

Border Experiences

Labor Migration, Precarization and the Israeli/Palestinian Conflict. Impressions of a Journey to the "Promised Land",

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(transl. Dagmar Fink)

"In Germany it is not possible to openly discuss the causes of conflict between Israel and Palestine and to analyze critically the social conditions in Israel, and that is distressing. I do not make that experience in Israel", says Michael Warschawski – co-founder and co-chairman of the board of the "Alternative Information Centre" that since its foundation supports a peaceful solution of the Israeli-Palestinian Conflict on the basis of coexistence, laicism and democratization – at a discussion on the occasion of the presentation of his recently translated book "Sur la frontière" (Edition Stock 2002) in Frankfurt am Main. His laconic comment was not unsubstantiated at least concerning the situation at the presentation. The last half hour of the event was shaped by battles – limited to a "merely" verbal arena – between members of the Jewish community and partisans of a radical solidarity with Palestine that concentrated on bringing up the victims of Israeli bombardments against Palestinian suicide attackers and the in each case, thereby, derived the necessity of "armed defense". The argument seemed to be not so much about the pointless question of a standard for a justified killing raised in this substitute discussion – after all, the political site of all participants has been 'on German ground' – than about the entitlement to criticize Israeli politics at all. The background of this debate on this German ground is still Anti-Semitism in its historical consequence – the assassination of European Jews during national socialism.

Two years ago Moshe Zuckerman voiced a similar judgment in front of approximately 600 participants at a discussion meeting about the conflict of the middle east organized by the Bundeskoordination Internationalismus (BUKO: an NGO that coordinates about 150 groups on issues concerning international solidarity). He could prevent a further escalation of the mutually provoking audience contributions that can hardly be described as a culture of argument – alas, at the price of embarrassed silence. It became apparent, not only that the way these issues are discussed in Germany has more to do with the political conditions in this country, with the socially unsolved question of the cause and therefore also the continuity of conditions that made Auschwitz and national socialism possible than with the social

and political conditions in Israel, but also that the latter are not of primary concern in these debates.

So much for the experiential background of a journey. With 13 union representatives from seven European countries, the TIE (Transnational Information Exchange) educational institution, an international network of union activists, were requested to catch up on site on a subject that initially seems to have little in common with the above mentioned problem, if it does not seem negligible at all: We had been invited to examine the working conditions in the construction industry as a “test case” for the overall labor market situation and employment policies in Israel. The objective of the journey and the assignment of this deputation had been to write a report on the economical and socio-political developments that are particularly manifest and in an exceptionally pointed way in this area. The reports were supposed to help the organizers in making their work better known on site and in the context of international union work. Last but not least, the intention was an exchange of experiences with problems of labor migration and the precarization of working conditions as well as searching for possibilities to support workers in this sector in their struggles for rights and wages.

The journey had been initiated and organized by the “Workers Advice Centre” (WAC; Arabic: ma’an). Above all the WAC supports the union organizing of groups that are subject to extraordinary severities and discriminations in the labor market: Arab workers in Israel, labor from the Palestinian territories as well as migrant workers from other countries.¹ On the basis of this seemingly very specific topic it is possible to discuss problems that are of increasing importance not only in the national context of Israel but for the union representation of interests and accordingly the labor movement worldwide: the heightened competition that wage laborers are facing due to internationalized, racist segmented and – via temporary employment agencies – precarized labor markets. WAC’s work furthermore opens the way for a more thorough understanding of the social and political conditions in Israel that often disappear behind the debate focusing on terrorism, Israel’s threatened right to exist and the necessity of self-defense.

¹ As always, the terminology is a question of perspective. Here I draw on WAC’s approach that differentiates between three stages of discrimination:

1. Arab Israelis having a) full citizenship (residents of the national territory who have been living there since before or during the foundation of the State of Israel), b) (limited) resident rights (mostly inhabitants of refugee camps within Israel who were “stranded” there due to the wars since its foundation and settled down),
2. Palestinians as inhabitants of the “Palestinian Territories” (Gaza and West Bank) occupied since 1967
3. Migrant workers enlisted since the beginning of the 1990s from Asian and Eastern European countries. This differentiation holds not only a form of hierachization, but also the intermingling of different criteria: citizenship, ethnical, geographical, historical and political causes of self- and external assignment.

Apparently, the emphasis on the threatening situation for Israel as a state and for its inhabitants makes taking a close look at the social conditions in Israel as well as in Palestine redundant.

