. علاوة على ذلك، ستفحص الأقسام التالية التأثير الناتج في كل دولة بالتحديد بالتزامن مع العهدين الرئيسيين الأخيرتين لأوباما وترامب.

1. Introduction:

Metamorphosis is an undeniably persistent experience witnessed by the majority, if not all Middle Eastern countries, basically since the colonialist period, because of the western continuous contributions and interests in the area. That constant transformation is evident in the realities of Persian and Arabic states that resisted coping with the impact left by the foreign influence. Furthermore, in recent years, the shock held by the west fundamentally through the U.S. coercive measures has another effect different from that of colonialism. Regardless of its peaceful application that seems to be only a fire spark, the U.S. sanctions policy is harming by giving the first shot to a spark to let it burn all that is in its way without calculating the fallouts.

Being warlike, U.S. sanctions stood as a hindrance opposite to what the region aspires to achieve: evolve technologically, reshape its political tendencies, or strive for national security. The tremendous increase in sanctions usage during the last decade has been a matter of research and investigation, especially regarding the metamorphosis it forces to happen in the Middle East. Iran has maintained its position to be the first target for American sanctions since 1979. In the 2000s, the United States stretched its sanctions program to other countries among them, Iraq after their invasion of Kuwait, Sudan, Lebanon, and Libya. However, the case of Syria emerged during the Arab spring, when it rose to be another Russian friend and therefore an American enemy. Notwithstanding, the Saudi Arabian case is much distinctive

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for not being an enemy but a loyal ally. Though interests do blend, other securities do not.

2. An Overview of Recent US sanctions toward Iran, Syria, and Saudi Arabia:

2.1. Iran:

The American long history of imposing sanctions on Iran is basically related to its nuclear program. Western powers along with the U.S. feared the Iranian goals were for evolving a nuclear powerful state in the region that would threaten their goals. Regarding the fact that sanctions have proved to be a way out for many nations to solve political problems and alter policies without going to war significantly if that nation could possibly hold nuclear weapons under siege, the Iranian nuclear program would represent the foremost motive that magnetizes U.S. sanctions as well as international penalties.

Today the absolute nuclear danger is Iran though it is not the only Nuclear Power in the Middle East, with the existence of Israel. Unsurprisingly, the US never considers Israel's nuclear program started in the 1960s as a threat since it is an ally. However, Iran was certainly a threat based on its antagonism raised after the Iranian revolution in 1979. The nuclear horror story has begun in 2002, the time when the IAEA (International Atomic Energy Agency) released series of reports accusing Iran of Nuclear related activities that violate its treaty obligations to accommodate the IAEA instruct (Haugen et al. 136). In 2006, reports continue to be issued to shake the American interests that Iran nearly produced 85 tons of hexafluoride uranium (UF₆) that would be enough for the construction of nearly 12 nuclear bombs (Haugen et al.136). Therefore, The Iranian suspected activities of its nuclear program pressed the U.S. Intelligence Committee to calculate that by 2015 Iran would certainly have a nuclear weapon

(Haugen et al. 138). Tehran extended its enmity with Washington behind its extensive nuclear program that enriched uranium to twenty per cent (Byman and Moller 14). Up to this point, the United States preferred sanctioning Iran as a US modern eligible weapon towards preventing any future extensive nuclear proliferation. In 2015, the resolution finalized to be an agreement between Iran and the six powers (the United States, the United Kingdom, France, Russia, China, and Germany; collectively known as the P5+1) so-called a Joint Comprehensive Plan of Action (JCPOA) (Kerr and Katzman 1). JCPOA was designed to dissolve Iran's nuclear weapons program in exchange for sanctions relief. Tehran's Nuclear threat became more intensely aggressive as it sponsors Islamist radicals, consequently, it would mean powerful terrorism and a high risk of subversion (Byman and Moller 14). The Iranian nuclear threat has grown bigger in 2017 resulting from the construction of a nuclear reactor moderated by heavy water at Arak. Relying on Kerr and Katzman's insights (4), though Tehran has asserted that the reactor is intended to produce radioisotopes for medical use and to replace the Tehran Research Reactor, The US was not relieved. In fact, sensing the peril was convenient following the JCPOA scientific estimations that "the Arak reactor, if it had been completed, could have produced enough plutonium for between one and two nuclear weapons per year" (Kerr and Katzman 4). Despite the JCPOA's efforts during Obama's administration to contain the Iranian nuclear aspirations, the Trump administration questioned its effectiveness. Evidently, in 2018, Donald Trump decided to cease the US participation in the JCPOA, and to reimpose the economic sanctions under the justification the agreement did not address Iran's ballistic missile program or its regional behavior, the JCPOA accords are limited to a 10–15-year period, after which Iran could

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resume its enrichment and other covered activities (Joyner Para 10).

The whole story started with the incidents of 1979 that shook the stability between the two states when the first sanctions were imposed under the IEEPA¹ to freeze the Iranian assets. However, Additional sanctions took place as a containment strategy against the Iranian supremacy in the region, first, during the Iran–Iraq war and afterward as a reaction to the growing support for Hamas therefore the growing animosity towards Israel (Luers et al. 23). Yet, it was a question of time to reach the nuclear conflict that began in 2002, after the publication of IAEA reports revealing the Iranian nuclear. In this vein, an action shall be taken to prevent the US supposed scenario. This took the form of the Iran-Libya Sanctions Act of 1996 (ILSA), later in 2006, called only by Iran sanctions Act (ISA) which originated the JCPOA in 2015.

ISA was the first extraterritorial sanction on Iran, it pursued to impede Iran’s aspirations for foreign investment through which several foreign corporations and businesses progressively abandoned their investment projects, especially in petroleum and gas industries (Katzman 11). ISA requires the President to impose sanctions on foreign entities that make an investment of more than \$20 million in one year in Iran’s energy sector. The ISA deals with the denial of Bank loans, credits, denial of licenses for the U.S. export of military

The International Emergency Economic Powers Act (IEEPA) is a ¹ sanctioning law passed by the American congress in 1977 related especially to foreign policy reasons outlined as “any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the U.S. national security, foreign policy or economy”. If the American President signaled any threat of these kinds, he attained the absolute power to declare a national emergency under the Act of National Emergencies Act (NEA) and initiate the IEEPA sanctions pact.

technology in addition to restrictions on imports from the entity, in accordance with the IEEPA (Katzman, ISA 2).

Cleverly, the US sanctions program has been keenly investigated by its experts to cover the Iranian most vulnerable point, i.e., nuclear and oil. For the last, Zarouni Zahra has freed minds from confusion relating to the US maintained steps toward oil-based sanctions primarily. Even though it seems to be a probability yet, Zarouni made her point that it is a total conviction that Iran is economically vulnerable through depending mainly on oil industries, if not, “the power of imposing sanctions, sanctions would be negligible” (88).

On the other side, the JCPOA is not actually sanctioning deal but a compromise agreement between Iran and the P5+1 for a relief economic penalties program. For the P5+1, the JCPOA was to put end to Iran’s nuclear program, particularly to uranium enrichment (Joyner 1). The US relief plan concerned mostly its sanctions on the petroleum industry nevertheless, their penalties on the Iranian trade sector remained in action (Katzman 39). According to President Obama, “America negotiated from a position of strength and principle” so that, “the international community will be able to verify that the Islamic Republic of Iran will not develop a nuclear weapon”.² Nevertheless, this situation lasted until President Donald Trump in May 2018 decided to “withdraw” the US from the JCPOA, and reimplement all the lifted secondary sanctions (Kerr and Katzman 24).

2.2.Syria:

“Statement by the President on Iran.” The White House.Office of the ²
Press Secretary. 14 July 2015.

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The Arab spring shook almost the Middle East region. Amid, it quaked the Middle Eastern ground tremendously to destroy nearly every piece of life there while politics trembled harder between the war of peace and power. Again, the US put its hands in Syria to reach a suitable solution for ending hostilities and more significantly pushing Syria away from being an extremist authoritarian state like Iran. Prior, the US was watching Assad's state support to Hezbollah, Hamas alongside its persevering conflict with Israel over the Golan Heights (Sharp, Syria: Background1). According to the US Department of State, Syria has been labeled "a State Sponsor of Terrorism since December 1979"³ accountable for global terrorism, and therefore it is subject to the US sanctions regime. Nevertheless, to be found guilty with terrorism support in the present time ipso facto hints to nuclear proliferation inspection. Indeed, in 2007, after an Israeli bombing of a Syrian alleged nuclear site in Al Kibar, the IAEA inspected the area to settle on the probability of nuclear proliferation (Sharp Syria: Background 7). Onset, chemically processed uranium particles were found as an indication of nuclear reactor existence (Sharp, Syria Background 7).

The US-Syrian sanctions policy has been inaugurated under the International Emergency Economic Powers Act (IEEPA) through the issue of "The Syria Accountability and Lebanese Sovereignty Restoration Act of 2003" (SALSA) on December 12, 2003, by President Bush (Sharp, Syria: Background 10). This act approved sanctions "to halt Syrian support for terrorism, end its occupation of Lebanon, and stop its development of weapons of mass destruction, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other

The US. Department of state's statement on Syria sanctions.³

purposes”⁴. Under Section 5 of the SALSA, the American president, “shall prohibit the export to Syria of any item, including the issuance of a license for the export of any item”⁵, and “Prohibit the export of products of the United States (other than food and medicine) to Syria”. The act also banned US investments and financial transactions in Syria. More severely, the SALSA was issued to cut the diplomatic relations between the two states, effectively; it reduces US diplomatic connections with Syria except for the meetings and dealings that may resolve the core issue of this act⁶.

Since the SALSA has an expiry date related to conditions and the contexts it was issued for, in 2011, Obama’s administration had to react differently to the brutality that appeared earlier that year. Amid the Arab Spring uprisings, President Obama executed additional penalties against Syrian officials abusing human rights or those in support of the Assad regime launched in April 2011. Specifically, In the period between April and May, President Obama issued Executive Orders (EO) 1357220 to block properties and interests of elite Syrian officials and bodies, including President’s Assad brother and cousin besides, the director of the Syrian General Intelligence Directorate (GID) then serious coercing measures to strike within the president Assad himself being under sanctions with his governmental

⁴PUBLIC LAW 108–175—DEC. 12, 2003. H.R. 1828, 22 U.S.C. 2151 note.

⁵PUBLIC LAW 108–175—DEC. 12, 2003. H.R. 1828, 22 U.S.C. 2151 note.

⁶PUBLIC LAW 108–175—DEC. 12, 2003. H.R. 1828, 22 U.S.C. 2151 note.

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ministers operating the (EO 13573) (Sharp, Unrest in Syria 11). Furthermore, in 2012, President Obama spoke loudly about his position towards Assad's non-stop slaughtering of chemical weapons used on civilians like that killing nearly 1400 people in the Ghouta, Damascus as "a red line" that through his words; "would change my calculus ... my equation" (Kanat 117-99). More profoundly, it is apparent that the issued executive orders did not hamper the Syrian government's use of lethal force as a response to the protesting momentum. To do so, the 112th Congress issued new Syria based legislation aiming that it would achieve serenity in the Syrian sphere as well as alter Assad's regime including "The Syria Freedom Support Act H.R. 2106", "Iran, North Korea, and Syria Non-proliferation Reform and Modernization Act of 2011, H.R. 2105", and The Syria Sanctions Act of 2011.

