

Palestinian labor flows in Israel: Missed opportunities and possible ways forward

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Introduction

On May 12, 2011, Professor Zvi Eckstein, then Deputy Governor of the Bank of Israel, authored the report of a committee charged with looking into the issue of Palestinian labor in Israel. The committee, which Prof. Eckstein chaired, was appointed by the government and included representatives from relevant government ministries.¹ After a year and a half, the committee concluded that Palestinian labor in Israel benefits all parties. The direct benefits include Palestinian workers' access to livelihood, the significant injection of income into the Palestinian economy and Israeli employers having access to relatively cheap labor. The committee found that employing Palestinians inside Israel carries residual benefits for Israel in terms of security and diplomacy and that it is preferable to employing migrant workers.

More than six months after the Eckstein Committee report was submitted, it remains on the Prime Minister's desk and has yet to be published. It is not clear whether its conclusions have been reviewed or have led to any decisions.

In this position paper, we expose information obtained through legal work carried out by Gisha in cooperation with Kav LaOved² over the past six months. The information illustrates the lack of coordination between various governmental agencies. We will demonstrate how this state of affairs minimizes the potential benefits of Palestinian labor, opens the door to corruption and undermines security.

The findings: no consistency, no coordination, no logic

Until the early 1990s, Palestinians were free to enter and work in Israel³, making the Israeli market their primary source of income. The number of Palestinians working in Israel has decreased over the past two decades and currently stands at approximately 60,000, half of whom work without permits. Their salaries account for 13% of the Palestinian GDP. Over the years, there have been many attempts to regulate labor flows via government resolutions and recommendations issued by committees and inter-ministerial commissions, but all of these efforts have failed at the implementation stage. For this reason, there is currently no clear and consistent policy with respect to employment of Palestinian workers in Israel. The Population and Immigration Authority has made some improvements, including making protocols more transparent and forms more accessible. However, these minor changes are far from adequate in addressing the roots of the problem.

The two main agencies currently monitoring the entry of Palestinians laborers from the West Bank into Israel are the Population and Immigration Authority, which operates under the Ministry of Interior, and the

¹ Bank of Israel; Ministry of Finance; Ministry of Defense; Ministry of Construction and Housing; Ministry of Foreign Affairs; Ministry of Agriculture; Ministry of Interior; Ministry of Industry, Trade and Labor; Ministry of Regional Cooperation and Ministry of Justice.

² Gisha would like to thank the staff of Kav LaOved – Worker's Hotline for their productive cooperation and express its great appreciation for their work in safeguarding the social rights of Palestinian laborers.

³ In the late 1980s, some 115,000 Palestinians worked in Israel (the Eckstein Committee report).

Coordinator of Government Activities in the Territories (COGAT). The incomplete answers received from these two agencies in response to inquiries made under the Freedom of Information Act revealed inconsistencies in their policies and the lack of coordination on criteria, quotas and protocols. For example, on the most basic figure, the work permit quota for 2010, there was a discrepancy of 12,000 workers between the responses provided by the Population and Immigration Authority and COGAT⁴.

When it comes to criteria for construction workers, the inconsistencies are particularly apparent. COGAT documents dating to 2008 and 2009 state that construction work permits “were granted only to individuals who are 28 years of age or older, married and have children”. The response provided by COGAT in April 2010 lists a much higher age – 35. Age 28 reappears in a Population and Immigration Authority communiqué from June 2011, but a document delivered by the state just ten days later, states that, in general, the age requirement for construction work is, “as of March 1, 2011, 35, but there is also a small quota of 1,000 workers who may be 28 years old as well”. Did a November 2011 notice about lowering the age from 28 to 26 as a gesture for Eid al-Adha refer just to this quota? It is unclear.

If there is any kind of rationale, security or otherwise, for the criteria, it is not apparent in the documents. It is hard to understand why the same document lists the minimal age for picking strawberries and citrus fruit as 28 and for working in “groves, citrus orchards, pruning, seasonal maintenance, fruit” as 35, even without considering what the difference might be between picking citrus fruit and working on a citrus orchard.

Another perplexing issue is the fact that, according to the documents, existing quotas are rarely filled. According to the same document from July 2011, demand for construction work permits fell short of the quota by 3,500, though it is well known that the supply of Palestinian construction workers is very high, as is the demand for construction labor in Israel⁵.