However, this perspective is more than ever called for, since beyond this logic of threat and subsequent escalation nothing much seems to change at present. At Camp David, the summit meeting of Ehud Barak and Yasser Arafat led by Bill Clinton in July 2000 that was intended to carry forward the stagnating development of the Oslo-accords and to strengthen, implement and expand on the – in the respective individual treaties of the Oslo-accords already settled – tentative steps towards an “autonomization” of the Palestinian territories and the withdrawal of the Israelis from the West Bank and the Gaza Strip had failed. The visit of Ariel Sharon, at that time chairperson of the Likud party and today Israel’s prime minister, at Temple Mount/Haram Al-Sharif in September 2000 was meant and experienced as a provocation that set off a wave of riots and demonstrations and has been regarded as the trigger of the second Intifada. Since then the series of deadly assaults, assassinations and bomb attacks on both sides have not come to a halt. And since then all efforts made by different parties to come to a peaceful solution have failed:

- the recommendations of the Mitchell commission in May 2001 that included taking security measurements on the Israeli and the Palestinian side at the same time as well as the order that Israel stops the housing development and other building activities in the Occupied Territories
- the ceasefire plan of the US-American CIA director George Tennenet from July 2001
- the offer of 22 Arabic states for a mutual recognition and constitution of a Palestinian state within the borders of 1967 devised in the beginning of 2002
- the equally, at the beginning of 2002, presented “Roadmap for Peace” by the “Middle East Quartet” (UN, USA, Europe, Russia) proposed to establish two states by 2005 on the basis of UN resolution 1397
- the so-called Geneva Accords from autumn 2003, elaborated in cooperation with the former Israeli Minister of Justice Jossi Beilin, the author Amos Oz and the Palestinian Minister of Information and Culture Yassir Abed-Rabbo, which provides for a peaceful two-state solution

The situation of constant threat for Israel served as the main argument to refuse its consent to these plans and to justify the perpetuation of the status quo as necessary “self-defense”. Self-defense in this case includes not only adhering to the present settlements in the Occupied Territories, but also an expansive use of the “green line”, i.e. the ceasefire line of 1967 and the forced settlement politics in the Palestinian territories. For the time being the results of this logic climaxed in the construction of a

650 kilometer long “separation wall” (also called the “fence” although it will for the bigger part be built as a wall) that will often overstep the “green line”. It can hardly be assumed that this, with 3,4 billions US-dollars apparently the most cost-intensive construction project ever to be started in the history of Israel, is a temporary measurement quickly to be revised in case of successful negotiations about a peaceful two-state solution.

Two events that occurred shortly before the journey raised doubts whether, at any rate, it makes sense to travel to Israel in this situation. After the assassination of the spiritual leader of the Hamas, Sheikh Ahmed Yassin, by the Israeli army, the leaders of the Hamas², the al-Aqsa-Brigades³ and the Islamic Jihad⁴ sought revenge. Ten thousand Palestinians demonstrated their grief whereupon Israel reacted with the total (at the close of this report in June ongoing) isolation of the Occupied Territories and announced further “targeted” killings of those held responsible for terrorism – including Yasser Arafat. Only just a month later Ariel Sharon presented his unilateral disengagement plan in the US that entailed Israel's withdrawal from the Gaza Strip and the abandonment of all its settlements there and some in the West Bank. At the same time, bigger settlement blocs and the necessary infrastructure should be extended in the West Bank. While the plan received harsh criticism from the world public because it undermined the obligation to *mutual* negotiations with the Palestinians that hasn't been put into question since the Oslo accords, it gained the support of George Bush despite its unilateral character. Apart from its contents, the form alone is an affront against the political representations of the Palestinians and those among them that regarded the US not as a neutral mediator but as an “interested party”, if not an enemy, felt assured by it.

Roni Ben Efrat, who as a chairperson of the Workers Advice Center and editor of the

² The >>Islamic Resistance Movement<< Hamas was established in 1987 during the first Intifada by leaders of the Muslim Brotherhood, Sheikh Ahmed Yassin being one of them. Under the conditions of the Intifada the Hamas developed its significance as “social” organization and is by now the second largest organization in the Occupied Territories. See Amira Hass: >>Drinking the sea at Gaza, days and nights in a land under siege<<; transl. by Maxine Kaufman-Lacusta and Elana Wesley, New York 2000.

³ The >>al-Aqsa Brigades<< are considered as the military wing of the >>Tanzim<<, who, again, forms the “basis” of the resistance fighters within the Fatah, the largest organization in the Occupied Territories. Formally the Tanzim separates itself from the – 1994 as a result of the Oslo accords appointed – Palestinian Authority (PA) and thereby also from the resistance fighters of the Fatah, who in the meantime had gone into exile and by now hold most of the functions within the PA. The term >>Tanzim<< came up with the Oslo-accords and consequently denotes an oppositional stance towards them, and especially towards the limited autonomy rights of the Palestinians in the Oslo-accords. The al-Aqsa-Brigades are created as a rival project to the Hamas and adopted Hamas's method of suicide bombings. For a recent survey of the resistance movements in Palestine see: >>Challenge, A Magazine covering the Israeli-Palestinian Conflict<<, No. 84, March/ April 2004, p. 4

⁴ Founded by refugees in Palestine, the >>Islamic Holy War<< is a splinter group of the Muslim Brotherhoods and fights for an Islamic state in the whole of Palestine. See Amira Hass, New York 2000.

magazine "Challenge" had been one of the initiators of the journey and our hostess, reacted surprisingly calm to the alarmed question of some participants of the delegation whether regarding the due escalation – that actually did not occur – the journey will take place: In Israel one has to take into account these developments, there was no reason to call off the journey, our security will be provided for.

