

Human Rights and its Discontents

U.S. Policy Toward Egypt

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“There is a dividing line in our world...separating two visions of justice and the value of life... We believe in the values that uphold the dignity of life, tolerance, and freedom, and the right of conscience. And we know that this way of life is worth defending. There is no neutral ground...in the fight between civilization and terror, because there is no neutral ground between good and evil, freedom and slavery, and life and death.”

-President Bush, March 19, 2004

“I have a closed file, I but look at me, I am not dead. I am still alive, my family is alive, we need to eat, pay rent; my children need to go to school. I am still a human being.”

--Sudanese refugee in Cairo, 2008

Introduction

The United States, as the self-proclaimed beacon of democracy and the moral compass of the world, would presumably support only those countries that supported human rights. Given the disconnect between U.S. foreign policy rhetoric and practice, however, this is not the case; rather than condemn those states who do not uphold the principles of human rights, it is often these countries with whom the U.S. has the strongest relationship. One strong example of this disconnect is the United States' relationship with Egypt, a country that consistently infringes upon the rights of those living within its borders. To understand this disconnect, three questions must be asked: what is the U.S. rhetoric with regard to the role given to human rights in the formation of foreign policy and particularly the supply of foreign assistance, what is the actual practice, and where is there space for change. Given the strong history of the United States in world affairs following its entrance onto the world stage after World War II, the evidence certainly exists to understand all of the above questions.

The attacks of September 11, 2001 are the formative experience shaping current U.S. foreign policy. As Lorne W. Craner, then assistant secretary for the Bureau of Democracy Human Rights, and Labor stated in October 2001, “maintaining the focus on human rights and democracy worldwide is an integral part of our response to the attack and is even more essential today than before September 11th” (Mertus, p.60). In order to understand how the United States has reached the point it has in its foreign policy-making following the attacks of September 11, 2001, one must understand the history of this process. One major aspect of U.S. foreign policy-making, foreign assistance, is an illustration of the change that occurred after September 11, 2001. As Bruce Riddell illustrates in *Does Foreign Aid Really Work?*

The very process of giving aid sets up perverse incentives which undermine or, at the extreme, completely eclipse the intended beneficial outcomes. Government aid has also long been criticized because of the way that decisions about who to give it to, and for how long, have been influenced by the political, strategic and commercial interests of the donors, rather than being driven and shaped by the...needs of the recipients. Riddell, p. 2

The U.S. did not become a significant force in foreign assistance until following the end of World War II, as isolationism was prevalent and the Great Depression prevented the majority of non-domestic action that was not aimed at alleviating the problems caused by the Depression. President Truman’s Point Four program, of which the fourth point, “a bold new program for the improvement and growth of the world’s underdeveloped areas” was meant to be “something fresh and provocative that would make people think” (Butterfield, p.2), and signaled the U.S. creation of its foreign aid program in 1949. Since that time, foreign aid has been a highly politicized aspect of U.S. foreign policy, given the possible uses of such assistance, and it has been a tool that many administrations have sought to adjust in an attempt to align foreign aid goals with the goals of their particular administration.

The history of U.S. foreign assistance has seen many relationships forged that would likely have not otherwise come into existence if U.S. assistance were not at stake. As such, it becomes clear as to how this foreign aid has become such a tenet of foreign policy formation. It is not rare for the U.S. to withhold aid to states it considers unacceptable for whatever reason, such as Cuba, Iran, and Venezuela, among others. Many states are the recipients of U.S. foreign assistance due largely to their use in either promoting or protecting U.S. national interests. Multiple examples exist throughout the greater Middle East: Saudi Arabia's ability to guarantee access to oil, Israel as an important harbor for the U.S. military working in the region, and Egypt as an important access point to global trade routes. These relationships are almost wholly strategic in nature, and the U.S. explains support for these states in a post-9/11 context by pointing to their importance in waging the war on terror.

The United States, as the preeminent world power following World War II, was a key figure in the drafting of the Universal Declaration of Human Rights (UDHR) in 1948, which declared the creation of a "common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society...shall strive... to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance" (UDHR). That being said, it would seem reasonable to expect that the U.S. would not deviate from the principles laid out in the declaration—as well as those laid out in multiple domestic policies—for the sake of pursuing strategic relationships. In fact, the U.S. continues to claim its adherence to the principles of the UDHR and the basic tenets of human rights. The evidence, such as Catherine Powell's statement that U.S. "isolationist and unilateralist tendencies...have been particularly pronounced in the area of human rights, where resistance to international law has been opportunistically framed as

a way of protecting ‘states rights’ against the federal treaty power” (Schulz, p.104), sharply contradicts this rhetoric.

The Arab Republic of Egypt, which is simultaneously the recipient of one of the largest U.S. foreign aid packages and one of the least free countries in the world (Freedom House, p.20), is a prime example of the contradiction between U.S. rhetoric and U.S. practice regarding foreign policy and foreign aid in particular. The regime of President Hosni Mubarak marks a continuation of the Egyptian state’s harsh practices (International Crisis Group); since 9/11 and the Bush administration’s decision that Egypt was another country that was on the frontline of the war on terror. The regime has also been the recipient of the second largest foreign aid package given by the U.S. to any country (Israel receives the largest amount of aid, with approximately \$3 billion per year, with Egypt receiving approximately \$2 billion per year). Although what is referred to as the “still-evolving U.S.-Egypt partnership” (Sullivan, p. 403) has been quite dynamic throughout its existence, the factor that has been a constant has been the regime’s continued violation of human rights. Many examples exist to prove this statement: the arrest of human rights activist Saad Eddin Ibrahim, the repeated clampdowns on members of opposition parties, particularly the Muslim Brotherhood, the continuation of emergency rule, rampant corruption among government officials and police officers, and the treatment of black African—most frequently Sudanese—refugees. While all of these examples are important, the treatment of Sudanese refugees receives very little attention with regard to its relationship with U.S. foreign aid to Egypt.

