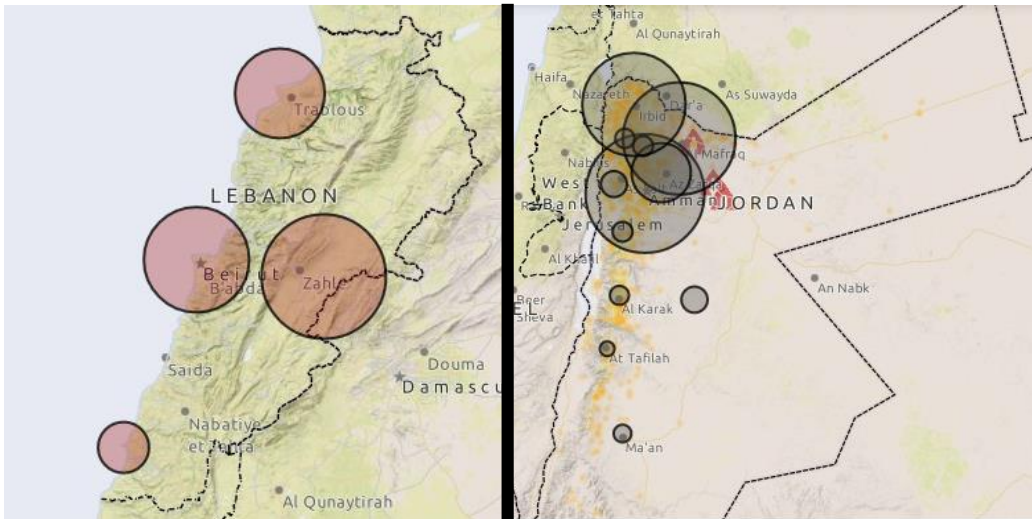# Compliance without Obligation:

Examining State Responses to the Syrian Refugee Crisis

SAMUEL A. DAVIDOFF-GORE

Source: UNHCR, http://data.unhcr.org/syrianrefugees/regional.php.

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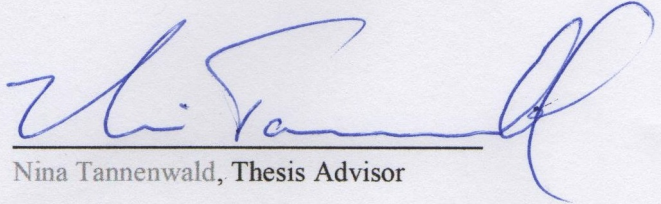with Honors in International Relations*

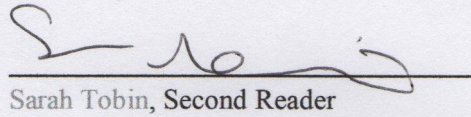BROWN UNIVERSITY

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This thesis by Samuel Davidoff-Gore is accepted in its present form
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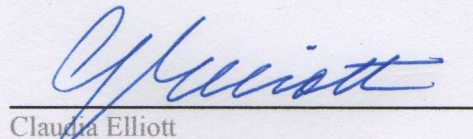Nina Tannenwald, **Thesis Advisor**

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ABSTRACT

Why do some states comply with international human rights laws that they have not signed? As millions of Syrians flee as a result of the Syrian Civil War, Jordan and, to a certain extent, Lebanon, have hosted and protected Syrian refugees despite not being obligated to the international refugee regime. Scholars tend to study either compliance with international law or on state responses to refugees; however, this ignores the overlap between the two fields. Furthermore, it ignores the importance of past precedent in decision making. In contrast, I integrate these two bodies of scholarship and apply them to the comparative case studies of Jordan and Lebanon. I analyze Jordanian and Lebanese responses over time to Palestinian, Iraqi, and Syrian refugee situations. I find that for each refugee crisis, Jordan and Lebanon make decisions similar to their initial decision to host Palestinian refugees in 1948. This factor, along with political motivations and (dis)similar identities, helps explain the complex refugee situation in these countries. (162 words)

Keywords: international law, refugees, identity, Arab Middle East, compliance

ACKNOWLEDGMENTS

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ABBREVIATIONS

AME   Arab Middle East

CSR   1951 Convention relating to the Status of Refugees

HRC   United Nations Human Rights Council

IHRL   International Human Rights Law

ISIS   Islamic State in Iraq and Syria

IOs   International Organizations

IRO   International Refugee Organization

MoI   Ministry of the Interior

MoU   Memorandum of Understanding

NGOs   Non-Governmental Organizations

PLO   Palestinian Liberation Organization

PRS   Palestinian Refugee(s) from Syria

UNHCR   United Nations High Commissioner for Refugees

UNRWA   United Nations Relief Works Agency for Palestine Refugees
                    in the Near East

CHAPTER 1
THE REFUGEE HOSTING CONUNDRUM

At the end of 2013, there were a total of 16.7 million refugees around the world.[1] These refugees, people who flee their country, primarily come from areas of conflict, mostly from South Asia and the Middle East.[2] Since 1951, these refugees have been protected by the Convention relating to the Status of Refugees (CSR or the Convention) and its corollary organization, the United Nations High Commissioner for Refugees (UNHCR). The Convention protects refugees from *refoulement* and obligates host nations to treat refugees as nationals and/or aliens on issues such as juridical status, gainful employment, welfare, and administrative matters.[3] As of today, 145 states are party to the CSR.[4] Among the 51 states not party to the CSR and its protocol are Jordan and Lebanon, two states who host nearly two million Syrian refugees, roughly one eighth of the world's refugee population.[5]

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[1] UNHCR. "Facts and Figures on Refugees," UNHCR: The UN Refugee Agency - United Kingdom, accessed October 29, 2014, http://www.unhcr.org.uk/about-us/key-facts-and-figures.html.

[2] I fully define the term "refugee" on the following pages.

[3] *Refoulement* means the forcible return of a refugee to her nation of origin. It is important to note that the CSR does not obligate states to grant asylum or allow refugees into the state's territory. For further explanation of *refoulement* as well as other provisions in the CSR, please see Chapter Three.

[4] 146 states are party to the 1967 Optional Protocol to the Convention (the Protocol). The Protocol removes the temporal and spatial restrictions to the CSR's definition of refugee.

[5] UNHCR, "Jordan," Syria Regional Refugee Responses, last modified March 24, 2015, accessed March 25, 2015, http://data.unhcr.org/syrianrefugees/country.php?id=107; UNHCR, "Lebanon," Syria Regional Refugee Responses, last modified March 20, 2015, accessed March 23, 2015, http://data.unhcr.org/syrianrefugees/country.php?id=122.

Jordan and Lebanon's decisions to accept S3yrian refugees are puzzling because both nations have physical limitations to their ability to host refugees. Jordan, a politically stable nation, lacks the resource wealth that its neighbors enjoy, namely natural gas and oil, which has led to economic stagnation, and is "one of the three most water-scarce countries in the world."[6] Lebanon has a stronger economy than Jordan; however, it has limited political stability as well as contentious relations with its neighbors.[7] The previously existing population of Palestinian refugees, numbering over 2,400,000 in these nations, already puts immense strain on the natural resources of Jordan and the political stability of Lebanon.[8] Given this strain, major disincentives exist for these states to accept, and provide protection to, the newest waves of Syrian refugees. Coupled with the states' lack of legal obligation, one would expect that they would not comply with the CSR. And yet, Jordan and, to a lesser extent, Lebanon have largely complied with the CSR. Given that Jordan and Lebanon are not parties to the CSR, this study asks the following question: What explains their compliance with the CSR with regard to their response to the Syrian refugee crisis?[9]

The purpose of this thesis is to test and build theory in order to better understand the decision making process of states who are non-participants in international treaties but nonetheless comply with them. Specifically, it outlines a process by which states

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[6] "UN expert urges long-term, rights-based approach to water crisis in Jordan," UN News Centre, March 17, 2014, accessed November 3, 2014, www.un.org/apps/news/story.asp?NewsID=47364#.VFccFvnF-FU.

[7] "Lebanon," The CIA World Factbook, last modified June 20, 2014, accessed November 3, 2014, https://www.cia.gov/library/publications/the-world-factbook/geos/le.html.

[8] "Where We Work," UNRWA, accessed November 13, 2014, http://www.unrwa.org/where-we-work.

[9] By compliance, I mean observance of the rights and obligations of the treaty as written, barring reservations to the treaty. I fully define compliance on the following pages.

decide to comply with international human rights law (IHRL) and how that decision reinforces itself over time. Building upon existing literature in the fields of compliance with international law and state responses to refugees, I develop a model that emphasizes the influence of preceding decisions and shared identity.

Several conventional explanations exist for Jordanian and Lebanese compliance. First, Jordan and Lebanon do not have the means to stop the influx of refugees and once the refugees are in their territory, they are morally driven to protect the refugees. Second, Jordan and Lebanon protect Syrians because of pan-Arabism, meaning that they want to assist fellow Arabs. This explanation incorporates the culture of hospitality found in Arab cultures. Finally, a third, realist explanation holds that Jordan and Lebanon are forced into hosting and protecting refugees because stronger states, specifically their neighbors, refuse to do so. This protection is facilitated by UNHCR, which acts at the behest of strong states. While aspects of these explanations are all valid, each fails to account for the multiple factors that each state weighs before making such a decision. Furthermore, these explanations fail to consider the influence of previous decisions to host refugees in Jordan and Lebanon.

In contrast, this thesis argues that Jordan and Lebanon's compliance is a result of their previous decisions to host Palestinian and Iraqi refugees. Given their long history of hosting refugees, Jordan and Lebanon have internalized their previous decisions regarding hosting refugees and make similar decisions for Syrian refugees. This thesis further argues that Jordan's compliance may be the result of pan-Arab solidarity and Arab hospitality. It also argues that Lebanon's compliance is the result of Lebanon's prior

relationship with Syria and that this compliance is mitigated by an ineffective government and security threats.

CONCEPTS

Participation and Compliance

International treaties establish rights and obligations between states. When these treaties are not also customary international law, law that applies to all states regardless of whether they have specifically agreed to observe these rights and obligations, the treaty *only* establishes these rights and obligations among state parties.[10] States have two decisions to make regarding these treaties: (1) should they participate in the treaty? and (2) should they comply with the treaty? By participate, I mean that they ratify the treaty through their domestic ratification process. By comply, I that they mean observe the rights and obligations of the treaty as written, barring reservations to the treaty. This leads to four possible typologies of states as demonstrated in Table 1.1: participatory compliant (PC), non-participatory non-compliant (NN), participatory non-compliant (PN), and non-participatory compliant (NC).

Table 1.1: The Four Types of States with Regard to International Law and their Explanations

	Compliant	*Non-Compliant*
Participatory	Desire to comply, strong enforcement, efficiency of international law (PC)	Signaling, weak enforcement, inefficiency of international law (PN)
Non-Participatory	? (NC)	No desire to comply with law (NN)

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[10] Hugh Thirlway, "The Sources of International Law," in *International Law*, 4th ed, ed. Malcom D Evans (Oxford: Oxford University Press, 2014), 97-103.

Many states fall into the PC and NN categories, for good reason. If a state wants to comply with the treaty, it obligates itself to the treaty by participating in it. Furthermore, if a state wants to influence the compliance behavior of other states, it participates. States also benefit from participation by being able to define the standard of compliance and gaining in reputation. If a state does not want to comply, then it does not obligate itself by not participating. PN states can also be explained through a realist approach. States participate in treaties because it signals to the world that they intend to comply with the treaty. It is seen as an important step to actually complying; however, some states do not intend to comply and only participate in order to gain reciprocal benefits from other nations who value participation in the treaty.[11] Therefore, PN states sometimes use the treaty as a negotiating tool. But there is no ready explanation for NC states.

While participation is a binary decision of either participating or not participating, compliance is much more nuanced. Because treaties contain multiple obligations, protections, and provisions, defining compliance cannot be simply a yes-or-no decision. If so, would a state that follows all of the provisions except for one be considered compliant? Would it be non-compliant? In her study of participation's effects on compliance with the International Covenant on Civil and Political Rights, Linda Camp Keith measures compliance by using comparing Freedom House scores as well as US State Department and Amnesty International rankings, all of which determines

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[11] Linda Camp Keith, "The United Nations International Covenant on Civil and Political Rights: Does It Make a Difference in Human Rights Behavior?" *Journal of Peace Research* 36, no. 1 (January 1999): 112, accessed October 26, 2014, http://jpr.sagepub.com/content/36/1/95.

compliance holistically.[12] Similarly, I use a holistic definition of compliance throughout this thesis. In Chapters Four and Five, I document specific compliant and non-compliant policies in Jordan and Lebanon and use these to evaluate overall compliance with the CSR.

Who is a refugee?

One of the many challenges in deciding how to treat people who cross international borders is deciding exactly who is a refugee. The term "refugee" has evolved in definition since the creation of the international refugee regime. For the purpose of this study, I use several different definitions of "refugee" to denote different situations that arise in refugee crises. The primary legal definition of "refugee" comes from the CSR. It states that a refugee is someone,

> …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 return to it.[13]

This definition, while being the primary legal definition of "refugee", fails to include many people that are generally considered "refugees," specifically those fleeing from violence and natural disasters. Therefore, when I refer to "convention refugees," I specifically mean those people falling under the definition in the CSR.

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[12] Ibid.

[13] For the full text of the CSR, see: "Convention and Protocol Relating to the Status of Refugees," *UNHCR*, accessed April 14, 2015, http://www.unhcr.org/3b66c2aa10.html. The quoted definition can be found in Article 1, Section A, Clause 2. I have excluded the temporal and spatial restrictions from the CSR definition because they have since been lifted by the 1967 Protocol.

The convention definition of "refugee" is an exclusionary definition that reflects the narrow interests of the drafters of the CSR.[14] Furthermore, the convention definition disregards those fleeing for reasons other than fears of persecution. The UNHCR has expanded its definition of "refugee" to incorporate these people, specifically those fleeing *en masse* from violent conflict. It furthermore incorporates protections from regional refugee conventions such as the 1969 Organization of the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa.[15] Given that the UNHCR is the norm creating organization regarding refugees, for the purpose of this study I define "refugee," without spatial modifiers or the term "convention" following the UNCHR definition as those people fleeing from their country for fear of persecution or violence and who are unwilling or unable to return to their country of origin.[16]

Refugees are often thought of in specific spatial categories. Their identity is defined by the country from which they are fleeing. For example, refugees from Syria are often referred to as "Syrian refugees". When I use the term "refugee" preceded by a nationality, I am referring to the first country from which they have fled. For example, Palestinians who took refuge in Syria after 1948 have since fled Syria due to the ongoing Syrian Civil War are not Syrian refugees; rather, they are Palestinian refugees from Syria (PRS).

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[14] Alex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford: Clarendon Press, 1998), 58-67. For a more detailed discussion of the drafting of the CSR, please see Chapter Three.

[15] Corrinne Lewis, "UNHCR's Contribution to the Development of International Refugee Law: Its Foundations and Evolution," *International Journal of Refugee Law* 17, no. 1 (March 1, 2005): 67–90, accessed October 28, 2014, www.ijrl.oupjournals.org.

[16] Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001); Michael N. Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca, NY: Cornell University Press, 2004).

SIGNIFICANCE

There are both theoretical and practical reasons for undertaking this study.

Theoretical Significance

This study contributes to two different bodies of literature: (1) participation and compliance in international law and (2) state responses to refugees. Literature on participation and compliance in international law tries to explain why states comply with international law. Scholarship on state responses to refugee crises examines humanitarian intervention and the politics of assisting refugees. Both bodies of literature fall into three perspectives of international relations theory: realism, liberalism and international society, and constructivism. By examining the bodies of literature through these perspectives, I demonstrate gaps in understanding of participation and compliance and the international refugee regime.

Realists argue that states comply with international law because of cost benefit analyses based on material threat and/or the perception of material threat, whether they be pressure from stronger states, the use of compliance in order to receive reciprocal benefits, or because compliance allows states to gain bargaining power on the international stage. Realists use three models to explain compliance: coincidence of interest, meaning that a state's interest happens to align with the objectives of the law; coercion, meaning that a strong state forces a weak state to comply; and signaling, meaning that states use participation and/or compliance to demonstrate intent to take action to protect these rights.[17] Realists argue that states use several strategies for

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[17] Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (Oxford: Oxford University Press, 2005); James D. Fearon, "Signaling Foreign Policy Interests: Tying Hands versus Sinking Costs," *Journal of Conflict Resolution* 41, no. 1 (February 1, 1997): 68-90, accessed October 26, 2014, http://www.jstor.org/stable/174487.

humanitarian interventions depending on whether they want to remain apolitical and whether they want to change the situation on the ground. Of these, realists argue a so-called "Bed for the Night" approach, meaning a limited, apolitical form of intervention, is most likely because it provides aid without entangling a state in a longer intervention.[18] The realist perspective relies on the concept of power and material threats as the underlying currency of international relations. It does not consider international cooperation taking place regarding the international refugee regime as well as the normative power of UNHCR.

Liberals argue that states participate in and comply with IHRL through North-South cooperation based on cross issue persuasion, a strategy where the weaker state makes an issue important to a stronger state by linking that issue to another issue of importance to the stronger state.[19] They argue that refugees are a product of the international state system and that through international cooperation, state response comprises temporary aid.[20] Finally, they argue that institutions facility cooperation by creating common rules which helps manage common interests. The liberal perspective does not account for the autonomous and authoritative role of UNHCR. Furthermore, it does not explain individual state compliance divorced of international cooperation.

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[18] Jack Snyder, "Realism, Refugees, and Strategies of Humanitarianism," in *Refugees in International Relations*, ed. Alexander Betts and Gil Loescher (Oxford: Oxford University Press, 2011), 29-52.

[19] Alexander Betts, *Protection by Persuasion: International Cooperation in the Refugee Regime* (Ithaca, NY, USA: Cornell University Press, 2009), accessed December 13, 2014, ProQuest ebrary; Alexander Betts, "International Cooperation in the Refugee Regime," in Betts and Loescher, 53-84.

[20] Emma Haddad, *The Refugee in International Society: Between Sovereigns* (Cambridge: Cambridge University Press, 2008); Andrew Hurrell, "Refugees, International Society, and Global Order," in Betts and Loescher, 85-104.

Constructivists argue that states comply because they are socialized, or induced through non-material means, to conform with norms. Within this perspective there are two models for how states internalize compliance norms: normative persuasion and acculturation. Normative persuasion refers to states changing their position because of arguments made by others.[21] Acculturation refers to states changing their position because of pressures, both internal and external, that promote conforming with the norms of the surrounding culture.[22] These studies tend to link compliance and participation without distinguishing the two as distinct decisions, allowing them to only explain PC and NN states. Constructivists argue that international organizations (IOs), specifically UNHCR, have a large impact on state responses to refugees.[23] UNHCR has authority as well as power to create, change, and diffuse norms regarding treatment of refugees. This authority allows it to engage in paternalism, crafting policy that disregards the wishes of refugees. Constructivism also accounts for the shared identity and ethnic solidarity as an explanation for hosting refugees, explaining that states host refugees if they share an identity with them, such as an Arab identity.[24] Constructivism does not account for the control that Jordan and Lebanon have over UNHCR activities in their territory. More

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[21] Alastair Iain Johnston, "Treating International Institutions as Social Environments," *International Studies Quarterly* 45, no. 4 (2001), http://onlinelibrary.wiley.com/doi/10.1111/0020-8833.00212/pdf; Darren Hawkins, "Explaining Costly International Institutions: Persuasion and Enforceable Human Rights Norms," *International Studies Quarterly* 48 (2004), 779-804.

[22] Ryan Goodman and Derek Jinks, "How to Influence States: Socialization and International Human Rights Law," *Duke Law Journal* 54, no. 3 (2004), accessed November 17, 2014, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1240&context=dlj.

[23] Barnett and Finnemore; Michael Barnett, "Humanitarianism, Paternalism, and the UNHCR," in Betts and Loescher, 105-132.

[24] Shibley Telhami and Michael N. Barnett, eds., *Identity and Foreign Policy in the Middle East* (Ithaca: Cornell University Press, 2002).

broadly, constructivism cannot account for the material pressures associated with hosting refugees.

Neither body of literature and none of the theoretical perspectives by itself explains Jordanian and Lebanese non-participatory compliance with the CSR. Literature on participation and compliance almost exclusively uses large-*n* surveys and game theory models and is thus unable to account for the empirical factors behind specific state decisions to participate and comply. Furthermore, the literature does not account for non-participatory compliant states, instead focusing on participatory compliant, non-participatory non-compliant, and participatory non-compliant states. By understanding why non-participatory states sometimes comply with international law, scholars can better understand the processes by which states decide to participate in and comply with international law. Current literature on state responses to refugees is recent and is therefore underdeveloped. It is not equipped to understand the complex mechanisms that lead to state decisions to act. By understanding these mechanisms with specific regard to the CSR, scholars would better understand the effectiveness of international human rights laws in encouraging state action.

This study, through its integrated approach to these two bodies of literature, addresses both of these gaps—why states act and the effectiveness of human rights law—by examining responses to refugees of compliant, non-participant states from a legal perspective. I take existing theories of compliance and participation and add the regime specific ideas from the literature on state responses to refugees. I further incorporate historical precedent for these decisions, something that is not covered by current

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literature. I show the logic of dividing the bodies of literature by theoretical perspective

as well as their integration in Figure 1.1.

Figure 1.1: The Logic and Integration of Literature on Participation and Compliance
with Literature on State Responses to Refugees

	Realism	**Liberalism**	**Constructivism**	
Participation and Compliance	Coincidence of interest; Coercion; Signaling	Cross issue persuasion	Normative Persuasion; Acculturation	History; Past precedent
State Responses to Refugees	Inability to stop refugee flow; Political gain	Temporary short term aid; Institutions facilitate cooperation	Role of UNHCR; Arab identity; Hospitality	
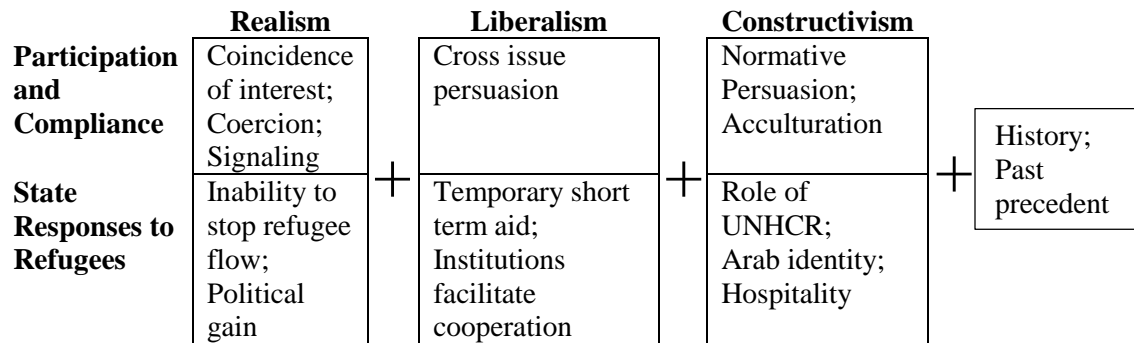
Practical Significance

Refugees are one of the most prominent global problems today. As such, there are

several practical reasons for undertaking this study. First, as mentioned, this subject is

timely. It centers on the Syrian refugee crisis, one of the most prolific recent refugee

crises, in which countries such as Jordan and Lebanon are hosting an increasingly

unsustainable number of refugees. In fact, Lebanon has officially closed its border with

Syria to new refugees and Jordan has signaled that it is trying to limit the number of

refugees that enter the country.[25] International organizations such as the World Food

Programme have had difficulty raising the funds necessary in order to support operations

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[25] "Lebanon Closes its Borders to Syrian Refugees, Officials Say," *Daily Sabah*, October 19, 2014, accessed November 3, 2014, http://www.dailysabah.com/mideast/2014/10/19/lebanon-closes-its-borders-to-syrian-refugees-officials-say; Rana F. Sweis, "No Syrians Are Allowed into Jordan, Agencies Say," *The New York Times*, October 8, 2014, accessed November 3, 2014, http://www.nytimes.com/2014/10/09/world/middleeast/syrian-refugees-jordan-border-united-nations.html?_r=0.

to help these refugees.[26] By understanding how states are responding to this recent crisis, organizers of refugee aid programs can better understand how to work with states most effectively to deliver aid.

Second, this study addresses the effectiveness of the CSR. When discussing international law, scholars debate whether international law matters or has practical effects.[27] Given that the CSR is the legal foundation of the international refugee regime, it stands to reason that its effectiveness, demonstrated by levels of compliance and the reasons for this compliance, can be generalized to the greater debate on international law. Specifically, by understanding participation in and compliance with the CSR and states' reasons for doing so, policymakers can reassess the CSR and better understand how the Convention can be improved.

Finally, this study pays particular attention to the politics of refugees in the Arab Middle East (AME).[28] With regime change in Egypt and Yemen, violent government response to protests in Bahrain in 2011, and the recent, as of 2015, appearance of the Islamic State of Iraq and Syria (ISIS) as a powerful force, not to mention the ongoing conflict in Syria, the AME is the focus of much of the world's foreign policy. Refugee

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[26] "UN Resumes Food Aid for Syrian Refugees," December 10, 2014, accessed December 13, 2014, http://www.aljazeera.com/news/middleeast/2014/12/un-food-aid-syrian-refugees-201412923036586603.html.

[27] Scott Horton, "Is International Law Really Law? Six Questions for Michael Scharf," *The Stream - Harper's Magazine Blog*, March 15, 2010, accessed December 16, 2014, http://harpers.org/blog/2010/03/is-international-law-really-law-six-questions-for-michael-scharf/?%3E.

[28] The Arab Middle East refers to countries on the Arabian Peninsula whose populations are comprised almost exclusively of people of Arab descent. Egypt is also included in this group because of its close political involvement with these nations and its political, linguistic, historical, and cultural similarities to these nations.

politics influences much of interstate politics in the region.[29] Thus, by understanding how Jordan and Lebanon respond to the Syrian refugee crisis, one can better understand political dynamics in the region.

RESEARCH DESIGN

CASE SELECTION

I use Stephen Van Evera's approach to case study research in which the analyst uses the case to help create theory and explain a situation of intrinsic value.[30] I draw on the cases of Jordan and Lebanon in order to analyze each state's response to the Syrian refugee crisis and compare how those responses are shaped given the state's non-participation in the CSR. These cases both face similar situations: a large influx of Syrian refugees and limited resources. The two cases also share similar histories in terms of shared historical events; however, they have differed in their approaches to hosting and protecting refugees. As such, I use a controlled comparison method comprised of process tracing to analyze policies formed by each government and its relationship with the CSR and the international refugee regime.

By controlled comparison, I follow a variation of John Stuart Mill's "method of difference." According to Van Evera, controlled comparison cases have "similar general characteristics and different values on the study variable."[31] In my study, Jordan and

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[29] A. K. M. Ahsan Ullah, *Refugee Politics in the Middle East and North Africa: Human Rights, Safety, and Identity*, Global Ethics Series (New York, NY: Palgrave Macmillan, 2014).

[30] Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca, New York: Cornell University Press, 1997), 55, 86-7.

[31] Van Evera, 57.

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Lebanon have similar general characteristics while the study variable, compliance with the CSR, is somewhat dissimilar.

While many things differ between the two nations, specifically resources, economies, political systems, and overall stability, they share a historical narrative regarding Palestinian refugees and an identity as Arab states. Furthermore, they have had to make decisions regarding refugees surrounded by similar circumstances. These shared aspects allow me to test whether the processes found in one state are corroborated in the other. Because Jordanian and Lebanese levels of compliance are different, I am able to test which variables matter more when determining compliance.

I use these cases for a number of reasons. First, these countries have the same typology with regard to the CSR as they are both NC states. Second, there is a wealth of data regarding the treatment of refugees. The UNHCR has extensive records regarding the registration of Syrian refugees in these countries as well as specific services provided and protections afforded. Similar data is available from the United Nations Relief Works Agency for Palestine Refugees in the Near East (UNRWA) on Palestinian refugees in both Jordan and Lebanon. Third, these states are responding to the crisis in real time, amending their policies as the situation progresses. As such, these cases are the most current manifestations of states responding to the specific issues addressed by the CSR.

