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AFRICAN REFUGEES' INFLUX IN ISRAEL FROM A SOCIO-POLITICAL PERSPECTIVE

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CARIM

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Abstract

This paper focuses on socio-political dynamics in Israel in relation to the increased flow of African refugees and asylum seekers. The main argument presented here is that there is an inherent tension between the ethnocentric ideologies and the questions of territorial control that define Israel, and the pressure exerted by NGOs and civil society in relation to the ongoing influx of African asylum seekers and refugees. The theoretical insight that emerges is that the arrival of "foreigners" in Israel challenges Israeli identity politics and attitudes towards the "Other", whilst simultaneously revealing complexity in Israel's ethno-national identity and collective history.

Résumé

Le papier met en exergue les dynamiques sociopolitiques caractérisant les flux migratoires des réfugiés et demandeurs d'asile africains vers l'Israël. L'auteur souligne qu'il y a une tension inhérente entre les idéologies ethnocentriques, les questions de contrôle territorial définissant l'Israël et la pression exercée par les ONG et la société civile afin de gérer ces flux migratoires.

L'auteur souligne également que l'arrivée des «étrangers» en Israël défie la politique identitaire israélienne ainsi que les attitudes préconçues envers «l'autre», tout en révélant simultanément la complexité illustrant l'identité ethno nationale de l'Israël et son histoire collective.

Introduction¹

"There is a clear relationship between the refugee problem and the issue of human rights. Violations of human rights are not only among the major causes of mass exoduses but also rule out the option of voluntary repatriation for as long as they persist. Violations of rights of minorities and ethnic conflicts are increasingly at the source of both mass exoduses and internal displacements.

Disregard for the minimum rights of refugees and internally displaced persons is another dimension of the relationship between the two issues. During the process of seeking asylum, a growing number of people are faced with restrictive measures which deny them access to safe territories. In some instances asylum-seekers and refugees are detained or forcibly returned to areas where their lives, liberty and security are threatened. Some are attacked by armed groups, or recruited into armed forces and forced to fight for one side or the other in civil conflicts. Asylum-seekers and refugees are also victims of racist aggression. Refugees have rights which should be respected prior to, during, and after the process of seeking asylum. Respect for human rights is a necessary condition for both preventing and resolving today's refugee flows. In the words of the United Nations High Commissioner for Refugees, Sadako Ogata, "[the refugee issue must be put to all governments and peoples as a test of their commitment to human rights]" (Fact Sheet No.20, Human Rights and Refugees, <http://www.unhcr.ch/html/menu6/2/fs20.htm>)

The above citation, taken from a UNHCR Fact Sheet, encapsulates the complex reactions to the flow of refugees into host countries. And indeed, the increase in the number of Sudanese crossing the border from Egypt into Israel during the last two years has placed this debate at the very centre of Israel's political and social life. Refugees from both the Darfur region of western Sudan and southern Sudan have been illegally crossing the Israeli border since 2006. But in the summer of 2007 the number of refugees increased significantly, reaching 50 to 100 per day (telephone interview with Eithan Schwartz, spokesperson for the Israeli Coalition for Darfur and Sudan Refugees in Israel, May 3, 2008). According to an Israeli Channel 2 report (23 February, 2008), in 2007, 5,000 Sudanese refugees entered Israel, while in early 2008 the number entering Israel from the south had already reached 2,500. Some other sources (Basok, 2008) report 8,000 (approximately 2,400 African asylum-seekers, including about 1,700 Sudanese; 25-30 percent of them from Darfur with other asylum-seekers coming from Eritrea, Ghana, and Kenya).

This phenomenon, as I will discuss in this paper, offers important challenges to Israeli social and political discourse that is caught between both its own ethnocentric ideologies and a wider commitment to universal human rights. In order to discuss this issue, the paper will attempt to answer the following key questions: what are the political and geographical sources and causes of these new migration patterns? What is the socio-political status of the refugees and how are Israeli political institutions and political discourses dealing with this matter? I will, additionally, discuss the role of non-state actors in Israel in shaping policy and programs that touch the lives of African refugees in Israel.

Methodologically speaking, because of the lack of academic writing on this phenomenon not to mention the paucity of reports and data, this research paper is based, in part, on primary sources such as interviews (with refugees and NGO representatives). This paper also borrows from media coverage and reports concerning African refugees in Israeli and Egyptian newspapers.

¹ I would like to acknowledge the support of Asli Okay, former graduate student of the Department of Political Science and International Relations and author of the Master of Arts thesis entitled *The Evolution of Immigration and Asylum Policies in the European Union from a Public Good-Collective Action Perspective* (Boğaziçi University, 2007) to the research of this paper. The ideas developed in this report were presented and debated at a number of seminars and conferences such as "Immigrants as Citizens", University of Sydney, 6-7 October 2007 and the Salzburg Seminar "Session 440: Immigration and Inclusion: Rethinking National Identity", 27 March – 1 April 2007. I would like to thank all those participants who listened to my presentations and offered to me their advice and opinion. I would especially like to thank CARIM for giving me the possibility to write this report.

Background

Since 2003 the Darfur region has seen a civil war escalate into genocide. The conflict started when the Sudanese Liberation Army, an opposition group, initiated armed actions against the government. The government reacted by supporting the *Janjaweed* to attack villages in Darfur (for more details see: Amnesty International, 2007). Since 2003 it is believed that between 200,000 and 400,000 people have been killed in Darfur and that about 2.5 million people have been displaced (<http://www.unhcr.org/home/PUBL/474ac8cb0.pdf>). Moreover, between 1983-2005, during the Second Sudanese Civil War, which ended with a treaty between the Islamic government in the north and the Sudanese People's Liberation Movement in the largely Christian south, 1.9 million southern Sudanese civilians were killed and more than 4 million were displaced.