In an effort to understand the broad issue of the United States’ approach to human rights, one must first examine the U.S. rhetoric with regard to the role of human rights in foreign policy and aid decision making. Second, an understanding of U.S. foreign policy and foreign aid

practices must be reached. Using Egypt as a case study and the rarely examined experience of Sudanese refugees in Egypt more specifically, an explanation will be given of the ways in which these policies are manifested in a post-9/11 context. Finally, the context given will be used to understand the effects of these policies, and what sort of change, if any, can be made in order to rectify the current situation.

U.S. Human Rights and Foreign Aid Rhetoric

From the promotion of democracy abroad to the use of forces in peacekeeping operations and everything in between, the United States has established itself as an important force in the international effort to protect human rights. This fact also makes the United States a shining example of the age-old adage “the hand that giveth, taketh away”. That is because while speaking of the need to ensure all the peoples of the world are able to live a life of peace and exercise their right to “life, liberty, and the pursuit of happiness” (UDHR, Article III), the U.S. also engages in policies that are in sharp contradiction to these lofty goals. As former President Clinton once stated, “The U.S. should always seek an opportunity to stand up against—at least speak out against inhumanity” (Mertus, p. 52). This statement is in itself indicative of the utility of rhetoric in the formation of policy, as it illustrates an intrinsic aspect of government responses to inhumanity: settling for words when action cannot or will not be taken.

The change that occurred following September 11, 2001 was not minor by any means as far as U.S. human rights rhetoric was concerned. President Bush, a president already highly attached to an idealism deeply rooted in his religious beliefs, adapted his administration to a world in which the United States, having become a victim of the inhumanity to which it was so opposed, was in an ideal position to show the world that the values of the U.S. would prevail in face of opposition. As President Bush stated during his address in 2004 initiating Human Rights

Day, “Freedom and dignity are God's gift to each man and woman in the world... We encourage all nations to continue working towards freedom, peace, and security, which can be achieved only through democracy, respect for human rights, and the rule of law” (December 10, 2004). The President at this point vocalized the goals and interests of the U.S. in protecting human rights around the world.

The problem that exists with rhetoric, however, is that it does not always translate into practice, as can be seen by a closer examination of what is expressed in U.S. government speeches such as that quoted above. There is an element of doublespeak embedded in much of U.S. foreign policy rhetoric, allowing the U.S. the space to exercise the policies of its choosing without actually contradicting its professed beliefs. For example, the U.S. can, as President Bush stated in 2004, “encourage” the nations of the world to work towards “freedom, peace, and security” without taking an active role in the pursuit of these goals. Through such statements the United States is able to maintain a rhetorical position as a stalwart supporter of human rights. President Bush said that “America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world” in his address to the nation on September 11, 2001. What he did not state was that the change that would occur in U.S. foreign policy making and the approach to human rights from that point on would create a wider disconnect between word and deed.

The issue of the United States' approach to human rights has frequently been discussed by scholars, government actors, and other practitioners. As many believe the promotion of human rights to be an integral aspect of “the American sense of mission, the self-perception of our country as a society whose values have universal resonance, whose greatness lies...in the freedoms and liberties that inspire people around the world” (Liang-Fenton, p. xiv), it is clear

that regardless of government attempts to change this fact, the U.S. is going to play a pivotal role in the state of human rights around the world. How, then, have scholars, practitioners, and policymakers addressed this subject?

Andrew Moravcsik explains in “The Paradox of U.S. Human Rights Policy” that American “exceptionalism” has become a pervasive aspect of international human rights policy. Moravcsik writes of the paradox that exists in the U.S. hesitation to formally accept and enforce international human rights norms by stating that

The paradox lies in the curious tension between the consistent rejection of the application of international norms, on the one hand, and the venerable U.S. tradition of support for human rights, in the form of... unilateral action to promote civil and political rights abroad. (Ignatieff, p. 147)

He then goes on to write that this paradox can be understood through the rights culture of the U.S. that procedurally renders international norms “intrinsically unattractive to Americans” (Moravcsik, p. 149). While Moravcsik acknowledges that most of the literature adheres to this explanation, an alternative is attributed to the “calculation of American politicians about the domestic consequences of adherence to international norms, which in turn reflects the distinctive constellation of perceived interests and political institutions” (Moravcsik, p. 150). The two explanations, which are bound together by the unwillingness of the U.S.—typical citizens and politicians alike—to be constrained by international norms, address a trend that is common in understandings of U.S. human rights rhetoric.

“The George W. Bush Administrations have applied human rights selectively in foreign policy, thereby contradicting the necessary conditions for human rights defined in terms of universal and impartial application” (Hancock, p. 53). The words of Jan Hancock present an almost unanimous sentiment felt by the domestic and international community regarding President Bush’s approach to human rights. Hancock explains that rather than confront the

disconnect between rhetoric and practice, Bush reclassifies “human rights violations as counter terrorism, cultural diversity, necessary acts of self-defense, unproved allegations, tragic mistakes or as regrettable exceptions to an otherwise improving trend” (Hancock, p. 53). This sentiment can be seen in the criticism by Margaret Huang, who states that with regard to United States policy toward China, “U.S. policy initiatives to promote human rights in the PRC have not matched the intensity of the rhetoric” (Huang, p. 2).

