



BOSTON COLLEGE

REFUGEE POLICY IN THE 21ST CENTURY: LESSONS FROM JORDAN ON
EFFECTIVE SOLUTIONS

A Senior Honors Thesis

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Abstract

Recent times have seen the world fall far short of its responsibility to protect and support refugees in crisis. Recognizing this reality, policymakers and scholars are beginning to push for a reassessment of the traditional solutions to refugee crises implemented by states, the United Nations, and non-governmental organizations. This manuscript aims to shed light on how these policymakers can coalesce around more effective solutions in the future. To do so, it will analyze three case studies of refugee crises in Jordan: the Palestinians, Iraqis, and Syrians. The cases will seek to answer how and why Jordan chose to “solve” each crisis in the ways that it did. It will then assess how various “solutions”—meaning policies, programs, or partnerships aimed at improving the livelihoods of refugees—have affected each group of refugees differently. The effectiveness of these solutions will depend on a number of factors which constrain or enable Jordan’s ability to support refugees. Ultimately, the findings reveal that some solutions will remain unattainable to refugees in the near future. Others solutions, however, are evolving in ways that open doors to new, alternative solutions which possess significant potential to deliver the rights and meet the needs of the world’s refugees more effectively. In a world fraught by the persistence of global refugee crises, it will offer a few reasons why we should believe current United Nations High Commissioner for Refugees, Filippo Grandi, when he says there is “some hope.”

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List of Abbreviations

CPA	Comprehensive Plan of Action
FAFO	The Fafo Research Foundation
IDP	Internally Displaced Person
IO	International Organization
IRO	International Refugee Organization
JRS	Jesuit Refugee Services
MECI	Middle East Children's Institute
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
PLO	Palestine Liberation Organization
PRS	Protracted Refugee Situations
UN	United Nations
UNCCP	United Nations Conciliation Commission for Palestine
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency in the Near East
UNSC	United Nations Security Council

Introduction

We are at a watershed, where success in managing forced displacement globally requires a new and far more comprehensive approach so that countries and communities aren't left dealing with this alone...but there is reason for some hope.

—Filippo Grandi, United Nations High Commissioner for Refugees, 2018.¹

Migration has persisted throughout the entire span of human history. Only in relatively recent times, with the rise of the international state system and creation of national borders, has it transitioned into a highly politicized, regulated issue that is subject to legal control. And only in the very near past has it become a global source of crisis. If history is any indication, the challenges of international migration and refugee crises will be an unavoidable reality of the twenty first century.

The concept of the “refugee” formally emerged after the Second World War with the establishment of the United Nations. The United Nations General Assembly created two primary refugee agencies: the United Nations High Commissioner for Refugees, and the United Nations Relief and Works Agency for Palestine Refugees in the Near East.²

¹ UNHCR, “Forced Displacement above 68m in 2017, New Global Deal on Refugees Critical,” (June 19, 2018) <https://www.unhcr.org/news/press/2018/6/5b27c2434/forced-displacement-above-68m-2017-new-global-deal-refugees-critical.html>.

² The United Nations High Commissioner for Refugees will hereafter be referred to as “UNHCR”; similarly, the United Nations Relief and Works Agency for Palestine Refugees in the Near East will be referred to as “UNRWA.”

The mandates of each organization differed greatly. UNHCR addressed various populations displaced in Europe as a result of the war, whereas UNRWA specifically handled Palestinians displaced from the 1947 war with Israel. UNRWA quickly set to work establishing “relief and works” operations in countries hosting Palestinian refugees. In contrast, UNCHR held a more limited role in providing legal advice to states and refugees facing crisis.

Nearly seventy years later, these organizations still stand as the primary implementers and innovators of refugee policy. The definition of a refugee, set forth in the 1951 Geneva Convention Relating to the Status of Refugees, remains the same as it was in 1951. To be sure, the UNHCR and UNRWA have evolved enormously: an entire body of laws and policies surrounding the protection and rights afforded to refugees, called the “international refugee regime”, has arisen from the efforts of these organizations and their member states to address refugee crises. Yet the persistence of their operations begs an important question: why, after all this time, do they remain necessary?

The world is much different today than it appeared in 1951. Over 68.5 million people are now forcibly displaced worldwide. Of that figure, a staggering 25.4 million individuals are defined as “refugees” by the UNHCR and UNRWA.³ It is clear that either the refugee regime established in 1951 failed to adequately prevent the proliferation of refugees or that the world progressed in such a way as to render the institutions unable to

³ UNHCR, “Figures at a Glance” (June 19, 2018), <https://www.unhcr.org/en-us/figures-at-a-glance.html>. As of June 2018, 19.9 million refugees existed under the UNHCR mandate, and another 5.4 million existed under the UNRWA mandate.

handle the change. In actuality, it was a bit of both. Interstate relationships have become more complex; conflict has become far more concentrated in the intrastate sphere; the economy has “globalized”; borders have become increasingly securitized; and environmental strains have caused numerous natural disasters. New states have been formed, old regimes have collapsed, and power structures have shifted in ways that have had a substantial impact on the livelihoods of those within their borders. A significant effect of this volatility and interconnectedness has been a rapid increase in the creation of refugees.

One of the most consequential results of these changes is the fact that the average duration of refugees’ displacement has grown far beyond what can be considered temporary. More than half of the 25.4 million people who are considered refugees under the UNHCR or UNRWA mandates exist in Protracted Refugee Situations, which the UN defines as “one in which refugees find themselves in a long- standing and intractable state of limbo.”⁴ In other words, they are refugees for whom the international refugee regime has failed to provide an adequate solution. By many standards, they are considered to be the most vulnerable among all refugees.

Despite these profound world developments, the international refugee regime has evolved relatively little. The restrictive definition of a refugee as someone who flees from

⁴ UNHCR, “Figures at a Glance.” Protracted Refugee Situations will hereafter be referred to as “PRS.”

For the statistic on protracted refugees, see Alexander Betts et. al. “A Fair Share: Refugees and Responsibility Sharing,” Refugee Studies Centre (Oxford Department of International Development: 2017), <https://www.rsc.ox.ac.uk/news/a-fair-share-refugees-and-responsibility-sharing-new-report-and-policy-brief-for-delmi>.

For the definition on protracted refugees, see UNHCR, “Towards Solutions for Protracted Refugee Situations” (2007) <http://www.unhcr.org/46934d4f2.pdf>.

their country of origin on the basis of a well-founded fear of persecution persists. The three “durable solutions” to refugeehood set forth by the UNHCR remain entrenched in the system as well. These solutions—repatriation, integration, and resettlement—continue to be the automatic recourse of nearly all refugee policy. Increasingly, however, the nature of both the refugee crises themselves and state responses have called into question the validity of these solutions.

In recent decades, many states have become definitively less inclined to host refugees and share the responsibility of their care. Today, 85 percent of the world’s refugees reside in the developing world. The incredible strain they place on developing states—many of which already struggle to provide for their own people—has created instability, economic turmoil, political strife and security threats. Developed states generally justify their exclusion of refugees by sending nominal amounts of aid and claiming that they act in the interest of their own national security in shutting their borders. As evident by the increasing divide between host states and donor states, the world is trending towards a severe separation of “us” and “them” on the issue of refugees.

In seeking to understand the proliferation of refugeehood, scholars have delved deeply into the question of why individuals and populations leave their country of origin. They pose a wide range of theories from varying perspectives which, together, provide a sensible framework through which one can predict and explain movement. A number of other important questions relating to refugee movement are also explored, such as the plight of Internally Displaced Persons, the disproportionate hardships faced by female refugees as opposed to males, the impact refugee influxes have on host countries, and

more. The reasons why refugees move and the repercussions of such movement have been thoroughly explored in the refugee and forced migration studies literature.

Yet what is to be done after displacement has already occurred is far less developed. Many scholars analyze the aftermath of refugee crisis, but there is little united discourse on the standards by which refugee crises can claim to be “solved.” Nearly all agree that the durable solutions proposed by the United Nations are no longer a one-size-fits all remedy: repatriation is an impossible option for refugees from states which have failed or dissolved into warfare; states increasingly shut their doors to resettlement; and integration often sends waves of discord through communities that buckle under the weight of hosting massive refugee influxes.

The term “solution” refers generally to the prevention of crises which lead to displacement or the remedy of conditions which result from displacement. Given that the crises which lead to displacement are often unpredictable and varied—such as natural disasters or warfare—the following analysis will pursue the latter definition, in using “solution” to mean that the remedy of conditions after displacement has occurred. Yet there is very little consensus among policymakers today on how solutions should be achieved.

Why, in the seventy years since the inception of the international refugee regime, has the world not been able to agree upon an effective solution to refugee crises? In part, this question can be explained by the fact that scholars view refugee crises through a number of different lens that lead to conflicting conclusions about what constitutes remediation or success. Furthermore, it illustrates a gap in the scholarship of refugee and

forced migration studies literature requiring fulfillment. It is time to combine the distinct perspectives of scholars, the lessons the international community has learned from enduring years of refugee crises, and the laws and existing policies of the current regime into a comprehensive conclusion on how to offer better solutions to refugees.

To be sure, the aforementioned research related to refugee movement, host-country impact, and much more is also very important. Refugee crises must be understood from their inceptions to their resolutions in order to be adequately addressed. Yet we should be well enough equipped by now to turn from analysis that is almost exclusively retroactive to that which anticipates effective, realistic solutions in a proactive manner. Studies of how different actors have responded to refugee crises are informative only so far as they can show us how to better solve the refugee crises of the future. Unfortunately, the states, international organizations, non-governmental organizations, private businesses, and individuals that constitute the primary “actors” in the refugee regime are often constrained by the reality that most states would prefer to defer the issue of caring for refugees to others. Appeals to refugees’ fundamental human rights have not proven sufficient to defray these costs of cooperation.

What, then, *is* an effective solution to a refugee crisis? How can the primary actors of the refugee regime effectively act to remedy crises before they become protracted? The aim of this thesis is to shed light on the progress that has been made and the path towards the future of this question.

The definition of a refugee used throughout this paper will be that which the United Nations established in the 1951 Convention and amended in the Protocol passed in 1967. It defines a refugee as someone who:

Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.⁵

In turn, a refugee crisis is defined generally as a large movement of individuals displaced as a result of an event or condition which causes such fear of persecution. Although internally displaced persons, individuals fleeing from climate change disasters, and other types of displaced persons are cause for concern as well, the limitations of the current definition will be upheld for the purposes of this analysis.

Scholars grapple with determining what constitutes an “effective” refugee solution in different ways. Some focus on the concept of movement, suggesting that if refugees possessed the right to move freely between borders, they could allocate themselves more efficiently and developing states would not be left bearing an undue burden. This offers refugees the freedom to choose which solution best fits their own interests and needs, circumvents political obstacles to movement, and addresses issues of development directly. Refugees, in this mobility-centered model, are theorized to have

⁵ UNHCR, “Note on the UNHCR’s Mandate” (October 2013), <http://www.unhcr.org/en-us/protection/basic/526a22cb6/mandate-high-commissioner-refugees-office.html>. This definition holds for all refugees except for Palestinians, who are instead classified under UNRWA’s mandate.

much more autonomy and power to act as individuals who contribute positively to the global society.

Others posit that the key to remedying the refugee dilemma is through political and legal change to the international refugee regime. Viewing states as the primary actors in directing refugee policy, they argue that the definition of a refugee, the process through which the UN and states respond to their displacement, and the rights owed to refugees should be redrawn to better reflect the current global political system. They analyze the extent to which international law regarding refugees has been implemented, and draw a wide range of conclusions on how these laws, as well as state policies, should enforce or limit the place of refugees in society.

Another field of study relating to solutions connects refugees and economics. Generally, the intersection between the two manifests itself through issues of allocating aid and facilitating development within refugee-hosting countries. Development-based solutions are no new concept, and many scholars still believe that they can be a powerful tool, given the disparity in responsibility sharing. Furthermore, some of the recent literature that has arisen by economists and refugee scholars analyzes refugees as economic actors seeking to construct new lifestyles for themselves, and examines what factors influence how they do so. They seek to explain the variation in economic outcomes of refugees and their interactions with local and global markets, discussing the incentive structures of refugees, host states, and local and international businesses to better understand and predict why certain outcomes occur. They look to solutions which

create opportunities for human flourishing and better systems of preference-matching between economic actors.

Given the plethora of scholarship and refugee crises available for examination, this project will narrow its primary analysis to examples found within the country of Jordan. Refugees have always played an integral role in the politics, economy, and socio-cultural composition of Jordan. Today, the country is home to the second highest share of refugees per capita in the world.⁶ Yet, for such a refugee-oriented state, Jordan still lacks a clear national policy standard on the rights and treatment of refugees within its borders. It has applied a number of different policies towards different groups of refugees and implemented a variety of programs that have had a diverse range of repercussions on refugees' post-displacement conditions. Some refugee populations, such as the Palestinians, have existed in Jordan for more than seventy years; others, such as the Syrians, have arrived quite recently and face a very different set of realities. Thus, Jordan is a prime example to study the success of a variety of different types of refugee solutions.

This project will draw upon three case studies of refugee populations in Jordan: the Palestinians, Iraqis, and Syrians. It will assess how various “solutions”—meaning policies, programs, or partnerships aimed at improving the livelihoods of refugees—have affected each group of refugees differently. The effectiveness of these solutions will depend on a number of factors which constrain or enable Jordan to make the policy decisions that it does. As a result, the conclusions that the case studies in Jordan produce

⁶ “Interactive Map 1960-2015,” Migration Policy Institute (2016), <https://www.migrationpolicy.org/programs/data-hub/international-migration-statistics>.

on why certain solutions proved more effective than others can offer insight as to how other refugee crises should be addressed in similar ways.

The following analysis will draw dually upon previous scholarship on the aforementioned case studies and data compiled from a number of sources. Scholarly works are predominantly published by the Oxford Refugee Studies Centre and other universities, as well as a variety of research and think tank groups, civil society organizations, and international refugee organizations. Data sources include the UNHCR and UNRWA databases, research publications provided by partner institutions of the UNHCR and UNRWA, numerous opinion surveys, and original interviews conducted in Jordan and Palestine.

The structure of the thesis will be as follows. Chapter 2 will review the theoretical literature surrounding the question of what makes for an effective refugee solution. In doing so, it will draw upon research from sociological, political, legal, humanitarian, and economic disciplines. It will explore three main perspectives: mobility-based solutions, political and legal solutions, and economic solutions. Among these theories lie ideas about the proper viewpoint from which refugee crises should be considered and who the major actors formulating solutions should be, as well as how effective solutions can be achieved. These theories will help frame the case studies' discussions of why Jordan pursued its policy decisions, and how those decisions affected the lives of refugees.

Chapter 3 will analyze the history of the international refugee regime and the actors who have influenced its course. It will review the evolution of the United Nations' refugee policies, focusing particularly on the traditional durable solutions set forth by the

UNHCR. The general history of how these solutions have been applied and what factors impacted their efficacy will be discussed. This chapter will also offer an overview of the major developments in state or regional laws regarding refugees that have been formulated in response to major refugee crises. The second half of this chapter will provide an overview of Jordan's long history as a refugee-hosting state, and conclude by offering a current snapshot of the economy, political atmosphere and the socio-cultural environment in Jordan.

Chapter 4 will discuss the methodology of the thesis. It will explain the dependent and independent variables which will be analyzed in the case studies. Moreover, it will explain why Jordan and the three refugee crises were chosen as the focus of analysis. Original interviews will supplement reports produced the UN, NGOs, and the Jordanian government to offer both quantitative and qualitative assessments of refugees policies and programs.

Chapters 5 through 9 will contain the cases studies. Each case will include a brief history of the initial crisis which led to the refugees' displacement and subsequent settlement in Jordan. It will then assess what this paper terms the "initial responses": the early decisions Jordan made in regards to refugees' movement across borders, the types of aid they received, and the initial rights they possessed. It will then analyze which factors affected the implementation of the durable solutions. Throughout, it will draw conclusions on the primary factors which motivated Jordan to pursue certain solutions over others, and how these solutions affected the lives of the refugees.

Chapter 10 will supplement the case study chapters with original research conducted in Jordan and Palestine. Chapter 11 will conclude by analyzing the three refugee crises in Jordan in tandem, highlighting their positive commonalities and suggesting explanations for their differences. The analysis will emphasize what actions the international community, states, and ordinary citizens themselves must take in order for effective solutions to find a place in reality. In a world fraught by the persistence of global refugee crises, it will offer a few reasons why we should believe High Commissioner Grandi when he says there is “some hope.”

Literature Review

2

I. Introduction

Scholarship surrounding the question of solutions to refugee crises draws primarily from the field of refugee and forced migration studies. The following analysis relies on scholarly books and articles that seek to explain the theoretical bases of refugee crises through ideas grounded in mobility, political/legal theory, and economics. Other aspects of the analysis will draw from the conceptual frameworks authors offer for their analysis of individual case studies of refugee crises. While many scholars express a central ideology behind their commendation of appropriate solutions, they often traverse multiple disciplines in doing so and offer complex, comprehensive approaches that defy singular categorization. The solutions themselves, rather than the authors, will thus be organized into three groups: mobility, political and legal, and economic.

Necessary to understanding these proposed solutions is to first examine what scholars infer when they use the term “solution.” As Martin Gottwald points out, there is no codified definition of “solution” found within international refugee law or the

UNHCR mandate.¹ Supplementary publications by the UNHCR state that a solution is that which “ends displacement in the aftermath of conflict.”² This language is ambiguous: is the end of displacement a return to one’s host country? Is it acquiring citizenship? Achieving a certain standard of living? Recognizing this shortcoming, many scholars begin their theoretical analyses by offering their own definition, which serves as the normative framework for their subsequent argument.

At the broadest level, most scholars agree that a solution can occur at one of two points in the timeline of a refugee crisis.³ The first is before the crisis occurs. A solution can be that which remedies the conditions which initiated the refugee crisis itself. While this type of solution may be ideal on the grounds that it prevents displacement and creates stability, the likelihood that either individual states or the international community as a collective could accomplish such a task successfully is highly dubious. The causes of refugee crises range from economic turmoil and political unrest, to civil wars and genocide—all of which are difficult to control, much less remedy with the ease or speed necessary to avoid the formation of a crisis.⁴

¹ Martin Gottwald, “Back to the Future: The Concept of “Comprehensive Solutions,”” (*Refugee Survey Quarterly* Volume 31, Issue 3: September 1, 2012): 101–136, <https://doi-org.proxy.bc.edu/10.1093/rsq/hds010>.

² UNHCR, “Durable Solutions: Preliminary Operational Guide” (January 2016), https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/durable_solutions_guide_011116.pdf.

³ G.J.L. Coles, “The Human Rights Approach to the Solution of the Refugee Problem: A Theoretical and Practical Enquiry,” in A.E. Nash (ed.), *Human Rights and the Protection of Refugees under International Law* (Nova Scotia, The Institute for Research on Public Policy, 1988): 195–222.

⁴ This is not to say that conflict prevention and resolution is not an important focus of scholarship; indeed, there is a great deal of literature addressing this subfield. The UN plays an active role in practical prevention as well.

The second is remedying the conditions that arise as a result of refugees' flight.⁵ Given the difficulty in the first type of solution, it is here that the majority of scholars center their attention. Scholars interested more specifically in protracted refugee crises tend to focus on the conditions which arise after an initial period of humanitarian response and aid, in which providing for the immediate safety of the refugees is the paramount concern of relief organizations and host countries. Following this post-emergency phase, international responders generally turn to the three "durable" solutions in UNHCR policy: repatriation, local integration and resettlement.⁶ However, scholars like Alexander Betts and Martin Gottwald point out that many refugee crises necessarily become protracted because of the fact that this quick transition from humanitarian aid to long-term solutions fails to materialize, causing refugees to become caught in a dependent care-and-maintenance system.⁷

This trend characterizes many of the older protracted refugee crises observed today. Discussing PRS in particular, Betts asserts that "solutions" imply a pathway out of intractable limbo found within these systems.⁸ In a similar vein, Gil Loescher specifies that a refugee crisis with "no solution" occurs when refugees remain in their country of first asylum under perpetual care of international or national aid.⁹ Thus, even reaching the point at which the traditional durable solutions can be implemented may be the first level

⁵ G.J.L. Coles, "The Human Rights Approach to the Solution of the Refugee Problem."

⁶ Martin Gottwald, "Back to the Future: The Concept of "Comprehensive Solutions."

⁷ Ibid; Alexander Betts et. al., *Refugee Economics: Rethinking Popular Assumptions* (Refugee Studies Centre, Oxford Department of International Development: June 2014): 4, 6.

⁸ Alexander Betts and Paul Collier, *Refuge: Rethinking Refugee Policy in a Changing World* (Oxford University Press: 2017), 7.

⁹ Gil Loescher and Laila Monahan, eds., *Refugees and International Relations* (Oxford University Press: 1989), Print, 228.

of solution. Much of the following literature and subsequent case studies will take a step back and analyze refugee crises holistically, assessing both the initial responses to crises and the implementation of durable or long-term solutions.

The ideas of scholars diverge when addressing what marks the point at which refugees relinquish their status as a refugee. Many argue that resolution of refugee status hinges on citizenship. When a refugee, regarded as a “stateless person” in international law, acquires the right of belonging to a country or is repatriated in their country of origin, they can be said to be protected by the laws of that state. This formal protection, some believe, thus constitutes a solution to their plight. Indeed, the text of the 1951 Convention declares that individuals relinquish their refugee status if they acquire, or re-acquire, a nationality.¹⁰ Yet some scholars contend that formal citizenship can mean little when states are experiencing a crisis or circumstances which cause them to fail to adequately safeguard the rights of its citizens. Instead, they argue that a solution manifests itself when individuals experience a full and lasting restoration of their rights, which may not necessarily be bound to a specific state.¹¹ This report will analyze arguments that put forth both of these claims.

¹⁰ UNHCR, “Cessation of Refugee Protection,” <http://www.unhcr.org/419dbce54.pdf> . There are four bases for cessation premised upon changes in the individual circumstances of recognized refugees, as defined in Article 1C(1)–(4) of the 1951 Convention and Article I.4(a)–(d) of the OAU Refugee Convention. These include: (i) re-availment of national protection; (ii) re-acquisition of nationality; (iii) acquisition of a new nationality; and (iv) re-establishment in the State of origin. For the full text, see: UNHCR, “Convention and Protocol Relating to the Status of Refugees,” <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

¹¹ Martin Gottwald, “Back to the Future.”; Katy Long, “Extending Protection? Labour Migration and Durable Solutions for Refugees” (Refugee Studies Centre: October 2009), <https://www.unhcr.org/news/agenda/2009/10/4ad334a46/extending-protection-labour-migration-durable-solutions-refugees.html>.

For the purposes of this project, the literature analyzed will be limited to that which addresses solutions for refugees who fall under the original mandate of the UNHCR and UNRWA. This necessarily excludes Internally Displaced Persons, climate refugees, and other types of irregular or forced migrants. This is not to say that these peoples are less important, or that the discussed solutions do not apply to them. Indeed, there is a growing literature on the need to include non-refugee migrants into the discussion of protection and solutions.¹² Still, given that the majority of UN resources and data restrict their observations to individuals with official refugee status, it is necessary to simplify the analysis.

Additionally, the following analysis will feature only a limited number of voices which argue that refugees are not a relevant or important geo-political concern. This is due to the rather obvious fact that almost all scholars who write about refugee solutions do so with the belief that refugees do, in fact, deserve the attention of scholars and policymakers. Those who see refugee solutions as a non-issue do not typically write within the refugee studies arena, and thus offer few meaningful contributions to the literature surrounding solutions. Still, a few scholars advocating for more restrictive solutions will be included to demonstrate the diversity of thought between thinkers in different disciplines. These voices are also prominent in public opinion surrounding refugees today, and will not be discounted when considering the feasibility of potential policies within certain regions or states.

¹² See the following for an example of such literature: Anthony H. Richard, "Reactive Migration: Sociological Perspectives On Refugee Movements" (Centre for Refugee Studies: 1993), <https://yorkspace.library.yorku.ca/xmlui/bitstream/handle/10315/8018/Journal%20of%20Refugee%20Studies-1993-RICHMOND-7-24.pdf?sequence=1&isAllowed=y>.

The reviewed literature will begin with that of mobility solutions. Scholars within this subfield focus on the issue of free movement, which they perceive as a human right, in arguing that refugees should be the primary actors facilitating the resolution to their conflict. In other words, refugees should be allowed to choose which solution they believe best fits their unique needs. Constraining individuals within artificially constructed state boundaries deprives refugees of critical rights and destabilizes the international system. On the other hand, the literature on political solutions views the primary actors of the refugee system to be states, and offers that solutions are found through the implementation of effective policies and legal structures. Many criticize the inefficiencies in allocation of the current refugee system and point to ways international cooperation can reform and redistribute the responsibility of supporting refugees.

Economic solutions incorporate a mix of both theories in viewing refugees as rational actors seeking to maximize their personal outcomes, but acknowledging that these outcomes are necessarily constrained by states and their political decisions. They address employment within host states, development-led refugee aid, microfinance programs, and entrepreneurship as avenues through which solutions can be pursued.

Each category of scholars analyzes the validity of the current durable solutions put forth by the UN differently. While several believe that new solutions should be added or woven into the existing durable solutions to improve their efficiency, others posit that the entire framework of durable solutions should be reworked due to the reality that these solutions no longer apply in the current international refugee climate. Others target

different principles of refugee-hood outlined in the 1951 Convention and its subsequent Protocol, as well as state and regional policies, in their critiques.

Lastly, as previously mentioned, many of the scholars discussed below will defy simple categorization. The majority argues for the solution they believe is *most* important, but include that other measures must be taken as well in order for the system to be effective as a whole. The most effective solution may very well be a set of solutions that originate from various categories and scholars.

As will become clear, the framework through which one examines refugee crises matters a great deal. As Annette Junemann states:

Historians can tell us that migration is as old as mankind; economists can tell us that migrants are far from being a burden to national economies; lawyers can tell us that existing frameworks or the lack of them are very much a cause of irregular migration.¹³

In a similar vein, the three frameworks discussed below will draw very different conclusions about how solutions for refugees can be pursued in an effective manner.

They do so by varying three components: who the most important actors are within the system, why the current system requires reform, and what mechanisms or avenues should be implemented to affect change. While the following literature tends to agree that the migration and conditions experienced by refugees constitute an important, consequential issue, it follows many different and at times conflicting arguments in doing so. A table summarizing the different actors, policy goals, and frameworks of each theoretical solution is located at the end of the chapter.

¹³ Annette Junemann et. al, “The Kaleidoscope of Migration: Theoretical Perspectives and Conceptual Considerations” in *Fortress Europe?: Challenges and Failures of Migration and Asylum Policies*, ed. Ummuhan Bardak et. al (Springer: 2017), Print.

II. Mobility Solutions

Mobility solutions begin from the standpoint that the conceptualization of solutions in the current international refugee regime is fundamentally flawed. This theory draws its origins from the scholarship of the late 20th century, which argued that the durable solutions to refugee crises were not working as effectively as intended. Katy Long, perhaps the most prominent scholar in this theoretical field, points out that most of these scholars tended to focus on the individual shortcomings of each strategy. Yet more recent scholarship has taken a step back and focused instead on the entire structure of durable solutions itself.¹⁴ Many scholars question why the durable solutions are rooted in the idea that refugees must be ‘fixed’ to a place in order for their displacement to be resolved, and for the crisis to be considered solved.¹⁵ Indeed, all the durable solutions set forth by the UNHCR are contingent on refugees’ location: repatriation is a return to the country of origin, local integration is a remaining within a country of asylum, and resettlement is moving from the asylum country to a third country. The ways in which these solutions are administered have been criticized as highly deterministic on the behalf of the state.

¹⁴ Katy Long, “Ch. 37: Rethinking Durable Solutions”, in *The Oxford Handbook of Refugee and Forced Migration Studies*, ed. by Elena Fiddian-Qasmiyah et. al. (Oxford University Press: 2014), Print, 477. Long cites 2007 as a point at which this literature began to become prominent, and offers UN policy documents as evidence that this theory was reflected on page 479. She also notes, however, that the original refugee plan of the 1950s in Europe proposed a similar sentiment through the Nansen agreement, though that was largely considered a failure in its time. In this sense, then, this theory may in fact be a return to the very original intent of refugee policy: 481.

¹⁵ Ibid. Long refers to such a strategy as a “sedentary bias.”

Who are the Actors?

These solutions are thus characterized most generally by the belief that past research and policy has focused its attention too closely on states in the international refugee regime, leaving behind the needs and beliefs of refugees in doing so. While many acknowledge the importance of states, they view the most important actors in refugee politics to be the refugees themselves. They see the status of refugee-hood as a condition which violates the innate human right of the freedom to move. Starting from the very basis of the current system, then, they examine how giving refugees the choice over their movement might very well change the outcome. In doing so, they question what constitutes the underlying “problem” in refugee crises, and how this problem differs when one analyzes the situation from the perspective of refugees themselves. As Long states, “Refugee and state perspectives on the problems displacement creates are often very different: it follows that they are likely to demand very different solutions.”¹⁶

Refugeehood, to these scholars, is much more than a physical problem.¹⁷ They demonstrate that both states and the international refugee regime often treat it as such in addressing a solution as a process through which refugees are shuffled, moved, or ordered to remain in place in a way that fits the particularities of the crisis and state preferences. Once refugees acquire a permanent location, the acquisition of citizenship rights follow. Yet these theorists find trouble in the idea that physical settlement is necessary in order for these political rights to be achieved. For the refugee, it is often political or human rights that are paramount; though location matters, it is largely a

¹⁶ Katy Long, “Rethinking Durable Solutions”, 478.

¹⁷ Ibid, 477.

reflection of the stability of a state and the rights associated with it, rather than a good in itself.¹⁸ As Martin Gottwald, another prominent scholar, states: “From a human rights approach, the ‘problem of refugees’ is the denial of their basic human rights that are commonly associated with citizenship.”¹⁹ For these scholars, the acquisition of human and political rights is the element of the durable solutions which is most necessary to promote.

Targets of Reform

Why has it been so difficult for the traditional durable solutions to guarantee these rights? Many scholars in this category begin their critique of these solutions by highlighting that a number of geopolitical realities have evolved to become incongruent with the nature of the solutions as they are currently implemented. Refugee situations have grown increasingly protracted; the crises which initiate refugee movements have become more difficult to solve; globalization has led to an immense proliferation of international movement by a plethora of peoples; and other types of migrant regimes now hold important influence over refugee issues, to name a few.²⁰ Long also names the fact that available asylum space is shrinking in the West and conditions in host states are

¹⁸ Some of these rights could include the right of personal security, social security, adequate standard of living, etc. See the Universal Declaration of Human Rights for a full list of the human rights that the United Nations endorses:

United Nations, “Universal Declaration of Human Rights” (Office of the High Commissioner: 1948), https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

¹⁹ Martin Gottwald, “Back to the Future.”

²⁰ Ibid.

growing increasingly fragile.²¹ Many also allude to the clear evidence that the proliferation of irregular migration is dangerous to many refugees' lives and necessarily at odds with national law enforcement and security.²² Unfortunately, the arena in which refugee crises must be solved is becoming increasingly more risky and complicated for refugees, states, and other actors to handle.

From this point, Long builds her theoretical argument for mobility by analyzing the shortcomings of the durable solutions. Looking first at resettlement, she states that the lack of asylum spaces and massive numbers of refugees indicate that resettlement does not offer a “practical” solution to mass displacement.²³ The process through which formal third-country resettlement through the UNHCR occurs often takes at least two years. Refugees have little to no say regarding to which country they are resettled, and irregular migration from the country of resettlement is a common result.²⁴ The most pressing concern Long raises about resettlement, however, is the fact that political reception does not always lead to economic or social integration into the community. If refugees do not have access to proper employment, economic self-sustainability or social capital within their country of resettlement, Long states that it is “highly questionable” whether this solution can be called effective.²⁵ Gottwald agrees, adding that resettled refugees who

²¹ Katy Long, “Extending Protection.”

²² Alexander Betts, “How Can We Fix our Failing Refugee System” (TedTalk: February 2016), <https://www.rsc.ox.ac.uk/ted-talks-by-alexander-betts>.

²³ Katy Long, “Extending Protection.”

²⁴ UNHCR, “Resettlement,” (2018), <http://www.unhcr.org/en-us/resettlement.html>.

²⁵ Katy Long, “Extending Protection,” 13.

live dependent on aid for years are often unable to attain self-sufficiency and become a burden for local healthcare and social service networks in resettlement countries.²⁶

Local integration is also highly contentious to states and their local populations, and thus is rarely implemented successfully.²⁷ The most common result of this is the rise of protracted refugee situations, where refugees become entrenched in the first “phase”, so to speak, of the refugee life cycle.²⁸ States keep these refugees under their “protection” by placing them in camps within their borders, but simultaneously deny their right to sustain themselves through resources accessible to other citizens within the state. Like resettlement, the issue at the hand is one of physical space as well as individual rights.

The last durable solution—repatriation—is likewise problematic. While refugees may be able to regain their citizenship within their host country in a political sense, the rights associated with such citizenship often do not follow in states that are war-torn or remain in the post-crisis period.²⁹ The existing regime would consider this to be a theoretically successful solution; but without providing refugees access to a sustainable livelihood, mobility scholars would disagree.³⁰ Again, focusing on the idea that the rights to economic sustainability, socio-political stability, education, and the like are most important to refugees leads these scholars to conclude that most refugee repatriations do not represent successful solutions.

²⁶ Martin Gottwald, “Back to the Future,” 134.

²⁷ Katy Long, “Rethinking Durable Solutions.”

²⁸ Ibid.

²⁹ Long, “Extending Protection?” 14.

³⁰ Gottwald, “Back to the Future.”

Mechanisms for Solutions

In criticizing these solutions, Long does not mean to suggest that they be completely eradicated. Quite the opposite, she believes that their intent to give refugee rights should be retained, but that the goal of an “end to movement” should be replaced with the right to move. At its root, mobility gives refugees back the control over their physical livelihoods that many lack under the current solutions. By mobility, Long means the formation of legal pathways of migration between states through which refugees could move on either a temporary or a permanent basis.³¹ This movement could occur between the country of asylum and country of origin, between the country of asylum and a third country, and within countries of origin and asylum as well as within third countries.³² In essence, then, Long believes that integrating mobility into the existing durable solutions would greatly improve their efficacy.

Much of the mobility that Long has in mind involves certain members of a refugee network pursuing labor migration. The majority of each network—most likely, a family—could remain within regions in which the state fails to provide them with the right to a sustainable livelihood, and send only select members to pursue labor to provide for such livelihood in other states.³³ In this sense, repatriation and local integration could be seen as more viable solutions. The physical aspect of the refugee problem could be solved by remaining in the country of first asylum or origin country, and the rights aspect could be solved through ties and remittances from the laborers abroad. Even within a

³¹ Long, “Rethinking Durable Solutions.”

³² Gottwald, “Back to the Future.”

³³ Long, “Extending Protection?”

state, this could allow refugees to move outside humanitarian spaces and contribute to development, if citizenship is not an available option.³⁴ In regards to resettlement, Long likewise explains that many refugees view this solution as a path to the education, employment, and wealth of the West that is largely unavailable in countries of first asylum. If refugees were given the legal right to move—and this right was recognized by Western countries—refugees could ascertain rights through their own initiative of allocating themselves in a way that maximizes their personal gain.³⁵

Gottwald argues much of the same, though he emphasizes a more comprehensive approach. He argues that mobility should be integrated into a multi-sectoral, comprehensive solution that aims to provide refugees the opportunity to pursue self-sufficiency within the bounds of international refugee law, requiring cooperation from a variety of actors.³⁶ If given the ability to move, individuals can capitalize upon personal livelihood opportunities. Larger refugee communities, too, can diversify risk.³⁷ Although the theory Gottwald provides on comprehensive refugee solutions is extensive, he offers fewer concrete examples than Long regarding their practical implementation.

Drawbacks and Comparisons

Certain aspects of mobility solutions are not incongruous with other theories. Some legal refugee scholars, lamenting the rise of irregular or illegal migration that stems

³⁴ Long, “Rethinking Durable Solutions.”

³⁵ *Ibid.*

³⁶ Martin Gottwald, “Back to the Future.”

³⁷ *Ibid.*

from ineffective solutions, agree that non-host states must open more avenues for legal migration if they are to hold host countries responsible for irregular migration.³⁸ Many economic theorists likewise embrace the idea of integration into the global economic system through labor migration.³⁹ Moreover, Long's connection of mobility and development opportunities has been explored in depth by economic theorists. Integrating mobility into certain frameworks could find plausible support among the other conceptualizations of solutions.

This theory seems to suggest that the enormously belaboring problem of the unequal responsibility host countries bear in hosting refugees and providing for solutions could be solved through increased mobility. Disproportionate burden-sharing arises largely from the fact that donor countries would prefer to give monetary aid to refugee crises rather than support the physical movement of refugees into their territory, thus avoiding all the impacts of refugees crises that are non-monetary—and, at that, paying far less for refugee crises as a percentage of their GDP than host countries. Thus, this theoretical solution could have significant implications if it was indeed successful in circumventing the system which has perpetuated this responsibility divide. Ideally, it would correct the power imbalance which exists between states by giving refugees the right to choose which physical location may be best suited to providing them with their rights.

³⁸ Annette Junemann et. al, “The Kaleidoscope of Migration: Theoretical Perspectives and Conceptual Considerations”, 79.

³⁹ Betts, “How Can We Fix our Failing Refugee System.”

The glaring drawback in this theory comes from the fact that “free” movement insinuates all states must allow refugees to move through legal, freely flowing channels. Scholars speak very little about how this free migration could be achieved. Moreover, they depend on the fact that the UNHCR and other international organizations that closely regulate solutions would agree to step back and allow refugees to choose solutions for themselves, with the prerequisite that states would also allow them to do so. Full-scale implementation of free movement thus seems unlikely; and even integration into the durable UN solutions would be a gradual and lengthy process. Unlike the other theories of political or economic change, allowing for increased mobility has been implemented only selectively. The UN has begun to include features of mobility into recent refugee plans, but their effects largely remain to be seen.⁴⁰ Thus, applying the framework of mobility to current crises will be far more based in hypothetical analysis than the other solutions.

Furthermore, it is not clear that pursuing the principle of freedom of movement will allow for a sustainable allocation of refugees. On one hand, it may effectively overcome the responsibility-sharing problem if refugees actually have the desire and capacity to go to states that have not previously felt the pressures of refugee crises. However, if they would continue to move to areas of high refugee concentration, as is normally the case, this effect would not materialize. Moreover, incentivizing all states to agree that open borders are desirable is an incredibly daunting task. States would have to independently adopt this policy in their domestic legal system, ratify and implement an

⁴⁰ UNHCR, “The Global Compact on Refugees” (September 13, 2018), <http://www.unhcr.org/5b3295167.pdf>.

international treaty that lays out the same, or some variation of the two. Given the current political atmosphere surrounding international migration and the limited ability of the UN to enforce binding law, this result seems unlikely.

It may also be difficult for host states to be convinced that free movement may not simply lead to more refugees flowing into their territories, even temporarily. Although most refugees may *want* to relocate to less crowded, more sustainable states, the reality is that many lack the means or connections to do so. Only a select group of refugees may be able to benefit from such a solution. Long does not discount this entirely, recognizing that some aspects of the durable solutions must remain in place. Still, estimating where refugees may move or how their networks will form could be difficult, and result in unforeseen and unintended consequences. Refugee movement could become highly concentrated if uncontrolled, boding poorly for the host state. What's more, inequities between refugee families and populations are likely to arise if movement is unregulated. Nicholas Van Hear explains that movement is largely based on existing connections or capital, meaning that socio-economic status and national identity would predominantly determine movement.⁴¹

Still, free movement remains a relevant policy option for protracted refugee situations. As described previously, PRS refugees remain in situations of protracted care for years, unable to escape largely due to the gridlock between state policy, international requirements and refugee desires. As Sari Hanafi explains, "host [countries] and humanitarian organizations have dealt with protracted refugees as objects to be

⁴¹ Nicholas Van Hear, "From Durable Solutions to Transnational Relations: Home and Exile among Refugee Diasporas" (UNHCR, March 2003), <https://www.unhcr.org/3e71f8984.pdf>.

administered, rather than as potential subjects of historical or social action.”⁴² Analyzing refugee crises through the framework of mobility may offer a new perspective on such situations that directly prioritizes the rights of refugees.

III. Legal-Political Solutions

Theories of political or legal refugee solutions originate from a much broader literature on international law and policy. As Alexander Betts argues, “Refugees are more than simply a human rights issue... The refugee and the state system are two sides of the same coin, and the former cannot be understood without reference to the latter.”⁴³ Given that refugees move across state borders, respond to both national and international crises, and necessitate the aid of multiple states and international organizations, their common classification as a subject of international relations is clear. Within the field of international relations theory, there is a wide range of beliefs regarding who constitutes the major actors within the broad system of global governance. Nearly all scholars, however, concede that the first and foremost is the state. States are the key creators of international law, the negotiators behind multilateral policies, and the bodies responsible for upholding peace and security among its peoples. The issue of refugees is thus one of

⁴² Sari Hanafi, “Forced Migration in the Middle East and North Africa”, in *The Oxford Handbook of Refugee and Forced Migration Studies*, ed. by Elena Fiddian-Qasmiyah et. al. (Oxford University Press: 2014), Print: 590.

⁴³ Alexander Betts, “International Relations and Forced Migration”, in *The Oxford Handbook of Refugee and Forced Migration Studies*, ed. by Elena Fiddian-Qasmiyah et. al. (Oxford University Press: 2014), Print, 60.

many global public goods problems—such as global warming, terrorism, trafficking, and much more—that states must address as an international community.⁴⁴

Who are the actors?

Unlike mobility scholars, legal and political theorists view the task of creating sustainable refugee solutions from the perspective of the state. States, in the traditional sense, are sovereign bodies motivated by principles of territorial supremacy and self-preservation.⁴⁵ Refugees, in their eyes, are primarily stateless people who must regain their place in the current state system. Scholars recognize that the fundamental issue with the refugee regime lies in the laws and policies established by states, rather than the individual, and pursue ways to fix or realign these systems. Explained in this context, Ramesh Thakur and William Maley state that “The phenomenon of the ‘refugee’ can thus be seen as reflecting a failure of the states-system properly to perform its tasks.”⁴⁶ The end of refugeehood, then, should be a restoration or creation of citizenship—the legal recognition of a subject or national in a state or commonwealth.⁴⁷ Some emphasize the need to ensure that refugees also acquire the rights associated with citizenship, as argued by mobility scholars. Most, however, focus more simply on the general acquisition of the legal status of citizen.

⁴⁴ Betts, “International Relations and Forced Migration,” 60.

⁴⁵ Guy Goodwin-Gil, “The Refugee in International Law,” v.

⁴⁶ William Maley, “Humanitarian Law, Refugee Protection, and the Responsibility to Protect”, in *Theorising the Responsibility to Protect*, ed. by Ramesh Chandra Thakur and William Maley (Cambridge University Press: 2015).

⁴⁷ “Citizen” (Merriam -Webster, 2018), <https://www.merriam-webster.com/dictionary/citizen>.

These scholars believe that the traditional mechanisms of international politics can serve as the tools of solutions. International law, treaties, conventions, and other multilateral agreements between states largely represent the avenues through which they see solutions being created. In contrast with the mobility conception, legal/political theorists can be thought of as seeking to improve the efficiency and enforceability of the existing international refugee regime from within the system itself. Rather than focusing on the incentives or preferences of refugees, these scholars analyze how states come together to make successful—or unsuccessful—policy regarding refugees, and what factors motivate or stymie such actions. They take state concerns about security and resource depletion related to refugees seriously, and view states as the only actors which have the legitimate power to make and enforce laws. If solutions are achieved through states, states will be more willing and able to help refugees, and thus refugees will feel the benefits through a trickle-down like effect. Cooperation and responsibility sharing are a large focus of such literature.

Other legal/political scholars begin from a more critical view of the system, arguing that the international refugee regime was necessarily formed in the interest of certain Western powers in ways that benefited their own interests disproportionately over others.⁴⁸ They believe that developed states continue to undermine the system today, through tactics such as national laws which deter entry or declare it illegal under the guise of security or sovereignty concerns.⁴⁹ They argue, “under those circumstances, one can argue that those states which are happy to harvest the benefits of the system owe

⁴⁸ William Maley, “Humanitarian Law, Refugee Protection, and the Responsibility to Protect.”

⁴⁹ Ibid, 263.

duties towards those whom the system has failed.”⁵⁰ The tension between domestic politics and international norms, they believe, cannot be ignored. They demonstrate that some countries even go so far as to exploit international norms—such as the Responsibility to Protect—in pursuit of an underlying national agenda. These scholars tend to argue that the legal and political framework which classifies the current “international refugee regime” should undergo a more rigorous, modernizing reform that reflects current realities of the state system, rather than those of the 1950s in which it was created.

Targets of Reform

Conceptualization of legal/political solutions generally begins with a critical analysis of the existing relevant laws and policies. Guy Goodwin-Gil, a well-established scholar in the field, explains that the refugee in international law is characterized by both the principle of state sovereignty, as described above, and by the humanitarian principles deriving from general international laws and treaties.⁵¹ All states, in accordance with the UN Charter, are under an obligation to prevent refugee outflows and cooperate to resolve refugee issues.⁵² Whether cooperation happens in actuality varies, but the call for states to do so certainly exists.

Many scholars thus begin, like Goodwin-Gil, with the foundation of refugee law: the 1951 Convention Relating to the Status of Refugees and its subsequent 1967 Protocol.

⁵⁰ Maley, “Humanitarian Law, Refugee Protection, and the Responsibility to Protect.”

⁵¹ Guy Goodwin-Gil, “The Refugee in International Law,” v.

⁵² *Ibid*, vi.

Contained within these resolutions is the legal definition of a refugee and a number of enumerated rights which states must grant to refugees within their borders.⁵³ Many legal scholars analyzing these foundational documents today conclude, unsurprisingly, that refugees enjoy few of these rights in actuality.⁵⁴ B. S. Chimni writes that as early as 1983, Grahl-Madsen noticed “in country after country a tendency toward a more restrictive interpretation and application of important provisions, sometimes even a disregard for rules of international law’.”⁵⁵ Alexander Betts asserts that today, this non-compliance with socio-economic rights is nearly universal.⁵⁶ One could go as far as to say that some of these rights, such as that to engage in wage-earning labor, participate in national industries, and travel, are now assumed to be rights which refugees should *not* be granted.⁵⁷

States even disagree upon the definition of a refugee under international law. As

B.S. Chimni states:

The battle over definitions of the term ‘refugee’ expresses the more obvious aspects of the relationship between knowledge and power. The abandonment, since the early 1990s, of attempts to contest the partial nature of the definition of ‘refugee’ contained in the 1951 Convention shows how Refugee Studies took its cue from state policies.⁵⁸

Chapter 4 will examine the contested definition of a refugee in greater detail.

⁵³ Goodwin-Gil, “The Refugee in International Law,” 7-9.

⁵⁴ Marjoleine Zieck, “Refugees and the Right to Freedom and Movement” (Michigan Journal of International Law, Volume 39 Issue 1: 2018), <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1926&context=mjil>.

⁵⁵ B. S. Chimni, “The Birth of a Discipline” (Journal of Refugee Studies, Volume 22, no. 1: 2009), 14, <https://search.proquest.com/docview/304068160/?pq-origsite=primo>.

⁵⁶ Betts and Collier, “Refuge: Rethinking Refugee Policy in a Changing World,” 7.

⁵⁷ Karen Jacobsen, “The Economic Life of Refugees” (Bloomfield, CT: Kumarian Press, 2005), 13.

⁵⁸ B. S. Chimni, “The Birth of a Discipline.”

Another symptom of the uneven application of international law which scholars observe is the increasing tendency of states to unilaterally create their own refugee policies that are invariably more restrictive. National policies which seek to isolate states from the issue of refugees push the responsibility of addressing their plight onto other states and international actors within the system. Yet as Jan Claudius Volkel points out, the increasing “securitization” of migration—particularly relating to refugees—is not subsequently increasing national or global security.⁵⁹ Clearly, pursuing national refugee policy has not proven to be a successful solution in most states, for either their own interests or those of the refugees themselves. As the prospects for cooperation between states on refugee policies appear increasingly dismal, scholars turn to analyzing how the structure of the system could be realigned so as to reverse this concerning direction.

Mechanisms for Solutions

The most relevant intersection of international legal/political theory with refugees to *solutions* is the field of international cooperation. Like Goodwin-Gil and Alexander Betts, many scholars examine international refugee law in lieu of the duty states hold to cooperate in resolving refugee crises. Nearly all find it apparent that such cooperation often fails to materialize in significant and predictable ways. Betts explains that studies of cooperation focus on either state’s contributions to asylum efforts, which are the protection of refugees on their territory; or burden sharing, meaning the role states play in the protection of refugees on the territory of another state.

⁵⁹ Jan Claudius Volkel, “When Interior Ministers play Diplomat” in *Fortress Europe?: Challenges and Failures of Migration and Asylum Policies*, ed. Ummuhan Bardak et. al (Springer: 2017), Print.

Much of the theoretical literature relating to solutions focuses its attention on the latter issue of burden sharing. Burden sharing, or responsibility sharing, is the amount to which each state aids other states in their efforts of hosting refugees and reacting to crises, through financial contributions or resettlement.⁶⁰ As harped on previously, developing states undoubtedly bear a much more substantial burden than developed states, hosting more than 85 percent of the world's refugees. Here, scholars draw upon some of the same mechanisms that international political theorists utilize when generally seeking to solve collective action problems.⁶¹

Burden sharing literature begins with the credible assumption that the refugee regime is characterized by an asymmetry of power between the global North and South. Northern states are generally thought of as more powerful, resource-wealthy “donor” states; whereas Southern states are generally “host” states that bear much of the responsibility of providing for refugees. Early work on this subject examined refugee protection as a global public good.⁶² Burden sharing, analyzed with game theory, was theorized to be a Prisoner's Dilemma game in which states had strong incentives to free ride. Given the large payoffs from doing so—and the lack of strong international norms to dictate otherwise—successful cooperation was predicted to be limited.⁶³ More recent literature, such as that by Loescher and Betts, finds that the cooperation problem is better

⁶⁰ Betts, “International Relations and Forced Migration,” 66; Jan Claudius Volkel, “When Interior Ministers Play Diplomat,” 260.

⁶¹ Alexander Betts et. al., “A Fair Share: Refugees and Responsibility Sharing” (Refugee Studies Centre: 2016), 28, file:///C:/Users/2294/Downloads/Delmi%20rapport%202017_10%20NY180206.pdf. “Under what conditions refugees are perceived as ‘cost’ or ‘benefit’ is socially constructed, and subject to change over time.”

⁶² Betts, “International Relations and Forced Migration,” 66.

⁶³ Ibid, 66.

explained by a Suasion game. This game is characterized by asymmetrical payoff structures—given the North/South power imbalance—where Northern states have little incentive to cooperate and Southern states have little choice but to follow the lead of the North, resulting in a non-cooperative equilibrium.⁶⁴ Game theory has helped scholars understand why certain outcomes are prevalent and, perhaps more importantly, how payoffs should be adjusted in order to achieve cooperation.

To overcome this cooperation problem, Betts believes that strong issue linkage is necessary. Issue-linkage, or the connection of refugee solutions to states' broader incentives to uphold security, regularize migration, and pursue development, has been a key aspect of the UNHCR's success in facilitating cooperation.⁶⁵ Without such linkages, the current structure of international law lacks incentives and enforceability. He argues that a reinterpretation of the law through a method of "soft international legalism" could lead to a more effective regime in which levels of cooperation can be increased.⁶⁶ As will become clear in the following section on economic solutions, Betts also believes that an equitable responsibility sharing system must include a number of different and complex mechanisms that are not just legal in nature.⁶⁷

Other scholars look at attempts to enhance cooperation through international or regional conferences. The classic example offered by scholars is the International Conferences on Assistance to Refugees in Africa I and II, held in 1981 and 1984. Many

⁶⁴ Ibid. See also; Alexander Betts, *Protection by Persuasion: International Cooperation in the Refugee Regime* (Cornell University Press: 2009), Print.

⁶⁵ Betts, "International Relations and Forced Migration," 66.

⁶⁶ Betts, "A Fair Share," 25.

⁶⁷ Ibid, 6.

agree that while the conferences did little by way of improving the outcome of the refugee crisis they meant to address, they held important lessons for the years to come about the need for development aid and projects to accompany refugee programs in low-income countries of asylum.⁶⁸ According to Volker Turk and Madeline Garlick, they also proved that states would require much more evident proof that their monetary aid would be directed towards durable solutions.⁶⁹ The conferences were thus influential through their ability to direct the course of international debate on policy priorities and formulate a stronger normative argument for addressing the inequities between states which arise as a result of refugee movement. Other conferences, such as the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA), would prove more tangibly successful in halting irregular movement.⁷⁰ The aim of such conferences, according to these many scholars, is to create a “more predictable government structure” through which refugee crises can be addressed.⁷¹

Scholars theorize a wide variety of legal/political solutions in addition to those named above. Loescher and Monahan, for example, posit that “multi-party commissions can contribute to securing and maintaining the necessary level of agreement and commitment among states.”⁷² This theory is not dissimilar to those previously discussed,

⁶⁸ Loescher and Monahan, eds., “Refugees and International Relations”, 231.

⁶⁹ Volker Turk and Madeline Garlick, “Comprehensive Refugee Response Framework” (International Journal of Refugee Law: December 2016), <https://academic.oup.com/ijrl/article/28/4/656/2743476?searchresult=1>.

⁷⁰ Turk and Garlick, “Comprehensive Refugee Response Framework.”

⁷¹ Ibid.

⁷² Loescher and Monahan, eds., “Refugees and International Relations”, 284.

in emphasizing that cooperation can be fostered if norms relating to burden sharing are developed with more rigor and oversight.

Some scholars take a much different view of solutions, seeing them as an issue which is innately tied to state regime type. They posit that refugee situations could be prevented more effectively if countries chose to democratize, and thus believe that refugee crises should be tied to state efforts to spread democracy.⁷³ While the United States, for example, has justified intervention in crises abroad by appealing to humanitarian ideals and the “Responsibility to Protect” doctrine, it may be more accurate to say that it predominantly seeks to promote democracy and support the development of its desired regime in doing so.⁷⁴ A range of theorized solutions exists in between these two highlighted.

Still others emphasize the need to lower the transaction costs between states of addressing refugee crises. They highlight that both instrumental-communitarian and hegemonic models of cooperation can be used to predict the effects of doing so. In the first model, state interaction and cooperation depends on each state’s autonomous calculation of its values and interests. In the latter, states are persuaded or deterred from action by a singular hegemon, whose interests dominate international politics and hold immense sway over policy outcomes.⁷⁵ Considering refugee crises within these differing contexts can hold implications about which aspects of the state system—such as

⁷³ Maha Yayha, “Refugees and the Remaking of an Arab Order” (Presentation at the Camden Conference: February 18, 2017).

⁷⁴ Maley, “Humanitarian Law, Refugee Protection, and the Responsibility to Protect.”

⁷⁵ Astri Suhrke, “Burden-sharing during Refugee Emergencies.”

individual state interests versus those of the hegemon—should be targeted to achieve cooperation.

Another model, championed by Alvin Roth, posits that the international community should seek to implement a “preference-matching” system in which the resettlement or solution interests of refugees are matched to those of a state. This model contains the hope that if all states engaged in such a system, each would host or support refugees with which they feel the most cultural or socio-economic connection, and are thus most willing to aid.⁷⁶ Still, this proposal seems idealistic in assuming that all states would be willing to host refugees at all, and overlooks the reality that many would prefer to maintain their current status as a “donor” rather than “host” to refugees.

Drawbacks and Comparisons

The discussion of legal-political solutions has revolved around how states and international bodies can reform or encourage compliance with international law and policy by changing their incentive structures. Although states’ interests are clearly paramount, one should not fall into the trap of oversimplifying this framework to the notion that states care only about their own interests, rather than those of refugees. To be sure, many states have the interests of refugees and human rights in mind when creating these policies. These theories aim to show that effective interstate cooperation in regards to international refugee law and policy is necessary to ensuring that *both* refugees and states more sustainably interact. Goodwin-Gil concedes that “for any solution to be

⁷⁶ Betts, “How We Can Fix our Failing Refugee System.” See also; Betts, *Protection by Persuasion*, 57.

ultimately satisfactory, the wishes of the individual...in light of the connections which he or she may have with one or another State, cannot be disregarded entirely.”⁷⁷ Thus, just as mobility solutions must be reconciled within the framework of the state system, so too must legal-political solutions acknowledge that such policy goals must align, at least to some degree, with the desires of the individuals they target.

A more “realist” view of interstate relations can lead to quite different conclusions about the power of international law and policy. David A. Martin argues that treaties regarding international refugee policy cannot be viewed as legal bulwark: to do so would be to greatly exaggerate the legitimate force they hold, and ignore the political realities of state interests. Rather, he believes that states must observe “painful and counterintuitive limits” to protection in order to maximize its strategic potential. The international community should recognize that it is within states’ best interests to limit refugee inflows at a level that the each state can economically and politically tolerate.⁷⁸ In essence, realist political theory posits that successful international cooperation surrounding the formation and implementation of legal and political solutions is unlikely.

Regardless, there seems to be little doubt among refugee scholars in all subfields that every foreseeable solution should include some element of a political solution. Even mobility scholars, such as Long, acknowledge that refugee crises “still require political solutions, even if migration may represent a refugee's best socioeconomic strategy

⁷⁷ Guy Goodwin-Gil, “The Refugee in International Law,” v.

⁷⁸ David A. Martin, “Immigration’s Enigma Principle: Protection and Paradox,” U. OF VA. PUB. L. & LEGAL THEORY RES. PAPER SERIES 63 (2015), 2.

thereafter.”⁷⁹ Although the nature of legal-political solutions is clearly highly variable, it is safe to assume that either a mobility or economic solution should include legal or political change as well.

Legal-political solutions are particularly strong in their ability to clearly position refugees within the international global order. They place the ability to influence solutions in the hands of the most powerful actors—states—and demonstrate that changes in law and policy dictated by states can lead to more favorable outcomes for refugees on a number of fronts. In doing so, many specifically target the deficiencies of international politics today, by suggesting new methods through which interstate cooperation can be pursued and burdens between states can be redistributed to benefit both states and refugees themselves. Still, likening the issue of refugees to that of a “global public good” or similar issues which create collective action problems does not necessarily render the issue any easier to solve. Many issues—perhaps the most obvious being climate change—have been repeatedly identified and targeted as subjects of international agreements but witnessed little progress as a result. Refugee crises are no new issue; and viewing solutions through the lens of increasing interstate cooperation is not a novel idea, either. Thus, situating solutions within the context of international cooperation may only be an early first step in actually achieving the intended results.

⁷⁹ Long, “Extending Protection?”

IV. Economic Solutions

Finally, we arrive at economic solutions. In many ways, economic solutions combine elements of both of the aforementioned theories and pave a middle ground between the ideological conflicts between the two. They offer perhaps the most holistic view of the current realities of the international system, and propose a wide range of tangible solutions. These include—but are certainly not limited to—development, employment and labor integration, microfinance systems, and entrepreneurship. Economic solutions also introduce a new subset of actors into the conversation: the private sector. Many economic scholars acknowledge the growing influence of multinational corporations in world markets and on individual governments, accounting for the interests of multiple different actors including refugees, governments, NGOs, and private companies in their conceptualization of solutions.

Previously, the intersection of refugee studies and economics generally came in the areas of refugee livelihoods and the impact of refugees on host areas and societies.⁸⁰ Alexander Betts, the most prominent scholar on refugee economics, posits that such a field is limited in that it fails to consider how a broader view of refugees' economic lives can hold implications about which kinds of interventions will succeed. His work in developing the link between refugee economies and solutions, grounded in extensive data analysis, has been monumental in shifting the field towards market-based solutions and

⁸⁰ Alexander Betts et. al, "Refugee Economies: Forced Displacement and Development" (Oxford University Press: 2017), Print.

informing major policy decisions of the World Bank, the United Nations, and other major international actors in the refugee regime.⁸¹

Who are the Actors?

The first element of this theory hinges on how we are to consider refugees as actors in the international refugee regime. Not unlike scholars of mobility solutions, economic scholars believe that refugees should be given much more autonomy to better their own situations. Yet economic scholars make the clear distinction that refugees must be considered autonomous *economic* actors, rather than simply individuals endowed with human rights. Scholarship on political economies has largely lacked interest in the role refugees' play within economies, assuming simply that it is minimal. Alexander Betts lists a number of these assumptions: 1) that refugees are economically isolated, 2) that they are a burden on host states, 3) that they are economically homogenous, 4) that they are technologically illiterate, and 5) that they are dependent on humanitarian assistance.⁸² Likewise, Karen Jacobsen describes that refugees are generally viewed as being traumatized and entirely dependent on aid organizations and host communities for support.⁸³ The research of both scholars aims to demonstrate that these assumptions are largely untrue, and prevent policy makers from pursuing the most beneficial solutions.

While it is certainly valid that many refugees are initially quite mentally, physically, and socio-economically dependent, a growing body of literature has

⁸¹ Betts et. al, "Refugee Economies: Forced Displacement and Development."

⁸² Betts et. al, "Refugee Economies: Rethinking Popular Assumptions," 4.

⁸³ Karen Jacobsen, "The Economic Life of Refugees" (Kumarian Press: 2005).

highlighted that refugees quickly begin to interact with existing markets or create new markets in the communities to which they flee. Even within camps, refugees have devised novel and highly successful ways to generate income both as individuals and as broader communities. In doing so, these refugees are acting as economic theory assumes any other individual within a market would: as utility-maximizing agents who seek to extrapolate as much value from their available resources as possible. Betts qualifies that refugees' unique position in between three institutions is crucial to their study. These include their place in between state and international governance authorities; between formal and informal sectors of the economy; and between national and transnational economies.⁸⁴

Evaluating refugees under this framework allows scholars to predict their actions and the effects of those actions with far more capacity than under the previous assumption about their dependency. Importantly, this literature has also contested the common perception that refugees are necessarily a drain on local and national economies. Much of the recent scholarship demonstrates that refugees can fill necessary gaps in labor forces, aid in the development of capital and industry, and even alleviate the need for aid in becoming self-sustaining. Economic scholars thus seek to redefine the answer to the question, as stated by Alexander Betts, of “What difference does it make – in economic terms – to be a refugee?”⁸⁵

⁸⁴ Betts et. al, “Refugee Economies: Forced Displacement and Development,” 9. Betts explains this institutionalization of refugees in the context of “New Institutional Economies,” a field of economic theory that views markets as shaped by institutional contexts.

⁸⁵ Alexander Betts, “Refugee Economies in Kenya” (Refugee Studies Centre: 2017), file:///C:/Users/2294/Downloads/Refugee-Economies-Kenya-Report-web-final.pdf.

The second element of “refugee economics” considers the other major actors within the refugee regime: states and international organizations. Scholars recognize that these actors play a key role in formulating policies affecting the economic activity of refugees, from extending rights such as employment and citizenship to creating programs specially tailored to refugees’ economic needs, like the creation of special economic zones. Thus, the utility of refugees is necessarily constrained by the interests of states and international organizations in ways which economic agents who are not refugees are immune. Refugees moreover face constraints in terms of income, language, culture, etc., that can easily be quantified or factored into common utility models.⁸⁶ Together, these elements create a world in which refugees are independent, utility maximizing actors that are constrained by the specific political, legal, and socio-economic decisions of the states and international organizations with which they interact.

Targets of Reform

At the most basic level, economic solutions seek to make refugees self-sustaining. This is particularly apt for protracted refugee situations, in which humanitarian assistance to encamped refugees is perpetuated and inevitably diminishes over time. Betts argues that such a model of dependence prevents refugees from reestablishing their own livelihoods, and instead believes that opportunities for education, connectivity, electricity, transportation, access to capital, and the right to work should be extended to

⁸⁶ Betts, “Refugee Economics in Kenya.”

refugees in protracted situations.⁸⁷ Mohammed Al-Husban and Carl Adams, studying the Za'atari refugee camp in Jordan, argue the same. They further explain that the assumption that refugees can eventually return to their communities of origin is flawed by the fact that aid is often delivered to the areas where most people are returning, rather than abandoned towns.⁸⁸ Given this reality, refugees should be able to develop the capability to rebuild their own communities themselves or establish a new livelihood elsewhere.

A variety of case studies in North Africa and the Middle East have explored the notion of self-sustainability within refugee camps. Such refugee economies, as Betts terms them, encompass the entire resource allocation system relating to a refugee community.⁸⁹ These systems often exist informally, but exploring how they are created and sustained can offer direction as to how aid organizations and host governments can more efficiently develop refugees' opportunities for self-sustainment. These systems are characterized by a variety of networks: networks between different groups of refugees, between the refugee economy and the local community, and between the refugees and their families or friends to which they send remittances.⁹⁰ Perhaps counter-intuitively, studies show that refugees are far more likely to turn to neighbors, families, and extended communities for economic aid than they are to approach aid organizations.⁹¹ Recognizing

⁸⁷ Betts, "How We Can Fix our Failing Refugee System."

⁸⁸ Al-Husban, Mohammed and Carl Adams, "Sustainable Refugee Migration: a Rethink Towards a Positive Capabilities Approach," (MDPI: 2016), <https://www.mdpi.com/2071-1050/8/5/451>.

⁸⁹ Betts et. al., "Refugee Economics: Rethinking Popular Assumptions," 5.

⁹⁰ Betts et. al., "Refugee Economics: Forced Displacement and Development."

⁹¹ Betts, "Refugee Economics in Kenya," 47.

that creating self-sustaining communities and decreasing aid are much more preferable than perpetuating reliance on relief organizations, scholars argue that organizations and governments should seek to recognize, map, and support such networks.⁹² This also contrasts greatly with the common perception that refugees exist in economic “enclaves,” and instead suggests that they naturally integrate and generate growth between various markets and populations.

