

# **Innovative Policymaking Resulting from Political Pressure from Three Non-Governmental Organizations: An Israeli Case Study**

**Yaffa Moskovich**

Department of Management  
Zefat Academic College  
Zefat, Israel

**Adi Binhas**

Department of Public Administration  
Beit Beril Academic College  
Kfar Saba, Israel

## **Innovative Policymaking Resulting from Political Pressure from Three Non-Governmental Organizations: An Israeli Case Study**

**Yaffa Moskovich and Adi Binhas**

### **ABSTRACT**

This article presents innovative policymaking by the Israeli government regarding illegal immigration as an outcome of the activity of non-governmental organizations (NGOs). Initially, government policy on this issue has been very conservative, yet poorly defined, aimed at preventing the entrance of illegal immigrants. By employing various sophisticated strategies, three NGOs exert pressure on the government to implement flexible, humanitarian policies more considerate of newcomers' needs. The article examines the influence and strategies of these NGOs, focusing on how this pressure is successfully exerted.

A combination of power and network theories was used to interpret innovative government policy as an outcome of NGO pressure. This qualitative case study included documents from court records and 25 interviews. Their analysis shows that NGOs use direct *hard power* strategies to challenge the government directly in the High Court and indirect *soft power* strategies to focus public opinion on the plight of the immigrants. These strategies are effective in persuading the government to adopt more innovative policies toward the newcomers. We can apply the lesson from this case study to other government policymaking. Where policies are poorly defined and potentially embarrassing, NGOs can successfully assert pressure on the government to take innovative action. This is particularly true if a number of NGOs work collaboratively on the issue.

**Keywords:** NGOs, innovative policymaking, immigration, legal arena, political strategy

### **Introduction**

Recently, Israel has had to deal with massive immigration problems. Since 2007, more than sixty thousand illegal immigrants, from undeveloped countries in the throes of civil war (mainly from the Sudan and Eritrea), have arrived in Israel. These illegal immigrants, have become a burning political issue in south Tel Aviv, where they tend to reside (Immigration and Population Authority, 2013).

In Israel there are about seventy thousand *legal* foreign workers, employed in healthcare services, agriculture, construction, and other jobs; whose work contracts grant them legal, albeit temporary, status. The *illegal* immigrants want to be recognized as refugees, entitling them to work; because as illegal immigrants, they are granted temporary protection, but not the right to work. (Immigration and Population Authority, 2013).

#### ***Immigration policy in Israel***

The history of immigration to Israel has been radically different from that of other countries. Until fairly recently, the State of Israel had no experience with illegal immigration

as seen in Europe or the United States; its focus had been on absorbing Jewish newcomers, who had been encouraged to immigrate.<sup>1</sup>

As a result, no clear policy had been formulated for foreign migrants, who were considered foreign workers. There still exists a lacuna in the immigration laws (Zabar, 2008). The first serious problem stemming from this lack of legal clarity occurred after the 1967 Six-Day War, when thousands of Palestinian workers started to come from the West Bank and the Gaza Strip to work in Israel (Semyonov and Lerental, 2005).

Analysis of subsequent governmental policy reveals embarrassing failures in policymaking and implementation. Contradictions among ministries, together with lack of coordination, lack of planning, or lack of foresight by the government, impeded the enforcement of regulations that do exist. Although the phenomenon of foreign migration has been growing, the country has not weighed the long-term implications of hiring massive numbers of migrants, nor has it considered the need to protect their rights as workers (Natan, 2009; Nissenkorn, 2002; Semyonov and Lerental, 2005). Israeli governmental policy is ambiguous. On the one hand, Israel needs inexpensive labor for construction, agriculture, and medical care, but on the other hand, the government tries to restrain the numbers of foreign workers in order to maintain Israel's character as a Jewish state.

This contradiction has led to the growth of non-government organizations (NGOs) dedicated to protecting the human rights of legal and illegal migrants, as well as refugees. These organizations want local legislation to be amended to reflect the international human rights laws that Israel is obliged to uphold. This study examines the effect of these NGOs on governmental policymaking, focusing on the question of whether the pressure they exert persuades the Israeli government to adopt more innovative policymaking in regard to immigration issues.