The United States’ approach to human rights through its rhetoric alone leads one to see the U.S. as a wholly benevolent actor, selflessly acting to protect those who cannot protect themselves. Secretary of State Condoleezza Rice, when addressing the U.S. position on Egypt, exposed the inconsistencies that exist between word and deed in U.S. foreign policy:

The United States has not stopped speaking out about these issues. And we've certainly not stopped talking to the Egyptian Government about them. I think, in every discussion that I have with the Egyptians, this takes a significant portion of our time. --May 12, 2008

The statement illustrates exactly what is lacking in United States foreign policy rhetoric: the use of rhetoric as an explanation of correlated actions. Secretary Rice describes the time invested in “talking” to the Egyptians, without recognition of the ineffectiveness of talking if there is not the plan to take action. The possibility for the United States to continue to be viewed as the moral compass of the world is diminished by inaction, and U.S. foreign policy rhetoric suggests exactly this: a strong ability to state the commitment of the U.S. to the promotion and protection of human rights while undertaking extremely limited actions to achieve this end.

The rhetoric of the United States with regard to foreign aid is an issue unto itself, given the particularly political nature of aid allocation and distribution. Many institutions within the government are contributors to U.S. foreign aid allocations, including Congress, the State Department, the U.S. Agency for International Development (USAID), and even the President.

This does not take into account those institutions that operate outside of the U.S. government that contribute funding to U.S. foreign assistance, such as the Gates Foundation, Catholic Charities, and countless other contractors, NGOs, and private voluntary organizations. Official development assistance (ODA) is one of the most politicized facets of U.S. foreign policy, and there has been vast information made available as to the stated priorities of the U.S. in giving aid.

Carol Lancaster of the Center for Global Development is one of the primary figures in the discourse available regarding U.S. foreign assistance. Lancaster, who describes soft power as “intangible qualities such as reputation, trust, the admiration of other peoples, cultural attractiveness”, writes that “U.S. aid that benefits others abroad...is an important element of soft power” (Lancaster, 2007, p. 95). The analysis given of the role of foreign aid in the exercise of soft power points to an important issue in the U.S. exercise of its soft power: if aid is not administered in such a way as to promote qualities such as trust in U.S. motivations, it will be increasingly difficult for the U.S. to maintain its soft power influence, leading it to either the more frequent exercise of hard power or the loss of power altogether.

The notion that the United States uses its allocation of foreign assistance for political ends seems obvious, as that is exactly the use of foreign assistance in other donor nations. The difference that exists between the U.S. and these other nations, however, is the U.S.’ view of its political ends is far more convoluted than that of other nations, particularly in a post-9/11 context. The United States following 9/11 continues to frame its foreign policy in human rights rhetoric, and foreign assistance as a means to this end, but there are now different factors contributing to the equation. In order to continue along its mantra as a beacon of democracy and the moral compass of the world, the U.S. must now align those goals with its goals in waging the war on terror in which it is currently entrenched (Brzezinski, *Second Chance*, p.176). The goals

of this current long war are vastly different from simply “promoting human rights”, as they involve supporting states that are seen as allies in the war, and providing more funding to states from which terror is seen as being a greater threat while giving less to those states that are not seen as terror threats, among other dilemmas.

U.S. Rhetoric Regarding Egypt

The most significant adjustment in the allocation of foreign aid since 9/11 has arguably been throughout the continent of Africa, which has been a main target of U.S. development assistance for decades. As Michael Williams writes

The Bush administration has adopted numerous policies that are meant to help African governments fight terrorism. These policies are the product of both old and new concerns and are meant to help Africans develop stronger democracies, more stable state institutions, and greater economic growth. —Williams, p. 1

Williams recognizes that there is disconnect between the rhetoric of the Bush administration and the practice with regard to the allocation of foreign aid to Africa in particular. Williams uses three measurements, including the administration’s protection of African refugees and the provision of economic and military assistance as well as the implementation of anti-terrorism legislation in African countries as a means of understanding the Administration’s *actual commitment* to Africa. The goal of the examination, to find the provision of aid continuing despite a particular state’s implementation of U.S.-designed anti-terror legislation, illustrates an understanding that what the U.S. says and what it does are quite different.

There is no debating the fact that “terrorism has become a real danger to global security” (*Reality of Aid*, p. 114). The way in which specific countries are managing this threat is debatable, however, particularly with regard to the war on terror and its relationship with the allocation of foreign aid. As President Bush stated in his 2005 inaugural address, “In a world

moving toward liberty, we are determined to show the meaning and promise of liberty.” In the same address, President Bush also stated that “the survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world”. This statement is indicative of the administration’s increased focus on expanding freedom for the sake of promoting U.S. interests and protecting them against the threat of terrorism.

Denis Sullivan, an important scholar with regard to United States policy toward Egypt, is among those who would argue that in fact these policies are aligned with the U.S. notion of human rights and democracy. Through his analysis of the United States’ historic relationship with Egypt, Sullivan suggests that rather than being a contradiction in U.S. policy, the relationship is in fact an accurate reflection of U.S. policy and our notion of human rights and democracy; Sullivan therefore argues that the U.S.’s view of these two ideas is in fact where the flaw lies. The focus of Sullivan’s argument is that the United States’ view of human rights and democracy tends to be limited when strategic allies such as Egypt are concerned, and instead these soft goals are abandoned for the sake of security, in this case counterterrorism, which “was a fundamental U.S. objective long before September 11, 2001” (Sullivan, p. 408). Pointing out that the State Department “massages” its reports on human rights in Egypt for the sake of maintaining a strong bilateral relationship, Sullivan maintains that the U.S. is able to justify this action because of sovereignty concerns, or the unwillingness of the U.S. to force its views of human rights and democracy on such an important ally. What Sullivan does not do, however, is allow for the possibility that U.S. policy toward Egypt, given its security goals, is a necessary evil.