Despite these events taking place throughout southern Sudan and Darfur, international organizations such as the UN have tended to focus their efforts on the Darfur region; and the question of Darfur became, as we shall see, significant in Israeli policy towards refugees in Israel. Yet, it is important to note that the southern Sudanese still face serious difficulties, including the presence of government troops and militias in defiance of the accord, child slavery, terror and persecution. Indeed, Sudanese from both Darfur and the south are searching for refuge and qualify as refugees by the definition of the 1951 UN Convention on the Status of Refugees, namely a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country." (Convention relating to the Status of Refugees, http://www.unhchr.ch/html/menu3/b/o_c_ref.htm).²

Egypt, Sudan's northern neighbour, has hosted Sudanese refugees since 1994 and according to the United Nations High Commissioner for Refugees (2008) there are 3-5 million Sudanese refugees in Egypt today. As indicated by Yasmin Fathi (2004), "what refugees find most painful of all are the racial slurs that are often thrown at them by the locals. Sudanese walking around Cairo find themselves being called *soda* and *samara* – denigratory words for black – by both adults and children in the street". In fact, both Egyptian locals and authorities show a lack of trust towards the Sudanese refugees, a fact exacerbated by the refugees own experiences. In the words of Egyptian journalist Gamal Nkrumah:

"Refugees have become a feature of our communities. Many of the children cannot be enrolled at state-run schools and their parents are often too poor to send them to private schools. Yet, they are part of the Cairo scene. The children associate refugee life with violence. All are refugees and even though they come from different social, ethnic and economic backgrounds, they all suffer from a deep sense of alienation" (Nkrumah, 2003).

Despite certain gestures towards refugees, such as that of human-rights organizations or the Mufti, Dr. Ali Gomaa who issued a *fatwa* approving *Sadaqah* for all Sudanese refugees during *Eid Al-Adha* (Azzam, 2006), coverage in the Egyptian media has been characterised by reports about refugees and "non-Muslim *kuffar*" stealing Egyptian jobs, or "foreigners" who should be sent back where they came from (Azzam, 2006). Such attitudes towards the refugees and the ongoing deterioration of their socio-economic and health conditions seem to be the reason why Sudanese refugees relocated to Israel.

One of the events that was a watershed for Darfurians in Egypt and one that encouraged many to illegally cross the border to Israel happened on December 30, 2005, when thousands of Egyptian security personnel forcibly removed around 2,500 Sudanese refugees camped out in a small park near the offices of the United Nations High Commission for Refugees in Mohandeseen. Around 27 refugees and asylum seekers were killed, including women and children. And thousands of protesting

² The Convention relating to the Status of Refugees adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950.

refugees and asylum seekers were transported to various holding centers in and around Cairo, though the majority was eventually released, leaving only a few hundred for deportation (Nkrumah, 2007a).

Since this incident, the number of Sudanese refugees fleeing to Israel has considerably risen (interview with Sigal Rozen, May 22 2008; interview with Yiftach Miloe, May 22 2008). The crossing of the border between Israel and Egypt starts with a long journey across the Sinai Desert between Egypt and Israel. Hundreds of Sudanese work in the tourist resorts of Sinai because of its proximity to Israel, paying the Bedouin smugglers hundreds of dollars despite the risks of being caught by the Egyptian border patrol. A testimony of Yasin, a Darfuri refugee in Israel, narrates this experience:

"I left Egypt in July 2005 towards Sinai. Initially I aimed to stay in Sinai, to work, but the Bedouins convinced me that crossing the border [between Israel and Sinai] is possible. I was afraid of the Israeli and the Egyptian army and in the morning that we crossed the border, I handed over myself to the Israeli soldiers. They took me to the army camp, where I was arrested with five Bedouin smugglers; the conditions were harsh" (Interview 1 June 2008).

The news that Israel could be infiltrated in this fashion reached many refugees from other African countries such as Eritrea, Nigeria and Ivory Coast. Extensive human trafficking has taken both the Israeli and Egyptian authorities by surprise. When the then Israeli Prime Minister Ehud Olmert visited Sharm El-Sheikh in June 2007 to discuss the Palestinian-Israeli peace process, he also emphasised the need to repatriate Sudanese refugees in Israel, many of whom were in Israeli jails. The Israelis apparently wanted assurances from Egypt that the Sudanese refugees would not be then deported to Sudan. At the end of his meeting with Egyptian President Hosni Mubarak, Olmert announced that Egypt had guaranteed that it would not deport any Sudanese refugees returning from Israel. Yet as Nkrumah (2007b) reports, Egyptian officials declined to comment, suggesting that the subject is too sensitive to receive coverage in the Egyptian press save some comments on Sudanese migrants being caught while trying to cross the border into Israel.

But even when the refugees manage to cross the border, they face another complication; the Sudanese government does not have any diplomatic relations with Israel, and it judges any Sudanese citizen who sets foot in Israel as being guilty of high treason, including refugees seeking asylum. Yasin's personal experience verifies the above:

"We were taken to the court and the judge said that it will be impossible to send us back to Sudan, which is an enemy country. But she also said that if the state will support us two million refugees will come to Israel and it will be a disaster. Then we were sent to Maasih Prison, where I stayed for 14 months" (Interview 1 June 2008).

During 2007, the Israel Defence Forces buses used to take the infiltrators and to drop them in the city of Be'er Sheva. It was common that the refugees were left in the middle of the city. The Be'er Sheva municipality, with a strong support of students and activists, provided housing for some refugees in hotels in the city. However, it was clear that this solution is temporary. And indeed, these refugees were taken to Jerusalem, where a "tent city" was established close to the Knesset.

To sum up this section, it is important to mention that despite the difficulties, African refugees and asylum seekers are reported to have crossed the border into Israel during the night, avoiding both Israeli and Egyptian border guards. Indeed, for many refugees, taking the risk of crossing the border is considered a better option than staying in Egypt or crossing the Mediterranean to Europe (Interview with Jean Marc-Liling UNHCR, June 11 2008), an issue that was also mentioned by Isayas, an Eritrean asylum seeker:

"I have had nothing to lose. I did not plan to arrive to Israel – I just wanted to leave Eritrea where I was in risk. I have had really nothing to lose, like my other fellows we have no future elsewhere" (June 29 2008).

