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## Rethinking Counterterrorism in the Age of ISIS: Lessons from Sinai

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Sahar F. Aziz\*

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## I. INTRODUCTION

Failing states are havens for terrorism.<sup>1</sup> A toxic combination of social, economic, and political crises attract violent extremist groups to establish bases in these lawless areas.<sup>2</sup> As the groups grow in strength, the violence spreads from the immediate vicinity to the nation, region, and sometimes even other continents.<sup>3</sup> One need only look to the terrorist attacks in New York, London, Madrid, and Paris as proof that terrorists operating out of failing states eventually set their sights on attacking Western capitals.<sup>4</sup> Although the underlying causes of terrorism are often local, the violence is no longer contained within a particular country or region.<sup>5</sup> Whether originating in Afghanistan, the Northwest Frontier of Pakistan, Somalia, Iraq, or

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1. See Stefan Mair, *A New Approach: The Need to Focus on Failing States*, HARV. INT'L REV., Winter 2008, at 52, 53 (arguing failing states encourage international terrorism and organized crime); William F. S. Miles, *Deploying Development to Counter Terrorism: Post-9/11 Transformation of U.S. Foreign Aid to Africa*, 55 AFR. STUD. REV., Dec. 2012, at 27, 31–32.
  2. Pinar Bilgin & Adam D. Morton, *From 'Rogue' to 'Failed' States? The Fallacy of Short-termism\**, 24 POLITICS 169, 173 (2004); Jörg Raab & H. Brinton Milward, *Dark Networks as Problems*, 13 J. PUB. ADMIN. RES. & THEORY 413 (2003) (“There is increasing evidence of a close connection between Al Qaeda and the failed states of Liberia, Sierra Leone, and Burkino Faso in West Africa.”); PAUL J. SMITH, *THE TERRORISM AHEAD: CONFRONTING TRANSNATIONAL VIOLENCE IN THE TWENTY-FIRST CENTURY* 187 (2008).
  3. See Zaryab Iqbal & Harvey Starr, *Bad Neighbors: Failed States and Their Consequences*, 25 CONFLICT MGMT. & PEACE SCI. 315, 338 (2008) (arguing the instability and unrest in a failing state place neighboring states and the region at risk of similar problems).
  4. For a timely discussion of the shifting counterterrorism measures adopted by France after the November 12, 2015, Paris Attacks, see generally Khaled A. Beydoun, *Beyond the Paris Attacks: Unveiling the War Within French Counterterrorism Policy*, AM. U. L. REV. (forthcoming 2016).
  5. U.S. DEP'T OF DEF., NATIONAL DEFENSE STRATEGY 2–3 (2008); Leonardo Helland & Stefan Borg, *The Lure of State Failure*, 16 INTERVENTIONS 877, 880 (2013); *About S/CRS*, U.S. DEPT. OF STATE (July 15, 2008), <http://2001-2009.state.gov/s/crs/c12936.htm> [<https://perma.unl.edu/23HM-Z93R>]; THE WHITE HOUSE, THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA (2002), <http://www.state.gov/documents/organization/63562.pdf> [<https://perma.unl.edu/5JJK-YC6C>] (“The events of September 11, 2001, taught us that weak states, like Afghanistan, can pose as great a danger to our national interests as strong states. Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders.”); Mair, *supra* note 1, at 55; President Barack Obama, Remarks by the President at the United States Military Academy Commencement Ceremony (May 28, 2014) (transcript available at <https://www.whitehouse.gov/the-press-office/2014/05/28/remarks-president-united-states-military-academy-commencement-ceremony> [<https://perma.unl.edu/R739-YX85>]) (“[B]ut also beyond Europe’s borders where our NATO allies must pull their weight to counterterrorism and respond to failed states and train a network of partners.”). *But see* Edward Newman, *Failed States and International Order: Constructing a Post-Westphalian World*, 30 CONTEMP. SECURITY POL’Y, 421 (2009)

Syria, the rise of terrorist groups has become a worldwide problem that threatens the safety of citizens in both the Eastern and Western Hemispheres, albeit in differing degrees.<sup>6</sup>

Yet, global counterterrorism strategies focus more on symptoms rather than the underlying social, political, and economic conditions that produce politically motivated violence.<sup>7</sup> In particular, counterterrorism policies are driven by military and security interests of authoritarian states whose state violence breeds more violence by nonstate actors. Moreover, Western nations often limit their counterterrorism practices to merely preventing violence on their soil. But with the advancement of technology, fluidity of borders, and ubiquity of international travel, countries can no longer afford to ignore the deteriorating conditions in failing states where terrorists set up bases.<sup>8</sup> Nor can they limit their interest in failed states to bombing terrorist training camps or pushing terrorists underground.<sup>9</sup> Only when the underlying political, social, and economic local hardships that produce fertile grounds for terrorists to operate are addressed can security improve for all people.<sup>10</sup> Simply put, citizens in the West can no longer wall themselves off from violence inflicted on citizens in the East.

Accordingly, this Article argues for a paradigm shift in the preventive goals of global counterterrorism policies. Specifically, human development based on the local needs of failing states—not the interests of authoritarian regimes and their Western allies—should drive global counterterrorism strategy. Furthermore, human development should

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(critiquing the focus on failed states post-9/11 as a political construction that produces threat inflation); Bilgin & Morton, *supra* note 2, at 170.

6. Seth Kaplan, *Identifying Truly Fragile States*, WASH. Q., Spring 2014, at 49, 50; Bob de Graaff, 'There's a Good Reason They are Called al-Qaeda in Iraq. They are al-Qaeda. . . in . . . Iraq.' *The Impossibility of a Global Counter-Terrorism Strategy, or the End of the Nation State*, in CRITICAL PERSPECTIVES ON COUNTER-TERRORISM 11, 12 (Lee Jarvis & Michael Lister eds., 2015).
7. Bilgin & Morton, *supra* note 2, at 170; Justin Logan & Christopher Preble, *Fixing Failed States: A Cure Worse than the Disease?*, HARV. INT'L REV., Winter 2008, at 62 (critiquing the "consensus view that the United States must reconstitute its national security bureaucracy in order to develop the capacity to fix failed states.").
8. THE WHITE HOUSE, *supra* note 5, at 1 ("America is now threatened less by conquering states than we are by failing ones.").
9. Morten Boås & Kathleen M. Jennings, 'Failed States' and 'State Failure': Threats or Opportunities?, 4 GLOBALIZATIONS 475, 479–80 (2007) (arguing that the U.S. did not take interest in Afghanistan or Somalia until after 2001 because the Taliban harbored Osama bin Laden, not because of humanitarian or governance-based definitions of state failure); DEP'T OF STATE & USAID, THE FIRST QUADRENNIAL DIPLOMACY AND DEVELOPMENT REVIEW 12 (2010), <http://www.state.gov/documents/organization/153108.pdf> [<https://perma.unl.edu/6LBW-M8SE>].
10. Kaplan, *supra* note 6, at 52 ("[A] locally driven, productive system of governance [is] a prerequisite for any attempt to develop or democratize.").

go beyond meeting fundamental needs such as food, shelter, and water to address political reforms demanded by the local population.

By failing to confront authoritarianism and its offspring, political repression, the international community misguidedly relies on counterproductive military and security-driven policies that produce, rather than prevent, violence. With the rise of violent transnational actors and fluid borders, the international community loses more than it gains by supporting dictators under the auspices of preserving stability. Dictatorships breed terrorism as they inculcate a culture of violence and instill fear, suspicion, and aggression among the citizens. In turn, violence becomes the only means to effectuate change in a zero-sum, winner-takes-all political system.

To demonstrate the flaws in security-driven, as opposed to development-driven, counterterrorism strategies that permeate the global “war on terror,” I examine Egypt’s Sinai Peninsula as a case study. The Sinai serves as an illustration of how a failing sub-state composed of a population long neglected by domestic and international development initiatives produces a growing militant insurgency that contributes toward destabilization of the state and the region.<sup>11</sup> Indeed, the violence in the Sinai has reached a tipping point wherein the violence perpetrated by nonstate militant groups has not only terrorized the local population and destabilized Egypt but has also buttressed the global threat posed by the self-described Islamic State in Iraq and Syria (ISIS). Thus, what happens in Sinai can offer valuable insights for policy makers and international organizations engaged in human development and counterterrorism in failing states or sub-states.

While Egypt is not currently a failed state according to international indexes,<sup>12</sup> the poor social, political, and economic conditions in the Sinai have attracted violent extremist groups whose lethal attacks on Egyptian soldiers and civilians is threatening the security of all Egyptians.<sup>13</sup> With the establishment of Wilayat Sinai as a branch of

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11. See, e.g., ZACK GOLD, INT’L CTR. FOR COUNTER-TERRORISM, SECURITY IN THE SINAI: PRESENT AND FUTURE 19 (2014), <http://www.icct.nl/download/file/ICCT-Gold-Security-In-The-Sinai-March-2014.pdf> [<https://perma.unl.edu/CP84-G6PH>] (noting that Sinai can be compared to the western tribal areas of Pakistan that has become a safe-haven for foreign terrorists).

12. See Charles T Call, *The Fallacy of the ‘Failed State’*, 29 THIRD WORLD Q. 1491, 1496 (2008) (arguing that authoritarian states as among the categories of states that warrant more empirical research as a cause of instability, conflict, and weak state institutions).

13. This has contributed toward Egypt’s fragility ranking of 38 out of 177 countries in the Failed State Index. With the most stable country (Finland) at a 17.8 index and the least stable countries (Somalia and South Sudan) with a 114.0 index, Egypt’s stands at 90. Among the various factors measured to determine a country’s failed state index, Egypt’s worst indicators are factionalized elites, group grievances, poverty and economic decline, lack of state legitimacy, poor human rights and rule of law, and an abusive security apparatus. Egypt’s Social Indica-

ISIS, the violence is likely to spread to and merge with violence in neighboring countries.

Couched in the critical security studies literature,<sup>14</sup> this Article argues that counterterrorism strategies and policies are deficient in at least three ways: (1) they are shaped by Western counterterrorism agendas that focus on short term prevention of violent extremism on Western soil without meaningfully addressing the underlying political, social, and economic conditions that contribute to the rise of violent extremism over the long run;<sup>15</sup> (2) they securitize human development problems that result in over-allocating resources to military and security personnel and an environment fertile for terrorist recruitment of the local population;<sup>16</sup> and (3) they fail to localize and contextualize the causes of violent extremism that arise from underdevelopment.<sup>17</sup> Rather than merely attempt to stop the next attack, the international community should have the long view of addressing the underlying social, political, and economic hardships that produce fertile grounds for politically motivated violence to thrive.<sup>18</sup> That is, by shifting the focus from security to human development, resources will be allocated to building institutions and dem-

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tors are as follow: Demographic Pressures 7.1; Refugees and Internally Displaced Persons 6.7; Group Grievance 8.7; Human Flight and Brain Drain 4.7. Egypt's Economic Indicators are as follow: Uneven Economic Development 6.5; Poverty and Economic Decline 8.1; Political Indicators; State Legitimacy 8.7; Public Services 5.4; Human Rights & Rule of Law 9.8; Security Apparatus 8.2; Factionalized Elites 9.0; External Intervention 7.1. *Fragile States Index 2015*, FUND FOR PEACE, <http://fsi.fundforpeace.org/rankings-2015> [<https://perma.unl.edu/FV2P-P3NAJ>].

14. COUNTER-TERRORISM AND STATE POLITICAL VIOLENCE: THE 'WAR ON TERROR' AS TERROR (Scott Poynting & David Whyte eds., 2012); MUSLIMS IN THE WEST AFTER 9/11 (Jocelyne Cesari ed., 2010); DAVID L. ALTHEIDE, TERRORISM AND THE POLITICS OF FEAR (2006); JENNIFER GANDHI, POLITICAL INSTITUTIONS UNDER DICTATORSHIP (2008).
15. See, e.g., Bilgin & Morton, *supra* note 2, at 169 (noting that public policy discourse on failed states focuses on symptoms of state failure, including international terrorism, rather than conditions that cause such failures to occur).
16. Newman, *supra* note 5, at 434 (defining securitization as "the process by which issues are accorded security status or seen as a threat through political labelling, rather than as a result of their real or objective significance."); DEPARTMENT FOR INTERNATIONAL DEVELOPMENT, MAKING GOVERNANCE WORK FOR THE POOR, 2006, Cm. 6876 (UK) (converging security, peace-building, and development); Call, *supra* note 12, at 1496–97.
17. Bøås & Jennings, *supra* note 9, at 476 ("Every state is a culmination of unique historical processes."); de Graaff, *supra* note 6, at 18–19.
18. But see Organization for Economic Co-operation and Development [OECD], *Pilot-ing the Principles for Good International Engagement in Fragile States*, at 8–10, DCD(2005)11/REV2 (Aug. 17, 2005) (focusing on state building as a central focus of development); Rachel Stohl & Michael Stohl, *Failing the Failed: The Bush Administration and Failed States*, HARV. INT'L REV., Winter 2008, at 56, 60 (arguing that the failing states need development support from the international community).

cratic processes from the bottom up rather than strengthening military and security institutions with abysmal human rights records and a track record of political repression.<sup>19</sup>

While I acknowledge that scholars disagree on the criteria that should inform a state's failing status,<sup>20</sup> I adopt the Peace Fund Index criteria in evaluating the social, political, and economic conditions in the Sinai to argue for development-driven counterterrorism.<sup>21</sup> This Article employs the various criteria in the Index as a means of illustrating the myriad ways Sinai informs analysis of other failing sub-states harmed by militarized and security-driven counterterrorism.<sup>22</sup> Specifically, the following factors contribute towards the Sinai's fail-

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19. Call, *supra* note 12, at 1498; Declan Walsh, *Italian Student's Brutal Killing May Be Issue in Egypt-U.S. Meetings*, N.Y. TIMES (Feb. 7, 2016), [http://www.nytimes.com/2016/02/08/world/middleeast/egypt-italy-giulio-regeni-cairo.html?\\_r=0](http://www.nytimes.com/2016/02/08/world/middleeast/egypt-italy-giulio-regeni-cairo.html?_r=0).

20. The debates on the utility of the empirical approach to defining failed state status are beyond the scope of this article. See, e.g., Mair, *supra* note 1, at 52 (noting that most scholars agree that "a state must be able to exert a monopoly on the use of force within its borders, provide legitimate political and legal order, and offer essential services in health, education, and physical infrastructure," but beyond that there is little consensus as to what constitutes a failed state); Bilgin & Morton, *supra* note 2, at 173–74 (noting the binary discourse on "failed" versus "successful" states" reflects the continuation of Cold War discourses of binary oppositions); Bøås & Jennings, *supra* note 9, at 475; Call, *supra* note 12, at 1491 (arguing that the terms failed and failing states are used in such divergent ways that they have lost any utility); Helland & Borg, *supra* note 5, at 877; Kaplan, *supra* note 6, at 49; Newman, *supra* note 5, at 421; Logan & Preble, *supra* note 7, at 62 (critiquing the use of the term failed state without a consistent and accurate definition).

21. *Fragile States Index 2015*, *supra* note 13; see, e.g., Kaplan, *supra* note 6, at 50–51 (critiquing the Fund for Peace's Failed State Index).

22. The Fund for Peace index focuses on social, economic, and political and military indicators. Social indicators are demographic pressures, refugees and internally displaced persons, group grievance, and human flight and brain drain. The economic indicators are uneven economic development and poverty and economic decline. The political and military indicators are state legitimacy, public services, human rights and rule of law, security apparatus, factionalized elites, and external intervention. *The Indicators*, FUND FOR PEACE, <http://fsi.fundforpeace.org/indicators> [<https://perma.unl.edu/797Y-92QU>]; see *Fragile States Index 2015*, *supra* note 13. Other failed state indices use similar factors but different nomenclature. For example, the Harvard Failed States Project Index identifies the following attributes of a failing state: (1) loss of physical control of its territory; (2) loss of a monopoly on the legitimate use of force; (3) erosion of legitimate authority to make collective decisions; (4) inability to provide reasonable public services; (5) extensive corruption and criminal behavior; (6) inability to collect taxes; (7) inability to draw on citizen support; (8) large-scale involuntary dislocation; (9) sharp economic decline or depression; (10) group-based inequality; (11) institutionalized persecution or discrimination; (12) severe demographic pressures; (13) brain drain; and (14) environmental decay. Helland & Borg, *supra* note 5, at 887; see Call, *supra* note 12, at 1491–92 (noting the convergence of interest between progressives seeking to direct international humanitarian aid to residents in poor conflict zones and conservatives seeking to prevent terrorism in failed states that harbor terrorists).

ing sub-state status;<sup>23</sup> (1) political marginalization and displacement;<sup>24</sup> (2) poor infrastructure;<sup>25</sup> (3) religious and political violence;<sup>26</sup>

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23. The Fragile States Index includes the following factors in its assessment of states, which I apply to the Sinai context throughout the paper: (1) water scarcity, (2) displacement, (3) discrimination, (4) powerlessness, (5) religious violence, (6) disproportionately lower incomes than mainland Egypt, (7) unemployment, (8) high youth unemployment, (9) an illicit economy, (10) drug trade, (11) corruption, (12) police abuses, (13) criminality, (14) insufficient education provision, (15) insufficient roads, (16) poor infrastructure, (17) poor sanitation, (18) lack of press freedom, (19) violation of civil liberties, (20) no political freedoms, (21) human trafficking, (22) political prisoners, (23) torture, (24) executions, (25) arms proliferation, (26) fatalities in conflict, (27) rebel activity, (28) bombings, and (29) internal conflict. *The Indicators*, *supra* note 22.
24. Dina Ezzat, *Sinai-The Challenges Ahead*, AL-AHRAM WKLY. (June 2, 2015, 4:08 A.M.), <http://weekly.ahram.org.eg/News/10379/17/Sinai—The-challenges-ahead.aspx> [<https://perma.unl.edu/NP47-FGG7>]; Hilary Gilbert, *Nature = Life: Environmental Identity as Resistance in South Sinai*, NOMADIC PEOPLES, Dec. 2013, at 40, 60 [hereinafter Gilbert, *Nature = Life*]; Ramzy Baroud, *Fighting for Survival in the Sinai*, ASIA TIMES ONLINE (Oct. 28, 2014), [http://www.atimes.com/atimes/Middle\\_East/MID-01-281014.html](http://www.atimes.com/atimes/Middle_East/MID-01-281014.html) [<https://perma.unl.edu/T7UB-QKCS>] [hereinafter Baroud, *Fighting*]; Ramzy Baroud, *Poverty Has Bred Resentment in Sinai*, GULF NEWS (Nov. 4, 2014, 8:00 PM), <http://gulfnews.com/opinion/thinkers/poverty-has-bred-resentment-in-sinai-1.1408128> [<https://perma.unl.edu/RPC5-SCGP>] [hereinafter Baroud, *Poverty*] (“Despite a media blackout in Sinai, the scene of devastation created by the military campaign is becoming clearer by the day. ‘Using bulldozers and dynamite’, the army has demolished as many as 800 houses and displaced up to 10,000 people, the New York Times reported. Al Sissi’s spokesman referred to the demolished neighbourhoods as terrorist ‘hotbeds.’”).
25. Press Release, Embassy of the U.S. in Cairo, Egypt, Egyptian and US Partners to Renovate Water Trucks to Increase Supply of Drinking Water to Central Sinai Families (Mar. 28, 2012), <http://egypt.usembassy.gov/pr032812.html> [<https://perma.unl.edu/DHF2-WSHM>]; *Sinai Ignored in Egypt Development Plans*, AL-MONITOR (May 1, 2014), <http://www.al-monitor.com/pulse/originals/2014/04/sinai-egypt-residents-anger-empty-government-promises.html> [<https://perma.unl.edu/SSC8-P3YG>]; U.S. AGENCY FOR INT’L DEV., LIVELIHOOD AND INCOME FROM THE ENVIRONMENT IN SINAI (LIFE SINAI) 5 (Apr. 2012), [http://pdf.usaid.gov/pdf\\_docs/PA00HR6D.pdf](http://pdf.usaid.gov/pdf_docs/PA00HR6D.pdf) [<https://perma.unl.edu/ZP49-8NQH>].
26. Mara Revkin, *Egypt’s Power Vacuum is Radicalizing the Sinai Peninsula*, WASH. POST (Aug. 29, 2013), [http://www.washingtonpost.com/opinions/egypts-power-vacuum-is-radicalizing-the-sinai-peninsula/2013/08/29/77c427d2-10bb-11e3-bdf6-e4fc677d94a1\\_story.html](http://www.washingtonpost.com/opinions/egypts-power-vacuum-is-radicalizing-the-sinai-peninsula/2013/08/29/77c427d2-10bb-11e3-bdf6-e4fc677d94a1_story.html) [<https://perma.unl.edu/6VY5-FZEH>] (“In a widely circulated video in July, a pro-Morsi protester warned Gen. Abdel Fatah al-Sissi: ‘You have created a new Taliban and a new al-Qaeda in Egypt.’ In Sinai, this message resonates with both radical and more mainstream Islamists who increasingly resort to violence to avenge what they regard as criminal state action.”); *Sinai ‘Suicide Bombing’ Kills At Least 6 Egyptian Policemen, 10 Wounded*, RUSSIA TODAY (Nov. 4, 2015, 11:31 AM), <https://www.rt.com/news/320730-police-men-killed-sinai-bombing/> [<https://perma.unl.edu/3F9J-4SNY>]; Ashraf Sweilam, *Roadside Bomb Kills Egypt Officer in Restive Sinai*, U.S. NEWS (April 16, 2015, 6:53 A.M.), <http://www.usnews.com/news/world/articles/2015/04/16/roadside-bombing-kills-officer-in-egypts-restive-sinai> [<https://perma.unl.edu/8D2X-BYXJ>]

(4) poverty and unemployment;<sup>27</sup> (5) an illicit economy, arms proliferation and drug trade;<sup>28</sup> (6) absence of civil liberties;<sup>29</sup> and (7) internal conflict.<sup>30</sup> I will address these factors throughout the Article to demonstrate how such factors result in a rise of politically motivated, nonstate violence in the Sinai.

