

A duty and a burden on Jordan

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It is important to Jordan both that it protects its national identity and maintains its cultural obligations, and that it faces up to its humanitarian obligations.

More than 40% of Jordan's current population originates from other countries, including two million Palestinians, up to 1.3 million Syrians and 29,000 Iraqis. In order to protect its national identity in these circumstances, and because of the complicated situation in the region generally, the country has not become a party to the 1951 Refugee Convention.

Jordan's law on refugees is defined by a 1998 Memorandum of Understanding with UNHCR, amended in April 2014. It includes the Convention's definition of 'refugee' and accepts the principle of *non-refoulement* and third country resettlement for refugees. However, it does not allow for local integration as a solution. Article 21 of the Constitution offers refugee status for political asylum but only in very exceptional situations and it is not an option available for most refugees. A

domestic refugee law is in the process of being drafted, and is currently under discussion in Jordan, though for political and security reasons it may be postponed until after the Syrian crisis.

Everyone crossing a border from Syria is considered to be a refugee unless they are considered a potential security threat or to have crossed illegally. Along the 378-km Syrian-Jordanian border there are 25 recognised crossing points and a further 23 that are open depending on the situation. At the crossing points there are temporary assembly or collection sites where categorisation and prioritisation takes place. Priority is given first to the injured and sick; then to children, particularly unaccompanied or separated minors; next to the elderly; and lastly to the general adult population. 41% of

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the incoming refugees are children, 30% are women and 29% are men. There are currently five camps in Jordan and another being planned; however, the vast majority of Syrian asylum seekers and refugees fleeing the conflict are living outside the camps, thus putting the burden on the local and host communities.

Financial burden

Jordan is faced with the challenge of balancing human rights and national security in the economic, political and social fields. The Jordanian Economic and Social Council has stated that the cost to Jordan per Syrian refugee is over US\$3,500 per year¹ and the direct cost is currently at US\$1.2 billion and is expected to rise to \$4.2 billion by 2016.² Also, facing a severe water crisis and needing to recruit more armed forces, but lacking adequate funds, the country has formulated a National Resilience Plan in an effort to protect Jordanian infrastructure.

Jordan decided not to send anyone back to Syria once they are in the country. But there are Syrians who have returned, some as traders, some to fight, and some say they would rather die in Syria than live in a camp. The high cost of living has been a factor and the snow over the winter was a push for many of them. Others believe the Syrian government when it says that it controls 70% of the country – and make the decision to return. In the case of voluntary returns, the individuals must sign a letter in the presence of UNHCR to say that they are consenting to the return. Returns are arranged both through official and unofficial borders.

Jordan supports resettlement but the government refuses to discuss it in the media as it fears it will encourage Syrians to come to Jordan as a 'gateway' to third countries. The limited numbers



Thousands of new pre-fabricated homes being installed in Za'atari refugee camp in preparation for winter. 2012.

of resettlement slots available make resettlement inadequate as a real solution. Stabilising Syria is the best solution.

The Ministry of Interior also asks the international community not to forget Jordan. Jordan plays a large role in controlling the region and keeping it safe. It is helping to contain the effects of the conflict and, by extension, protecting the economic interests of many Western nations.

Despite Jordan not being a party to the 1951 Convention, the history of refugees and migrants in Jordan and the practice and the experience of the country demonstrate respect for human dignity and humanitarianism as much as or more than many countries who are party to the Convention. The main obstacle to the protection of migrants' and refugees' rights is not the absence of law but the failure of states to respect the conventions, agreements and declarations that they have freely accepted.

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1. <http://tinyurl.com/Jordan-EcoSocCouncil> (Arabic only)
2. www.mop.gov.jo/index.php