Intentional Ambiguity:
State (Non)Enforcement of Citizenship Policies toward Protracted Refugees

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For Presentation at the 24th Annual World Convention of the
Association for the Study of Nationalities
Columbia University, NY
May 2–4, 2019

DRAFT: Please Do Not Cite without Author's Permission

Abstract

Why would a citizenship policy's written content contradict its enforcement? Citizenship is the set of rights and duties between a state and its residents, and citizenship policies are those that stipulate the civil, political, social, and economic rights of a resident group. I argue that variations in citizenship policy enforcement stem from political motivations for regime survival—not bureaucratic incapacity, monitoring problems, or corruption.

This paper focuses on host state civil citizenship policies toward two protracted refugee groups (PRGs), whom the UN defines as refugees from the same nation in the same host country for at least five years without immediate prospects for a durable solution. This analysis argues that when the preferences of the host state's largest foreign donor and its most influential security leaders align on a citizenship policy toward a PRG, the policy's content will match its enforcement—a strategy I describe as coherent. However, when these two actors' preferences diverge, the citizenship policy's enforcement will contradict its content—a strategy I describe as intentional ambiguity.

Intentional ambiguity reflects a deliberate strategy where the ruling regime (i.e., the executive leader and core advisors) decides not to enforce a policy; it can include when the regime instructs ministry staff not to enforce a policy or when the regime purposely does not monitor enforcement. Regimes benefit from the flexibility this ambiguous approach generates because it allows them to placate multiple actors by framing the same policy as inclusive or exclusionary. Specifically, when a state uses intentional ambiguity, the formal policy tends to reflect the donor's interests and the policy's enforcement tends to reflect the security leaders' interests because it is harder for the donor to track enforcement and the security leaders are more concerned with the policy's impact in practice.

This paper helps explicate this theory by describing two cases of intentional ambiguity. One concerns Palestinians who arrived in Jordan in 1967 from Gaza, who never received full Jordanian nationality but received temporary Jordanian passports in 1968. This is a case of inclusive intentional ambiguity, where key security leaders supported ex-Gazan access to nationality, while the largest donor, Saudi Arabia, did not. The second case concerns Palestinians who arrived in Jordan in 1967 from the West Bank, who have always had access to full Jordanian nationality but who have been exposed to unexpected revocations of this nationality since Jordan's disengagement from the West Bank in 1988. This represents a case of exclusionary intentional ambiguity, where security leaders supported the revocations, while the largest donor, the United States, did not. I code and analyze these policies with American and British archival files as well as interview data collected from 13 months of fieldwork in Jordan from 2016–19.

Jordan is an ideal country for this project because its within-country variation allows the examination of diverse citizenship policies over time and across PRGs, while holding variables constant and collecting fine-grained data on enforcement. This paper contributes to the citizenship and forced migration literatures by explaining state policies toward PRGs and demonstrating how regimes can separate a policy's written and enforcement dimensions to placate more actors.

Introduction

Jordan offered Palestinians arriving after the 1948 War, as well as Palestinians arriving after the 1967 War from the West Bank, full citizenship, including nationality and the same civil, political, economic, and social rights as native citizens. However, in practice, the state has not always enforced these rights. Many Palestinian-Jordanians note that they have limited access to public sector jobs, political offices, and university seats. Conversely, Jordan did not extend access to citizenship to Palestinians coming from Gaza after the 1967 War, nor did the state offer them many de jure rights. Yet, Jordan has granted the ex-Gazans many de facto rights, including access to public sector work, passports, and schools. *Why would a state not enforce its citizenship policies?*

Much of the existing literature on policy enforcement would argue that this is a case of weak institutions, inadequate budgets, or bureaucratic incapacity, particularly because Jordan is not an advanced industrialized democracy (Levitsky and Murillo 2009). Others would contend that this non-enforcement reflects a principal-agent problem, where the preferences of the policymakers (i.e., the principals) and the policy-enforcers (i.e., the agents) differ. These differences can explain the gap between policy content and enforcement when the principal lacks effective agent-monitoring tools (McCubbins and Kiewiet 1991). Further, others would argue that this case reflects corruption, where policy implementers aim to benefit personally by demanding bribes for non-enforcement or enforcement (Goodfellow 2015). However, I diverge from these studies and argue that citizenship policy enforcement tends to reflect political motivations for regime survival.

This paper unpacks this argument by focusing on host state citizenship policies toward protracted refugee groups (PRGs), whom the United Nations (UN) defines as refugees from the same nation living in the same host country for at least five years without immediate prospects for a durable solution. PRG host states often say one thing in de jure PRG citizenship policies and do another

when enforcing them. For instance, Ghana allows Liberian refugees to naturalize by law, but in practice, the government blocks these refugees from gaining nationality through bureaucratic delays and discrimination (Dick 2002). Similarly, Kenya adopted a new citizenship act in 2011 that placed no barriers on refugee access to nationality, but in practice, the government has not accepted their applications for nationality (Garlick et al. 2015).

I argue that the policy preferences of the host state's largest individual foreign donor and its most influential security leaders, in a given time, toward a given PRG, tend to explain when the written content of a citizenship policy toward a PRG matches or contradicts its enforcement. Specifically, when the preferences of these two actors align on the issue, the policy's content will match its enforcement—a strategy I describe as *coherent*. However, when these two actors' preferences diverge, the policy's enforcement will contradict its content—a strategy I describe as *intentional ambiguity*. Regimes engage intentional ambiguity because it allows them to placate two actors who influence regime survival by framing the same policy as inclusive or exclusionary.

Further, I contend that when a policy's enforcement contradicts its content, the formal policy tends to reflect the international donor's interests. This occurs because it is more difficult for the international actor to track the policy's enforcement and because international actors tend to focus on drafting and adopting formal policies. However, the security leaders are more likely to influence policy enforcement because they are on the ground and because security leaders tend to focus on implementing and enforcing formal policies.

This paper explicates this theory by describing two cases of intentional ambiguity. One concerns Palestinians who arrived in Jordan in 1967 from Gaza, who never received full Jordanian nationality but received temporary Jordanian passports in 1968. This is a case of inclusive

intentional ambiguity, where key security leaders supported ex-Gazan access to nationality, while the largest donor, Saudi Arabia, did not. The second case concerns Palestinians who arrived in Jordan in 1967 from the West Bank, who have always had access to full Jordanian nationality but who have been exposed to unexpected nationality revocations since Jordan's disengagement from the West Bank in 1988. This is a case of exclusionary intentional ambiguity, where security leaders supported the revocations, while the largest donor, the United States (U.S.), did not.

I code and analyze these policies with U.S. and British archival files as well as interview data collected from 13 months of fieldwork in Jordan from 2016–19. Jordan is an ideal country for this project because it provides a particularly clear and sustained example of the gap between text and implementation both over time and across PRG. In addition, Jordan hosts the most protracted refugees in the world, both per capita and in total population, when including Palestinian refugees.

The paper first defines citizenship and PRG citizenship policies, before briefly reviewing some of the main existing alternative explanations. The next section describes the theory, its predicted policy outcomes, and its main independent variables (i.e., the preferences of the largest bilateral donor and most influential security leaders). After a brief summary of the research design, the paper turns to its two empirical cases, which elucidate the theory as well as the concept of intentional ambiguity. The paper concludes by reflecting on the implications of this theory.

Conceptualizing De Jure and De Facto PRG Citizenship Policies

Citizenship is one of the most critical features of a modern state, with citizenship laws defining who the state recognizes as having access to membership in the state as well as to the rights (e.g., public education) and duties (e.g., paying taxes) that this membership entails. This analysis defines *citizenship* as the set of rights and duties between a state and its residents, and *citizenship policies*

as those that stipulate the civil, political, social, and economic rights of a resident group. *De jure, formal citizenship policies* are the constitutional articles and laws outlining a group's legal access to these rights, including nationality laws and foreigner residency laws. *De facto, practiced policies* are the ways in which states enforce these rights, including through ministry instructions and regulations that may or may not be available publically. Building from Jordanian distinctions between citizenship and nationality, nationality refers here to legal citizen status and the documents that prove this status (e.g., national numbers, passports, and family registries).

This paper focuses on citizenship policies toward PRGs, which are groups of refugees from the same nation living in the same host country for at least five years without immediate prospects for a durable solution, which includes repatriation, resettlement, or local integration (Milner 2014). Combining UN High Commissioner for Refugees (UNHCR) and UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) data, approximately 78% of the world's refugees are in a protracted refugee situation and are living in 29 host states (UNHCR 2016).

A PRG may have access to nationality in their host state (as is the case for some Palestinian refugees), but this status is not required for receiving rights and duties in a host state. For instance, many states allow noncitizen children to attend public schools or receive public healthcare as well as require noncitizen adults to pay taxes. Focusing on PRG citizenship policies highlights the relationship between the state and a specific type of resident group as well as enables comparisons of host state treatment of both citizen and noncitizen PRGs.

