NEW ISSUES IN REFUGEE RESEARCH

Ordered disorder:
African asylum seekers in Israel
and discursive challenges to
an emerging refugee regime

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March 2011

UNHCR
The UN Refugee Agency
Policy Development and Evaluation Service

"Let nothing be called natural
in an age of bloody confusion,
ordered disorder, planned caprice,
and dehumanized humanity,
lest all things be held unalterable!"

Bertolt Brecht, dramatist, poet and a refugee.
The Exception and the Rule, 1937

Introduction

This paper analyses Israel's response to a recent influx of African asylum seekers, a phenomenon whose nature and scale are unprecedented in Israel's history. It addresses three intertwined questions. What are the discursive challenges to the construction of an Israeli refugee regime? What dynamics foster their development? And how can those challenges be explained and deconstructed?

Since early 2006 Israel has become a destination country for thousands of Africans who are willing to take a long and risky journey to Israel. As with other industrialized countries, Israel has responded with a range of exclusionary and at times contradictory policies which aim to control and limit entrance to its territory. Unlike other such countries, however, until very recently Israel did not have an asylum system, and its ongoing institutional evolution is partly a response to the recent influx.

Although it carries distinctive features, Israel's asylum regime is guided by the prevalent exclusionary logic which dominates the policies of other developed countries. This has important implications for the asylum seekers. Their countries of origin and the scale of their influx challenge existing 'humanitarian spaces'. Once a critical threshold has been crossed, they are seen as a threat which can no longer be contained. Accommodating measures are being rejected for self-preservation considerations, spurred-on by Israel's ethnonational identity.

Relatively little has been written about the meaning and significance of these developments (Willen 2010a, 2010b; Afeef 2009; Kritzman-Amir 2009; Yacobi 2009; Man 2010). This study seeks to complement the existing literature, drawing on a combination of primary and secondary sources.

During July 2010, a period of field work was carried out in which 14 semi-structured interviews were conducted. Representatives of the key institutional bodies that deal with refugees and asylum seekers were interviewed; namely the state (officials and politicians); civil society (senior NGO staff and academics); and personnel at the Office of the United Nations High Commissioner for Refugees (UNHCR). It further draws on a multidisciplinary review of academic papers, key governmental documents and diverse media reports.[1]

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[1] Three key newspapers are cited; *Haaretz* – a central-left newspaper, *Jerusalem Post* – a central-right newspaper and *Ynet,* a news website, owned by Israel's most popular, politically-mainstream newspaper *Yedioth Aharonot*

The paper consists of two parts. The first provides a historical overview that aims to situate the influx within a regional geo-political context. The second suggests a threefold evaluative typology of discourses; security, ethnonationalism and the gravity of the holocaust – societal pillars which critically influence both the state and the asylum seekers.

By critically presenting the evolution of Israel's responses to the influx, it argues that a pattern of 'ordered disorder' governs a spectrum of rejectionist responses, underpinned by the fundamental role of the 'asylum-migration nexus'. The ordered disorder also explains the degree of accommodating measures, provided by all actors. The disordered relationship between the nation-state and the asylum seekers becomes the Israeli "national order of things" (Malkki 1995a).

African asylum seekers in Israel

Since the end of 2006 Israel has experienced an increasing influx of African refugees and asylum seekers.[2] The majority surreptitiously cross the continental border between Africa and Asia through Israel's southern border with Egypt. The asylum seekers originate mainly from Sudan and Eritrea, as well as other Sub-Saharan countries. At the time of writing, it is estimated that around 26,000 asylum seekers have entered Israel and a few hundred more continue to cross the border every month (Nathan 2010).

Asylum Applications in Israel 2002-2009
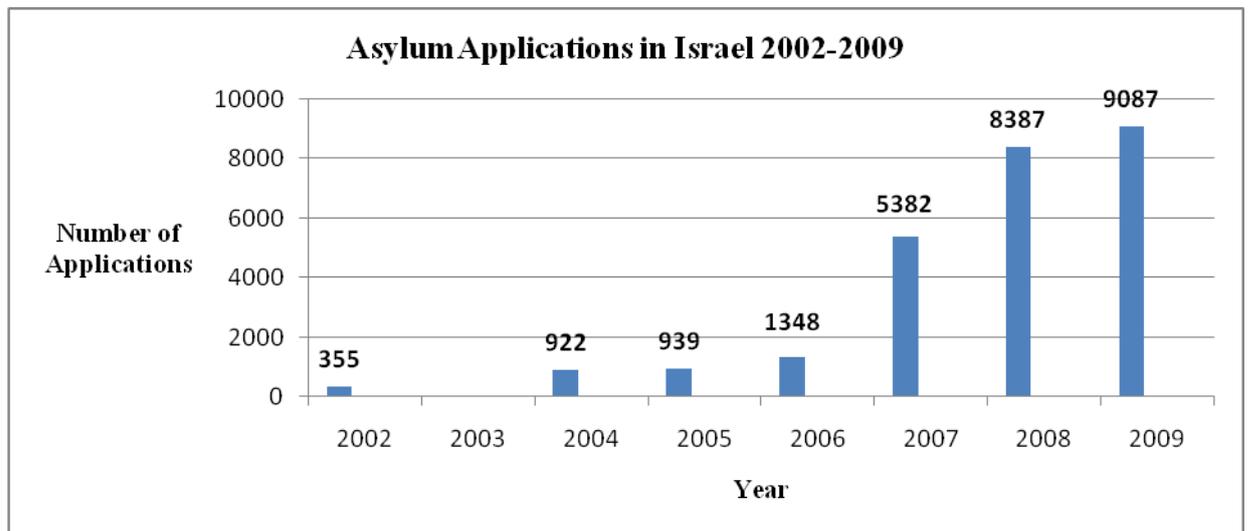
Sources: UNHCR Statistical Yearbooks. No data available for 2003. UNHCR has not yet published data for 2010.