The significance of security in Israel had already become clear at the entry: those who did not verifiably enter as tourists or for religious motives were facing controls and questioning that lasted for hours. The German participants of the delegation – besides myself, a member of the works council at BMW and a lawyer, both members of the IG-Metall work group 'internationalism' in Berlin – had some difficulties in explaining to the customs and security forces why they wanted to attend to a conference on the labor market situation in Israel. They demanded details on the exact conference site and program which eventually did nothing to alleviate their suspicions. A comprehensive reading of the substantial program caused distrust especially with the titles of papers that addressed the situation of Arab labor in Israel and labor from the Occupied Territories in the Israeli labor market. Our reassurance that this was a journey of trade unionists seeking to study comparable situations in Israel and their own countries did not make things better but led to the question what a trade union is anyhow. Even the Histadrut, the General federation of Labor in Israel⁵, was not known to the – very young – security forces and produced a puzzled shrug.

The balance of the contributions (and a phone call to the manager of the conference hotel) finally seemed to be the decisive factors to let us go. On the program were on the one hand the apparently distrust causing meetings with Arab workers and union organizers in the Nazareth and Um al-Fahem branches of the Workers Advice Center, on construction sites in Tel Aviv, as guests in their home in Kufr Quara or in the community center of the refugee camp Shu'afat next to Jerusalem, as well as a discussion with representatives of the Palestine General Federation of Trade Unions (PGFTU) in Ramallah. On the other hand there were meetings with representatives of human rights organizations (for example the Hotline for Migrant Workers and the *Kav La'Oved*, Workers Hotline), an association of lawyers advising the Knesset on issues of labor migration (*Israeli Bar Association, Legislative Committee on Foreign Labor*), representatives of independent research institutions

⁵ More on Histadrut further on in the text

like the Adva Center for Social Research, that operates an extensive data base and does research on sociopolitical issues, as well as with professors at the universities of Tel Aviv and Jerusalem who examine the developments of the labor market and the effects of labor migration. And we should get the opportunity to talk with government representatives and members of the Ministry of Finance and the Ministry of Industry and Trade about their perspectives on the problems.

Symptoms of Crises– business as usual?

During the week exactly these differences in perspectives gradually gave us the impression of Israel as neither having much to do with the socialist sides of its Zionist founding ideas, nor as corresponding to the headlines in this country highlighting religious and political confrontations: The picture was marked by the deep crises of the Israeli economy, by the consequences of the cruel reciprocal crowding out of employees, who are forced into this competition by the labor market policy of the government and the interest politics of the trade associations, and by a widespread and easy to functionalize racism pervading the living and working conditions in Israel. A lot of this is comparable to the experiences made with the neo-liberal programmes no matter of which government in western industrial societies during the last years, some of this refers to the specific problems caused by the unsolved conflict between Israel and Palestine.

Yuval Rachlewski, head of the department of Wages and Employment in the Ministry of Finance, and his advisors imparted a familiar picture of macroeconomic conditions and neo-liberal strategies in dealing with the crises: between 1995 and 2003 among the 2.5 millions employables (with 6.78 millions inhabitants according to the figures of the Central Bureau of Statistics in Jerusalem in April, 2004) unemployment was surging from 6.9 to, for Israeli conditions, an unusual high of 10.3 per cent, while the living standard was falling by 10 per cent in the same space of time. Rachlewski explains this as a combined effect of “internal” factors, like the reduction of domestic demand, and “external” factors: decreasing growth rates on the world market, the crises of the US economy (ahead of the Palestinian territories as the most important outlet market for Israel) as well as the collapse of the high tech and IT market that is so important for Israel were leading to a decline in exports and decreasing growth within Israel. Among the “external shocks” Rachlewski counted the “Palestinian terrorism” that were responsible not only for the slump in the tourism branch but also for the declining readiness to invest in and to Israel.

The government reacts to the recession with a severe economy and privatization programme, the team continued to explicate. This includes harsh cuts in social benefits (like the planned increase of the retirement age from at first 67 to subsequently 70) and therewith a refrain from the claim of a comprehensive state-run welfare system that due to Zionist ideas had been developed since the founding of the State of Israel as well as a general reduction of the state quota: alongside the privatization of public enterprises in public service, so far employing a third of the wage earners, there shall be steep cutbacks in jobs. At the same time the government signed wage agreements for the public sector with the Histadrut, settling on wage cuts up to 4.3 per cent for the years 2003 to 2005, a waiving of the adjustment of benefits on the national Cost of Living Standard as well as a waiving of several other benefits, like vacation pay etc. A package of measures including privatizations, outsourcing, wage cuts, cutbacks in jobs, flexibility and the introduction of barriers in the right to strike – Israel has the most strikes worldwide, especially in the public sector – shall lead to an increase in growth and employment, the team taught about the hopes of the Minister of Finance Benjamin Netanyahu. The government sets off with the “lacking inclination to work”: >>Go to work<< is the slogan extensively displayed on public billboards, calling on the population not to rest in the “social hammock”. The program >>From welfare to work<< enforces the appeal.