Mechanisms for Solutions

Scholars have theorized a wide range of complementary economic solutions. To begin, microfinance programs provide an example of how effective the aforementioned networks can be. Access to credit is a major impediment to refugees’ development of financial capital. As a result, refugees have developed innovative ways to fill this gap through reliance on networks within camps. Rotating credit savings programs and business consortiums, formed by groups of refugees attempting to start or advance small businesses, help overcome the barrier of being denied access to loans and reduces the burden of common expenditures.⁹³ “ROSCAs” are pools of money to which members of a community contribute, and can borrow from with the promise to repay the debt when possible.⁹⁴ Many case studies find that access to effective informal microfinance mechanisms such as these have a significant positive impact on refugees’ incomes.⁹⁵ This

⁹² Betts, “Refugee Economies in Kenya,” 47.

⁹³ Ibid, 32.

⁹⁴ Jacobsen, “The Economic Life of Refugees,” 28.

⁹⁵ Betts, “Refugee Economies in Kenya,” 48.

leads scholars to conclude that if host governments or aid organizations, like the UNHCR, were to facilitate the implementation and growth of such systems, refugees could reach high levels of self-sustainability far more quickly than under existing arrangements. Host states could furthermore avoid the creation of protracted, aid-dependent populations.

The employment of refugees within camps is highly variable based on region and largely dependent on refugees' preexisting level of education. In general, economic activity tends to be informal and possess low financial risk. This often includes activities such as farming and running small businesses, as well as more illicit markets such as prostitution or smuggling.⁹⁶ The most common activity is trade. Encamped refugees trade in everything from goods (e.g., vegetables, coffee, gold) to aid (food rations and ration cards) to a wide range of services.⁹⁷ In many cases, refugee camps become hubs of economic activity within the surrounding regions in which they are situated. Encamped refugees further contribute to economic growth by acting as buyers of products and services from local sellers in the host communities, or through larger trade networks.⁹⁸

Allowing such economic activity to grow unregulated represents a significant loss in potential tax revenue for the host country. Indeed, there is growing evidence from many case studies that such positive economic contributions would likely outweigh the problem of increased competition within markets or for employment.⁹⁹ Although states'

⁹⁶ Jacobsen, "The Economic Life of Refugees," 11.

⁹⁷ *Ibid*, 27.

⁹⁸ Betts et. al., "Refugee Economics: Rethinking Popular Assumptions," 15.

⁹⁹ Jacobsen, "The Economic Life of Refugees," 35.

often fear that allowing refugees to work will limit the jobs available to their own people, Betts' finding that refugees engage in diverse economic activity regardless of whether they have formally been granted the right to work should indicate that regulating their activity would be beneficial.¹⁰⁰ Scholars like Alexander Betts and Karen Jacobsen who study refugee economies advocate that formalizing economic activity through employment permits and work programs would bring benefits to both refugees and host economies.

The proliferation of urban refugees has also prompted scholars to assess how they differ, in economic terms, from refugees in camps. Because most urban refugees do not receive humanitarian aid, they are forced to exert greater self-reliance and generate income by integrating local economies.¹⁰¹ Within urban areas, refugees engage in informal and formal labor depending on the employment regulations enforced by the host government. Many also become entrepreneurs, who create their own businesses that can, in turn, employ both refugees and native workers and hold the potential to be taxed and regulated if legitimized by governments.¹⁰² Scholars point to the fact that if donor states supported initiatives such as microfinance programs, vocational training, and small business development, refugees would transition to self-sustainable status and away from one of perpetual aid, at a far lower cost to both donor and host governments.¹⁰³

¹⁰⁰ Betts et. al., "Refugee Economies in Kenya," 47.

¹⁰¹ Betts et. al., "Refugee Economics: Rethinking Popular Assumptions."

¹⁰² Jacobsen, "The Economic Life of Refugees," 49.

¹⁰³ Ibid, 49.

Other scholars also point to the value of interstate employment; specifically, labor migration.¹⁰⁴ Katy Long, discussed at length in the mobility solutions section above, has also written extensively on the necessity of establishing greater paths for refugees to seek employment outside the country to which they fled. She finds that preventing labor market participation by refugees encourages illegal or unreported work, mass deportations, and xenophobic attacks.¹⁰⁵ Allowing refugees to pursue labor migration and send remittances back to their refugee communities can create self-sufficient populations, which could expand the tax-base of host communities and increasingly contribute to the labor skills pool. Within their countries of employment, labor refugees could address labor shortages in both unskilled and skilled labor.¹⁰⁶ The UNHCR or other aid organizations could facilitate such labor migration by encouraging states' to incorporate bilateral migration treaties into repatriation arrangements, providing access to vocational training, and paying migration permit costs.¹⁰⁷

Although the previous solutions are rather recent proposals, the link between refugees and development has a long history within international refugee policy. Betts points out that even before the official formation of the refugee regime in the 1950s, development was used as a tool by the League of Nations in the Greek refugee crisis of 1922-1924.¹⁰⁸ Development-based solutions gained a more official footing in international policy after the ICARA conferences of the early 1980s. Spurring this change

¹⁰⁴ Long, "Extending protection?"

¹⁰⁵ Ibid, 6.

¹⁰⁶ Gottwald, "Comprehensive Solutions."

¹⁰⁷ Ibid, 25.

¹⁰⁸ Betts et. al, "Refugee Economies: Forced Displacement and Development," 15.

was a general recognition in the international community that humanitarian aid may not be sufficient to address refugee problems in states where much more systemic, long-term problems related to underdevelopment persisted.¹⁰⁹

Integrating refugee and development aid has historically been addressed by both the UNHCR and the United Nations Development Programme with varying success. Often, the UNHCR will “hand off” a refugee project, so to speak, to the UNDP to “ensure that the infrastructure of an area was developed and that the refugees became economically and socially viable communities within a region.”¹¹⁰ Betts outlines that the most successful development initiatives were those in which three conditions were met: donor states provided “additionality” in development assistance; host states recognized additional development assistance must be accompanied by increased opportunities for self-reliance; and the UNHCR and development agencies effectively collaborated to create projects benefiting host states, donor states, and refugees.¹¹¹

Lastly, scholars such as Betts and Naohiko Omata have begun to explore the connection between private business and refugee economies.¹¹² The theoretical component of such literature is grounded in the conception of refugee assistance not as a global public good, which only states or international organizations acting on behalf of states can supply, but in the theory of “private provision of public goods.” This theory is applicable when situations can be created in which the provider of the good can accrue

¹⁰⁹ Betts et. al. “A Fair Share: Refugees and Responsibility Sharing,” 71.

¹¹⁰ Loescher and Monahan, eds., “Refugees and International Relations,” 228.

¹¹¹ Betts et. al, “Refugee Economies: Forced Displacement and Development,” 39.

¹¹² Naohiko Omata, “Refugee Livelihoods and the Private Sector” (Refugee Studies Centre: November 2012), <https://www.rsc.ox.ac.uk/publications/refugee-livelihoods-and-the-private-sector-ugandan-case-study>. See also; Betts et. al., “Refugee Economics: Rethinking Popular Assumptions.”

some benefit from which others who do not are excluded.¹¹³ Involvement from private companies often manifests itself in the form of the employment of refugees, which can be supported through a number of arrangements.

Alexander Betts champions the use of “special economic zones” as one such mechanism. Special economic zones represent physical areas of land which possess different investment, production and trade regulations than the rest of the state to promote development in areas that typically lack labor and inward investment. In Jordan, a partnership established between private companies, states, and international organizations enables refugees to work in these special economic zones.¹¹⁴ In fact, it was Alexander Betts who formed the policy for the King Hussein Bin Talal Development Area in Jordan, which will be the large focus of a Chapter 9.¹¹⁵ Policies like the creation of special economic zones seek to bridge the gap in incentive structure between global business, host governments, and refugees. In doing so, they recognize refugees as potential economic assets.

Drawbacks and Comparisons

Clearly, economics can be applied to the analysis of refugee solutions in a number of useful ways. Theories of economic solutions importantly take into consideration the incentives and desires of many actors within the refugee system,

¹¹³ Betts et al, “Refugee Economies: Forced Displacement and Development,” 193. The authors state that private actors are found to be motivated by factors such as philanthropy, corporate social responsibility, innovation, labor, strategic positioning, supply chain, and social enterprise.

¹¹⁴ Betts, “How We Can Fix our Failing Refugee System.”

¹¹⁵ Betts, “Refuge: Rethinking Refugee Policy in a Changing World,” xii.

including host governments, refugees, donor states, international organizations, NGOs, private corporations, and local populations. These solutions acknowledge the reality that one of the primary reasons states are wary of supporting refugees—through resettlement, aid, or other measures—is because the perceived economic costs of doing so appear to outweigh the benefits. By demonstrating the ways in which refugees can contribute to economic growth and development within states, economic theorists seem to successfully overcome this major impediment to refugee protection.

Moreover, all of the aforementioned economic solutions emphasize the need to move away from a refugee system which creates aid dependency and towards one which fosters self-sustainability. Such a concept holds particularly important implications for protracted refugee situations, in particular, which are characterized by a chronic lack of relief aid, years of living in camps, and wearied host governments. Still, public opinion in many states is wary of the potential negative repercussions the economic integration of refugees could hold.¹¹⁶ The political circumstances of refugee-hood may also pose a barrier as well, as extending economic opportunities may decrease refugees' claims to return to their country of origin or the necessity that they do so. The question of which actors should be responsible for forming agreements between host states, aid organizations, and private businesses about economic solutions remains as well.

Experience shows that states often fail to act as economic rationality dictates they should to maximize their own benefit. Rather, political concerns, public opinion, and competing theories can hold a stronger sway over their policy decisions. Economic

¹¹⁶ Al-Husban and Adams, "Sustainable Refugee Migration: A Rethink towards a Positive Capability Approach."

solutions have struggled to find footing amidst such a politicized landscape, and may continue to face opposition in implementation. Increasingly, though, international organizations and non-state actors, like private corporations, have begun to take the lead in integrating economic and market-based solutions into both preexisting frameworks and new policies of refugee solutions. If such initiatives prove successful, economic solutions are likely to find growing traction in the coming years.

V. Conclusion

The categorization of solutions to refugee crises above allows for clear comparison of how theorists view the actors within the system, the areas of refugee law and policy most in need of reform, and mechanisms through which solutions should be pursued. The perspective each group of scholars offer holds very different implications for the dialogue surrounding solutions and for the space where policy or legal changes should originate in the future.

It has hopefully become clear that scholars address refugee solutions from a wide variety of conceptual perspectives and theoretical bases. Many clash directly over the importance of certain issues, the prominence of specific actors, and the methods with which solutions are pursued or prioritized. Still, they allow for opportunities to combine or modify solutions based in ways that would enhance the viability of the “system” of solutions that respond to a refugee crisis as a whole. While cooperation between actors—such as governments and private businesses—is often necessary, the scholars above

suggest a number of ways in which incentives can be realigned to foster benefits in coordination for all parties.

In reality, which solutions are rendered most effective may not be determined by those with the most accurate theoretical conceptions but rather by the environment in which they are presented. Accompanying each refugee crisis is a unique set of constraints which limits the responses of certain actors or certain solutions. A financial collapse in a host country would not bode well for the feasibility of a solution based in economic integration, for example. As Betts concludes, “every major refugee hosting context should have an economic policy and strategy specifically for refugees and the immediate host community, based on robust analysis and consultation.”¹¹⁷ Although the aforementioned solutions are far from a comprehensive list, they represent the focus of current scholarship which informs policy decisions and shapes international discourse on refugees.

The next chapter will supply the historical background necessary to understand the case study analyses that follow. It will address both the history of the global refugee regime and the history of the Jordan as a refugee-hosting state.

¹¹⁷ Betts, “Refugee Economies in Kenya,” 48.

Table 2.1 Comparing Theoretical Solutions

Theoretical Solution	Major Actors	Targets of Reform	Goals	Policy Options
<i>Mobility</i>	Refugees	Durable solutions as state-centric; excessive focus on citizenship rather than rights	Rights-first approach; give refugees more power to determine their own solution	New migration pathways; interstate work permits; refugee choice
<i>Legal/Political</i>	States	Int'l law & policy outdated, lack accountability; need burden sharing	Facilitate interstate cooperation, strengthen int'l law, build realistic state policy	Reform refugee definition, interstate conferences and committees
<i>Economic</i>	Refugees, States, UN, NGO's & IO's, Private Business	Lack of economic rights hinders growth within host economy & prevents self-reliance	Promote economic integration; create cooperation between economic actors	Work permits, development, microfinance, entrepreneurship, partner w/ business

Source: Original Compilation by Author. Material drawn from sources analyzed in this chapter.

Historical Background

3

I. Introduction

The historical context in which modern refugee crises are analyzed is highly significant. Although migration is an ancient phenomenon, the concept of the “refugee” arose in recent times. Over the past century, the movements of refugees have become increasingly well-documented by scholars, states, and global governance actors. Examining the changing nature of refugeehood amidst the evolving international refugee regime is essential to understanding current refugee policy.

Conceptualizing refugee policy in Jordan requires three elements of background. To begin, this chapter will provide an analysis of the United Nations’ role in addressing refugee crises. The primary UN body tasked with overseeing refugee operations is the United Nations High Commissioner for Refugees (UNHCR). The UNHCR has formally operated in Jordan since 1997, and is highly influential in refugee protection and aid services. Despite the lengthy history of the UNHCR, the original definition of a refugee it set forth in the 1951 Convention on the Status of Refugees and the 1967 Protocol still stands as the primary source of international refugee law. It encompasses all refugees, save for Palestinians, in its berth. The United Nations Relief and Works Agency in the Near East and Palestine (UNRWA) persists as the United Nations’ refugee agency for displaced Palestinians. Given the United Nations’ long history of working with refugees,

this chapter will analyze the evolution of its operations and policy implementations alongside greater historical conflicts and political environments.

It is equally important to understand the history of Jordan. Examining Jordan's transition into statehood, relations with other states in the region, and domestic economy and society provides insight on how certain factors influence the government's formation of refugee policy. The knowledge of the circumstances and events predating the refugee crises Jordan experienced are an important aspect of this discussion. Additionally, this chapter will consider other types of socio-economic and political issues Jordan has faced in recent years.

Lastly, the legal foundations of refugee policy within Jordan will be considered. Jordan holds a long history as a refugee-hosting state, and its economy, society, and international relations are largely shaped by the influence of refugees and other migrants. Assessing these aspects of Jordan in tandem provides the proper backdrop against which the efficacy of Jordan's refugee policy solutions can be discerned.

Lastly, Jordan's experience with refugees will be placed in the context of the broader scope of worldwide refugee issues. The analysis will highlight the most important current crises and recent global trends in refugee displacement. It will assess the existing distribution of refugee protection, demonstrated through the amount of monetary aid states contribute towards refugee relief services, the physical resettlement of refugees to third countries, and the number of refugees hosted within countries of first asylum. It will furthermore provide critical figures on the progress of durable solutions for individual refugees and protracted refugee populations.

II. History of the UNHCR and the UNRWA

Although scholars debate the influence that global governance organizations hold over policy issues, there is widespread agreement that the UNHCR has played an integral role in formulating refugee policy and carrying out substantial refugee protection and services operations. UNWRA, on the other hand, is a much smaller agency whose mandate for action has shrunk considerably over the years. Taken together, the histories of the UNHCR and the UNRWA demonstrate how the issue of refugeehood became an increasingly salient and complex issue over time in the face of various geo-political developments.

Establishing the “Refugee”

The legal definition of a “refugee” is a modern conception of the 20th century. Nonetheless, accounts of exiled and persecuted people fleeing from their homelands exist well before the modern age. Hundreds of years ago, sites of worship were purportedly used as sanctuaries for the displaced across the Middle East and parts of Europe, who often fled from religious persecution or warfare. It was not until the advent of the modern state-system with the Treaty of Westphalia in 1648 that the notion of movement across borders became regulated by any individuals or states.¹ The Treaty identified refugees as people who had lost the protection of their own state, and highlighted the importance of

¹ Gil Loescher, Alexander Betts, and James Milner, *The United Nations High Commissioner for Refugees (UNHCR): The politics and practice of refugee protection into the twenty-first century* (Routledge Global Institutions: 2008), Print, 6.

offering asylum.² In the 18th and 19th centuries, various European countries and the United States also chose to formally recognized individuals seeking asylum from religious persecution.

Following the First World War, the closure of borders throughout Europe created refugee flows that were large and unprecedented. In 1921, the Red Cross and other non-governmental organizations lobbied the newly-formed League of Nations to formally address the growing issue of refugee movement on the international level. The League listened, and created the Office of the High Commissioner for Refugees.³ The initial definition of a refugee adopted by the Office of the Commissioner stated that sufficient conditions to be called a “refugee” existed if someone was outside their country of origin and without the protection of the government of that State.⁴ In contrast to the modern conception, populations were granted refugee status—not individuals. In other words, a sizeable number of a people must have existed outside of state protection in order for an individual within that group to be deemed a refugee. A refugee fleeing civil war and revolution in Russia, for instance, was defined as “any person of Russian origin who does not enjoy or who no longer enjoys the protection of the Government of the Union of Socialist Soviet Republics and who has not acquired another nationality’.”⁵

² Loescher et. al., *UNHCR*, 6.

³ Ibid.

⁴ Guy Goodwin-Gil and Jane McAdam, *The Refugee in International Law*, 3rd ed. (Oxford University Press: New York, 2007), Print, p. 4.

⁵ “Arrangement relating to the issue and identity certificates to Russian and Armenian refugees, 12 May 1926: 84 *LNTS* No. 2004, cited in Goodwin-Gil and McAdam, *The Refugee In International Law*, 3rd ed, (Oxford University Press: 2007), 4.

The first legal instrument used for the international protection of refugees was introduced in 1921 by the Office's first High Commissioner. The Nansen Passport, named after Fridtjof Nansen, served as a temporary identification paper for displaced persons who often faced difficulty achieving asylum without identifying legal documents.⁶ Faced with repatriating 450,000 prisoners of war, Nansen enlisted the support of government and volunteer agencies to aid the League in providing legal status, economic independence and/or repatriation to the displaced. Long before the creation of the modern-day refugee regime, Nansen realized the importance of mobilizing international cooperation and seeking long-term solutions to refugees' plight.

Although the Office of the High Commissioner was established with good intentions, it would prove ill-equipped to handle the displacement of more than fifty million refugees in the aftermath of the Second World War. Such massive displacement clearly necessitated a much stronger and more systematic mechanism of distributing aid and finding long-term solutions.⁷ After attempting unsuccessfully to coordinate the return of the displaced refugees, the Allied Powers created the UN Relief and Rehabilitation Agency in 1943 to handle repatriation efforts. Its work was gradually taken over by the International Refugee Organization (IRO). Formed in 1946, the IRO initiated movement towards a more legalized definition of a refugee that retained the aspect of national or

⁶ UNHCR, "Nansen- a man of vision and action", (UNHCR: September 2009), <https://www.unhcr.org/events/nansen/4aae50086/nansen-man-action-vision.html>.

⁷ Bill Chapel, "Number of Displaced People Hits a High Last Seen in World War II", *NPR*, (June 20, 2014), <https://www.npr.org/sections/thetwo-way/2014/06/20/323952215/number-of-displaced-people-hits-a-high-last-seen-in-world-war-ii>.

group characterization.⁸ Its operations included maintaining the first refugee camps, offering vocational training and integration services, and reconnecting refugees with lost relatives.⁹

In 1949, the United Nations began to seek a broader approach to the refugee issue beyond the mandate of the IRO. Several states, such as the United States, emphasized that any future definition that the UN adopted regarding refugees must be narrowly tailored and extend only *legal* protection to individuals identified by its criteria. States also debated which kinds of migrants were to be included in the definition. For instance, they questioned whether individuals displaced within their own country should receive protection.¹⁰ Despite these disputes, the United Nations approved the Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1950.¹¹ In July 1951, a convention hosted in Geneva subsequently set forth the Convention Relating to the Status of Refugees.

Together, the Statute of the UNHCR and the 1951 Convention provide clear instructions and limitations for UNHCR activity. The UNHCR was mandated to “provide international protection” and seek “permanent solutions for the problem of refugees”—a mandate that still stands today.¹² At its establishment, the UNHCR was limited to work that was purely humanitarian and social in nature, and thus entirely non-political.

⁸ Loescher et. al., *The United Nations High Commissioner for Refugees (UNHCR)*, 10.

⁹ “International Refugee Organization,” (Library of Congress, 2017), <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000004-0284.pdf>.

¹⁰ Loescher et. al., *UNHCR*, 11-12.

¹¹ Ved P. Nanda, *Refugee Law and Policy: International and US Responses*, Studies in Human Rights, No. 9. (New York: Greenwood Press, 1989), 3.

¹² Nanda, *Refugee Law and Policy: International and US Responses*, 3.

Moreover, a refugee covered under its mandate was defined as an individual displaced as a result of events occurring before January 1st, 1951, and who is outside their country of origin and unable or unwilling to avail themselves of its protection ‘owing to a well-founded fear of being persecuted’ or for ‘reasons other than personal convenience’.¹³ States were given the discretion to limit the application of the definition to only those refugees fleeing from Europe. The Statute also extends to:

Any other person who is outside the country of his nationality, or if he has no nationality, the country of his former habitual residence, because he has or had a well-founded fear of persecution by reason of his race, religion, nationality, membership of a particular social group or political opinion, and is unable or, owing to such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or if he has no nationality, to return to the country of his former habitual residence.¹⁴

The limited nature of the above definition was often justified on the grounds that “extending protection to such individuals could mean offering asylum to every poor person in the world”.¹⁵ Still, it was highly criticized by non-Western states for its exclusion of many other kinds of migrants and its Eurocentric focus.¹⁶

In addition to defining a refugee, the Statute sets forth a number of rights states must guarantee to refugees in their displacement. First, it forbids states from penalizing refugees for their illegal entry or stay. Once within a state’s borders, refugees were also promised basic rights such as that of primary education, employment, access to courts,

¹³ Goodwin-Gil and McAdam, *The Refugee in International Law*, 8.

¹⁴ *Ibid.*, 8.

¹⁵ B.S. Chimni, ed., *International Refugee Law: A Reader* (Sage Publications: 2000), 7.

¹⁶ *Ibid.*

freedom to move, and provision of proper documentation.¹⁷ Lastly, one of the most important principles states must abide by was that of *non-refoulement*.¹⁸ Non-refoulement, which precludes states from repatriating refugees against their will, is fundamental to the protection mandate of the UNHCR.

UNHCR: The First Forty Years

The initial operations of the UNHCR were rather limited. With little funding and a highly restrictive mandate, the UNHCR addressed crises in a manner described as “reactive, exile-oriented and refugee-centric.”¹⁹ The first major crisis it tackled was that of Hungarian refugees in 1956, in which the UNHCR raised funds to assist the countries of asylum and sought solutions through third-country resettlement and repatriation.²⁰ Such initiatives were largely successful, and the following years would see the UNHCR continue to assign the responsibility of handling refugees to host states—rather than the countries of origin—and focus on local settlement and resettlement as durable solutions.

Limited as it was by the geographical and temporal specifications of its mandate, the UNHCR faced difficulty when refugee crises began to emerge in the developing world in the 1950s and onwards. Decolonization processes led to the creation of a large number of refugees in Africa and Asia, and newly-added member states to the UNHCR resultantly pressured the organization to extend its activities to these unstable regions.

¹⁷ UNHCR, “1951 Convention and Protocol Relating to the Status of Refugee,” <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

¹⁸ *Ibid.*

¹⁹ Loescher et. al., *UNHCR*, 21.

²⁰ *Ibid.*

The UNHCR obliged, using what is referred to as a “good offices” policy to justify its involvement in Tunisia in 1957.²¹ Circumventing the restrictions of the 1951 Convention, this policy allowed the UNHCR “to use his good offices in the transmission of contributions designed to provide assistance” to refugees outside the Convention definition.²² Often, the interests of Western powers like the United States supported such involvement: seeking to establish influence over newly-formed states, they wielded assistance to refugees as a tool to do so.²³ States made little distinction between the military, development and refugee aid they offered. Subsequently, the General Assembly resolved to allow the UNHCR to expand the scope of its assistance and protection abilities for both refugee and host populations, allowing for greater emphasis on development-based programs.

The end of the 1960s saw policy changes bring the refugee definition outlined in the 1951 Convention in line with its modern conception. The 1967 Protocol Relating to the Status of Refugees eliminated the geographical and temporal restrictions of the 1951 Convention, allowing the UNHCR to more formally address refugees fleeing from conflict arising outside of Europe.²⁴ Still, by retaining the language of a “well-founded fear of persecution”, the definition appeared to exclude a number of refugees in third world countries fleeing from natural disaster, war, or political and economic turmoil, rather than persecution.²⁵

²¹ Loescher et. al., *UNHCR*, 21.

²² UNGA Resolution 1388, UN Doc A/4287 (1959), cited in Nanda, *Refugee Law and Policy*, 15.

²³ Loescher et. al., *UNHCR*, 25.

²⁴ *Ibid.*

²⁵ B.S. Chimni, *International Refugee Law: A Reader*, 7.

As a result, a number of regional organizations established their own operational definitions of a refugee. In 1969, the Organization for African Unity (OAU) held a Convention Governing the Specific Aspects of Refugee Crises in Africa. The new definition declared by the Convention moved away from the language of persecution and instead defined refugees as those fleeing “external aggression, occupation, foreign domination, or events seriously disturbing public order in either a part or the whole of the country of origin or nationality.”²⁶ This definition allowed individuals fleeing from the war, violence, and civil disturbances facing many African regions at the time to be considered refugees. The Cartagena Declaration in Latin America likewise established a very similar definition.²⁷ Although these regional definitions do not trump the UNHCR definition on the international level, they do hold legal significance between the states which formed the agreements.

In the 1970s, the UNHCR emerged as the focal agency among international organizations for handling humanitarian crises. It increasingly advocated for the human rights of refugees through international human rights organizations and trans-national advocacy networks. Moreover, it placed a renewed emphasis on resettlement as the preferred refugee solution.²⁸ The economic turmoil of the early 1980s, however, challenged states’ openness to accepting resettled refugees. Conservative Western governments increasingly feared large and irregular refugee inflows, such as that of the

²⁶ B.S. Chimni, *International Refugee Law*,” 8.

²⁷ *Ibid.*

²⁸ Loescher et. al., *UNHCR*, 27.

Cubans into the United States in the Mariel Boatlift crisis of 1980.²⁹ Many states severely restricted their asylum policies as a result. In response, the UNHCR issued critical monitoring reports of refugee aid in a number of these states. Targeted member states took offense, and began conducting refugee policy discussions outside of the formal UNHCR sessions.³⁰ Clearly, the mandate of the UNHCR and the interests of its most powerful members had begun to diverge.

Many of the current trends observed in refugee policy today can be traced back to developments of the 1980s. Refugee displacement lengthened, and camps struggled in providing long-term care to what would become protracted refugee situations. Moreover, as the presence of non-governmental organizations in international politics proliferated, the UNHCR faced increasing competition for scarce aid and resources from its donors. Consequentially, UNHCR funding per refugee fell by fifty percent by the end of the 1980s.³¹ It was evident, as Loesher et. al state, that “the international community failed to devise comprehensive or long term political solutions or to provide any alternatives to prolong camp existence, and finding solutions for these refugee situations became increasingly difficult.”³² Recognizing the organization’s shortcomings, the High Commissioner at the time sought to turn its attention towards root causes of refugee crises in their origin countries.³³ Given the difficulties associated with doing so, success was quite limited.

²⁹ Loescher et. al., *UNHCR*, 28.

³⁰ *Ibid*, 30.

³¹ *Ibid*, 31.

³² *Ibid*.

³³ *Ibid*, 38.

From the 1950s to the end of the 1980s, the UNHCR evolved from a small agency with limited power and influence over refugee crises to a massive, highly active organization that directed refugee policy internationally. The operations it undertook were largely responses to the political interests of its member states—though the power imbalance between developed and developing states left the great powers at the time with the majority of the control over the limitations of the UNHCR’s activities. The best “solution” to each refugee crisis, which took the forms of facilitated onward migration, repatriation, or resettlement, clearly evolved in response to these interests and other geopolitical contexts of the time.

Post-Cold War Refugee Policy: the 1990s

The changing global environment that emerged following the end of the Cold War necessitated that the UNHCR expand its operations. Within the course of a decade, the scope of UNHCR activities became far more comprehensive. The organization began to pursue long-standing policies to refugee flows rather than reacting only to individual crises, extend increased protection to Internally Displaced Persons, and provide greater humanitarian relief in crises.³⁴ Simultaneously, heightened security concerns in Western countries drove them to adopt increasingly restrictive asylum policies that frustrated the UNHCR’s efforts towards enduring solutions.

The nature of the conflicts enabling refugee crises changed remarkably in the 1990s. In the past, refugees had often fled persecution resulting from wars fought

³⁴ Loescher et. al., *UNHCR*, 38.

between two or more states. After the Cold War, however, intra-state violence and civil war began to render many states increasingly too fragile to support their own people.³⁵ As a result, the kind of protection and aid displaced peoples and their origin and host communities needed from the UNHCR changed as well. The number of Internally Displaced Persons (IDP), individuals who are displaced from their homes but remain within the borders of their origin country, bloomed with the rise of intra-state conflict. Despite the fact that IDPs existed outside the official definition of a refugee set by the 1951 Convention and 1967 Protocol, the body chose to extend its services to IDPs and provide them with humanitarian aid.³⁶ By 1996, formally defined “refugees” constituted only 50 percent of the population of concern for the UNHCR.³⁷

As UNHCR involvement in humanitarian crises expanded, non-governmental organizations emerged as important partners in the aid process. In 1994, they delivered 10-14 percent of total international aid—more than the entire United Nations system. Specific countries, such as the United States, moreover chose to direct the majority of their bilateral humanitarian aid through NGOs.³⁸ Today, NGOs continue to play an active role in many aspects of refugee crises on local, national and international levels. The UNHCR has established a number of formal partnerships with “implementing partners”, which include other UN agencies and international organizations that often possess

³⁵ Alexander Betts and Paul Collier, *Refuge: Rethinking Refugee Policy in a Changing World* (Oxford University Press, 2017).

³⁶ Betts and Paul Collier, *Refuge: Rethinking Refugee Policy in a Changing World*.

³⁷ Loescher et. al., *UNHCR*, 55.

³⁸ *Ibid*, 51.

technical or subject expertise, to aid in carrying out its operations.³⁹ While NGOs are often helpful partners to the UNHCR, competition for donors has led to talk of the “crowding” of protection space services.⁴⁰ Some scholars and policymakers view the high concentration of aid organizations as inefficient. In spite of this backdrop, the UNHCR retains its supremacy as *the* international refugee organization.

In the 1990s, repatriation became an increasingly desirable solution for refugees outside their country of origin. Countries in the global North were growing more concerned about national security and expressed their reluctance to intervene politically or militarily in third-world conflicts. Instead, they preferred to contain refugee-producing crises within their region of origin and resolve these conflicts through peace-building measures.⁴¹ Southern states, facing declining support from donor countries and often restricted by Structural Adjustment Programs, simultaneously grew more hostile towards refugees in their regions. As a result, governments in all areas of the world increasingly turned to the UNHCR and NGOs to alleviate, prevent or contain refugee crises by limiting the wide dispersion of asylum-seeking refugees. It thus became the responsibility of the UNHCR to conclude whether safe return to refugees’ countries of origin was indeed possible. From there, the organization facilitated processes of reintegration, rehabilitation, and development in the areas to which refugees returned.⁴²

³⁹ UNHCR, “Partnerships,” <https://www.unhcr.org/en-us/partnerships.html>.

⁴⁰ Ibid.

⁴¹ Loescher et al, *UNHCR*, 48.

⁴² Ibid, 50.

Facing this challenging global environment, the UNHCR was forced to reconsider its role and relations with states in the formation of refugee policy and aid. It was clear that the international community was far less willing to intervene and support UNHCR operations than the organization had hoped. In an attempt to circumvent the politicized nature of security and aid, the UNHCR began changing its rhetoric to that of *human* security and rights. The UNHCR passed Resolution 1208 in 1998 outlining how states, regional organizations, and the UN should respond to the security implications of refugee movements, formalizing a new approach.⁴³ A more specific “ladder of operations” policy was developed within refugee camps to handle issues of insecurity in delivering aid and providing protection as well.⁴⁴

The UNHCR underwent yet another shift around 2000 when a severe financial crisis seriously limited its budget and received donations.⁴⁵ This was paired with a more conservative High Commissioner and an observed reduction in intra-state conflict around the world. As a result, the UNHCR experienced significant cutbacks in its operations. States began to talk of the injustice in “burden-sharing” that had emerged, in which the host states increasingly bore the responsibility of providing protection and support for refugees while traditional “donor” states offered only limited asylum and felt very few repercussions of the crises outside their monetary donations.⁴⁶ As a result, host states

⁴³ Loescher et. al., *UNHCR*, 58.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*, 60.

⁴⁶ *Ibid.*

increasingly limited the quality of the asylum they offered to refugees. The most common limitations included denying refugees of the right to work and the freedom to move.

A more tangible response developed when the UNHCR began its Global Consultations on International Protection in late 2000. The UNHCR initiated these Consultations for the purpose of reconciling the protection needs of refugees and interests of states. After two years of discussions with state representatives, NGOs, and policy and legal experts, the organization passed the Declaration of Geneva, which reaffirmed the importance of the 1951 Convention and the UNHCR as the primary institution tasked with addressing refugee crises.⁴⁷

Shortly after, the General Assembly also endorsed a new Agenda of Protection. The Agenda outlined a specific plan of action for the UNHCR, states and NGOs to enhance respect for the principles of the 1951 Convention; respond to the security implications of refugee movements; improve burden sharing with countries that have specific protection needs for refugee women and children; and other similar measures.⁴⁸ Following this Agenda was a policy called “Convention Plus”, which was soon replaced by the current “Comprehensive Plans of Action” (CPAs). Each CPA is designed specifically for each country involved in hosting or resettling refugees. The plans they contain place a renewed interest on self-sufficiency as a means of protection.⁴⁹ Thus far, the success of CPAs is largely dependent on the region in which they are implemented.

⁴⁷ Loescher et. al., *UNHCR*, 66.

⁴⁸ *Ibid*, 62.

⁴⁹ *Ibid*.

Present Operations and Targets of Reform

The present operations of the UNHCR under High Commissioner Filippo Grandi place an increased focus on Protracted Refugee Situations (PRS). Although the 1990s saw many emergency refugee crises arise that demanded immediate attention, by 2006 nearly two thirds of the refugees in the world existed in PRS.⁵⁰ Many of these situations are seriously underfunded and lack foreseeable large-scale solutions in the near future. In response, the UNCHR has passed a number of wide-reaching resolutions. Most recently, it introduced the Global Compact on Refugees.⁵¹ The general aims of the Compact include easing pressure on refugee-hosting countries, enhancing the resilience and self-reliance of refugees, facilitating more third country resettlement through innovative mobility mechanisms, and stabilizing conditions in countries of origin.⁵² Methods of achieving these goals include expanding access to safe places for refugees by providing monetary aid to existing refugee networks; providing special protection for children; strengthening access to asylum; and increasing global integration with its non-governmental and private partners.

In regards to long-term solutions, the Compact reaffirms the continued importance of the traditional durable solutions of voluntary repatriation, resettlement and local integration.⁵³ Stating that the most effective way to achieve a solution is through

⁵⁰ Loescher et. al., *UNHCR*, 71.

⁵¹ UNHCR, “The Global Compact on Refugees”, <http://www.unhcr.org/5b3295167.pdf>.

⁵² Matthew Reynolds, “What Can be Done?” (Panel Discussion at Boston College Refugee Conference: October 19, 2017).

⁵³ UNHCR, “The Global Compact on Refugees.”

eliminating the root causes of displacement, it calls upon the political and security cooperation, diplomacy, development and promotion and protection of human rights outlined in the United Nations Charter to prevent new crises from emerging.⁵⁴ It acknowledges, however, that such fundamental changes require time. In the interim, the Compact suggests that durable solutions, alongside “local solutions and complementary pathways for admission to third countries”, be adapted to the specific situations within each country.⁵⁵ While the Compact seems to offer little by way of tangible operational change, it does signify recognition that existing solutions have thus far proven inadequate. Importantly, it also acknowledges that the UNHCR must adapt to the unfortunate political realities of proliferating crises and decreasing aid which persist today.

One of the more tangible developments in UNHCR policy of recent times concerns urban refugees. Globally, more than 60 percent of refugees currently live in urban areas, as opposed to camps or rural regions. The move to urban areas was largely precipitated by the declining conditions of camps in PRS. Many of these camps faced rising rates of poverty, unemployment, inadequate education, and psychological problems.⁵⁶ In contrast, urban areas offered improved employment prospects, access to transnational social or financial networks, and opportunities for self-sufficiency.

⁵⁴ UNHCR, “The Global Compact on Refugees.”

⁵⁵ Ibid.

⁵⁶ Patricia Ward, “Refugee Cities: Reflections on the Development and Impact of UNHCR Urban Refugee Policy in the Middle East” (*Refugee Survey Quarterly*, Volume 33, Issue 1: 1 March 2014): 77–93, <https://doi.org/10.1093/rsq/hdt024>.

Prior to 1997, the UNHCR lacked any formal policy directing how aid and protection should be provided to urban refugees. The 1997 Comprehensive Policy on Urban Refugees promised to “ensure protection” and “maximize solutions” for urban refugees, as well as provide for assistance in a coordinated and “cost-effective” manner.⁵⁷ The policy faced a great deal of backlash from NGOs. They criticized the policy’s language of refugee “containment”, and rejected the idea that the needs of economically and socially diverse individuals could be addressed in a uniform manner. Heeding this criticism, the UNHCR replaced the Comprehensive Policy in 2009 with the Policy on Refugee Protection and Solutions in Urban Areas. This current policy allows for far more targeted assistance in developing country and city-specific approaches.

Through this community-based approach, the UNHCR collaborates with urban refugees and host communities to ensure that refugees are given the opportunity to locally integrate successfully, gain access to social welfare programs, and experience formalized protection.⁵⁸ Some consider the policy rather impractical, due to the time-sensitive nature of refugees’ plight. Still, it is widely agreed to be a substantial improvement from the “Comprehensive Policy” enacted previously. As PRS situations continue to proliferate and the UNHCR moves away from camp-based policies, urban refugee policy will likely develop a great deal in the years to come.

⁵⁷ Ward, “Refugee Cities.”

⁵⁸ Ibid.

UNRWA: the Other Refugee Agency

As noted, the UNHCR's mandate extends to all groups of people who fall under the Convention and Protocol's definition of refugee *except* for Palestinians. This is due to the fact that the United Nations created a separate agency before the UNHCR to address the specific issue of Palestinian refugees, called the United Nations Relief and Works Agency in the Near East and Palestine (UNRWA). The United Nations General Assembly established UNRWA in 1948 following the passage of United Nations Resolution 242 and subsequent outbreak of war between Israel and Palestine.⁵⁹ Along with UNRWA, the UNGA also formed the United Nations Conciliation Commission for Palestine (UNCCP). While UNRWA was given a "relief and works" mandate towards the refugees, the UNCCP was mandated with providing them with protection and seeking durable solutions to their displacement.⁶⁰

In contrast to the UNHCR, UNRWA defines a Palestinian refugee as a "person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict."⁶¹ Due to the protracted nature of the Palestinian refugee situation, this mandate has been renewed to cover four generations of Palestinians. The text of the mandate remains unchanged today. Nonetheless, UNRWA has chosen to extend its services to Palestinians displaced by the 1967 Arab-Israeli war and subsequent conflicts as well.

⁵⁹ UNRWA, "Who We Are," <https://www.unrwa.org/who-we-are>.

⁶⁰ Claudio Bolzman, "Older Refugees," in *The Oxford Handbook of Refugee and Forced Migration Studies*, ed. by Nando Sigona et. al. (Oxford University Press, 2014) https://search.alexanderstreet.com/view/work/bibliographic_entity%7Cdocument%7C3233675.

⁶¹ UNRWA, "Who We Are."

The operations of the UNCCP were much more short-lived. Once it became clear by the 1950s that Israel would not compromise in its refusal to allow for Palestinian return, the General Assembly cut funding for the organization. The dissolution of the body meant that the protection mechanism and search for durable solutions for Palestinian refugees dissolved as well. This shortcoming still persists today. It is exacerbated by the fact that there exists no consistent definition of a Palestinian refugee, or clear policy on what rights, aid, or protection should be awarded to them under UNRWA.⁶² Although this ambiguity has been widely recognized as a major source of the protracted instability surrounding Palestinian refugee status, little change has been made to improve upon the mandate or create a new mechanism for protection.

Today, the activities of UNRWA consist mainly of running education, health, relief, and social service programs both inside and outside of refugee camps. The organization holds no responsibility for running the refugee camps themselves, as this falls into the jurisdiction of the host government. Their activity can be summarized with the following:

- UNRWA promotes respect for Palestinian refugees' rights through monitoring, reporting and intervention;
- Delivers its services in a manner that promotes and respects the rights of beneficiaries;
- Ensures that protection needs are addressed in all aspects of programming, policies and procedures;

⁶² UNRWA, "Who We Are."

- Advocates in public statements as well as private interventions with a broad range of interlocutors to promote the protection of refugee rights.⁶³

Like the UNHCR, UNRWA is funded almost entirely by donations from member states and other international organizations, such as the European Union. In recent years, UNRWA has fallen extremely short on their budget goals. Average annual spending per refugee has fallen from \$200 to \$110.⁶⁴ Chapters 5 and 6 will examine the effects of these financial shortfalls in greater detail.

History proves that the ability of the UNHCR and the UNRWA to effectively carry out their mandates is highly dependent on the political interests of their member states. Such an arrangement can be beneficial if states are willing to intervene and act through these institutions. If they are not, however, it is difficult to coordinate the cooperation necessary to render the long-term aims of the institutions effective. Moreover, it is clear that global developments, such as the changing nature of warfare and globalization, have affected significantly affected refugee flows in ways that states and international institutions have thus far been unable to control. Given these realities, the coming years will likely continue to challenge the institutional power of the UNHCR and UNRWA.

⁶³ UNRWA, “Frequently Asked Questions,” (2017) <https://www.unrwa.org/who-we-are/frequently-asked-questions>.

⁶⁴ Ibid.

III. History and Politics in Jordan

History and Society

The following section will provide a brief overview of Jordanian history. It will begin with the period preceding the formal establishment of statehood in Jordan. After briefly examining important developments in Jordan throughout the remainder of the 20th century, it turns to contemporary conditions and concerns within the state. It concludes by considering a range of issues which Jordan is likely to face in the upcoming years.

Early inhabitants of the land of Jordan consisted mostly of small-scale farmers and traders. The coming of Islam in 632 initiated an era of Islamic rule over Jordan by the Umayyads, Abbasids, Fatimids, Seljuks, Ayyubids, and the Mamluks empires, until the Ottoman Turks displaced the Mamluks in 1517 and ruled the region for the next 400 years.⁶⁵ In the early twentieth century, the growth of a new Ottoman regime through the “Young Turks” incited dissatisfaction among the Arabs and kindled the rise of the Hashemite family to power. The Hashemites claimed descent from the Prophet Muhammad and were led by the grand sharif and emir of Mecca, Hussein Ibn Ali Al Hashimi. With the onset of World War I, Sharif Hussein gained the support of the British and led a military offensive, called the Arab Revolt, against the Ottomans in 1916. They emerged victorious, and rule over the land transferred to the British.⁶⁶

⁶⁵ “Country Profile: Jordan” (Library of Congress—Federal Research Division, September 2006), <https://www.loc.gov/rr/frd/cs/profiles/Jordan-new.pdf>.

⁶⁶ “Country Profile: Jordan,” Library of Congress.

Following the war, the League of Nations decided that the Allied Forces should retain their power in the Middle East. Great Britain declared its sovereignty over Iraq and Palestine, and soon divided the land of the latter into Palestine and “Transjordan.”⁶⁷ The first son of Sharif Hussein, Abdullah, acceded to the titular head of the Transjordan regime while British officials presided over the region’s governance. Amman was established as the political epicenter and focus of state power.⁶⁸ Although the land remained sparsely populated, Abdullah introduced initial developments in infrastructure and education. Many Arabs also served alongside the British in a powerful military unit called the “Arab Legion.”⁶⁹

The years leading up to World War II were marked by growing conflict between Zionist Jews and Palestinians in the land neighboring Transjordan to the West. In November of 1947, the United Nations passed the Partition Plan for Palestine calling for the creation of an Arab state alongside a Jewish state, with UN control over Jerusalem.⁷⁰ The British subsequently terminated their mandate, which had existed over the territory since 1923, in May of 1948. The Jews’ Zionist leadership declared the state of Israel into existence shortly after. Such decisions instigated the onset of the 1948 Arab-Israeli War, which Palestinians refer to as the Nakba, fought between Israel, Palestine, and numerous other Arab Nations.⁷¹ Armies from Transjordan, Egypt, Iraq, Syria, Lebanon, and Saudi Arabia advanced into historic Palestine. Ultimately, Transjordan’s superior military

⁶⁷ “Country Profile: Jordan,” Library of Congress.

⁶⁸ Philip Robins, *A History of Jordan* (Cambridge University Press: New York, 2004), Print, 16.

⁶⁹ Robins, *A History of Jordan*, 64.

⁷⁰ *Ibid.*

⁷¹ “Country Profile: Jordan,” Library of Congress.

forces prevailed. By the end of the war, they possessed both the West Bank and East Jerusalem territories.⁷²

Abdullah had long supported the idea of a united Transjordan and Palestine under the rule of the former. Regardless, the acquisition of new territory was largely considered a victory for Transjordan. As a result, however, more than 458,000 Palestinian refugees entered Jordan during and after the war.⁷³ West Bank Palestinians soon represented nearly one-third of the total population in Jordan, and would play an integral role in the development and cultural formation of the Jordanian state in the years to come. Chapter 5 will offer much greater context on the displacement of Palestinian refugees in Jordan.

Meanwhile, Transjordan had also gained independence from Great Britain in March, 1946, through the Treaty of London. It was called the Hashemite Kingdom of Transjordan. In 1949, following the first Arab-Israeli war, it was renamed the Hashemite Kingdom of Jordan. Six years later, Jordan became a member state of the newly formed United Nations.⁷⁴

Less than two years passed before King Abdullah was assassinated by a Palestinian gunman. He was replaced by his first son, Talal, in 1951. Talal quickly abdicated the throne to his younger brother, Hussein.⁷⁵ Regional warfare and internal instability, largely caused by migration, characterized much of the next forty years of King Hussein's rule. Following the creation of the Palestine Liberation Organization in

⁷² "Country Profile: Jordan," Library of Congress.

⁷³ Robins, "A History of Jordan," 74.

⁷⁴ United Nations, "United Nations Member States," <https://www.un.org/press/en/2006/org1469.doc.htm>.

⁷⁵ United Nations, "United Nations Member States."

1964, war broke out once again between Israel and the Arab nations. Israel quickly occupied the entirety of Jordan's territory west of the Jordan River. As a result, another large influx of 300,000 Palestinian refugees entered Jordan's East Bank.⁷⁶ In 1970, tension between East Bank Palestinians, the Jordanian government, and domestic Palestinians led by local guerilla organizations culminated in the conflict of Black September. The fighting elapsed when the PLO and Palestinian guerilla fighters were eventually expelled from the kingdom.⁷⁷ This event will be considered further within the context of the Palestinian case study.

In the following two decades, Jordan largely abstained from direct intervention in regional conflicts. Although recent times had strengthened its diplomatic relations with Saudi Arabia, Jordan remained neutral in the Gulf War of 1990 and did not show support for Western military intervention.⁷⁸ The outbreak of war drove an estimated 1 million Iraqi refugees into Jordan, as well as nearly 300,000 Palestinian workers who had migrated to the Gulf for employment from Jordan.⁷⁹ In the latter half of the 1990s, Jordan also made the controversial decision to establish peace with Israel. The government worked to resolve many of the long-standing economic, security, and territorial disputes between their lands—a process which continue today.

After King Hussein's death in 1999, his son Abdullah II became the new monarch of Jordan. Soon after he assumed control, King Abdullah II sought to implement large-

⁷⁶ United Nations, "United Nations Member States."

⁷⁷ Robins, *A History of Jordan*, 129.

⁷⁸ "Country Profile: Jordan", Library of Congress.

⁷⁹ Geraldine Chatelard, "Jordan: A Refugee Haven", (Migration Policy Institute: August 31, 2010), <https://www.migrationpolicy.org/article/jordan-refugee-haven/>.

scale economic reform and political liberalization programs. He additionally pursued stronger diplomatic relations with the United States, supporting its “war on terror” but never declaring official support for the invasion of Iraq in March 2003. Jordan experienced a second significant wave of Iraqi refugees as a result of the invasion. In 2011, the outbreak of the Syrian civil war instigated yet another historic migration of refugees across its borders. The number of registered Syrian refugees in Jordan is currently upwards of 700,000.⁸⁰ The inclusion of other types of displaced persons and unregistered individuals from Syria drives this figure into the millions.⁸¹ As Chapters 8 and 9 will discuss, Jordan has struggled to deal with the responsibility of providing shelter, protection, and integration for these refugees.

Jordan in the 21st Century

Today, Jordan remains a small state with a rather weak economy. Possessing few natural resources and almost completely dependent on imported energy, Jordan is extremely reliant on foreign assistance and labor.⁸² Its economic development has been closely linked to labor mobility and migration. The oil-producing Gulf States, with a high demand for foreign workers, have long been a destination of Jordanian labor migration. The remittances sent back by migrant workers constitute a significant portion of revenue

⁸⁰ UNHCR, “Fact Sheet Jordan” (September 2018), <http://reporting.unhcr.org/sites/default/files/UNHCR%20Jordan%20Fact%20Sheet%20-%20September%202018.pdf>

⁸¹ UNHCR, “Fact Sheet Jordan.”

⁸² “Jordan” (Central Intelligence Agency World Factbook: 2018), <https://www.cia.gov/library/publications/the-world-factbook/geos/jo.html>.

for both independent business growth and state-sponsored projects.⁸³ Given its dependence on remittance-driven income, Jordan is often referred to as the world's only "only oil-economy with no oil."⁸⁴ Outside of the oil industry and its remittances, native Jordanians and migrants in Jordan occupy jobs in industries such as agriculture, tourism, construction and service provision.⁸⁵

In addition to receiving labor remittances from its foreign workers, Jordan has also capitalized upon the waves of refugees and migrants that conflict has driven onto its land. Victoria Kelberer defines the "phenomenon of using host status and refugee policy as primary mechanisms of international rent-seeking" as refugee rentierism.⁸⁶ From 1948 to the 1990s, nearly all the aid flowing into Jordan came from the United States and UNRWA, as a result of the inflow of Palestinian refugees.⁸⁷

Once Iraqis displaced by the Iraq War began arriving after 2003 as well, the Jordanian economy became even more tied to the aid and resources which accompanied their presence. The UNHCR, with its broader mandate and higher levels of funding than the UNRWA, emerged new source of aid within the country in the latter years of the crisis. As latter chapters will discuss, financial incentives would play a significant role in determining Jordan's policies towards certain groups of refugees.⁸⁸ Today, some aid

⁸³ Chatelard, "Jordan: A Refugee Haven"

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Victoria Kelberer, "Negotiating Crisis: International Aid and Refugee Policy in Jordan," *Middle East Policy Journal* 25, no. 4 (December 2017). <https://onlinelibrary.wiley.com/doi/epdf/10.1111/mepo.12313>.

⁸⁷ Ibid.

⁸⁸ Victoria Kelberer, "Negotiating Crisis: International Aid and Refugee Policy in Jordan".

packages set aside up to 25 percent of their funds to support local Jordanians as well as refugees to incentivize them to continue their roles as hosts to refugees.⁸⁹

Politics and Society Post-Arab Spring

Beginning in 2011, massive uprisings overturned regimes throughout the Middle East in what became known as the Arab Spring. Jordan was an exception, remaining relatively stable throughout the uncertain period. Still, it experienced a fair share of protests and demonstrations calling for democratic reform. Protests featured youth activists, Islamists, leftist and nationalist political parties, and trade unions and professional associations.⁹⁰ Curtis R. Ryan details that the protests—which were largely peaceful—focused on three main areas of concern: “the revival of a long-dormant political liberalization process; the restoration of the fuller economic and social safety net that had eroded in an era of privatization and other neoliberal economic reforms; and a serious effort to stamp out widespread corruption in public life.”⁹¹

Protests subsided after two years, and the reforms produced included changes to the constitution, electoral laws, political party and media laws; the creation of a new Constitution Court; and the election of a new Parliament.⁹² Perceptions of whether these reforms would actually hold tangible implications for Jordanian society and politics, however, were mixed: the government touted reform as another display of Jordanian

⁸⁹ Victoria Kelberer, “Negotiating Crisis: International Aid and Refugee Policy in Jordan.”

⁹⁰ Curtis R. Ryan, “Oasis or Mirage? Jordan’s Unlikely Stability in a Changing Middle East” (World Politics Review: January 15, 2015), <https://www.worldpoliticsreview.com/articles/14867/oasis-or-mirage-jordan-s-unlikely-stability-in-a-changing-middle-east>.

⁹¹ Ryan, “Oasis or Mirage?”

⁹² Ibid.

exceptionalism, but opposition activists argue that the monarchical power structure remains relatively unaltered and policy changes have yet to take effect.⁹³

Jordan thus emerged relatively unscathed from the turbulent Arab Spring uprisings that shook many of its neighbors in the region. Still, some scholars doubt that the relative stability observed in Jordan today will endure.⁹⁴ Jordan relies heavily upon its national alliances to uphold peace and security within its borders, and a number of those important alliances have been strained by recent developments. Despite the official peace it has made with Israel, recent violence and talks of a new peace deal have caused backlash from both the Jordanian people (many of whom are Palestinian) and the Jordanian government, which has reiterated its desire for a two-state solution and rejected any plan which transfers Palestinians into the land of Jordan.⁹⁵ Jordan's neighbor to the North—Syria—also remains an extremely unstable following its civil war. The case study chapters will examine issues related to Palestine and Syria in further detail.

Extremism in Jordan has been on the rise since 2015.⁹⁶ As of October 2018, Jordan was the third largest supplier of foreign fighters to the Islamic Caliphate. Domestic factors like unemployment and poverty, marginalization, poor governance, and religious education likely contribute to recruitment and membership. Many Jordanians believe that the presence of Syrian refugees has also raised the salience of

⁹³ Ryan, "Oasis or Mirage?"

⁹⁴ Ibid.

⁹⁵ Ruth Eglash and Taylor Luck, "Jordan Plans Not to Renew Special Land Agreement with Israel" *The Washington Post*, (October 21, 2018), https://www.washingtonpost.com/world/jordan-plans-to-revoke-parts-of-its-peace-treaty-with-israel/2018/10/21/ebb4e462-d535-11e8-8384-bcc5492fef49_story.html?utm_term=.8d7c87b5d911.

⁹⁶ Emily Przyborowski, "Why Jordan is Next for ISIS", *The National Interest* (October 31, 2018), <https://nationalinterest.org/blog/middle-east-watch/why-jordan-next-isis-34792>.

the issue. Refugees living in camps face high levels of poverty, unemployment, crime, and hunger, which all have the potential to contribute to radicalization.⁹⁷ Although Jordan has established a hard policy against collaborating with the Islamic State, it has faced difficulties controlling their recruitment. Recently, however, the international community has begun to take a more active interest in counterterrorism efforts in Jordan. In March of 2018, the United States established a counterterrorism training center near Amman and pledged long-term military aid to increase state security measures.⁹⁸ The effect of such efforts largely remains to be seen.

Thus far, Jordan has proven to be successful in evading much of the violence and instability which has plagued its Arab neighbors. The extent to which this relative peace will hold in the future—particularly in the face of issues such as water scarcity, increasing terrorism, and growing socio-political tensions—is uncertain. The next section will look more closely at the laws and policies Jordan holds as standard for refugees and migrants.

IV. Refugee Law and Policy in Jordan

Given the long history Jordan holds with migration and refugees, Jordan is often considered to be a welcoming and accommodating destination for the displaced. As future chapters will show, however, this perception does not paint an altogether realistic picture. Today, Jordan lacks a clear policy framework to address refugees and asylum seekers within its borders. Like many other states in the Middle East, Jordan is not a

⁹⁷ Emily Przyborowski, “Why Jordan is Next for ISIS.”

⁹⁸ Ibid.

signatory to the 1951 Convention Relating to the Status of Refugees. However, it established a “Memorandum of Understanding” (MOU) with the UNHCR in 1997 to formally codify the protection space of refugees within their borders and streamline policy responses.⁹⁹ Numerous other Middle East states, such as Egypt and Lebanon, likewise use MOUs to formally interact with the UNHCR.

The Memorandum of Understanding between Jordan and the UNHCR specifies a number of agreed-upon practices regarding the UNHCR’s operations in Jordan and the treatment of refugees under Jordanian policy. Firstly, the MOU stipulates that Jordan accept the definition of a refugee laid forth in the 1951 Convention, without the geographical and time limitations.¹⁰⁰ It also requires that Jordan grant refugees certain rights within its borders, including that of non-refoulement, or the right to not be forcibly repatriated; the right to courts, legal assistance and counsel; and the freedom to practice their religion and educate their children without discrimination.¹⁰¹ The UNHCR is also required to provide monetary and material assistance to the refugees and asylum seekers entering Jordan. In emergency situations, it notes that both Jordan and the UNHCR should cooperate to provide “quick responses” by establishing a joint emergency mechanism to allocate food, water, sanitation, shelter, medical treatment and physical safety to refugees and asylum seekers.¹⁰²

⁹⁹ Ward, “Refugee Cities.”

¹⁰⁰ UNHCR, “Memorandum of Understanding” (RefWorld, 1997).
<https://www.refworld.org/docid/3ae6b31b17.html>.

¹⁰¹ UNHCR, “Memorandum of Understanding.”

¹⁰² Ibid.

It is important to note that the MOU leaves out a number of rights for refugees included in the 1951 Convention, such as the freedom to move and the right to a public education. Moreover, it addresses only the provision of the right to work for refugees “if the laws and regulations [of Jordan] permit.” In other words, if a refugee is legally residing in Jordan, they will only have the opportunity to work if the laws and regulations passed by the government permit them to do so.¹⁰³ The same is said of refugees holding degrees “recognized by the competent Jordanian authorities” seeking to practice liberal professions: unless the government gives them the right to do so, they may not capitalize upon their prior education.¹⁰⁴ In effect, such ambiguity allows Jordan to retain control over the rights refugees hold to participate in Jordanian society and economic life during their stay.

With regards to long-term solutions, the MOU declared that the UNHCR would endeavor to find durable solutions—“be it voluntary repatriation to the country of origin or resettlement in a third country”—within six months of recognition of refugee status.¹⁰⁵ Another clause exempts refugees from any overstay fines or departure fees.¹⁰⁶ Given the high numbers of protracted refugees in Jordan today, this time restriction seems quite unrealistic—a fact which both parties seemed to recognize, in providing a safety net for those refugees who could not be provided solutions in only six months. Today, the requirement that the UNHCR provide durable solutions within six months is largely

¹⁰³ UNHCR, “Memorandum of Understanding.”

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

ignored. Various other aspects of current policy in Jordan likewise fail to align with the MOU it signed twenty years ago. Many scholars point out that while the MOU may have been an important historical step in establishing a relationship between the UNHCR and Jordan, it had little tangible impact on the states' refugee policy.¹⁰⁷

Aside from the MOU, brief references are made to refugees in the Jordanian Constitution and labor laws. Article 21(1) of the Jordanian Constitution states that “[p]olitical refugees shall not be extradited on account of their political beliefs or for their defense of liberty.”¹⁰⁸ Given that there is no accompanying law which qualifies the status of refugees and asylum seekers specifically, however, these groups fall under the 1973 Law on Residency and Foreigners' Affairs. The law defines a foreigner as anyone who does not have Jordanian nationality, and refers to refugees only in conjunction with other groups of foreigners. Although the law does not address the conditions under which refugees can be admitted to the country, it does provide authority to the Minister of the Interior to issue regulations concerning the travel documentation that Jordan may grant to refugees within its borders.¹⁰⁹ The lack of clear policy regarding refugees and asylum seekers is indicative of the fact that the Jordanian government prefers to preserve its ability to treat refugee crises on an individual basis, extending or withholding rights and protection based on the socio-political or economic environment which prevails at the time.

¹⁰⁷ Issam Saliba, “Refugee Law and Policy: Jordan” (*Library of Congress*: 2016), <https://www.loc.gov/law/help/refugee-law/jordan.php>.

¹⁰⁸ *Ibid.*

¹⁰⁹ Saliba, “Refugee Law and Policy: Jordan.”

Lastly, it is interesting to note that Jordan has been a member of it has been a member of the Executive Committee of the UNHCR, or ExCom, for a number of years.¹¹⁰ ExCom manages administrative tasks, budgetary matters and organizational decision-making for the UNHCR. Jordan's role in the committee indicates that it desires a voice in the actions that the refugee body takes and recognizes its authority in refugee crises within its border and the broader region.

V. Current Refugee Realities

Contextualizing Jordan's refugee crises among global flows and trends is equally important to understanding the backdrop against which they have developed. In addition to its field work, the UNHCR publishes extensive reports on refugee movement, aid, access to solutions, demographics, and far more. The following visuals and statistics will highlight the global trends most relevant to the discussion of protracted refugee crises, burden sharing, and durable solutions.

Statistics on Current Crises

The map below depicts the distribution of aggregate numbers of refugees throughout the world. Turkey hosts the greatest number of refugees, at 3.5 million. The vast majority of these refugees have fled from the Syrian conflict. Uganda and Pakistan host the second and third largest amounts at roughly 1.4 million refugees each, followed by Lebanon, Iran, Germany, Bangladesh, and Sudan.

¹¹⁰ Loeschner et. al., *UNHCR*.

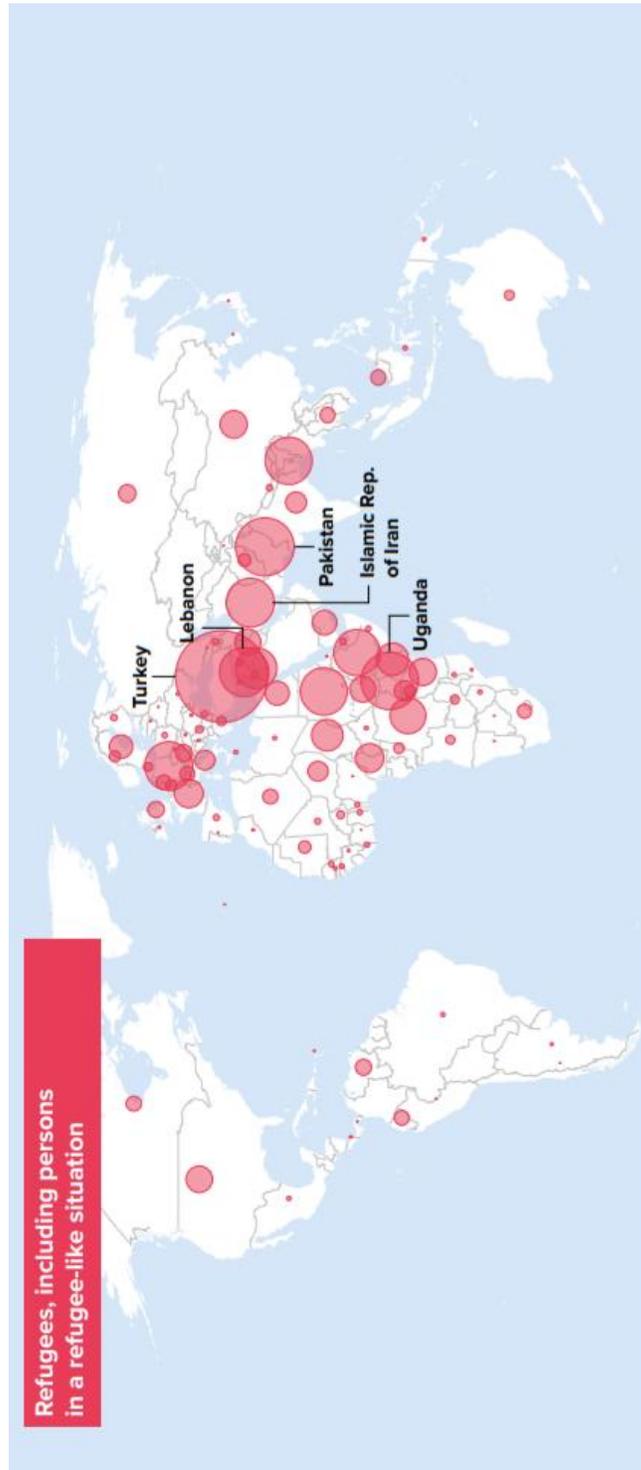


Figure 3.1 Global Trends: Forced Displacement in 2017. Source: UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>.

Often, the UNHCR will choose to measure refugee populations in comparison to the population size of the host countries in which they reside. In doing so, a rather different story emerges. Lebanon clearly leads the list at the end of 2017, with 164 refugees per 1,000 inhabitants, or roughly 1 in 6 refugees to current citizens. Jordan was second, with 71 refugees per 1,000 inhabitants, or about 1 in every 14 people. If Palestinians under the UNRWA were included in the above statistics, the figures rise to 1 in 3 in Lebanon and 1 in 4 in Jordan.¹¹¹ African countries hold five of the remaining spots in the top ten, and European countries only two.

Figure 6 | **Number of refugees per 1,000 inhabitants** | end-2017

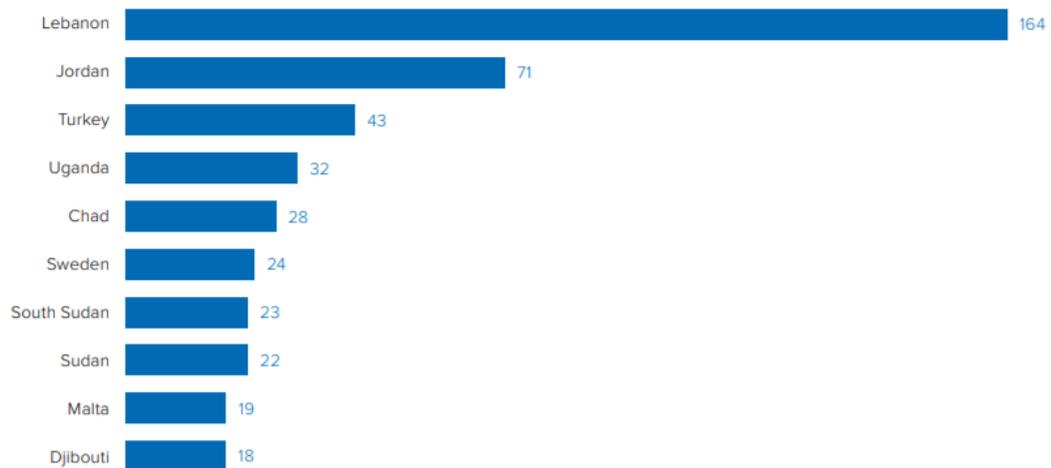


Figure 3.2 Number of Refugees per 1,000 Inhabitants. Source: UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>.