Corruption and irregularities

- In May 2010, Amram Kabilo, who had served as head of the employment branch at the Civil Administration since 1995, was indicted on several counts of bribery and breach of trust. The indictment revealed that the defendant routinely provided contractors with permits for workers he had never met and the contractors sold the permits to workers who in turn, sold them to other Palestinians. The defendant received small bribes of up to 1,500 shekels in exchange for these services. In other cases, he provided permits in exchange for someone changing a windshield wiper or a light bulb in his car, or for designer clothes. Mr. Kabilo was ultimately sentenced to a 15-month prison term, a 6-month suspended sentence for three years and a 5,000 shekel fine.
- In February 2010, a Palestinian laborer smuggling network was uncovered. The network included a Civil Administration employee and a senior Ministry of Interior employee who helped forge hundreds of work permits.
- In August 2009, the army revealed that a Civil Administration employee who was on loan from the Employment Bureau had taken bribes from Palestinians in exchange for issuing Israeli work permits.
- An Israeli police officer and a Palestinian affairs consulting officer at the Hebron District Coordination Office provided permits for a fee without performing the necessary security checks. One of the workers who received a permit had received a security preclusion (as revealed in CrimC 1568/04 State of Israel v. Sofer).
- In January 2012, the court sentenced Dikla Hadir to eight months in jail after she was convicted of facilitating bribery in exchange for work permits when she was employed by the department of foreign worker authorizations at the Ministry of Industry, Trade and Labor (2004-2005). As reported, she told the director of an Israeli employment agency that she could “issue permits to workers from the occupied Palestinian territories” and that she had “the power to shut them in so they can’t leave”.

⁴ 20,100 according to the Population and Immigration Authority and 32,250 according to COGAT.

⁵ 20,000, as of February 2011, according to the Association of Contractors and Builders in Israel.

The results: inefficiency, corruption and deficient monitoring

As a result of the issues delineated above, much of the potential benefit that could be gained from Palestinian labor in Israel is lost. The frequent changes in policy and protocol and the lack of coordination between the various agencies force both workers and their potential employers to operate in uncertainty and they and their lawyers are often beset by red tape along with the mutual gains both parties would have made.

Another aspect of the issue which is also plagued by inefficiency and lack of coordination is that of the policy on "security preclusions". Gisha and other organizations have, in the course of their work, been disturbed by the impression that security preclusions are issued and removed in a largely arbitrary manner. The impact on a laborer – who might discover on any given day that he is barred from entering Israel without being given a reason why – is severe. Protocols which are meant to assist in applications for inquiring whether a security preclusion exists and for requesting that it be removed are vague⁶. An extensive report on this issue has recently been published by Machsom Watch. It illustrates clearly the problems with the current system and their implications⁷.

Not everyone is harmed by this situation – after all, confusion can elicit corruption, as a series of media stories and legal cases from recent years show (see box on previous page). The prevalence of corruption and irregularities in such a sensitive area leads to breaches in the security screening process. On this issue, it is worth citing the opinion of the security establishment representatives serving on the Eckstein Committee who determined that: "There is no proof of a direct link between crime and terrorism among permit holders. The fact that to date no Palestinian workers with an Israeli work permit have been involved in terror attacks (with the exception of a single incident) is noteworthy"⁸. Regulation of the formal mechanisms governing labor flows would contribute to eradicating the permit "black market" and other forms of corruption.

Conclusion

This position paper was designed to present both the public and decision-makers with new information about the old and familiar problem of the absence of proper regulation of Palestinian labor in Israel. However, it is important to note that the information that we have received still contains many gaps. A petition filed by Gisha and Kav LaOved on this issue in January 2011 is still pending before the Tel Aviv District Court because the state, a year after the petition was submitted and two-and-a-half years after the original information request was made, has yet to deliver satisfactory responses.

We hope that this position paper will help put this topic on the agenda and convert the clear inter-ministerial consensus regarding the benefits of Palestinian labor in Israel into a systemic effort to regulate the issue properly. Logical, uniform and clear protocols must be established and must be made accessible to laborers, employers and their representatives.

Appendix: links to documents (all in Hebrew)

[The petition](#)

[Report of the Eckstein Committee](#)

[Response of the Ministry of Interior, March 24, 2010](#)

[Response of the Coordinator of Government Activities in the Territories, April 11, 2010](#)

[Population and Immigration Authority communiqué 37/11, June 26, 2011](#)

[State response, July 4, 2011](#)

⁶ For example, Gisha is in possession of four different application forms for removing a security preclusion.

⁷ <http://archive.machsomwatch.org/docs/InvisiblePrisoners-English.pdf>

⁸ Eckstein Committee report, p. 51.