Citizenship policies toward PRGs, or *PRG citizenship policies*, are the civil, political, social, and economic rights a host state grants to a PRG in law and practice. I code PRG citizenship policies in four main original categories. (1) *Inclusive coherent policies* are inclusive in law and practice,

while (2) *exclusionary coherent policies* are exclusionary in law and practice.[1] (3) *Exclusionary intentional ambiguity* describes a policy that is inclusive in law but exclusionary in practice, while (4) *inclusive intentional ambiguity* is a policy that is exclusionary in law but inclusive in practice.

Table 1: Typology of PRG Citizenship Policies

		De Jure Policy Dimension	
		Inclusive	*Exclusionary*
De Facto Policy Dimension	*Inclusive*	Inclusive Coherent	Inclusive Intentional Ambiguity
	Exclusionary	Exclusionary Intentional Ambiguity	Exclusionary Coherent

Existing Explanations

Before unpacking this argument, it is useful to review three of the main alternative explanations of policy enforcement: bureaucratic incapacity, principal-agent monitoring problems, and corruption. These arguments include studies aiming to explain policy implementation from the top down, focusing on centralized policy designers as the main actors, and those analyzing implementation from the bottom up, narrowing in on the service deliverers and groups targeted with the service provision (Matland 1995).

Bureaucratic Capacity

First, some contend that weak institutions, inadequate budgets, or general bureaucratic incapacity explain instances of policy non-enforcement or insufficient enforcement (Levitsky and Murillo

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[1] The next section mentions *ruling regime coherent policies*, which are the same in law and practice and reflect the ruling regime's (i.e., the executive leader and core advisors) preference for an inclusive or exclusionary policy.

2009). Capacity here refers to the ability of the permanent administrative machinery of government to implement policies, deliver services, and provide policy advice to decision-makers (Polidano 2000). Thus, administrative incompetence and budget shortfalls are primary reasons for policy non-enforcement (Polidano 2000). In terms of citizenship policies, if bureaucratic capacity explains enforcement, then non-enforcement should only occur when the agencies implementing the citizenship policy lack the budget, skills, and incentives necessary to enforce the policy.

Principal-Agent Problems

Principal-agent theories contend that non-enforcement reflects a problem, where the preferences of the policymakers (i.e., the principals) and the policy-enforcers (i.e., the agents) differ (McCubbins and Kiewiet 1991; Weingast and Moran 1983). Bureaucrats are agents to whom political principals, such as ministers, have delegated authority over low-level decision-making and enforcement, which often the principal does not see. This is problematic because agents and principals have divergent preferences, where agents opportunistically pursue their own interests, including leisure (Strom, Müller, and Bergman 2003), budget maximization (Niskanen 1971), or personal policy preferences (Huber 2000). Thus, policy implementation depends on the principal's ability to monitor bureaucratic decision-making. If principal-agent problems explain citizenship policy enforcement, then non-enforcement should only occur when the agents charged with implementing the policy are not monitored by principals and pursue their own, divergent interests.

Corruption

Another set of arguments highlight corruption as the source of policy non-enforcement. Corruption can emerge in a variety of forms and at different levels. In some cases, corruption occurs among low-level policy-enforcers who collect a bribe to overlook a policy violation (such as driving a commercial bus without a permit), and in other cases, corruption takes place at higher levels, with

prominent politicians granting favors to policy-violators (Goodfellow 2015). At other times, corruption occurs with mid-level policy-implementers who make policy exceptions for friends or accept pay-offs to overlook violations (Treisman 2014). Similarly, corruption can occur through personal connections with bureaucrats or high-ranking officials that push through paperwork, skip bureaucratic procedures, or make exceptions to otherwise firm rules (Hertog 2010). If corruption explains citizenship policy enforcement, then non-enforcement should only occur when the agencies implementing the policy demand bribes or personal connections in exchange for non-enforcement or for enforcement but the affected constituency largely cannot meet these demands.

Theory

Diverging from these explanations, I argue that pressures from the largest foreign donor and most influential security leaders explain when a PRG citizenship policy is inclusive or exclusionary and when its written content matches or contradicts its enforcement. Specifically, when the preferences of these two actors align on the PRG citizenship policy, the policy's content will match its enforcement—a strategy I describe as *coherent*. However, when these two actors' preferences diverge, the policy's enforcement will contradict its content—a strategy I describe as *intentional ambiguity*. Regimes benefit from the flexibility this ambiguous policy approach generates because it allows them to placate multiple actors who influence regime survival by framing the same policy as inclusive or exclusionary.

Further, I contend that when a policy's enforcement contradicts its content, the formal policy tends to reflect the international donor's interests. This occurs because it is more difficult for the international actor to track the policy's enforcement and because international actors tend to focus on drafting and adopting formal policies. However, the security leaders are more likely to influence policy enforcement because they are on the ground and because security leaders tend to focus on

implementing and enforcing formal policies. This distinction has been noted in existing studies, like Grzymala-Busse's (2007) analysis of institutions in Central Europe, where states enforced EU-imposed institutions less diligently than domestic-based institutions.

After outlining my theory, the following two sub-sections describe my two independent variables: policy preferences of the host state's largest individual foreign donor and its most influential security leaders. These two actors are critical because they impact the survival of the PRG host state's ruling regime, where a ruling regime is the executive leader and his or her core advisors. A ruling regime's survival interests are strategies the regime thinks will enable them to remain in power. Regime survival does not motivate every type of public policy; however, it does tend to motivate policymaking in areas linked to security, foreign affairs, national identity, and state sovereignty (Gause 2010). PRG citizenship policies essentially concern all four of these areas, bringing regime survival to the center of these policymaking considerations.

Ruling regimes aim to remain in power across regime types, which requires that they maintain both physical/military and economic/budget security (Brand 1994). Foreign donors primarily provide the latter form of security, though they can also ensure the former by supplying military training and support. On the other hand, security leaders mainly provide the former, including through the armed forces' support of the regime, though they also can offer the latter by taking measures to protect economic resources from warfare or to monitor PRGs' access to a state's economy. Both actors express their preferences regarding a PRG citizenship policy to the ruling regime, and the ruling regime must decide what kind of policy to adopt.

Explaining PRG Citizenship Policies

I argue that when the donor and security leaders' preferences toward a PRG citizenship policy align, then the policy will be coherent, with the same de jure and de facto dimensions, and will be inclusive or exclusionary depending on the content of that shared preference. Further, if one actor is neutral regarding a PRG citizenship policy, then the policy will be coherent, with the same de jure and de facto dimensions, and will follow the inclusive or exclusionary preferences of the other, non-neutral actor. Similarly, if both actors are neutral regarding a PRG citizenship policy, the policy will be coherent and reflect the regime's preference for an inclusive or exclusionary policy.

Lastly, if both actors disagree on a PRG citizenship policy, then the policy will be intentionally ambiguous, where the de jure and de facto dimensions of the policy contradict each other. Further, the de jure dimension will reflect the donor's preference and the de facto dimension will suit the security leaders' preference. The table below summarizes the theory.

Table 2: Explaining PRG Citizenship Policies

		Largest International Donor's Preference		
		Pro-PRG	*Neutral-PRG*	*Anti-PRG*
Most Influential Security Leaders' Preference	*Pro-PRG*	Inclusive Coherent	Inclusive Coherent	Inclusive Intentional Ambiguity
	Neutral-PRG	Inclusive Coherent	Ruling Regime Coherent	Exclusionary Coherent
	Anti-PRG	Exclusionary Intentional Ambiguity	Exclusionary Coherent	Exclusionary Coherent

Note: Pro-/neutral-/anti- label the actor's position on including a PRG through a given policy, not toward the PRG itself.

Conceptualizing Intentional Ambiguity

Intentional ambiguity is a deliberate political strategy to allow a policy's enforcement to contradict its written content. Intentional ambiguity, like Holland's (2016) concept of forbearance, reflects the "intentional and revocable" non-enforcement of law. However, unlike forbearance, intentional ambiguity concerns policies with unclear enforcement procedures that are subject to change without public notice. The absence of clear enforcement procedures makes it difficult for any given actor to know what the policy is, which is critical to the regime's ability to portray a policy as inclusive to one actor and exclusionary to another. Thus, this intentional ambiguity describes the policy, when examining its de jure and de facto dimensions together, as ambiguous. This differs slightly from other uses of the term ambiguity in the literature, where policy ambiguity typically refers to unclear, flexible terminology in legislation (Shevel 2011), often to garner support from different parties to obtain a coalition to pass the legislation (Matland 1995).

Similar to these uses of ambiguity, intentional ambiguity serves as a strategy to say one thing de jure, while doing another de facto. This can occur when the ruling regime does not provide clear enforcement orders to line ministries, enabling individual ministers or low-level bureaucrats to take over. These agents can then choose to implement and enforce the policy as they please. Intentional ambiguity also can take place when the regime instructs ministry staff not to enforce a policy. These contradictory orders can take the form of blatant orders not to enforce a policy or more subtle instructions suggesting that enforcement is optional.