The Sinai desert serves as a geographical barrier between the countries and only short, 'sensitive' strips of the 260 kilometres are fenced. The asylum seekers often pay large sums to Bedouin smugglers (operating from both sides) who traffic them through the desert. In a border characterised by an active trade of drugs, tobacco, weapons and

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[2] As I demonstrate below the 'refugee terminology' is contentious. In the interest of coherence I predominantly use the term "asylum seekers", a term which does not tells us much about motivation but refers to the claim, which ought to stand evaluation. Thus, in this work, a person is considered an asylum seeker, until proven otherwise.

women[3] (Lutski 2005; Levenkron and Dahan 2003; Goldschmidt 2006), the asylum seekers have become yet another valuable commodity in the border's thriving political economy.[4]

The journey is arduous and there are frequent reports of violence and starvation en route. Since 2007, 250 cases have been reported of women who have been raped by Bedouin smugglers, and it is estimated that many more go unreported (Wurgaft 2010; STW 2010). After surviving this journey, asylum seekers arrive at a border patrolled by Israeli and Egyptian troops where Egyptian policy has made the crossing a death-defying task. The UN and human rights organisations have documented more than 60 fatal shootings of unarmed individuals since the summer of 2007 (UN 2010; HRW 2008; AI 2008). While the frequency of such reports has decreased, shootings continued to occur in 2010 (Reuters 2010).

The scale and scope of this phenomenon is unprecedented in Israel. For the first time in its history, the country has become a destination for African migration. Moreover, the plight of the refugees cannot be solely understood by traditional explanatory factors such as conflict, violence and violations of human rights. Although these factors drive refugees from Sudan and Eritrea, they are also intimately intertwined with the "globalisation of asylum seeking" (Gibney 2003, 23; 2004), underdevelopment and economic incentives which often explain secondary movements.

This 'asylum-migration nexus' notion recognizes the blurring of the traditional distinction between economic and forced migrants (Castels 2007, 26), creating practical and rhetorical difficulties to differentiate these categories (Richmond 1995; Hear 1998; Nyberg–Sørensen, Hear, and Engberg–Pedersen 2002; Crisp 2003). The relationship reshapes and stratifies the refugee label, allowing developed countries to design restrictionist refugee regimes in which an array of deterrence measures serve to protect sovereign territories from the invasion of 'bogus, opportunistic aliens' (Zetter 2007; Chimni 1998).

African migration to Israel

According to UNHCR, the Middle East and North Africa host a fifth of the world's refugees, excluding the considerable and growing population of Palestinian refugees.[5] Syria and Lebanon, Israel's northern neighbours, host a significant number. Syria is the third largest refugee hosting country in the world with, according to government figures, more than a million Iraqi refugees, while Lebanon hosts 50,000 refugees. To

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[3] A parliamentary inquiry found that between 2001-2005, an annual number of 1,000 women were trafficked through the border for prostitution (Lutski, 2005). Comprehensive enforcement has since significantly reduced the scale of women trafficked into Israel

[4] It is reported that in the case of some Eritreans, initial payment was made already in Eritrea (Interview with a senior UNHCR official).

[5] Article 1D of the 1951 Convention exclude persons who receive assistance from other UN bodies. It intentionally excludes the Palestinians who were displaced as a result of the 1948 war, and were under the auspices of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), an agency which was established prior to UNHCR. Palestinian refugees and their descendants are now estimated at 4.7 million (UNRWA 2009). *Refugee Survey Quarterly* has recently published a special issue which provides a detailed historical account of this multifaceted issue (RSQ 2009).

the east of Israel, Jordan hosts nearly 500,000 refugees, and to the South, Egypt (from which the majority of asylum seekers cross to Israel) hosts a population of more than 100,000 (UNHCR 2009; USCRI 2009). It is also known that Egypt has a vast population of unregistered foreign nationals who are not accounted for in refugee statistics. Estimates of their number vary considerably (Harrell-Bond and Zohry 2003; Nassar 2008).