The timeframe of this study extends from 1948, the start of the Israeli War for Independence (or *al-Nakbah*, the disaster in Arabic) to March 2015.[32] While this timeframe is expansive, it is necessary in order to understand the historical underpinnings

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[32] Throughout the rest of this thesis, I refer to this war as the 1948 Arab-Israeli War to avoid the political connotations associated with using either the Israeli or the Arabic name for this War. I refer to further conflicts between Israel and Arab states in the same manner.

of Jordan and Lebanon's treatment of Syrian refugees. In order to narrow the scope of this study, I focus on time frames surrounding major influxes of refugees in these two countries as well as major changes in refugee policies. Specifically, I use the following events as foci: 1948 and 1967 Arab-Israeli wars, the Lebanese Civil War, Jordan's disengagement from the West Bank in 1988, the Iraq war starting in 2003, and the Syrian Civil War which started in 2011 and lasts to the present. The timeframe ends in March 2015.

RESEARCH METHOD

I argue that we can better understand compliance and participation patterns in international law by examining the intersection between these laws and the specific field of study to which each law applies. My approach combines the two parts of my research question, compliance without participation and the state responses to refugees, and expands our understanding of both bodies of literature.

I use a qualitative, controlled comparison case study method, relying specifically on reverse process tracing. As explained by Jeffery Checkel, process tracing allows the researcher to understand the causal mechanisms that underpin decisions.[33] In this study, I examine each case in order to find the factors behind the initial decision to comply and the subsequent iterations of that decision**.** I look at each iteration of the decision in order to find the specific variables at work, and then put the iterations together in order to trace how these variables have caused refugee policies to change over time. This addresses a gap in current scholarship; the role of past precedent is rarely addressed.

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[33] Jeffery T. Checkel, "Process Tracing," in *Qualitative Methods in International Relations: A Pluralist Guide*, eds. Audie Klotz and Deepa Prakash (New York: Palgrave Macmillan, 2008) 115-6.

Measurement

This study relies on the ability to measure compliance. I measure compliance by examining how closely state responses mirror specific obligations presented in the CSR. The obligations I study are**:** prohibition of *refoulement* (Article 33)**,** issuance of identity papers and travel documents (Articles 27 and 28), right to work (Articles 17, 18, and 19), and cooperation with UN bodies (Article 35). I operationalize these variables by examining relevant national laws and policies in order to determine holistically the extent of compliance. I apply this analysis to each of the timeframes specified above. In addition, I examine public statements and newspaper articles from these timeframes in order to understand the rationale behind these laws and policies.

Sources

Most of my sources are government documents, government statements, newspaper articles, and UNHCR reports and policies. I have chosen these sources because they are the most tangible pieces of evidence available without travelling to the region. The newspapers I am using are: from Jordan—*Al Ghad* (Arabic) and *The Jordan Times* (English); from Lebanon—*al-Akhbar* (Arabic) and the *Lebanon Daily Star* (English). These are daily newspapers which offer different political perspectives. As such, situational and policy changes are documented as they happen. Because of press restrictions in Jordan as well as the limits of my Arabic ability, I also use international newspapers such as *The New York Times* and *Al Jazeera*.

General Limitations

There are several limitations to this study. First, because I do not have the time or means to travel to these three countries to interview government and UNHCR officials, my research must be based off of public text. Therefore, there is a potential for difference between stated policy and actions taken on the ground. To combat this, I use multiple different types of sources to triangulate my evidence. Second, I rely on the research of non-state institutions, specifically UN agencies and NGOs in order to understand the empirical situation. In order to avoid any inherent biases in each organization, I use research from multiple sources in order to corroborate evidence. Third, my level of Arabic prevents me from interacting with the most complex sources in their original language. I use sources in Arabic and English in order to have multiple viewpoints and thus triangulate my evidence.

CHAPTER SUMMARY

In Chapter Two, I analyze and critique the existing bodies of literature on state participation and compliance in international law and state responses to refugees. I then propose my Integrated Model of Participation in and Compliance with International Law. In Chapter Three, I examine the development of the international refugee regime. In Chapters Four and Five, I compare the Jordanian and Lebanese responses to the Syrian refugee crisis and trace the events that lead to these policies. In Chapter Six, I draw implications from the findings of this analysis for theory and practice.

CHAPTER 2
COMPLIANCE WITHOUT OBLIGATION: EXPLAINING STATE RESPONSES TO REFUGEES

There are two main bodies of literature relevant to the study of state participation in and compliance with international law with regard to refugees. First, literature on compliance with international law mostly examines levels of compliance among states who participate in treaties. The literature is able to explain participatory compliant (PC), non-participatory non-compliant (NN), and participatory non-compliant (PN) countries; however, because the literature focuses on state compliance as a dependent variable of participation, it is unable to explain the behavior of states who comply with the norms of a treaty even though they have not joined it. Furthermore, much of the literature focuses on modeling large scale compliance patterns and tends to ignore the complexity of states' decisions to comply and participate. Second, the body of literature on state responses to refugees examines why states take the actions they do in response to refugees. This literature makes important contributions to the field of refugee studies; however, it is relatively new and therefore exists primarily on a theoretical level.[1] Therefore, I supplement this literature with more empirical studies of state responses. Still, these studies fail to examine the underlying mechanisms behind states' decisions to act.

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[1] Alexander Betts and Gil Loescher, "Refugees in International Relations," in Betts and Loescher, 21. Published in 2011, this volume is the first work directly focused on applying international relations theoretical frameworks to refugees.

I organize these two bodies of literature into the lenses of three perspectives in international relations theory: realism, liberalism, and constructivism. I then present my approach, which integrates the theoretical literature on state participation and compliance with the more empirical literature on state responses to refugees. Through this integrated approach, which includes examining past precedent, I theorize the process by which states decide whether to participate and or/comply with a treaty and the subsequent, path-dependent effects of this decision. This approach shows each stage of state participation and compliance (decision, policy implementation, effects, internalization, and reassessment) and incorporates a variety of methods for understanding compliance. Throughout this process, internal and external factors influence how states evaluate their decisions; however, through the process of internalization, the state feels obligated to its initial decision and policy and at subsequent reassessments tends to make the same decision.

REALISM

INTERNATIONAL LAW

The realist perspective incorporates not only arguments by realists but also by rational choice theorists.[2] Realists assume that state action is defined in terms of narrow interests focused on power. Broadly speaking, realists believe that international law and organizations should not exist; however, this ignores the presence of these entities. As

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[2] The rational choice model of international relations differs from realism specifically in that the rational choice model places the individual as the primary actor instead of the state. Furthermore, it does not emphasize the role of material power to the extent that realism does. As such, the rational choice model's understanding of compliance with international law provides models for both the realist and the liberal perspectives.

realism has evolved, it has incorporated the existence of international law. As such,

realists find that, while international law and organizations exist within international

relations, they are narrowly designed by state interest and have marginal influence on

state outcomes.[3] Rational choice models assume that all actors are rational, where rational

is defined as acting in what one thinks is one's best interest.[4] As applied to international

law, rational choice models predict that an actor participates and/or complies if it

perceives that this is in its best interest. To explain what these interests are and how they

determine compliance, the realist perspective uses several models to explain compliance:

coincidence of interest, coercion, and signaling.

Coincidence of Interest

The coincidence of interest model predicts that states comply with international

law when the international law does not obligate them to do anything differently than

their current actions.[5] This holds true for human rights compliance when the rights

involve mass atrocities. For example, most states comply with the genocide convention

because it is not in their interest to commit genocide.[6] Their self-interest coincides with

the law and they do not have to change any practices to be compliant. Large-*n* studies of

compliance and participation, such as Linda Camp Keith's study of participation and

compliance with the International Covenant on Civil and Political Rights (ICCPR), show

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[3] Goldsmith and Posner.

[4] Jack S. Levy, "Prospect Theory, Rational Choice, and International Relations," *International Studies Quarterly* 41, no. 1 (March 1997): 89, accessed December 16, 2014, http://www.jstor.org/stable/2600908.

[5] Goldsmith and Posner, 89.

[6] Ibid, 111.

that there is little correlation between levels of compliance and participation. Specifically, Keith argues that there is no significant difference in compliance levels in participants and non-participants to the ICCPR.[7] Furthermore, there is no significant change in compliance level before and after a nation's decision to participate in the ICCPR.[8] If there is no significant difference, then a state's level of compliance relies on how much its pre-existing interests coincide with the ICCPR. While this model helps understand some aspects of compliance, it does not explain instances where nations do change their policy based on international laws, specifically with regard to human rights.

Applying this model to Jordan and Lebanon, their decision to comply stems from how their interests align with the CSR. In 1951, as the Convention was completed, Jordan and Lebanon had already accepted large numbers of Palestinian refugees. Because Jordan wanted to consolidate control over the West Bank, its interests coincided with integrating Palestinian refugees and complying with the CSR. Lebanon's interests, maintaining the sectarian balance of its government, coincided with not fully complying and instead marginalizing Palestinian refugees. The strength of this model comes from its ability to explain compliance through analysis of the antecedent conditions in the state, as it does for Jordan and Lebanon; however, it does not address participation. As such, this model is only part of the larger story of participation and compliance.

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[7] Keith, 112.

[8] Ibid, 110-111.

Coercion

One of the most prominent realist models, the coercive model predicts that a stronger state will force a weaker state to comply with the standards and interests of the stronger state to which the weaker state would normally not agree.[9] Coercion, like power, can come in many different forms; the most used forms of coercion are economic sanctions and occasionally the threat of force.[10] Under this model, compliance with international law does not occur because of the law itself; rather, stronger states dictate compliance. If the law aligns with the stronger state's interests, then it may coerce weaker states into complying as well.[11]

Specifically, according to this model, Jordan and Lebanon comply with the CSR because of material threats or the perception thereof from stronger states. This implies two things: 1) Jordan and Lebanon do not support protecting refugees and 2) strong states have a vested interest in compliance with the CSR. Yet, Jordan and Lebanon have willingly hosted and protected a variety of refugees throughout recent history. Furthermore, strong states in the region such as Saudi Arabia typically neither participate nor comply with the CSR. Western states, specifically those in Europe, do participate and comply; however, they do not explicitly exert pressure on Jordan and Lebanon to host refugees, except in 2007 when the West sent money to Jordan following Jordan's decision to better comply with the CSR with regard to its treatment of Iraqi refugees. While the coercion model helps explain why states may change their policies against

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[9] Goldsmith and Posner, 28-29.

[10] Ibid, 116-117.

[11] Goodman and Jinks, 633.

their will and represents a popular perspective in international relations theory, it does not explain these cases.

Signaling

While realism can explain some instances of why states choose to participate and comply with international laws, it can also explain why states participate but do not comply through the signaling model. Signaling refers to the process by which states show the world that they are willing to take action without being fully committed to actually taking that action.[12] In this model there are two types of signals: those that "tie the state's hands" or those that "sink costs." "Tying hands" occurs when states take action that increases "the costs of backing down if the would-be challenger actually challenges but otherwise entails no costs if no challenge materializes."[13] In effect, if the state does not take the action it promises, then its reputation suffers. Sinking costs occur when states take action that is costly at the beginning and signals an intent; however, it does not actually affect whether action is taken. The most prominent example is building arms, which incurs initial costs but "may also affect the state's expected value for fighting versus acquiescing in a challenge."[14] Building arms can signal an intent to fight while also facilitating cooperation.

While James Fearon develops this model using a bilateral relationship, it can also be applied to participation in multilateral IHRL, specifically with regards to tying hands.

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[12] Fearon, 69.

[13] Ibid, 70.

[14] Ibid.

When a state participates in a treaty, it obligates itself to the treaty and thus ties its hands. If the state does not comply and the treaty enforcing body challenges the state's compliance with the treaty, the state incurs reputational damage.[15] Given that many human rights treaties do not have treaty enforcing bodies and the ones that exist have not been effective at forcing states to change their behavior, states are able to use treaties to signal their intent to comply without planning on complying. The sinking costs approach is less applicable to state participation because it involves states taking costly action initially. In human rights law, this would mean that states comply with treaties in order to signal their intent to participate, which reverses the actual process of participation before compliance.

According to this model, Jordan and Lebanon's compliance with the CSR signals intent to support the international refugee regime by sinking costs into protecting refugees in their territory. As such, they are able to improve their reputation through their actions as well as elicit donations from stronger nations. While this situation does not directly track Fearon's version of signaling, it does account for the reputational benefits of protecting refugees. By protecting Syrian refugees, Jordan and Lebanon improve their reputations and possibly attract foreign aid; however, the economic costs of hosting refugees often outweighs the economic or political benefits.

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[15] George W. Downs and Michael A. Jones, "Reputation, Compliance, and International Law," *Journal of Legal Studies* 31, No. S1 (January 2002), accessed December 16, 2014, http://www.jstor.org/stable/10.1086/340405, S98-S102; Andrew T. Guzman, "A Compliance-Based Theory of International Law," *California Law Review* 90, no. 6 (December 2002): 1861, accessed October 26, 2014, http://scholarship.law.berkeley.edu/californialawreview/vol90/iss6/2.

STATE RESPONSES TO REFUGEES

Realism as a perspective assumes that states act in accordance with narrowly defined power interests. According to realism, the modern refugee regime should not exist because hosting refugees poses significant threats to security and internal stability as well as cost the state valuable resources. In some cases, refugees can be used as part of power struggles between powerful nations, as exemplified by the United States' welcoming of refugees fleeing Communism; however, refugees are often the cause of insecurity within a state.[16] But, in light of the existence of the international refugee regime and the broader category of humanitarian interventions, realists have developed several models for explaining these phenomena.

Political scientist Jack Snyder has developed four explanations for humanitarianism that are also relevant for hosting refugees: Bed for the Night, Tactical Humanitarianism, Comprehensive Peacebuilding, and Back-a-Decent-Winner. The Bed for the Night model refers to apolitical intervention focused solely addressing the immediate needs of those the intervention is meant to help.[17] The Tactical Humanitarianism model refers to intervention designed to aid those in need while also mitigating the negative consequences that their relief might have, such as the emergence of militarized rebel groups using refugee camps as a base.[18] The Comprehensive Peacebuilding model refers to intervention designed to address the root causes of the conflict and to build a stable and peaceful society.[19] Finally, the Back-a-Decent-Winner

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[16] Loescher, 60-61.

[17] Snyder, 40-42.

[18] Ibid, 42-43.

[19] Ibid, 43-47.

model refers to intervention which prioritizes peace without regard for which side actually wins; the intervention is designed to ignore the politics of either side of the conflict and work towards a resolution as swiftly as possible. These four models are summarized in Table 2.1.

Table 2.1: Realist Models for Humanitarian Intervention

	Apolitical	Political
	Bed for the Night	**Back-a-Decent-Winner**
Accept constraints	Unqualified short-term emergency relief to those in life threatening circumstances.	Deploy resources to achieve a stable political bargain that will halt gross violations of human rights
	Tactical Humanitarianism	**Peacebuilding**
Change constraints	Provide relief while minimizing the negative side effects	Eliminate the root causes of conflict and help promote a more peaceful, stable, and legitimate political and economic system

Source: Jack Snyder, "Realism, Refugees, and Strategies of Humanitarianism," in Betts and Loescher, 40.

These models apply directly to humanitarian intervention; however, they can also help describe state responses to refugees. Because state responses to refugees are always tied to the international refugee regime, specifically through UNHCR, the type of response is dependent on the model used. In this specific case, one can describe the protection of Syrian refugees as the Bed for the Night model because much of the aid provided, specifically given recent shortages in donations, is short-term. Additionally, Peacebuilding can explain Jordan and Lebanon's historic protection of Palestinian refugees because of their attempts to reframe the conversation around the Israeli-Palestinian conflict. While these attempts have not resulted in a more sustainable political

situation between Israel and Palestine, this does not prevent states from attempting to shift the political situation through this tactic.

CRITIQUE OF REALISM

The realist perspective offers several important models and concepts for this study. Specifically, the Coincidence of Interest model helps explain a state's decision of whether to participate and comply with the CSR, and the Bed for the Night model helps describe the type and degree of protection offered to refugees. Yet, realism's emphasis on state power and protecting state sovereignty underemphasizes the prominent role of law and institutions in the actual operation of the international refugee regime. The international refugee regime relies on a strong international organization (IO) in the form of UNHCR, and requires states to accept and protect refugees. Given the substantial material costs and security risks inherent in hosting refugees, realism would expect that host states would require substantial compensation. Yet, none exists. Furthermore, states have placed a significant amount of material resources into creating the international human rights regimes, of which the international refugee regime is no exception.[20] The realist perspective fails to account for instances where states change their behavior and comply with international laws and norms without any sort of threat, material or potentially material. Even further, this perspective cannot explain compliance when there is no dialogue between states or between a state and an IO tasked with enforcing compliance. By ignoring the importance of cooperation and normative principles, realism

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[20] Guzman, 1837.

ultimately can only provide a partial explanation for Jordanian and Lebanese non-participatory compliance with the CSR.

LIBERALISM

In contrast to realism, the liberal and international society perspectives of international relations emphasize an international society of states, international cooperation, common international standards, and a language of common interests. As there are only a few studies of state responses to refugees from either perspective, the combination of these two perspectives allows for the development of a more coherent liberal argument about the nature of state responses.[21]

The international society perspective, often referred to as the English School of international relations, focuses on the international state system as one integrated society of states. According to Emma Haddad, "International society is made up of values, rules and institutions, such as mutual recognition of sovereignty, the belief in equality of all states, the principle of non-intervention and international law, that are commonly accepted by all states in the system."[22] Through this view of the international state system, this perspective is able to account for the strength of international institutions and their relationship with states. Furthermore, this perspective emphasizes cooperation and mutual respect, which is imperative for the success of the international human rights regime.

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[21] When I refer to both perspectives in combination, I simply use the term "liberalism."

[22] Emma Haddad, 11.

INTERNATIONAL LAW

Liberalism offers several models for understanding state participation in and compliance with international human rights law. These models incorporate the rational choice perspective's emphasis on game theory and cost-benefit analysis. Liberalism argues broadly that state compliance relies on cooperation and communication between states as well as other actors. Furthermore, liberal perspectives deemphasize material threat, emphasizing instead the benefits of working together. Liberalism offers three models: coordination, cooperation, and cross issue persuasion.

Coordination and Cooperation

The coordination model is similar to the realist coincidence of interest model in that state interests converge; however, the coordination model argues that one state's action affects another state's action and that the two states will adopt the same actions in order to better work together.[23] This model is useful in explaining customary international law and how states work together on issues of lesser importance. It is unable to explain, however, any facet of international human rights treaty law because under these conventions, one state's action does not affect the others'. For example, Jordan's compliance with the CSR has no bearing on Argentina, which also complies with the CSR. Their mutual compliance is not coordinated. Furthermore, it is difficult to coordinate based on multilateral treaties, which comprise the bulk of human rights treaties.

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[23] Goldsmith and Posner, 32-33.

The cooperation model predicts that states will work together to craft an agreement that is amenable to both parties. This cooperation results when the payoff of working with the other state outweighs the payoff of working against the other state.[24] In terms of international human rights law, conventional wisdom argues that whether states abuse the human rights of their citizens does not affect other states. This argument fails, however, to consider people in one state that care about the human rights violations in other states.[25]

Cross Issue Persuasion

Cross issue persuasion refers to processes by which weaker states convince stronger states to care about issues they would otherwise view as inconsequential. In order to accomplish this, states first use issue linkage to connect topics of varying levels of interest to their collaborators. Issue linkage refers to when multiple issues are introduced during bargaining.[26] Issue linkage then serves as the foundation for cross issue persuasion, which refers to the "conditions under which actor A can persuade actor B to act in issue area X on the basis of its interest in issue area Y."[27] Without actor A linking issues X and Y, actor B will not act on issue X, since issue X is not relevant to it. As applied to cooperation in the international refugee regime, the South has to link the issue of refugees to another issue important to the North, such as international security, for the North to agree to share the burden of protecting refugees. The success of the international

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[24] Ibid, 30.

[25] Ibid, 112-113.

[26] Betts, *Protection by Persuasion*, 37.

[27] Ibid, 41.

refugee regime depends on the success of weaker states convincing stronger states that refugees matter.

Alexander Betts, in his study of several post-CSR conferences, focuses on what explains international cooperation in the international refugee regime. Betts argues that the regime relies on overcoming the realist assumption that powerful states (the North) do not necessarily support the regime and that weak states (the South) have no choice but to shoulder the burden of hosting refugees.[28] Thus, the South relies on cross issue persuasion in order to relieve some of the burden of hosting and protecting refugees, mostly through Northern financial assistance. But this does not explain Jordanian and Lebanese compliance because they have not utilized cross issue persuasion. Instead, their appeals are primarily humanitarian. Perhaps in correlation, the North does not provide enough financial aid to Jordan and Lebanon to fully fund adequate responses to the Syrian refugee crisis.

STATE RESPONSES TO REFUGEES

International society ideally promotes universal application of human rights; however, as this perspective argues, this conception of society often has negative consequences, specifically with regards to refugees, because it does not account for states that do not apply human rights universally. Emma Haddad argues that refugees are an inherent product of the international state system.[29] In an ideal world, states are responsible for providing rights to their citizens and for protecting them. If every state

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[28] Ibid, 13-14.

[29] Emma Haddad; Hurrell.

treats its citizens properly, there will be no need to flee. The system creates refugees when states fail to uphold their obligations to their citizens, forcing them to leave and occupy a gap in the international state system where they do not receive the protections of their states.[30] Responses to refugees have been contained within this system, specifically through policies of resettlement and repatriation, and therefore do not address the root causes of refugees: the factors forcing them to flee. The solution would be to change the nature of the international state system and its foundation on the concept of state sovereignty; however, since that is unfeasible, the best solution is to focus on temporary aid to refugees, which is the current response by Jordan, Lebanon, and UNHCR to the Syrian refugee crisis.

This perspective radically reconceptualizes refugees. As opposed to prior arguments that treat refugees as exceptions to the international state system, the international society perspective conceives of refugees as the direct result of an international state system in which states' obligations are primarily to their citizens. Furthermore, it expands the conceptualization of refugees from a modern phenomenon to an endemic part of international relations. It succeeds in reframing literature regarding refugees; however, it does not develop an understanding of state responses.

Liberalism generally argues for promotion of human rights and cooperation through international organizations. In this view, state responses to refugees are the product of an international regime that has facilitated individual state responses through North-South cooperation. Using UNHCR as a mechanism for transferring ideas, support,

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[30] Emma Haddad, 42-43.

and material aid, the international refugee regime provides temporary assistance for refugees in the search for a durable solution.

CRITIQUE OF LIBERALISM

While liberalism helps explain instances of North-South cooperation in the international refugee regime, it does not explain individual state responses to refugee crisis, specifically those of Southern states. Furthermore, in its focus on bilateral burden sharing, it ignores the significant role that UNHCR plays in assisting refugees. Finally, cross issue persuasion, while an important part of cooperation, does not adequately account for the role of the norm of respecting and protecting the rights of refugees in influencing state behavior. Empirically, the cases of Jordan and Lebanon do not exhibit cross issue persuasion.

CONSTRUCTIVISM

INTERNATIONAL LAW

The constructivist perspective on compliance and participation in international law holds that states undertake international legal obligations for non-instrumental reasons. This primarily refers to compliance for reasons other than coercion and cooperation: international norms, moral imperative, and *opinio juris*, or a sense of obligation. Compliance is a function of the consensus built around international law; constructivist literature examines how this consensus forms.

This body of literature argues that states comply with norms through processes of socialization. Socialization is "a process of inducting actors into the norms and rules of a

given community. Its outcome is sustained compliance based on the internalization of these new norms."[31] In contrast to realists, constructivists argue that the world cannot be understood purely through cost-benefit analyses of levels of threat but rather that state behavior is the product of underlying social pressures. Socialization, as constructivists use it, explains that states comply with international norms because of how they incorporate these norms into their identity. As such, scholars disagree as to how norms are internalized. In this literature, there are two microprocesses through which states can be socialized: normative persuasion and acculturation.

Normative Persuasion

As commonly defined, persuasion occurs when one actor changes his/her opinion based on an argument. Iain Johnston, in his examination of the microprocesses of socialization in international institutions, defines persuasion as "involv[ing] changing minds, opinions, and attitudes about causality and affect (identity) in the absence of overtly material or mental coercion."[32] This clearly distinguishes persuasion from the realist perspective because it rejects the influence of overt power dynamics and relies instead on discourse and argumentation.

In order to be persuaded, an actor must have a reason to incorporate the ideas of the persuader. Johnston offers three explanations. First, the actor, through rigorous thought and systematic analysis, "comes to conclusions different from those he/she began

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[31] Jeffery T. Checkel, "International Institutions and Socialization in Europe: Introduction and Framework," *International Organization* 59, no. 4 (October 2005): 804, accessed December 8, 2014, http://journals.cambridge.org/abstract_S0020818305050289.

[32] Johnston, 496.

with."[33] When presented with new information and a new argument, the actor will

incorporate it after fully examining it. Second, the actor incorporates the persuader's

argument because of the relationship between the actor and the persuader. If the

persuader is seen as an authority, as an ally, or part of an overwhelming majority, the

actor will change his/her initial conclusions to comply with the persuader's argument.[34] In

the international refugee regime, the UNHCR acts as the persuader and uses its status as

the authoritative organization to help shape refugee policy and persuade states to comply

with its standards.[35] Third, the actor's prior traits affect how much it can be persuaded.

For example, if the actor has already committed to a certain behavior and the persuader's

argument encourages it to deviate from this commitment, the actor is less willing to

change its conclusions. If the persuader, however, argues that its position demonstrates a

new, higher commitment, the actor will be more willing to change.[36] Thus, the status of

the actor when initially presented with the persuader's argument affects how effective the

argument actually is.

In the context of international law, persuasion exists at a normative level.

Persuaders attempt to change the conclusions of actors in order to comply with the norms

established by the international community, specifically those defined in international

treaties. Darren Hawkins, in his study of the drafting of the Convention against Torture,

argues that persuasion works best surrounding norms that are widely held, specifically

protection of vulnerable people from harm, the importance of past precedent, and the

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[33] Ibid.

[34] Ibid, 497.

[35] Barnett and Finnemore, 73-76.

[36] Johnston, 497.

utility of international cooperation to solve pressing international issues.[37] Treaty bodies

and enforcement organizations, such as UNHCR, use normative persuasion to both

cultivate international norms as well as encourage other actors to comply with these

norms. Compliance, therefore, can be understood as states changing their initial decision

of non-compliance as a result of arguments made by persuaders and internalizing the new

norm.[38] While this explains some changes in state behavior towards compliance, it does

not necessarily, in the absence of direct persuasion and influence from treaty bodies and

other authoritative actors, account for compliance.

Acculturation

      Acculturation refers to the "general process by which actors adopt beliefs and

behavioral patterns of the surrounding culture."[39] Given the surrounding culture, the actor

feels pressure to assimilate and will change its behavior and policy.[40] Ryan Goodman and

Derek Jinks identify two microprocesses that explain how acculturation affects actors.

First, cognitive pressures, pressures that the actor internalizes including the cost of

nonconformity and the benefit of conformity, drive the actor to assimilate.[41] Because of

their internal pressure, actors will change their behavior in order to, in essence, feel better

about themselves. Second, social pressures, pressures that the actors feel from a group

such as the cost of shaming and the benefit of mutual support, drive the actor to

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[37] Hawkins, 787.

[38] Goodman and Jinks, 635.

[39] Ibid, 626.

[40] Ibid, 638.

[41] Ibid, 640.

assimilate.[42] Organizations such as the United Nations Human Rights Council (HRC) use naming and shaming as a method to encourage compliance. The negative implications of being shamed should drive an actor to conform. Likewise, states benefit from the elevated social status they achieve when they comply with human rights treaties.

Unlike the broader work of the HRC and the international human rights regime, the international refugee regime does not have the same mechanisms in place to promote compliance. Specifically, there is no concrete naming and shaming process and there is no distinct community of compliant states. Acculturation, in the international refugee regime, relies on more diffused norms promoting the protection of refugees as a vulnerable group of people. Specifically within the AME, internalized norms of Arab and Islamic hospitality, referring to the Islamic concept of caring for guests until they find safety, and pan-Arab identity, referring to the social connection between people of Arab descent and the ensuing willingness to help each other because of that shared identity, are the source of the pressures to conform and comply with the regime.[43] Furthermore, states internalize past decisions, and this past precedent becomes a norm that pressures the state to continue making the same decision.

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[42] Ibid, 641.

[43] Dallal Stevens, "Shifting Conceptions of Refugee Identity and Protection: European and Middle Eastern Approaches," in *Refugee Protection and the Role of Law: Conflicting Identities*, ed. Susan Kneebone, Dallal Stevens, and Loretta Baldassar (London: Routledge, 2014), 84; "Pan-Arabism," *The Columbia Encyclopedia*, 2013, accessed December 16, 2014, http://revproxy.brown.edu/login?url=http://search.credoreference.com.revproxy.brown.edu/content/entry/columency/pan_arabism/0.