The Article is structured as follows. Part II provides a brief summary of Sinai's modern history, including the Egyptian state's systematic mistreatment of the Bedouin that has trapped them between state and nonstate violence.<sup>31</sup> It goes into detail on the securitized

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27. Gilbert, *Nature = Life*, *supra* note 24, at 48 (“The poverty resulting from this exclusion is very real. Egyptian employers decline to employ Bedu. The limited education most now receive does not provide access to better employment and most of those working at all survive in low-paid, insecure jobs.”); Heba Aziz, *Employment in a Bedouin Community: The Case of the Town of Dahab in South Sinai*, NOMADIC PEOPLES, Nov. 2000, at 28; Hilary Gilbert, ‘This Is Not Our Life, It’s Just A Copy Of Other People’s’: Bedu And The Price Of ‘Development’ In South Sinai, NOMADIC PEOPLES, Dec. 2011, at 7, 9, 19 [hereinafter Gilbert, *This Is Not Our Life* . . .].
28. Gilbert, *This Is Not Our Life* . . . , *supra* note 27, at 18; Gold, *supra* note 11, at 7 (“Criminal smuggling, of course, did thrive in Sinai. As is often the case in border regions, members of Sinai tribes took advantage of relations in neighboring states and territories to smuggle people, drugs, goods and weapons into Israel and Gaza.”); Baroud, *Poverty*, *supra* note 24; OLIVER WALTON, GOVERNANCE AND SOC. DEV. RES. CTR., HELPDESK RESEARCH REPORT: CONFLICT, EXCLUSION AND LIVELIHOODS IN THE SINAI REGION OF EGYPT 6 (2012), <http://www.gsdr.org/docs/open/hdq834.pdf> [<https://perma.unl.edu/SX6X-UEL7>] (“The border with Israel is also an important site of trafficking, particularly for migrants and prostitutes. Some reports suggest that Bedouins have become increasingly involved in the trafficking of African migrants to Israel in recent years.”).
29. Shahira Amin, *Egypt: Law Will ‘Severely Erode Civil Liberties’*, INDEX ON CENSORSHIP (April 14, 2014), <https://www.indexoncensorship.org/2014/04/egypt-law-will-severely-erode-civil-liberties/> [<https://perma.unl.edu/726G-D5VC>]; Nour Youssef, *How Egyptian Media Has Become a Mouthpiece for the Military State*, GUARDIAN (June 25, 2015, 11:52 AM), <http://www.theguardian.com/world/2015/jun/25/egyptian-media-journalism-sisi-mubarak> [<https://perma.unl.edu/2QPU-SSEN>].
30. *Egypt Executes Six Men Convicted of Killing Soldiers After ‘Grossly Unfair’ Trial*, GUARDIAN (May 17, 2015, 11:25 AM), <http://www.theguardian.com/world/2015/may/17/egypt-executes-six-members-of-isis-aligned-militant-group-sinai-province> [<https://perma.unl.edu/Z3X6-EASD>] (reporting concerns with unfair trials for six men executed for allegedly carrying out terrorist attacks in Sinai); Toqa Ezzidin, *Geographically Hard To Secure: North Sinai Caught In Crossfire Between Army, Militants*, DAILY NEWS EGYPT (July 8, 2015), <http://www.dailynewsegypt.com/2015/07/08/geographically-hard-to-secure-north-sinai-caught-in-crossfire-between-army-militants/> [<https://perma.unl.edu/K2UX-LS4E>] (reporting on water shortage and skyrocketing inflation in Sinai); *Sinai ‘Suicide Bombing’ Kills At Least 6 Egyptian Policemen, 10 Wounded*, *supra* note 26; Sweilam, *supra* note 26.
31. The Bedu people (literally: “people of the desert”) are groups found throughout North Africa and the Middle East. In Sinai, the Bedouin make up eleven to thirteen semi-nomadic tribes with indistinct boundaries. The Bedu people had a “core” livelihood before countries such as Israel and Egypt attempted to “develop” the region. Especially in southern Sinai, this consisted of working in mountain-

governance of Sinai, in part due to the terms of the Egyptian–Israeli Peace Treaty, and the consequent social, economic, and political hardships of local residents. Frequent closure of the border between Gaza and Rafah, for example, makes illegal smuggling all but inevitable due to the consequent scarcity of consumer goods in Gaza and dearth of employment in Rafah. Moreover, Egypt’s harsh treatment of its North Sinai residents coupled with Israel’s mistreatment of Gazans gives the two beleaguered communities a common cause to fight both states.<sup>32</sup> The absence of employment opportunities, inferior schools, and harsh over-policing fuels an environment of resentment toward the state that terrorist groups have leveraged to expand their operations after Egypt’s January 25, 2011, uprisings.<sup>33</sup> Thus, Egypt, Israel, the United States, and their allies should consider amending the Camp David Accords to transform the Sinai, particularly in the North, from barren military zones to a thriving part of Egypt where the Bedouin and other local residents can find gainful employment, receive government services commensurate with their Egyptian compatriots, and live in peace.<sup>34</sup>

Part III proceeds to examine how local problems engendered politically motivated violence in Sinai. Various militant groups recruited Bedouin and Egyptians from the mainland to violently oppose the state. Terrorist attacks on resorts in South Sinai from 2004 to 2006 led to massive arbitrary arrests of Bedouin from nearly every village, hundreds of whom were detained for years without trial.<sup>35</sup> Thus, when the 2011 uprisings occurred, the Sinai was fertile grounds for

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ous regions cultivating orchard fruits and dates and pastoralism. These are the labors that largely made up what Bedouin believed made people Bedouin. Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 9.

32. See MOHANNAD SABRY, SINAI: EGYPT’S LINCHPIN, GAZA’S LIFELINE, ISRAEL’S NIGHTMARE 131 (2015).
33. Adham Youssef, *Wounds and Medicines of Sinai*, DAILY NEWS EGYPT (May 12, 2015), <http://www.dailynewsegypt.com/2015/05/12/wounds-and-medicines-of-sinai/> [<https://perma.unl.edu/5SY5-BLQY>]; SABRY, *supra* note 32, at 35–36.
34. See Genevieve Belmaker, *Sinai ‘Basically a War Zone’ Says Expert, as Pentagon Plans Changes to Observer Deployments*, CNS NEWS (Apr. 28, 2016, 6:26 PM), <http://www.cnsnews.com/news/article/genevieve-belmaker/sinai-basically-war-zone-says-expert-pentagon-plans-changes-observer> [<https://perma.unl.edu/63LH-WT8Z>]; Heidi Breen, *Egypt: Freedom and Justice to the Bedouins in Sinai?* 59 (Autumn 2013) (unpublished M.A. thesis, University of Oslo) (on file with the Department of Cultural Studies and Oriental Languages, University of Oslo), [https://www.duo.uio.no/bitstream/handle/10852/39058/Master\\_Heidi\\_Breen.pdf?sequence=1](https://www.duo.uio.no/bitstream/handle/10852/39058/Master_Heidi_Breen.pdf?sequence=1) [<https://perma.unl.edu/L2L2-YPJZ>] (finding that the absence of development and cities coupled with the rough terrain makes Sinai attractive to terrorist groups). *But see* AMR YOSSEF & JOSEPH R. CERAMI, THE ARAB SPRING AND THE GEOPOLITICS OF THE MIDDLE EAST: EMERGING SECURITY THREATS AND REVOLUTIONARY CHANGE 11–12 (2015) (arguing the failure of Arab states is due more to the weakness of its bureaucracy, i.e., its stateness).
35. SABRY, *supra* note 32, at 23–24.

the resurgence of violent extremist groups partially composed of Bedouin seeking revenge for decades of abuse and humiliation at the hands of state security.<sup>36</sup> Part III also looks at the current situation in Sinai wherein the self-described Islamic State of Iraq and Syria (ISIS) established a foothold when the Egyptian group Ansar Bayt al-Maqdis pledged its allegiance to ISIS. With an influx of weapons from Libya after the fall of Ghaddafi and arms smuggling at an all-time high, the Sinai appears to be on the path toward becoming a failing sub-state beyond the control of the Egyptian state.<sup>37</sup>

The Egyptian military's scorched-earth response, including tearing down 1,000 meters of residential homes in Rafah, has only made matters worse.<sup>38</sup> As Egyptian military tanks storm schools, uproot olive trees, and destroy thousands of homes, the possibility of a working relationship between the citizenry and government plummets.<sup>39</sup> Exploiting the local population's economic deprivation and distrust of the state, violent extremist groups have burgeoned. Moreover, the security and political vacuum arising from the 2011 uprisings has allowed new militant groups to form as existing groups grow stronger.<sup>40</sup>

While development initiatives have been undertaken in the Sinai, development has been the handmaiden of a securitized approach to governing Sinai. Part III argues that development by Egypt and the United States has proven to be half-hearted at best and futile at worst. Funds for human and economic development are both insufficient and inappropriately spent pursuant to Cairo-based Egyptian officials' political agendas. Rarely are Bedouin tribal leaders and other Sinai leaders included in the negotiations for developing the Sinai.<sup>41</sup> Nor are they in elected offices representing the Sinai.<sup>42</sup> When Bedouin are invited to discuss their grievances with Egyptian officials,

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36. Gold, *supra* note 11, at 3 (noting the pace and lethality of attacks today is much worse than in the past).

37. Mair, *supra* note 1, at 53; SABRY, *supra* note 32, at 147 (noting state authorities had little control of Sinai after the 2011 uprisings); Ezzat, *supra* note 24.

38. Gold, *supra* note 11, at 14.

39. *Egypt Cabinet Approves New 'Terrorist Entities' Law*, AHAM ONLINE (Nov. 27, 2014), <http://english.ahram.org.eg/NewsContent/1/64/116565/Egypt/Politics-/Egypt-cabinet-approves-new-antiterrorism-law.aspx> [https://perma.unl.edu/767Q-E2XG]; *Egyptian Army Struggles to Address Terrorism in Sinai*, AL-MONITOR (Feb. 11, 2015), <http://www.al-monitor.com/pulse/originals/2015/02/sinai-egypt-army-failure-war-terrorism.html#> [https://perma.unl.edu/YUC4-ZJPP].

40. The active militant groups before Egypt's 2011 uprisings include Tawhid wal Jihad that is allegedly tied to Al Qaeda, Salafiya Jihadiya, Mujahideen Council, and Jaysh Al Islam. JEREMY M. SHARP, CONG. RESEARCH SERV., R43183, EGYPT IN CRISIS: ISSUES FOR CONGRESS 1 (2013).

41. SABRY, *supra* note 32, at 126, 193.

42. Dona Stewart, *The Sinai Bedouin: Political and Economic Discontent Turns Increasingly Violent*, MIDDLE E. POL'Y COUNCIL (Aug. 12, 2011), <http://mepc.org/articles-commentary/commentary/sinai-bedouin-political-and-economic-discontent-turns-increasingly-violent> [https://perma.unl.edu/92ZC-KEQF] ("Though Egypt-

their recommendations are often ignored.<sup>43</sup> These insincere meetings are then used by the authoritarian regime as proof that the Egyptian government is not oppressing the people of Sinai. But violence in Sinai has become so widespread that Egypt, its neighbors, and the international community can no longer afford to entertain such political posturing.<sup>44</sup>

It is worth emphasizing that while much of the militant groups' ideological rhetoric in Sinai has been "Islamist,"<sup>45</sup> the militants have a political purpose—to overthrow an Egyptian government it views as illegitimate and oppressive. Indeed, the first order problem in Sinai is political, economic, and social in nature, wherein the issue of whether the militants are in fact "Islamic" is a second order issue. That is, the militant groups exploit religious rhetoric to appeal to the local population seeking relief from inequality, political repression, and human rights abuses. Militants (mis)interpret religion to gain support for political goals as a consequence of the fundamental role religion has played in daily life across the Middle East since the 1970s. In contrast, from the 1940s to the 1950s insurgent or opposition groups deployed nationalism and socialism to mobilize people in furtherance of the political goal of overthrowing a colonial government.<sup>46</sup> This was specific to the surge of anticolonial movements across the world and national revolutions. For these reasons, this Article does not engage in the second-order debates that frame counterterrorism around the religious legitimacy of violent extremist acts.<sup>47</sup>

Before the Sinai transitions into a full-fledged failed sub-state, the international community and the Egyptian state should develop a long-term preventive strategy that incorporates and welcomes Sinai residents as stakeholders.<sup>48</sup> Rather than be marginalized as a fifth

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tian citizens, they are not allowed to join the Army or police or hold significant government positions.").

43. SABRY, *supra* note 32, at 126, 193.

44. Stohl & Stohl, *supra* note 18, at 60 ("Without the assistance of the international community, weak and failing states will repeat their cycles of violence and instability.").

45. According to *Dictionary.com*, "Islamist" means supporting or advocating Islamic fundamentalism. *Islamist*, DICTIONARY.COM, <http://www.dictionary.com/browse/islamist> [<https://perma.unl.edu/6FA7-F9VR>].

46. See FED. RESEARCH DIV., LIBRARY OF CONGRESS, EGYPT: A COUNTRY STUDY 56–65 (Helen Chapin Metz ed., 1991).

47. See generally Jerome P. Bjelopera, *Countering Violent Extremism in the United States*, 9 INT'L J. TERRORISM & POL. HOT SPOTS 21 (2014); Jennifer S. Hendrickson, *Counter-Radicalization: Combating Terrorism at the Core*, (Aug. 2014) (unpublished M.A. thesis, Johns Hopkins University) (on file with the Sheridan Libraries, Johns Hopkins University), <https://jscholarship.library.jhu.edu/handle/1774.2/38096> [<https://perma.unl.edu/YWU6-NMFA>].

48. See SMITH, *supra* note 2, at 191 (explaining one way of "mitigating terrorism" is to change the environment by nurturing a "more equitable and fair international system").

column or de facto enemies of the state, the Bedouin and other Sinai residents should play a leading role in an intergenerational process for bringing stability back to Sinai through development.<sup>49</sup> The local populations' needs and active participation—not Western nations' or authoritarian regimes' security agendas—should shape human development in the Sinai.<sup>50</sup> Empowering Sinai residents through self-governance grants the local population a vested interest in working with security forces as partners to stop militant groups' violence against both civilians and soldiers.<sup>51</sup> Their economic interests and political empowerment will also give Sinai residents a sense of belonging to the state, thereby making terrorist recruitment efforts less effective.

## II. ECONOMIC DEPRIVATION AND POLITICAL MARGINALIZATION IN THE SINAI

Sinai did not reach its current state of lawlessness overnight.<sup>52</sup> For decades, the Egyptian state (with the United States' military aid)<sup>53</sup> has securitized governance of the Sinai.<sup>54</sup> Rather than invest in human and economic development that could provide Bedouin with lawful employment, stability was achieved through fear.<sup>55</sup> The Ministry of Interior and Egyptian intelligence controlled Sinai governance

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49. Ezzat, *supra* note 24.

50. *See, e.g.*, Logan & Preble, *supra* note 7, at 62 (arguing the fetish with failed states is a modern iteration of Western imperialism to justify intervention in countries deemed strategic to Western political interests); Bilgin & Morton, *supra* note 2, at 169, 171 (noting that public policy discourse on failed states focuses on symptoms of state failure, including international terrorism, rather than conditions that cause such failures to occur); Bøås & Jennings, *supra* note 9, at 476 (arguing that “the use of the failed state label is inherently political” and the conditions of weak states does not necessarily explain the presence of terrorist groups); Call, *supra* note 12, at 1496.

51. *Egyptian Army Struggles to Address Terrorism in Sinai*, AL-MONITOR (Feb. 11, 2015), <http://www.al-monitor.com/pulse/originals/2015/02/sinai-egypt-army-failure-war-terrorism.html#> [<https://perma.unl.edu/73HW-8C24>]; SABRY, *supra* note 32, at 174.

52. SABRY, *supra* note 32, at 172 (noting how lawlessness strengthened sharia courts and independent tribal figures). *But see* Call, *supra* note 12, at 1499–1500 (noting that failed state analysis discounts alternative forms of authority in tribes or local strongmen that produce security for the population).

53. JEREMY M. SHARP, CONG. RESEARCH SERV., RL33003, EGYPT: BACKGROUND AND U.S. RELATIONS 13–15 (2015) (“Between 1948 and 2015, the United States provided Egypt with \$76 billion in bilateral foreign aid . . . including \$1.3 billion a year in military aid from 1987 to the present.”).

54. Louise Lief, *Egypt Puts Stamp on Sinai*, CHRISTIAN SCI. MONITOR (Apr. 22, 1982), <http://www.csmonitor.com/1982/0422/042255.html> [<https://perma.unl.edu/6V8D-S4UK>]; YOSSEF & CERAMI, *supra* note 34, at 51.

55. Gold, *supra* note 11, at 18.

with little regard for the needs of the local population.<sup>56</sup> This pushed the Bedouin into smuggling consumer goods, weapons, drugs, and humans as a means of economic survival.<sup>57</sup> Human rights abuses became a regular occurrence as residents were swept up and tortured in state anti-terrorism operations.<sup>58</sup> Tensions between the people and the state predictably reached a boiling point in January 2011 when Sinai residents joined the mass uprisings as they burned down police stations and chased security officers out of town.<sup>59</sup>

The securitized approach to governance in Sinai is due, in large part, to an outdated mindset rooted in the 1979 Egyptian–Israeli Peace Treaty.<sup>60</sup> The Treaty is premised on preventing military engagement between two states. At the time of its signing, the Egyptian military was noncommittal to a permanent peace, and thus did not want to develop Sinai in the event that another conflict was necessary.<sup>61</sup> The Treaty, thus, perpetuated treating North Sinai as demilitarized security zones, rather than civilian areas, where restrictions on Egyptian military activities are monitored by an international force.<sup>62</sup> Four decades later, however, the more pressing security concerns now lie with violence by nonstate actors.<sup>63</sup> Transnational political Islamist groups and cross-border Bedouin clans are challenging the authority of both Egypt and Israel. While Israel recently granted Egypt military permission to expand its military presence to fight terrorists, the underlying militarized framework remains the same.<sup>64</sup> Residents of Rafah, Sheikh Zuweid, and Al Arish, where violence has

56. *Id.*; Emma Graham-Harrison, *How Sinai Became a Magnet for Terror*, *GUARDIAN* (Nov. 7, 2015, 7:20 PM), <http://www.theguardian.com/world/2015/nov/08/sinai-magnet-for-terror> [<https://perma.unl.edu/3UXF-MWD7>].

57. Sara Lynch, *Sinai Becomes Prison for African Migrants*, *N.Y. TIMES* (Oct. 31, 2012), [http://www.nytimes.com/2012/11/01/world/middleeast/01iht-m01-sinai-migrants.html?\\_r=0](http://www.nytimes.com/2012/11/01/world/middleeast/01iht-m01-sinai-migrants.html?_r=0) (“An estimated 20 percent to 30 percent of the mostly sub-Saharan migrants who have passed through Sinai since 2009 have been tortured, according to Ms. Shoham. The Israeli doctors’ group estimates that half the women have been sexually abused.”); Walton, *supra* note 28, at 1; Newman, *supra* note 5, at 430 (noting that arms smuggling is an indicator of weak or failing states).

58. SABRY, *supra* note 32, at 11.

59. Ismail Alexandrani, *The War in Sinai: A Battle Against Terrorism or Cultivating Terrorism for the Future?*, *ARAB REFORM INITIATIVE* 19 (Mar. 2014), <https://perma.unl.edu/97B7-U5XV>; SABRY, *supra* note 32, at 12.

60. See Shahjahan H. Bhuiyan, *Can Democratic Governance Be Achieved in Egypt?*, 38 *INT’L J. PUB. ADMIN.* 496, 496–97 (2015).

61. *See id.*

62. Treaty of Peace (with Annexes and Maps), Israel–Egypt, art. II, §§ a–c, March 26, 1979, 1138 *U.N.T.S.* 59.

63. NICOLAS PELHAM, *CHATHAM HOUSE*, *SINAI: THE BUFFER ERODES* vi (Sept. 2012).

64. Yehudit Ronen, *The Effects of the ‘Arab Spring’ on Israel’s Geostrategic and Security Environment: The Escalating Jihadist Terror in the Sinai Peninsula*, 20 *ISR. AFF.* 302, 312–13 (2014); Hillel Frisch, *The Egyptian Army and Egypt’s ‘Spring’*, 36 *J. STRATEGIC STUD.* 180, 196 (2013).

hit unprecedented levels, attribute the Egyptian government's failure to develop North Sinai to systemic neglect of the Bedouin and Israel's desire to keep the border area clear.<sup>65</sup> Little regard is paid to the local conditions that create fertile grounds for violence by nonstate actors.<sup>66</sup>

Meanwhile, the limited investments in the tourism industry in South Sinai enrich Cairene crony capitalists and employ Egyptian migrants from the Nile Delta.<sup>67</sup> The Bedouin and other local Sinai residents are discriminated against by employers who refuse to hire them.<sup>68</sup> This leaves illegal smuggling as the primary means of economic survival for the Bedouin.<sup>69</sup> Further exacerbating their plight, Egyptian security over-polices the Bedouin through harsh collective punishment tactics that treat them as a fifth column. This has pushed some Bedouin to join militant groups and others to assist terrorists in hiding from state security.<sup>70</sup> Meanwhile, local Sinai leaders have been largely excluded from state governance that would otherwise allow them to represent the needs of Sinai communities.<sup>71</sup> As a result, deep distrust and resentment of the state persists among Sinai residents, most acutely among the Bedouin.

With rising conflicts in the Middle East after the 1948 war, when Arab nationalism was at its peak, the Sinai became increasingly militarized. As tensions between Israel and Egypt grew, so too did the Egyptian state's suspicion of the Bedouin. With distinct dialects and cultures, the Egyptian government suspected the Sinai tribes as potential Israeli collaborators with no loyalty to Egypt.<sup>72</sup> Meanwhile, Bedouin viewed Egypt as a colonizing force similar to the Turks and

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65. *What Is Left of 'October's Sinai'?*, DAILY NEWS EGYPT (Oct. 6, 2015), <http://www.dailynewsegypt.com/2015/10/06/what-is-left-of-octobers-sinai/> [<https://perma.unl.edu/TS6L-FQHN>].

66. *Id.*

67. Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 8–9 (“[S]ince 1982, when full Egyptian government resumed, South Sinai has experienced rapid commercial development through tourism and substantial donor investment. An analysis for the Egyptian Environmental Affairs Agency (SEAM 2005: 20) concluded that ‘the Bedouin can hardly fail to benefit from these investments’. Yet South Sinai Bedu remain among the poorest and most marginalized of Egyptian citizens; a position reinforced by the government policy of settling mainland Egyptians in large numbers in the peninsula backed by a massive security presence.”); Gilbert, *Nature = Life*, *supra* note 24, at 43 (“Development on this scale threatens the environment, and the government has responded by designating almost 40 per cent of South Sinai’s landmass and littoral as Protected Areas . . . .”); *Egypt to Establish \$92M Industrial Zone in South Sinai*, AL BAWABA (May 30, 2016, 9:00 AM), <http://www.albawaba.com/business/egypt-establish-92m-industrial-zone-south-sinai-846024> [<https://perma.unl.edu/LLS2-W8C4>] (making no mention of quotas for local residents in terms of jobs).

68. Gold, *supra* note 11, at 3.

69. SABRY, *supra* note 32, at 223–24.

70. *Id.* at 238–40.

71. Youssef, *supra* note 33.

72. Gold, *supra* note 11, at 6.

English before them.<sup>73</sup> This state of distrust continues to shape the relationship between Sinai residents and the Egyptian state, resulting in a rise of violence between state and nonstate actors in Egypt's poorest region.

The following briefly summarizes how Sinai's strategic significance for both Israel and Egypt after decades of conflict coupled with anti-Bedouin prejudice produced a social, economic, and political environment vulnerable to exploitation by militant groups.

### A. The Sinai's Strategic Significance

The Sinai Peninsula extends over 23,000 square miles, three times the size of the Nile Valley and Delta.<sup>74</sup> Its sparse population is 550,000 out of Egypt's total population of 91 million.<sup>75</sup> Approximately 400,000 residents are sedentary and live along the coastal plains of the North Sinai province, including 145,000 in the Sinai capital of Al Arish.<sup>76</sup> The other 150,000 residents live in South Sinai, where the annual population growth has been four times the national average due in large part to internal migration from the mainland for tourism jobs.<sup>77</sup>

The Bedouin comprise approximately seventy percent of the total Sinai population. The remaining thirty percent of Sinai residents are Palestinian (10%), Egyptian migrants from the mainland (10%), and a mix of Bosnians, Turks, and other ethnicities who settled in Al Arish during the Ottoman era (10%).<sup>78</sup> Fifteen to twenty Bedouin tribes with 500 to 25,000 men in each tribe live in Sinai, most of which are sedentary.<sup>79</sup> Each tribe's territory is well-known and based on a particular tribe's strength.<sup>80</sup> Many tribes have strong historical and linguistic ties to Gaza. For example, the traditional lands of the Tarabin

73. Mara R. Revkin, *Triadic Legal Pluralism in North Sinai: A Case Study of State, Shari'a, and 'Urf Courts in Conflict and Cooperation*, 13 UCLA J. ISLAMIC & NEAR E.L. 21, 47 (2014); Alexandrani, *supra* note 59, at 19.