### ***Policy making in the public sector***

Public policy has been defined as the capability to shape the behavior of official actors, governmental agencies, legislatures, and clients (Anderson, 2006). From among the many theories of policymaking, the political and network theory is probably the most relevant and most readily applicable to this case study. It describes the complicated relationships among the social actors as a combination of pressure, collaboration, and negotiation among NGOs and governmental agencies.

The political policymaking process is a dynamic interaction between demands supported by the public and the response of the political system through decision-making and legislation (Anderson, 2006; Nachmias et al, 2011). The networking approach can explain the connections among organizations inside and outside the government and can also account for the influence of these connections in determining public policy. The political network is

---

<sup>1</sup>The case of the African Hebrew Israelite Nation of Jerusalem was a minor, although notable, exception. A very small initial group was given temporary permission to stay in 1970. When the group grew much larger, most of the members were declared illegal immigrants and were deported. Some remained in Israel and were granted permanent resident status. See: Aharonovich, Ester. 2009. The Terrible Secrets of the African Hebrew Israelite Nation of Jerusalem in Dimona, *Haaretz*, July 31.

established through meetings including public officials, interest groups, NGOs, economic organizations, and other interested members of the public. Each political issue creates an interaction among the actors that reflects the power of each participant in policy making (Alitolppa-Niitamo, 2004; Caselli, 2010; Engbersen and van der Leun, 2001; Guarnizo et al, 1999; Guarnizo et al, 2003; Hamer et al, 2010).

### ***Innovative policymaking procedure***

Most researchers agree on three main stages in policymaking: formation or design, implementation, and evaluation (Anderson, 2006; Dunn, 2008; Dye, 2013; Nachmias et al, 2011). Innovative policy is defined as a process of constant change through review, evaluation, and amendment through legislation and followed by administrative rule making (Crow, 2007; Glick and Hays, 1991). Almost all researchers emphasize the role of new legislation to implement new policies (Bressers and Rosenbaum, 2000; Crow, 2007; Glick and Hays, 1991; Gates and Hill, 1995; Stone, 2000). A typical example was the legislation in the United States, during the 1990s, of environmental policies for the preservation of green spaces (Bressers and Rosenbaum, 2000).

Innovative governmental policy can be more responsive to environmental demands through the improvement of products and services (Crow, 2007), but can also bow to political pressure, as in the case of changes in Norwegian policy, leading to improved teaching and learning between 1990 and 2000 (Stensaker, 2006). Governments may be influenced by the pressure and advocacy of NGOs, leading to constant social learning (Gates and Hill, 1995; Stone, 2000).

Policymaking about immigration is fraught with problems that need innovative approaches for their resolution. *Innovative* approaches entail analyzing current policies as unsatisfactory, looking for alternatives, and improving complex realities (Jandl, 2007). Unanticipated problems call for creative policymaking as in the case of illegal immigration in Italy, where reform of immigration laws was driven by NGOs (Zincone, 2006). Similarly, Israel experienced a housing crisis stemming from the massive legal Russian immigration in the 1990s, to which the Israeli Ministry of Construction and Housing responded with innovative policies for rapid housing solutions (Benshitrit and Czamanski, 2009). Here too, the NGOs were the catalysts of the innovative policy changes.

Changes in governmental policy have also stemmed from recent failures in social integration policies in France and Britain. These countries have responded with more permissive and proactive policies, accepting multiculturalism by legislating new immigration laws that have been championed by civil rights movements (Schain, 2010).

### ***Political and network strategies of immigrant organizations dealing with governmental agencies***

Non-governmental organizations that act for illegal immigrants operate in a hostile environment. These associations are involved in a struggle on behalf of the newcomers against large numbers of citizens, various interest groups, and governmental authorities, all of whom are dissatisfied with the large number of undocumented foreigners. The organizations aim to overcome this resistance through political activity, whether by collaboration, competition, or confrontation (Pfeffer, 1981; Samuel, 2005).