Tamir Moustafa is another scholar whose argument revolves around the notion that it is in fact the U.S. notion of human rights and democracy that is flawed. Moustafa explains U.S. policy from the Egyptian perspective, and relates events in Egypt to its relationship with powerful nations such as the United States and the countries of Western Europe. While Moustafa's analysis focuses primarily on the relationship of the Egyptian human rights movement with the Egyptian judicial system, he is able to explain that the ramifications of the policies of the Egyptian government are made more troublesome given the inaction of the United States in strengthening this human rights movement. Using a similar logic as Sullivan, Moustafa illustrates the willingness of the U.S. to turn a blind eye to the human rights violations of its strategic ally. In 1995, for example, not a word was uttered in public by members of the U.S. government when human rights organizations in Egypt reported that the country's elections of that year were in fact the worst elections in Egyptian history (Chase and Hamzawy, p. 156). Moustafa, like Sullivan, eliminates the agency of the U.S. public in these actions, not taking into account the fact that policy makers in the U.S. are part of the broader U.S. public and that it is in fact the United States' identity that lends itself to the creation of its policies.

The clearest illustration of the United States' misconceptions of human rights and democracy is given by former Ambassador to Egypt, Francis Ricciardone. In an interview with the ambassador, he explained that the United States efforts to promote human rights and democracy in Egypt should only go as far as the Egyptian government is willing to accept. In a relationship that is "indirect and complicated", Ricciardone explained, it is simply a non-starter to approach the Egyptian state with the explanation that the U.S. can persuade them "to do what fundamentally it does not want to do". Because the Egyptians have held fast to the peace agreement made with Israel, they have been a fundamental ally in the war on terror, and "have

been a reliable friend to the U.S.”, Ricciardone explains that it would be counter-productive for the United States to press Egypt to adjust its approach to human rights and to hasten its pace toward democratization. As a key member of U.S. policy formation toward Egypt, Ricciardone is a reflection of the U.S. notion of human rights and democracy, and a useful tool for understanding the mindset of those who view these concepts as secondary to national security goals.

Carol Lancaster points out that “diplomatic purposes of aid have undoubtedly had a boost from the terrorist attack of 9/11” (Lancaster, *Foreign Aid*, p. 7). These diplomatic purposes have undoubtedly been illustrated by the U.S. rhetoric regarding foreign aid since 2001. With an increased focus on promoting liberty and freedom in tyrannical, unjust states, one must see foreign aid no longer as a means of simply promoting U.S. interests abroad, but of protecting that which the people of the U.S. hold most dear: liberty and freedom. It is important to keep in mind, however, that the hand that giveth, taketh away.

U.S. Human Rights and Foreign Aid Practice

The practice of honoring human rights in United States foreign policy, and particularly in the provision of foreign assistance, has always been difficult, and has been rendered exceedingly difficult following the attacks of 9/11. From the inception of the Universal Declaration of Human Rights in 1948 many declarations have followed regarding the rights of particular individuals, including women, children, and disabled, and particular facets of human rights including civil and political rights, economic, social and cultural rights, and multiple conventions such as those against torture and against genocide. The United States, in its efforts to maintain its sovereignty and to express its disdain for international monitoring and international institutions, has been hesitant at best to ratify these documents. The effects of such refusal as

well as general American “exceptionalism” (Morvacsik, p. 148) have become quite visible in U.S. foreign policy practices. The difference between U.S. rhetoric and practice is vast, as evidenced by current world opinion toward the U.S. and by the visibility of the problematic relationship the country has with states that are not attempting to advance democracy or promote the freedoms for which the United States professes it will fight.

The Exception Proves the Rule: U.S. Policy toward Egypt

The evolution of the United States’ relationship with Egypt has been consistently inconsistent, with security and human rights playing various roles throughout this evolution. With the successful outcome of the Camp David Accords “Sadat’s primary objective was not to reach a peace with Israel as much as it was to achieve a partnership with the United States, which could...deliver much-needed military and development assistance” (Sullivan, p. 401). From that point forward the U.S. commitment to Egypt was solidified, making Egypt the recipient of the second-largest consistent (since 2003, Iraq has also received a high amount of foreign aid to be used in reconstruction efforts) U.S. foreign aid package in the world; Israel, the recipient of the largest U.S. foreign aid package, receives approximately \$3 billion per year, while Egypt receives approximately \$2 billion in the same period. Camp David also gave Egypt more than Sadat’s desired military and development assistance, for it also gave the country strong U.S. diplomatic support. Given the country’s new peace with Israel in a region in which such a peace was considered a betrayal of the Arab and even Muslim world, this diplomatic support provides Egypt with much-needed peace of mind.

The United States has quite a unique relationship with Egypt, and this relationship has evolved since the conclusion of the Camp David Peace Accords in 1978. The decision of Egyptian President Anwar Sadat to accept a policy of non-aggression toward Israel in a

transparent attempt to win U.S. favor isolated Egypt within the Arab world and the Middle East as a whole, but allowed Egypt to receive much-needed economic and military assistance. Denis Sullivan writes that

Egypt values its relationship with the United States for its own various (and obvious) reasons—all of which can be boiled down to U.S. support for Egypt’s military and thus for its political regime, and U.S. support, in the form of both aid and trade, for Egypt’s economy. --Liang-Fenton, p. 402

It is in this statement that one can truly understand the nature of the U.S.-Egypt relationship: Egypt, in tolerating a tacit peace with Israel, receives not only economic and military assistance, but also is able to receive legitimacy because the U.S. is supporting the political regime, while the U.S. gains one strategic ally in a region of strategic value for a variety of reasons.

The belief that the relationship between the U.S. and Egypt is unequal is quite true. The U.S. government’s support of the Egyptian regime is very significant given the fact that the U.S. is the world’s sole superpower and exerts a large amount of influence in international affairs. In exchange for this legitimacy, as well as billions of dollars of aid, Egypt maintains a tacit peace with Israel at a time when this has become quite common, and provides the U.S. with support for its war on terror in a region where the majority of significant powers at least rhetorically support the same war. Denis Sullivan in fact sites just three reasons behind the U.S. value of its relationship with Egypt: Egypt’s geopolitical ability to protect the security of oil supplies to the U.S., its utility in securing “Palestinian-Israeli coexistence”, and its overall centrality to “U.S. interests in the Arab-Israeli conflict, the Persian Gulf, and the region in general” (Liang-Fenton, p. 402).