Regimes benefit from the flexibility that this ambiguity generates because it allows them to placate more actors. For instance, the regime can commit to offering a PRG more rights, in line with the demands of the United States, while creating barriers for the PRG to access these rights in practice, to satisfy state security leaders, who might view increased integration of a PRG as a threat to

national stability. In addition, this ambiguity allows the ruling regime to adapt more easily to new developments related to the policy. For instance, building on the previous example, if additional funds become available, then the ruling regime can boast a de jure pro-PRG policy and advocate for more donor funding. On the other hand, if the security forces identify some members of the PRG as threats, then the regime can highlight the de facto restrictions on these refugees' rights and permit additional rights limitations.

Further, intentional ambiguity differs from a principal-agent problem because, in this scenario, the principal can monitor the agent and decide when to require policy enforcement. Intentional ambiguity does not assume that policymakers and policy-enforcers always have divergent preferences or that agents primarily are responsible for non-enforcement (Ellermann 2005). Instead, the policymakers inform bureaucrats when to enforce a policy, and the bureaucrats largely aim to follow these instructions. Similarly, intentional ambiguity is distinct from state capacity arguments because the ruling regime decides not to enforce a policy based on strategic political reasons, rather than capacity concerns. Thus, intentional ambiguity occurs in government offices with stable institutions but weak enforcement (Levitsky and Murillo 2009).

Like Norman's (2018) "indifference-as-policy," intentional ambiguity represents a policy option that the regime can decide to exercise. However, unlike indifference, intentional ambiguity represents a situation where the regime aims to shape policy actively, rather than to step back and defer to international and civil society organizations. Further, the ruling regime directly creates intentional ambiguity to serve its interests, unlike indifference, where the regime's policy is a decision not to formulate its own policy.

Conceptualizing Largest International Donor Preferences

Largest International Donor

The largest international donor is the single country that provides the most economic and military aid to a PRG host state. Although this aid may not support PRGs directly, the aid packages rely on the host state implementing policies in line with the donors' interests, including polices concerning a PRG. Thus, aid here refers to the sum of conventional bilateral socio-economic, development, and military assistance that states administer through official channels. This aid can fund projects related to good governance, decentralization, and civil society, though it is not limited to these forms of support, which existing research typically categorizes as "democracy promotion" (Carapico 2014). In addition, aid packages may not include these forms of democracy assistance, particularly when the largest international donor is not a liberal democracy itself.

Sources and Types of Donor Policy Preferences

Studies of international aid tend to agree that donors regularly use foreign aid for political and geostrategic purposes that further the donor's diplomatic and security interests, including to shore up alliances, reward friendly states, and bolster cooperation on security and economic issues (Carothers and de Gramont 2013). Although strategic interests, like a recipient's geopolitical location, often trump non-strategic interests, like improving a recipient state's infrastructure (Girod 2012), donors do provide aid at times for ideological reasons, like democracy promotion (Bush 2015).

I conceptualize the largest donor's preferences for a PRG citizenship policy in terms of the policy's relationship to the donor's (1) security interests, e.g., constructing or maintaining a military base in the recipient state, (2) foreign policy goals, e.g., fostering peace or certain alliances in the recipient's region, and (3) ideological values, e.g., promoting democracy or communism in the

recipient state. Donor preferences toward a policy typically materialize in this order, where security interests and foreign policy goals outweigh ideological values. However, there are PRG citizenship policies that a donor may not care about and thus will not pressure the recipient state to adopt one policy over another. Although donor states are not monolithic, their embassies serve as a key focal point for liaising with the host state's ruling regime and government. Thus, I focus on donor embassies' reports, statements, and encounters with the host state to code the donor's preferences, as well as related secondary accounts of donor-host state relations.

Overall, the largest donor's preference for a given PRG citizenship policy can take on three values. First, *pro-PRG*, which means that the donor favors a more inclusive PRG policy, where inclusive means that the policy upholds, increases, or adds to a PRG's rights. Second, *neutral-PRG*, where the donor does not focus or adopt a clear stance on the PRG policy, and thereby defers to the security leaders' or ruling regime's preference for that policy. Third, *anti-PRG*, which represents when a donor favors a more exclusionary PRG policy, where exclusionary means that the policy withholds, limits, or removes a PRG's rights. These values reflect the donor's view toward the policy, not toward the PRG itself. For example, a donor may support a PRG, e.g., in terms of their national goals, but favor an exclusionary policy toward the PRG in the host state to make a foreign policy statement, such as pressing for an end to the conflict that created the PRG.

Conceptualizing Influential Security Leader Preferences

<u>Most Influential Security Leaders</u>

It is more difficult to determine the most influential security leaders in a PRG host state, than to identify the largest bilateral donor. These most influential security leaders represent those that correspond directly and frequently with the ruling regime, which affords them the opportunity to raise their policy analyses and preferences. These leaders often include directors and senior

analysts from intelligence organizations as well as generals and commanders from the armed forces, including both current and retired leaders. When security funding exists in public, it is easier to identity the most influential security leaders based on which security branch receives the most funding and who represents that branch to the regime.

However, states often do not make security budgets public, much less the specific distribution of funds to different security branches. These situations require careful discussions with decision-makers about the main actors consulted in refugee policymaking, including who the executive leader discusses these policies with and who among these actors represents the security. Decision-makers may not disclose individual leaders' names, but they can highlight the branches that have the greatest influence. Lastly, although it is a simplification to treat a branch as a unitary actor, the leaders who represent that branch can align their advice and preferences to present a coherent perspective regarding a PRG citizenship policy to the executive leader.

Sources and Types of Security Leader Policy Preferences

Security leaders, including those from the armed forces, intelligence departments, and police, traditionally are concerned with the physical protection of the state from internal and external threats (Walt 1991). However, there are other types of threats that also concern the security apparatus. Economic security is one of these areas, which focuses on the maintenance of domestic revenues and avoiding economic crises (Brand 1994; Buzan et al. 1998). These concerns can develop into interests when security leaders have a material stake in economic enterprises. This can occur after privatization measures that sell shares of previously publically owned enterprises to military officers and other members of the security apparatus (Cook 2007). Retired security leaders also can use their friendly relationship with the regime to facilitate bureaucratic access as a broker for private companies (Hertog 2010).

Identity security is another concern, which involves threats to large-scale collective identities, including what it means to be "us" as state citizens and what is our "true" national identity (Buzan et al. 1998). Migration and other demographic changes can threaten the state's identity, cohesion, and "way of life" (Hammerstadt 2014). Identity threats also can challenge national narratives about the importance and position of the security apparatus, particularly when the security apparatus has played a key role in both nation- and state-building.

In addition, physical, economic, and identity security are important particularly in states where the security leaders are invested in maintaining the ruling regime. This concern with regime security unfolds when the security apparatus operates to protect and uphold a particular ruling regime (Brand 1994; Gause 2010). Thus, security threats that could topple the regime, including strong opposition groups, economic crises, and mass protests, are critical concerns. This scenario is more likely in authoritarian states that use security positions as a form of patronage to distribute to key regime supporters and as a mechanism to avoid coups by filling the security forces with supporters.

Thus, I conceptualize the most influential security leaders' preferences for a PRG citizenship policy in terms of the policy's relationship to these leaders' concerns with the state's (1) physical security, e.g., threats to the state's borders, including irredentism, secessionism, and inter-state war, (2) economic security, e.g., losing an important source of revenue, trade, or labor, and (3) identity security, e.g., changing the composition of the population. Security leaders' preferences toward a policy typically materialize in this order, where physical and economic security concerns outweigh identity security. Further, security leaders may not care about some PRG citizenship policies and thus will not pressure the regime to adopt one policy over another.

The most influential security leaders' preference for a given PRG citizenship policy can take on three values. First, *pro-PRG*, which means that the leaders favor a more inclusive PRG policy, where inclusive means that the policy upholds, increases, or adds to a PRG's rights. Second, *neutral-PRG*, where the leaders do not focus or adopt a clear stance on the PRG policy, and thereby defer to the largest donor's or ruling regime's preference for that policy. Third, *anti-PRG*, which represents when a donor favors a more exclusionary PRG policy, where exclusionary means the policy withholds, limits, or removes a PRG's rights. Again, this coding does not reflect the leaders' views on the PRG itself, but on whether a policy should be inclusive or exclusionary to that PRG.

