
When an Arab State Entered into International Refugee Instruments: Behind the Scenes of Egypt's Accession to the 1951 Refugee Convention

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This article explores why Egypt, unlike the majority of Arab states in the Middle East, decided to accede to the 1951 *Convention relating to the Status of Refugees* (1951 Convention) in 1981. Drawing on both primary and secondary source information, this article investigates the process of relevant negotiations between the Egyptian state and the United Nations High Commissioner for Refugees (UNHCR). The article's historical analysis finds that Egypt's major foreign policy reforms in the late 1970s became a key trigger for the country's growing rapport with the UNHCR and the regime of the 1951 Convention. Yet, it is also argued that the UNHCR and pro-Western foreign ministry officials of Egypt played a pivotal role in leading to the successful outcome. Expanding on the state's foreign policy rationale, this article provides useful insights into the conditions under which a previously reluctant state, like Egypt, could eventually become a party to the 1951 Convention.

Keywords: 1951 Convention, UNHCR, Egypt, diplomacy, Middle East politics

Introduction

The 1951 *Convention relating to the Status of Refugees* (1951 Convention), alongside its subsequent amendment in 1967, has laid the legal foundation of the modern international refugee regime. Marked as an important step towards the legal protection of refugees, the majority of states in the world have already signed or ratified the 1951 Convention. However, nearly forty of the United Nations (UN) member-states, mostly in the Middle East, South and Southeast Asia, have chosen not to do so. At the core of its mandate, the UN High Commissioner for Refugees (UNHCR) has continued to urge these non-signatory states to become parties to the 1951 Convention; however, many of them have kept resisting.¹ What are the reasons for their continued resistance to the convention? And in what ways can the

UNHCR (and/or the convention's state-parties) persuade the reluctant states to sign or ratify it?

There is a considerable amount of academic and policy literature that discusses the significance of the 1951 Convention and urges states that have not done so to become parties to it (e.g. Feller 2001; Türk and Nicholson 2003; Nicholson and Kumin 2017). However, few studies have investigated the rationale behind a state's decision of (not) becoming a party to this instrument. Some may argue that the answer is related to the friction between the universal norms of refugee protection and the enduring principles of state sovereignty (Haddad 2008). However, this explanation is insufficient because, in practice, the 1951 Convention provides little practical guidance on how each state should treat individual refugees (Betts and Collier 2017). Accession to the 1951 Convention is not a synonym for pledging to take in refugees, and whether to become a party to it is another political decision to be made at the individual state level.

Through a historical analysis of Egypt's accession to the 1951 Convention in the early 1980s, this article makes a novel contribution to our understanding of the politics of states' formal participation in the international refugee regime. Specifically, drawing on both primary and secondary information, this article examines the conditions under which Egypt decided to become a party to the convention. While the Middle East has a long history of both sending and receiving refugees, most Arab states in the region have kept resisting this instrument. The unresolved question of Palestinian refugees, *inter alia*, has cast a long shadow over their decisions of not becoming parties to it (Stevens 2014). However, Egypt, as one of the very few exceptions, changed its previous approach and became a formal signatory of the convention in May 1981. Why did Egypt decide to join the convention to which its Arab neighbours of the Middle East have commonly shown allergic reactions?

The article's historical analysis finds that Egypt's major foreign policy reforms in the late 1970s became a key trigger for the country's accession to the 1951 Convention. In addressing the regional diplomatic crisis in the Arab Middle East, Egypt aimed to develop better diplomatic relations with countries outside of the region, most notably in Africa as well as in the Western world. In this context, the UNHCR and pro-Western foreign ministry officials had progressively negotiated for the possible accession of Egypt to international and regional refugee instruments. Without their continued efforts and cooperative interactions, we cannot fully account for why Egypt finally overcame its traditional reluctance to the 1951 Convention at the beginning of the 1980s. Overall, exploring the rationale behind Egypt's decision is useful to resolve several unanswered questions concerning the state participation in the regime of the 1951 Convention, and the article specifically provides implications for the conditions under which a previously reluctant state, like Egypt, could eventually accede to it.

The remainder of this article is structured as follows. In the following section, I review the existing scholarly debate on the politics of state participation in the international refugee regime. Here, I explore the knowledge of why states decide (not) to participate in the regime of the 1951 Convention from a broad

international relations perspective. After briefing the methodology and data, the article moves on to its empirical analysis, which is divided into three sections. First, I discuss some important backgrounds for Egypt's attitudes towards the 1951 Convention as well as the UNHCR since their establishment. The following section explains how some of the previously discussed conditions changed from the presidency of Gamal Abdel Nasser to that of Anwar el-Sadat. Then, I detail the process and mechanisms through which the Egyptian state finally decided to accede to the 1951 Convention. In particular, I flesh out the roles of the UNHCR and the Egyptian Foreign Ministry and explain how they interacted, negotiated, and finally reached an agreement. In the concluding section, I summarize the key findings of this article and further discuss several implications for future research.

The Politics of State Participation in International Refugee Regime

In the last three decades, the issue of refugees and forced migration have received growing attention from the international relations scholarship. [Loescher \(1989\)](#) is one of the earliest scholars who argued the importance of understanding refugee affairs in the broader context of world politics, not simply as a humanitarian problem. Since then, refugee studies scholarship has made a sustained effort to approach refugee issues as an inherent part of international politics (e.g. [Betts and Loescher 2011](#); [Maley 2016](#); [Betts and Collier 2017](#)).

One of the most advanced areas of research is the studies of international refugee regime. Some early works laid the groundwork for this literature by investigating the emergence and historical origin of the regime ([Gordenker 1987](#); [Zolberg *et al.* 1989](#); [Skran 1995](#)). Over recent decades, the scope of global refugee governance and the actual practices of the UNHCR in particular have expanded significantly as the world's refugee population has continued to grow. And studies have been made to follow up key developments in the functions and practical operations concerning the international refugee regime ([Keely 2001](#); [Loescher 2001](#); [Barnett 2002](#); [Betts 2010, 2013](#)). Other research, exemplified by [Suhrke \(1998\)](#), [Betts \(2009\)](#), and [Thielemann \(2003, 2018\)](#), has explored the logic of interstate cooperation in the international and regional institutions governing refugee affairs. Overall, these studies have advanced our understandings of what the international refugee regime is, and the way in which international cooperation has been achieved (or collapsed) in the area of refugee protection and why.