STATE RESPONSES TO REFUGEES

The constructivist approach to understanding state responses to refugees relies on IOs as actors. States act because of the policies and norms created by IOs and states often rely on these IOs to carry out much of the response. This is specifically pertinent to state responses to refugees, as UNHCR has grown from its initial mandate as an apolitical organization under the direct control of states into a moral and expert authority on refugees that is able to shape the international conversation regarding refugees.

In their foundational study of IOs, Michael Barnett and Martha Finnemore make several points regarding how and why IOs operate. First, they argue that IOs have autonomy. Even though states construct IOs to align with their interests, they must incorporate autonomous aspects into the IO in order for the IO to carry out its mandate.[44] This autonomy comes from their authority, which takes four forms: rational-legal, delegated, moral, and expert. Rational-legal authority refers to authority stemming from impersonal rules and procedures.[45] Delegated authority refers to authority granted to the IO through state initiated mandates.[46] Moral authority refers to authority from the IO's stated protection of a universal norm or protected group of people.[47] Expert authority refers to authority stemming from the IO's experience handling complex and specialized situations.[48] UNHCR has all four types of authority because of the bureaucratic nature of its policies and decision making processes, its mandate from the United Nations General

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[44] Barnett and Finnemore, 4-5.

[45] Ibid, 21.

[46] Ibid, 22.

[47] Ibid, 23.

[48] Ibid, 24.

Assembly, its stated position of protecting refugees and promoting the universal welfare of refugees, and its experience organizing responses to refugee crises.

Second, IOs have power to classify the world, fix meanings, and create and diffuse norms.[49] Classifying the world refers to creating social categories and placing issues within these categories.[50] For example, UNHCR has expanded the definition of refugee from the narrow definition of its initial mandate as well as the CSR and has categorized different types of people including refugees, internally displaced persons, and others not necessarily within the strict definition of convention refugee.[51] Fixing meanings refers to shifting and establishing meanings for terms that promote a different action.[52] Diffusion of norms refers to taking the categories, meanings, and social constructs and dispersing them through specific programs.[53]

Finally, IOs are fallible and have the ability to change. As bureaucracies, IOs create sets of rules in order to more efficiently achieve their goals. In the rigidity of these rules, the IOs can lose sight of their initial goals and shift their policy without realizing the dysfunction created.[54] Change occurs through similar mechanisms. This directly applies to UNHCR in its expansion of its mandate as well as its shift in focus from resettlement to repatriation.

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[49] Ibid, 31.

[50] Ibid, 31-32.

[51] Loescher, 123-126.

[52] Barnett and Finnemore, 32-33.

[53] Ibid, 33-34.

[54] Ibid, 38-39.

The constructivist approach, therefore, argues that UNHCR highly influences state responses to refugees. UNHCR has been able to shape state responses, specifically by shifting the preferred solution from resettlement to voluntary repatriation.[55] But in these shifts, the organization has also distanced itself from its original principles. By reemphasizing repatriation as the preferred solution for refugees, UNHCR has eased the "voluntary" aspect of voluntary repatriation. This shift away from placing the refugees' needs and desires at the core of the international refugee regime represents the authority and autonomy of UNHCR. Because UNHCR has adopted the opinion that repatriation is preferable, states work with UNHCR to implement this policy. Barnett terms this phenomenon of an IO deciding what policy is best despite it infringing on an individual's liberty and then implementing it as paternalism.[56] Paternalism has an adverse effect on on-the-ground operations because it shifts the focus of the actions on accomplishing UNHCR goals instead of what refugees deem is in their best interest.

IDENTITY AND THE ARAB MIDDLE EAST

Constructivist theory also emphasizes the importance of ethnic identity in international relations. By ethnic identity, I mean the identity a person ascribes themselves based on a sense of belonging to a particular ethnic, social, or cultural group. Many scholars have studied the role of ethnicity in international relations, specifically with regards to ethnic conflict.[57] Of pertinence to this study is the concept of ethnic

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[55] Loescher, 283-284.

[56] Barnett, 107.

[57] See, for example, James D. Fearon and David D. Laitin, "Ethnicity, Insurgency, and Civil War," *American Political Science Review* 97, no. 1 (February 2003): 75–90; Robert Brubaker and David D. Laitin, "Ethnic and Nationalist Violence," *Annual Review of Sociology* 24 (1998): 423–452; and John

solidarity. By ethnic solidarity, I mean that two people will empathize with each other and assist each other on the basis of shared ethnic identity. Karen Jacobsen, in her study of state responses to refugees, notes the importance of ethnic solidarity in these responses, stating, "Many border communities share ethnic and kinship ties, increasing the likelihood that refugees from the other side of the border will be welcomed and assisted."[58] While this argument applies to refugee crises around the world, it specifically manifests itself in the Arab Middle East (AME) because of a strong sense of Arab identity.

One of the predominant identities in the AME is that of Arab as a national identity. By this, I mean that Arab identity transcends the state boundaries in the AME. An Arab from Jordan and an Arab from Egypt share that national identity, while they might also identify as Jordanian and Egyptian, respectively.[59] This shared Arab national identity comes from a shared culture, language, and for many Arabs, religion.[60] Arab identity is often conflated with pan-Arabism as a political ideology, which advocated for the unification of Arab states into one larger state. Egyptian military dictator Gamal Abd al-Nasser was the biggest proponent of pan-Arabism; during his time in power he and the Syrian leadership unified their two countries for three years, creating the United Arab

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Coakley, "Comparing Ethnic Conflicts: Common Patterns, Shared Challenges," *Nationalism and Ethnic Politics* 15, no. 3–4 (December 17, 2009): 261–79, doi:10.1080/13537110903389320.

[58] Karen Jacobsen, "Factors Influencing the Policy Responses of Host Governments to Mass Refugee Influxes," *International Migration Review* 30, no. 3 (Autumn 1996): 669, accessed April 11, 2015, http://www.jstor.org/stable/2547631.

[59] For further discussion of the distinction between national and state identities, see Shibley Telhami and Michael Barnett, "Introduction: Identity and Foreign Policy in the Middle East," in *Identity and Foreign Policy in the Middle East*, ed. Shibley Telhami and Michael Barnett (Ithaca: Cornell University Press, 2002), 8-13.

[60] Ibid, 19.

Republic. Pan-Arabism failed as a political movement; however, as the authors in Shibley Telhami and Michael Barnett's volume discuss, Arab identity does influence the decisions made by AME states.

An important facet of Arab identity is the concept of hospitality. Arab societies, specifically in the Levant, the region including Syria, Lebanon, Palestine, and Jordan, are historically tribal and nomadic. Over the centuries, Arabs have cultivated a culture of hospitality towards visitors including specific protocols for how to properly host guests. While today's AME still has a nomadic population, much has settled permanently, mostly in major cities. Nevertheless, there remains a culture of hospitality.[61] When I lived in Jordan for four months, I saw first-hand the culture of hospitality. When my host family received guests, they would use the main entrance to the house (otherwise, we entered through the kitchen). They would then go the sitting room, a room rarely used, and then eat a large meal in the dining room, at which we never ate. Following cups of tea and long conversations, the visit would end. While my experience in Jordan does not apply to all Arabs, not even to all Jordanians, anyone who has lived in the AME experiences the presence of a pan-Arab identity and a culture of hospitality.

Taking into account pan-Arab identity and the Arab culture of hospitality deepens scholarly understanding of how AME states respond to refugees. Specifically, one can argue that Jordan and Lebanon are complying with the CSR with regard to Syrian refugees because of their culture of hospitality and their pan-Arab connection with Syrians. While I agree with the underlying principles of this argument, this argument

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[61] Andrew Shryock, "The New Jordanian Hospitality: House, Host, and Guest in the Culture of Public Display," *Comparative Studies in Society and History* 46, no. 01 (January 2004): 35–62, accessed April 14, 2015, doi:10.1017/S0010417504000039.

does ignore other political and economic factors that qualify the strength of pan-Arab identity. It furthermore does not account for the fact that in Lebanon, sectarian identity is much more pertinent than Arab identity. In her study of Iraqi refugees in Jordan, Victoria Mason shows that while pan-Arabism and hospitality do allow Iraqis to stay in Jordan, the government also uses these concepts in order to deny the Iraqi refugees rights.[62] As such, pan-Arab identity and hospitality must be incorporated with other theories in order to explain Jordanian and Lebanese compliance with the CSR; however, it cannot be applied carte blanche.

CRITIQUE OF CONSTRUCTIVISM

Constructivism's emphasis on norms and identity explains compliance through state behavior; however it does not necessarily account for the enforcement power of international treaties that flows from a specifically legal obligation. Because it does not examine participation, it is not fully equipped to examine non-participatory compliance. Still, its concepts of normative persuasion and acculturation provide an important foundation for understanding participation in and compliance with IHRL.

The constructivist approach to state responses to refugees emphasizes the relationship between states and UNHCR. By incorporating the normative influence of IOs and the power of their authority, constructivism effectively explains state responses in instances where UNHCR has a large on-the-ground presence, such as in Jordan and Lebanon. This approach can also be applied, although to a lesser extent, to United

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[62] Victoria Mason, "The Im/mobilities of Iraqi Refugees in Jordan: Pan-Arabism, 'Hospitality' and the Figure of the 'Refugee,'" *Mobilities* 6, no. 3 (September 2011): 353–73, doi:10.1080/17450101.2011.590035.

Nations Relief Works Agency (UNRWA) and its relationship with those two states. Yet in its promotion of the role of UNHCR and IOs in general, constructivism under-appreciates the power of states to affect UNHCR activity. Furthermore, in the cases of Jordan and Lebanon, UNHCR only has moral and expert authority, not legal authority. Therefore, Jordan and Lebanon have the ultimate power to define how closely they work with UNHCR.[63] Constructivism does not account for this dynamic.

AN INTEGRATED APPROACH

None of these perspectives (realism, liberalism, and constructivism) is by itself fully able to answer the questions that arise from the patterns of state participation and compliance with the CSR. Literature on state compliance with international law does not successfully explore the decision making of non-participatory compliant states. Literature on state responses to refugees largely ignores the role of international law and its effects on states' policies. In order to fully understand how the CSR affects state responses to refugees, I argue that these two bodies of literature must be combined.

Scholars writing about the international legal refugee regime have begun to combine these two bodies of literature; however, this literature largely focuses on the specific rights enumerated in the CSR and how they directly affect refugees. For example, Goodwin-Gil and McAdam thoroughly delineate the definition of refugee and its application; however, their focus is not necessarily on state interaction with the CSR but rather the determination of the legal status of refugees.[64] This emphasis is apparent in

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[63] Stevens, "Shifting Conceptions," 87.

[64] Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law*, 3rd ed. (Oxford: Oxford University Press, 2007).

other studies which examine specific groups of refugees.[65] Further studies examine how refugee status and asylum procedures affect the identity of refugees.[66] These studies largely ignore the relationship between state action and the CSR.

International human rights law is comprised of specific treaties detailing rights that, for the most part, protect specific groups of people. While some treaties, specifically the two major human rights covenants, are more generalizable, conventions such as the Convention on the Rights of the Child, the Convention to End all forms of Discrimination against Women, and the CSR are specific in which populations they protect.[67] Likewise, conventions such as the Genocide Convention and the Convention against Torture prohibit specific actions by states and involve their own separate legal regimes. Because each convention addresses a specific topic, it stands to reason that by combining theories from both compliance literature and literature on the specific rights and protections entailed in the international legal regime, one is better able to understand variance in state compliance. Specifically by using a case study method instead of a large-n survey or game theory model, which is common in these literatures, one can isolate country specific variables that influence decisions to participate and comply. Furthermore one can track these variables over time.

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[65] Takkenberg; Joseph Sassoon, *The Iraqi Refugees: The New Crisis in the Middle East* (London: I.B. Tauris, 2009).

[66] See, for example: Alan E. Nash, ed, *Human Rights and the Protection of Refugees under International Law: Proceedings of a Conference Held in Montreal, November 29-December 2, 1987* (Montreal: Canadian Human Rights Foundation, 1988); Are J. Knudsen and Sari Hanafi, eds., *Palestinian Refugees Identity, Space and Place in the Levant* (London: Routledge, 2011).

[67] The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are the two treaties that codify the Universal Declaration of Human Rights. These enumerate rights that apply to all people.

EXPLAINING COMPLIANCE WITHOUT PARTICIPATION

In order to study how the norms of the CSR influence Jordan and Lebanon, I integrate theories of compliance and participation with the political and social dimensions presented by the international relations literature on refugees. By integrate, I mean that I use explanations from both the literature on compliance and the literature on state responses to refugees together in order to analyze my cases. I further incorporate the idea presented by Jacobsen that a state's previous decisions to host refugees affect its current decision to host refugees.[68] In these case studies, I explain Jordanian and Lebanese actions at each point in this study's time frame using the theories presented in this chapter. I then chronologically show the connections between each decision, thus adding the historical explanation to the theories presented earlier. Furthermore, I develop a specific approach that helps explain the more abstract process by which Jordan and Lebanon make decisions regarding their treatment of refugees.

My approach shows that states initially decide to participate and/or comply based on an initial cost benefit analysis. This analysis is based on the antecedent conditions in the state and the internal objectives of the state. Once the state decides, it implements a policy in order to carry out this decision. By policy, I do not necessarily mean that the state takes direct action; rather, I mean that the state's actions will align with that decision. If the state's previous actions align with the decision, then the state does not take any new action to implement the policy. The policy has normative effects on the state as it establishes a precedent as well as a standard attitude towards the law. The state internalizes the normative effects through socialization, reinforcing the decision. When a

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[68] Jacobsen, 669.

situation arises that requires the decision to be reassessed, the state is more likely to make

the same decision because it is already internalized. This decision remains the same until

the conditions become unsustainable. This internal portion of the approach is depicted in

Figure 2.1.

Figure 2.1: The Internal Process of an Integrated Approach of Participation in and
Compliance with International Human Rights Law

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┌─────────────────────┐      ┌──────────┐      ┌─────────────────────┐
│ Antecedent Conditions│ ───▶ │ Decision │ ───▶ │ Policy Implementation│
└─────────────────────┘      └──────────┘      └─────────────────────┘
                                   ▲
                             Situation requiring        Normative
                               reassessment          effects of policy

                                        Internalization via
                                           socialization
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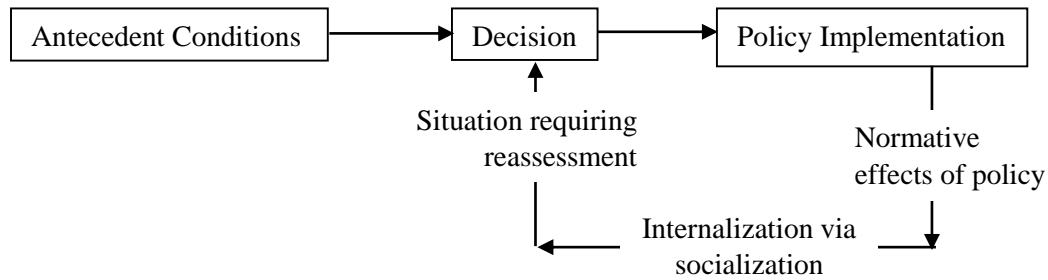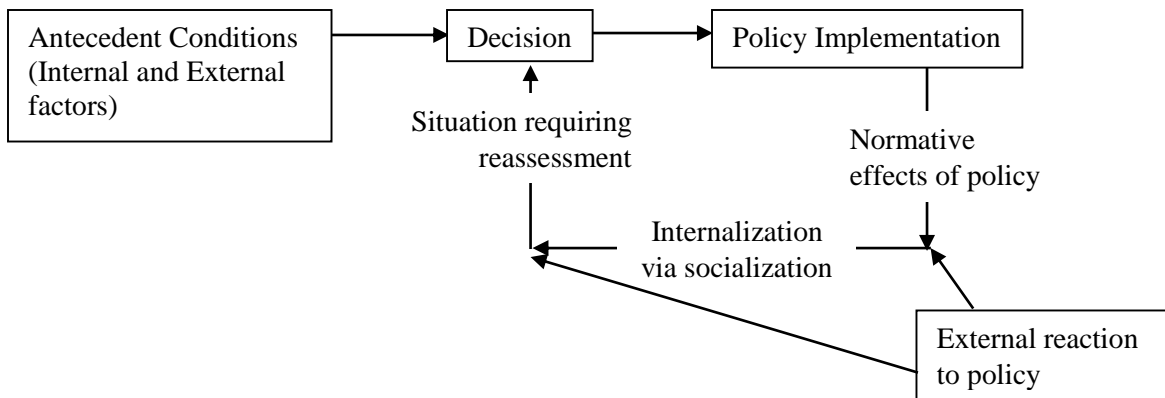
As discussed throughout this chapter, external factors influence the decisions

made by states. Specifically, external pressure can help overcome the initial decision and

change state behavior. Thus, I incorporate external actors and their associated pressures at

every stage of the internal approach. Specifically, external pressure occurs during three

parts of the process. First, external factors are part of the antecedent conditions. IHRL

stems from multilateral treaties, and the existence of these treaties often forces the state to

make the decision. Second, once the state adopts a decision and implements its policy,

the international community reacts. This reaction has effects on the state and becomes

part of the internalization process. Then, this reaction can lead to the situation

necessitating reassessment of the decision. The entire model is depicted in Figure 2.2.

Figure 2.2: An Integrated Approach of Participation in and Compliance with International Human Rights Law

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┌─────────────────────┐        ┌──────────┐        ┌────────────────────────┐
│ Antecedent Conditions│ ────► │ Decision │ ────►  │ Policy Implementation  │
│ (Internal and External│       └──────────┘        └────────────────────────┘
│ factors)             │            ▲                          │
└─────────────────────┘      Situation requiring         Normative
                              reassessment              effects of policy
                                    │                          │
                                    ◄── Internalization        ▼
                                        via socialization   ┌────────────────┐
                                    ◄──────────────────────│ External reaction │
                                                            │ to policy         │
                                                            └────────────────┘
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As described, this approach exists at an abstract level; however, it also explains Jordanian and Lebanese compliance with the CSR. Jordan and Lebanon decided to protect and host Palestinian refugees following the 1948 Arab-Israeli War. They decided to host refugees in part because of the internal factors of sharing an Arab identity with Palestinians and simply having a large population in the territory in need of humanitarian assistance. In order to maintain political control over the West Bank, Jordan integrated Palestinians into its society while, in order to maintain political balance, Lebanon marginalized Palestinians. Following the 1967 Arab-Israeli War, Jordan and Lebanon reevaluated their decision to host and protect a new wave of Palestinian refugees; because of their previous decision to host and protect, they continued to do so in the same manner. This cycle repeats itself with regard to Iraqi refugees and currently with regard to Syrian refugees. Each iteration has its own nuances which I enumerate in Chapters Four and Five. Finally, as the socio-economic burden of hosting refugees mounts, Jordan and Lebanon are currently revisiting their decision to comply with the CSR with regard to Syrian refugees. The outcome of this decision is unknown as of this writing.

CONCLUSION

In this chapter, I situate my study within literature on participation in and compliance with international human rights law and literature on state responses to refugees. I analyze both bodies of literature through the lenses of three perspectives of international relations theory: realism, liberalism, and constructivism. Each perspective emphasizes a different aspect of international relations (material power, cooperation, and norms respectively); when taken alone, no perspective explains Jordan and Lebanon's non-participatory compliance with the CSR.

Neither body of literature as a whole explains Jordan and Lebanon. Theories and models from literature on participation and compliance, specifically coincidence of interest, cross issue persuasion, normative persuasion, and acculturation, serve as starting points for understanding these responses to the Syrian refugee crisis; however, given the fairly unique geo-political and historical situation, the current literature must incorporate the more regime specific body of literature. Likewise, theories and models from literature on state responses to refugees, specifically Bed for the Night humanitarianism and constructivism's focus on IOs, begin to explain these responses. Yet, scholars have not developed this literature to include participation in and compliance with the CSR as a factor. Through my Integrated Approach, I combine these bodies of literature as well as the theoretical perspectives in order to better understand Jordanian and Lebanese actions given their unique situations.

Further research can expand on this study in several ways. First, it can apply my Integrated Approach to different categories of states, specifically non-compliant states. Second, the same can be done for different sets of human rights regimes. This will

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determine whether my model is generalizable as well as the accuracy of this analysis.

Third, the process through which these policies become internalized can be examined and

the factors identified. Finally, research on the political factors behind decisions made

with specific regard to Syrian refugees can better inform this study.

CHAPTER THREE
THE DEVELOPMENT OF THE INTERNATIONAL REFUGEE REGIME

While refugees are not a modern concept, the international refugee regime is. Beginning at the start of the 20th century and growing throughout the past 100 years, the regime has developed into a complex system of organizations, state and non-state actors, international law, and domestic policies, coordinated and tracked by the United Nations High Commissioner for Refugees (UNHCR). With millions of refugees spread through over 125 countries, the international refugee regime is today an integral facet of international relations.[1]

The regime has experienced three stages of growth. Initially, the regime was comprised of region-specific refugee treaties, meaning laws and policies devoted to protecting refugees from specific countries and/or conflicts. This became the preferred method of dealing with the refugee flows during the interwar period between the two World Wars as well as the immediate years following World War II. Following its formation in 1948, the UN created two organizations to assist refugees: the International Refugee Organization (IRO), which was the first attempt at creating a program that incorporated multiple types of refugees, and the UN Relief Works Agency (UNRWA), which assisted refugees created as a result of the 1948 Arab-Israeli War. The UN created UNHCR in 1950, followed by the Convention relating to the Status of Refugees in 1951

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[1] UNHCR, "Where We Work," *UNHCR: The UN Refugee Agency*, accessed January 30, 2015, http://www.unhcr.org/pages/49c3646c206.html.

(CSR). UNHCR quickly became the authoritative organization on refugees and used its influence to expand its scope of operations as well as its mandate. At the same time, regional organizations began creating their own regimes. Sixty four years following the passage of the CSR, the international refugee regime has developed into a multilateral, multifaceted, and ubiquitous entity.

As the international refugee regime has grown, several key components have evolved with it. Specifically, the definition of refugee, the scope of operations of international organizations, and the protections guaranteed refugees in conjunction with the obligations of the state changed with each addition to the regime. As discussed in Chapter One, the definition of "refugee" has changed from "regional refugee" to "convention refugee" to the current, broader definition of refugee. Similarly, the scope of the regime started as limited and a detailing a few specific rights, transitioned to an established legal regime, and transformed into the broad set of standards of treatment and normative practices. Finally, the protections have changed as well, growing to encompass a variety of issues such as marriage, labor, welfare, identification, and *non-refoulement*.

In this chapter, I trace the development of the international refugee regime through three time periods: pre-1951, the drafting of the CSR, and the expansion of UNHCR and the development of regional regimes. Then, I examine the Arab Middle East's (AME) relationship with the international refugee regime and its failure to create a regional regime of its own, making it the only region aside from Asia without a regional regime. I trace developments in the definition of refugee, the scope of the regime, and the protections offered in order to demonstrate the changes from period to period.

PRE-1951: THE BIRTH OF THE REFUGEE REGIME

REGIONAL-SPECIFIC REFUGEE REGIMES

The international refugee regime began following World War I as the international community realized the need for a coordinated response to the refugees created by the conflict. Russian refugees were the first group addressed by the refugee regime. In 1921, the League of Nations appointed Fridtjof Nansen to be the High Commissioner for Russian Refugees, tasked with helping Russian refugees secure their identity and travel more freely.[2] He convened the first intergovernmental conference regarding the legal status of refugees in Geneva in July 1922.[3] This conference narrowly defined the scope of what became known as the 1922 Arrangement (an Arrangement with Respect to the issue of Certificates of Identity to Russian Refugees), covering only people of Russian origin who, aside from not being in Russian territory, had not acquired a new nationality.[4] As a result of the 1922 Arrangement, Russian refugees were issued Nansen Passports which identified them as bona fide Russian refugees. This allowed states to keep track of the number of Russian refugees in their territory as well as encouraged states to grant Russian refugees entry visas.[5] As well as containing the first definition of "refugee," the 1922 Arrangement created the first protection and obligation in this travel document, which is an important part of the CSR and the international refugee regime

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[2] Claudena M. Skran, "Historical Development of International Refugee Law," in *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol: A Commentary*, ed. Andreas Zimmermann (Oxford: Oxford University Press, 2011), 7.

[3] Ibid.

[4] Ibid; League of Nations, Arrangement with respect to the issue of certificates of identity to Russian Refugees, July 5, 1922, *League of Nations Treaty Series (LNTS)* XIII, No. 355.

[5] Skran, 7.

today. While not legally binding on the 52 participating countries, the Arrangement created a principle that changed how the world thought of refugees.[6] In 1924, the League of Nations supported the expansion of the Nansen system to include Armenian refugees, which became the 1924 Plan as supported by 39 countries.[7]

The League of Nations continued to push for the expansion of the international refugee regime. In order to further ease the burden of refugeedom, 22 countries accepted the 1926 Arrangement (Arrangement Relating to the Issue of Identity Certificates to Russian and Armenian Refugees, Supplementing and Amending the Previous Arrangements Dated July 5th, 1922, and May 31st, 1924).[8] The 1926 Arrangement facilitated the return of refugees to their host states by recommending the issuance of return visas to Nansen passport holders, which expanded the refugee's right to travel and its associated protections.[9] It further defined Russian and Armenian refugees by including the phrase "who does not enjoy or who no longer enjoys the protection of" their home government.[10] This redefined refugeedom in terms of a failure of a home government to guarantee rights and protection. The Arrangements of 1928 (Provisions 1 and 2) extended the Nansen System to Assyrians and Christian minorities from the Ottoman Empire.[11] The Arrangements defined these refugees in terms of an ethnic distinction, rather than the

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[6] Ibid, 8.

[7] Ibid.

[8] Ibid, 9-10.

[9] Ibid, 9. League of Nations, Arrangement of 12 May 1926 relating to the Issue of Identity Certificates to Russian and Armenian Refugees, Supplementing and Amending the Previous Arrangements Dated July 5th, 1922 and May 31st, 1924, May 12, 1926, *LNTS* LXXXIX, No. 2004.

[10] Arrangement of 12 May 1926.

[11] League of Nations, Arrangement Concerning the Extension to Other Categories of Refugees of Certain Measures Taken in Favour of Russian and Armenian Refugees, June 30, 1928, *LNTS* LXXXIX, No. 2006.

political distinction of Russian and Armenian.[12] The Arrangements also defined the functions of the High Commissioner's office, which included identifying refugees, offering consular services, and generally advocating on their behalf.[13] These Arrangements expanded regime protections to include the recognition of the personal status of refugees and basic rights to labor.[14] While this system of ad hoc and piecemeal non-legal regional arrangements succeeded in beginning the international refugee regime, the international community recognized that the refugee problem was not a temporary phenomenon and that the world needed a more comprehensive, legally binding agreement.

The League of Nations supported the 1933 Convention relating to the International Status of Refugees, the first major multilateral treaty granting rights to refugees and imposing obligations on state parties. This Convention does not develop a new definition of "refugee;" rather, it limits its scope to previous definitions that include Russians, Armenians, and those from the 1926 and 1928 agreements.[15] Despite the lack of development of the definition of refugee, the 1933 Convention contains several new protections for refugees. First, the 1933 Convention contains the first codification of *non-refoulement* in refugee law.[16] *Non-refoulement* is the principle that a person outside of their country of origin should not be returned to that country of origin if their life or

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[12] Skran, 11-12.

[13] Ibid, 12-13.

[14] League of Nations, Arrangement Relating to the Legal Status of Russian and Armenian Refugees, June 30, 1928, *LNTS* LXXXIX, No. 2005.

[15] League of Nations, Convention Relating to the International Status of Refugees, October 28, 1933, *LNTS* CLIX, No. 3663, accessed January 18, 2015, http://www.refworld.org/docid/3dd8cf374.html, 1-2.

[16] Skran, 18; 1933 Convention, 2.

freedom is jeopardized upon his/her return. While *non-refoulement* was not a new principle at the time, states were under no obligation to observe it; thus, the 1933 Convention in effect created the most important protection given to refugees. Furthermore, the 1933 Convention codifies the protections created by the 1928 Arrangements, specifically labor rights and social welfare provisions. Given the legal weight of a convention, these protections were now obligations for the state. Finally, it included new standards of treatment, "either that refugees should be treated the same as nationals…or given the most favourable treatment afforded to foreign nationals."[17] The international refugee regime continues to use these standards today. The 1933 Convention significantly developed the international refugee regime through its legally binding character; however, with only eight state parties to the document and a significant number of reservations, specifically with regard to expulsion and labor, the regime was not widely adhered to.[18] Nevertheless, the 1933 Convention would become the basis for future pillars of the international refugee regime: the IRO, UNHCR, and the CSR.