Below, Figure 3 illustrates aggregate number of refugee flows from country of origin for 2016 and 2017. Nearly every country experienced an increase in refugee

¹¹¹ UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>.

outflow, with the most significant being the Syrian Arab Republic, South Sudan and Myanmar. The number of Syrian refugees in 2017 is more than double that of the second and third largest crises, Afghanistan and South Sudan, and more than five times that of the fifth, Myanmar. Overall, more than two thirds of the refugees came from these five crises alone.

Figure 3 | Major source countries of refugees

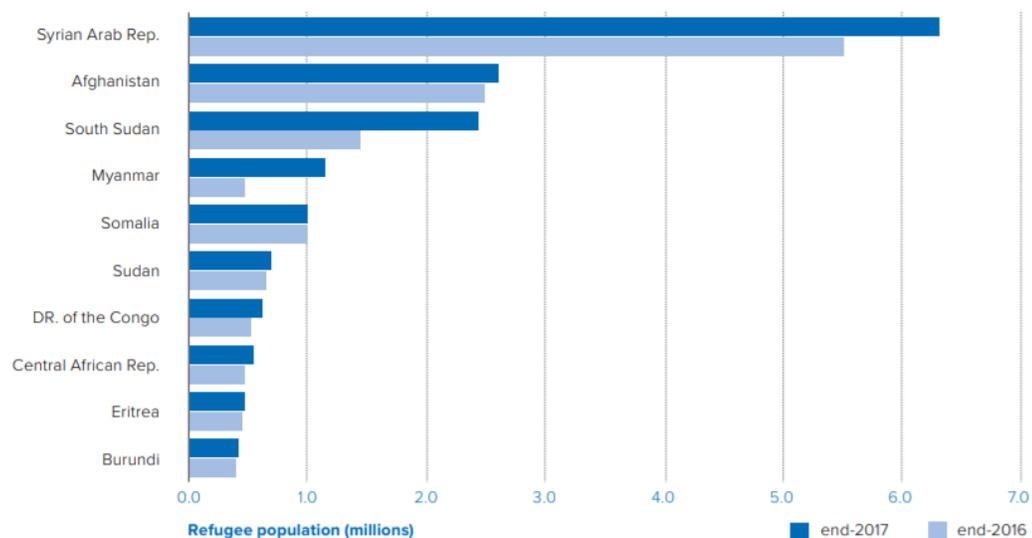


Figure 3.3 Major Source Countries of Refugees. Source: UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>.

In comparison to the urgent needs of current crises, less attention is paid to the needs of protracted refugees. Nearly 13.4 million refugees, or two thirds of the all refugees, existed in protracted situations at the end of 2017—representing an increase of 11.6 million from 2016. Roughly 3 million of these protracted refugees, predominantly from Afghanistan, have been displaced for more than 38 years. Another 3.5 million exist

in protracted refugee situations of between 10 and 37 years. Refugees displaced between five and nine years numbered 6.9 million, of which the majority originated from Syria.¹¹² In 2017, three refugee crises were given the new status of “protracted”: refugees from the Central African Republic in the DRC, South Sudanese in Ethiopia, and Syrians in Egypt. Two situations, being Eritrean refugees in Israel (due to a reduction below the required population of 25,000) and Malians in Burkina Faso (mainly due to a revivification exercise), were no longer considered protracted.¹¹³

Statistics on Durable Solutions

Repatriation

The figure below tracks repatriation from 1992 through the end of 2017. While return has never been particularly high, topping 25 percent only in 1994, it has been particularly low in recent years. 2017 saw roughly 6 percent of refugees return to their country of origin, as compared to 5 percent in 2016. Given the protracted nature of conflict and state fragility within many of these countries, low levels of repatriation are not surprising and will likely persist.

¹¹² UNHCR, “Global Trends: Forced Displacement in 2017”.

¹¹³ Ibid.

Figure 9 | Refugee returns | 1992-2017

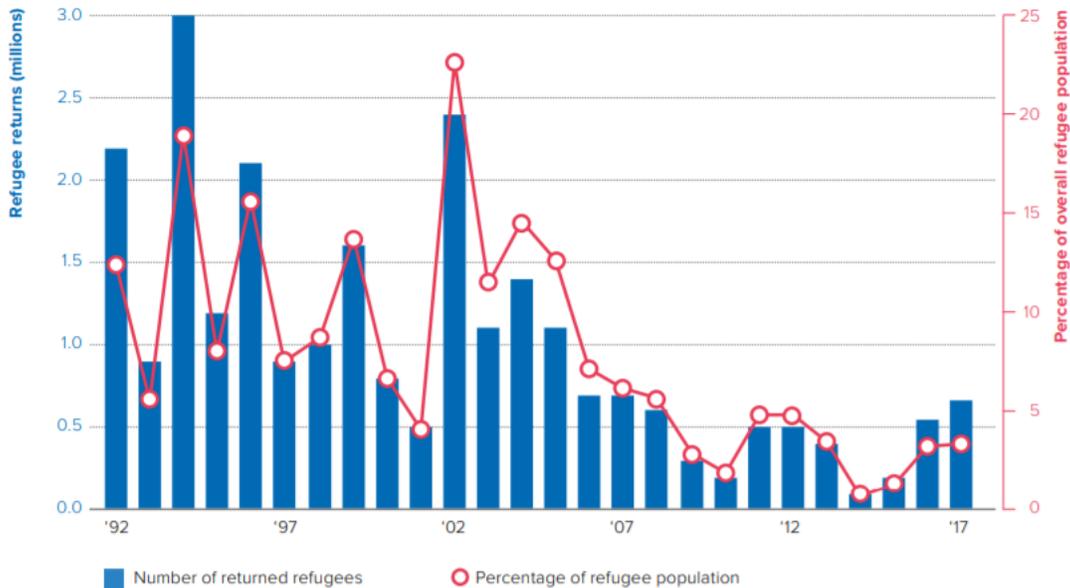


Figure 3.4. Refugee Returns, 1992-2017. Source: UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>.

Resettlement

The contrast depicted in the figure below between the numbers of resettlement applications the UNHCR receives and the number which is it able to approve reveals a concerning trend: increasing resettlement needs are being met with fewer resettlement opportunities. Of the 1.2 million resettlement applications in 2017 (which does not account for Syrian refugees), only 75,200 were approved. This represented a 54 per cent drop from 2016 due to the decline in states’ resettlement quotas. According to government statistics, the number of resettled refugees rises to 102,800 when those admitted outside of UNHCR assistance are included.

Figure 10 | Resettlement needs and UNHCR's annual submissions | 2011-2017

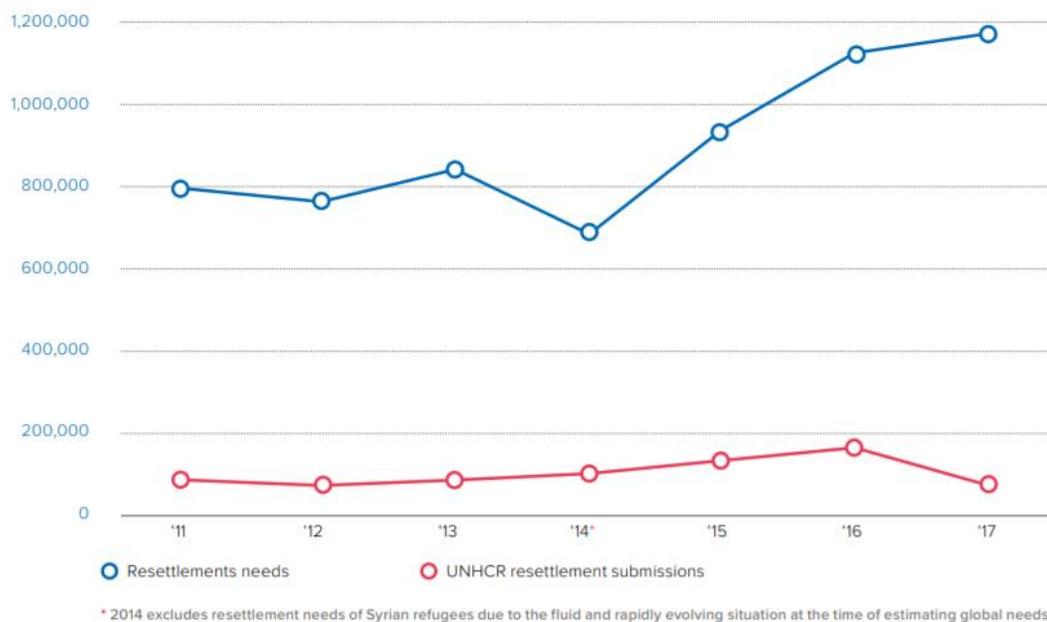


Figure 3.5 Resettlement Needs and UNHCR’s Annual Submissions 2011-2017. Source: UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>.

Submissions by destination

United States	26,782	36%
United Kingdom	9,218	12%
Sweden	5,955	8%
France	5,207	7%
Canada	4,118	5%

Departures by destination*

United States	24,559	38%
Canada	8,912	14%
United Kingdom	6,202	10%
Australia	4,027	6%
Sweden	3,346	5%

Figure 3.6 Submissions and Departures by Destination. Source: UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>.

Although the United States continued to be the main recipient of resettlement submissions in 2017, their acceptance of 26,782 refugees indicates a 75 per cent drop compared to 2016.

Local Integration

It is slightly more difficult to provide a conclusive measure of the extent of local integration for refugees. According to the UNHCR's Global Trends 2017 Report (emphasis added):

During 2017, 28 countries reported at least one naturalized refugee. **The total number of newly naturalized refugees stood at 73,400, a considerable increase on the 23,000 reported in 2016 and 32,000 in 2015.** The main reason for this rise was that **Turkey** reported naturalizing **50,000 Syrian** refugees in 2017 as opposed to none reported previously, accounting for more than two-thirds of naturalizations (68 per cent). **Canada** has continued a **trend of declining naturalizations**, with 10,500 in 2017 compared with 16,300 in 2016 and 25,900 in 2015. Other countries that reported large numbers of naturalized refugees included the **Netherlands** (6,600), **France** (3,800), and **Belgium** (1,900).¹¹⁴

In other words, much of the “increase” in local integration observed was due to new reports emerging from one country, rather than a widespread upward trend.

Donor contributions

As shown below, donors to the UNHCR can opt to donate either “unearmarked” or “earmarked” funds for the UNHCR's distribution. While the organization strongly encourages the donation of unearmarked funds, some of its largest donations come in the

¹¹⁴ UNHCR, “Global Trends: Forced Displacement in 2017.”

form of earmarked funds from the United States, Germany, and private donors, allowing them to control generally for what purpose their donation is used.

Donors contributing over \$10 million in unearmarked funding | USD

Donor	Funding
Sweden	98,191,833
Private donors in Spain	52,824,608
Norway	42,522,172
Netherlands	39,099,526
United Kingdom	31,694,696
Denmark	25,477,707
Private donors in the Republic of Korea	25,403,623
Switzerland	15,758,835
France	14,000,000
Germany	13,725,845
Private donors in Italy	13,459,596
Private donors in Japan	12,985,134
Italy	11,180,124
Private donors in Sweden	11,161,022
Subtotal from donors contributing over \$10 million in unearmarked funding	407,484,722
Percentage	84%
Subtotal all other donors of unearmarked funding	77,899,061
Total unearmarked funding	482,814,987

Donors contributing over \$1 million in softly earmarked funding | USD

Donor	Funding
United States of America	345,700,000
Germany	69,909,143
Private donors in Germany	12,389,899
Sweden	12,257,613
Private donors in Australia	10,332,532
Denmark	8,860,082
Canada	6,441,477
Finland	6,172,840
Norway	5,105,300
Australia	3,782,148
Private donors in the Switzerland	3,349,057
Private donors in the Republic of Korea	3,271,230
Private donors in Spain	2,703,917
Private donors in the United States of America	2,183,051
Private donors in Sweden	1,714,159
Private donors in Canada	1,000,859
Subtotal from donors contributing over \$1 million in softly earmarked funding	495,173,306
Percentage	99%
Subtotal all other donors of softly earmarked funding	6,947,335
Total softly earmarked funding	502,120,641

Note: all figures as of 24 September

Figure 3.7 Donor Contributions. Source: UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>.

Although the largest *individual* donors appear to be developed states and private donors, the figure below depicting aggregate contributions demonstrates that donations from the Middle East and Africa consistently dwarf that of Europe and the Americas.¹¹⁵

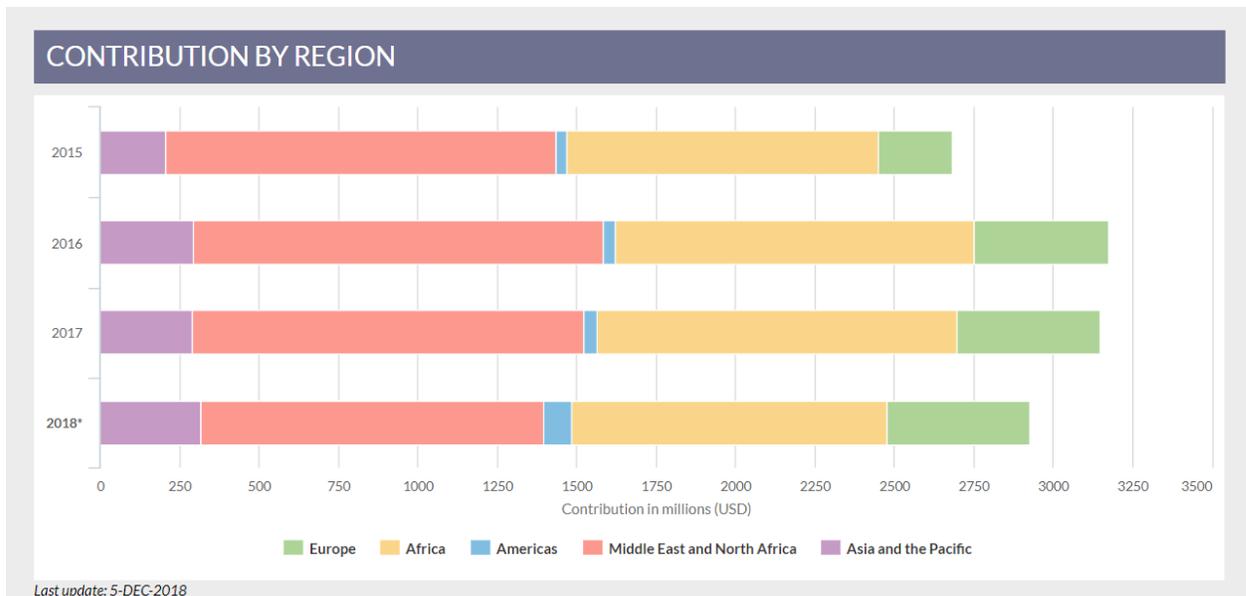


Figure 3.8 Contribution by Region. Source: UNHCR, “Global Trends: Forced Displacement in 2017,” <https://www.unhcr.org/5b27be547.pdf>. Last updated December 5, 2018.

Taken together, these statistics on the progress of solutions illustrates the growing gap between needs and provisions for an increasing number of refugees. It furthermore highlights the poignancy of scholars’ discussions of the persistent inequity of burden sharing and the impact of the increasingly protectionist policies pursued by certain states. Simply put, these trends underscore the fact that the UNHCR’s durable solutions are not working for many refugees. Repatriation is rarely an option, asylum applicants vastly outnumber asylum recipients, local integration is declining, and the UNCHR remains

¹¹⁵ UNCHR, “Contribution by Region” *Global Focus 2018*, <http://reporting.unhcr.org/contributions?t=r>.

seriously underfunded. Although no act of aid should be discounted, it is clear that the international community is failing to support the UNHCR's mission to aid, protect, and solve the plight of refugees.

VI. Conclusion

The histories of the UNHCR, UNRWA, the state of Jordan, and the durable solutions share the persistent truth that the primary determinant of refugee policy is the state. While the UNHCR has proven quite successful at organizing international cooperation for refugee aid, recent years have seen it fall far short of the contributions necessary to adequately address crises and facilitate solutions. States have largely failed to control refugee flows by targeting their root causes or managing their movements, and many refuse to address their displacements after the fact. The UNHCR and UNRWA face an increasingly difficult task in amassing the international cooperation necessary to continue the course of their operations in the years to come.

The discussion of Jordan highlighted that migration, foreign influence, and regional conflict have characterized much of the country's history. This background enables an understanding of how the government and people of Jordan form their opinions today—especially with regards to refugees. Jordan lacks an explicit refugee policy, meaning that its treatment of different groups of refugees is not determined by codified laws and is highly variable. A combination of factors, such as a high dependence on foreign aid and a tightly-regulated monarchical political structure, constrain and influence these decisions in a number of ways. Understanding what has shaped its

economy, society, and domestic and international affairs thus allows for an accurate perception of its contemporary policies.

The next chapter will examine the methodology of this project. It will define the dependent and independent variables which will be analyzed in each of the case studies, and explain why Jordan—and more specifically, Palestinian, Iraqi and Syrian refugees—were chosen as the subjects of the cases. Lastly, it will explain the nature of the sources upon which the case study analyses rely. Sources primarily include reports provided by the UN and research institutions, as well as original research conducted in Jordan.

Methodology

4

I. Introduction

The three case studies of refugee policy in Jordan contained in this project are the Palestinian, Iraqi, and Syrian crises. Studying these cases in tandem allows for the observation of how policy responses and the nature of solutions changed or persisted between each crisis, and what factors motivated these deviations or continuities. This chapter will explain the dependent and independent variables analyzed in each of these case studies. The dependent variable—“solutions”—will be assessed with regards to independent variables capturing factors both within and outside of Jordan that influence its refugee policy. The efficacy of different solutions will then be compared across crises.

Next, the discussion will turn to why this project chose to focus on refugee crises in Jordan, as opposed to those in another refugee-hosting state. It will conclude by examining the two primary methods of data collection used in the analysis.

II. Defining the Variables

In each case, the dependent variable at study is the “solution” to the refugee crises being analyzed. This will be measured both in its composition and its effect. The first aspect, composition, addresses the responses or policies that comprise the solution. A

“solution” can take on a wide definition. It can indicate either one or multiple policies pursued in tandem by any number of actors which affect the formation of refugee policy. After the Palestinian displacement of 1948, for example, the Jordanian government and UNRWA agreed that setting up camps and providing for the local integration of refugees would constitute the prevailing policies at the time. On the other hand, a “solution” may also be a wide range of less clearly defined responses from different organizations or governments. In the recent Syrian crisis, the Jordanian government, the UNHCR, NGOs, and a number of international organizations pursued a variety of multilateral policy responses which included encampment, integration, resettlement, the provision of work permits, and much more to address the crisis.

In defining the solutions for each crisis, the analysis will simultaneously address a second question: *to what extent* did the solutions prove effective? An “effective” solution indicates it improves the livelihood of the refugees it intends to benefit.¹ Typically, in order to be sustainable, effective solutions also provide some benefit to the citizens of Jordan or further the state’s general interests. The efficacy of certain solutions is more straightforward to measure than others. Resettlement, for example, can be measured through records of the number of refugees who were officially resettled by the UNHCR. On the other hand, local integration requires comparison of the livelihoods and opinions of refugees and citizens of Jordan, which are not as easy to assess concisely. Furthermore, the effectiveness of all solutions often evolves over time. Each solution will thus be assessed not as a static “success” or “failure”, but rather as a continuous process.

¹ For a more lengthy explanation of how scholars assess the effectiveness of refugee solutions, refer to Section II of Chapter 2: Literature Review.

The efficacy of solutions will be measured with regards to two sets of independent variables. The first set is *external* variables. These are factors which may have influenced Jordan's refugee policy from sources outside of the state. External variables include the following:

1. Presence/extent of UNHCR/UNRWA aid. The extent of UN involvement in each crisis varies. In some cases, aid may be limited to registering asylum seekers or providing resettlement services. In others, aid may encompass offering cash assistance, running education and health facilities in camps, facilitating local integration, and much more.

2. Other countries' responses to the crisis. Policy responses in Jordan may be influenced by the solutions pursued in other countries—including both neighboring states, and donor states. The number of refugees the United States agrees to resettle, for example, might affect how many very vulnerable refugees Jordan must address within its borders. In another instance, if a neighboring state refuses to recognize the asylum claims of incoming refugees and closes their borders, these refugees may instead seek asylum in Jordan. Other states' policies have the potential to impact the refugee inflows into Jordan and the policies which result a great deal.

3. International monetary donations to Jordan in response to the refugee crisis. The level of donations flowing into Jordan to aid their efforts in addressing refugee crisis has a significant effect on the government's ability to respond effectively to crises. The character of this aid matters as well, in that it can be

directed solely at refugees or paired with development aid for Jordanians themselves.

4. Diplomacy/International Alliances: As a resource-poor state, Jordan receives a great deal of monetary and political support from many Western countries on a regular basis. Often, its refugee policy is influenced by its desire to maintain favorable relations with these states.

The second set of independent variables is *internal* variables. Internal variables include domestic conditions within Jordan that may have influenced its refugee policy. In this analysis, these include the following:

- 1. The health of the economy.* Economic conditions in Jordan can affect which solutions the government may be willing to accept. High unemployment rates among low-skilled workers, for example, can make it difficult for the government to justify extending work permits to low-skilled refugees.
- 2. Socio-cultural conditions.* Refugee crises can have significant socio-cultural implications as well. Large refugee populations necessarily alter the demography of Jordan in ways that its citizens may resent.
- 3. Political conditions.* The government may choose to extend or deny support to refugees based on the political contexts of their displacement. The stability of political conditions in Jordan can also influence the governments' willingness to extend support to refugees.

4. *Public opinion.* All of the above factors contribute to the formation of public opinion regarding refugees in Jordan. Additionally, the impact of former refugee flows affects opinion as well: the longevity of Palestinian refugees' stay in camps, for example, made Jordanians very wary to establish camps for the Iraqis who arrived years later.

In some cases, only a few of these internal and external variables may be present. In others, these variables may all matter a great deal, and other factors not listed may very well be at play, too. Rather than pinpoint one specific variable that affected the nature of the solution, then, all relevant variables will be assessed in each case for their relative importance.

III. Case Studies

Scholars and policymakers analyze refugee policy within a variety of regions and regime types. Jordan provides a particularly interesting state to study for a number of reasons. Since its creation as a state in 1946, Jordan has been host to numerous refugee populations that have had a significant influence on its development. The largest and most influential of these refugee inflows have been the Palestinians, Iraqis and Syrians. Jordan has never formalized an official policy towards refugees in their borders; instead, it addresses each crisis on an ad-hoc basis, often cooperating with a plethora of domestic and international organizations in doing so.

Moreover, unlike many other countries in the region, Jordan has retained relative political stability in the wake of the Arab Spring. This consistency allows for regime type to serve as an important constant among all three refugee crises. Still, given its small size and weak economy, Jordan has been subject to a number of external shocks as a result of the conflicts and instability that have played out in neighboring countries over time. Refugee influxes have been just one of these shocks; oil shocks, the Gulf wars, the proliferation of terrorism, etc., have also been significant. Internally, Jordan has suffered from a water scarcity crisis, high unemployment, a declining education system, and political unrest, as well. Despite its relative stability, then, Jordan remains a resource-poor and economically unstable state.

In effect, these characteristics suggest that Jordan is a prime example of a “typical” refugee-hosting country—meaning a state outside of the developing world that has historically been a host of refugees and recipient of international aid. As Chapter 2 explained in great detail, these refugee-hosting states experience the real brunt of the responsibility of hosting refugees over the years. Thus, we should expect that Jordan’s refugee policy has evolved at least partly in tandem with the broader trends experienced by the international community as a whole. Analyzing refugee policy in Jordan will allow us to observe the effects of poor burden-sharing by the rest of the world. In other words, the results found in the case studies in Jordan can be extrapolated to other regions and refugee crises.

More specifically, the analysis will focus on the process of how the actors involved in the Palestinian, Iraqi and Syrian refugee crises determined policy responses

to the refugee inflows. Initial responses include, but are not limited to, whether refugees were allowed to cross the border into Jordan, given prima facie refugee status or citizenship, received aid from NGOs or the UNHCR/UNRWA, and/or placed in camps. Long-term solutions included repatriation, local integration, resettlement, and “alternative” solutions.

The three cases were chosen primarily due to the fact that they each address the nature of solutions differently. In the Palestinian case, the Jordanian government has consistently pursued a policy of integration. Iraqis faced a much less welcoming environment, as Jordan chose to extend very little aid to the displaced and instead encouraged resettlement or onward migration. Lastly, the Syrian refugee crisis has prompted the Jordanian government to partner with the UNHCR and other international organizations and businesses to test a wide variety of solutions. Because the Syrian crisis is largely still ongoing, it represents a particularly relevant case whose solutions continue to evolve and develop. Moreover, these cases represent the three refugee crises which had the largest impact on Jordan, both in terms of their aggregate numbers and their long-term effects.

IV. Data Collection

The analysis of each case will rely upon a variety of primary and secondary sources. The most important sources are three reports published by the UNHCR or UNRWA in conjunction with a Norwegian research institute, the FAFO Foundation (FAFO). FAFO partners with the United Nations to conduct surveys and publish

quantitative reports, like those on refugees in Jordan relied upon here. All three research publications by FAFO cited in this work were conducted with the help of the Government of Jordan. The data from these reports will be used to produce the tables and charts featured throughout the analysis. These will be supplemented by scholarly books and articles; data publications from the World Bank, UNHCR, and research institutes; news articles; and more.

In addition, Chapter 10 will feature original interviews conducted in Jordan and Palestine. Within Jordan, I chose to conduct my research in Amman, due to the high concentration of refugees living in the city. In Amman, I interviewed number of NGO workers, refugees, and refugee scholars. I also attended a series of presentations offered by refugees at the Jesuit Refugee Services. The interviews were conducted with either: a). Palestinians living in Israel/Palestine, b). refugees in Jordan, c). individuals who work with refugees in Jordan. The full list of questions which were asked in the interviews is featured Appendix A. A number of public opinion surveys, such as the Arab Barometer, will complement my field research.

V. Conclusion

This chapter sought to detail the various dependent and independent variables analyzed in each of the case studies; justify the choice of the three refugee crises in Jordan; and lastly, describe the methods of data collection used in the analysis. The next five chapters will study the cases of the Palestinians, Iraqis, and Syrians, respectively.

Palestinian Refugees: Part I

5

I. Introduction

Palestinian refugees boast the longest displacement of any group of protracted refugees. This is due, first and foremost, to the failure of peace negotiations surrounding the Palestinian-Israeli conflict to resolve the question of refugee return. Unlike many other refugee crises which persist today, Palestinian refugees are prevented from returning home not only by political instability, ongoing violent conflict, a lack of opportunity for sustainable life, and more, but also by the law itself. The question of Palestinian return is invariably linked with much larger political issues of independent statehood and peace processes, and thus transcends beyond the range of material considered within the fields of refugee and forced migration studies. Given that the nature of Palestinian displacement is long and complex, the matter of solutions to their refugeehood is necessarily complicated as well.

The 1948 conflict in Israel and Palestine displaced Palestinians to many states in the Middle East and North Africa. A large majority went to Jordan. Although the focus of this chapter will be on the policies and responses Jordan has enacted, it is will also be necessary to analyze the broader policies, opinions, and laws implemented by other Arab states as well. Doing so allows for the realization that Jordan is, in many ways, an exception. The Arab states have historically coordinated their responses to Palestinian

refugee problems and acted as a collective. Jordan often chose to avert this coordination and formulate Palestinian refugee policies on its own terms. This fact holds particular significance in the realm of citizenship rights, which Jordan has extended to almost all Palestinians within its borders.

The initial policy of encampment for Palestinians in Jordan soon gave way to local integration. While a few Palestinian refugee camps still persist in Jordan, the majority of Palestinians have integrated closely into Jordanian society—more so than in any other Arab country. To be sure, differences between the lives of native Jordanians (“East Bankers”) and Palestinian-Jordanians can be noted in a number of categories. Nevertheless, Palestinian refugees, former refugees, or descendants of refugees comprise nearly half of the population of Jordan today. This reality makes Palestinians in Jordan an important case to study on the viability of integration as a “durable” solution.

Given the long history of Palestinian refugeehood, it is necessary to provide a substantial overview of the events surrounding Palestinians’ displacement. This chapter will explore the factors which prompted Palestinian migration; the political and legal responses provided by the Arab states; and the numerous political and socio-economic considerations which prompted Jordan to extend the policies and rights it has towards Palestinian refugees. It will begin with a short summary of the Arab-Israeli conflict, which is crucial to understanding the major displacements of 1948 and 1967 and the persistence of the Palestinian refugee problem today. It will then assess the displacement patterns themselves, analyzing why the Arab governments, the Western world, and the aid organizations involved responded in the ways that they did. Next, the policies and

agreements Jordan implemented as “solutions” to the refugees’ displacement will be examined. These solutions included the formation of camps, the implementation of international agreements, and the formulation of domestic laws and integration policies. The chapter will conclude by considering the effectiveness of these early solutions.

II. Historical Background: The Israel-Palestine Conflict

The Arab-Israeli conflict existed at the forefront of political interaction between the Western and Arab worlds throughout much of the twentieth century. It remains an intractable conflict today, and continues to be a prevalent issue in regional and international relations. Despite various attempts at peace-making by Israel, Palestine, and other international actors, many aspects of the anticipated “peace” have failed to materialize. Recent peace negotiations have featured issues such as the status of Jerusalem, the future of Israeli settlements, the borders between Israel and Palestine, security arrangements, and the release of prisoners.¹ The question of whether Palestinians who fled as a result of the 1948 and 1967 conflicts between Israel and the Arab states should be granted the right to return to their homelands is another important issue on the table. The historical overview provided below—though brief—provides a backdrop against which we may understand the complexities Jordan navigated in formulating its Palestinian refugee policy.

¹ Shai Feldman and Khalil Shikaki, “Trump’s Jerusalem Declaration and ‘The Ultimate Deal,’” Brandeis University Crown Center for Middle East Studies (January 2018), <https://www.scribd.com/fullscreen/368799185>.

Roots of the Conflict

The Palestinian-Israeli conflict denotes the ongoing struggle between Israel and Palestine over a number of political, economic, and social conflicts tied to each people's perceived right to the land. The land itself plays a lengthy and important role in the history of both Jews and Palestinians, as both groups claim to have lived in the physical region which is now Israel and the Palestinian territories. Jewish history in Israel began with the Israelites in the land of Canaan, which was the region God promised to Abraham. They lived there for hundreds of years until driven out by the Romans in the second century.²

The Palestinians, like the Israelites and the Jews, are also descendants of the ancient Canaanites and lived on the land under various rulers and empires over time. Although some modern scholars argue that Palestinians have not historically possessed a national identity like that of the Jews, others trace the culture and formation of Palestinian identity within the region of Israel and Palestine for hundreds if not thousands of years before the political conflict with the Jews began in the 20th century.³ Today, all three Abrahamic religions recognize the historical significance of the land of Israel and

² Todd M. Ferry and Gregory Harms, "Canaan–Palestine: Ancient History," in *The Palestine-Israel Conflict - Fourth Edition: A Basic Introduction* (London: Pluto Press, 2017), <https://www.jstor.org/stable/j.ctt1s475dd.8>.

³ Todd M. Ferry and Gregory Harms, "Canaan–Palestine: Ancient History."

Palestine: it represents part of the Islamic *waqf*, the Promised Land of the Jews, and the Holy Land to the Christians.⁴

The modern Palestinian-Israeli conflict arose towards the end of the 19th century with the establishment of Zionism in Eastern Europe. Zionism referred to “Zion”, or Jerusalem. In its original form, Zionism was a nationalist movement with the goal of creating a Jewish national state in the historic Land of Israel.⁵ At the time, Jews faced widespread and systematic anti-Semitism, often in the form of violent *pogroms*, in Russia and Eastern Europe.⁶ Various Jewish groups began to search for solutions to their plight and formed small, nationalist organizations to do so. Theodore Herzl, a journalist from Austria-Hungary, led a group of predominantly secular Jews in advancing the cause of Zionism.

Herzl convened the first meeting of the Zionist Congress in 1897 in Basel, Switzerland. The Congress planned how to acquire the funds, public support, and diplomatic connections necessary to get Herzl’s idea for a Jewish state off the ground. It is interesting to note that the Congress considered multiple different territories when assessing their land options for statehood. In addition to Palestine, Argentina and Uganda were legitimate options during the deliberation process.⁷ In other words, the early Zionists did not believe the Jewish state was particular to Israel: it was simply the most convenient option for their settlement. Eventually, European Jews did choose Ottoman

⁴ Eve Spangler, *Understanding Israel/Palestine : Race, Nation, and Human Rights in the Conflict* (Sense Publishers, 2015), 10.

⁵ Spangler, *Understanding Israel/Palestine*, 87.

⁶ Michele Penner Angrist, *Politics & Society in the Contemporary Middle East*, Second ed. (Lynne Rienner Publishers, 2013), Print.

⁷ Tom Segev, “Facing Herzl’s statue,” in *Elvis in Jerusalem* (Henry Holt, 2001), 1-46.

Palestine as the land where they would establish their statehood project. This choice was due, in large part, to the fact that the Jews claimed that the land was largely empty—empty of white Europeans, that is, as Palestinians lay outside the normative European supremacist framework of “people.”⁸ Today, many Israeli Jews maintain the narrative that the land was essentially empty and uncultivated.⁹

Zionism and the “Statehood Project”

Zionists proclaimed Palestine the home of the Jews in 1897. Jewish migration to the land began shortly after, and continued into the early 20th century.¹⁰ During World War I, the European powers became a more active presence in the region as they warred with the Ottoman Empire. In their efforts to secure victory, the British made offers to both the Jews and the Palestinian Arabs in the region soliciting their military aid in exchange for rights to the land.¹¹ Although both the Palestinians and the Jews complied, the British chose to endorse the rights of the Jews; and in 1917, the Balfour Declaration announced British support for a “national Jewish homeland in Palestine.”

At the time, only a small minority of peoples in the region were actually Jewish. In fact, nearly 90 percent were Arab.¹² Regardless, as World War I drew to a close, much of the modern Middle East was partitioned into British and French mandated control.

⁸ Nur Masalha *Expulsion of the Palestinians: The Concept of “Transfer” in Zionist Political Thought* (Institute for Palestine Studies, 1992).

⁹ Masalha, *Expulsion of the Palestinians*.

¹⁰ Spangler, *Understanding Israel/Palestine*, 92.

¹¹ *Ibid*, 95.

¹² Angrist, *Politics & Society in the Contemporary Middle East*, 15.

Palestine was placed under a British mandate. As a result, the migration of European Jews to Palestine increased, peaking around the 1930s. The Zionist Organization encouraged Jews to purchase or settle new lands and build new lives, communities, and institutions in their “homeland”.¹³

Arabs did not endure the mass arrival of the Jews into their land passively. As the Jews gradually settled more and more of their territory, the Palestinian Arabs found they were increasingly impoverished and deprived of land themselves. Violent rebellions broke out between the Arab and Jewish communities in the late 1920s and early 1930s, which were exacerbated by deteriorating global economic conditions and the onset of World War II.¹⁴ Notably, the Great Arab Rebellion of 1936-39 against the British sought to halt the expansion of Jewish “settlements”—illegal Jewish construction on Palestinian land—through both armed dissent and general strikes on Jewish goods.¹⁵

Another notable development of 1936 was the publication of the Peel Commission Report. The Report, issued by the British under the League of Nations, recommended for the first time the partition of Palestine into a Jewish and an Arab-Muslim state. Neither the Jews nor the Arabs saw this recommendation as desirable. Rather than heed its advice, both peoples continued to assert their sovereignty over the land.¹⁶

¹³ Angrist, *Politics & Society in the Contemporary Middle East*, 15.

¹⁴ *Ibid.*

¹⁵ Todd M. Ferry and Gregory Harms, “The Genesis of the Conflict: Across Two World Wars,” in *The Palestine-Israel Conflict - Fourth Edition: A Basic Introduction* (London: Pluto Press, 2017), <https://www-jstor-org.proxy.bc.edu/stable/j.ctt1s475dd.13>.

¹⁶ Ferry and Harms, “The Genesis of the Conflict.”

In 1947, the British decided to withdraw from the territories and leave the matter of potential partition up to the newly-formed United Nations. As a result, the UN passed Resolution 181 calling for the end of the British Mandate in Palestine and the creation of the state of Israel on 55 percent of the land and the creation of a Palestinian state on 44 percent of the land. The holy sites, from Jerusalem to Bethlehem, would become UN administered international zones.¹⁷ At the time, Jews represented about 32 percent of the total population and owned only 6 percent of the land.¹⁸ Given the disproportionate gain offered to them by the partition plan, the Jews readily accepted the Resolution. The Arabs, on the other hand, rejected it in full. The Jews responded by mandating that its military take the territories included in Resolution 181 by force. The figure below illustrates the borders drawn by the partition plan.

¹⁷ Spangler, *Understanding Israel/Palestine*, 8.

¹⁸ Angrist, *Politics and Society in the Contemporary Middle East*, 16.

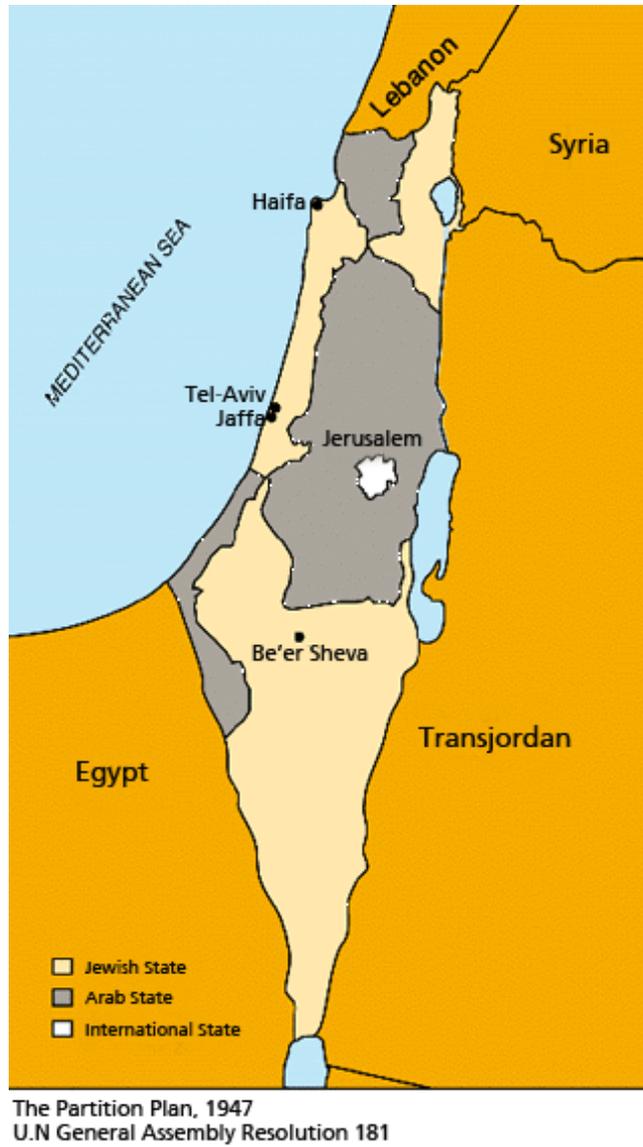


Figure 5.1 The Partition Plan, 1947. Source: “UN General Assembly Resolution 181,” Israel Ministry of Foreign Affairs (2013), <https://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/un%20general%20assembly%20resolution%20181.aspx>.

On May 14, 1948, the Jewish Zionist leaders officially proclaimed Israel a state.¹⁹ As a result, the Arab states invaded Israel. They were swiftly defeated. Israel succeeded in claiming land even beyond that which the partition plan recommended, controlling nearly 78 percent of the territory by the end of 1949.²⁰ Palestinians refer to this war and resulting exodus of over 700,000 Palestinians from their homes as the *Nakbah*, or “the catastrophe.”²¹ The displaced fled to regions of the West Bank, Gaza, and the neighboring Arab countries. It is this displacement to which we now turn.

III. Initial Displacement, 1947-1949: Early Responses and Temporary Solutions

The early waves of Palestinian displacement into neighboring Arab States played a crucial role in shaping government policies and public opinion towards refugees for many years to come. Most of the Arab states gained independence around the same time as their displacement, making Palestinians the first major refugee crisis they experienced within the newly-formed state structure of the region. This section will analyze the various political, economic, domestic and international factors dictating and constraining the Arab states as they formulated their response to the crisis.

¹⁹ Angrist, *Politics and Society in the Contemporary Middle East*, 16.

²⁰ Spangler, *Understanding Israel/Palestine*, 8.

²¹ *Ibid.*

Early Waves of Exodus

The first exodus of Palestinians began on November 29, 1947.²² Merely days after the partition resolution passed, the outbreak of hostilities caused several tens of thousands of Palestinians to leave their homes. This first wave was comprised largely of upper-middle class families from Jaffa, Haifa and Jerusalem, who were not driven out of their homes so much as seeking to avoid the escalating violent conflict.²³ Their arrival in the cities of neighboring Arab states, such as Amman, caused very little disturbance: most had a second home located there, relatives with which to stay, or the financial means to pay for temporary lodging. Neither the hosts nor the refugees perceived their initial out-migration as permanent. Instead, they anticipated the Palestinians would return after the war ended, which they presumed would occur in short time.²⁴

Towards the end of March, 1948, the tides of war began to shift. Israel switched to a more offensive strategy and targeted heavily populated Arab areas allotted to the Jewish state in Resolution 181, including Arab Jerusalem, Tiberias, Haifa, the Hula Valley, and Jaffa. Between 200,000 and 300,000 Palestinians from urban and rural areas fled to Arab areas in the West Bank and nearby Arab countries, such as Transjordan.²⁵ The United Nations Economic Survey Mission for the Middle East reported that the refugees traveled by foot, car and ship, generally stayed together as village units, and took very few possessions with them as they left. Few expected to be gone long. Indeed,

²² Halim I. Barakat, "The Palestinian Refugees: An Uprooted Community Seeking Repatriation," *The International Migration Review* 7, no. 2 (1973), 147-61, <https://www.jstor.org/stable/3002425>.

²³ Benny Morris, "The Initial Absorption of the Palestinian refugees in the Arab host countries, 1948-49," in *Refugees in the Age of Total War*, ed. by Anna C. Bramwell, (1988), Print.

²⁴ *Ibid*, 253.

²⁵ Benny Morris, "The Initial Absorption of the Palestinian refugees in the Arab host countries," 254.

many even gave their house keys to their Jewish neighbors to safeguard until their return.²⁶

This second wave of refugees differed from the first in a number of important ways. Rather than leaving by choice, they were driven out of panic, fear, economic privation and expulsion orders.²⁷ Their flight was moreover much quicker and much larger in scale, and thus generated a more substantial impact on the communities in which they settled. Indeed, in the West Bank, food shortages emerged in towns unable to cope with the sudden influx.²⁸

Transjordan, too, felt the stresses of high refugee numbers rather immediately. Given that the Transjordanian military was deeply involved in the war in Israel, it displeased some Transjordanians to see Palestinians fleeing from the conflict. They believed the refugees should return to fight for their land, as they felt the Transjordanians were doing for them.²⁹ The Transjordanian government attempted to quell such sentiments, allowing all Palestinians to enter their lands and never attempting forced repatriation—as Syria and others tried, unsuccessfully, to accomplish.³⁰ Still, the staunch opposition to the British that the vast majority of Palestinians displayed was problematic for the government, which was not yet independent of British oversight. Even King Abdullah noted to a British official in February 1948 that “the exodus of Palestine Arabs into Transjordan...[were] all arriving thoroughly anti-British, and hence, might give [me]

²⁶ Benny Morris, “The Initial Absorption of the Palestinian refugees in the Arab host countries,” 254.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*, 255.

trouble”³¹. From the beginning, the Palestinian migration into Transjordan proved to be a problem of not merely amassing the aid and resources necessary to alleviate the refugees’ plight. Rather, it held a particular political significance that placed a strain on relationships between Transjordanians and within the government itself.

The third wave of Palestinian exodus resulted from the Arab invasion into Israel on May 15th, 1948. Leaders of the other Arab states, caught off guard, were surprised and altogether unprepared for the departure of the Palestinians from their lands. Almost all of the 300,000 individuals that fled as a result went to the Transjordan-occupied territories of Palestine or Transjordan itself.³² Another 10,000 Palestinians were displaced in mid-July. In response to these massive influxes, the Transjordanian people took to the streets in anti-British and anti-King Abdullah protests.³³ King Abdullah responded by advising that the people show patience towards their Arab “brethren”.³⁴ Despite the apparent generosity of his response, it seems likely that the King was motivated more so by his territorial desires to secure the West Bank than by his compassion for the refugees alone. Still, the Transjordanian government worried at how it would provide adequate food and shelter during the coming winter months. Refugees, too, became increasingly concerned with finding an end to the war and returning home.³⁵

³¹ Benny Morris, “The Initial Absorption of the Palestinian refugees in the Arab host countries,” 255.

³² *Ibid.*, 256.

³³ *Ibid.*, 257.

³⁴ *Ibid.*

³⁵ *Ibid.*

Establishing Relief Efforts

At this stage in the crisis, there was very little coordinated activity with regards to relief and aid services for the refugees. The minor amount of aid offered to refugees was provided by local authorities and social committees.³⁶ The Transjordanian government additionally offered about six shillings per month to each individual, as well as small food rations to the most needy.³⁷ As meager as this seems, Transjordan proved to be the only state in the region offering organized aid to the refugees at the time. This was largely due to the fact that the other Arab governments continued to view the crisis as only temporary in nature. Moreover, they believed Israel would interpret refugee aid as a signal which legitimized the exodus of the Palestinians, thus making their return less necessary.

The Western influences in the region—the U.S. and the British—were far more politically inclined to encourage resettlement in the Arab countries.³⁸ While they held their own political motivations for doing so, in backing Israel's statehood, they rightly observed "a complete lack of organization" among the Arab Nations. Indeed, within Transjordan they noted that there existed "no funds or qualified personnel available for organizing camps, food distribution, and sanitation and immunization programs".³⁹ The difficulty Transjordan faced in seeking to aid refugees while leveraging them against

³⁶ Avi Plascov, "The Palestinian Refugees in Jordan: 1948-1957" (London: 1988), Print, 42.

³⁷ Benny Morris, "The Initial Absorption of the Palestinian refugees in the Arab host countries," 259.

³⁸ Plascov, "The Palestinian Refugees in Jordan: 1948-1957," 41.

³⁹ Ibid.

Israel debilitated the ability of governments and organizations to respond effectively—at least initially—to their displacement.

The overwhelming need for food, shelter and basic necessities that the refugee crisis demonstrated eventually trumped the political difficulties of providing aid. The first local relief organization to be established, prompted by the British, was the Disaster Relief Project (later coined the Refugee Relief Project).⁴⁰ Established by the United Nations, the Refugee Relief Project coordinated with local branches of organizations like the International Committee of the Red Cross to deliver aid to refugee populations in need. The Refugee Relief Project was said to be incredibly inefficient: the percentage of resources it wasted was close to 90 percent.⁴¹ Critics called for aid to be directed to the International Committee of the Red Cross instead, eliminating the middle man. The United Nations General Assembly responded by passing a resolution in December of 1948 establishing the United Nations Relief for Palestine Refugees in the Near East (UNRPR). The UNRPR coordinated with a number of preexisting aid organizations, including the League of the Red Cross Societies in Transjordan, to distribute relief supplies and medical aid.⁴² This temporary mechanism operated for a year before being replaced by UNRWA.

⁴⁰ Plascov, “The Palestinian Refugees in Jordan: 1948-1957,” 41.

⁴¹ *Ibid.*

⁴² Howard Adelman, “Palestine Refugees, Economic Integration and Durable Solutions”, in *Refugees in the Age of Total War*, ed. by Anna C. Bramwell (1988), Print.

The Final Wave

The fourth, and final, wave of Palestine exodus in this period occurred in December 1948-January 1949. Israeli invasions expelled another 150,000-200,000 Palestinians. Most went to the Gaza Strip, where the refugee death rate skyrocketed.⁴³ In Transjordan, meanwhile, conditions within the temporary camps established by the Red Cross were deteriorating as well. Even the Jericho Camp, considered a “model” camp for its effective administration and provisions for refugee work projects, lapsed into anarchy.⁴⁴ From the onset, many perceived camps to be a dangerous establishment. Camps served to physically and psychologically isolate refugees from ordinary life, created environments where violence and danger could easily flourish, encouraged dependency on aid and facilitated at least short-term stay in the country of asylum. There was nearly universal agreement among the government, the people, and especially the refugees in Transjordan that the camps were an insufficient means to addressing the plight of the latter group. Still, with few other options available, camps persisted as a temporary method of organizing aid and protection.

The Palestinian case clearly demonstrates that using camps to isolate and contain refugees was the default course of action, even before the establishment of formal refugee organizations. It is important to note that the reservations expressed about camps in the wake of the 1948 crisis are very much the same as those expressed today. Although they continue to be established in the wake of current refugee crises, camps pose many of the same issues for host countries, aid organizations, and refugees themselves as those cited

⁴³ Adelman, “Palestine Refugees, Economic Integration and Durable Solutions,” 266.

⁴⁴ *Ibid.*

nearly seventy years ago. As the next chapter will discuss, many of the camps established for Palestinians during this initial period remain permanent fixtures within Jordan. The question of why camps have persisted despite the fact that they were never considered an effective solution, then, is extremely important to discussions of solutions today.

The map below illustrates the waves of refugee movement analyzed above. As it shows, Palestinians entered the East Bank of Transjordan from multiple points along the border. They also fled to Lebanon, Syria, and Egypt, as well as within the land of Israel and Palestine.

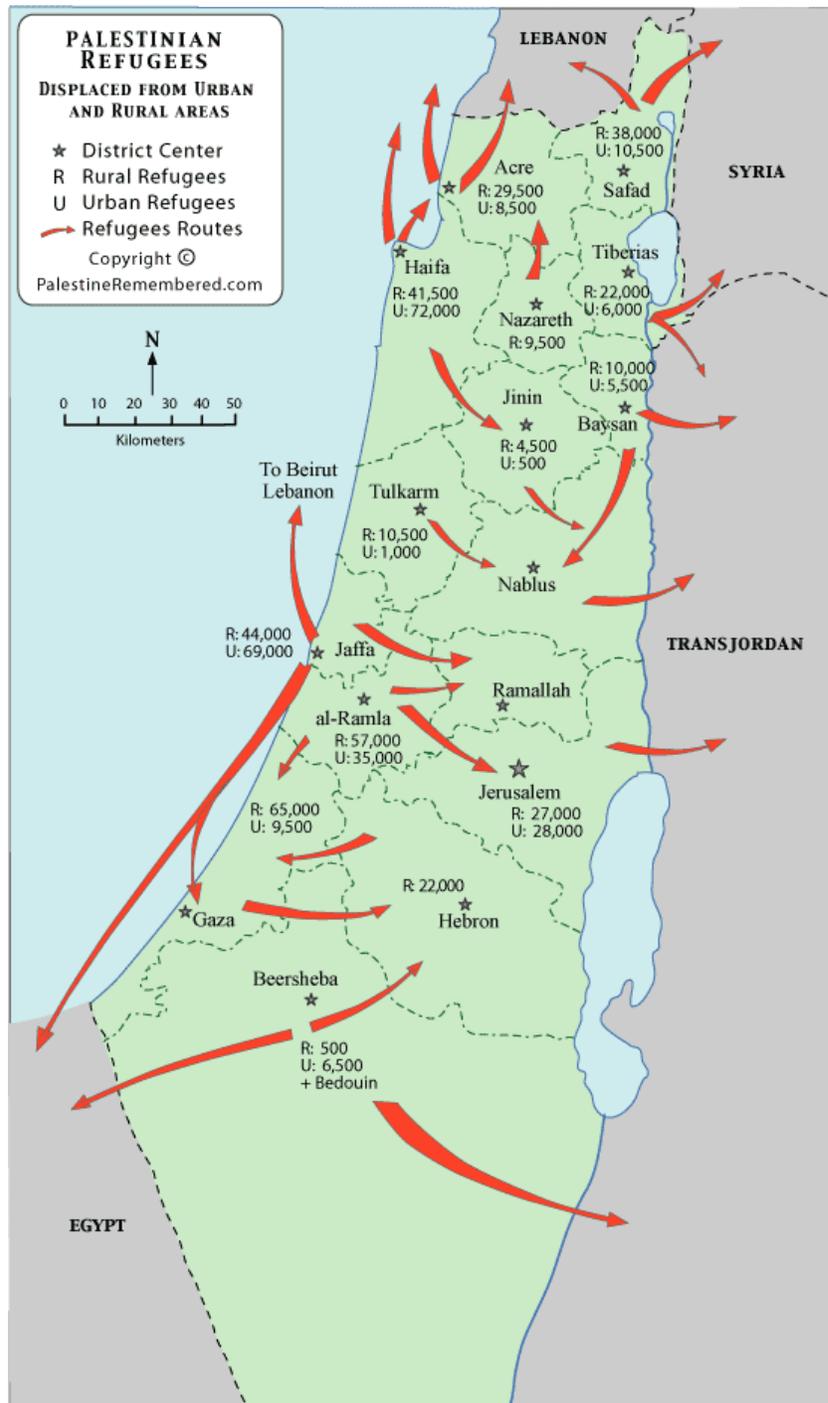


Figure 5.2 Palestinian Refugees Displaced from Urban and Rural Areas. Source: “Palestinian Refugees’ Migration Routes During Nakba in 1948,” Palestine Remembered, (September 1, 2001), <http://www.palestineremembered.com/Acre/Maps/Story578.html>.

Shortly after the last wave of Palestinian displacement, the Arab-Israeli war of 1948 came to a close. Israel signed armistice agreements with Egypt in February, Lebanon in March, Jordan in April, and Syria in July of 1949.⁴⁵ Within a year, Israel took a decisive step to address the fate of Palestinian refugees through the passage of the Absentee Property Law of 1950. The law designated all lands abandoned by Palestinians as “absentee” territory, and transferred its ownership over to the state. Furthermore, the law gave the Israeli government the right to expel any persons on absentee land that the government did not believe had a right to occupy it, demolish buildings and discontinue construction projects, and void any transfers of land made by absentees that occurred after April 1st, 1948.⁴⁶ In effect, this law dispossessed all Palestinians who wished to return home of the legal right to their lands.

The Absentee Property Law severely limited the solutions available to displaced Palestinians. Return to their country of origin, referred to today as “repatriation”, was an entirely unavailable option. Mechanisms for third country resettlement had not yet been established. This left Palestinians with little choice but to remain in the country to which they had fled. As the remainder of the chapter will discuss, determining the rights and treatment of Palestinian refugees in host states would prove to be a challenging process.

Although methods of addressing crises and formulating solutions have certainly evolved over time, the natural tendency of countries to avoid including refugees within

⁴⁵ Todd M. Ferry and Gregory Harms, “Partition, Israeli Statehood, and the Six-Day War: 1947–1967,” in *The Palestine-Israel Conflict - Fourth Edition: A Basic Introduction* (London: Pluto Press, 2017), <https://www.jstor.org/stable/j.ctt1s475dd.14>. Note that the name “Transjordan” was shortened to “Jordan” in April of 1949.

⁴⁶ “Absentee Property Law,” United Nations Documents, (State of Israel, 1950), <https://www.un.org/unispal/document/absentee-property-israel-law-text-non-un-document/>.

their national state systems seems to have been present since the beginning of modern refugee crises. Even Transjordan was not wholly exempt from this philosophy. Still, its government showed from the outset that it would adhere to a much more favorable policy towards refugees than Syria, Iraq, and other major recipients of Palestinians. The remainder of the chapter will detail how Jordan proved to be the exception among its Arab neighbors in the degree with which it facilitated Palestinian integration. Examining why this was the case is crucial to understanding how Jordan has historically addressed refugee solutions, and the extent to which its current policy is influenced by past choices. The conclusions reached will aim to shed light on how solutions which more effectively align with the incentives of states, organizations, and refugees themselves can be formed.

IV. Furthering Solutions: Jordan's Responses from 1950-1993

From 1947-1949, the Arab states were far more occupied with fighting the war with Israel than addressing the more politically difficult byproduct of its refugees. When the war ended, however, the refugee problem could no longer be ignored. Consideration of long term solutions, legal distinctions and political rights proved to be a difficult task. It became clear that the political environment, realities of limited aid, and popular opinion within states like Jordan shaped solutions to an enormous extent, just as they do today. This section will consider how Jordan addressed refugees after the cessation of the 1948 War, and how conditions changed following the Six-Day War of 1967.

Reconciling Solutions and Politics

In 1948, the United Nations General Assembly (UNGA) passed Resolution 194 regarding the status of Palestinian refugees. The resolution became a foundational statement to which all Arab nations turned for guidance on how the plight of the refugees was to be resolved in the coming years. Although the resolution upheld the partition plan contained in Resolution 181, it also established the United Nations Conciliation Commission and addressed issues of Palestinian displacement. The clauses concerning refugees read as follows:

RESOLVES that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

INSTRUCTS the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations.⁴⁷

Arab states interpreted this resolution as affirming the right of any refugee to return to their homeland, if they desired to do so. They also believed it entitled refugees to compensation for the loss of property they may have suffered. As would become clear, Israel refused to acknowledge either of these rights in the immediate aftermath of the conflict. In fact, it continues to deny them today. The second clause of the resolution gave

⁴⁷ United Nations General Assembly, “Resolution 194(III): Palestine-Progress Report of the United Nations Mediator” (1948), <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/65/IMG/NR004365.pdf?OpenElement>.

the Conciliation Commission the task of facilitating “repatriation, resettlement and economic and social rehabilitation and the payment of compensation”—in other words, finding solutions—for the refugees.⁴⁸

In 1949, many Arab states viewed repatriation as the most desirable solution. An Arab League Resolution in March 1949 confirmed as much, stating that the “lasting and just solution of the problem... would be repatriation.”⁴⁹ Jordan, however, was less staunchly opposed than its neighbors: with other economic and territorial goals in mind, it agreed in July of 1949 to resettle some 200,000 Palestinians.⁵⁰ The British financial aid accompanying this resettlement was evidently too appealing for the state and its underdeveloped economy to ignore. Jordan also expressed doubts that repatriation was a viable solution in the first place, particularly because most of the property from which Palestinians fled remained under Israeli control.⁵¹ From the start, then, Jordan demonstrated its willingness to put both practicality and its own national interests ahead of what it believed to be symbolic advances of justice.

Towards the end of 1949, a number of organizations emerged and dissolved before the UNGA founded the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).⁵² The Arab states specifically insisted that “United Nations” be included in the title of the organization. Given that many Western states

⁴⁸ United Nations General Assembly, “Resolution 194(III): Palestine-Progress Report of the United Nations Mediator,”

⁴⁹ Jalal Al Hussein, “The Arab States and the Refugee issue: A Retrospective View”, in *Israel and the Palestine Refugees*, Springer (2007), pp.435-464, 2007, <https://halshs.archives-ouvertes.fr/halshs-00343893>.

⁵⁰ *Ibid*, 4.

⁵¹ *Ibid*, 5.

⁵² Adelman, “Palestine refugees, economic integration and durable solutions,” 296.

leading the United Nations (e.g., the United States and Great Britain) backed Israel in the recent war, they sought to ensure that the international community felt responsible for contributing to the creation of the refugee crisis.⁵³ The desire of the Arab states to generate international involvement in the crisis was not motivated solely by the need for financial resources. Rather, they also sought justice—whether the Western states were fully aware of this notion or not. The United Nations fulfilled their request. Under UNRWA, a far more organized relief and aid system developed. UNRWA and its partner volunteer organizations oversaw the distribution of supplies to the refugees on the ground, while host governments like Jordan took a backseat role in facilitating camp safety and the transportation of goods.⁵⁴

A survey published in 1949 shows that the majority of Palestinians were indeed dependent on UNRWA for shelter and aid.⁵⁵ About 60 percent of refugees, or 430,000 individuals, lived in camps operated by UNRWA. Another 250,000 refugees, or 35 percent, held varied occupations, lived in towns or cities, and registered for the free refugee rations. Only 4 percent of Palestinians received no UN refugee supplies.⁵⁶ Such high levels of dependence did not necessarily sit well with the Palestinians. Those in Jordan, in particular, resented the fact that they were essentially governed by the Bedouin and the British—the former they thought to be inferior, and the latter they perceived as

⁵³ Hussein, “The Arab States and the Refugee Issue.”

⁵⁴ Plascov, “The Palestinian Refugees in Jordan: 1948-57,” 43.

⁵⁵ Changrok Soh et. al., “Once Resolved, Stay Resolved? The Refugee Policy of Jordan toward Palestinian Refugees,” *Journal of International and Area Studies* 23, no. 1 (2016), 1-16, <http://www.jstor.org/stable/43918288>.

⁵⁶ Changrok Soh et. al., “Once Resolved, Stay Resolved? The Refugee Policy of Jordan toward Palestinian Refugees,” 5.

the enemy. The territorial ambitions of the Jordanian government likewise did not go unnoticed. In the words of Plascov, many quickly recognized and resented “the purpose [the] machinery was serving.”⁵⁷

In the years following the creation of UNRWA, preserving the right of return proved to be a challenging undertaking for Jordan. In 1949, Jordan had extended a form of temporary citizenship to all Palestinians living within its territory. Distinct from other Jordanian citizens, these Palestinian “refugee-citizens” held a temporary citizen status that allowed them to eventually assert their right of return.⁵⁸ Jordan thus faced a difficult question: to what extent should it rely upon UNRWA aid and development schemes if the majority of Palestinian refugees were pseudo-citizens? Western influences in the UN and other aid organizations pushed for resettlement-based activities, which promoted economic and social integration, rather than simply relief services. Yet many Arab states—including Jordan—held strongly to the notion that such activities diminished their bargaining power with Israel for the right of refugee return, and refused to comply. They largely rejected proposals to depopulate the camps and promote socioeconomic development.⁵⁹ In this limbo, the camps were soon rendered seemingly permanent fixtures.

Still, the Arab states acknowledged that the Palestinians deserved basic human rights, including those of adequate education, employment, residency and free movement. As a result, the Arab States passed the Casablanca Protocol in 1965 asserting standards to

⁵⁷ Plascov, “The Palestinian Refugees in Jordan 1948-57.”

⁵⁸ Soh et. al., “Once Resolved, Stay Resolved? The Refuse Policy of Jordan towards Palestinian Refugees.”

⁵⁹ Soh et. al., “Once Resolved, Stay Resolved? The Refuse Policy of Jordan towards Palestinian Refugees.”

ensure these rights were protected.⁶⁰ The Protocol, however, made an exception that states could allow Palestinians to retain their nationality in order to preserve their right of return. What's more, few states actually complied by the standards the Protocol set forth. Jordan proved an exception on both of these fronts.

Nearly a decade prior, Jordan had made the decisive choice to extend formal citizenship to all Palestinian refugees. The Jordanian Nationality Law of 1954 granted Jordanian nationality to Palestinians who arrived as a result of the 1948 crisis.⁶¹ The law allowed Palestinians to access public services like education and employment on equal terms as native Jordanians. No other state chose to resolve the Palestinians' refugee status so quickly or definitively. More than any other policy, the Jordanian Nationality Law set a remarkable precedent in Jordan by introducing the integration of Palestinian refugees.

The Jordanian government took care to coordinate the procurement of funds required to meet refugees' particular needs. Spending per refugee in Jordan—through U.S., UNRWA and Jordanian contributions—was considerably and consistently higher than that of any other Arab state.⁶² The incentives Jordan possessed to integrate Palestinians in Jordanian society allowed more beneficial avenues for livelihood and societal participation to be opened to the refugees quite soon after their arrival. By the 1960s, Palestinians had been granted citizenship, rights to public services and social protection systems, and equal opportunities in most areas of economic life within Jordan.

⁶⁰ Hussein, "The Arab States and the Refugee Issue: A Retrospective View," 16.

⁶¹ *Ibid*, 17.

⁶² Hussein, "The Arab States and the Refugee Issue: A Retrospective View," 17.

Perhaps most importantly, they were also allowed to retain their official status as refugees under international law.

The Six-Day War and its Aftermath

Tensions residing from the 1948 war culminated in another round of fighting in June of 1967. Hostilities largely originated from the 1956 conflict between Egypt and Israel over the latter's access to the Strait of Tiran.⁶³ In an effort to force Egypt to reopen the Strait to Israeli shipping, Israel invaded the Sinai Peninsula in 1956. Although its first effort was unsuccessful, Israel claimed in 1967 that Egypt's continuation of the blockade would constitute sufficient cause for war. Egypt, in response, stated that the Strait would be closed to Israeli vessels, and deployed troops to its border.⁶⁴ Israel's subsequent airstrikes caught Egypt by surprise. Egypt called upon Syria and Jordan to invade Israel, both of whom complied. In less than six days, as the name suggests, Israel captured the West Bank (including East Jerusalem) from Jordan and the Golan Heights from Syria, in what became known as the Six-Day War. The legacy of the war confirmed Israel's regional supremacy and growing influence among the Western powers, at the detriment of the disorganized Arab leaders.⁶⁵

After the Six Day War, more than fifty percent of the refugees displaced from the 1948 conflict resided in territories under Israeli control. Israel's conquests drove about

⁶³ Ferry and Harms, "Partition, Israeli Statehood, and the Six-Day War: 1947–1967."

⁶⁴ Ibid.

⁶⁵ Ferry and Harms, "Partition, Israeli Statehood, and the Six-Day War: 1947–1967."

80,000 individuals from the West Bank into the East Bank of Jordan.⁶⁶ This outmigration included both refugees from 1948 and Palestinians native to the West Bank. For context, in June of 1966, UNRWA reported a total of 1,317,759 Palestinian refugees: of this figure, about 706,000 resided in Jordan.⁶⁷ Roughly 487,000 refugees registered with UNRWA lived in the West Bank. Clearly, 80,000 Palestinians was a significant addition to the Jordanian refugee population. This new wave of refugees, arriving in Jordan nearly two decades after the initial displacements of 1948, further complicated the political situation of refugees in Jordan. Indeed, an entirely new set of policies regarding their legal standing emerged.

