

## Editors' Note

*We can no longer separate the traditional issues of war and peace from the new global questions of justice, equity, and human rights . . . Throughout the world today, in free nations and in totalitarian countries as well, there is a preoccupation with the subject of human freedom, human rights. And I believe it is incumbent on us in this country to keep that discussion, that debate, that contention alive.*

—Former U.S. President James Earl Carter  
Address at Notre Dame University, June 1977

Twenty-seven years later, President Carter's appeal to integrate human rights within U.S. foreign policy remains relevant. In an era where national security dominates U.S. foreign policy debates, how should we understand the role of human rights? How has U.S. foreign policy been used to advance as well as undermine them? How might human rights concerns guide U.S. foreign policy across a spectrum of issues—from health and development to war and occupation?

These questions are integral to the present debate over the construction and application of U.S. foreign policy, and in our seventeenth edition, we ask our authors to discuss them directly. We have commissioned nine articles written by academics and practitioners active in such areas as humanitarian aid, international transitional justice, international health and development, domestic human rights litigation, and national security.

We begin with a discussion of the controversy surrounding the U.S.-led occupations in Iraq and Afghanistan. Nicolas de Torrente, U.S. executive director of the French-based medical aid organization Médecins Sans Frontières (MSF), warns of the dangers of the United States' co-opting humanitarianism in Iraq for its political and military ends and of humanitarian NGOs acquiescing to the politicization of their aid efforts. Paul O'Brien, advocacy coordinator for the U.S.-based aid organization CARE USA, responds from his experience in Afghanistan by questioning whether humanitarianism can ever be apolitical and whether in some circumstances it should be. Kenneth Anderson, professor of law at American University, explores the assumptions surrounding humanitarian inviolability and criticizes the U.N. and international humanitarian organizations in Iraq and Afghanistan for claiming neutrality in pursuit of non-neutral objectives. Vasuki Nesiiah, senior associate at the International Center for Transitional Justice, explores how humanitarian discourse has constrained violence as well as engendered and justified it.

We next turn from humanitarianism to issues of development as they relate to U.S. foreign policy. David Fidler, professor of law at Indiana University, surveys U.S. foreign policy towards the HIV/AIDS pandemic, highlighting its recent divergence in both approach and rationale from interna-

tional human rights efforts. Stephens Marks, director of the Center for Health and Human Rights at Harvard's School of Public Health, analyzes the politics of the right to development at both the national and international levels, focusing on the Bush Administration's implementation of the right to development in practice but rejection of its rhetoric.

Lastly, we examine three areas where there is room for the United States to strengthen its commitment to human rights. Beth Stephens, professor of law at Rutgers University, critiques the current Bush Administration's efforts to obstruct human rights litigation under the Alien Torts Claim Act (ACTA), contending that ATCA cases are consistent with constitutional separation of powers and that courts must not relinquish their obligations of judicial review. Jamie O'Connell, former Open Society Institute fellow in Sierra Leone, calls for the United States to lead peacekeeping and reconstruction efforts in Liberia, both to advance U.S. national interests and to increase the prospect for stability in West Africa. Finally, William Burke-White, lecturer at the Woodrow Wilson School for Public and International Affairs at Princeton University, suggests a correlation between states' poor domestic human rights practices and their increased propensity to engage in international aggression and urges a U.S. foreign policy that promotes human rights as one strategy to enhance national security.

We hope this collection of timely scholarship contributes to the ongoing international debate over U.S. foreign policy.

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