Research Design

Methods and Data

This paper clarifies my argument and evaluates the main alternative explanations using process tracing on Jordan's passport policies toward two Palestinian PRGs who arrived in 1967, one from the West Bank (67ers)[2] and the other from the Gaza Strip (ex-Gazans). I engage data from Jordanian laws, executive decisions, and ministry regulations I collected, 180 interviews I conducted with ministers, parliamentarians, bureaucrats, lawyers, activists, and refugees, during 13 months of fieldwork in Jordan from 2016–19, as well as 800 archival documents on Jordan's internal politics from 1946–73 I compiled from the British and U.S. National Archives. I use these data to code Jordan's de jure and de facto citizenship policies toward Palestinian PRGs. I also utilize these data, combined with secondary sources on Jordan's military-political affairs to code the independent variable on the most influential security leaders.

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[2] Individuals fleeing the West Bank for the East Bank in 1967 were technically displaced persons. I consider them as a refugee group because Jordan lost the West Bank in 1967 and many of them were already refugees from 1948.

For the largest foreign donor independent variable, I engage these data, but also draw particularly from secondary sources on Jordan's sources of revenue and international aid over time as well as bilateral reports on Jordan's relations with the United States, Saudi Arabia, and the United Kingdom (i.e., Jordan's largest single donors over time). These reports are accessible online for recent years (e.g., since 2000) and in archival files for earlier years (e.g., before 1974). I supplement missing reports with interview data and secondary sources. Lastly, I engage these diverse data sources to assess alternative explanations, derived from the existing literature.

The universe of cases is all host state citizenship policies toward a PRG. I focus on the initial adoption of these citizenship policies, though my theory can help explain the persistence of these policies. I define PRG host states as existing only after World War II and as a refugee group's *first* host state, which means that these host states typically are not advanced industrial democracies in the global north. Thus, I focus on developing PRG host states in the global south who depend on foreign aid to host these refugees.

Case Selection

This paper focuses on cases in Jordan because Jordan provides a particularly clear and sustained example of the gap between text and implementation over time and across PRGs. This clarity provides a unique opportunity to study de jure and de facto citizenship policies. Further, Jordan hosts the most protracted refugees in the world, both per capita and in total population, when including refugees under UNHCR's and UNRWA's mandate. Currently, Jordan hosts approximately 2 million Palestinian, 672,500 Syrian,[3] 60,000 Iraqi, 6,000 Yemeni, and 3,000 Sudanese refugees registered with UNHCR (UNHCR 2017; UNRWA 2016). These figures do not

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[3] UNHCR, 'Syria Regional Refugee Response', UNHCR Information Sharing Portal, http://data.unhcr.org/syrianrefugees/regional.php.

account for the numerous unregistered refugees living in Jordan. Thus, Jordan is a both a critical country to study practically, because of its substantial share of protracted refugees, and theoretically, because of the extensive within-country variation in PRG citizenship policies.

Unpacking Intentional Ambiguity

Passports Given: Ex-Gazan Temporary Passports as Inclusive Intentional Ambiguity

The first case describes the Jordanian state's de facto policy of granting ex-Gazan refugees temporary Jordanian passports since 1968 (El-Abed 2005; Pérez 2011), despite the absence of a de jure law providing this right. I argue that this policy represents a case of *inclusionary intentional ambiguity* toward the ex-Gazans in Jordan, who unlike the 48ers and 67ers never received Jordanian nationality, nor any of the legal rights associated with it (Pérez 2011).

Case Background

On June 5, 1967, Israel attacked Egypt's air bases and began the shortest war in modern history (Abu Odeh 1999, 132). This war, known in the Arab world as *al-naksa* (the setback), brought about Israeli occupation of the Gaza Strip, East Jerusalem, and West Bank (as well as the Sinai Peninsula and Golan Heights) and created a new wave of 250,000–350,000 refugees flooding into Jordan's East Bank (Brand 1988, 157). Of these refugees, 30,000–50,000 came from the Gaza Strip,[4] many as refugees for the second time after fleeing to Gaza during the 1948 War (Pérez 2011). The displaced who arrived to the East Bank from the West Bank maintained their status as Jordanian citizens because they effectively had moved from one part of their country to another. However, those arriving to the East Bank from Gaza had lived under Egyptian administrative rule.

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[4] Airgram from American Embassy in Tel Aviv to the Department of State, July 12, 1968, 1967–69 Subject Numeric File, File REF Jordan A-1038, The U.S. National Archives College Park. Airgram from American Embassy in Amman to the Department of State, May 16, 1968, 1967–69 Subject Numeric File, File REF Jordan A-341, The U.S. National Archives College Park.

Thus, in 1967, when these ex-Gazan refugees arrived, the Jordanian state viewed them as non-citizen Arab nationals based on their Egyptian travel documents, even though they were legally stateless. By 1968, however, the Jordanian state took measures to ease the ex-Gazans' mobility and legalize their residency in Jordan by issuing them temporary passports from the Ministry of Interior (MOI) (El-Abed 2005).

Inclusive Intentional Ambiguity: De Jure Exclusionary, De Facto Inclusive

De Jure Policy

Although these temporary passports exist in practice,[5] the Jordanian government never passed any laws in the *Official Gazette* about issuing these documents. This is important because for a policy to become law in Jordan, the government must publish it in the *Official Gazette*. The government has laws concerning passports, but these laws never mention temporary passports or the ex-Gazans. Jordan's MOI lists the latest Law of Passports (from 1969) on its website, which covers different documents, like those needed to conduct the Islamic pilgrimage to Mecca, but does not cover temporary passports.[6] Thus, the ex-Gazans do not have de jure access to passports.

De Facto Policy

However, these passports have existed de facto since 1968 and remain present today. A U.S. airgram from June 1968 indicates that Jordanian Deputy Minister of Interior Junaidi and Jordanian Director of Passports Talhouni visited the Arab Gulf states in June 1968 to "execute King

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[5] Interviewees have shown them to me during our meetings.
[6] Jordan Ministry of Interior, "Legislations: Laws,"
http://www.moi.gov.jo/EchoBusV3.0/SystemAssets/PDFs/AR/Regulations/Reg3/%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%AC%D9%88%D8%A7%D8%B2%D8%A7%D8%AA%20%D8%A7%D9%84%D8%B3%D9%81%D8%B1.pdf (in Arabic). For this and all future references to Arabic sources, the titles reflect the author's translations into English.

Hussain's promise made on his recent Gulf trip that we would help facilitate travel of stateless

Palestinian refugees working in the area." Junaidi and Talhouni reported to the Americans that:

> "A total of over 1,000 passports had been issued to Palestinian refugee residents of Lebanon, Syria, Gaza, and Egypt. Refugees bearing laissez-passer [documents] of Lebanon and Syria were granted Jordanian nationality and issued full validity (five-year) passports. Former Palestinian residents of Egypt and Gaza, who for the most part are victims of the June, 1967, fighting, were issued only one-year temporary Jordanian passports with no grant of nationality. Issuances to the latter constituted about 90 per cent of the total."[7]

Despite their prevalence, it is not easy to locate the administrative "instructions" or regulations

specifying how to obtain them. None of the amendments to the Passports Law and regulations

regarding passport fees in the *Official Gazette* mention the temporary passports of the ex-Gazans.

One regulation, however, did describe the "Special Instructions" for West Bankers to obtain

temporary passports following Jordan's disengagement from the West Bank in 1988.[8]

News articles, on the other hand, discuss the temporary passports for ex-Gazans by name and seem

to serve as one of the main sources of information about them. This extends to English- and Arabic-

language newspapers (all linked to the government to some extent). A recent example includes

reporting that ex-Gazans, as of February 2017, can renew these passports every five years.[9] The

candid discussion of them in newspaper articles stands in stark contrast to their absence in legal

documents, particularly in registered laws.

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[7] Airgram from American Consulate in Dhahran to the Department of State, June 3, 1968, 1967–69 Subject Numeric File, File POL 7 JORDAN A-129, The U.S. National Archives College Park.

[8] Document on file with author and located through the Jordanian National Library's *Official Gazette* Arabic language search engine (http://opac.nl.gov.jo/adlibweb/search.aspx?formtype=advanced). The search engine does not provide PDF, or otherwise savable or alterable, versions of the laws, and there is no website link for the documents retrieved.

[9] *Jordan Times*, "Validity of Gazans' Temporary Passports Extended to 5 Years," Feb 22, 2017, http://www.jordantimes.com/news/local/validity-gazans%E2%80%99-temporary-passports-extended-5-years. *Al-Ghad*, "Approval of Raising the Length [of Validity] of Passports and Identity Cards for Ex-Gazans to 5 Years," Feb 22, 2017, https://alghad.com/%d8%a7%d9%84%d9%85%d9%88%d8%a7%d9%81%d9%82%d8%a9-%d8%b9%d9%84%d9%89-%d8%b1%d9%81%d8%b9-%d9%85%d8%af%d8%a9-%d8%ac%d9%88%d8%a7%d8%b2-%d8%a7%d9%84%d8%b3%d9%81%d8%b1-%d9%88%d8%a7%d9%84%d9%87%d9%88%d9%8a/ (in Arabic).