The 1933 Convention is the first instrument of the international refugee regime to include participation from an AME country: Egypt. Up to this point, since most AME nations were still not independent nations, the Arab community was unable to be active in the international refugee regime. Furthermore, because the international refugee regime used a narrow, Europe-centric definition of refugee, AME states had little reason to contribute to the regime.

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[17] Skran, 25.

[18] 1933 Convention, 200-203; Skran, 24-25.

Between 1933 and 1939, approximately 400,000 people fled Germany, 80% of them Jewish.[19] Instead of incorporating them into the definition adopted by the 1933 Convention, the League of Nations instead decided to create a separate legal regime with its own High Commissioner for German refugees.[20] The Commissioner, without financial support, helped organize the work of private organizations as well as emigration; however, the Commissioner decided that a separate legal agreement was needed. Seven countries accepted the 1936 provisional agreement that dealt with refugees coming from Germany, provided them with Nansen-like passports, and protected them from *refoulement*.[21] This temporary arrangement was replaced by the 1938 Convention, which approximated the 1933 in a few clauses; however, it did not include labor rights. This was ratified by two countries.[22] As a result of the inefficacy of this Convention, the United States convened its own conference to create the Inter-Governmental Committee on Refugees. Given the power to directly address the German government, the Committee symbolized "a frustration with legal solutions to the refugee problems" which were ineffective and required a new arrangement with every subsequent refugee crisis.[23] This frustration did not create a new initiative given the outbreak of World War II; however, following the creation of the United Nations, refugees became a priority.

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[19] Skran, 26.

[20] Ibid.

[21] Ibid, 27-29.

[22] League of Nations, Convention concerning the Status of Refugees Coming from Germany, February 10, 1938, *LNTS* CXCII, No. 4461.

[23] Skran, 34.

THE INTERNATIONAL REFUGEE ORGANIZATION

World War II created a refugee crisis of historic proportions for the world community. Close to one million Europeans were considered refugees or displaced persons as a result of the conflict. Further refugees came from Spain as a result of the Spanish Civil War and the ensuing totalitarian regime. As such, the recently created UN created the International Refugee Organization (IRO) as a short-term solution to the European refugee crisis. Specifically, the Constitution of the IRO limited its scope of competence to assisting in the repatriation and resettlement of the refugees as well as the provision of basic necessities.[24] It did not, however, provide any legal guarantees and relied on the goodwill of countries able to receive refugees.

The IRO had an operational mandate of three years, reflecting the amount of time and money countries were willing to give to the refugee crisis. Within these years, it assisted a broader group of refugees, including victims of the Axis powers, Spanish victims of the Falangist regime, and pre-World War II refugees.[25] The Constitution goes on to exclude those who aided the Axis powers as well as ethnic Germans and German nationals.[26] As the IRO's three-mandate began to close, the UN again recognized the need for an international organization to help combat the still present refugee crisis. Thus, it

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[24] United Nations, Constitution of the International Refugee Organization, December 15, 1946, *United Nations Treaty Series (UNTS)* 18, accessed April 11, 2015, http://www.refworld.org/docid/3ae6b37810.html.

[25] Ibid.

[26] Ibid.

decided to create UNHCR and, in addition, called for the exploration of a convention to codify the legal standing of refugees.[27]

The IRO saw participation from an increased number of AME countries. In the Annex detailing expected financial contributions, Egypt, Iraq, Lebanon, Saudi Arabia, and Syria are all listed as expected contributors.[28] This shows that the AME began to contribute to the international refugee regime as more AME states gained independence.

UNRWA[29]

As the IRO assisted with the resettlement and repatriation of European refugees, a new population of refugees emerged from the 1948 Arab-Israeli War. This population consisted of both Arabs from the former Palestine as well as Jews living in the surrounding Arab states. These groups, not included in the previous region-specific regimes or the constitution of the IRO, necessitated immediate action from the international community. As such, the UN established UNRWA, a humanitarian organization designed to provide immediate assistance to Palestine refugees.[30] The charter of UNRWA again provided a limited, regional definition of refugee as well as a limited scope of operations. UNRWA has since expanded; however, it remains a

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[27] ECOSOC, Study of Statelessness, August 8, 1949, 248 A (IX), accessed January 30, 2015, http://www.un.org/ga/search/view_doc.asp?symbol=E/RES/248(IX), 58-60.

[28] Constitution of the International Refugee Organization.

[29] For a detailed organizational history of UNRWA, see Benjamin N. Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians*, 1st ed, Contemporary Issues in the Middle East (Syracuse: Syracuse University Press, 1995).

[30] The term "Palestine refugees" includes both Jews and Arabs and is only used by UNRWA.

humanitarian organization and the refugees it assists are not legally protected by either

UNRWA or the CSR, as I explain in the following section.

1951: DRAFTING THE CONVENTION

The 1951 Convention relating to the Status of Refugees underwent several stages

of drafting before it was opened for signature and ratification by the international

community. The concept came from ECOSOC resolution 248 (IX) B calling for the

creation of an ad hoc committee to examine the issue of statelessness and related

problems.[31] This committee, comprised of representatives from 13 UN member states,

created the first draft of the Convention, drawing on principles from previous instruments

of the refugee regime. The committee attempted to take a middle road in drafting the

convention, stating,

> The Committee…thought it desirable on the one hand not to draw up a draft
> which would set out merely the existing practice common to all States represented
> on the Committee. On the other hand, it considered it undesirable to formulate an
> ideal solution and thereby set out provisions which would not be likely to obtain
> the acceptance of many Governments.[32]

The committee was able to adopt this stance because it was merely a drafting body; states

were not obligated to sign future iterations of the convention and as such, state interest

played a smaller role in this stage of drafting.[33] Following amendments and comments

presented by ECOSOC, the committee again took up the CSR, adopting further, although

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[31] ECOSOC, Study of Statelessness, August 8, 1949, 248 B (IX), accessed January 30, 2015,
http://www.un.org/ga/search/view_doc.asp?symbol=E/RES/248(IX), 60-61.

[32] ECOSOC, Report of the Ad Hoc Committee on Statelessness and Related Problems, February 17, 1950,
E/1618, accessed January 30, 3015, http://www.refworld.org/docid/40aa15374.html, 36.

[33] Ibid.

smaller, changes. Finally, the GA sent the convention to the 1951 Geneva Conference for finalization and signature.

The Geneva Conference was opened to 80 nations, both UN member states as well as non-member states invited by the Secretary-General. Of those 80, only 24 sent delegations. In addition to these 24 delegations, IOs such as UNHCR, IRO, and the International Labor Organization, as well as NGOs such as the Friends' World Committee for Consultation, the International Council of Women, and the World Jewish Congress attended. Throughout the course of the conference, countries debated each aspect of the CSR, emphasizing the extent, both large and small depending on the country, that their governments were willing to amend current practices.

At the end of this process, the CSR depicted an accurate assessment of the willingness of nations to obligate themselves to protect refugees and how they thought refugees should be treated in general. The Convention as a whole broadened the definition of refugee, the protections offered by the legal regime, and the obligations undertaken by participating states. Yet, the final drafting stage demonstrated the role that protecting national interests played in delineating the specific rights. A close reading of the summary records of the Conference shows the specificity demanded by nations in order to ensure that the CSR represented their national interests.[34] It is through these records that one can see the development of the refugee regime.

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[34] For a thorough interpretation of the CSR and its Protocol, see Andreas Zimmermann, ed., *The 1951 Convention relating to the Status of Refugees and its 1967 Protocol: A Commentary* (Oxford: Oxford University Press, 2011). For an analysis of the Traveaux Preparatories, see Paul Weis, *The Refugee Convention, 1951: The Travaux Preparatories Analysed, with a Commentary by the Late Dr Paul Weis* (Cambridge: University Press, 1995). Documents relating to the Geneva Conference can be found on the UNHCR website as well as at refworld.org.

DEFINING REFUGEE

The definition of refugee received several modifications throughout the drafting

process of the CSR. Given that the Convention's purpose was to define the legal status of

refugees, the definition codified in it would have to be broader than the extant

instruments of the regime. As such, the definition transformed drastically from previous

definitions. Each stage of drafting brought new changes to the definition; however, the

general underlying pillars of the definition, victims of persecution, outside of their

country, and unwilling and/or unable to avail themselves of their country's protection,

remained the same. Changes focused primarily on how to qualify the general definition in

order to make the definition acceptable to countries deciding whether or not to participate

in the CSR. The discussions focused primarily on two areas: temporal and geographic

restrictions and the status of Palestinian refugees.

As discussed, previous instruments of the international refugee regime placed

large temporal and geographic restrictions to the definition of refugee. The temporal

restriction placed on the CSR, present from the first report of the Ad Hoc committee,

limited the definition of refugee to those created "as a result of events in Europe

before…1951."[35] This restriction meant that people could still become refugees after

1951 if the cause of their refugeedom was the events before 1951; however, new events

could not create refugees. This ensured that the state parties would not be obligating

themselves to grant legal status to an unknown number of refugees. The phrase "in

Europe," the geographic restriction, limited the definition further as it did not include

refugees created by Japanese action in Asia as well as any potential conflicts in South

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[35] UNGA, Draft Convention relating to the status of refugees, August 16, 1950, 319 B (XI), 58.

America and Africa. While the temporal restriction was never removed from the draft convention, the draft convention sent to the Geneva Conference did not include "in Europe," which caused a major rift between different perspectives on the scope of the CSR.

The debate over the inclusion of "in Europe" divided the Geneva Conference into "Europeanists," who supported the geographic restriction, and "Universalists," who supported a broad definition of refugees. The great powers fell on both sides of the debate. France, and to a lesser extent the United States, staunchly advocated for the inclusion of "in Europe" because they believed that more countries would be willing to participate in the CSR if they were only obligated to European refugees. They further contended that aside from refugees in the Middle East, which were already excluded by Article 1 (D), and a minute number of South American refugees who were already being granted asylum, the only non-European refugees were those in China. Since there was no report on the number of Chinese refugees, the international community could not be expected to consider them Convention refugees.[36] The United Kingdom, Belgium, and Canada all argued for the Universalists, claiming that the Convention was supposed to promote as broad a definition as possible and that the Conference, through these restrictions, was going to deny thousands of future refugees legal status.[37] The Holy See

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[36] Statement by Mr. Warren, UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (Geneva Conference), *Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons: Summary Record of the Twenty-first Meeting*, November 26, 1951, A/CONF.2/SR.21, accessed January 16, 2015, http://www.unhcr.org/3ae68cdec.html.

[37] France and Canada originally held the opposite positions during the Ad Hoc committee. France favored universal application while Canada favored limitations. Both changed positions following the first Ad Hoc Committee. See Terje Einarsen, "Drafting History of the 1951 Convention and the 1967 Protocol," in Zimmermann, 57; Statement by Mr. Habicht, Geneva Conference, *Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons: Summary Record of the Nineteenth Meeting*, November 26, 1951, A/CONF.2/SR.19, accessed January 16, 2015, http://www.unhcr.org/3ae68cda4.html.

offered an amendment to allow nations to choose whether or not to apply the phrase "in Europe;" this became Paragraph B of Article 1.[38] While states did not like that there would be no uniform definition and recognized that people considered Convention refugees in one country might not be considered Convention refugees in another, this compromise ensured that a wide array of states would participate in the CSR. The geographic and temporal restrictions represent the unwillingness of governments to fully transform the refugee regime from a regional-refugee focused entity. Couched in the terms of national interest, it was difficult to argue that states would be willing to agree to protect an unknown and possible massive number of refugees. Following international developments, these restrictions would be removed by the 1967 Protocol.[39]

Following the second report of the Ad Hoc committee, ECOSOC and the GA once again amended the Convention, specifically the definition of refugee therein. The largest change came from Arab states who were concerned that the international community would lose interest in finding a permanent solution for Palestinian refugees. Thus, they introduced an amendment that precluded refugees being assisted by other UN organizations from being considered refugees under the CSR.[40] At the time, this referred only to Korean refugees assisted by the UN Korean Refugee Agency and Palestinians

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[38] Geneva Conference, *Draft Convention Relating to the Status of Refugees, Holy See: Amendment to Article 1*, July 16, 1951, A/CONF.2/80, accessed January 16, 2015, http://www.unhcr.org/3ae68ce76c.html; Geneva Conference, *Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons: Draft Convention Relating to the Status of Refugees, Text of Article 1 proposed by the Drafting Group (Belgium, Canada, Holy See, United Kingdom)*, July 24, 1951, A/CONF.2/105, accessed January 16, 2015, http://www.unhcr.org/3ae68cdb4c.html.

[39] The 1967 Protocol to the CSR removed the geographic and temporal restrictions from the definition of "refugee." It also emphasized cooperation with UN agencies.

[40] UNGA, *Draft Convention Relating to the Status of Refugees,* December 14, 1950, 429 (V), http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/060/27/IMG/NR006027.pdf?OpenElement, 49.

under UNRWA's jurisdiction. By including this amendment, Arab states sought to emphasize the need for a permanent solution to the Arab-Israeli conflict and place pressure on Israel to take more responsibility for Palestinian refugees. At the same time, Western states supported the amendment because it prevented multiple UN agencies from having responsibility for Palestinian refugees, thus overlapping in their competency.[41] In practice, this restriction has only served to preclude Palestinian refugees being assisted by UNRWA from being considered Convention refugees and thus to deny them the legal protections guaranteed by the Convention.

At the Geneva Conference, Egypt and Iraq, the two Arab states in attendance, introduced another amendment aimed at providing for Palestinian refugees following the expected dissolution of UNRWA. The amendment conferred the status of Convention refugee on Palestinians still qualifying under the general principles of refugeedom (persecution, etc.) even after UNRWA's work ended. This amendment would have had more impact had UNRWA's work ended; however, it still represents an acknowledgement in the original text of the CSR that refugees outside of Europe could eventually be included.

Interpretation of Article 1D is fairly straightforward when it comes to Palestinian refugees being directly aided by UNRWA. This interpretation diverges when the Palestinian refugees have not availed themselves of UNRWA assistance both by choice and by the lack of UNRWA operation in their region. UNHCR assists Palestinian refugees outside of UNRWA operational territory; however, Takkenberg argues that this

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[41] Mutaz M. Qafisheh and Valentina Azarov, "Article 1D (Definition of the Term 'Refugee'/Définition du Terme 'Réfugié')," in Zimmermann, 543.

is a misinterpretation of Article 1D and that in fact the clause excludes Palestinian refugees outright.[42] Conversely, Qafisheh and Azarov argue that Article 1D only applies if the refugee is eligible for UNRWA protection and claims that protection.[43] This debate demonstrates the difficulty associated with narrowing the definition of "refugee."

PROTECTIONS AND OBLIGATIONS

The protections afforded to refugees and the obligations placed on the states party to the CSR both expanded upon previous elements of the international refugee regime as well as new provisions whose inclusion represent the increased scope of the CSR as compared to its predecessors.

The CSR discusses, in three articles, whether states must allow refugees within their territory. Because there is no specific right to asylum, the Convention must determine how states should treat refugees, specifically those who enter states unlawfully. Lawful entry means that the state admits the refugee through whatever system it has for coping with refugees. This process is normally documented and fully compliant with all domestic laws. Unlawful entry, on the other hand, means that the refugee enters the state without going through the proper mechanisms, such as crossing the border at an unauthorized point. The CSR obligates states to not penalize unlawful entry and to allow these refugees to stay in their territory.[44] The CSR is the first instrument of the international refugee regime to implement non-penalization,

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[42] For Takkenberg's complete analysis of Article 1D, see Takkenberg, 90-123.

[43] Qafisheh and Azarov, 551.

[44] Gregor Noll, "Article 31 (Refugees Unlawfully in the Country of Refuge/Réfugiés en Situation Irréguliere dans le Pays d'Accueil)," in Zimmermann, 1246.

emphasizing the importance of accommodating refugees.[45] Despite the obligation, "certain States still deny asylum seekers and refugees" the article's benefits because of "absent or incomplete implementation…in domestic law and practice."[46] Article 32, on the other hand, enjoys more compliance because it discusses refugees lawfully in the country. Of these Articles, the most important is Article 33, prohibiting *refoulement*.

Articles 31, 32, and 33 lay the groundwork for one of the most prominent set of rights: movement and documentation. Refugees are afforded the right to move freely within their current country (Article 26), entitled to identity papers (Article 27), and should be given travel documents (Article 28). Building on the precedent of Nansen passports, the CSR requires states "to issue identity papers…to *every refugee* who is *physically present* in their territory, regardless of the formal basis or the temporary nature of the refugee's presence."[47] While all refugees, both lawful and unlawful, are entitled to identity papers, Article 28 only obligates states "to issue travel documents to refugees lawfully staying in their territory."[48] Thus, how a refugee enters a country affects not only how willing the state is to let the refugee stay, but moreover affects the amount of protections the refugee is afforded and the obligations the country has toward the refugee. The distinction over the legality of entry echoes debate over the inclusion of criminals in the Convention definition.[49] States did not want to obligate themselves to protect refugees

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[45] Ibid, 1247.

[46] Ibid, 1251.

[47] Jens Vedsted-Hansen, "Article 27 (Identity Papers/Pieces d'Identité)," in Zimmermann, 1172. Emphasis in the original.

[48] Jens Vedsted-Hansen, "Article 28/Schedule (Travel Documents/Titres de Voyage)," in Zimmermann, 1205.

[49] See Weis.

who did not abide by their own domestic system. This distinction privileges refugees who are able to cross legally into another country over those fleeing from violence.[50] The inclusion of a distinction between lawful and unlawful refugees thus limits state responsibility and, as a result, supports narrow state interests.

The CSR obligates states to provide refugees with certain protections with regard to labor. During the Ad Hoc conference, the American representative emphasized the importance of labor protections, saying, "Without the right to work all other rights were meaningless. Without that right, no refugee could ever become assimilated in his country of residence."[51] As such, Article 17 grants refugees lawfully in a country's territory the right to participate in wage-earning employment.[52] This builds upon protections found in previous conventions and represents the underlying humanitarian principles of the CSR. Article 18 guarantees a right to self-employment, emphasizing the importance of granting economic freedom to refugees not only for survival but also to preserve a sense of human dignity.[53] Yet, many states have reservations on these provisions, thus rendering them somewhat ineffective.[54] The increased emphasis on the right to work shows the desire to have refugees add economic benefit and to afford them a way of life; however, given the

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[50] Lawful refugees also have the privilege of being more likely to fall under the Convention definition since unlawful refugees are more likely to be fleeing from violence and thus do not meet the persecution requirement.

[51] Statement by Mr. Henkin, E/AC.32/SR.37 p12, in Alice Edwards, "Article 17 (Wage-Earning Employment/Professions Salariées)," in Zimmermann, 954.

[52] Edwards, "Article 17," 963.

[53] Alice Edwards, "Article 18 (Self-Employment/Professions Non Salaries)," in Zimmermann, 974.

[54] Edwards, "Article 17," 956-957.

tepid compliance with this protection, it remains to be seen how much of a right the right to work is.

Many of the provisions in the CSR set a standard of treatment, usually to the level accorded to foreign nationals in a country, although occasionally to the level of nationals of a country. These standards of treatment provide a comparative level for countries to be able to implement these protections.

Throughout the drafting process of the CSR, states balanced the desire for a broad legal instrument that would both protect refugees and assist in their care with the desire to protect state interests and preserve national policies. Much of the debate over the CSR was over the scope of the Convention, not necessarily the substance. Thus, when it entered into force, the CSR accurately represented the power dynamics of the world and the priorities of states. As the regime expanded, the UNHCR, regional instruments, and the 1967 Protocol supplemented the CSR and created the regime that exists today.

REGIME EXPANSION

Following the adoption of the CSR, the international refugee regime quickly expanded. UNHCR became the primary driver of developments in the regime as it quickly assumed authoritative status regarding the regime. Expanding past its limited original scope, UNHCR has created new refugee policies and normative practices. In addition to the UNHCR's centralized expansion, states began instituting regional refugee regimes. Specifically, Europe, Africa, and the Americas have taken region-specific action in order to advance the international refugee regime.

UNHCR EXPANSION

UNHCR is the preeminent organization in the world with regard to refugees. It

has moral and expert authority and has been integral in the development of the

international refugee regime. Created simultaneous to the CSR, UNHCR started as an

organization with a limited mandate.[55] Tasked with providing legal protection, the

organization was hampered by competition from the slowly closing IRO and animosity

from the United States and its allies. The United States did not want the UN to have

control over the international refugee regime and American refugee policy because UN

policies did not necessarily align with American anti-Communist interests; therefore, it

withheld funding from UNHCR and instead established two refugee organizations

outside the UN system: the Intergovernmental Committee for European Migration

(ICEM), which helped move people from overpopulated areas in Europe to less

populated areas such as Australia and Latin America, and the US Escapee Program,

which assisted people defecting from Communist countries and helped them enter the

West.[56] The US further supported UNRWA and UN Korean Refugee Agency, given the

geopolitical importance of these two regions to US interests.[57] The lack of American

support also came from Gerrit Jan van Heuven Goedhart's narrow margin of electoral

victory over an American candidate for the appointment of High Commissioner.[58] With

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[55] With GA Resolution 428 (V), the UN adopted the UNHCR Statute. The Statute recalls provisions found in other instruments of the international refugee regime and further mirrors the CSR. The biggest difference between the Statute and the CSR is its definition of refugee. The UNHCR Statute does not include a geographic limitation.

[56] Loescher, 7, 58-60.

[57] Ibid, 7.

[58] Ibid, 51-52.

few funds and waning international support from the organization's supporters, UNHCR

relied on a grant from the Ford Foundation in order to promote long term developments

for the remaining "hard core" refugees not assisted by the IRO.[59] When a refugee crisis

began in Berlin, UNHCR took the initiative to lead international assistance, establishing

UNHCR as a useful organization and worthy of the support of the international

community.[60]

     Under subsequent High Commissioners, UNHCR continued to take a leadership

role in responding to refugee crises. While the Western powers were focused on Egyptian

president Gamal Abd al-Nasser's seizure of the Suez Canal in 1956, UNHCR led the

international response to numerous crises including the flight of Hungarians leaving their

Communist government.[61] At the same time, conflict in the developing world created

refugee crises outside the traditional European scope of UNHCR; thus, High

Commissioner Felix Schnyder, and Sadruddin Aga Khan following him, "took steps to

adapt the international refugee instruments" to the developing world.[62] As such, they

expanded UNHCR's scope of action to include both refugee situations and "refugee-like"

situations.[63] This was the first major extra-CSR expansion of the definition of "refugee"

and it broadened the definition to align with the Universalist perspective from the Geneva

Conference.

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[59] Ibid, 66-69.

[60] Ibid.

[61] Ibid, 84, 87-91.

[62] Ibid, 10.

[63] Ibid.

Throughout its history, UNHCR has sought to provide durable solutions for refugee crises. In the first decades of its existence, UNHCR relied on third country resettlement as the prominent solution for refugees; however, this shifted during the 1970s towards voluntary repatriation.[64] Voluntary repatriation refers to the process by which refugees, if they choose do so, move back to their country of origin. In the 1970s, as refugee flows expanded and the geographic origins of the refugees expanded beyond the Communist states whose refugees were welcomed by the West, the international community pressured UNHCR to shift its focus from resettlement to repatriation.[65] In order to accomplish this, UNHCR changed its process of determining when refugees repatriate, relying not on the willingness of a refugee to move back but on "objective" improvements in the situation in the country of origin.[66] While practical in that UNHCR would not have to interview each refugee to determine will, it removed the refugees' agency. The "voluntary" nature of this new program came into question in the 1990s when UNHCR repatriated thousands of Rohingya refugees from Burma when the situation was not necessarily better and UNHCR was unable to effectively and honestly monitor the repatriation efforts.[67] The Rohingya example demonstrates the difficulty UNHCR has due to its increased authority as well as its reliance on state support.

In sum, UNHCR has been instrumental in the development of the international refugee regime. Having led numerous responses to refugee crises both within its initial mandate and outside of the mandate, it has shifted how the world responds to refugees.

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[64] Barnett and Finnemore, 14.

[65] Ibid, 96-98.

[66] Ibid, 100.

[67] Ibid, 115-118.

REGIONAL REGIMES AND THE ABSENCE OF THE ARAB MIDDLE EAST

Following the creation of the CSR, several regions created their own refugee

regimes, which expanded the definition of refugee and the protections offered to

refugees. Furthermore, these expansions placed larger obligations on states. Europe's

refugee regime has expanded the definition of refugee to include granting some

protection to non-refugees in need of assistance, made refugee movement easier, and

reinforced the provisions of the CSR.[68] Africa's refugee regime has similarly expanded its

definition of refugee to include victims of "external aggression, occupation, foreign

domination or events seriously disturbing public order in either part or the whole of his

country of origin or nationality," and increased the scope of *non-refoulement* to include a

prohibition of return at the border.[69] South and Latin America's regime has harmonized

state refugee policies, expanded the definition of refugee, and emphasized solidarity

among refugees.[70] Of these regions there are two notable exceptions: East Asia and the

Middle East. The Middle East has attempted to form a regional refugee regime; however,

no region-wide support for refugees has materialized.

Despite the millions of refugees in the Arab Middle East, there is no AME

refugee regime and the AME's participation in the international refugee regime has been

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[68] For further discussion of the European refugee regime, see Anja Klug, "Regional Developments: Europe," in Zimmermann, 117-144.

[69] Jacob Van Garderen and Julie Ebenstein, "Regional Developments: Africa," in Zimmermann, 186. For further discussion of the African refugee regime, see: Garderen and Ebenstein; Ademola Abass and Dominique Mystris, "The African Union Legal Framework for Protecting Asylum Seekers," in *Regional Approaches to the Protection of Asylum Seekers: An International Perspective*, ed. Ademola Abass and Francesca Ippolito (Farnham, England: Ashgate, 2014), 19-44.

[70] For more discussion of the American refugee regime, see: Flávia Piovesan and Liliana Lyra Jubilut, "Regional Developments: Americas," in Zimmermann, 205-224; Liliana Lyra Jubilut, "Fora and Programmes for Refugees in Latin America," in Abass and Ippolito, 245-266.

limited. Egypt, Iraq, and Lebanon helped throughout the drafting process and are responsible for Article 1 (D); however, the participation in the drafting process has not led to participation in the regime. There are only two AME states party to the Convention: Egypt and Yemen. Furthermore, most AME states, specifically the wealthy Gulf States, do not host refugees. This lack of involvement is not without attempts. In 1965, the League of Arab States adopted the Casablanca Protocol on Palestinian Refugees. The Casablanca Protocol grants employment rights, movement rights, and travel documents.[71] Despite being supported by many Arab states, including Jordan and Lebanon with reservations, the Casablanca Protocol does not appear in much of the literature on Palestinian refugees in Jordan and Lebanon. Furthermore, the League of Arab states in 1992 drafted the Arab Refugee Declaration, which emphasizes the humanitarian nature of the international refugee regime; however, it has not been ratified.[72] Adherence to these documents is spotty at best; the lack of an AME refugee regime is partially the basis of this study.

The lack of an AME refugee regime coincides with a general lack of coordination among Arab states on a variety of issues. As discussed in Chapter Two, political pan-Arabism failed to create a functioning state and has largely been lost in the political conscious of the AME. The AME has not created lasting institutions to coordinate policy; the League of Arab States is the primary institution and it has no binding authority on its member states. Still, AME states have worked together recently in order to combat recent

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[71] League of Arab States, Protocol for the Treatment of Palestinians in Arab States, September 11, 1965, accessed April 13, 2015, http://www.refworld.org/docid/460a2b252.html.

[72] Mike Sanderson, "The Syrian Crisis and the Principle of *Non-Refoulement*," *International Law Studies* 89 (2013): 789–790.

security threats such as the rises of ISIS and the political crisis in Yemen. Nevertheless, the lack of AME specific regimes makes Jordanian and Lebanese compliance all the more puzzling.

CONCLUSION

The international refugee regime has changed over the past 90 years, starting as a narrowly defined, region-specific regime, growing into a comprehensive legal document, and expanding into the multi-faceted regime of today. Given the massive growth of the regime, specifically in the decades following the enactment of the CSR, the following question arises: how relevant is the CSR to the international refugee regime? One could argue that because UNHCR has changed the definition of refugee by assisting people who have fled for reasons other than a well-founded fear of persecution, UNHCR now defines "refugee" and not the CSR. One can make similar arguments regarding the regional refugee regimes which have expanded the definition of "refugee" similarly.