However, this so far well-known argumentation does have a false bottom. With unemployment figures of about 11 per cent it was “irrational”, said Rachlewski, that the proportion of labor migrants had risen from 30,000 to 300,000 from the early 1990s to 2001. At about 12.5 per cent of the labor force the percentage of foreign people in paid work is higher than in Switzerland and more than twice the average for the industrial West. While the government today acts according to the slogan >>Israeli first<< and therewith pursues the idea of a national Israeli labor pool (partly thinking of Jewish Israelis exclusively), in the past it didn't have so much of a problem with the employment of labor from abroad, Arab Israelis and even Palestinians. This can be shown on the basis of the situation in the construction industry, next to nursing and agriculture the sector where traditionally most Arab and respectively Palestinian labor worked, before in the course of recruitment programmes more and more laborers from abroad were enlisted.

Cross border working – and waiting

Up into the 1980s mainly Arab Israelis and (despite the occupation of the West Bank and the Gaza Strip since 1967 and the accompanying security policy in Israel) labor from the Palestinian Territories had been employed in the construction industry. A well-unionized sector, its pension fund was the biggest in the Histadrut. Already during the first Intifada (1987), to which Israel reacted with curfews and restrictive controls along the “green line” (thus far there is no border in the sense of a fixed state territory), it became more and more difficult for Palestinian workers to reach their jobs. In as much as it could develop anyhow, the economy within the Occupied Territories to a large extent depends on Israel, unemployment rates are about 50 per cent, as Hussein Fuquaha, member of the executive board of the PGFTU told us in Ramallah.⁶ For the most part the earnings comes from those working in Israel.⁷ Along with the Gulf War in 1991 the general travel permit implemented under Moshe Dayan in 1970 was annulled and replaced by a differentiated passport system. Since then Israel additionally uses the instrument of a complete closing of the borders in “situations of threat”. According to the WAC, in these times, unemployment rates rise up to 65 per cent.⁸ Even on a “normal” day it is difficult for those who at least hold a travel and labor permit (i.e. married men from a certain age that is no longer “security relevant”, sometimes 40 years, sometimes less) to get to their workplace: “flying checkpoints” can be set up any time which further complicate the, in any case, slow progress on the decrepit communication roads within the Territories, endless queues and lining up for hours at the regular checkpoints, arbitrary withholding of papers and so forth make it impossible to keep an appointment or simply to exit. Under those conditions a regular job cannot be maintained.⁹

Many Israeli employers dismissed their Palestinian employees with which they had worked for decades. While in the mid-1990s there were about 120000 registered Palestinian employees (and about the same amount working “illegally”) in Israel, by now this figure has dropped by half, as Fuquaha explicated. We, too, had our

⁶ The PGFTU is the federation of 13 Palestinian union branches, it is connected to the Fatah and maintains relations to (among others) the Histadrut, the DGB (Deutscher Gewerkschaftsbund: German Federation of Trade Unions) and the IG Metall (metalworkers trade union, the largest and most influential trade union in Germany).

⁷ The economic dependency is laid down in the Paris Protocol on economic relations, a treaty that is a part of the Oslo accords. This protocol did not allow for an autonomous economic entity independent of Israel and with that for development in the Occupied Territories – Israel made acceptance a condition for its continuing to allow Palestinians to work in Israel.

⁸ WAC Working Paper: >>The Labor Market in Israel 2004: The Construction Industry as a Test Case<<, May 2004, p. 11 (a short and the full version are available at: www.workersadvicecenter.org)

⁹ On the problem of travel permits and on the economic consequences of the isolation politics see the chapters “Yesterday’s permit” and “Waiting to Turn Forty” by Amira Hass, New York 2000, pp. 233-282.

object lesson in the “lottery game” of exit and keeping appointments. At our meeting Fuquaha himself stood in for the PGFTU's chairperson Saher Saad, who got caught in a universal closure. And Assaf Adiv, one of the heads of our delegation and national coordinator of the WAC, at our exit (!) from Ramallah was held at Kalandia checkpoint, for as an Israeli citizen he shouldn't have entered for security reasons. His objections to the border guard that this was illogical led to his detainment, so that only in the evening he could leave the police station to which the border guards had brought him. At the time of our journey the universal closure prohibiting border traffic for Israelis and Palestinians alike was already lasting for more than a month: at first the pretext was the expected reaction to the murder of Sheik Yassin, then the Israeli Independence Day, eventually the Basketball finals ... Under the above mentioned conditions, PGFTU's work doesn't have much of a chance to succeed. It campaigns for the development of a social insurance system and for the realization of the labor legislation existing since 1993, against the opposition of the Palestinian employers lobby in the Palestinian Legislative Council (PLC), who in spite of all alleged homogenous “national interests” of the Palestinians do not have an interest in the social security of its employees. Up until now Israel prevents the constitutional requirements for labor jurisdiction. On the other hand the PGFTU has submitted ten test cases to the Israeli court of justice with regard to compensation or re-employment of Palestinian workers who lost their jobs during the second Intifada because of the closure. This affects a total of 55000 employees. But even taking legal action is difficult under the conditions of closure: About 1500 pending cases on breaches of the labor law were suspended because Palestinian witnesses couldn't appear at court or got arrested. The unionists were particularly disappointed by the Histadrut. Since 1992 there is an agreement on mutual assistance wherein Histadrut pledged to help on issues concerning labor law and to pay a part of the fees to the PGFTU that – as a relic from it's times as a national trade union – it collects automatically whenever a labor contract is signed. Since the second Intifada no money was transferred and there was “not a single sign of solidarity discernible”, was the bitter conclusion of Fuquaha and his colleagues.