From Non-Policy to the Politics of Fear

"When I was told that people saw them, four or five men standing near the shopping mall and drinking beer, all my body shook. Because these are single men here without women... and if, God forbid, there is a rape – I don't want to think what people will say about me as the City's Mayor" (Hadera's Mayor in Haaretz, August 3 2007).

"Fear is social or collective experience rather than an individual state. But it is more than this - it is also a morality play and a product of power relations that shape the moral codes of everyday conduct as well as those of international affairs. Fear does not just involve a relationship between the individual and a variety of societal structures; it is embedded in a network of moral and political geographies" (Pain and Smith, 2008: 9).

Until the beginning of 2008, the state of Israel had no clear policy on the increased flow of refugees that included not only Sudanese nationals but also refugees from Eritrea and other countries. Its main response was deportation and attempts to prevent refugees crossing the border, such as the case of the 48 Africans, most of them Darfurians, who were deported on August 18 2007 back across the Egyptian border (Kershner, 2007). It was certain that those refugees who were forced to return to Egypt in this way would be brutally treated and thus Israel found itself under pressure from different Israeli NGOs and human-rights organisations among them Amnesty International,³ the Association for Civil Rights in Israel (ACRI)⁴ and The Refugee Rights Clinic in Tel Aviv university.⁵

Indeed, following Bloch and Schuster (2005) I would suggest that deportation forms that is used in response to particular events or "crises" become "normalized", "essential" mechanism in the ongoing attempt to control or manage immigration to Israel. This is the case, as noted by Bloch and Schuster in European countries, where to differing degrees, deportation, detention and dispersal have also become everyday practices. In this context, the Israeli Hotline for Migrant Workers (*Hamoked*),⁶ for example, charged Israel with violating the provision of the Geneva Convention concerning a government's obligation toward refugees from an enemy state. The African Refugees Development Center (ARDC), which was established in 2004 by an Ethiopian refugee who received political asylum in Israel, and some other initiatives such as those on the part of Kibbutz and youth movements, have organised different actions in support of African refugees.⁷

³ Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights for all. In Israel it focuses on the protection of the human rights of Displaced persons' asylum seekers and refugees. The organization campaigns for migrants rights on the public, governmental and parliamentary spheres, working to educate the public to pressure decision makers and by direct action in the face of grave abuses of human rights. The organization's aim is to protect the rights of asylum seekers and refugees by the creation of an asylum process in Israel based on Human Rights principles. For the organization's website please see: <http://www.amnesty.org.il/>.

⁴ The Association for Civil Rights in Israel (ACRI) works to bring about equal access to the legal protections and rights governing all aspects of citizenship and residency and has assisted individuals to obtain official status in Israel. For the organization's website please see: <http://www.acri.org.il/>.

⁵ The Refugee Rights Clinic at Tel Aviv University developed Israel's first legal aid advocacy program devoted solely to refugees. In October 2003, this pilot project became the Refugee Rights Clinic.

⁶ The Hotline for Migrant Workers (HMW), established in 1998, is a non-partisan, not for profit organization, dedicated to (a) promoting the rights of undocumented migrant workers and refugees and (b) eliminating trafficking in persons in Israel. We aim to build a more just, equitable and democratic society where the human rights of all people are paramount civic and political values. We see as vital the proper treatment of non-Jews amongst us, eliminating exploitation of women and violence against them, as well as the broad enforcement of laws, policies and procedures that promote equality and justice, as part of the humanistic and universal values that Judaism teaches and on which the State was founded.

⁷ The African Refugee Development Center (ARDC), founded in 2004, is a registered non-profit organization established to assist, support and empower the African refugees and asylum seekers in Israel and to promote a humane and fair Israeli asylum policy. This NGO represents refugee communities from close to ten countries from East, Central and West Africa. ARDC divides its work between direct service provision and individual casework, advocacy and work to enhance community building among refugees. For the organization's website please see: <http://www.ardc-israel.org/>.

In parallel, and after strong public pressure directed by the Coalition for Darfur Refugees, the Israeli government announced that it would absorb the 500 Darfurian refugees already resident in Israel. According to Jean-Marc Liling of UNHCR (interview May 11 2008), Israel is one of the states that has taken most refugees from Darfur. However, this gesture was coupled with a statement that any further crossing of the border would be considered illegal and that all migrants would be sent back to Egypt under the terms of an agreement with Egyptian authorities (Kreshner, 2007; Kol Hair newspaper, June 27, 2008).

The deportation of refugees is officially contingent upon Egypt's assurances that it will treat refugees well, but Egypt has denied making such a guarantee. On August 12, the *Jerusalem Post* quoted the Egyptian Foreign Ministry: "Egypt has informed Israel – officially – that it is not obligated to receive any non-Egyptian citizen who illegally crosses the border into Israel." (Frenkel, 2007). This statement appears to contradict Olmert's July 1 announcement that Egyptian President Hosni Mubarak agreed to take back any border-crossing refugees and guarantee their safety, a pledge Hosni Mubarak has never publicly acknowledged. Indeed, the incident of the killing of four refugees on August 1, the discovery of the body of a 30-year-old refugee in the northern Sinai and continued violent tactics on the part of the Egyptian forces belie that supposed guarantee. Moreover, the Egyptian Foreign Ministry condoned the August 1 killings and responded to news of the incident with the following statement: "If those crossing refuse to heed the orders of authorities to stop, then authorities are forced to deal with them in such a manner as to ensure respect for the law." (Frenkel 2007).

According to Yiftach Miloe, a representative and co-founder of ASSAF⁸ (an organization for the support of African refugees in Israel) (interview, May 22, 2008), the psychological condition of the refugees needs treatment and support. Many of them are in post-traumatic condition on their arrival in Israel, post-traumatic conditions resulting not only from the physical ordeal of the journey or the violence that they experienced during this journey, but also the uncertainty over their future in Israel. Indeed, despite the dangers of getting there, Israel is perceived as a reasonable destination for the refugees that make it to the country safely, as also noted by Yasin, a Darfurian refugee:

"When I arrived to Israel, many organizations helped me. The public interest concerning our situation in Israel grew, and the media coverage was also important... During the period I have been here in Israel, I was not exposed to any racist attitudes. Maybe those Darfurians in Eilat who work in the hotels are exposed to racism" (interview with Yasin, June 1, 2008).