I argue that while the international refugee regime has expanded since 1951, the CSR remains the standard by which compliance should be measured because it is the basis of the entire refugee regime. While UNHCR and regional refugee regimes have shifted the definition of "refugee", the CSR still outlines the basic protections and rights granted to refugees and the basic obligations placed upon states. If a state is going to minimally comply with the international refugee regime, it will most likely comply with parts of the fundamental principles enshrined in the CSR. Therefore, the CSR remains a reasonable standard against which this study can measure compliance with the international refugee regime.

Chapters Four and Five of this thesis explore the development of domestic refugee regimes in Jordan and Lebanon, respectively. In each case, the nation interacts with the international refugee regime. The level of interaction and the reasons for these interactions leads to the current treatment of Syrian refugees.

CHAPTER FOUR
THE JORDANIAN RESPONSE TO REFUGEES

As of March 24, 2015, there were 627,010 Syrian refugees in Jordan who had registered with the United Nations High Commissioner for Refugees (UNHCR).[1] As of July 1, 2014, 2,097,338 Palestinians had registered as refugees in Jordan with the United Nations Relief Works Agency (UNRWA) in total.[2] Finally, as of April 2014, more than 13,836 Palestinian refugees from Syria (PRS) were in Jordan.[3] Hosting Syrian refugees has slowed Jordan's growth, increased the nation's energy and water consumption beyond sustainable levels, and required millions of dollars of which the Jordanian government has shouldered the majority. Given the negative economic impact on the Jordanian economy, the sheer enormity of the Syrian refugee flows in Jordan, and the protracted nature of the Syrian refugee crisis, what explains Jordan's compliance with provisions of the 1951 Convention relating to the Status of Refugees (CSR) with regard to its treatment of Syrian refugees?

Jordan is a constitutional monarchy with the King as its highest authority. Currently Abdullah II, the King's family has ruled Jordan since its inception as the Emirate of Transjordan in 1922. Originally part of the British mandate of Transjordan,

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[1] UNHCR, "Jordan."

[2] "Jordan," *UNRWA*, last modified July 1, 2014, accessed March 25, 2015, http://www.unrwa.org/where-we-work/jordan.

[3] "PRS in Jordan," *UNRWA*, accessed March 25, 2015, http://www.unrwa.org/prs-jordan.

Jordan declared independence in 1946 and has grown to become one of the most stable nations in the Levant. Despite suffering losses in several wars with Israel and incorporating thousands of Palestinian refugees into its territory, Jordan has remained relatively free of strife, excepting a civil war in the 1970s which pales in comparison to the conflicts in Lebanon, Syria, and Israel. Jordan and Israel agreed to a peace treaty in 1994 and have maintained friendly, albeit tense, relations since.

While Jordan is a constitutional monarchy, it is not considered a free country, specifically according to Freedom House on account of its lack of freedom of press.[4] The monarchy has significant authority; however, many of the problems with Jordan's democracy stem from a corrupt political system. In my conversations with my Jordanian friends about Jordan's political issues, few believed that the monarchy did not contribute to the issues; however, they placed most of the blame on the parliament.[5] During the Arab Spring of 2011, Jordanians engaged in limited protests against the government; however, following the King's promises of reform, demonstrations stopped.[6] When I spoke to Jordanians about the issue, they cited stability as being more important than democratic change. As such, the Jordanian government faces no serious opposition to its policies and it is able to implement them as it sees fit.

Jordan lacks a specific institutionalized method for handling refugees. By this, I mean that Jordan has no domestic refugee regime. Refugee matters are dealt with at the

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[4] "Jordan," *Freedom House*, accessed April 9, 2015, https://freedomhouse.org/country/jordan#.VSYww_nF-ao.

[5] It is important to note that it is illegal to criticize the King in Jordan. As such, it is difficult to accurately assess public opinion of the King.

[6] Sarah A. Tobin, "Jordan's Arab Spring: The Middle Class and Anti-Revolution," *Middle East Policy* 19, no. 1 (Spring 2012), accessed April 9, 2015, http://www.mepc.org/journal/middle-east-policy-archives/jordans-arab-spring-middle-class-and-anti-revolution.

governmental level by the Ministry of the Interior (MOI) as a matter of national security.[7]

Most other refugee concerns are delegated to the United Nations High Commissioner for

Refugees (UNHCR) via the 1998 Memorandum of Understanding (MoU) between Jordan

and UNHCR. The MoU establishes a sort of legal obligation for Jordan in the absence of

participation in the international refugee regime. First, the MoU defines "refugee" as a

Convention refugee.[8] Second, the MoU reaffirms and implements a series of provisions

from the CSR, namely respecting *non-refoulement*, guaranteeing a right to work, and

access to courts.[9] But, the MoU also stipulates that refugees cannot settle permanently in

Jordan and that UNHCR must work towards a durable solution for refugees in Jordanian

territory.[10] Finally, the MoU places most of the humanitarian responsibility on UNHCR,

absolving Jordan of much responsibility.

While the MoU does not obligate Jordan to protect refugees in the same way that

participation in the CSR would, it nevertheless provides a basis for Jordan's compliance

with the CSR. Without the MoU and the principles it emphasizes, there would truly be no

legal mechanism regarding refugees. Yet, Jordanian policies do not necessarily align with

the provisions of the MoU. Specifically, there is no national mechanism for asylum

proceedings, meaning that refugees seeking asylum in Jordan do not have a structured

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[7] Susan Akram et al., *Protecting Syrian Refugees: Laws Policies, and Global Responsibility Sharing*, Boston University School of Law, accessed March 10, 2015, http://www.bu.edu/law/central/jd/programs/clinics/international-human-rights/documents/FINALFullReport.pdf, 56; Ministry of the Interior, *ḥquq ālinsān [Human Rights]*, trans. Samuel Davidoff-Gore.

[8] *Memorandum of Understanding between the Government of Jordan and UNHCR (MoU)*, trans. UNHCR and REFWORLD (April 5, 1998), accessed March 13, 2015, mawgeng.unblog.fr/files/2009/02/moujordan.doc.

[9] Ibid.

[10] *MoU*; Akram et al., 59, 66.

way of petitioning the government for that protection. Furthermore, Jordan lacks a domestic legal framework specifically regarding refugees. Instead, the government relies on laws that cover the treatment of foreign nationals as well as case-by-case policies to form a piecemeal refugee regime. Thus, in order to establish Jordan's level of compliance, I address each protection individually.

In this chapter, I focus specifically on Jordan's response to the Syrian refugee crisis. I trace Jordan's refugee policy through history, starting with its treatment of Palestinian refugees, continuing with its treatment of Iraqi refugees, and finally establishing Jordan's current level of compliance with the Convention relating to the Status of Refugees (CSR) with regards to its treatment of Syrian refugees. In the final section, I identify common factors that help explain Jordan's level of compliance.

THE PALESTINIAN REFUGEE CRISIS

Jordan has a long history of hosting Palestinian refugees, starting in 1948 and continuing through this writing. By examining the history of Palestinians in Jordan, one can understand why, as of 2015, Jordan does not allow PRS into the country with exceptions for injured children, closing its border and *refouling* those who enter illegally.[11] Furthermore, a historical perspective explains that even before these policies were enacted in late 2012, Palestinians have been treated differently because of their long history in Jordan as well as their legal distinction. In this section, I examine three distinct points in Jordanian-Palestinian history that have seen a shift in Jordanian policy towards Palestinian refugees: Jordan's decision to grant citizenship to Palestinians in 1948,

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[11] Nadim Houry and Human Rights Watch, *Not Welcome: Jordan's Treatment of Palestinians Escaping Syria* (2014).

Jordan's decision to continue to grant citizenship to Palestinians in 1967, and Jordan's decision to revoke citizenship from Jordanian-Palestinians starting in 1988.

Throughout this section, it is important to recall that Palestinian refugees are not considered Convention refugees because of Article 1D of the CSR, an article advocated for by AME countries. Palestinian refugees are instead assisted by UNRWA which does not have a legal protection mandate, meaning the Palestinians are not guaranteed the same rights as Convention refugees.

<center>1948</center>

In 1948, the British Mandate expired, and Israel claimed its independence, which prompted the initiation of the 1948 Arab-Israeli War. At the end of the war, Israel controlled much of the land formerly known as Palestine with the exception of the Gaza strip, which was controlled by Egypt, and the West Bank, which became part of Jordan. The war caused approximately 750,000 Palestinians to flee into neighboring countries, with many becoming refugees in Jordan.[12] In response to the influx of Palestinians, Jordan granted the refugees Jordanian citizenship, entitling them to the same rights and protections as Jordanian nationals.[13] Palestinians were also able to register with UNRWA and receive humanitarian assistance.

By granting Palestinians citizenship, Jordan allowed them to integrate into society. Furthermore, Jordan implemented protections for these Palestinians *de facto* through their new citizenship. While the CSR did not exist at the time, Jordan applied the

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[12] Takkenberg, 13.

[13] Takkenberg, 155-156; Kingdom of Jordan, *Law No. 6 of 1954 on Nationality (last Amended 1987)*, January 1, 1954, accessed April 8, 2015, http://www.refworld.org/docid/3ae6b4ea13.html.

norms that would be promoted by the CSR to the Palestinians, such as provision of identity papers and travel documents, a right to work, and *non-refoulement*. Jordan also allowed UNRWA to work in its territory and the two cooperated and coordinated their efforts. Palestinians became an integral part of Jordanian society, ascending at times to high ranking governmental and military officials. Palestinians made further advances and more frequent in the realm of finance and industry, primarily in the private sector.[14]

Jordan's decision to integrate Palestinian refugees into Jordanian society through the conferring of Jordanian citizenship was heavily political. King Abdullah I, the king at the time, wanted to maintain political control over the newly annexed West Bank. In order to do so, he had to establish a strong system of governance that would unify the West Bank and the East Bank of Jordan. To do so, he created centralized institutions such as installing new regional governors who were under the authority of the government in Amman, integrating the legal systems of the two banks, and mandating the dinar as the currency in both banks.[15] The government also assisted with development and social services and promoted Palestinian participation in the Jordanian political system.[16] Additionally, the government worked with UNRWA in order to continue to advocate for international aid for Palestinians as well as to prevent uprisings due to lack of humanitarian needs.[17]

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[14] Takkenberg, 156.

[15] Shaul Mishal, *West Bank/East Bank: The Palestinians in Jordan, 1949-1967* (New Haven: Yale University Press, 1978), 6–7.

[16] Ibid, 7-8.

[17] Avi Plascov, *The Palestinian Refugees in Jordan 1948-1957* (London: Frank Cass, 1981), 41–46; Najeh Jarrar, "Citizenship and Palestinian Refugees: The Position of the Palestinian Refugees and Their Need for International Protection," *The Palestine-Israel Journal* 3, nos. 3 and 4 (1996), accessed April 8, 2015, http://www.pij.org/details.php?id=521.

The Palestinian refugees in Jordan did not necessarily welcome Jordan's integrationist policies. Specifically, some believed that accepting Jordanian citizenship would mitigate their claim of a right to return to Palestine.[18] Furthermore, Palestinian intellectuals believed that a unified Arab state would allow Palestinians to overwhelm Israel and restore Palestine as a political entity.[19] As such, they pressured Jordanian leadership to join the ill-fated United Arab Republic (UAR); however, Jordan did not join the UAR and the UAR broke up, leaving Palestinians without a pan-Arab political strategy.[20] The lack of viable political solutions to the Palestinian refugee crisis allowed Jordan to consolidate its authority over the West Bank and the Palestinian-Jordanian population. The Palestinians would attempt to upset the political balance in Jordan in their favor, as I discuss below.

Jordan's initial decision to host, protect, and integrate Palestinian refugees was a political one. As realism explains, Jordan complied with norms of the international refugee regime because complying coincided with Jordanian interests in maintaining control over the West Bank. Jordan decided not to participate in the CSR because Palestinian refugees were not included and therefore nothing in the CSR applied to Jordan. This initial decision to comply, for these political reasons, laid the foundation for Jordan's subsequent decisions to regarding refugees in its territory.

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[18] Plascov, 48.

[19] Clinton Bailey, *Jordan's Palestinian Challenge, 1948-1983: A Political History*, Studies in International Politics / Leonard Davis Institute for International Relations, The Hebrew University, Jerusalem (Boulder: Westview Press, 1984), 7–15.

[20] Ibid, 14-16.

1967

The 1967 Arab-Israeli War ended with Israeli gaining large amounts of land including the Gaza Strip, the Sinai Peninsula, the Golan Heights, and the West Bank. As a result of the war, more Palestinians fled into Jordan as refugees. While the 1954 Nationality Law does not include these Palestinians, the Jordanian government nevertheless welcomed them as nationals, except for those from Gaza who were not granted the same rights and protections because Gaza was under Egypt's control and thus the refugees from Gaza were Egypt's responsibility.[21] This influx of Palestinian refugees included more politically active refugees, allying specifically with the Palestinian Liberation Organization (PLO). The PLO, who originated in the West Bank, moved their headquarters to the East Bank of Jordan in order to continue operation following the Israeli occupation of the West Bank. As the PLO became more active in Jordan, it posed a major threat to Jordanian security.

The Fedayeen movement was a militarized group associated with the PLO. Connected with the 1967 Arab-Israeli War, they carried out operations against Israel with the tacit support of Jordan and the explicit endorsement of Syria and Egypt.[22] The Fedayeen moved to Jordan with the PLO and began to operate without regard for Jordanian authority. Specifically, they recruited and armed civilians, refused to register vehicles with the government, and exempted their members from paying debts and alimony.[23] As the years progressed, Jordan began implementing restrictions on Fedayeen

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[21] Human Rights Watch (HRW), *Stateless Again: Palestinian-Origin Jordanians Deprived of their Nationality*, February 2, 2010, accessed March 13, 2015, http://www.refworld.org/docid/4b6ae5702.html, 9.

[22] Bailey, 32.
[23] Ibid, 33-34.

activity including being forbidden from entering Jordanian cities in Fedayeen regalia, stopping and searching civilian vehicles, arresting citizens, publishing newspapers without permission, and engaging in political parties.[24] Despite these increasing Fedayeen violations of Jordanian sovereignty and Jordan's restrictions on Fedyaeen activity, Jordan did not take military action against the Fedayeen until, following escalated calls for the removal of the monarchy, the PLO resorted to violence.[25] The Popular Front for the Liberation of Palestine, part of the Fedayeen, hijacked and destroyed airplanes in Jordan. Syria sent tanks to assist the PLO, while Jordan called upon the United States and the United Kingdom for assistance. Finally, Jordan defeated Syria and the PLO and expelled the PLO from Jordanian territory.[26]

Jordan did not react to the Fedayeen with force for three years while the group engaged in activities that threatened the Jordanian state. As with its decision in 1948, Jordan's actions can be explained by its political aspirations. Following the 1967 Arab-Israeli War, Jordan needed the support of Palestinians in order to survive. Had the government opposed the Fedayeen during its earlier activity, it would have risked losing Palestinian support completely.[27] Not only would this sever any semblance of legitimacy Jordan had as the sovereign government of the West Bank, but it also risked losing legitimacy of its sovereignty in the East Bank, as by some estimates Palestinians

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[24] Ibid, 40-41, 47.

[25] Ibid, 56-57. These activities included the attempted assassination of King Hussein.

[26] Verity Elizabeth Irvine, "Jordan | History - Geography :: The PLO and the June 1967 War," *Encyclopedia Britannica*, January 1, 2015, accessed April 9, 2015, http://www.britannica.com/EBchecked/topic/306128/Jordan/23333/The-PLO-and-the-June-1967-war.

[27] Bailey, 36.

comprised 60% of the East Bank population at the time.[28] By the time the Fedayeen

initiated the hijackings, they had lost considerable support from both Egypt and

Palestinians in Jordan. Furthermore, the hijackings were so extreme that Jordan did not

risk losing Palestinian support in a fight against the Fedayeen. In anticipation of military

action, King Hussein dismissed his civilian cabinet and instituted a military cabinet

comprised mostly of East Bank officers; however, he appointed a Palestinian as prime

minister.[29] Ultimately, Jordan was able to expel the PLO without loss of Palestinian

support. In fact, following Jordan's victory, Palestinians largely acquiesced to the

Jordanian government.[30]

Jordan's decisions throughout the conflict with the Fedayeen show the importance

Jordan placed on maintaining a positive relationship with Palestinian refugees and

citizens in its territory. The presence of these Palestinians is a result of the 1948 decision

to host and protect Palestinians; therefore, logically Jordan's desire to maintain

Palestinian support came not only from the continuation of the Israeli-Palestinian conflict

as well as the recent Israeli occupation of the West Bank, but also from the growth of the

Palestinian population in Jordan and its integration into Jordanian society. As

constructivists explain, Jordanians of Palestinian descent became a normal part of

Jordanian society and their existence was internalized into Jordanian identity. Had Jordan

not granted citizenship to Palestinians and instead decided, as Lebanon did, not to

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[28] Ibid.

[29] Ibid, 56-7.

[30] Ibid, 62.

integrate Palestinians, Jordan would not have had to rely on Palestinian support and could have eradicated the Fedayeen earlier.

In 1983, Jordan instituted a color coded card system in order to better facilitate travel between the Israeli occupied West Bank and the East Bank.[31] At the time, it was important to distinguish who resided on which bank; thus, Jordanians of Palestinian origin residing in the West Bank were issued green cards while Jordanians of Palestinian origin residing in the East Bank were issued yellow cards.[32] While these did not necessarily qualify or limit the rights afforded Jordanians of Palestinian origin on both sides of the Jordan River, it did create a two-tier system. By identifying some Jordanians as from the West Bank, it made it more difficult for them to move to the East Bank, which has had serious implications following Jordan's disengagement from the West Bank regarding the legal status of West Bank Jordanians of Palestinian origin.

Despite the conflict with PLO fighters and the introduction of a color coded card system, Jordan following the 1967 Arab-Israeli War remained fairly compliant with the CSR through its absorption of Palestinian refugees. By granting citizenship to Palestinian refugees, Jordan used resettlement as a durable solution, thus ending the sojourn of those refugees who chose to become citizens. As the years progressed, this level of compliance and welcome would soon disappear.

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[31] HRW, *Stateless Again*, 9.

[32] Ibid.

DISENGAGEMENT FROM THE WEST BANK

In 1988, Jordan decided to relinquish all sovereignty over the West Bank, handing authority over to the Palestinians. Its reasons for doing so were numerous. First, the recent *intifada* demonstrated the desire of Palestinians to have their own state. Following this demonstration of Palestinian nationalism, Jordan validated the Palestinian desire for statehood and sent a message that Jordan favored a sovereign Palestine.[33] Second, Israel argued that because Jordan had claimed to represent Palestinian interests since 1948 and because Jordan had integrated Palestinians into its society, Jordan should be a Palestinian homeland.[34] By severing ties with the West Bank, Jordan refuted this Israeli claim. Third, the Arab community reached a consensus at a summit in Algiers that the PLO should be the governing body of Palestine.[35] By severing ties with the West Bank, Jordan joined the Arab consensus regarding Palestine, the first time it had done so.[36] For these reasons, Jordan began to support an independent Palestinian state.

Jordan did not initially relinquish responsibility for West Bank Palestinians and continued to issue passports, albeit only valid for two years.[37] Furthermore, Jordan continued to assist Palestine at international talks in Madrid and Washington; however, Jordan and Palestine easily separated into separate delegations so that Palestine

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[33] Ibid, 9-10.

[34] Marc Lynch, "Jordan's Identity and Interests," in Telhami and Barnett, 43.

[35] Ibid.

[36] Jordan never had much support from the surrounding Arab states for its annexation of the West Bank because they viewed it as antithetical to the Palestinian cause.

[37] Takkenberg, 157.

represented itself.[38] This separation not only supported Palestinian autonomy but also started a process of identity consolidation in Jordan. This process of "Jordanization" was meant to strengthen the Jordanian national identity. Part of this process included the withdrawal of Jordanian nationality from some Jordanians of Palestinian origin by the Ministry of Interior. As the 90s progressed, Jordan and Israel made it more difficult for green card Jordanians to travel and stay in Jordan without losing residency in the West Bank.[39] Furthermore, the government began applying new policies based on the 1988 disengagement that "withdrew Jordanian nationality from those persons who on July 31, 1988, resided in the West Bank" as well as some green card Jordanians who were not supposed to have lost nationality.[40] Yet, Jordan also continued to promote the participation of Jordanians of Palestinian origin in Jordan's political and economic systems.[41] These seemingly conflicting policies demonstrate the conflicting nature of Jordanian identity. Jordan is both a nation of East Bankers and a nation of Palestinian refugees. Because of this identity conflict, which draws from the initial decision in 1948 to accept Palestinian refugees, Jordan's policies on Palestinian refugees continue to conflict with each other.

Throughout the 2000s, Jordan began withdrawing nationality from many Jordanians of Palestinian origin. Some had their nationality withdrawn because they had Palestinian passports; typically, citizens of Arab states are not allowed to hold dual

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[38] Lynch, 45.

[39] HRW, *Stateless Again*, 20-25.

[40] Ibid, 22.

[41] Lynch, 47-49.

citizenship with other Arab states.[42] Other explanations include putting pressure on Israel

to allow more Palestinians back into the West Bank and to prevent Israel from colonizing

the West Bank.[43] At this point, with the Iraqi refugee crisis increasing, Jordan had other

problems to solve.

In sum, Jordan's treatment of Palestinian refugees has been significantly shaped

by political interests connected to the legal status of the West Bank. When Jordan

controlled the West Bank, it was most welcoming to Palestinian refugees. When Israel

occupied the West Bank and the PLO and the Fedayeen began operating in Jordan,

Jordan continued to welcome Palestinians at the expense of national security. When

Palestinians in the West Bank began revolting against the Israeli occupiers, Jordan began

denationalizing Palestinian citizens of Jordan. Each decision that Jordan made was

responding to a situation created by the effects of the previous decision as well as

external developments.

THE IRAQI REFUGEE CRISIS

Jordan's treatment of Iraqi refugees was different from its treatment of Palestinian

refugees. While Jordan began treating Palestinians well and then treated them worse and

worse as time went on, Jordan did not treat Iraqi refugees well at the beginning of the

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[42] This is one explanation for Jordan not allowing dual Jordanian-Palestinian citizens; however, this agreement is not binding in Jordan. Jordan's policy is to not allow these dual passport holders. HRW, *Stateless Again*, 19-20; Canada: Immigration and Refugee Board of Canada, *Palestine and Jordan: Whether the acquisition of a Palestinian Authority (PA) passport leads to the loss of rights to Jordanian Citizenship; whether this acquisition has any other impact on entitlements (2004-March 2006)*, May 12, 2006, ZZZ101173.E, accessed March 12, 2015, http://www.refworld.org/docid/45f147d625.html.

[43] HRW, *Stateless Again*, 11.

Iraqi refugee crisis. As time progressed, Jordan began treating Iraqis better, complying more and more with the provisions of the CSR.

Iraqis have fled Iraq into Jordan since the mid-1990s. From 1995 until 2003, they fled Saddam Hussein's Baathist regime.[44] The Iraqi refugees from this time period were predominantly well educated and from the middle to upper classes and brought personal wealth to Jordan with them.[45] In 2003, following the American invasion of Iraq, thousands of Iraqis began to flee from Iraq into Jordan. While many of these Iraqis were fairly well off, most did not have time to bring the resources necessary to live in Jordan with them. Furthermore, many viewed their flight as temporary, leaving them resourceless once they reached Jordan.

The influx of Iraqi refugees was the first major non-Palestinian refugee flow in Jordanian history. As such, the Jordanian government did not have concrete policies in place to provide for the Iraqi refugees upon their arrival. Without national legislation codifying how state officials should determine refugee status or policies dictating the proper response to a large-scale refugee flow, Jordan was ill equipped to welcome so many Iraqis into its territory. Furthermore, 55 years following the 1948 Arab-Israeli War, Jordan still hosted a large population of Palestinian refugees. Thus, the government of Jordan was wary of another large influx of refugees that could theoretically settle permanently. Additionally, the use of the term "refugee" (*lajee'*) was and remains closely related to Palestinian refugees. As such, Iraqi refugees were referred to as "guests" and

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[44] Sassoon, 33.

[45] Ibid, 36-38.

treated as if they were merely foreign nationals.[46] The lack of a concrete policy and the historical memory of Palestinian refugees limited the Jordanian government's initial willingness to provide for Iraqi refugees.

Similarly, despite the creation of the MoU in 1998, UNHCR did not have a strong presence in the Arab Middle East (AME).[47] Given that most of the refugees in the region were of Palestinian origin, UNRWA was the primary refugee relief organization. Because of its inexperience in the region, UNHCR was unprepared to assist Jordan in receiving Iraqi refugees. As I discuss later, this caused much tension between Jordan and UNHCR.

In the following sections, I examine Jordan's compliance with the CSR. Importantly, Jordan's response to Iraqi refugees fluctuated over the course of the Iraqi crisis as the country became more competent in handling non-Palestinian refugees as well as working with UNHCR. On the other hand, bombings at three Jordanian hotels in 2005 raised security concerns that drastically affected Jordan's border policies.

<div align="center">LEVEL OF COMPLIANCE</div>

Non-Refoulement

Jordan's border policy towards Iraqi refugees developed over the course of the crisis. At the beginning, in 2003, Iraqis were able to obtain 6-month temporary residence permits. This, coupled with the lack of visa requirements already in place for Iraqis and other Arabs, allowed Iraqi refugees to easily enter Jordan and stay for a certain period of

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[46] Ibid, 51-52.

[47] While UNHCR did work with AME governments during the 1990s in response to the first Gulf War, UNHCR did not build concrete relationships with AME governments until the 2003 Iraqi refugee crisis. Ruben Zaiotti, "Dealing with Non-Palestinian Refugees in the Middle East: Policies and Practices in an Uncertain Environment," *International Journal of Refugee Law* 18, no. 2 (June 1, 2006): 344-347, accessed April 11, 2015, doi:10.1093/ijrl/eel006.

time.[48] If one was wealthy enough, this ensured that he/she would be able to live because they did not need to work. For those without means, this generous border policy did not alleviate long term concerns associated with living in Jordan. Without the protection associated with a more permanent residence status, it becomes more difficult and more expensive to obtain a work permit.[49] As a result, if refugees run out of money, they are forced to either work in the informal sector, rely on aid, or return or be deported to their home countries. Such was the case with Iraqis, which produced a fear of deportation. As a result, most Iraqi refugees did not register with UNHCR.[50] The combination of the Iraqis as "guests" policy and the actual deportations undertaken by the Jordanian government demonstrate violations of *non-refoulement* because refugees could be and were forcibly returned to Iraq despite the ongoing conflict.

Following the 2005 bombings of three Amman hotels by Iraqi nationalists, Jordan increased the visa requirements for entry for men aged 17 to 35.[51] Later, Jordan implemented a visa requirement on all Iraqis entering Jordan, meaning that refugees were not allowed to enter without proper paperwork, including an updated, more secure passport. Obtaining this passport required going to Iraqi officials who did not issue many

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[48] Dallal Stevens, "Legal Status, Labelling, and Protection: The Case of Iraqi 'Refugees' in Jordan," *International Journal of Refugee Law* 25, no. 1 (March 1, 2013): 15, accessed April 9, 2015, doi:10.1093/ijrl/eet001.

[49] Human Rights Watch, *"The Silent Treatment": Fleeing Iraq, Surviving in Jordan*, November 28, 2006, accessed March 13, 2015, http://www.refworld.org/docid/45a4da562.html.

[50] Ibid.

[51] International Crisis Group (ICG), *Failed Responsibility: Iraqi Refugees in Syria, Jordan and Lebanon*, Middle East Report No. 77, July 10, 2008, accessed March 12, 2015, http://www.refworld.org/docid/48771acf2.html, 9-10. The leader of the attacks, Abu Musab al-Zarqawi, is Jordanian and at the time was the leader of the Iraqi group Al-Qaeda in Mesopotamia. Hassan M. Fattah and Michael Slackman, "3 Hotels Bombed in Jordan; At Least 57 Die," *The New York Times*, November 10, 2005, sec. International / Middle East, accessed April 11, 2015, http://www.nytimes.com/2005/11/10/international/middleeast/10jordan.html.

as compared to the demand. As such, Iraqis had a more difficult time getting into Jordan. Reports from non-governmental organizations and scholars criticized this policy, arguing that it violated *non-refoulement* as well as humanitarian principles.[52] Yet, Jordan implemented this policy because of the terrorist attacks, presenting a grave security threat. Because of this as well as the fact that Iraqis were still allowed in the country, Jordan's policy represents a caveat in Jordan's compliance with the principle of *non-refoulement*.