While such numerical and comparative analysis suggests that Israel's asylum seeker population is relatively small, this approach does not illuminate the social and political issues which give Israel's asylum seekers particular political and cultural weight. Surrounded by Arab and Muslim countries with weaker economies, Israel's prosperity and democratic structure act as significant pull factors for migrants. The country's decision to follow UNHCR guidelines and not to deport Eritreans and Sudanese while tolerating their unauthorised work must also function as an incentive.

It is also important to consider the circumstances that prompt Sudanese and Eritreans, the two dominant groups of asylum seekers, to make Israel their first or second country of asylum (Afeef 2009, 9). While their circumstances significantly differ, Eritreans and Sudanese share a desire to seek better protection and to pursue new economic opportunities. They leave behind violence, poverty, difficult asylum procedures, the dangers of forced return, a lack of durable solutions and social exclusion (HRW 2008).

Until 2006 the issue of asylum seekers in Israel did not constitute a dramatic policy concern. Their small numbers and the limited institutional capacity to deal with them partially explain the significant gap that appeared between Israel's historic role in contributing to the strengthening of the international refugee regime and its domestic policies.[6] No Israeli refugee law was drafted, leaving a space which was filled by patchy and often inadvertent responses to the increasing influx (Kemp and Kritzman 2008).

In the past, Israel has recognised groups of refugees and asylum seekers as a gesture of goodwill. Notable examples of such 'humanitarian anomalies' are the decision to grant refuge to a few hundred Vietnamese boat-people in the end of the 1970s and to admit a group of Muslim Bosnian refugees during the 1990s. (Ben-Dor and Adut 2003, 21-22; Markowitz 1996).

Following its withdrawal from South Lebanon in 2000, Israel admitted nearly 6,000 members (and their families) of the South Lebanese Army, a sectarian militia who collaborated with Israel during its occupation of South Lebanon. Such precedents, coupled with public pressure, led former Prime Minister (PM) Olmert to grant an exceptional temporary residency to approximately 500 Darfurian asylum seekers in September 2007 (Mualem 2007).

Israel historically handled asylum requests by outsourcing the process to UNHCR, using the assistance of the agency's honorary correspondent in Israel, which later became an official representative office (UNHCR 2007) It was only in 2001, 50 years

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[6] Driven by the horrors of the Holocaust in Europe and aiming to protect the Jewish refugees from World War II the young state of Israel was among the first 26 states who participated, alongside other Jewish organisations in drafting the Convention, to which it became an official signatory in 1954. The state's commitment was further strengthen when the Convention's 1967 protocol was signed in 1968.

after the Refugee Convention was established, that Israel formulated an internal directive which outlined procedures for the treatment of refugees and asylum seekers. This procedure maintained the pre-existing hybrid nature of the RSD process; both the state and UNHCR were involved (Ben-Dor and Adut 2003; Kemp and Kritzman 2008).[7] An updated version of the directive was intended to come into force in January 2011.

This status quo has been under immense pressure since 2006. The influx has focused public attention on the issue and vividly demonstrated through the response of various institutions that a critical threshold has been crossed. The presence of 26,000 asylum seekers in dispersed urban centres is particularly visible in a small country such as Israel and is generating considerable tensions.

Ordered disorder

The government's incorporation of a range of deterrence measures alongside some accommodating procedures cannot be simply dismissed as stemming from Israel's inexperience in dealing with asylum seekers. The tension between Israel's democratic structures, backed by its international commitments, and the state's attempts to shape technologies of power which control and limit entrance to its territory, is expressed in a response to asylum seekers that can be understood as 'ordered disorder'.

The pattern of 'ordered disorder' is guided by a consistent logic intended to make asylum claims unsustainable. The state's trial-and-error measures for dealing with refugees have shaped the sense of non-policy which has been described by others as chaotic bureaucratic ambiguity (Afeef 2009, 11) and governmental unruliness (Willen 2010b).

However, behind this ostensible chaos or unruliness lies an ordering principle which aims to deliver a clear and unwelcoming message. Ultimately, the range of measures employed to send a 'no-entry' signal, and the array of deterrence signals used to reduce the numbers of future arrivals, establish the temporariness of asylum claims in Israel.

Conversely, NGOs, the media and Israeli officials have held Israel accountable to the high standards of its international commitments. Thus, in parallel to employing harsh deterrence measures, Israel has also offered limited and differing degrees of protection.

Over time, the government has issued a few thousand work permits to Sudanese and Eritreans, exercising a degree of tolerance and recognition of their needs, although these were exceptional permits that had to be renewed. But the majority of asylum seekers have not received such permits and have been forced to work illegally to survive. Such uneven, contradictory action exempts the state from declaring its allegiance either to deterrence or tolerance.

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[7]UNHCR made the initial identification and interview of the asylum seeker. On the basis this process, a recommendation was given to the National Status Granting Body (NSGB), an inter-ministerial committee responsible for considering UNHCR recommendations. The final decision was taken by the MOI.