Realistically, The Syria Freedom Support Act foster embargoes on the Syrian Oil sector while "The Iran, North Korea, and Syria Non-proliferation Reform and Modernization Act prohibit any US or non-US nuclear assistance of any kind to the selected countries involving a serious ban to export licenses, transfers of materials (Sharp, Unrest in Syria 13). On the other hand, The Syria Sanctions Act stands more of a comprehensive secondary nature than the other legislations. It imposes sanctions on foreign bodies once they involve in Syria's energy and investment sectors (Sharp, Unrest in Syria 14).

Likewise, the Trump administration along with the OFAC aimed to "disrupt support for the Assad regime by preventing the normalization of economic and diplomatic relations [...] The United States is committed to isolating the Assad regime and its supporters from the global financial and trade system in response to the continued atrocities committed by the

regime against the Syrian people”⁷. Under a new national emergency regarding Syria, the Caesar Syria Civilian Protection Act was enacted and named in honor of a Syrian military who exposed more than 55,000 photos from inside the regime's prisons condemning the Assad's crimes (Madouni and Derradji61).

It was issued in 2019 and has been passed into full effect law on June 17, 2020. The law is considered to be the heaviest sanctions law ever levied on Assad's government and its supporters. The Caesar law specifies sanctions against the Syrian government with its military bodies, any foreign person of a military status who is “operating in a military capacity inside Syria for or on behalf of the Government of Syria, the Government of the Russian Federation, or the Government of Iran” beside any other foreign entity determined by the U.S. government to have “knowingly, directly or indirectly” engaged in petroleum actions, Syrian aircraft, or any other significant services to construct the government of Syria⁸. The law is considered to be the heaviest sanctions law ever levied on Assad's government and its supporters. Indeed, it relentlessly functions to punish Syria through additional freezing assets of 39 Syrian individuals and firms in the US banks, including Bashar Assad and members of his family and other Syrian state elites (Madouni and Derradji62).

2.3. Saudi Arabia:

⁷ Department of the Treasury, “OFAC Advisory to the Maritime Petroleum Shipping Community,” March 25, 2019.

⁸ Caesar Syria Civilian Protection Act of 2019, 116TH CONGRESS 1ST SESSION, H. R. 31

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From administration to another, American rhetoric with regard to Saudi Arabia have remarkably proved the unique relationship of a Middle Eastern state with the United States. Though both interests and principles are conflicting, the two sovereigns embrace the need for that special bond subsequent to Roosevelt's companionship establishment in the 1930s. Being one of the chief states in oil capitals, the US required an alliance with Al Saud to secure the petroleum global market as well as fix its bills from foreign exploitation. Since then, the Saudi-American partnership encompasses US military protection including arms sales to protect the country from regional threats of the terrorist groups, the Houthis in Yemen, or any other rival (Blanchard 3). Thus, the Trump special relationship with Al Saud is not an up-to-the-minute interest but a renewal of a contract for updated attention. Nevertheless, the only issue rising between the two states sets within the human rights protection.

Prior to King Salman bin Abd al Aziz Al Saud, an international criticism not only an American one has grown in the scope of the restrictive social life of women and the repressed freedom of expression and press (Blanchard 10). However, the appointment of the king's son as Crown Prince Mohammed bin Salman bin Abd al Aziz and the reforms he made ensured equal rights for men and women including women's right to drive as well as lifting restrictions on the press and social media to be freer to some extent, had eased the international community (Blanchard 10). However, the American-Saudi happily ever after did not last forever. In addition to all these critiques, Saudi Arabia faced US sanctions related to the religious freedom and human rights abuse regarding religious limits in the country under the International Religious Freedom Act of 1998 (P.L. 105-292, as amended and 22 U.S.C. Ch. 73) for having "engaged in or

tolerated particularly severe violations of religious freedom” to be renewed under President Trump administration in December 2019 (Blanchard 17).

Despite these penalties, it is noteworthy to acknowledge the cooperative and untouchable relationship between the two countries. Nonetheless, the US-Saudi fairy tale reached its climax after the murder of the Saudi journalist Jamal Khashoggi by Saudi government personnel in October 2018. In fact, President Trump declared the khashoggi assassination one of the biggest foreign policy crises of his presidency (Haberman et al. Cited in Abdel Aziz10). Being bewildered by the potential aftermaths of the murder, Trump was keen on the implementation of sanctions if the kingdom officials are proved to be guilty, but on the other hand, he stressed the significance of the US-Saudi partnership, the weight and the cost of billions of dollars it has inter alia on the oil orbit (Abdel Aziz 10). That last could be the main reason why the American reaction was at its minimal level. In fact, Saudi Arabia is one of the largest exporters of U.S. arms, costing 115 billion USD from 2009 to 2016, and in 2017; the cost peaked at 350 billion USD by making a defense contract for selling American arms over a decade (Abdel Aziz 9).

In this sphere and inspite of interests, the global echo voiced after Khashoggi’s incident led the US sanctioning authority to impose financial, travel sanctions and assets freeze on 17 Saudi individuals in November 2018, including a principal adviser to the crown prince, Saud al Qahtani, for being directly involved in Khashoggi’s murder (Blanchard 15). This move marked the first time that the U.S. government implement sanctions on Saudi officials even over the 9/11 attacks the Saudi government assured its immunity over US sanctions (Zengerleand [Kalin](#) para 9).

3. US Sanctions Impact:

3.1.1. Iran: Oil Sector :

The exact economic data about Iran's reaction to US sanctions is almost unclear while the Iranian government does not expose the effective impact and fallouts reliably. However, scholars and agencies are inspecting the probabilities and estimating the damage according to the few data they have. According to the U.S. Energy Information Administration (EIA), "the Iranian energy dividends on petroleum (39%), Gas (59%), Coal (1%), and hydropower (1%)" Qader 62). Though the Gas sector is of a high surface, Oil is presumed as the central sector in Iran. Relying on this fact, Washington has centralized its unilateral penalties mostly on oil-related businesses to wound harder the Islamic Republic of Iran.

Besides the ISA, the US has issued a continuous number of secondary sanctions to paralyze Iran's economy, most strikingly, the (CISADA) in 2010 and (NDAA) in 2011. In fact, executed by President Obama and by amendments to ISA, the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) was enacted on July 1, 2010, prohibiting Iran gasoline transactions and other petroleum products (Van de Graaf 148). Following the ISA and CISADA which are still active for the present moment, Iran's oil income has been reduced significantly with the prohibition of foreign cooperation with Iran in energetic fields. In her article, Zahra Zarouni stated that oil incomes are affecting almost every economic aspect in Iran. She explains if oil incomes decrease, taxation incomes will be reduced correspondingly the budget deficit increases (92). Evidently, all the danger that seems to occur because of sanctions did not frighten Iran's leaders. Specifically, Khamenei reacted as being "unafraid of Western sanctions," and "we are able to

create an opportunity out of this threat” (Borszik 10). As a vivid example, during the period from 2005/06 to 2011/12, Iran’s oil income was approximately 531 billion USD, indubitably it exceeded the 141 billion USD earned, from 1989 to 1997, and the 157 billion USD from 1997 to 2005 (Torkan and Farnam cited in Borszik 10). Based on these statistics, Comprehensive Iran Sanctions (CISADA) did not reach its goal to paralyze the oil sector since apparently the income has been increased from an average of 149 billion USD from 1989 to 2005, a period whereby sanctions have been, to some extent not comprehensive under the ISA, to 531 billion USD from 2005 to 2012, the most critical period in Iran sanctions history.

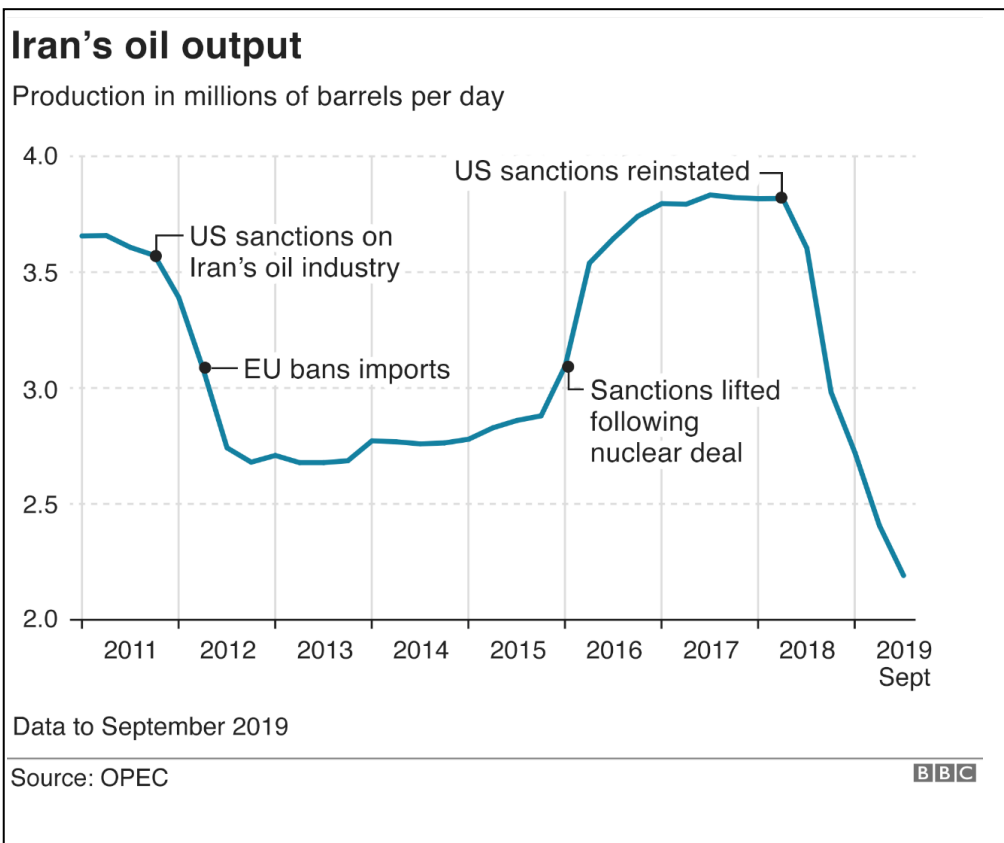


Figure 1. Iran’s oil output (BBC News Services, December 2019)

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Nonetheless, US sanctions have been supported largely by EU sanctions; therefore, the rest of the world has been compelled to the secondary sanctions' threats starting from 2012. The abovementioned figure shows that US sanctions have a severe impact on oil revenues. It is clear after the JCPOA implementation, oil inputs have risen to around 4 million barrels a day between 2016 and 2018. While the American withdrawal from the nuclear deal and sanctions' reimposition caused a remarkable decline in oil production by 2018 and forth.