The United States uses its relationship to strengthen civil society and promote democracy in Egypt, as Imco Brouwer argues. Brouwer explains that while “Egypt has a vibrant civil

society...Egypt today is governed by a more authoritarian regime than in the mid-1980s” (Carothers & Ottaway, p. 23). Many experts believe that Egypt is steadily moving toward failed state status, given its struggling economy and rapidly declining tendencies toward democracy. Harsh critics have stated that at least part of the blame for this decline lies in the decline of the efficacy of U.S. influence; despite the best efforts of the U.S. to the contrary, the support of the U.S. is simply not enough to allow for a successful state apparatus according to international standards (Brzezinski, *The Choice*, p.4). One factor that has given the U.S. pause has been the role played by Egypt’s Islamic identity: the U.S. has been quite hesitant to support groups associate with the Muslim Brotherhood despite the fact that “the Muslim Brotherhood is the major social organization with a large membership and a strong potential for political mobilization and representation” (Carothers & Ottaway, p. 26).

The effect of the 1978 U.S. accord with Egypt was swift: “by 1981 Egypt was increasingly dependent on the United States for military and foreign policy support” (Banks, et. al, p. 122). While dependency on the U.S. was developing in Egypt’s foreign policy spectrum, domestically the regime of President Sadat felt as insecure as ever; “in early September, the government imprisoned more than a thousand opposition leaders, ranging from Islamic fundamentalists to journalists and Nasserites” (Banks, et. al, p. 122). Since President Hosni Mubarak assumed power on October 13, 1981, these arbitrary imprisonments have been among countless human rights abuses undertaken by the regime. The regime of Hosni Mubarak has made many attempts to “thwart political opposition” (Sullivan, p. 404), including the repeated jailing of dissidents, the continuation of emergency rule, and clampdowns on the media throughout Egypt. President Mubarak has periodically acted to ensure at least minimal domestic support, such as through his quick response in August 1990 to Iraq’s invasion of Kuwait. It is

actions such as this that allow him the space to operate as a slight step away from leaders such as those of the Revolutionary regime in Iran.

One example of Mubarak's authoritarian rule as a violation of the principles of human rights is the constant state of emergency rule that has been in place since he assumed power in 1981; this emergency rule is renewed every three years through significant pressure by Mubarak and his ruling party, the National Democratic Party (NDP). The most frequent justification for the continuation of emergency rule has been the claim that fundamentalist militants are working to subvert the regime and the state apparatus itself. As a response to the renewal of emergency rule in 1991,

International human rights organizations charged that the administration was continuing to torture and otherwise abuse its opponents, particularly the fundamentalists, with whom a state of "all-out war" was said to exist by 1992. --Banks, et. al p. 123

Prominent human rights activist and founder of the Ibn Khaldun Center for Development Studies Saad Eddin Ibrahim, himself arrested by the Mubarak regime in 2000, has been quite outspoken in his efforts to end the emergency rule of Egypt. In a controversial article in *The Washington Post*, meant to urge the United States to make an improved human rights record a condition of Egypt's continued receipt of foreign assistance, Ibrahim is quoted saying "I am pushing for conditionality, and I would like the democracy and freedom agenda to be a bipartisan one", and "the first condition Ibrahim asked for was the elimination of emergency rule" (Boustany, 23 September 2008).

The persistence of emergency rule as an issue in Egypt's human rights struggle is but one among many. The inability of any detractors of the regime to function freely, be they journalists, politicians, academics, or others, is another significant issue, and is one in which the United States has played a more vocal role. The arrest in 2000 of Saad Eddin Ibrahim is perhaps the

most prominent example of Egypt's unwillingness to allow opposition to the regime. Ibrahim was arrested (initially without charges) along with several colleagues and charged with jeopardizing his "country's stability and sow[ing] the seeds of disunity", later changed to "defaming Egypt's image" (Liang-Fenton, p.410). The response of the Bush administration to Ibrahim's arrest and subsequent 2002 conviction was to threaten to withhold a "potential additional \$38 million in aid in the coming year" (Liang-Fenton, p.411); this threat was among many U.S. actions in protest of Ibrahim's arrest and conviction. The important aspect of Bush's statement to note is similar to other administration actions regarding Egypt's human rights: Bush only threatened to withhold additional aid, there was no threat to make the provision of Egypt's preexisting aid package conditional upon the status of Dr. Ibrahim. One quote by a State Department official is indicative not only of the U.S. approach to Dr. Ibrahim's case, but in fact an overall approach to the rights of those who are not U.S. citizens:

I still don't understand the logic of this case—why the GOE (Government of Egypt) undertook to stop Ibrahim and his group. Perhaps they had reasons; perhaps good reasons; or perhaps no legitimate concerns at all—other than he is an annoyance to the government. Regardless, we are concerned about this. *He is a U.S. citizen after all.* (emphasis added) --Liang-Fenton, p.412

The State Department official's understanding of the incident is linked to Moravcsik's description of American exceptionalism with regard to foreign policy in that the United States is more willing to stand up for the human rights of its citizens than place an expectation of equal protection of non-U.S. citizens.

