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A FACILITATOR CAN HIDE ANOTHER

The Informal Dimensions of the Israeli Permit System of Access and Movement in the Occupied Palestinian Territories (1990-2010)

Work in progress

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Working Paper

INTRODUCTION

In the midst of the first Intifada (1987-1993), the Israeli authorities imposed new regulations in order to control and filter Palestinians living in the West Bank and Gazaand attempting to enter Israel and EastJerusalem. These regulations aimed first at preventing individuals and groups from committing attacks on Israeli soil (Hass 2001). Second, they were used to limit the access of Palestinians to the Israeli labor market, and thus reduce the dependency of the Israeli economy on Palestinian manpower (Kemp 2004). The permit system was later integrated into a more systematic policy aiming at separating the Israeli and Palestinian populations (Hass 2002).

Moreover, this system has generated complex formal and informal networks of intermediaries on which Palestinians became increasingly dependent for their mobility across the Israeli-Palestinian divide. Indeed, this control mechanism produces a double individualization of the subject. This individualization of control occurs, first, by defining the capacity of a Palestinian to obtain a permit according to a political and bio-social profiling, and second, by imposing on each Palestinian the sponsorship of an Israeli citizen. This condition makes the allocation of a permit dependent on his/her network of relationships.

This study has two main objectives.First, by focusing on the chains of relations and interactions that develop through the process of permit allocation,I intend to identify the multiple actors that, within andoutside of the State of Israel, are directly taking part into the allocation of permits. This will allow me to better stress the heterogeneity of this control regime as well as its informal dimensions. Second, I wish to stress how the constitution of these formal and informal networks deeply affects the ways Palestinians relate to space and the location of borders in Israel-Palestine. I contend that the emergence of formal and informal networks around the allocation of movement permits fosters the duplicating of borders from the actual Israeli and Palestinians territories to reticular spaces.

My talk will be divided into three parts. In the first part, I will show thatthe mobility of Palestiniansisnot merely dependent on their varying statuses, as defined by the Israeli biosocial profiling system but also on the location of a given individual within a specific network of relations. In the second part, I shall demonstrate that this system fosters the co-opting of formal and informal intermediaries on whom Palestinian permit applicants are highly dependent. Finally, I will show how this cooptation system contributes to the readjustment of the functioning of the whole Israeli permit system.

I- MOBILITY: A MATTER OF STATUS OR NETWORK?

The literature dealing with the issue of the permit systemin Israel-Palestine has mainly approached Palestinians' access to mobility as being determined strictly by their political profile and bio-social profile (age, status, occupation) (see for instance Abu Zahra 2007, Hanieh 2006; Kelly 2006). As a matter of fact,Israeli authorities define the restrictions imposed on Palestinian workers and individuals on the basis of age, occupation, marital status, as well as hispolitical affiliation.Yet, I'd like to show that this approach is too reductive, as it relies too much on the discourse of the Israeli authorities. In practice security and bio-social profiles are less significantthan an individual'sbelonging to a network and his/her location within it.

Three elements call into question the significance of security and bio-social profiling. First of all, bio-social profiles are often unclear. They have changed constantly since the beginning of the 1990s. While at the beginning of the 2000s only male workers older than 30 could apply for permits, this age limit was raised and later lowered again (Ekstein 2011, B'tselem 2007). Moreover, there is a certain level of arbitrariness in the way these permits are allocated. A

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person fitting the official criteria and having no security record can be refused a work permit inside Israel without knowing the reasons, while a person not fitting these criteria could be allocated a permit (Handel 2009). In other words, it is hard for Palestinians as well as for observers to make sense of the precise definition of these profiles.

Second, regardless of his/her bio-social profile, a person wishing to obtain a permitsystematically needs to be sponsored by an Israeli citizen or a foreign body accredited by the Israeli authorities. For instance, a Palestinian worker desiringto work in Israel will turn to his Israeli employer to get a permit. The employer will then apply to the Israeli Work office by providing the precise details of his Palestinian worker (ID number, name, etc.). The application will then be transmitted by the Work office to the Israeli General Security Services (GSS). If the lattervalidate it, they will allow the Work Office to issue a work permit to the Israeli entrepreneur and the Palestinian worker. Many other sponsors can also be summoned. According to one's occupation and activity within Israel he or she could contact clergy members belonging to different churches in Jerusalem; members ofdiplomatic representations, NGO, etc.