An additional example of refugees' positive attitudes to Israel is to be found in the story of a refugee from southern Sudan (see: <http://youtube.com/SonsofDarfur>), who is pictured in a video clip wearing a shirt with the Israeli Defence Force (IDF) symbol and singing an IDF song. It is important to mention that this refugee was imprisoned for 16 months and that now that he has been released; he has no formal status and lives under constant threat of deportation. Yet, there are some other cases that point to a hostile attitude on the part of Israelis. In one of these cases a group of 22 Sudanese refugees were deported from Hadera, an act that was accompanied with the racist comments cited at the head of this section.

Yet, in the vein of the argument presented by Pain and Smith in the citation that opens this section, I would suggest that one must analyze the racialization of the African refugees in Israel in relation to the existing ideologies and power relations which are not always explicitly manifested. By racialization I mean to focus on the "presentation and definition of "other" [which] is based on racial categories" that nowadays "are used to justify social prejudice and unfounded fears" (Low, 2008: 241).

⁸ Aid Organization for Refugees and Asylum Seekers (ASSAF) was established in December 2006 by a group of Israeli aid workers that had returned to Israel following a year-long stay at refugee camps in Chad. ASSAF goals are to assist refugees in improving their coping mechanisms in dealing with the challenges of the present and the traumas of the past. The activities of ASSAF includes social assistance to families and individuals with psychosocial difficulties, humanitarian assistance, women support groups, leadership empowerment groups, psychosocial services and community building, domestic mediation and conflict resolution.

An example to such discourse is expressed in the creation of linkages between the refugees' origin and the fear from diseases. As reported in Haaretz (September 4 2008), according to the tribunal from the Prison's Service and Health Ministry at the end of July 2008, 22 cases of tuberculosis have been discovered at Ketziot, 12 of them were not in need of medication. Four of the refugees have active tuberculosis, and were transferred to the Prisons Service's medical facility at the Nitzan Prison. This report mentions that "the tribunal determined that the rate of active tuberculosis among inmates at Ketziot (four cases out of 3,000) is 13.3 times greater than the ratio in 1997 that led Israel to reestablish medical facilities for eradicating the disease and to give it the status of "dangerous and infectious".

Nevertheless, the health and interior ministries allow the refugees to move to other parts of the country without conducting a chest x-ray that would identify the disease, and without other essential tests. The head of the Tuberculosis and AIDS department in the Health Ministry testified before the tribunal that the lack of testing and vaccinations as mandated by the Health Ministry constitutes "a danger to public health". Moreover the report states:

"The tribunal's judges, attorneys Dan Libreti, Yossi Maimon and Tomer Carmi, also said the Health Ministry was acting "clumsily." They stated that because in the case of tuberculosis, "a few cases are enough to declare a state of emergency," there was "no reasonable explanation why the Health Ministry had not acted with all due speed to check every individual being held at Ketziot." According to the tribunal, on March 31 the Interior Ministry and Israel Defense Forces decided on a "spontaneous release" of detainees from Ketziot to make room for new infiltrators. Those released did not undergo any medical tests before being allowed to move to Israel's population centers. The tribunal said the Interior Ministry was allowing "massive and unmonitored releases" without "good judgment with regard to the welfare and health of the public." The tribunal also said the "main challenges to ensuring public health in Israel, and particularly in controlling TB, were not medical but political and administrative."

I would suggest that the above discussion must be contextualized within Alan Ingram's argument concerning the "global health security", i.e. the tendency 'to locate the causes, origins and responsibility for the threat of infectious disease outside, elsewhere, and with others...' (Ingram, 2008: 76).

Today, African refugees are still crossing illegally into Israel (see table 1) and upon arrival they are sheltered in the temporary caravan park at Ketziot, near a jail for Palestinian prisoners in the Negev desert. This caravan park is built to house 1,000 refugees and very often it is necessary to free some of them, often minors, in order to house those who have just arrived (interview with Sigal Rozen, May 22 2008). Various solutions have been suggested, including the gradual replacement of some of Israel's non-Jewish labour migrants and undocumented workers with refugees (Gordon, 2007). In Eilat, for example, there are today around 1,200 refugees, mainly from Southern Sudan, working in the tourist resorts (interview with Yiftach Miloe, 22 May 2008); this project is considered a success since these refugees received work permits and found housing and employment. However, in the last few months there have been anti-African protests and anti-immigrant feelings in Eilat (Meeting with Dr. Gili Baruch, the Head of ASSAF Governing Council, September 8, 2008). In this context, it is important to note that there are tensions between the different groups – while the Darfurians were organized and were granted a more stable status, the southern Sudanese feel excluded (interview with Yiftach Miloe, 22 May 2008).

Table 1: the number of refugees and asylum seekers in Israel

(http://www.hotline.org.il/english/pdf/Forum_081508_Refugees_Background_Paper_Eng.pdf, August 2008)

Status\origin	Number	Notes
Recognized refugees according to the UN Refugees Convention	170	About 50 percent of this category left Israel, mainly to Canada
Eritrea	4,900	369 minors
Sudan	4,400	539 minors About 1,200 are survivors from Darfur, 500 received a status of temporary resident.
Congo \ Ivory Coast	Several hundreds	

In Jerusalem, groups of about 400 people, mainly from Eritrea, are leaving. Jerusalem offers an impressive religious network, i.e. the Church as noted by Isayas (June 29 2008):

"In our community, in the previous months four people have died due to sickness and other accidents. Lack of access to banking services (most refugees do not have passport and the additional documents necessary for opening bank accounts) also forced them to put their money in their pockets or hide it in their homes. Robbers and strange people carefully noted this and took advantage of them. Some pretending to be police, some hurting people physically, snatching and running....