As a matter of the claim, sanctions may not only negatively affect a foreign side however some local symptoms have been diagnosed also. Macaluso assured that US sanctions have stimulated oil smuggling operated by Iranian officials which caused more damage in the oil sector (9). Effectively, during Ahmadinejad's rule, more than 200 billion USD of oil incomes had been signaled as lost, while in 2014, 53 billion USD were regarded of unknown places related to oil incomes between March 2012 and March 2013 (Macaluso 9).

As part of the CISADA and other executive orders that sanction Iran's oil-related sector, the Trump administration swept its power to blacklist Iranian officials related to the oil sector. In fact, in October 2020, President Trump [imposed sanctions on](#) Iran's "Ministry of Petroleum and Minister of Petroleum, the National Iranian Oil Company (NIOC), the National Iranian Tanker Company (NITC), and 21 other individuals, entities, and vessels" accused with financing terrorist groups (The Iran Primer para 29).

US Secretary of State Mike Pompeo said in a statement that "the few remaining buyers of Iranian crude oil should know that they are helping to fund Iran's smuggling activity across

the Middle East, including its support for terrorism”. So far, the Trump administration did its maximum to damage Iran’s oil sector practically by removing its investing companies and psychologically by denouncing Iran’s economic system as a primer terrorist funder letting alone the nuclear issue.

3.1.2. Investments Sector:

During the past two decades, sanctions policy has evolved into a permanent war between Iran and the United States through which each battle will impact the Iranian government thus, its economic and sub-sectors.

The initial impact of sanctions proved significant in the oil sector. Zarouni stated that US penalties generated a national crisis in domestic capital through which oil investment and projects have been freezed (91). Relatively, a reduction in foreign investment catalyzed the slow national economic growth. In the period between 1997 and 2005, the Iranian government under President Hashemi Rafsanjani adopted a countermeasure strategy of “an open economy to the outside” to capture foreign investments (Qader 49). Furthermore, Qader explained that the economic recovery plan was based on “the privatization of state entities” including the banking system (49). However, this plan could solve only a sum of issues. Nevertheless, Rafsanjani’s successor in office, Ahmadinejad worried less about the economy and more about his population as he promised to realize justice by “bringing the oil wealth to people’s tables” (Fürtig quoted in Borszik 7). Effectively, he endorsed different strategies based on governmental equality to reduce poverty and help the people exploited by the privatization policy (Qader 49). Profoundly, President Ahmadinejad’s economic plan insisted on the active role of the Iranian government in the economy working with

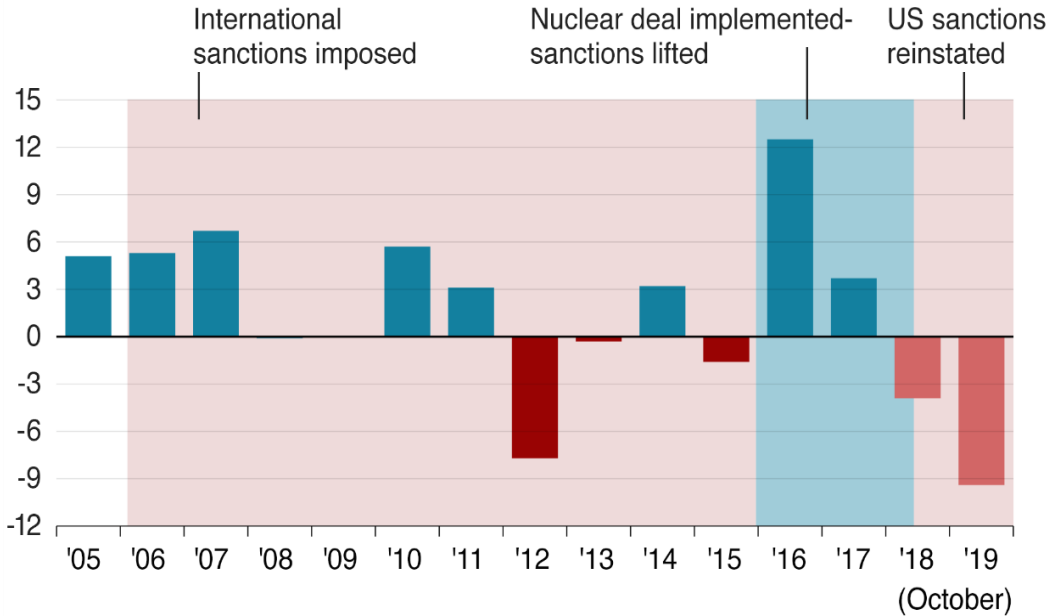
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the redistribution of wealth strategy to achieve his goal of poverty reduction (Habibi in Qader 49).

Be that as it may, all these measures did neither shield the Iranian economy nor prevent sanctions. Determined to paralyze whatever it is still left with Iran's economy, in December 2011, the U.S. Congress passed the National Defence Authorization Act (NDAA) authorizing sanctions on the Central Bank of Iran (Van de Graaf 148). Specifically, requires the U.S. president to deny foreign banks or financial institutions that process payments through Iran's Central Bank access to U.S. financial markets (Van de Graaf 148). The NDAA was a clear step toward America's desire into pushing Iran to the glass ceiling and isolating its financial system from the rest of the world. In fact, the US demanded foreign bodies to cease their business with Iran unless they wanted to put theirs with the US in a danger zone (Macaluso 5). As a result, Iran has lost many of its international foreign investments as a response to the American threat and more severely, the loss expanded to investments cost almost 60 billion USD, as the French petroleum company (Total), the American Ernst & Young, the German Daimler AG, the Italian ENI, several more (Macaluso 10). Indeed, Statistics reveal that between 2011-and 2015, Iran's economy shrank by 20% and increased back 7% on average annually during 2016-2018 resumed in the JCPOA relief (Katzman 52), and GDP rose to 12% according to the Central Bank of Iran.

Economic growth in Iran

GDP growth rate %



Source: Central Bank of Iran, IMF

BBC

Figure 2. The Iranian GDP growth rate in 2019 (BBC News Services, December, 2019)

It is manifestly apparent that the reinstatement of US sanctions in after the withdrawal manifested in an astonishing collapse even harsher than that of CISADA's in 2012, where the growth collapsed to more than 9% in 2019.

Furthermore, US withdrawal from the JCPOA permitted President Trump to reimpose sweeping sanctions, for instance in January 2020, President Trump authorized sanctions on non-US entities by dealing with "Iran's construction, mining, manufacturing, or textiles sector or any other sector", including two Hong Kong-based companies, one Chinese

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company and another company from UAE for importing Iranian oil and other products (The Iran Primer, para 7). Additionally, 18 major Iranian banks including the Central Bank were also sanctioned in October 8 (The Iran Primer, para 26). All these new measures had only one purpose; to halt the Iranian infrastructure and therefore isolate it from the world financial organism, first by cutting the international transactions in the country cleverly by cutting the flow of the American dollar in the Iranian financial system.

Most significantly, on November 18, 2020, at a press conference, former Secretary of State Mike Pompeo declared that the US sanctions “maximum pressure” campaign against Iran has been “extraordinarily effective” resulted in “... currency crisis, mounting public debt, and rising inflation”⁹. Furthermore, He stated that prior to these intensive measures “Iran was exporting nearly 2.5 million barrels of oil per day, now it struggles to export even a quarter of that volume”. Moreover, according to Pompeo’s words, the Iranian rial has lost to “one fifth of its former value against the dollar”, through which Iran’s national growth has contracted by around 6% during Trump’s administration.

However, these losses were not the end. In his November 2020 review on Iran sanctions, Katzman shed light on the severe psychological threat that was left behind internationally after the US sanctions. He mentioned that during the period between 2011-2015, almost all international banks in the Iranian market and “hesitated” to rejoin it even after the JCPOA relief because of several concerns related to the US reaction and all of a sudden coercive that is generating a “lack of transparency in Iran’s financial sector” and most significantly, “the inability to use dollars in Iran-related

Mike Pompeo, US secretary of state press conference on November 18,⁹ 2020. US Department of State.

transactions” (52). In this essence, the US withdrawal from the JCPOA will tremendously cost Iran a severe struggle to regain back international investments.

3.1.3. Health sector:

The long-lasting American infatuation with sanctions has not only implicated in the Iranian government’s economic deterioration, but most drastically on its health sector. The humanitarian effect of US targeted penalties harmed the innocent population more than it did with Iran’s officials and the elites that were the primary target for US sanctions. Effectively, the financial collapse led to a significant fall in people’s salaries and therefore their access to medical and health facilities will be more and more difficult. Relying on Fatemeh Kokabisaghi systematic review, about 11% of the Iranian population “were living below the absolute poverty line and 30% under the relative poverty line in 2016” (385). In 2013, the UN Special report stressed the sweeping sanctions on Iran affected their rights to learning, wellbeing, and health (Kokabisaghi 385). As a case in point, in 2012, with the CISADA intensifications, the inflation rate in the government’s health sector was nearly 45% which directly affected the insurance firms and led them to cut their services (Kokabisaghi 385). Thus, as Kokabisaghi stated, it developed “the increase of patients’ shares of health services and ended in the withdrawal of healthcare and more reliance on self-treatment” (386).

The comprehensive right to health is tightly related to the intensive right to secure medicines in a national community far from securing it as part of the big international picture. Iran needed medicines to secure its national picture affected by the decline in national revenues and more seriously the international embargo on hard currency access. Practically,

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medicines were not part of the embargoes, though sanctions on licensing, exports/and import trade made purchasing medicines a challenging task to achieve (Kokabisaghi 386). Indeed, the psychological factor appeared again in the health sector as it did with the general investments. The international health investing ground feared the threat of secondary sanctions and complications in the money system. As banks have been sanctioned, Iranian managements had to deal with local cash in advance in importing medicines that made the late very high-priced and hard to get (Kokabisaghi 386). A CEO of a governmental pharmaceutical company spoke louder than sanctions to cry out the real damage in the Iranian health zone, “Sometimes companies agree to sell us drugs, but we have no way of paying for them. On one occasion, our money was in the bank for four months, but the transfer repeatedly got rejected.” (Batmanghelidj and Axel Hellman 5). Unstoppably, US embargos on Iran’s Banks is the primary reason for public health breakdown. As a case in point, according to the head of the Medical Equipment Office in the Iranian Ministry of Health, Iran produces about 70% of the country’s medical supplies, i.e., the remaining 30% is imported as being of high critical status, for instance, chronic illnesses medicines (Batmanghelidj and Axel Hellman 4). This means that the problem involves the question of affordability regarding foreign-manufactured medicines for special diseases as paracetamol, “antimicrobial fluconazole”, and cancer medications (Batmanghelidj and Axel Hellman 4).

Succeeding the 2012 comprehensiveness of exchange measures, US sanctions banned access to vital medications such as “nuclear medicines and radiotherapy pieces for Cancer diagnoses and treatment” in addition to “anti-rejection transplant medicines, and kidney dialysis instruments” as they could be implemented for a military grant or biological

proliferation (Kokabisaghi 386; Setayesh and Mackey 5). All these health shortages resulted in a swelling of the deaths rate as well as a number of other diseases that saw an overwhelming outbreak in recent years in Iran.