Another instance of the Egyptian government's intolerance of dissent is the struggle of the Muslim Brotherhood, which is the most popular civil society organization in Egypt. Given the Mubarak regime's fear of creeping Islamism, the Brotherhood has consistently fallen prey to the regime's repressive tendencies. A prime example of the Brotherhood's struggle is the 2005

presidential election, which was praised by the U.S. government as being an example of progress toward stronger democracy:

Brotherhood gains in the relatively open first round were a shock to many in the ruling party; over the next two rounds, reports documented the return of old tactics such as voter intimidation and violence, ferrying government employees to boost votes for the ruling party, and the shutting down of polling stations. Lesch, p.490

The Muslim Brotherhood, seen as “the mother of all Islamist movements”, has struggled with this repression since its founding, but none has been greater than during the Mubarak regime (Lesch, p. 504). While the focus of the Brotherhood is on “the development of a new Muslim human being brought about through moral and spiritual rearmament, a new society actualized through economic development and social justice” (Lesch, p. 505), this Islamic organization is viewed as a threat to peace and stability in Egypt.

Case Study: Sudanese Refugees

A situation in Egypt that goes almost unnoticed by the international community is the high refugee population within Egypt’s borders; Egypt hosts the fifth-largest urban refugee population in the world, primarily in Cairo and Alexandria (AMERA). These refugees seek the relative stability of Egypt as compared to the feeling of danger within their own country; among Egypt’s refugee population are Iraqi, Palestinian, Lebanese, Iranian, Eritrean, Somalian, Chadian, and Sudanese nationals, among others. Unofficial estimates place the refugee population of Cairo alone above 300,000 people, with the majority of this population residing in ethnic communities in low-income neighborhoods (AMERA). Among Cairo’s refugee population, the black Africans are the most likely to receive discriminatory treatment. As the Sudanese refugee communities like those in Ain Shams, one of the most impoverished neighborhoods of Cairo, are some of the most longstanding (the war in southern Sudan which

lasted continuously from 1983-2005 sparked the first influx of Sudanese, while the conflict in Darfur, which has been ongoing since 2003 has brought a second influx), this discriminatory treatment has become the source of protest for many human rights advocates, both domestic and international. The situation of these refugees is not, however, an object of great U.S. concern, despite its professed concern for the status of refugees worldwide and its position on the ongoing crisis in Sudan. As such, it is this discriminatory treatment that is quite illustrative of the unwillingness of the Egyptian government to support human rights as well as the doublespeak of the U.S. government with regard to this issue.

As a country that is considered the root of modern civilization, many Egyptians continue to view their Arab roots as superior to those who may be of black African descent. The result has been extremely detrimental to those refugees living in Egypt who are of black African origins, including most of Cairo's Sudanese population (some among this population are ethnic Arabs). A 2003 estimate by the United Nations High Commission for Refugees (UNHCR) places Sudanese refugees as the largest group of refugees in Egypt, with 13,284 recognized by the UNHCR and countless more living unrecognized. Of these, the vast majority are from southern Sudan (61% in 2001), meaning they are of black African origins (El Abed, p.14). A second issue between Egyptians and Sudanese is that the majority of the Sudanese living in Egypt—especially in Cairo—are Christian, not Muslim. In a nation that is majority Muslim, this issue also causes feelings of animosity and superiority in native Egyptians.

The Sudanese refugees in Cairo are an example of a refugee population that is not able to assimilate into its host society, instead being marginalized by that society. Katarzyna Grabska explains that this marginalization is a three-way dynamic:

- 1) being marginalized legally in terms of access to rights and services by the host government and the singling out of refugees

by organizations providing assistance; 2) being discriminated against by the host society; and 3) excluding oneself from the host society. -- Grabska, p. 290

The marginalization of Sudanese in Egypt is visible throughout the city of Cairo. Many refugees have even expressed a desire to return to Sudan, regardless of the danger. The situation of these refugees is made more problematic in Egypt than elsewhere, as Egypt is a “founding signatory to both the 1951 [Refugee] Convention and the OAU Refugee Convention” (Grabska, p.292). The obligations under these conventions demand a treatment of refugees within Egypt’s borders that is not typically granted. The problem in these agreements is that the Egyptian government has been unwilling to create legislation that would result in their implementation and subsequent enforcement. The result has been that the UNHCR, with a prominent office in Cairo, has assumed responsibility for the protection of these refugees; the UNHCR has extremely limited resources given the growing number of people claiming refugee status, and is therefore forced to be extremely selective in choosing those it will grant refugee status (UNHCR website).

The three types of marginalization addressed by Grabska certainly occur with regard to the population of Sudanese in Cairo. On the first level, there is little legislation in existence meant to afford basic rights to Sudanese in Egypt that has actually been implemented. Aside from the aforementioned agreements, a true case in point has been the Four Freedoms Agreement signed by President Mubarak and President Omar Hassan al-Bashir of Sudan. This agreement “gives Egyptians and Sudanese freedom of movement, residence, work and ownership in either country” (Arabist), yet has not been implemented by either government. Concerns throughout the Egyptian population regarding the high rate of unemployment amongst Egyptian nationals have created a fear of employing non-nationals, such as the expanding refugee population. One of the many results of this fear has been felt particularly strongly

amongst the Sudanese population in Cairo: while prior to the spike in unemployment obtaining a job was difficult, the current protectionist measures undertaken by the Egyptian population make employment nearly impossible (Grabska, p. 292).

The second form of marginalization described by Grabska has an historic incident available to illustrate the strength of the discrimination against Sudanese in Cairo by the Egyptian population: the December 2005 protest at Mustafa Mahmoud Square Park, which is just outside of the Cairo offices of the UNHCR, by Sudanese refugees and the harsh response by the Egyptian authorities. The incident began as a protest by Cairo's Sudanese population of the UNHCR's "ongoing suspension of refugee status determination procedures as well as their conditions in Cairo, a situation they considered unbearable" (Azzam, p.5). The protest, which was a sit-in lasting approximately three months and involved an average of 2,000 people, reached a climax on December 30, 2005. It was at this point that thousands of Egyptian authorities responded to the protest, forcefully removing protesters and sending them to various holding centers in greater Cairo; 28 protesters died during this response, including women and children. The Egyptian authorities later released the card-holding refugees, but the status of others was not determined by the UNHCR and the Egyptian government until two months after the event, during which time the protesters remained in captivity.