The initial problem posed by this influx of Palestinians was that they were not included in any definition of “refugee” under international law. According to the UNRWA definition, a Palestinian refugee is an individual whose “normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict”.⁶⁸ Refugee status was extended to descendants of those who fled from the conflict as well. In effect, the UNRWA definition was *exclusive* to the 1948 war; it did not extend to new conflicts that might arise. The way UNRWA applied this definition differed substantially from how the UNHCR defined refugee status. Under the UNHCR Convention mandate and Protocol, refugee status is not passed on to descendants of refugees or exclusive to

⁶⁶ Abbas Shibliak, “Residency Status and Civil Rights of Palestinian Refugees in Arab Countries,” *Journal of Palestine Studies* 25, no. 3 (1996): 36-45, <https://www.jstor.org/stable/2538257>.

⁶⁷ Arie J. Kochavi, “The US, Britain and the Palestinian Refugee Question after the Six Day War,” *Middle Eastern Studies*, 48:4, (2012), pp. 537-552, <https://doi.org/10.1080/00263206.2012.682575>.

⁶⁸ Changrok Soh et. al., “Once Resolved, Stay Resolved?.”

displacement resulting from a particular conflict. The unique definition set forth by UNRWA continues to have extremely important repercussions today: by including the descendants of Palestinian refugees from 1948, the population of Palestinian refugees now numbers upwards of 5.4 million.⁶⁹

Those who fled as a result of the 1967 war were subsequently called “displaced persons”, and existed outside the realm of international refugee law. Because Palestinian refugees had been historically included exclusively in the UNRWA mandate, it made little sense to categorize those displaced in 1967 under the protection of the UNHCR. As a result, less than a month after the Palestinians’ displacement, the United Nations General Assembly passed a resolution endorsing the efforts of UNRWA to provide humanitarian assistance “on an emergency basis and as a temporary measure” to displaced persons. This effectively expanded the mandate of UNRWA to cover the 1967 refugees.⁷⁰ UNRWA coordinated with the Red Cross committees, the United Nations Children’s Fund, and other voluntary organizations to provide aid to the displaced, just as they had for the refugees of 1948.⁷¹

UNRWA and the UN member states responded to the crisis of 1967 by acting quickly to expand the boundaries of international law. Their decisive action shows definitive organizational development as compared to the initial disarray of the late 1940s. Jordan, likewise, proved better prepared to respond efficiently and effectively to the crisis. From the outset, Jordan made it clear that Palestinians in the West Bank were

⁶⁹ UNHCR, “Figures at a Glance” (2018), <https://www.unhcr.org/en-us/figures-at-a-glance.html>.

⁷⁰ United Nations General Assembly, “Resolution 2252: Humanitarian Assistance” (July 4 1967), <https://unispal.un.org/DPA/DPR/unispal.nsf/0/F7575BE79BBC6930852560DF0056FC78>.

⁷¹ United Nations General Assembly, “Resolution 2252.”

to retain their Jordanian citizenship.⁷² Simultaneously, the government approved the establishment of six camps for the displaced. All six of these camps continue to provide protection and assistance to refugees today.

Broadly speaking, the ways in which UNRWA and the Jordanian government responded to the 1967 displacement were similar to their responses following the 1948 crisis. Yet the political developments within the Palestinian territories over the next few decades—especially in the West Bank—revealed that the Six-Day War would change a great deal about the relationship between native Jordanians and Palestinians. Although the policy of extending citizenship to West Bankers persisted for two decades, relations between the Jordanian government and the Palestinian Liberation Organization (PLO) became increasingly tense. The PLO was founded in 1964 with the ideological basis of restoring the Palestinian homeland, and claims to be the sole representative of the people of Palestine.⁷³

Some factions within the PLO called for an overthrow of the Hashemite monarchy in 1970, leading to the violent “Black September” clashes between the Jordanian military, the *fedayeen* of the PLO, and Syrian forces in a number of Jordanian cities. Although peace was reached quickly, tension with the PLO persisted, particularly with the outbreak of the first *intifada* (Palestinian “uprising”) of 1987 in Israel and Palestine.⁷⁴ As a result, King Hussein severed all administrative and legal ties to the West Bank in 1988. Importantly, this decision included a revocation of citizenship from West

⁷² Soh et. al., “Once Resolved, Stay Resolved?”

⁷³ Ferry and Harms, “Partition, Israeli Statehood, and the Six-Day War: 1947–1967.”

⁷⁴ Changrok Soh et. al., “Once Resolved, Stay Resolved?”

Bankers through an amendment of the Citizenship Law—demonstrating that Jordan was just as willing to take back the rights it had granted to Palestinians some twenty years prior when its security and stability were at stake.⁷⁵

The Right of Return

The Black September conflict did not permanently alienate Palestinians in Jordan. Jordan, more so than other states, remained hopeful that an Israeli-Palestinian peace would eventually manifest itself and feature plans for refugee compensation or repatriation. In the early years following the 1948 war, this was largely due to the political motivations King Abdullah possessed in seeking territorial control over the Palestinian territory of Transjordan and beyond. Abdullah believed that Palestinian integration was an important step towards his dream of a “Greater Syria”—though these aspirations would never come to fruition.⁷⁶ Years later, when the peace negotiations of the 1990s commenced, Jordanian officials began to fear that the refugee issue would be excluded. Taking the refugee issue off the table implied that Jordan would be forced to bear the immense costs of integration indefinitely.

Since then, the Jordanian government has more vocally supported the continued right of return of the refugees. The government has claimed to represent the large population of Palestinians in their country in advocating for their eventual compensation and continued status as refugees.⁷⁷ As the next chapter will discuss, however, a just

⁷⁵ Changrok Soh et. al., “Once Resolved, Stay Resolved?”

⁷⁶ Plascov, “The Palestinian Refugees in Jordan: 1948-1957.”

⁷⁷ Ibid, 18.

peace that appeases the demands of Arab states and Palestinian refugees seems increasingly unrealistic in the current geopolitical climate.

The persistence of refugee camps in Jordan has also complicated discussions of the right of return. As the following chapter will discuss, conditions within Palestinian refugee camps are significantly worse than those observed in the rest of Jordanian society. Yet many believe that abolishing these camps could compromise the right of return. Over the years, Jordan and UNRWA have developed the Palestinian refugee camps to provide greater access to water, electricity, and sustainable infrastructure.⁷⁸ The normalization and increasing permanence of these camps has led to increasing integration of the encamped refugees into Jordanian society, while preserving—at least in part—the semblance of the right of return.

Still, nationalist sentiments among the Jordanian people proclaiming the necessity of placing “Jordan first” in the realm of refugee issues have become increasingly prevalent. The government, at the turn of the century, made it very clear that it would no longer accept any future waves of Palestinian refugees.⁷⁹ Although over seventy years had passed since the 1948 displacements, the legacy of the Palestinian refugee crisis remained poignant. Yet this proclamation has not prevented the government from permitting other nationalities of refugees to enter—especially Syrians and Iraqis. The government’s proclamation that its borders would be closed to refugees seems to have been a statement of deterrence more so than an actual policy. The following chapters will

⁷⁸ Plascov, “The Palestinian Refugees in Jordan: 1948-1957,” 22.

⁷⁹ *Ibid.*

assess the linkage between the legacy of the Palestinian crisis and future refugee policy in more detail.

V. Conclusion

The goal of initial solutions in Jordan was twofold: to meet refugees' needs, and to preserve their right of return. The dual responses Jordan pursued of establishing camps and permitting Palestinians' inclusion in Jordanian society demonstrated its commitment to achieving these ends. In addition, the Jordanian government offered forth a number of auxiliary decisions which deserve emphasis. Throughout multiple displacements, Jordan consistently maintained open borders and allowed all Palestinian refugees to seek asylum. It never forcibly repatriated Palestinians or coerced their onward migration—which, as Chapter 7 will discuss, would emerge as a trend in the Iraqi crisis. Jordan accepted international monetary aid and allowed other states, humanitarian organizations, and NGOs to help refugees within their borders.

Jordan pursued its policy decisions regarding Palestinian refugees amidst a complicated backdrop of the Arab states' collective interests. Although it certainly considered the positions other states took on the refugee question, Jordan chose to privilege its own agenda and depart from the policies of its neighbors. The government's political interests ultimately served as the most powerful force influencing the formation of policy. Although public opinion within Jordan may have constrained policy, it did not exclusively drive its formation. Palestinians became an integral facet of Jordanian society under Jordan's initial refugee policies.

From a contemporary standpoint, Jordan's treatment of Palestinian refugees in the twentieth century was remarkable. Refugees were provided with emergency aid from organizations like UNRWA and the Red Cross, granted citizenship and employment rights by the government, and given opportunities to establish new lives in Jordan. In other words, the most important issue of providing refugees with sustainable livelihoods was adequately addressed. However, none of these initial responses were viewed as a true *solution* to the refugee issue. The Introduction chapter spoke about the different definitions of "solution" offered in refugee studies literature. Following the traditional definition, a solution is the acquisition or re-acquisition of citizenship within a host, resettlement, or origin country. This definition implies that the majority of Palestinians in Jordan should no longer be considered refugees, as they have been given citizenship. Nevertheless, many Palestinians disagree with this implication: in their eyes, the only thing comprising a real solution would be the ability to return home.

The analysis of initial solutions to Palestinian displacement thus ends with a contradiction. Although Palestinians enjoy both citizenship and decent standards of living in Jordan, many nevertheless choose to symbolically maintain their refugee status. Such circumstances render the Palestinian crisis a truly unique case that requires equally unique solutions.

The next chapter will delve further into the question of how Palestinians live in Jordan today. It will analyze how effective the solution of integration has been for both Palestinians and Jordanians. In doing so, it will analyze the Palestinians' standards of livelihood compared to non-Palestinian Jordanians and the laws which regulate their

rights and citizenship. Lastly, it will examine the question of how a “durable solution” is defined when addressing the question of Palestinian refugees.

Palestinian Refugees: Part II

6

I. Introduction

The last chapter analyzed the ways in which Jordan historically addressed the inflows of Palestinian refugees. It describes the delicate balancing act Jordan played in allowing Palestinians to seek refuge in their land, preserving their right to return to their homelands, and permitting them to live as Jordanian citizens in the interim. The analysis emphasized that Jordan did not have an obligation to extend these rights to Palestinians; indeed, its Arab neighbors chose to limit the availability of entry and citizenship. Yet the Jordanian government believed it was within their political interests to not only welcome Palestinians, but also ensure that they were given the opportunity to live as people of Jordan instead of mere guests. This story was not universal: some Palestinians chose to remain in camps, and lived quite different lives than their Jordanian and non-encamped Palestinian counterparts. Political motivations and exceptions aside, Jordan's broad allowance for Palestinian integration alludes to a notion of humanitarian responsibility towards refugees that would permeate its policy for years to come.

Although many of the policies formulated during this time continue to define Palestinian refugee policy today, the realities that different groups of Palestinians living in Jordan face have changed significantly. Integration has proven to be a permanent

solution for a large proportion of Palestinians in Jordan who hold citizenship. Still, as stated above, integration has not been an even process. The lives of Palestinians who remain in camps continue to be shaped by poorer standards of living and prolonged aid dependence, resulting in only partial integration. This chapter will analyze how both the integration and camp models have affected the livelihoods of Palestinian refugees in Jordan today. It will compare these models to the policies implemented for doubly-displaced Palestinian-Syrian refugees, and attempt to offer an explanation of why this latter group of refugees differs fundamentally from those which preceded it. Lastly, it will suggest how a permanent solution to the Palestinian refugee problem may manifest itself in the future.

To assess how effective integration has been for Palestinians in Jordan, this chapter will analyze the solution from the standpoint of both the refugees and the host country. Scholars who analyze the effects of refugee integration generally draw their conclusions from studies of livelihood, living standards, laws and regulation, opinion polls, and other descriptive measures of refugees' lives and effects on the host community.¹ Mirroring this method, the following analysis of refugee livelihood will focus principally on the areas of employment, healthcare, education, microfinance and income. It will seek to capture to what extent the Palestinian refugees have become similar to native Jordanians in common standards of livelihood.

¹ See, for example, Alexander Betts et. al., "Refugee Economies in Kenya," Refugee Studies Centre, Oxford Department of International Development (2018), file:///C:/Users/2294/Downloads/Refugee-Economies-Kenya-Report-web-final.pdf.

Another important aspect of the analysis will examine how the Jordanian government and people have experienced tension as a result of Palestinian integration. Analyzing the effects of integration on the host state is an integral aspect of the broader question of refugee solutions for a number of reasons. For one, states have increasingly proven to be far more nationalistic in their migration and citizenship policies as of late, in forming restrictive policies on a national level rather than deferring to international refugee law and organizational recommendations. Jordan has not been exempt from this practice. Given this reality, it is necessary to assess the effects of Jordan's decision to adopt a traditional solution recommended by international law and integrate Palestinians. Moreover, integration's effects on the state offer insight as to what conditions may be necessary for the solution of integration to be successful in other crises.

As Chapter Two explained, the reality that individual states are always one of the primary determinants of refugee policy is thus unavoidable. Together, the two levels of the following analysis will allow for conclusion as to what extent Palestinian integration represents a unique case in refugee studies; and what lessons, in turn, can be extrapolated to be generally applicable for other refugee crises today.

II. Assessing Integration: Refugees' Standards of Livelihood

More than seventy years after the initial displacement of 1947, Palestinians now make up roughly 43 percent of the population of Jordan.² Many are either formerly refugees themselves or had family members that were refugees. Others still retain their refugee status, living in camps without Jordanian citizenship and relying on aid from UNRWA and other international and national organizations. Because refugee status is transferred to the children of Palestinian refugees, the number of refugees in these camps has not declined with time. In many instances, three generations of refugees remain in these camps. This serves as a stark reminder of the continuing failure to fully resolve the Palestinian refugee problem for both Jordanians and Palestinians alike. Encamped refugees experience far lower standards of living in all aspects than the non-encamped Palestinians and native Jordanians.

For those living outside of camps, integration appears to have been relatively successful: the levels of political participation, income, employment, and education of Palestinians as compared to native Jordanians show only slight differences. Indeed, many would say that today Palestinians *are* Jordanian, in both their citizenship and their personal identity.

The analysis below will assess these two “solutions” for Palestinian refugees: integration, and encampment. The most recent data to be gathered on the subject comes

² Victoria Kelberer, “Negotiating Crisis: International Aid and Refugee Policy in Jordan,” *Middle East Policy Journal*, (6 Dec. 2017), onlinelibrary.wiley.com.proxy.bc.edu/doi/10.1111/mepo.12313/full.

from an extensive UNRWA-FAFO Report published in 2013. This study is supplemented with data from UNRWA's website on Jordan and more recent analytical sources. Standards of livelihoods experienced by Palestinians living both within and outside of camps will be compared to native Jordanians. Oftentimes, conditions for Jordanians themselves can tell a rather pessimistic story about the average quality of life in Jordan. This should serve as a reminder that Jordan is a poor country which experiences difficulty in supporting its own people—let alone refugees.

Distinguishing Camp and Non-Camp Refugees

Roughly 300,000 Palestinians live in urban and rural camps in Jordan today. The remainder lives outside of camps, mainly in large urban centers such as Amman. There are ten officially recognized Palestinian refugee camps in Jordan: Amman New Camp, Baqa'a Camp, Husn Camp, Irbid Camp, Jabal el-Hussein Camp, Jerash Camp, Souf Camp, Marka Camp, Talbieh Camp, and Zarqa.³ Four of these camps were established after the initial displacements of 1948, and the remainder after that of 1967. In addition, there are three camps established by the Jordanian government, outside the influence of UNRWA.⁴ The map below shows the location of these camps:

³ "Where We Work: Jordan", UNRWA, <https://www.unrwa.org/where-we-work/jordan>.

⁴ Ibid.



Figure 6.1. Location of Palestinian Refugee Camps in Jordan. Source: “Where We Work: Jordan,” UNRWA, <https://www.unrwa.org/where-we-work/jordan>.

Many of these camps are located in or near cities. They essentially function as neighborhoods in which only refugees live, given the longevity of their development. The Amman New Camp, for example, was established by UNRWA in 1955 and contained 1,400 temporary shelters. Over time, the growing population forced the construction of thousands of new shelters and the transition of existing shelters into more permanent homes. The camp has turned into a small, overcrowded urban center, pictured below:



Figure 6.2. Amman New Camp. Photo by Nidal Ammouri, UNRWA, “Amman New Camp,” <https://www.unrwa.org/where-we-work/jordan/amman-new-camp>.

Citizenship and Political Participation

The majority of Palestinian refugees have been granted formal Jordanian citizenship through the 1954 nationality law, both inside and outside of the camps.⁵

Possessing the same civil and political rights as native Jordanian citizens, these refugees have full access to the labor market and public resources. Nearly 96 percent of refugees outside of camps and 85 percent within camps hold citizenship. Those who do not are

⁵ Leila Hilal, “Peace Prospects and Implications for UNRWA’s Future: An International Law Perspective,” *Refugee Survey Quarterly* 28, no. 3 (2009): 607–622, <https://doi.org/10.1093/rsq/hdp048>.

often from the Gaza strip region and possess a two-year passport instead.⁶ Large disparities exist between camps regarding citizenship: in the Jerash camp, only 6 percent of Palestinian refugees are citizens. This figure rises only slightly to 24 percent in the Hitteen camp (also known as the Marka camp).⁷ Both are far below the national average, largely due to their large populations of ex-Gazans.

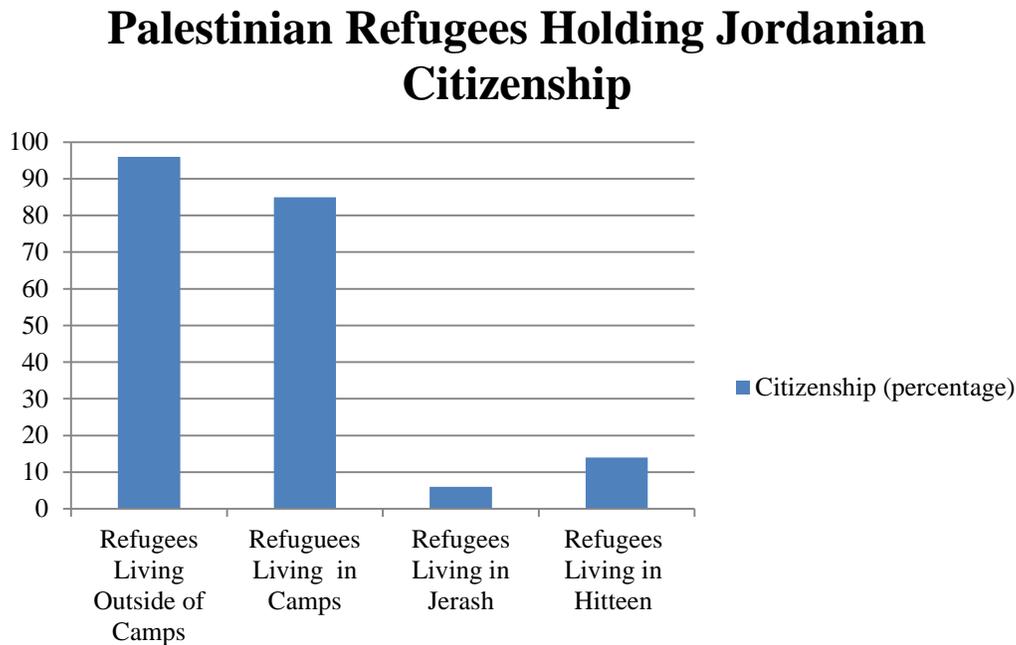
Whether refugees possess citizenship or not is highly significant. Those who do not are barred from a number of rights entitled to Jordanians, such as that of working in the public sector, owning land, receiving poverty support from the Jordanian National Aid Fund, and having access to state or national healthcare.⁸ The chart below illustrates the huge disparities found between refugees living outside of camps and those in certain camps like Jerash and Hitteen, highlighted above.

⁶ Age Arild Tiltne and Huafeng Zhang, “Progress, Challenges, Diversity: Insights into the Socio-Economic Conditions of Palestinian Refugees in Jordan,” (FAFO, 2013) https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

⁷ Age Arild Tiltne and Huafeng Zhang, “Progress, Challenges, Diversity.”

⁸ Ibid.

Table 6.1 Palestinian Refugees Holding Jordanian Citizenship



Source: Data adapted from Tiltnes and Zhang, “Progress, Challenges and Diversity.”

Economic Well-Being

As the previous chapter demonstrated, integration did not occur immediately following the influx of displaced Palestinians into Jordan in 1948 and 1967. Initially, Palestinians were largely isolated from the Jordanian labor market and dependent on external aid. Today, however, Palestinian refugees have been widely integrated into various positions of employment within Jordan. The ability to work links rather directly to the health, medical insurance, education, and location of residence of the refugees⁹. While there seems to be little difference in the labor force participation rate between

⁹ Age Arild Tiltnes and Huafeng Zhang, “Progress, Challenges, Diversity.”

refugees living within camps compared to those living outside them, the latter group tends to hold higher-paying positions that require more education.

The participation rates of both groups, as well as their unemployment rates, have lately moved in sync with national levels.¹⁰ In general, refugee women are employed in far fewer numbers than men, despite the fact that they tend to hold higher levels of education. This is likely due to the persistence of a male breadwinner ideology in Arabic states, in addition to the fact that the necessity of parental child care tends to fall with the mother.

Still, the employment of Palestinian refugees largely mirrors that of non-refugee Jordanians in every sector other than that of the public.¹¹ While Palestinian refugees who do not hold Jordanian citizenship are in fact prevented from holding public employment, they account for such a small portion of the refugee population that other factors necessarily drive this result as well. Preferential treatment and discrimination in hiring non-Palestinians into public sector jobs likely plays a large role in this trend.¹² This trend is not unimportant: public sector employment has traditionally been much more desirable in Jordan. Public sector jobs are characterized by shorter working hours, higher wages, better job security, and guaranteed medical insurance.¹³ There are clear disadvantages to being relegated to the private sector.

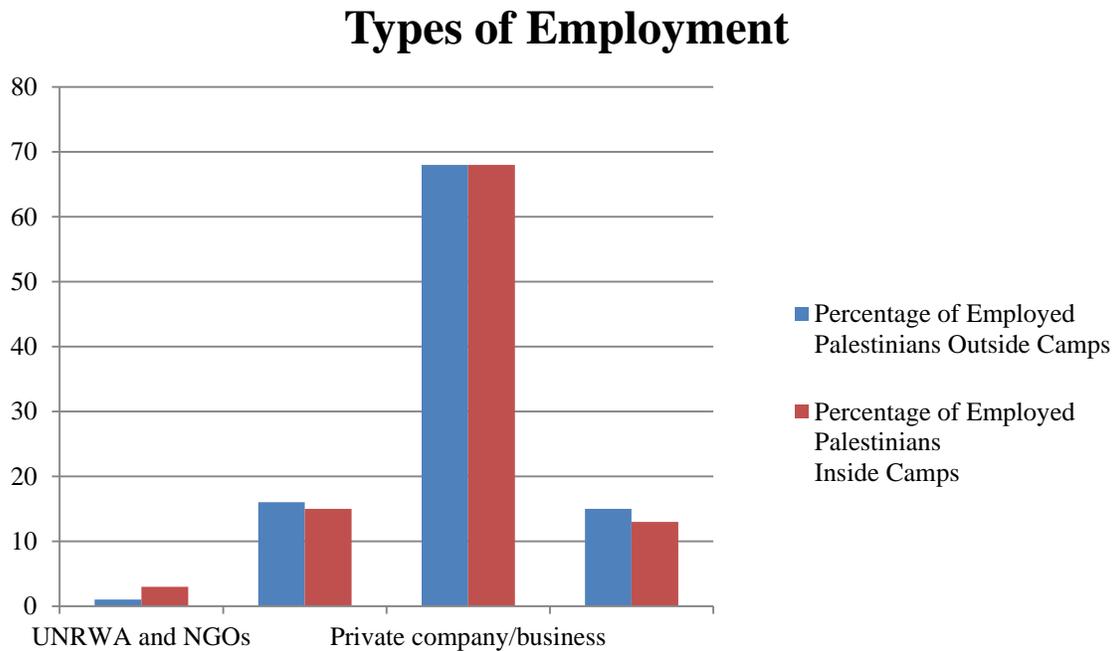
¹⁰ Tiltne and Zhang, “Progress, Challenges, Diversity.”

¹¹ Ibid.

¹² Ibid.

¹³ Thoraya El-Rayyes, “Employment Policies in Jordan,” ETF (2013), https://www.etf.europa.eu/sites/default/files/m/8D5C3712F2457914C1257CD000505340_Employment%20policies_Jordan.pdf.

Table 6.2 Types of Employment



Source: Data adapted from Tiltnes and Zhang, “Progress, Challenges and Diversity.”

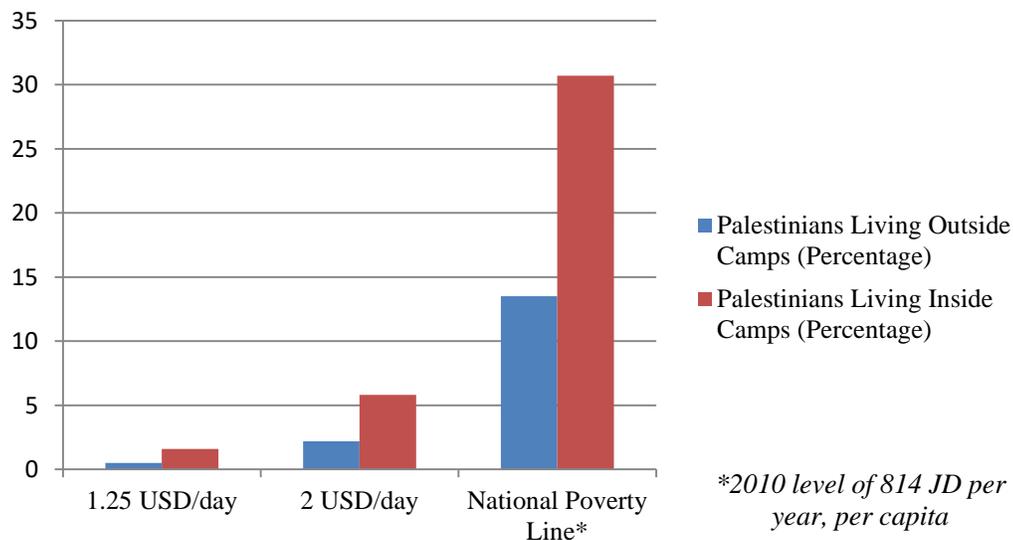
Assessing the reported levels of income, poverty and inequality for Palestinian refugees reveals that a significant difference exists between those living within camps and those without. Additional factors such as household size, education, employment, and Jordanian nationality affect these levels as well.¹⁴ While only one in ten refugees within camps possess any sort of official monetary savings, this number doubles on average for refugees living outside of camps. When compared to the levels of savings and wealth of non-refugee Jordanians, though, those of Palestinian refugees living outside

¹⁴ Age Arild Tiltnes and Huafeng Zhang, “Progress, Challenges, Diversity.”

camps look quite comparable.¹⁵ Similar figures confirm that Palestinian refugees do not differ significantly from non-refugees when they live outside of camps.

Table 6.3 Palestinians Living Under Absolute Poverty Lines

Palestinians Living under Absolute Poverty Lines



Source: Data adapted from Tiltnes and Zhang, “Progress, Challenges and Diversity.”

It is also important to note that the distribution of income and wealth outside of camps is more skewed than within camps, indicating that these levels vary widely with location of residence in Jordan. Palestinians living in Amman, for example, tend to be wealthier and hold higher-paying jobs than those in the Irbid or Zarqa governorates.¹⁶

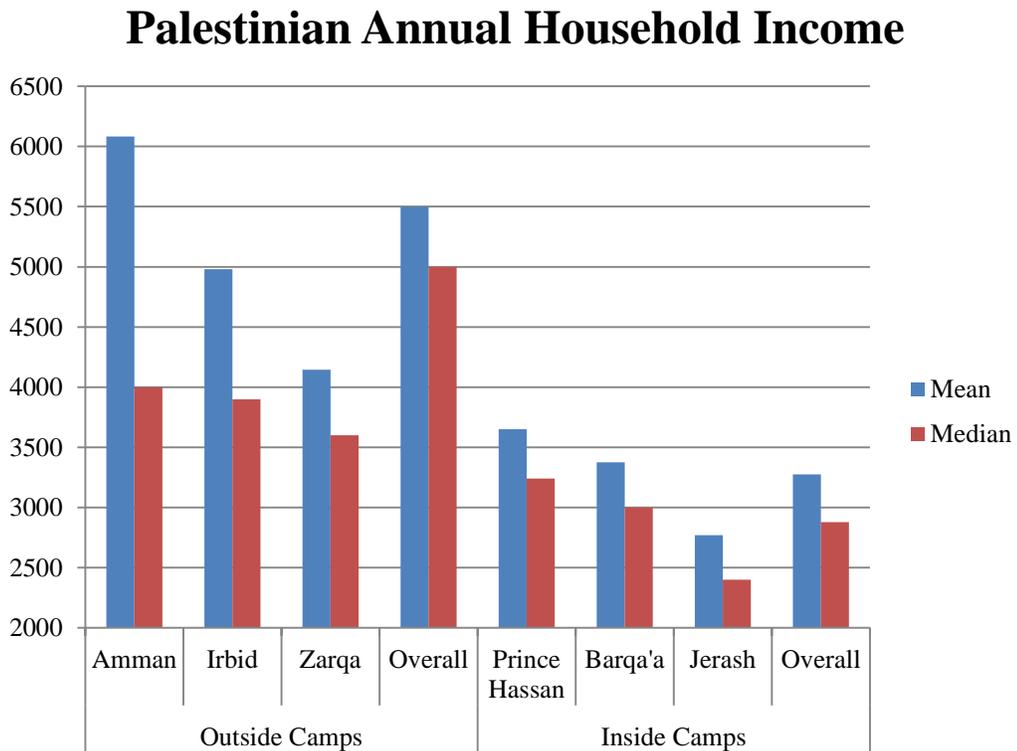
Although these figures are promising for the majority of Palestinians who do not live in

¹⁵ Tiltnes and Zhang, “Progress, Challenges, Diversity.”

¹⁶ Ibid.

camps, those who remain there continue to suffer the inequality of a lower economic status as a result.

Table 6.4 Palestinian Annual Household Income



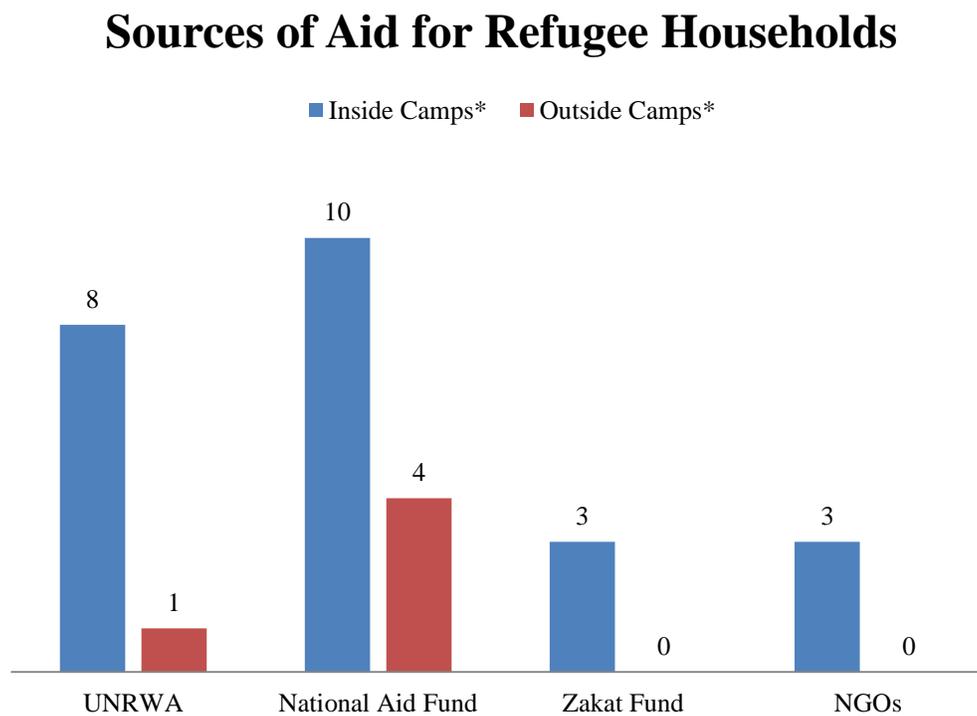
Source: Data adapted from Tiltnes and Zhang, “Progress, Challenges and Diversity.”

Like native Jordanians, the majority of Palestinians also have access to microfinance services. Within Jordan, the microfinance industry is large and highly profitable. Palestinians can take out loans to support their education, business ventures, and housing payments through a number of different operators, including UNRWA.¹⁷ In

¹⁷ UNRWA, “Microfinance in Jordan” (2017) <https://www.unrwa.org/activity/microfinance-jordan>.

addition to loans, some Palestinians rely on aid from a variety of other sources to support themselves. The table below shows that refugees inside camps rely on aid to a much greater degree than those outside of camps:

Table 6.5 Sources of Aid for Refugee Households



Source: Data adapted from Tiltnes and Zhang, “Progress, Challenges and Diversity.”

Health and Health Insurance

The health conditions and level of insurance refugees possess varies widely among a range of factors including encampment status, income, and education. Although UNRWA does not provide refugees with healthcare, it offers free health services and large subsidies or discounts to those seeking medical aid both within and outside of

camps. As of December 2016, UNRWA had established twenty-five primary health facilities in Jordan which had over 1,613,789 patient visits per year.¹⁸ This figure represents roughly 56 percent of the registered Palestinian refugees within Jordan. The fraction of refugees who hold official health insurance through national services actually varies quite little with a refugee's location inside or outside of camps, and has shown significant improvement in the past few decades.¹⁹

Still, some areas fare far worse than others. Within the Jerash camp—which possesses the highest poverty rate among camps, of 52.7 percent—a total of 88 percent of refugees possess no health insurance coverage at all.²⁰ Moreover, though many of the temporary housing structures in camps have been replaced by concrete shelters, roofs which are still made of asbestos sheets or zinc have frequently been known to cause disease.²¹ Again, however, the severity of this occurrence varies widely between camps: five out of ten official refugee camps actually report lower statistics of chronic health problems than refugees living in the Irbid or Zarqa governorates.²² Like many other aspects of their reality, refugees' health is largely tied to the monetary resources and employment they hold.

¹⁸ “Health in Jordan,” UNRWA, <https://www.unrwa.org/activity/health-jordan>.

¹⁹ Ibid.

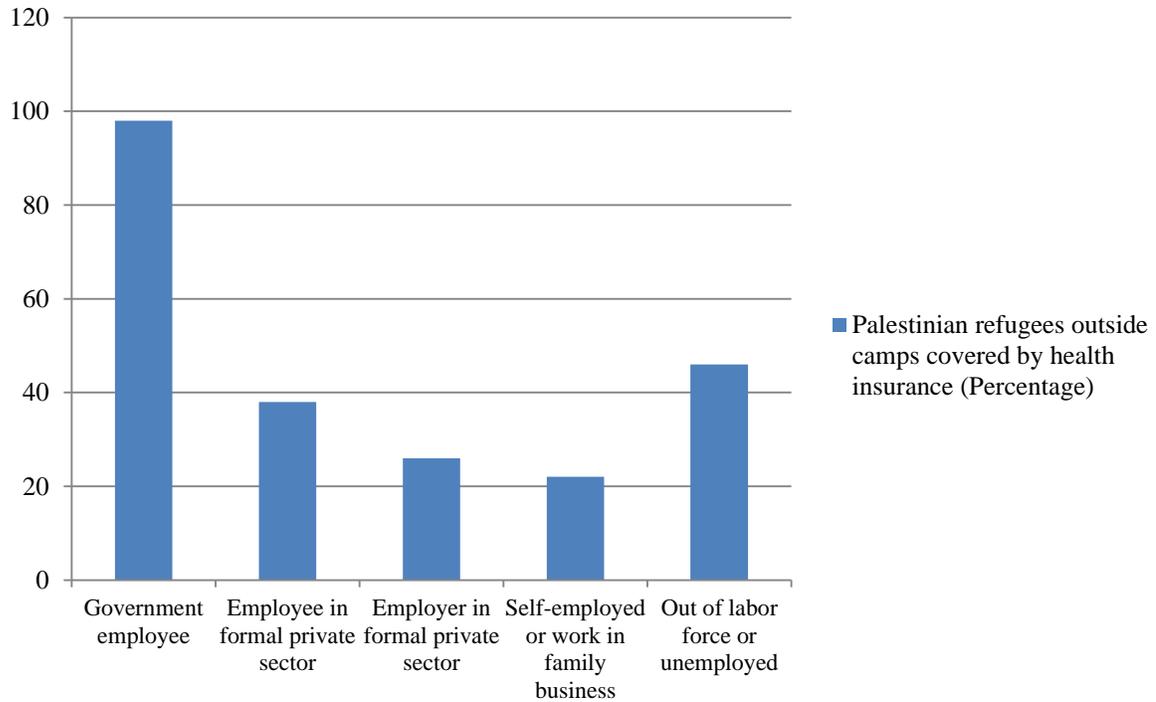
²⁰ “Where We Work: Jordan, Jerash Camp,” UNRWA, (United Nations Relief and Works Agency, 2017) <https://www.unrwa.org/where-we-work/jordan/jerash-camp>.

²¹ Ibid.

²² Age Arild Tiltnes and Huafeng Zhang, “Progress, Challenges, Diversity.”

Table 6.6 Palestinian Refugees Health Insurance Coverage

Palestinian Refugees Health Insurance Coverage



Source: Data adapted from Tiltnes and Zhang, “Progress, Challenges and Diversity.”

Education

One of the areas in which Palestinian refugees have experienced the most encouraging progress is education. UNRWA runs 171 schools in Jordan, enrolling over 122,194 Palestinian students.²³ Within camps, the UNRWA remains the largest provider of schooling, with 9 out of 10 children in camps enrolled in a school operated by the

²³ UNRWA, “Where we Work: Jordan.”

organization.²⁴ Children outside of the camps are generally enrolled in schools administered by the Jordanian government, with a small percentage in private schools. Since 1999, each subsequent age quintile of refugees has improved in every education bracket, from “not completed any schooling” to “university”.²⁵ The average number of refugees in camps who have not completed any schooling, for example, has dropped from 57 percent to only 16 percent. The proportion of those who completed basic schooling rose from 17 percent to 39 percent.²⁶ A number of other international organizations and NGOs, such as UNESCO, have partnered with UNRWA to aid in educational development.²⁷

²⁴ Age Arild Tiltne and Huafeng Zhang, “Progress, Challenges, Diversity.”

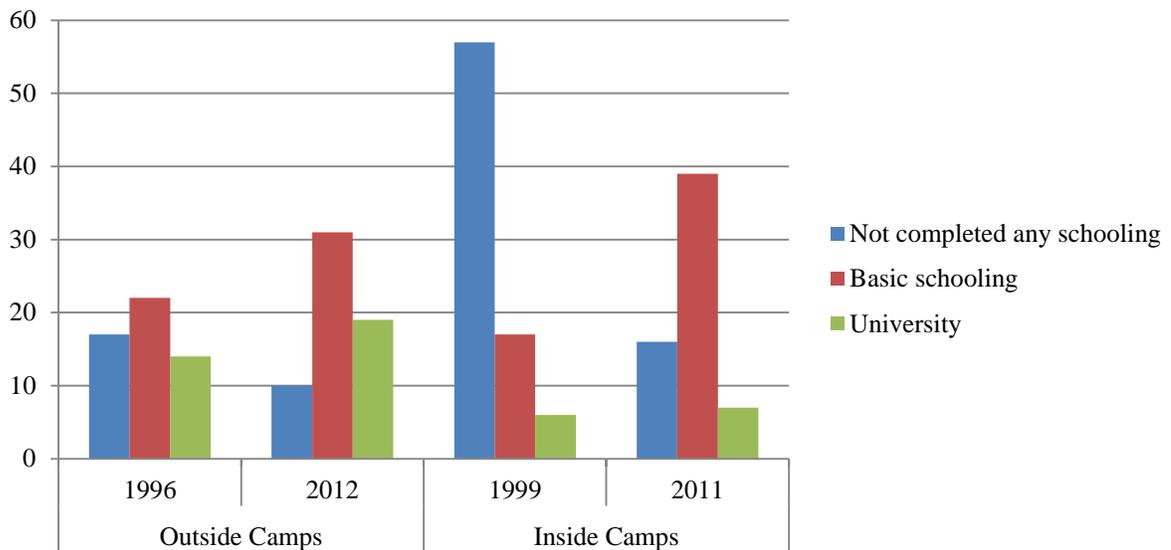
²⁵ Ibid.

²⁶ Ibid.

²⁷ UNRWA, “What we do: Education,” <https://www.unrwa.org/what-we-do/education>.

Table 6.7 Educational Attainment of Palestinian Refugees

Educational Attainment of Palestinian Refugees



Source: Data adapted from Tiltnes and Zhang, “Progress, Challenges and Diversity.”

Level of education holds a very important impact on the job refugees can acquire, especially due to the fact that the modern labor market places increasing value on higher levels of schooling. As expected, studies show that there is a strong positive correlation between a refugee’s education level and the monetary return they receive in their place of employment.²⁸ While progress remains to be made—especially in closing the gap between education levels within and outside of camps—the steady improvement over the past few decades provides hope for even more equitable schooling opportunities in the future.

²⁸ UNRWA, “What we do: Education,” <https://www.unrwa.org/what-we-do/education>.

Palestinian Public Opinion

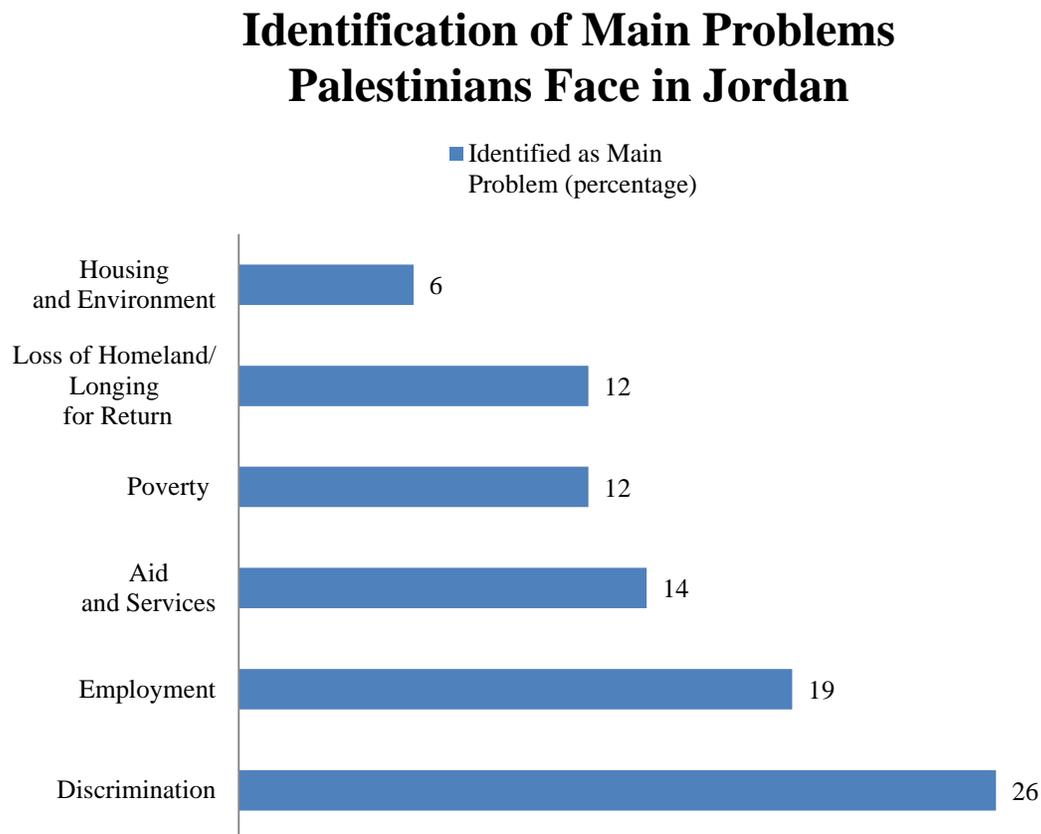
Assessing the opinion of Palestinians in Jordan may provide insight as to whether the differences in livelihoods described above are perceived as significant. In the NEP survey in 2005, Palestinian identified the main problems they face in Jordan to be discrimination (26 percent), employment (19 percent), aid and services (14 percent), poverty (12 percent), loss of homeland/longing for return (12 percent), and housing and environment (6 percent).²⁹ The fact that the problem identified by the most respondents was “discrimination” suggests at least some Palestinians continue to feel they are treated differently than other social groups in Jordan.

Other than the right of return, it is difficult to say whether the remainder of problems Palestinians identified is unique to their nationality group. Many reflect the generally poor economic climate in Jordan experienced by all. Jordanians also identify economic problems, such as employment, poverty, and housing, as some of the most important challenges they face as well.³⁰ Still, as the above analysis demonstrated, legitimate differences in levels of economic wellbeing between Jordanians and Palestinians do persist.

²⁹ “Near East Project,” Graduate Institute of Development Studies (IUED-Geneva University) and the University of Louvain-la-Neuve (LN), (2005); cited in Jalal Al Hussein and Riccardo Bocco, “Dynamics of humanitarian aid, local and regional politics,” *Palestinian Refugees: Identity, space and place in the Levant*, (Routledge: 2010).

³⁰ Insherah Mousa (Jordan Country Director, Jesuit Refugee Services), “Interview with Christina LaRitz,” Jesuit Refugee Services, Amman, January 8, 2019.

Table 6.8 Identification of Main Problems Palestinians Face in Jordan



Source: Data adapted from Tiltnes and Zhang, “Progress, Challenges and Diversity.”

With regards to the topic of the right of return, Palestinian public opinion holds interesting implications. The general consensus among Palestinians, residing both in Palestine and abroad, is that the right of return represents a sacred hope which is unlikely to ever manifest itself in reality. The right of return, on principle, represents the preservation of their identity as a nation and recognition of what they are owed under international law. Practically, however, most Palestinians in Jordan have lived their

whole lives abroad. The current laws which prevent their return are unlikely to change for the better in the near future.³¹ As a result, Palestinians are not willing to give up their status as refugees, even though they view integration as the most realistic outcome of their plight. Chapter 10 will provide a more in depth analysis of Palestinian opinion on the right of return and similar issues.

The Legacy of Integration

Looking at the data, it seems that Palestinians residing outside of camps are quite similar to native Jordanians. Still, this does not mean that differences between the two groups do not manifest themselves in ways which are less easily observable. Scholars and policymakers who study the ethnic makeup of Jordan note that a divide continues to exist between “East Bankers” and “West Bankers”, referring to the place of origin of Jordanians and Palestinians, respectively. Over time, this divide has been accentuated by contentious political and economic issues which privilege one group over the other.

In recent times, both the Arab Spring and the economic reforms that followed increased tension between the East Bankers and West Bankers in Jordan. The early protests in Jordan in 2011 specifically addressed the economic gap between East Bankers and Jordanians of Palestinian origin—the latter of which having fared much better in the economic turmoil following 2008.³² They moreover complained that the government had wrongfully conferred citizenship upon certain Palestinians, such as those who were

³¹ Naseer Aruri, *Palestinian Refugees: The Right of Return*, (London: Pluto Press, 2001).

³² Lamis El Muhtaseb, “Jordan’s East Banker-Palestinian Schism,” Norwegian Peacebuilding Resource Center (April 2013), <https://www.files.ethz.ch/isn/162779/746892aacedd3e8fcb1ff7370a77fb67.pdf>.

relatives or friends of Queen Rania. The Queen herself is of Palestinian origin, and has historically faced criticism from the East Bankers for expressing political support for Palestinian refugees.³³ Dissent arose within the Jordanian Islamist movement as well. Although it was previously dominated by Palestinians, the movement increasingly featured Jordanian voices calling for reforms benefitting their own interests.

Jordanians of Palestinian origin did not participate in the Arab Spring protests to the same extent as their East Bank counterparts. However, a rising tide of opposition to the discrimination Palestinians faced in the public sphere in Jordan emanated from scholars, activists, academics, and the like. They called for equal rights with East Bank Jordanians, specifically highlighting the inequality faced in the public and military sectors since the 1970s. Their demands culminated in a letter sent to the King titled the “National Initiative for Equal Citizenship”, which called for an end to the various forms of discrimination experienced by the Palestinians.³⁴

The Palestinians’ decision to advocate for equal rights apart from the broader protest movements against the government reflects careful consideration of the government’s potential counter-response. Palestinians feared that joining the protest movement could prompt the government to systematically push them further towards inequality, as it had clearly demonstrated its willingness to do with the displaced Iraqis a few years prior. Although the discrimination Palestinians faced was certainly just cause for unrest, it was still preferable to living without citizenship or employment rights. Fear,

³³ “Jordan tribes criticize Queen Rania’s ‘political role’”, BBC News (8 February 2011), <https://www.bbc.com/news/world-middle-east-12400274>.

³⁴ Lamis El Muhtaseb, “Jordan’s East Banker-Palestinian Schism.”

together with the mounting antagonism from disgruntled East Bankers, forced Palestinians to tread carefully when seeking equality.

Recent changes in economic policy in Jordan have actually proven to benefit the majority of Palestinians forced into private sector work. In 2012, Jordan signed a Stand-By Agreement with the International Monetary Fund.³⁵ A significant effect of the agreement was an increase in the cost of living, through decreasing government spending, which was not offset by higher wage or increased job creation. Again, in 2016, further IMF reforms sought to reduce public debt, stimulate job creation and alter labor market policies. The result was a severe increase in privatization—meaning less government jobs for Jordanians, and more for Palestinians. Indeed, the International Labor Organization finds that nearly 70 percent of all jobs created within the past decade in Jordan have been in the private sector.³⁶ Protests originating from public sector workers arise frequently as a result. Given the pre-existing labor divisions along ethnic lines, much of the anger expressed by protestors is aimed towards Palestinians.

Ethnic clashes between Jordanians and Palestinians continue to manifest themselves in a number of ways today. Most notably, talk of a Jordanian solution to the Palestinian refugee problem—in the form of an alternative homeland for Palestinian, a confederation with the Palestinian territories, or a variety of other scenarios—has stirred unrest in both groups. East Bankers resist the potential “Palestinianization” of Jordan, and Palestinians resist the idea of a solution which fails to respect their fundamental

³⁵ Caper Gooden, “Public Sector Isolation: Labor Market Divisions in Jordan,” *International and Political Affairs 2018*, (Princeton University: 2018), https://jpia.princeton.edu/sites/jpia/files/media/2018_chapter6.pdf.

³⁶ Gooden, “Public Sector Isolation: Labor Market Divisions in Jordan.”

parameters for peace. Although nearly seventy years have passed since Palestinians first arrived in Jordan, their legal status remains a pertinent question in the foreseeable future.

V. Solutions for the Doubly-Displaced: What Makes Palestinian-Syrians Different?

The analysis above clearly demonstrates that integration has not been an even process for all Palestinians. Despite integration's relative success, differences still persist between various groups of Palestinians depending on when they arrived in Jordan and where they live today. The treatment of Palestinian refugees from Syria who arrived in Jordan during the Syrian refugee crisis indubitably confirms this reality. Jordan upheld a vastly different set of policies towards this particular subset of refugees than both other Syrians and the Palestinians who arrived many years prior. In doing so, it illustrated just how relevant the Palestinian refugee question and the effects of integration continue to be. Jordan's targeted policies towards Palestinian-Syrian refugees underscore that international law and national identity can and do affect policy, depending wholly on the particulars of the situation. It appears that no singular factor determines refugee policy in Jordan.

A significant number of Palestinian refugees in Syria were displaced to Jordan in the wake of the Syrian crisis. These Palestinians, registered as refugees with UNRWA and living in Syria, began entering Jordan in 2011 when the conflict drew near to its northern border.³⁷ Initially, Jordan allowed the entry of a few thousand Palestinian-Syrian

³⁷ "Palestinian Refugees from Syria: Ongoing Nakba, Ongoing Discrimination," in *Al Majdal*, issue no. 56 ed. by Nidal al-Azza, Manar Makhoul, Amaya El-Orzza, (BADIL Resource Center for Palestinian Residency and Refugee Rights, October 2014) <https://reliefweb.int/sites/reliefweb.int/files/resources/al-majdal-56.pdf>.

refugees under the same procedures that it admitted other Syrian refugees. Chapter 8 will discuss these procedures in greater detail.³⁸ Beginning in April of 2012, however, Jordan began severely restricting Palestinian-Syrian entry and subjecting them to involuntary *refoulement*, or the process of returning refugees to the border of Syria³⁹.

Jordan, largely motivated by political fear of the potential security threats Palestinian-Syrian refugees presented, made this policy of *refoulement* explicit in 2013. The government even went so far as to refuse entry to refugees that held Jordanian identification papers or citizenship.⁴⁰ Over a hundred cases of individuals and families that entered Jordan being forcibly removed by Jordanian authorities have been reported since 2013.⁴¹ Issues of illegal imprisonment, harassment, and detention have occurred as well.

Refoulement has explicitly been declared illegal under international law through the 1951 Convention Relating to the Status of Refugees, and is regarded as one of the most dangerous practices outlawed in the Convention.⁴² Although Jordan is not party to the Convention, Article 2 of the Memorandum of Understanding (MOU) it formed with the UNHCR in 1998 affirms that the right of non-*refoulement* will be respected.⁴³ The MOU, however, holds no binding legal requirements for compliance. Thus, Jordan cannot face formal persecution for its non-*refoulement* policy.

³⁸ See Chapter 8.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² See Chapter 2.

⁴³ UNHCR, "Memorandum of Understanding," (*RefWorld*, 1997) <https://www.refworld.org/docid/3ae6b31b17.html>.

Still, non-refoulement is also outlined in the Convention Against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of the Child (CRC)—all to which Jordan is a signatory⁴⁴. The discriminatory treatment towards Palestinian-Syrian refugees within the country violates a number of international obligations to which Jordan is privy as well, such as the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁴⁵. Despite the encouragement Jordan faces from UNRWA and other international organizations to stop this practice, the government has largely failed to comply.

As of 2017, almost 50 percent of the 560,000 Palestinian refugees within Syria were forced to flee as a result of the civil war. Upwards of 16,000 Palestinian-Syrians entered Jordan.⁴⁶ Humanitarian need among these refugees is extremely high, with nearly 85 percent requiring assistance from the UNRWA.⁴⁷ Even though these refugees came from Syria, their legal status as Palestinian refugees means that they fall under the jurisdiction of UNRWA instead of the UNCHR. Although they have access to common UNRWA services, such as education and healthcare, a lack of funding has prevented many from receiving the benefits they require.

The difference in donor support received by UNHCR and UNRWA has led to a substantial source of unequal treatment between Syrian refugees and Palestinian-Syrian refugees. While the UNHCR draws in a great deal of international funding from various

⁴⁴ “Palestinian Refugees from Syria: Ongoing Nakba, Ongoing Discrimination,” in *Al Majdal*.

⁴⁵ *Ibid.*

⁴⁶ UNHCR, “Syria 3RP Regional Strategic Overview 2017-2018,” (2017). reporting.unhcr.org/sites/default/files/ga2017/Syria%203RP%20Regional%20Strategic%20Overview%202017-2018.pdf?v2+.

⁴⁷ *Ibid.*

states and organizations, UNRWA constantly remains in deficit. It has been unable to offer the same treatment to doubly-displaced Syrian-Palestinian refugees as a result. Refugees were crowded into camps that already far exceeded capacity; UNRWA schools were forced to stop admitting Palestinian-Syrian refugees; and still other refugees were necessarily denied shelter and forced to sleep on the streets.⁴⁸ In this case, it seems apparent that the separate designation of Palestinian refugees under the UNRWA has a detrimental effect on their well-being. Such realities have led many Palestinian-Syrian refugees to enter Jordan illegally.⁴⁹ The majority of these irregular refugees do not seek aid through the UNRWA, for fear of being returned to Syria. They suffer from the burden of supporting themselves independently as a result.

The recent treatment of doubly-displaced Palestinian refugees holds concerning implications for the future of Palestinian refugee policy in Jordan. For one, Jordan's recent policy decisions make clear that Palestinians are fundamentally different than other groups of refugees, such as Syrians. Although the UNHCR has, in the past, chosen to extend their mandate over those who do not possess official refugee status, such a decision has not manifested itself in this situation. This is very likely due to the political importance refugee status holds for Palestinians. As such, their categorization under UNRWA is unlikely to be challenged by the UNCHR, despite the clear discrepancies in aid that have emerged as a result.

⁴⁸ Mai Abu Moghli et. al, "Focus On: Palestinian Refugees," (Al-Shabaka, May 3 2018) <https://al-shabaka.org/focuses/focus-palestinian-refugees/>.

⁴⁹ "Interactive Map 1960-2015," (Migration Policy Institute, 2016).

In some respects, Jordan's refusal to accept Palestinian-Syrian refugees seems counterintuitive. Palestinians, as described above, have largely experienced positive integration into Jordanian society and presently comprise a significant proportion of its population. In comparison, Syrians have only limited historic migration into Jordan, and comprised a small percentage of its population prior to the recent crisis. Why, then, did the government choose to extend protection to the Syrians and not the Palestinian-Syrians?

Chapter 8 will provide greater context with which to examine this question. Still, a few initial explanations can be offered. The first concerns the finances of refugee aid in each crisis, discussed above. While the UNHCR conducted major global appeals to increase donor support for the Syrian crisis, UNRWA made no such effort. Palestinians, unlike Syrians, are largely perceived to be a refugee story of the past. Refugee crises typically experience sizeable donations at the outset, and increasingly significant budget cuts in subsequent years. In the case of the Palestinians, nearly seventy years of exile and political tensions have rendered donations increasingly sparse. More recent, drastic refugee crises that pose large scale loss of life and security concerns feature far more prominently on donor states' agendas. The incentives for states to fund prolonged refugee situations like that of the Palestinians are simply insufficient.

A second explanation ties into the right of return rationale expressed in the previous chapter. Jordan's reluctance to accept more refugees appears to align with its policy intentions expressed in the 1990s—namely, that it would prioritize a political solution which includes the resettlement of Palestinian refugees, and would not continue

to accept refugees in the future. The ongoing responsibility of caring for encamped refugees likely contributes to their attitude as well. Finally, the realization of the failures of the peace processes of the 1990s means that the question of refugee return still holds great importance in future negotiations. Given these considerations, Jordan's policy towards Palestinian-Syrian refugees seems to align predictably with its practical and political interests.

VI. Beyond Integration: Solving the Palestinian Refugee Status Question

Over time, a plethora of factors have steered Palestinian refugee policy in Jordan. Following the initial displacement of 1948, Jordan welcomed Palestinians into their society as a means of advancing their state-building ambitions, expanding their territory, and increasing their access to foreign aid. Such incentives persisted in the wake of the 1967 crisis. In the following decades, tensions between the Jordanian and Palestinians governments rendered the former wary of its welcoming integration policies. The government emphasized that no new Palestinian refugees would be resettled or integrated in Jordan. It proved true to its word in the aftermath of the arrival of doubly-displaced Palestinians from the Syrian crisis. The Jordanian government possessed neither the funding nor the political support necessary to justify extending protection to yet another group of Palestinian refugees.

Recent years have shown that the government's willingness to wield integration as a feasible refugee solution is unlikely to continue in the future. Even though integration has generally proven to be an effective solution for Palestinians living in

Jordan outside of camps, it has fundamentally changed the nature of Jordanian society in a way that the government cannot justify for other refugee groups. Still, the issue of whether Palestinians who remain in camps will experience greater equality with Palestinians outside camps and Jordanians remains pertinent. Palestinian refugee status also continues to be an important, undetermined issue facing Jordan, UNRWA, and the broader international community. This section will analyze the prospects for a legal-political resolution to refugee status for Palestinians in the future.

The Future of UNRWA

The future of Palestinian refugee status is highly dependent on further peace negotiations and resolution of final status issues in the Arab-Israeli conflicts. How policymakers choose to include UNRWA in the resolution of the Palestinian refugee issue will hold important implications for Palestinians in Jordan. In recent years, UNRWA has experienced catastrophic budget cuts from major donors—like the United States—which hold the potential to cripple the continuation of its aid and services. Although some donor states no longer support its intentions, UNRWA clearly continues to hold ongoing importance for refugees in countries such as Jordan. Terminating its mandate would leave a sizeable population of Palestinians, in Jordan and elsewhere, deprived of basic necessities and crucial protections.

Furthermore, the existence of UNRWA as *the* international refugee organization for Palestinian refugees remains particularly important. Jalal Al Hussein and Riccardo Bocco draw upon the Near East Project Survey conducted in 2005 by Geneva University

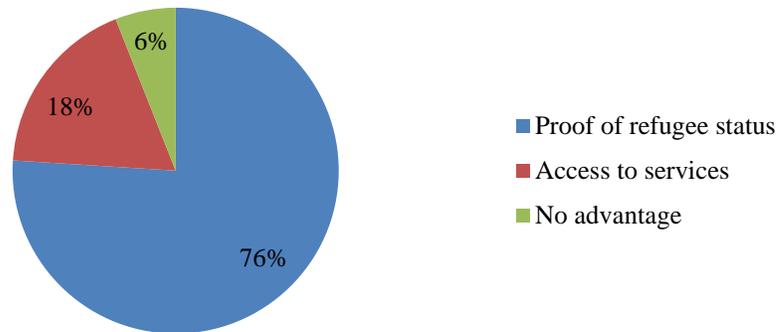
and the University of Louvain-la-Neuve, in coordination with UNRWA, to show that UNRWA also serves a symbolic role in the eyes of refugees.⁵⁰ In total, 76 percent of Palestinian refugees in Jordan responded that the main advantage of registration with UNRWA was “proof of refugee status”, while only 18 percent said “access to services”. Only 6 percent reported no advantage to registering as a refugee.⁵¹ When Palestinians outside of camps are compared to those within, the figures change only modestly: 78 percent of non-camp refugees responded with “proof of refugee status”, while 16 percent said “access to services”. These statistics compare to 68 percent and 26 percent, respectively, for camp refugees.

⁵⁰ Jalal Al Hussein and Riccardo Bocco, “Dynamics of humanitarian aid, local and regional politics,” *Palestinian Refugees: Identity, space and place in the Levant* (Routledge: 2010), 137.

⁵¹ Jalal Al Hussein and Riccardo Bocco, “Dynamics of humanitarian aid, local and regional politics.”

Table 6.9 Main Advantage of Registration with UNRWA

Main Advantage of Registration with UNRWA



Source: Data adapted from Jalal Al Hussein and Riccardo Bocco, “Dynamics of humanitarian aid, local and regional politics,” in *Palestinian Refugees: Identity, space and place in the Levant* (Routledge: 2010), 137.

The survey results imply more than one truth about Palestinians in Jordan. Most obviously, it shows that UNRWA is no longer the prominent supplier of aid and services to Palestinian refugees. The Jordanian government now fills that role, due both to the lack of funding experienced by UNRWA and the initiatives taken by the government to administrate camp activities. Secondly, the survey shows that while Palestinians may not want to *live* like refugees, they still desire to retain their refugee status for political reasons. The feasibility of granting the right of return to over 6 million Palestinians today

may appear bleak, but their protracted state of limbo could still serve as a powerful bargaining tool in future negotiations between Palestine and Israel.⁵²

Resolving Palestinian Refugee Status

Howard Adelman writes that the question of a durable solution to the Palestinian refugee crisis has a double meaning. He points out that a “solution” to a refugee crisis may not mean the end of refugee status, but rather the implementation of a long-term response to refugeehood. In this sense, “durable solutions” have been implemented for the Palestinian refugees for quite some time. Still, many retain their legal refugee status. Quoting a statement made in 1983 by the United Nations High Commissioner for Refugees, Adelman states: “A genuinely durable solution to a refugee problem means integration of the refugee into society: either reintegration in the country of origin after voluntary repatriation, or reintegration in the country of first asylum or country of resettlement.”⁵³ The question of when Palestinian refugees who have indeed integrated into Jordanian society should consider their problem “resolved” is difficult to answer.

Refugee scholars suggest a number of mechanisms through which the legal aspect of refugee status can be resolved. First, until further peace negotiations address the issue of refugee status, they believe it is integral that UNRWA continues to fulfill the terms of its mandate. Leila Hilal argues that Palestinians should then be given a “menu of permanent destination choices”.⁵⁴ In other words, Palestinians should be allowed to

⁵² “Palestinian Refugees: The Right of Return,” edited by Naseer Aruri. Print.

⁵³ Howard Adelman, “Palestine refugees, economic integration and durable solutions,” 295.

⁵⁴ Hilal, “Peace Prospects and Implications for UNRWA’s Future: An International Law Perspective.”

choose between various countries of resettlement, including numerous locations within Israel and Palestine. Hilal highlights that the freedom to move is one of the most intrinsic rights states must uphold when hosting refugees. Any international agreement formed in regards to the Palestinian refugee issue must respect that right and provide refugees the mobility they are due. This suggestion sounds quite similar to the mobility solutions praised by Long and Gottwald discussed at length in Chapter 2. Allowing Palestinians to decide for themselves whether to resettle, return or remain where they currently reside appears a particularly apt solution for the current situation.

VII. Conclusion

This chapter demonstrates, first and foremost, that Jordanian policy has allowed integration to become a successful solution. Unsurprisingly, the integration model in Jordan vastly outweighs the camp model. Policymakers, aid workers, and scholars alike agree that camps are not a viable long-term solution. Yet the inequality observed within the Palestinian refugee camps does demonstrate that policy decisions regarding refugee crises can have repercussions that manifest themselves even decades after they are made. Once Jordan constructed its camps, it was politically difficult to reverse the decision; but by allowing them to persist, they allowed for inequality to persist and develop as well.