3.1.3.1. Covid-19 Pandemic:

In 2020, Iran suffered from a dualistic shock, sanctions, and more enormously the Covid-19 pandemic. Even though the two may not overlap as one issue yet, the Trump administration through economic penalties stood red-handed maximizing the effect of Covid-19 on Iran. With a population of over 80 million, the pandemic put the Islamic Republic entirely under quarantine. The pandemic aftermaths cost Iran, a high rate of infections to 150,000 and 8000 deaths in June 2020 to mark the peak of infections in the Middle East (Hautecouverture 2).

Measures to combat the disease were internationally similar, but the only difference stood in the lack of medicines, machines, and protection tools already restricted and prohibited by US penalties. In-depth, Iran was paralyzed to purchase medical apparatus and necessities for its health centers incorporating Covid-19 testing engines as PCRs and X-Ray Machines and more dramatically, respirators, facial masks, and disinfectants that were of major cruciality at the beginning of the virus outbreak (Abdoli2). Tehran's prestigious Sharif University of Technology assumed that the Iranian health organism will fall apart at any time causing swinging rates in inflation and thus economic deterioration (Divsallar and Narbone 3).

Despite the fact that US sanctions do not cover humanitarian spheres, sweeping reports have accused the US officials of “an undeclared embargo” on pharmaceutical products (Divsallar and Narbone3). An Iranian doctor positioned his

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testimony as a proof to what extent sanctions had indirectly worsened the pandemic crisis, he said:

There are a lot of shortages now . . . [Hospitals] do not have enough diagnostic kits or good quality scanners, and there is also a shortage of masks. Medical staff who want a specific type of medicine or equipment are having difficulty transferring money outside of Iran due to the sanctions.” (Smith 1)

Indeed, the sanctions imposed on the Iranian bank system and significantly the heavy pressure put on the oil sector could undeniably help Iran to gain more income in combating the sanitary crisis if the sanctions factor was eliminated. The Iranian standpoint on trump’s coerciveness was so clear as mentioned by the Minister of foreign affairs Mohammad Javad that, “What we want is for him to stop preventing Iran from selling oil and other products, from financing its needs, from making and receiving payments” (Hautecouverture 4).

Even if Iran managed through time to produce its health supplies domestically, the challenge now remains in affording Covid-19 vaccines for its population. To do so, Iran joined the [COVAX](#), the World Health Organization (WHO) initiative seeking an equal global vaccine distribution, in October 2020; however, it had a conditional offer based on an official authorization from the OFAC (Heiat para 12). The [COVAX](#) officials say the U.S. Treasury’s Office of Foreign Asset Control has already issued a license for Iran and there was no “legal barrier” to Iran vaccine procurement through their organization (Motevalli para 4). Nonetheless, how to pay for the vaccine purchase is the real barrier. Iran reaches out to pay by buying “funds worth billions of dollars locked up in South Korean won-denominated accounts” (Motevalli para 2). Yet, the money should be transferred

through a U.S. bank first, at that point, South Korea and Iran are assuming the worst scenario that the money would seize or be frozen once it arrives to a U.S. bank (Motevalli para 6). As a matter of relief, Iran finally found a solution to Covid-Vaccination and the American hindrances. As reported by the Wall Street Journal on January 21, 2021, Iran and Cuba are producing a joint Covid-19 vaccine, called “Soberana” which will be developed in cooperation between Cuba’s Finlay Vaccine Institute and Iran’s Pasteur Institute (Rasmussen para 2).

3.2. Syria:

3.2.1. Economic response:

US sanctions have notably affected the Syrian economy. Based on Friberg Lyme’s thorough report about international sanctions implications on the Syrian multiple institutions during Obama’s early mandate, significantly, in 2012, the costs of sanctions imposed on the Syrian oil sector have been estimated at around 4 billion USD (41). Besides, Oil production has faced a downward trend due to export blockades and the withdrawal of non-Syrian investing and operating companies responsible for two-thirds of the entire oil industry production (Friberg Lyme 41).

Unlike Iran which faced drastic problems due to the dollar currency ban and therefore being excluded from the international banking system, Syria found a strong alternative to its international transactions, the Russian ally, to mark no serious injuries after the US money attack (Friberg Lyme 43). Still, looking from the parallel universe, Syria did not outrace Iran yet, they are both struggling to finish alive at the end of the sanctions race. The foreign investments sector although awakened by the Russians but lost its operators and more drastically, the Syrian civilian businessmen were banned from

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using their dollar accounts and basically, all their international transactions have been canceled (Friberg Lyme 49). Similarly, international trade owners preferred not to engage in new business contacts with the Syrian side perceiving their incapability to find alternatives to shipping routes, funding transactions, and for sure a general fear of receiving coercive measures and trade bans from the international community essentially from the American legislator (A/HRC/39/54/Add.2 9).

Though sanctions policy could not be definitely blamed for the rising conflict in Syria, in a certain standpoint, it is partially responsible along with the streets uprisings and the Assad's unwillingness to step aside peacefully urged the downward rate marked the unemployment growth with considerable minus signals in salaries and many other pluses regarding the general living commodities prices (Friberg Lyme 60). One international aid delegate put stress on the Syrian population's harsh journey with sanctions; "Those suffering from the sanctions are largely those at the bottom. While those listed are able to diversify their funds, the people at the bottom are hit hard by the significant price increase for the basic food basket" (quoted in Friberg Lyme 60).

On the hand, experts claim that Trump's Caesar law caused more risk to the Syrian civil protection paradoxically than what it aimed to do. Transcending Obama's sanctioning acts, the broad nature of sanctions, according to Omar Dahi, creates "negative consequences for civilians" (cited in Madouni and Derradji 64). In point of fact, the law pushed the Lira into a drastic decrease crushing the socio-economic casualties into the ground. On June 8, 2020, the Syrian Lira hit the ground of 3000 against the dollar. Abou Hassan, a Syrian civilian worker said that his salary became around 60 thousand Syrian liras equivalent to only 27 dollars which is not sufficient to

feed his family of seven while there are other people who cannot afford to buy breadcrumbs (Jukhadar and Tsurkov para 7). While all the Syrian media are blaming Caesar sanctions for the financial meltdown, the U.S. government put the whole blame on Assad's state; he said "They squander tens of millions of dollars each month to fund a needless, brutal war instead of providing for the basic needs of the Syrian people. The regime's destructive war has crushed the Syrian economy, not U.S. sanctions." ([Dadouch](#), Has the Caesar Act already squeezed Syria? Para 4). In fact, the blame is shared jointly by the two regimes while each try to achieve its goals at the expense of the Syrian population.

3.2.2. Assad's Sovereignty:

In 2012, Friberg Lyme claimed that the sanctions policy has not yet reached its fundamental purpose either to step down the blacklisted individuals or be the cause for their changing attitudes (44). Contrary to what the sanctions regime functions for, the Syrian punished official circles become tighter rather to disappear seeking the survival of the regime and their interests (Friberg Lyme 63). Unlike all the details publicized regarding sanctions affecting the Syrian economy, the economic impact on the targeted Assad regime's business and sovereignty is quite strange and ambiguous. In fact, the regime military groups are likely to benefit from the sweeping sanctions to practice their outlawed financial activities, "corruption, looting, kidnapping for ransom, carjacking and smuggling" (Friberg Lyme 57). To this end, if the regime proxies managed to escape from the penalties in their own way, it means that the Assad regime could and would find methods and ways out to function.

Indeed, in 2021, Friberg Lyme's assumptions have been proved right, the Caesar Act did not affect or alter the Syrian

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regime approaches that much since it is not concerned with the socio-economic breakdown of its population (Jukhadar and Tsurkov para 10). Yet, sanctions risked the Syrian population while Assad and his proxies remain in power. In a similar vein, the Human Rights Council claimed that “the Government and elite can actually benefit economically from sanctions, owing to this monopoly on illegal trade” (A/HRC/19/33 10). It is thus proof that denies the premise that coercive measures will affect the political orientation and the principles of a given regime. In every scenario, US sanction policymakers should find alternatives to their laws that affect the economy that strives for the survival of the civilians but not the elites. Notwithstanding, the US has proved eligible in using sanctions for its interests; thus, the main aim behind the Caesar Act may protect one of these goals rather than the Syrian Civilians. The Caesar law put seven conditions on the table for sanctions removal, ending the repression of the Syrian population, the release of prisoners, and the return of the Syrian refugees but none call for the removal of Assad. Within the same context, Hazem Nahar, a Syrian politician claimed that the Caesar Act functions to give a legitimate settlement to the U.S. army in Syria, controlling oil supplies and more effectively, keeping it out of reach for Assad’s regime (Shaherhawasli, Protecting civilians or American interest’s para 3).

3.2.3. Humanitarian Impact:

According to the Human Rights Council, unilateral coercive measures affect negatively “the poor and the vulnerable, the very persons for whom human rights principles seek to provide particular safeguards” (A/HRC/19/33 10). These kinds of measures like the US sanctions, threaten the social protection of the population. Profoundly, the Human Rights Council believes that “under sanctions, the middle class is

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eliminated; the poor get poorer, and the rich get richer” (A/HRC/19/33 10). In this vein, it is safe to say that the unrest in Syria destroyed the population’s aspirations to thrive while sanctions are pushing them back to limit their hope to survive.

Starting from 2011 US sanctions and Syrian bank embargoes, only UN agencies, and the largest international humanitarian bodies were granted de jure access to money transactions in Syria. This fact hindered Syrian humanitarian organizations to import medicines and medical equipment, as well as receiving donations from international sources (A/HRC/39/54/Add.2 8).

Before the uprisings and the sweeping sanctions, Syrian produced more than 90% of the needed medicines in local pharmaceutical laboratories. Economic sectorial sanctions on the Syrian energy along with the hard currency access prohibition turned the health system into a quagmire unable neither to import medicine said such as cancer cure medicines, hormones, specific antibiotics, nor to achieve foreign humanitarian aids that could afford these types of crucial medicines (A/HRC/39/54/Add.2 9-10). The WHO identified some medicines under embargo “as impossible to substitute from other sources, such as India or China” including “Radioactive isotopes for cancer treatment, rotavirus vaccines, and specialized medicines for kidney transplants” and even if these medicines were not under sanctions, each would require licenses from the US jurisdictions (A/HRC/39/54/Add.2 10).

In 2020, things did not change despite international efforts to protect the Syrian people. Prior to its implications, the public consensus grew an enormous optimism towards the Caesar Syria Civilian Protection Act’s ability to settle peace, ipso facto to guarantee protection to the Syrian people from suffering (Al Shami 2). However, on the real ground, the act’s

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spell misleads the target and the unwanted happened. It has been assumed that “the Caesar Act sanctions do not punish the government as much as they punish the Syrians living in their country (...) the sanctions push them further into poverty and suffering.” (Al Shami 2).