A senior Ministry of Interior (MOI) official demonstrated the logic of non-policy when he was asked about employment issues in a session of the 'Special Parliamentary Committee on the Problem of Foreign Workers' (SCPFW, 2010): "In principle the law is there, on the other hand there is a decision not to enforce [it]". Realising that enforcement of unlawful employment may force the government to provide care for the tens of thousands of asylum seekers, the state tolerates their work, and nurtures the general disorder.

'Ordered disorder' can also be perceived as a response to the challenges the refugees pose to what anthropologist Lisa Malkki (1995a; 1995b) calls the "national order of things". Issues of sovereignty and nationalism constitute the "regime of order and knowledge" (Malkki 1995a, 5) that make-up the Israeli nation-state, are challenged by the subversion that asylum seekers create. Their liminal status threatens the perceived national order of things as they confront the state with their refugeehood.

As Agamben (1995) puts it (in reference to Arendt (1978)), refugees represent "a disquieting element…by breaking up the identity between man and citizen, between nativity and nationality, the refugee throws into crisis the original fiction of sovereignty". In the face of this symbolic threat, Israel has employed a range of "specialised correctives" (Malkki 1995a, 8) to restore the 'real' national order of things.

While this politically useful framework of 'ordered disorder' has consistently overarched the state's rejectionist policies, a pattern of evolution should also be acknowledged, especially in the implementation of Israel's 'corrective' impulses. Afeef (2009) fruitfully cites three examples of the contradictory policies which began to unfold as the influx increased.

First, the policy of detention, a key deterrence measure, was exercised even prior to 2006. As citizens of an 'enemy state' the early arrivals from Sudan were held in detention for long periods, because they were identified as a potential security threat, which effectively debarred them from the asylum procedure (Tal 2007). This arrangement was increasingly applied to the majority of the asylum seekers who arrived in Israel (including minors), regardless of their nationality.[8]

Second, the equally hostile response of 'hot return', whereby asylum seekers were immediately returned to Egypt after crossing the border. Israel forcibly returned to Egypt an estimated 220 asylum seekers who were caught crossing the border, denying their right to claim asylum, in spite of the state's knowledge of Egyptian policies which sometimes breached the Convention's non-refoulement principle. Following a petition to the Israeli Supreme Court it seems that this policy is no longer practiced, but human rights organisations claim that it continues to periodically occur (RRF 2008, 2009).

Furthermore, in attempting to address concerns regarding over-crowding and employment pressures the government initiated the 'Hadera-Gedera Provision', named after the two cities which geographically delineated a 'no-go' area for

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[8] The functions of the prison system deserve further research. They arguably operate as 'revolving doors' centres (although at different periods Sudanese asylum seekers were in prison for more than a year).

refugees. This provision attempted to legally secure and isolate the Tel-Aviv metropolitan area, Israel's economic heart from being 'hijacked' by the asylum seekers' low-cost labour.

This policy created economic-political pressures on smaller more desolate towns and prevented refugees from accessing UNHCR offices and NGOs' services in Tel-Aviv. Following a petition to the Supreme Court and strong public pressure from NGOs, Members of Knesset (MK) and officials in the local authorities, the MOI cancelled this 'corrective provision', more than a year after it was announced (Afeef 2009, 13).

More recently, driven by its dependence on UNHCR, the government established a new RSD Unit within the newly formed Population, Immigration and Border Authority (Ilan 2008; Wurgaft 2009). From July 2009 this unit was given the role of undertaking the RSD process.

This transition followed a comprehensive preparatory process which involved training by UNHCR and other organisations, who commended the government for its efforts.[9] Although ostensibly a positive step of taking responsibility for refugee protection — or at least as one interviewee observed: "a work in progress" heading in this direction — the RSD unit exists within ongoing institutional disorder, which severely undermines its capabilities.

UNHCR's head in Israel has stated: "They are quite serious in how they approach it, but the biggest drawback ... is that there is no legal framework in place. There are no published procedural guidelines on their work" (Friedman 2010a). A patchwork of administrative decisions and political strategy block access to refugee status.

At present Sudanese and Eritreans, who constituting 85 per cent of the refugee population, do not go through the RSD process. Instead, they receive temporary group protection which indicates the government's recognition that that they are likely to suffer persecution. This status, however, strategically delays the RSD process and the potential convention status (Kritzman-Amir 2009). Moreover, it was recently reported that out of 3,000 applicants of other nationalities, only two were granted refugee status (Weiler-Polak 2010).

Lastly, and perhaps most dramatically, PM Netenyahu recently approved the government's long-lasting intention to erect a surveillance fence along parts of the Egyptian border. Stating that Israel will remain open to refugees from conflict zones he framed the fence as a "strategic decision to secure Israel's Jewish and democratic character", arguing that "We cannot let tens of thousands of illegal workers infiltrate Israel through the southern border and inundate our country with illegal aliens" (McCarthy 2010).

The following sections demonstrate how three core preoccupations 'discursively dress' the bare lives of refugees in Israel and illuminate the "chronic tension between [the refugees'] presence as bare life and as political actors, subject of history" (Malkki 2002, 359). They are: (a) securitisation and its relations to the Israeli-Palestinian conflict, (b) ethnonationalism and (c) the legacy of the holocaust. These discourses

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[9] The government's serious attempts were repeatedly mentioned in the interviews.

have developed as Israel's ideological 'containment threshold' for the presence of asylum seekers has been crossed.