However, this scholarship has paid surprisingly little attention to the rationale behind states' participation in the international refugee regime. Here, I am not arguing that previous research has failed to analyse the role of states in this regime or, more broadly speaking, global refugee governance. Indeed, as most refugee law experts admit, the function and effectiveness of the regime rely primarily on the compliant behaviours of individual states ([Simeon 2013](#); [Goodwin-Gill 2014](#); [Dowd and McAdam 2017](#)). Nevertheless, the main focus of previous research is usually related to the macro-structure of the regime itself, rather than the micro-dynamics of individual state behaviours within or in relation to the regime. Some notable exceptions examine the relationship between the actual facilitator of the

modern international refugee regime, i.e. UNHCR, and the regime's state-actors (Loescher 2001; Betts *et al.* 2011), and the Middle East, in particular, has received growing attention in this scholarly endeavour (e.g. Kagan 2011; Stevens 2016; Janmyr 2018; Norman 2021). Most recently, Abdelaaty (2021) provides her thorough analysis on when states shift their sovereign duties like screening, registering, and protecting refugees to the UNHCR and why. These studies illustrate some important dimensions of the refugee regime-states interactions. However, none of them has directly addressed the variation in the participation of individual states in the international refugee regime. Why do some states eagerly seek to join the regime, while others resist entering into it? What motivates states to participate in the regime through ratification of related international and/or regional legal instruments?

Addressing the above questions is the primary motive of this article. For clarification purposes, what I mean by 'participation' is restricted to the states' participation in the 1951 Convention, understood as ratification or accession to the legal instrument. A stylised fact is that the actual implementation of the norms and rules of refugee protection is not necessarily correlated with the states' ratification statuses for the 1951 Convention. There is a growing understanding that many state-parties, including both states in the Global North and South, have failed to fulfil some expectations of the 1951 Convention by introducing various policies on *de facto* basis, which makes it harder for refugees and asylum-seekers to secure genuine protection on their territories (Gammeltoft-Hansen 2014; FitzGerald 2019). There are also countries, such as India, Jordan, or Thailand, that have never signed or ratified the convention, but significantly involved with the UNHCR's practical operations to protect and/or assist refugees (Betts *et al.* 2011; Betts and Collier 2017). Having said that, states' participation in the 1951 Convention is still important because the current international regime is premised on the understanding that territorial and extra-judicial protection of refugees must be provided by states adhering to the norms and rules of refugee protection, which is most explicitly codified in the 1951 Convention (Feller 2001; Simeon 2013; Stevens 2013). To be precise, the question of state participation into the legal regime needs to be separated from that of compliance, implementation, or genuine commitment, but the former is nonetheless important, especially as an entry point for the latter set of questions.

When looking beyond refugee studies scholarship, there is an extensive body of literature on states' participation in international regimes, as a topic striding over both fields of international relations and international law. Yet, based on the traditional thinking of international relations, states' participation behaviours are puzzling and seemingly irrational as states have to undermine a certain range of sovereign rights, and potentially take additional costs—political, economic, or sovereignty costs—by entering into international regimes (Abbott and Snidal 2000). This is readily evident to many opt-out countries that refuse or hesitate to join some international treaties, conventions, and agreements. Neoliberal international relations scholars have addressed this puzzle, arguing that the mutual benefits of interstate cooperation can create a strong incentive for states'

participation in international regimes (e.g. Keohane 1984; Keohane and Nye 2012). However, this explanation is contested in some issue areas, such as the protection of human rights, because the expected benefits of participation are not as readily visible as in other areas such as international security, trade, or environmental protection (Landman 2005; von Stein 2016).

The same is true for the ratification puzzle of the 1951 Convention, which is considered by some as part of the broader international human rights regime (e.g. Feller 2001; McAdam 2006; Nicholson and Kumin 2017). Why do many states choose to commit themselves internationally to constrain the freedom and scope of domestic policy-making? Two groups of explanations receive particular attention. First, a prevailing approach has sought to answer why states enter into multilateral treaties by shedding more light on interstate relations (e.g. Cole 2005; Goodliffe *et al.* 2012; Nielsen and Simmons 2015). Because state leaders not only watch (and possibly copy) the behaviour of other states but care about how other states perceive their behaviours (Wotipka and Tsutsui 2008; Simmons 2009), their decisions to participate in, or to remain aloof from international regimes are inevitably influenced by their international relations. Second, moving beyond the search for international determinants, some scholars purport to expand on the attributes of domestic politics (e.g. political regime types, state capacity, or dominant social norms) that possibly relate to the states' participation behaviours vis-à-vis international regimes (e.g. Hathaway 2007; Elsig *et al.* 2011; Hafner-Burton *et al.* 2015). While previous studies have no universal answer for which factors exist and possibly dominate, there is a growing consensus that the inclusion of some domestic-level factors is crucial to establish a more detailed explanation for varying states' participation behaviours (e.g. Milner 1997; Milner *et al.* 2004; Sitaraman 2009).

Taken together, previous studies suggest that a state's international relations—where the state stands within the broader web of world politics, and how it interacts with other states and/or non-state actors in the international political system—become a significant predictor of whether the state enters into certain international regimes. Yet, such a participation decision is also affected by some domestic political factors, although there remain open questions as to which factors are likely to be present, and how they influence individual states' decisions. Based on the methodology explained in the following section, this article aims to expand on the mechanisms through which both international and domestic political factors interact with one another, and then lead to the outcome of a state's formal participation in the regime of the 1951 Convention.

Methodology and Data

This article conducts a single case-study of Egypt's accession to the 1951 Convention in 1981 to explore why a state decides to participate in the international refugee regime (understood as ratification or accession to the 1951 Convention) and how such a decision is to be made. The Egyptian case is chosen, primarily

because the country historically holds a unique position in the regional politics of the Middle East as well as in the Arab world.