Furthermore, sanctions are affecting Syria’s response to the COVID-19 pandemic and the Syrian healthcare system. On 29 December 2020, UN human rights expert Alena Douhan called on the United States to remove unilateral sanctions mainly the Caesar Act-based sanctions, which may harm the Syrian citizens (Douhan, the Human Right Council). She expressed her concern that “sanctions imposed under the Caesar Act may exacerbate the already dire humanitarian situation in Syria, especially in the course of COVID-19 pandemic, and put the Syrian people at even greater risk of human rights violations” added, “The U.S. government must not put obstacles in the way of the rebuilding of hospitals because lack of medical care threatens the entire population's very right to life” (Douhan, the Human Right Council).

3.3. Saudi Arabia:

The US sanctions policy towards Saudi Arabia took a divergent hallmark compared to that towards Iran and Syria with regard to their common interests and the substantial partnership within different fields. Evidently, if the US boycotts the Saudi authorities, then it would sound like a bomb on a US land led by the US army while the damage would be fixed by US officials. On the other hand, US sanctions even though they have a little impact on the Saudi leadership, affect the strong bond between the Washington and Riyadh described by President Trump on November 20th, 2018, as “a great ally in our very important fight against Iran. The United States intends to remain instead a partner to Saudi

Arabia to ensure the interests of our country, Israel, and all other partners in the region” (Aghamohammadi and Omid 617). Nevertheless, these sanctions have really impacted the 17 Saudi officials and that’s the end of the story. The US sanctions were narrowed to the extent that they did not hurt the government not wanted to pledge a misturn to the alliance between the two sovereigns.

3.3.1. US-Saudi Alliance:

According to some analysts, Jamal Khashoggi’s assassination in the Saudi Consulate in Istanbul is a severe incident that could have a political shock between the Saudi royal family and Washington. Upon this premise, khashoggi’s incident is notably the major reason behind the relationship decay instead of US coercive measures. However, if the US sanction were only a one-degree developed than just 17 individuals, the US-Saudi relationship would reach its peak for once and maybe for good. Among various scenarios, Aghamohammadi and Omid doubted that the US sanctions on Saudi Arabia would hypothetically shift the Saudi interests into another hegemonic power to survive with its goals such as Europe, China, or a riskier alliance would be with Russia (618). In fact, a huge debate has been raised concerning this probability in which Ayham Kamel, head of Eurasia Group’s Middle East and North Africa practice, told CNBC in October 2018 if the US tended to make harsh sanctions move against the Saudis, “the Saudis I think will begin to tilt. They were already doing that beforehand; they’ll be doing more business with China and Russia. I doubt Mr. Putin would’ve given the Saudis much trouble with this crisis as Mr. Trump has” (Turak para 4-5). Although the US legislator decided to impose severe sanctions against Saudi Arabia specifically the Royal family

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headed by Crown Prince Mohammed bin Salman bin Abd al Aziz, Trump strictly emphasized that arms deals should be put out of reach of sanctions or “Russia and China would be the enormous beneficiaries and very happy to acquire all of this newfound business. It would be a wonderful gift to them directly from the United States!” (Abdel Aziz 11).

Furthermore, if the sanctions were harder and broader than 17 officials, a probability of a tremendous economic crisis harder than the Arab oil embargo of 1973 and the Covid-19 both together will face the world from the part of the Saudi oil market. AL Arabiya journalist Turki Aldakhil stated if the ordinary oil prices are making much debate within the US zone, what out the sanctions reaction as price jumping to \$100, or \$200, or maybe more and the oil barrel may be priced in any other currency rather than the US dollar (para 2).

4. Conclusion:

Based on the analysis this research paper has undertaken, it has been proved that US economic penalties jeopardize the Middle Eastern states under sanctions on a very prohibitive level through which, Iran is identified as the most damaged region among the selected case studies. Starting from 1979, the Iranian economic organism telescoped under social poverty and world isolation. Despite the JCPOA’s efforts to mitigate the catalysts of sanctions on Iran’s industry mainly the secondary penalties’ exacerbating function, Trump’s withdrawal from this nuclear deal led to serious complications in the investments sector, energetic industry, and even the health sector. Iran lost its significant position as one of the major petroleum leading nations after the US sanctions incidents. Profoundly, this fact intensified the need to find overseas salvaging stakeholders and investors.

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In 2020, Iran had enough pressure dealing with prognostication of the American presidential elections that would somehow determine the American new fate their nation's too, the Covid-19 pandemic was displayed as an unwelcomed company besides US sanctions. Approximately, US sanctions succeeded to quarantine Iran even before the health crisis. Ultimately, the Iranian population is living under the phantom of fear, poverty, and expected famine if one-day sanctions would be firmer than ever.

For Syria, the political calculus shares the same speculations that sanctions could not be the only source of the Syrian struggle, but the unrest and civil war are to be put under the accountability spotlights. To count the damage, US sanctions failed in removing Assad from his throne or even shaking his sovereign regime perhaps it was not aimed to do so. Nevertheless, US financial penalties paralyzed the Syrian economy to the hilt completing the work of the unrest to the maximum hurting more civilians with the Caesar Act more than securing protection. To this vein, the American touch is exclusively regime-targeted, ipso facto; Bashar Al-Assad was the premium purpose. Through assimilating Iran's experience with the Syrian one, the people are the victim at the end of the day and the whole battle.

If Iran and Syria are part of the Middle Eastern region, already sanctioned by the US authorities, and eventually got paralyzed by these coercive measures, what about the Saudi kingdom? As the political realm requires serenity and endurance at the same time, Washington gauges the doze of damage before indulging in any political operation. The US-Saudi sanctioning memorial has elucidated that US allies are definitely immunized. Khashoggi's murder and the worldwide boom it generated harmed neither the US-Saudi epic

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relationship nor cost Saudi Arabia and its economy punitive years. The Saudi powerful and amiable partnership with Washington that lasted throughout history stood as a shield against the sanctions threat. In addition to this, the US-Saudi shared interests in the region prevented the damage that could occur if sanctions were harder than the actual ones.

This study was limited to only three paragons of the US sanctions victims in the Middle East. Hence, more broad research is needed to determine whether the current penalizing system or doctrine that is placed by the US will be replaced in the future by other policy or the sanctions policy is highly effective in altering nations' political and ideological focuses.

For the United States, to be or not to be is a question of hegemony. Therefore, its hegemonic sanctions policy maintained its enemies and interests within the same line through the needed pressure it generates as well as extra damage to the innocents. The US sanctions policy has proved effective if not changing the behavior of the wrongdoers; it is pushing for tougher punishment to make them rethink their policies as well as their orientation.

List of acronyms

COVAX : Covid-19 Vaccines Global Access

EIA: The U.S. Energy Information Administration

EO: Executive Order

EU: European Union

GDP: Gross Domestic Product

IAEA: International Atomic Energy Agency

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IEEPA: The International Emergency Economic Powers Act

ILSA: Iran-Libya Sanctions Act

ISA: Iran Sanctions Act

ISIS: Islamic State in Iraq and Syria

JCPOA: Joint Comprehensive Plan of Action

NDAA: National Defence Authorization Act

NEA: The National Emergencies Act

NIOC: The National Iranian Oil Company

NITC: The National Iranian Tanker Company

OFAC: The Office of Foreign Assets Control

P5+1: The United States, the United Kingdom, France, Russia, China, and Germany

SALSA: The Syria Accountability and Lebanese Sovereignty Restoration Act

UAE: United Arabia of Emirates

UF6: Hexafluoride uranium

UK: United Kingdom

UN: The United Nations

US: The United States of America

USA: The United States of America

USD: The United States' Dollar

WHO: World Health Organization

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1. Introduction :

Le 20 mars 2018, à travers le décret présidentiel 18-96¹, l'Algérie instituait enfin -osons-le dire-, à l'instar d'autres pays méditerranéens, une zone économique exclusive (ZEE), « création la plus spectaculaire du nouveau droit de la mer »². En effet, la grande majorité des Etats riverains de la partie nord-ouest de la mer méditerranée avaient déjà instauré de tels espaces, après une longue réticence, au point d'être qualifiée parfois de « Symptôme de ZEE-phobie »³ et d'« exception méditerranéenne »⁴: le Maroc en 1981⁵, la Tunisie en 2005⁶, la Lybie en 2009⁷, la France en 2012⁸, l'Espagne en 2013⁹...

Les raisons de cette réticence à instituer de telles zones sont multiples et relèvent aussi bien de l'ordre juridique, géographique, de l'ordre économique que de l'ordre politico-géostratégique. D'abord, parce qu'il s'agit d'une mer semi-fermée¹⁰, un bassin parsemé d'îles et de péninsules, dont la distance entre les côtes se faisant face ne dépasse nulle part les 400 milles marins, de façon à ce

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que si deux Etats venaient à proclamer leurs ZEE avec une étendue de 200 milles marins, comme le permet la Convention des Nations Unies sur le droit de la mer (CNUDM)¹¹, toute portion de haute mer en méditerranée disparaîtrait. Cela mènerait à des contestations des puissances maritimes essentiellement en ce qui concerne la question de la liberté de navigation, et engendrerait incontestablement des conflits de délimitation. Ensuite, parce que l'institution de telles zones aurait à long terme des conséquences néfastes aussi bien sur les ressources biologiques à cause de leur surexploitation, que sur l'environnement marin, qui subit déjà une forte dégradation du fait des nombreuses pollutions, mais qui sera certainement encore plus exposé en cas d'exploration et d'exploitation des ressources minérales de ces zones. Enfin, parce qu'il s'agit justement d'une mer semi-fermée, il existe un prétendu devoir de coopération entre ses Etats riverains (article 123 CNUDM) qui serait lourdement atteint par des gestions unilatérales de ces nouvelles zones que sont les ZEE.

Cependant, cette « ZEE-phobie » va progressivement basculer vers une « ZEE-mania »¹², particulièrement les vingt dernières années suite aux découvertes d'importants gisements d'hydrocarbures offshore, et la possibilité d'explorer et d'exploiter les ressources énergétiques renouvelables (essentiellement l'éolien). Ces nouveaux enjeux économiques mais aussi environnementaux vont pousser les Etats méditerranéens à chercher à exercer leurs droits souverains sur des zones maritimes de plus en plus étendues, comme le leur permet la CNUDM avec le concept de ZEE¹³.

Etat côtier par excellence, avec une façade maritime de plus de 1280 kms bordant la mer méditerranée¹⁴, l'Algérie va elle aussi s'inscrire dans la dynamique de « juridictionnalisation/ nationalisation »¹⁵ de ladite mer. Face à cette situation, il est légitime de s'interroger sur les raisons réelles de la récente création, surtout après tant d'années de réticence, et sur les conséquences pouvant être engendrées par cet acte solennel. En instituant sa ZEE, l'Algérie, d'une part, décide d'opérationnaliser son droit reconnu par le droit international de la mer en général et par la CNUDM en particulier (2.), mais dans le même temps, prend le risque, longtemps évité, de déclencher des conflits de délimitation maritime avec des Etats dont les côtes sont adjacentes aux siennes ou leur font face (3.).