In reality, the three discourses are closely intertwined as key pillars of Israeli identity and society. Yet analytically distinguishing between them highlights how each creates particular problems for the construction of an Israeli asylum regime and how asylum seekers serve as a template in the discourses' formation.

Security discourse

The gravity of the security prism in Israel cannot be overstated. Officially managed under a legal 'state of emergency' since its establishment 62 years ago, Israel has fought eight major wars, exercised countless military operations, experienced vicious terror attacks and continues to engage in the intricate Israeli-Palestinian conflict while dealing with threats of destruction.

Under these conditions, security in Israel cannot be dismissed only as a social construct, but should rather be seen as a pivotal 'societal pillar' that has psychological and social elements, based in Israel's geo-political reality. It is not surprising that asylum seekers (some of whom are citizens of hostile states to Israel) entering illegally through the notorious Egyptian border are conceived as a security threat.

The inability of the asylum seekers to voice their agency has become a fertile ground for a campaign which used vilifying rhetoric to construct a number-oriented, security-centred discourse. As Gibney (2002, 41) has pointed out, despite fleeing from terror and persecution, refugees often unwillingly become representatives of such violent and repressive phenomena in refugeedom.

Following the 2006 influx, discussions about asylum seekers were gradually securitised, culminating with the recent decision to erect the surveillance fence. The head of the Egyptian-Israeli fence project is a high ranking army officer who was defined by one military correspondent as the "father and mother of the separation wall" between Israel and the West Bank (Buhbut 2006). Such presence serves as a useful reminder of the close connection between managing Israel's new security concerns about asylum seekers and its control over the Occupied Palestinian Territories.

The Israeli state began to frame the influx of asylum seekers as a security concern from early 2006, in parallel to the establishment of the 'hot returns' procedure. In a special meeting in early 2008 former PM Olmert employed a disturbing 'natural disaster' terminology to describe the situation, stating: "This is a tsunami that can grow and we need to take every measure to stop it". This threatening imagery helped him to argue that security officials should "prevent the refugee infiltrations, even if the matter requires the use of force" (JP 2008).

The 'asylum-migration nexus' was strategically used to give a security dimension to what Willen (2010a, 508) calls "the epistemological and classificatory confusion" that accompanied the state's refusal to describe the arrivals as refugees or asylum seekers. Instead, it denounced them as 'infiltrators' (*mistanenim)* and later, fuelled by rejectionist rhetoric by politicians and others, coined the neologism – "labour

infiltrators" (*mistaneniavoda*) in an effort to associate refugees with a threat to the employment prospects of Israelis.

As one academic interviewee observed, the ongoing primacy of this term demonstrates "the success of agents within the [governmental] institutions to inject this discourse and create a sort of panic" characterised by a "takeaway feeling – they will come here, take what we have, and change this place".

This "takeaway feeling" partly explains the urgency of an MK who suggested various security technologies that allowed Israel to act in a middle zone between violence and doing nothing: "…preventing entrance, a fence, guard dogs, sensors…arrivals will not be answered and received, we will not let them in"…"Between killing and not acting there is prevention, [and the state should act upon it] if Israel wishes to survive".

However, any discussion which touches upon security-related issues must also consider the close triangular relationships between African refugees, Palestinian refugees and Israeli security considerations. In the Israeli context, the term 'refugee' is traditionally associated with two types of refugee: Jewish holocaust survivors who fled Europe and the Palestinian refugees who were displaced as a result of the 1948 War.

The state fears that recognizing African asylum seekers as refugees will open the Pandora's Box of Palestinian refugees' claims for territory, compensation and most importantly, right of return. Combined, these demands are perceived as a threat for the country's ethnonational character and its very existence as a Jewish and democratic state (cf. Shafir and Peled 1998; Yiftachel 2000; 2006; Gavison 1999).

Although article 1D of the 1951 Convention excludes the Palestinian refugees, the resolution concerning their fate has remained amongst the key intricate issues in the negotiations between the sides (e.g. Peters and Gal 2009). Although the two 'refugee issues' are not legally or practically related, the primordial/contemporary presence of the Palestinian refugees shapes immigration debate in Israel. As one interviewee claimed, the issue of Palestinian refugees accompanies any discussion about African refugees.

The "labour infiltrators" terminology serves three key functions. First, it portrays the refugees as a threat to Israeli employment. Second, this neologism enables the state to de-link the contemporary influx from the contentious tensions associated with the 'Palestinian refugee' as a symbol for territorial claims.

Finally, it draws on an emotionally freighted term and set of events that suggest grave danger to Israeli identity and individuals. Infiltration is associated with a specific historical episode, (and in many ways a contemporary one too); 'infiltrators' [*mistanenim*] are associated with the Palestinian *Fedayeen*[10] movement which emerged as a response to the 1948 war and the establishment of Israel.