*The legal arena.* Most of these NGOs deal with the issue of the newcomers' legal status. Restrictive immigration policies in the United States, France, and Italy have led advocate groups in each country to engage in legal battles against the authorities (Chavez, 2002; Gutierrez, 1995; Kimmerling, 1995). A good example is the fight against anti-immigration legislation in some southern U.S. states (Winders, 2011). To a great extent, these NGOs have succeeded in enlisting external supporters to aid in their legal disputes. As a result, a coalition of social workers, church groups, and radical students form a loose network of locally-based immigrant-defense coalitions. In all three countries, mobilization of socio-political allies in legal battles has been one form of active socio-political solidarity, which has played a primarily supportive role within immigrant-rights movements (Caselli, 2010; Kavar, 2011).

*Network coalitions among non-governmental organizations for the benefit of immigrants.* The creation of network coalitions is a political strategy for enlisting support from various sources. Organizational partners can be benefit by sharing resources. Even more important is what organizations can learn from their partners (Samuel, 2005). Coalitions among NGOs are characterized by collaboration on matters of mutual interest, particularly while experiencing conflict with other coalitions (Kimmerling, 1995; Yishai, 2008). Networks among immigration organizations can also provide contacts with policymakers, help newcomers take their first steps of the integration process, and influence immigrants' decisions about residence over time (Alitolppa-Niitamo, 2004; Caselli, 2010; Engbersen and van der Leun, 2001; Guarnizo et al, 1999; Guarnizo et al, 2003; Hamer and Mazzucato, 2010; Massey, 2001; Mazzucato, 2005).

## **Method**

Three NGOs were examined: The Worker's Hotline (WH), the Association for Civil Rights in Israel (ACRI) and the Hotline for Migrant Workers (HMW). Qualitative methodology with document analysis and interviews was used. In document analysis, researchers establish several criteria for direct analysis in order to minimize their subjectivity, since the researcher was the instrument. Consistent rules were established for analyzing the documents. The data were dealt with on two levels. The first was analyzing the data gathered in the field and the second was the interpretation by the researchers. The final step involved relating the interpretations to existing theories, or modifying the theories (Zabar Ben-Yehoshua, 1999).

The following documents were analyzed: publications of human rights and citizens' associations, material from organization sites, petitions to the High Court, and articles about immigration policy in Israel. In addition, there were 25 interviews with fifteen paid staff workers and ten volunteers, each lasting about an hour. Finally, there were interviews with senior workers and managers of the NGOs, lasting about two hours. Some interviews were ethnographic, and some were supplemented with semi-structured questionnaires. (Janesick, 2000).

Interviews were conducted with key public officials (the spokesperson and the legal advisor of Immigration and Population Authority of the Ministry of the Interior) as well as leaders of the NGOs, many of whom had established the organizations. This included the original general manager of the WH, the current general manager, and its lawyer. At ACRI, the following participants were interviewed: the present general manager, the lawyer, the previous hotline manager (from 2004 to 2013), the manager for government relations, and the

manager responsible for combating human trafficking. Another key interviewee at ACRI was the lawyer, who had worked there for over ten years. His expertise is dealing with the Foreign Relations Committee of the Israeli Parliament and with the Ministry of the Interior. He also handles petitions to the High Court. Many of these interviews produced informal information, not available in protocols or on the organizations' web sites, which facilitated the analysis of the cultural and behavioural features in the associations studied.

Conclusions were drawn by using both inductive and deductive methods. The research started as fieldwork; consisting of interviews, analysis of content, and on-site observations. The categories that grew from the preliminary analysis served to direct the researchers in their additional round of data collection, as is customarily done (Glaser and Strauss, 1967; Strauss and Corbin, 1990). Categorizing the data facilitated its interpretation and building a narrative about coalition features of immigrant organizations. As a gradual process of abstraction, the analysis also made it possible, in the final stages of the process, to link the narrative to theories of immigration.