In practice, networks are more influential than status. Anunfitting security and bio-social profile of a Palestinian is often overlooked by the authorities if thePalestinian applicant or his sponsoris willing to cooperate with a person linked to the GSS. Moreover, Israeli authorities have long ago accepted certain modes of circumventing the length of the procedures. Israeli civil servants, Member of the Knesset Israeli Parliament, or lawyerscan accelerate the procedure of application and delivery of a work permit to a Palestinian that enjoys their direct or indirect support.

Both formally and in practice the procedure of permit application makes Palestinians closely dependent on their sponsors on the Israeli side. It is the intervention of these same sponsors that can validate or eludetheir profile and thusprovide them with an access to mobility.

II- THE PERMIT SYSTEM AND THE COOPTATION OF INTERMEDIARIES

The sponsorship imposed on Palestinian permit applicants and the modes of bureaucratic circumvention introduced by the Israeli authorities have contributed to the establishment of patron/client relations between the State authorities, intermediaries and permit applicants.

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Existing literature has discussed these patron/client relations between the Israeli authorities and the Palestinian population (see for instance Azulay and Ophir 2008). They have underscored the fact that this system of dependence has been used extensively as a tool of control either to maintain Palestinian dependency on Israel anddeter resistance, or to recruit an extensive network of collaborators. Yet, the other implications of the emergence of such chains of intermediaries between Palestinians and the Israeli authorities have been overlooked.

This sponsorship system has also contributed to the cooptation of formal sponsors as 'regulating authorities'. They are held responsible for the behavior of the Palestinians they sponsor. They are also in a position to select a certain person at the expense of another. They can facilitate and accelerate the procedure, the length of the permit, the time it covers during a day, as well as the territory it may cover within Israel. This regulating role is not merely symbolic sincesponsors are the actors who are first addressed by Palestinians. It is not the Israeli Authorities that a Palestinian will practically approach to apply, but rather these sponsors, who will in turn transmit the application to the relevant administration.

Furthermore, this system of sponsorship has contributed to the co-opting of informal intermediaries whose number has increased between the 1990s and 2000s as a result of the degradation of the politicalsituation between Israelis and Palestinians. Since the outburst of the second Intifada, more intermediaries have been needed to ensure contacts between Palestinians workers and their Israeli employers.

In 2000 Israelis citizens wereformally forbidden by Israeli authorities to enter Palestinian autonomous areas in the West Bank and Gaza (see map on ppt.). Moreover, given the rising number of attacks many Israeli employers dread to enterthe occupied territories.Consequently, in order to recruit workers and to ensure their transportation to the working site Israeli employershave been compelled to rely on new intermediaries who can be eitherPalestinians holding Israeli citizenship or Palestinians living in the Occupied Territories. These go-betweens have helped to recruit the workers as well as to ensure theircoaching on Israeli working sites.

Moreover, informal go-betweens have been appointed by the Israeli authorities.Since the outburst of the second Intifada (2000) and the rupture of the security cooperation in 2002, the Israeli Coordination office in the Occupied Territory has ceased to work with the Palestinian

Coordination office. Between 1994and 2000Palestiniansneeding a permit could pass through the mediation of the Palestinian coordination office whowould transfer their application to the Israeli coordination office. Since the outbreak of the second Intifada, the Israeli coordination office has allowed parallel channels and bodies within the Palestinian National Authority, such as municipalities, ministry civil servants, governorates, chambers of commerce, etc.,to transfer permits applications

Finally, the complexity and the lack of transparency of the issuing procedure of permits fostered the intervention of 'bridge-persons' (literally, persons that make profit out of playing a role of go-between).For example: Palestinian attorneysare often involved in order to clarify the reasons why an applicant is systematically refused a permit, or simply to accelerate the delivery. Given the tightening of movement restrictions and the lack of mobility of Palestinians these attorneys have been increasingly compelled to rely on Israeli attorneys. Sometimes, Palestinians prefer to contact directly Israeli lawyers. Beside lawyers, many other people tend to intervene: from individuals trying to sell crucial information or contacts, to people that facilitate the waiting in lines at Israeli offices or check points….

III- MEDIATION AND THE INFORMAL ECONOMY

In other words, beyond the co-opting of an increasing number of formal and informal intermediaries into the functioning of the mobility regime, the system of sponsorship opens up new opportunities for a series of actors that have re-appropriated this permit regime to increase their power and profit.