Since the creation of the 1951 Convention, most Arab states in the Middle East have continued to resist signing or ratifying this instrument. It is commonly argued that the main reason for their resistance is related to the Palestinian cause, and they have been concerned that their accession to the convention might lead to the possible integration and permanent settlement of Palestinian refugees on their territories (Stevens 2014), even though the 1951 Convention is not applied to most of the Palestinian refugees, at least, on paper (Goodwin-Gill and Akram 2000). Indeed, Egypt was the only Arab country that had participated in all the rounds of the international meetings to draft the 1951 Convention, but at the last minute, Egypt decided not to become a party to it because of the overwhelming concerns for Palestinian issues (Takkenberg 1998). Yet, if so, why did Egypt reverse its earlier decision of not signing the convention in the early 1980s?

The question is puzzling because, first of all, Egypt has been one of the countries hosting a large Palestinian population (BADIL 2019). Importantly, Egypt is not under the operation of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), but has shared a lot of similarities with three UNRWA countries—Syria, Jordan, and Lebanon—in regard to their policy imperatives and institutional arrangements to deal with the Palestinians (Shiblak 1996). Further, as a regional power in the Arab Middle East, Egypt—particularly during the reign of President Nasser—has been a leading proponent of Palestinian rights, and the Palestinian cause has been at the core of the Egyptian foreign policies (Heikal 1978; Hinnebusch and Shama 2014). Given these conditions, it is puzzling that Egypt decided to become a party to the 1951 Convention in the early 1980s. And studying this empirical puzzle is not only academically interesting but also practically meaningful to explore why and under what conditions a previously reluctant state could accede to the 1951 Convention eventually.

Historiography and process-tracing are the methodology used in this article. Employing these techniques, I examine the causal process behind the Egyptian accession to the convention in a chronological manner. In terms of data, I draw on primary sources of information collected through the UNHCR archive in Geneva, various UN documents, and biographical materials of some key political elites of Egypt. Those historical records are useful when conducting an in-depth historical analysis, although we must be cautious about some potential biases reflected in such materials. Due to the limited scope of available data, it is not easy to describe every single dimension of the decision-making process inside the Egyptian government. To overcome such shortcomings, I also rely on a meticulous collection of secondary source information on the modern diplomatic history of Egypt. This extensive data collection is also helpful for date triangulation purposes.

Having discussed the focus, case-selection, and methodology, the article now turns to its empirical analysis. Starting from the early days of the 1951 Convention, the following sections provide a historical account for the process leading to the accession of Egypt to the convention in the early 1980s.

The Birth of the 1951 Convention and Egypt under President Nasser

The 1951 Convention was adopted by the UN Conference of Plenipotentiaries on the Status of Refugees with twenty-four affirmative votes in July 1951. At that time, no official commitment was made by any of the states in the Arab Middle East. However, Egypt, as well as several other Arab states (e.g. Iraq, Lebanon and Saudi Arabia), played a crucial role in the drafting of the convention (Takkenberg 1998). By reviewing its drafting history, we can see that Egypt continued to attend a series of UN meetings, including the aforementioned Conference of Plenipotentiaries and the related UN General Assembly's committee meetings, to represent the voices of Arab countries (Goodwin-Gill and Akram 2000).

First of all, the biggest concern for all Arab countries was the treatment of Palestinian refugees. In the Arab Middle East, the term 'refugee' is inevitably linked to the problems of Palestinians (Stevens 2014) and, except for Jordan's naturalisation of some Palestinians from the West Bank, most states have strongly opposed the integration and permanent settlement of the 'refugees' (Shiblak 1996; Kagan 2009). From the Arab perspective, Palestinians should be the 'rightful' owners of Palestinian territories, and as a leading representative of Arab countries, Egypt brought a set of questions and suggestions to remove all possible concerns held by those Arab countries hosting Palestinian populations both inside and outside of UNRWA's operational region (Takkenberg 1998; Goodwin-Gill and Akram 2000).

For instance, Article 1D of the 1951 Convention, which is understood today as a special exclusion clause to separate Palestinians under UNRWA's protection from other refugees protected by the 1951 Convention and the UNHCR (Albanese and Takkenberg 2020), is based on the proposal submitted by Egypt, together with Lebanon and Saudi Arabia (Goodwin-Gill and Akram 2000). Their intention was a blend of two different motives. First, Egypt and other Arab states needed to include a provision that would clarify the distinction between Palestinian refugees and all other refugees, particularly concerning their privileged rights. Until that moment, the Western refugee policy tended to be aimed at 'exiles' (Chimni 2004), while Arab leaders had serious concerns about the right of return of the Palestinian people (Al Hussein 2007). Meanwhile, it was also felt that the UN agencies should own special responsibility for the fate of Palestinians because their 'refugee' identity was the result of the UN decisions (i.e. UN General Assembly Resolutions 181 and 194) (Takkenberg 1998). On that standpoint, all Arab countries asked the UN to continue to provide all the necessary assistance for Palestinian refugees until the day that their complete repatriation could be achieved.²

Although Article 1D was fully incorporated into the 1951 Convention in accordance with the collective Arab requests, all of the Middle Eastern Arab states, including Egypt, eventually decided not to sign it for political rather than legal reasons (Takkenberg 1998). As reflected in a set of remarks provided by the Egyptian delegate, the basic diplomatic stance of Egypt, as well as most Arab states, was to express a sense of solidarity with and sympathy for the Palestinians,

whilst keeping the Palestinian question alive on the international scene (Al Hussein 2007). All in all, there remains a lot of vagueness on the point of refugee return (Dumper 2007; Albanese and Takkenberg 2020), and to date, the lack of any statement clearing all the related concerns has seriously impeded the accession of the Middle Eastern Arab states to the 1951 Convention (Stevens 2014).