Identity Papers, Travel Documents, and Right to Work

Because Jordan identified Iraqi refugees as guests, it did not consider itself under any obligations to provide documentation for them. UNHCR, as part of its temporary protection regime, issued asylum seeker cards to Iraqi refugees who registered with them; however, as I will discuss below, Jordan did not recognize the validity of the regime or the associated documents. For the majority of the Iraqi refugee crisis, Jordan did not comply with the CSR in terms of providing identity papers or travel documents to Iraqi refugees.

Jordan only granted work permits to legal residents. Because most Iraqi refugees did not have legal residency permits, the Jordanian government did not issue them work permits.[53] As such Jordan was not compliant with the CSR regarding the right to work.

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[52] Anne Evans Barnes, *Realizing Protection Space for Iraqi Refugees: UNHCR in Syria, Jordan and Lebanon*, New Issues in Refugee Research (UNHCR, January 2009), 19–20; HRW, *"The Silent Treatment."*

[53] UNHCR, *Regional Response Plan Iraqi Refugees 2012*, http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_604.pdf, 48.

Cooperation with UN Agencies

While Jordan and UNHCR currently have a fairly cooperative relationship, the same cannot be said of the relationship during the Iraqi refugee crisis. As previously mentioned, despite the 1998 MoU, Jordan and UNHCR had not worked together before the Iraqi refugee crisis and thus did not know how best to cooperate with each other. This became increasingly evident through the first part of the Iraqi refugee crisis.

In 2003, UNHCR decided to create a temporary protection regime for Iraqi refugees in the region, including Jordan.[54] Temporary protection, as discussed previously, exists as an intermediate step to provide rights for those who are not necessarily or have not yet been categorized as Convention refugees. Despite UNHCR's decision to create this regime, Jordan refused to recognize it, stating that it did not agree to any such plan.[55] As such, although UNHCR issued asylum seeker cards to Iraqi refugees, Jordan did not afford these refugees legal status or a right to work, which should be granted to those recognized as refugees.[56] These tensions reached a boiling point in 2007 when Jordan stated that it would not work with UNHCR under the current policy. In response, UNHCR suspended its operations for three weeks and replaced its representative in Amman, Robert Breen, with a new one, Imran Riza.[57] UNHCR also retired the temporary protection regime.[58]

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[54] Sassoon, 118-119; Stevens, "Legal Status, Labelling, and Protection," 9.

[55] Sassoon, 119; Stevens, "Legal Status, Labelling, and Protection," 10.

[56] Sassoon, 119.

[57] Stevens, "Legal Status, Labelling, and Protection," 12.

[58] Sassoon, 119-120.

Jordan did not agree to UNHCR's temporary protection regime for two reasons. First, the temporary protection regime allowed UNHCR to claim that any person coming from Iraq as a result of the conflict was protected and thus did not have to be resettled within the six months dictated by the MoU.[59] Jordan did not want Iraqi refugees to remain permanently in Jordan and saw this violation of the MoU as the first step in that process. Second, because of the regime, UNHCR did not conduct Refugee Status Determination procedures for incoming refugees, which would have drained UNHRC's resources.[60] Jordan wanted UNHCR to conduct these procedures to ensure only those Iraqis who legally qualified as refugees were given the label of "refugee."[61] Accordingly, following the reset of relations between Jordan and UNHCR in 2007, UNHCR began to conduct Refugee Status Determination procedures.[62] For its part, Jordan leniently interpreted the six-month time limit for resettlement established in the MoU, instead allowing Iraqis to stay in Jordan for longer.[63]

This initial failure to cooperate with UNHCR demonstrates Jordan's lack of compliance with the CSR in the beginning of the Iraqi refugee crisis; however, characterizing Jordan's compliance by this factor alone ignores the dual nature of cooperation. UNHCR's lack of prior experience in the region led it to miscalculate its strategy in Jordan. As Barnett and Finnemore would explain, UNHCR attempted to

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[59] Stevens, "Legal Status, Labelling, and Protection," 9.

[60] Ibid.

[61] Ibid, 11-12.

[62] Ibid.

[63] Embassy Amman, "Cable 08AMMAN264: Staffdel Cammack Views Iraqis in Jordan through UNHCR's Eyes," January 24, 2008, *Wikileaks*, accessed April 13, 2015, https://wikileaks.org/cable/2008/01/08AMMAN264.html.

implement its own practices based on its bureaucracy; its insistence on using its own practices led to the program's failure. Had UNHCR not insisted on its temporary protection regime and instead tried other methods of advocating for Iraqi refugees, perhaps cooperation between Jordan and UNHCR would have been better for longer. The failure of UNHCR's imposition of the temporary protection regime further shows that UNHCR did not have necessary authority with the Jordanian government to influence Jordanian policies. Nevertheless, following UNHCR's shift in strategy away from the temporary protection regime, Jordan and UNHCR have established their current level of cooperation.

EXPLANATION

Jordan's compliance with the CSR with regards to its treatment of Iraqi refugees grew over time. The initial non-compliance is the result of not having experience dealing with non-Palestinian refugees. As previously discussed, neither Jordan nor UNHCR had experience handling this large a crisis in the region. The lack of established mechanisms for providing for refugees meant that Jordan had to build its non-Palestinian refugee regime while also engaged in the crisis. Far from being the most effective solution, this lack of preparedness led to lapses, perhaps both intentional and unintentional, in compliance that complicated the situation for Iraqi refugees. Furthermore, the lack of a prior relationship between Jordan and UNHCR meant that the relationship was formed during the crisis. Again, this was not effective as shown by the reset of the relationship in 2006.

In addition to the lack of experience working with UNHCR, Jordan also wanted to avoid direct comparisons between the Palestinian refugee population in Jordan and the new Iraqi refugees. As mentioned above, Jordan termed the Iraqis "guests" instead of "refugees" in order to divorce the Iraqi refugee from the image of the protracted and largely resettled Palestinian refugees. Despite the difference in nomenclature and the aforementioned negative effects of this policy on the Iraqi refugees, Jordanian officials still discussed the Iraqi guests in terms of an obligation. For example, the Ministry of Planning Secretary General Salih al-Karabsha stated that "We have no other choice… Those are our guests," when referring to whether the Jordanian government would continue to provide for Iraqi refugees.[64] While the language of morality and pan-Arabism does not appear in public statements as it does during the Syrian refugee crisis, as I discuss below, there seems to be a moral impetus for Jordan's compliance with the CSR.

Another explanation of Jordan's shift in policy from non-compliance to compliance is that its compliance attracted foreign aid. Both Nicholas Seeley and Dallal Stevens, in their respective articles, discuss the increase in foreign aid to Jordan following Jordan's decision to become more compliant with the CSR with regards to Iraqi refugees. In 2007, following a census of Iraqis in Jordan, the Jordanian government estimated that it cost $1 billion annually to host Iraqi refugees, which translated to increased donations from the US government, the European Union, and other organizations.[65] Much of this aid was sent directly to the Jordanian government.[66] While

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[64] Quoted in Nicholas Seeley, "The Politics of Aid to Iraqi Refugees in Jordan," *Middle East Report* 40 (Fall 2010), accessed April 9, 2015, http://www.merip.org/mer/mer256/politics-aid-iraqi-refugees-jordan?ip_login_no_cache=f5ce6cf846b141c1a2621bcc6b27baf2.

[65] Stevens, "Legal Status, Labelling, and Protection," 33.

[66] Ibid.

the international community's response towards Jordan's shift in policy and its request

for aid does not necessarily mean that Jordan shifted its policy in order to attract that aid,

several discrepancies point towards this conclusion: a dispute over the actual number of

Iraqi refugees in Jordan and an economic argument that Iraqi refugees actually benefit the

Jordanian economy.

In 2007, Jordan and the Norwegian NGO Fafo conducted a comprehensive survey

of Iraqis living in Jordan. Fafo initially estimated that there were only 161,000 Iraqis in

Jordan.[67] When the report was finally published, Jordan reported that there were an

estimated 500,000 Iraqis in Jordan. Subsequent studies support Fafo's initial estimate

over Jordan's larger estimate.[68] Furthermore, Joseph Sassoon, in his book *The Iraqi*

Refugees, writes, "One diplomat in Amman told me that the Jordanians wanted Fafo to

reflect a higher number in order to be able to receive more aid, and to counter the large

numbers. A Jordanian official…told me the delay was due to 'bureaucratic' matters."[69]

Jordan wanted international aid and thus, through increased compliance with the CSR as

well as the claim of high numbers of refugees, was able to receive said aid. The aid itself

went not only to refugees but also to infrastructural projects in Jordan such as the

building of new schools and the renovation of older ones.[70]

In addition to disputed numbers, some observers also criticized the Jordanian

government's claims of the negative impact of the Iraqi refugees on the Jordanian

economy. Jordanian economist, Yusuf Mansur, argued that the government's claim that it

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[67] Seeley.

[68] Ibid.

[69] Sassoon, 38.

[70] Seeley.

needed $1 billion in foreign aid was greatly exaggerated, and that the figure could not exceed $282.3 million.[71] Mansur claimed that the money spent by Iraqis in Jordan on goods and services, investments made by Iraqis in the Jordanian stock market and real estate, and entry fees, boosted the Jordanian economy and as such decreased the amount of aid needed.[72] Mansur's analysis and claim that Jordan exaggerates its requests for aid corroborates the critique of the published Fafo report. As such, Jordan's compliance with the CSR can be explained as monetary coercion from the North. It can also be explained as signaling in that Jordan signaled its compliance in order to receive aid money. This is not an example of cross-issue persuasion because Jordan did not necessarily link its compliance with an issue of importance to the North, specifically security concerns.

In sum, Jordan complied with the CSR with regards to its treatment of Iraqi refugees. This compliance increased as the crisis continued. Jordan was initially reluctant to comply because it did not want to host another protracted refugee population. As the crisis wore on, Jordan and UNHCR began to cooperate and, in order to receive foreign aid, Jordan increased its compliance. Despite a decrease in Jordan's respect for *non-refoulement* following the 2005 bombings, Jordan improved its services to Iraqis regarding education and healthcare; thus, Jordan's overall compliance improved. These policies laid the foundation for Jordanian compliance with the CSR with regards to Syrian refugees.

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[71] Stevens, "Legal Status, Labelling, and Protection," 33.

[72] Ibid. Mansur also makes these claims regarding the Syrian refugee crisis, which I discuss below.

THE SYRIAN REFUGEE CRISIS

Throughout the Syrian refugee crisis, Jordan has complied with the CSR with regards to its treatment of Syrian refugees. Jordan's policies towards Syrian refugees are similar to its policies towards Iraqi refugees at the end of the Iraqi refugee crisis; what differs is the external pressures on Jordan to comply. Unlike in 2007 when the international community provided significant aid money to Jordan as a result of Jordanian policies, the international community has not donated a similar amount of aid for the Syrian refugee crisis. Furthermore, unlike the Palestinian refugee situation, Jordan has no political motive to integrate Syrians into Jordanian society and to treat the refugees well. In this section, I show that Jordanian treatment of Syrians is in large part due to Jordan's previous decisions to host refugees and a sense of moral obligation to do so again.

LEVEL OF COMPLIANCE

Non-Refoulement

As previously stated, Jordan, while not obligated to respect *non-refoulement* because of the CSR, must still respect the principle because of the MoU, its participation in other human rights treaties that include *non-refoulement*, and the fact that *non-refoulement* has the status of customary international law. Therefore, Jordan should respect the principle and not return refugees to Syria, given that the situation in Syria is such that no matter whether one supports the governments or the opposition, his/her life is in danger.[73] For the most part, Jordan has not returned refugees to Syria; however there are some exceptions to this, as I discuss below.

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[73] Akram, et al., 65.

With regards to Syrian refugees, Jordan follows an open border policy. Established in 2011and reaffirmed in 2013, this policy allows Syrians to enter Jordan without visa requirements. The policy also waives the requirement of obtaining a residency permit allowing the refugees to stay, a departure from the treatment of earlier Palestinian and Iraqi refugees.[74] This means that Syrian refugees are allowed to travel freely into Jordan; relatedly, this means that Syrian refugees are all in Jordan "legally." While this does not prohibit Jordan from returning Syrians, it establishes a principle of hospitality and openness towards Syrian refugees that makes it difficult for the government to return them. Still, some Syrian refugees have been deported back to Syria, most due to having committed crimes in Jordan. These include working illegally, engaging in sex trafficking, engaging in certain political actions, smuggling, and lacking proper documentation.[75] Nevertheless, at least some of those Syrians deported are able to reenter Jordan, meaning that *refoulement* is not typically permanent.[76]

Jordan's *non-refoulement* policy differs greatly with regards to Palestinian refugees from Syria (PRS). In 2013, Jordan closed its border with Syria to all PRS, making it illegal for PRS to enter Jordan, which constitutes *refoulement*.[77] Furthermore, Jordan violates *non-refoulement* by deporting PRS, usually with very little time for

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[74] Akram et al., 55; "Jordan Committed to Open-Border Policy — Ensour," *Jordan Times*, October 22, 2013, accessed March 12, 2015, http://jordantimes.com/jordan-committed-to-open-border-policy----ensour. The lack of visa requirements is also present in Jordanian law. *qānun raqam (24) l'ām 1973: qānun āliqāma wash'un ālijānib [Law Number 24 of the year 1973: Law of Residency and Affairs of Foreigners]*, trans. Samuel Davidoff-Gore, http://moi.gov.jo/arabic/pages/القوانين.aspx.

[75] Akram et al., 63-64.

[76] Ibid, 64.

[77] Ibid; Elihu Lauterpacht and Daniel Bethlehem, "The Scope and Content of the Principle of Non-Refoulement (Opinion)," *Global Consultations on International Protection/Second Track*, June 20, 2001, accessed March 12, 2015, http://www.refworld.org/docid/3b3702b15.html, 113-115.

intervention on the refugee's behalf by NGOs.[78] This policy echoes shifts in Jordanian

policy towards Palestinians throughout the past decades that have made it more difficult

for recent Palestinian refugees to obtain rights and guarantees of protection from the

Jordanian government.

Overall, Jordan is fairly compliant with the principle of *non-refoulement*,

specifically with regard to Syrian refugees. While, according to UNHCR, *non-*

refoulement is still one of the most pressing concerns in Jordan with regards to its refugee

policy, Jordan already has a baseline commitment to *non-refoulement* that has allowed

thousands of refugees to enter and stay in Jordan.[79]

Identity Papers and Travel Documents

After crossing the border into Jordan, either at an official or unofficial crossing

point, Syrian refugees must register with UNHCR at one of several registration sites

across the country. Once registered, which requires passing security clearance and an

interview, UNHCR issues proof of registration cards and, if the refugees will be living in

camps, a ration card.[80] Following this registration, the Jordanian government requires a

separate interview, which allows the refugees to register with the government as well as

provide those living out of camps a Service Card which entitles them to humanitarian

services.[81] While these documents do serve to identify Syrian refugees as such, they do

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[78] Akram et al., 64-65.

[79] UNHCR, *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Jordan*, March 2013, accessed March 13, 2015, http://www.refworld.org/docid/513d90172.html, 7-8.

[80] Akram et al., 62.

[81] Ibid, 63.

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not necessarily substitute for state issued identity documents such as passports because they are issued by UNHCR. Syrian identification papers are collected by UNHCR at registration points, scanned into a system, and returned to the refugees. This allows Syrians to retain their identity documents while still being acknowledged as registered refugees with UNHCR.[82]

Neither Jordan nor UNHCR have systematically issued travel documents to Syrian refugees as dictated in the CSR. As such, refugees not already possessing valid travel documents are not necessarily free to travel from Jordan as guaranteed by the CSR. This indicates a lack of compliance with the CSR; however, given the sheer number of Syrian refugees entering Jordan and needing to be registered, it may be unfeasible to issue travel documents as well as identification. Furthermore, since Jordan is not the final destination for most Syrian refugees because of the MoU that emphasizes the temporary nature of refugee populations in Jordan, it stands to reason that the refugees, once they reach their final destination, will be issued travel documents if necessary. As per the MoU, it is UNHCR's responsibility to find a durable solution for refugees in Jordan. If UNHCR is not issuing travel documents, then Jordan's non-issuance does not seem to indicate general non-compliance.

Right to Work

The MoU between Jordan and UNHCR states that "refugees legally residing in Jordan" are allowed to work according to relevant laws and regulations.[83] Given the lack

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[82] Reem Alsalem, "UNHCR in Massive Sorting Effort to Return ID Papers to Syrian Refugees," *UNHCR*, October 17, 2013, accessed March 12, 2015, http://www.unhcr.org/525fe1569.html.

[83] *MoU*.

of a national refugee regime, the relevant laws and regulations are those that apply to foreign nationals, which do allow for the issuance of work permits. In practice, there are very few opportunities for Syrians to work legally because the Ministry of Labour has issued few work permits to Syrian refugees.[84] In order to provide for themselves, many Syrian refugees join the informal market, illegally working jobs that require unskilled labor such as street cleaning or working in restaurants. Working illegally leaves them vulnerable to deportation, which, as mentioned above, has occurred. Despite the risk, Syrian refugees have found work because they are viewed as being more skilled and productive than lower-class Jordanians.[85]

The employment of Syrian refugees has had mixed economic effects on the Jordanian economy. While employed Syrians do ease some of the burden shouldered by the Jordanian government and aid organizations, the employment has taken away employment opportunities from Jordanians. Furthermore, the lack of employment of many Syrians who do not live in refugee camps has raised minimum rental prices on houses, making them more expensive for both Syrian refugees and Jordanians to live in urban areas.[86] Aid organizations have implemented programs aimed at cash relief. Still, this has had a minimal effect and could be improved with greater Jordanian compliance with the CSR with regard to the right to work.

While the economic impact of Syrian refugees on Jordan as described appears to be negative, some Jordanians criticize the government for portraying the Syrian refugees

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[84] Akram et al., 69-70.

[85] Ibid.

[86] Ibid.

in such a negative light. In multiple opinion pieces in *The Jordan Times*, Yusuf Mansur

argues that the government over-reports the negative economic impact of the Syrian

refugee crisis in order to attract more foreign aid. He instead contends that the Syrian

refugees have had a positive economic impact on Jordan and the government should

report accurate numbers.[87] Mansur's claim shows that Jordan may be attempting to obtain

more aid money from the international community using similar strategies as it did

during the Iraqi refugee crisis. In this case, it means that protecting non-Palestinian

refugees is now an internalized norm in Jordan and that the government is conditioned to

comply with the CSR.

Cooperation with UN Agencies

     The MoU between Jordan and UNHCR characterizes the extent to which Jordan

and UN agencies cooperate. While the Jordanian government works with UNHCR and

relies on UNHCR for much of the humanitarian support given to Syrian refugees, it is

unclear how much the relationship between the two parties is cooperative and how much

is a separation of powers.

     As previously mentioned, Syrian refugees must register twice upon entry into

Jordan: once with UNHCR and once with the MoI. This redundancy represents several

issues, namely that UNHCR and the MoI are not cooperating and sharing data to a useful

extent. This puts the onus of registering twice on refugees, meaning they have to undergo

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[87] See, for example: Yusuf Mansur, "Creative Construction," *Jordan Times*, March 30, 2015, accessed
April 7, 2015, http://jordantimes.com/creative-construction; Yusuf Mansur, "The Cost of Refugees,"
Jordan Times, February 4, 2013, accessed April 7, 2015, http://jordantimes.com/the-cost-of-refugees. Also
see Jumana Ghuneimat, "līsat qṣa tḥkīhā ālḥkūma [The story is not told by the government]," *Al Ghad*, July
15, 2014, trans. Samuel Davidoff-Gore, accessed April 13, 2015, alghad.com/articles/814462-قصة-ليست
تحكيها-الحكومة.

two sets of interviews, pass through two bureaucracies, and have to travel to different locations in order to be served. This poses an unnecessary burden on refugees that could be alleviated by greater cooperation between Jordan and UNHCR.[88]

While UNHCR is responsible for running Syrian refugee camps in Jordan, the Jordanian government does cooperate in providing humanitarian relief to the camp-based refugees. Originally organized through the umbrella organization Jordan Hashemite Charity Organization, the MoI has subsequently undertaken the responsibility for coordinating the humanitarian response under the Syrian Refugee Camp Directorate.[89]

Finally, the lack of joint-programs does not necessarily mean that Jordan does not cooperate with UNHCR. The division of labor is not unilateral – UNHCR is not the only actor providing humanitarian relief for Syrian refugees. Jordan has spearheaded numerous initiatives to aid Syrian refugees, among them providing free education and subsidized healthcare. Some Jordanian schools run double shifts to accommodate the increasing number of students and free access to primary and secondary healthcare for Syrian refugees who do not live in camps.[90]

As the crisis has lengthened, the Jordanian government has increased its involvement and control beyond its initial, reticent levels. Along with the shift to using the Syrian Refugee Camp Directorate, the government increasingly demonstrates the extent to which it sets the agenda regarding Syrian refugees. For example, a group of students from Harvard University visited Zaatari Refugee Camp, the largest Syrian

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[88] Akram et al., 62-63.

[89] Ibid, 56-57.

[90] UNHCR, *Syria Regional Response Plan 5: 2013 Final Report*, 23-24.

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refugee camp in Jordan, in early 2015. Throughout their visit, they were escorted by anti-riot police, effectively ensuring that they could not have genuine conversations with Syrian refugees.[91] Additionally, the group noticed that individuals from NGOs and UNHCR were willing to speak much more freely about the situation in a closed door setting; however, during a final policy presentation in front of NGO representatives as well as a government official, the content and tone was much different.[92]

Jordan has a mixed level of cooperation with UN agencies. It allows them to work with autonomy in providing services to refugees and provides Syrian refugees with humanitarian services that complement those from UN agencies. Nevertheless, a more coordinated effort between Jordan and UN agencies would greatly benefit Syrian refugees as they would be afforded a more comprehensive protection program.

EXPLANATION

The MoU between Jordan and UNHCR as well as Jordan's participation in human rights treaties other than the CSR obligates Jordan to comply to a certain extent with the CSR. And while one can connect Jordan's actions to these various legal obligations, this explanation ignores the effects of hosting Iraqi refugees as well as the deep underlying moral issues that influence the Jordanian treatment of Syrian refugees.

Throughout this chapter, I show that Jordan's various decisions regarding refugee populations in its border all have distinct political and economic explanations. None of these explanations satisfactorily explains Jordan's current policies. In 1948, Jordan

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[91] "Assessing the Syrian Refugee Crisis in Jordan" (Seminar, Harvard Kennedy School: Cambridge, MA), March 9, 2015.

[92] Ibid.

granted citizenship to Palestinians in order to integrate them into Jordanian society and solidify Jordanian sovereignty over the West Bank. Today, Jordan has no claim to Syrian land and is not attempting to integrate Syrians into Jordanian society. In 1970, Jordan only fought the Fedayeen after they had alienated themselves from the Arab and Palestinian communities. Jordan could expel all Syrian refugees and I doubt that there would be significant outcry from Jordan just because the expulsion would be targeting people who represented a significant portion of the Jordanian population. In 2007, Jordan began treating Iraqi refugees better, and international aid flowed in to the country. As many UNHCR and Jordanian funding appeals reports explain, there has not been enough international aid for Syrian refugees.[93] As such, two explanations exist for Jordan's current refugee policies: prior experience and moral imperative.

Jordan's compliance with the CSR with regard to Syrian refugees comes from its experience hosting Iraqi refugees. By the start of the Syrian refugee crisis in 2011, Jordan now had eight years of experience large refugee influxes. Furthermore, UNHCR and Jordan had four years of successful cooperation since 2007. In large part, this experience has allowed Jordan and UNHCR to better address the Syrian refugee crisis. For example, policies implemented during the Iraqi refugee crisis such as granting access to healthcare and education continue to be provided for Syrian refugees. Jordan's border policies for Syrians mirror those for Iraqis pre-2005. Finally, cooperation between Jordan and UNHCR continues to be productive. In its first regional response plan for the Syrian refugee crisis, UNHCR states, "UNHCR is using the existing coordination mechanisms

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[93] Jumana Ghunaimat, "jlātih yaḍʿ r'usā' jḥrīr ālṣaḥaf āl'urdunīa bṣūra āltūrāt ālrāhna ālḥarb 'lā āl'irhāb wālthḏīāt ālāqtṣādīa tšǧl ālmelek [King updates the editors of Jordanian newspapers on the war on terrorism and economic challenges]," *Al Ghad*, January 26, 2015, trans. Samuel Davidoff-Gore, accessed April 13, 2015, http://alghad.com/articles/849647-الملك-تشغل-الاقتصادية-والتحديات-الإرهاب-على-الحرب.

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established through the RRP for Iraqis."[94] Without the experience of the Iraqi refugees, Jordan would not comply to the extent it currently does.

As previously discussed, the Arab world, specifically in the Levant, has a sense of community based on a shared Arab identity and culture. When discussing the Jordanian response to the Syrian refugees with Jordanians from multiple levels of society, the group of Harvard students found that there is a common sentiment that Jordanians and Syrians are kinsman, that they should be welcomed, and that there are moral and religious duties to help.[95] This moral obligation appears in much of the language of the government when discussing the refugee crisis. For example, in a speech given on March 10, 2015, King Abdullah II of Jordan has stated "Jordan also takes seriously our moral obligations to others," referring to Syrian refugees as well as Iraqi Christians forced to flee by ISIS.[96] Because the audience for this speech is the international community, one can argue that the use of morality is intended to elicit greater support from the international community. This argument does not explain the use of morality in speeches directed internally, such as when he stated "Jordan has fulfilled its pan-Arab and humanitarian responsibilities towards our brethren Syrian refugees."[97] Consequently, there must be an internal reason for using the language of morality and pan-Arabism.

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[94] UNHCR, *Syria Regional Response Plan* (March 2012), 15.

[95] "Assessing the Syrian Refugee Crisis in Jordan."

[96] King Abdullah II, "Remarks by His Majesty King Abdullah II before the European Parliament, Strasbourg, France," *King Abdullah II Official Website - King of the Hashemite Kingdom of Jordan*, March 10, 2015, accessed March 12, 2015, http://kingabdullah.jo/index.php/en_US/speeches/view/id/552/videoDisplay/0.html.

[97] King Abdullah II, "Speech from the Throne by His Majesty King Abdullah II opening the Second Ordinary Session of the 17th Parliament, Amman, Jordan," *King Abdullah II Official Website – King of the Hashemite Kingdom of Jordan*, November 2, 2014, accessed March 12, 2015, http://kingabdullah.jo/index.php/en_US/speeches/view/id/549/videoDisplay/0.html.

Given the lack of public information regarding the intra-governmental decision making processes in Jordan, no clear explanation exists for the use of the language of morality and pan-Arabism. As previously mention, Jordan does not have a free press and this is evident by the lack of discussion regarding Syrian refugees in Jordanian newspapers. Furthermore, there is no public dissent from government officials, making it difficult to identify what debate, if any, there is as to how to best respond to the Syrian refugees. There are three plausible explanations for the use of the language of morality and pan-Arabism. First, Jordan is using the language of morality and pan-Arabism in order to promote public support for governmental policies. If the government couches its policies as upholding a moral obligation and appealing to pan-Arab identity and a culture of hospitality, the Jordanian public may overlook the negative economic effects of the Syrian refugees. Second, Jordan is using this language as well as its actions to signal to the world that it is complying with the international refugee regime and should be supported financially in doing so. If this is the true reason, it has failed, because the international community has not funded Jordan to the extent that Jordan requires. Third, the government actually believes that protecting and hosting Syrian refugees is a moral and pan-Arab duty and describes its policies as such.

As Jordan shifts its policy towards Syrian refugees, specifically with regard to the extent to which the border is open as well as subsidies of various social services, the second aspect of public sentiment comes to the forefront. Claims of moral responsibility often come before recognition of the untenability of the current situation. The massive influx of Syrian refugees, combined with the prolonged nature of the conflict, has had adverse effects on the state. For example, prices for low end products, such as cheap

housing, have increased due to demand, water resources are limited and continuously

depleting, and the government is spending millions of dinar to provide services. The

international community finances some of the refugee burden; however, foreign nations

have consistently not matched the funding requests by UNHCR and Jordan. Furthermore,

the Jordanian government claims that it covers 81% of the financial burden of hosting

Syrian refugees.[98] Members of the Jordanian government have expressed that the

situation is futile, as Foreign Minister Nasser Judeh claimed at a conference in October

2014 that the refugee burden had exhausted Jordan and its resources.[99] Nevertheless,

Jordan continues to host and protect Syrian refugees.