As Chapter 2 discussed, most scholars view integration as a difficult solution. Case studies generally reveal that integration is rarely successful, in that either the refugees or the host communities experience adverse effects prompting outmigration, violence, or instability. Palestinians in Jordan have proven to be an exception. Over time,

multiple domestic and international factors have incentivized Jordan to integrate Palestinians into society. Palestinians, despite longing for return, found they could establish successful lives in a country that possessed much of the same language, religion, and culture. To be sure, the Palestinians' presence has certainly played a role in the economic troubles, political instability, foreign aid dependence, and other domestic issues Jordan has faced over the years. Regardless, Palestinian integration should be heralded as one of the few success stories of integration as a durable solution.

The Palestinian case represents a unique combination of variables that modern refugee crises are unlikely to replicate. Still, the lessons which can be learned from Jordan's responses to their protracted displacement hold remarkable implications for other refugee crises observed today. Repatriation, impossible for Palestinians, is increasingly difficult to implement as a solution to crises due to the persistence of instability and prolonged conflict in origin countries. Third-country resettlement is likewise a lengthy, unpredictable process from which far fewer refugees benefit than the suggested quotas imply that they could. With that, local integration may deserve further consideration as durable solution. The case of Palestinians in Jordan demonstrates that the alignment of proper incentives for the host government, proper aid from international organizations, and socio-cultural similarities between the populations can create an effective environment for local integration to develop as a durable refugee solution.

The next chapter will analyze the case of the Iraqi refugees in Jordan. It will walk through a brief history of the wars in Iraq that led to two instances of displacement: the first following the First Gulf War in the 1990s, and the second during the Iraq War

beginning in 2003. After, it will consider the initial responses Jordan put forth to address the inflows of Iraqis. Finally, it will consider the implementation of durable solutions and the status of displaced Iraqis in Jordan today. Throughout, the narrative of the Iraqi crisis will clearly diverge from than that of the Palestinians in a number of ways.

Iraqi Refugees

7

I. Introduction

The last chapter described the ways in which solutions for Palestinians in Jordan have evolved with time and outlined the prospects for a final, durable solution yet to come. It determined that integration has, by and large, been effective in raising most Palestinians' livelihood to nearly equivalent to those of non-Palestinian Jordanians. Still, Chapter 6 highlighted the political difficulties in resolving the plight of encamped refugees, and acknowledged a number of areas where inequality persists for Palestinians. In conclusion, it suggested that policymakers should pursue mobility-based solutions in the ongoing resolution of Palestinian refugeehood amidst the broader Israeli-Palestinian peace process.

In light of those conclusions, this chapter will analyze the solutions pursued for Iraqis displaced in Jordan. It was clear from the outset of the Iraqi displacement crisis that the ways in which Jordan responded were significantly impacted by the Palestinian refugee crisis. The integration of Palestinians, considered *the* refugees in Jordan, fundamentally changed the society, economy, and culture of the state. Addressing their protection and livelihood needs required a great deal of precious resources and time from the government. The lives of everyday citizens were likewise affected by such changes,

and none were ignorant of the significant burden Jordan bore in accepting Palestinians as refugees. With the onset of war in Iraq, Jordanians feared the implications that a refugee crisis would have on their national stability; on cultural, economic and political levels. Simply put, Jordan could not afford another Palestine.

Against this backdrop, the policies that Jordan pursued towards displaced Iraqis in the years to follow are often referred to as “semi-protectionist”. Compared to other the other Arab states, Jordan proved to be one of the most generous states in their acceptance of Iraqis. Its policies generally allowed Iraqis to enter, but largely refused to provide them with legal recognition or protection. Compared to its previous record with Palestinians, however, Jordan appeared to have turned its make-shift refugee policy completely on its head. Repatriation was preferred, integration was off the table, and resettlement or onward migration was ultimately the solutions to which they resorted. As this chapter will detail, it was primarily political and economic factors that motivated Jordan’s refugee policy towards Iraqis—though “security” is perhaps the most oft-cited. With regards to these factors, the Iraqi case is indeed quite similar to that of the Palestinians.

This chapter will provide a short overview of the crises in Iraq, the Gulf War of 1991 and Iraq War of 2003, that prompted the two major waves of Iraqi displacement into Jordan. It will then analyze the initial responses and policies pursued by Jordan, the UNHCR, and the international community in addressing their displacement. Next, it will turn to the durable refugee solutions, and offer data, opinions, and analysis to explain why each were or were not pursued in Jordan. Lastly, this chapter will consider how the international community, including both states and non-governmental or civil society

organizations, responded to the crisis, and the implications this held for Jordan's own policy. Ultimately, we see that Jordan's consistent refusal to extend the "refugee" regime to the Iraqis can be explained by a number of political, economic and diplomatic factors that incentivized and constrained the state to act in its own national interest.

II. Historical Overview of the Displacement

As is true with nearly every refugee crisis, the circumstances which prompted displacement can affect the nature of solutions a great deal. The Iraqi case is no exception. Both the instability created by the Gulf War of 1991 and the widespread violence following the invasion in 2003 created conditions within Iraq that eventually caused millions to be displaced from their homes. In a number of ways, the facts of Iraqi displacement represent a more "typical" refugee crisis than that of the Palestinians. Although both groups faced persecution and general violence, the Iraqis that fled were not a homogenous socio-ethnic group being driven from their land. No laws prevent their return, but the ongoing instability and security concerns in the region render the undertaking unlikely. Many protracted refugee crises today experience similar conditions of state-wide instability, violence, or persecution that persist for lengthy periods following the initial flight of refugees.

The First Displacement: the 1991 Gulf War

A number of migration trends linked Iraq and Jordan before the outbreak of the modern conflicts observed today. After the overthrow of the monarchy in 1958, Iraqis fled to the surrounding Arab states—including Jordan. During the Ba’thist regime of the 1960s-80s and the Iraq-Iran war in 1979, Jordan was again a destination country for many of the displaced. Their migration, not sizeable enough to have much effect, was accepted with little fanfare. The first significant migration into Jordan began after the onset of the Gulf War from 1990-1991. Over 1 million Iraqis were displaced from their home in the span of just two months.¹

The causes of their displacement can be traced back to the Iran-Iraq War. Although the war ended in a ceasefire in July of 1988, lasting tension between the states involved remained.² Following the war, Kuwait demanded repayment of the billions of dollars it contributed to Iraq in its war efforts. Iraq accused its monarchy of collaborating with the United States, and insisted that Kuwait was pandering to the Western powers in attempting to keep oil prices low. Saddam Hussein’s plan to rectify the issue resulted in Iraq’s invasion and annexation of Kuwait in August of 1990.³ Almost immediately, the United Nations and Western powers condemned the invasion and organized devastating military attacks to force Iraq’s withdraw. The attacks persisted until March, when Iraq agreed to numerous UN resolutions regarding the abolition of all laws regarding the

¹ Dallah Stevens, “Legal Status, Labelling, and Protection: the Case of Iraqi ‘Refugees’ in Jordan,” In *International Journal of Refugee Law* (Oxford University Press, 2013), <https://heinonline.org/HOL/P?h=hein.journals/intjrl25&i=4>.

² James DeFronzo, *The Iraq War: Origins and Consequences* (Boulder, CO: Westview Press, 2010), Print, 93.

³ James DeFronzo, *The Iraq War: Origins and Consequences*, 99.

annexation of Kuwait, payment for war damages, and more. A ceasefire was declared on April 3rd, 1991, with the passage of UN Resolution 687.⁴

Estimates of the Iraqi death toll as a direct result of attacks in the war range from 30,000-100,000. The harsh sanctions the United Nations imposed on Iraq following the invasion were also said to have caused the death of several hundred thousand Iraqis, by triggering widespread malnutrition and poor health care.⁵ Billions of dollars of industrial, transportation, and communications infrastructure were destroyed as well. As a result, much of Iraq's upper and middle class chose to leave, migrating to Jordan, Syria, and other neighboring countries.

Displaced Iraqis traveled primarily by road, as the 1991 United Nations embargo forbid travel via plane or ship.⁶ The destination of those who fled was largely dependent on their socio-ethnic background. Kurds and Shiites, for example, generally fled to Iran. Iran, a signatory to the 1951 Refugee Convention and its 1967 Protocol, liberally granted asylum to a large number of Iraqis during this era. Some chose to eventually repatriate back to Iraq, but many integrated into Iranian society and remain there today.⁷ In contrast, Turkey had signed the 1951 Convention but not the 1967 Protocol. This effectively limited its legal recognition and protection of refugees to those of European

⁴ United Nations Security Council, "UN Security Council Resolution 687: Iraq-Kuwait" (March 1991), <https://peacemaker.un.org/iraqkoweit-resolution687>.

⁵ Ibid, p. 100.

⁶ Geraldine Chatelard, "Incentives to Transit: Policy Responses to Influxes of Iraqi Forced Migrants in Jordan" (European University Institute Working Paper: 2002), <http://hdl.handle.net/1814/1808>.

⁷ Geraldine Chatelard, "Incentives to Transit: Policy Responses to Influxes of Iraqi Forced Migrants in Jordan."

origin, excluding Iraqis and especially Kurds. The remainder of the Arab states, except for Jordan and Syria, closed their borders to displaced Iraqis after 1991.

The first wave of refugees from Iraq to arrive in Jordan that March was generally comprised of third-country nationals, including Sudanese, Somalians, Malians, and Eritraeans. About 360,000 of the 1 million individuals were Jordanian nationals, who had previously migrated to Iraq for purposes of employment but retained their Jordanian citizenship. As citizens, they were welcomed back into Jordan and allowed to re-integrate into society. A large percentage of individuals in this category were Palestinians.⁸

Such a scenario should sound familiar to that of the doubly-displaced Palestinian-Syrians, discussed in Chapter 6. As shown, Jordan had overwhelmingly denied Palestinian-Syrians the protection and aid offered to other Syrians who enter its borders. In the 1990s, however, Jordan appeared to treat the Palestinians displaced from Iraq *more* favorably than the Iraqis themselves. The crucial difference, it seemed, was the fact that many had retained their Jordanian citizenship while in Iraq and were likely sending back remittances to family or businesses in Jordan. As working citizens, Palestinians from Iraq had intrinsic economic value to Jordan. Palestinian Syrians instead represented a perpetuation of the narrative of the dependent, stateless Palestinian refugees who would remain in an intractable limbo for the foreseeable future.

Later in 1991, another uprising against the regime in Iraq was violently suppressed, driving another wave of Shiite Iraqis into Jordan.⁹ This represented the last major flow into Jordan, as the following years saw more sporadic migration through one

⁸ Chatelard, "Incentives to Transit."

⁹ Ibid.

open border point between the two states. Many of those who fled to Jordan included secular political oppositionists and ethnic minorities who feared going to Iran.¹⁰ Whether or not they were to be considered “refugees” under the 1951 Convention and Protocol definition was unclear. Officially, the UNHCR only considers persecutions committed by *state* actors to be valid, and excludes those suffering from non-state violence, civil war, and ethnic strife.¹¹ Many of the Iraqis entering Jordan fell into the latter category, outside the formal definition. Still others fled for more general reasons of economic hardship and discrimination.¹² They, too, would not have been considered a refugee under the guidelines which existed at the time and that persist today.

Still, some states have made exceptions to the international legal definition of a refugee. Largely responding to political motives, states have chosen to expand the definition’s reach to those facing persecution or violent threats more generally. Jordan has not been one of those states. Indeed, none of the Iraqis who moved into Jordan in 1991 were considered by the government to be refugees. The vast majority of Iraqis that arrived in Jordan in the 1990s either did not apply for or were denied refugee status with the UNHCR. While the UNCHR and Jordan did not sign the Memorandum of Understanding until 1998, the UNHCR did operate within Jordan from 1991 onward. It processed asylum claims and offered monthly assistance, education and medical care to

¹⁰ Chatelard, “Incentives to Transit.”

¹¹ Ibid.

¹² “Failed Responsibility: Iraqi Refugees in Syria, Lebanon and Jordan”, Crisis Group Middle East Report N°77 (10 July 2008), <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/failed-responsibility-iraqi-refugees-syria-jordan-and-lebanon>.

the limited number of Iraqis approved as Convention refugees.¹³ Aside from these small-scale operations, the UNHCR did not have an active presence in Jordan at the time.

The Second Displacement: The Iraq War

The second, more significant influx of Iraqis into Jordan arrived in the wake of the Iraq War of 2003. After the attacks of September 11th, 2001, U.S. policy towards Iraq underwent a significant shift. The Bush administration pushed to invade the state on the beliefs that the Iraqi regime possessed weapons of mass destruction, supported terrorism, and brutalized its own people. Despite the fact that most other states opposed occupation, the United States and Great Britain acted without United Nations Security Council authorization and invaded Iraq on March 20th, 2003.¹⁴ When they discovered no weapons of mass destruction or connections between Saddam and Al Qaeda, support for the war waned even further. Soon after, the Ba’athist government collapsed. The power vacuum that resulted—paired with a lengthy foreign occupation—facilitated widespread sectarian violence between Sunnis and Shias.¹⁵ The ongoing conflict peaked during the years of 2004 to 2007, coinciding with the height of Iraqi outmigration. U.S. troops remained in Iraq until 2011.¹⁶

¹³ Chatelard, “Incentives to Transit.”

¹⁴ DeFronzo, *The Iraq War*, 250.

¹⁵ Ibid.

¹⁶ Ibid.

An estimated 7,000- 20,000 Iraqi soldiers died as a result of the initial invasion from March to May of 2003. Another 19,000 insurgents were killed by the end of 2007, and estimates of civilian casualties range from 78,000 to nearly half a million.¹⁷ In addition to loss of life, the Iraq War had a devastating effect on the stability and safety of the state. Terrorism and insurgency increased, economic deprivation abounded, religious and cultural divisions turned violent, and nearly all felt the traumatic effects of war-related violence.¹⁸ Over 4 million Iraqis were displaced from their homes, either remaining within the state as Internally Displaced Persons (IDPs) or fleeing to neighboring states. Such conditions placed the state in one of the most serious humanitarian crises observed in recent years. To make matters worse, bombings destroyed the Baghdad offices of the UNHCR and International Committee of the Red Cross in 2003.¹⁹ Foreign aid agencies were thus prevented from addressing the enormous need demonstrated in Iraq for years.

By the end of the crisis, nearly five million Iraqis had been displaced from their homes and fled both within Iraq and to neighboring countries. The majority of Iraqis in Jordan today, about 77 percent, arrived between 2003 and 2007. Flows of Iraqis during this time tended to move in tandem with increases in violence in Iraq. The most notable outflow occurred after the bombing of the al-Askari shrine in Samarra, in February of 2006. The bombing precipitated a decline into further conflict and criminality in the

¹⁷ DeFronzo, *The Iraq War*, 256.

¹⁸ *Ibid*, 274.

¹⁹ Stephanie Jaquemet, to Reuters. A Lyon, "Iraqis fleeing conflict flood over borders" (January 30, 2007), <http://uk.reuters.com/article/2007/01/30/lifestyle-migration-mideast-dc-idUKL2914300920070130?pageNumber= 1>.

region, causing displacement rates to increase dramatically. As a result, most of the Iraqis in Jordan arrived between 2006 and 2007.²⁰

The violence, instability and structural damage to the country that resulted from the war persist in many aspects of society today. Scholars estimate that it will take decades for the state to fully recover and restore its infrastructure, government, and society to stability.²¹ The fact that the majority of those who fled the state came from the middle class is also problematic, representing on a detrimental scale what migration experts term a “brain drain”. Iraqi development will be slow-going until a professional middle class reemerges. Although the political intricacies of Iraq differ greatly from those of Palestine, the case of the former still represents an incredibly contentious conflict whose repercussions continue to be felt by the international community in a variety of ways.

III. Jordan’s Initial Responses and Early Solutions

The displacement crisis of the 1990s marks the beginning of the analysis of this chapter. Unlike the smaller waves of Iraqis which arrived in Jordan before the 1990s, the larger flows following the Gulf War prompted the Jordanian government to begin responding in a more coherent and predictable fashion. Jordan’s policies towards Iraqis solidified after 2003, as political pressures and fear of a more serious security crisis increased. After the outbreak of both the 1990s crisis and that of 2003, Jordan claimed it would not allow any Iraqis to pass through its borders. In reality, most Iraqis that sought

²⁰ “Failed Responsibility: Iraqi Refugees in Syria, Lebanon and Jordan.”

²¹ Ibid.

entry were accepted. Once in Jordan, however, the government's policies made it very clear that it would be difficult to sustain a long term stay. The UNHCR and NGOs were given only limited access to aid the displaced, and often irregular migration onward resulted.

As the previous section detailed, the first group of displaced persons to arrive in Jordan were third-country nationals living in Iraq. Many of them were Jordanian, and thus faced little trouble entering the country. The following years saw Iranian Kurds and Iraqi nationals begin to enter as well.²² Official estimates of how many individuals entered are difficult to come by. A UNHCR working paper guessed about 1 million had entered Jordan from 1991-1996, but this included many who had only briefly stayed before departing onward. Jordanian media accounts cite anywhere from 50,000-180,000 individuals, and NGOs cited around 300,000.²³

Given the transitory nature of their migration and relatively fluid border between the countries, it can only be decisively said that few who entered Jordan that were not upper-middle class stayed very long. Indeed, by 2002, only 30,000 Iraqis had obtained long-term residency permits. Most individuals were given short term visas at the border that lasted for two weeks, which could be extended up to three months and renewed once. These visas did not include the right to work; nor were their renewals often approved. As a result, many Iraqis entered legally and then became illegal when their visas expired.²⁴

²² "Failed Responsibility."

²³ Chatelard, "Incentives to Transit."

²⁴ Ibid.

Jordan's policy of distributing these short term visas upon entry stayed relatively consistent through the beginning of the 2003 crisis. Although those who overstayed their visas could have been subject to overstay fines or deportation, the Jordanian government did little by way of enforcing these punishments.²⁵ The Memorandum of Understanding with the UNHCR, which specified that resettlement must occur within six months of entry, was likewise largely ignored. In November of 2005, however, its attitude shifted dramatically when Iraqi nationals bombed three hotels in Amman, leaving 60 people dead.²⁶ Al-Qaeda eventually claimed responsibility for the attacks. As a result, Jordanians became extremely concerned with the possibility of further terrorist attacks by Iraqis within their borders.

In the aftermath of the attacks, Jordan tightened its border security significantly and increased enforcement of overstay penalties. Iraqis became subject to deportation and involuntary repatriation at much higher rates.²⁷ Involuntary repatriation, or *refoulement*, has been oft-cited as one of the most egregious violations of rights condemned by international refugee law. Jordanian officials do not advertise that *refoulement* occurred, but reports from NGOs and the UNHCR show that it indeed persisted for years following the 2005 attacks. After 2006, Jordanian officials also prohibited single men between the ages of 17 and 35 from entering on grounds of increased security as well.²⁸ Illegal entry and forged documentation resultantly increased. To address this development, Jordan

²⁵ Chatelard, "Incentives to Transit."

²⁶ Human Rights Watch, "'The Silent Treatment': Fleeing Iraq, Surviving in Jordan," E1810 (November 28, 2006) <https://www.refworld.org/docid/45a4da562.html>.

²⁷ Human Rights Watch, "'The Silent Treatment'."

²⁸ "Failed Responsibility."

began calling for entry applicants to possess a new passport called the “G-series”, which was much more costly and difficult to obtain.

Since the policy change of 2006, only Iraqis that have large investments in Jordan or deposit upwards of \$150,000 in a Jordanian bank can enter the country with ease. Even UN officials with formal invitations have found it difficult to cross the border.²⁹ Save for the select few who were granted official refugee status by the UNHCR, Iraqis were largely barred from entering Jordan. Jordan, however, refused to call the situation a refugee crisis. A Jordanian official stated that the Iraqis did not constitute a refugee problem, but rather one of “illegal immigration, no different from what the United States faces with Mexicans”.³⁰ This narrative is all too familiar, heard today from many Western states experiencing irregular immigration. Quite obviously, Mexicans entering America differ fundamentally from Iraqis entering Jordan. Yet the Jordanian government, seeking to retain its sovereignty over Iraqi migration, attempted to avoid at all costs the politicized label and implications accompanying the term “refugee”.

Justifying Selective Adherence

Both the lack of domestic refugee law and selective adherence to international refugee law in Jordan severely hindered the successful search for solutions for the Iraqis. As Chapter 3 detailed, Jordan is not a signatory to the 1951 UNHCR Convention Relating to the Status of Refugees and its 1967 Protocol. Nor does it process any domestic laws on the treatment of asylum seekers and refugees. Only brief references are

²⁹ “Failed Responsibility”.

³⁰ Human Rights Watch, “‘The Silent Treatment’.”

given to refugees in the Constitution and the 1973 Law concerning Residency and Foreigners' Affairs, and there is no legal adjudication process in Jordan for the settlement of asylum claims.³¹

Given the geographical limitations of the 1951 Convention, it is understandable that the Arab states felt it unnecessary to sign the document immediately following its introduction. After the 1967 Protocol lifted these restrictions, however, Jordan and its neighbors did not then seek to ratify its principles, even though migration was a prominent feature of the region. Dallal Stevens, in his analysis of the legal status of Iraqis in Jordan, identifies two explanations for Jordan's continued failure to ratify the Convention and its Protocol today. First, he points out the political sensitivities accompanying the transferal of refugee status.³² The definition of a refugee under international law very clearly limits application of the status to those who have been persecuted by the government of their country of origin.³³ As the next section will explain, this puts Jordan in a very difficult situation by overtly requiring the government to recognize the actions of the Iraqi government as persecution in order for refugee status to be granted.³⁴

The second explanation cited is the issue of the Palestinians. Stevens notes that during the early 2000s in Jordan, the term "refugee" was largely synonymous with "Palestinian".³⁵ The political implications of expanding the term to other groups and

³¹ Human Rights Watch, "'The Silent Treatment'."

³² Stevens, "Legal Status."

³³ Ibid.

³⁴ Chatelard, "Incentives to Transit."

³⁵ Stevens, "Legal Status."

nationalities created serious push back from both the government and the people of Jordan. Many within Jordan believed that refugee status would encourage Iraqis to stay in Jordan permanently and thus occupy jobs, utilize resources, and rely on government aid that deprived Jordanian nationals of the same. The experience of the Palestinians, in which integration proved the only logical option, made Jordan wary of creating a similar situation of dependency with the Iraqis.³⁶ Paired with the fact that a large influx from an unstable origin could pose a security threat to society, the empathy Jordanians expressed towards the Iraqis was low.

Opinion in Jordan regarding the situation in Iraq generally favored neutrality. While some Iraqi oppositionist groups existed, they were largely eradicated after 1999 when King Abdullah II assumed the throne.³⁷ Opposition press was strictly prohibited in Amman. The Arab Association of Human Rights, one of two human rights' organization registered in Jordan at the time, had an executive board which largely supported the Iraqi regime.³⁸ Furthermore, the domestic economy played a large role in determining Jordanian opinion regarding Iraq as well. Given that Jordan imported a great deal of Iraqi oil at low cost, jeopardizing their strategic relationship could have had detrimental effects on the Jordanian economy. Lastly, Iraqi businessmen are quite active in Jordan, bringing attractive investment opportunities and financial capital. Given these realities, Jordan was placed in a precarious position of maintaining a border which was open enough to

³⁶ Chatelard, "Incentives to Transit."

³⁷ Ibid.

³⁸ Ibid.

maintain good diplomatic and economic relations but limited enough to prevent major inflows of displaced Iraqis.

Establishing the Temporary Protection Regime

Jordan has consistently possessed a very open policy with regards to migration for Arab nationals who sought to work, study, and invest within its borders.³⁹ While some Iraqi elites and businessmen fell into this category—and could thus access residency and work permits with far more ease—the Jordanian labor market was already highly saturated as it was.⁴⁰ Given the political baggage and fears of long term residency previously discussed, Jordan’s semi-protectionist policy seems predictable. This policy began to take shape after the 1991 Gulf War and solidified with the displacement crisis that began in 2003. In other words, the Jordanian government maintained a relatively continuous stance on Iraqi displacement, despite the minor ways in which it strengthened its resolve against their presence.

Identifying Jordan’s reluctance to extend protection, the UNHCR responded. In 2003, the Jordanian government and the UNHCR signed a Letter of Understanding to establish a UNHCR center to provide temporary protection to Iraqis at the border between Iraq and Jordan.⁴¹ The UNHCR envisioned this Temporary Protection Regime (TPR) extending nationally, and achieving three goals: 1) protecting Iraqis from *refoulement*; 2) relieving the UNHCR of the duty of processing asylum claims, with

³⁹ Stevens, “Legal Status.”

⁴⁰ Chatelard, “Incentives to Transit.”

⁴¹ UNCERF, “Jordan: Executive Summary,” <https://cerf.un.org/sites/default/files/resources/Jordan%202007%20RR%20New%20Format.pdf>.

which they were overburdened; 3) enabling Iraqis to have access to integral national services.⁴² Although the government did accept the construction of the temporary protection Center at the border, it fully rejected the UNHCR's national plan in April of 2005.⁴³ Not only would the TPR have essentially enabled Iraqis to be treated like refugees, but it also contradicted the MOU signed between Jordan and the UNHCR just five years prior.⁴⁴ The MOU, as Chapter 3 stated, established standards for addressing refugee crisis agreed upon by the Jordanian government and the UNHCR. Jordan often chooses to overlook the text of the MOU; yet in this instance, it relied upon its international validity to justify restricting UNHCR activity. In doing so, it provided an interesting example of how the government wields its agreements to fit its political interests.

Given the Jordanian government's reluctance to cooperate, the TPR that the UNHCR attempted to implement did very little by way of extending protection. The UNHCR attempted to distribute "asylum seeker" cards to Iraqis affirming their presence in Jordan and protecting them from deportation. These cards, however, did not establish official refugee status.⁴⁵ As of 2006, only 17,000 individuals had been given such cards—a rather insignificant proportion of the estimated population there at the time. What's more, Jordan generally ignored the validity of the asylum seeker cards, except to inform the UNHCR that a card holder had been detained.⁴⁶ Even the process of adjudicating

⁴² Ibid; see also, Stevens, "Legal Status."

⁴³ Stevens, "Legal Status."

⁴⁴ Ibid.

⁴⁵ Human Rights Watch, "'The Silent Treatment'."

⁴⁶ Ibid.

refugee and asylum claims laid forth in the MOU was hardly operational at the time. The UNHCR, both lacking resources and fearing that Iraqis would be deported if they did not meet the specific criteria under the refugee definition, had largely stopped processing asylum seeker claims by 2006. Indeed, in 2005, only 22 individuals were registered as refugees with the organization.⁴⁷

III. Non-Governmental and International Responses

By 2006, roughly one million Iraqis were displaced between Jordan and Syria.⁴⁸ Human Rights Watch termed Iraqis in Jordan “de facto refugees”, a characterization generally accepted by the international community. It defines a de facto refugee as one who has fled violence or persecution and are in need of international protection, but has not registered asylum claims or been officially recognized as a refugee by the Government of Jordan or the UNHCR.⁴⁹ Both those who fled during the Saddam Hussein era of the 1990s and the more recent war are included in their definition of de facto refugees.⁵⁰ The government also referred to the Iraqis as “guests”, affirming their temporary place in Jordan.

According to a UNCHR-FAFO Report, by May of 2007, only 12.8 percent of Iraqis residing in Jordan possessed citizenship. This figure included Iraqis already living

⁴⁷ Human Rights Watch, “‘The Silent Treatment’.”

⁴⁸ Ibid.

⁴⁹ Human Rights Watch, “‘The Silent Treatment’.”

⁵⁰ Ibid.

in Jordan from earlier displacements. The percentage of Iraqis displaced from the Iraq War who gained citizenship before 2007 was likely incredibly small.⁵¹ Compare this figure to those cited for Palestinian citizenship in the previous chapter: 96 percent of Palestinian refugees outside of camps hold citizenship, and 85 percent of those within camps. The Jerash camp cited 6 percent of its residents held citizenship; and the Hitteen camp, 14 percent. The Iraqi percentage thus resembles these camps closely, but is very far from the national averages for Palestinians both within and outside of camps.

A few other trends characterized the displaced Iraqi population. Women tended to be slightly overrepresented among the Iraqis in Jordan, particularly in the middle of the age spectrum. This was likely due to the fact that the Jordanian government perceived adult men as more of a security threat than women, especially after 2006.⁵² Men were also more likely to have been imprisoned or lost their lives as a result of the conflict in Iraq. The majority of Iraqis in Jordan were Muslim, with 68 percent Sunni and 17 percent Shia. They tended to be well-educated and slightly older than the native Jordanian population.⁵³ Although the Iraqi population was not too dissimilar from Jordanians on paper, the policies the government pursued towards them ensured that they lived and operated in very different spheres than the native population.

⁵¹ Kristin Dalen and Jon Pedersen, "Iraqi Refugees: Their Numbers and Characteristics" (UNHCR and FAFO: 2008) <https://www.unhcr.org/47626a232.pdf>.

⁵² Kristin Dalen and Jon Pedersen, "Iraqi Refugees: Their Numbers and Characteristics."; Talal Al-Qdah and Marie Lacroix, "Iraqi refugees in Jordan: Lessons for practice with refugees globally," *International Social Work* 54, no. 4 (Sage: 2010): 521-534, <https://doi.org/10.1177%2F0020872810383449>.

⁵³ Kristin Dalen and Jon Pedersen, "Iraqi Refugees: Their Numbers and Characteristics" (UNHCR and FAFO).

The displacement of Iraqis following the Iraq War represented the first major refugee crisis in Jordan to which modern NGOs and civil society organizations responded. In the 1990s, very few organizations were given the ability to respond to the crisis. Only select Christian organizations that had a long-standing presence in Jordan, such as Caritas, were allowed to offer aid or services to displaced Iraqis.⁵⁴ The following decade saw the government open up more opportunities for non-governmental involvement, leading to a proliferation of aid organizations. Initially, very little coordination between different aid organizations existed.⁵⁵ The small window in which NGOs could operate was overcrowded and disorganized, which some scholars believe actually had a detrimental effect on the deliverance of aid.⁵⁶ After the height of the crisis passed, NGOs improved their ability to act cohesively in providing services such as education, resettlement assistance, and social integration to Iraqis remaining in Jordan. Today, the Jordanian government cedes a great deal of responsibility to NGOs and international organizations to address specific aspects of refugee and migrant aid and protection.⁵⁷

The role which the international community played in the Iraqi displacement crises in Jordan changed a great deal over time. In the 1990s, Jordan attempted to mitigate all effects of the crisis so as to not attract international attention. It refused to seek aid from other states or international organizations. When Western governments

⁵⁴ Insherah Mousa (Jordan Country Director, Jesuit Refugee Services), "Interview with Christina LaRitz," Jesuit Refugee Services, Amman, January 8, 2019.

⁵⁵ Ibid.

⁵⁶ Stevens, "Legal Status."

⁵⁷ Mousa, "Interview with Christina LaRitz."

offered aid packages, Jordan rejected them on the principle that they held the potential to prolong Iraqis' stays. Jordan's rejection was also based on the grounds that it was hardly fair for non-Jordanians to be entitled to foreign aid while Jordanians themselves were excluded. Indeed, when the European Commission attempted to send aid to the Iraqis, Jordan responded that it would only accept assistance earmarked for Palestinian refugees or the poor populations of Jordanians in the rural south.⁵⁸

Jordan attempted to maintain this policy following the displacement of 2003-2007. Given the difficulties in supporting high numbers of displaced persons, however, it reluctantly began to accept limited international aid. The United States and other countries, international organizations, and the like began funding programs and providing aid packages to Jordan.⁵⁹ This aid did not always reach its intended destination. Neighboring states and aid organizations noted that there was very little accountability in how the government used the aid provided, and others complained of the fact that only half the aid actually went to Iraqis. The remainder was earmarked for poor and vulnerable Jordanian nationals, as the government wished.⁶⁰

This criticism of internationally funded programs also called into question the kind of aid which was being provided. Throughout the crisis, NGO workers suggested that what Jordan truly lacked was infrastructure. They pointed out that it may be more beneficial in the long term to invest in the construction of hospitals and schools instead of

⁵⁸ Chatelard, "Incentives to Transit."

⁵⁹ Stevens, "Legal Status."

⁶⁰ Ibid.

loosely providing monetary donations.⁶¹ Jordan, with its growing population and overcrowded cities, would certainly have benefited in the long term from such institutions. Yet the temporary nature of the aid is unsurprising. Given the government's reluctance to associate any aspect of Iraqi displacement in Jordan with permanence, such undertakings would have been rejected with certainty.

The Role of the United States

The United States, whom many believed responsible for the instability following the invasion of 2003, offered very little aid in the initial aftermath of the crisis. Its reluctance to offer monetary aid or opportunities for resettlement troubled the Jordanian government for more than one reason. Aside from the fact that the United States had far more resources and geographical capacity to host Iraqis than Jordan, they were also perceived as being largely responsible for instigating the displacement in the first place.⁶² The Jordanian government, though itself reluctant to accept aid, would very likely have endorsed a resettlement plan with the United States that supported their efforts to reduce the number of Iraqis staying in Jordan. As the latter section on resettlement will discuss, no such plan ever came to fruition. Indeed, none of the Western powers demonstrated significant willingness to take initiative in Jordan to rectify the situation.

Although the narrative of Iraqi displacement in Jordan is commonly negative, it is often considered one of the more positive experiences among the neighboring Arab states. Only Jordan and Syria have allowed Iraqis to enter their borders in significant

⁶¹ Mousa, "Interview with Christina LaRitz."

⁶² Ibid.

quantities.⁶³ Iraqis who flee to Lebanon are unequivocally denied refugee status, regularly detained and often forcibly repatriated.⁶⁴ Yemen and Egypt likewise attempt to restrict their entry. Nowhere in the Middle East are Iraqis formally documented or protected.⁶⁵ Thus, though the following analysis may be critical, it should be considered in light of the fact that Iraqis in other areas may not be granted even the limited set of rights and protections available to Iraqis in Jordan.

The following three sections will address how Jordan, the UNHCR, and the broader NGO and international community have addressed the durable refugee solutions of repatriation, local integration, and resettlement.

IV. Repatriation

Given the highly politicized nature of the Iraqi displacement crisis, the Jordanian government placed a large emphasis on return. Their rhetoric and statements in the media revealed as much: Stevens quotes a Jordanian official as stating, “The solution is in Iraq. We refuse to accept that the solution will be outside Iraq. They [the Iraqis] are not happy anywhere else. Everything we do towards Iraqis is temporary, simply to make their lives easier. We cannot make it [Jordan] a natural place to stay...”.⁶⁶ In other words, the official believed both that Iraqis only desired repatriation and that Jordan was entirely unwilling and unable to host them in the long term. Indeed, the temporary nature of the

⁶³ Human Rights Watch, “‘The Silent Treatment’.”

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Stevens, “Legal Status.”

visas, denial of the right to work, and failure to provide substantial aid brought this policy into reality.

Refugee Insights on Repatriation

A report created by the UNHCR and Norwegian Research Institute “FAFO”, cited extensively below, contains important data on the opinions of Iraqis on the prospects of repatriation at different points in time after their displacement to Jordan. As of May 2007, 40.8 percent of Iraqis in Jordan responded affirmatively when asked if they had plans to return to Iraq.⁶⁷ On the other hand, 57.9 percent reported that they did not have plans to return. Only 1.4 percent said that they were unsure about returning.⁶⁸ Of those wishing to return, more than 95 percent stated that they would not return until the “security situation allowed for it”. Interestingly, Iraqis desiring return were more likely to have higher levels of resources, education and economic well-being, and arrived in 2006-2007 as opposed to earlier.⁶⁹

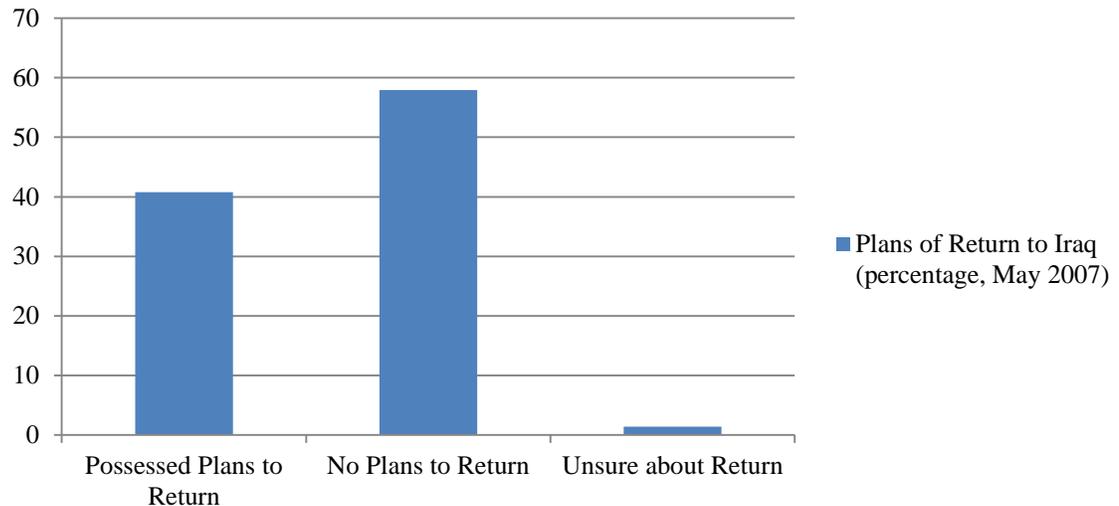
⁶⁷ Dalen and Pedersen, “Iraqi Refugees: Their Numbers and Characteristics,” (UNHCR and FAFO).

⁶⁸ Ibid.

⁶⁹ Dalen and Pedersen, “Iraqi Refugees: Their Numbers and Characteristics,” (UNHCR and FAFO).

Table 7.1 Repatriation as a Desired Solution

Repatriation as a Desired Solution



Source: Data adapted from Dalen and Pedersen, "Iraqi Refugees," (UNHCR and FAFO).

While not the majority, a still sizeable proportion of the Iraqi population in Jordan desired return in 2007. As the time passed and the crisis of violence and insecurity in Iraq continued, this proportion dropped precipitously. According to my interviews of Iraqis and NGO aid workers in Amman, today the desire to return to Iraq is virtually non-existent.⁷⁰ Iraqis, acknowledging the destruction and insecurity that ravaged their homeland for so many years, say that "there is no Iraq anymore".⁷¹ They believe that the war has destroyed social cohesion and the sense of society they used to experience there beyond repair.⁷²

⁷⁰ Stevens, "Legal Status, Labelling, and Protection."

⁷¹ Mousa, "Interview with Christina LaRitz."

⁷² Mousa, "Interview with Christina LaRitz."

The observed decline in desire to repatriate among Iraqis sets them apart from many Palestinians. Chapter 6 showed that repatriation and the concept of the right of return is fundamental to the idea of a durable solution for Palestinians. The same does not hold true, however, for the Iraqis. Even though countries that host and resettle Iraqi refugees, including Jordan, prefer repatriation as the durable solution, it cannot be considered a worthy option if the Iraqis themselves do not view it as such.

Ultimately, Jordan does hold sovereignty over the fate of Iraqis within its borders. Failing to respect the right of non-refoulement, as Jordan has known on occasion to do, can lead to strong normative condemnations from international and non-governmental organizations and other states. Even so, these condemnations have only, at best, deterred states like Jordan from violating the rights of displaced persons in this manner. Without any legal obligation to follow the dictates of international refugee law, Jordan remains free to choose which aspects of the law deserve to be upheld in light of the political, economic, and security considerations at play. In the case of the Iraqis, this clearly holds true.

V. Local Integration

Repatriation, then, is an unviable or unwanted option for the vast majority of Iraqi displaced from 2003-2007. As the previous sections detailed, some Iraqis subsequently chose to remain in Jordan. Only a small minority of these refugees possessed official “refugee” status and were registered with the UNCHR. Many others were granted a temporary visa from the Jordanian government upon initial entry, which they overstayed.

Still more had entered Jordan through irregular channels. Regardless of how they entered, nearly all Iraqis who chose to remain in Jordan faced very difficult prospects. Many settled in urban centers like Amman and Zarqa.⁷³ Unlike Palestinian refugees, displaced Iraqis were never given the option of living in camps—the Jordanian government staunchly refused to consider the possibility of their construction. Given the questionable utility of the Palestinian camps, such a position may have been for the best. Still, with no formal relief or aid mechanism, accessing basic necessities and protection from the government was challenging for many Iraqis in the early years of their displacement.

After the Amman bombings of 2006, increasing restrictions imposed by government policies made this reality especially poignant. By this time, many of the savings on which Iraqi households depended had begun to run low, as well. Although small efforts of coordination between the government, UNHCR, and NGOs for the provisions of aid eventually emerged, the Jordanian government explicitly avoided local integration. This section will detail how the livelihood of Iraqis staying in Jordan suffered as a result, both in the short term and the long term.

Much of the scholarship on displaced Iraqis in Jordan in the 1990s focuses on how Iraqis differed from Palestinians and the governments' policies which followed. After the 2003 crisis, however, scholars began to look more closely at the lives of Iraqis who remained in Jordan. Following the height of the displacement in 2003-2007, estimates of how many Iraqis resided in Jordan revealed serious discrepancies. The

⁷³ Kathryn Libal and Scott Harding, "Humanitarian Alliances: Local and International NGO Partnerships and the Iraqi Refugee Crisis," *Journal of Immigrant & Refugee Studies*, 9:2 (2011), <https://doi.org/10.1080/15562948.2011.567153>.

government's reluctance to recognize the high number of asylum seekers and the irregular entrance of "de facto" refugees largely contributed to the variation in estimates produced. Moreover, many of the Iraqis entering Jordan did so en route to a third country or planned to return shortly to Iraq, and only stayed for a short while before departing onward.⁷⁴

As a result, in 2007 the government requested that FAFO and the UNHCR conduct a survey to gain a more accurate picture of the numbers and characteristics of Iraqis residing in Jordan.⁷⁵ The organizations agreed to do so, and put together a report called "Iraqis in Jordan: their Numbers and Characteristics". The data they gathered was based on immigration statistics from the Jordanian government's Department of Statistics, numbers of phone subscribers from national providers and household surveys of Iraqis and non-Iraqis performed in May of 2007.⁷⁶

The Report found that between 400,000-500,000 Iraqis resided in Jordan as of May, 2007. This figure was far lower than the government's estimate of 750,000 to 1 million Iraqis, which was almost certainly inflated to increase international aid, attention, and responsibility for the crisis.⁷⁷ The survey moreover revealed that the height of the entry was 2004-2005, and varied predictably with the levels of violence and insecurity in Iraq.⁷⁸ This statistic confirmed that Iraqis were seeking asylum in Jordan because they faced imminent threats to their lives, and were moving out of necessity rather than desire

⁷⁴ Stevens, "Legal Status."

⁷⁵ Dalen and Pedersen, "Iraqi Refugees: Their Numbers and Characteristics," (UNHCR and FAFO).

⁷⁶ Ibid.

⁷⁷ Stevens, "Legal Status."

⁷⁸ Dalen and Pedersen, "Iraqi Refugees: Their Numbers and Characteristics," (UNHCR and FAFO).

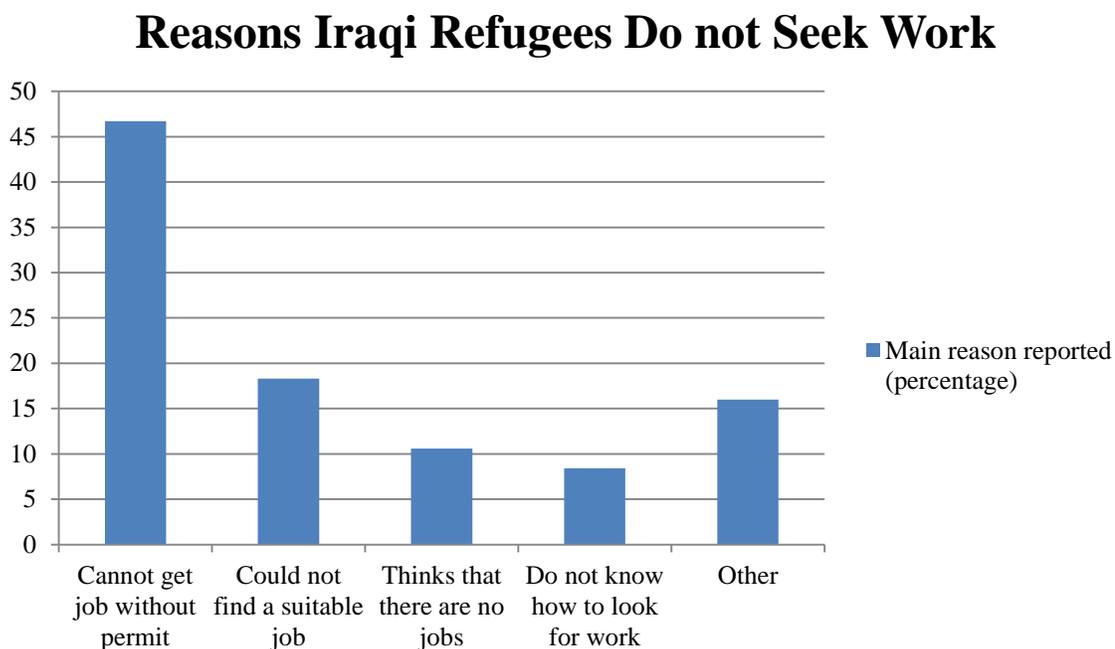
to increase their economic or non-necessary opportunities. The other aspects of the survey, which included data regarding Iraqi employment in Jordan, education, personal satisfaction, legal status, income, health care, and more, will be analyzed in further detail below.

Employment and Income

One of the most difficult barriers to integration that Iraqis face is employment. Jordan has consistently denied work permits to Iraqis without citizenship. Such permits are strictly necessary to entering the workforce, and employers who are caught employing individuals without valid permits are prosecuted. Despite the fact that many accounts show Iraqis in Jordan to be a highly educated group, the refusal of the Jordanian government to grant them work permits severely hindered their ability to enter the workforce—especially in fields similar to those they occupied in Iraq. The data reveal that 46.7 percent of those who were not seeking work did so because they could not find work without a permit.⁷⁹ The next largest category of respondents, comprising 18.6 percent, reported that they “could not find a suitable job”. The remaining respondents cited reasons such as “do not know how to look for work”, “thinks there are no jobs”, and “tired of looking for work”.

⁷⁹ Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

Table 7.2 Reasons Iraqi Refugees Do not Seek Work



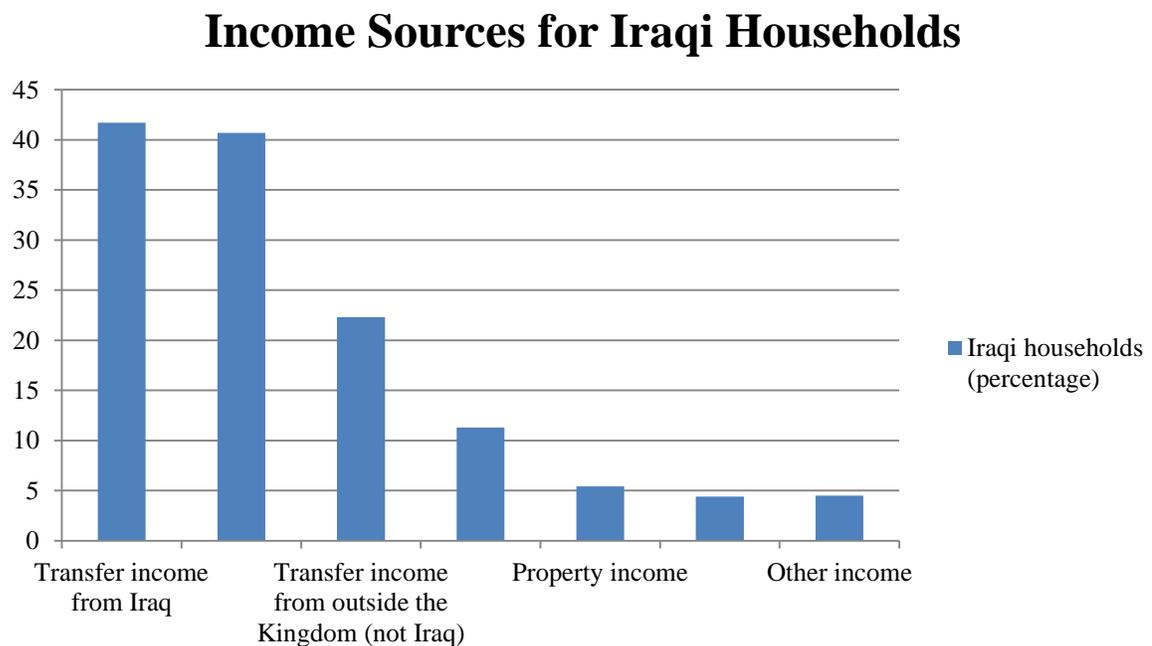
Source: Data adapted from Dalen and Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

In 2007, nearly 70 percent of the Iraqi population in Jordan was of working age, which is 15 years old. Only 30 percent of this figure, however, actually participated in the formal work force. Women of working age fared especially poorly, with a participation rate of only 15 percent.⁸⁰ The majority of both men and women who are in the labor force (60 and 70 percent, respectively) reported that they are employed by someone else, while the remainder are self-employed or employers themselves.

⁸⁰ Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

Given that only a small proportion of Iraqis are employed, the majority have an income sustained by personal savings or transfer payments. Roughly 42 percent receive transfer payments from within Iraq, rendering them quite vulnerable to changes in the situation there that could alter their funds.⁸¹ The middle class is cited as the most dependent on these transfers, as the lower class does not have as much access to them and the upper class can generally rely more on employment or personal savings.

Table 7.3 Income Sources for Iraqi Households



Source: Data adapted from Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

⁸¹ Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

Education

Accessing public education has been a particularly difficult aspect of life in Jordan for families and the young population of Iraqis. Until 1998, Iraqi children were not permitted to attend Jordanian schools unless their parents had valid residency permits. A Royal Decree issued in 2007 permitted all children to attend regardless of their legal status. This policy change came about in large part due to the efforts of local and international NGOs, as well as the UNHCR, who all lobbied for the inclusion of Iraqi children in schools.⁸² Despite the policy change, however, enrollment remained low.⁸³ NGOs cite that Iraqi families still feared deportation by sending their children to government schools. Other families explained that they did not want their child to be discriminated against or harassed, or that they needed their child to work to earn money for the family.⁸⁴ Children also face difficulty adjusting to the fact that the education system in Jordan often differed from what they experienced in Iraq.

A more promising reason for the low enrollment in public schools is the fact that many Iraqi households possessed the savings to send their children to private schools. In total, 78 percent of Iraqi children aged 6-17 were enrolled in both public and private schools in 2007; this compares to 93 percent of Jordanian children of the same age.⁸⁵ Of this population of Iraqi children attending school, however, about three out of every four attended a private school. The remaining 25 percent attended public school. In contrast,

⁸² Kathryn Libal and Scott Harding, "Humanitarian Alliances: Local and International NGO Partnerships and the Iraqi Refugee Crisis."

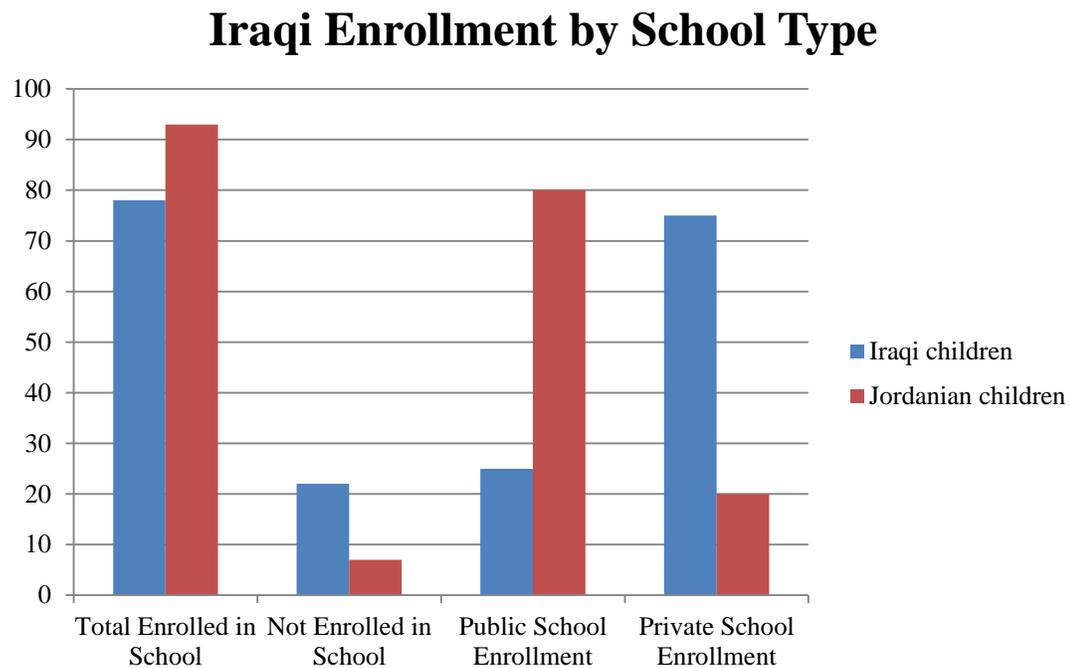
⁸³ Libal and Harding, "Humanitarian Alliances."

⁸⁴ *Ibid.*

⁸⁵ UNHCR-FAFO Report.

only 20 percent of Jordanian children attend private schools; the other 80 percent attend public schools.

Table 7.4 Iraqi Enrollment by School Type



Source: Data adapted from Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

The costs for attending private schools are enormous compared to those of attending government schools. As of May 2007, the average Iraqi child in a private school paid 1613 JD per school year—more than four times the average cost at governmental schools, which was 383 JD. Although many Iraqi households possessed the savings to fund the expense of private schools after their initial displacement, concern grew that they might attempt to enroll their children in public schooling as their savings

depleted. Indeed, private school enrollment rates for the fall 2007 school year were notably lower than those of the previous year.⁸⁶

The majority of displaced Iraqis in Jordan were fortunate to be able to send their children to private schools when government policies prevented them from enrolling in the public school system. As savings deplete and public schools become more accessible, however, Iraqis have been forced to switch to public enrollment. Most Iraqis seemed to cope fairly well with the initial lack of access to public education, but there remained a sizeable minority which was not enrolled (22 percent) that should not be discounted. Moreover, many Iraqi households report that the difficulty their children encounter in finding employment in Jordan after completing their education has been a significant challenge.⁸⁷ Aid workers and scholars studying this particular issue fear of a “lost generation” of Iraqi youth, who either do not receive education, receive a partial education, or whose education does not allow them to sustain themselves independently.⁸⁸ Such a phenomenon is unfortunately observable in many situations of protracted displacement and crisis.

Health and Healthcare

Displaced Iraqis in Jordan likewise have very limited access to public healthcare. As a result, only 13 percent possess valid health insurance—private or public. The remaining 87 percent live uninsured. The percentage of uninsured varies predictably with

⁸⁶ Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

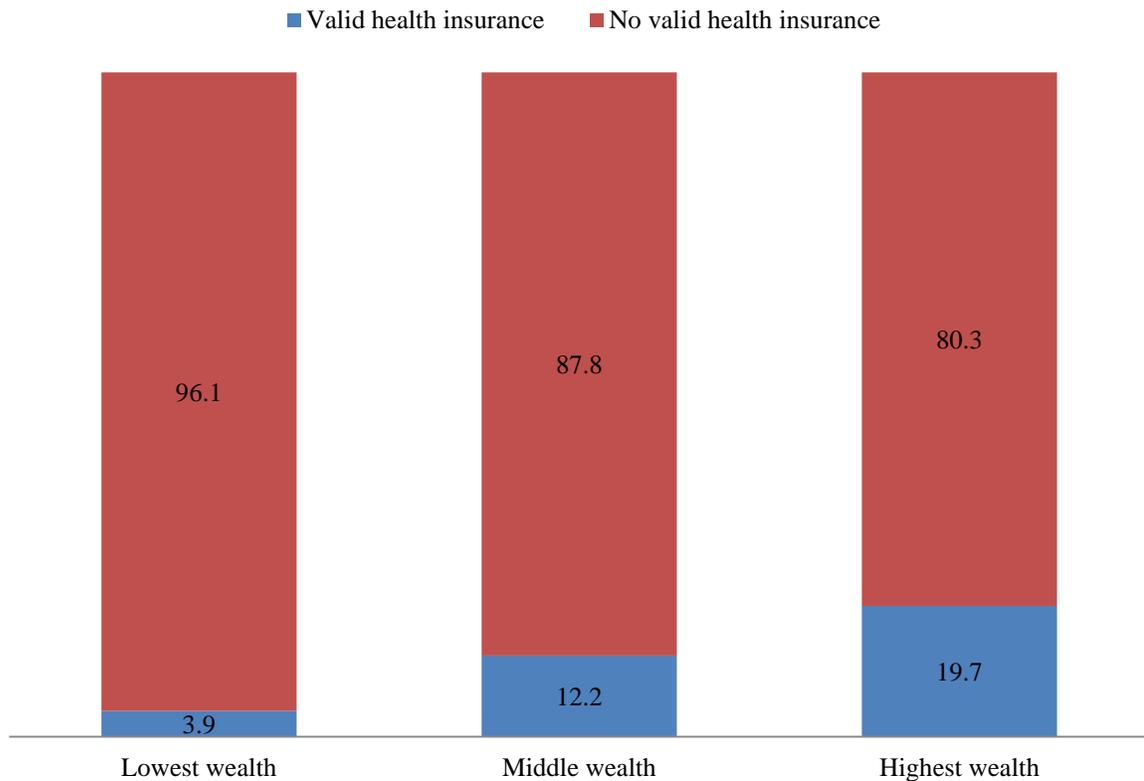
⁸⁷ Chatelard, “Incentives to Transit.”

⁸⁸ Libal and Harding, “Humanitarian Alliances.”

levels of wealth: only 3.9 percent of the lowest wealth quintile of Iraqis possesses health insurance, whereas 19.7 percent of the highest wealth quintile is insured. Regardless of whether they are insured, the vast majority—more than 90 percent—of Iraqis seek medical treatment at private rather than public hospitals.

Table 7.5 Health Insurance Coverage by Income Level

Health Insurance Coverage by Income Level



Source: Data adapted from Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

Opinions about Livelihood

When asked about their main reason for staying in Jordan, about half of the respondents reported it to be “security” (50.2 percent).⁸⁹ Another 38.1 percent cited “family reunion”. The remaining percentages were very small and distributed between reasons such as work, education, political reasons, medical treatment, investment, transit, and more. These figures confirm that the vast majority of Iraqis stayed in Jordan out of necessity, attempting to guarantee either their safety or the unity of their families. Clearly, potentially attractive aspects of integration like employment, education, investment, healthcare, and more were almost entirely nonexistent from the cited list of reasons. This further affirms our conclusions about the poor quality of livelihood opportunities and extremely limited legal avenues of integration at the time.

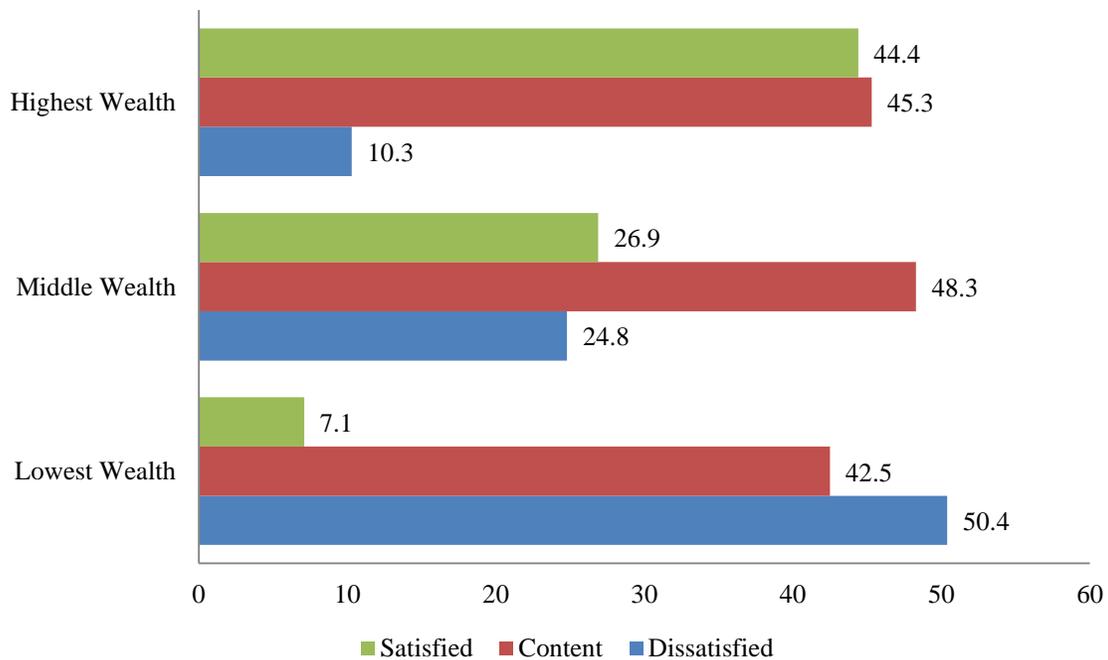
Measures of life satisfaction show that household wealth was a strong predictor of Iraqi’s satisfaction in Jordan. In the highest wealth quintile, only 10.3 percent reported feeling dissatisfied with the lives, while 45.3 and 44.4 percent reported feeling content and satisfied, respectively. The lowest wealth quintile, in contrast, featured 50.4 of respondents feeling dissatisfied. Only 7.1 percent responded that they felt satisfied, and the remainder reported being content.⁹⁰

⁸⁹ Dalen and Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

⁹⁰ Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

Table 7.6 Life Satisfaction among Iraqi Refugees by Wealth Quintile

Life Satisfaction among Iraqi Refugees by Wealth Quintile



Source: Data adapted from Kristin Dalen and Jon Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

Measures of socio-psychological wellbeing among Iraqis are also telling of their mental health. A large body of sociological literature has analyzed the effects of the war and displacement on Iraqis, both within and outside of Iraq.⁹¹ In Jordan, employees at NGOs and hospitals report very high levels of psychological problems among the Iraqis with which they interact. Reports of domestic violence are also prevalent. High levels of anxiety likely stem from fear of deportation and illegal status, lack of employment or

⁹¹ See, for example, H. Jamil, “Mental health symptoms in Iraqi refugees: posttraumatic stress disorder, anxiety, and depression,” *J. Cult Divers*:14(1), (2007 Spring): 19-25.

illegal work, and dependence on external sources of income.⁹² Few social workers are available in Jordan, and many of these illnesses thus go untreated.⁹³

Such difficulties are compounded by the fact that Iraqis often possess a very different culture than Jordanians. Many are Shiite, while the overwhelming majority of Jordanians are Sunni. Because of this, Iraqis have often been denied places of worship in Jordan and forced to practice their religion in private.⁹⁴ The refugees at the Jesuit Refugees Services—many of whom were Iraqi—spoke extensively of the difficulties they faced in Jordan in adapting to the different cultural practices. Many felt isolated in Jordanian society, and interacted only with fellow Iraqis or refugees of other nationalities.

VI. Resettlement

From the period of 1996-2003, Iraqis' asylum application rates were very high and acceptance rates very low. Indeed, in March 2003, the UNHCR recorded only 940 Iraqi refugees—a miniscule percentage of any estimate of total refugee numbers. Denied formal resettlement, many Iraqis still viewed onward migration as more desirable than staying in a country where they possessed few rights and no legal status. Their prospects on this front were dim regardless of where they moved, but other states certainly offered greater opportunities in the realm of employment and informal avenues of income.⁹⁵

⁹² H. Jamil, "Mental health symptoms in Iraqi refugees: posttraumatic stress disorder, anxiety, and depression."

⁹³ Irene Gibson "An analysis of Jordan's 2013 policy regarding Iraqi refugees," *Social Identities*, 21:3, (2015) 199-210, <https://doi.org/10.1080/13504630.2015.1058705>.

⁹⁴ Chatelard, "Incentives to Transit."

⁹⁵ *Ibid.*

As of 2002, over 250,000 Iraqis had requested asylum in Western countries. By 2012, however, less than 4 percent of all Iraqis had successfully resettled in third countries.⁹⁶ Many chose instead to reach their final destination through irregular channels, given the incredible difficulty they faced in receiving approval for resettlement. Jordan, Turkey and Syria were three of the most common transit countries for asylum seekers.⁹⁷

Refugee Views on Resettlement

According to the UNHCR-FAFO report, as of May 2007, roughly one in every five Iraqis had concrete plans to emigrate to a third country. Given how limited formal resettlement opportunities through the UNHCR were at the point, many of these resettlement plans were likely formed through familial connections, broader community networks, or independent means. An even higher percentage, about one third, of all Iraqis expressed a general desire to resettle in a third country at the time.⁹⁸ A disproportionate amount of poorer and non-Muslim Iraqis, including Palestinian refugees and Iranian Kurds, were represented in this figure. This seems to confirm that lower levels of wealth and ability to integrate socially in Jordan decreased the effectiveness of temporary or permanent integration.

The role of information about resettlement and migration processes more generally may have contributed to initially low numbers of resettlement. Data from the

⁹⁶ Gibson, "An Analysis of the 2013 Policy in Jordan."

⁹⁷ Chatelard, "Incentives to Transit."

⁹⁸ Dalen and Pedersen, "Iraqi Refugees," (UNHCR and FAFO).