>>bonded labor<<: the business with migrants in a >>homogenous society<<

However, the Israeli government doesn't experience to much difficulties in recollecting it's former interest in cheap labor from the Occupied Territories as became apparent in it's varied handling of Palestinian workers. >> “The Palestinians

are our true foreign workers" <<, a member of Yuval Rachlewski's advisory team said. With this he contravened the recent program of Finance Minister Netanyahu >>"Israeli work first" << at the same time.

The need for labor, increasing due to the closure policy on the one hand and the projected housing demand after the arrival of about one million Russian immigrants at the begin of the 1990s on the other hand, could not to be satisfied with Israelis. Pressurized by building contractors and agricultural entrepreneurs the government began to introduce quotas for these two sectors at first. In the course of the restructuring the social insurance, recruitments in the nursing sector followed, for the tremendous need for private nursing staff, that often has to be available to its "clients" round-the-clock, could also not be supplied by Israeli labor. While it is the legislator's business to define the quotas for work permits (though in the past they were often attuned to the hardly verifiable demand reported by the companies), the market for migrant workers, i.e. the recruitment and completion of the contracts, is definitely in the hands of private employment agencies.

Dr Roy Wagner of Kav La'Oved, an NGO who in 2003 received the Knesseth's "Quality of Life Award" for its dedication to the rights of migrant workers and the precariously employed in Israel, explained how the system of work permits functions: the employees are assigned a work permit which binds them to a certain employer (in Israel this practice, that in several sectors is not unusual in Germany as well, is called "bonded" and respectively "shackling labor"). In between are the temporary employment agencies who conclude the work contract with the employer assigned the permit. Since the visa is connected to the work permit, it is not possible to change jobs without becoming "illegal". But not only legally are workers "tied" to their employers: About 90 per cent of the employers in the construction industry and in agriculture take away the passports of their employees, though this is illegal and can be prosecuted with a sentence up to one year.

This practice of "bonded labor" affects not only the – legally also for migrants provided for – right to union organizing, it precludes complaints to the employer and therewith de facto means >>"slave labor" <<, as Dr Yossi Dahan of the ADVA Social Research Center explained. A fundamental right of a civil liberty of Western societies, namely the >>"free choice of employment" << and the >>"freedom to sell one's labor" << were thus annulled, he stated. The consequences he spelt out, using a study of his institute according to which 68 per cent of the legal (!) migrants do not receive compulsory minimum wages. In talks with workers at a construction site in Tel

Aviv, where Turkish employees of a temporary employment agency and Arab workers organized by the WAC and who had contracts with the building contractor were working together in a column, these impressions were confirmed: the Turkish comrades knew neither who they could turn to in case of sickness nor whether they do have health insurance. And: their wages per hour were about a third less than that of their Arab colleagues.

For Dahan this meant making migrant labor more expensive by bringing their rights into line with those of the nationals. For him the issue of acknowledging equal rights for migrants was directly related to a criticism of the “ideological construction” of the “Jewish state”. Rather than the idea of a homogenous society the fact of a mixed society should be recognized – this would also apply for dealing with Arab Israelis and Palestinians who were having the status of “migrants in their own country”. Whereas Wagner’s criticism focused on the trafficking in human beings. The recruitment of migrant labor were – even before the known factors that make their utilization appear so profitable – becoming the core business in the >>”big business of trafficking in human beings”<<. The temporary employment agencies share this business with the authorities in the countries of origin (above all China, Thailand, the Philippines, Turkey, Romania, and Bulgaria) – and with the companies. While mainly big building companies sell available permits to other companies or manipulate their needs so that they are able to make an extra-profit from the trading of surplus labor (and thereby put the “sold” migrants at the risk of illegality), the governments of the countries of origin participate in collecting fees from the temporary agencies. Dr Leonard Hammer, lawyer and expert in the implementation of international human rights and labor protection conventions in Israeli law, pointed at contracts in which the Chinese and Romanian government were receiving premiums up to 500 Euros per person from the personnel agencies and thereby he confirmed the findings of an investigation by Kav La’Oved.¹⁰ The agencies, in turn, charge the migrants between 2000 and 15,000 US dollars for their “efforts”, reported Sigal Rozen from the Hotline for Migrant Workers, whose staff sees to the legal and social assistance for the increasing number of deportation refugees.¹¹ Mind you: This is about the “drawbacks” of legal labor migration within the framework of a state under the rule of law. This, again, poses the question of a legal handling against such practices.