The changes in policy are the result of a reexamination of the decision to host

Syrian refugees and comply with provisions of the international refugee regime. The

drain that Syrian refugees takes on Jordan has reached a point where the status quo is no

longer acceptable and that the current hosting regime will inevitably fail. This aligns with

the realist argument that hosting refugees reduces the state's power and thus the state

should not host refugees; however, these shifts in policy are not necessarily accompanied

by a shift in government rhetoric. As Jordan continues to espouse its moral obligation and

fieldwork conducted two months before the time of this writing confirms this public

sentiment, the moral obligation is an important part of Jordanian refugee policy.

Furthermore, the recent policy shifts do not address the Syrian refugee population still in

Jordan nor does it alleviate the burden exerted by that population.

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[98] "Jordan Covering 81% of Refugee Crisis Cost — PM," *Jordan Times*, January 22, 2015, accessed March 31, 2015, http://jordantimes.com/jordan-covering-81-of-refugee-crisis-cost----pm.

[99] "Refugee Burden Has Exhausted Jordan — Judeh," *Jordan Times*, October 28, 2014, accessed March 31, 2015, http://jordantimes.com/refugee-burden-has-exhausted-jordan----judeh.

PRS[100]

A final issue is Jordan's treatment of PRS, specifically its policy of no-entry and *refoulement*. One could argue that because Jordan is not taking the humanitarian needs of PRS into consideration and discriminating against them at the border, it is not fulfilling its obligations under international law and cannot be considered a compliant state. I counter that, as established before, the situation of Palestinian refugees is distinct from the situations of Iraqi and Syrian refugees and thus cannot be directly compared.

Jordan's treatment of PRS largely hinges on the still highly political nature of the Israeli-Palestinian conflict as well as the precarious legal situation of Palestinian refugees. Before Jordan closed its border to Palestinian refugees, UNRWA in Jordan would not reregister PRS who had fled; rather, they would note that they had entered Jordan. This was to ensure that they were not doubly in the UNRWA system as well as it maintained their residence in Syria. The latter point is important because Assad has stated that if Palestinians flee they will not be allowed back into Syria after the war. Furthermore, Jordan does not want more Palestinian refugees in its territory who might settle there permanently. Because the status of Palestinian refugees is so politically charged and changes in the status of Palestinian refugees can be used by both sides in the Palestinian-Israeli conflict, Jordan's policy towards PRS cannot be viewed simply as a matter of compliance with the CSR and thus it does not mitigate my argument.

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[100] For more on the treatment of PRS in Jordan, see Houry and HRW.

CONCLUSION

Jordan is a non-participant compliant state with regards to the CSR and its treatment of Syrian refugees. While it does not comply with all aspects of the CSR and it does not comply with respect to PRS, it does generally comply with the principles of the CSR. Furthermore, it complies with the expansion of the international refugee regime as created by UNHCR as well as regional refugee regimes. The temporary protection regime implemented by UNHCR and the humanitarian guarantees for education and healthcare align with the principles of the international refugee regime as it currently stands. Jordan's compliance can be explained through the bureaucratic experiences gained through providing for Iraqi refugees and cultural and identity norms from hosting refugees for so long. In short, Jordan is complying because it has done so before and it feels a moral and value based obligation to do so. The following chapter examines Lebanon's history of hosting refugees and applies my Integrated Approach to it. I also examine the differences between Jordanian and Lebanese policies and explore how the causes of these differences affect compliance.

CHAPTER FIVE
THE LEBANESE REPONSE TO REFUGEES

As of March 20, 2015, there were 1,177,234 Syrian refugees in Lebanon who have registered with the United Nations High Commissioner for Refugees (UNHCR), with 11,301 awaiting registration.[1] As of July 1, 2014, 449,957 Palestinians had registered as refugees in Lebanon with the United Nations Relief Works Agency (UNRWA).[2] Finally, as of April 2014, more than 53,070 Palestinian refugees from Syria (PRS) were in Lebanon; however, due to Lebanese policies regarding PRS, a more accurate number cannot be obtained.[3] Hosting such a large refugee population has had a negative impact on the Lebanese economy. According to the World Bank, by 2014, 170,000 Lebanese were expected to enter poverty, 324,000 Lebanese would become unemployed, $177 million would be required to support social services, Lebanon would have spent $1.1 billion because of the influx of Syrian refugees, and the Lebanese GDP growth rate would decrease by 2.9%.[4] Further economic impacts of the Syrian refugee crisis include: decline in the tourism and hospitality industries; decreased trade due to the closed Syrian-Lebanese border; increased poverty; increased competition between

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[1] UNHCR, "Lebanon."

[2] "Lebanon," *UNRWA*, last modified July 1, 2014, accessed March 23, 2015, http://www.unrwa.org/where-we-work/lebanon.

[3] "PRS in Lebanon," *UNRWA*, accessed March 23, 2015, http://www.unrwa.org/prs-lebanon.

[4] "Impact of the Syrian Crisis," *The World Bank*, accessed March 23, 2015, http://www.worldbank.org/en/programs/impact-of-the-syrian-crisis#2.

Lebanese and Syrians for jobs, specifically low-wage employment; increase inflation and prices; and an increased strain on social services.[5] Given the negative economic impact on the Lebanese economy, the sheer enormity of the Syrian refugee flows in Lebanon, and the protracted nature of the Syrian refugee crisis, what explains Lebanon's compliance with provisions of the 1951 Convention relating to the Status of Refugees (CSR) with regard to its treatment of Syrian refugees?

Lebanese politics relies on a delicate balance of power sharing between the three major confessional groups: Maronite Christians, Sunni Muslims, and Shia Muslims. The power sharing agreement originated at the end of France's colonial occupation of Lebanon: the tacit compromise guaranteed a Maronite president, a Sunni Prime Minister, and a Shia Speaker of Parliament. In return, the Maronites would not seek to retain ties with France and the Muslims would not attempt to join a pan-Arab unified state. This division of power has had direct implications on Lebanese refugee policy, specifically with regard to Palestinian refugees, which I discuss in the next section.

Lebanon has also undergone political instability, civil war, and overt influence from Syria. The sectarian governing balance did not account for changing demographics, which built tensions between the Maronites and the Muslims. This escalated into civil war in 1975, after which there have been few years of peace in Lebanon. During the civil war, Syria allied with several different Lebanese factions and sent armed forces into Lebanese territory. As time progressed, Syria increased its control over Lebanon, ensuring that Lebanese foreign policy echoed Syrian foreign policy. Syria continued to

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[5] International Labour Organization: Regional Office for the Arab States, *Assessment of the Impact of Syrian Refugees in Lebanon and Their Employment Profile* (2014), accessed March 23, 2015, http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_240134.pdf, 34-41.

have a presence in Lebanon until 2005, when Syrian forces finally withdrew. Nevertheless, Lebanon has remained an economically strong center for the Arab Middle East and Beirut is a regional hub for commerce, trade, and tourism.

In this chapter, I show that Lebanon's compliance with the CSR with regard to Syrian refugees comes from previous bureaucratic arrangements between Syria and Lebanon. I further show that Lebanon I trace Lebanon's treatment of refugees through its two major refugee situations: Palestinian refugees and the current Syrian refugee crisis. I then compare Lebanon's refugee policies with Jordan's in order to find similarities and differences in their histories of refugee hosting. Finally, I draw to explain Lebanon's policies regarding Syrian refugees.

THE PALESTINIAN REFUGEE CRISIS

1948

Following the 1948 Arab-Israeli War, roughly 100,000 Palestinians fled into Lebanon.[6] Upon arrival, they were somewhat welcomed into Lebanese society. Lebanon viewed the Palestinian refugee crisis as a humanitarian crisis and cooperated with UNRWA in order to provide for them. From the beginning of the crisis, UNRWA provided for Palestinian refugees, specifically housing them in refugee camps spread throughout Lebanon. Further provisions included the constructions of schools and hospitals for the exclusive use of Palestinian refugees. These schools and hospitals continue to operate to this day.

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[6] Rex Brynen, *Sanctuary and Survival: The PLO in Lebanon* (Boulder: Westview Press, 1990), 19.

Lebanon governed Palestinian refugees through its policies on foreign nationals.[7] Under these policies, Lebanon allowed Palestinians to work conditioned upon receiving a government authorized work permit; in reality, these were not often granted.[8] Palestinians were also required to seek governmental approval to purchase immovable property and furthermore were ineligible for social security despite wage deductions that went towards the social security program.[9] These policies only applied to Palestinians from 1948 as the Lebanese government considered only them to be legally in the country; all others, whether entering Lebanon later or from a third country, were only entitled to UNRWA emergency services.[10] Throughout the years leading up to the 1967 Arab-Israeli War, Palestinian refugees in Lebanon lived mostly on the outskirts of society, receiving services from UNRWA but decidedly not part of Lebanon.[11] Following the 1967 War, Palestinians began to interact with Lebanese society to a much larger extent.

What explains Lebanon's decision to allow Palestinian refugees into its territory but not integrate them into Lebanese society? In Chapter Four, I show that Jordan accepted and granted citizenship to Palestinian refugees in 1948 in order to consolidate political control over the West Bank. Lebanon, on the other hand, did not gain territory as a result of the 1948 Arab-Israeli War and thus did not have the same incentive as Jordan. Furthermore, while some parts of Lebanese society, specifically the Sunni Muslims, identified with and welcomed the Palestinian refugees, others, primarily the Maronites,

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[7] Takkenberg, 163.

[8] Ibid, 164.

[9] Ibid.

[10] Ibid, 163.

[11] Brynen, 20, 25.

viewed the Palestinians as a political threat.[12] Thus, Lebanon decided to physically

separate Palestinian refugees from Lebanese society because the government perceived a

threat to its stability.[13] This realist explanation continues to hold throughout Lebanon's

history of hosting refugees.

THE LEBANESE CIVIL WAR

The Lebanese Civil War lasted from 1975 to 1991 and involved all three major

sectarian groups in Lebanon fighting against each other as well as the involvement of

Syria, Israel, Iran, Iraq, the United States, and the UN. Furthermore, it saw the rise of an

armed Palestinian militia, Israeli occupation of half of the country, and Syria military

activity. Needless to say, recounting the war in its entirety does not serve the purpose of

this study; therefore, in this section, I focus on the actions taken by Palestinian refugees

in Lebanon during the war as well as the involvement of Syria and Israel.

Following the 1967 Arab-Israeli War, even more Palestinian refugees fled into

surrounding nations, including Lebanon. As discussed in Chapter Four, the Palestinian

Liberation Organization (PLO) rose to prominence as an influential representative of the

Palestinian refugees in the region.[14] In the years following the 1967 Arab-Israeli War, the

PLO in Lebanon attempted to work with Lebanese political groups in order to create

positive relations; this strategy worked as evidenced by a 1969 survey that found that

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[12] The 1948 influx of Palestinian refugees constituted roughly 10% of Lebanon's population. Additionally, most of the Palestinian refugees were Sunni. Takkenberg, 162.

[13] Simon Haddad, *The Palestinian Impasse in Lebanon: The Politics of Refugee Integration* (Portland, OR: Sussex Academic Press, 2003), 29, 40-44.

[14] Brynen, 22.

over 80% of Lebanese were in support of the PLO militias (the Fedayeen).[15] The next

year, Jordan fought PLO elements in Jordanian territory and expelled them; the PLO then

fled to Lebanon, making it the center of its operations. The PLO based itself in

Palestinian refugee camps, which it began to militarize.[16] It furthermore organized raids

into Israel from the camps and provided a base for guerilla activities in Lebanon as well,

which led to clashes between Palestinian and Lebanese forces.[17] The militarization of

Palestinian refugees in Lebanon created a pseudo-Palestinian state; the Lebanese

government had little control over those areas.[18] The rise of the Palestinian refugees in

Southern Lebanon prompted the Maronites to militarize as well, and eventually the entire

country broke out into civil war.

Lebanese factions were not the only military participants in the Lebanese Civil

War; both Syria and Israel invaded Lebanon and kept occupying forces in Lebanon past

the end of the war. In the early stages of the war (1976), Syria entered the conflict in

order to ensure that Lebanon would not collapse. As such, Syrian forces separated the

combatants and the Syrian government advocated for a ceasefire.[19] But, as Maronite

officers defected from the Maronite forces, Syria shifted its alliance to the Maronites in

order to prevent Israel from intervening on behalf of the Maronites.[20] In 1978, Israel

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[15] Ibid, 56-58.

[16] Ibid, 72-74.

[17] Ibid, 62-63.

[18] Simon Haddad, 32.

[19] Robert G. Rabil, *Embattled Neighbors: Syria, Israel, and Lebanon* (Boulder, Co: Lynne Rienner Publishers, 2003), 50–51.

[20] Ibid, 51-55.

invaded Lebanon in order to combat ongoing PLO attacks on Israel.[21] Shortly thereafter,

the Maronites became wary of Syria's assistance and subsequently began fighting Syrian

forces, prompting Syria to shift its support to the Muslim forces.[22] Despite the war ending

in 1991 with the Ta'if accords, which reestablished the political system in Lebanon,

Israel and Syria did not withdraw their forces from Lebanon until 2000 and 2005,

respectively.[23]

The Lebanese Civil War was a complex conflict that involved multiple Lebanese

factions as well as international actors. Important to this study is the involvement of

Palestinian refugees. Because of the PLO's participation in the civil war, public

perception of Palestinians by Lebanese became much more negative. Furthermore,

Lebanon increased restrictions on Palestinians in Lebanon following the war. While these

new restrictions were not necessarily a created because of the civil war, it is apparent, as I

discuss below, that the Palestinian participation in the Lebanese Civil War had a

detrimental effect on Lebanese protection of Palestinian refugees.

AFTER THE CIVIL WAR

After the Lebanese Civil War, Lebanon began to change its policies towards

Palestinian refugees. Previously, Palestinian refugees in Lebanon would be able to leave

Lebanon and then return; however, beginning in 1995, Palestinian refugees had to apply

for a re-entry permit, which limited their ability to travel. This new policy came in

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[21] Ibid, 58.

[22] Ibid, 61, 72-73.

[23] For a detailed account of the Lebanese Civil War, see Brynen as well as Rabil, 43-80.

response to Libya's decision to expel all Palestinian refugees from its territory.[24] Lebanon also changed its policy regarding work, barring Palestinian refugees from entering many professions and only allowing them to work in labor intensive, unskilled fields.[25] Additionally, Lebanon created stricter policies regarding property ownership. In short, Lebanon limited its compliance with the principles of the CSR even further during and following the Lebanese Civil War.

At the same time, public opinion in Lebanon towards Palestinian refugees soured. In his study of Lebanese attitudes towards Palestinians, Simon Haddad shows that Lebanese generally held a negative perception of Palestinian refugees.[26] By conducting interviews with roughly 1,000 Lebanese from various sectarian, age, occupational, and educational groups, Haddad presents a cohesive summary of Lebanese public opinion towards Palestinian refugees in 1999-2000.[27] One of his broadest findings is that in response to almost all questions asked, Sunnis looked more favorably upon Palestinian refugees than any other sectarian group except the Druze.[28] Lebanese also blamed Palestinians for the Lebanese Civil War, although the respondents split almost equally when asked who was responsible for the war: Palestinians, Lebanese, or all parties.[29]

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[24] Takkenberg, 165.

[25] For a detailed explanation of Palestinians' labor options in Lebanon following the Lebanese Civil War, see Souheil El-Natour and Dalal Yassine, "Insight on the Legal Status Governing Daily Lives of Palestinian Refugees in Lebanon," *Human Development Center*, 2007, accessed April 13, 2015, http://prrn.mcgill.ca/research/papers/NatourPalestiniansLebanon.pdf, 47-59.

[26] Simon Haddad.

[27] Ibid, 76-77.

[28] For example, 9% of Maronite respondents felt communal closeness to Palestinians as opposed to 74% who felt hostility. 44% of Sunni and Druze felt close to Palestinians as opposed to 32% and 27% who felt hostility, respectively. 23% of Shiites felt close as opposed to 55% who felt hostility. Ibid, 83.

[29] Ibid, 85-86.

Haddad's data shows not only the sectarian nature of hostility towards Palestinian refugees but also the general wariness of Palestinian refugees by all sectors of Lebanese society.

Haddad's survey also provides insight into Lebanese public opinion about the treatment of Palestinian refugees. In response to a question regarding expelling Palestinian refugees from Lebanon, very few respondents from any sect answered that Palestinians should not be expelled. Most Christians favored outright expulsion while only 62% of Shiites and 54% of Druze felt the same. Only the Sunnis had a plurality of respondents who answered with a conditional no.[30] Despite the overwhelming support for expulsion, most (68% of respondents) felt that as long as Palestinian refugees were in Lebanon and there was not a political resolution in Israel, Lebanon should grant Palestinian refugees civil and social rights.[31] This data shows that the humanitarian nature of the Palestinian refugees' existence in Lebanon is apparent to Lebanese citizens and that the humanitarian crisis mitigates negative political emotions towards Palestinians.

This data corroborates the explanation for Lebanon's treatment of Palestinian refugees that I put forward regarding Lebanon's response to the 1948 influx of refugees. On one hand, as shown by Haddad's data, the Sunni section of Lebanese society strongly identified with Palestinian refugees and thus wanted to better protect them. On the other hand, the Maronites did not identify with the Palestinian refugees and instead viewed them as a threat to Lebanese political stability. As Haddad's data shows, Maronites overwhelmingly do not support Palestinian refugees. Shi'ite support falls between Sunni

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[30] Ibid, 100.

[31] Ibid, 100-101.

and Maronite support because while Shi'ites identify with Palestinians as Muslims, they also view the Sunni identity of Palestinian refugees as threatening. Thus, Lebanon treats Palestinians the way it does because the various factions of Lebanese society are unable to reconcile Sunni ethnic solidarity with the political and security concerns of the Maronites, and to a lesser extent, the Shi'ites.

Lebanon's current policies towards Palestinians are also connected to the initial decision to welcome Palestinian refugees following the 1948 Arab-Israeli War. As discussed, the initial decision was viewed as a humanitarian decision. Lebanon also justified welcoming the Palestinians because of a shared Arab identity.[32] Because of this initial decision as well as Sunni support, Palestinians have been able to remain in Lebanon; however, the sense of Arab identity has weakened significantly. In Lebanon, while many citizens identify as Arabs, the predominant identity is to one's sect. The confessional political system reinforces the sectarian divide in Lebanese society and solidifies one's religion as one's primary identity. As opposed to Jordan where identity has a positive effect on its treatment of Palestinian refugees, in Lebanon identity has a negative effect.

THE SYRIAN REFUGEE CRISIS

Lebanon initially welcomed Syrian refugees into its territory and allowed them to stay for an extended period of time. As the crisis has continued, Lebanon has placed more and more restrictions on Syrian refugees including closure of the Lebanon-Syria border. Lebanon's response to the crisis has coincided with a political crisis that has prevented

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[32] Brynen, 28-29.

the government from functioning for several years. Lebanon's initial compliance comes

as a result of previous relations between Lebanon and Syria; however, its subsequent

decisions show the importance of other factors such as governance and security.

COMPLIANCE

Non-Refoulement

Lebanon has respected the principle of *non-refoulement* with respect to Syrian

refugees. Lebanon is obligated to respect *non-refoulement* through its participation in the

International Covenant on Civil and Political Rights and other human rights instruments;

however, the MoU between UNHCR and Lebanon does not mention *non-refoulement*, as

the MoU between UNHCR and Jordan does.[33] On the other hand, Lebanese law does

incorporate the description of *non-refoulement* by creating a framework for granting

political asylum.[34] While the law does respect *non-refoulement*, Lebanon has stated that

Syrian refugees are not governed by law but rather by policies of the Ministry of Social

Affairs, which have not been published.[35] Nevertheless, Lebanon has only deported a

small number of Syrians back to Syria.

At the beginning of the Syrian refugee crisis, Lebanon maintained an open border

policy.[36] This means that Syrian refugees were legally allowed into Lebanon if they

crossed at official border crossings run the General Security Office of the Ministry of

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[33] Frontiers Center, *Lebanon-UNHCR Memorandum of Understanding*, November 2003, accessed March 24, 2015, http://www.frontiersruwad.org/pdf/FR_Public_Statement_MOU_Nov_2003.pdf, 2.

[34] Order No. 319 of 1962 Regulating the Status of Foreign Nationals in Lebanon, August 2, 1962, accessed April 13, 2015, http://www.refworld.org/docid/4c3c630f2.html.

[35] Akram et al.,

[36] Ibid, 37.

Interior.[37] Some Syrian refugees do cross at unofficial border crossings; this constitutes illegal entry and these refugees undertake a higher risk of deportation if they are not able to regularize their status.[38] The government sometimes changes border policies on an *ad hoc* basis, creating delays for Syrians to enter Lebanon; however, despite rumors of complete border closure, there has been no shift in *refoulement* policy and Syrian refugees have been allowed to stay in Lebanon even with expired residence permits.[39]

The Lebanese government recognizes the importance of *non-refoulement*. In October 2014, Labor Minister Sejaan Azzi stated that Syrian refugees returning to Syria would be the optimal solution to the Syrian refugee crisis; however, "this is not possible now, given the fighting in Syria."[40] Despite this acknowledgement, Lebanon has restricted entry for Syrian refugees. Specifically, Syrian refugees must provide one of six reasons to be admitted as a visitor, or they may claim humanitarian needs, otherwise they may not enter.[41] Furthermore, Syrian refugees who return to Syria may not return to Lebanon as refugees.[42] These policies represent a shift in Lebanon's compliance with *non-refoulement* and jeopardize Lebanon's compliant status with the CSR.

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[37] Ibid.

[38] UNHCR, *Lebanon Protection Update*, September 2014, accessed April 13, 2015, http://data.unhcr.org/syrianrefugees/download.php?id=7484.

[39] Ibid, 42.

[40] Hasan Lakkis, "Syrian Regime Needed for Refugee Fix: Azzi," *The Daily Star*, October 28, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Oct-28/275574-syrian-regime-needed-for-refugee-fix-azzi.ashx.

[41] Samya Kullab, "Drop in Syrian Registrant Numbers 'Due to Entry Curbs,'" *The Daily Star*, January 21, 2015, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2015/Jan-21/284769-drop-in-syrian-registrant-numbers-due-to-entry-curbs.ashx.

[42] "Syrian Refugee Situation Analysis," *Center for Refugees of Lebanon*, accessed April 13, 2015, http://sites.tufts.edu/exglobalhealth01/deliverables/syrian-refugee-analysis/.

Palestinian refugees from Syria (PRS) face *refoulement* in Lebanon. Throughout the Syrian refugee crisis, PRS have been treated differently because they fall under UNRWA's mandate and because of Lebanon's policies regarding Palestinian refugees in general. While PRS were initially allowed in the country, Lebanon soon changed its policies, requiring PRS to obtain permission to travel to Lebanon in Damascus and only for certain reasons including a previously scheduled doctor's appointment and visiting family.[43] Finally, Lebanon, in April 2014, completely closed its border with Syria to PRS. As discussed in Chapter Four, rejection at the border constitutes *refoulement*. Furthermore, PRS in Lebanon face deportation if they are discovered by Lebanese authorities. Like Jordan, Lebanon does not comply with the CSR with regard to *non-refoulement* for PRS.

Identity Papers and Travel Documents

The Lebanese government does not issue identity or travel papers to Syrian refugees. Syrian refugees are expected to enter Lebanon with proper personal identification papers, such as passports; those that do not have papers enter a legal limbo where they are not considered legally present in Lebanon.[44] Upon entering Lebanon, Syrian refugees must register with UNHCR, after which they receive identification as a UNHCR refugee; however, this does not necessarily constitute an identity paper, nor does it constitute legal permission to stay in Lebanon. Instead, Syrian refugees must go to the Lebanese government under a special regime.

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[43] Akram et al., 37.

[44] Ibid, 42.

The 1994 Bilateral Agreement between Lebanon and Syria allows Syrian refugees to gain legal residence in Lebanon. Under the terms of the agreement, Syrian nationals having entered Lebanon may receive a free residence permit, which is renewable after six months for free. Before the conflict, after a year Syrians would have to return to Syria for at least 24 hours before returning to Lebanon; however, this is difficult given the situation in Syria. Therefore, Lebanon allows Syrians to extend their residence without leaving Lebanon for $200.[45] While this policy provides a means for Syrian refugees to legally stay in Lebanon, it deprives them of refugee status.

In order for Lebanon to apply the Bilateral Agreement to Syrian refugees, the Lebanese government considers Syrian refugees as "displaced" rather than as "refugees". This means that they are not protected to the extent that they would be as refugees, specifically with regards to *non-refoulment*. Despite this caveat, it does not generally affect Syrian refugees because of the lack of a comprehensive refugee regime in Lebanon. Furthermore, the permit requirement has not been enforced as, according to a 2014 Lebanese estimate, roughly 500,000 Syrian refugees had expired residence permits.[46] If so many Syrian refugees are living in Lebanon with expired residence permits and Lebanon is choosing not to deport them, why does Lebanon have the $200 fee to renew a residence permit? While there is no official explanation, it is plausible that the fee is used to create an environment of fear. It is also plausible that the Lebanese government is trying to encourage Syrians to leave without actually wanting to go

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[45] Ibid, 38.

[46] Ibid, 42.

through the effort of deporting them.[47] Since most Syrian refugees are unable to pay the

fee, they face an impossible choice: pay the fee, return to Syria, or live in a legal limbo in

Lebanon.[48] Many choose the first and third options. This policy weakens Lebanon's

compliant status.

Right to Work and Shelter

Syrian refugees in Lebanon are allowed to apply for work permits; however, few

are granted thus severely limiting their right to work. Despite the lack of legal

opportunities to work, Syrian refugees are able to work in the informal market, risking up

to a month in prison in order to make a living.[49] As previously mentioned, Syrian

refugees compete with Lebanese citizens for low wage jobs which breeds resentment.

Overall, Lebanon exhibits little compliance with regard to the right to work.

While there is no right to shelter in the CSR and thus cannot be used to measure

compliance with the CSR, I want to examine Lebanon's shelter policies because they are

very unique to Lebanon. In Jordan, Syrians are able to stay in UNHCR constructed

camps, in urban areas, and in tents throughout the country. Lebanon, however, does not

allow for any refugee camp construction.[50] Thus, all Syrian refugees in Lebanon must

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[47] Samya Kullab, "Lebanon's Entry, Residency Policies Lack Vision," *The Daily Star*, March 14, 2015, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2015/Mar-14/290778-lebanons-entry-residency-policies-lack-vision.ashx.

[48] Amnesty International, *Lebanon: New Entry Requirements for Syrians Likely to Block Would-Be Refugees*, January 6, 2015, accessed April 13, 2015, http://www.amnesty.eu/content/assets/public_statements/Lebanon_New_entry_requirements_for_Syrians_likely_to_block_would-be_refugees.pdf.

[49] Akram et al., 45.

[50] Ibid, 46.

find places to live by themselves, which is difficult due to the sheer number of Syrian

refugees. Because of the camp prohibition, many Syrian refugees attempt to live in urban

areas under unofficial agreements with landlords, which allows the landlord to exploit the

refugee.[51] The increased demand for apartments has raised the price, as it did in Jordan,

of cheap housing.[52] Those Syrian refugees who cannot find adequate housing have set up

makeshift tents in urban areas. These sometimes grow into tent communities; however,

once these are deemed too permanent by Lebanese authorities, they are taken down.[53]

This residence policy makes it difficult for Syrian refugees to survive in Lebanon and has

led to many policy recommendations calling for the reconsideration of the camp

construction ban.

Cooperation with UN Agencies

       Because of Lebanon's weak political state and somewhat limited economic

resources, it relies on UNHCR to carry out humanitarian action. Specifically, Lebanon

ran without its Council of Ministers, which wields much of the executive authority, and

only recently installed a caretaker government, meaning that UNHCR remains the

primary coordinating organization.[54] The Ministry of Social Affairs and its newly formed

(as of March 2013) Crisis Management Unit, are responsible for coordinating among

various non-governmental organizations (NGOs) and governmental ministries and

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[51] Ibid, 47.

[52] UNHCR, *Syria Regional Response Plan 5: 2013 Final Report*, 14.

[53] Akram et al., 47.

[54] Ibid, 30.

agencies.[55] Despite ceding some control to UNHCR, the Lebanese government still controls policies regarding Syrian refugees and their access to services. For example, the General Security Office, as part of the Ministry of Interior, is able to dictate policy regarding the status of Syrian refugees and furthermore monitors the border.[56]

Most cooperation between the Lebanese government and UNHCR comes through provision of food, health care, and education.[57] Syrian refugees have access to free public education and, as in Jordan, some schools run second shifts; however, most Lebanese choose private education due to the weakness of the public education system.[58] Lebanon grants Syrian refugee access to healthcare via public medical facilities, and the government further coordinates with NGOs to provide further access to care.[59] The UN also advocates on Lebanon's behalf, as the resident UN coordinator for Lebanon has been appealing for aid not only on behalf of Syrian refugees in Lebanon, but also "that it is worth investing in Lebanon to try and maintain stability."[60] The Lebanese government and UN agencies are cooperating and coordinating their responses to the Syrian refugee crisis.