74. *Sinai Peninsula*, ENCYCLOPEDIA BRITANNICA, <http://www.britannica.com/place/Sinai-Peninsula> [<https://perma.unl.edu/SM8D-LBZS>].

75. Hana Afifi, *Egypt's Population to Reach 91 Million in June, up from 90 in December*, AHAM ONLINE (Apr. 4, 2016), <http://english.ahram.org/NewsPrint/198714.aspx> [<https://perma.unl.edu/9UQ2-HU72>]; PELHAM, *supra* note 63, at 1.

76. PELHAM, *supra* note 63, at 1; HUMAN DEV. PROGRAM & UNITED NATIONS DEV. PROGRAMME (UNDP), EGYPT HUMAN DEVELOPMENT REPORT 2004 (2004), [http://hdr.undp.org/sites/default/files/egypt\\_2004\\_en.pdf](http://hdr.undp.org/sites/default/files/egypt_2004_en.pdf).

77. PELHAM, *supra* note 63, at 1; SABRY, *supra* note 3258, at 8.

78. Ronen, *supra* note 64, at 303; Walton, *supra* note 28, at 2; SABRY, *supra* note 32, at 8.

79. PELHAM, *supra* note 63, at 1; INT'L CRISIS GRP., MIDDLE EAST/NORTH AFRICA REPORT N°61: EGYPT'S SINAI QUESTION 28 app. C (2007), <https://d2071andvip0wj.cloudfront.net/61-egypt-s-sinai-question.pdf> [<https://perma.unl.edu/35RW-FH Y8>] (a map of Sinai showing Bedouin tribes).

80. Ronen, *supra* note 64, at 303.

tribe extend across the Egyptian–Gazan border from Beersheva in the East to Sinai’s western coast.<sup>81</sup> As a result, over 40,000 Palestinian members of the Tarabin tribe live in Rafah, Sheikh Zuweid, and El Arish.<sup>82</sup> Militant groups have leveraged these family relationships to engage in cross border attacks. The militants attack or infiltrate Israel from Sinai in hopes of triggering an interstate war between Egypt and Israel.<sup>83</sup>

The two countries went to war in 1967, resulting in Israel’s occupation of Sinai until 1982, three years after both countries signed the U.S.-brokered Camp David Accords.<sup>84</sup> During that time, Israel spent \$7 billion in infrastructure development and oil drilling and established twelve agricultural villages.<sup>85</sup> Under Israeli governance, Bedouin economic livelihood transitioned from semi-nomadic pastoral to sedentary and insecure paid work in charcoal manufacturing, shop-keeping, camel transport, hunting, fishing, and guiding pilgrims to Mount Sinai.<sup>86</sup> Resort towns were built as the Sinai became a premier vacation destination for Israeli tourists. Meanwhile, from 1967 to 1973, some Bedouin secretly assisted Egypt’s military in gathering intelligence and facilitating undercover operations that culminated in the October 1973 war.<sup>87</sup> Indeed, Bedouin point to their loyal assistance to Egypt when lamenting their current mistreatment as a suspect group.<sup>88</sup>

After a twelve-year war of attrition, Egypt and Israel signed a peace deal in 1979 brokered by the United States. The Camp David Accords created three zones in the Sinai with defined limitations on the number of Egyptian military troops permitted in each zone.<sup>89</sup> North Sinai’s eastern border with Israel is Zone C with the strictest military force restrictions.<sup>90</sup> Only civilian police are permitted to se-

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81. PELHAM, *supra* note 63, at 1–2.

82. *Id.* at 1–2.

83. Ronen, *supra* note 64, at 312.

84. INT’L CRISIS GRP., *supra* note 79, at 5–6.

85. Lief, *supra* note 54.

86. Gilbert, *Nature = Life*, *supra* note 24, at 43; Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 11 (“The bedouin economy has always included paid work, strategically combined with core occupations in order to minimize risk. Various occupations are recorded in South Sinai: charcoal manufacture, camel transport, guiding pilgrims to Mount Sinai and working for the Monastery, and hunting and fishing . . .”).

87. SABRY, *supra* note 3258, at 52.

88. *See, e.g., id.* at 52, 218 (“On October 7, one day after the annual celebration of the October 6, 1973 victory, Ansar Bayt al-Maqdis targeted the South Sinai Security Directorate with a car bomb that killed five and injured more than fifty people.”)

89. Treaty of Peace (with Annexes and Maps), Israel-Egypt, art. II, March 26, 1979, 1138 U.N.T.S. 59.

90. *Id.*; Lief, *supra* note 54.

cure this most populous area of the Sinai.<sup>91</sup> However, Israel has regularly waived the military presence restrictions to allow for Egyptian troops to combat militant groups attacking Israel from the Sinai.<sup>92</sup> For example, in 2005 after the Israeli army withdrew from Gaza, the Accords were modified to allow for 750 Egyptian “border guards” to police the thirteen kilometer Gaza–Sinai border.<sup>93</sup>

To enforce the restrictions on Egyptian and Israeli military operations, the Accords created the Multinational Force of Observers (MFO).<sup>94</sup> The United States plays a leading role in overseeing over 1,600 soldiers, including approximately 700 Americans, from various countries that comprise the MFO.<sup>95</sup> Funding for the MFO was initially split equally between Egypt, Israel, and the United States.<sup>96</sup> Currently, more than nine countries donate funds or equipment to the MFO.<sup>97</sup> Notably, militant groups point to the Camp David Accords and the MFO as evidence of Egypt’s collusion with the West and Israel—a common narrative used to recruit disaffected residents.<sup>98</sup>

While the Camp David Accords diffused tensions between Egypt and Israel, they aggravated political, social, and economic conditions for Sinai residents. Limited development of Sinai and increased securitization was due to the government’s distrust of the local population, and the Bedouin in particular.<sup>99</sup> According to former Prime Minister Kamal Ganzouri, the Israeli government pressured the Mubarak regime not to settle more people in or develop Sinai because it was easier to secure without large population centers.<sup>100</sup> Meanwhile, state policies neglect the local populations’ needs, criminalize

91. Zachary Laub, *Why Egypt’s Sinai Is a Security Mess*, DEF. ONE (Dec. 16, 2013), <http://www.defenseone.com/threats/2013/12/why-egypts-sinai-security-mess/75564/> [https://perma.unl.edu/7XWW-SFEY].

92. Gold, *supra* note 11, at 15.

93. Geoffrey Aronson, *Improved Egypt-Israel Relations Through Sinai Crisis: Will They Last?*, MIDDLE E. INST. (July 24, 2015), <http://www.mei.edu/content/article/improved-egypt-israel-relations-through-sinai-crisis-will-they-last> [https://perma.unl.edu/AF9K-5M8Z].

94. *Id.*

95. *MFO in Numbers*, MULTINATIONAL FORCE AND OBSERVERS, <http://mfo.org/en/mfo-in-numbers> [https://perma.unl.edu/487L-AVKU]; Laub, *supra* note 91; Andrew Tilghman, *New ISIS Threat Prompts U.S. to Send 75 More Troops to Egypt’s Sinai*, MIL. TIMES (Sept. 10, 2015, 5:14 PM), <http://www.militarytimes.com/story/military/pentagon/2015/09/10/new-troops—sinai/72018008/> [https://perma.unl.edu/D3XA-NMQZ] (noting the United States’ decision to send an additional 75 troops to the MFO in response to the rising threat of insurgents associated with ISIS).

96. Gold, *supra* note 11, at 17.

97. *Id.* (noting that Denmark, Germany, the Netherlands, and the UK contributed troops to the MFO and that Finland, Japan, Norway, Sweden, and Switzerland donated funds).

98. Ronen, *supra* note 64, at 312.

99. Gilbert, *Nature = Life*, *supra* note 24, at 46.

100. *Sinai Ignored in Egypt Development Plans*, *supra* note 25.

the Bedouin, and perpetuate the status quo of limited development that excludes Bedouin as beneficiaries.<sup>101</sup>

### B. Neglect and Criminalization of the Bedouin

The past three decades have left the Bedouin and other local residents feeling betrayed. Their list of grievances include being prohibited from owning land; confiscation of their tribal lands for tourism development that has excluded them from the profits; exclusion from jobs with the police, army, or MFO; and pervasive prejudice against Bedouin culture.<sup>102</sup> Despite rhetoric stating otherwise, the limited development funds spent on the Sinai by the European Union, United States Agency for International Development (USAID), or the Egyptian government are not improving the livelihoods of indigenous populations.<sup>103</sup> Thus, any attempts to transition Sinai from the brink of becoming a failed state should not only adopt effective development programs, but also de-securitize governance by treating the Bedouin as equal citizens who have an important role to play in the process.<sup>104</sup>

Despite its rich history and strategic importance, the Sinai's local residents remain isolated and neglected. The state's strategy has been to coercively assimilate Bedouin culture while ignoring their social and economic needs.<sup>105</sup> For over three decades, investment in Sinai has been inadequate while its population has suffered under harsh security measures.<sup>106</sup> Although Sinai experienced a boost in investment after Egypt took back possession from Israel in 1982, it was

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101. Max Strasser, *Sinai: A War Zone in Waiting*, NEW STATESMEN (Aug. 15, 2012), <http://www.newstatesman.com/world-affairs/world-affairs/2012/08/sinai-war-zone-waiting> [https://perma.unl.edu/XX7S-WBE8] ("The area has long been neglected in terms of economic development. It has one of Egypt's highest unemployment rates. Locals estimate that less than 50 per cent of people are formally employed. Because of the area's location on the border, land development in Sinai requires the approval of the intelligence agencies. The Bedouins' list of grievances is long, from not being allowed to own land to a lack of fresh water to how the local radio station is in the dialect of mainland Egypt. After a series of bombings at tourist resorts in South Sinai in 2004, hundreds of Bedouin were arbitrarily arrested, according to Human Rights Watch. Many of them remain in prison to this day."); Ashraf Khalil, *The Saga of Sinai: A Neglected Hotspot Egypt's Morsi Must Not Let Explode*, TIME (June 21, 2013), <http://world.time.com/2013/06/21/the-saga-of-sinai-a-neglected-hotspot-egypts-morsi-must-not-let-explode>.

102. Laub, *supra* note 91; Strasser, *supra* note 101.

103. Gold, *supra* note 11, at 17.

104. Ahmed Mohamed Hassan & Yara Bayoumy, *Special Report: Bedouins Drawn into Egypt's Islamist Fight*, REUTERS (July 15, 2015, 5:29 AM), <http://www.reuters.com/article/us-egypt-islam-sinai-specialreport-idUSKCN0PP0UD20150715> [https://perma.unl.edu/7M87-FVW2].

105. Gilbert, *Nature = Life*, *supra* note 24, at 41.

106. Mohamed El-Menshawey, *The Cairo Elite and the Tyranny of the State*, COPTS UNITED (Oct. 7, 2013), <http://www.copts-united.com/English/Details.php?I=958&A=11588> [https://perma.unl.edu/R3QV-ANS2].

short lived.<sup>107</sup> Moreover, the limited investment has not benefitted the local population, resulting in pronounced disparities in the distribution of wealth between the Bedouin and migrants from the Nile Valley.<sup>108</sup> The major tourism industry in South Sinai, in particular, is owned by Cairenes or foreigners whose profits are not reinvested in the Sinai.<sup>109</sup> As a result, food poverty among South Sinai Bedouin is double that of Egypt while North Sinai is Egypt's poorest governorate.<sup>110</sup>

Such disparities are a direct result of prejudice against the Bedouin. The dominant discourse in Egypt engages in reductionist portrayals of the Bedouin as primitive, uneducated, and criminal.<sup>111</sup> Up to 100,000 Bedouin are refused Egyptian citizenship, and thus are not counted in official statistics.<sup>112</sup> Exclusion from the national identity goes so far as blocking Bedouin from serving in the Egyptian military, MFO, or police.<sup>113</sup> And until 2007, Bedouin did not have the right to vote.<sup>114</sup> Egyptian political leaders of the Sinai—often delegates from the Nile Valley—look down on the Bedouin as inferior and

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107. Lief, *supra* note 54.

108. PELHAM, *supra* note 63, at 1.

109. Khalil, *supra* note 101 (noting that in 2003, South Sinai welcomed 2.6 million foreign tourists, more than a third of Egypt's tourists).

110. Gilbert, *Nature = Life*, *supra* note 24, at 48. Note that the UN 2010 Human Development Report for Egypt reports a higher adult literacy rate in North and South Sinai (75.8% and 88.4% respectively) compared to the Egyptian average (70.4%). However, these numbers do not include the Bedouin because they are largely excluded from official statistics. Walton, *supra* note 28, at 4.

111. Gilbert, *Nature = Life*, *supra* note 24, at 41.

112. See Hilary Gilbert & Mohammed al Jebraali, 'Not Philanthropists but Revolutionaries.' Promoting Bedouin Participation In The 'New Egypt': A Case Study From South Sinai 18 (Oct. 2012) (unpublished working paper) (on file with John D. Gerhart Center for Philanthropy and Civic Engagement, The American University in Cairo), <http://schools.aucegypt.edu/research/gerhart/rprogram/Documents/Voices-Latest.pdf> [<https://perma.unl.edu/4X5Y-RVNV>]; Gilbert, *Nature = Life*, *supra* note 24, at 48; Gold, *supra* note 11, at 6 (noting prohibition of Bedouin from serving in Egyptian military or police); Amr Yossef, *Securing the Sinai: More Troops Won't Keep the Peace or Save the Egyptian-Israeli Relationship*, FOREIGN AFF. (Sept. 28, 2011), <https://www.foreignaffairs.com/articles/middle-east/2011-09-28/securing-sinai> [<https://perma.unl.edu/7YJV-YTML>].

113. Jared Malsin, *Egypt is Struggling to Cope with Its ISIS Insurgency*, TIME (July 23, 2015), <http://time.com/3969596/egypt-isis-sinai/> [<https://perma.unl.edu/K753-WWDG>]; Laub, *supra* note 91 (noting that Bedouin are blocked from jobs in the police, army, and the MFO); Ehud Yaari, *Sinai: A New Front*, POL'Y NOTES (Wash. Inst. for Near E. Policy, Washington, D.C.), Jan. 2012, at 8, <http://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyNote09.pdf> [<https://perma.unl.edu/B3ZA-KHTT>]; Yossef, *supra* note 112.

114. Gilbert & al Jebraali, *supra* note 112, at 8.

criminal.<sup>115</sup> As a result, they willingly cooperate with security services to repress the Bedouin.<sup>116</sup>

Only a handful of civil society organizations operate in Sinai, further aggravating the marginalization of Bedouin in development negotiations and project selection.<sup>117</sup> Any attempts to form informal local committees to petition the government for local representation have been ignored, or worse, invited police surveillance and suspicion of illicit political activity.<sup>118</sup> Such conditions have left physical resistance as the primary response to oppression.<sup>119</sup> As discussed in Part III, these circumstances produced an environment ripe for the growth of militant groups.

Following Israel's full withdrawal from the Sinai in 1982, Egypt launched a campaign to develop the Sinai's natural resources and build on its strategic access to the Suez Canal. The Egyptian government sought to increase Sinai's population of 172,000 primarily Bedouin inhabitants to one million by incentivizing labor migration from the Nile Valley.<sup>120</sup> Slogans such as, "bring 3 million from the Delta to Sinai" as part of the National Development Plan for Sinai communicated to Egyptians that Sinai was a land without a people, or at least a people that did not count as citizens.<sup>121</sup> With the help of U.S. Agency for International Development (USAID), the government planned to create twelve new towns and an intrusive system of roads that violated the traditional zones of tribal authority.<sup>122</sup> The project displaced thousands of Bedouin from their lands with minimal, if any, compensation.<sup>123</sup>

The Bedouin felt betrayed by the Egyptian state because they had helped the military from 1967 to 1973 by providing them with intelligence, serving as informants, and assisting Egyptians to infiltrate in Sinai. And yet, when Egypt took back Sinai it neither recognized their efforts nor treated them as equal citizens.

In 1995, the government announced the National Project for the Development of Sinai would infuse \$20.5 billion into Sinai between 1995 and 2017. Promises for improving infrastructure to deliver clean

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115. Walton, *supra* note 28, at 7; Gilbert & al Jebaali, *supra* note 112, at 8–9.

116. As half of the Bedouin subsist at around or below \$1 a day per person, administrators of Sinai dole out jobs and other benefits to their extended families rather than serve the local population. Alexandrani, *supra* note 59, at 18; Walton, *supra* note 28, at 4.

117. Laub, *supra* note 91.

118. Gilbert, *Nature = Life*, *supra* note 24, at 50–51.

119. *Id.* at 41.

120. Revkin, *supra* note 73, at 46.

121. *Id.* at 47; Gilbert, *Nature = Life*, *supra* note 24, at 46 (noting the number was later revised to 4.5 million residents).

122. Revkin, *supra* note 73, at 47–48.

123. *Id.* at 46.

water, proper medical treatment, and good education to Sinai residents proved to be little more than lofty rhetoric.<sup>124</sup> Instead, development plans translated into the Mubarak regime selling large tracts of land in South Sinai to his crony capitalist friends, which resulted in pushing many Bedouin out of their coastal tribal lands toward the barren interior of Sinai.<sup>125</sup> Further alienating the Bedouin, few of the tens of thousands of jobs created by the resorts sprouting up on the South Sinai coast went to Bedouin.<sup>126</sup>

In conjunction with internal migration plans, the Egyptian government sought to sedentarize Bedouin in order to implement large scale land reclamation projects. Specifically, the Egyptian government converted 214,000 acres of tribal desert land into agricultural land. Not only were the Bedouin forcibly pushed off their land, Egyptians from the Nile Valley were invited to migrate to farm the land.<sup>127</sup> Bedouin were left with lower quality land in the interior of Sinai and stripped of their core livelihoods that constitute their Bedouin identity.<sup>128</sup> As a result of their structural marginalization, Bedouin view their future through the lens of colonization by a nation that refuses to grant them equal citizenship rights and excludes them from macroeconomic growth.<sup>129</sup>

With no steady source of income, many Bedouin turned to smuggling.<sup>130</sup> Members of Sinai tribes whose land covers the 143 mile Israel–Egypt border leveraged their cross-border relations to smuggle goods, people, weapons, and drugs into Israel and Gaza.<sup>131</sup> Israel’s blockade of Gaza starting in 2006 made smuggling the only way for goods to enter Gaza, thereby increasing profits.<sup>132</sup> A lucrative \$500 million annual enterprise, smuggling enriches multiple stakeholders. Egyptian police reportedly are actively involved in the drug trade while other government officials take a cut of profits along the production and distribution chain.<sup>133</sup> This explains why the Mubarak re-

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124. Baroud, *supra* note 24; Youssef, *supra* note 33.

125. Walton, *supra* note 28, at 4; Revkin, *supra* note 73, at 47.

126. Hassan & Bayoumy, *supra* note 104; Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 14 (noting that the Sharm Al Sheikh resort added 110 hotels from the late 1990s to the early 2000s that created thirty thousand jobs, few of which were offered to the Bedouin).

127. Revkin, *supra* note 73, at 46; Gilbert, *Nature = Life*, *supra* note 24, at 46.

128. Gilbert, *Nature = Life*, *supra* note 24, at 47.

129. Alexandrani, *supra* note 59, at 19; Revkin, *supra* note 73, at 47.

130. Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 11; INT’L CRISIS GRP., *supra* note 79, at 8.

131. Gold, *supra* note 11, at 2.

132. *Id.* SABRY, *supra* note 32, at 12.

133. Mark Perry, *Looking for Hashish in Cairo? Talk to the Police*, FOREIGN POL’Y (Aug. 23, 2013), <http://foreignpolicy.com/2013/08/23/looking-for-hashish-in-cairo-talk-to-the-police/> [<https://perma.unl.edu/4V7B-LZW7>]; *Economic Life Slows to a Crawl Amid Crackdown in North Sinai*, IRIN (Dec. 12, 2013), <http://www.irin->

gime looked the other way as Sinai Bedouin and Gazans established smuggling routes.<sup>134</sup>

As smuggling profits boomed, a new class of armed semi-criminal kingpins arose.<sup>135</sup> Their wealth, power, and weapons allowed them to challenge traditional tribal leaders and centuries of tribal structure.<sup>136</sup> As a result, smuggling has undermined tribal unity as tribal leaders lose influence over new generations of disgruntled youth. Moreover, the smuggling kingpins' material interests in selling weapons merged with militant groups' political interests in attaining weapons to attack the Israeli and Egyptian government.<sup>137</sup> As the two groups became targets of the state's counterterrorism and antismuggling efforts, respectively, some Bedouin joined violent extremist groups.<sup>138</sup> Sinai residents, thus, have fallen victim to a cycle of violence between harsh security practices and militant groups.<sup>139</sup>

### III. BRINGING THE SINAI INTO THE NATIONAL FOLD

For years, analysts have called for developing the Sinai as a means of stabilizing the peninsula and offering its residents a life of dignity.<sup>140</sup> While the Egyptian government has undertaken development projects in Sinai funded by USAID and the European Union (EU), the programs are often poorly implemented due to security restrictions, lack of technical capacity, or inadequate funding.

Two fatal flaws in the strategies that shape development projects are worth highlighting: (1) the securitization of development and (2) the Egyptian and foreign governments' failure to include local Bedouin and other Sinai leaders in the planning and implementa-

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news.org/fr/report/99316/economic-life-slows-to-a-crawl-amid-crackdown-in-north-sinai [https://perma.unl.edu/5SKX-PL47] [hereinafter *Economic Life Slows*]; INT'L CRISIS GRP., *supra* note 79, at 16; SABRY, *supra* note 32, at 12; Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 18.

134. Gold, *supra* note 11, at 11.

135. Khalil, *supra* note 101. Bedouin culture is grounded in a patrilineal and patriarchal tribal social structure that supports strong kinship networks. A five-generation kinship structure known as "Khamisa" requires that the extended family preserve the family's honor under customary ("urfi") law. Gilbert, *Nature = Life*, *supra* note 24, at 44.

136. Gold, *supra* note 11, at 7; Graham-Harrison, *supra* note 56.

137. Mokhtar Awad & Mostafa Abdou, *A New Sinai Battle? Bedouin Tribes and Egypt's ISIS Affiliate*, ATLANTIC COUNCIL (May 14, 2015), <http://www.atlantic-council.org/blogs/egyptsource/a-new-sinai-battle-bedouin-tribes-and-egypt-s-isis-affiliate> [https://perma.unl.edu/7NLD-N6XR].

138. Maram Mazen, *Human Rights Watch Says Civilians Harmed as Egypt Military Creates Northern Sinai Buffer Zone*, U.S. NEWS (Sept. 22, 2015, 4:25 AM), <http://www.usnews.com/news/world/articles/2015/09/22/rights-group-says-civilians-harmed-in-egypts-sinai-campaign> [https://perma.unl.edu/6KNS-FVJ8].