Especially in Egypt, the 1952 revolution and Nasser's rise to power further strengthened this tendency. Based on his unique political ideology, labelled later as 'Nasserism', he determined the course of Egyptian foreign policies in pursuing a leadership role in the Middle East, and also in the broader Arab and Islamic world (Hinnebusch and Shama 2014). Importantly, Nasser placed the problem of Palestinian refugees at the heart of his ideological claims to mobilise both Arab and non-Arab Muslim countries against Israel, as this was the major rallying point for pan-Arab movements (Heikal 1978). From this perspective, the only acceptable solution was the comprehensive repatriation of all Palestinian refugees—understood as the entire liberation of Palestinian territories—and the Nasserist Egypt had no compromise solution to the Palestinian refugee problems against the UN and Israel.

The above is a fundamental point to explain why Egypt had continued to be at the forefront of the Arab-Israeli conflict, but this is also important to think about Egypt's historical stance on the international refugee regime. As already explained, Egypt refused to sign the 1951 Convention largely for political reasons (Takkenberg 1998). However, the country instead signed a Memorandum of Understanding (MOU) with the UNHCR in 1954, which enabled the UNHCR to open its local branch office in Cairo and offer several protection services including the registration, screening, and resettlement interviews for asylum-seekers fleeing to Egypt. However, it should be reminded that the UNHCR's protection is not the same as the legal protection provided by state-parties to the 1951 Convention (Helton 2003; Stevens 2013). While, in Egypt, the UNHCR has continued to conduct refugee status determination on behalf of the government, the provision of visas and residence permits was handled entirely by the state authority concerned, i.e. Ministry of Interior (Badaway 2010). And regardless of the UNHCR's recognition, the Egyptian government had introduced various measures to prevent the majority of asylum-seekers from entering, staying, and finally seeking the UNHCR's assistance in Egypt.³

Due to the lack of available information, it remains unclear about the UNHCR's practical operations in Egypt before the 1970s, although the UNHCR had a strong interest to persuade the Egyptian government to accept international norms codified in the 1951 Convention and institutionalise them within the domestic jurisdiction⁴; otherwise, it was fairly easy for the government to continue to ignore and violate some or all of the agreements of 1954. However, this UNHCR's lobbying was not taken seriously by the government during Nasser's rule (Takkenberg 1998). Anecdotal evidence also suggests that unless the UN could secure the comprehensive solution for Palestinian refugees, there was no real incentive for Egypt to take a cooperative action for the UN agency, as

the Egyptian government's perceived price of acceding to the 1951 Convention was not as low as the UNHCR thought in those days.

Shifting Regional Balance-of-Power and Egypt under President Sadat

The 1967 Six-Day War, Nasser's death, and Sadat's ascension to the Egyptian presidency in 1970 redefined the course of Egyptian foreign policies dramatically. Put simply, Sadat's foreign policy orientation was to energise the trend of 'Egypt first' outlook, yet not excite the pan-Arab audience (Beattie 2000; Stein 2013). Unlike his powerful predecessor, Sadat wrote his foreign policy drafts based on his diplomatic pragmatism rather than ideological claims, and he set up two important goals in the direction of Egypt's foreign policies from the 1970s.

One was the reorientation towards the West. During Nasser's reign, the Soviet Union had evolved into a major patron of Egypt, but Sadat was aware that Egypt's Soviet connection had already been exhausted (Heikal 1978; Fahmy 1983). From Sadat's perspective, developing a good rapport with the US and other Western countries was the only possible way to recover the strong military capability of Egypt, and simultaneously tackle the country's domestic economic struggles, culminating in the 1977 food riots (Karawan 2005; Dessouki 2008). Therefore, Sadat decided to pursue a pro-American/Western foreign policy throughout his presidency (Hinnebusch and Shama 2014).

The other important goal was to regain the former Egyptian territory seized by Israel—the Sinai Peninsula—after the military defeat of July 1967 (el-Sadat 1977). For Sadat, the full recovery of Egypt's sovereignty and territorial integrity was far more important than what Nasser had done for the pan-Arab audience (Stein 2013). Therefore, importantly, there was no significant ideological hurdle for Sadat in separating Egypt's peace with Israel from the comprehensive peace in the Middle East (Alterman 1998). This is why Sadat was able to initiate a series of efforts to compromise with Israel, in a way that Nasser had never done. While Egypt remained committed to the basic lines of Arab collective support for the Palestinian people, Sadat put the Egyptian foreign policy on a new track by taking a surprising trip to Jerusalem (November 1977), signing the Camp David Accords (September 1978), and finally, acceding to a formal peace treaty with Israel (March 1979).

The two diplomatic goals were interrelated in the actual conduct of Sadat's foreign policies, while the latter was too controversial at that time. Not surprisingly, it fuelled severe antagonism against Sadat, from both inside and outside of Egypt, which resulted in his assassination in October 1981 (Heikal 1983). Obviously, Sadat's foreign policy legacy was a bitter-sweet experience for Egypt. On the one hand, Sadat's path-breaking act could successfully take Egypt out of the protracted Arab-Israeli conflict, and strengthen cooperation with its new patron—the US—whose financial and military supports were essential to protect the incumbent military regime from both external and internal pressures. In this regard, Egypt should have moved into a much stronger position as far as the country could maintain the secured backups from the US

(Hinnebusch 2015). On the other hand, Egypt fell into an insecure position in the strategic geography of the Arab Middle East (Heikal 1978; Boutros-Ghali 1982), to which we must pay more attention. Sadat's initiative for a separate peace with Israel led to severe diplomatic tensions with the neighbouring Arab states, which were most clearly reflected in the unprecedented expulsion from the Arab League. And this newly emerging diplomatic crisis— isolation from the neighbouring Arab states— became a significant foreign policy challenge for Sadat and his successor, Hosni Mubarak (Shalaby 1992; Hinnebusch and Shama 2014).