This legal quandary highlights how the ex-Gazans enjoy the de facto, but not the de jure, right to a Jordanian temporary passport. Although this passport does not provide ex-Gazans with nationality, nor most of the legal rights associated with citizen status, it does serve as a form of identification that ex-Gazans can use it to travel abroad,[10] register in schools, obtain work, and prove their legal residency in Jordan (El-Abed et al. 2014). The temporary passports look like regular passports on the outside, but on the inside, they do not include a national number and indicate that the individual is an ex-Gazan. Thus, I code this policy as *inclusive intentional ambiguity*, where the de jure policy is exclusionary but the de facto policy is inclusive.

Donor Preferences Concerning the Ex-Gazans: Anti

In 1968, when the ex-Gazan temporary passport policy began, the Kingdom of Saudi Arabia (KSA) was Jordan's largest bilateral donor, replacing U.S. aid briefly until July 1971 (Comptroller General of the United States 1973; Brand 1994). After the June 1967 War, Jordan accused the U.S. of supporting Israel during the war, and the oil-rich Arab states replaced the U.S. as Jordan's largest donors.[11] KSA provided the most aid, pledging an annual grant of 41 million U.S. dollars (USD), as part of the Khartoum grant (to which Kuwait and Libya also contributed), as well as another 42 million USD following the 1967 War (Comptroller General of the United States 1973).

The Saudis, unlike the Americans, strongly supported the Palestinian cause, including the Palestine Liberation Organization (PLO) and its leader, Yasser Arafat. The Saudis had been instrumental in the 1964 founding of the Fateh movement, the most prominent group within the PLO (Salibi 1998,

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[10] However, some countries do not accept these temporary passports as international travel documents (Pérez 2011).
[11] Telegram from American Embassy in Amman to the Secretary of State/Department of State, September 1967, 1967–69 Subject Numeric File, File POL 15-1 Jordan, The U.S. National Archives College Park.

226). In addition, after the 1967 War, the Saudis became advocates of an independent Palestinian state, at the expense of Jordan's claims to the West Bank and East Jerusalem (Riedel 2017). Similarly, the Saudis supported the idea that the PLO was the sole legitimate representative and spokesperson for the Palestinians (Quandt 1981). Thus, they had both foreign policy goals and ideological values shaping their preference that Jordan refrain from nationalizing the ex-Gazans.

The Arab League, and particularly KSA, had long opposed any host states nationalizing Palestinians. Thus, the Arab League resented Jordan's nationalization of Palestinians after the 1948 War. However, with strong British, and later American, backing, Jordan was free to ignore KSA's wishes. Following the 1967 War, this situation changed. Jordan shifted to relying on Saudi, rather than British or American, assistance. Thus, Jordan could not counter Saudi preferences that favored a separate Palestinian identity and leadership when the ex-Gazans arrived in 1967 and 1968. Jordan did not grant these ex-Gazan refugees nationality nor any of the legal rights associated with this status, but Jordan did provide the ex-Gazans in practice with passports as well as access to education, work (including as public school teachers), and limited property ownership.

Security Leader Preferences Concerning the Ex-Gazans: Pro

Jordan's strange combination of few legal rights and many rights in practice makes more sense after examining the preferences of Jordan's security leaders. In 1968, the most influential among these leaders were from the army (Brand 1988), under King Hussein's close supervision following the institution of martial law after the war (Abu Odeh 1999). U.S. records specify that:

> "On October 8 [1967] [King] Hussein announced that he would himself be the 'direct supervisor' of the armed forces and charged Chief of Staff Lt. General Amir Khammash with the task of reconstructing Jordan's armed forces…[Further] By a

royal decree on October 9, the King abolished the two top positions of Commander in Chief and Deputy Commander in Chief."[12]

Thus, in this period, the King served as one of the main security leaders. U.S. archival files reveal the army's and King's strong support for the Palestinians, including the ex-Gazans, in 1968.

Following the 1967 War, the Jordanian army and Palestinian resistance fighters (i.e., the fedayeen), enjoyed an intimate, cooperative relationship (Abu Odeh 1999, 167). For instance, Israeli "Colonel Shalav said he knew for a fact that there is no order in the Jordanian army to act against fedayeen attempts at infiltration into Israeli held territory."[13] In addition, the U.S. Embassy in Amman reported that the

> "[Jordanian] leadership expresses confidence that the JAA [Jordanian Army] will not hesitate to suppress the fedayeen despite the fact that JAA officers and non-coms [noncommissioned officers] alike have increasingly fraternized with them in the past months. In this connection, however, we note that the regime has not been criticizing such fraternization to JAA personnel as an act of disloyalty to the King…The King's advisors are counselling him to go slow and avoid a broad scale confrontation with the fedayeen."[14]

Other files indicate the King's support of the Palestinian cause and his incentives for adopting a pro-Palestinian stance. In a major policy statement, provided in a letter to Prime Minister Talhouni:

> "[The] King asserted the unity and commonality of Palestinian aims and ideals with his own, and those of the Jordanian state, illustrated in such frequently repeated phrases as 'one family', 'our rights', 'our Jerusalem', as well as in his description of the state as the cradle and the homeland of the peoples in this area."[15]

Further, in a speech to a Palestine student conference a year later,

> "[King] Hussein assigned [a] major role to [the] army both as [a] shield of [the] homeland and sword in [the] battle of liberation. He said that [the] army must

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[12] Intelligence Note from INR – Thomas L. Hughes to the Secretary of State/Department of State, October 12, 1967, 1967–69 Subject Numeric File, File POL 15-1 JORDAN, The U.S. National Archives College Park.

[13] Airgram from American Embassy in Tel Aviv to the Department of State, June 19, 1968, 1967–69 Subject Numeric File, File POL 2 JORDAN A-964, The U.S. National Archives College Park.

[14] Airgram from American Embassy in Amman to the Department of State, July 12, 1968, 1967–69 Subject Numeric File, File POL 2 JORDAN A-386, The U.S. National Archives College Park.

[15] Telegram from American Embassy in Amman to the Secretary of State/Department of State, September 14, 1968, 1967–69 Subject Numeric File, File POL 15-1 JORDAN, The U.S. National Archives College Park.

defend Jordan to serve, among other things, as [a] sanctuary for resistance activity. Resistance (read Fedayeen), he said, had [the] task of 'confronting the occupation, tiring the occupier and reducing his capability and confidence.' As to [the] battle of liberation, Hussein said, when it occurs (Arab) armies will advance to liberate [the] occupied territory along [the] path prepared by the resistance."[16]

Similarly, in a speech from the throne a few months later, King Hussein reiterated his "support for the Palestinian 'armed struggle' and recognition of its legitimacy."[17]

American officials noted in recapping this speech that "Hussein also recognizes, however, that he is in crucial competition with [the] Fedayeen organizations for [the] loyalty of Jordan's Palestinian population and [he] is willing to go to great lengths in [the] present situation to appeal to this numerically preponderant element of his population."[18] These observations highlight that although King Hussein clearly expressed his support for the Palestinians and their cause, he may have done so at least in part to shore up his popularity among Palestinians to assert his position as their leader.

This is particularly important because U.S. archival files reveal high-level discussions between Jordan and the U.S. about not only returning most of the West Bank to Jordanian control, but also granting part of Gaza to Jordan.

> "Secretary Hart stressed that the U.S. continues to favor the return of all Arab territory occupied by Israel in the June War, recognizing of course, that some minor boundary rectifications are necessary. Our thinking on certain specific territorial problems was outlined as follows…
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> Gaza – Separated from other issues Gaza probably does not itself represent a serious territorial problem. Neither the UAR [Egypt] nor Israel appear to have any real interest in retaining Gaza.

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[16] Telegram from American Embassy in Amman to the Secretary of State/Department of State, August 1, 1969, 1967–69 Subject Numeric File, File POL 15-1 JORDAN, The U.S. National Archives College Park. Brackets include words not included in the original telegram but added for ease of readability.
[17] Telegram from American Embassy in Amman to the Secretary of State/Department of State, November 3, 1969, 1967–69 Subject Numeric File, File POL 15-1 JORDAN, The U.S. National Archives College Park.
[18] Telegram from American Embassy in Amman to the Secretary of State/Department of State, November 3, 1969, 1967–69 Subject Numeric File, File POL 15-1 JORDAN, The U.S. National Archives College Park.

West Bank – The U.S. believes some widening of Israel's waist and straightening out of its border with Jordan, especially in the Latroun area, is negotiable. As compensation, for example, Jordan could be given a link to the Mediterranean Sea through Gaza" (emphasis in original).[19]

Discussions between U.S. and Jordanian leaders also provide evidence that Jordan did not necessarily oppose settling the ex-Gazans in Jordan.