...There were numerous events. For such needy people, we used to go to the Church and ask the Eritreans to show generosity and kindness (as the place of worship is taken as relevant for such activity), and to contribute to the help of those victims. Thousands of Shekels were contributed and were used to help the victims for medication, for rent house payment, to comfort the family of the dead person at home by sending money if they are needier and all the bodies were sent to Eritrea with money contributed in such a way".

It is important to discuss here the case of Jerusalem, which unlike the case of Tel Aviv illustrates a different conjunction of local and global processes. I would suggest that the very specific geopolitics of Jerusalem, as a core node of the Israeli-Palestinian conflict, as well as its specific history of 'informal Imperialism' in the 19th century, have created a social, political and spatial environment in which non-Jewish (and often unauthorized) communities including labour migrants and refugees could settle. In other words, the historical presence of religious establishments - mainly churches and pilgrims institutions - on the one hand, and the informal space and economy in East Jerusalem resulting from the geopolitical conflict on the other, have been used as support mechanisms for refugees and asylum seekers in the city:

"I know that in Tel Aviv we [the refugees] can find more support from NGOs, yet I do not like the area of the Central Bus Station in Tel Aviv where we are very visible. We used to hold our meetings in Lewinsky neighbourhood park, but since our people started to be arrested we are afraid of being in public. In Jerusalem I feel less visible and thus more secure" (Interview with Isayas June 29, 2008):

According to Wurgaft (*Haaretz*, January 8, 2008) 100 refugees from Eritrea received work permits from the Interior Ministry. They are the first of almost 1,000 refugees who will be given such permits in the near future. The permits are being awarded following a special decision by Interior Minister Meir Sheetrit and the head of the Population Administration. Yossi Edelstein, director of the Population Administration's Department of Aliens, said that "the decision stems from humanitarian considerations in light of the United Nations' request that the Eritreans not be returned to their country, due to severe infractions of human rights there". The Interior Ministry views the six-month work permit as an interim solution, providing permits first to refugees living in shelters in south Tel Aviv, to allow them to move out and make room for those now housed in Ketziot Prison.

However, the conditions of African refugees in Israel is far from being ideal and, I would argue, the Israeli authorities play a double game, a double game that stems from the ethnocentric nature of Israel, defined by Yiftachel (2006) as *Ethnocracy*, i.e. a distinct regime type established to enhance the expansion and control of a dominant ethno-nation in multi-ethnic territories. In such regimes, ethnicity, and not citizenship, forms the main criteria for power and resource distribution. As a result, these regimes typically have uneven ethnic segregation, and experience polarizing ethnic politics.

What is important for our study is Yiftachel's observation that ethnocratic regimes are characterized by a degree of political openness and formal-democratic representation mixed with political structures that facilitate the dominance of the hegemonic group. This is, indeed, expressed in the ambiguous political approach towards the African refugees; on one hand, Israel perceives itself as the "only western democracy" in the region and so it must respect human rights. But, on the other, it must "protect" its Jewish character by limiting what Olmert named "a tsunami of infiltrators" (<http://www.ynet.co.il/articles/0,7340,L-3522404,00.html>).

We also note the words of Shmulik Rifman, the Head of the Ramat Negev Regional Committee:

"I see it [the infiltration of refugees] as a national disaster. The decision makers do not understand the meaning of it... 200,000 of them are sitting in Egypt and are waiting to make their salaries in the Holy Land [i.e. Israel]. The feeling is that these are Darfurian refugees, but this is not the real story. There is a danger in those who are looking for a job and their infiltration is even more dangerous than the infiltration of terrorists."

(www.hagira.gov.il/ImmigrationCMS/NewsPapersParts/ynet_18.02.08.htm)

This ambiguity is also expressed in the fact that, on the one hand, there is an attempt to control the infiltration of refugees from the Egyptian border while, on the other, the non-policy approach results in the state refusing any long-term responsibility towards the refugees. Such an attitude is given a judicial dimension with the Infiltration Act (1950), allowing infiltrators to be imprisoned for as long as the authorities wish without judicial review. An additional example for this argument is the way in which African refugees are released from Ketziot and sent to Tel Aviv on buses, with no one waiting for them to provide support. This has created a situation where one thousand African refugees are staying in shelters in southern Tel Aviv in unacceptable physical and hygienic conditions, conditions that have resulted in severe illnesses (*Haaretz*, February 17, 2008). The ARDC was involved in the establishment of these shelters, as a result of the flow of refugees and asylum seekers to Tel Aviv. According to Alice, who works with ARDC (interview, May 22, 2008) constant "dis-order" sums up Israel's policy towards refugees.

Indeed, in a way that is reminiscent of the case of non-Jewish workers in Israel (for details see: Yacobi, 2008), the "refugee problem" has become, above all, a municipal concern. The only state presence is the Immigration Police, which, for example, on February 25, 2008 entered some of the shelters in Tel Aviv where hundreds of African refugees had found protection. 200 refugees and asylum seekers from Eritrea, Sudan and the Ivory Coast were arrested, among them twenty women, even though most of the 200 had protection documents from the UN as well as work permits issued by the Israeli Ministry of the Interior.

A current report by Daniel Cherrin, a photographer and activist that documented these shelters has been recently published, describing the current conditions (*Haaretz*, October 15, 2008):

"On the pedestrian mall in Tel Aviv's Neve Sha'an'an neighborhood, between the old and the new Central Bus Stations, stands a blue metal door. This unmarked door conceals a shelter housing Sudanese refugees from Darfur.... Until very recently, between 80-100 Darfuri men lived in the 5-room shelter at any given time. The shelter was, for most, an interim stop between prison and a rented apartment. In mid-September, however, immigration police arrested several residents of the shelter. Hamed, a Darfuri refugee who has been running the shelter since March, decided to evacuate it, in order to protect its residents from deportation or incarceration... A few months ago, another large shelter across from the Old Central Bus Station was closed. This shelter was the first one that we visited, in February 2008. Back then, hundreds of people were living in the building. People were sleeping on staircases, and the dozens of boxes of food that we brought were not enough to feed everyone".

