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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 an arduous journey by land, mostly opened by smuggling networks of Bedouins. Although paying their smugglers thousands of dollars, many African asylum seekers report to Israel have been raped, forced into sex slavery, kidnapped for ransom, or even killed for the purposes of trading their organs.

In Israel, the presence of African asylum seekers has become a major political issue in recent years. Although a signature of 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 pretext of them being economic migrants. As the same time, in January 2015, Israeli police raided their homes in Beer Sheva by the asylum seekers’ children.

The Israeli institutional discrimination to reject the claims of African asylum seekers is clearly reflected in the work of the Refugee Status Determination unit. The unit was established in 2009 and in the following three years, processed around 14,000 asylum applications, granting a refugee status to a mere 22 applicants. This lower approval rate is the lowest among Western countries. Of importance here is that for years Israel has systematically prevented individuals from Eritrea and Sudan from submitting their asylum applications. Indeed, recognizing the discrimination in these countries, Israel provides “temporary group protection” to all Eritreans and Sudanese and applies the principle of non-refoulement. However, by imposing this “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 eventualities 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 and those 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 aid that they receive from concerned Israeli NGOs. Different NGOs provide asylum seekers with medical care, legal advice, food and clothes, social work, linguistic training, shelter and many more services that the state fails to secure for them.

Since 2012, the disproportionate 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 some cases, religious, linguistic, and cultural threats, and in the words of one MP from the ruling Likud party, Mini Regev, “as a cancer in our body.”

The rhetorical attack 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, their bricks into shops and bars that are run by asylum seekers, and at one point, even set fire with Molotov bottles on asylum seeker’s boats in south Tel Aviv that was functioning as a club for asylum seekers’ children.

Civil society activists have been relentlessly trying to challenge the disproportionate 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 NGO activists appealed to the Israeli High Court against the legality of the “Prevention of Infiltration Law” which was then revoked by the court on the grounds of “unconstitutional” 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 recent attack in Israel is over the rights of asylum seekers and the way in which the Jewishness of the Israeli state has been used for warranting 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 on Israel the universal moral obligation to combat all forms of ethnic and religious persecution (“Not for Us Again”). At the same time, many Israeli politicians specifically reject the Zionist-Messianic narrative that claims, in the absence of significant Jewish migration, that only a formidable Jewish state can secure the rights of Jews in Egypt and beyond. It is for this historical truth, to use the narrative, that Israeli is morally justified to grant to Jews, refusing to be swayed by a human rights discourse and UN Conventions that demand a more inclusive approach towards non-Jewish migrants and asylum seekers.

While there have been some strategic gains in pressing the moral obligation of Israel, 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 perhaps that in the Israeli dominant state discourse, a global human rights regime is considered to be mutually exclusive with the Zionist conception of an ethno-religious state whose value lies in securing 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 inhuman treatment by the government. These demonstrations of political consciousness and activism are a powerful move that carries mostly out of despair and disillusion with the failure of human rights law to resolve humanitarian crises.

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