## **Findings**

### ***Activities of the three non-governmental organizations***

The Worker's Hotline (WH), established in 1991, is a non-profit organization that has aimed to protect the rights of workers in Israel. Its vision is to comply fully and faithfully with international conventions and their implementation. In addition, it attempts to obtain social and economic rights, as well as legal residence status, for migrants and asylum seekers in Israel so that they can enjoy independence and dignity. The organization helps non-unionized Israeli workers, Palestinian workers, other foreign migrant workers, and refugees obtain rights as legal workers. The association also works to change legislation and raise awareness. According to the organization's website, it operates three branches in Israel (Tel Aviv, Haifa, and Jerusalem) and two branches in the Palestinian Authority (Qalqilya and Jericho).

The Association for Civil Rights in Israel (ACRI) has worked since its inception in 1972 to "ensure Israel's accountability and respect for human rights, by addressing violations committed by the Israeli authorities in Israel, the Occupied Territories, or elsewhere" (from the organization's website). The organization deals with the full range of human rights: freedom of speech, the right to health care, protection of human rights in the occupied territories, freedom of worship, the right to full civil equality, the protection of privacy on the Internet, and more. Its vision is to help people maintain their rights in any country, at any time, where civil initiative is needed; from releasing people from the effects of harmful authority to uncompromisingly preserving human rights. According to ACRI, Israel needs these rights enforced, given the absence of a written constitution. The organization recognizes that economic interests and security concerns frequently take precedence over human rights, causing many individuals and groups in Israel to be denied full and equal rights, and thus suffer from sustained institutionalized discrimination (from the association's website).

The Hotline for Migrant Workers (HMW) is a nonprofit and non-partisan organization. It was founded in 1998 as a grass-roots response to a series of articles published in the Tel Aviv weekly *The City* dealing with the exploitation of migrant workers. The organization aims to protect and promote the rights of migrant workers, refugees, and other foreigners residing in the Jewish state. In particular, it also attempts to combat human trafficking in Israel. The

organization's website states: "We are committed to the eradication of exploitation of migrants, to the assurance they receive the correct measure of respect and fairness, and to the formulation of government policies that will ensure this. We seek to serve as the mouthpiece for those who are not heard in the public sphere and to build a just Israeli society, egalitarian and democratic" (from the association's website).

### ***How the organizations influence implementation of innovative policy***

The three organizations try to raise public awareness and thereby put pressure on the government using *hard power*<sup>2</sup> and *soft power* strategies (Steinberg, 2011). *Hard power* strategies can be identified as the overt confrontation with governmental authorities; in this case study, they were expressed as legal appeals or threats to petition the High Court. *Soft power* strategies can be defined as political activity behind the scenes: meeting with members of the Israeli parliament (the Knesset), or with officials of governmental authorities. NGOs may also report employee exploitation to the authorities. The organizations may take these actions alone or create coalitions with other NGOs. The *soft power* strategy can also be employed by a third party that attempts to mediate between the NGOs and the government; this may be the media or a foreign government. The effects of these strategies are intended to be cumulative, with the aim of achieving the desired government response.

### ***Hard power (direct) strategies: legal tools***

If the NGOs are unsuccessful in negotiating with the Ministry of the Interior, they will petition the Supreme Court (sitting as the High Court of Justice). Three examples illustrate their success in forcing the government to be more innovative.

*The case of "From Gedera to Hadera."* In February 2008, the Immigration and Population Authority issued a regulation prohibiting foreign workers from residing between Hadera (a city north of Tel Aviv) and Gedera (a city south of Tel Aviv). Officials of the Immigration and Population Authority were expected to complain to the Tel Aviv municipality about the presence of foreign residents. This regulation followed the release of thousands of illegal immigrants who had been held in detention. Upon release, most of them moved to south Tel Aviv. On July 20, 2009, immigration organizations petitioned the Supreme Court to cancel the regulation (Petition against the Ministry of the Interior). They claimed that it impinged on the right to move about freely in Israel, was degrading, and prevented access to various essential services available to migrants that existed only in the center of the country. After the appeal, the NGOs turned to the media for publicity. Public pressure on the minister of the interior led to his cancelling the regulation ten days after the petition was filed with the High Court, even before it was heard (on July 30, 2009). This case illustrates the adoption of an innovative policy which cancelled a discriminatory regulation.