139. *What Is Left of 'October's Sinai'?*, *supra* note 65.

140. Khalil, *supra* note 101.

tion.<sup>141</sup> Elite government officials from Cairo and military officers, including Sinai's governors, negotiate the terms of the program and wrestle with Western donors over control of the funds.<sup>142</sup> As a result, Sinai residents are objectified as recipients of aid who lack agency to shape the objectives and sustainability of development programs.

The same exclusionary practices apply to Egypt's security and military institutions wherein Bedouin are barred from serving.<sup>143</sup> This sends a clear message to all Egyptians that the Bedouin are not trustworthy, much less equal citizens. Furthermore, the dearth of Bedouin in elected or appointed political office makes it all the more difficult to use the political process to improve their circumstances. Thus, the crucial missing component in past development efforts is the absence of meaningful inclusion of local leaders in the crafting and implementation of development programs from start to finish, in addition to the de-securitization of governance in Sinai.

Although security is as much, if not more, of a concern for Sinai residents as it is for other Egyptians, this Article does not argue that counterterrorism should be the prism through which one views Sinai's problems.<sup>144</sup> The security situation is so complex—in large part due to securitization of development—that a holistic approach to bringing peace and dignity to Sinai residents is warranted.<sup>145</sup>

141. See Newman, *supra* note 5, at 424–25.

142. *Challenges of Sinai Assistance*, TELEGRAPH (Feb. 15, 2011, 8:22 PM), <http://www.telegraph.co.uk/news/wikileaks-files/egypt-wikileaks-cables/8327191/CHALLENGES-OF-SINAI-ASSISTANCE.html>; Hicham Bou Nassif, *Wedded to Mubarak: The Second Careers and Financial Rewards of Egypt's Military Elite, 1981–2011*, 67 MIDDLE E.J. 509, 518 (2013) (documenting that all governors assigned to Sinai were former military generals); Holger Albrecht, *Does Coup-Proofing Work? Political–Military Relations in Authoritarian Regimes Amid the Arab Uprisings*, 20 MEDITERRANEAN POL. 36, 45–46 (2015) (noting the governor of South Sinai is always occupied by a retired commander of the Republican Guard).

143. Mara Revkin, *Islamic Justice in the Sinai*, FOREIGN POL'Y (Jan. 11, 2013), <http://foreignpolicy.com/2013/01/11/islamic-justice-in-the-sinai/> [<https://perma.unl.edu/AXJ4-QZZA>] (“Their many grievances—including legal obstacles to land ownership, lack of basic public services, job discrimination, and systematic exclusion from military and police academies—have reinforced a climate of mutual distrust between the central government and the Sinai.”); *Bedouins Begin to Demand Equal Citizenship Rights*, IRIN (June 16, 2011), <http://www.irinnews.org/report/92998/egypt-bedouins-begin-to-demand-equal-citizenship-rights> [<https://perma.unl.edu/TR44-6QUP>] (“[Bedouin] say they are not allowed to join the army, study in police or military colleges, hold key government positions or form their own political parties.”).

144. See, e.g., Chuck Hagel, *A Republican Foreign Policy*, FOREIGN AFF., July/Aug. 2004, at 64–65 (arguing for prevention of failed states as a component of counterterrorism).

145. *Egypt's Military Struggles with Sinai*, NATION (Mar. 18, 2012), <http://nation.com.pk/international/18-Mar-2012/egypt-s-military-struggles-with-sinai> [<https://perma.unl.edu/QPW8-5DDB>] (reporting local residents' frustration that development cannot come without security); *Human Rights Report Reveals Significant*

Accordingly, this Part proffers a three-pronged approach to bringing stability and prosperity to failing sub-states, both in Sinai and other weak states that offer fertile grounds for militant groups to operate.<sup>146</sup> First, the government should commit to a long-term, rights-based development plan that prioritizes human development over security.<sup>147</sup> Second, the local population should be included in local and national governance through quotas or other forms of affirmative action that guarantee their political representation. Third, local residents should be recruited into the security and military forces in sufficient numbers to inform strategy based on their knowledge of the area and ties to the local population. Quotas may be required in the beginning to prevent incumbent personnel from stonewalling such diversification efforts. The following sections explore these three recommendations in more detail.

### A. Long-Term Investment in Development

Long before Egypt's 2011 uprisings, Sinai residents were in desperate need of jobs, infrastructure, schools, and freedom from police abuse.<sup>148</sup> Indeed, militant groups pointed to the poverty, lack of political agency, and state abuse to declare they were defending the population against state oppression buttressed by Western support.<sup>149</sup> Had gainful employment been more readily available, Sinai's residents would not have been as dependent on black market economic activity to survive—including weapons and drug smuggling.<sup>150</sup> With more schools that provided residents with quality education, militant groups would have found it much more difficult to persuade local residents that their twisted interpretations of Islam justifies violence.<sup>151</sup> Had state resources been spent on human development rather than hyper-securitization, the local population would have viewed militant groups as a threat to their material interests rather than spokespersons for their grievances and defenders of their dignity against state oppression.<sup>152</sup>

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*Junta Violations of Sinai Peninsula Civilians*, IKHWAN WEB (Dec 16, 2014, 6:43 PM), <http://www.ikhwanweb.com/article.php?id=31936> [<https://perma.unl.edu/7YRL-J4AR>].

146. Yossef & Cerami, *supra* note 34, at 51.

147. This Article disagrees with the security-first, development-second approach recommended by some policy analysts. See Gold, *supra* note 11, at 14–15.

148. Ezzat, *supra* note 24.

149. See Laub, *supra* note 91.

150. *Id.*

151. Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 18.

152. Pelham, *supra* note 63, at 18 (“But the [security] plans were half-baked. Egypt cited logistical difficulties, including stony ground, which reportedly hindered the hammering of steel plates deeper than four metres into the ground. Tunnel operators used welding torches to cut hundreds of holes in those sections of the bar-

Thus, when thirteen Egyptian human rights groups called for a comprehensive approach to solving Sinai's problems in January 2014, they were on point when they stated:<sup>153</sup>

[A]ddressing terrorism requires that a more comprehensive vision be adopted which confronts the religious discourse that praises terrorism. This vision must also take into consideration the economic, social, and political circumstances in which terrorism emerges and spreads. Counterterrorism efforts must not include arbitrary measures but rather be conducted within a framework that respects the law and individual rights throughout the process of identifying the real perpetrators.<sup>154</sup>

To be sure, the Egyptian government has attempted multiple times to develop the Sinai. However, the current model for development programs in Sinai is counterproductive because it fails to address the myriad political and social factors discussed earlier in this paper and indirectly perpetuates the securitization of the Sinai. As a result, Egyptian or Western funded development initiatives become public relations ploys that are poorly funded and do not benefit local residents.<sup>155</sup>

For example, the al-Salam Canal project provided a vital water supply to farms in Sinai that employed local residents.<sup>156</sup> After the government reportedly spent E£4.8 billion (U.S. \$685 million), it was abruptly ended in 2006 and transformed into an impervious dam in

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rier that had been completed, or they dug deeper tunnels, nullifying the multi-million-dollar project at a cost of a few thousand dollars.”).

153. Statement, Cairo Inst. for Hum. Rts. Stud., Rights Groups Condemn Terrorist Explosions, Concerned by Increasing Violence and Excessive Force by Security Forces (Jan. 25, 2014), <http://www.cihrs.org/?p=7971&lang=en> [<https://perma.unl.edu/D24R-PMSY>].

154. *Id.*

155. *Sinai Ignored in Egypt Development Plans*, *supra* note 25 (“Sinai researcher Mustafa Sangar told Al-Monitor that despite such a plan, the Sinai is only remembered during national events surrounding its liberation. “Talk about mega-projects for the development of the Sinai is only banter aimed at the inhabitants during national ceremonies, when the situation deteriorates in Sinai or in the context of electoral programs during presidential and parliamentary elections. Otherwise, there is nothing worth mentioning except for marginalization and neglect . . . .”); Gilbert, *Nature = Life*, *supra* note 24, at 47 (“A ‘security-fixated conception of development,’ the ICG (2007: 19) notes, ‘is accompanied by the authorities’ declared wish to “Egyptianize” the region, not only in economic and demographic terms, but also symbolically, in cultural and identity terms.’ Aziz (2000: 30) comments—without apparent irony—that the national project to develop Sinai ‘never argued for the elimination of the Bedouin.’ However, development has brought poverty and widespread decline in the core livelihoods that long constituted Bedouin identity. One Tarabîn man complained to me: ‘*The government forces us to leave the mountains, settles us in houses like chickens and makes us pay taxes*.’”); SABRY, *supra* note 32, at 91 (noting failure of government’s job-creation projects).

156. Frisch, *supra* note 64, at 185 (noting the military’s control over this development project in the Sinai).

2010.<sup>157</sup> Farmers were let down by the government's broken promises. Similarly, the Ismailiya–Rafah railway project was supposed to lay tracks from al-Ferdan Bridge in Ismailiya to Bir al-Abed in North Sinai. Again, the government abruptly ended the project after a few months without explanation. The iron tracks were eventually stolen by thieves.<sup>158</sup>

Under Morsi, the Egyptian government reportedly allocated \$270 million toward development and infrastructure projects in Sinai for the 2012–2013 fiscal year.<sup>159</sup> The project was part of Morsi's shift in approach to engage in dialogue with tribal leaders, develop the Sinai, and discuss the Bedouin's longstanding request to change the land ownership law to allow them to own and inherit land.<sup>160</sup> The work was to be completed through the Sinai Development Agency (SDA), formed in January 2012 via ministerial decree and led by General Shawky Rashwan.<sup>161</sup>

The SDA appears to be a contemporary iteration of the Sinai Development Authority established in 1974 to manage reconstruction and development of Sinai after the 1973 war.<sup>162</sup> The SDA was tasked with working with USAID to manage the \$50 million donated for Sinai development funds in 2012–2013.<sup>163</sup> However, a former assistant

157. *Sinai Ignored in Egypt Development Plans*, *supra* note 25.

158. *Id.*

159. *2012-13 Budget Allocates EGP 1 Billion for Sinai Development*, EGYPT ST. INFO. SERV. (Aug. 17, 2012, 12:00 AM), <http://www.sis.gov.eg/Story/63396?lang=en-us> [https://perma.unl.edu/5TEC-56SX].

160. Breen, *supra* note 34, at 78.

161. Ezzat, *supra* note 24; *Government Earmarks LE1 bn for Sinai Development*, EGYPT INDEP. (Aug. 16, 2012, 9:43 PM), <http://www.egyptindependent.com/news/government-earmarks-le1-bn-sinai-development> [https://perma.unl.edu/5RNG-K4W9]; Waheed Abdel-Meguid, *Egypt's Sinai: Development Versus Security*, AHARAM ONLINE (Aug. 30, 2012), <http://english.ahram.org.eg/NewsPrint/51615.aspx> [https://perma.unl.edu/8S6J-RBBV]. According to a 1981 USAID Working Paper, the Sinai Development Authority at the time was branch of the Ministry of Development, and “responsible for implementation of many construction and development projects in Sinai. Its development activities cover projects in nine sectors—housing, utilities, transport and communications, electricity, services, trade and supply, land reclamation, new communities, and special studies.” Dames & Moore, *The Public Administration of Development in Sinai: Current Practice* iv (Advisory Comm. for Reconstruction of the Ministry of Dev., Working Paper No. 30, 1981), [http://pdf.usaid.gov/pdf\\_docs/Pnaav226.pdf](http://pdf.usaid.gov/pdf_docs/Pnaav226.pdf) [https://perma.unl.edu/JFW2-2NRC].

162. Dames and Moore, *supra* note 161, at 33–34.

163. Ezzat, *supra* note 24 (“The Sinai Development Authority (SDA) was established by presidential decree in January 2012 and tasked with developing strategies to overcome decades of central government neglect of the peninsula. Its head, a major general seconded from the army, was assigned four assistants, three of them military and one, Ahmed Sakr, with a background in development. After a year and half of being based in north Sinai, Sakr resigned his post and resumed his job at the Ministry of Planning.”); *Government Earmarks LE1 bn for Sinai Development*, *supra* note 161; Abdel-Meguid, *supra* note 161.

to the leadership, Ahmed Sakr, stated that after a year and a half he resigned because “as far as I could see no serious work to promote development in Sinai was being done.”<sup>164</sup> The lack of political will to develop Sinai coupled with state imposed evictions and curfews has made the situation in Sinai untenable. Sakr and other critics noted the SDA’s militarized approach to development through its focus on “cleansing Sinai of terrorists” as opposed to dealing with the local populations’ legitimate economic and political grievances.<sup>165</sup> Moreover, the military’s delivery of medical supplies, construction materials, and food to North Sinai residents on the forty-second anniversary of the October 6 War in 2015 was aimed to merely diffuse the anger of Rafah residents expelled from their demolished homes rather than offer sustainable development solutions.<sup>166</sup>

Western states have also sponsored development projects in Sinai, due in part to policies that viewed Sinai’s underdevelopment as a threat to America’s interests in preventing attacks against Israel.<sup>167</sup> The USAID-funded Livelihood and Income from the Environment in Sinai (LIFE Sinai) program, for example, financed the construction of three water-desalination plants in three villages as a means of increasing the supply of clean drinking water to dispersed Bedouin communities in Central Sinai.<sup>168</sup> A five-year project that ended in 2012, LIFE Sinai also sought to provide Bedouin in North Sinai access to roads and public transportation systems.<sup>169</sup> The program’s final report states the following objectives: “[n]atural resources will be managed more sustainably, especially water resources[;] [b]enefits to local communities will be demonstrated in the form of increased employment and income generation, improved physical infrastructure, diversification of income resources, and increased access to community services including health, education, and other relevant service[;] [i]ncreased number of women participating in rural enterprises, devel-

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164. Ezzat, *supra* note 24.

165. Walton, *supra* note 28, at 7; Abdel-Meguid, *supra* note 161 (reporting that the police’s abusive practices in Sinai created an environment conducive to extremism); Ezzat, *supra* note 24.

166. See *Egypt’s Army Begins Second Stage of Operation ‘Martyr’s Right’ in North Sinai*, AHAM ONLINE (Oct. 8, 2015), <http://english.ahram.org.eg/NewsPrint/152407.aspx> [<https://perma.unl.edu/9U6X-9H5X>].

167. Newman, *supra* note 5, at 438 (noting that resources, aid, and capacity-building funding is directed at conflict zones that threaten Western interests).

168. Press Release, Embassy of the U.S. in Cairo, Egypt, Egyptian and US Partners to Renovate Water Trucks to Increase Supply of Drinking Water to Central Sinai Family (Mar. 28, 2012), <http://egypt.usembassy.gov/pr032812.html> [<https://perma.unl.edu/G9HR-WVMN>].

169. Press Release, Embassy of the U.S. in Cairo, Egypt, Inauguration of Water Desalination Plants to Bring Clean Water to Sinai (Dec. 27, 2011), <http://egypt.usembassy.gov/pr122611.html> [<https://perma.unl.edu/BT3G-CHX4>].

opment activities, and community development planning in their communities.”<sup>170</sup>

However, the current conditions in Sinai demonstrate that these objectives were not met. Similarly, the EU donated €64 million for the South Sinai Regional Development Program from 2006 to 2011. The program aimed to improve the living standards of South Sinai residents through preservation of social, cultural, and natural resources.<sup>171</sup> Toward that end, the EU provided 124 small direct grants totaling €1 million to local Bedouin leaders for small projects and funded large infrastructure projects in water, waste management, and environmental management.<sup>172</sup> While new and ongoing development projects are in the works, they are unlikely to be effective so long as Bedouin and other Sinai residents are not involved to ensure local needs are met and local residents benefit from the development initiatives.<sup>173</sup>

While Western-funded programs may be well intended, their impact has been limited and often counterproductive.<sup>174</sup> The Egyptian government’s security restrictions, refusal to provide technical assistance consultants with access to beneficiary Bedouin communities, and delays in permitting feasibility studies circumscribed the pro-

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170. U.S. AGENCY FOR INT’L DEV., *supra* note 25.

171. *South Sinai Regional Development Programme*, DELEGATION OF THE EUR. UNION TO EGYPT, [http://eeas.europa.eu/delegations/egypt/projects/list\\_of\\_projects/5717\\_en.htm](http://eeas.europa.eu/delegations/egypt/projects/list_of_projects/5717_en.htm) [https://perma.unl.edu/XLG4-5SNE].

172. *South Sinai Regional Development Programme*, TAS EUROPROJECTS, <http://www.taseuro.com/en/ict/item/27-south-sinai-regional-development-programme> [https://perma.unl.edu/93TK-HDLA].

173. An example of a new development project is Schnieder Electric’s plans to build a solar energy power station project in South Sinai. Sara Aggour, *Schneider Electric to Submit Proposal for a South Sinai Solar Energy Project: Company Official*, DAILY NEWS EGYPT (Sept. 30, 2015), <http://www.dailynewsegypt.com/2015/09/30/schneider-electric-to-submit-proposal-for-a-south-sinai-solar-energy-project-company-official/> [https://perma.unl.edu/B3E8-HHRG].

174. de Graaff, *supra* note 6, at 22–23 (“[Western] military interventions or civil war situations allow Islamist extremist groups to fight alongside national resistance groups and to impose their politico-religious narrative on the national struggle.”); Gilbert, *Nature = Life*, *supra* note 24, at 47 (“[T]hat the national project to develop Sinai ‘never argued for the elimination of the Bedouin.’ However, development has brought poverty and widespread decline in the core livelihoods that long constituted Bedouin identity. One Tarabîn man complained to me: ‘The government forces us to leave the mountains, settles us in houses like chickens and makes us pay taxes[.]’ Donors collude in discouraging the remaining mobile Bedu: the World Food Programme’s project in central South Sinai supports local people on condition of settlement, a principle recently extended by the EU-funded South Sinai Regional Development Programme (SSRDP). ‘Bedouin culture’ excites no interest except as a tourist attraction (ICG 2007: 9). The preferred strategy has been to subsume Bedu into mainstream pharaonic heritage in the interests of nation-building.”).

gram's original goals.<sup>175</sup> Moreover, Western donors have to work within the confines of security-driven agendas set by government officials based in Cairo and military intelligence. The end result has been programs that do not address the underlying political and human rights grievances that tie directly into the economic development and security of Sinai.<sup>176</sup>

Accordingly, this Article proffers four recommendations to foster sustainable development in Sinai: (1) integrate Sinai's population and economy into mainland Egypt and prioritize the benefits to Sinai's residence;<sup>177</sup> (2) include Sinai residents in the local economy and development projects; (3) de-securitize the development agenda in Sinai; and (4) normalize and legalize trade between Gaza and Egypt to disincentivize tunnel smuggling of otherwise lawful consumer goods.<sup>178</sup> Each of these recommendations aims to remedy the principle flaw with development in Sinai: the security-driven agenda is determined in Cairo in collaboration with Tel Aviv and Washington D.C., with little if any input from local Sinai residents.<sup>179</sup> Meanwhile, the few material benefits produced go more to mainland Egyptians than Sinai residents.

## B. De-Securitizing Development in Sinai

While the military is a stakeholder in Sinai, it should not be crafting or managing development projects.<sup>180</sup> Not only is the military unqualified to do so, but the generals have tainted their reputation as the new security force that practices the same harsh tactics of Mubarak's Ministry of Interior and the police.<sup>181</sup> The military is solely focused on countering terrorism first, as opposed to develop-

175. *Challenges of Sinai Assistance*, *supra* note 142.

176. YOSSEF & CERAMI, *supra* note 34, at 54.

177. Khalil, *supra* note 101 (reporting that the average Egyptian citizen does consider Sinai as a pressing national problem as compared to the inflationary prices of food and gas); *see also* Kaplan, *supra* note 6, at 58–59 (noting the importance of unifying disparate people for prevention of a failed state).

178. Awad & Abdou, *supra* note 137; PELHAM, *supra* note 63, at 10.

179. *See* Mohannad Sabry, *Sinai Tribal Leaders Give Morsi Ultimatum*, AL-MONITOR (Apr. 8, 2013), <http://www.al-monitor.com/pulse/fr/originals/2013/04/sinai-tribal-leaders-morsi-ultimatum.html#> [https://perma.unl.edu/S6T4-X3TX].

180. Nourhan Fahmy, *Al-Sisi Passes Amendments to Sinai Development Law*, DAILY NEWS EGYPT (Aug. 17, 2015), <http://www.dailynewsegypt.com/2015/08/17/al-sisi-passes-amendments-to-sinai-development-law/> [https://perma.unl.edu/B7KA-EJQ8] (showing military's control of development projects in Sinai); *Govt Allocates LE1.95 bn for Sinai Development*, EGYPT INDEP. (Mar. 9, 2012, 5:29 PM), <http://www.egyptindependent.com/news/govt-allocates-le195-bn-sinai-development> [https://perma.unl.edu/3ECE-8AJ3] (noting the Ministry of Defense is funding water projects and schools).

181. *See, e.g.*, JOSHUA STACHER, *ADAPTABLE AUTOCRATS: REGIME POWER IN EGYPT AND SYRIA* (2012) (discussing in detail the dominant role of the military in shaping and controlling Egypt's autocratic system of governance).

ment.<sup>182</sup> For example, the military's Sinai development plans in 2015, ironically called "Operation Martyr's Rights," started with a sixteen-day joint police and military offensive to "destroy the main hideouts and gathering points used by the terror and criminal elements in Rafah, Sheikh Zuwayyed, and Arish, North Sinai."<sup>183</sup> Such language is usually a euphemism for arbitrary raids of residential homes. Indeed, at the end of the operation on September 22, 2015, the army announced that over 500 militants had been killed and 320 arrested.<sup>184</sup> Whether these individuals were in fact militants or innocent civilians will remain unknown due to the military-imposed media blackout.<sup>185</sup>

The government's recent plans to build six tunnels linking Sinai to Port Said and Ismailiya is a positive step toward physically connecting Sinai and the rest of Egypt.<sup>186</sup> Discussions of creating three free trade zones in Rafah, Nuweiba, and Al Arish are also promising.<sup>187</sup> If these projects are in fact implemented, it will facilitate integrating the Bedouin and Sinai into the national economy. However, past development projects in tourism, for example, have shown that without affirmative action or quotas to ensure Bedouin benefit from the increased trade, they will remain in poverty while Nile Valley Egyptians profit. Hence, the Minister of Irrigation's announcement that water will be available for cultivation of 80,000 acres of land in Sinai and Sisi's decree allowing Egyptians to buy plots of land in Sinai may only aggravate Bedouins' marginalization if no quotas for Bedouin are in place.<sup>188</sup> Similarly, the Egyptian government should legally mandate employment quotas for Sinai residents in the peninsula's tourism sector.

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182. Youssef, *supra* note 33 (originally published on Daily News Egypt, available at <https://www.masress.com/en/dailynews/258376> [https://perma.unl.edu/KYT5-KJHS]).

183. *Egypt: Army—Main Stage of Operation Martyr's Right Ends, Second Phase to Begin*, ALL AFRICA (Sept. 23, 2015), <http://allafrica.com/stories/201509240390.html>; *Egypt's Army Begins Second Stage of Operation 'Martyr's Right' in North Sinai*, *supra* note 166.