Immediately after the war thousands of Palestinian refugees began to cross the border back to their houses. At first, they were motivated by socio-economic concerns

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[10]Arabic for self-sacrificer.The term refers to different groups, in different times. It is cited here to address the post 1948 period throughout the 1950s.

regarding their families, property, crops and houses. These returns were perceived by the Israeli side as an act of infiltration that did not only involve trespassing but also constituted a threat to the new state.

As the post-war tensions increased, the infiltration changed its purpose, and developed into a national struggle. Throughout the 1950s (arguably with the support of the neighbouring states) groups of Palestinian guerrilla fighters attacked Israeli civilian and military targets. These acts were followed by retaliation by the Israeli army, leading to many causalities on both sides (for a detailed account see Morris 1997; Benvenisti 2002).

One NGO worker highlighted the state's intention to take the issue "to a place that connects [the refugees] to the Palestinian struggle and security dilemmas…but it is a manipulation of the discourse". Other interviewees highlighted important nuances, as a different NGO worker argued: "the phobia from the [African] refugees began with the phobia from the Palestinian refugees, but it has received a life of its own".

Referring to the legal aspects of the emerging asylum regime, a third interviewee touched on this evolution: "a ten years process has taken place, and the Palestinian issue has not really succeeded to enter the asylum regime because they have succeeded in creating deterrence...they suddenly realised however, that the refugee convention can be a serious explosive even without the Palestinian refugees…even though every Israeli has the Palestinian issue here [pointing at her nape], it is no longer at the forefront. The demographic issue is – and demography is not only the [Israeli-Palestinian] conflict, demography is a few more things including [the question]: 'do you want Israel to become Africa?'" [A3].

The ethnonational discourse

Israel's Declaration of Independence refers to the state as "the birthplace of the Jewish people" and their "ancient homeland". It states that Israel would "open the gates...wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the comity of nations" (MFA 1948/2010). Established to express the right of the Jewish people to self-determination and grounded in the Zionist ideology, Israel's Jewish and democratic character is underlined by the 1950 Law of Return which constructs a distinctive migration regime.

The law establishes the "natural right" of every Jew to return to the homeland and become a citizen, based on ethno-religious ancestral ties which are represented in the modern nation, and in the ideological commitment to Jewish immigration (Sachar 2000; Shuval 1998). The law constructs a migration regime that defines the particularities of membership claims while excluding those who do not meet its demands, creating varying degrees of a much-debated structural discrimination against non-Jews, and in particular Palestinians (cf. Carmi 2003; Yiftachel 2006; Gavison 2010).

The state actively seeks, via a range of institutions, to encourage Jewish 'homecoming' and sustain a Jewish demographic majority. Israel's self-defined "Jewish and democratic" character creates inherent tensions for non-Jewish migrants (amongst others) who are conceived by some as an existential threat (Kritzman-Amir

2009), not only demographically but "...one or a combination of biological dilution ...cultural downgrading, security danger, subversion and political instability" (Smooha 2002, 478 cited in Afeef 2009, 3).

While these tensions were arguably contained for decades, from the 1990s onwards three patterns of migration to Israel challenged the state's definitional features. First, Israel absorbed more than one million Jewish and non-Jewish migrants from the collapsing Soviet Union who were primarily driven by economic considerations.[11] Second, the government encouraged labour migration from overseas to replace Palestinian workers from the West Bank and Gaza who were gradually rejected due to the deterioration in the security situation following the 1987 first *Intifada*.[12]

From the state's prism, these labour migrants were not perceived as immigrants but only as authorised workers who met the booming economy's needs (Kemp and Reijman 2008; Reijman 2009; Kemp 2010). Accordingly, government policy towards them consisted of differing policies, including a large-scale governmental deportation campaign targeted at authorised workers who overstayed their visas and became unauthorised (Willen 2007). The third transformation is the ongoing influx of African migrants.

Against this backdrop, the 2006 refugee influx met heightened anxiety over the transforming ethnonational character of the Israeli nation-state. The idea that mass influx involves demographic change has deep roots and was tactically used by Jews themselves prior to establishment of the state and during the British mandate (Neuman 1999). This language was engaged again, intensified by these changing patterns of migration and the ongoing focus on state security, to represent asylum seekers as a serious threat to both social cohesiveness and security - conveyed through the transportable, easy-to-use refugee template.

Politicians and public officials further inflamed the debate by releasing controversial statements. PM Netanyahu employed rejectionist rhetoric: "infiltrators cause cultural, social and economic damage, and pull us towards the Third World" and, in a slip of tongue, he later referred to the infiltrators as "surge of refugees who threaten to wash away our achievements and damage our existence as a Jewish democratic state" (Goldstein 2010).

The head of the SCPFW has called for a stop to the "illegal infiltration" and defined it as an immediate "demographic, cultural, religious and social threat"..."[as] the Jewish people have spent 100 years building a Jewish state and in 10 years the infiltrators can wash it all down the drain" (Katz 2010).