*The case of pregnant foreign workers.* The official policy of the Ministry of the Interior was that if a foreign worker holding Israeli authorization becomes pregnant and for some reason loses her job, she may apply for a work license and will be allowed to remain for 90 days after giving birth. During this 90-day period, the woman can leave Israel and return in order to work, but without her baby. In 2005, WH and ACRI appealed to the High Court,

---

<sup>2</sup>The term "hard power" was borrowed from Hans Morgenthau, who used it to describe the legal power of a state. See: Morgenthau, Hans. 1946. *Scientific Man Versus Power Politics*. Chicago, IL: Chicago University Press.

claiming that denying women the right to return with their babies was a violation of human rights (High Court Order/11437/ 05). On April 22, 2007, the High Court ordered the Ministry of the Interior to explain why it had not rescinded this regulation. On April 13, 2011, the court ruled that the order was a violation of the rights of foreigners. The regulation also contradicted the International Manifesto on Foreign Workers, which the Ministry of the Interior had signed. On February 22, 2012, the Ministry of the Interior issued a revised order, permitting mothers to leave the country and return with their babies, or to continue to stay in Israel (order number 5.2.0023, Immigration and Population Authority). This case illustrates the adoption of an innovative policy which created a new regulation based on sensitivity to previous Israeli regulations and to international human rights.

*The case of stopping illegal immigrants.* In 1954, a law was enacted to stop the *fedayeen* terrorists, infiltrating from Egypt, who attacked settlements in the south of the country. The law lay dormant until 2007, when Sudanese and Eritrean migrants started crossing the Egyptian border into Israel. Currently the number of these illegal immigrants stands at 50,000, presenting an enormous problem to the government, because they cannot be forcibly repatriated. In 2012, Israel passed an amendment to the Prevention of Infiltration Act, which stated that an illegal immigrant could be detained in prison for three years without trial (Temporary Order 2011).

In October 2012, the NGOs petitioned the High Court to repeal the temporary order (Prevention of Infiltration, ACRI, January 10, 2012). They claimed that both Israeli and international law forbade the arrest of migrants who were not going to be deported. They asserted that administrative detention of asylum seekers might harm the health of those already traumatized by the hardships of the journey, and was therefore inappropriate and contradicted the Israeli Basic Law of Human Dignity and Liberty. (From the website of the Association for Human Rights, "Repeal the infiltration law" December 3, 2013). In March 2013, the High Court, after due consideration, ruled that the temporary order was illegal and should be canceled. The government has since enacted a new law, requiring illegal immigrants to stay in an open facility (bypassing the terminology of "prison") and to report in three times a day. Supplying them with all their needs on-site presumably obviates any reason for them to travel to the center of the country. This was a big achievement for the NGOs, and it demonstrates the innovative approach that was forced on the Israeli government, although the implementation of the court order by government authorities was only partial (ACRI, 2013). Once again, a new policy replaced a discriminatory regulation.

The three examples demonstrate the dynamics of innovative policy in regard to migration. The initial attitude of the Israeli authority was strict and conservative; it tried to close the border, to preserve the Jewish identity of the state, and to deport the migrants. The aggressive and confrontational attitude of the NGOs, together with the intervention of the High Court, compelled the authorities to adopt a more flexible and humanitarian approach.

### ***Soft power (indirect) strategies***

*NGO collaboration with officials, policy makers and Knesset (Israeli parliament) members.* Collaboration is an effective strategy that helps solve problems and makes the authorities more attentive to migrant needs, as an ACRI lawyer stated in an interview. "We meet once or twice a year with the head of the Immigration Authority and raise different issues for consideration; if we can resolve them, there is no need to petition the High Court. Sometimes we raise issues that are important to us and when I understand the problem, I

decide whether or not to proceed with a petition. Only if it seems important to me will I go to court.”