"[The U.S.] Secretary wondered what should happen to Gaza. King [Hussein] said [the] situation in Gaza is vague. Arab rights in Gaza must be safeguarded. He said that [the] UAR is only interested that Israelis withdraw from Gaza and would pose no objection if it were linked up with Jordan. Perhaps [a] roadway could be constructed between Jordan and Gaza. Sisco concurred with [the] view that [the] UAR evidently has no designs on Gaza and only wishes it to remain in Arab hands. In response to [the] Secretary's question, Sisco said that Israeli intentions re[garding] Gaza [are] very unclear. Israelis create [the] impression that they do not reject [the] possibility of Gaza becoming part of [a] Jordanian settlement; Sisco repeated this [is] only an impression…[The U.S.] Secretary inquired if Gaza could eventually absorb [the] refugees. Foreign Minister Tuqan replied that less than 100,000 could remain. Rifai said that with [the] development [of] underground water reservoirs in [the] southern part [of] East Jordan, [the] Gaza refugees could settle there.

[The] Secretary raised [the] question of [a] refugee 'complex'. Sisco said that any political settlement would have to be satisfactory to [the] bulk of refugees. Under these circumstances, [the] camps would be eliminated, refugees would become citizens, and [the] psychological factor would gradually be obliterated. [The] Secretary asked whether most refugees would opt for settlement in [the] area. [The] Jordanians present believed so, contending that most would choose to settle in Jordan…

[The] Secretary again said…U.S. and Jordanian positions on [the] West Bank are synonymous and we seem to be of one mind on [the] appropriate solution to [the] refugee problem."[20]

Overall, the most influential Jordanian security leaders preferred more inclusive policies toward the Palestinians, including potentially granting the ex-Gazans Jordanian nationality. These preferences stemmed in part from a concern with the state's physical security. Specifically, these

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[19] Memorandum of Conversation from NEA/ARN: PJGriffin, December 17, 1968, 1967–69 Subject Numeric File, File POL 15-1 JORDAN, The U.S. National Archives College Park.
[20] Outgoing Telegram from Department of State to American Embassy in Amman, April 8, 1969, 1967–69 Subject Numeric File, File POL 7 JORDAN, The U.S. National Archives College Park.

leaders did not want to lose the West Bank permanently. In the 1968 and 1969, both the Jordanians and Americans expected that Israel would withdraw from the West Bank and return it to Jordanian control. In addition, they were interested in expanding Jordan's territory to include part of Gaza, which would give Jordan access to the Mediterranean Sea. These security leaders also supported the Palestinian cause and resistance, adding an identity security dimension to their policy preferences. Further, these leaders had incentives to express this support in order to maintain Palestinian support for the regime as well as to maintain support from lower ranks of the Jordanian army, who sympathized and cooperated closely with the Palestinian resistance.

Alternative Explanations

First, bureaucratic capacity at the MOI in 1968 was moderate and had been increasing thanks to rising U.S. aid since 1957 (Comptroller General of the United States 1973). This comes across clearly in the Ministry's ability to produce and distribute special temporary passports for the ex-Gazans. Cases of inclusive intentional ambiguity particularly challenge the bureaucratic capacity argument because it is illogical for an under-resourced institution to do more work than necessary. Regardless, in this context of relatively high bureaucratic capacity, it is surprising to see a divergence in the de jure and de facto policies.

Second, it is unlikely that a principal-agent issue was behind this policy. None of the available evidence indicates that bureaucrats issued the passports against King Hussein's or the Cabinet's orders. Instead, the archival files refer to King Hussein and his cabinet members, including Bahjat Talhouni—Minister of Interior for much of 1968 and Prime Minister for all of 1968, discussing

the ex-Gazan passports.[21] Thus, the principals were well-aware of the policy and it seems that they intentionally allowed the de jure and de facto policies to diverge.

Third, there is no evidence that corruption motivated this policy non-enforcement. Specifically, none of the archival files reviewed described ex-Gazans bribing MOI staff to produce these passports. Further, since most of the ex-Gazans were refugees for a second time, few of them would have had the means to pay such bribes (Pérez 2011). In addition, at the time, many of them had Egyptian travel documents from the Egyptian mandate over Gaza, and they did not know they would remain in Jordan. Thus, they did not have the resources or a clear motivation for wanting a temporary Jordanian passport in 1968. Likewise, there were no constituencies identified as paying the government to produce the de facto passports or to prevent the issuing of de jure passports. Thus, corruption does not seem to explain this divergence in the de jure and de facto policy.

Passports Taken: 67ers Citizenship Revocations as Exclusionary Intentional Ambiguity

The second case concerns Palestinians who arrived in Jordan in 1967 from the West Bank, who have always had access to Jordanian nationality and legal citizen rights but who have been exposed to unexpected nationality revocations since Jordan's disengagement from the West Bank in 1988. This represents a case of *exclusionary intentional ambiguity*, where security leaders supported the revocations, while the U.S., as the largest donor, did not.

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[21] Outgoing Telegram from Department of State to American Embassy in Amman, April 8, 1969, 1967–69 Subject Numeric File, File POL 7 JORDAN, The U.S. National Archives College Park. Airgram from American Consulate in Dhahran to the Department of State, June 3, 1968, 1967–69 Subject Numeric File, File POL 7 JORDAN A-129, The U.S. National Archives College Park.

Case Background

On July 31, 1988, King Hussein announced Jordan was "dismantling the legal and administrative links" between the East and West Banks of the Jordan River.[22] This announcement reduced Jordan to the East Bank alone and ended the Unity of the Banks that King Abdullah I oversaw in 1950. Although Israel had occupied the West Bank since the 1967 War, Jordan had maintained its legal, administrative, and political connections to the territory, including by continuing to pay its civil servants on the West Bank.

The 1988 disengagement entailed five major changes (Robins 1989), the most important of which for this analysis was the revocation of Jordanian nationality from everyone living on the West Bank at the time. This nationality revocation measure built on Jordan's earlier de facto policy, adopted in 1983, of issuing different colored crossing cards to track Palestinians traveling between the West and East Banks. These cards came in four main colors, two of which concern this case. Green denoted Jordanian citizens of Palestinian descent living on the West Bank but traveling to the East Bank. Yellow represented Jordanian citizens of Palestinian descent residing on the East Bank with a "material connection" to the West Bank. This "material connection" meant that the Israelis had included that individual in their 1967 census of the West Bank.[23] Other Jordanians of Palestinian (or East Bank) descent required permits to travel to the West Bank (El Abed 2004).[24]

After the disengagement, these cards shifted from serving as a population-tracking mechanism to signaling whether an individual should have Jordanian nationality. Specifically, those with yellow

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[22] Kingdom of Jordan, "Statement Concerning Disengagement from the West Bank and Palestinian Self-Determination," *International Legal Materials* Vol. 27, No. 6 (November 1988) 1642.

[23] Author interview with Jordanian lawyer familiar with nationality issues (67), April 2017.

[24] Author interview with Jordanian lawyer familiar with nationality issues (67), April 2017. Blue cards reflected Palestinians living on the East Bank but coming from the Gaza Strip after the 1967 War, and pink cards were for Palestinians living in Gaza but traveling to the East Bank—neither of these have had access to Jordanian nationality.

cards maintained their Jordanian nationality (given that they resided on the East Bank), but those with green cards did not (because they resided on the West Bank). After July 1988, the green cardholders only could stay legally in Jordan for one month "except for students, persons who work abroad, and for those who come for treatment in the Kingdom's hospitals."[25] According to then Minister of Interior, Salameh Hammad, green cardholders "do not have the right to reside permanently in Jordan, to establish a business, to send their children to school, or to participate in elections either as voters or candidates" (Kassim 1996, 75). Thus, the green cards signaled Palestinians without residency rights in Jordan, while the yellow cards represented those with residency rights in Jordan.

The disengagement revoked the nationality of roughly 1 million Palestinian-Jordanians living on the West Bank in July 1988 (Halasa 2016). Since then, many more Palestinian-Jordanians have had their nationality withdrawn based on opaque terms, or "instructions," of the disengagement. Although there are no clear figures on how many individuals have been affected, Human Rights Watch (HRW) reports that "Jordan has withdrawn its nationality from thousands of its citizens of Palestinian origin—over 2,700 between 2004 and 2008 alone" (HRW 2010, 1). One lawyer stated that about 10,000 Palestinian-Jordanians lost their nationality in the early 1990s and around 2010.[26] A former minister suggested that there were 4000–6000 cases, noting that the revocations were "a small issue" that "became huge because of a few unjust cases."[27] Regardless, most agree that there were thousands of nationality revocation cases after the disengagement.

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[25] Kingdom of Jordan, Disengagement Regulation for the Year 1988, 28 July 1988, accessed March 28, 2019, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=43cd04b94>.
[26] Author interview with Jordanian lawyer and rights activist (14), January 2016.
[27] Author interview with former minister and senator, June 2017.

