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African Asylum Seekers in Israel: Between Jewish Historic Obligation and Political Zionist Militancy

By Barak Kalir

Since 2005, an estimated 60,000 asylum seekers from sub-Saharan Africa, mostly from Eritrea and Sudan, have entered Israel by crossing the border from Egypt. Escaping their countries, they arrived in Israel after a lengthy journey by land, mostly operated by smuggling networks of Bedouins. Although paying their smugglers thousands of dollars, many African asylum seekers en route to Israel have been raped, tortured into sex slaves, kidnapped for ransom, or even killed for the purposes of their traffickers’ origins.

In Israel, the presence of African asylum seekers has become a major political issue in recent years. Although a signatory to the 1951 UN Refugee Convention and its 1967 Optional Protocol, Israel systematically refuses to grant a refugee status to African asylum seekers. In fact, the Israeli government has been doing its utmost to reject the claims of asylum seekers under the pretense of them being economic migrants. As the same time, in January 2013 Israel completed a multi-million dollar project of fortifying its border with Egypt to prevent the entry of more asylum seekers. Since the completion of the fence, the number of asylum seekers who manage to cross the border has plummeted from a few thousand per month to less than a hundred in the entire year of 2013.

As for those who managed to enter Israel, the government has vowed — as was formally stated by the former Interior Minister, Eli Yishai — to “make their lives miserable until they leave, and return to where they came from.” In official Israeli terminology, African asylum seekers are referred to as “infiltrators.” This term originated in the 1980s when armed Palestinian groups crossed Israel from Egypt and Jordan to attack different targets. Palestinian infiltrators were controversialized and faced up to five years in prison for trespassing the border. The term “infiltrators” thus carries a highly negative meaning that is linked to the Israeli mindset on national security and terrorism, and thus defines an entire population of asylum seekers.

The Israeli institutional determination to reject the claims of African asylum seekers is clearly reflected in the work of the Refugee Status Determination unit. The unit was inaugurated in 2009 and in the following three years, processed around 14,000 asylum applications, granting a refugee status to a mere 22 applicants. This tiny approval rate is the lowest among Western countries. Of importance here is that for years Israel has specifically prevented individuals from Eritrea and Sudan from submitting their asylum application. Instead, recognizing the dual situation in these countries, Israel provides “temporary group protection” to all Eritreans and Sudanese and applies the principle of non-refoulment. However, by imposing its “temporary group protection” on Eritreans and Sudanese, who comprise around 80 percent of the total population of asylum seekers in Israel, the government avoids the very real possibility of awarding many of them a refugee status. Notably, under the Israeli “temporary group protection,” asylum seekers are not given basic economic and social rights; they do not receive work permits, health insurance, social benefits or any provisions for shelter and food.

As a direct result of the Israeli policy, many asylum seekers end up living in extreme poverty, often sleeping in public parks in south Tel Aviv, one of the poorest urban areas in the country. Without basic state provisions, asylum seekers become highly dependent on the aid they receive from concerned (Jewish) NGOs. Differently, NGOs provide asylum seekers medical care, legal assistance, food and clothes, social care, linguistic training, shelter and many more services that the state fails to secure for them.

Since 2012, the antagonistic Israeli treatment of asylum seekers has reached new heights. Formally, the government passed the “Prevention of Infiltration Law” that allows for the administrative detention of up to three years for those who cross the border from Egypt. Publicly, several politicians have unleashed a veritable rhetorical attack against asylum seekers, referring to them as criminals, health hazards, security risks and, in the words of one MP from the ruling Likud party, Mini Regev, as “a cancer in our body.” This hostile approach has set the stage for an increasing number of violent and racist incidents in which Israeli citizens beat up African asylum seekers on the street, throw bricks into shops and homes that are associated with asylum seekers, and at one point, even set fire with Molotov cocktails on asylum seekers’ boats in South Tel Aviv that was functioning as a shelter for asylum seekers’ children.

Civil society activists have been relentlessly trying to challenge the antagonistic Israeli treatment of asylum seekers. NGOs, together with some academic scholars and private lawyers, carry the flag when it comes to fighting for an Israeli asylum policy that is in line with human rights standards and international conventions. For example, in 2015 several civil society activists appealed to the Israeli High Court against the legality of the “Prevention of Infiltration Law.” The issue was then resolved by the court in favor of “individuals” and in violation of Israel’s Basic Law: Human Dignity and Freedom. In addition, NGOs have been mobilizing a public campaign for raising awareness on the dramatic situation of asylum seekers through street demonstrations, newspaper articles, cultural events and public debates.

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The most striking internal debate in Israel is over the rights of asylum seekers and the way in which the Jews of the Israeli state has been used for warring both opposing stands. In an attempt to generate humanitarian compassion among politicians and to mobilize public opinion, Israeli civil society activists regularly evoke the Jewish history of persecution and the Holocaust in particular, as endowing Israel the universal moral obligation to combat all forms of ethnic and religious persecution (“Never Again”). At the same time, many Israeli politicians repeatedly draw attention to the Zionist-Zionist narrative that claims, in the absence of human dignity and human rights, that only a formidable Jewish state can secure the rights of Jews in a small land. It is for this historical truth, to use the narrative, that Israel is morally justified to grant asylum seekers and asylum seekers rights.

While there have been some strategic gains in pressuring the moral obligation of laws, and by extension of the Jewish state, towards those who escape persecution, it is important to note the overall failure of a human rights discourse and humanitarian compassion to resolve the crisis of asylum seekers in Israel. It is patent that in the Israeli dominant state discourse, a global human rights regime is considered to be mutually exclusive with the Zionist concept of an ethno-religious state whose sole duty is to secure the rights of Jewish-Israeli citizens.

Since December 2013, thousands of African asylum seekers have taken to the main streets and squares in Tel-Aviv and Jerusalem to protest their inhumane treatment by the government. These demonstrations of political consciousness and activism are a powerful move that comes mostly out of despair and disillusionment with the failure of human rights law to resolve their humanitarian crisis.

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