These non-governmental organizations cooperate with members of Knesset (parliament), officials in various ministries, and representatives of other organizations. They hold meetings on various issues, and representatives of the organizations are often invited to workshops and lectures that take place in different ministries, and there is a transfer of information between the government and the organizations. However, on a conceptual level, the organizations and the state are adversaries. On the question of the quality of the relationship between the organization and the government, an interviewee replied, "The government will overtly argue that NGOs are beneficial, but covertly they think we damage the country and they do not understand the values that drive us." The WH lawyer said, "We can say that both sides are mission driven, since a lawyer in the private sector can earn more than in a government office or NGO. Similarly, in the governmental bodies there is also a sense of mission and ideology, because state employment is not as financially rewarding as in the private sector." The organizations are perceived by the public and by the state as protecting human and civil rights, whereas the state is seen as protecting the national interest.

Most interviewees said that government procedures made working with the authorities extremely difficult. "Bureaucracy is the ideology of the government; the state is a body that is overburdened and inefficient, with a shortage of manpower and a lack of standardization, which prevents policies from being implemented, this being consistent with the lack of public policies in the field of immigration." Another interviewee said about the relationship with the government, "We work in a complex environment, with both cooperation and conflict. We try to attend, to influence policy, but if we do not succeed, we appeal to the High Court and the decision makers know this." The representatives of authorities are aware of the ability of the NGOs to lodge appeals, and this knowledge makes the officials more flexible and open to NGO demands.

Representatives of the three organizations meet with Knesset members; participate in Knesset committee meetings; present policy reports, professional opinions and position papers for policymakers; take part in informal policymaking processes; and conduct surveillance on bills that might infringe human rights. HMW described the process of promoting their policies in the Knesset, including participation in Knesset discussions, but noted the complexities of the interactions in both collaborative and adversarial terms. The HMW lawyer stated, "We try to influence the discussions, but do not always succeed."

With regard to working with the Knesset and the ministerial authorities, a WH employee made a similar point. "Over the years, the organization has become more professional, and government bodies have made use of our expertise; if they wish to advance some new regulation they might send it to us for review. At the same time we can attack them on a different topic – that's the nature of the relationship." She noted that the association also receives a small subsidy from the Ministry of Finance (as do the other two NGOs), which constitutes 10% of the organization's budget, but the state does not set any preconditions for its use. The ACRI lawyer said, "As human rights organizations, we indicate what is wrong, but this is not all we do. As a body that works with the public, we also must find solutions to a given situation."

This strategy is based on informal relationships and personal acquaintances among legislators, officials, and representatives of non-governmental organizations. Close relationships help to maintain functional working arrangements, which in turn facilitate early agreements. In the process, a conducive atmosphere is created for innovative policies that are flexible and focused on migrants' needs.

*NGO monitoring of offending companies.* When the NGOs receive complaints of unfair practices, they can inform governmental authorities and often generate improvement. The director of WH said. "Anything that succeeds without having to go to court is a tremendous achievement. I look for ways to scare employers so that employees do not need the court or us. With regard to security companies (often exploitative employers), we found that there is a department in the Ministry of Justice that accredits them as businesses. Among the criteria for cancellation of the license is 'unfair practices.' We collected complaints against a particular security firm regarding its terms of employment, and sent them to the department responsible for issuing permits. We presented these complaints as examples of unfair practices. The department acknowledged the correctness of our stance and decided to review their agreement with the companies annually. Our application generated a dynamic of reviewing and settling workers' rights without going to court." He added, "The security companies were also ordered by the authorities to improve the conditions of workers, such as paying pensions, and asked us for recommendations for the betterment of workers." This is a good example of innovation by the Israeli government, which heeded NGO complaints. The government has an effective weapon: it can cancel security companies' licenses if they do not comply. The outcome of this NGO pressure on Israeli authorities has been the improvement in working conditions.

*NGO use of mass media for public support.* NGOs rely on raising public awareness in order to exert pressure on the government. One WH worker said that people do not see the wrongs done to the migrant populations in everyday life, but human rights organizations see what is happening in reality and they bring it to public notice.