<u>Exclusionary Intentional Ambiguity: De Jure Inclusive, De Facto Exclusionary</u>

De Jure Policy

Article 5 of the Constitution mandates that "Jordanian Nationality shall be defined by law."[28] Thus,

Jordan's Law on Nationality dictates when the government can revoke a citizen's nationality.

Article 18 of this law stipulates that:

> "(1)Any person who enters the military service of a foreign State, without the prior permission or leave of the Jordanian Council of Ministers, and refuses to leave the same when so directed by the Government of the Hashemite Kingdom of the Jordan shall lose his nationality.
> (2)The Council of Ministers may, with the approval of His Majesty, declare that a Jordanian has lost Jordanian nationality if:
>> (a)He enters the civil service of a foreign State and refuses to leave the same when so directed by the Government of the Hashemite Kingdom of the Jordan;
>> (b)He enters the service of an enemy State;
>> (c)He commits or attempts to commit an act deemed to endanger the peace and security of the State."

In addition, Article 10 states that "A minor child whose father has acquired a foreign nationality

shall retain his Jordanian nationality."[29] It is therefore a violation of domestic law for Jordan to

remove an individual's nationality for any reason other than those stated in its Law on Nationality,

which says nothing about green or yellow cards as indicators of citizen or non-citizen status.

De Facto Policy

The instructions (also referred to as regulations) released after the disengagement speech state

specifically that "Every person residing in the West Bank before the date of July 31, 1988 will be

considered as Palestinian citizen and not as Jordanian."[30] This measure involved nullifying the

Jordanian family books of these individuals and converting their full Jordanian passports into

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[28] Kingdom of Jordan, The Constitution of The Hashemite Kingdom of Jordan, accessed March 30, 2019, <https://www.refworld.org/pdfid/3ae6b53310.pdf>.
[29] Kingdom of Jordan, Law No. 6 of 1954 on Nationality (last amended 1987), accessed March 30, 2019, <https://www.refworld.org/docid/3ae6b4ea13.html>.
[30] Kingdom of Jordan, Disengagement Regulation for the Year 1988, 28 July 1988, accessed March 28, 2019, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=43cd04b94>.

temporary passports that required renewal every two years, versus every five years,[31] like the passports Jordan had been issuing to the ex-Gazans since 1968 (Robins 1989, 170; El Abed 2004).

Despite the clear constitutional and legal language concerning nationality revocation, these documents are not the guiding force behind Jordan's nationality withdrawals since 1988. Instead, the MOI's Follow-Up and Inspection Department (FUID) officials have drawn from the "instructions" released following the disengagement speech. However, these instructions are unclear on a number of issues, including the fate of Palestinian-Jordanians who were not residing in the East or West Bank in 1988. Many Palestinian-Jordanians lived in the Arab Gulf, North America, and Europe. Depending on when they left Jordan, some of these individuals received a green or yellow card, based on where they left from, and others had not received a card.[32] This vague policy became particularly problematic when Kuwait and other Arab Gulf countries expelled approximately 200,000 Jordanians (mainly of Palestinian origin) after Jordan supported Saddam Hussein amidst his invasion of Kuwait (Abu Odeh 1999, 233).

The MOI FUID engaged the green and yellow crossing cards to distinguish between noncitizens and citizens. This meant that when FUID staff found that someone should not have a yellow card, they would replace it with a green card, thereby revoking that individual's Jordanian nationality. These decisions were problematic because they did not stem from the published disengagement speech and regulations, much less from any law or constitutional amendment. Instead, these decisions reflected "confidential regulations" that the Minister of Interior "could change as he wishes,"[33] on "any day" without "parliamentary action."[34]

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[31] However, the renewal time period was extended to five years in 1995 by royal decree.
[32] Author interview with Jordanian professor and political analyst (23), January 2016.
[33] Author interview with Jordanian journalist whose relative had his nationality revoked (64), February 2017.
[34] Author interview with policy analyst and think tank head (41), May 2017.

Lawyer, Ayman Halasa (2016), listed the apparent 2016 disengagement regulations, specifying

the conditions under which the government could remove an individual's nationality:

> "- Any person that has a Palestinian ID and works for the Palestinian National
> Authority;
> - Any person that has a valid or expired Israeli occupation ID card;
> - [U.S.] Green Card holders;
> - Anyone who left Palestine between 1967 and 1988 and holds an Israeli ID card,
> among those covered by the census which was carried out by the Israeli occupation
> after 1967; and
> - Anyone holding Arab identification documents."

A prominent human rights activist in this area provided his understanding of the current

disengagement regulations:

> "(1) If you work with the Palestinian Authority at all…
> (2) Any 'security' concerns in your file, like views aligned with the PLO…
> (3) You were given citizenship 'by accident'…
> (4) Being born in Palestine…
> (5) If you are an activist in Jordan…
> (6) A child born to a mother with a Palestinian ID number and a yellow card but
> who has not gotten a Palestinian ID number."[35]

A high-level government official confirmed that, among low-level MOI officials, "There was

literally a checklist of things to look for to pull citizenship."[36]

Overall, it is difficult to ascertain the disengagement regulations at a given time without being

subjected to them directly. In addition, officials do not inform individuals that they have lost their

nationality until they interact with the MOI during routine transactions, like registering a child's

birth or renewing a driver's license (HRW 2010, 3). One former prime minister stated that the

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[35] Author interview with human rights activist and journalist, November 2017.
[36] Author interview with high-level government official and former parliamentarian (9), January 2016.

disengagement regulations "have been changing," and "the Minister of Interior plays a role in dictating these policies," though the logic behind individual revocations "seems random."[37]

Donor Preferences Concerning the 67ers: Pro

The U.S. has been Jordan's largest bilateral donor since the disengagement in 1988 (Sharp 2007).[38] Throughout this time, the U.S. has supported Palestinian-Jordanian rights, including by opposing the nationality revocations that have occurred since the disengagement. The U.S. has foreign policy and ideological interests in Jordan legally treating Palestinian-Jordanians the same as other citizens, including in terms of nationality revocation.

The main objective of U.S. aid to Jordan has been based on foreign policy goals supporting Jordan's efforts toward peace and moderation in the region, particularly in terms of its relationship with Israel (Sharp 2007). The U.S. tends to oppose policies that would damage Jordan's relationship with Israel or threaten Jordan's moderate ruling regime. Nationality revocations targeted at Jordanians of Palestinian descent fall into these categories. First, they force more Palestinians to reside in or at least maintain their connections to the West Bank, including maintaining Israeli paperwork that identifies them as Palestinian. These efforts have the potential, particularly if elevated to the level of formal law, to damage Jordanian-Israeli relations because of Jordan appearing to force returns to the Palestinian Territories in the absence of an officially recognized Palestinian State.

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[37] Author interview with former prime minister and senator (10), January 2016.
[38] U.S. State Department, "U.S. Relations With Jordan," Bureau of Near Eastern Affairs Fact Sheet, August 2, 2018, accessed March 20, 2019, <https://www.state.gov/r/pa/ei/bgn/3464.htm>.

Second, this unjust practice, again particularly if elevated to the level of de jure law, enables opposition groups to challenge the Jordanian regime by claiming that it does not represent and protect nearly half the population. One former minister of interior noted how the Muslim Brotherhood in Jordan exaggerated the number of revocations to improve its image as an opposition group vis-à-vis the ruling regime.[39] In addition, clear legal discrimination toward Palestinian-Jordanians could bring this population into the streets. As one former prime minister noted, "the main reason Jordan survived the Arab Spring is because the Palestinians did not protest…we owe this stability to the Palestinian-Jordanians."[40] These potential threats to Jordan's moderate regime concern the U.S., and thus, the U.S. opposes policies that foster these threats.

The U.S. also has ideological interests in favor of supporting more inclusive, liberal, and democratic policies. As the world's most powerful democracy, the U.S. has an interest in upholding its values, including those favoring human rights and democratic policies, abroad. When other U.S. interests are not at stake (e.g., those based on security or foreign policy), the U.S. prefers to see its aid recipients undertaking policies and reforms that align with these values (Girod 2012). Considering U.S. strategic interests opposing the revocations, the U.S. can comfortably highlight its ideological opposition to the policy as well. For instance, many U.S. annual human rights reports on Jordan, particularly in the years surrounding HRW's 2010 report on the issue, register concern about and disapproval of the nationality revocation cases.[41]

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[39] Author interview with former minister of interior (139), November 2017.
[40] Author interview with former prime minister and businessman (1), January 2016.
[41] U.S. Embassy in Jordan, "Country Reports on Human Rights Practices – Jordan," accessed March 20, 2019 <https://jo.usembassy.gov/our-relationship/official-reports/>.

