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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, turned into sex slaves, 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 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. At the same time, in January 2013 Israel completed a multi-million dollar project of fencing 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 1950s when armed Palestinian groups entered Israel from Egypt and Jordan to attack different targets. Palestinian infiltrators were criminalized 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 defames 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 flimsy 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 dire situation in these countries, Israel provides “temporary group protection” to all Eritreans and Sudanese and applies the principle of non-refoulement. 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 evades the very real eventuality 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 Israeli NGOs. Different 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 verminous 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, Miri 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, threw bricks into shops and bars that are associated with asylum seekers, and at one point, even set on fire with Molotov bottles an asylum seeker’s house in South Tel Aviv that was functioning as a crèche for asylum seekers’ children.

Civil-society activists have been relentlessly trying to challenge the antagonist 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 2013 several civil-society activists appealed to the Israeli High Court against the legality of the “Prevention of Infiltration Law,” which was then revoked by the court as being “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 to the dramatic situation of asylum seekers through street demonstrations, newspaper articles, cultural events and public debates.

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The most striking internal dispute 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 mobilise 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 (“Never Again”). At the same time, many Israeli politicians repeatedly rehearse the Zionist-Israeli narrative that claims, in the aftermath of the Holocaust, that only a formidable Jewish state can secure the rights of Jews as equals in the world. It is for this historical truth, so goes the narrative, that Israel is morally justified to guard its Jewishness; 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 Jews, 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 enterprise of an ethno-religious state whose *raison d'être* 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 disillusion with the failure of human rights law to resolve their humanitarian crisis.

BARAK KALIR
is an associate professor at the University of Amsterdam.