One description of the events at Mustafa Mahmoud was given by a participant in an interview with the American University of Cairo's Forced Migration and Refugee Studies program:

In September I was beaten up by some Egyptians in Maadi who took all my documents. I tried to file a report at the police station, but they wouldn't let me. Finally after several tries they agreed and I got a police report. Then I went to take the police report to UNHCR so I could get a new yellow card. I went there eight times, but they refused to let me enter. One night [before the sit-in] I slept in Mustafa

Mahmoud Park so I could get there early, because I heard that they only let in a limited number of people a day. On that eighth day, I saw that there was a group of people in the park, including two women with their children. I asked them what they were doing there, and they told me they were protesting. I was already having problems with my flat, so that night I came back with my eight children and husband and mother, and went and joined the protest and stayed at the park. -- 28 January 2006

Many human rights organizations, such as the Egyptian Organization for Human Rights, Amnesty International, Human Rights Watch, and Refugees International, other international organizations such as the United Nations and the African Union, and the media were outspoken in their protest of the Egyptian response to what began as a peaceful protest. The Arabian Network for Human Rights Information went so far as to refer to the incident as “the criminal and crazy murder” of refugees (ANHRI, 30 December 2005). The Egyptian government, however, maintained that their response was justified, as the Sudanese involved in the protest were abusing Egyptian hospitality by drunkenly protesting their status in Egypt (Azzam, p. 6). While nonpartisan organizations worked to provide assistance to those Sudanese who were affected by the protest, the Egyptian government held fast to the claim that their response was necessary given the threat of danger posed by the protesters. Since the event, many Sudanese have experienced heightened distrust by Egyptians and other Arabs in Cairo. The rise in racial profiling has led to a higher arrest rate of Sudanese refugees, as well as more violent racial slurs and an overall increase in hostility. In speaking with many Sudanese living in Cairo about their living conditions, the overall opinion was that they would rather return to conflict-ridden Sudan than continue living in such a thoroughly hostile environment (Interview notes).

The third form of marginalization described by Grabska, that of excluding oneself from the host population, is extremely evident in the situation of Sudanese refugees in Cairo. Due to

the nature of the conflict in Sudan, refugees have been coming to Egypt, particularly Cairo, since roughly 1955 (Bronner, p.93). The Sudanese community in Cairo is thus well-established and has experienced many forms of discrimination by the Egyptian public, as has been previously addressed. The result has been the increased isolation of this community within particular neighborhoods, particularly Ain Shams, Heliopolis, and Maadi (the site of the Mustafa Mahmoud incident). In each of these neighborhoods the Sudanese community has created its own social and cultural system, allowing them to lead a life as close to their life in Sudan as possible.

One particularly strong example is the creation of Sudanese schools in Ain Shams, which is due partially to the assistance of the United Nations, Catholic Charities, and many other international organizations. These schools have increased in number and attendance following the Mustafa Mahmoud protest, and have also spread throughout Cairo. The goal of the schools is to provide Sudanese children with the opportunity to receive an education without being forced to endure the intense discrimination experienced by those black Africans who are able to attend an Egyptian school. The Sudanese Community Development Program (SCDP), an umbrella program that began with the assistance of donations from international religious organizations in 2004, is perhaps the largest school within the Sudanese community; its success encouraged the establishment of multiple schools throughout the city, many of whom also received assistance from international religious organizations. SCDP, like many of the other Sudanese schools in the city, not only offers primary education to minors, but also includes adult English and Arabic classes as well as technical education. While such an education has encouraged Sudanese to take an active role in their lives, it has also increased the degree of marginalization of this community due to its isolation.

Although the majority of refugees in Egypt are either Sudanese or Palestinian, “it would be inconceivable for Egypt to treat Palestinians as ‘ordinary’ asylum seekers requiring a status determination procedure, due to the official line of Arab solidarity with the Palestinian cause” (Grabska, p. 293). The result is preferential treatment of Palestinian refugees in Egypt relative to the vast Sudanese population. From the time of President Sadat’s agreement to the Camp David Peace Accords, the Egyptian government loosened its restrictions on Palestinians entering and residing in Egypt. Many Palestinians in Egypt are able to find gainful employment, receive an education through Egypt’s school system, and live a life significantly different from that of their black African counterparts.

The lives of Sudanese refugees in Egypt have become increasingly difficult following the events at Mustafa Mahmoud Square Park in December 2005. Many refugees have attempted—some successfully--to flee into neighboring Israel rather than remain in a country that so clearly views them as an undue burden. Since 2005, Israel has become the temporary home of approximately 1,200 Sudanese refugees, and as such is being forced to create legislation regarding this growing population (Economist). “Egyptian troops shoot and beat to death refugees trying to cross into Israel”, as reported by Israeli soldiers, fleeing refugees, and independent monitors (Economist). Sudanese refugees have not given up: reports of free Nike shoes, clothing, and shelter available in Israel (through donations from religious organizations and independent donors) sharply contrast the harsh conditions of their lives in Egypt (Interview, 2008).

The extremely difficult condition faced by Sudanese refugees residing in Cairo is a strong illustration of Egypt’s unwillingness to adhere to international human rights standards. The protracted conflict in Sudan, be it in southern Sudan or Darfur, has caused a steady flow of

Sudanese refugees into Egypt, a country that is already faced with significant domestic issues. The issues facing this population have been compounded due to the UNHCR's conclusion that the conflict in southern Sudan is no longer serious enough to warrant continuing to grant refugee status to those from this region. As the UNHCR's report on Southern Sudan states,

The signing of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) on 9 January 2005 ended more than two decades of conflict in Southern Sudan and raised hopes for the economic and social recovery of the country. Despite delays in the implementation of key aspects of the CPA, the outlook today remains optimistic. --UNHCR, Global Report 2006

The delays in implementation, however, include continued land conflicts that have made a return home for the Sudanese from this region as great of a risk as it would have been prior to the CPA. The Egyptian government has responded to the UNHCR's conclusions, however, by strongly encouraging Sudanese to return home, resulting in heightened discriminatory practices despite guarantees to the international community to the contrary.