Such pronouncements were followed by a semi-xenophobic media campaign organised by the mayor of Eilat, Israel's resort city and the nearest city to the southern border, who complained about the municipal burden associated with the number of African asylum seekers in his city. He called Israel's inaction "national suicide" (Friedman 2010b), while comfortably failing to mention the economic benefits of the asylum seekers' low-cost labour in the city's hotels, tolerated by both government and

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[11] This was enabled by a 1970 amendment to the Law of Return which expanded its scope to include the spouses and close relative of any Jew.
[12] Arabic for uprising.

his municipality. Another example of a religious-ethnonational discourse was the call of local rabbis in South Tel-Aviv's deprived neighbourhoods (in which many asylum seekers and migrant labourers reside) not to rent flats to the "dangerous infiltrators" (Harkov 2010).

One academic interviewee has argued that the state's "remarkable consistency in its overall rejection of the refugees can be understood through its core concerns with "their 'otherness', the state does not want both the Muslim [refugee] and the Christian [refugee]…but the basic logic is simple, and it has to do with their increasing numbers and the nature of the Jewish state"...[something] "which cannot be overridden as a paranoia per se".

As a few civil society and academic interviewees pointed out, these base fears are enacted by the 'socialisation' of public officials who feel they are "the Jewish democratic state's gatekeepers", bearing responsibility to limit the non-Jewish immigration to Israel as much as possible. One NGO worker argued that these officials see their role as "preventing drastic demographic deterioration... similarly to that of the Dutch boy who plugs a dike with his finger".

In contrast, one NGO worker argued that civil society organisations "advocate a perception of 'universalistic citizenship', where everyone should have rights…they do not see the nationality issue as relevant, but publicly, it is not stated. In today's public atmosphere, we will not say it out loud because it does not serve the struggle and the strategy". As the same NGO worker argued: "the central issue here is [one that addresses] the nature of Israeli civil society, the struggle is about the character of Israel as a state, and the refugees are not really sharing this struggle, they are rather disempowered by it".

Both security and ethnonational discourses have intensified as the numbers of asylum seekers have risen sharply, crossing a critical threshold beyond which refugee issues can no longer be ignored as 'out of sight, out of mind'. The next section highlights a third challenge which complements the ethnonational, security-conscious image: the experience of the holocaust.

The holocaust/genocide discourse

The holocaust is a fundamental social component of the Israeli society - its legacy is deeply rooted in past and contemporary Israeli identity (Zertal 2005). The aforementioned decision of former PM Olmert to give temporary residence to 500 Darfurians can be seen as an exceptional 'humanitarian anomaly', akin to those granted by Israel in the past. While it has a humanitarian dimension, granting recognised survivors of genocide protection in Israel inherently relates to Jews' and Israelis' own experiences of genocide.

This 'holocaust discourse' has an ongoing role in shaping policies and attitudes towards asylum seekers. It creates a degree of accommodating space for asylum seekers vis-à-vis Israel's commitment to human rights. The influx heightened the tension between ethnic nationalism, embedded in the state's identity, and an array of humanitarian responses which followed the initial arrival of Sudanese (and later other) refugees. These humanitarian responses were partially (and arguably) motivated by

the shared 'intimacy' of the genocide experience between Israelis and Sudanese from Darfur.

The centrality of this issue was highlighted in 2006-7 which saw a significant increase in the numbers of asylum seekers. Analogies to the holocaust as the Israeli/Jewish 'moral barometer' were commonly drawn by politicians (Knesset Discussion 2007), academics - including a leading holocaust scholar who compared Israel's policies to Switzerland's and Britain's policies towards Jews in the Second World War (TAU 2007; Bauer 2008), reserve soldiers who served at the border and witnessed Egyptian shootings (Bereshkovsky 2007) and even senior religious figures (Ynet 2007).

One newspaper's editorial explicitly defined the linkage: "The first moral commandment of the state of the Jews is that it does not have the right to slam the door in the face of refugees fleeing genocide" (Haaretz 2007). Such calls led many other Israelis to express their moral commitment by providing donations or food products, or by hosting asylum seekers in their houses or settlements.

As Willen (2010a) has pointed out, the "kinship of genocide" between Jewish experiences of the holocaust and Darfurian survivors shaped accommodating humanitarian responses but it also led to the creation of a hierarchy of suffering in which Darfurian Sudanese received a special humanitarian primacy over others. Their specific, 'right' kind of suffering could be better accommodated than others forms of suffering.

With the rise in the numbers of Eritrean asylum seekers who gradually and significantly outnumbered the Sudanese (and particularly that of Darfurians), the influx reached its critical threshold. The kinship of genocide towards asylum seekers has eroded and the short-span of this episodic golden-era (if indeed there was ever one) has reached its end. This made room for the deeper tensions between humanitarianism and ethnonationalism. The migration side of the asylum-migration nexus undermined the asylum side as the "labour infiltrators" terminology took primacy.