As in many other instances in the world, the dependency of workers toward their sponsors opens the way to new articulations of power relations andpossibilities for exploitation. The way Israeli entrepreneurshave profited of this dependency of Palestinian workers within Israel proper and inside the Israeli settlements has been extensively documented and even denounced by both the academic literature and NGOs involved in the defense of human rights. But this impact should be studied further at other levels. For instance, little research has been conducted about the way this dependency has also affected power relations between churches, diplomatic agencies, NGOs and the Palestinian workers or staff they all recruit.

From an economic point of view some Israeli and Palestinian entrepreneurs have set up very profitable activities around the *informal trafficking of real permits*. Israeli entrepreneurs often apply for more permits than the number they actually need. They resort to such a strategy in order to counter the potential refusal of the Israeli authorities to allocate permits to a certain number of persons. The underlying logic is that it is better to ask for more than to have an insufficient number of workers on site. If an employerhas a surplus of permits, he can always use the additional ones to help former of future employees.

Yet, other employers have deployed another strategy in order to maximize their profits. Instead of applying for the 100 permits he needsan entrepreneur will apply for 200 for a period of 6 months to the Israeli Work Office. Once obtained, the additional permits will be sold at a higher price to Palestinian workers. In 2010, a permit which actually cost 1200 NIS (240€) to an entrepreneur per month could be sold up to 1800NIS (360€).The sale of 100 six-month-permits would thus represent a profit amounting to 360 000NIS (72 000€)! The Palestinian workers who would benefit from this sponsoring would be able to cross checkpoints "legally" and evolve in Israel more or less freely.Yet, they would have to find a job by themselves… "illegally".

Such a trade cannot occur without a complex and wide chain of informal intermediaries,sincepermits are only issued by the Israeli Authorities and applications need to refer to the exact details of the Palestinian worker (ID card number, magnet number, etc.)and involve workers that are not supposed to be rejected by the General Security Services.So, an Israeli entrepreneur involved in such an informal-formal trade needs to rely, on the Palestinian side, on a contact or a chain of contacts which he can trustenough in order to obtain such information and broaden the spectrum of his clients. Moreover, pursued on a large scale, as some have done, such a trade needs to involve consultants (accountants, lawyers, etc.) who could help to set up the business by issuing fake orders, contracts and bills, as well as byjustifying the profit generated by such an activity to the Israeli tax office. Some networks have actuallyinvolved high-ranking Israeli civil servants within the Israeli Ministry of Interior and the Civil Administration, to the point that they have been able, in certain years,to exceed the quotas of permits!

The development of these activities is such that there is indeed a parallel network of permit allocation between Israel and the Occupied Territory. In the southern West Bank people

would tell me that there are four main ways to obtain a permit: the official channel through an Israeli entrepreneur; a real permitobtained through a fake sponsorship (more expensive); a permit obtained through a Palestinian collaborating with the Israeli GSS; and a fake permit obtained through a falsifier.

Needless to say that the wealth and the power that can be obtained through thesenetworks push the people who master them to regulate the entry of outsiders.As a matter of fact, not everybody can access these networks of facilitators or of permit traffickers. The rules and limitations filtering the entryof people intosuch networks contribute to the building of new obstacles to movement.Since these obstacles affect levels of connections and interactions they cannot be defined as borders. Nevertheless, they render territorial or topographical borders more impermeable as, in order to obtain a permit that allows one to cross the territorial limits imposed by Israel, Palestinians first have to circumvent or pass through topological obstacles within these networks.

CONCLUSION

The study of the Israeli permit system,as seen from the point of viewof the formal and informal networks it generates,allows us a unique perspective on its functioning. First, going beyond the institutional definition of this control mechanism helps identifying the many actors that participate in it. These includeIsraelis and Palestinians actors, State and non State actors, local and internationals, formal and informal actors. Moreover, the network approach allows a better understanding of the economy of relations deployed within this power mechanism. It shows the way the Israeli State delegates its control toformal and informal intermediaries that have become, at different scales, new "regulating authorities" of Palestinian movement. It also highlights how this mechanism is diverted, by different actors, to achieveeconomic and political goals and the way their daily participation affects in turn the functioning of the whole mechanism of surveillance.

Furthermore, a network approachalso helps us to better apprehend how the individualization of control duplicatesor extends borders within reticular spaces. Since it favors the emergence of networks, within which connections are regulated, exchangedagainst specific payment, the permit regime has duplicated borders by creating new topological limits: each connection becomes a potential obstacle. These informal limits are not mere metaphors; they are very real and substantialfor Palestinians who need to obtain a permit. They come first, i.e. it is only

after having crossed these limits, that Palestinian can have a chance to cross territorial borders.

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