2. La ZEE algérienne : une institution légale, légitimée par des intérêts économiques et écologiques :

Après avoir longuement hésité à instituer sa ZEE pour ne pas être « le premier » Etat à le faire en méditerranée, l'Algérie s'est en définitive retrouvée « le dernier » pays du Maghreb et de la méditerranée occidentale à avoir proclamé cette zone (2.1.). Pourtant, la CNUDM, constitution des mers et des océans, n'établit aucune distinction entre les Etats ou pour les espaces maritimes dans la création de telles zones, la seule condition étant le respect des droits et obligations prévues par ses dispositions. Si les raisons d'un tel retard n'ont jamais été communiquées officiellement, il en va de même pour la

démarche qui a mené à la proclamation de la ZEE algérienne, même si la raison la plus plausible semble relever d'enjeux économiques, environnementaux mais surtout énergétiques (2.2.).

2.1. ZEE algérienne : une proclamation tardive due à la spécificité méditerranéenne :

Participant activement à l'élaboration de la notion de ZEE lors de la 3ème conférence des Nations Unies sur le droit de la mer¹⁶, puis la constitutionnalisant dès 1976¹⁷, avant même sa consécration par la CNUDM¹⁸, l'Algérie n'a pourtant institué sa ZEE que le 20 mars 2018, des décennies après que certains Etats méditerranées aient proclamé les leurs.

Un tel retard peut se résumer essentiellement dans le fait que la proclamation effective de cette zone aurait sans doute occasionné d'inévitables conflits, particulièrement de délimitation maritime, surtout avec l'Italie et l'Espagne, dont les côtes sont très proches des côtes algériennes.

Les Etats riverains de la méditerranée ont longtemps hésité à instituer des ZEE dans cette mer ou à délimiter leurs plateaux continentaux¹⁹, se contentant de zones fragmentées ou limitées²⁰, sui generis²¹, - dont la question de la compatibilité avec la Convention de 1982 a été largement débattue par la doctrine internationale²²-, de sorte que la plus grande partie de la méditerranée obéissait au statut de la haute mer, et était régie par le principe de liberté²³. Sur les motivations de cette attitude, le Professeur Umberto Leanza pouvait écrire que l'instauration de telles zones « comporterait de sérieux

dangers de territorialisation de la mer méditerranée, entravant de la sorte sa vocation comme une voie d'eau internationale très importante »²⁴. Pour sa part, Tullio Scovazzi considérait que cette réticence pouvait relever des difficiles problèmes de délimitation des frontières maritimes encore ouverts entre plusieurs Etats, ou encore de la priorité accordée à certains intérêts comme la liberté de la navigation, la mobilité des flottes militaires ou l'accès aux ressources vivantes²⁵. Dans le même sens, le Professeure Nathalie Ros estime que si jusqu'à peu, les Etats méditerranéens se sont pour la plupart abstenus d'instaurer une ZEE, c'est effectivement « pour ne pas ouvrir la Boite de Pandore des conflits de délimitation »²⁶, mais également « dans le souci de ne pas priver cette mer de passage, de parties de haute mer dont l'existence est une condition liée à la liberté de la navigation »²⁷.

Pourtant, d'un point de vue strictement juridique, rien n'interdit aux Etats méditerranéens de proclamer des ZEE s'il existait une volonté politique pour le faire. Ni les dispositions de la CNUDM ni le droit international général n'empêchent les Etats riverains de mers fermées ou semi-fermées d'instituer de telles zones²⁸, la seule condition étant de respecter l'obligation de coopération établie par l'article 123 de ladite convention dans l'exercice de leurs droits et l'exécution de leurs obligations²⁹, l'instauration de telles zones ne contrevenant absolument en rien avec le principe de liberté ou de ses corollaires.

Malgré la longueur de sa côte, l'Algérie s'est toujours considérée comme Etat géographiquement désavantagé³⁰,

d'abord car elle est riveraine d'une mer semi-fermée, mais surtout à cause de deux autres données : En premier lieu, le fait que le plateau continental souvent étroit et en forte déclivité en méditerranée soit pratiquement inexistant tout au long du littoral algérien ; Puis, l'existence en face de sa côte des îles Baléares et de la Sardaigne va se répercuter sur la détermination de sa ZEE et la priver d'une superficie importante en mer. C'est ainsi que l'Algérie, au lieu d'instituer sa ZEE, va opter plutôt pour une « zone de pêche réservée » (ZPR), qu'elle créera par le décret législatif 94-13 fixant les règles relatives à la pêche³¹, et maintiendra dans la loi 01-11³². S'étendant jusqu'à 32 milles marins de la frontière avec le Maroc à Ras Ténès, et jusqu'à 52 milles marins de Ras Ténès à la frontière avec la Tunisie, l'Algérie exercera dans cette zone des droits souverains en matière d'exploration et d'exploitation des ressources halieutiques³³. Et si cette zone semble tout à fait compatible avec les dispositions de la CNUDM³⁴, il n'en demeure pas moins que son institution n'est pas parvenue à combler le vide juridique existant en matière de protection de l'environnement marin, de la conduite de la recherche scientifique marine, ou encore de l'installation d'ouvrages dans cette zone en l'absence de ZEE³⁵.

2.2. ZEE algérienne : gestion halieutique, protection environnementale ou stratégie offshore pour une sécurité énergétique optimale ?

Si les recherches d'hydrocarbures et de gaz en méditerranée ont été relativement décevantes jusqu'aux années 1990³⁶, la découverte au début des années 2000

de quantités importantes de gisements d'hydrocarbures essentiellement en Méditerranée orientale³⁷, mais aussi en méditerrané occidentale³⁸-révélant de nouveaux enjeux énergétiques et environnementaux-, ont poussé les Etats de cette région à prendre des mesures pour leur exploration et exploitation dans leurs plateaux continentaux, mais aussi et surtout, à revendiquer de plus en plus de droits souverains par l'institution de ZEE.

Les véritables raisons de la proclamation de la ZEE algérienne n'ont pas été rendues publiques par le Gouvernement algérien –du moins de façon officielle-, et même le décret présidentiel 18-96 reste très laconique et n'en mentionne aucune, contrairement à certains textes étrangers instituant de telles zones³⁹. La formule utilisée dans l'article 3 est très vague et renvoie directement aux dispositions de la CNUDM en la matière : « Dans sa ZEE, la République algérienne démocratique et populaire exerce ses droits souverains et sa juridiction conformément aux dispositions de la Convention des Nations Unies sur le droit de la mer de 1982, notamment sa partie V ». Ladite partie prévoit que l'Etat côtier dispose dans cet espace d'un éventail de droits souverains et de juridiction relatifs aussi bien à l'exploration, l'exploitation et la conservation des ressources naturelles biologiques et non biologiques des eaux surjacentes et du sol et sous-sol de cette zone, ainsi qu'en ce qui concerne d'autres activités à des fins économiques, à la recherche scientifique marine, à la protection et préservation du milieu marin, ou encore à la mise en place et l'utilisation d'îles artificielles, d'installations et d'ouvrages (art.55).

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Toutefois, l'analyse du contexte général dans lequel la ZEE algérienne a été instituée peut fournir certains éléments de réponse à même de fonder la démarche algérienne.

Selon l'Agence Nationale pour la Valorisation des Ressources en Hydrocarbures ALNAFT⁴⁰, l'Algérie dispose d'un domaine minier hydrocarbures offshore s'étendant sur 106 626,34 km² ⁴¹ (140.000 km² selon de récentes données). Et même si sur le plan géologique, l'étendue du plateau continental de l'offshore algérien semble être très limitée et donc peu favorable à l'existence de grands gisements d'hydrocarbures, certains experts estiment tout de même que ces gisements minéraux dans la méditerranée pourraient venir à la rescousse des volumes découverts en onshore, de plus en plus amoindris⁴².

C'est ainsi qu'en 2004 déjà, le Ministère algérien de l'énergie et des mines attribuait des autorisations de prospection à la société nationale des hydrocarbures SONATRACH sur le périmètre dénommé « Offshore occidental » (blocs 143 et 144b)⁴³, et « Offshore oriental » (bloc 144 a et 145)⁴⁴.

Suite aux découvertes importantes d'hydrocarbures offshore en méditerranée orientale, et après institution de la ZEE algérienne, SONATRACH a signé, le 29 octobre 2018, deux accords pour l'exploration et l'évaluation du potentiel pétrolier offshore du bassin algérien dans ses parties orientale et occidentale avec le groupe ENI (Italie) et Total (France). La partie orientale de l'offshore algérien sera opérée avec ENI sur une superficie de 14.965 km², alors que la partie occidentale sera opérée

avec Total sur une superficie 9.336 km². Les opérations porteront essentiellement sur l'acquisition de données sismiques 3D, le traitement sismique et leurs interprétations, ainsi que le forage d'un puits d'exploration dans chacune des deux zones⁴⁵.

Par ailleurs, le décret exécutif n° 19-73, portant attribution à l'agence nationale pour la valorisation des ressources en hydrocarbures ALNAFT d'un titre minier pour les activités de recherche et/ou d'exploitation des hydrocarbures dispose dans son article premier qu' il est attribué à l'agence nationale pour la valorisation des ressources en hydrocarbures ALNAFT, un titre minier pour les activités de recherche et/ou d'exploitation des hydrocarbures sur le périmètre dénommé « OFFSHORE ALGÉRIE » d'une superficie de 131 165,44 Km² et adjacent aux territoires des wilayas d'El Tarf, de Annaba, de Skikda, de Jijel, de Béjaïa, de Tizi-Ouzou, de Boumerdès, d'Alger, de Tipaza, de Chlef, de Mostaganem, d'Oran, de Aïn Témouchent et de Tlemcen.

3. Les réactions espagnoles et italiennes suite à l'institution de la ZEE algérienne : vers des différends maritimes ?

Compte tenu des énormes enjeux économiques, environnementaux, mais surtout des nouvelles perspectives d'exploration et d'exploitation de l'offshore de la méditerranée nord-ouest, ayant mené à une véritable « nationalisation » de cette mer, les nombreuses proclamations de ZEE conduiront certainement, sans une réelle volonté politique de les surmonter, à des conflits de

délimitation maritime, comme c'est le cas dans la partie orientale de la méditerranée⁴⁶. Les récentes protestations espagnoles et italiennes suite à l'institution de la ZEE algérienne en sont un exemple édifiant (3.1.). Ces différends, même s'ils ne se sont pas encore cristallisés, nécessiteront un règlement pacifique qui pourrait être atteint par divers moyens (3.2.).