¹⁰ See Kav La’Oved/Hotline for Migrant Workers: >>Immigration Administration or Expulsion Unit?<<, Joint Report, May 2003

>>For you were strangers<<: >>equal opportunities<<

As Hammer explicated, Israel, “as a formerly Socialist country and very anxious for international acknowledgment since its foundation”, were signing a number of international agreements on fundamental human rights as well as the ILO convention. These offer a number of relevant connections to the legal claims of migrant workers – as, for example, the ban on discrimination of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which were also implying fair wages and working conditions – provided that they are put into codified national law. Furthermore there were progressive first signs on the level of the national labor legislation and administering of justice, like the ban on forced labor, the >>“Equal Opportunity”<< law (that actually affects only the equal opportunities of Arab Israelis), the freedom of association and the right to collective bargaining, legal minimum wages and vacation entitlements, as well as the right to health care, which, “in principle”, were granted to migrants as well. All of this with the qualification that the workers were staying legally in the country and continue to do so. Therefore it was not sufficient to eliminate the shortcomings as regards the interpretative realization of international human rights and labor legislation agreements in codified national law, its implementation, too, was to be advanced regardless of the residence permit status. Although this task was certainly requiring that the unions don't see themselves as victims of globalization and back away into protectionist regulations, but seize the chance of internationalizing human rights.¹² Beyond this rather long-term perspective his conclusion concerning existing legal conditions was clear and brief: both, the premiums the governments receive from the personnel agencies and the fees they are charging the workers as well as the discrimination of foreign workers in Israel breach the ILO convention and Israeli law. But who is to call upon these rights, when this requires a valid visa or residence permit, Hammer's colleagues Ahuva Zaltzberg and Dror Meir of the Israeli Bar Foundation asked. They also pointed out that a number of these rights, like the right to health care in accidents at work so far had been granted regardless of residence permit status, but since 2003 the government were successively abolishing such social security benefits.

Not a legal progress, but rather a step backwards was to be noted. And a crucial

¹¹ For the work of this NGO and the consequences of illegalization see: >>‘For You Were Strangers’. Modern Slavery and Trafficking in Human Beings in Israel<<, Hotline for Migrant Workers, Tel Aviv 2003

¹² See Leonard M. Hammer: >>Migrant Workers in Israel: Towards Proposing a Framework of Enforceable Customary International Human Rights<<, in: Netherlands Quarterly of Human Rights, Vol. 17/1 (1999), ed. by Netherlands Institute of Human Rights (SIM), pp. 5-30.

convention that would grant employment and safety rights regardless of residence permit status, Israel – like Germany – hasn't ratified so far: the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

>>Open Sky<< or >>Israeli first<<?

But it was not the breaches of international and Israeli law that brought the Israeli government to diverge from its course of recruiting labor migrants. Only the economic crises in 2002, under the slogan "War on foreign Labor" led the government to the initiation of a migration police (Police Immigration Administration Department) and to begin the end of the "Open Sky" policy in reducing the quota for work permits. The guideline pursued by the Ministry of the Interior >>"Israeli first"<< therefore is a definitive reaction to this recession. Since then the migration police forces the deportation of labor migrants who came into conflict with their employers and thereby into illegality – we are familiar with this procedure from other countries as well. Wagner reported that due to the poor working conditions and the bond on a particular employer, by now 70 per cent of the people who came legally with a work permit have been driven into illegality. The program of reducing foreign labor has been correspondingly successful: 50,000 of the 300,000 once legal migrants have been deported by the end of 2003, that is within a year; for the year 2005 the commission on labor migration in the ministry under Yuval Rachlewski's lead recommended the deportation of additional 100,000 workers.¹³

Besides the reinforced deportation, a further reduction of the quotas and of the duration of stay are planned, as his colleague Eli Paz, deputy director in the Ministry of Industry, Trade and Employment explained to us. His officials established a hotline that allows migrants to file their complaints concerning violations of the labor law anonymously, and they act against breaches of the law on minimum wages as well as against the practice of charging fees on the side of the personnel agencies, of which so far 40 have lost their licenses to import workers.