184. Ahmed Aboulenein & Ali Abdelaty, *Egypt Says Killed 55 Militants in Sinai, Two Soldiers Killed*, REUTERS (Sept. 15, 2015, 5:26 PM), <http://www.reuters.com/article/2015/09/15/us-egypt-militants-casualties-idUSKCN0RF2OU20150915> [https://perma.unl.edu/9MD5-BDNH].

185. *Id.*

186. Hossam Mounir, *Egypt Needs Giant Projects to Move Economy, Push Growth Rates: Bankers*, DAILY NEWS EGYPT (Sept. 11, 2015), <http://www.dailynewsegyp.com/2015/09/11/egypt-needs-giant-projects-to-move-economy-push-growth-rates-bankers/> [https://perma.unl.edu/6D78-QM5B].

187. *Govt Allocates LE1.95 bn for Sinai Development*, *supra* note 180.

188. *Id.*; Fahmy, *supra* note 180 (limiting land ownership in Sinai to Egyptian citizens with Egyptian parents and requiring approval from the Ministry of Defense, Interior, and general intelligence).

The punitive border controls between Gaza and Rafah are also counterproductive. Despite Egyptian and Israeli government depictions of tunnel smuggling as solely a security problem, it is primarily an economic problem. Tunnel smuggling will decrease when consumer goods can be freely traded above ground between Egypt and Gaza. While weapons are certainly smuggled between Sinai and Gaza, most items that cross the border are consumer items denied Gazans' due to a harsh Israeli blockade.<sup>189</sup> The demand for goods by the 1.7 million Gazans trapped in what some have called an "open air prison"<sup>190</sup> is so high that Sinai residents, as well as Egyptian security personnel, have made millions of dollars from tunnel smuggling.<sup>191</sup> The profits from the black market are multiple times higher than the state-sponsored projects by the Social Solidarity Ministry.<sup>192</sup> The tunnel smuggling business, thus, decreased unemployment in Rafah from 50% to 20% in 2008.<sup>193</sup> Each time the Mubarak regime (half-heartedly) destroyed tunnels, they were quickly rebuilt.<sup>194</sup> Because the black market took the pressure off of Egypt's government to employ and feed North Sinai further, and lined the pockets of poorly paid government security personnel; Mubarak's tunnel destructions were mostly political theater.<sup>195</sup> Indeed, by 2011, the number of operating tunnels reached over 1,200.<sup>196</sup>

In addition to strong economic incentives, building the tunnels is perceived as an act of resistance to the oppression of Gazans.<sup>197</sup> Many Egyptians in Rafah and other border cities belong to the same families, clans, or tribes as Palestinians in Gaza. They are well-informed of the severe economic hardships and human rights violations arising from Israeli policies and military actions in Gaza. Similarly, when Sisi's regime bulldozed over a thousand homes, making thousands of Rafah citizens homeless, the cross-border harms and grievances were aggravated. Coupled with the neglect and abuse of their own government, the border between North Sinai and Gaza becomes meaningless

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189. SABRY, *supra* note 32, at 88.

190. *David Cameron Describes Blockaded Gaza as a 'Prison'*, BBC NEWS (July 27, 2010), <http://www.bbc.com/news/world-middle-east-10778110> [<https://perma.unl.edu/9RUV-WC2H>] ("Gaza cannot and must not be allowed to remain a prison camp," Mr Cameron said. "People in Gaza are living under constant attacks and pressure in an open-air prison," he said.)

191. SABRY, *supra* note 32, at 92–93; Yaari, *supra* note 113, at 14.

192. SABRY, *supra* note 32, at 92–94.

193. *Id.* at 97.

194. *Id.* at 89–90, 99 (noting that the punishment for illegally crossing the border was two years in prison while smuggling legal items imposed a fine not to exceed 2000 LE).

195. *Id.* at 99–100.

196. *Id.* at 106.

197. *Id.* at 94.

in forming group identities of residents of Rafah and Gaza.<sup>198</sup> All of which makes Sinai less, not more, safe.

The treatment of North Sinai as a military zone rather than the residence of over 200,000 people nearly guarantees minimal development. It is long overdue for Israel and Egypt, with the assistance of objective, Western state mediators, to renegotiate the Egyptian–Israeli Treaty and their border policies to make them more conducive to economic development. The more impoverished (and abused) the local population in North Sinai and Gaza, the less secure Egypt and Israel will be. To be sure, such an endeavor is fraught with complexity and cannot be undertaken without considering the serious threat from Wilayat Sinai and other militant groups. However, with the assistance of the local population as partners, not foes, there is cause for optimism. First, the Bedouin and other Sinai residents must be integrated into Egypt’s political community through elections and political appointments.

### C. Political Inclusion and Integrating Bedouin into Security Services

Many Egyptians view Sinai as a separate state about which they know very little. Government-controlled media manipulates domestic coverage of Sinai to suit the regime’s political interests. Specifically, Sinai residents and the Bedouin in particular are portrayed as primitive, criminal, and culturally different than mainland Egyptians.<sup>199</sup> A few roads and expensive air travel are the only means to travel to and from Sinai, making it less likely for mainland Egyptians and Sinai residents to interact socially or conduct intrastate business. The Sinai’s geographic and cultural disconnectedness from the Egyptian mainland enhances its isolation from society.

Prior to 2007, Sinai’s Bedouin did not have the right to vote.<sup>200</sup> Nor did they have the right to run for political office.<sup>201</sup> As a result, the representatives of the Sinai governorates were not from Sinai,<sup>202</sup> and the president appointed governors from among his political loyalists in mainland Egypt.<sup>203</sup> These political representatives subject the

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198. *Id.* at 130–31.

199. Ezzat, *supra* note 24.

200. Walton, *supra* note 28, at 7; Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 7–32.

201. Walton, *supra* note 28, at 7; Gilbert, *This Is Not Our Life . . .*, *supra* note 27, at 7–32.

202. Sinai is composed of two governorates: North Sinai and South Sinai. Each governorate is composed of markaz that are composed of municipalities and villages. North Sinai, for example, has four markaz, nine municipalities, and six villages. Dames & Moore, *supra* note 161, at 17–18.

203. Kareem Fahim, *Egyptian Officials Fired over Soldiers’ Killings in Sinai*, N.Y. TIMES (Aug. 8, 2002), <http://www.nytimes.com/2012/08/09/world/middleeast/>

Bedouin and other Sinai residents to policies created by a centralized government based in Cairo that treats them as second-class citizens.<sup>204</sup> Hence, locally based political representation of Sinai is a prerequisite for development programs to be effective. I propose this can be accomplished in at least five ways: quotas, local councils, political appointment of Sinai residents, recruiting Bedouin into the military and police, and amending the public education curriculum to depict Bedouin culture as part of the Egyptian national identity.<sup>205</sup>

First, quotas in parliament should be reserved by law for Bedouin and other Sinai residents to represent their districts.<sup>206</sup> Quotas are not foreign to Egypt's electoral system. Prior to the 2011 uprisings, sixty-four seats in the lower house of parliament were reserved for women due to structural gender biases that impeded women from being elected to office.<sup>207</sup> In 2015, election laws were amended to mandate the following quota for each closed party list in districts with fifteen seats: three seats for Christians, two seats for individuals who are farmers or workers, two seats for youth aged twenty-five to thirty-five, one seat for a person with a disability, and one seat for an Egyptian living abroad.<sup>208</sup> In districts with forty-five seats, the quota num-

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egypt-sinai-attacks.html (reporting that North Sinai governor at the time, Sayyid Abdul Wahab Mabrouk, was despised by local residents for his brutality and neglect); Nassif, *supra* note 142, at 518 (documenting that all governors assigned to Sinai were former military generals).

204. NATHAN J. BROWN, CONSTITUTIONS IN A NONCONSTITUTIONAL WORLD: ARAB BASIC LAWS AND THE PROSPECTS FOR ACCOUNTABLE GOVERNMENT 119 (2002); Gilbert & al Jebaali, *supra* note 112, at 3.
205. Gilbert & al Jebaali, *supra* note 112, at 8 (citations omitted) (“Distrust is heightened in South Sinai by perceptions of identity arising from the state’s intention to ‘Egyptianize’ Sinai . . . . South Sinai Bedu, of course, are all Egyptian citizens, despite a widespread sense among Egyptians that they are ‘Other’: ‘uncivilized and unskilled.’ . . . Egyptian officials, according to Gardner . . . , ‘can treat the Bedouins with mistrust at best, or contempt at worst.’”).
206. The new parliamentary election law allocates six seats to North Sinai and four seats to South Sinai. Pesha Magid, *Elections Explainer: A Map to the Madness*, MADA MASR (Oct. 16, 2015, 8:12 PM), <http://www.madamasr.com/sections/politics/elections-explainer-map-madness> [https://perma.unl.edu/8RHT-WQJX]. See generally Khaled A. Beydoun, *Fast-Tracking Women into Parliamentary Seats in the Arab World*, 17 SW. J. INT’L L. 63, 101 (2011) (for a comparative argument on gender, where the author recommends robust, fast-track quotas as a means to integrate more Arab woman into state parliaments).
207. Adam Morrow, *Egypt: Disputes Rise over Quotas for Women MPs*, INTER PRESS SERV. (July 27, 2009), <http://www.ipsnews.net/2009/07/egypt-disputes-rise-over-quotas-for-women-mps/> [https://perma.unl.edu/8RNA-E5T9].
208. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 2014, art. 180; INT’L FOUND. FOR ELECTORAL SYS., ELECTIONS IN EGYPT 2015 HOUSE OF REPRESENTATIVES ELECTIONS: FREQUENTLY ASKED QUESTIONS 3 (2015), [http://www.ifes.org/sites/default/files/2015\\_ifes\\_egypt\\_hor\\_elections\\_faqs\\_final.pdf](http://www.ifes.org/sites/default/files/2015_ifes_egypt_hor_elections_faqs_final.pdf) [https://perma.unl.edu/K4BE-BNPX]; Ahmed Morsy, *The Egyptian Parliamentary Elections 101*, MIDDLE E. INST. (Jan. 26, 2015), <http://www.mei.edu/content/article/egyptian-parliamentary-elections-101> [https://perma.unl.edu/9GGP-KGB5]; Sahar F. Aziz, *Revolu-*

bers are tripled for each category. Moreover, the President can appoint Bedouin within his authority to appoint 5% of parliamentary seats, which comprise twenty-eight seats of the parliament.<sup>209</sup> I argue that only Sinai residents should be permitted to run for parliamentary seats representing North and South Sinai, and voters should have a process for challenging candidates who falsify their residency.

Notably, the most recent parliamentary elections in 2015 are a promising step toward political inclusiveness. For example, in the run-offs of the second phase of the elections for the Al-Arish seats, candidates from North Sinai Bedouin tribes competed with candidates from Upper Egyptian families living in Sinai.<sup>210</sup> South Sinai was also among the governorates with the highest voter turnout at 41% compared to 28% nationwide, due in large part to clan and tribal mobilization in favor of particular candidates.<sup>211</sup>

A second avenue for local political participation in governance is local councils. Article 180 of Egypt's 2014 Constitution establishes elected local councils of which 25% must be allocated to youth between the ages of twenty-one and thirty-five, 25% allocated to women, and at least 50% allocated to workers and farmers.<sup>212</sup> Although the Constitution grants the local councils the authority to implement national development plans in their respective jurisdiction, Egypt's highly centralized government based in Cairo impedes local councils' ability to carry out that mandate. Thus, policy makers should amend applicable laws to grant local councils meaningful governance authority as well as ensuring Bedouin are adequately represented in Sinai's local councils.<sup>213</sup>

Third, the president should appoint the governors of Sinai provinces from among the local population based on leadership experience

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*tion Without Reform? A Critique of Egypt's Elections Laws*, 45 GEO. WASH. INT'L L. REV. 1 (2013).

209. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 2014, art. 102.

210. Salma Abdallah, *Election Run-off Proceeds in North Sinai Amid Fierce Competition*, DAILY NEWS EGYPT (Dec. 1, 2015), <http://www.dailynewsegypt.com/2015/12/01/election-run-off-proceeds-in-north-sinai-amid-fierce-competition/> [https://perma.unl.edu/M6LY-9YTH] (reporting that Ibrahim Mohamed Abu Sheirand Hegazy Saeed secured seats in Sinai in the first round of parliamentary elections).

211. Ayah Aman, *Sisi Supporters Secure Second-Round Elections Victory*, AL-MONITOR (Dec. 1, 2015), <http://www.al-monitor.com/pulse/originals/2015/12/egypt-parliamentary-elections-president-sisi-supporters.html> [https://perma.unl.edu/SBP7-XG59]; *Egypt's Elections Committee Announces Final Parliamentary Results*, AHAM ONLINE (Dec. 18, 2015), <http://english.ahram.org.eg/NewsPrint/173877.aspx> [https://perma.unl.edu/7SYT-96MJ]; Amira El-Fekki, *Election Results for Second Phase Announced*, DAILY NEWS EGYPT (Dec. 4, 2015), <http://www.dailynewsegypt.com/2015/12/04/election-results-for-second-phase-announced/> [https://perma.unl.edu/DY4M-86JS].

212. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 2014, art. 18.

213. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 2014, art. 180.

and credibility among the constituency.<sup>214</sup> In Egypt, governors are appointed by the president, and have historically been retired military generals and elite businessmen.<sup>215</sup> Military and security personnel should not serve as governors, but rather work with the civilian governor to transition Sinai out of its failing status into a stable, developed region.

Fourth, the Bedouins' inclusion in politics should extend to the police and military. Few Bedouin serve in the military or are accepted into the police.<sup>216</sup> Indeed, prior to September 2011 the military training college in Cairo did not accept Bedouin from the Sinai.<sup>217</sup> This exclusion reinforces the perceptions that the Bedouin are not part of the Egyptian national identity because their loyalties are suspect. Their absence also adversely affects the efficacy of security efforts. For instance, Egyptian police and military have admitted their unfamiliarity with Central Sinai's complex topography, and as a consequence, their inability to effectively secure the peninsula from militant groups.<sup>218</sup> Meanwhile, militant groups recruit Bedouin trackers to assist them in evading Egyptian security. Thus, the Bedouin are a valuable resource that could be used in pursuit of peace, if the state changed its approach from systemic mistreatment to respect and equal citizenship rights.<sup>219</sup>

214. The North Sinai governor as of the time of the writing of this article in December 2015 was Abdel Fattah Harhour, who has a military background. Abdallah, *supra* note 210. Sarah El-Sheikh, *Government Reshuffle Features Al-Sisi Appointments with Military Backgrounds*, DAILY NEWS EGYPT (Dec. 26, 2015), <http://www.dailynewsegypt.com/2015/12/26/government-reshuffle-features-al-sisi-appointments-with-military-backgrounds/> [https://perma.unl.edu/ZFT5-SP7V] (“There have been no changes in the rest of the 16 governorates, including Cairo, which is presided over by Governor Galal Said, or the governors of North Sinai and South Sinai, Abdel Fattah Harhour and Khaled Fouda respectively, both of whom have military background.”); Josh Lyons & Nadim Houry, “*Look for Another Homeland: Forced Evictions in Egypt’s Rafah*,” HUMAN RTS. WATCH, <https://www.hrw.org/report/2015/09/22/look-another-homeland/forced-evictions-egypt-rafah> [https://perma.unl.edu/6L3G-CR27].

215. *See, e.g.*, Nassif, *supra* note 142, at 509 (documenting that most governors throughout Mubarak’s era were former military generals or police officers).

216. Revkin, *supra* note 143 (“Their many grievances—including legal obstacles to land ownership, lack of basic public services, job discrimination, and systematic exclusion from military and police academies—have reinforced a climate of mutual distrust between the central government and the Sinai.”); *Bedouins Begin to Demand Equal Citizenship Rights*, *supra* note 143 (“[Bedouins] say they are not allowed to join the army, study in police or military colleges, hold key government positions or form their own political parties.”).

217. Breen, *supra* note 34, at 40.

218. *See* Sally Khalifa Isaac, *Fighting Terrorism in Sinai: Effects on Regional Security* 4 (Dec. 7, 2014) (unpublished paper) (on file with author); *Sinai: The Challenges Ahead*, AL-AHRAM WKLY. (Feb. 5, 2015), <http://weekly.ahram.org.eg/News/10379/17/Sinai—The-challenges-ahead.aspx> [https://perma.unl.edu/H79E-HG7U].

219. Awad & Abdou, *supra* note 137.

To be sure, the mistrust between the security forces and Bedouin is mutual. The state, therefore, will need to create quotas reserved for Bedouin in the military and police to overcome internal resistance. Police and military school curriculum should also include courses directly aimed at humanizing Bedouin and Sinai residents and countering negative stereotypes that they are criminals and disloyal.<sup>220</sup> To persuade Bedouin that joining the security forces will not result in being tasked with oppressing their fellow tribesmen, security policies and practices must be reformed to respect human rights and due process.

Finally, the national education curriculum should be amended to counter the stereotypes that Bedouin are primitive, violent, and criminal. Egyptian identity should clearly include the Bedouin of Sinai and North Egypt as equal citizens of the state, and educate students about their unique contributions to Egypt.<sup>221</sup> Without an affirmative effort by the state to counter the negative stereotypes and include the Bedouin in the national narrative of Egyptian citizenship, the Bedouin will continue to experience the adverse effects of prejudice by both private citizens and state institutions. And Sinai will continue to be an unstable region as a result.

#### IV. CONTEXTUALIZING SINAI'S TRANSITION INTO A FAILING SUB-STATE

Weak states exist when the central government lacks the capacity to “control public order within its territory, is unable to consistently control its borders, cannot reliably maintain viable public institutions or services, and is vulnerable to extraconstitutional domestic challenges.”<sup>222</sup> Failed states occur when the government “is completely unable to maintain public services, institutions, or authority, and that central control over territory does not exist.”<sup>223</sup> With those definitions in mind, this Article proffers that Sinai is a failing sub-state<sup>224</sup> whose hyper-securitization coupled with pervasive poverty and political disenfranchisement has bred a potent insurgency of militant groups.<sup>225</sup>

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220. Yossef, *supra* note 112.

221. Mai Serhan, *The Politics of Image: The Bedouins of South Sinai*, JADALIYYA (June 26, 2012), [http://www.jadaliyya.com/pages/index/6101/the-politics-of-image\\_the-bedouins-of-south-sina](http://www.jadaliyya.com/pages/index/6101/the-politics-of-image_the-bedouins-of-south-sina) [https://perma.unl.edu/B5YP-JNE4].

222. Newman, *supra* note 5, at 422.

223. *Id.*

224. *See, e.g.*, Mair, *supra* note 1, at 52–55 (arguing for the need to focus on failing, rather than failed, states).

225. *But see*, Logan & Preble, *supra* note 7, at 62 (disagreeing with the position that terrorism at its root is a result of poverty that can be eradicated by development, and instead supporting the view that terrorism is a response of political grievances). This Article takes the position that political grievances and poverty cannot so easily be separated, and that the former is often a product of the latter.

In short, Sinai is a conflict zone where rule of law and security are in short supply.<sup>226</sup>

Sinai's current state of lawlessness did not occur overnight. Since Egypt regained control of the peninsula in 1982, underlying economic and political conditions have deteriorated, resulting in waves of violence in the mid-1990s and early 2000s.<sup>227</sup> Each time violent extremism rose, the Egyptian state aggressively reacted through harsh security measures that collectively punished the local population. Hundreds of local informants worked with the security forces, often coercively under threat of torture, to spy on indigenous resistance movements.<sup>228</sup> Negative stereotypes of Bedouin as criminals and traitors animated the state's crackdown as thousands of local residents were arrested, tortured, and prosecuted.<sup>229</sup> Many of them entered jail as innocent bystanders only to be radicalized inside prison.<sup>230</sup> The government was more concerned with preventing attacks on the mainland and South Sinai's tourist destinations than long-term solutions to underlying economic and social problems engendering the nonstate violence.<sup>231</sup>

Repressive state practices combined with the Sinai's remote and rough terrain gave rise to a mix of ideological militants seeking to overthrow the Egyptian regime.<sup>232</sup> The militant groups' membership is composed primarily of Sinai residents and mainland Egyptians with a few foreign fighters. In addition, the militant groups have secured assistance from some Bedouin in creating hideouts in Sinai's rough terrain.<sup>233</sup> As the indigenous people of Sinai, the Bedouin's mastery

226. Newman, *supra* note 5, at 431 (“[W]eak . . . states . . . provide an environment conducive to the emergences or operation of terrorist organizations which may target local or international interests”).

227. Khalil al-Anani, *ISIS Enters Egypt*, FOREIGN AFF. (Dec. 4, 2014), <https://www.foreignaffairs.com/articles/middle-east/2014-12-04/isis-enters-egypt> [https://perma.unl.edu/HZ85-2EAP].

228. SABBRY, *supra* note 32, at 14.

229. Breen, *supra* note 34, at 74–75.

230. Awad & Abdou, *supra* note 137 (arguing the deplorable conditions in prison coupled with human rights violations of prisoners facilitated militant groups' recruitment of prisoners); SABBRY, *supra* note 32, at 28; Borzou Daragahi, *This Is How ISIS Spread Beyond Syria and Iraq*, BUZZFEED NEWS (Dec. 12, 2015, 9:01 AM), <http://www.buzzfeed.com/borzoudaragahi/this-is-how-isis-has-spread-beyond-syria-and-iraq> [https://perma.unl.edu/RU5J-3VVA].

231. Gold, *supra* note 11, at 19.

232. *What Is Left of 'October's Sinai'?*, *supra* note 65.

233. Gold, *supra* note 11, at 6 (noting that tribal leaders do not encourage violent extremism because the Islamist insurgency is challenging the Bedouin tribal structure); *Al-Qaeda's Expansion in Egypt: Implications for U.S. Homeland Security: Hearing Before the Subcomm. on Counterterrorism and Intelligence of the Comm. on Homeland Security House of Representatives*, 113th Cong. 5–9 (2014) (Statement of Steven A. Cook, Hasib J. Sabbagh Senior Fellow for Middle Eastern Studies, Council on Foreign Relations) [hereinafter *Al-Qaeda's Expansion in*

of the region is unmatched. Without the Bedouin's assistance, neither can the militant groups hide nor can the security forces apprehend the militants.

Were the Bedouin treated with dignity as citizens with equal rights, they would have been more likely to view the militants as a threat to their nation's stability. Instead, many tribes see themselves as independent agents whose primary means of economic survival is through illicit smuggling and extracting protection money from militant groups.<sup>234</sup>

#### A. Festering Grievances and Militants in Sinai Before the 2011 Uprisings

The growing presence (and lethality) of militant insurgent groups in Sinai has created both peril and opportunity for the Bedouin. Bedouin's interactions with the militant groups tend to fall within one of four categories: (1) Bedouin who reject them altogether and are victimized by their violence; (2) Bedouin (predominantly youth) who join the groups out of despair or revenge for the police or military who killed their relatives; (3) Bedouin who have adopted the ideology of the militants that use religion to justify overthrowing an oppressive regime; and (4) Bedouin who earn an income by serving as guides to the militants in hiding from the police or military. I proffer that the majority of Bedouin fall into categories one, two, and four; thereby leaving a small minority who join militant groups out of ideological or religious commitment. As such, development-driven responses to Sinai's security crisis should take into account the Bedouin's disparate relationships with the militants by focusing on providing economic and political empowerment, which can be a potent means of weakening militant groups' ability to operate in Sinai.