Can Change Occur? A Way Forward

The United States continues to portray itself as a beacon of democracy and the moral compass of the world, despite practices that sharply contradict this rhetoric. The special relationship the U.S. maintains with Egypt is one example of an unwillingness to confront the degree of separation between rhetoric and practice, despite criticism from many human rights organizations and nonpartisan groups. As of 2009, Egypt is budgeted to receive approximately \$1.2 billion in military assistance, as well as an additional \$300 million in economic assistance (CRS Report for Congress, 2008). This aid is allocated despite acknowledged criticism from the media and Congress itself, with many arguing that Egypt must improve its human rights record in order to continue to receive such a large aid package. Former U.S. Ambassador to Egypt

Francis Ricciardone, like many in the executive branch of the U.S. government, has argued that aid conditionality is not a useful diplomatic tool, especially with regard to Egypt. Ricciardone argues that such efforts would be “like a parent dealing with teenagers- the result would be nothing more than built-up resentment”, and that the U.S. relationship with Egypt is far too “indirect and complicated...to get the Egyptian state to do what fundamentally it doesn’t want to do”(Ricciardone interview, October 2008).

Egypt, whose “political system has developed some aspects of a democracy, though most observers continue to describe Egypt as an authoritarian regime” (CRS Report, 2008), has been consistently supported by the United States since 1979, and as such constitutes one of the lengthiest contradictions of U.S. human rights policy. The voices who have spoken for a change in this policy have been overridden, most visibly in the 2007 debate regarding House Resolution 2764 which “proposed to withhold \$200 million in Foreign Military Financing assistance (FMF) to Egypt until the Secretary of State certifies that Egypt has taken concrete steps toward improving its human rights record, strengthening judicial independence, and curbing Palestinian smuggling along the Gaza border” (CRS Report, 2008). This resolution passed a vote in Congress, but was subsequently waived by the administration, which cited national security concerns as rationale for the waiving of this provision.

Many scholars have cited the post-9/11 “partial subordination of human rights to antiterrorism” (Donnelly, p. 116). This practice is a blatant contradiction of repeated attempts by the United States to claim a role as a standard-setter with regard to human rights. President Bush stated in 2004 that the people of the United States “believe in the values that uphold the dignity of life, tolerance, and freedom, and the right of conscience”. With the incoming administration of President Barack Obama, there is a strong sentiment that the new leadership of the U.S. will

be move away from the approach to human rights taken by previous administrations. Human rights organizations and activists around the world, including Amnesty International, Human Rights Watch, the Unrepresented Peoples and Nations Organization, and Refugees International, as well as activists such as Jimmy Carter and Saad Eddin Ibrahim have been forceful in expressing the need for the United States to assume a more sound approach to foreign policy. One strong example of the demand for a renewed approach to human rights came from the Carter Center after a conference in December 2008:

In our efforts to defend ourselves against terror, the United States has abandoned the human rights principles it has long championed. We must renew our national commitment to human rights and encourage the international community to support the work of human rights defenders worldwide, whose efforts have been undermined by the U.S. example in recent years. Jimmy Carter, 3 December 2008

The history of human rights in the United States, particularly its recent history, has been quite tumultuous; the U.S. approach to Egypt is one example among many that prove the gap between rhetoric and policy. While the conference through the Carter Center called explicitly for a change in the U.S. relationship to Egypt and stated “accountability must replace impunity among governments worldwide, and the United States must work towards this end; it can no longer support violators of human rights” (Carter Center), President Obama’s administration must provide a definitive approach to this complex relationship. President Obama has thus far explained the need to redefine the U.S. approach to human rights within a national security frame with his administration arguing that this transformation must take place if the U.S. is to “confront the common challenges of the 21st century” (www.whitehouse.gov). The recognition that a sound human rights policy is more than a humanitarian concern but also a security concern is essential at a time when the U.S. views the world through a national security—or insecurity—lens.

The “‘war on terrorism’....has generally reduced international attention to human rights” (Donnelly, p. 16). The United States is no exception to this statement, as illustrated by the willingness of the U.S. government to maintain strong relationships with known human rights abusers such as Egypt, Saudi Arabia, Israel, and China, among others. While Mertus argues that “as long as there is space for the interest in American exceptionalism to trump human rights, it will continue to do so” (Mertus, p. 233), there exists the distinct possibility that the Obama Administration will confront this issue of exceptionalism as a means of restoring “America’s security and standing in the world” (www.whitehouse.gov). There is a danger, however, that addressing the disconnect between U.S. human rights rhetoric and policy from a utilitarian standpoint—improving national security—will allow for the unquestioning maintenance of relationships with countries viewed as vital to maintaining national security interests.

In a world defined by how much national insecurity a state is willing to accept, there must be a stronger connection between thought and deed, or rhetoric and practice. To continue to allow such policies as exist in the U.S.-Egypt relationship, particularly its treatment of Sudanese refugees, would allow the U.S. to be open to greater insecurity as the international community ceases to accept the U.S. as a beacon of democracy and the world’s moral compass. In an age in which rhetoric is under intense scrutiny, it is necessary that word and deed are aligned. United States human rights practices cannot be subordinated in the face of the war on terror- the U.S. must be willing to practice what it preaches—even if that means sacrificing long-standing relationships—if it expects to continue to be seen as a global leader.

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