This regional diplomatic challenge became a trigger for the diversification and geographical expansion of Egypt's foreign relations. Although the normalisation of diplomatic relationships with Arab neighbours remained among the country's long-term foreign policy objectives, Egypt started to build better and stronger connections with countries outside of the Middle East. There is no doubt on the significance of its relationship with the Western core—the US and Europe—but Egypt also aimed to develop a good rapport with the newly independent states of Africa and the Global South at large (Dessouki 1990, 2008). Cooperative diplomacy with the UN and the Organization of African Union (OAU) became among the most notorious initiatives taken by Egypt at the start of the new decade (Boutros-Ghali 1982). Striving to ensure the full participation in the community of those countries, Egypt had an urgent need to improve its status and international image, which was reflected in both formal and informal diplomatic activities of Egypt in the post-Camp David period, such as the official visits to all African countries, the accession to international treaties,⁵ and the concessions and deepened relations with international and regional organisations (Boutros-Ghali 1982; Dessouki 1990, 2008).⁶

A Critical Moment behind Egypt's Accession to the 1951 Convention: Negotiations between UNHCR and Egypt's Foreign Ministry in the Late 1970s

Far more important for this study is the fact that Egypt's shifting foreign policy direction provided an unexpected opportunity for the UNHCR to openly discuss the possibility of the Egyptian accession to the 1951 Convention. In the mid-1970s, the UNHCR made its first contact with the Egyptian government about its accession to the 1951 Convention,⁷ although their lobbying activities in this phase did not succeed for three reasons. First, in Egypt and other Arab countries, there remained strong resistance towards the UN agencies concerning the treatment of Palestinian refugees, and the Egyptian government had no interest or concrete need to institutionalise the rules of refugee protection in Egypt.⁸ Second, the UNHCR's limited organisational capacity and the 'good offices' principle (Loescher 2001) refrained the organisation from bringing up the 'undesirable' subject for the government so as not to jeopardise their working conditions in Egypt. In particular, the Ministry of Interior, which had taken full responsibility for refugee issues in Egypt since the 1954 MOU, adopted a rather coercive stance on the related subject compared to other ministries.⁹ This was a significant barrier for the UNHCR throughout the entire negotiation processes. Third, and most

importantly, Sadat's foreign policy reforms were still subtle and unclear until several years later.

However, the UNHCR was able to continue the relevant negotiation with the Egyptian Ministry of Foreign Affairs, and their formal and informal communications progressed rapidly after Sadat's new foreign policy initiatives became clear and Egypt was officially cut off from the Arab world. As the previous section explained, Egypt began to turn towards the West, Africa, and the Global South at large to break out of its isolation from Arab neighbours (Boutros-Ghali 1982; Dessouki 1990, 2008). In this context, some officials of the Ministry of Foreign Affairs made a significant about-turn regarding their attitudes towards the international and regional instruments relating to the status of refugees. More precisely, this shift in their attitude was made around May 1979, when the OAU and UNHCR co-hosted a Pan-African Conference in Arusha, Tanzania, to specifically discuss the African refugee problems. While the ministerial-level conference adopted a range of official recommendations, among the most important of these was calling on all OAU member-states to become parties to the 1969 *OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* (1969 OAU Convention) (Eriksson *et al.* 1981). And because the 1969 OAU Convention recognises itself as a complement to the 1951 Convention and its 1967 amendment, eighteen African state-parties put collective pressure on all non-signatory states of Africa, including Egypt, to join those international and regional refugee instruments.¹⁰

These recommendations were formally endorsed by the OAU's Council of Ministers at the July 1979 OAU Ordinary Session in Monrovia, Liberia,¹¹ and Egypt was officially called on to accede to the 1969 OAU Convention, as well as the 1951 Convention and the 1967 protocol. By this time, the Egyptian Ministry of Foreign Affairs made an intra-ministry agreement as to the country's accession to the 1969 OAU Convention because its accession would be appreciated by other African states, in view of the growing rapprochement between Egypt and Africa, and the heightening pressures to join the African convention. Imad El-Kadi, a high-ranking Egyptian diplomat, who represented the country at the 1979 Arusha conference, shared these points of view with the UNHCR, and further informed that he had already recommended his government to accede to the 1969 OAU Convention.¹² However, as El-Kadi clearly mentioned, the majority of Egyptian state authorities remained sceptical about the country's accession to the 1951 Convention because of their overwhelming concerns about the status of Palestinian refugees in Egypt.¹³ Until this time, most of the Egyptian state authorities had little knowledge of the scope and contents of the 1951 Convention, and the biggest question for them was whether 'Egypt would have to grant refugee status to Palestinians if it became a party to the 1951 Convention'.¹⁴ As most of these state officials were unaware of the presence of an exclusion clause for Palestinian refugees (Article 1D), they were still largely reluctant to accede to the 1951 Convention.¹⁵

To address all the concerns, ambiguities, and questions raised from the Egyptian authorities, the UNHCR set up a meeting with the Legal Department

of the Ministry of Foreign Affairs immediately after the OAU's Monrovia summit of July 1979, and further approached Boutros-Ghali,¹⁶ who served as the Minister of State for Foreign Affairs of Egypt for nearly 14 years under Presidents Sadat and Mubarak. It has been widely known that Boutros-Ghali served as an influential foreign policy brain inside the Egyptian government from the late 1970s (Meisler 1995; Hinnebusch and Shama 2014), while the UNHCR also believed that his profound academic background, as a prominent professor of international law, could help the organisation to alleviate the reluctance of some Egyptian officials towards the accession to the 1951 Convention.¹⁷ As expected, Boutros-Ghali already had a readiness for Egypt's accession to the 1951 Convention at this stage, and thereby he arranged an appointment for the UNHCR officials—not only the staff of the UNHCR's Cairo office but also a senior executive of the Headquarters in Geneva—to directly discuss the remaining issues, together with his ministry's Legal Department in Cairo, in October 1979.¹⁸ Before this meeting, the Legal Department officers raised three major concerns over (1) the legal obligations of state-parties to the 1951 Convention; (2) the possibility of making reservations on several provisions (particularly the convention's provisions related to refugees' right to work); and (3) the expected objections made by the Ministry of Interior.¹⁹ Therefore, these points became the main agenda in the October 1979 meeting.