3.1. Des protestations quant à la création unilatérale de la ZEE algérienne :

Par une note verbale du 27 juillet 2018 adressée au Secrétaire général des Nations Unies (SGNU) par la mission permanente de l'Espagne⁴⁷, concernant le décret présidentiel 18-96, le Gouvernement espagnol tenait à faire savoir qu'il rejetait la liste des coordonnées géographiques de points fixant les limites extérieures de la ZEE de l'Algérie, telles que contenues dans l'annexe dudit décret, déposée le 4 avril 2018, et que la Division des affaires maritimes et du droit de la mer du Secrétariat de l'ONU a fait circuler le 17 avril 2018⁴⁸. Par ailleurs, le Gouvernement espagnol décidait de ne pas reconnaître la délimitation des espaces maritimes de l'Algérie et de l'Espagne selon ces coordonnées excessives par rapport à la ligne médiane d'équidistance entre les côtes algériennes et les côtes espagnoles. Il considère que ladite délimitation empiète sur la ZEE espagnole dans le nord-ouest de la méditerranée⁴⁹, telle qu'établie par le décret royal 236/2013 du 5 avril 2013. Il estime ainsi que la ligne d'équidistance entre les lignes de bases servant à mesurer la largeur de la mer territoriale est la solution la plus équitable pour délimiter par voie d'accord les ZEE

entre des Etats dont les côtes sont adjacentes ou se font face, et déclare qu'il est tout à fait disposé à entamer des négociations avec le Gouvernement algérien afin de parvenir à un accord mutuellement satisfaisant sur les limites extérieures de leurs ZEE respectives, conformément à l'article 74 de la CNUDM, et comme le prévoient les articles 2 du décret royal 236/2013 et 2 du décret présidentiel 18-96.

Par une note verbale du 25 novembre 2018, et se référant au dépôt par l'Espagne, le 31 août 2018, d'une liste de coordonnées géographiques de points concernant les limites extérieures de la ZEE espagnole⁵⁰, le Gouvernement algérien tenait à souligner que la délimitation unilatérale effectuée par l'Espagne n'était pas conforme à la lettre de la CNUDM et n'avait pas pris en considération la configuration, les spécificités particulières et les circonstances spéciales de la méditerranée, ainsi que les règles et principes pertinents du droit international devant régir la délimitation équitable des espaces maritimes entre l'Algérie et l'Espagne, conformément à l'article 74 de la CNUDM. Par ailleurs, le Gouvernement algérien a exprimé son opposition au tracé des limites extérieures de la ZEE espagnole, dont certaines parties sont largement excessives et créent une zone de chevauchement avec la ZEE algérienne, et par conséquent, ne reconnaissait pas les coordonnées figurant dans le décret royal 236/2013. Néanmoins, ayant à l'esprit les liens d'amitié et les relations de coopération qui le lient à l'Espagne, le Gouvernement algérien s'est dit disposé à œuvrer, par la voie du dialogue et de négociations bilatérales, à une

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solution équitable sur les limites extérieures des deux ZEE, conformément à la CNUDM.

Il apparait à l'analyse de ces déclarations que l'essentiel du problème entre les deux Etats riverains réside dans le fait que l'Espagne revendique l'application du principe de l'équidistance, prévu expressément dans sa législation interne⁵¹, alors que l'Algérie, compte tenu de la configuration de sa côte et la présence d'îles en face d'elle, est partisane de l'équité et des principes équitables⁵².

D'autre part, par une note verbale du 28 novembre 2018 adressée au SGNU par la Mission permanente de l'Italie⁵³, concernant le décret présidentiel 18-96, le Gouvernement italien a fait objection à la délimitation de la ZEE algérienne, dans la mesure où cette zone empiète sur certaines zones relevant exclusivement de l'intérêt légitime italien. Il rappelle, qu'en application de l'article 74 de la CNUDM, la délimitation de la ZEE est effectuée par voie d'accord afin d'aboutir à une solution équitable. En attendant cet accord, les Etats devront faire leur possible afin de conclure des arrangements provisoires. Pour ce faire, le Gouvernement italien s'est dit disposé à entreprendre les négociations au titre de l'article 74 de la CNUDM pour parvenir à un accord mutuellement satisfaisant en la matière. En réaction à la position italienne, le Gouvernement algérien a répondu, le 20 juin 2019⁵⁴, que l'institution de sa ZEE s'inscrit dans le cadre de sa législation nationale et de l'exercice par l'Algérie de ses droits souverains reconnus dans cette zone par la CNUDM plus particulièrement et le droit international plus généralement. Le Gouvernement algérien souligne

par ailleurs que la délimitation de sa ZEE a été fixée en prenant en considération les règles et les principes pertinents du droit international garantissant une délimitation juste et équitable des espaces maritimes entre l'Algérie et l'Italie, conformément à l'article 74 de la CNUDM. Enfin, le Gouvernement algérien rappelle son attachement aux liens d'amitié et aux relations de coopération existant entre les deux pays, et rassure l'Italie de son entière disponibilité à œuvrer pour parvenir à une solution équitable et acceptable mutuellement sur les limites extérieures de la ZEE algérienne et de l'espace maritime italien.

Il existe donc bel et bien, à notre sens, des prémices de différends maritimes entre l'Algérie d'une part, et l'Espagne et l'Italie d'autre part - nonobstant les déclarations officielles⁵⁵ - qui vont devoir, tôt ou tard être réglés.

3.2. Des perspectives de règlement de différends :

L'article 74 de la CNUDM, auquel se réfèrent les déclarations algériennes, espagnoles et italiennes, prévoit que la délimitation de la ZEE entre Etats dont les côtes sont adjacentes ou se font face est effectué par voie d'accord conformément au droit international, afin d'aboutir à une solution équitable. Mais s'ils ne parviennent pas à un accord dans un délai raisonnable, les Etats ont recours aux procédures prévues à la partie XV de la Convention, relative au règlement des différends (art.279-299). Cette dernière commence par poser l'obligation aux Etats de régler leurs différends par

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des moyens pacifiques. Ensuite, elle propose un ensemble de voies pouvant mener à la résolution du conflit : non juridictionnelles (médiation, conciliation...), contractuelles, arrangements provisoires⁵⁶, juridictionnelles avec un tribunal général (Cour internationale de justice CIJ), spécialisé (Tribunal international du droit de la mer TIDM), tribunal arbitral constitué conformément à l'annexe VII de la Convention, ou tribunal arbitral spécial constitué conformément à l'annexe VIII. S'agissant des éventuels différends entre l'Algérie, l'Espagne et l'Italie, plusieurs scénarii peuvent être envisagés pour leur règlement, dont l'un des plus plausibles serait la voie judiciaire, même si elle semble difficilement envisageable. En effet, l'Espagne a fait une déclaration d'acceptation de la juridiction obligatoire de la CIJ en 1990⁵⁷, puis s'est déclarée favorable aussi bien à la CIJ qu'au TIDM pour le règlement des différends maritimes⁵⁸. L'Italie aussi s'est déclarée favorable à la juridiction obligatoire de la CIJ en 2014⁵⁹ et également au TIDM⁶⁰. A contrario, l'Algérie n'a toujours pas accepté la juridiction obligatoire de la CIJ⁶¹, et a déclaré, lors de sa ratification de la CNUDM en 1996, qu'elle ne se considère pas liée par les dispositions de l'article 287/1/b de la Convention, et qu'elle considère l'accord préalable de toutes les parties en cause nécessaire dans chaque cas pour soumettre un différend à cette Cour⁶². Néanmoins, l'Algérie, par une déclaration du 22 mai 2018, en vertu de l'article 287§1 de la CNUDM, affirme son choix pour le TIDM pour le règlement des différends relatifs à l'interprétation ou à l'application de la Convention⁶³.

Il faudra souligner toutefois que les dispositions de l'article 298 de la CNUDM permettent aux Etats parties de ne pas accepter une ou plusieurs des procédures de règlement des différends prévues à la section 2 en ce qui concerne certaines catégories de différends, dont ceux concernant l'application ou l'interprétation des articles 74 et 83 relatifs à la délimitation des zones maritimes. Aussi bien l'Algérie⁶⁴, l'Espagne⁶⁵ et l'Italie⁶⁶ ont fait des déclarations dans ce sens. Ainsi, à moins d'un retrait des dites déclarations (art. 298§2 CNUDM), les moyens de règlement des éventuels différends maritimes entre ces Etats seraient plutôt l'accord par voie de négociations ou la conciliation. Et c'est justement dans cette optique que les hautes autorités algériennes et italiennes ont procédé en septembre 2020, à l'installation officielle du Comité technique conjoint algéro-italien, chargé de la délimitation des frontières maritimes entre les deux Etats⁶⁷.

4. Conclusion:

Il apparaît au terme de cette analyse que la proclamation « tardive » par l'Algérie de sa ZEE en 2018, aura certes des avantages mais également des inconvénients. Une telle zone permettra à l'Etat algérien d'une part d'exercer des droits souverains en matière de pêche sur une surface plus étendue que celle attribuée par la ZPR –dont le sort reste incertain aujourd'hui-, mais également en matière de protection environnementale, compétences dont il ne disposait pas avant au-delà de 12 milles marins. Mais le plus gros avantage de cette nouvelle institution sera certainement les profits économiques tirés de l'exploitation offshore des hydrocarbures du sol et sous-

sol de la ZEE algérienne, avec tous les risques pour l'environnement marin et la biodiversité marine que cela peut engendrer, surtout dans une mer semi-fermée telle la méditerranée, l'équilibre entre l'exploitation et la protection étant très difficilement atteignable⁶⁸. Par ailleurs, cette tendance de plus en plus rampante de la nationalisation de la méditerranée, dans laquelle s'inscrit la politique algérienne à l'instar des autres Etats, mènera probablement à une suppression progressive de la haute mer dans ce bassin géopolitiquement et stratégiquement très important, et avec elle le « régime international » de cette mer. Cela causera des différends maritimes, de délimitation, mais également relatifs à l'exploitation des ressources marines biologiques ou non, qui ne pourront être réglés équitablement que dans le cadre d'une gouvernance responsable et équilibrée de cette mer, avec une réelle et effective coopération internationale, comme prôné par l'article 123 de la CNUDM. Mais encore faudrait-il que les États en aient les moyens et surtout la volonté politique ...

5. Marges:

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2. Dupuy R.J., L'océan partagé, Paris, Pedone, 1979, p.65.
3. Schneider F., Le régime de la Zone économique exclusive et la pratique des Etats méditerranéens, Annuaire du droit de la mer, Tome 18, 2013, p.15.
4. Ros N., La mer Méditerranée: cas particulier et modèle avancé de gestion de la haute mer, Annuaire du droit de la mer, Tome XVI, 2011, p.38.