Israeli public discourse is concerned with the different categories of African refugees; "Darfurians", "Sudanese", "asylum seekers", "infiltrators", "workers", "Eritreans" and "Africans" are but a few of the words bandied around. The exact number of asylum seekers in Israel is unknown: neither the United Nations nor the government publishes data regarding the number or the percentage of recognition. During 2002-3, Physicians for Human Rights conducted an in-depth survey regarding the number of asylum seekers and refugees, and they made the subject one of their higher priorities with regard to the health rights of these people. In their report (www.phr.org.il/phr) they state that "the most important subject in the context of health rights is the condition of those seeking asylum and awaiting a decision regarding their cases. These people are supposed to be "protected", but in Israel this "protection" is very limited: it is forbidden to deport them, and recently, work permits have been allowed. The very ill, elderly, those in need of assistance, torture victims – all of these have no protection and no governmental services are offered to them in Israel".

The NGOization of Human Rights

"If You Can't Beat 'Em- Scare 'Em - Despite renewing the policy of detention, this did not sufficiently deter refugees from entering Israel... In late February, the Israeli police initiated a wide-scale program of round-ups and arrests. The Prison Service was instructed to free over 2,000 places in detention while the Ministry of the Interior, police and other government agencies were to prepare for mass deportations. The operation's initiation took place on February 25 when police raided three Tel Aviv shelters and arrested 250 refugees. Some held work permits while others had temporary protection papers. In the following days, additional arrests took place in Israel's south. Most of the refugees were photographed, fingerprinted and released on the same day. Israeli citizens were not immune; three activists were also detained. The Israeli office of UNHCR issued a strongly worded condemnation of this campaign" (<http://www.hotline.org.il/english/news/2008/Hotline030808.htm>).

With these words, Hamoked flags up the lack of sufficient official aid or clear government policy on the issue of refugees and the fact that the task of refugee care has largely fallen to Israeli organizations and individual volunteers. Israeli families and businesses have donated food and clothing, doctors have volunteered their medical services and volunteers have provided general care for traumatized refugees. The arrival of refugees expanded the scope of activities of various civil society organizations and movements dealing with human rights such as "the Hotline for Migrant Workers", Amnesty International and others, alongside community and humanitarian organizations such as the "Kibbutz Movement" and youth movements. During 2007 an inter-organization coalition was established to create a network and increase co-operation between the organizations for the consolidation of agreed-upon policies.

As in other countries urban environments are attractive for refugees and migrants, offering better access to jobs and other services. This is the case with Tel Aviv (see Fenster and Yacobi 2005) that is considered by many refugees as a place of possibilities. As one refugee put it: "let me go to the City" (interview with Jean-Marc Liling, UNHCR June 11 2008). And indeed, following the growing numbers of African refugees arriving in Tel Aviv, Messilah, a special municipal unit, which has been established in order to support the labour migrants there, found itself also dealing with the needs of these refugees. According to their last report (2008) there are 1,500 refugees and asylum seekers in Tel Aviv that can be divided into three categories: families, single men and minors. These are located in four shelters in Tel Aviv's southern neighborhoods. These shelters are overcrowded and insecure (between 120-200 people in each shelter including women and children) and lack even basic facilities. Mesillah aims to support these people and to try and find educational frameworks, community organization and employment for them. The report also mentions the deteriorated mental conditions of some of the children who stayed in Ketziot.

The flow of refugees to Israel's urban core, Tel Aviv and its surroundings caused the Interior Ministry to renew 2,000 Eritrean refugees' work permits for the northern city of Hadera and the

southern town of Gedera where they would have greater chances of finding work. This act was followed by protests on the part of the refugees' leaders and the Ministry's bureau then refused to extend their visas or work permits. A report by Shahar Ilan (2008) includes the following telling details:

"The Eritreans' three leaders, Gabriel, Valda and Isayas, argued with the officials, who finally agreed to remove the Gedera-Hadera condition from the provisional permit. They also added a commitment to replace the form in the future with a work permit. But in the future, extending the work permits will be conditional on staying outside the Gedera-Hadera lines, the ministry said. Spokeswoman Sabine Hadad said director-general Yaakov Ganot decided that this would solve the problem of refugees living in Tel Aviv shelters. In the north and south of Israel there is more work for foreign workers, including room and board, she said... The ministry, meanwhile, is refusing to extend the visas and work permits of the refugees' three leaders who conducted the negotiations yesterday. "They told us that it had been decided but didn't give us any reason," Isayas said. He said the Lod bureau manager took away another asylum-seeker's conditional release form because he had asked for a permit for the three leaders" (Ilan, 2008).

An additional actor is the office of the UN High Commissioner for Refugees in Israel. This body is coordinating with the authorities in order to determine which asylum-seekers qualify for refugee status. It also conducts regular visits to Ketziot in order to examine the refugees' status as they arrive. UN representatives have been involved extensively in interviewing Sudanese refugees since 2006 and give their recommendations to the authorities. It is important to note that the UN High Commissioner for Refugees in Israel stressed that the decision on the quota of refugees is not dictated by numbers, but on a case by case basis (interview with Jean-Marc Liling of UNHCR June 11 2008). However, the UN High Commission for Refugees in Israel could not cope with the number of refugees that wished to be investigated with the hope of receiving asylum-seeker status. Hence in June 2008, the Israeli Population Administration announced the establishment of a special investigative unit that will carry out this task instead (<http://www.haaretz.co.il/hasite/spages/991366.html>).

There is wide agreement that one of the turning points in bringing the refugee issue to the Israeli public was when the campaign against the deportation of refugees focused on the Holocaust, pointing out that it was the Jewish people who had needed shelter and protection during and after the Second World War. The Jewish historical experience and Jewish collective memory became a convincing tool in the public sphere as noted, for example, by Yad Vashem chairman Avner Shalev who said: "we cannot stand by as refugees from genocide in Darfur are knocking on our doors" (in Patience, 2007).