While the UNHCR had repeatedly discussed the first two points in the previous communications, Boutros-Ghali's direct commitment and his international law expertise contributed to the better understandings of the nature and specific provisions of the 1951 Convention inside the Egyptian Ministry of Foreign Affairs.²⁰ Yet, due to the lack of international body monitoring the enforcement of the convention's obligations, and due to the article specifying the Palestinian exclusion clause (Article 1D), there was indeed no serious problem for the Egyptian government concerning the first point. The second concern was also readily resolved by the arrangement that Egypt made reservations to five provisions regulating the personal status of refugees (Article 12(1)), and some socio-economic rights of refugees relating to the rationing (Article 20), primary education (Article 22(1)), public relief (Article 23), labour legislation and social security (Article 24).

The only remaining issue was how to gain the support of other ministries, particularly the Ministry of Interior, which had continuously objected to the idea of Egypt's accession to the 1951 Convention. In this regard, the UNHCR was not able to gain any official answer from the Egyptian side during the October 1979 meeting in Cairo. Yet, Boutros-Ghali and his ministry instead provided a faithful promise that they would immediately contact various state authorities involved.²¹ And about a month later, the Legal Department of the Ministry of Foreign Affairs informed the UNHCR that they had organised its first meeting with other ministries and gained positive answers from many state authorities, including the Ministry of Interior.²² It took another year, though, until the Ministry of Foreign Affairs obtained final approval from all the other ministries involved.²³ Unfortunately, given the constraints of data availability, it remains

unknown about the precise dimensions of inter-ministerial dialogues. Yet, the UNHCR recorded multiple times about the significant efforts made by Boutros-Ghali in the last stage of negotiations inside the Egyptian government.²⁴ After lengthy negotiations between the UNHCR and the Ministry of Foreign Affairs, and also inside the Egyptian state authorities, Boutros-Ghali finally gained governmental approval and signed the instrument of accession of Egypt to the 1951 Convention in 1981.²⁵

Discussions and Conclusion

The question of state participation in the international refugee regime is highly political and rather puzzling. Focusing on the empirical puzzle of Egypt's accession to the 1951 Convention, this article explores the rationale behind Egypt's path-breaking decision to become a party to it. The reasons for signing/ratifying this instrument or not could vary, and even though the convention itself does not impose hard obligations on its state-parties, making the participation decision is not as simple as it may seem. Especially in the Middle East, the well-noted concerns over Palestinian refugees have substantially impeded the accession of many Arab states to the convention (Stevens 2014). The biggest concern has been whether the Arab states would be obliged to provide refugee status to Palestinians—sooner or later—if they became a party to it. Many state officials—not only of Egypt but also other countries hosting a large Palestinian population such as Jordan, Syria, Lebanon, and the Gulf countries—have repeatedly expressed their cautious sentiment against the convention (Takkenberg 1998; Goodwin-Gill and Akram 2000). Why, then, did Egypt decide to change its approach and finally accede to the convention in the early 1980s?

Through historical analysis, this article has identified several underlying conditions leading to the Egyptian accession to the convention. First, as discussed in this article, the rationale behind that decision was related to the major foreign policy reforms of Egypt throughout the 1970s (Hinnebusch and Shama 2014). After Sadat paved the way for Egypt's conciliation and separate peace with Israel, the country fell into a regional diplomatic crisis. In responding to the emerging Arab antagonism towards Egypt, the country started to turn towards Africa, the West and the Global South at large (Dessouki 1990, 2008). The participation in the international and regional refugee instruments was perceived by some Egyptian officials as a useful strategy to improve the status and image of Egypt among the communities of those countries, most notably the UN and OAU. In particular, from the late 1970s to the early 1980s, African leaders were quite vocal about the interstate cooperation on refugee affairs (Eriksson *et al.* 1981; Loescher 2001), and Egypt was officially requested to join both of the UN and African refugee conventions.

Second, the UNHCR has continued to work to expand the state-parties to the 1951 Convention as a transmitter of international norms of refugee protection (Loescher 2001). As many African and Latin American states became parties to the convention during the 1960s and 1970s, the UNHCR started to shift the main

focus of its lobbying to the countries that had not done so, especially in Asia and the Middle East, towards the 1980s. Multiple historical records confirm that the UNHCR had contacted several Arab states, besides Egypt, and both formally and informally requested them to accede to the convention.²⁶ Given the nature of the modern international refugee regime and the UNHCR's organisational capacity, there is no doubt that they kept working on these negotiations and lobbying activities. Indeed, the UNHCR officials had repeatedly stressed the importance of the 1951 Convention through the entire process of negotiation with Egypt, and their persistent efforts surely had a certain impact on the government's decision to accede to the convention.

The above two conditions are necessary to understand both the reasons and timing of Egypt's accession to the 1951 Convention, yet neither of them is sufficient to fully account for the empirical puzzlement of the Egyptian case. There is no question that Egypt was under enormous pressures from its Arab neighbours from the late 1970s. However, the Middle East is a complex region where interstate struggles have constantly occurred to varying degrees. Some other countries—most notably Jordan and some Gulf countries—have also turned towards the UN and Western allies, strengthened their trade and security ties with Africa, and improved diplomatic relations with Israel in various ways. Meanwhile, due to the dramatic rise of non-Palestinian refugees in the Middle East, the political sensitivity of Palestinian issues has been gradually loosened (Kagan 2009), while the UNHCR's influence has continuously grown (Kagan 2011; Stevens 2014, 2016; Janmyr 2018; Abdelaaty 2021). Despite these circumstances, no signature has been made by other regional Arab states since Egypt. Indeed, after successfully convincing the Egyptian government, P. M. Moussalli, the UNHCR's Director of Protection at that time, noted that 'we should now try to direct similar effects at another Arab county which belongs to the other "camp"'.²⁷ Accordingly, the UNHCR has made a sustained effort to pursue all of them to join the convention, although none of such lobbying activities has succeeded so far.