Sinai's terrain is anything but friendly. Treacherous desert topography combined with steep and cavernous mountains offer ample opportunities for militant groups to hide.<sup>235</sup> Without the assistance of the local Bedouin tribes, the Egyptian state cannot ferret out militant groups. However, militarized policies have alienated and impoverished the Bedouin to such an extent that they assist militant groups in evading the security services in exchange for fees.<sup>236</sup> For instance,

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*Egypt*] (noting that Egyptian fighters returning from Iraq and Syria are responsible for most of the violence).

234. Graham-Harrison, *supra* note 56.

235. Leena ElDeeb, *A Walk to Revive South Sinai's Tourism*, DAILY NEWS EGYPT (Nov. 18, 2014), <http://www.dailynewsegypt.com/2014/11/18/walk-revive-south-sinai-tourism/> [https://perma.unl.edu/355S-V9H7].

236. Breen, *supra* note 34, at 55 (interviewing FJP members in the Morsi regime who found that the Bedouin's feelings of alienation and political oppression motivated some of them to turn to the use of violence).

the large and influential Tarabin tribe inhabits the territory in the rocky area of Jabal Halal where militants hide in the rugged mountainous area.<sup>237</sup> Other tribes such as the Sawarka and Remeilat play a major role in operating networks of human, drug, and arms trafficking trade crossing their land.<sup>238</sup>

Feeling little attachment to an Egyptian identity that has rejected them, some Bedouin tribes have no choice but to function as smugglers, protectors, and guides for economic survival.<sup>239</sup> In contrast, some of the tribes near Nuweiba, Sharm Al Sheikh, and Dahab who profit from the tourist industry (albeit disproportionately less than the regime's Cairene crony capitalists) are more willing to cooperate with the Egyptian government to stop terrorism.<sup>240</sup> Hence, giving the Bedouin a stake in the economic development of Sinai appears to contribute toward decreasing violence.

Ideologically driven violence intersects with economically driven illicit activity to produce multiple militant groups operating out of the Sinai. The current landscape of Islamist opposition includes four types of groups: (1) Sinai-based militant groups affiliated with the Islamic State of Iraq and Syria (ISIS); (2) mainland-based militant groups self-described as Salafi and affiliated with Al Qaeda; (3) Gaza-based militant groups affiliated with Hamas; and (4) mainland-based groups comprised largely of disaffected Muslim Brotherhood members.<sup>241</sup> Although not all of the groups engage in violence, they agree that the Egyptian regime is illegitimate. Notably, militant Salafi groups oppose the Muslim Brotherhood as a co-opted organization whose ideology of political participation and incremental change is antithetical to the violent groups' political aims to overthrow the regime.<sup>242</sup> The Egyptian government's conflation of the Muslim Brotherhood with Salafi militant groups in Sinai, thus, is based more

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237. Ronen, *supra* note 64, at 304.

238. *Id.* at 306; SABRY, *supra* note 32, at 18.

239. ElDeeb, *supra* note 235.

240. Ronen, *supra* note 64, at 304.

241. MOKHTAR AWAD & MASTAFA HASHEM, CARNEGIE MIDDLE E. CTR., EGYPT'S ESCALATING ISLAMIST INSURGENCY (2015), [http://carnegieendowment.org/files/CMEC\\_58\\_Egypt\\_Awad\\_Hashem\\_final.pdf](http://carnegieendowment.org/files/CMEC_58_Egypt_Awad_Hashem_final.pdf) [<https://perma.unl.edu/RDF9-V8KC>]; NATHAN BROWN & MICHELE DUNNE, CARNEGIE MIDDLE E. CTR., UNPRECEDENTED PRESSURES, UNCHARTED COURSE FOR EGYPT'S MUSLIM BROTHERHOOD, (2015), [http://carnegieendowment.org/files/CP248-EgyptMB\\_BrownDunne\\_final.pdf](http://carnegieendowment.org/files/CP248-EgyptMB_BrownDunne_final.pdf) [<https://perma.unl.edu/XJ6M-2T3P>] (noting younger Muslim Brotherhood members are disaffected and some are joining Sinai-based militant groups).

242. Awad & Hashem, *supra* note 241; SABRY, *supra* note 32, at 132; Ezzat, *supra* note 24; FRANÇOIS BURGAT, ISLAMISM IN THE SHADOW OF AL-QAEDA 25 (Patrick Hutchinson trans., 2008).

in political agendas to discredit the Muslim Brotherhood as the political opposition than in efforts to decrease violence in Egypt.<sup>243</sup>

The militant Salafi movement that began in Afghanistan in the 1980s actively looked for areas where repressive regimes alienated local populations. The movement sent foreign fighters to join local fighters with the aim of portraying the political conflict in religious terms.<sup>244</sup> In the 1980s and 1990s, Salafi groups gained strength in the Northern Sinai towns in the forty kilometer stretch from Al-Arish to the eastern Sinai border where security forces have multiple checkpoints.<sup>245</sup> Interactions with security forces checkpoints are often humiliating, or worse, turn violent for local residents.<sup>246</sup> Terrorist recruitment strategies, thus, target people who seek revenge for detained or killed family members by state security forces crackdowns.<sup>247</sup> In South Sinai, militant groups leveraged the influx of Western tourists whose behavior was deemed offensive to conservative Egyptian cultural and moral values as justification for attacks on Western hotels.<sup>248</sup> Sinai's border with Israel also attracted militants opposed to the Israeli–Egyptian peace treaty.<sup>249</sup>

Local residents and Egyptian fighters returning from Iraq and Syria coalesced into various groups, some of whom actively engaged in violence while others called for violent uprising against the state with-

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243. Gold, *supra* note 11, at 8; Brown & Dunne, *supra* note 241 (“[T]he state campaign against the Brotherhood, including threatening to carry out death sentences against members that were passed before the attacks. This has happened despite the government’s failure to make public any evidence of a connection between the [Muslim Brotherhood] and the attacks.”); Ahmed Eleiba, *Security Imperatives in Sinai*, AL-AHRAM WKLY. (Feb. 5, 2015), <http://weekly.ahram.org.eg/News/10333/17/Security-imperatives-in-Sinai.aspx> [https://perma.unl.edu/7M3K-F4GC] (“In more recent speeches he has been more explicit about elements of the organization. He claimed that there are links between the Muslim Brotherhood and Sinai extremist groups. Al-Sisi has also said that foreign powers are helping the militants with intelligence, and the planning and funding of operations.”); *Egypt PM Labels Brotherhood ‘Terrorist’ Group After Bomb Kills 14*, DAWN (Dec. 24, 2013, 8:08 AM), <http://www.dawn.com/news/1076098/egypt-pm-labels-brotherhood-terrorist-group-after-bomb-kills-14> [https://perma.unl.edu/4LE9-3Y2N].

244. Steven Metz, *Strategic Horizons: Sinai Is the Next Big Jihadist Battle*, WORLD POL. REV. (Aug. 7, 2013), <http://www.worldpoliticsreview.com/articles/13146/strategic-horizons-sinai-is-the-next-big-jihadist-battle> [https://perma.unl.edu/63N9-3866]; Laub, *supra* note 91.

245. Ronen, *supra* note 64, at 305; Ezzidin, *supra* note 30.

246. Ezzidin, *supra* note 30.

247. Recruitment strategies focus on people who have lost family members to state security forces crackdowns seeking revenge. Revkin, *supra* note 26.

248. *Id.* at 48 (noting the Al Gamaa’a Al Islamiyaa’s message to its followers that tourism brings corruption and bad morals to Egypt).

249. Awad & Hashem, *supra* note 241.

out taking credit for any particular attacks.<sup>250</sup> Tawhid wal Jihad was the most violent Sinai-based militant groups in the decade preceding the 2011 uprisings. Formed in 2002 by Khalid Al-Masa'id and Nasr Khamis Al-Mallahy, the group was nearly quashed after a harsh security crackdown in 2006. Tawhid wal Jihad rejected the Camp David Accords and MFO as illegitimate and sought to overthrow the Egyptian regime.<sup>251</sup> The group relied on a network of disaffected Bedouin and Sinai youth of Palestinian origin in North Sinai.<sup>252</sup> They reportedly recruited in mosques scattered across Al-Arish and other Northern Sinai towns where local discontent runs high.<sup>253</sup>

Tawhid wal Jihad claimed responsibility for the wave of terrorism in Sinai that occurred from 2004 to 2006. The group targeted tourist resorts in South Sinai and killed over 150 Egyptians and foreigners with the intent of harming Egypt's tourism, a major source of income in Egypt.<sup>254</sup> In October 2004, three bombs were detonated in Taba, Nuweiba, and Ras al-Shitan on the Red Sea, killing 34 people and injuring nearly 150.<sup>255</sup> A month later, two roadside bombs hit an MFO bus, injuring two Canadians.<sup>256</sup> The following year in July 2005, simultaneous bomb attacks occurred in Sharm El-Sheikh killing more than 88 people. In April 2006, 23 people were killed in bomb attacks in Dahab.<sup>257</sup> After each attack, more police were deployed to Sinai who escalated the violence through aggressive crackdowns.

Thousands of Sinai residents were arbitrarily arrested in dragnet counterterrorism operations.<sup>258</sup> Police went as far as arresting women and children as a bargaining chip to secure the surrender of the male tribal member—an unforgivable and unforgettable violation of

250. *Al-Qaeda's Expansion in Egypt*, *supra* note 233, at 5–9 (Statement of Steven A. Cook, Hasib J. Sabbagh Senior Fellow for Middle Eastern Studies, Council on Foreign Relations).

251. INT'L CRISIS GRP., *supra* note 79; Matthew Teague, *The Sinai*, NAT'L GEOGRAPHIC (Mar. 2009), <http://ngm.nationalgeographic.com/2009/03/sinai/teague-text/1> [<https://perma.unl.edu/N3MV-9JA9>].

252. Ronen, *supra* note 64, at 302; Abdulrahman al-Masri, Michele Chabin, Mona Alami & Sarah Lynch, *Al-Qaeda Hasn't Gone Away, and Is Gaining*, USA TODAY (Jan. 8, 2014, 9:29 AM), <http://www.usatoday.com/story/news/world/2014/01/07/al-qaeda-spread/4358845> [<https://perma.unl.edu/SPU4-NTJK>].

253. Ronen, *supra* note 64, at 308; Abdullah Al-Arian, *Between Terror and Tyranny: Political Islam in the Shadow of the Arab Uprisings*, MIDDLE E. RES. AND INFO. PROJECT (Dec. 30, 2015), <http://www.merip.org/mero/mero123015> [<https://perma.unl.edu/76WZ-689A>] (“Islamist movements throughout the Arab world became increasingly likely to adapt their missions to local conditions.”).

254. *Egypt: Systematic Abuses in the Name of Security*, AMNESTY INT'L (Apr. 11, 2007), <https://www.amnesty.org/en/documents/MDE12/001/2007/en/> [<https://perma.unl.edu/4B2E-E44D>].

255. SABRY, *supra* note 32, at 23.

256. Ruben Tuitel, *The Future of the Sinai Peninsula*, Q.J., Spring 2014, at 79, 81.

257. *Egypt: Systematic Abuses in the Name of Security*, *supra* note 254.

258. Gold, *supra* note 11, at 8; Khalil, *supra* note 101.

tribal traditions.<sup>259</sup> These shortsighted securitized approaches to counterterrorism ultimately pushed residents to join militant groups, thereby making Sinai less safe in the long run.

Although Tawhid wal Jihad was significantly weakened by the end of the Mubarak regime, some of its members escaped from jail during the 2011 uprisings and reportedly resumed attacking police stations and other state institutions.<sup>260</sup> Others joined the new and heavily armed militant groups now affiliated with ISIS. Local grievances facilitate Bedouin recruitment or assistance for attacks against the military, security personnel, government officials, and most recently in November 2015 a Russian civilian aircraft flying out of Sharm El Sheikh.<sup>261</sup>

Another Sinai-based militant group is Jaysh Al Islam (also known as the Army of Islam), which was allegedly affiliated with Al Qaeda and maintained strong ties with Tawhid wal Jihad.<sup>262</sup> Established in 2006 in Gaza by Mumtaz Dughmush who broke off from the Popular Resistance Committees, the group exploits grievances of Palestinians in Gaza and Bedouin in Sinai to conduct cross border attacks against Israeli and Egyptian targets.<sup>263</sup> For example, the Egyptian government blamed the group for an attack on a Christian church in Alexandria on New Year's Eve in 2011 and an attack on Egyptian army soldiers breaking fast in Sinai in August 2012.<sup>264</sup> Some scholars attribute the willingness of Bedouin youth to join the group to their dismal socioeconomic conditions, hatred for the Egyptian regime, and exposure to extremist Salafi ideology on the internet.<sup>265</sup> In September 2015, the Jaysh Al Islam reportedly pledged allegiance to Wilayat Sinai.<sup>266</sup>

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259. SABRY, *supra* note 32, at 24.

260. Gold, *supra* note 11, at 9.

261. Yossef, *supra* note 112; Fiona Keating, *Russian Plane Crash: Leader Of Sinai Province Group Abu Osama Al-Masri Named as Bombing Mastermind*, INT'L BUS. TIMES (Nov. 8, 2015, 2:06 PM), <http://www.ibtimes.co.uk/russian-plane-crash-leader-sinai-province-group-abu-osama-al-masri-named-bombing-mastermind-1527764> [<https://perma.unl.edu/TL4P-GAYA>]; SMITH, *supra* note 2, at 170–71 (quoting the former head of CIA counterterrorism center, Paul Pillar, stating that most terrorists are adult men who are “unemployed or underemployed (except by terrorist groups), with weak social and familial support, and with poor prospects for economic improvement or advancement through legitimate work.”).

262. Ronen, *supra* note 64, at 308–09.

263. Gold, *supra* note 11, at 19.

264. *Jaysh al-Islam*, TAHRIR INST. FOR MIDDLE E. POL'Y, <http://timep.org/esw/profiles/terror-groups/jaysh-al-islam/> [<https://perma.unl.edu/FQ2K-23RZ>].

265. Ronen, *supra* note 64, at 308–09. *But see* Breen, *supra* note 34, at 61–62 (interviewing members of the FJP who claimed secret documents were found in the state security offices proving that the bombing was ordered by the former Minister of Interior Habib Al Adly).

266. Dov Lieber, *Powerful Militant Group in Gaza Allegedly Pledges Allegiance to ISIS*, JERUSALEM POST (Sept 11, 2015, 6:52 AM),

The Egyptian government responded to the wave of attacks by banning the Bedouin from economic activity in Sharm El Sheikh and rounded up thousands of detainees.<sup>267</sup> Egypt's emergency law granted the government the authority to detain them for months without criminal charges. The hundreds who were not charged with a crime languished for years in administrative detention along with nearly 18,000 other Egyptian administrative detainees held in inhumane conditions across the country.<sup>268</sup> Detainees were tortured and subjected to cruel and degrading treatment.<sup>269</sup> Hundreds fell ill to tuberculosis and other diseases that spread due to a lack of hygiene and medical care, overcrowding, and poor food in prisons.<sup>270</sup> Many of the detainees were innocent Sinai residents who became radicalized in prison and later joined militant groups.<sup>271</sup> The systematic human rights abuse triggered a vicious cycle of extremism and revenge-seeking violence.<sup>272</sup>

These mass roundups brought relations between the Bedouin and the state to the lowest point in decades. Indeed, the International Crisis Group described the North Sinai governorate as being "under a quasi-state of siege."<sup>273</sup> It was not until 2010 that Egyptian officials half-heartedly attempted to salvage relations with Bedouin tribes by releasing 200 Bedouin activists arrested in the security sweeps.<sup>274</sup> By then, however, the environment was fertile for new militant groups to leverage the deep seated resentment against security forces in the political vacuum that ensued after January 2011. The 2011 uprisings provided the opportunity both for Sinai residents to expel the loathed security forces and militant groups to amass weapons in furtherance of their insurgent objectives.

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East/ISIS-Threat/Powerful-militant-group-in-Gaza-allegedly-pledges-allegiance-to-ISIS-415869 [https://perma.unl.edu/U3WP-KRHB].

267. Tuitel, *supra* note 256, at 83.

268. *Egypt: Systematic Abuses in the Name of Security*, *supra* note 254.

269. *Id.*; Lyons & Houry, *supra* note 214.

270. *Egypt: Systematic Abuses in the Name of Security*, *supra* note 254.

271. Strasser, *supra* note 101; Graham-Harrison, *supra* note 56; *Are Tribes in Sinai Really Unifying Against Terrorism?*, AL-MONITOR (May 15, 2015), <http://www.al-monitor.com/pulse/originals/2015/05/egypt-siani-tribes-war-terrorism-army.html> [https://perma.unl.edu/QN8Y-D8G7]; SABRY, *supra* note 32, at 149.

272. Graham-Harrison, *supra* note 56; Awad & Hashem, *supra* note 241; Revkin, *supra* note 26; see G.A. Res. 60/288, at 2 (Sept. 20, 2006) ("*Recognizing* that development, peace and security, and human rights are interlinked and mutually reinforcing[.]").

273. DALIA DASSA KAYE ET AL., MORE FREEDOM, LESS TERROR?: LIBERALIZATION AND POLITICAL VIOLENCE IN THE ARAB WORLD 42–43 (2008).

274. Walton, *supra* note 28, at 8.

## B. 2011 Uprisings Create a Security and Political Vacuum

Notwithstanding the government's differential treatment of Sinai, the local population's response to the 2011 uprising mirrored Egyptians in other parts of the country. After decades of political oppression, security abuses, and economic deprivation, Sinai residents joined the nationwide protests against the corrupt Mubarak regime.<sup>275</sup> Security personnel were the primary targets of the people's wrath.<sup>276</sup> Police stations were burned down and police officers were run out of villages under threat of physical attack.<sup>277</sup> The State Security Investigations compounds, often referred to as torture factories, were attacked with rocket-propelled grenades.<sup>278</sup> Local tribes and leaders took control of state institutions as the Egyptian government's attention was focused on Cairo.<sup>279</sup> Bedouin seeking the release of their jailed tribesmen, whom they believed were wrongfully detained in pre-2011 roundups, sieged an MFO camp for eight days and kidnapped tourists and foreign workers.<sup>280</sup> These hardline tactics by residents, coupled with the military's attempts to improve relations with Sinai residents, resulted in the pardoning of eighteen Bedouin sentenced in absentia by military tribunals and new trials ordered for five Bedouin accused of bombing Sinai resorts in 2004.<sup>281</sup>

Although the state's absence granted local residents de facto self-governance, it also strengthened militant groups.<sup>282</sup> Thousands of Egyptian fighters abroad, previously barred from entering Egypt under threat of prosecution, returned to the Sinai after the Supreme Council of the Armed Forces (SCAF) lifted their names from security watch lists at national entry ports.<sup>283</sup> They were joined by some of the 22,000 prisoners who escaped from at least five Egyptian jails in the

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275. SABRY, *supra* note 32, at 4–7.

276. Gold, *supra* note 11, at 6.

277. Ronen, *supra* note 64, at 306.

278. SABRY, *supra* note 32, at 11.

279. *Id.* at 13; Gold, *supra* note 11, at 6.

280. Breen, *supra* note 34, at 27; *Bedouins Briefly Abduct 10 Peacekeepers in Egypt*, AL ARABIYA NEWS (May 7, 2012, 11:22 PM), <https://english.alarabiya.net/articles/2012/05/07/212736.html> [<https://perma.unl.edu/XT8N-PDL5>]. The MFO would be subjected to further attacks in September 2012 reportedly in connection with a region-wide protests against an anti-Muslim video released by an American filmmaker. Ahmed Eleiba, Hatem Maher & Sherif Tarek, 'Operation Eagle' Will Not Stop Until Sinai Is Terror-Free: Egypt's Military, AHARAM ONLINE (Aug. 8, 2012), <http://english.ahram.org.eg/NewsPrint/49956.aspx> [<https://perma.unl.edu/N5WJ-QSJ9>].

281. *Bedouins Briefly Abduct 10 Peacekeepers in Egypt*, *supra* note 280.

282. SHARP, *supra* note 40, at 12; Breen, *supra* note 34, at 24.

283. al-Anani, *supra* note 227.; Awad & Hashem, *supra* note 241.; SABRY, *supra* note 32, at 20, 138.

mayhem of the eighteen-day uprisings in 2011.<sup>284</sup> Making matters worse, the revolution next door in Libya exposed Egypt's western border to unprecedented levels of arms smuggling.<sup>285</sup> Anticipating the eventual return of the security forces, the Bedouin in Sinai stockpiled weapons.<sup>286</sup>

Confronted with rising violence in Sinai, Mohamed Morsi's regime promised to make Sinai a pillar of his Nahda ("renaissance") program.<sup>287</sup> In his first month in office in July 2012, Morsi paid a visit to Sinai during which he promised new relations and increased development.<sup>288</sup> No sooner had he returned to Cairo, Morsi faced a political crisis when thirty-five armed militants attacked a Rafah border post in August 2012 killing sixteen Egyptian soldiers, seizing two Egyptian armored vehicles, and storming the border fence with Israel.<sup>289</sup> The crisis provided Morsi with an opportunity to arrange the retirement of longstanding Minister of Defense General Hussein Al Tantawi and Army Chief of Staff Sami Anan, and promote General Abdel-Fatah Al Sisi as the new Minister of Defense—who would depose Morsi one year later.<sup>290</sup>

The newly elected Morsi regime, in coordination with Israel, sent more military forces to Sinai in Operation Eagle I to expel the militant groups out of North Sinai's cities.<sup>291</sup> While the operation was successful in pushing militant groups back into the mountains and other isolated areas in the peninsula, it did little to resolve the underlying grievances that fed the groups' recruits or tacit support among the local population.<sup>292</sup>

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284. *Terrorism and the City*, MADA MASR (July 15, 2015, 10:22 PM), [www.madamasr.com/opinion/politics/terrorism-and-city](http://www.madamasr.com/opinion/politics/terrorism-and-city).

285. *What Is Left of 'October's Sinai'?*, *supra* note 65; Ronen, *supra* note 64, at 314; Ezzat, *supra* note 24.

286. SHARP, *supra* note 40, at 12.

287. Tuitel, *supra* note 256, at 84.

288. Sarah El-Rashidi, *Morsi's Failures in Sinai: A Cautionary Tale*, ATLANTIC COUNCIL (Sept. 4, 2013), <http://www.atlanticcouncil.org/blogs/egyptsource/morsi-s-failures-in-sinai-a-cautionary-tale> [<https://perma.unl.edu/7396-2WFFQ>] ("Morsi's campaign promised that Sinai would be one of the four pillars of his Nahda program, and thus would receive a quarter of its spending on development and investments[.]").

289. *The Root of Egypt's Coup: Morsi Giving Free Hand to Sinai Islamists*, HAARETZ (July 18, 2013, 7:09 PM) [hereinafter *The Root of Egypt's Coup*], <http://www.haaretz.com/news/middle-east/1.536623> [<https://perma.unl.edu/6YZF-KVH2>]; Ronen, *supra* note 64, at 312; SABRY, *supra* note 32, at xxii.

290. Gold, *supra* note 11, at 12; Osman El Sharnoubi, *Egypt's President Morsi in Power: A Timeline (Part I)*, JADALIYYA (June 28, 2013), [http://www.jadaliyya.com/pages/index/13101/egypts-president-morsi-in-power\\_a-timeline](http://www.jadaliyya.com/pages/index/13101/egypts-president-morsi-in-power_a-timeline) [<https://perma.unl.edu/3E5W-5PN2>].