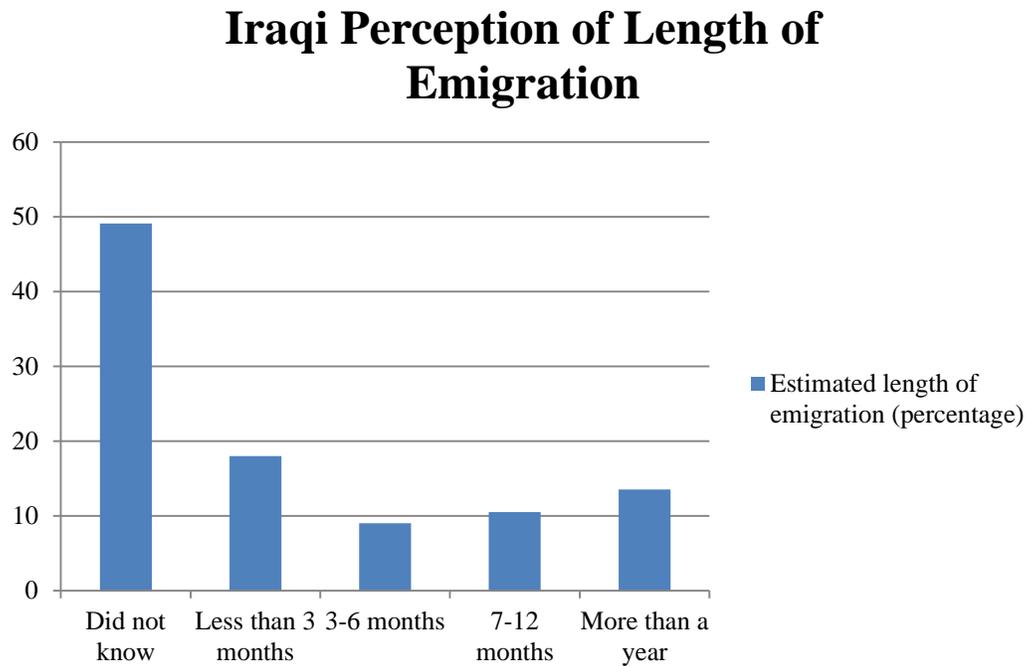
UNHCR-FAFO Report shows the expected time which Iraqis perceive it would take to emigrate to a third country. Nearly half, at 49.1 percent, reported that they did not know how long emigration would take.⁹⁹ Another 18 percent said they believed it would be less than 3 months, but 13.5 percent reported believing it would take more than a year. Roughly 10 percent each responded with 3-6 months and 7-12 months.¹⁰⁰

Clearly, there was very little consensus on how onward migration from Jordan realistically occurred. The government, the UNHCR and the international community's failure to establish a functioning mechanism for resettlement early on in the displacement crisis clearly had effects on the ability of the displaced to seek livelihoods elsewhere through official channels. This serves as a clear explanation for why so many Iraqis chose to migrate onward through their own means, rather than through resettlement.

⁹⁹ Dalen and Pedersen, "Iraqi Refugees," (UNHCR and FAFO).

¹⁰⁰ Ibid.

Table 7.7 Iraqi Perception of Length of Emigration



Source: Data adapted from Dalen and Pedersen, “Iraqi Refugees,” (UNHCR and FAFO).

The United States and United Kingdom were very hesitant to accept resettled refugees during the first years of the war. From 2003-2006, the United States accepted only twelve UNHCR refugees from Jordan, while the United Kingdom accepted none.¹⁰¹ Today, most Iraqis tend to express a tendency to be resettled in Europe, largely because of existing migrant networks located there. However, most find their asylum claims granted more easily in the United States and Canada.¹⁰² Once again, this shows that what refugees want and the choices they are given are often disconnected. In resettlement countries, Iraqis face a number of significant challenges upon their arrival. Many states—

¹⁰¹ Human Rights Watch, “The Silent Treatment’.”

¹⁰² Stevens, “Legal Status.”

especially the United States—possess only short-term, culture-based resettlement programs within each province or state. By and large, resettled Iraqis report that these programs do very little to actually facilitate their long-term integration into society.¹⁰³

Refugees cite language as the biggest factor in preventing effective resettlement. Few Iraqis, especially those in the lower or middle class, arrive in Jordan with English language skills. The fact that many countries do not accept the education or experience Iraqis hold as sufficient qualifications for equivalent jobs in resettlement states also poses a significant barrier to resettlement. In Germany, for example, an Iraqi with a background in psychology would have to undergo years of German psychological education and language training in order to hold the same position he or she held in Iraq.¹⁰⁴ Such barriers make it nearly impossible for many resettled Iraqis to find jobs that support themselves and their families.

The case of the Iraqis also serves to highlight how the limited Convention definition of a refugee negatively affects migratory flows. Following the Iraq War in 2003, many Iraqis feared that the circumstances of their displacement would not qualify them for refugee status. They instead chose to turn to irregular pathways in order to reach third countries. As a result, the West saw a sharp increase in the number of Iraqis arriving irregularly and then filing asylum claims. Many of the displaced had friends, family or community networks established in the West who had already received asylum. Instead of undergoing lengthy resettlement processes, then, most Iraqis from Jordan believed

¹⁰³ Stevens, “Legal Status, Labelling and Protection.”

¹⁰⁴ Mousa, “Interview with Christina LaRitz.”

their best option was to pursue asylum on their own terms.¹⁰⁵ Given the high levels of irregular migration observed during the Iraqi crisis, limiting resettlement proved to be quite problematic.

Such a trend was not lost on the Western powers. In response, many chose to target the source of the movement itself. The early 2000s saw many states, including Australia, Sweden, and the United Kingdom, send officials to Jordan to control the departure of potentially irregular migrants.¹⁰⁶ This initiative, ultimately more symbolic than effective, demonstrated the lengths that states were willing to go to prevent resettlement—which was ultimately the only solution that guaranteed Iraqis with any opportunities for sustainable livelihoods. The UNHCR, limited as it was in its operational capacity, did little to stop these efforts from being taken. None of its member states were willing to speak for the rights of the Iraqi refugees.

VII. Iraqis in Jordan Today

After 2007, improvements in the security situation in Iraq and Jordanian border closures prompted a decline in Iraqi displacement to Jordan. Still, hundreds of thousands of Iraqis remained in Jordan. Other countries in the region, including Syria and Lebanon, possessed sizeable populations of displaced Iraqis as well.¹⁰⁷ As a result, the UNHCR decided in 2007 to extend “prima facie” refugee status to Iraqis displaced from southern

¹⁰⁵ Chatelard, “Incentives to Transit”.

¹⁰⁶ Ibid.

¹⁰⁷ Andrew Harper, “Iraqi Refugees: Ignored and Unwanted,” *International Review of the Red Cross* (Volume 90, March 2008), https://webcache.googleusercontent.com/search?q=cache:xAq8W_ZVEP8J:https://www.icrc.org/en/download/file/20759/irrc-869_9.pdf+&cd=1&hl=en&ct=clnk&gl=us.

and central Iraq. Prima facie status declares that all individuals belonging to a certain nationality identified as subjects of a particular crisis can attain refugee status without undergoing a refugee status determination process.¹⁰⁸ The UNHCR explains the concept as follows:

[s]ituations have [...] arisen in which entire groups have been displaced under circumstances indicating that members of the group could be considered individually as refugees. In such situations the need to provide assistance is often extremely urgent and it may not be possible for purely practical reasons to carry out an individual determination of refugee status for each member of the group. Recourse has therefore been had to so-called “group determination” of refugee status, whereby each member of the group is regarded prima facie (i.e. in the absence of evidence to the contrary) as a refugee.¹⁰⁹

The UNHCR justified its provision of prima facie status to the Iraqis on the grounds that many were fleeing human rights violations or general violence and did not possess an “internal flight alternative” in the high-target areas. Moreover, it stated that return for any of the Iraqis from these areas would very likely result in serious difficulties due to persistence of unstable and hostile conditions.¹¹⁰ Prima facie status would allow the UNHCR to more efficiently deliver aid and protection, rather than spend valuable time and resources sorting through refugee status applications. To receive approval for prima facie status, displaced Iraqis had to attend registration interviews at UNHCR regional offices to confirm their place of origin and degree of vulnerability. The process was much quicker and easier than the previous system, and many Iraqis benefited from being able to access UNHCR services.

¹⁰⁸ UNHCR, “Guidelines on International Protection: Prima Facie Refugee Status” (June 5, 2015), <https://reliefweb.int/sites/reliefweb.int/files/resources/558a62299.pdf>.

¹⁰⁹ UNHCR, “Guidelines on International Protection: Prima Facie Refugee Status.”

¹¹⁰ Andrew Harper, “Iraqi Refugees: Ignored and Unwanted.”

The provision of prima facie status lasted until 2012. Not surprisingly, revocation of the status coincided with the outbreak of crisis in Syria. The UNHCR simply did not have the financial resources or personnel to sustain its focus on the Iraqis given the situation with the Syrians.¹¹¹ This was compounded by the fact that donor aid goes first and foremost to the most recent crisis, and Syrians received much more aid than the Iraqis. In 2013, for example, the UNHCR aided about 28,500 of the estimated 450,000 Iraqis in Jordan. This figure represents only 6 percent of the population. In comparison, nearly one hundred percent of Syrian refugees seeking aid received coverage from the UNHCR.¹¹² The next chapter will look more closely at why Syrians, as opposed to Iraqis, received much greater support from the Jordanian government, the UNHCR, NGOs and private businesses in Jordan.

The revocation of prima facie status would have been rather insignificant if not for the new wave of Iraqis who entered Jordan in 2014. When ISIS rapidly occupied large parts of Iraq, including Mosul, thousands of Iraqi Christians fled into Jordan in a fashion that was much more sudden and less organized than their arrivals in 2003-2007.¹¹³ Surprisingly, Jordan let them in. Through the Jordanian people already feared the growing weight of the Syrian refugee crisis, the government decided that it was both “humanitarian and strategic” to accept the new refugees. Hasan Abu Hanieh, a Jordanian political analyst, explained that the government sought a careful balance between

¹¹¹ Ibid.

¹¹² Libal and Harding, “Humanitarian Alliances.”

¹¹³ Kyra Luchtenberg, “The Politics of Return in Post ISIS Iraq,” London School of Economics and Political Science (February 13, 2018), <https://blogs.lse.ac.uk/mec/2018/02/13/the-politics-of-return-in-post-isis-iraq/>.

protecting against Islamist militants and keeping its bonds with the West strong. He states, “The government can show the world that Jordan has a policy that seeks to protect minorities, unlike its neighbors.”¹¹⁴

The newly-arrived Iraqis faced some of the same limitations as the former group. Denied the right to work, many were implicitly encouraged to move onwards or file for resettlement. By the end of 2017, the UNHCR found that only 34,000 Iraqis were registered as refugees in Jordan. Of these, 16,300 received UNHCR assistance. These figures included refugees who had fled to Iraq in the prior decade but retained their refugee status. In comparison, the Jordanian government had estimated that 400,000 Iraqis (including those who did not register with the UNHCR) resided in Jordan in 2015.¹¹⁵ The decline in Iraqis was likely due a combination of resettlement, onward migration, and repatriation. It is estimated that roughly half of the one million Iraqis displaced from the ISIS attacks in 2014 have returned to their homes.¹¹⁶ Civil society organizations and NGOs have played a large role in ensuring safe return.

Today, the UNHCR continues to provide limited cash assistance for the most vulnerable Iraqis in Jordan, which includes the elderly, the poor, and women.¹¹⁷ The Jordanian government’s acceptance of NGO activity also allows Iraqis to access more regularized and formal aid through their services. Organizations like Caritas, a Catholic

¹¹⁴ Rana F. Sweis, “Christians in Mosul Find Haven in Jordan,” *New York Times* (October 27, 2014), <https://www.nytimes.com/2014/10/27/world/middleeast/for-mosuls-christians-a-shelter-in-jordan.html>.

¹¹⁵ UNHCR “Global Trends: Forced Displacement in 2017.” Last Modified December 2018. <https://www.unhcr.org/5b27be547.pdf>.

¹¹⁶ Jess Wanless, “An Iraqi Family’s First Christmas at Home After ISIS,” *International Rescue Committee* (December 21, 2017), <https://www.rescue.org/article/iraqi-familys-first-christmas-home-after-isis>.

¹¹⁷ Libal and Harding, “Humanitarian Alliances.”

NGO based in Amman, have played a crucial role in aiding the Iraqi Christians after 2014.¹¹⁸ Likewise, some previous policy restrictions have become looser in recent years. In 2011, for example, a General Pardon Law cancelled all the overstay fines for Iraqis who remained in Jordan after their legal visa stays had elapsed.¹¹⁹ In effect, this policy shift indicated that Jordan would no longer prosecute Iraqis for overstaying their visas or forcibly deport them back to Iraq for doing so. Other than these changes, little action has been taken by the government to acknowledge the situation of displaced Iraqis within Jordan today.

VIII. Conclusion

This chapter has shown that Jordan's policies towards Iraqis create an environment that constrains the feasibility and effectiveness of durable solutions. Jordan, acting to preserve political unity and stability, preferred to encourage onward migration and create unsustainable conditions rather than acknowledge the existence of a refugee crisis. It showed that it would only abide by the principles of international refugee law which it sees fit, meaning that many rights and protections have been cast aside. Until recently, Jordan largely denied the aid offered to the displaced Iraqis by NGOs, the UNHCR, and other states. In doing so, it refused to legitimize its status as a refugee-hosting state, and called into question the role of states like the United States whose actions initiate crises that they later fail to address. The decision to do so effectively

¹¹⁸ Rana F. Sweis, "Christians in Mosul Find Haven in Jordan."

¹¹⁹ Gibson, "An Analysis of the 2013 Policy in Jordan."

forced the UNHCR and other Western powers, at least to some degree, to assume greater responsibility in alleviating the burden felt by displaced Iraqis.

Stepping back, a number of important characteristics of the Iraqi case deserve emphasis. The Iraqi refugee crisis was instigated by war and generalized violence, as are many “typical” refugee crises in modern times. Over time, the persistence of conflict within Iraq has caused displaced Iraqis to fall into protracted status—again, archetypal of crises today. Most of the Iraqis who left Iraq were not the poorest members of society, but belonged rather to the middle and upper classes. This economic predisposition would affect their reception in host countries a great deal, especially in Jordan. In the 1990s, the Jordanian government pursued a *laissez-faire* approach towards the low numbers of Iraqis arriving at their borders. There was no official government recognition of their arrival; very limited UNHCR aid and activity by NGOs; and little enforcement of laws and regulations regarding their stay.

The course of this narrative changed markedly after 2003. With the onset of the Iraq War, Iraqis arrived in Jordan in higher numbers and with less homogenous backgrounds. The government slowly allowed the UNHCR, NGOs and international aid to play small roles in aiding Iraqis. Their initial impact was quite minimal. Although Jordan attempted to maintain its *laissez-faire* policy of allowing Iraqi entry and self-settlement, it began to implement restrictions and heighten its security after the Amman bombings of 2006. Jordan’s responses to the Iraqi crisis were largely economic and political in nature, moving in tandem with refugee flows and conditions within its own society and economy.

The government's decision to withhold refugee status from the large majority of Iraqis made the question of durable solution quite difficult to address. Although Jordan adopted the stance that the only acceptable solution was Iraqi return, the lack of safety and sustainable conditions within Iraq rendered this option largely unattainable. Likewise, both lack of refugee status and the unwillingness of donor states to host Iraqis made formal resettlement through the UNCHR quite limited. Strongly resistant to the idea of another semi-permanent population occupying its jobs and crowding its cities, Jordan instead chose to deviate from its past policy and withhold rights and privileges from the displaced Iraqis.

Thus, the norms of pursuing durable solutions and respecting refugee rights have not proven to hold up against the government's agenda and public opinion in Jordan during or after the Iraqi refugee crisis. The government effectively created an environment in which none of the durable solutions were available to Iraqis. On one hand, this allowed Jordan to evade many of the economic and socio-political repercussions supporting another refugee crisis would have imposed: on the other hand, it violated a number of international laws and deprived Iraqis of various human rights.

Yet Jordan's actions were necessarily affected by the choices made by other states, as well. If the U.S. had chosen to accept a more reasonable proportion of displaced Iraqis, perhaps Jordan would have been more willing to accommodate those that remained. If states involved in the Iraq War had sought to end the conflict and pursue re-development more quickly, repatriation may have also become a more available option.

Constrained thus, to what extent should Jordan be held accountable for failing to abide by international refugee law in its policy decisions?

The issue is not whether Jordan disagrees with the validity and principles of international refugee law; rather, it is the reality that it lacks the political and economic capacity to comply with a regime that both developing and developed states have failed to respect as a legitimate source of binding international law. Jordan already ascribes to the ideology of the UNHCR, but it cannot realistically abide by its rules if it receives insufficient aid, is given no guarantee of compliance from other states in the regime, and lacks the political capacity to institute reform. The dual role Jordan plays in the international refugee system, as both a reluctant host and an innovator of refugee policy, will be explored further in the following case study on Syrian refugees.

The next chapter will turn to the case study of Syrian refugees in Jordan. In many ways, Syrians present the most complex case considered. As the most recent crisis, it features a plethora of actors both within and outside of Jordan. The UNHCR plays a much more impactful role, as do NGOs and other international organizations. New actors, such as private businesses and corporations, have also featured prominently in the discussion of innovative solutions for Syrians, in Jordan and in resettlement countries. Chapter 8 will follow a similar format as the previous two case studies, providing first a historical overview of the crisis and displacement, discussing initial responses and early solutions, and analyzing how the durable solutions were pursued. Chapter 9 will turn to newer types of solutions that have been put forth and tested in recent years.

Syrian Refugees: Part I

8

I. Introduction

This chapter will introduce the last case study of refugees in Jordan. The Syrian refugee crisis is the largest ongoing displacement crisis in the world today. In fact, the next largest crisis in recent history occurred following World War II, spurring the formation of the UNHCR and international refugee law.¹ Since the onset of the Syrian crisis in 2011, over 5 million Syrians have fled the violence and persecution of the civil war and entered neighboring countries. Jordan has consistently allowed Syrians to seek asylum within its borders. Today, it hosts one of the largest shares of Syrians relative to the size of its population, second only to Lebanon.²

Studying how Jordan responded to the Syrian refugee crisis provides a particularly informative example of the direction refugee policy heads in the years to come. The government's willingness to implement the UNHCR's durable solutions more effectively, allow for new, innovative solutions to be tested, and cooperate with NGOs, the UNHCR, private businesses, and a host of other actors on both a domestic and

¹ Dawn Chatty, *Syria : The Making and Unmaking of a Refuge State* (Oxford University Press: 2018), Print.

² UNHCR, "Jordan Factsheet: February 2018," https://reliefweb.int/sites/reliefweb.int/files/resources/FactSheetJordanFebruary2018-FINAL_0.pdf.

international scale makes the Syrian case fundamentally different than those of the past. Analyzing its success in doing so is necessary to understanding how similar policy responses could be applied to future refugee flows.

Chapter 7 demonstrated the extent to which the international community abandoned displaced Iraqis. Most nations in the region chose to close their borders and ignore the question of “refugees” entirely. Others, like Jordan, decided to permit selective entry but deprive the displaced of education, employment, healthcare, and other basic services enabling livelihood. The UNHCR played only a minor role in providing assistance, and NGOs were limited in their reach until the latter years of the crisis. With such policies, Jordan hoped that third countries with more resources would be forced to bear a greater share of the responsibility for Iraqis—particularly through their resettlement or onward migration. In reality, the unwillingness of other states to concede to this plan and the lack of coordination between international actors to facilitate movement meant that much of the Iraqis’ migration occurred through unorganized or irregular channels. Durable solutions, as a result, largely failed to materialize.

The case of the Iraqis differed greatly from that of the Palestinians. So, too, does the Syrian case differ in many ways from both preceding crises. The Syrian refugee crisis is one of the first major refugee crises in recent years in which Western countries have played the role of host countries—at least for a short while. Though the Middle Eastern countries still accepted the largest shares of asylum seekers by a wide margin, European states also experienced the arrival of Syrians on their shores. It is not coincidental that the Syrian refugee crisis is also the first modern refugee crisis in which the Western world

has cared deeply about its resolution. Such a statement is hardly biased; indeed, the fact that response to the crisis changed dramatically when Europe began to feel its effects is indisputable. The West gained a sense of urgency and anxiety when refugees began to seek asylum within their own countries, rather than those of a “typical” host country. International conferences, resettlement schemes, employment opportunities, and large scale donation efforts began to take shape. The UNCHR partnered with various other UN agencies, NGOs, and even private businesses to form comprehensive plans of action. And, importantly, host governments like Jordan largely welcomed the presence of these actors and the solutions they proposed.

Prior to addressing these solutions, this chapter will offer a brief overview of the civil war in Syria that perpetuated the crisis. It will then assess how host governments and international organizations responded to major displacement and refugee flows across borders. It will consider how the traditional durable solutions have been implemented in Jordan, and analyze the conditions and factors at play within Jordan motivating its policy formulations. Chapter 9 will continue this analysis by highlighting the various non-traditional solutions pursued in response to the Syrian crisis. Given the larger role of the international community in the Syrian crisis, it will consider various programs and solutions mechanisms implemented on a broader level, and how they have affected Syrians in Jordan. In measuring their success, Chapter 9 will seek to highlight how policy responses should be preserved, adjusted, and complemented in the future.

II. Historical Overview

The crisis in Syria was preceded by the outbreak of uprisings calling for increased democracy throughout the Middle East termed the Arab Spring. Early in 2011, the Syrian people began to engage in anti-government protests.³ These protests were quickly met with violence from the government, which deployed security forces and opened fire on peaceful demonstrators. As a result, the civilian demonstrators began to arm themselves against the government troops and military forces. Demonstrations that began in Damascus and Der'a spread to other areas, including Homs, Hama, and Aleppo. As violence executed towards civilians escalated, Western countries began to insert themselves into the rising conflict. The United States, for example, imposed sanctions on the Assad regime for human rights abuses, while Sweden restricted arms trade with Syria. Regardless, another attack carried out in Hama soon left hundreds of protestors dead. The EU, U.S., Britain, France, and Germany responded with a demand that Bashar al-Assad, the President of Syria, resign.⁴

The call for Assad's resignation quickly sparked responses from other major players in the region; namely, Russia and Iran. Syria quickly became the site of a number of proxy wars.⁵ Russia, Iran, and Hezbollah supported the regime, while the United States, Turkey and the Gulf States backed the rebels.⁶ The latter group openly supplied arms and funds to the opposition groups within Syria. The Arab League, too, approved

³ Robin Yassin-Kassab and Leila Al-Shami, *Burning Country: Syrians in Revolution and War* (New ed. Pluto Press: 2018), 77.

⁴ Yassin-Kassab and Al-Shami, *Burning Country*, 77.

⁵ Ibid.

⁶ Ibid.

sanctions against Syria to pressure the government to end its civilian attacks, to no avail. As the death toll rose, the conflict devolved into a civil war that pitted the government and “shadow militias” against protestors, who were often supported by the Free Syrian Army and various armed groups. Islamists, extremists and jihadists from numerous countries soon engaged in both sides of the war as well.⁷

The Syrian civil war sparked a wide range of contentious debates throughout the international community regarding matters of human rights violations, the use of chemical weapons, the role of non-state actors and extremist groups, and much more. Still, at the beginning of the war, King Abdullah II was reluctant to speak out against Assad’s actions in Jordan. Much like during the Iraqi war, the government mostly remained silent on the political issues unfolding when handling the displacement crisis. Jordan and Syria were close trading partners prior to 2011, despite uneasy relations between their governments. The border between the two countries was relatively porous, and Syrians were not required to hold a visa to enter Jordan.⁸ The civil war devastated the business and trade between the two states. Moreover, as the next section will detail, the refugee crisis accompanying the violence fundamentally changed the nature of migration across the shared border as well.

⁷ Yassin-Kassab and Al-Shami, *Burning Country*, 77.

⁸ Victoria Kelberer, “Negotiating Aid in Crisis: International Aid and Refugee Policy in Jordan” (Middle East Policy Council: 2017), <https://www.mepc.org/journal/negotiating-crisis-international-aid-and-refugee-policy-jordan>.

III. Initial Responses and Early Solutions

Initially, Syrians who chose to flee from the violence in their region remained within the borders of Syria. Many experienced the recent Iraqi displacement crisis and understood the legacy of the Palestinian refugee problem. As a result, they feared the implications of moving outside the legal safety of their country. Leaving could jeopardize prospects of return in the future, and it was entirely uncertain whether Syria's neighboring states would accept asylum seekers.⁹ Given this reality, the number of Syrians displaced outside of the country remained low throughout 2011. As violence against civilians proliferated in 2012, however, desperation drove thousands into the neighboring countries of Turkey, Lebanon and Jordan.¹⁰ The refugee crisis had begun.

The Early Years: 2011-2014

As was the case at the beginning of the Iraqi crisis, initial estimates of the displaced were imprecise. The rapidly changing circumstances in Syria made it difficult to discern the facts on the ground. As a result, the reports of displacement were highly influenced by the incentives of those offering them forth. Policymakers, scholars, and human rights and aid organizations, hoping that the gravity of the situation would urge states to take action, offered a high number of displaced both within and outside of Syria. The Syrian government insisted on a much lower estimate, in an effort to maintain the narrative that “terrorists” were attacking the state.¹¹ Retrospective counts estimate that

⁹ Chatty, *Syria: The Making and Unmaking of a Refugee State*, 232.

¹⁰ *Ibid.*

¹¹ Chatty, *Syria*. 228.

around 50,000 Syrians had fled the state and 250,000 were internally displaced by the end of the first year of the war.¹² At this point, the crisis was not perceived to be a “refugee” crisis. Rather, international organizations and states opposing the Syrian government labeled it a humanitarian emergency. Calling the displacement of the Syrians a “refugee crisis” would have had far greater political implications than the Arab states—especially Jordan—wanted to acknowledge at the time.

The events of 2012 changed the narrative of host states entirely. A series of attacks in Idlib beginning in February drove between 10,000 and 20,000 Syrians into Turkey. The Turkish government responded by immediately establishing a camp near the border to host new arrivals. Jordan, too, allowed about 10,000 to 15,000 Syrians to cross its border throughout 2012. The majority of the displaced arriving in Jordan came from Der’a, a region close to its northern border.¹³ By the end of the year, it was estimated that over 300,000 Syrians had fled to neighboring countries—making the reality of a refugee crisis increasingly difficult to ignore.¹⁴

Up until the end of 2012, Jordan had reacted much as it had to the recent Iraqi displacement: it allowed for Syrian entry, but did very little to facilitate their acquisition of Jordanian services or livelihoods after the fact. In 2012, Jordan faced its own troubles of poor economic growth and political unrest. This instability ensured that the government would prefer to avoid taking an active stance on yet another refugee

¹² Chatty, *Syria*, 230.

¹³ Ibid.

¹⁴ Ivan Watson and Guy Tuysuz, “Syrian Refugees in Turkey: Police are Forcing Us From our Homes,” CNN (October 2, 2012), <https://www.cnn.com/2012/10/02/world/meast/syria-refugee-crisis-turkey/index.html>

population. Given the size and rapidity with which the Syrians arrived, however, Jordan had little choice but to react.

Within a year, the overwhelming realities of the crisis forced Jordan to abandon its laissez-faire approach. Practically, it feared the potential effects self-settlement of that magnitude could have on the demographics and stability within the country. It very likely also recognized that its strategy in addressing the Iraqi crisis—refusing to set up camps or organize an official response to the crisis—did not play out as it hoped. Furthermore, some scholars believe Jordan was driven primarily by a “rent-seeking” ideology, in which it anticipated that hosting refugees would be rewarded by large donations and aid packages from other states and organizations.¹⁵ Still others suggest that the overwhelming need demonstrated by the Syrians who fled prompted a response of generosity from the Jordanian people, who seemed to initially support greater refugee aid.

All these factors and more likely contributed to the fact that Jordan’s initial response was substantially different from that of earlier crisis. In early 2012, it turned to the UNHCR. The Jordanian government asked the UNHCR to approve the construction of a camp between Mafraq and the northern border to house all incoming Syrian refugees. The UNHCR obliged, and the Za’atari camp opened within a few months.¹⁶ After the UNHCR commenced its operations, Syrians could only enter Jordan through official border checkpoints, where they were then transferred to refugee camps. At the camps, they registered for official refugee status with the UNHCR and received asylum

¹⁵ Kelberer, “Negotiating Aid.”

¹⁶ Ibid.

certificates.¹⁷ The figures below illustrate the rapid development of the Za’atari camp from 2011 to 2014.



Figure 8.1 Za’atari Camp, September 2nd, 2011. Source: “Inside Zaatari: One of the World’s Largest Refugee Camps,” (ABC News: June 2014) <https://www.abc.net.au/news/2014-06-10/inside-zaatari-one-of-worlds-largest-refugee-camps/5506792>.

¹⁷ Maha Yahya, *Unheard Voices*, “Chapter 2: Policy Framework for Refugees in Lebanon and Jordan” (Carnegie Middle East Policy Center, April 2016), <https://carnegie-mec.org/2018/04/16/policy-framework-for-refugees-in-lebanon-and-jordan-pub-76058>.



Figure 8.2 Za'atari Camp, April 6th, 2014. Source: “Inside Zaatari: One of the World’s Largest Refugee Camps,” (ABC News: June 2014) <https://www.abc.net.au/news/2014-06-10/inside-zaatari-one-of-worlds-largest-refugee-camps/5506792>.

What began as a stretch of desert with a smattering of tents set up by refugees crossing the northern border eventually turned into the fourth largest city in Jordan. The camp, roughly 5.3 square kilometers in area, became incredibly densely populated as refugees continued to arrive. At its peak, Za'atari hosted 150,000 Syrians: in total, over 461,701 refugees have passed through the camp.¹⁸ As the next chapter will discuss,

¹⁸ UNHCR, “Zaatari Factsheet: February 2018,” <https://reliefweb.int/sites/reliefweb.int/files/resources/2018.02.04FACTSHEET-ZaatariRefugeeCampFEB2018.pdf>.

Za'atari transformed from a temporary structure for shelter to a semi-developed urban center with electricity, entrepreneurship, schools, hospitals, and more.

Not all Syrians who sought entry into Jordan were admitted. In particular, border control officers frequently denied entry to Palestinian and Iraqi refugees residing in Syria, unmarried men of fighting age, and individuals without legal documents. By forcing their return to Syria, Jordan clearly violated the principle of non-refoulement—a fact that was not lost on the international community, which voiced loud criticisms of the practice.¹⁹ Initially, the numbers of Iraqi and Palestinians moving outside of Syria remained low. Anticipating their difficulty in gaining asylum in other countries, who continued to recognize the political baggage accompanying their status as protracted refugees, they often chose to keep a low profile.²⁰ As the conflict progressed, however, many resorted to flight. Some who were denied official entry in Jordan entered through illegal channels regardless, while others were forced to remain subject to the ongoing violence in Syria.²¹

The government's harsh emphasis on preventing refugees from prior crises to enter demonstrates just how salient those crises remained to the people of Jordan. As mentioned in Chapter 6, the years following 2012 saw tensions between the Palestinians and Jordanians rise as a result of changes in Jordan's economic policies. Not coincidentally, in 2012 the UNHCR also chose to strip the Iraqis of their *prima facie* refugee status in order to both divert more resources to the Syrian crisis and discourage more Iraqis from seeking asylum easily in Jordan. The government's decision to disallow

¹⁹ Maha Yahya, *Unheard Voices*.

²⁰ Chatty, *Syria*, 231.

²¹ Yahya, *Unheard Voices*.

Palestinian and Iraqi refugees was clearly a calculated attempt to reassure Jordanians that those past crises remained in the past. In doing so, it exemplified some semblance of control over refugee movement and appeared to support only the most desperate of refugee populations.

For Syrians granted asylum, life in UNHCR camps proved difficult. The decision to establish camps in Jordan reflected only what Jordan and the UNHCR—not the refugees—believed would allow for the easiest management of the crisis. Initially, Syrians who entered Jordan were very mobile, moving between regions and cities as they connected with familial networks and attempted to find housing. Few were pleased by the proposition of being placed in a camp and isolated from the remainder of society. Indeed, refugees could not leave the camps unless a Jordanian relative aged thirty five or older was approved as their “guarantor.”²² Refugees who were “bailed out” were issued a Ministry of the Interior service card, giving them access to a variety of public services like healthcare and education. This practice continued until 2015, when the government introduced an “urban verification exercise” that required refugees to re-register as such and obtain new biometric Ministry of the Interior service cards.²³ The updated policy allowed Jordan to monitor refugee movement with greater precision, which was important for the allocation of aid. On a more practical level, such regulations meant that the majority of refugees in camps were forced to remain there indefinitely.

²² Yahya, *Unheard Voices*.

²³ *Ibid.*

By 2015, Jordan had three established camps: Za’atari, Azraq, and Emirati.²⁴ The government’s willingness to allow for camps in spite of the legacy of Palestinian refugee camps and its refusal to do so for the Iraqis seems counterintuitive. Faced with the choice of allowing hundreds of thousands of refugees to enter its cities or constructing camps that had the potential to become permanent fixtures, the government chose the latter. In doing so, it seems to have attempted to avoid the immediate shock to both its society and its markets which would occur if it permitted self-settlement. The choice of camps also placed much more responsibility on the UNHCR to handle the displaced and their allocations of aid, rather than the government directly. Jordan knew the possible ramifications establishing camps could have in the future; yet the circumstances somehow rendered them a necessary—and hopefully, a temporary—solution.

Jordan’s choice to pursue camps succeeded only in part. Given the poor conditions which persisted within refugee camps, many Syrians chose to forego the system and settle in urban centers, like Amman. By 2014, nearly 70 percent of Syrians lived in cities, leaving only 30 percent in camps.²⁵ As a result, overcrowding in urban areas where refugees had a distinct impact on the Jordanian economy and society. The next section will address this impact in greater detail.

The other major host states of Syrian refugees each pursued rather opposite policies in regards to camps. Nearly all Syrians in Turkey lived in one of the 26 established refugee camps. In Lebanon, the government strictly forbade the establishment

²⁴ UNHCR, “Jordan” (2018) <https://www.unhcr.org/jo/>.

²⁵ Chatty, *Syria*, 232.

of camps.²⁶ Syrians fled to Turkey and Lebanon after 2011 in even greater numbers than those which arrived in Jordan, and both countries struggled to respond in ways that satisfied their own people while providing refugees with protection. Like Jordan, Lebanon had never signed the 1951 Convention or its 1967 Protocol. Though Turkey was a signatory to the 1951 Convention, its failure to ratify the 1967 Protocol meant that its refugee policy under international law was limited to European refugees.²⁷

Moreover, the UNHCR did not give Syrians the same *prima facie* refugee status it had provided to the Iraqis. Rather, the UNHCR gave them temporary protection status in Jordan, which is equivalent to that of an asylum seeker.²⁸ Temporary protection status implied that all Syrians were eligible to receive aid, but had to register with the UNHCR through a Refugee Status Determination to be called a formal refugee.²⁹ In effect, this meant that Syrians' treatment in their country of first asylum was highly dependent on that states' domestic refugee policy.

The "Migration Crisis" of 2015

By the beginning of 2015, the Syrian crisis had displaced nearly 8 million individuals. The first eight months of 2015 proved to be a turning point in the conflict, as significant ISIS advances and Russian airstrikes drove millions more to flee.³⁰ Many of

²⁶ Chatty, *Syria*.

²⁷ Chatelard, "Incentives to Transit."

²⁸ Alice Su, "Jordan's Other Refugees," Pulitzer Center (August 14, 2014) <https://pulitzercenter.org/reporting/jordans-other-refugees>.

²⁹ Chatty, *Syria*, 233.

³⁰ *Ibid.*

these refugees, as opposed to those in prior waves, consisted of middle class professionals that had remained in Syria to ensure that their towns or regions continued to function amidst the instability. Their departure marked an even more substantial decline into anarchy within Syria. More relevant to the refugee issue, however, was the fact that their middle-class status allowed them the financial means to migrate beyond the resource-poor countries which neighbored Syria. Refugees began to pay for passage to the European shores or traveled over land through Turkey, via the land bridge connected by the Balkans.³¹ Refugees arrived on the shores of Italy and Greece in mass numbers, overwhelming immigration control and policymakers who had never faced such an influx in recent times. Many died along the way from the perilous journey, both on land and at sea. Although it is difficult to obtain accurate figures, most estimate the death toll for Syrians to be in the thousands.³² A photo that surfaced of a young toddler, Alan Kurdi, made headlines across the globe.

³¹ Chatty, *Syria*, 233.

³² Niamh McIntyre and Mark Rice-Oxley, "It's 34,361 and Rising: how the List tallies Europe's Migrant Body Count," *The Guardian* (June 20, 2018), <https://www.theguardian.com/world/2018/jun/20/the-list-europe-migrant-bodycount>.



Figure 8.3 The Death of Alan Kurdi. Source: “The Death of Alan Kurdi”, Wikipedia (2019), https://en.wikipedia.org/wiki/Death_of_Alان_Kurdi.

For a short while, the Syrian crisis dominated the political agenda throughout Europe. Lacking experience with migration flows that originate outside of Europe, the governments initially responded with panicked decisions rather than coherent policy.³³ The European border system, characterized by the Schengen Area, allowed for free movement between the states in the Area and required all those seeking asylum to register with their country of first arrival. The latter policy, called the Dublin Regulation, was intended to prevent “asylum shopping”—a practice in which asylum seekers filed for asylum in multiple states to increase their odds of approval. It furthermore called upon non-border-states to provide aid and accept asylum seekers if the border-states exceeded 150 percent of their capacity. The practical result of this policy was that border-states

³³ Betts and Collier, *Refuge: Rethinking Refugee Policy in a Changing World*.

were incredibly overburdened by asylum seekers, and Northern states failed to uphold their promise of sharing responsibility in handling the crisis.

Within just a few weeks, European border-states began to close their borders. It became impossible for refugees to seek asylum in the global North, and soon the only option for living in these countries became formal resettlement through the UNHCR.³⁴ Although Jordan, Turkey, and Lebanon had already accepted millions of refugees and possessed far fewer resources to handle their influx, European states proved unwilling to do the same. For the first time, Europe experienced the realities of a modern refugee crisis—something with regards to which it had dictated international law and policy for so many years. And, on all accounts, its performance was an abject failure. The migration crisis provided Europe with a sliver of insight into what host states like Jordan in the Middle East had handled for decades. As Chapter 9 will discuss in greater detail, it was only then that it began to realize the policies regulating refugee movement were unsustainable without greater cooperation.

Around this time, Jordan also began to tighten its borders in the name of security. Jordan closed its Jaber border crossing after it was attacked by Islamic militants towards the end of 2015. Likewise, a suicide attack against the Rukban army post in June 2016, reportedly carried out by members of ISIS, prompted the government to shut down both the Rukban and Hadalat border crossings as well.³⁵ The Crisis Response Director at

³⁴ Chatty, *Syria*.

³⁵ “Syrian-Jordan Border: 75,000 refugees trapped in desert in no man’s land,” *Amnesty International*, (<https://www.amnesty.org/en/latest/news/2016/09/syria-jordan-border-75000-refugees-trapped-in-desert-no-mans-land-in-dire-conditions/>).

Amnesty International, a prominent INGO which aids refugees in Jordan, said the following in regards to the border closures:

The situation at the berm offers a grim snapshot of the consequences of the world's **object failure to share responsibility** for the global refugee crisis. The knock on effect of this failure has seen many of Syria's neighbours close their borders to refugees. It's a desperate picture for people trapped at the berm, food is running out and disease is rife. In some cases people are suffering or even dying from preventable illnesses, simply because they are not allowed into Jordan and the authorities have blocked access for aid, medical treatment and a meaningful humanitarian response.³⁶

In other words, the border closures had a devastating effect on the immediate safety and livelihoods of Syrian refugees. Yet the Director points out that these closures resulted not from Jordan's negligence, but from other states' failures to adequately prop up Jordan in its efforts to offer aid and protection. Jordan was not immune to the security threats the border attacks posed; but it is unrealistic to expect that it should be. Although states have an obligation to protect refugees, they also have an obligation to protect their own citizens. It has held true throughout the Palestinian, Iraqi, and now Syrian crises that Jordan cannot justify allowing further migration when its citizens feel threats to their own security in addition to the "normal" burdens of supporting refugees' aid and protection.

In 2017, the violence within Syria began to wind down. By then, more than half of Syria's population of 23 million had been displaced. Nearly 5 million individuals had left the state, and the other roughly 7 million remained internally displaced. At least 650,000 were officially reported to be in Jordan.³⁷ In 2018, none of the major host countries, including Jordan, experienced any new large-scale arrivals from Syria. Jordan

³⁶ "Syrian-Jordan Border: 75,000 refugees trapped in desert in no man's land." Emphasis added.

³⁷ Chatty, *Syria*, 244.

saw only a marginal rise in refugee registration, with 673,414 individuals reported by the UNHCR as of December, 2018. The number of unregistered refugees, however, is more telling of the reality of the situation: 1.38 million Syrians were estimated to be in Jordan, total, at the end of 2018.³⁸ The discrepancy between this latter figure and the number of registered refugees indicates that more than half of Syrians in Jordan were living outside the protection of the UNHCR and official asylum system. As the next section will address, the large scale settlement of Syrians in urban centers had a significant impact on the Jordanian economy and society.

Jordan's initial responses to the Syrian crisis proved markedly different from those of the Iraqi crisis in the previous decade. The fact that Jordan chose to allow the UNHCR to operate within its borders and establish camps is incredibly significant. It had no obligation to do so and many legitimate reasons to justify shutting its borders to Syrian refugees. Instead, Jordan made a substantial effort to acquire the international aid and political support necessary to accommodate the Syrians.

When it became clear that temporary aid would not be sufficient for the expected longevity of the crisis, Jordan began to turn to the durable solutions. The following section will detail the availability of each of the solutions and effects they had on alleviating the crisis for Syrian refugees in Jordan.

³⁸ UNHCR, "Regional Strategic Overview 2019/2020" (December 2018), <http://reporting.unhcr.org/sites/default/files/3RP%202019-2020%20Regional%20Strategic%20Overview%20Summary%20-%20December%202018.pdf>.

IV. Repatriation

The protracted instability in Syria made return a dangerous option throughout the entirety of the crisis. By the end of 2018, very few regions remained unaffected by the violence, and much of the country's infrastructure and service provision systems had broken down completely.³⁹ Still, many Syrian refugees desire eventual repatriation today. A UNHCR survey conducted in December 2018 found that 76 per cent of Syrians hoped to return one day. There is no telling, however when "one day" will be.

The most recent iteration of the UNHCR's survey on Syrian intent to return, released in March 2019, revealed that 85 percent of respondents stated that they do not have the intention to return in the next 12 months.⁴⁰ The main reasons they cited as preventing their return included physical risks; lack of availability of essential services, including access to education, livelihood and job opportunities; fear of conscription; and fear of punishment for having fled or refusing to fight.⁴¹ They also spoke of the legal obstacles they might face in reclaiming property or accessing civil status documentation. Given the level of devastation in Syria that persists, it will take years before the large-scale development, rebuilding and restoration projects can be undertaken to enable return a viable option. Recent estimates put the price of reconstruction at around 400 billion US dollars.⁴²

³⁹ Chatty, *Syria*, 243.

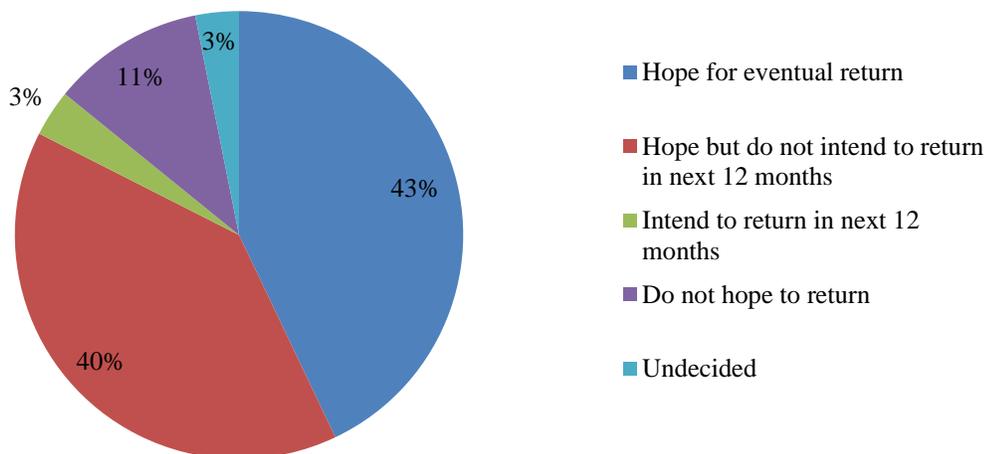
⁴⁰ UNCHR, "Syrian Refugees' Perceptions and Intentions on Return to Syria," (March 2019), <https://reliefweb.int/sites/reliefweb.int/files/resources/68443.pdf>.

⁴¹ UNHCR, "Regional Strategic Overview 2019/2020".

⁴² Hassan Mneimneh, "The 'Reconstruction' of Syria: A War by Other Means," The Washington Institute, (December 21, 2018), <https://www.washingtoninstitute.org/fikraforum/view/the-reconstruction-of-syria-a-war-by-other-means>.

Table 8.1 Syrian Perceptions and Intentions for Repatriation

Syrian Perceptions and Intentions for Repatriation



Source: Data adapted from UNCHR, “Syrian Refugees’ Perceptions and Intentions on Return to Syria,” (March 2019), <https://reliefweb.int/sites/reliefweb.int/files/resources/68443.pdf>.

Unfortunately, repatriation has never been a safe or desirable solution. The current fragility in Syria furthermore suggests that it is unlikely to become one for quite some time. Thus far, the UNHCR has supported this position by formally excluding repatriation as a viable solution. As stated in its annual Protection Thresholds and Parameters for Refugee Return report, it holds that “present conditions in Syria are not conducive for voluntary repatriation in safety and dignity”.⁴³

⁴³ UNHCR, “Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria,” <https://data2.unhcr.org/ar/documents/download/63223>.

It is interesting to note that a small minority of roughly 42,728 refugees regardless chose to spontaneously return in 2018. “Spontaneous return” implies repatriation that is self-organized or conducted with the help of the host government.⁴⁴ Although the number of returnees is small in comparison to the total number of displaced Syrians, it is sizeable enough to indicate that some have unfortunately faced even worse conditions in host countries than those from which they fled.

At times, the de facto policies of involuntary repatriation pursued by states like Lebanon and Jordan have encouraged spontaneous return as well. Although these states often face strong condemnation for doing so, little more can be done by the UNHCR or other states to hold them legally accountable. As emphasized in previous chapters, the Memorandum of Understanding Jordan signed with the UNHCR includes a clause recognizing the right to non-refoulement. It provides no recourse for action, however, when Jordan fails to comply.⁴⁵

While the UNHCR does not facilitate or promote repatriation at this point in time, it has already begun planning for when voluntary repatriation is possible.⁴⁶ As the survey above illustrates, a significant proportion of Syrians continue to desire return when the conditions permit. Many host countries, including Jordan, would likewise embrace the opportunity for Syrians to return so as to avoid spiraling into a situation of prolonged dependence. Of course, Jordan and the UNHCR exercise very little control over the

⁴⁴ UNHCR, “Comprehensive Protection.”

⁴⁵ UNHCR, “Memorandum of Understanding” (RefWorld, 1997).
<https://www.refworld.org/docid/3ae6b31b17.html>.

⁴⁶ UNHCR, “Comprehensive Protection and Solutions Strategy.”

conditions which make repatriation a safe and feasible option. Repatriation, hardly a “solution”, has become a waiting game for Syrian refugees.

V. Local Integration

The concept of local integration in the context of the Syrian crisis is slightly more nuanced than it was in the cases of Palestinians and Iraqis. The government clearly intended for long-term Palestinians integration into Jordanian society. It held no such intentions for the Iraqis, whose integration came predominantly from their ability to provide for themselves in the absence of aid. In the case of the Syrians, the UNHCR, NGOs, and the government have collaborated to establish a number of different initiatives to support the livelihoods of Syrians in Jordan. Some of these efforts are clearly meant to address immediate needs, such as those providing cash assistance or medical care. Others, however, such as those integrating Syrian children into schools or adults into new jobs, are less clear cut in terms of their intended longevity. In other words, Jordan has enabled Syrians to have access to many of the same opportunities as Jordanians—but it is entirely unclear whether it intends to sustain this policy in the long term, should their displacement become permanent.

The fact that Jordan has extended public services and livelihood programs to Syrians despite the reality that they may very well perpetuate Syrians’ stay surprised many international policymakers and scholars. What made Syrians so different than the displaced Iraqis that arrived just a few years prior? This section will attempt to explain the quality of life for Syrians remaining in Jordan today, and their similarity to native

Jordanians, by examining statistics related to their employment, health and healthcare, income, and education. The next chapter will discuss, in much greater detail, how other types of political and economic solutions facilitated the “integration” of Syrians into Jordanian society.

Employment

On nearly all counts of economic activity, Syrians have fared better than the Iraqis that arrived in the previous decade. Unlike Iraqis, the majority of Syrians was not upper-middle class professionals, and thus posed much less of an economic threat to the Jordanian middle class. Shortly after the onset of the crisis, Jordan allowed Syrians holding a valid service card from the Ministry of Interior to apply for work permits. The application process, similar to that which non-nationals faced to obtain legal work in Jordan, was lengthy and expensive. Moreover, the difficulties in obtaining the MOI service cards necessary to apply for a permit ensured that the number of work permits issued remained low in the first few years.⁴⁷ By 2015, the Syrian unemployment rate had reached 61 percent. Of those who were employed, only 10 percent actually held valid permits; the remainder worked informally.⁴⁸ The main industries in which men worked were construction and agriculture, and women in home-based activities.⁴⁹

⁴⁷ International Labor Organization, “Access to Work for Syrian Refugees in Jordan,” (2015), https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_357950.pdf.

⁴⁸ Yahya, *Unheard Voices*.

⁴⁹ UNHCR, “Economic Inclusion of Syrian Refugees in Jordan: December 2018,” <http://data2.unhcr.org/en/working-group/49?sv=4&geo=36>.

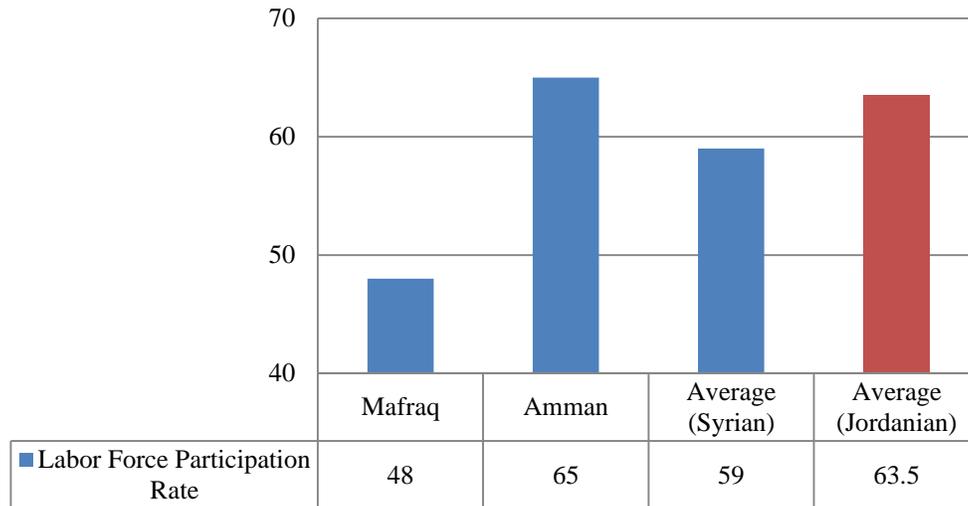
The Jordanian government could have allowed this limited access to work permits to persist indefinitely. Instead, Jordan sought advice on how to integrate Syrians into its economy in a way that would benefit Jordanian companies and Syrian livelihoods. A number of significant economic programs and agreements, such as the Jordan Compact, resulted from its outreach. Due to a combination of these initiatives, the number of work permits gradually increased. As of December 2018, 123,573 work permits were issued to men and 5,581 were issued to women.⁵⁰ This represents roughly 20 percent of the registered Syrian refugees living in Jordan at the time—but less than 10 percent of the total Syrian population. By 2018, the participation of Syrian males in the labor force ranged from 48 percent in Mafraq to as high as 65 percent in Amman. The higher end of this range is roughly equivalent to Jordanian males' participation, which stood at 63.49 in 2018.⁵¹

⁵⁰ UNHCR, “Economic Inclusion of Syrian Refugees in Jordan: December 2018.”

⁵¹ World Bank, “Labor Force Participation Rate, Male” (September 2018), https://data.worldbank.org/indicator/SL.TLF.CACT.MA.ZS?locations=JO&name_desc=true.

Table 8.2 Syrian Labor Force Participation Rate

Syrian Labor Force Participation Rate



Source: Data adapted from Åge A. Tiltnes, Huafeng Zhang and Jon Pedersen, “The Living Conditions of Syrian Refugees in Jordan,” FAFO and UNHCR, (April 2019), <https://data2.unhcr.org/en/documents/download/67914>.

The international community became quite interested in the effect of Syrian labor force participation on the Jordanian economy. In 2016, the International Labor Organization released a study quantifying the impact of Syrian refugees’ presence in Jordan on a number of different domestic economic conditions. It argued first that there was no evidence the arrival of Syrians actually had a negative impact on the national unemployment rate.⁵² The ILO report then points to the fact that Syrians are actually more economically active (meaning that they participate in more consumer transactions) than native Jordanians, at a rate of 48.5 percent to 36.5 percent. Moreover, small and

⁵² Omer Karaspan, “Jordan’s Syrian Refugees” (Brookings: February 25, 2015), <https://www.brookings.edu/blog/future-development/2015/02/25/jordans-syrian-refugees/>.

medium sized businesses in Jordan have observed higher profits from the lower wages accepted by Syrian workers. Syrians also boost the economy by opening their own firms and shops, creating new goods, services and avenues for employment.⁵³

Still, many Jordanian claimed that the inflow of self-settled Syrians impacted a number of aspects of life that the ILO report might have failed to observe. Two common claims held that Syrians' willingness to work for lower wages reduced options for low-skill employment and their overcrowding in urban centers drove up rent prices.⁵⁴ After 2015, it became increasingly difficult to maintain the narrative that Syrians had no negative impact on the economy. Today, policymakers and scholars recognize the huge financial burden spending on Syrian refugees has placed on the government's budget for social services, and the Jordanian people feel the effects of high rent prices and unemployment caused by the saturation of markets in urban areas. While Syrians have gained much greater access to work than the Iraqis, allowing them to do so has undoubtedly come at a cost to Jordanians.

Income

Analyzing Syrians' predominant sources of income reveals they are highly dependent on institutional transfers—far more so than Iraqi refugees. Given that Syrians often possessed fewer savings and were of lower economic status when arriving in Jordan, this difference seems logical. It moreover reflects the reality that Syrians simply had greater access to institutional transfers as well. In addition, Syrians demonstrated

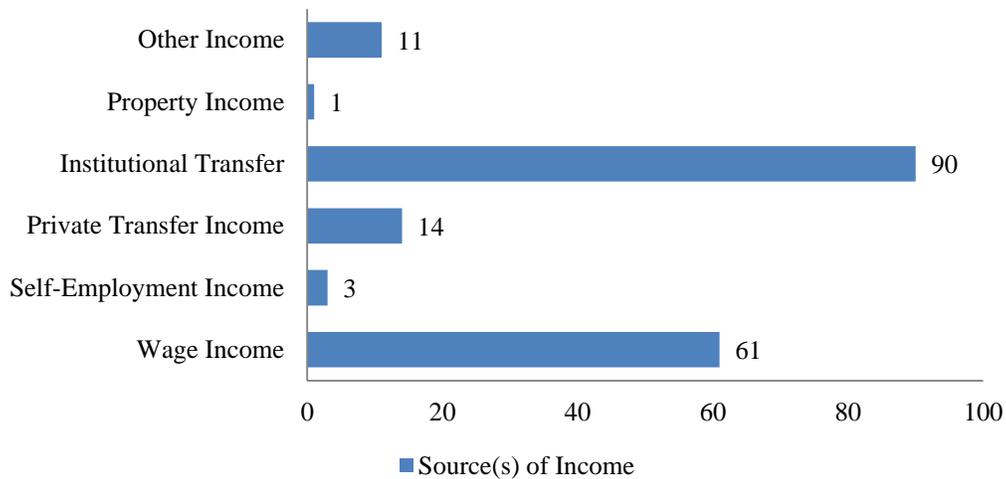
⁵³ Omer Karaspan, "Jordan's Syrian Refugees."

⁵⁴ International Labor Organization, "Access to Work for Syrian Refugees in Jordan."

high levels of dependence on wage income.⁵⁵ Again, given that they were employed in greater proportions than Iraqis, this too is an expected result.

Table 8.3 Income Sources Identified by Syrian Refugees

Income Sources Identified by Syrian Refugees



Source: Data adapted from Åge A. Tiltnes, Huafeng Zhang and Jon Pedersen, “The Living Conditions of Syrian Refugees in Jordan,” FAFO and UNHCR, (April 2019), <https://data2.unhcr.org/en/documents/download/67914>.

Education

Only two years after the arrival of Syrian refugees, Jordan decided to allow Syrian children to attend public schools free of charge. Like access to work permits, education remains dependent on possession of a valid asylum seeker certificate and Ministry of the

⁵⁵ Martina Ulrichs, Jessica Hagen-Zanker and Rebecca Holmes, “Cash transfers for Syrian refugees in Jordan: bridging the gap between short-term assistance and long-term social and economic integration” (18 July 2017) <https://odihpn.org/blog/cash-transfers-for-syrian-refugees-in-jordan/>.

Interior service card. This policy has allowed for more than 62 percent of the over 330,000 Syrian refugee children registered in Jordan to be enrolled in formal education.⁵⁶

The quality of education that they receive, however, is often much lower than that of native Jordanians. In my interviews in Amman, NGO workers cited that the influx of Syrian refugees in 2012 caused a jump in class size from 45 to 60 students in each class.⁵⁷ This shock angered native Jordanians and placed immense stress on school systems, which struggled to adapt. In response, the Ministry of Education allowed some schools to take on second shifts in order to reduce class size. These second shifts were generally taught by less qualified teachers.⁵⁸ As a result, a divide between Syrian and Jordanian children persists.

Unlike Iraqi children, the vast majority of Syrians are enrolled in the public school system. This is likely due to a combination of the availability of free public schooling and the fact that Syrian families tend to have lower savings upon which to draw. Their enrollment by school type is compared to that of the Iraqis below:

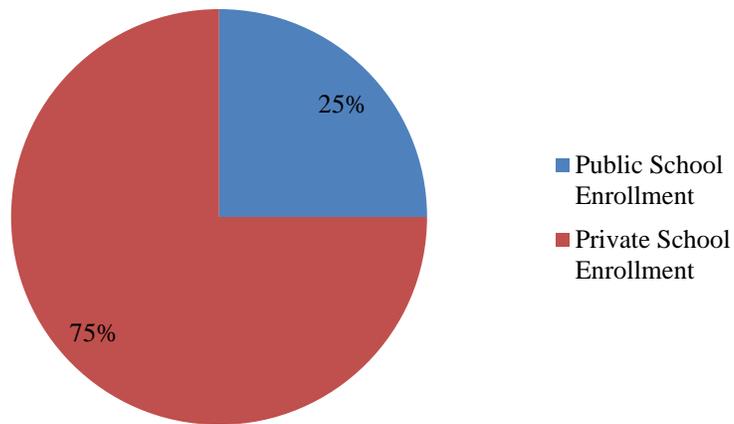
⁵⁶ Yahya, *Unheard Voices*.

⁵⁷ Insherah Mousa (Jordan Country Director, Jesuit Refugee Services), "Interview with Christina LaRitz," Jesuit Refugee Services, Amman, January 8, 2019.

⁵⁸ Yahya, *Unheard Voices*.

Table 8.4 Iraqi Enrollment by School Type

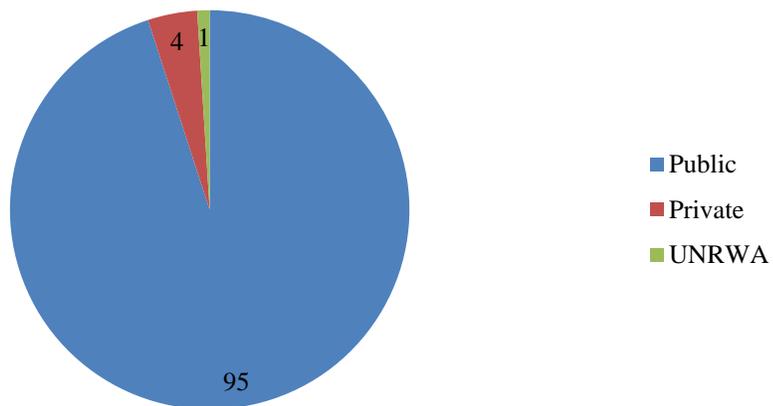
Iraqi Enrollment by School Type



Source: Reproduced from Chapter 7; Data adapted from Dalen and Pedersen, “Iraqi Refugees: Their Numbers and Characteristics,” (UNHCR and FAFO: 2008).

Table 8.5 Syrian Enrollment by School Type

Syrian Enrollment by School Type



Source: Data adapted from Tiltnes, Zhang and Pedersen, “The Living Conditions of Syrian Refugees in Jordan,” FAFO and UNHCR, (April 2019), <https://data2.unhcr.org/en/documents/download/67914>.

The most recent enrollment data from the UNHCR- FAFO Report reveals that children’s likelihood of attending school decreases precipitously with age. Nearly 100 percent of Syrian children aged 6-11 are enrolled in school—an incredibly impressive statistic. This figure remains above 70 percent until the age of 15, when it drops to only 39 percent. At this age, it is likely that many Syrian children choose to work informally or in their homes to provide for their families instead of attending school.⁵⁹ The divide between Syrian and Jordanian children is also perpetuated within schools, driven by high reported levels of bullying, discrimination, and school violence.⁶⁰ Only 8 percent of Syrians refugees aged 18-24 attend university amidst these challenges.

Comparable statistics for Jordanians reveal that enrollment levels are very similar for young children. Primary school enrollment is nearly 100 percent, and secondary school level enrollment is 65 percent. At the tertiary level, however, 31.7 percent of Jordanians attend college or university, representing a marked increase from that of Syrians.⁶¹

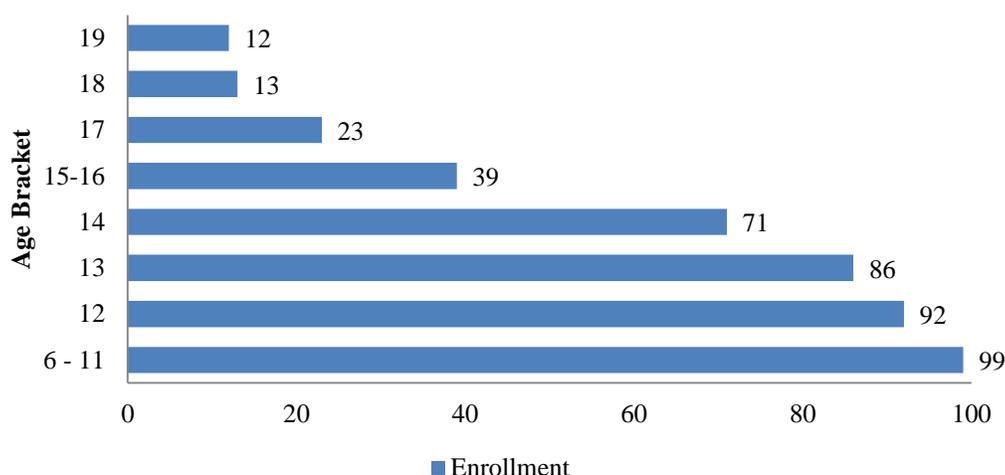
⁵⁹ Tiltnes, Zhang and Pedersen, “The Living Conditions of Syrian Refugees in Jordan,” (FAFO and UNHCR).

⁶⁰ Ibid.

⁶¹ World Bank, “Education Statistics: Jordan,” (2019), <http://datatopics.worldbank.org/education/country/jordan>.

Table 8.6 School Enrollment for Syrian Refugee Children

School Enrollment for Syrian Refugee Children



Source: Data adapted from Tiltnes, Zhang and Pedersen, “The Living Conditions of Syrian Refugees in Jordan,” FAFO and UNHCR, (April 2019), <https://data2.unhcr.org/en/documents/download/67914>.

Despite the formal availability of free public education for Syrian refugees, issues of inadequate infrastructure and insufficient support in other areas have prevented Syrian children from sharing an equal footing with other children in Jordan. The UNHCR and other monitoring institutions recognize this shortcoming, and often place education at the top of their protection agendas. They continue to call for more effective educational systems that do not impair refugee children’s ability to advance in the future.⁶²

The Jordanian government, too, has recognized its inability to deliver quality education single-handedly. Early on in the crisis, it invited NGOs and the United Nations

⁶² UNHCR, “Regional Strategic Overview 2019/2020.”

International Children’s Emergency Fund (UNICEF) to fill some of the gaps its education policy creates. These organizations provide free education, usually funded through UN grants, and often include elements of English language education and cultural integration.⁶³ By partnering with NGOs and UN organizations, the Jordanian government has been able to offset the responsibility placed on public schools and allow for new avenues for educational opportunities. The following chapter will discuss these initiatives in greater detail. Although education remains a work in progress for Syrian refugee children, it is a promising project that both the Jordanian government and other organizations have shown serious interest in addressing effectively.

Health and Healthcare

Prior to 2014, Syrian refugees in Jordan were allowed to access public healthcare through the Ministry of Health facilities.⁶⁴ Revisions to the Jordanian healthcare policy in 2014, however, changed their ability to access healthcare drastically. Without a Ministry of the Interior service card, accessing healthcare became nearly impossible; with a card, it remained extremely difficult. The policy allowed those holding a service card to access public healthcare at the same rates as those paid by uninsured Jordanians. Often, access is limited to the district in which refugees were issued the service cards. Those without cards are not given access to public healthcare, and thus forced to pay the same rates as

⁶³ MECI Field Officer, “Interview with Christina LaRitz,” Middle Eastern Children’s Institute, Amman, January 10, 2019.

⁶⁴ Yahya, *Unheard Voices*.

foreigners at non-governmental or private facilities.⁶⁵ These policies made even minor medical procedures extremely costly and difficult to obtain for many refugees.

Refugees suffering from chronic diseases fare quite poorly in Jordan. In 2016, 37 percent of households with members suffering from chronic diseases were unable to access medical services at all.⁶⁶ By 2019, this figure remains around 21 percent. In this situation, refugees often file for resettlement or choose to seek treatment abroad and return to Jordan, if possible. Nearly all refugees, regardless of their status as card-holders or possession of medical conditions, state that access to medical care has been one of the most problematic and difficult aspects of life in Jordan.⁶⁷ NGO workers lament that healthcare is one of the most integral policy areas deserving of improvement from the UNHCR and its partner organizations.