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[55] Ibid.

[56] Ibid, 31.

[57] Ibid, 44; UNHCR, *Lebanon Interagency Update: Lebanon Crisis Response Plan*, January 30, 2015.

[58] UNHCR, *Lebanon Interagency Update*, 2-3; Akram et al., 48.

[59] Akram et al., 49-50; UNHCR, *Lebanon Interagency Update*, 4.

[60] Sarah Weatherbee, "Mountain Urges Aid for Host Communities," *The Daily Star*, March 25, 2015, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2015/Mar-25/292068-mountain-urges-aid-for-host-communities.ashx.

EXPLANATION

As shown in the preceding section, Lebanon is somewhat compliant with the CSR with regards to its treatment of Syrian refugees and is certainly less compliant than Jordan. As the border between Lebanon and Syria is now all but closed, it seems as though Lebanon is shifting its policies away from compliance. Before explaining why Lebanon's level of compliance is low, it is first important to understand why Lebanon decided to allow Syrian refugees into its territory. Lebanon has allowed Syrian refugees in its territory because of its relationship with Syria prior to the Syrian Civil War.

As discussed above, Syria invaded Lebanon during the Lebanese Civil War. After shifting its support throughout the war, it finally withdrew its troops in 2005. Because of Syria's presence in Lebanese territory, Syria was able to influence Lebanese policy. Syrian forces remained on Lebanese soil because of a provision in the Ta'if Agreement that allowed Syria to remain in Lebanon and to respond to perceptions of threats against its security. Syria was also supposed to assist the Lebanese government in establishing its authority.[61] In 1991, Syria and Lebanon further solidified their ties by signing the Lebanese-Syrian Treaty of Brotherhood, Cooperation and Coordination.[62] Syria used its relationship with the armed Shi'ite group Hezbollah (Party of God) in Southern Lebanon to ensure that Lebanon complied with Syrian wishes. During negotiations with Israel, Syria used Hezbollah as a leverage in order to pose a security threat to Israel. When Israel attempted to circumvent Syria and reach a peace agreement with Lebanon, Hezbollah increased its military activities in Southern Lebanon and Lebanon ultimately cut off

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[61] Taku Osoegawa, *Syria and Lebanon: International Relations and Diplomacy in the Middle East*, Library of Modern Middle East Studies 140 (London: I. B. Tauris, 2013), 94.

[62] Ibid, 96.

discussions with Israel.[63] Syria and Lebanon maintained close ties until 2005 when the international community pressured Syria to leave Lebanon after Syria's alleged involvement with the assassination of Lebanese Prime Minister Rafiq al-Hariri.[64]

As previously mentioned, Syria and Lebanon signed a bilateral agreement in 1994, which not only eases entry restrictions for Syrians entering Lebanon but also makes it easier for them to work there.[65] This agreement continued to govern the movement of Syrian refugees entering Lebanon at the start of the refugee crisis; Lebanon, given its policies towards Syrian refugees detailed above, no longer abides by the terms of the agreement. Still, because of the close ties between Syria and Lebanon and the bureaucratic framework that allowed for easier movement between the two states, Lebanon initially allowed Syrian refugees to enter Lebanese territory.

There is little evidence to suggest other explanations for Lebanon's decision to allow Syrians into its territory. Like Jordan, Lebanon is not profiting from the Syrian refugee crisis; the international community has not fully funded the regional response to the refugee regime, meaning that there is no monetary coercion or cross-issue linkage. Furthermore, Lebanon does not seem like it is trying to influence the outcome of the Syrian Civil War, meaning that there are no real political explanations for accepting Syrian refugees. Finally, there is no pan-Arab or hospitality based rhetoric from government officials.

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[63] Ibid, 100.

[64] Ibid, 150-151.

[65] Syria-Lebanon, *Bilateral Agreement in the Field of Labor between the Government of the Lebanese Republic and the Government of the Syrian Arab Republic*, October 18, 1994, accessed April 13, 2015, http://www.syrleb.org/docs/agreements/11LABOR_AGREEMENTeng.pdf.

There are several explanations for Lebanon's complex weak compliance with the CSR with regards to its treatment of Syrian refugees. First, Lebanon has been unable to formulate a comprehensive refugee policy due to the lack of a stable government. Since May 2014, Lebanon has not had a president. The parliament, which selects the president, the government's top Maronite, has been unable to reach a consensus regarding the presidency and thus Lebanon has not been able to have a functioning government under their sectarian power balance.[66] Furthermore, the multiple political parties all have different opinions about how Lebanon should respond to the Syrian refugee crisis. Ministers have made statements to the effect that they would take action with or without the consent of the full Council of Ministers.[67] Because of Lebanon's divided political system, no cohesive policy has been reached except for recent shifts in policy to close borders, which passed through the Council of Ministers.[68] Thus, the only policy the government can agree on is one that keeps Syrian refugees out of Lebanon.

Second, the Lebanese public has divided opinions about how Lebanon should treat Syrian refugees. As discussed earlier, the Syrian refugee crisis has not only had a fiscal impact on the Lebanese economy but it has also increased unemployment and poverty among Lebanese citizens. The aid provisions to Syrian refugees has created

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[66] "Lebanon Presidential Election Postponed to April 22," *The Daily Star*, April 2, 2015, accessed April 13, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2015/Apr-02/293067-berri-to-postpone-presidential-vote-amid-activists-protest.ashx.

[67] "Lebanese Minister Lobbies for Syrian Refugee Camps," *The Daily Star*, September 27, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-27/272213-lebanese-minister-lobbies-for-syrian-refugee-camps.ashx; "Refugee Camps Better Alternative: Future MP," *The Daily Star*, September 13, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-13/270597-refugee-camps-better-alternative-future-mp.ashx.

[68] Hasan Lakkis, "Lebanon Cabinet Votes to Stop Accepting Syrian Refugees," *The Daily Star*, October 23, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Oct-23/275075-refugee-crisis-tops-lebanon-cabinet-agenda.ashx.

resentment and anger among lower class Lebanese who do not benefit from the aid despite suffering equal conditions.[69] The large presence of Syrian refugees also coincides with an increase in crime. Stories regarding violent crimes committed by Syrian refugees spark fear among Lebanese communities.[70] Still, some communities support refugees. In particular, Shebaa, a town in Lebanon, promotes positive assistance to Syrian refugees and claims that there is no anti-Syrian sentiment.[71] Despite this positive example, much of news regarding interactions between Lebanese and Syrian refugees focuses on the wariness they have for each other.[72] While this does not mean that there are no positive interactions, it is telling that there are so many municipal anti-Syrian policies.

Third, the presence of Syrian refugees in large quantities, specifically along the Syrian-Lebanese border, poses a security threat. In 2014, the Lebanese army began raiding Syrian refugee camps in order to eradicate terrorist threats.[73] In the town of Arsal,

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[69] Elise Knutsen and Mazin Sidahmed, "Resentment Toward Aid Agencies Growing Among Refugees," *The Daily Star*, February 16, 2015, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2015/Feb-16/287532-resentment-toward-aid-agencies-growing-among-refugees.ashx.

[70] Kareem Shaheen, "Near Batroun, Fear of Syrians Prompts Patrols," *The Daily Star*, September 19, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-19/271186-near-batroun-fear-of-syrians-prompts-patrols.ashx; Hiam al-Gosaifa, "āllāji'ūn ālsūrīūn: qḍīa mutfajara fī āīdī āllubnānīyīn [Syrian Refugees: An Explosive Issue in the Hands of the Lebanese]," *Al-Akhbar*, July 16, 2013, trans. Samuel Davidoff-Gore, accessed April 13, 2015, http://www.al-akhbar.com/node/187144.

[71] Mohammed Zaatari, "Shebaa Residents Back Syrian Rebel Ban," *The Daily Star*, November 10, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Nov-10/277053-shebaa-residents-back-syrian-rebel-ban.ashx.

[72] Elise Knutsen, "In Akkar, Locals and Refugees View Each Other Warily," *The Daily Star*, October 30, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Oct-30/275847-in-akkar-locals-and-refugees-view-each-other-warily.ashx.

[73] "Lebanon Army Arrests 10 Syrians for Illegal Residency," *The Daily Star*, November 7, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Nov-07/276801-lebanon-army-arrests-9-syrians-for-illegal-residency.ashx; "Army Raids Refugee Sites in Northeast Lebanon," *The Daily Star*, November 1, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Nov-01/276176-army-raids-refugee-sites-in-northeast-lebanon.ashx; "Syrian Refugees Protest Lebanese Army Crackdown," *The Daily Star*, September 26, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-26/272070-arsal-residents-plan-protest-as-army-crackdown-continues.ashx; "Army Orders Evacuation of Refugee Camps in Baalbek," *The Daily*

they found hidden weapons and started an offensive against the camp, which reportedly had flown the flag of ISIS.[74] Most Lebanese and the UN are behind the Lebanese army and recognize the importance of eradicating security threats that could exist in refugee camps.[75] The fear of these security threats is directly tied to the fourth explanation.

Fourth, Lebanon's history of hosting Palestinian refugees has negatively affected its treatment of Syrian refugees. As detailed above, Palestinian refugees are a protracted population living in refugee camps that have existed for decades. They fought during the Lebanese Civil War and the PLO used Palestinian refugee camps as militarized bases. Much of Lebanese opposition to the creation of Syrian refugee camps is the connection to Palestinian refugee camps. The Lebanese opposed to camps argue that this will create a situation similar to Palestinian refugee camps in that the Syrian camps will become permanent settlements.[76] Furthermore, given that the PLO used Palestinian camps to base their militarized operations and given that there has already been some alleged terrorist activity in Syrian refugee populations, Lebanese easily make the assumption that Syrian refugee camps could become the basis for terrorist activities as well. While these aspects of the Palestinian refugee situation in Lebanon parallel the Syrian refugee situation, there

Star, September 25, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-25/271973-army-orders-evacuation-of-refugee-camps-in-baalbek.ashx.

[74] "Politicians Back Relocating Refugees Out of Arsal, Lebanon," *The Daily Star*, September 28, 2014, http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-28/272247-politicians-back-relocating-refugees-out-of-arsal-lebanon.ashx; "Refugees Reportedly Raise ISIS Flag in Arsal," *The Daily Star*, September 25, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-25/271951-refugees-reportedly-raise-isis-flag-in-arsal.ashx.

[75] Samya Kullab, "Plan to Establish Trial Refugee Camps Shelved over Security Concerns," *The Daily Star*, September 20, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-20/271336-plan-to-establish-trial-refugee-camps-shelved-over-security-concerns.ashx.

[76] Yazan al-Saadi, "The Syrian Tented Settlements of Al-Minieh," *Al Akhbar English*, August 26, 2013, accessed April 13, 2015, http://english.al-akhbar.com/content/syrian-tented-settlements-al-minieh.

has not been much sectarian rhetoric regarding Syrian refugees aside from isolated incidents.[77] While many of the Syrian refugees are Sunni, only limited rumors have spread regarding the naturalization of Syrians which would have sectarian repercussions. These rumors have been denied by the UN and represent the overall lack of sectarian rhetoric.[78]

In sum, while Lebanon does comply with the CSR with regards to its treatment of Syrian refugees to a certain extent, its compliance has many caveats. Lebanon complies because of bureaucratic measures instituted during Syria and Lebanon's close partnership. A weak and divided government, a divided population, security threats, and a negative history of hosting Palestinian refugees explains the weak nature of Lebanon's compliance.

COMPARING JORDAN AND LEBANON

Both Jordan and Lebanon comply with the CSR to a certain extent with regard to their treatment of Syrian refugees. Their compliance is complex and driven by multiple factors; however, participation in the CSR is not a factor given that neither are participatory. Furthermore, it is clear that Jordan is holistically more compliant than Lebanon. While Lebanon has closed its borders to Syrian refugees and does not allow Syrian refugees who return to Syria to return to Lebanon, Jordan maintains a fairly open border and allows Syrians who have left Jordan to return. While Jordan allows large

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[77] Eva Choufi, "ālsūrīūn ḍḥāīā ʿnṣurīa īlzʿān [Syrians are Victims of Racist Bullies]," *Al-Akhbar*, September 11, 2014, trans. Samuel Davidoff-Gore, accessed April 13, 2015, http://www.al-akhbar.com/node/215321.

[78] "Plumbly Denies Attempt to Naturalize Syrian Refugees," *The Daily Star*, October 30, 2014, accessed March 30, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2014/Oct-30/275885-plumbly-denies-attempt-to-naturalize-syrian-refugees.ashx.

camps to be built which centralizes refugees and allows for easier provision of aid, Lebanon does not allow the construction of permanent refugee settlements, making it difficult for UNHCR and various NGOs to provide necessary aid. While the Jordanian government uses the language of identity and Arab solidarity to justify assisting Syrian refugees, Lebanon does not. Yet, both countries host and, to a certain extent, protect Syrian refugees. Both countries have a history of hosting Palestinian refugees. And both countries identify as Arab states. What explains this difference?

As previously discussed, Jordan and Lebanon made different decisions following the 1948 Arab-Israeli War. Jordan decided to integrate Palestinian refugees into Jordanian society while Lebanon decided to welcome Palestinian refugees but not integrate them into Lebanese society. Both of these decisions were political in nature: Jordan wanted to consolidate its authority over the newly annexed West Bank and Lebanon wanted to preserve its delicate sectarian political structure. In 1967, Jordan continued to integrate Palestinian refugees for the same reason as in 1948. Likewise, Lebanon continued to exclude Palestinians. In both Jordan and Lebanon, the militarized PLO posed a threat to the stability of country. Jordan was able to defeat the PLO while Lebanon descended into civil war. The primary difference between these two conflicts besides the outcome lies in how many different factions there were. The Jordanian government primarily fought the PLO, who received some assistance from Syria in the form of 200 tanks. The Lebanese Civil War saw many different internal and sectarian factions as well as strong involvement from Syria and Israel. Following the Jordanian defeat of the PLO, Palestinians further integrated themselves into Jordanian society. Following the Lebanese Civil War, Palestinians remained marginalized.

Jordanian disengagement from the West Bank led to some marginalization of Palestinian refugees, and its long history of hosting Palestinian refugees created a negative perception towards Iraqi refugees in 2003. As such, Jordan's compliance weakened. Yet, following a reset in relations with UNHCR and an influx of aid money from the international community, Jordan increased its compliance and began protecting Iraqi refugees. Lebanon hosted some Iraqi refugees; however, it did not do so to a similar extent as Jordan and thus Lebanon's hosting of Iraqi refugees did not necessarily impact Lebanon's reaction to the Syrian refugee crisis.[79] Jordan's response to Iraqi refugees established a response framework for non-Palestinian refugees, which it has applied to Syrian refugees. Lebanon had no such framework established.

By comparing Jordan and Lebanon's refugee hosting histories, one finds that the initial decision in 1948 of the extent to which the country would host and protect Palestinian refugees reverberates to the responses to the Syrian refugee crisis. As constructivists would argue, this decision has been internalized into each country's decision making process. As both countries continue to reevaluate their previous decisions regarding compliance with the CSR, this decision will undoubtedly remain an important factor in that decision.

CONCLUSION

Lebanon is a weakly non-participant compliant state with regards to the CSR and its treatment of Syrian refugees. While it does not comply with all aspects of the CSR, it does generally comply with the principles of the CSR. Despite stronger compliance at the

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[79] Sassoon.

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start of the Syrian refugee crisis, Lebanon's current policies show a negative shift in its compliance with the international refugee regime. Despite its prior experience hosting Palestinian refugees, this history of Palestinians in Lebanon, the sectarian divisions in Lebanese society, and the economic burden of hosting refugees have led Lebanon to shift its policy. Lebanon's compliance is thus a holdover policy based on prior experience and an inability, both practical and moral, to *refoule* Syrian refugees. The following chapter draws implications of this study for the cases involved, for the international refugee regime, and for international human rights law.

CHAPTER SIX
PROTECTING REFUGEES, NO MATTER THE OBLIGATION

As refugees continue to pour out of Syria into surrounding nations to escape violence and fear, it is important to understand how host states treat these refugees and why they are treating them in such a manner. At the beginning of this study, I asked, given that Jordan and Lebanon do not participate in the 1951 Convention relating to the Status of Refugees (CSR), why do they comply with it with regard to their treatment of Syrian refugees. Throughout the course of this thesis, I broke this larger question into smaller questions. How well are Jordan and Lebanon complying with the CSR? Have they complied in the past? Do these states comply because the refugees are Syrian or do they comply because of something integral to the state? By tracing these states' histories of hosting refugees, I used various theoretical perspectives (realist, liberal, and constructivist) in order to explain the development of Jordanian and Lebanese refugee policy. Furthermore, I integrated theories on compliance with international law with literature on state responses to refugees, creating a new, Integrated Approach to understand state decision making processes. My findings show that a state's previous decisions affects its current policy choice and that shared identity allows refugees to better integrate into the host state. In this chapter, I present my findings, draw implications for the cases of Jordan and Lebanon, draw broader implications for the

studies of international law and refugees as well as policies in both of these fields, and finally propose future research.

FINDINGS

In Chapter Two, I explained that current literature does not contextualize state responses to refugee crisis within the broader legal framework provided by the CSR. In Chapter Three, I showed that the Arab Middle East (AME) does not contribute to the international refugee regime. Acknowledging the gaps in understanding both theory and AME refugee policies, I applied my Integrated Approach to the cases of Jordan and Lebanon and made the following empirical findings in Chapters Four and Five:

1. Jordan and Lebanon do not have coherent, uniform domestic refugee policies, which helps account for variations in compliance with the international refugee regime over time.

2. Jordanian and Lebanese policies towards previous refugee populations, specifically Palestinian and Iraqi refugees, shape current policies towards Syrian refugees.

3. Jordan is more compliant with the CSR than Lebanon for the following reasons:

   a. Jordan decided in 1948 to integrate Palestinian refugees, which made hosting refugees a part of Jordanian identity, while Lebanon decided to marginalize Palestinian refugees;

   b. Jordan's strong, centralized government is able to create a more cohesive refugee policy, whereas Lebanon's weak, divided government does not have a unified stance on Syrian refugees; and,

c. Jordan's experience hosting non-Palestinian refugees, Iraqis, provided the government with experience working with the United Nations High Commissioner for Refugees (UNHCR), which laid the groundwork for the current response to Syrian refugees, while Lebanon had not worked with UNHCR to a similar extent before the Syrian refugee crisis.

Inherent in these findings is the qualification that there is no evidence that absolutely confirms any of the explanations presented in this thesis. Because information regarding the inner decision making processes of Jordan and Lebanon is not readily available, I cannot ascertain a direct causal relationship between the two major variables that I have identified: previous decisions and integration into society. As such, I have presented a plausible framework for understanding Jordanian and Lebanese compliance. With more time and resources available to conduct detailed field work in Jordan and Lebanon, future research can test the ideas presented in this thesis and either validate or invalidate them.

These findings do not point to the validity of one specific theoretical explanation. Rather, they show that one must take a holistic approach to explain state policies regarding refugees. These findings do align with a combination of realist and constructivist arguments, specifically that states take the material costs of hosting refugees into account when creating policy, that international authorities such as UNHCR influence these policies, and that the ethnic identity of the refugees affects the policy towards them. Given these findings, there are implications for the case study, for theory, and for international policies regarding international law and state responses to refugees.

IMPLICATIONS FOR THE CASE STUDY

Before drawing specific implications for Jordan and Lebanon, it is important to underscore that both states are responding to the Syrian refugee crisis in a manner beyond their obligations to international law as well as beyond their financial and material means allow. Without a resolution to the Syrian Civil War, allowing for large-scale repatriation of Syrian refugees, the Syrian refugee crisis will only continue and Jordan and Lebanon will be increasingly unable to maintain their current refugee policies. Furthermore, without increased international financial support, Jordan and Lebanon will not be able to continue these policies. Finally, there are already a plethora of independent reports that recommend policy changes in both Jordan and Lebanon.[1] As such, I do not draw specific policy implications from this study for Jordanian and Lebanese refugee policies.

With increased international support, Jordan should be able to continue to host and protect Syrian refugees to a similar extent as it currently does. While the Syrian refugee crisis does increase the usage of Jordan's few natural resources, it does not do so much more than the rest of Jordan's population. Furthermore, while Jordan's lack of strong democratic governance allows for the restriction of some freedoms for its citizens, it is the strength of the government that allows Jordan to respond so productively to Syrian refugees. As long as the Syrian Civil War lasts, there should be no major governmental reform in Jordan. Finally, Jordan should embrace its history of hosting refugees and further incorporate refugees into its society. Despite Palestinians having been integrated into Jordanian society following the 1948 Arab-Israeli War, a stigma

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[1] See, for example: Akram et al.; Jeff Crisp et al., *From Slow Boil to Breaking Point: A Real-Time Evaluation of UNHCR's response to the Syrian Refugee Emergency* (Geneva: UNHCR, July 2013); and UNHCR, UNICEF, and WFP, *Joint Assessment Review of the Syrian Refugee Response in Jordan*, January 2014.

against Jordanians of Palestinian descent exists, which includes political discrimination.[2] Instead of discriminating against Jordanians of Palestinian descent, Jordan should continue to welcome refugees and expand Jordanian identity.

Even with increased international support, Lebanon cannot continue its current refugee policies without serious reform. First, Lebanon must select a new president and the Lebanese government must agree on a stance towards Syrian refugees. Even if that stance is to deport all Syrian refugees, it would at least resolve the legal uncertainty Syrian refugees face when they enter Lebanon. A more productive policy would be to grant Syrian refugees a more permanent legal status that allowed for them to establish temporary residences in Lebanon. Second, until Lebanon can strengthen its institutions to address its sectarian tensions, it cannot successfully host refugees. Because there is such distrust between the various sects, and because refugees are mostly comprised of members of one sect, Lebanese society inherently distrusts large influxes of refugees. As seen with Palestinian refugees, Lebanon intentionally prevents refugee integration into its society. If Lebanon is unable to integrate refugees into its society, than it cannot successfully host them.

BROADER IMPLICATIONS

THEORETICAL

This study has implications for scholarship on participation in and compliance with international law, state responses to refugees, and the AME. First, this study shows

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[2] When I was in Jordan, I was told that parliamentary districts are gerrymandered against Palestinians. My Jordanian friends of Palestinian descent further discussed ways in which there was a divide in Jordanian society between Palestinians and "native" Jordanians.

that compliance with international law is not necessarily conditional on participation in that law. Thus, participation in international law can be seen as less important than the norms implemented by the law. But, without strong participation, the norms do not have authoritative power; thus, the participation of some states is important for non-participatory compliance of others. Second, once a state decides to comply with international law, upon reevaluation of this decision, it is likely to continue its policy of compliance. It would take a significant change in circumstance for that decision to change. Third, decisions to comply and the extent of that compliance depends from country to country. By primarily examining compliance through large-*n* studies and game theory models, the current literature ignores the complexity of the situations in individual countries. Rather, case studies provide an opportunity to examine the nuances of individual state's compliance policies.

This study shows that, in a purely humanitarian refugee situation, a state will respond to the refugee crisis if the state has prior experience handling similar cases. The policies and practices established and tested during previous crises provide an important foundation for responses to new refugee crises. Furthermore, this study shows that while authoritative institutions, specifically UNHCR, are able to help shape state responses to refugees, these institutions must acquiesce authority to the state should the state be strong enough to assert its own authority. That is, if a state wants to respond to a refugee crisis in a manner different from that advocated by UNHCR, that state ultimately has the authority to do so. Applied more broadly, the international refugee regime only authority if states grant it that authority. Should a state choose to ignore its authority, the state can.

This study demonstrates the importance of not studying the AME as a monolith that is greater than the sum of its constituent parts; rather, scholars should study individual AME states and their interactions. Because there is such diversity among the policies of individual AME states, it is impossible to draw broad conclusions that apply to the AME as an entirety. Furthermore, because there is no AME organization whose policies are broadly applied across the region, scholars and policy makers cannot make recommendations that apply to the region as a whole, as they might for another region such as the European Union.

PRACTICAL

This study has practical implications for the international refugee regime. First, strong UNHCR-government cooperation is important to the success of a state's response to a refugee crisis. If either UNHCR or the government is not willing to cooperate with the other, refugee protection weakens. As such, both UNCHR and the government must have somewhat flexible attitudes towards to specific protections offered to refugees. This is not to say that UNHCR and the government should be equally flexible; because states have sovereign right in their own territory, UNHCR must be more flexible in its protection scheme.

Second, the international refugee regime should incorporate the advances made in regional refugee regimes in order to truly globalize the international refugee regime. As discussed in Chapter Three, Europe, Africa, and the Americas all have expanded refugee regimes for their regions. These regimes do not apply to other regions of the world and thus, the advancements made in one region do not necessarily translate to advancements

in other regions, specifically the AME. Because the AME does not have a regional refugee regime of its own and because the refugee hosting countries in the AME do not have strong, coherent refugee policies, applying regional advancements more broadly would strengthen the regimes of AME states.

Finally, the CSR should be amended to include legal protections for Palestinian refugees. Furthermore, UNRWA should be incorporated into UNHCR's mandate. As it stands, Palestinian refugees do not have the legal protections as refugees, allowing states to unnecessarily discriminate against them. While UNHCR assists Palestinian refugees who are not in UNRWA's field of work or who are unable to avail themselves of UNRWA's assistance, this is not codified in the CSR and does not address the legal limbo in which Palestinian refugees exist. If UNRWA was incorporated into UNHCR, there would no longer be a concern of Palestinian refugees being assisted by two UN organizations and Palestinians would be granted legal protections. Incorporating Palestinian refugees into the CSR would further strengthen their legal protections, thus treating them the same as all other refugee populations.

FUTURE RESEARCH

In this study, I focused on two of the three major host nations for Syrian refugees: Jordan and Lebanon. I did so because both are non-participatory compliant nations with regards to the CSR, while the third nation, Turkey, is participatory and compliant. Further studies on state responses to the Syrian refugee crisis should examine Turkey's response because Turkey hosts over 1,700,000 Syrian refugees.[3] By examining the case of Turkey,

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[3] UNHCR, "Turkey," Syria Regional Refugee Response, last modified March 20, 2015, accessed April 5, 2015, http://data.unhcr.org/syrianrefugees/country.php?id=224.

further studies can test whether variables found in this study apply to other cases as well or if Jordan and Lebanon are exceptional cases. Furthermore, including Turkey expands analysis to incorporate participatory nations; thus, research can examine to what extent Turkey's participation in the CSR affects its response to Syrian refugees.

I used a comparative case study method for this study in order to identify variables that lead towards compliance with the CSR in non-participatory states. Further research can test these variables in other case studies outside of the AME, specifically regarding the Afghan refugee situation and the Somali refugee crisis.[4] Furthermore, future research can test these variables through large-n studies of participatory and non-participatory states, seeing whether these variables influence compliance among these states. Such a study would uncover the extent to which the CSR is effective at not only promoting compliance among its participants but also at establishing norms which promote compliance among non-participants. This type of study, similar to Linda Camp Keith's study of the ICCPR, would help scholars understand the efficacy of binding international law on the promotion of the human rights norms espoused by these laws.

Finally, I studied compliance with the CSR and the international refugee regime in AME states. Further research can apply this method to other international human rights regimes, such as that surrounding the Convention to End all forms of Discrimination against Women. By testing my Integrated Approach and its associated path-dependent model, scholars can find the mechanisms behind compliance, or non-compliance, with other international human rights regimes, in the AME.

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[4] UNHCR, "Where We Work."

CONCLUSION

People do not choose to become refugees. Being a refugee means leaving behind

one's home and includes the distinct possibility of never being able to return to that

home. When a person flees and seeks refuge in another country, he/she may be protected,

cared for, and provided for. But he/she may also not have legal protection, not be granted

basic needs and services, and may not even be considered a "refugee." In 1951, the

United Nations decided that the world needed a legal regime to protect the rights of

refugees. So, it created the CSR. Sixty-four years following the creation of the CSR,

refugees still face uncertainty and do not always have the ability to avail themselves of

the rights and protections codified in the CSR. Nevertheless, as states continue to fight

and refugee continue to flee, the international refugee regime cannot stop in its pursuit of

bringing the CSR to each and every refugee who needs its protection.

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