But the number of inspectors and thereby the potential of control are limited. Actually, improving or equalizing the working conditions of foreign labor is not the primary political concern in both Ministries, though meanwhile the possibility of changing the job were – similar to the nursing sector – provided for in the construction industry. The politicians act under the immense pressure of reducing the

¹³ According to the >>Joint Report<< by Kav La'Oved/Hotline for Migrant Workers, p. 1

unemployment rates in the country, while at the same time there is an interest in cheap labor. In fact, the government has not abandoned awarding new permits, but pursues a revolving door policy: >>"On the one hand"<< – the WAC concludes in its report – >>"it forces "illegalized" migrants out of the country, on the other hand it gets new "legal" workers in."<<

The reports made clear that what in each case counts as the foremost national interest with regards to labor market policy turns out to be very divergent. Paz's colleagues working under Rachlewski at the Finance Ministry certainly think about once again providing Palestinian labor the opportunity to work within Israel – >>"they are our actual migrants"<<. A decision the Knesseth made at the end of 2002, that is during the ongoing Intifada, heads in the same direction: in the course of the Closed Sky policy and in order to produce relief regarding the "threatening" social conditions in the Palestinian Territories, the parliament decided to award 15,000 work permits to Palestinians. But, as the working paper of the WAC shows, due to the continued closures this number has never been realized.¹⁴

Whereas Paz himself and his team have the employment outlook of the Israelis in mind. Accordingly, he supported the development of autonomous economic activities and employment opportunities for Palestinians in the Occupied Territories as well as a >>"reduction of the recruitment quota to zero per cent"<< for labor migrants. Although this doesn't mean that economic considerations were irrelevant. In his argument on the necessity of reducing unemployment rates in Israel and of a recruitment ban, Paz referred to the high consequential costs of illegalizing migrants: costs for the operation of the migration police, for mass-deportations and controlling the companies as well as losses of income in social insurance and taxes due to the illegalization.

When Paz believes that the restrictive handling of the quotas proved successful in massively reducing unemployment among Israeli construction workers, this concerns a group that thus far played the role, that migrants and Palestinians play, too: traditionally, it has been mainly Arab Israelis who worked in this sector. Competing with labor migrants their chances are small: even construction companies owned by Arab Israelis had, as Paz remarked regrettably, hired migrants rather than construction workers from Arab settlements, even though there were enough qualified labor on hand in the settlements. But Arab Israelis are still cheaper than

¹⁴ WAC Working Paper 2004, p. 4

their Jewish colleagues.

Arab Israelis: Second Class Citizens and “Migrants in Their Own Country”

In principle, Arab Israelis (about 20 per cent of the population) have the same chances as other population and religious groups, because of the >>“Equal Opportunities”<< law. But they are facing both, direct and indirect forms of discrimination which evade this right. In certain sectors and companies they are not accepted with reference to security, Dr Noah Levine Epstein of Tel Aviv University explicated. While Arab Israelis without full citizenship – often the inhabitants of the refugee camps who merely have the status of residents – hardly have access to the public sector, the discrimination of Arab Israelis with citizenship was very easy to conceal. The legal comments on what counts as employment constraints in security relevant areas were so vague that the scope of interpretation was hardly limited. The economy of Arab Israelis is shaped by such restrictions imposed by the state and by informal constraints. In most cases they live in separate settlements or towns which due to the restrictive settlement and development policy have little or no possibilities to expand and develop. The few towns that have a mixed population and a corresponding economic basis have successively been “de-mixed” – in Nazareth this became very graphic since in the course of the Pope’s visit the entire development funds went into the construction of “Jewish” settlements, while the historical center of Nazareth where most of all Arab Israelis live was missed out. The townscape already shows who belongs to which population and where the wealth “lives”. In the urban area of Jerusalem where the “security fence” is partly already in place it became clear what it will mean to the inhabitants of the Arab settlements and the refugee camps, once the fence will be completed: Shu’afat, a camp existing since 1967, where in the beginning 3,000 people lived, is to a large extent already fenced in. As soon as the fence will be erected on its third side adjacent to the urban area, there will be no exit for the meanwhile 23,000 inhabitants, except a small checkpoint. The chances to reach the urban infrastructure, hospitals, schools, nursery schools and jobs, that do not or not sufficiently exist within the camp, will drop rapidly.

Beyond this direct forms of discrimination there are a number of indirect constraints assigning Arab Israelis the role of a cheap reserve for the labor market. As Epstein explicated, 91 per cent of Arab women and about 87 per cent of Arab men have

never been a member of a union – compared to 71 and respectively 69 per cent of Jewish Israel. The reasons for this are manifold, but, as Salah Athamneh, for two years organizer at the WAC, reported, it was one of the main problems that even within Arab communities the selling of one's own labor was stigmatized. Therefore Arab workers were counting as "zero", a suitable self-consciousness and wish to organize were missing.

Additionally, since 1959 there is the opportunity to become a member of the Histadrut, the federation of workers in Israel (the union was founded as a socialist-Zionist project in 1920), but since the 1980s the union has systematically lost ground and therewith members. Because of its close connection to the Labor Party and the corresponding privileged position in the State of Israel, up till then the Histadrut not only held shares in all essential public enterprises (for example, the airline El Al, hotel chains, hospitals, nursing homes etc.), the union also administered the social funds. Therefore union membership and employment at the union have often been identical. With the privatization and the withdrawal of these tasks the rate of unionization fell enormously, which at its heyday had been about 70 per cent. Today the Histadrut has about 700,000 members left. In principle, said Ghassan Muklashi, director of the >>Jewish-Arab Institute<< in the Histadrut, the union promotes an equalization of the rights of Arab Israelis, the consistent enforcement of the ban on discrimination and opposes the occupation and closure policy with regards to the Palestinian Territories. He also reported about a fund of the Histadrut granting credits to Arab Israelis for the development of their own projects as well as about a fund for the loss of pay. But for the union work in the field, that is for the organization of the unorganized and therewith the control and improvement of working conditions, they are lacking the resources. The Histadrut were having >>to focus on the members who pay dues<< – and these happen to be mainly Jewish Israelis.