There are no easy answers to explain all of these complexities, but the exclusive focus on interstate relations or factors produced in the international political system is not precise enough to account for complex decision-making dynamics. As this article has shown, some domestic political factors are also essential to understand the process and mechanisms through which states make the decision to participate or not participate in a certain international regime. Specifically, this article argues that in the case of Egypt's accession to the 1951 Convention, some pro-Western elites inside the Ministry of Foreign Affairs, of which the most influential one was Boutros-Ghali, were the key players behind Egypt's accession to the convention. These diplomatic officials were quick to respond to external pressures, as the authorities taking care of the country's foreign relations and international image. And notably, Boutros-Ghali, who was widely known as the inventor of Egypt's new diplomatic initiatives towards Africa and the UN (Boutros-Ghali 1982; Dessouki 2008), adopted a positive outlook on the idea of making Egypt a state-party to the 1951 Convention. Given his role as the *de facto*

chief of the Egyptian Ministry of Foreign Affairs at that time, as well as his profound legal understanding of the 1951 Convention, there is no doubt that he played a pivotal role in successfully completing the UNHCR's tireless efforts.²⁸

The Egyptian case also illustrates some important dimensions of bureaucratic politics. As [Jacobsen \(1996\)](#) has earlier argued, the way in which states handle refugee issues is largely related to the question as to which state authority takes responsibility for the related subjects. In Egypt, the Ministry of Interior—the authority dealing with ‘internal affairs’ including the border protection and immigration control—had taken charge of all refugee affairs of Egypt until the 1970s. Yet, this responsibility was shifted in part onto the Ministry of Foreign Affairs since it took the lead in negotiating with the UNHCR. As this article sketches out how the idea of acceding to the convention was perceived and handled by some government officials of Egypt, there was a stark contrast between the Ministries of Interior and Foreign Affairs.²⁹ Without the latter's leading role in the intra-governmental negotiation, as well as the cooperative approach towards the UNHCR, Egypt would not have been able to overcome its traditional reluctance to the convention. This point is clearly seen in the negotiation process with the UNHCR, but also illustrated by the fact that Egypt established a permanent refugee committee—the specialised institution to implement the convention's obligations—under the Ministry of Foreign Affairs in 1984 ([Badaway 2010](#)).

Unfortunately, the available information is too limited to clarify all the details of the intra-governmental decision-making, and some important questions—for example, how President Sadat perceived and understood the meaning of Egypt's accession to the convention—remain inside the black-box. This is a significant caveat for this article. However, given that the subject of discussion fell into the category of ‘low politics’, it is presumably assumed that the issue was largely handled by Boutros-Ghali, as Sadat gave him a stronger autonomy except for ‘high politics’ agendas.³⁰ While Boutros-Ghali was subject to constant pressures from conservative Muslim-Arab politicians, it should be noted that his unique identity—a Coptic Christian and a highly qualified professor of international law—was used by Sadat to bring and develop a pro-Western diplomatic outlook both inside Sadat's cabinet and the Egyptian Foreign Ministry ([Boutros-Ghali 1982, 1997](#)). And the process leading to the Egyptian accession to the 1951 Convention must be understood in this historical context.

To summarize, Egypt's decision to accede to the 1951 Convention was made, first, as a response to the growing pressures from neighbouring Arab states. The isolation from the Arab world and the country's shifting foreign policy directions are crucial for understanding why Egypt made that decision at that particular moment in history. However, the UNHCR's continued lobbying efforts, and the presence and influence of pro-Western elites inside the Egyptian Ministry of Foreign Affairs were also significant parts of the causal mechanism leading to the successful outcome of Egypt accession to the convention. Domestic political arrangements and institutional mechanism could differ from country to country, and the findings from a single case-study of Egypt are not necessarily applicable

for other cases. Nevertheless, historical analysis of the Egyptian case can provide some useful insights into the conditions under which a previously reluctant state, like Egypt, could eventually become a party to the 1951 Convention. There remain a number of states in the Arab Middle East, as well as South and Southeast Asia, that have been reluctant to become a party to the 1951 Convention, and future research is needed to investigate whether a similar mechanism could be observed in those countries. It is also important to continue the scholarly endeavour to investigate the rationale behind states' participation in the international refugee regime more broadly. Understanding diverse participation behaviours of individual state would be useful to forge better institutional arrangements to extend international refugee protection, in light of the complex reality of world politics.

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Data Availability Statement

Data sharing is not applicable to this article as no datasets were generated or analysed in this study.

ENDNOTES

1. Promotion of universal adherence to the 1951 Convention and encouragement of new accessions to it have been endorsed by signatory states in a number of official declarations, such as the 'Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees' endorsed during the Ministerial Meeting of States Parties in Geneva, Switzerland, on 12–13 December 2001, <https://www.unhcr.org/news/latest/2001/12/3c18e6054/declaration-reaffirming-principles-1951-refugee-convention-adopted.html> (accessed 25 April 2021).
2. To strengthen their arguments, the Egyptian representative, Bey Mostafa, requested a further amendment during the final stage of the drafting of the proposed article and claimed that this article was needed 'to make sure that Arab refugees from Palestine who were still refugees when the organs or agencies of the United Nations at present providing them with protection or assistance ceased to function, would automatically come within the scope of the Convention' and it 'would help many [Arab] States which would otherwise be reluctant to do so to adhere to the Convention'. See: UN Conference of Plenipotentiaries, 'Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons: Summary Record of the Twenty-ninth Meeting', 28 November 1951, A/CONF.2/SR.29, <https://www.refworld.org/docid/3ae68cdf4.html> (accessed 25 April 2021).