The Holocaust was also in the background on September 4, 2007, when the Israeli Minister of Interior Affairs, Meir Sheetrit, announced that Israel intended to grant citizenship to several hundred refugees from Darfur. The decision was widely praised in Israel, and 63 Members of the Knesset, from both right and left, had signed a petition demanding that the Darfurians not be deported. However, this gesture was accompanied by a message to the refugees that any further border crossings would be considered illegal and that all migrants would be sent back to Egypt under the terms of an agreement with the Egyptian authorities (Kreshner, 2007).

The Holocaust discourse is still central in relation to the African refugees in Israel. Just before last Passover a group of African refugees volunteered to help Holocaust survivors with cleaning, painting and, more generally, with renovating their flats. This event was covered by the Israeli media, emphasising the common fate of both Jewish and African refugees. Also, a *Seder* (the Jewish ceremony on Passover that symbolizes the exodus of the Jewish people from slavery to freedom) was attended by 200 African refugees in Tel Aviv. On September 8, 2008, meanwhile, a demonstration was organized against the Israeli policy vis-à-vis African refugees. This demonstration was also an opportunity to emphasize the shared faith between the African refugees and the Jewish history (see <http://www.acri.org.il/camp/clips/refugees2008.html>).

The spokesman for the Israeli Hotline for Migrant Workers, Romm Lewkowicz, charged Israel with violating the provision of the Geneva Conventions that sets out a government's obligation toward refugees from an enemy state. Moreover, Lewkowicz pointed out that it was Israel that promoted the

provision after the Second World War, mindful of the shelter German Jewish refugees had received in Britain (in Franklin 2008). Echoes of the historical experience of many Israelis make the plight of the Sudanese refugees that much more poignant for them. As Liat Collins, a Jerusalem Post journalist (in Fradkin 2008) declared: "look at them and see us...Even many of those opposed to granting them permanent asylum in Israel can easily imagine them as Jewish refugees struggling to cross borders or board boats to take them away from the Nazi hell".

Yiftach Miloe (interview May 22 2008) suggests that, at the very beginning, the numbers of refugees were relatively small, and thus the campaign was effective, arousing public sympathy. However, when the flow of refugees continued and part of the media resorted to the politics of fear, claiming that "the Jewish state is in danger" because of "those Africans", the public was less supportive.

Indeed, on the one hand, the contribution of NGOs to the inclusion of the African refugees in the public sphere is significant and represents new challenges. On the other, I have set out the inherent dilemmas of NGOs that deal with such issues in the Israeli context. Following Mitchell (2003; 10) I would claim that certain forms of *normative* conceptualization in understanding the role of NGOs in re-shaping Israeli public opinion – for example, advancing a Holocaust discourse as the *raison d'etre* for supporting African refugees – are necessary, but that they are not enough to achieve social change in the field of human rights.

As this section indicates, there are two strategies that NGOs adopt in order to reshape the public sphere. One uses human rights language, knowledge and practice as an *explicit mechanism to politicize, and thus challenge, the existing social order*. A good example for this strategy is presented in the work of Physicians for Human Rights and Hamoked. The other *tends to limit its role in the advocacy arena and hence encounters problems in challenging power structures*. As I have detailed above, when an intervention contains an explicit critique of Israel's oppressive attitude towards the refugees - which is considered as an issue that goes beyond the humanitarian - it has a better chance of affecting policy.

Discussion

"I hope that people who cross into Israel illegally are not given permission by the courts to stay. Most of those arriving are migrant workers and we all know what the social implications would be if we allowed such people and their children to remain" (Prime Minister Ehud Olmert in: Weiss, September 23, 2007).

As noted in this paper, the phenomenon of African refugees infiltrating Israel across its border with Egypt became a focal point in Israeli national and urban politics. The ongoing flow of refugees occurs despite the authority's best efforts to control it, showing that Israel is caught between its national ideologies and its obligation to universal human rights. Moreover, in this paper I referred to the central role of NGOs in relation to this phenomenon, as well as to the transformations in Israeli public discourse concerning the presence of African refugees.

Israeli discourse, shaped as it is by the media and by politicians, is complex. On the one hand, modern Israelis identify these African refugees with Jewish refugees in and after the Second World War. But, on the other, there is a strongly xenophobic attitude. Let me refer, in this context, to then PM Ehud Olmert's comment, quoted at the head of this section, by arguing that the "social implications" he refers to encapsulate the nexus between the politics of identity and the politics of fear that are at the core of this research paper. As we have noted, a new ethnic and racial landscape in Israel has arisen. This process involves both formal policy and collective cultural discourse rooted in the specific and local Israeli context, framed by the powerful logics of ethnic dominance as well as partial commitment to universal human rights. The analysis of public discourse, meanwhile, as presented in the media and by politicians, is an analysis of the politics of fear linked to "moral panic" and "embedded in a network of moral and political geographies" (Pain and Smith, 2008: 9).

Similar findings have been mentioned by Tesfahuney (1998) who discusses the changes in discursive and institutional practices with regard to international migrations in Europe. As he points out the social and political construction of migrations as 'threats' and 'mass' migrations to the West involves racialization and securitization – both also discussed in details in this paper. Moreover, the research paper focuses on space and movement of peoples both thought to be controlled by state mechanisms and security discourse, and shows that daily life for the African refugees is politicized; and that these people, despite their illegal status, act through initiatives reflecting their personal and social needs that challenge the interests of those in power. This is expressed not solely in their motivation to cross borders while risking their lives, but also in their ability to organize themselves as a group with collective interests in cooperation with human-rights NGOs in Israel.