Unlike Iraqi refugees, who rely predominantly on private healthcare providers, the majority of Syrians rely on public or NGO-funded care. These figures, reflecting data from 2019, clearly emphasize the need to continue increasing aid and preserving the ability of existing NGO and public providers to accommodate Syrian refugees.

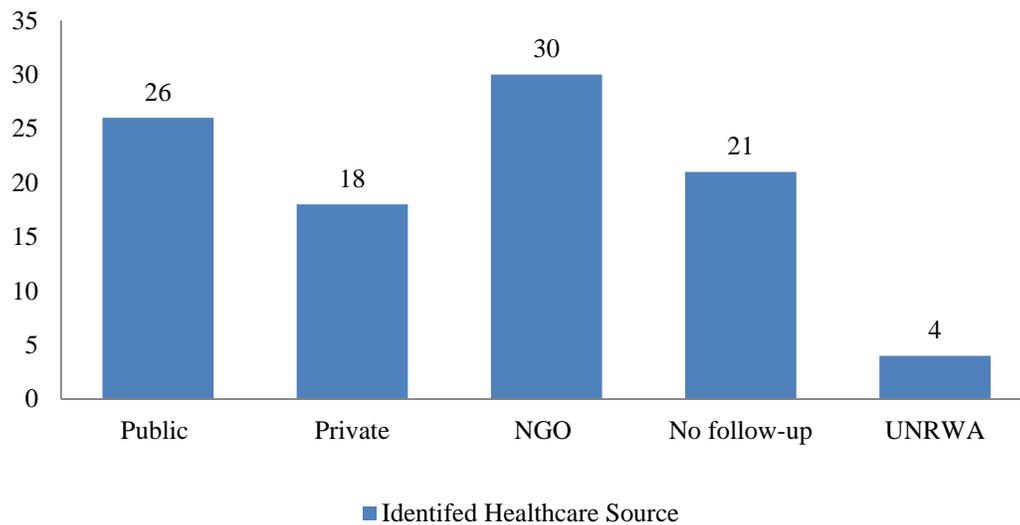
⁶⁵ Yahya, *Unheard Voices*.

⁶⁶ *Ibid.*

⁶⁷ Mousa, "Interview with Christina LaRitz."

Table 8.7 Source of Healthcare for Refugees with Chronic Health Failure

Source of Healthcare for Refugees with Chronic Health Failure



Source: Data adapted from Åge A. Tiltnes, Huafeng Zhang and Jon Pedersen, “The Living Conditions of Syrian Refugees in Jordan,” FAFO and UNHCR, (April 2019), <https://data2.unhcr.org/en/documents/download/67914>.

The data discussed in this section underscore the reality that the livelihoods Syrians refugees’ experience in Jordan would not be possible without the aid of UN organizations and NGOs. These organizations played a crucial role in relieving the burden placed on the government of absorbing the costs associated with hosting refugees. While inequality still persists between Syrians and Jordanians in a number of areas, the cooperation between the government and organizations in Jordan to address these issues represents a significant step forward from the situation of the Iraqi refugees. The next

chapter will discuss how the government, NGOs and UN organizations attempted to alleviate the effects of integration through alternative solutions.

VI. Resettlement

Compared to the other durable solutions, resettlement depends most directly on the asylum policies of other states in the international community. The principal way in which Jordan exercises control over the outcome of resettlement is through its relationship with the UNHCR. The high level of cooperation between the Jordanian government and the UNHCR which developed throughout the Syrian crisis cannot be overemphasized: when one considers the fact that the UNHCR only began operating in Jordan a decade prior, the escalation of its operations is highly significant.

As is typically the case, resettlement has allowed only a miniscule percentage of the total population of Syrian refugees to move out of Jordan. The height of resettlement from Jordan occurred in 2016, during which roughly 21,000 refugees received resettlement approval—which made Jordan the number one country of resettlement departures in the world.⁶⁸ This figure is comprised almost entirely of Syrian refugees, but contains some Iraqi and African refugees as well. Still, it accounts for less than 5 percent of the total population of Syrians in Jordan.

After 2016, a number of important asylum states—such as the United States—dramatically reduced the number of refugees they resettled. Their decision had a very

⁶⁸ UNHCR, “Jordan Factsheet: June 2018,” <http://reporting.unhcr.org/sites/default/files/UNHCR%20Jordan%20Fact%20Sheet%20-%20June%202018.pdf>.

tangible impact on resettlement figures: in 2017, only 4,989 refugees in Jordan received resettlement. Since then, resettlement figures remain low. The table below details the ten states with the highest numbers of resettled Syrians, aggregated from 2013 to 2018.

Table 8.8 Number of Syrians Resettled by Host Country

Host Country	Number of Syrians Resettled*	Percentage Share of Total Resettled
Canada	76,530	29.48%
United States of America	65,032	25.06%
Germany	48,417	18.65%
United Kingdom	20,000	7.71%
France	16,975	6.54%
Australia	16,192	6.24%
Brazil	12,298	4.74%
Norway	9,700	3.74%
Switzerland	8,200	3.16%
Sweden	5,800	2.23%

Source: Data adapted from UNHCR, “Resettlement and Other Admission Pathways for Syrian Refugees” (May 1 2018), <https://www.unhcr.org/en-us/protection/resettlement/573dc82d4/resettlement-other-admission-pathways-syrian-refugees.html?query=resettlement>.

Note that the second column reflects cumulative numbers of resettled Syrian refugees from 2013-2018. The third column denotes the percentage of total resettled Syrians that each country hosts.

Given the limited availability of resettlement opportunities, the UNHCR restricts resettlement to those in the direst need. To be eligible, Syrians must demonstrate a level of vulnerability characterized by legal, physical protection, or medical needs; being a survivor of violence/torture; or belonging to “at-risk” groups, such as those of women, children and adolescents, and the elderly.⁶⁹ Such criterion prevents a significant proportion of Syrians from applying to be resettled in the first place. Still, in 2016, over 76,556 individuals filed for resettlement or humanitarian admission through the UNHCR.⁷⁰ This figure represented the peak of Syrian resettlement applications to date, coinciding with both the ISIS attacks in Syria that furthered displacement and the increasing regulations Syrians faced in accessing host countries like Jordan.

Although the number of applicants far outweighed the number of resettled refugees in 2016, the resettlement of 21,000 Syrians must unfortunately be considered a favorable amount. By 2018, the total fraction of Syrian refugees resettled had fallen to just 0.5 percent. Roughly 10 percent of all Syrian refugees at the time were eligible for resettlement, making this figure appear even bleaker. As the next chapter explains, the trend of decreasing resettlement in third countries persists in spite of UNHCR efforts to increase responsibility sharing efforts and involve Western governments in new aid and protection efforts for refugees in other regions of the world. Unless the international community undergoes a significant policy shift, resettlement will continue to be an insignificant option for Syrian refugees.

⁶⁹ UNHCR, “Regional Strategic Overview 2019/2020.”

⁷⁰ Ibid.

VII. Conclusion

Jordan's policy responses to the Syrian refugee crisis demonstrate a clear departure from those of the past crisis. Initially, the government chose to maintain open borders and took a laissez-faire approach to Syrian self-settlement—not unlike it had done in the decade prior. Soon after, though, the invitation it extended to the UNHCR to construct camps and begin large-scale aid projects within its borders altered the course of the crisis dramatically. NGOs and other international organizations became implementing partners for the UNHCR and Jordan, stepping into roles that the government was unable or unwilling to fill. The government clearly understood that pushing Syrians onward and hoping for resettlement would not be feasible options. Rather than attempt to force the crisis out, Jordan decided to invite aid in. Jordan's domestic policies became integrated into a broader international response scheme that attempted to both strengthen and move beyond the durable solutions of the past.

Analyzing repatriation, local integration and resettlement revealed that a number of factors seriously constrained Jordan's ability to provide Syrians with solutions. The ongoing violence in Syria, Europe's failure to organize a safe response to Syrians seeking asylum, and the economic and socio-political repercussions hosting another refugee population held on Jordanians are among the most important of these constraints. At the same time, Jordan received a great deal of support in new areas. By partnering with the UNHCR and NGOs, the government observed an enormous increase in its organizational and monetary capacity to handle the refugee crisis. The figures measuring local integration confirm this to be true: Syrian refugees have achieved much higher levels of

employment, educational attainment, healthcare coverage, and income than the Iraqi refugees before them, and depend much more on the public and NGO sectors in doing so.

It is important to keep in mind that Jordan was one of many countries that felt the impact of hosting Syrian refugees. The fact that Jordan did not endure the crisis alone played a crucial role in its formulation of responses. The Western states had turned an ambivalent eye to the Iraqi crisis just a few years prior: but at the height of the Syrian crisis, the whole world watched. For a brief moment, the international community seemed to care about refugees. The flurry of attention Jordan received as a result very likely encouraged its generous policies, supplying a nuance to the factors cited above which constrained and enabled its decisions.

Substantive lessons from the Syrian refugee crisis can also be drawn from the non-traditional solutions various actors have pursued. Jordan, more so than other host countries like Lebanon or Turkey, has been particularly well-receptive to these solutions. Chapter 9 will assess how many of the mobility solutions, economic solutions, and legal-political solutions discussed in Chapter 2 have affected Syrians in Jordan. Many remain ongoing projects whose full effects have yet to be assessed. Still, it will become clear that the fact that these solutions are being explored in the first place indicates that refugee stakeholders have acknowledged the need for more effective, timely solutions than those currently in place.

Syrian Refugees: Part II

9

I. Introduction

The previous chapter described how repatriation, local integration, and resettlement fell short of acting as truly durable solutions to the Syrian crisis in Jordan. If the international community had not sought to move beyond these solutions, the story of their displacement would have likely stopped there. Indeed, in the Iraqi case, a lack of durable solutions became *the* solution to their displacement; no real alternatives were offered on a significant scale. The Syrian crisis proved different. A combination of generosity, necessity, monetary desires, political will, and a host of other factors prompted both Jordan and the international community to pursue new paths to success for the displaced Syrians. Plans for new, “alternative” solutions emerged, ranging from expanding access to labor migration visas to ratcheting-up responsibility mechanisms through the implementation of the Global Compact. This chapter will analyze the efficacy of some of the most important alternative solutions.

The failure of the durable solutions to effectively address the needs of refugees and the host government is not unique to the Syrian crisis. Indeed, less than 2 percent of the world’s refugees in 2015 received access to one of the durable solutions.¹ What *is* unique about the Syrian crisis is the extent to which states, the UNHCR, and non-

¹ Alexander Betts and Paul Collier, *Refuge: Rethinking Refugee Policy in a Changing World* (Oxford University Press: 2016), Print.

governmental and private organizations have mobilized around the pursuit of alternative solutions. This is not to say that all new “solutions” have actually been effective in solving the issues associated with displacement for refugees on a long-term basis. In fact, a common theme which arises across the mobility, economic, and political solutions analyzed in this chapter is that many possessed very positive intentions but experienced rather mediocre execution. The factors producing this shortcoming vary, but in most cases it seems that at least one of the actors involved in the solution is disconnected from the others in terms of their incentives, available resources, and ability to act.

Alternative solutions should not be deemed failures if they do not immediately succeed. On the contrary, the fact that they are being offered as alternatives to the traditional routes at all should be applauded. There is a great deal to learn from which techniques have and have not been effective for future application of these alternative solutions—especially in Jordan.

This chapter will proceed by first analyzing mobility-based solutions to the Syrian refugee crisis. It shows that while a number of different immigration pathways to third countries exist, few have been made more easily accessible to refugees to suit their particular needs. While little progress has been made to improve their usage thus far, they remain a promising option to develop in the future.

In contrast, Jordan has had far more practical experience with economic solutions. The country has been a testing ground for a monumental international agreement called the Jordan Compact. The Compact encompasses a remarkable cooperation between the Government of Jordan, European and Jordanian businesses, and Syrian refugees, and

aims to expand the access of the latter group to employment opportunities in Jordan.

Although the success of the Compact has been limited by a number of key oversights in the planning process, its conceptual foundation provides a valuable framework for future agreements.

Lastly, political-legal solutions consist predominantly of new international and regional refugee response plans. The recent proliferation of such agreements—especially the Global Compact on Refugees—demonstrate the continued salience of international cooperation on refugee policy and the necessity of stronger mechanisms to incentivize compliance. Ultimately, the Syrian refugee crisis provided the stimulus for both Jordan and the international community to act upon the failures of the past solutions and adapt to the current reality of refugee displacement today by considering new strategies, partnerships, and initiatives in response.

II. Mobility Solutions

Chapter 8 discussed the reality that UNHCR resettlement is an extremely limited solution for Syrian refugees. The trend of resettlement needs significantly outpacing opportunities persists, unfortunately, across all refugee crises for the past few decades. Within Jordan, the percentage of refugees resettled compared to those desiring resettlement and/or remaining in Jordan is particularly astute:

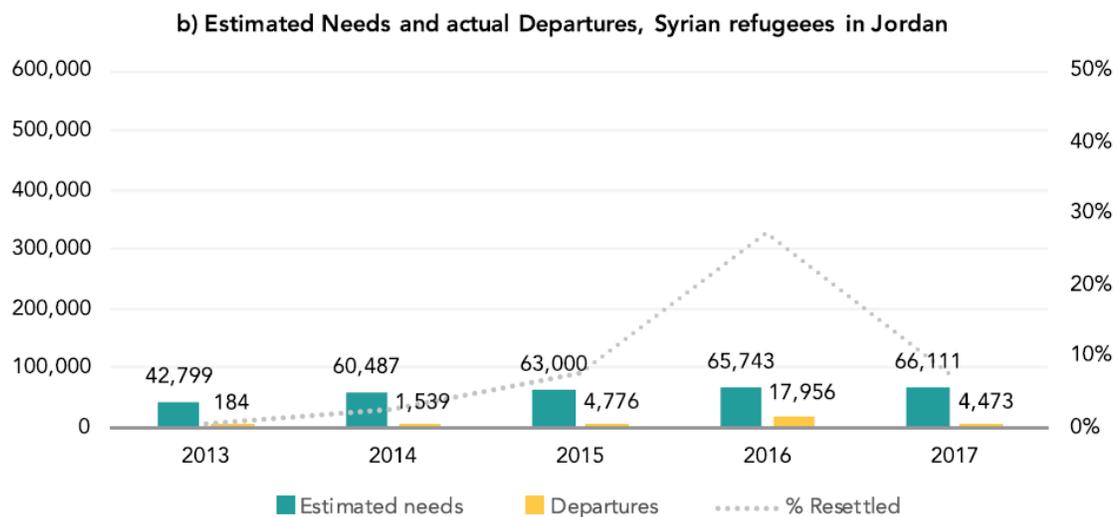


Figure 9.1 Estimated Needs and Actual Departures, Syrian Refugees in Jordan. Source: Danish Refugee Council, “Access to Resettlement and Complementary Pathways for Syrian Refugees,” Durable Solutions Platform (June 2018), <https://drc.ngo/media/4676369/dsp-resettlement2.pdf>.

Policymakers at the state level, the UNHCR, and private firms recognized the gap between refugees who qualified and those who received UNHCR resettlement early on in the crisis. The migration crisis of 2015 observed in Europe, which featured thousands of asylum seekers migrating to Europe through both regular and irregular means, compounded these actors’ interests in opening more legal channels of movement. They began to consider what the UNHCR terms “alternative or complementary resettlement pathways”. These pathways include labor migration, student work visas, family reunification migration, humanitarian visas and private scholarship programs. Typical “resettlement” or donor countries have employed these complementary pathways for Syrian refugees with varying degrees of success. Some have been utilized more effectively than others; student visas, for example, have been widespread and largely

successful. Other pathways must be made more easily accessible and adopted on a more universal basis to be called a success in the future. A graphic from an OECD Migration Policy paper provides an overview of targeted persons and programs available through alternative pathways.

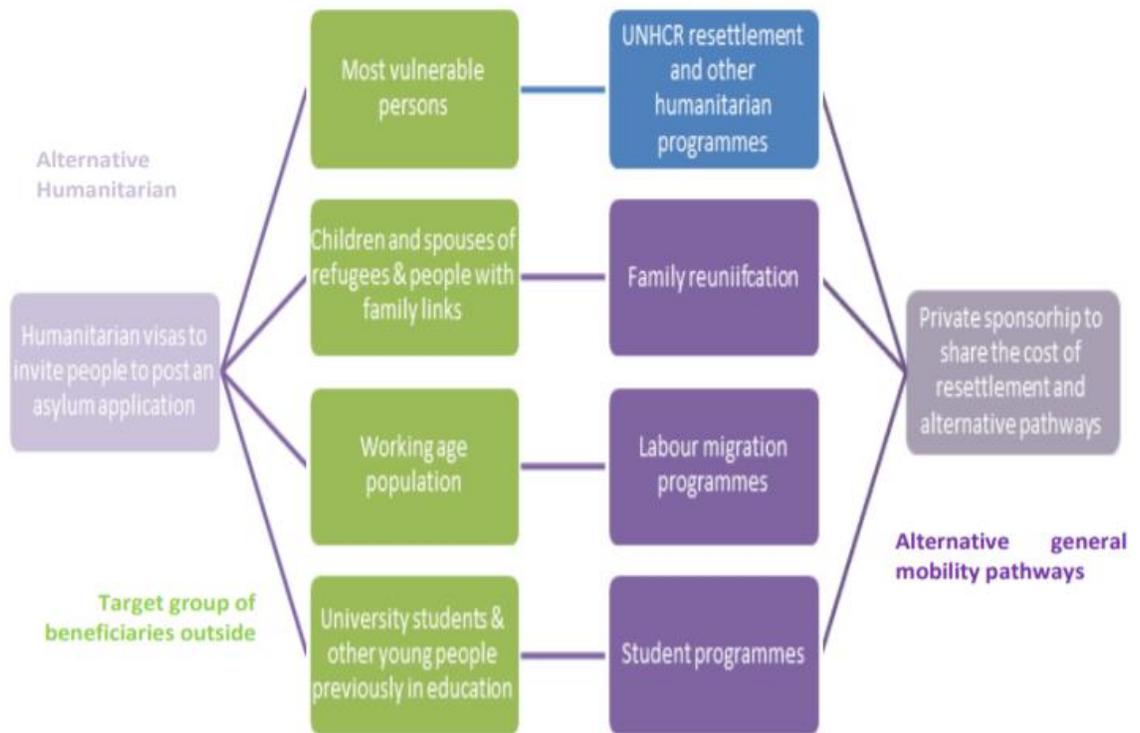


Figure 9.2 Alternative Mobility Pathways. Source: OECD, “Migration Policy Debates: Are there Alternative Pathways for Refugees?”, (September 2016), <https://www.oecd.org/els/mig/migration-policy-debates-12.pdf>.

Labor Migration

Labor migration, though infrequently discussed with regards to refugees, was actually one of the first solutions pursued by European countries for refugees in the

1920s. The Nansen Passport system gave refugees widespread access to labor markets in third countries. Although the economic troubles of the 1930s led to their decline, labor migration continues to hold potential for a viable resettlement system for refugees that receiving countries have serious incentives to adopt.² In recent years, however, few countries have chosen to extend work permits to Syrians through labor migration systems. Scholars consider this fact a particularly overlooked aspect of resettlement, as many countries—especially in Europe—are in need of young workers to offset their aging populations.³ If holes in states’ labor markets were to be properly identified, refugee labor migration could pose a boon to both receiving states and refugees seeking temporary or permanent livelihoods in third country.

Labor migration channels often consist of points-based and skilled entry systems, to which Syrians apply on an individual basis. Work permits are generally granted through an employer in the country where the individual seeks work. Such systems are attractive to individuals with a wide range of skills and experience, enabling lower skilled workers to access legal employment and providing more experienced professionals the opportunity to continue their careers in a third country.⁴

Patterns of migration often differ by state, as states are free to grant labor migration approval based on the particular demands of their economies and labor markets. Although existing labor migration channels are not often designed for refugees specifically, refugees are able to access them like any other migrants. The downside of

² Danish Refugee Council, “Access to Resettlement and Complementary Pathways for Syrian Refugees.”

³ “Population Structure and Ageing”, Eurostat, (February 2019), https://ec.europa.eu/eurostat/statistics-explained/index.php/Population_structure_and_ageing.

⁴ Durable Solutions Platform, “Access to Resettlement and Complementary Pathways.”

this, however, is that arriving in a third country via a labor migration program holds no guarantee of protection from refoulement or exploitation.⁵ In order for these programs to be a more effective alternative to resettlement, such protections must accompany refugees' migration.

Incentivizing employers to recruit refugees directly may be a fruitful way to circumvent the difficulties in changing government policies. This idea has become increasingly relevant in recent years, particularly due to the efforts of NGOs like the Tent Partnership for Refugees. The Tent Partnership works with businesses to implement commitments to support refugees, particularly by hiring them and sponsoring their migration to a third country.⁶ Gideon Maltz, the Executive Director of Tent, noted at a conference in October 2018 that the businesses with which they worked viewed hiring refugees as beneficial to their brands; namely, because refugees made productive workers, large support for refugees existed among their consumers, and hiring refugees allowed them to expand their market access to new groups of consumers.⁷

Other organizations, such as Talent Beyond Boundaries, initiates communication from the other direction. The NGO helps refugees contact businesses in countries of resettlement and facilitates their visa application process.⁸ In effect, refugees are given the opportunity to exploit their existing skill sets, and businesses gain employees with the specific qualifications they desire. Further examples of NGOs and non-profit

⁵ Durable Solutions Platform, "Access to Resettlement and Complementary Pathways."

⁶ "Tent Partnership for Refugees," Tent (2019), <https://www.tent.org/>.

⁷ Gideon Maltz, "Keynote Address" (Panel Discussion at Boston College Refugee Conference: October 19, 2017).

⁸ "Talent Beyond Boundaries," <http://talentbeyondboundaries.org/>.

organizations facilitating labor migration abound. Despite the low levels of government resettlement through labor migration, such organizations have increasingly stepped up to fill the role on a small scale.

Humanitarian Visas

Humanitarian visas provide the most similar substitute to UNHCR resettlement processes. Individual states can grant humanitarian visas as an alternative “protected entry procedure”, in which asylum seekers can enter the visa granting country legally and apply for asylum once they arrive.⁹ Syrians holding humanitarian visas often enjoy an expedited asylum application process. The differences in acquiring resettlement status and humanitarian visas are significant, as the latter is applied for directly by the third country national at the consulate of the state in which asylum is sought. Pre-screening processes can then be conducted prior to the individual’s departure, legalizing their journey and entry into the country of asylum.¹⁰ In effect, this often allows individuals to be reconnected with extended family or, at the very least, experience a much safer and quicker transition from the host to asylum country.

A few states have extended humanitarian visas successfully, though their adoption has not been widespread. As of May 2018, France had issued 4,600 visas; Brazil, 9,298; and Switzerland, 4,700.¹¹ Humanitarian admission programs, which are similar to humanitarian visas alongside resettlement schemes, have also been adopted by a number

⁹ Danish Refugee Council “Access to Resettlement and Complementary Pathways.”

¹⁰ Ibid.

¹¹ UNHCR, “Resettlement and Other Admission Pathways for Syrian Refugees”, (May 2018), <https://www.unhcr.org/573dc82d4.pdf>.

of other countries like Austria, Germany and Ireland.¹² Although the European Union considered an EU-wide humanitarian visa scheme in the wake of the migration crisis of 2015, it failed to agree upon a formal system. As a result, most countries resorted back to traditional UNHCR resettlement.

In contrast to humanitarian visa and admission programs, formal resettlement is handled indirectly through the UNHCR and can take more than two years to be finalized.¹³ Humanitarian visas would not replace the UNHCR resettlement program; rather, they are often discussed as an option which could be offered in parallel to the existing system. Humanitarian visa systems could have allowed European states to avoid the irregular mass immigration observed in 2015. Moreover, such systems could help host states like Jordan to shrink the gap between Syrians who desire resettlement and those to whom it is granted.

Many scholars emphasize that visas could be a flexible tool to address future displacement crises more effectively.¹⁴ A similar option which has been implemented in a number of Western states, including Canada and Germany, are private sponsorship programs. As of May 2018, Germany had provided 23,572 private sponsorship visas.¹⁵ Unlike humanitarian visas, which are government-sponsored, private sponsorship entails private businesses or individuals supporting the costs of resettlement and/or facilitating

¹² UNHCR, “Resettlement and Other Admission Pathways for Syrian Refugees”.

¹³ UNHCR, “Resettlement”, <https://www.unhcr.org/en-us/resettlement.html?query=resettlement>.

¹⁴ OECD, “Migration Policy Debates: Are there Alternative Pathways for Refugees?.”

¹⁵ UNHCR, “Resettlement and Other Admission Pathways for Syrian Refugees.”

general migration pathways.¹⁶ Such initiatives could work around states' reluctance to fund greater resettlement.

For states like Jordan, whose problems stem largely from the sheer number of Syrians, such programs would have a significant positive impact. Given the difficulty in forcing states to meet their UNHCR resettlement quotas, however, it is unclear how humanitarian visas would be any more feasible an alternative than the more formalized resettlement process which already exists. So far, uptake of humanitarian visa systems has been limited and does not seem to be increasing significantly. Unless greater incentives to expand visa eligibility were provided, it seems unlikely that many states will choose to increase the number of visas they issue to Syrian refugees in the years to come.

Student Visa Programs, Family Reunification, and More

Many other opportunities to alternative pathways to resettlement exist alongside labor migration and humanitarian visas. Student visas, family reunification, and medical evacuation programs are among them. While many countries possess such programs for migrants in general, few are tailored specifically to refugees, meaning that Syrians have benefited only marginally from their use. Moreover, many face difficulties in producing documentation and meeting eligibility criteria for the programs.¹⁷ In recent years, the UNHCR has begun to facilitate access to alternative mobility pathways and report statistics on the number of Syrians successfully resettled through their usage. If the UNHCR were to adopt a more flexible system of resettlement, including systems of labor

¹⁶ OECD, "Migration Policy Debates: Are there Alternative Pathways for Refugees?"

¹⁷ Danish Refugee Council, "Access to Resettlement and Complementary Pathways."

migration, humanitarian visas, family reunification and the like, perhaps states would be more inclined to extend resettlement support to refugees based on the specific pathways most suited to their needs.

III. Economic Solutions

The Jordan Compact

The Jordan Compact was undoubtedly the most notable new “solution” that Jordan adopted in the wake of the Syrian crisis. The Compact, praised worldwide for facilitating an unprecedented partnership between businesses, governments, and refugees, represented a new policy model for refugees characterized by high levels of compromise and economic opportunity. The idea for the Compact originated in early 2015, when a government-sponsored think tank (“WANA”) asked two professors from Oxford University to come to Jordan and advise how its refugee system could be improved.¹⁸ The professors, Alexander Betts (cited extensively in Chapter 2) and Paul Collier, worked with WANA and UNHCR officials to formulate the initial idea of the compact: give Syrians the right to work in Jordan’s under-employed economic zones, and the refugees, businesses, and government would be better off as a result. Better yet, if European businesses could be incentivized to invest in the zones and purchase their products, European markets would get a boost as well. It appeared to be a win-win for all parties involved.

¹⁸ Betts, “Refuge: Rethinking Refugee Policy in a Changing World.”

The Government of Jordan quickly endorsed the idea. It was formally proposed at the London donors' conference on Syria and the region in February, 2016, where the King of Jordan, President of the World Bank, and David Cameron of the United Kingdom offered their support.¹⁹ At its core, the Compact represented the idea of economic development through refugee employment.²⁰ The first part of the Compact stipulated that the Government of Jordan would extend work permits to 200,000 Syrian refugees over the next year. These refugees would work in Special Economic Zones (SEZs), which are governed by a more lenient set of laws and policies than the rest of the country so as to promote investment and trade. Jordan would also allow Syrians to formalize their existing businesses and register new companies in accordance with their existing regulations.

Lastly, the government would provide for a specific percentage of Syrian involvement in municipal projects sponsored by donors in regions with a high ratio of non-Jordanian workers.²¹ In exchange, Jordan would receive around \$2 billion USD in aid from European states, the World Bank, and other financial institutions. A number of European companies, including Petra Air and various garment manufacturers, pledged to invest in the zones as well.²²

¹⁹ Katharina Lenner and Lewis Turner, "Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan," *Middle East Critique*, (Routledge: 2018).

²⁰ Betts, "Refuge: Rethinking Refugee Policy in a Changing World."

²¹ Government of Jordan, "The Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis," (Relief Web: February 7, 2016), <https://reliefweb.int/report/jordan/jordan-compact-new-holistic-approach-between-hashemite-kingdom-jordan-and>.

²² Bethan Staton, "An Experiment In Jordan's Desert Aims To Provide Jobs For Syrian Refugees," (Huffington Post, January 2, 2017), https://www.huffingtonpost.com/entry/syrian-refugees-jordan-employment_us_579f66e4b08a8e8b5ea0d8.

A number of factors prompted the government to suggest these SEZs as areas that would benefit from refugee labor. Over the past few decades, Jordan has sought to increase its economic development through neoliberal and global policies that aim to increase Jordan's market orientation, reinforce free trade, minimize government intervention and curb high levels of public spending on social support. In lieu of these policies, a large proportion of the government's development budget has gone towards zonal developments.²³ These zonal development projects, including SEZs, are intended to attract regional investments and have positive spillovers into the Jordanian economy. SEZs are widely used in other regions of the world—particularly Southeast Asia—as large manufacturing sites that bring in sizeable revenues for the states and companies involved.²⁴ At the same time, however, human rights organizations often raise concerns about the lack of protection and harsh working conditions workers in these zones face.²⁵

One of Jordan's SEZs, the King Hussein bin Talal Development Area (KHBTD), was located just ten miles from the Za'atari refugee camp.²⁶ Despite the fact that the government had invested over \$1million into the project, it lacked both workers and business opportunities in early 2015.²⁷ Betts and Collier saw the KHBTD as a prime opportunity for Syrians living in Za'atari to gain employment, and for the area to become profitable as a result. With its existing infrastructure, the KHBTD could have

²³ Lenner and Turner, "Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan."

²⁴ Lenner and Turner, "Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan."

²⁵ Paul Saine, "Special Economic Zones and the Exploitation Underneath", (SSRN, November 2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2359449.

²⁶ Bethan Staton, "An Experiment In Jordan's Desert Aims To Provide Jobs For Syrian Refugees."

²⁷ Betts, "Refuge: Rethinking Refugee Policy in a Changing World."

employed every worker at Za'atari and only reach half of its full capacity.²⁸ The provisions of the Compact specified that native Jordanians were to be employed in the SEZs as well. In order to accommodate for this expanding work force, the government agreed to develop five new SEZs and open six existing zones to Syrian and Jordanian workers.

Prior to 2016, Jordan had been unwilling to acknowledge the Syrians in Jordan as yet another semi-permanent refugee population in their territory. Its ready support for the sizeable undertaking of the Compact thus seems a significant departure from its past policies, especially given that it has persistently shied away from foreign intervention in its domestic refugee affairs. Yet the Compact was framed not as a humanitarian aid offer, but as an opportunity for the government to “[turn] the Syrian refugee crisis into a development opportunity”.²⁹ The report published by the Government following the conference clearly confirms that the government sought to gain economic growth, increased investment, and greater aid towards Jordan’s public programs benefiting Syrian refugees from the agreement. Focusing on the opportunities the Compact presented for growth and stability, the Government also cited goals such as creating jobs for Jordanian and Syrian refugees, rebuilding Jordanian host communities and facilitating their resilience, and mobilizing sufficient grants and concessionary financing to support the Compact’s ambitious agenda.³⁰

²⁸ Bethan Staton, “An Experiment In Jordan's Desert Aims To Provide Jobs For Syrian Refugees.”

²⁹ Government of Jordan, “The Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis.”

³⁰ Government of Jordan, “The Jordan Compact: A New Holistic Approach.”

The government anticipated that economic growth would be fostered by the changes in the Rules of Origin governing zonal development laws included in the Compact. The agreement lifted a number of stringent regulations for Jordanian businesses operating SEZs, which was supposed to make manufacturing more profitable, expand production levels, and lead to job creation. According to the terms of the agreement, factories in 18 zones were to employ Syrians in no less than 15 percent of their labor force. After three years, this figure was to increase to 25 percent.³¹ The architects of the Compact believed these to be realistic, attainable goals with which businesses would be willing and able to comply. Likewise, the government accepted the plan with enthusiasm.

The specifications of the Compact sounded feasible to everyone involved in its articulation. What mattered in the end were ultimately those left out of the process: the Jordanian businesses, who were to operate in the SEZs as refugee employers. After the Compact was formally approved in 2016, Jordan quickly ran up against a number of obstacles in attempting to implement its provisions. For one, the SEZs had been under-employed and under-invested for a reason: few Jordanian companies perceived them as profitable enterprises. The Jordan Compact did little to change this reality. By May 2017, less than ten companies had registered to export under the new Rules of Origin regulations, and only one had actually exported anything at all.³² In part, this was due to the fact that Europe possessed stringent standards requirements for imported products.

³¹ Lenner and Turner, “Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan”.

³² Ibid.

Jordanian companies often lacked both the proper knowledge of these requirements and the right connections with potential buyers in the EU to make sales in the first place.

On top of this, none of the manufacturing facilities in the SEZs could match the productive efficacy of those in places such as India or China. Western companies, which had promised to support the Compact, had fallen flat and failed to provide SEZs with the investment necessary to match the success of their foreign counterparts.³³ These crucial details proved to be a significant impediment to getting the Compact's plans off the ground.

Perhaps even more important is the fact that very few Syrians and Jordanians actually wanted to work in the SEZs. They, too, were largely absent in drafting the Compact. Unfortunately, it showed. Jobs in the SEZs had long hours with little pay, and often were not located in easily accessible locations. For Syrians, the pay rarely covered the high costs of rent and out-of-pocket expenses they faced in supporting their families and livelihoods. Indeed, jobs in construction or the informal economy paid far better and proved much more convenient.³⁴

Moreover, the numerous garment-producing SEZs predominantly sought to employ women. Without access to public childcare, most Syrian women found it impossible to leave their role as caretakers in their families to occupy these jobs. Lastly, many Syrians feared that participating in the Compact would jeopardize their ability to

³³ Lenner and Turner, "Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan."

³⁴ Ibid.

receive financial assistance from the UNHCR and be resettled in the future.³⁵ Although the UNHCR provided assurance that funding would not be cut as a result, it did little to assuage the refugees' concerns.

Jordanians, on the other hand, were increasingly well-educated and showed little desire to occupy low-paying positions in these zones. As a result, both the refugees and Jordanians that the government hoped they would employ ultimately did not see the offer for employment as beneficial. Jordanian companies saw little profit to be made by establishing operations within SEZs, and companies that already operated within them did not see the opportunity as advantageous on their end, either. Although the Jordanian government had assumed that Syrians were easily substitutable for the Southeast Asian migrant workers already employed, the companies disagreed: they viewed Syrians—many of whom were not experienced in manufacturing work—as less productive and skilled than their current employees, who were used to the low wages and long hours.³⁶ In the end, the type of work the Compact offered was not actually desired by either party.

The other aspects of the Compact, such as allowing refugees to formalize their businesses and seek employment in certain industries outside of zones, likewise saw little success. Refugees possessed few incentives to formalize their businesses and begin paying taxes, and employers had little reason to register informal Syrian employees with the government. The existing structure of the Jordanian economy rendered the proposed

³⁵ Lenner and Turner, “Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan.”

³⁶ Ibid.

changes difficult and costly to implement.³⁷ By May of 2017, only 51,000 work permits were issued to Syrian refugees. While this number is not insignificant, it fell far below the target of 200,000 that the Compact initially set. The fact that Syrians in Jordan had gained increased access to permits at all represented a significant improvement from previous conditions, and appeared especially favorable when compared to neighboring countries like Lebanon.

In the end, few of the Compact's anticipated outcomes materialized. On the conceptual level, it was an ingenious and highly successful display of global cooperation: on the practical level, its particulars largely failed to suit the realities on the ground. The Compact thus demonstrates the difficult truth that the process of formulating new refugee solutions must include all parties specifically involved in its implementation, not merely individuals or institutions which claim to represent them. Refugees, especially, must be given a voice in how global policies will shape their future.

Chapter 2 posed the question of who the most important actors involved in refugee crises are. Each of the theoretical solutions answered the question differently: mobility solutions tended to favor the refugees, political-legal solutions emphasized the states, and economic solutions highlighted the importance of both. The Compact seems to affirm the idea that *all* actors matter a great deal—the host government, third party states, refugees, businesses, and host country citizens. While this certainly does not simplify the path to future solutions, its insights on the importance of comprehensive, inclusive policy formation plans are incredibly necessary for policymakers to recognize.

³⁷ Lenner and Turner, "Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan."

Local Economic Opportunities

Syrian refugees themselves have played an important role in devising innovative ways to expand their economic prospects. Compared to other groups of refugees, Syrians demonstrate remarkable levels of entrepreneurship in host countries.³⁸ In Za’atari refugee camp, for example, refugees developed informal markets shortly after they arrived. By the beginning of 2014, retail activity in the camp generated over \$2 million USD a month. They now refer to the main street in Zaatari as “Shams-Elysées”—a play on the famous French shopping street and a local term, “Sham”, for Syria. Over 1,400 shops and 50 stalls in caravans can be found along the Shams-Elysées today.

³⁸ Myriam Ababsa, “An Urbanizing Camp? Zaatari Syrian Refugee Camp in Jordan” IFPO (September 5, 2018), <https://lajeh.hypotheses.org/1076>.



Figure 9.3 The Shams-Elyées. Source: “The Entrepreneurial Spirit of the ‘Shams-Elyées’- Zaatari Refugee Camp,” *One Journey* (March 29, 2018), <https://www.onejourneyfestival.com/blog/2018/3/29/the-entrepreneurial-spirit-of-the-shams-elysees-zaatari-refugee-camp>.

Despite the fact that many Syrians—especially in camps—continue to lack formal employment, the group has proven to be quite economically active in other ways. In addition to refugee-led initiatives, a variety of programs aimed at increasing refugee participation in the Jordanian economy have been implemented by NGOs, private businesses, and international organizations. These include improving their access to credit, connecting them with employers, hosting job fairs, providing them with

specialized training, and more.³⁹ Certain programs target particularly vulnerable populations, such as women, who face steep barriers to entering the labor market. Even the Jordanian government agreed to open two employment centers in Za’atari and Afraq specifically for Syrian refugees. Such an opportunity was never presented to any other group of refugees in Jordan. While the effect of these projects are much smaller and localized in nature than something like the Global Compact, their success demonstrates the positive gains both refugees and Jordanians have experienced by allowing foreign NGOs and development organizations to operate in Jordan throughout the crisis.⁴⁰

Given that encamped refugees generally face far fewer opportunities for employment than urban refugees, many of the projects specifically target refugees in camps. One such project, sponsored by The German Federal Ministry for Economic Cooperation and Development (BMZ), targets refugee unemployment in conjunction with Jordan’s waste management issues. BMZ established a program called Cash for Work in the Za’atari refugee camp in 2016, in partnership with the UNHCR. The program features Syrian refugees collecting and sorting waste within the camps and selling it to Jordanian entrepreneurs.⁴¹ After the work is complete, profits are divided evenly among the workers. Additionally, the local Jordanian economy gets a boost and the camp is cleaner as a result.

Targeting encamped populations also serves the purpose of overcoming the isolation refugees in camps can face from the remainder of society. Isolation, as Jordan

³⁹ UNHCR and World Bank, “Economic Inclusion of Syrian Refugees: Jordan 2018”, <http://data2.unhcr.org/en/working-group/49?sv=4&geo=36>.

⁴⁰ UNHCR and World Bank, “Economic Inclusion of Syrian Refugees: Jordan 2018.”

⁴¹ GIZ, “Cash for Work in the Middle East,” (2018), <https://www.giz.de/en/ourservices/55908.html>.

had learned from the Palestinian refugee camps, can lead to violence and dissolution of camp governance. More recent cases in other countries reveal that isolation and deprivation in camps can lead to extremism, as well.⁴² By allowing for greater economic involvement in camps, the Jordanian government may be strategically avoiding some of the most dangerous pitfalls camps can face.

Much smaller in scale than the Jordan Compact, this project demonstrates that development and employment can go hand in hand in more simple ways. Improving local communities and refugee livelihoods need not involve complex international agreements to be successful. Indeed, programs targeting the specific skills and needs of the regions in which they are situated may be more useful in quickly and effectively providing employment and furthering development. In future crises, both within Jordan and abroad, a combination of global projects and localized efforts like those described above is necessary for affecting the greatest number of economic livelihoods.

V. Political-Legal Solutions

Very little has changed about refugee law since the 1951 Convention. Prior to the Syrian crisis, the most important developments were likely the formation of urban refugee policy at the turn of the century and the expansion of the UNHCR mandate to include IDPs and other types of forced migrants.⁴³ Yet the European migration crisis initiated a new, more urgent call for a reexamination of the existing international refugee

⁴² Barbara Sude, David Stebbins, and Sarah Weiland, “Lessening the Risk of Refugee Radicalization: Lessons for the Middle East from Past Crises,” (Santa Monica, CA: RAND Corporation: 2015), <https://www.rand.org/pubs/perspectives/PE166.html>.

⁴³ See Chapter 3.

laws. In September of 2016, the United Nations General Assembly unanimously adopted the New York Declaration for Refugees and Migrants.⁴⁴ The Declaration contains a number of symbolic affirmations of refugees' rights and expresses the determination of states to protect and assist their livelihoods in line with the 1951 Convention and 1967 Protocol. It expresses solidarity with those forced to flee, reiterates states' obligations to respect the human rights of refugees in full, agrees that greater responsibility sharing is necessary, and pledges to increase support to countries disproportionately affected by refugee flows.⁴⁵ In this sense, the Declaration reads very similar to the Convention texts and existing laws.

More importantly, the Declaration produced a tangible policy framework for addressing refugee crises called the Comprehensive Refugee Response Framework. This framework is particularly relevant to Jordan, as it was quickly applied to the Syrian crisis and continues to govern policy responses organized by the UNHCR today. It evolved to be known as the Syrian Regional Response and Resilience Plan (3RP).⁴⁶ This plan illustrates the extent to which Jordan's partnerships with the UNHCR, civil society organizations and international bodies have been formalized over the years, and clearly elucidates the policy goals of the actors in the years to come.

The last aspect of the Declaration called upon the UN High Commissioner for Refugees, Antonio Guterres, to propose a "global compact on refugees" in his annual

⁴⁴ UNHCR, "New York Declaration for Refugees and Migrants", <https://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>.

⁴⁵ UNHCR, "Report of the United Nations High Commissioner for Refugees: Part II Global Compact on Refugees", (September 13, 2018), https://www.unhcr.org/gcr/GCR_English.pdf.

⁴⁶ UNHCR, "Regional Strategic Overview 2019/2020", <https://data2.unhcr.org/en/documents/download/67370>.

report to the UN General Assembly in 2018. The UNHCR developed the Global Compact by engaging with states, UN partners, civil society organizations, and refugees in thematic discussions and formal consultations, as well as gauging the success of the Comprehensive Refugee Response Framework. In December of 2018, the UN General Assembly approved the Global Compact and urged its implementation through its annual resolution on the UNHCR.⁴⁷

The international community remains divided on whether the Compact has made—or will make, in the future—any positive change on the issues observed in the international refugee regime today. Some criticize its declarations as cheap talk, intended to portray states as generously committing themselves to increasing refugees’ rights but possessing little power to hold them responsible to do so. UNHCR officials, as expected, offer a more positive interpretation. They state that the Compact introduces a shift in thinking about what rights refugees deserve and how they should be helped that has the potential to create important changes in the future. States’ willingness to transform their policies in light of these changes has yet to be seen. Whether the Compact will motivate them to do so is incredibly relevant to the initial responses and long-term policy decisions Jordan pursues in the years to come.

The 3RP

The first Regional Refugee and Resilience Plan (3RP) for the Syrian crisis was launched in Berlin in 2014. The Plan featured over 200 humanitarian and development

⁴⁷ Volker Turk, “The Promise and Potential of the Global Compact on Refugees.”

partners.⁴⁸ Within Jordan, the Ministry of Planning and International Cooperation was tasked with overseeing the 3RP's implementation, and continues to do so today. It partners with the UN and various NGOs and humanitarian agencies to assess the impacts of 3RP initiatives throughout the year. Their findings are published in annual reports that the partners analyze extensively, compare to the results of neighboring countries, and utilize to adjust the planning goals of future years. In general, the reports have shown that progress is slow but tangible. The 2019 Sector Response Plans are summarized below:

⁴⁸ UNHCR, "Regional Strategic Overview."



Figure 9.4 Regional/Sectoral Response. Source: UNHCR, “Regional Strategic Overview 2019/2020”, <https://data2.unhcr.org/en/documents/download/67370>.

For the first time, the 3RP provides Jordan with concrete metrics around which it can formulate its policies. The importance of this development should not be discounted: such a comprehensive national and regional response plan illustrates the incredible organizational development Jordan's refugee policy has undergone in the course of only a few years. The 3RP replaces the government's policy of having *no* policy for the Iraqi refugees with a multilateral, multiyear commitment to study and develop solutions for the Syrians. Given the government's willingness to cooperate, the success of the 3RP now depends on Jordan's ability to secure the proper funding and political support necessary to achieve its goals.

Responsibility Sharing Mechanisms

The fact that the responsibility of hosting Syrian refugees, both physically and financially, has overwhelmingly fallen on host states like Jordan has not been lost to scholars and policymakers. Particularly in recent years, many have proposed a number of different ways in which the responsibility sharing mechanisms discussed at length in Chapter 2 can be implemented within the context of the current crisis. Two mechanisms designed to increase non-host state contributions are discussed below.

Guy Goodwin-Gil, a former UNHCR official and prominent scholar in the field, argues for legal enforcement of responsibility sharing. He points out that host countries are criticized and held accountable for involuntary *refoulement*, but donor countries face no repercussions if they do not meet their resettlement quotas or provide sufficient aid. In effect, only countries of first asylum are forced to comply with international law. Donor

states have little tangible incentives to do so and thus choose to ignore their financial and resettlement responsibilities handed down by the Convention and its Protocol. To address this deficit, Goodwin-Gil suggests that the UNHCR, donor countries and international financial bodies establish a funding mechanism by which the assets of the refugee source country are used to offset the cost of hosting its refugees abroad.⁴⁹ By tracking which host countries and refugees receive this funding stream, the involved actors could accurately distribute the funds to populations in the direst need.

If the source country refused to accept these demands, the UN could apply sanctions or similar enforcement mechanisms to force compliance. By 2014, the UN had already passed two resolutions condemning the Syrian regime as violating international law. Enforcing these resolutions by forcing Syria to assume responsibility for the displacement it caused could curtail its likelihood of furthering the crisis. Goodwin-Gil highlights the success of similar measures introduced by the UN Security Council following the first Gulf War of 1991.⁵⁰ The Security Council declared Iraq to be liable for any direct losses that resulted from its illegal invasion of Kuwait, and created a compensation fund to be financed through a percentage of the country's oil exports. If Iraq failed to comply, the Council determined that funding would come through Iraqi assets held by foreign states, corporations, or agencies.⁵¹

⁴⁹ Guy Goodwin-Gil and Selim Can Sazak, "Footing the Bill: Refugee-Creating State Responsibility to Pay," *Foreign Affairs* (July 29, 2015), <https://www.foreignaffairs.com/articles/africa/2015-07-29/footing-bill> .

⁵⁰ Guy Goodwin-Gil and Selim Can Sazak, "Footing the Bill: Refugee-Creating State Responsibility to Pay."

⁵¹ Goodwin-Gil and Sazak, "Footing the Bill: Refugee-Creating State Responsibility to Pay."

Thus far, the UN has not sought to implement any system similar to the one envisioned by Goodwin-Gil. Over 1.3 million Syrians continue to remain in Jordan today and place an incredible strain on the country's economy, housing markets, and government budget. This burden has persisted throughout the crisis: just two years after it began, in 2014, Jordan required \$1.9 billion to offset the costs of providing for additional Syrian refugees.⁵² Its recognition and acceptance of Syrian refugees was predominantly dependent on the fact that the UNHCR, other states, and international organizations offered them financial incentives to do so. Given the size and longevity of the crisis, these incentives have not been sufficient to meet Jordan's needs. A legally binding agreement to have its losses financed through Syrian assets could encourage Jordan to increase its livelihood and integration policies for Syrians in the years to come.

Still, the system Goodwin-Gil proposes seems to punish Syria without addressing the shortcomings of typical donor countries. In a sense, it allows these countries—who possess far more capacity to provide the aid Goodwin-Gil envisions—to further evade their responsibility. Paul Mutter offered a more promising suggestion for responsibility sharing through what he calls a “Middle Eastern Marshall Plan.” Mutter argues that the more rich nations neglected to fund refugee aid projects, the more dangerous conditions became within host countries. The conflict became increasingly prolonged, as well—all at the benefit of Assad and his allies. He states:

The alternative is greater integration of the refugees into the host countries. This is an expensive proposition, but one that ought to be afforded as high (or higher) a priority as military expenditures against the Islamic State group. If the Friends of Syria can afford to carry out round-the-clock bombing runs, they can afford a

⁵² Goodwin-Gil and Sazak, “Footing the Bill”.

mini-Marshall Plan for the Middle East over the next couple of years. Even the public image good this would bring the coalition would help discredit the Islamic State group and placate refugees' frustrations.⁵³

In other words, Mutter suggests that the funds rich nations allocate towards military expenditures may be more productively utilized if directed towards refugees. Despite the truth in Mutter's words, it is quite unlikely that such a proposition would receive direct support from the governments of the rich nations whom it targets. With enough popular support, however, it is possible that Mutter's proposal could gain momentum in the upcoming years. Responsibility sharing mechanisms are clearly difficult to practically implement, but remain important considerations in the search for more effective solutions.

VI. Conclusion

Seeking alternatives to the durable solutions has proved no easy task for Jordan or the international community. While there has been no shortage of innovative strategies proposed, the implementation of their lofty goals have stopped many short of being called success stories. Increased mobility solutions focused on opening new pathways for refugee movement to third countries and utilizing existing channels more effectively. Of all the solutions, they are the most straightforward and easily applied. Yet third countries have largely failed to recognize the gains to be had from exploiting these strategies. As a result, few have been adopted on a large scale.

⁵³ Paul Mutter, "A Middle Eastern Marshall Plan," US News (January 16, 2015), <https://www.usnews.com/opinion/blogs/world-report/2015/01/16/lebanon-jordan-and-turkey-need-aid-to-deal-with-syrian-refugee-crisis>.

Economic solutions have been widely pursued on a local, national and global scale. Although the Jordan Compact received high praise upon its inception, its failure to consider key perspectives greatly diminished its impact. Local economic projects, however, have proved to be more effective in tangibly improving the lives of those they reach. In particular, projects targeting refugees in camps aid in averting the dangers accompanying isolation.

In terms of political solutions, the Global Compact represents the culmination of a global shift towards the targeted, organized responses implemented by a number of states today. Although the Compact has not had a significant effect on refugee policy within many key donor states, the implementation of the 3RP in Jordan signifies an important step towards formalizing the state's refugee policy. Given the degree to which refugee policy in Jordan depends on fluctuating factors such as money and politics, a set of tangible policy goals provides a new level of permanency previously unseen.

Analyzed in tandem, these alternative solutions suggest that increased cooperation could go a long way in facilitating more effective refugee policy. The success of a solution largely depends on its ability to accommodate the interests of those who implement refugee policy with the incentives of refugees themselves. They avoid policies which consider the needs of only certain refugee actors, and instead seek initiatives that allow both sets of actors to gain value from interacting. Finding this common ground has not been easy to achieve. Nevertheless, the proliferation of alternative solutions in Jordan provides important recognition of the fact that the future of refugee policy lies beyond of the durable solutions.

The next chapter will analyze the cases of Palestinians, Iraqis and Syrians in Jordan from a new perspective. Relying upon interviews, presentations, and survey data, it will draw in the voices of NGO workers and refugees themselves. In doing so, it will seek to better understand the effects of the policies and responses discussed at length in the previous chapters.

Perspectives on the Ground

10

I. Introduction

The case studies contained in the past five chapters examined the displacement of Palestinians, Iraqis, and Syrians in Jordan from a policy-centered perspective. They aimed to explain the government's motivations for responding to refugee crises in the ways that it does, and what implications these responses held for each of the refugee groups. In doing so, the case studies raised a number of questions. These questions included the following: which factors caused Jordan to open or close its borders to those seeking asylum? Did the government confer refugee status upon the displaced? When and why did the UNHCR or UNRWA play a role in managing the crisis? Did public opinion and/or the work of NGOs and private businesses affect refugee policy formation? How did the international community contribute to finding solutions—or not? What factors prompted certain solutions to be pursued over others? *Which solutions to the crises were the most effective?*

The case study chapters drew upon UN reports, previous scholarship, research institution publications, and other analytical sources in answering these questions. This chapter will supplement their findings by providing a range of on the ground perspectives of the refugee crises. It draws upon interviews with NGO workers, presentations

delivered by refugees, survey data, and conversations with other individuals in Jordan and the Palestinian territories. These practical perspectives serve as a necessary complement to the case study chapters' analyses in a variety of ways. Although the research affirms much of the previous conclusions, it provides a more accurately nuanced explanation of the facts on the ground. For example, the common rhetoric surrounding the status of Palestinian refugees is that they refuse to relinquish their refugee status so as to preserve the right of return. Indeed, this is what many Palestinians will say, when asked. Increasingly, however, Palestinians would also say that they do not believe return will ever actually occur. In other words, what they *think* will happen is quite different what they believe *should* happen.

In addition to providing more accurately nuanced accounts of differences between refugee populations, this chapter will also highlight what refugees, NGO workers, and Jordanian citizens perceive to be the *most* important conclusions to draw about refugee policy in Jordan. Given the multitude of factors which the case study chapters revealed affect policy, this analysis will hold particular importance for the direction policy should take in the future.

The chapter will first analyze interviews conducted at two prominent NGOs that work with refugees in Jordan: the Jesuit Refugee Services, and the Middle Eastern Children's Institute. It will then turn to accounts from refugees on issues of resettlement, employability, social integration, and more. Next, it will consider a number of key findings when comparing a public opinion survey conducted with native Jordanians and

Syrian refugees in Jordan. Lastly, it will assess Palestinian public opinion through interviews and polls.

Finally, this chapter will serve as a reminder that refugee policy must take into consideration the perspectives of those it directly impacts in order to be effective. High-level reports and policy analyses are important, but so too are the realities experienced by refugees and those with whom they interact. This chapter hopes to ensure that refugees are not dehumanized by the magnitude of their plight.

II. Perspectives from NGOs

Among the various groups influencing refugee policy in Jordan, non-governmental organizations possess the most frequent interactions with refugees themselves. My research conducted in Amman included interviews with a number of different NGOs offering a wide range of services to refugees. Two of the most insightful interviews were those with the Jesuit Refugee Services (JRS) and the Middle East Children's Institute (MECI). The following section highlights the most important details drawn from each of these interviews.

Jesuit Refugee Services

The interview conducted with JRS Director Insherah Mousa provided a holistic picture of how different groups of refugees live in Jordan. It revealed that the measures of integration discussed in the case study chapters do not always tell the full story of how policies affect the livelihoods of refugees. The summary and analysis below will address

refugees' education, employment, and perspectives on return and resettlement, as well as the roles played by the UNHCR, NGOs, and donor states in Jordan.

Jesuit Refugee Services (JRS) is an international non-governmental organization that began operating in Jordan in 2008. While its initial operations targeted the displaced Iraqi population, it opened its services to other groups of refugees (e.g., Sudanese and Somalis) in 2010 and to Syrians in 2013.¹ Today, it serves a diverse array of groups, including Sudanese, Somali, Yemeni, Ethiopian, Iraqi, Syrian, Palestinian, and Egyptian refugees. JRS offers two main lines of services for the refugee populations with which it works: home visits, and education. The home visits are intended to inform families of the services available to them through JRS, as well as the aid to which they are entitled by the government and UNHCR. This ensures that refugees possess full information about the resources at their disposal as they learn to live in Jordan.

JRS spreads knowledge of its services through word-of-mouth; there is no 'recruiting' of refugees or explicit advertisement. In part, this is attributed to the fact that the INGO is already overburdened as is with its current operations. The organization also seeks to avoid the stigma of "competing" over aid provision. JRS actively informs refugees about other NGOs that offer different services, which are plentiful in Amman. In addition to the UNHCR, JRS partners with a number of NGOs and INGOs in Jordan including the Center for Victims of Torture, the Danish Refugee Council, the Norwegian

¹ Insherah Mousa (Jordan Country Director, Jesuit Refugee Services), "Interview with Christina LaRitz," Jesuit Refugee Services, Amman, January 8, 2019.

Refugee Council, CARE International, HelpAge International, and more. In 2018, JRS served over 900 families and 4,000 individuals.²

The second aspect of JRS' services—education—targets the problem that many Iraqi, Syrian, and African refugees do not speak English or possess the educational tools to survive in Jordan or a third country. Unlike Jordanians, most of the refugees that arrive in Jordan are not taught English as a second language in their school systems. Given this reality, JRS offers five levels of English courses at their facility in Amman.

Importantly, it also offers a variety of courses on computer skills, business management, and more to prepare refugees for easier integration into Jordanian society or that of a third country. JRS workers help refugees write their resumes, apply for scholarships, and connect with colleges abroad through online classes to attain a higher education degree. Refugees can continue to utilize JRS' online education resources even if they no longer rely on JRS services or have moved outside of Jordan. Through these courses, JRS seeks to help refugees overcome the most difficult obstacles to their employability in Jordan and resettlement countries.

JRS also targets the problem of high dropout rates among refugee children in public school systems. Their community learning center allows both children and their parents to learn English, Arabic, computer skills, and math. This center also allows students and parents to attend social support sessions that teach them healthy coping mechanisms for dealing with trauma. Although the sessions are labeled as “support” rather than “therapy”, JRS will often refer individuals to a clinical psychologist and/or

² Mousa, “Interview with Christina LaRitz.”

psychiatrist if they prefer professional help. Light-hearted community events like bazaars, dialogue projects, movie nights, culture shows, and more complement these support groups. Given the high expenses refugees face living in Amman, social events provide a free opportunity for them to interact with fellow refugees and community members rather than isolate themselves in their homes.

Employees at JRS are well aware of the differences in treatment and experience between different refugee nationality groups. Mousa noted that Syrian refugees, in particular, live quite different lives in Jordan than Iraqi or African refugees. Her practical rationale was that the difference was caused by a combination of the timing of Syrian displacement and their sheer numbers. With regards to the first aspect, she explained that the economic situation in Jordan was more favorable from the years 2003 to 2007—during which the largest numbers of Iraqis came—than it was in the years following, when the Syrians began to arrive.

This reality, paired with the fact that many Iraqis were large investors in the Jordanian economy and held middle-class jobs, led the government to believe that they did not require significant formal support.³ Some Iraqis could rely on their existing wealth, they reasoned, and some could access work as middle-upper class professionals. Those that could afford neither option should be encouraged to move onward. Many of the Iraqis that JRS serves fall into the latter category, having arrived in Jordan without substantial resources and lacking the connections, education, or resources to migrate or resettle in a third country. This aligns well with the ideas put forth in Chapter 7, which

³ Mousa, “Interview with Christina LaRitz.”

emphasized that Jordan's laissez-faire policies towards the Iraqis were driven by economic and political concerns. Mousa emphasized that the former factor may have been more important than the latter.

Syrians, on the other hand, arrived in overwhelming waves during a time when the Jordanian economy was performing poorly. Their demographics differed as well; many more Syrians were in need of financial assistance, which the government simply could not afford. JRS emphasized that the government likely feared that if they denied Syrians basic necessities on such a large scale, the refugees could resort to violence. Given the alternative of closing its borders to thousands seeking safety, the government thus turned to international organizations and donor states for help. Its choice to do so, paired with the eventual opening of the labor market to Syrian refugees, still drives divisions between Syrians and other groups of refugees today.

Syrians continue to receive much more assistance than Iraqi and African refugees from the UNHCR, NGOs, and the government. Syrians can also access work permits for manufacturing, agricultural or construction positions, which are markets that possess a very small percentage of Jordanian laborers. Their ability to access both formal and informal work more easily than these other groups makes a great deal of difference. Mousa explains that many refugees vocalize their resentment of the division this creates between refugee groups. Over time, the organization has adopted to accommodate the needs of each groups' differences. In example, it offers classes and programs during the

day for unemployed refugees (mostly Iraqis and African refugees) and at night for other refugees (mostly Syrians) that work during the day.⁴

Expanding on the point of employment, Mousa explained that Iraqis trained as engineers, doctors, and professors occasionally receive access to work in large companies in Jordan. However, she qualified that the companies must be willing to pay for their work permits, which only some are able to do. Refugees with lower levels of education are not so lucky: no one would pay for a work permit for an Iraqi school teacher, Mousa explained, given how saturated the labor markets for teachers is in Jordan (and Amman, in particular). When asked about Palestinian refugees, she responded that they get along just fine with regards to work; many hold citizenship, and if they do not, they very likely hold work permits. Even most ex-Gazans are allowed to work as well.⁵

Today, the Jordanian government cedes a great deal of responsibility to the UNHCR and NGOs in Jordan over refugee assistance and aid activities. After all, none of the financial assistance the refugees receive comes from the government: all funds are derived from the UNHCR, whose pockets are filled via state donations. NGOs like JRS submit reports regarding the refugees with which they interact to various Ministries within the government, such as that of Education or Social Development, which then cooperate with the UNHCR and other actors to formulate policy response plans.

Many refugees that seek services at JRS also receive cash assistance from the UNHCR. Although for some this assistance represents their only form of income, Mousa explained that the UNHCR cash program often faces cuts and fails to deliver the

⁴ Mousa, "Interview with Christina LaRitz."

⁵ I Mousa, "Interview with Christina LaRitz."

promised aid on its expected monthly basis. She described the uncertainty refugees face as a result, waiting each month to receive a text message from the UNHCR stating whether or not the cash had been deposited into their account. While the assistance payments used to be more reasonable, today Syrian refugee receives only 75 JDs per month. In most areas of Amman, this amount barely covers half of the cost of rent.

The Iraqis who registered with the UNHCR in Jordan likewise did not receive any livable sum. When probed about the source of this instability, the JRS representative responded that cash assistance depends directly on funding from donors. By now, the Syrian crisis has “exhausted” donors, who increasingly face calls to turn their attention to crises in areas such as Yemen or Burma. This trend applies to some of the major international organizations as well, like UNICEF, who chose to cut many of their programs in camps to divert resources to crises elsewhere.⁶

JRS perceives that refugees’ opinions about repatriation depend greatly on their nationality. Palestinians may say that they wish to return home, but they only refer to the idea as a “dream”: at this point in the conflict, they hold little hope that return will ever be a reality. Most Iraqis likewise believe that there “is no Iraq anymore”. They think that the war destroyed all forms of social cohesion and political order that previously characterized their country. Instead, if they are unable to find quality work in Jordan, they prefer resettlement.

Lastly, Syrians hold mixed views. Many still hope to return to Syria one day, though few report having plans to do so in the near future. Others see themselves

⁶ Mousa, “Interview with Christina LaRitz.”

remaining in Jordan. They fear the political consequences they could face upon returning, and believe that physical and sociological reconstruction of the land must occur before they could be comfortable with return. Although some have received approval for resettlement, not all choose to leave: language barriers, different cultural and religious practices, and fear prevent some from making the journey to third countries such as Canada or the United States. Unless Syrian refugees are given the opportunity to work immediately with the skills they already possess, they do not perceive resettlement to be a particularly desirable or beneficial solution.

When asked how refugees in Jordan fared in comparison to other states, Mousa responded that Jordanians handle the refugee crises they have faced with “good hearts”. Pointing to Lebanon, she highlighted that Syrians and Palestinians there face much more discrimination, while Iraqis are generally denied entry altogether. Palestinians in Jordan, especially, “think just like Jordanians”, she said. Despite the hardships refugees face in Jordan, JRS seems to think that they still enjoy much more potential to sustain themselves than in neighboring states.

This is particularly striking when one considers the fact that Jordanians themselves face difficulties in accessing quality public services. Hospitals and schools face serious issues of overcrowding, which tend to worsen with refugee influxes. Indeed, in Amman, the number of pupils in each class rose from 45 to 60 with the arrival of Syrian refugees.⁷ Jordanians are angered when such notable shifts manifest themselves without proper government or international organizations’ support. Despite their

⁷ Mousa, “Interview with Christina LaRitz.”

generosity towards refugees, they tend to resort to calling for restrictions on refugee entry or return. Public opinion is thus highly dependent on the ability of the government, international organizations and NGOs to offset the impact society feels from the refugees.

Mousa believed a number of steps could be taken to address the difficulties facing the refugee system in Jordan. To begin, she thought that the government should play a bigger role in organizing the system. Although the King himself advocates for increased investment in programs for Syrian refugees, his calls have recently fallen on deaf ears on the international level. Within Jordan, the poor state of the economy and strapped budget means that the government is hardly providing enough support for Jordanians themselves. Changing policies to be more favorable to refugees would be nice on paper, Mousa said, but they would be difficult to implement if the Jordanian public perceived them as infringing upon their own opportunities and well-being.

Because of this, she believes that the private sector should adopt a larger role in supporting refugees. She cites a number of partnerships between international corporations that worked with the UNHCR in Jordan to employ refugees as quite effective, including those with IKEA and Zain. The Talent Beyond Boundaries program is also well-known among NGO workers and perceived to offer refugees valuable opportunities to find employment in resettlement countries that fits their particular skill set.⁸

The last set of questions I chose to ask related to the efficacy of the UNHCR and its durable solutions. Mousa immediately pointed out there was a “protection gap”

⁸ Mousa, “Interview with Christina LaRitz.”

between the UNHCR's stated policies and the services refugees actually receive. The rhetoric expressed by UNHCR member states at international conferences, featuring talk of expanding solutions and increasing cooperation, does little to address the realities on the ground of refugees freezing in camps or dying from treatable conditions due to a lack of healthcare. Rather than attempting to form new policies that few states, if any, will actually follow, the UNHCR should invest its resources in fundraising campaigns and direct donations towards new infrastructure in major host countries, like hospitals or schools.