One HW worker noted that the NGOs work with the authorities and with the public through the media, and gave an example of how contacting the authorities can develop into a media story about the problems of foreigners. She noted that their major strategy was to contact the media and create transparency. They use the media to relate the individual narratives and thus raise awareness, creating solidarity with the workers while shaming and frightening the offending employers. The organizations write reports, copies of which are sent to the media, describing personal stories. Many of the subjects of these reports are subsequently interviewed by the media. Thus, the strategies of public action and influencing public opinion complement the work with the institutions.

According to a spokesperson for the Immigration and Population Authority, the activities of non-governmental organizations can influence immigration policy when the media are involved. When a policy is on the public agenda, organizations highlight the issues through the media, often leading to policy changes. For example, increased media criticism of the entry of immigration inspectors into schools, churches, and hospitals led to a decision to reverse this policy. Similarly, when the organizations demonstrated the existence of a system of weekly quota of arrests of illegal immigrant families, there was increased criticism in the media. Issues arise through the media come to the attention of the Attorney General. The media shape public opinion, and information published internationally can tarnish the image

of the government by exposing policies that disregard international law. The government tries to avoid this embarrassment by adopting a more sensitive attitude toward foreigner workers.

*Appeal to foreign authorities.* The Law of Prohibition of Trafficking in People exists in Israel, but is not enforced. WH appealed to the U.S. government about this lack of enforcement. The WH founder told us, "When we encountered insensitivity and indifference on the part of the authorities, we publicized the information abroad. Since the U.S. showed interest, the embassy political attaché came to us, intervened on our behalf and even donated money" (Hana Zohar, interviewed by Adi Binhas, March 13, 2013).

With the U.S. embassy involved, the authorities have begun to arrest some of the operators of prostitution-trafficking networks. *HaAretz* newspaper of February 12, 2009 reported that after the enforcement of the law, WH received a medal of honor from the Israeli president for promoting the protection of victims of human trafficking, for the organization's efficiency in identifying these offenses, and for bringing cases to the attention of the law. This is a good example of how the WH puts pressure on Israeli authorities to enforce the law, even to the extent of disparaging their country, thereby earning the animosity of the Israeli public.

*Collaboration between NGOs.* Interviews revealed that cooperation is a key strategy. WH collaborates with organizations in Israel and abroad, and with affiliated forums. The Refugee Rights Forum, consisting of eight organizations, works for the enforcement of community rights and cooperates with trade unions in the Palestinian Authority, as well as with non-governmental organizations in the migrants' countries of origin. The HMW cooperates with associations and organizations that care for refugees and are members of the Refugee Rights Forum. ACRI is a member of a number of coalitions. Interviewees from all three organizations stressed the importance of collaboration. As one WH worker stated, "You cannot advance things without cooperation." The ACRI lawyer said, "One of our operational strategies is thematic coalitions, and the Refugee Rights Forum is the most successful of these. There are no power struggles and intrigues, so this is a coalition that works well."

A HMW worker noted that collaboration could take many forms. "We organize joint events, such as International Migrant Day, Refugee Day, and International Human Rights Day. Representatives of the organizations meet, formulate shared mission statements, and set up shared objectives for the forum, although each organization has its own established agenda. HMW deals with the regulation of the status of foreigners, Physicians for Human Rights deal with health care services for them, and WH takes care of their rights as workers." In another interview, a WH employee said, "There is collaboration in specific areas, such as the 2011 campaign to recognize illegal children, in which several organizations collaborated." The ACRI lawyer added that in recent years, as a forum, the organizations had put together a number of documents containing recommendations and principles for changes in policy. Those documents are delivered to the Ministry of Labor with the expectation that the ministry officials will implement the recommendations.

Coalitions among NGOs typically present a united front to the government, which eventually capitulates. Almost all interviewees spoke of cooperation with other NGOs. "You cannot get things done without collaboration." Another interviewee said, "Collaboration is not always easy, because there are matters of reputation, but in time we can learn to neutralize differences and work together. Usually collaborations unite two or three organizations on a particular topic."