What then is the reaction of the authorities to the infiltration of refugees only lately defined as "labour infiltrators" by politicians and decision-makers (<http://www.kavlaoved.org.il/media-view.asp?id=1573>)? A media report on a discussion attended by Defense Minister Ehud Barak, Justice Minister Daniel Friedmann, Social Affairs Minister Issac Herzog, Foreign Ministry and Social Affairs Ministry representatives, and Health Minister Yacov Ben-Yizri, as well as Internal Security Minister Avi Dichter, expresses the general confusion over the issue. The Internal Security Minister argued that the IDF is unsuccessful in preventing refugees from entering Israel, but that it is necessary to make sure that each refugee is, when found, returned to Egypt since "the solution must be that we arrest them on the border with Egypt and immediately return them. If we fail to deal with them on the border, immediately after they enter, it will be complicated." (Avi Dichter in YNET 24 February 2008). Indeed, according to Dichter, Israel's alternatives are either imprisonment or expulsion. However, the deportation of foreign nationals is complex, as a refugee cannot be put on a plane back to his homeland without a passport.

While Dichter focuses on the question of what to do with those that have already arrived to Israel, Defense Minister Barak called, during this meeting, for the construction of a fence on the Egyptian border, and asked the Finance Ministry to give the necessary funds for the construction of this 132-mile "smart fence" that is "needed". This approach, I would suggest, is coincidentally, yet discursively, connected, to the political technologies that have been used by Israel in the last few years. In fact, the pressure to construct the "smart fence" between Israel and Egypt could be said to be linked to two parallel and significant events that occurred in the summer of 2002. The first was the establishment of the Immigration Authority, which aimed at preventing the entry of new foreign workers into Israel and the deportation of those working illegally. The second, following renewed and continuing violence between Israel and the Palestinians, was the construction by the Israeli government of a security barrier separating Israel from large sections of the West Bank, including East Jerusalem.

In this vein, "walling" has become the solution for dealing with the "African problem" in Israel. The demand for surveillance technologies to combat the infiltration of irregular migrants as part of the emerging discourse of walling and separation in Israel expresses then the persistent attempts of the Israeli authorities at "demographic engineering". In this context it is also important to mention the spatial/geographical dimension in two different scales. The first has to do with the geographical location of Israel which is often denied, i.e. the way in which Israel perceives itself as detached from the Middle East and more than that from Africa. Yet, the flow of Africans to Israel via the Egyptian border is a reminder to Israeli politics that geography matters. The other scale of this discussion has relevance to the organization and control of Israeli space itself, i.e. the intention of the authorities to remove the African refugees and asylum seekers to the periphery as I discussed in relation to the act of giving working permits to those refugees that will move to south of Gedera and north of Hadera.

In May 2008, the Knesset (Israeli Parliament) approved the first reading of a bill to prevent illegal entry into the country. The proposed law, passed by a vote of 21-1, would impose a sentence of up to five years on those who cross the border illegally, *including refugees and labor migrants*, while infiltrators from enemy states, such as Sudan, could be sentenced to as much as seven years behind bars. The bill also authorizes the state to hold illegal entrants, including refugees, for up to 18 days

without bringing them before a judge. In addition, the bill would authorize "hot returns" back to Egypt, a practice that endangers the lives of infiltrators.

Deputy Defense Minister Matan Vilnai, who presented the bill to the Knesset, said that it was needed because from early 2007 to the end of March 2008, over 20,000 people had entered Israel by illegally crossing the southern border from Egypt. The state's effort to use the old law against infiltrators met with judicial resistance because it was an emergency regulation enacted in 1954. The current bill is supposed to replace the old law. But since its provisions are extremely harsh, it is unlikely to be an improvement.

Another solution to the "problem" is Israel's negotiation with four African countries to host Sudanese and other African refugees. According to a report at the Sudan Tribune (<http://www.sudantribune.com/spip.php?article27514>, October 17 2008) Israel offered to pay African states to absorb the thousands of African refugees. This initiative was adopted by the Ehud Olmert following discussion on the influx of African refugees and the high costs of providing these refugees with housing, health and social services. Yet as noted in this report:

"The Sudanese have posed an ethical dilemma for Israel, a country created as a haven for Jews in the aftermath of the Holocaust and now faced with the arrival of refugees from what some world leaders have called another genocide".

Vis-à-vis the reaction of the authorities, the Refugees' Rights Forum (a coalition of NGOs dealing with refugees in Israel) struggles against the arguments that dominate in Israeli discourse, suggesting that the State of Israel is entitled to expel asylum seekers since these are not in fact "labor infiltrators" and hence that they are not entitled to the procedures established in the Refugee Convention (Refugees Right Forum Policy Paper, 2008). It is important to note that in this report it is mentioned that the Israeli Supreme Court 'has established that the principle of *non-refoulement* applies in Israel under the Basic Law: Human Dignity and Liberty, which guarantees the basic right to life' (Refugees Right Forum Policy Paper, 2008: 2).

As part of the campaign against such policy, a letter to Israel's President Shimon Peres, which highlights Israel's legal and moral obligation to safeguard rights of African refugees and asylum-seekers, was sent by ACRI President Author Sami Michael, a well known Israeli writer. In this letter, the writer states:

"...The United Nations Convention on the Status of Refugees states specifically that it is incumbent on states to proffer aid to asylum-seekers, and in particular to refrain from expelling them from their territory, if the expulsion risks endangering their lives or welfare. The High Court of Justice ruled in 1995 that asylum-seekers should not be returned to the place where they were persecuted or to a third country where they will be in danger of being sent back to the place where they suffered... Not only is Israel a signatory to the Convention, but it was among the prime initiators of its formulation in 1951, in the wake of the lessons of the Holocaust and the memory of how Jewish refugees were denied entry by potential countries of refuge. Today, regrettably, the State of Israel is treating refugees and asylum-seekers in a shameful and cruel manner, and is perhaps also indirectly sending them to their deaths"
(<http://www.acri.org.il/eng/story.aspx?id=561>).

While finalizing this paper, Israeli pressure on Egypt to "control" the infiltration of Africans has escalated. During September 2008, the Israeli media reported on the IDF returning Eritrean asylum seekers to Egypt. The State admitted in the High Court that the forced return of asylum seekers to Egypt is done according to IDF regulations, i.e. questioning the infiltrators, categorizing them and deciding who is an infiltrator and who is potentially a refugee. However, such an act is legally problematic since UNHCR is the only body that has the authority to determine who is and who is not a refugee.

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