Moreover, many donor countries fail to acknowledge that refugee crises do not resolve themselves quickly. The Syrian crisis, though it has lasted over five years, still features many individuals in "emergency" situations. As such, the UNHCR should take a more vocal position of advocacy to raise the funds necessary from donor states to fund the continuation of aid programs in host countries. Discussions of changing international laws and updating policy should wait until organizations and governments have found a way to effectively address the practical needs of refugees in crisis situations.

In conclusion, the JRS Director noted that the public's perception of refugees in Jordan is likely to get worse in the near future. The less aid Jordan receives from donor states and international organizations, the louder Jordanians call for Syrians, Iraqis and other groups of refugees to return home. The current environment does little to foster social cohesion. Moreover, if the current realities of waning donor support, declining domestic economic conditions, and divisive policies for refugees of different nationalities continue, refugees will be forced to address their situations in illegal or unproductive

ways. These could include black market employment, irregular onward migration, violence or crime, extremism, and more. Unfortunately, Mousa does not see any of these realities becoming less poignant in the near future.⁹

The Middle East Children's Institute

My interview with a field worker at the Middle East Children's Institute (MECI) provided a much more in depth look at the education of refugee children in Jordan. It shows that Jordan has done particularly well in propping up NGO and UN programs in the field of education in the wake of the Syrian crisis. Yet this seems to be dependent on the foreign aid and donations these programs receive, which continue to decrease as support for the crisis wanes—emphasizing the point that the effectiveness of integration solutions in Jordan is very closely linked to international funding.

Like JRS, MECI is an international NGO operating in Amman. MECI differs from JRS in that it was specifically established to serve Syrian refugees, with the mandate of providing education and protection to women and children in need.¹⁰ All of its services are available to Jordanians as well. This point is important; despite the fact that its programs are vastly underfunded and routinely experience budget cuts, MECI allows for equal access from refugees and citizens alike in Jordan. Doing so achieves two purposes: it allows refugees to feel a higher level of social cohesion and experience the same rights as everyone else, and helps Jordanians who are likewise struggling to support themselves benefit from international aid. What's more, the dialogue this structure

⁹ Mousa, "Interview with Christina LaRitz."

¹⁰ MECI, "About Us," last modified 2018, <https://www.mecinstitute.org/meci>.

promotes between the two groups paves the way for a more natural integration process, be it temporary or permanent.

Today, in Amman, MECI operates through a grant from UNICEF to provide education for refugee and Jordanian children aged 6 to 12. In partnership with UNICEF, MECI runs twenty four schools in Jordan that offer sessions lasting three and a half hours. Although its classes are open to refugees of all nationalities, eighty percent of its students are Syrian. The students take five classes: English, Arabic, math, art, and physical education. These traditional classes are supplemented by social support sessions. Social support classes are tailored to both adults and children, and are meant to teach child protection techniques and provide psychosocial support. It is these types of classes that the field worker believed are the most important in facilitating refugees' successful transitions into Jordanian society.

With regards to education, the field worker believed that the government has done well by opening public schools to Syrians and establishing catch-up programs to ensure that children who have missed years or months of schooling do not fall behind their peers. Without catch-up programs, children are often forced to drop out of schools. The Ministry of Education has addressed the problem of dropouts, as well: a unique program allows children aged 9 to 12 to complete two academic years in only one year, enabling them to enter back into the school system at a more age-appropriate level. The field

worker points out that these kinds of initiatives have not been taken in nearby states like Lebanon, making the Syrians in Jordan quite fortunate in this respect.¹¹

UNICEF, running schools in partnership with MECI, has also made strides to reverse some of the obstacles preventing Syrian children from enrolling in public schools in higher numbers. In example, some children must work to support their families financially rather than attend school. UNICEF established a needs-based program to provide families in these situations with cash assistance, in an effort to alleviate the burden placed on children to work instead of receive an education. UNICEF partners with the UNHCR on a number of other programs to ensure that the latter agency's goals of providing greater access to quality education for refugee children is met, as part of its Comprehensive Response Framework. The field worker expressed that the UNHCR has done well in achieving its stated goals in the area of education in Jordan. Unlike Mousa, she did not perceive any significant gap in its policy work and the realities on the ground.

According to the field worker, the refugees' perceptions of their treatment in Jordan are quite positive. Most Syrians feel that Jordan is a safe place for them to live, regardless of the longevity of their stay. The parents of children at MECI schools often hold work permits and are grateful that the Jordanian government has permitted them access to legal employment. The field worker reported that Syrians' interests with regards to durable solutions vary. Many of the families with which they interact express a desire to return to Syria one day. Others are content with their new lives in Jordan and would

¹¹ MECI Field Officer, "Interview with Christina LaRitz," Middle Eastern Children's Institute, Amman, January 10, 2019.

prefer to stay indefinitely. Still others have relatives or connections in foreign countries, and hope to resettle when the circumstances allow them to do so.¹²

The field worker also had a great deal to say about public opinion among Jordanians on the issue of Syrian refugees. At the beginning of the crisis, both Jordanian citizens and the government generously sought to ensure that refugees were given safety and rights within Jordan. The government opened schools to the refugees shortly after the peak of the crisis. Government officials often overlooked requirements of official documentation for children to enroll in schools in the short term.¹³ As the situation progressed, however, it became more and more difficult to ensure that these privileges were provided without negatively impacting the lives of Jordanians themselves. Public schools were already strapped for resources before Syrians arrived, and the sudden enrollment of refugee children in 2013 had a severe impact on class sizes and the quality of education received by Jordanian children. Jordan is a poor country, she said, and both the Syrians and Jordanians are aware of that fact. Much more aid is needed from the international community in order for Jordan to continue its tolerant policies for Syrians.

The field worker perceived that the Jordanian government has an accurate understanding of what refugees want and need in the context of the Syrian crisis. It has experience with refugees; it knows, from the integration of Palestinians, that refugee groups have potential to contribute positively to society. MECI observes high levels of social cohesion among refugees groups and Jordanian nationals in Jordan. Still, the international community lacks a proper comprehension of how severe the crisis remains

¹² MECI Field Officer, "Interview with Christina LaRitz."

¹³ Ibid.

and what should be done in Jordan to address the issues it creates. After seven years, funding for refugee programs in Jordan has decreased significantly, and continues to decline.¹⁴ The most important action that must be taken by the international community should be to maintain—and ideally, increase—funding for refugee programs in Jordan. Programs without funding will be shut down, and it is very unlikely that the Jordanian government would step in to provide the service itself. International aid has a very acute impact on the lives of refugees in Jordan.

III. Perspectives from Refugees

During my time in Jordan, I also attended a series of presentations delivered by refugees who were students in an Intermediate English class at JRS. The presentations covered a wide range of topics, including issues relating to a refugee's ability to find employment, social integration in Jordan, resettlement processes, and more. The students conducted their own interviews for the projects by connecting with respondents through NGOs like JRS, drawing upon familial or community networks, and sending out electronic surveys. The respondents varied in age, gender, nationality, and personal background, but all lived in Jordan as refugees or asylum seekers at the time of the survey. The projects presented offer valuable insight on a number of pertinent topics related to their perceptions of living in Jordan as a refugee and the role the international community plays in crises.

¹⁴ MECI Field Officer, "Interview with Christina LaRitz."

Refugee Employability

Refugees' opinions on the major challenges they face in finding employment and recommended solutions for host countries and countries of resettlement reveal that employability is a nuanced issue. The survey results of the presentations are discussed below.¹⁵

The first presentation, titled "Refugees' Employability in the Host Countries and the Country of Resettlement", was conducted by two Iraqi refugees. The first question in their survey addressed whether international organizations or other states assisted refugees in finding work within host countries like Jordan. Two thirds of refugees responded that they did not. The wording of the question, "assisting refugees to work", aimed to include any activities sponsored by international actors within Jordan that could help refugees. The results that the majority of refugees did not perceive having any international support in finding work is not surprising. Still, the 32.9 percent of refugees indicating that the international community does offer support to find work is not insignificant. It suggests that the initiatives by corporations abroad or international organizations have gained enough traction that nearly 1 in every 3 refugees knows of the opportunities they offer.

¹⁵ Firas Sabbagh et. al., "Refugees' Employability in the Host Countries and the Country of Resettlement," presentation at Jesuit Refugee Services, Amman, January 8, 2019.

Question 1- Is there international support for assisting refugees to work in host countries?

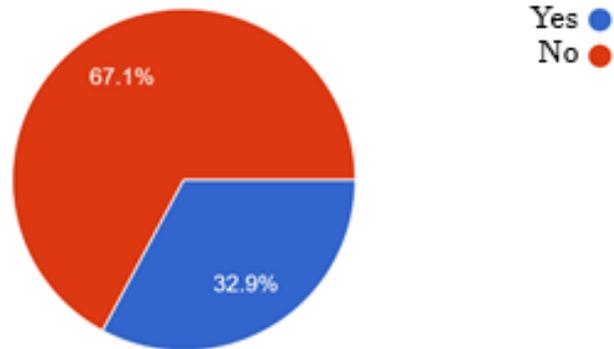


Figure 10.1 International Support for Assisting Refugees' to Work in Host Countries. Source: Sabbagh et. al., "Refugees' Employability in the Host Countries and the Country of Resettlement."

An equivalent percentage of refugees—67.1 per cent—believed that it was the government rather than international actors which help refugees find jobs:

Question 10- Do governments help refugees to find jobs?

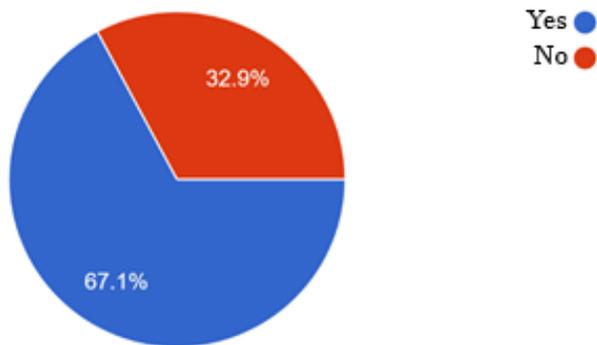


Figure 10.2 Do Governments Help Refugees find Jobs? Source: Sabbagh et. al., "Refugees' Employability in the Host Countries and the Country of Resettlement."

Refugees also perceive that there are many more organizations helping to develop employment-related skills in resettlement countries. Indeed, most resettlement countries do have short-term programs for resettled refugees through which they can learn more about available employment opportunities, learn basic language skills, and develop their professional abilities.

Question 5- Are there organizations that help developing the skills required in the labour market of resettlement countries?

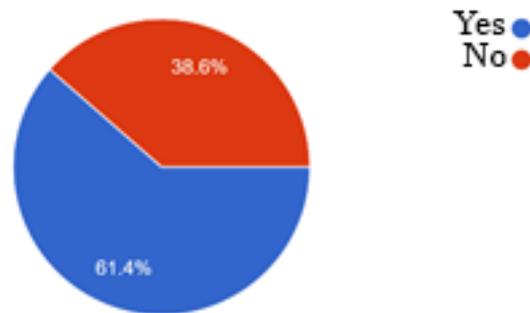


Figure 10.3 Do Organizations Help Develop Skills in Resettlement Countries? Source: Sabbagh et. al., “Refugees’ Employability in the Host Countries and the Country of Resettlement.”

Still, many refugees perceive that language is the overwhelming barrier they face when looking for jobs in resettlement countries. Refugees without English language fluency often experience difficulty in finding a job which matches their education or former work experience. Many are underemployed or remain unemployed for much longer as a result.

Question 16- What is the most significant obstacle for refugees when looking for job in the resettlement countries?

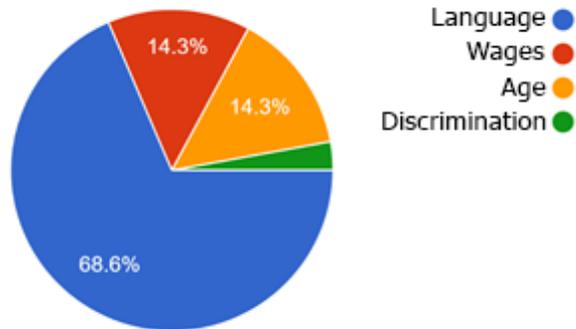


Figure 10.4 Significant Obstacles to Finding Jobs in Resettlement Countries. Sabbagh et. al., “Refugees’ Employability in the Host Countries and the Country of Resettlement.”

The perception of how well refugees working in resettlement countries integrated into their new societies was surprisingly high. Nearly three fourths of all survey respondents reported that integration was “good”, while another 17.1 per cent responded that it was “excellent” and only 8.6 per cent said it was “bad”.

Question 12- How do you rate the integration of refugees working in resettlement societies?

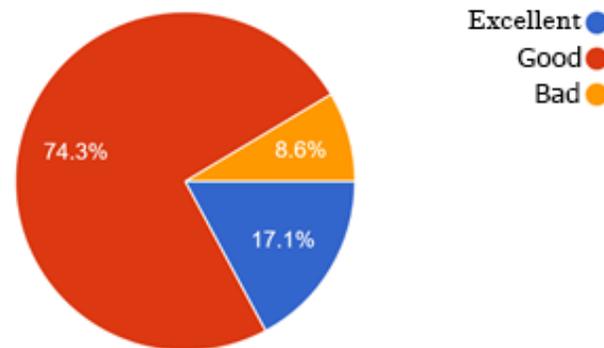


Figure 10.5 Integration of Refugees in Resettlement Societies. Sabbagh et. al., “Refugees’ Employability in the Host Countries and the Country of Resettlement.”

The conclusion to their project provided suggested actions that host country governments, resettlement country governments, and refugees themselves should take. The authors first affirm that “the responsibility of solving this problem falls on Governments at host countries and resettlement countries, and it falls on refugees too. In our opinion, cooperation is the pivotal solution to this issue.”¹⁶ In other words, all those involved in refugee crises—even refugees themselves—have a duty to change their behaviour so as to address their resolutions more effectively. Their specific conclusions are summarized as follows:

¹⁶ Sabbagh et. al., “Refugees’ Employability in the Host Countries and the Country of Resettlement,”

- **The international community** should support host countries through greater financial aid so that they can provide job opportunities to refugees. They should monitor host countries' work to ensure that they are spending the aid appropriately.
- **Host countries** should issue more work permits for refugees, fight racism in the workplace and prevent exploitation and low wages. It should also work with the UNHCR to process asylum and resettlement cases faster.
- **Resettlement countries** should provide refugees with jobs that do not require language fluency, help improve their language skills through free courses, and support students in studying and holding part-time jobs.
- **Refugees** should seek to integrate into their community by adapting to the labor market quickly, avoiding black market employment and depending on their own resources rather than financial aid.¹⁷

This conclusion emphasizes that refugees believe there are a number of actions governments and refugees should be taking which do not necessarily require an increase in monetary resources. The act of increasing oversight on how donated funds are allocated could lessen resource waste and ensure that aid is not falling into corrupt hands. Fighting racism and exploitation, though difficult, would increase social cohesion in Jordan and create a more regulated economy. Likewise, incorporating refugees into language classes in resettlement countries—given that many already have the infrastructure to provide these services—is a low-cost but highly effective method of facilitating integration. Lastly, increasing self-reliance among refugees is known to

¹⁷ Sabbagh et. al., “Refugees’ Employability in the Host Countries and the Country of Resettlement.”

benefit host communities and refugee populations a great deal. The solutions offered by refugees are practical, easily-implemented options that host and donor countries would do well to consider.

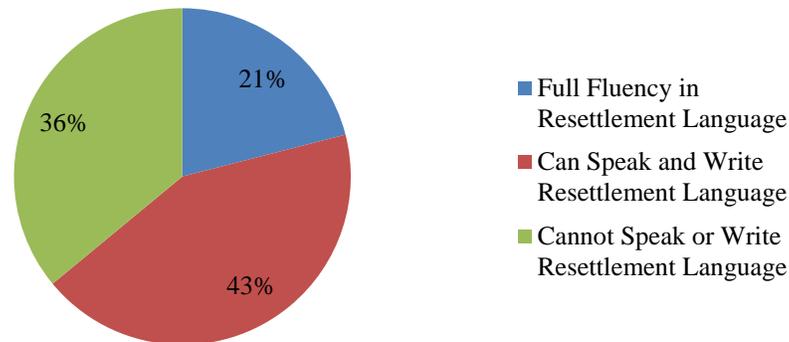
Social Integration

Another set of presentations focused on the difficulties refugees faced adapting to life and work in resettlement countries. The language, religion, and cultural practices of resettlement countries is often vastly different than what refugees experience in their home country, making resettlement a difficult option for most. The figures below highlight a number of factors which contribute to making integration a challenging process:

- **43%** of refugees can speak the main language of the resettlement country, but only **21%** report to be able to speak and write the language with full fluency.

Table 10.1 Refugees' Fluency in Language of Resettlement Country

Refugees' Fluency in Language of Resettlement Country



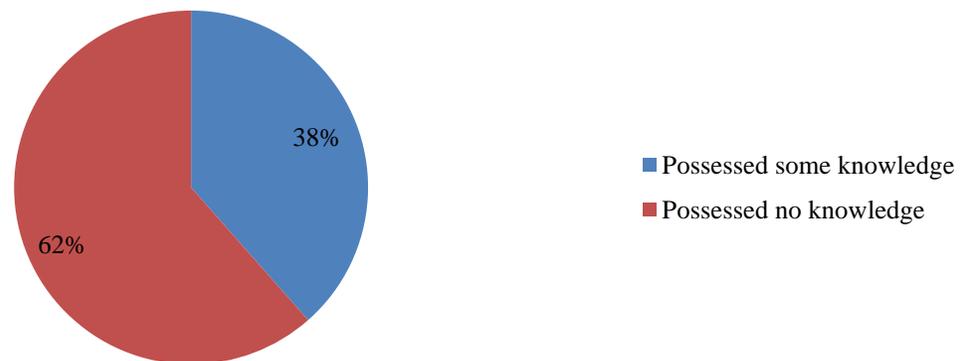
Source: Data adapted from Ayad Yaqoob Al-Shaya, Suha Saeed Naoom, Ahmed Farhan Barakat, and Makarem Burhan, "Oversees Skills and Qualifications Recognition," presentation at Jesuit Refugees Services, January 8th, 2019.

- **46%** of refugees report that they failed to connect with their new communities due to language difficulties, and 54% of children report difficulties relating to education due to language barriers.
- **86%** of refugees are enrolled or show interest in being enrolled in language classes.
- **38.5%** of refugees believe that physical disability, skin color, religion and nationality all affect refugees' access to work. **58.5%** believe that these factors do not affect access to work, and the remainder was uncertain.
- Only **38.5%** of refugees said they had knowledge about labor laws in countries of resettlement; **61.5%** said they did not know.¹⁸

¹⁸ Ayad Yaqoob Al-Shaya, Suha Saeed Naoom, Ahmed Farhan Barakat, and Makarem Burhan, "Oversees Skills and Qualifications Recognition," presentation at Jesuit Refugees Services, January 8th, 2019.

Table 10.2 Knowledge of Resettlement Country's Labor Laws among Refugees

Knowledge of Resettlement Country's Labor Laws among Refugees



Source: Data adapted from Ayad Yaqoob Al-Shaya, Suha Saeed Naoom, Ahmed Farhan Barakat, and Makarem Burhan, “Oversees Skills and Qualifications Recognition,” presentation at Jesuit Refugees Services, January 8th, 2019.

These figures confirm that language is one of the most important factors affecting integration in resettlement countries. Less than half of the refugees surveyed could speak or write the language of resettlement countries at all, and only a small minority could do so fluently. Increasing accessible and affordable language classes could go a long way in making resettlement a more desirable, beneficial solution.

Another presentation analyzed the perceptions of social integration among only Iraqi refugees. Their analysis of results indicated that most survey respondents believed that the host country—in this case, Jordan—does not significantly change their socio-cultural behavior, does not guarantee their rights, and does not necessitate that they learn the host language. In comparison, most respondents agreed that resettlement countries

treat men and women equally, provides for freedom of expression, protects against religious discrimination, and promotes interest in learning about new cultures.¹⁹ These opinions confirm that Jordan has not created a hospitable environment for Iraqi refugees: many feel socially isolated and perceive that there are few meaningful opportunities for integration. As a result, Iraqi refugees desire to resettle in third countries, which they believe offer a wider breadth of rights and freedoms accompanying the promise of a permanent new home.

All the presentations on social integration concluded by encouraging refugees to make a greater effort to integrate themselves into their resettlement communities. Refugees tend to isolate themselves after they resettle, which often makes it more difficult to learn the new language, form social connections, understand the culture, and find work. Social integration is an incredibly important aspect of resettlement that is rarely discussed when speaking about refugee solutions or livelihoods.

IV. Comparing Jordanians and Syrian Refugees

One of the most informative surveys measuring public opinion in the Middle East is the Arab Barometer. Arab Barometer has conducted four waves of surveys of public opinion in a range of Middle Eastern countries, including Jordan, with the first wave beginning in 2006 and the most recent covering 2016-2017. The research is funded by the United States Agency for International Development, International Development

¹⁹ Rasha Sami Zora and Ilham Esttaifan Hirmiz, “Social Integration, Identity and Culture,” presentation at Jesuit Refugee Services, Amman, January 8, 2019.

Research Centre, Qatar National Research Fund, Princeton University, and the University of Michigan.

The survey data is gathered through face-to-face interviews and is meant to be nationally representative at the household level. The data summarized below come from samples of 1200 Jordanian citizens and 300 Syrian refugees living outside of camps in Jordan.

Arab Barometer Results

- *How satisfied are you with the educational system in our country?*

Jordanian Response: 70.75% responded with “satisfied” or “very satisfied”

Syrian Refugee Response: 63.3% responded with “satisfied or “very satisfied”²⁰

- *How satisfied are you with the healthcare system in our country?*

Jordanian Response: 78.3% responded with “satisfied” or “very satisfied”

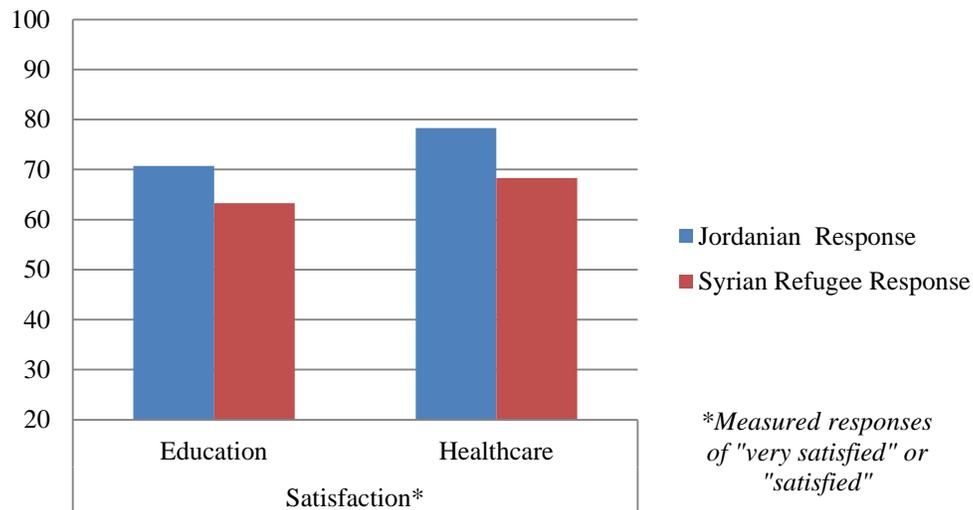
Syrian Refugee Response: 68.3% responded with “satisfied” or “very satisfied”²¹

²⁰ Arab Barometer, “Arab Barometer Wave IV (2016-2017),” (2018), <http://www.arabbarometer.org/survey-data/data-downloads/>.

²¹ Arab Barometer, “Arab Barometer Wave IV (2016-2017).”

Table 10.3 Satisfaction with Education and Healthcare Systems in Jordan

Satisfaction with Education and Healthcare Systems in Jordan



Source: Data adapted from Arab Barometer, “Arab Barometer Wave IV (2016-2017),” (2018), <http://www.arabbarometer.org/survey-data/data-downloads/>.

➤ *Do you work?*

Jordanian Response: 30% responded “yes”; employment rate calculated at 72.65%²²

Syrian Refugee Response: 20% responded “yes”; employment rate calculated at 43.34%²³

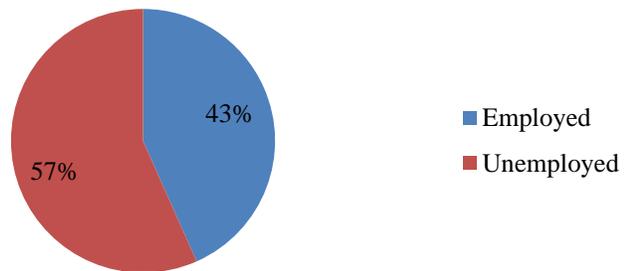
²² Arab Barometer, “Arab Barometer Wave IV (2016-2017).”

Only 145 of the respondents cited that this was because they were “unemployed” or “other”: the rest were students, retired, or housewives. The employment rate is calculated by dividing the number of employed individuals by those in the unemployed or other category, as the remaining categories are not considered to be part of the labor market under the definition set forth by the ILO. This framework was likewise used to generate the employment statistics featured in previous chapters.

²³ Only 81 of the respondents cited that this was because they were “unemployed” or “other”: the rest were students, retired, or housewives. The employment rate is calculated using the same methodology cited above.

Table 10.4 Syrian Refugee Employment Rate

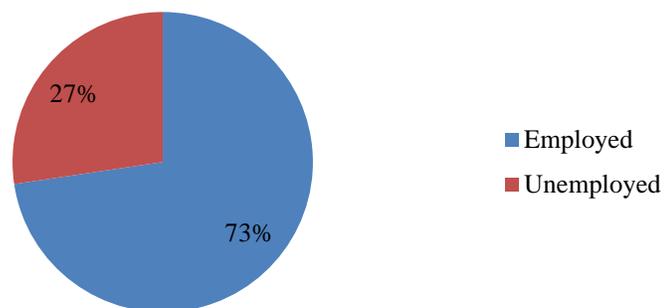
Syrian Refugee Employment Rate



Source: Data adapted from Arab Barometer, “Arab Barometer Wave IV (2016-2017).”

Table 10.5 Jordanian Employment Rate

Jordanian Employment Rate



Source: Data adapted from Data adapted from Arab Barometer, “Arab Barometer Wave IV (2016-2017).”

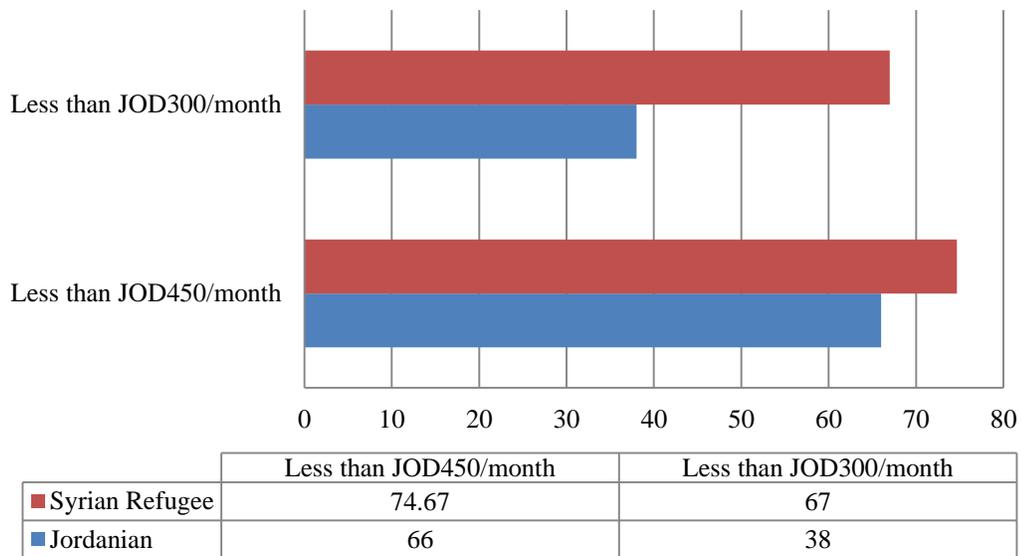
➤ *What is the total monthly income for all household members?*

Jordanian Response: 66% said less than JOD450 a month, only 38% said less than JOD300 a month

Syrian Refugee Response: 74.67% had incomes less than JOD450 a month, 67% had incomes less than JD300 a month²⁴

Table 10.6 Monthly Income Comparison

Monthly Income Comparison



Source: Data adapted from Data adapted from Arab Barometer, “Arab Barometer Wave IV (2016-2017).”

²⁴ “Arab Barometer Wave IV (2016-2017).”

- *Would you like having immigrants and foreign workers as neighbors, dislike it, or not care?*

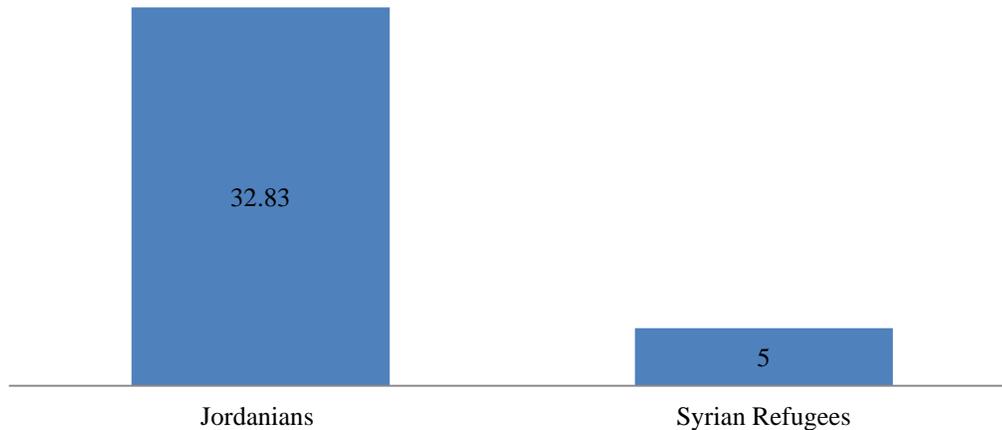
Jordanian Response: 32.83% responded with “strongly dislike” or “somewhat dislike”

Syrian Refugee Response: 5% responded with “strongly dislike” or “somewhat dislike”²⁵

Table 10.7 Dissatisfaction in Jordan with Foreign/Immigrant Neighbors

Dissatisfaction in Jordan with Foreign/Immigrant Neighbors

■ Responded "strongly dislike" or "somewhat dislike"



Source: Data adapted from Data adapted from Arab Barometer, “Arab Barometer Wave IV (2016-2017).”

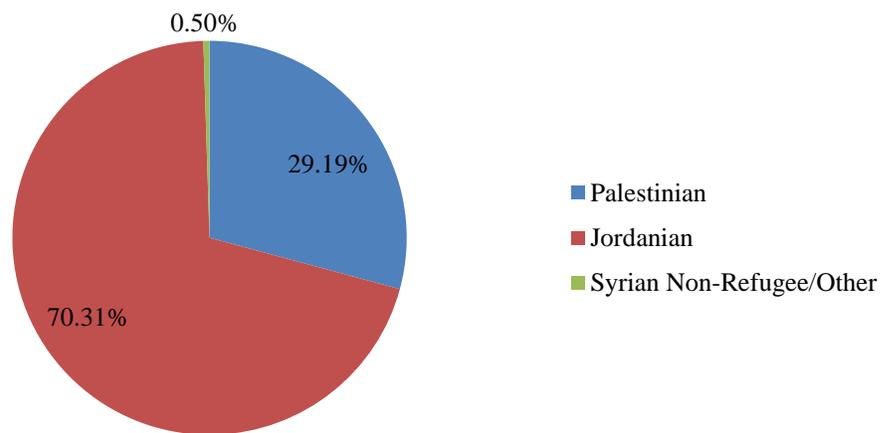
²⁵ “Arab Barometer Wave IV (2016-2017).”

➤ *What is your country of origin?*

Only applicable to Jordanians: 29.17% Palestinian, 70.25% Jordanian, .5% were Syrian or other.²⁶

Table 10.8 Nationality of Jordanian Respondent

Nationality of Jordanian Respondent



Source: Data adapted from Data adapted from Arab Barometer, “Arab Barometer Wave IV (2016-2017).”

The first two questions of the survey confirm that Syrian refugees are only slightly less satisfied with the education and healthcare in Jordan. This seems expected, as they are formally allowed to access the same services as Jordanians but are known to experience discrimination or other difficulties in doing so. The third question reveals an interesting, though perhaps not unexpected, observation about Jordanians’ opinions of

²⁶ “Arab Barometer Wave IV (2016-2017).”

foreigners or immigrants compared to refugees'. Roughly one third of Jordanians responded that they would strongly or somewhat dislike having foreigners or immigrants as neighbors, compared to only five percent among Syrian refugees. This shows that there remains some level of distrust or dislike of refugees among Jordanian nationals, though these sentiments are not in the majority. Refugees, as expected, show very minimal levels of distrust towards foreigners.

The employment rates of Jordanians versus Syrians are also rather shocking. Jordanians have an effective employment rate of about 73 percent, while Syrians have a rate of only 43 percent. The nearly 30 percent gap between these figures is incredibly significant. It shows that while some working age Syrian males were able to acquire work by 2016-2017, the majority had not. This confirms the observation that work permit initiatives were slow to take hold. On a similar note, the survey reveals that Syrians are much more likely to live with very low incomes than Jordanians. Again, this is not surprising: poverty levels among refugees in Jordan are known to be high, especially given their difficulties in finding work.

The last question of the survey was included merely to illustrate that a sizeable minority of Jordanian nationals identify Palestine as their country of origin. This shows that speaking of "Jordanian public opinion" necessarily includes the opinions of refugees, or descendants of refugees, as well.

V. Palestinian Perspectives

The majority of the analysis thus far has expressed opinions only from Syrian and Iraqi refugees. The common narrative in Jordan is that Palestinians, though many retain their legal status as refugees, have been integrated to such a degree that their livelihood needs and socio-economic rights do not necessitate consideration in the same way as those of the Syrians and Iraqis. Indeed, Chapters 5 and 6 showed that the question of solutions for the Palestinians is quite different than that for the other refugee populations. Palestinian refugees in Jordan have been given a practical solution, through integration; but have been deprived of a durable legal solution, as their refugee status persists. In Jordan, many Palestinian refugees have indeed been granted citizenship. The question must be raised of why Palestinians seek to maintain their legal refugeehood when, by today's practical standards, they are no longer refugees.

My conversations with Palestinians in the West Bank shed light on why the right of return continues to be considered sacred to Palestinian refugees. Many referred to the fact that Israel continues to uphold a law that any Jew in the world can “return” to the State of Israel and be given citizenship. This law, called the Law of Return, was passed in 1950 after the war and intended to encourage Jewish settlement in Israel.²⁷ Palestinians take issue with the fact that they are prevented from returning to territory in Israel or Palestine (and their homes or villages, in particular) when Jews who have never lived there or have any tangible relation to the land are legally encouraged to settle there by the state. In a sense, the Law of Return allows repatriation for a people who are *not* refugees,

²⁷ “The Law of Return 5710,” The State of Israel, last updated 2013, <https://knnesset.gov.il/laws/special/eng/return.htm>.

and denies the same right to those that do hold refugee status. This notion is inherently contradictory. Although there is enough land available for refugees seeking return to occupy, it remains politically impossible for them to do so.

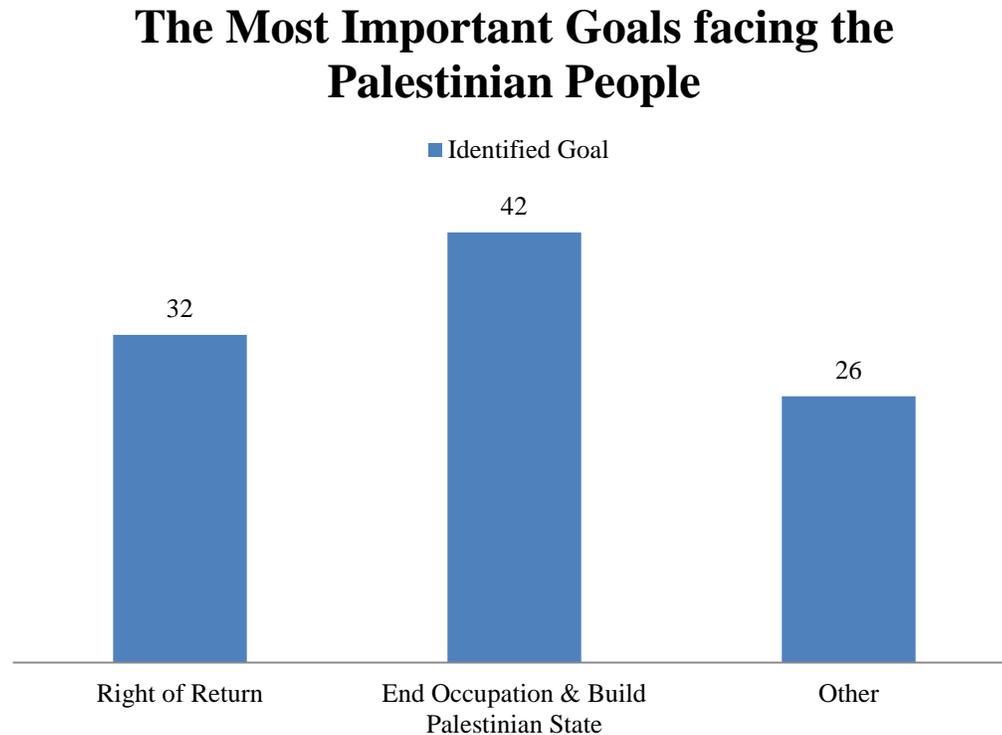
All this said, opinion among Palestinians on the right of return reflects increasing pessimism about its prospects. Palestinian Public Opinion Poll no. 69, conducted by a center at the An-Najah National University in October 2018, found the following results:

- Two-thirds of Gazans say Palestinians should accept that the “right of return” does *not* apply to Israel, but only to the West Bank and Gaza, if that is the price of a Palestinian state.
- 79 percent of Gazans would accept the “permanent resettlement” of Palestinians from other countries in just the West Bank or Gaza, “even if that is not where their families originally came from.”
- 59 percent of Gazans say it would be a good idea if “Arab states offered extra economic aid in order to resettle Palestinian refugees in the West Bank or Gaza, but not inside Israel.”
- 48 percent of West Bankers would accept that refugees not return to Israel, though 52 percent are opposed.
- Two thirds of West Bankers would accept the permanent resettlement of diaspora Palestinians in the West Bank or Gaza even if their families originated inside Israel.

- The majority of West Bankers think that “regardless of what’s right, the reality is that... most Palestinians will not return to the 1948 lands.”
- Gazans agree by smaller margin—61 percent—that Palestinians will not return to the 1948 lands.
- 32 percent of Palestinians believe that the most vital goal confronting their people should be to obtain the right of return of refugees to their 1948 towns and villages; this compares to 42 percent, who believe that it should be to end Israeli occupation in the areas occupied in 1967 and build a Palestinian state in the West Bank and the Gaza Strip with East Jerusalem as its capital.²⁸

²⁸ David Pollock, “For a State, Palestinians Would Cede Right of Return - and More,” The Washington Institute (December 3, 2018), <https://www.washingtoninstitute.org/fikraforum/view/for-a-state-palestinians-would-cede-right-of-return>. “Public Opinion Poll No (69),” Palestinian Center for Policy and Survey Research (September 12, 2018), <http://pcpsr.org/sites/default/files/Poll%2069%20English%20full%20text%20June%202018.pdf>.

Table 10.9 The Most Important Goals facing the Palestinian People



Source: Data adapted from “Public Opinion Poll No (69).”

These statistics demonstrate that achieving the right of return remains an important stated goal of the Palestinian people. Although they view it as an increasingly unrealistic option, it continues to serve as a bargaining chip in the ongoing struggle towards peace.

Perhaps the most poignant point made in my research was a comparison between the Nakbah and a recent American tragedy. A Palestinian in Ramallah explained that over 750,000 people died or went missing after 1948. He then stated, “Think about it—that’s over one hundred September 11ths.” If a tragedy of this magnitude occurred today, to

Americans, a call for justice and reparations would surely be expected. More than seventy years after the Nakbah, such calls by the Palestinians continue to be fair game, as there is no statute of limitations on war crimes. The Palestinian steadfastness—*sumud*, in Arabic—is rooted in the idea that time does not diminish their right to a just peace. A refugee from a destroyed village near Jerusalem called Lifta expressed his hope in the following way: “Every occupier, every occupation in history has finished. And this will finish too”.

Such opinions illustrate the broader reality that the circumstances, political interests, and practical facts of refugee crises are incredibly nuanced. The Palestinian case is like no other in the world. Still, given that Protracted Refugee Situations are increasingly common, refugee policy must find a way to adapt to the different realities of each displacement in a way that provides increased access to solutions while not compromising the desires of the refugees themselves. Palestinians provide a clear example of the ongoing struggle to do so.

VI. Conclusion

The research in this chapter confirms that speaking of “solutions” to refugee crises necessitates consideration of a broad array of facts and opinions. What constitutes a solution for one group of people may be very different compared to that of another. Given this reality, preserving refugees’ abilities to choose amongst solutions and formulating policy around those choices is integral aspect of effective solutions.

Still, well-formulated policies do not always do what they set out to accomplish. As the interviews and data points included in this chapter demonstrate, ensuring that the policies implemented actually achieve their intended results and are beneficial to those involved is not a simple or straightforward process. Ultimately, this chapter shows that there can be no singular policy framework for addressing refugee crises: policy responses must be fluid, adaptive, and well-managed to be effective.

The next and final chapter will seek to draw conclusions to the questions raised at the beginning of this chapter. It will compare the factors which affect refugee policy for each of the crises, including Jordan's initial responses and its long term efforts towards durable solutions. Looking ahead, it will analyze what implications these past policy decisions have on the future treatment of refugees in Jordan. Whether NGOs, the UNHCR and UNRWA, and businesses will play a significant role in implementing solutions will be addressed as well. Lastly, the chapter will discuss how international refugee law might evolve in the years to come.

Conclusion

11

For many years, our country's security and stability and our citizens' generous compassion have led desperate refugees to our doors. In the past five years the Syrian crisis has sent Jordan's burden skyrocketing. Some 2.5 million Syrians have crossed into Jordan since 2011. Today we are hosting 1.5 million Syrians, one for every five of our own citizens. Across my country, Jordanians are suffering. No one is justified in questioning our commitment and sacrifices...all countries agree that the Syrian refugee crisis will be with us all for years to come, and a sustainable solution is the key. If regional refugee hosts are abandoned and left to fail, the need won't disappear. The crisis will simply spread further, prolonging the time it takes to end this ordeal. The cost in human suffering will be unspeakable...As a collective effort, we must now adequately respond to the true expected need, the true broad impact, and the true duration of the crisis.

—King Abdullah II, at the UN Leaders' Summit on Refugees, 2016.¹

I. Introduction

The question at the heart of the preceding analysis was why the world has been unable to solve refugee crises. It has become clear that there is no simple or singular way to generate an answer. By analyzing refugee policy in Jordan, this manuscript aimed to shed light on how and why Jordan chose to “solve” three major refugee crises in the ways that it did. In some instances, its choices restricted refugees' ability to pursue a higher quality of life or a political resolution to their refugee status. In many others, they

¹ “King urges increased global engagement ‘without delay’ to tackle refugee crisis,” The Jordan Times (September 22, 2016), <http://jordantimes.com/news/local/king-urges-increased-global-engagement-without-delay%E2%80%99-tackle-refugee-crisis>.

provided refugees with the safety, protection, and rights that they fundamentally deserve as human beings and global citizens.

The world stands to learn a great deal from the lessons contained within the development of Jordan's refugee policy. Although it is far from perfect, Jordan illustrates a keen awareness of the enormous gravity its policies hold on the lives of refugees and the lives of those to whom it already owes protection—its citizens. Refugee policy in Jordan embodies a delicate balancing act between the two groups. Its ability to address the rights and protections of the former depends predictably on the particular set of circumstances surrounding each crisis. Given the variability in these circumstances, the efficacy of Jordan's policy solutions varies as well.

Yet what sets Jordan apart from other host states is its repeated willingness to help refugees regardless of whether the circumstances enable it to benefit from doing so. When framed in the context of the global refugee crisis which persists today, the solutions pursued in Jordan demonstrate the power of the simple idea that refugees deserve rights and protection. There can be no substitute for this creed if solutions are to be made more effective in the future. In this chapter, the conclusions drawn will aim to unite the findings from each of the case studies around the positive commonalities they possess with regards to effective solutions.

Stepping back, it is important to remember the context in which the Palestinian, Iraqi and Syrian crises were analyzed. This project began by explaining that Jordan represents just one case amidst a much larger global refugee crisis. Highlighting the realities of mass forced displacement which characterize much of the world today, it

emphasized the need to reconsider the international refugee regime. It described that refugee crises have grown increasingly protracted in recent times. As a result of this development, the responsibility placed on the host states has grown progressively more difficult to bear. Refugees are slipping through the widening cracks of the current protection system and waiting for years—even decades—for solutions which may never transpire. Jordan, having experienced three major refugee crises, is no stranger to the issues the international community faces in handling the protracted, proliferating nature of crises. It was thus a perfect candidate with which to pursue effective solutions.

The study of solutions was first situated in a theoretical framework. Throughout the literature review, it became clear that refugee policy can be analyzed from a wide breath of perspectives. Scholars draw upon a variety of parameters to measure the success of policy solutions. From these parameters, three different categories of “solutions” emerged: mobility solutions, political solutions, and economic solutions.

The first group of scholars argued that solutions should be rooted in the concept of mobility. At the fundamental level, they viewed refugees as individuals who were forced to move outside their country of origin and are prevented by a lack of resources, legal ability, or otherwise from moving elsewhere. They suggest that expanding access to new pathways for resettlement and facilitating more porous borders between states would allow refugees’ preferences to be respected. Such solutions are based in the idea of fundamental equality between all people—regardless of their physical location, citizenship status, and nationality. The implementation of these solutions, however, is becoming increasingly unfeasible in the current geopolitical climate.

In contrast, political solutions emphasize the importance of international agreements between states and mechanisms that enable responsibility-sharing. Scholars who theorize about these solutions posit that strengthening the legal and political infrastructure regarding refugee policy can facilitate more effective responses and long term solutions to crises. They propose a variety of ways this can be accomplished, including through more comprehensive, multilateral policy responses, issue linkage, and greater cooperation in improving relevant laws. Although political solutions are the most straightforward to implement, they require an extensive amount of cooperation and agreement between states.

The last group of scholars posited that solutions should necessarily be economic in nature. They believe that if states and economic actors perceived refugees to be an economic asset rather than a liability, they would be more likely to embrace policies that provide refugees with self-sustainability. To do so, they envisioned partnerships between the private and public sectors that allow refugees to work and participate in economic activities to a much greater degree. Such solutions have the potential to simultaneously deliver benefits to host and donor states, businesses, and refugees. Compared to the two previous theories, economic solutions provide the most inventive and untested grounds for improving refugees' rights and livelihoods in the future.

Chapter 3 supplemented this theoretical analysis with historical background on the UN refugee agencies and the state of Jordan. It walked through the evolution of refugee policy over the years under the UNHCR and UNRWA, highlighting the ways it progressed in response to changes in the geopolitical environment, the realities of aid

deficits, and the evolving nature of refugee displacement. It provided necessary context with which to understand the nature of the Jordanian government's policy decisions over the years, parsing out the most important events in the formation of Jordan's modern society, economy, and political structure. This background concluded by illustrating statistics on global refugee crisis today. In particular, it emphasized that durable solutions and burden sharing have become increasingly unavailable options for policymakers and refugees.

Against this backdrop of theory and history, the analysis of refugee policy in Jordan began with the case of the Palestinians. The policies which emerged in response to the Palestinians' displacement set a precedence of Jordanian generosity towards refugees. Although local integration generally experiences limited success as a durable solution, the Palestinians proved to be an original "success" story. Not even the Palestinian story, however, is free of the nuance of persistent inequality and discrimination. The analysis concluded by emphasizing the legacy Palestinians have left on Jordan and its future refugee policies.

The Iraqi case painted a much less optimistic picture of the difficulties Jordan faces in overcoming the constraints of money and politics to address refugee crises. Unlike the Palestinians, the Iraqis were never offered integration on a large scale. The Jordanian government, lacking the financial and political backing of both its people and the international community, pursued "solutions" that ensured the Iraqis' stay would only be temporary.

A few short years later, the Syrian crisis prompted a remarkable departure from Jordan's past policies. The Syrians arrived with overwhelming numbers and demonstrated need. Faced with a humanitarian disaster, Jordan made the monumental decision to ask for help from the UNHCR. Syrians became enveloped in a regional response plan that aimed to increase their quality of life in Jordan through the establishment of camps, the extension of aid to urban refugees, the use of foreign aid, and the extensive involvement of NGOs. Still, Jordan struggled to mitigate the effects of the Syrians' presence on domestic conditions. It began to seek alternative solutions. Although not all of these alternative solutions have delivered their intended results, their pursuit represented an immensely important effort to increase the efficacy of refugee aid and protection in Jordan.

Each of the case studies offered an examination of the factors which led to displacement, the initial responses offered by the Jordanian government and other actors involved, and the effectiveness of the durable solutions. They concluded by analyzing the state of each refugee population in Jordan today, which often added an unexpected catch to the narrative. The chapters relied predominantly on UNRWA and UNHCR research publications, and were later supplemented by interviews, presentations, and survey data that provided current, on-the-ground perspectives of life in Jordan. The former provided quantitative measures of the effectiveness of the solutions, allowing them to be more easily compared across crises. The latter served to highlight how effective refugees and aid workers perceived Jordanian policy to be.

The conclusions drawn below will compare the two major components of Jordan's evolving refugee policy: initial responses, and durable solutions. It seeks to reveal what lessons the world can learn from Jordan to further its efforts in solving refugee crises.

II. Drawing Comparisons: Initial Responses

A number of common trends can be discerned by looking at how Jordan initially responded to each crisis. Initial responses were defined as policy decisions that Jordan put forth on a formal and informal basis that affected the entry and initial settlement of refugees. These addressed whether refugees were allowed to cross the border into Jordan, given prima facie refugee status or citizenship, received aid from NGOs or the UNHCR/UNRWA, placed in camps, and given access to alternative solutions.

Throughout all three crises, Jordan consistently demonstrated its willingness to maintain open borders until security conditions rendered it unwilling to doing so. On the other hand, whether Jordan accepted aid from other states, NGOs, or the UNHCR or UNRWA varied. Its decisions were rooted in both international and domestic political factors, and will likely continue to depend on these factors in the future. Lastly, Jordan has never viewed camps as a desirable solution. Even so, it chooses to rely on camps when necessary as a temporary alternative to local integration and repatriation.

The table below illustrates how Jordan's initial policy responses varied for each refugee population.

Table 11.1 Comparison of Initial Policy Responses

<u>Initial Responses</u>	<u>Palestinians</u>	<u>Iraqis</u>	<u>Syrians</u>
Border access	Yes.* <i>*Limited in current Syrian crisis.</i>	Yes.* <i>*Limited after 2006.</i>	Yes.* <i>*Certain border crossings closed after 2016.</i>
Prima facie refugee status	Yes.* <i>*UNRWA mandate confers status upon those who fled after 1948 conflict.</i>	Yes/No.* <i>* UNHCR provided between 2007 and 2012.</i>	No.* <i>*UNHCR provided “Temporary Protection Status.”</i>
Camps	Yes.	No.	Yes.
Aid from NGOs	Yes.	Yes/No.* <i>*Available after 2007.</i>	Yes.
Aid from UNHCR/UNRWA	Yes.	Yes/No.* <i>*Limited UNHCR presence prior to 2007.</i>	Yes.
International aid	Yes.	Yes/No.* <i>*Limited throughout crisis.</i>	Yes.

Source: Original Compilation by Author.

To understand these characterizations, it is necessary to revisit each of the cases. Both regional and international alliances and conflicts largely determined Jordan's initial responses to the Palestinian crisis in 1947. During and after the crisis, Jordan welcomed all Palestinians into their lands and sought to ensure that their needs were met. It welcomed aid from foreign states and NGOs, set up camps, and allowed UNRWA to organize protection. Domestic support did not play a large role in motivating Jordan's responses, which were instead driven by territorial ambitions, generosity towards its Arab brethren, and desire for foreign support.

When the Iraqis began arriving in Jordan in the 1990s, the government took a laissez-faire approach. Their numbers were not large enough to truly create a burden or disturbance; and, moreover, Jordan wanted to avoid handling another refugee issue for as long as possible. When the Iraq War began, Jordan initially allowed displaced Iraqis to enter its borders. Still, it refused to label them refugees. Its unwillingness to do so can be explained by a combination of economic and political factors. With regards to the economics of the crisis, Jordan saw little reason—much less opportunity—to spend its limited budget on aid for the Iraqis. The government was moreover constrained by its desire pacify its citizens' opposition to integration and remain neutral in the War. Jordan's typical inclination to help refugees was muted by a lasting fear created by the Palestinian refugees' legacy that recognized refugees would inevitably become permanent features in Jordanian society. As a result, Iraqis were denied many of the

initial rights given to Palestinians, including citizenship, camps, and multiple sources of aid.

When the Syrians arrived in 2012, Jordan maintained open borders and a non-committal policy on their refugee status. As with the Palestinian case, however, it was not long before the government invited the UNHCR into the country to establish camps and organize aid. What prompted it to do so was the magnitude and rapidity with which the refugees arrived in Jordan. Although the government was unwilling to keep out such a large population of its neighbors, it feared the repercussions of Syrian self-settlement on Jordanians and the national budget. As a result, it resorted to camps. When most Syrians chose to avert camps and settle independently in urban areas, Jordan was forced to reconsider its policy options. Initial responses transitioned into long-term plans for aid distribution facilitated by multiple partners; increased access to durable solutions; and the introduction of new, alternative solutions.

III. Drawing Comparisons: Durable and Alternative Solutions

Comparing the Palestinian, Iraqi, and Syrian crises, it is clear that the efficacy of solutions depends on a number of factors. First among these is Jordan's willingness to implement each solution. Amidst a variety of considerations, money and politics have proven to have the greatest impact on the choice of solutions that Jordan pursues. The former of these—the financials of supporting refugees—has become even more important than the latter. Jordan's political motivations emerge out of both domestic conditions and the nature of its relations with other states.

Turning to each of the durable solutions, it is clear that Jordan exercises the least control over repatriation. Although Jordan prefers to avoid forced repatriation, it has become a last resort when domestic conditions or security concerns mandate it necessary. Likewise, resettlement does not present itself as an effective solution to crises in Jordan on any significant scale. The majority of “typical” resettlement countries do not respond to refugee crises with the same incentive structure as Jordan. Despite possessing both the money and physical resources to accommodate refugee flows, they lack the generosity that Jordan possesses and instead prioritize nationalist political interests. Local integration tells a more nuanced story. Although Jordan has enabled integration to be a successful solution, it is only a viable option when certain key conditions are met. In other words, Jordan allows for integration when it is within its political interests and financial ability to do so.

The table below illustrates how effective each of the durable and alternative solutions proved for each refugee population:

Table 11.2 Comparison of Durable and Alternative Solutions

<u>Type of Solution</u>	<u>Palestinians</u>	<u>Iraqis</u>	<u>Syrians</u>
<i>Citizenship</i>	Yes.	No.	No.
<i>Repatriation</i>	Highly Ineffective.	Ineffective.	Ineffective.
<i>Local Integration</i>	Highly Effective.	Ineffective.	Moderately Effective.
<i>Resettlement</i>	Highly Ineffective.	Ineffective.	Ineffective.
<i>“Alternative” solutions</i>	None.	Ineffective.	Moderately Effective.

Source: Original Compilation by Author.

Across all of the crises, repatriation and resettlement proved ineffective. Only Palestinians were provided with citizenship. Location integration produced more interesting results: it was highly effective for Palestinians, ineffective for Iraqis, and moderately effective for the Syrians. The efficacy of alternative solutions varied as well.

Alternative solutions were never provided to Palestinians—and have not been widely implemented for Iraqis—but they have proved moderately effective for Syrian refugees.

The takeaway from these findings is twofold. First, refugee policy in Jordan does not trend in a linear fashion. Instead, the efficacy of solutions depends on the circumstances of each crisis, which render Jordan more or less able to adequately assist and protect refugees. Second, the solutions which have been most effective are those over which Jordan has the most direct control: integration, and alternative solutions. Even though many factors could prevent Jordan from displaying the generosity it does towards refugees, it has proven far more willing to help refugees reach effective solutions than nearly all other states in the region.

Local integration and alternative solutions thus deserve further inquiry. In the presence of sufficient support from both the government and the international community, local integration can be successful in providing refugees with adequate standards of livelihood and political belonging, as well as satisfying Jordanian interests. Yet the realities of modern refugee crises—as well as the domestic conditions within Jordan—dictate that local integration is unlikely to succeed on a large scale unless it is accompanied by measures which mitigate the direct impact of refugees on the host society.

Given this reality, it is necessary to consider how alternative solutions will impact the future of refugee policy in Jordan. Alternative solutions based in mobility theory, which facilitate the legal movement of refugees between states, have not been seriously implemented in Jordan. If applied, they hold the potential to overcome the lengthy

resettlement processes available to only a few, very vulnerable refugees. Forming additional pathways for onward migration around concepts like labor and education could raise the incentives for resettlement states that stand to benefit from increasing specific demographics of their population. Jordan should seek out ways to incentivize its Western allies to adopt mobility policies.

Jordan holds the most experience and success with economic-based alternative solutions. Economic solutions typically seek to open up greater opportunity for refugee employment, while simultaneously reducing refugees' negative impact on the host economy. Conceptually, allowing refugees to fill gaps in the labor force and create new business enterprises should boost production efficiencies in Jordanian markets. In reality, as the case of Syrians in Jordan demonstrates, these policies must be very carefully and comprehensively arranged in order to be effective. The Jordan Compact, heralded early-on as an innovative success, fell short of its intended results due to its failure to consider practical details and include the opinions of all those involved in its execution.

Policymakers in Jordan and elsewhere should use the Compact as a guide to understand how economic partnerships can be implemented more effectively in the future. The lessons Jordan has learned from its recent experience with the Syrian crisis have made it well-equipped to handle future refugee flows in a way that mitigates negative repercussions on its domestic economy and society.

Political solutions in Jordan have featured UNHCR-led initiatives to organize increased aid to refugees and implement livelihood programs, with the help of the government and other partners. While some of these merely represent improvements in

past policies, new approaches have been introduced as well. The Comprehensive Refugee Response framework demonstrated how Jordan's partnership with the UNHCR increased the efficiency of crisis management and ensured the pursuit of a more systematic, data-driven plan for addressing refugees' needs. Notably, the 3RP serves to unite the goals of the Jordanian government, the UNHCR, NGOs, and other IOs. It trends in the direction of a true responsibility sharing mechanism, in which non-host states would supply a fair contribution to the formation of effective solutions. Whether any states will spearhead this unforeseen level of cooperation in years to come will be an integral determinant of the success of future refugee policies.

IV. The Future of Solutions

What do these conclusions in Jordan imply about the world's ability to solve refugee crisis? First and foremost, they affirm the basic fact that solutions are within reach. Refugee crises do not constitute a global issue that is beyond the grasp of policy—not yet, at least. Moreover, the cases in Jordan illustrate that refugee crises are not a matter which any state or organization can solve alone. Providing the aid and resources necessary to support refugees requires more than that which one host country can provide. Cooperation between many actors in all aspects of each crisis is necessary in order for both initial responses and durable solutions to be effective.

The progression of policy in Jordan also reveals that the generosity of refugee-hosting countries will be unsustainable without greater support. Jordan has demonstrated its willingness to accept help from a wide range of actors, including NGOs, international

organizations, private businesses, and other states. If high levels of cooperation and burden sharing do not materialize, refugee hosting states cannot be expected to pursue effective solutions on their own.

Lastly, it is not enough to target only improvement in the durable solutions with future policies. States, organizations, and all those seeking to help refugees must look beyond the existing system and towards one which works within the recognized constraints of states' interests, the nature of conditions which produce and perpetuate crises, and the realities of protracted displacement. Simply put, they must embrace alternative solutions.

V. Conclusion

The world has not yet accepted the necessary preconditions for attaining effective refugee solutions. Yet the time when this will occur may not remain so far in the future. This analysis showed that the international community has reached a clear and accurate understanding of the problems within the existing international refugee regime. Effective solutions require much higher levels of cooperation, much more equitable sharing of responsibility, and a much greater emphasis on implementing innovative new policies. What remains to be seen is whether the world will choose to act to address these problems—or if it will continue to allow refugee crises to persist, unsolved, indefinitely.

In the end, its decision is very likely to hinge on a singular factor. The global community can only overcome the issue of refugee crises if it first accepts the idea that refugees are deserving of their time, money, attention, and—most importantly—their

respect. Many states and individuals continue to regard refugees as a dangerous burden on their society. Very little is likely to change about refugee policy if this ideology is not replaced by one which recognizes refugees as vulnerable individuals deserving of rights, protection, safety, and support. The very same people who enjoy the privilege of feeling like they will never face the possibility of becoming refugees themselves may very well become the refugees of tomorrow. With this mindset, they may feel differently about sharing the responsibility of helping the refugees of today.

The fact that Jordan differed from so many other states in its refugee policy became a common mantra throughout this analysis. Hopefully, this does not remain the case in the future. As the quote by King Abdullah at the beginning of this chapter expresses, it will be impossible to prevent massive human suffering without a collective effort to pursue sustainable solutions. Jordan has addressed with refugees with “good hearts”, as Insherah Mousa stated. It is time that the rest of the world does the same.

The introduction to this project began with a statement from Filippo Grandi, the UN High Commissioner. Grandi addressed the entire world when he conveyed the gravity the current moment holds for the formulators of global refugee policy. His words expressed both despair at the magnitude of the crisis and hope in the world’s potential to overcome. Drawing conclusions from the case of Jordan invokes similar emotions. In differing ways and varying degrees, all groups of refugees in Jordan experienced the repercussions of inadequate solutions. The fact that Jordan has proven willing to incorporate new, innovative solutions which allow it to better protect refugees’ rights and enable their livelihoods confirms that High Commissioner Grandi was right to be

hopeful. If the world looked more like Jordan, it would be a much better place for refugees.

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Appendices

Appendix A: Interview Questions for NGO employees

1. Please describe your work with refugees.
2. How would you describe, generally, Jordan's policies towards refugees?
3. Do the refugees with whom you interact often receive aid or services from the UNCHR or UNRWA? The government? Non-governmental or private organizations?
4. What is your experience with government aid programs for refugees? Do you consider them effective?
5. Have you interacted with other non-governmental or private organizations that provide services for refugees while in Jordan? If so, in what capacity?
6. Do you believe that refugees in Jordan possess greater opportunities than those in neighboring countries?
7. Do the refugees with whom you interact have plans to stay in Jordan? Would they prefer to resettle to another country or repatriate in the future? Please elaborate.
8. Do you feel the Jordanian government should offer greater assistance to refugees? If so, in what ways?
9. Do you believe the Jordanian government should formulate a uniform, legal policy addressing refugees?
10. Do you feel the UNHCR or UNRWA should offer greater assistance to refugees? If so, in what ways?
 - a. Do you believe that the traditional durable solutions set forth by the UNHCR of repatriation, resettlement and local integration are effective?
 - b. In what ways could the UNHCR or UNRWA more effectively offer aid and protection to refugees?
11. Do you feel the international community should offer greater assistance to refugees in Jordan? If so, in what ways?
12. How would you describe public opinion towards different groups of refugees in Jordan?
13. Do you believe Jordan's refugee policy will evolve in the future? If so, how?
14. Do you believe other states' policies towards refugees will evolve in the future? If so, how?
15. How do you believe refugees' definition under international law will evolve in the future?

Appendix B: Interview Questions for Palestinians

1. How would you describe your daily lifestyle?
2. Why have you chosen to remain in Israel/Palestine rather than migrate elsewhere?
3. Have you ever received aid from the UNRWA? Why or why not?
4. Do you have family or friends that have chosen to migrate or have fled from Israel/Palestine? To where did they go?
5. How do you perceive Palestinians who have chosen to migrate or have fled from Israel/Palestine?
6. Do you believe that Palestinians in Jordan possess greater opportunities than those in Israel/Palestine?
7. Do you have plans or aspirations to migrate in the future?
8. Do you feel the government should offer greater assistance to Palestinian refugees? If so, in what ways?
9. Do you feel the UNRWA should offer greater assistance to Palestinian refugees? If so, in what ways?
10. Do you feel the international community should offer greater assistance to Palestinian refugees? If so, in what ways?

Appendix C: Interview Questions for Refugees in Jordan

1. What is your country of origin?
2. What factor(s) led to your displacement? In other words, what forced you to flee?
3. Was Jordan your intended destination? If so, why? If not, why not?
4. Did you receive help from any individual or organization in traveling to Jordan as a refugee?
5. Please describe your arrival in Jordan and the asylum process you underwent.
6. Did you live in a refugee camp? If so, why? If not, why not?
7. Did you receive any assistance in acquiring your current place of residence? If so, from whom?
8. Have you received aid in any kind from the UNRWA or UNHCR? Why or why not?
9. How would you describe your daily lifestyle in Jordan?
10. How would you describe Jordan's policies towards refugees?
11. What is your experience with government aid programs for refugees? Do you consider them effective?

12. Have you interacted with non-governmental or private organizations that provide services for refugees while in Jordan? If so, in what capacity?
13. Why have you chosen to remain in Jordan rather than migrate elsewhere?
14. Do you have family or friends that have chosen to migrate from Jordan? If so, to where did they go?
15. Do you believe that refugees in Jordan possess greater opportunities than those in neighboring countries?
16. Do you have plans or aspirations to stay in Jordan?
17. Do you have plans or aspirations to resettle to another country in the future? If so, where?
18. Do you have plans or aspirations to return to your country of origin in the future?
19. Do you feel the government should offer greater assistance to refugees? If so, in what ways?
20. Do you feel the UNHCR or UNRWA should offer greater assistance to refugees? If so, in what ways?
21. Do you feel the international community should offer greater assistance to refugees? If so, in what ways?
22. How would you describe public opinion towards different groups of refugees in Jordan?
23. Do you believe Jordan's refugee policy will evolve in the future? If so, how?