291. Breen, *supra* note 34, at 26; *see* Yossef, *supra* note 112.

292. Gold, *supra* note 11, at 12.

In contrast to his predecessor, Morsi did not limit his response to violence in Sinai through military operations. After decades of hyper-securitization under the Mubarak regime, Morsi attempted a different strategy: to engage and negotiate with Sinai residents.<sup>293</sup> As a former political prisoner himself, he may have understood that state violence would only aggravate the underlying political grievances.<sup>294</sup> Thus, Morsi's administration set out to engage with tribal leaders to hear their grievances and look for solutions moving forward.<sup>295</sup> He invited tribal chiefs from North Sinai to meet him and the North Sinai Governor in the presidential palace in Cairo.<sup>296</sup> The participants discussed a potential pardon of certain tribal detainees, developing a telecommunications network in Sinai, and increasing the budget for development plans in Sinai from 50 million Egyptian pounds to 100 Egyptian pounds.<sup>297</sup>

Morsi also promised to allow for Sinai residents to own and use land in the planned development projects, which would require reversing a 2012 resolution that banned their land ownership in the eastern border of Sinai.<sup>298</sup> Denial of land ownership, and by extension barring inheritance of property, has been a long time grievance of the Bedouin of Sinai.<sup>299</sup> The immediate outcome was the secession of the military campaign and a ceasefire with militants.<sup>300</sup> The longer term outcome was the creation of a committee of tribal chiefs and other representatives to follow up with the Morsi administration.<sup>301</sup> Whether this committee was in fact empowered to effectuate changes in government policy is unlikely given the military and security forces' distrust of the local population.

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293. SABRY, *supra* note 32, at xxii; Mair, *supra* note 1, at 55 (noting that co-opting the violent groups may be the only option for sustainable rebuilding starting at the bottom).

294. *See* Breen, *supra* note 34, at 28.

295. *Id.* at 62–63.

296. *Morsy Meets Sinai Tribal Chiefs*, EGYPT INDEP. (Jan. 3, 2013, 3:44 PM), <http://www.egyptindependent.com/news/morsy-meets-sinai-tribal-chiefs> [<https://perma.unl.edu/LB2U-JDQG>].

297. *Id.*

298. *Id.*; Nouran El-Behairy, *Sinai Bedouins Allowed to Own Land*, DAILY NEWS EGYPT (Oct. 30, 2012), <http://www.dailynewsegypt.com/2012/10/30/sinai-bedouins-allowed-to-own-land/> [<https://perma.unl.edu/SUV6-XAWD>]; *see* Gilad Wenig, Opinion, *Egypt Must Gamble in the Sinai*, NAT'L INT. (Aug. 14, 2013), <http://nationalinterest.org/commentary/egypt-must-gamble-the-sinai-8888> [<https://perma.unl.edu/VUQ8-8FDK>] (“Amending or replacing the controversial Sinai land ownership law, which was passed by Morsi’s government in late 2012, would also be constructive. Although the law reversed official policy by allowing Sinai residents to own land, it effectively discriminates against Bedouin by requiring them to prove their and their parents’ citizenship.”).

299. Breen, *supra* note 34, at 54.

300. SABRY, *supra* note 32, at xxii.

301. *Morsy Meets Sinai Tribal Chiefs*, *supra* note 296.

Morsi's administration also took the unprecedented step of engaging nonviolent extremist Salafi groups who opposed the government but were not taking responsibility for terrorist attacks. Morsi leveraged his regime's Salafi allies to mediate with militant groups to persuade them to stop the violence. Under state auspices, Al Azhar University, the global bastion of Sunni Islamic thought, conducted religious lessons to counter radicalization in Sinai.<sup>302</sup> Muslim Brotherhood leaders met with tribal elders in Sinai to debunk the jurisprudence of the jihadist and *takfir* movements.<sup>303</sup> As political Islamists who worked through the political system to oppose government policies, the Muslim Brotherhood representatives hoped to persuade the Salafi militants to reject fatwas that call for killing innocent people, attacking gas pipelines, or committing other offenses against the state.<sup>304</sup>

Morsi's regime went as far as proposing that leaders of the largest Bedouin tribes be trained and employed to operate checkpoints against militant attacks.<sup>305</sup> The reasoning was that the Bedouin would be vested in securing the Sinai against militant insurgents. Meanwhile, the insurgents would fear attacking the Bedouin because informal tribal law would require revenge on the group.<sup>306</sup>

To be sure, Morsi's strategy was highly suspect in Egyptian and Israeli security circles that deemed engaging with insurgent groups anathema to national security. That Morsi was a political Islamist made the military all the more wary of his intentions and allegiances.<sup>307</sup> Opponents viewed Morsi's approach as placation at best or tacit support at worst.<sup>308</sup> Instead, the Egyptian military wanted to pursue an aggressive military offensive in Sinai. In November of 2012, Morsi reportedly ordered Field Marshall El-Sisi (who was to become Egypt's president in 2014 following a military coup and purport-

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302. Gold, *supra* note 11, at 13.

303. Richard Barrett, *Legitimacy, Credibility and Relevance: The Tools of Terrorists and 'Counter-Terrorists'*, in *AFTER THE WAR ON TERROR: REGIONAL AND MULTILATERAL PERSPECTIVES ON COUNTER-TERRORISM STRATEGY*, 26–27 (Alex P. Schmid & Gary F. Hindle eds., 2009) (“In Islam, only a properly qualified judge can declare someone an unbeliever (*kufir*), and then only in very specific circumstances. Takfirism, as the Al-Qa’ida practice has come to be known, is further condemned in the Islamic world as likely to lead to another very serious offence, which is to cause *fitna*, or splits in the Muslim community.”).

304. Mahmoud Chaaban Bayoumi, *Egypt's Muslim Brothers Preach Nonviolence to Sinai Jihadis*, *AL-MONITOR* (Aug. 17, 2012), <http://www.al-monitor.com/pulse/tr/security/01/08/brotherhood-hold-juristic-revisions-to-takfir-groups-in-the-sina.html> [<https://perma.unl.edu/8DE7-MS2E>].

305. Aya Batrawy, *Egypt Mulls Arming Sinai Bedouin Security Forces*, *YAHOO! NEWS* (Oct. 8, 2012), <http://news.yahoo.com/egypt-mulls-arming-sinai-bedouin-security-force-180514131.html> [<https://perma.unl.edu/RR7X-TVFN>].

306. Gilbert, *Nature = Life*, *supra* note 24, at 44.

307. SABRY, *supra* note 32, at 166.

308. Gold, *supra* note 11, at 13.

edly free elections)<sup>309</sup> to hold off planned raids and offenses.<sup>310</sup> As part of a broader strategy to improve relations with Hamas, Morsi also reportedly asked intelligence officers to meet with Hamas leader Khaled Meshaal to address the killings of the soldiers and prevent further attacks. The security elite refused to work with a group they deemed terrorist.<sup>311</sup> And the military leadership was increasingly suspicious of Morsi's soft tactics they deemed did not properly avenge the deaths of Egyptian soldiers.<sup>312</sup>

Morsi's strategy ultimately failed. Not only was he unable to attain buy-in from the military on a non-militarized solution to Sinai's problems, but militant groups continued their attacks with Sinai residents held hostage in between.<sup>313</sup> Violent extremist Salafi groups condemned the Muslim Brotherhood as tyrants who failed to rule according to strict interpretations of Shari'a.<sup>314</sup> Sinai tribal leaders criticized Morsi's regime to be no different than Mubarak as they experienced the same neglect and economic deprivation.<sup>315</sup> However, some Bedouin noted the decrease in mistreatment and arbitrary arrests during Morsi's year in power.<sup>316</sup>

As Morsi became weaker in the final months of his presidency, militants brazenly kidnapped seven Egyptian soldiers in May 2013.<sup>317</sup> While the military and Morsi administration were able to negotiate the soldiers' release in exchange for releasing Islamist prisoners, the aggressive clampdown on Sinai continued.<sup>318</sup> In the end, Morsi's brief one-year presidency and incomplete development strategy produced little change in Sinai's economic and political situation.<sup>319</sup> What came next pushed Sinai closer to the brink of a failed sub-state.

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309. Sahar F. Aziz, *Bringing Down an Uprising: Egypt's Stillborn Revolution*, 30 CONN. J. INT'L L. 1, 6 (2014).

310. *The Root of Egypt's Coup*, *supra* note 289.

311. *Id.*; Breen, *supra* note 34, at 69–70.

312. Tuitel, *supra* note 256, at 84–85.

313. *Egyptian Troops in Sinai Mistakenly Fire on Bedouin Funeral: AP*, AHARAM ONLINE (May 21, 2013), <http://english.ahram.org.eg/NewsContentPrint/1/0/72026/Egypt/0/Egyptian-troops-in-Sinai-mistakenly-fire-on-Bedoui.aspx> [<https://perma.unl.edu/F93R-66VQ>]; Graham-Harrison, *supra* note 56; Ezzat, *supra* note 24.

314. Alexandrani, *supra* note 59, at 17; Al-Arian, *supra* note 253.

315. Sabry, *supra* note 179.

316. Abigail Hauslohner, *Insurgency Takes Root in Egypt's Sinai*, WASH. POST (July 28, 2013), [https://www.washingtonpost.com/world/insurgency-takes-root-in-egypts-sinai/2013/07/28/2e3e01da-f7a4-11e2-a954-358d90d5d72d\\_story.html](https://www.washingtonpost.com/world/insurgency-takes-root-in-egypts-sinai/2013/07/28/2e3e01da-f7a4-11e2-a954-358d90d5d72d_story.html) [<https://perma.unl.edu/JC9S-D98F>].

317. SABRY, *supra* note 32, at xxiii.

318. *Id.*; Khalil, *supra* note 101; Gold, *supra* note 11, at 13; Breen, *supra* note 34, at 53 (noting the abduction of tourists or government officials has been used by the Bedouin as a way of negotiating for the release of their members because it is the only tactic the government is responsive to).

319. Breen, *supra* note 34, at 77–79.

The combination of a disgruntled population, geographic and cultural isolation, poverty, a security vacuum, arms smuggling and militant groups with pre-existing political agendas to control the Sinai proved toxic.<sup>320</sup> The Sinai soon became a launching pad for attacks against Israel and the Egyptian government. As attacks in Sinai and the mainland increased, the same group claimed responsibility—Ansar Beit Al Maqdis (ABM). A Sinai-based group founded by Egyptians trained in Afghanistan and Syria, ABM claimed credit for bombings in North and South Sinai, an assassination attempt on the Egyptian interior minister in 2013, and attacks on security buildings in the Cairo, Dakahliya, Ismailiya, and Sharqiya governorates.<sup>321</sup> ABM also targeted the natural gas pipeline that crosses the Sinai Peninsula to provide gas to Egypt's industrial zones, Jordan, and Israel.<sup>322</sup> In the eighteen months following the 2011 uprising, the pipeline was attacked at least fifteen times.<sup>323</sup> The attacks were both symbolic and pragmatic. For some Bedouin, the gas was a stolen resource by the Egyptian state and for the militant groups it was considered a Muslim resource sold to the "Zionist occupier."<sup>324</sup>

What started out as a small urban terrorist group, the ABM morphed into a formidable insurgency with a couple of thousand Egyptian fighters.<sup>325</sup> The ABM appealed to disenfranchised youth from North Sinai to join it in the fight against tyranny.<sup>326</sup> Bedouin and Palestinian grievances soon morphed into a more ambitious agenda to create a province of ISIS in Sinai.<sup>327</sup> After the military-led deposal of Morsi in July 2013, ABM shifted its focus from attacks on the Egypt–Israeli gas pipeline and cross border attacks to an exclusive focus on fighting the Egyptian army.<sup>328</sup> Suicide bombings at army

320. Ronen, *supra* note 64, at 307; SABRY, *supra* note 32, at 16; Khalil, *supra* note 101. (noting one checkpoint near the Gaza border was attacked 39 times in the first six months of 2013).

321. Gold, *supra* note 11, at 8; *Al-Qaeda's Expansion in Egypt*, *supra* note 233, at 9–21 (Statement of Thomas Joscelyn, Senior Fellow, Foundation for Defense of Democracies); SMITH, *supra* note 2, at 78 (discussing how the "Afghan alumni" returned to their home countries to join militant Islamist groups); YOSSEF & CERAMI, *supra* note 34, at 51.

322. Breen, *supra* note 34, at 26.

323. Gold, *supra* note 11, at 3–4; Laub, *supra* note 91.

324. Gold, *supra* note 11, at 3–4; *After Joining IS, Ansar Bayt al-Maqdis Expands into Egypt*, AL-MONITOR (Dec 1, 2014), <http://www.al-monitor.com/pulse/originals/2014/12/egypt-ansar-maqdis-sinai-spread.html>; SABRY, *supra* note 32, at 36–37 [<https://perma.unl.edu/W32B-9RSW>].

325. Natasha Ezrow, *How Islamic State Is Moving Its Egyptian Battle from Sinai to Cairo*, CONVERSATION (August 21, 2015, 1:34 AM), <http://theconversation.com/how-islamic-state-is-moving-its-egyptian-battle-from-sinai-to-cairo-46439> [<https://perma.unl.edu/HY7G-8RFD>].

326. Ronen, *supra* note 64, at 303; Awad & Hashem, *supra* note 241.

327. SABRY, *supra* note 32, at 145; al-Anani, *supra* note 227.

328. Gold, *supra* note 11, at 8.

checkpoints starting in 2014 until the present have killed dozens of soldiers.<sup>329</sup>

After a year of protracted violence after Morsi's ouster, ABM pledged its allegiance to ISIS in November 2014 and formally changed its name to Wilayat Sinai (the Sinai Province of ISIS).<sup>330</sup> In addition to targeting the state's security apparatus, Wilayat Sinai increasingly targeted civilians accused of collaborating with Israeli or Egyptian intelligence.<sup>331</sup> It also escalated its attacks to densely populated areas in the Nile Delta and Cairo, including the Mansoura Security Headquarters in December 2013.<sup>332</sup> Their attacks became more sophisticated as shoulder-fired missiles that require training were used to down a military helicopter in Sinai in January 2014.<sup>333</sup> As it grew in strength and sophistication, Wilayat Sinai became the umbrella group that connected militant jihadist groups in Sinai and from across Egypt. Although the militant group does not control significant areas of land, Wilayat Sinai is the second strongest branch of ISIS outside of Syria and Iraq after ISIS in Libya.<sup>334</sup>

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329. Graham-Harrison, *supra* note 56; Hassan & Bayoumy, *supra* note 104; Yusri Mohamed & Ahmed Hassan, *More than 100 Dead as Militants, Egyptian Army Clash in North Sinai*, REUTERS (July 1, 2015, 6:19 PM), <http://www.reuters.com/article/2015/07/01/us-egypt-security-sinai-idUSKCN0PB3VJ20150701> [https://perma.unl.edu/F7SX-RFN8]; Ansar Beit Al-Maqdis Claims Thursday Sinai Attacks, AHAM ONLINE (April 3, 2015), <http://english.ahram.org.eg/NewsPrint/126816.aspx> [https://perma.unl.edu/3RB6-MN3E]; *Roadside Bombs Kill 6 Soldiers in Egypt's Sinai Peninsula*, AL ARABIYA ENGLISH (May 31, 2016), <http://english.alarabiya.net/en/News/middle-east/2016/05/31/Roadside-bombs-kills-6-soldiers-in-Egypt-s-Sinai-Peninsula.html> [https://perma.unl.edu/6JY6-75LU].
330. Menna Zaki, Amira El-Fekki & Mahmoud Mostafa, *'State of Sinai' Claim Hundreds of Killings in Sinai Attacks*, DAILY NEWS EGYPT (Jan. 31, 2015), <http://www.dailynewsegypt.com/2015/01/31/state-sinai-claim-hundreds-killings-sinai-attacks/> [https://perma.unl.edu/746D-TFE7]; David D. Kirkpatrick, *Militant Group in Egypt Vows Loyalty to ISIS*, N.Y. TIMES (Nov. 10, 2014), [http://www.nytimes.com/2014/11/11/world/middleeast/egyptian-militant-group-pledges-loyalty-to-isis.html?\\_r=0](http://www.nytimes.com/2014/11/11/world/middleeast/egyptian-militant-group-pledges-loyalty-to-isis.html?_r=0); JESSICA STERN & J. M. BERGER, *ISIS: THE STATE OF TERROR* 184–85 (2015).
331. Zack Gold, *North Sinai Population Continues to Sacrifice for Egypt*, TAHRIR INST. FOR MIDDLE E. POL'Y (May 18, 2015), <http://timep.org/commentary/north-sinai-population-continues-to-sacrifice-for-egypt/> [https://perma.unl.edu/6S4N-DLMM].
332. *Al-Qaeda's Expansion in Egypt*, *supra* note 233, at 25 (Statement of Mohamed Elmenshawy, Resident Scholar at the Middle Eastern Institute).
333. *Id.*
334. Graham-Harrison, *supra* note 56; Betsy Hiel, *Egypt Open to Jihadist Violence, Experts Warn*, TRIB LIVE (Jan. 30, 2016, 10:40 PM), <http://triblive.com/usworld/middleeast/9890114-74/egypt-isis-sinai> [https://perma.unl.edu/CTJ4-73WD] (“The expanding control of an ISIS affiliate in Libya has grown so worrisome that the United States is considering ‘military options’ there, a Pentagon spokesman said last week.”); Jim Sciutto, Barbara Starr & Kevin Liptak, *ISIS Fighters in Libya Surge as Group Suffers Setbacks in Syria, Iraq*, CNN (Feb. 4, 2016, 4:39

### C. Violence in Sinai Reaches New Heights after Morsi is Deposed

The military coup that removed President Mohamed Morsi on July 3, 2013, was a major setback for democracy in Egypt. That Morsi was democratically elected and a member of an Islamist political party strengthened the violent Salafi militant groups' strategic ideological claim: only through violence could the abusive security apparatus be stopped.<sup>335</sup> Morsi's ouster also united the disparate militant groups under Ansar Beit Al Maqdis, which soon thereafter created an Egyptian franchise of ISIS.<sup>336</sup> Militant groups used Morsi's ouster as justification for hundreds of violent attacks across Egypt, thereby creating a serious security crisis in mainland Egypt. They targeted disaffected Muslim Brotherhood members and Bedouin for recruitment. The sharp rise in violence transitioned Sinai from a dangerous haven for terrorism to a conflict zone.<sup>337</sup>

When thousands of Muslim Brotherhood leaders and members were arrested as their assets were frozen, businesses closed, and social services shut down, terrorist attacks in mainland Egypt increased.<sup>338</sup> Militant groups attacked churches, police stations, police checkpoints, and other state targets.<sup>339</sup> In July 2013, Sinai-based militants bombed the Mansoura police station, killing fifteen policemen and injuring over 130 people.<sup>340</sup> Militants paraded gruesome images of the hundreds of Egyptians killed by Egyptian security forces in Cairo's Raba'a and Nahda Squares in August 2013 to portray the attacks as self-defense against a tyrannical state.<sup>341</sup> In December 2013, Ansar Beit Al Maqdis conducted a suicide bomb of the Daqah-

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PM), <http://www.cnn.com/2016/02/04/politics/isis-fighters-libya-syria-iraq> [https://perma.unl.edu/P2XG-56NC]; Malsin, *supra* note 113.

335. Revkin, *supra* note 26; see also Daniel Byman, *Fighting Terrorism with Democracy?*, in *RADICAL ISLAM AND INTERNATIONAL SECURITY: CHALLENGES AND RESPONSES* 188, 201 (Hillel Frisch & Efraim Inbar eds., 2008) (cautioning against the perils of Western support of military coups after Islamists win elections, as was the case in Algeria in 1991 and 1992, resulting in extremist Islamist groups recruiting tens of thousands of people).

336. Graham-Harrison, *supra* note 56; SABRY, *supra* note 32, at 159.

337. Graham-Harrison, *supra* note 56; Awad & Hashem, *supra* note 241.

338. Gold, *supra* note 11, at 19; Maria Gloria Polimeno, *Chief Prosecutor Killed by Car Bomb as Egypt Marks Two Years of al-Sisi*, *CONVERSATION* (June 30, 2015, 8:38 AM), <http://theconversation.com/chief-prosecutor-killed-by-car-bomb-as-egypt-marks-two-years-of-al-sisi-43570> [https://perma.unl.edu/99AL-6RN5].

339. Gold, *supra* note 11, at 19; U.S. DEP'T OF STATE, BUREAU OF COUNTERTERRORISM, *COUNTRY REPORTS ON TERRORISM 2014 157-223* (June 2015), <http://www.state.gov/documents/organization/239631.pdf> [https://perma.unl.edu/M4JG-XC2N].

340. Gold, *supra* note 11, at 5; *15 Dead, 134 Injured in Egypt's Mansoura Explosion*, *AHRAM ONLINE* (Dec. 24, 2013), <http://english.ahram.org.eg/NewsPrint/89902.aspx> [https://perma.unl.edu/BC3H-AV7W].

341. SABRY, *supra* note 32, at xxiii, 211.

liya Security Directorate in the Nile Delta.<sup>342</sup> The violence continued throughout 2014 and 2015, as multiple security targets were bombed in Cairo, Damietta, and other cities in the mainland.<sup>343</sup>

Bombings in Sinai also became more frequent and more lethal.<sup>344</sup> Prior to Morsi's removal, ABM focused its attacks on Israel in collaboration with Gaza based militant groups. After July 2013, however, ABM shifted its focus to Egypt's security services and military.<sup>345</sup> In July and August 2013, security personnel were under attack on a near daily basis.<sup>346</sup> As a result, in the last half of 2013, approximately 200 soldiers and over 70 security personnel were killed in Sinai.<sup>347</sup> The attacks became more sophisticated, as evinced by the downing of an Egyptian helicopter in January 2014.<sup>348</sup> After thirty-one soldiers were killed in a suicide bombing in October 2014, Sisi declared a state of emergency in Northeast Sinai that encompassed Rafah, Sheikh Zuwayd, Al-Arish, and dozens of other villages.<sup>349</sup> As of the writing of this Article, emergency law is still in effect.<sup>350</sup>

As terrorists killed more soldiers—interpreted by some Egyptians as an indicia of military ineptness—the Egyptian military imposed a media blackout.<sup>351</sup> Designating North Sinai as a military zone, the military prohibited journalists from entering.<sup>352</sup> Western journalists

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342. Ronen, *supra* note 64, at 302.

343. U.S. DEP'T OF STATE, BUREAU OF COUNTERTERRORISM, *supra* note 339; *Egypt: Ten Extremists Killed, 11 Arrested in North Sinai*, ALL AFRICA (Mar. 1, 2014), <http://allafrica.com/stories/201403031320.html>; *Egyptian Soldier Killed in Sinai Bus Attack*, AL ARABIYA (Mar. 30, 2014), <http://english.alarabiya.net/en/News/middle-east/2014/03/30/Egyptian-soldier-killed-in-Sinai-bus-attack-.html> [<https://perma.unl.edu/KC4E-Z8XP>]; Eleiba, *supra* note 243.

344. U.S. DEP'T OF STATE, BUREAU OF COUNTERTERRORISM, *supra* note 339.

345. Ezrow, *supra* note 325.

346. Gold, *supra* note 11, at 3.

347. Revkin, *supra* note 26; *15 Dead, 134 Injured in Egypt's Mansoura Explosion*, *supra* note 340.

348. *Militants Claim Downing of Egyptian Helicopter in Sinai*, TIMES ISR. (Jan. 26, 2014, 12:13 PM), <http://www.timesofisrael.com/militants-claim-downing-of-egyptian-helicopter/> [<https://perma.unl.edu/RRS8-AYP5>].