Security Leader Preferences Concerning the 67ers: Anti

The U.S., however, has less influence over de facto policies. The exclusionary enforcement of the disengagement and nationality revocation provisions reflects the preferences of the most influential security leaders against including the 67ers. Since 1988, those leaders have come from the GID and MOI. As one prominent businessman with close ties to the security apparatus noted:

> "The main decision makers with refugees are the security organizations: the MOI and GID. They are responsible based on laws. They are influential and have authority…The policies depend on the people in power at the time; different ministers and the MOI have different approaches, perceptions, and policies…There's high coordination between the MOI and GID…some ministers of interior are ex-GID, including former directors of the GID."[42]

A Jordanian political analyst also noted that "the GID has major influence over any policy that affects the national interest" and that most of the GID is made up of East Bank Jordanians. He described their concerns with the disengagement and their preference for having fewer Palestinian-Jordanians in leadership positions as about the "Arab-Israeli conflict."[43]

A former minister also described the government's—particularly the MOI's—suspicion of Israeli policies as central to Jordan's decision to block West Bank Palestinians from Jordanian nationality. He added that the "death of the two-state solution makes Jordan more anxious" because Jordan fears that Israel will push all Palestinians out of the West Bank into Jordan, effectively making Jordan Palestine, or the alternative homeland. He also explained that citizenship policies are driven by "concerns with Israel and the carrying-capacity of the country."

However, he also recognized that "there is a Jordanian-Palestinian [identity politics] undercurrent, which may be real or perceived." For the East Bank Jordanians, they "feel underprivileged" and

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[42] Author interview with prominent businessman and community leader (73), April 2017.
[43] Author interview with former ambassador and political analyst (4), January 2016.

like they "cannot make ends meet;" they also worry that "their privileges will be cut and they may lose bread—they are afraid basic goods will disappear."[44] A former prime minister described the security apparatus as the "bastion" of East Bank Jordanian feelings.[45] One journalist who supports these "East Bank Jordanian feelings" described the intelligence directorates (including the GID), army, and other parts of the security apparatus as "trustworthy." He discussed these East Bank feelings, including that the "majority of people in Jordan" are from the East Bank and that it is "okay to be Palestinian and Jordanian, but not at the same time." He also noted that many Palestinians could return to the West Bank through family reunification, "but they do not."[46]

Another former prime minister described East Bank Jordanian concerns and highlighted the GID as particularly influential:

> "East Bank Jordanians are afraid that with fair Palestinian representation, then they will become a minority because Palestinians make up 60% of Jordan's population…those of East Bank origin cannot accept that those of Palestinian origin are here to stay; with a Palestinian state they should be ejected or given the option of being Palestinian or Jordanian, but not both…The King always trusts the GID; they are the final arbiter. This is dangerous though; the intelligence does not have full knowledge and they have their own personal issues and vested interests. Even if they act in good faith, [the King] needs to cross-check with other sources."[47]

Nearly a year later, the same former prime minister noted that the "1988 [disengagement] was about stopping the imbalance in the East Bank between the [East Bank] Transjordanians and Palestinians." The former minister quoted above also admitted that some of the de facto disengagement policies "have not been good" and have forced people "back to the West Bank."[48]

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[44] Author interview with former minister and lawyer (6), January 2016.
[45] Author interview with former prime minister and senator (10), December 2016.
[46] Author interview with journalist and political analyst (145), November 2017.
[47] Author interview with former prime minister and businessman (1), January 2016.
[48] Author interview with former minister and lawyer (6), January 2016.

Overall, the most influential Jordanian security leaders preferred more exclusionary policies toward the Palestinians, particularly those like the 67ers with close ties to the West Bank. These preferences stemmed from physical, identity, and economic security concerns. A detailed HRW report highlights these security concerns among MOI officials, who have defended the nationality revocations as reflecting: "opposition to Israeli expansionism and a further uprooting of Palestinians in the West Bank," a concern with "Jordan's poverty of resources," and "the need for a 'demographic balance'" in Jordan (HRW 2010, 11).

More specifically, the physical security concerns reflect anxieties about Israel rejecting a two-state solution, taking over the West Bank, and expelling the Palestinians there to Jordan. This fear is rooted in right-wing Israeli proposals that "Jordan is Palestine" as well as the break down in the Israeli-Palestinian peace process (Abu Odeh 1999, 213). A former prime minister and senator summarized this concern:

> "Jordan knows Israel is waiting for the right time to deport many Palestinians, and if this happens, it will make [East Bank] Jordanians a real minority…The Israeli homeland includes the West Bank; it is unfinished business. If you look at the [Israeli settlement] map on the West Bank, it is modelled on small islands all over the place; in real terms, they are in control of the West Bank…This idea makes East Bank Jordanians anxious; they do not want to become a minority…There is a deep belief that the Transjordanian state was created [in 1946] to absorb and contain the consequences of an Israeli state [and that] this is what the Israelis were planning from the first Zionist conference."[49]

The identity security concerns stem from a similar logic, where Palestinian-Jordanians not only threaten the physical but also the demographic and cultural character of Jordan. A Jordanian state where the (vast) majority of people descend from Palestine will question the current East Bank-dominated government and security apparatus, as well as the privileges and benefits that flow from these positions. In addition to the political power and sway that these positions entail, there is also

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[49] Author interview with former prime minister and senator (10), December 2016.

a concern with the economic livelihood of those who depend on government and security positions to feed their families. These economic security concerns also reflect anxieties over water shortages and high unemployment in Jordan that a larger citizenry would exacerbate.

Alternative Explanations

First, bureaucratic capacity at the MOI has been moderate since 1988. The establishment of the MOI FUID after the disengagement suggests that the government shifted resources to work on these cases. The fact that ministers circulated disengagement regulations and nationality revocation checklists also suggests that capacity was sufficient for bureaucrats to enforce the nationality law. With moderate bureaucratic capacity, this lack of policy enforcement is surprising.

Second, available evidence suggests that the ministers of interior have been aware of the nationality revocations. This comes across clearly with the fluctuations in the number of revocations across ministers as well as the different interpretations of the disengagement regulations based on the current minister of interior. Thus, although the revocations often have taken place at the hands of low-level MOI bureaucrats, it is unlikely that these bureaucrats have been operating independently from their supervisors. Instead, the evidence suggests that different ministers have provided their own instructions for when bureaucrats can remove individuals' nationality. Further, although many interviewees noted that King Abdullah has opposed the revocations,[50] these interviewees also highlighted that the King has been aware of this de facto policy, has the power to replace ministers, and often relies heavily on GID policy advice. Thus, this case seems to reflect an intentional decision by the principals to let the de jure and de facto policies diverge.

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[50] As King Hussein likely did in the 1990s.

Third, corruption does not seem to explain this case fully but it has played a role at times. One lawyer explained that in the early 2000s, GID director Mohammed al-Dahabi sold Jordanian nationality to noncitizens, including Palestinians, though many of the beneficiaries were wealthy Iraqis.[51] This means that at the same time the government was removing Palestinian-Jordanians' nationality, it also was selling Jordanian nationality. Thus, corruption may have motivated revocations from wealthy Palestinian-Jordanians who could afford to pay to retrieve it. However, many of the revocations have concerned individuals who could not afford to buy their nationality back. Further, the MOI oversaw the revocations rather than the GID, creating a fuzzier link between pulling nationality and obtaining money for it. In addition, these nationality revocations have occurred before and after al-Dahabi's tenure, which suggests that corruption might feed into MOI and GID policy preferences but that corruption itself does not explain this policy enforcement variation. Corruption varies while the exclusionary intentional ambiguity policy remains the same.

Conclusion

Overall, the policy preferences of a PRG host state's largest bilateral donor and its most influential security leaders can explain when the de jure written content of a PRG citizenship policy contradicts its de facto enforcement. Specifically, when these two actors' preferences diverge, the policy's enforcement will contradict its content—a situation I term as *intentional ambiguity*. Regimes engage intentional ambiguity because it allows them to placate two actors with opposing preferences that both influence regime survival.

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[51] Author interview with Jordanian lawyer and rights activist (14), January 2016.

I argue that when a policy's enforcement contradicts its content, the formal policy tends to reflect the donor's interests. This occurs because it is more difficult for the international actor to track the policy's enforcement and because international actors tend to focus on drafting and adopting formal policies. However, the security leaders are more likely to influence policy enforcement because they are on the ground and tend to focus on implementing and enforcing formal policies.

The two PRG citizenship policies helped to elaborate and support this argument. However, additional research is needed to test this argument on other cases, particularly beyond Jordan. Regardless, these preliminary findings provide compelling evidence of when and why states allow de jure and de facto PRG citizenship policies to diverge. These findings also highlight a major donor's ability to influence the recipient state's policies as well as the central role of security leaders in enforcing this policy or not. Thus, international donors must consider the interests and preferences of powerful security leaders if they want to achieve de jure and de facto policy changes. This paper examines these dynamics in terms of PRG citizenship policies, but they may have applications for other policies, including those concerning economic or political reforms. Overall, examining a policy's de jure and de facto dimensions together provides a richer account of the policy and reveals how regimes strategically can allow these dimensions to diverge.

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