5. Loi 81-1 instituant une ZEE de 200 milles marins au large des côtes marocaines, Dahir n° 1-81-179 du 8 avril 1981.
6. Loi 2005-50 du 27 juin 2005, JORT n°51 du 28 juin 2005. Voir Slim H., Observations sur la loi tunisienne du 27 juin 2005 relative à la zone économique exclusive, *Annuaire du droit de la mer*, 2005, pp.223-236.
7. Decree No. (260) of 2009 announcing the Exclusive Economic Zone of the Great Socialist People's Libyan Arab Jamahiriya.
8. Décret n° 2012-1148 du 12 octobre 2012 portant création d'une zone économique exclusive au large des côtes du territoire de la République en Méditerranée, *JORF*, n° 0240, 14 octobre 2012.
9. Décret royal 236/2013 du 5 avril 2013.
10. La CNUDM définit la mer semi-fermée dans son article 122 comme « un golfe, un bassin ou une mer entourée par deux ou plusieurs Etats et reliée à une autre mer ou à l'océan par une gorge étroite ou constituée entièrement ou principalement par les mers territoriales et les zones économiques exclusives de deux ou plusieurs Etats côtiers ». Voir, Benchikh M., *La mer méditerranée, mer semi-fermée*, RGDIP, 1980, vol.1, Paris, Pedone, pp.284-297.
11. Adoptée à Montégo Bay le 10 décembre 1982, entrée en vigueur le 16 novembre 1994.
12. Schneider F., *Op.cit*, p.29.
13. Partie V, Zone économique exclusive, articles de 55 à 75.
14. Voir sur la situation maritime algérienne, Sassi S., *La mise en œuvre par l'Algérie de la Convention des Nations Unies sur le droit de la mer*, Thèse de doctorat, Université Jean Moulin Lyon III, 2009, pp.14-17.
15. Ros N., *Les nouvelles zones économiques exclusives en mer Méditerranée*, in Ros N. et Galletti F. (Dir.), *Le*

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Droit De La Mer Face Aux “Méditerranées”, Quelle contribution de la Méditerranée et des mers semi-fermées au droit international de la mer?, Editoriale Scientifica, Napoli, 2016, p.28.

16. Voir sur l’attitude algérienne, Laraba A., L’Algérie et le droit de la mer, Thèse de doctorat, Université d’Alger, 1985, pp.211 et s.

17. Constitution algérienne de 1976, article 25/2. Notons toutefois que la notion a disparu dans les constitutions suivantes, y compris celle en vigueur de 2016.

18. Bedjaoui M., Aspects internationaux de la Constitution algérienne, AFDI, 1977, pp.76-79.

19. Contrairement à la ZEE, les droits souverains qu’a l’Etat côtier sur son plateau continental sont indépendants de l’occupation effective ou fictive, aussi bien que de toute proclamation expresse de cet espace (art.77 CNUDM).

20. Etablies sur la base du principe « in plus stat minus » (qui peut le plus peut le moins). Voir particulièrement, Del Vecchio A., In Maiore stat minus : A note on the EEZ and the zones of ecological protection in the mediterranean sea, ODIL, n°39, pp.287-297.

21. Zone de pêche (Tunisie), zone de pêche réservée (Algérie), zone de pêche exclusive (Malte), zone de protection de la pêche (Espagne), zone de protection écologique (France et Italie)...

22. Voir plus particulièrement Treves T., Les zones maritimes en Méditerranée: compatibilité et incompatibilité avec la Convention sur le droit de la mer de 1982, Les zones maritimes en Méditerranée, Revue de l’INDEMER, n° 6, 2003, p. 23.

23. Ros N., La mer Méditerranée: cas particulier et modèle avancé de gestion de la haute mer, Annuaire du droit de la mer, Tome XVI, 2011, pp. 33-62 ; Ros N., Régimes juridiques et gouvernance internationale de la mer Méditerranée, in Du droit de la coopération

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24. Leanza U., Le régime juridique international de la mer Méditerranée, RCADI 1992, Vol. V, p.297.

25. Scovazzi T., Les zones côtières en méditerranée : évolution et confusion, in Annuaire du droit de la mer, tome VI, 2001, p.100.

26. Ros N., La mer Méditerranée : cas particulier et modèle avancé de gestion de la haute mer, Op.cit, p.39.

27. Dipla H., Ressources énergétiques et limites maritimes en Méditerranée orientale, Annuaire du droit de la mer, vol. XVI, 2011, p.66.

28. De telles zones existent dans d'autres mers semi-fermées : Baltique, Caraïbes, Noire...

29. Sassi S., Op.cit, pp.295-298.

30. Voir, Déclaration générale du chef de la délégation algérienne en 1974, lors des négociations pour la 3ème conférence des Nations Unies sur le droit de la mer, Documents officiels de la troisième conférence sur le droit de la mer. Vol.1, p.189.

31. Du 28 mai 1994, JORADP 40 du 22 juin 1994.

32. Loi 01-11 du 3 juillet 2001 relative à la pêche et à l'aquaculture. JORADP n°36 du 8 juillet 2001. Cette zone a été maintenue par la loi 01-11 qui a abrogé toutes les dispositions contraires mis à part l'article 6 instituant la ZPR du décret législatif 94-13.

33. Idem.

34. Sassi S., Op.cit, p.183 et s.

35. Il est important de souligner que le décret présidentiel 18-96 est complètement muet quant au sort de la zone de pêche réservée, est- elle maintenue, comme c'est le cas de certains pays méditerranéens ?, ou a-t-elle été remplacée par la nouvelle zone économique exclusive ?

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36. Les seules ressources minérales offshore se limitant au golfe de Gabes entre la Lybie et la Tunisie, et à un petit gisement situé au large de Tarragone en Espagne.
37. Il s'agit essentiellement des découvertes récentes (2009-2015) de gisements d'hydrocarbures offshore dans le bassin Levantin en Israël, en Egypte (le champ gazier Zohr), en 2011 au sud de Chypre et plus récemment en 2018 au large du Liban.
38. Essentiellement dans le Golfe du Lion entre l'Espagne et la France
39. Voir par exemple, la notice du Décret n° 2012-1148 portant création d'une ZEE au large des côtes du territoire de la République Française en Méditerranée.
40. Créée en vertu de l'article 12 de la loi 05-07 du 28 avril 2005, modifiée et complétée, relative aux hydrocarbures.
41. Voir <http://www.alnaft.gov.dz/index.php/le-developpement-des-hydrocarbures-en-chiffres/domaine-minier>, consulté le 24 septembre 2020.
42. Ouahib S., Exploration des hydrocarbures en offshore : Quel impact sur l'environnement ?, in Elwatan, 2 janvier 2020, <https://www.elwatan.com/pages-hebdo/magazine/exploration-des-hydrocarbures-en-offshore-quel-impact-sur-lenvironnement-02-01-2020>, consulté le 27 septembre 2020.
43. Arrêté du 25 juillet 2004, JORADP n°56 du 5 septembre 2004.
44. Idem.
45. « Sonatrach : signature d'accords avec ENI et Total dont deux dans l'exploration offshore », 29 octobre 2018, <https://sonatrach.com/actualites/sonatrach-signature-daccords-avec-eni-et-total-dont-deux-dans-lexploration-offshore/>, consulté le 24 septembre 2020.
46. Ortolland D., Droit de la mer et délimitations maritimes en Méditerranée orientale, La Revue de

l'Énergie n° 610 – novembre-décembre 2012, pp.468-470.

47. Droit de la mer Bulletin, volume 2019, n°98, <https://doi.org/10.18356/f12063a3-fr>, consulté le 8/9/2020.

48. Sous la référence M.Z.N.135.2018.LOS, 17 avril 2018.

49. Voir sur cet espace maritime, Victor Luis Gutiérrez Castillo, La zone économique exclusive espagnole dans la Méditerranée nord-occidentale, in Annuaire du droit de la mer, Tome XVIII, 2013, pp.49-68.

50. Notification zone maritime M.Z.N.139.2018.LOS.

51. Article 4 de la loi du 4 janvier 1977 sur la mer territoriale.

52. Laraba A., Op.cit.

53. Droit de la mer Bulletin, volume 2019, n°98, Op. cit.

54. Note verbale du Ministère algérien des Affaires étrangères, n° 15-423/MAE/DAJ/2019.

55. Ministère algérien des Affaires étrangères, point de presse, 4 mars 2020, www.mae.gov.dz/news_article/6283.aspx, consulté le 28 septembre 2020.

56. Voir particulièrement Galletti F., Notion et pratiques de "l'arrangement provisoire" prévu aux articles 74§3 et 83§3 de la Convention des Nations unies sur le Droit de la Mer. Une contribution marginale au droit de la délimitation maritime ?, Annuaire du Droit de la Mer, Tome IX, 2005, pp.115-142.

57. Déclaration du 29 octobre 1990.

58. Déclaration faite lors de la ratification : « Conformément aux dispositions du § 1 de l'article 287, l'Espagne choisit la CIJ comme moyen pour le règlement des différends relatifs à l'interprétation ou à l'application de la Convention ».

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Déclaration du 19 juillet 2002 : « Conformément aux dispositions du §1 de l'article 287, le Gouvernement espagnol déclare qu'il choisit le TIDM et la CIJ comme moyens pour le règlement des différends relatifs à l'interprétation ou à l'application de la Convention ».

59. Déclaration du 25 novembre 2014.

60. « En application de l'article 287, le Gouvernement italien a l'honneur de déclarer que, pour le règlement des différends relatifs à l'application ou à l'interprétation de la Convention ... il choisit le TIDM et la CIJ, sans prévoir aucune priorité entre les deux... », <https://www.itlos.org/fr/competence/declarations-des-etats-parties/declarations-faites-par-les-etats-parties-en-vertu-de-larticle-287/>, consulté le 25 septembre 2020.

61. Au 26 septembre 2020.

62. TIDM, Déclarations faites par les Etats parties en vertu de l'article 287, Algérie, <https://www.itlos.org/fr/competence/declarations-des-etats-parties/declarations-faites-par-les-etats-parties-en-vertu-de-larticle-287/>, consulté le 25 septembre 2020.

63. Idem.

64. Le Gouvernement algérien, en vertu de l'article 298 de la CNUDM, n'accepte aucune des procédures prévues à la section 2 de la partie XV, en ce qui concerne les différends énoncés ci-après :

(a) (i) les différends concernant l'interprétation ou l'application des articles 15, 74 et 83 relatifs à la délimitation de zones maritimes ou les différends qui portent sur des baies ou titres historiques ...

65. Le Gouvernement espagnol déclare que, conformément aux dispositions de l'alinéa a) du §1 de l'article 298 de la Convention, il n'accepte pas les procédures prévues à la section 2 de la Partie XV en ce qui concerne le règlement des différends concernant l'interprétation ou l'application des articles 15, 74 et 83

relatifs à la délimitation de zones maritimes ou les différends qui portent sur des baies ou titres historiques.

66. L'Italie tient à déclarer, conformément au paragraphe 1 a) de l'article 298 de la Convention, qu'elle n'accepte pas les procédures de règlement des différends prévues à la section 2 de la Partie XV en ce qui concerne les différends concernant l'interprétation des articles 15, 74 et 83 relatifs à la délimitation des zones maritimes et les différends qui portent sur des baies ou titres historiques.

67. Communiqué de presse du Ministère algérien des Affaires étrangères, 22 septembre 2020, http://www.mae.gov.dz/news_article/6373.aspx, consulté le 26 septembre 2020.

68. Ros N., Exploration, Exploitation and Protection of the Mediterranean Continental Shelf, in M. Vázquez Gómez E. and Cinelli C., Regional Strategies To Maritime Security. A Comparative Perspective, Valencia, Tirant Lo Blanch, 2014, pp. 101-132.

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