349. Ismail Alexandrani, *The Politics of the Egypt-Gaza Buffer Zone*, CARNEGIE ENDOWMENT FOR INT'L PEACE (Nov. 25, 2014), <http://carnegieendowment.org/sada/?fa=57316>. As of the writing of this article, that state of emergency is still in effect. Mostafa Hashen & Eric Knecht, *Egypt Extends State of Emergency in North Sinai by Three Months*, REUTERS (Oct. 28, 2015, 6:10 AM), <http://www.reuters.com/article/us-egypt-sinai-idUSKCN0SM12T20151028> [<https://perma.unl.edu/7PN3-NPNB>]; Mohamed Hassan Shaban, *Egypt Declares "New" State of Emergency in North Sinai*, ASHARQ AL-AWSAT (April 26, 2015, 4:47 PM), <http://www.aawsat.net/2015/04/article55343110/egypt-declares-new-state-of-emergency-in-north-sinai> [<https://perma.unl.edu/XM3S-6LCB>].

350. Hashen & Knecht, *supra* note 349.

351. Alexandrani, *supra* note 349.

352. Agence France-Presse, *Egypt Imposes Anti-Terror Law that Punishes 'False' Reporting of Attacks*, GUARDIAN (Aug. 17, 2015, 1:00 AM), <http://www.theguardian.com>

were not permitted to pass military checkpoints on the road to Al Arish.<sup>353</sup> Journalists able to reach Sinai or living in Sinai were harassed, intimidated, and had their equipment smashed.<sup>354</sup> The less fortunate Egyptian reporters have been subjected to military trials for allegedly spreading false information and threatening national security—with the most recent case being Ismail Alexandrani in November 2015.<sup>355</sup>

Since October 2013, communication networks, mobile and land telephone lines, and the internet have been cut off six to twelve hours per day.<sup>356</sup> In August 2015, the military's clamp down extended to a new counterterrorism law that imposed fines of 200,000 to 500,000 Egyptian pounds on anyone who published information on militant attacks or military operations that the military deemed false.<sup>357</sup> Journalists could have their license stripped for up to one year.<sup>358</sup> As a result, events in Sinai go unreported or are limited to government propaganda that omits material information that would disclose the military's struggle to retain control, including casualty rates of soldiers.<sup>359</sup> For example, the military reported in July 2015 that more than 240 militants were killed, four wanted terrorists were arrested, and twenty-nine terrorist suspects were arrested after simultaneous attacks on military checkpoints.<sup>360</sup> Two months later in September 2015, the military reported killing 415 militants and arresting 320 people.<sup>361</sup> Meanwhile, Wilayat Sinai claimed responsibility for at-

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.com/world/2015/aug/17/egyptian-president-ratifies-law-to-punish-false-reporting-of-terror-attacks [https://perma.unl.edu/HPZ6-PSPE].

353. Gold, *supra* note 331.

354. *Id.*

355. Lucy Westcott, *Egypt Detains Freelance Journalist Ismail Alexandrani*, NEWSWEEK (Dec. 2, 2015, 11:35 AM), <http://www.newsweek.com/egypt-detains-freelance-journalist-ismail-alexandrani-400276> [https://perma.unl.edu/5PVK-FQWU]; *Egypt Arrests Prominent Journalist over 'False Information'*, YAHOO! NEWS (Dec. 1, 2015), <http://news.yahoo.com/egypt-arrests-prominent-journalist-return-berlin-164443343.html> [https://perma.unl.edu/C25Z-HP46].

356. Alexandrani, *supra* note 349; Adham Youssef, *North Sinai's Telecommunications Remain Poor: Residents*, DAILY NEWS EGYPT (July 21, 2015), <http://www.dailynewsegypt.com/2015/07/21/north-sinai-telecommunications-remain-poor-residents/> [https://perma.unl.edu/9ZBK-K6K6]; *Fighting in Sinai Kills 2 Egyptian Soldiers*, AL ARABIYA ENGLISH (Dec. 20, 2013), <http://english.alarabiya.net/en/News/middle-east/2013/12/20/Fighting-in-Sinai-kills-2-Egyptian-soldiers.html> [https://perma.unl.edu/8VM4-US4L].

357. Agence France-Presse, *supra* note 352; Malsin, *supra* note 113.

358. Agence France-Presse, *supra* note 352.

359. Baroud, *Poverty*, *supra* note 24; Gold, *North Sinai*, *supra* note 331; Malsin, *supra* note 113.

360. Mohamed & Hassan, *supra* note 104; *241 'Terrorists' Killed in North Sinai in 5 Days: Military*, AHRAM ONLINE (July 6, 2015), <http://english.ahram.org.eg/NewsContent/1/64/134680/Egypt/Politics/-terrorists-killed-in-North-Sinai-in—days-Militar.aspx> [https://perma.unl.edu/9J6T-5YZ3].

361. Aboulenein & Abdelaty, *supra* note 184.

tacking fifteen security sites and carrying out three suicide bombings that killed more than twenty-one soldiers.<sup>362</sup> Without independent journalists, it is difficult to know whether the military's reports are accurate and to what extent innocent civilians are being rounded up in the security sweep, similar to what occurred in 2004 to 2006.

What has unfolded in Sinai over the past five years is a return to the cycle of state and nonstate violence that adds fresh wounds to the local populations' longstanding grievances, making stability more elusive.<sup>363</sup> The military has taken the place of the loathed Ministry of Interior's security services in collectively punishing residents. Intense and sustained military operations have killed hundreds of militants, but they have also led to human rights violations. Main roads are closed and checkpoints litter the road between Al Arish and Rafah, making the thirty-five minute ride a three to four hour trek of humiliation at the hands of state security.<sup>364</sup> The military clampdown has also created a shortage in drinking water, food, and skyrocketing inflation.<sup>365</sup> The heavily armed militant groups brutally kill any civilian they suspect of sympathizing with or assisting the military while the military suspects those not assisting the army of being terrorists.<sup>366</sup> Residents are caught in the crossfire between the militants and the military.<sup>367</sup>

The military's scorched-earth strategy has destroyed hundreds of homes and farms through raids and airstrikes.<sup>368</sup> With no warnings to evacuate, air bombings have killed civilians and burned homes of impoverished Bedouin.<sup>369</sup> The indiscriminate tactics that kill civilians while militants hide in safety evince a lack of good intelligence by

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362. Mohamed & Hassan, *supra* note 104; *Egyptian Army Counters Major Attack by IS Militants in North Sinai; Dozens Killed*, AHAM ONLINE (July 1, 2015), <http://english.ahram.org.eg/NewsContent/1/64/134218/Egypt/Politics-/LIVE-UPDATES-Largest-attack-on-restive-Sinai-leave.aspx> [https://perma.unl.edu/3T4F-EPA5].

363. Gill Cohen, *Egypt Cabinet Passes Anti-Terrorism Law Amid Deadliest Sinai Battle in 40 Years*, HAARETZ (July 1, 2015, 9:25 PM), <http://www.haaretz.com/news/middle-east/1.663992> [https://perma.unl.edu/4KV5-ASAS]; *Fighting in Sinai Kills 2 Egyptian Soldiers*, *supra* note 356.

364. *Terrorism and the City*, *supra* note 284.

365. Ezzidin, *supra* note 30; Youssef, *supra* note 356.

366. *Terrorism and the City*, *supra* note 284; *What Is Left of 'October's Sinai'?*, *supra* note 65.

367. Ezzidin, *supra* note 30.

368. Gold, *supra* note 11, at 4.

369. *Egypt Says Fighters Killed in Sinai Clashes*, AL JAZEERA (July 27, 2014), <http://www.aljazeera.com/news/middleeast/2014/07/egypt-says-fighters-killed-sinai-clashes-201472775643852646.html> [https://perma.unl.edu/7W83-W8JF]; *Sinai Peninsula Rocket Kills 9-Year Old Child*, MIDDLE EAST EYE (Jul. 29, 2014, 10:27 AM), <http://www.middleeasteye.net/news/sinai-peninsula-rocket-kills-9-year-old-child-313973812> [https://perma.unl.edu/VK4P-8TYC]; *Egypt: Non-Commissioned Officer, 8 Takfiris Killed in North Sinai Campaign*, ALL AFRICA (Jul. 30, 2014), <http://allafrica.com/stories/201407310371.html>.

government officials.<sup>370</sup> Sinai residents have also complained of security personnel stealing their money, jewelry, clothes, and furniture before burning down their homes under the auspices that they belong to terrorist suspects.<sup>371</sup> Militant groups, in turn, leverage populist anger to recruit Bedouin and other Sinai residents to attack the army as self-defense and retribution for rights abuses.<sup>372</sup> State violence only begets more nonstate violence.

One tactic, in particular, has angered tens of thousands of Rafah residents and effectively depopulated the city of Rafah.<sup>373</sup> In October 2014, Sisi announced the military would create a buffer zone within 1,000 meters (originally 500 meters) of the Gaza-Rafah border. Rather than use sophisticated tunnel detecting technology, the military razed all homes and buildings to eliminate all smuggling tunnels to Gaza.<sup>374</sup> Residents—most of whom are not Bedouin—were given only forty-eight-hours notice to pack their belongings and leave their homes.<sup>375</sup> Between 1,200 and 2,000 homes have been destroyed, hundreds of hectares of farmland razed, and 3,200 families forcibly evicted over the past two years.<sup>376</sup> Residents did not receive sufficient compensation for their homes and none at all for their farmland.<sup>377</sup> Nor did residents have any effective means to challenge their eviction, demolition, or amount of compensation.<sup>378</sup> Thus, the expelled re-

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370. Lyons & Houry, *supra* note 214; Ezzat, *supra* note 24 (noting concerns with extremists' infiltration of Egypt's military intelligence).

371. Alexandrani, *supra* note 59, at 8; *Sisi Creates Unified Military Command to Combat Terrorism in Egypt's Sinai*, AHARAM ONLINE (Jan. 31, 2015), <http://english.ahram.org.eg/NewsPrint/121835.aspx> [<https://perma.unl.edu/93SA-HY42>].

372. Alexandrani, *supra* note 59, at 20 (“The security state has experienced the repercussions of building anger in the hearts of the Bedouins of the border region.”); Awad & Hashem, *supra* note 241.

373. *See Egypt Begins Work on 2nd Stage of Sinai-Gaza Security Buffer Zone*, JEWISH NEWS SERV. (Jan. 6, 2015), [http://www.jns.org/news-briefs/2015/1/6/egypt-begins-work-on-2nd-stage-of-sinai-gaza-security-buffer-zone#.VSnC\\_nF9IE=](http://www.jns.org/news-briefs/2015/1/6/egypt-begins-work-on-2nd-stage-of-sinai-gaza-security-buffer-zone#.VSnC_nF9IE) [<https://perma.unl.edu/37AW-EHWC>].

374. David D. Kirkpatrick, *Egypt Destroying Far More Homes than Buffer-Zone Plan Called For, Report Says*, N.Y. TIMES (Sept. 22, 2015), <http://www.nytimes.com/2015/09/22/world/egypt-destroying-far-more-homes-than-buffer-zone-plan-called-for-report-says.html?nytmobile=0>; Lyons & Houry, *supra* note 214; SHARP, *supra* note 40.

375. Alexandrani, *supra* note 349; al-Anani, *supra* note 227.

376. Mazen, *supra* note 138; Lyons & Houry, *supra* note 214; *see also* SABRY, *supra* note 32, at 236 (“[T]he military forces destroyed some two thousand houses in the one-kilometer area lining the border with Gaza.”).

377. Sonia Farid, *Razing Rafah: The Toll of the Buffer Zone*, AL ARABIYA ENGLISH (Jan. 27, 2015), <http://english.alarabiya.net/en/perspective/analysis/2015/01/27/Razing-Rafah-The-toll-of-the-buffer-zone.html> [<https://perma.unl.edu/P5HQ-HZ4S>] (reporting compensation will be provided to those forced to evacuate).

378. Lyons & Houry, *supra* note 214; Kirkpatrick, *supra* note 374 (“[R]esidents . . . were pressured into accepting inadequate payments for their homes”).

sidents have all the more reason to join their Bedouin neighbors in decrying government abuses.<sup>379</sup>

As the military's rhetoric focused on the weapons smuggling occurring in the tunnels, they failed to discuss the economic conditions that produced the underground tunnels in the first place.<sup>380</sup> Few employment opportunities in Sinai coupled with Israel's harsh restrictions on trade to Gaza produced a lucrative black market.<sup>381</sup> Bedouin, other Sinai residents, and Egyptian security all benefited financially from the tunnel smuggling. Indeed, without Egyptian security cooperation (for bribes) the tunnels could not have operated for so many years.<sup>382</sup> Thus, when Sisi violently created the buffer zone, he not only made thousands of Rafah residents homeless but he also stripped them of their main source of income without providing alternative lawful employment.<sup>383</sup> The Sisi regime's tactics transformed a security problem into a full-fledged insurgency.<sup>384</sup>

As Sinai's residents bore the brunt of militarized governance, they also fell victim to militant groups' barbaric violence.<sup>385</sup> For example, militants killed eight Bedouin within two days in December 2013 for allegedly collaborating with the army.<sup>386</sup> In August 2014, ABM decapitated four men in North Sinai for allegedly being informants for Israel.<sup>387</sup> In the spring of 2015, a member of the Tarabin tribe refused to distribute a Wilayat Sinai flyer. That same day, the militants went to his house and killed him.<sup>388</sup> Other Bedouin have been targets of violence for speaking out against the militants.<sup>389</sup> In another case in April 2015, Wilayat Sinai kidnapped, raped, and beheaded a Bedouin woman for allegedly collaborating with the army.<sup>390</sup> Targeting women, a serious offense under Bedouin traditions, triggered a conflict

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379. Alexandrani, *supra* note 349.

380. Lucia Ardochini, *General Sisi Fights on All Fronts to Secure Egypt's Borders*, CONVERSATION (Feb. 18, 2015, 11:20 AM), <http://theconversation.com/general-sisi-fights-on-all-fronts-to-secure-egypts-borders-37718> [<https://perma.unl.edu/6EPA-SQ8X>].

381. Aswat Masriya, *Egypt Closes Rafah Border Crossing, Thousands Still Waiting to Cross*, AHRAM ONLINE (Dec. 6, 2015), <http://english.ahram.org.eg/NewsPrint/172706.aspx> [<https://perma.unl.edu/5BJU-JNH7>].

382. SABRY, *supra* note 32, at 131, 224.

383. *See* Alexandrani, *supra* note 349.

384. Ezrow, *supra* note 325.

385. SABRY, *supra* note 32, at 176.

386. Gold, *supra* note 11, at 4.

387. al-Anani, *supra* note 227.

388. Awad & Abdou, *supra* note 137.

389. Ahmed Mamdouh, *Wilayat Sinai Executes a Bedouin in Sheikh Zuweid*, AL-BAWABA EGYPT (April 27, 2015, 12:33 PM), <http://www.albawabaeg.com/53809> [<https://perma.unl.edu/8SHY-VK9K>].

390. Hassan & Bayoumy, *supra* note 104; *see also* *Are Tribes in Sinai Really Unifying Against Terrorism?*, *supra* note 271.

between the militants and some tribes.<sup>391</sup> The Egyptian media reported that more than a dozen tribes issued a joint statement condemning the militants and allying themselves with the government to fight against terrorism.<sup>392</sup> The tribes reportedly went so far as putting a \$130,000 bounty on a militant leader.<sup>393</sup> Although some analysts question the veracity of the statement, that the Bedouin were willing to put aside the decades of state neglect and violence to ally with the state speaks volumes about the level of violence employed by the militants.<sup>394</sup> Moreover, the militants' activities are threatening the tribes' business interests and encroaching on their land.<sup>395</sup>

## V. CONCLUSION

This Article looks to the Sinai as a case study to demonstrate that authoritarian state violence is a counterproductive response to terrorism. Securitized counterterrorism policies escalate the violence, increase the civilian death toll and legitimize the terrorists groups' narratives as the peoples' defenders against state injustice. Thus, human development should replace the predominant "security first" approaches in developing long term, sustainable policies for decreasing politically motivated, nonstate violence. In doing so, international organizations must candidly address the role of authoritarianism and its externalities in producing nonstate violence in the form of terrorism. That is, state violence perpetrated by dictatorships creates a culture of fear and violence where the only means of resisting oppression is through more violence.<sup>396</sup> Terrorist groups leverage the anger of local residents collectively punished for acts of resistance to recruit,<sup>397</sup> causing the cycle of deprivation and instability to continue unabated. Meanwhile, nonviolent opponents to political repression are marginalized as naïve and ineffective. In the end, the militarized approach to governance pushes failing states further on the path toward becoming

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391. *Are Tribes in Sinai Really Unifying Against Terrorism?*, *supra* note 271. Paradoxically, militant groups exploit the sexual assault of female detainees by security officials to recruit Egyptians and attack the military. Awad & Hashem, *supra* note 241; *Sinai 'Suicide Bombing' Kills At Least 6 Egyptian Policemen, 10 Wounded*, *supra* note 26.

392. Hassan & Bayoumy, *supra* note 104; Hossam Mostafa, *Internet and Communication Services are Back in Sinai*, *CAIRO POST* (Oct. 18, 2013, 2:16 AM), <http://thecairopost.com/news/19646/news/internet-and-communication-services-are-back-in-sinai> [<https://perma.unl.edu/QT3B-9U89>].

393. Awad & Abdou, *supra* note 137.

394. *Are Tribes in Sinai Really Unifying Against Terrorism?*, *supra* note 271; Hassan & Bayoumy, *supra* note 104.

395. Hassan & Bayoumy, *supra* note 104; Awad & Abdou, *supra* note 137.

396. *See generally* RICHARD JACKSON ET AL., *TERRORISM: A CRITICAL INTRODUCTION* (2011) (arguing that terrorism is socially constructed such that nonstate violence is deemed terrorism while the state violence is sanctioned as national security).

397. Gold, *supra* note 11, at 6.

a conflict zone.<sup>398</sup> As a result, scholars have found that terrorism is correlated with political repression, and aggravated when coupled with poverty.<sup>399</sup>

As this Article's in-depth examination of the underlying causes of insurgency and terrorism in Sinai demonstrates, counterterrorism policies are deficient for at least three reasons. First, Western counterterrorism agendas that focus on short term prevention of violent extremism without meaningfully addressing the underlying political, social, and economic conditions contribute to the rise of violent extremism over the long run.<sup>400</sup> Second, securitization of human development results in over-allocating resources to military and security personnel while neglecting the development needs of the local population who are the first targets of recruitment by militant groups.<sup>401</sup> Although nations pay lip service to development as integral to stability,<sup>402</sup> development remains an afterthought to national security. So long as the ongoing development projects do not address the social, political, and economic problems head on, efforts spent on development will merely exacerbate Sinai's downward spiral into a failing sub-state. Finally, the failure to localize and contextualize the causes of violent extremism that arise from underdevelopment lends itself to one-size-fits-all counterterrorism strategies that aggravate rather than reduce violence.<sup>403</sup> And when development is undertaken, it

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398. MICHELE DUNNE, CARNEGIE ENDOWMENT FOR INT'L PEACE, A U.S. STRATEGY TOWARD EGYPT UNDER SISI (2014), [http://carnegieendowment.org/files/us\\_strategy\\_under\\_sisi.pdf](http://carnegieendowment.org/files/us_strategy_under_sisi.pdf) [<https://perma.unl.edu/66US-FMY3>].

399. Richard J. Hughbank & Joseph Ferrandino, *Members Wanted: Terrorism and its Growth Industry*, 6 HOMELAND SECURITY REV. 245, 249 (2012) (“[S]ubstantial Muslim populations, widespread poverty, poor policing, inadequate border control, and systemic political and economic corruption’ serve as breeding grounds in the recruitment effort.”); Noémie Bouhana & Per-Olof H. Wikström, *Theorizing Terrorism: Terrorism as Moral Action*, 2 CONTEMP. READINGS IN L. & SOC. JUST., no. 2, 2010, at 9, 32–33 (citations omitted) (“A similar logic extends to the search for ‘the causes of the causes,’ the systemic factors thought to play a part in the emergence of terrorism . . . , such as inequality, development, social strain, conflict and poverty, or the ever-popular ‘globalization’, which are not a cause of action, but are part of the background of action, through their indirect influence on (1) the characteristics and experiences individuals come to have, and (2) the contexts in which they come to operate.”).

400. See, e.g., Bilgin & Morton, *supra* note 2, at 169 (noting that public policy discourse on failed states focuses on symptoms of state failure, including international terrorism, rather than conditions that cause such failures to occur).

401. Newman, *supra* note 5, at 34 (defining securitization as “the process by which issues are accorded security status or seen as a threat through political labelling, rather than as a result of their real or objective significance”); DEPARTMENT FOR INTERNATIONAL DEVELOPMENT, *supra* note 16 (converging security, peace-building, and development); Call, *supra* note 12, at 1496–97.

402. ELIAS H. TUMA, ECONOMIC AND POLITICAL CHANGE IN THE MIDDLE EAST 50 (2015).

403. Bøås & Jenning, *supra* note 9, at 476–77 (“Every state is a culmination of unique historical processes.”); de Graaff, *supra* note 6, at 18–19.

often suffers from the domestic and foreign governments' failure to include local Bedouin and other Sinai leaders in the planning and implementation.<sup>404</sup> Thus, international responses should be grounded in localized political, social, and economic needs—not merely international security or Western interests.<sup>405</sup>

To be sure, the development and security challenges in Sinai are grave. No easy solutions exist to the complex, localized causes of instability, political repression, and poverty. As witnessed in Iraq and Syria, Wilayat Sinai's local insurgency may spread beyond its borders and merge with other burgeoning ISIS branches in Tunisia, Libya, and other North African nations. Sinai offers the international community an opportunity to be an exemplar in creating a more effective and sustainable model to prevent terrorism.

Most notably, Sinai teaches that nonstate violence arises from local social, political, and economic grievances associated with state violence—not religious ideology. The latter is a second order problem consequent to the first order economic, social, and political problems. Policy responses, therefore, must be contextualized within the local environment where violence is occurring—whether it is Sinai, Iraq, Syria, Yemen, Libya, or other conflict zones in the Middle East. In contrast, a homogenous regional approach is sure to fail due to the vast differences in demographics, history and context across the region. Local residents are entitled to plan and lead development efforts with assistance from their government and the international community, rather than the other way around.

What happens in Sinai can offer valuable insights for policy makers and international organizations engaged in development and counterterrorism in failing states. The lessons learned from the Sinai can be applied to other contexts where nonstate violence is high to develop effective counterterrorism strategies that address the underlying causes rather than the symptoms of terrorism. With the decreasing relevance of borders, fluidity of migration, and ubiquity of technology, the nature of conflict has fundamentally changed over the past century. Nonstate actors have grown both in number and strength as they challenge nation states' monopoly over the use of force and make nation-state borders all the less relevant.

It is long overdue to revisit how the international community seeks to reduce violence both in strong and fragile states, and ultimately minimize the threat of terrorism. Shifting our paradigm to recognize that nonstate action is an offspring of state violence, particularly in authoritarian states, is an important step toward that end.

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404. Newman, *supra* note 5, at 24.

405. de Graaff, *supra* note 6, at 16.