The problems with the representation and organization of the unorganized are not only due to a shortage in personnel and its reduced financial power. During the conversations with the delegates Muklashi made clear, that as a federation and a national trade union, the Histadrut is facing internal political differences of its members, to which it reacts defensively thus far. Hence, General Secretary Amir Peretz was passing on the device, not to celebrate the First of May in public out of consideration for the Likud members in the Histadrut. One wouldn't want to stir >>superfluous frictions<<. With regards to the recruitment of labor migrants the Histadrut in fact does take a firm stand: it campaigns for a recruitment ban and thus

follows the same line as Netanyahu.

Therefore within the Histadrut the very pattern of hierarchizing the various groups of workers that marks the official employment policy is to be found. Here and there only the ranking in the hierarchy changes, depending on the evaluation of the criteria: security aspects, nationalist considerations and reasons of economy. It is the workers who have lost in this competition, which raises the question of political strategies in dealing with this.

>>Let the Employers Pay the Prices<<

Antonio Campenni, representative of the Italian Cobas (Comitati di base), accurately expressed the opinion of the delegates on one point, where there was no dissent: equal pay and equal rights would put an end to the competition among the wage earners. >>Let the companies pay for their politics, rather than forcing the 'migrants in their own country and from abroad' into a competition of dumping.<< But how can an end to the competition be achieved under the conditions of high unemployment rates, a profoundly divided labor market and the politics of closure? To begin with, WAC's answer to this question confronts on an obvious vacuum left by the Histadrut. The WAC started an organization offensive among Arab Israelis, accompanied by regular advisory meetings, shared cultural activities, education, and what belongs to the "core business" of unions: struggling for regular working conditions and wage agreements with the employers. In the course of the campaign >>A Job to win<<, WAC's organizers succeeded in concluding contracts with well-known Israeli construction companies. The latter committed themselves not only to employ more and more Arab Israelis, but also to apply the current wage agreements of the Histadrut on these contracts. About 500 workers, mainly Arab Israelis, could thus be placed, another 1,000 are registered at the WAC. A Sisyphean task, as Salah Athamneh commented on these efforts.

As important as this work is, it doesn't bring about a perspective for the Palestinians and the migrants from other countries. The question, whether the problems migrants face in Israel were phenomena specific to Israel or whether they were developments comparable to those in Western European countries, was not answered. While some pointed out that the replacement of domestic labor by labor migrants and also the recent political course of resorting to Arab Israelis couldn't be explained without considering the politically unsettled conflict between Israel and

Palestine, others argued that the political patterns in reaction to the recession – the nation-state's interest in reducing unemployment, that seems to know domestic labor only, and the nation-state's interest in low wages which count as a prerequisite for competitiveness – weren't too different from the struggles on immigration quotas in the EU member states. Only under specific political conditions were the employees competing with each other. But the debates on nationalist and respectively racist restricted labor market policies were to be found within the EU and within European unions as well.

The dilemma the WAC is located in therefore refers to a general question of union organizing: how to think of abolishing the competition without restricting oneself to a national framework and reacting with the corresponding claim for immigration restrictions similar to the >>Closed Sky<<?

Roni Ben Efrat pointed out that the answer to such a question was awaited not only within the Israeli and Palestinian left, but also within the European left. Since the outbreak of the second Intifada in 2000, a vicious circle could be observed whose recent consequences were the "security" fence and Sharon's unilateral disengagement plan. The prolongation of this vicious circle was, among other things, leading to that >>in competing on the most victims<< taboos were broken on the side of radical Palestinian movements like the Tanzim and the Hamas¹⁵: Suicide attackers would no longer recoil from bombing the checkpoints and the people there trying to cross the border.

She criticized every solidarity movement that is based on supporting national interests: >>The Palestine question seems to be disconnected from the Israeli society. This is too superficial<<.

Often in the international and German solidarity movement this perspective on the Israeli and Palestinian society and therefore on the causes of conflict is superficial, likewise it has been as regrettable not to be able to look more precisely into the connections between the exploitation of functionalized "migrants" within and outside Israel and the 'boundaries' within the Israeli society in the context of the journey. Neither does the Israeli society >>homogenously<< suffer from the consequences of the threat and the security politics, nor does the latter serve it as such. WAC's call for the end of all forms of slave and forced labor and for equal pay for equal work therefore point to the limits of every national emancipation movement.

¹⁵ Compare footnotes 1-3