3. A UNHCR's file of asylum applicants in Egypt, which was handed over to the government during their first meeting concerning the implementation of 1951 Convention, only included 16 candidates—1 from Syria, 3 from Ethiopia, and 12 from Afghanistan. Relatedly, an UNHCR official noted that the number of asylum-seekers in Egypt had not exceeded 20 cases annually. These low figures indicate that before Egypt's accession to the 1951 Convention, the UNHCR's operations in the country was very limited. See: S. Sperl [Acting Representative, UNHCR Branch Office (BO) in Cairo] to UNHCR Headquarters, 'Memorandum: Implementation of 1951 Convention and Protocol', 9 September 1981, UNHCR Archives, Fonds 11, Series 2, Box 1306, ARC-2, A49, '1951 Convention Relating to the Status of Refugees—Arab Republic of Egypt', 1975–1984 (hereafter Fonds 11/Series 2/Box 1306 ARC-2/A49).
4. UNHCR BO in Cairo to the Government of Egypt, 'Aide-Memoire: 1951 Convention and 1967 Protocol relating to the Status of refugees', 14 February 1975, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
5. During the 1970s and the 1980s, Egypt not only signed bilateral economic agreements with some advanced economies of the world (e.g. Japan, France, Germany, the UK, and the US), but also decided to join several multilateral treaties, most notably the human rights treaties such as the *International Covenants on Civil and Political Rights* and *on Economic, Social and Cultural Rights*, both of which Egypt previously signed but did not ratify until the 1980s. Treaty ratification was largely conceived as a diplomatic strategy, first, to obtain international aid and facilitate economic cooperation with the developed countries and, second, to upgrade its influence and image in the wider international political system (Dessouki 1990, 2008).
6. Since Nasser's rule, Egypt had already engaged in the African and Third World matters, but there was a qualitative difference in Egypt's aims. During Nasser's years, Egypt intended to take a hegemonic role in the Third World, whereas its relationships with each of the Third World countries remained nascent and superfluous. In contrast, from the late period of Sadat's rule, Egypt aimed to develop mutual trust and cooperation with every single country outside of the Middle East, and Africa received a particular attention as Egypt started to rely on its African, rather than Arab, identity to cultivate better diplomatic connections with other countries.
7. S. Halim [Representative, UNHCR BO in Cairo] to UNHCR Headquarters, 'Memorandum: Accession to the 1951 Convention and 1967 Protocol', 21 April 1975, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
8. S. Sperl, 'Note for the File (No. 200: Egypt—1951 Convention/OAU Convention)', 17 August 1979, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
9. A Ministry of Foreign Affairs official later informed the UNHCR officials in Cairo of the presence of hard-liners inside the Ministry of Interior, who had always held a tough stance against the office as well as the 1951 Convention. See: G. A. Everts [Representative, UNHCR BO in Cairo] to UNHCR Headquarters, 'Memorandum: Accession Egypt to 1951 Convention', 5 December 1979, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
10. UNHCR, 'Note on the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the 1969 OAU Refugee Convention', 19 October 1979, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
11. OAU Council of Ministers, 'Resolutions Adopted by the Thirty-Third Ordinary Session of the Council of Ministers', 6–20 July 1979, Monrovia, Liberia, CM/Res.717-765(XXXIII) Rev.1. https://au.int/sites/default/files/decisions/9583-council_

- en_6_20_july_1979_council_ministers_thirtieth_third_ordinary_session.pdf (accessed 25 April 2021).
12. S. Sperl, 'Note for the File (No. 200: Egypt—1951 Convention/OAU Convention)', 17 August 1979.
 13. G. A. Everts to UNHCR Headquarters, 'Memorandum: Egypt and Refugee Conventions', 28 May 1979, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
 14. El-Kadi forwarded this concern directly to G. A. Everts during their first meeting after the Arusha conference in May 1979. G. A. Everts to UNHCR Headquarters, 'Memorandum: Egypt and Refugee Conventions', 28 May 1979.
 15. G. A. Everts to UNHCR Headquarters, 'Memorandum: Egypt and Refugee Conventions' 28 May 1979.
 16. UNHCR BO in Cairo to P. M. Moussalli (Director of Protection, UNHCR Headquarters), Cable, 22 August 1979, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
 17. P. M. Moussalli to G. A. Everts, Letter, 27 June 1979, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
 18. P. M. Moussalli, 'Report on Mission to Cairo from 20 to 21 October 1979', 31 October 1979, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
 19. P. M. Moussalli, 'Report on Mission to Cairo from 20 to 21 October 1979', 31 October 1979.
 20. P. M. Moussalli, 'Report on Mission to Cairo from 20 to 21 October 1979', 31 October 1979.
 21. P. M. Moussalli, 'Report on Mission to Cairo from 20 to 21 October 1979', 31 October 1979.
 22. G. A. Everts to UNHCR Headquarters, 'Memorandum: Accession Egypt to 1951 Convention', 5 December 1979.
 23. UNHCR BO in Cairo to UNHCR Headquarters, Cable, 23 February 1981, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
 24. UNHCR BO in Cairo to UNHCR Headquarters, Cable, 23 February 1981; UNHCR Headquarters to UNHCR BO in Cairo, Cable, 29 May 1981, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49; S. Sperl to UNHCR Headquarters, 'Memorandum: Implementation of 1951 Convention and Protocol', 9 September 1981.
 25. UNHCR, '(Original Copy) Instrument of Accession to Convention relating to the Status of Refugees of 1951' and '(Original Copy) Instrument of Accession to Protocol to Convention relating to the Status of Refugees', 21 May 1981, UNHCR Archives, Fonds 11/Series 2/Box 1306 ARC-2/A49.
 26. The UNHCR made contacts with many Arab state authorities during the 1970s and 1980s. They also sent delegation teams to several Arab countries such as Jordan (October 1979 and June/July 1980), Saudi Arabia and the United Arab Emirates (February 1983), and Kuwait (1984), to directly discuss the possibility of these countries' accession to the 1951 Convention.
 27. P. M. Moussalli, 'Report on Mission to Cairo from 20 to 21 October 1979', 31 October 1979.
 28. Through personal communication with several UNHCR officials, Takkenberg (1998) has come to a similar conclusion that Egypt's accession to the 1951 Convention was a Boutros-Ghali's personal initiative during his time in the Egyptian Foreign Ministry. Indeed, Boutros-Ghali had continued to serve as a key gate-person in the negotiations between the Egyptian government and the UNHCR through the 1980s.

29. G. A. Everts to UNHCR Headquarters, 'Memorandum: Accession Egypt to 1951 Convention', 5 December 1979.
30. According to the Egyptian foreign ministers who worked under Sadat, his level of focus on foreign policy issues were always 'high', while he had no interest in other 'lower politics' issues (Fahmy 1983; Kamel 1986; Boutros-Ghali 1997).

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