In the words of some interviewees, the moral obligations of holocaust survivors were balanced with more pragmatic concerns. A government official stated: "the people of Israel are merciful in their nature, and the experience of the holocaust hovers above – those who will be recognised as refugees will be treated with all due respect, but those who are not recognised – people need to understand that this becomes a heavy financial burden". An MK argued that the kinship of genocide is not the issue: "people do not know what is Eritrea, what kind of state, at most they will tell you 'something in Africa', they do not know…Sudan, Darfur, Ethiopia, Africa, Muslims – everything in one parcel – only few are really aware of the details".

Civil society workers however, were intently aware of the way this balance had tipped away from the cultural weight of genocide, partially because they instrumentally attempted the holocaust discourse to support their advocacy and fund-raising campaigns, an endeavour most referred to as a mistake. One academic highlighted the early success of this technique as it "paved the way for many people to understand and identify with the situation experienced by other people, through their collective history, and it was genuine personal identification".

Yet while the "story of the Darfurians … enabled doing things for the rest", this interviewee also identified the "constricting" results of focusing on such a "particularistic experience" to generate empathy and support for refugees: "Israelis find it difficult to identify with something they are not familiar with, but it does not mean we should not respond to it".

Likewise, an NGO worker highlighted the Eritreans' subsequent problem: "to market their refugehood"…it was much easier to mobilise public opinion…[regarding] genocide refugees. The political salience of language and carefully selected appellations was highlighted by many interviewees as they traced the transformations in the discourse from "Auschwitz, and Israel's legacy of the holocaust" to deep concerns with regard to the "the faith of Israel if this influx will continue".

The kinship of genocide sheds light on the salience of the security and ethnonationalist discourses. Moreover, it created a window of opportunity to see the asylum seekers as purposive actors. While the kinship has eroded, holocaust discourse, as a fundamental pillar of the Israeli society will continue to shape people's interpretative readings and the state's responses to asylum seekers.

Conclusion

Drizzle, trickle, flow, surge, flood, tidal-wave and even tsunami. Water metaphors are commonly used to refer to asylum seekers and refugees. Turton (2003b) points out three common features of such forced migration metaphorical language. First, the language is shaped in inescapable but unpredictable terms as something which must be resisted. Second, it dehumanises its subjects while shaping their presence as a threat. Third, it relies on an 'us versus them' dichotomy.

These features are central to this paper's quest to explain and deconstruct the discursive challenges surrounding African asylum seekers and refugees in Israel. It has sought to establish 'calmer waters' in which these discourses and their political implications can be analytically evaluated. The exclusionist measures which have constituted Israel's patchy policy responses highlight its strategy to cement asylum claims as unsustainable, in the hope the surge of refugees will one day dry up.

Israel's 'refugee problem', albeit new, is not going to suddenly disappear. Far from being a local problem, critical analysis reveals the issue's developing salience. The future of Israel's asylum regime will be shaped by the discourses which were identified in this study and others which will probably emerge and re-emerge.

The paper presented two intertwined arguments. First, the discursive formations which developed as a response to the influx are underlined by the reduction of the asylum seekers to the level of 'bare life', a form of depoliticised existence (Agamben 1998). The asylum seekers serve, on a conceptual level, a convenient and an agency-limited template for these discourses to form, essentially affecting the treatment they receive, which often serve the political interests of others. Second, the asylum-migration nexus has a fundamental role in shaping debates over the 'correct' or 'accurate' definition of the asylum seekers – a category which cannot be distinctively conceptualised from economic migrants.

Drawing on such overlaps, Israel has constructed its own "national order of things" (Malkki, 1995): an ordered disorder which serves the evolutionary pattern through which it responds to asylum seekers. This ordered disorder progresses through ostensibly contradictory and confused policies, but a vivid exclusionary principle governs its overall execution. Essentially, the exclusionary logic is not radically different from the spectrum of measures used by other countries that limit the entrance of unwanted individuals to their territory.

Instigating this spectrum of responses, asylum seekers are shaped and perceived by the state as a blank slate, open to discursive turns supported by the strategic choices of actors from across the political spectrum. While anathema to many, and provided that the current influx continues at its current rate, it is not impossible to envisage the establishment of Israel's first 'infiltrators city' or refugee camp.

Serving a multiplicity of functions this ostensible 'city of infiltrators' would become a detention centre for the asylum seekers, a deterrence measure for future arrivals and simultaneously, a humanitarian space where their physical needs would be met (SCPFW 2010). Widely rejected and criticised, such considerations continue to live as a potential policy resolution in the mind of decision makers, and may indeed materialise if the numbers of refugees continue to rise at current rates.

But another route can also be contemplated. Israel may develop legislation which transforms the 'kinship of genocide' into a more inclusionist 'kinship of refugees' which will respond to Israel's unique ethnonational character and past legacies while accommodating others' unique circumstances and history. Either way, as Foucault (cited in Campbell 1998, 515) has stated in support of the Vietnamese boat people: "People's misfortune must never be the silent remainder of politics" – this paper attempted to reflect on a process which may allow exactly that.

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