A well-organized coalition among NGOs is an efficient tool for achieving a change in government policy. The members of the NGOs share mutual interests and ideology; although they belong to different organizations, they understand that unity is power. The NGOs are made up of well-educated people, with knowledge of jurisprudence, committed to defend the migrants. As noted, the NGOs employ various strategies. The *soft power* strategies get attention from the officials, because they understand the implicit threat: enforcement through petition to the High Court.

**Table 1: Summary of NGO Direct and Indirect Strategies**

Strategy	Hard power (direct)/ Soft power (indirect) strategy	Explained by theory: political model/ network approach	Effect of innovative governmental policy
Petition High Court	Hard power (direct)	Political model	Deportations halted; new orders legislated; humanitarian regulations enforced
Threat to petition High Court	Hard power (direct)	Political model	As above
Using mass media	Soft power (Indirect)	Political model + network approach	Political support recruited through political pressure
Appeal to foreign governments	Soft power (indirect)	Political model	Israeli authorities monitored and international laws enforced
Forming coalitions with other NGOs	Soft power (indirect)	Network approach	Information shared, united front against government, resources saved
Complaints to Israeli authorities about exploitative companies	Soft power (indirect)	Network approach	Work rules enforced
Negotiating and meeting with officials and Knesset members	Soft power(indirect)	Network approach	Mutual agreements reached, consultation, humanitarian laws advanced

## Discussion

Immigrant policy formation in Israel is relatively new and inexact. Because it differentiates between Jewish and foreign immigration, the government takes a conservative and discriminatory approach towards foreigner workers (Natan, 2009; Nissenkorn, 2002; Semyonov and Lerental, 2009). Yet, the lack of clarity in the legislation and regulations allows non-governmental organizations to induce the adoption of innovative government policies.

The political approach (Anderson, 2006; Nachmias and Arbel-Ganz, 2006) is relevant to understanding public policy regarding immigration in Israel. Non-governmental organizations put pressure on governmental policy by using controversial and coercive strategies. NGOs know how to appeal to the High Court effectively to force the creation of innovative policy that is more attuned to migrants' and refugees' needs. The High Court has become a threat to the government. As a result, officials that were previously unwilling to change policies are persuaded to innovate, faced with the threat of an embarrassing High Court ruling. This is a good example of how policy is made *bottom up* – from NGOs to the formation of governmental policy. Street level bureaucracy (Lipsky, 1980) also shapes policy; improper activity of the Immigration and Population Authority attracts the animosity of NGOs, which publicize negative evaluations and publicly criticize human rights violations (Nachmias, et al., 2011). Network relations among the non-governmental organizations reviewed in this paper can be described in terms of mutual dependence, resulting from a shared interest in protecting weak sectors of the Israeli population, especially migrants (Clegg, et al, 2006; Kimmerling, 1995; Klijn and Koppenjan, 2000; Mintzberg, 1981; Pfeffer, 1981; Pfeffer and Salancik, 1978; Samuel, 2005). Since the organizations suffer from lack of resources, they must join forces in their struggle against the government and a hostile society. The relationship between the organizations and government bureaucracy is complicated, as it encompasses collaboration, competition, and even confrontation. Overtly, government and non-governmental organizations appear to act together, and the government partly funds their activities. However, the government covertly considers them a burden, whose activities should be limited, if not stopped altogether, for the benefit of the body politic (Lukes, 1974).

The network approach facilitates the ability of non-governmental organizations to work simultaneously on several levels. With a united front, they can better fight government authorities in court, but at the same time they advantageously cooperate with government representatives and members of the Knesset (Caselli, 2010; Chavez, 2002; Gutierrez, 1995; Kavar, 2011; Kimmerling, 1995; Klijn and Koppenjan, 2000; Winders, 2011). Together, the NGOs try to *prevent* policy that is hostile to the newcomers by threatening to petition the High Court on one hand, and to create relationships with legislators on the other hand, which enables NGOs to influence policy before its implementation (Howlett and Ramesh, 2003). All these factors bring about more innovative government policies.

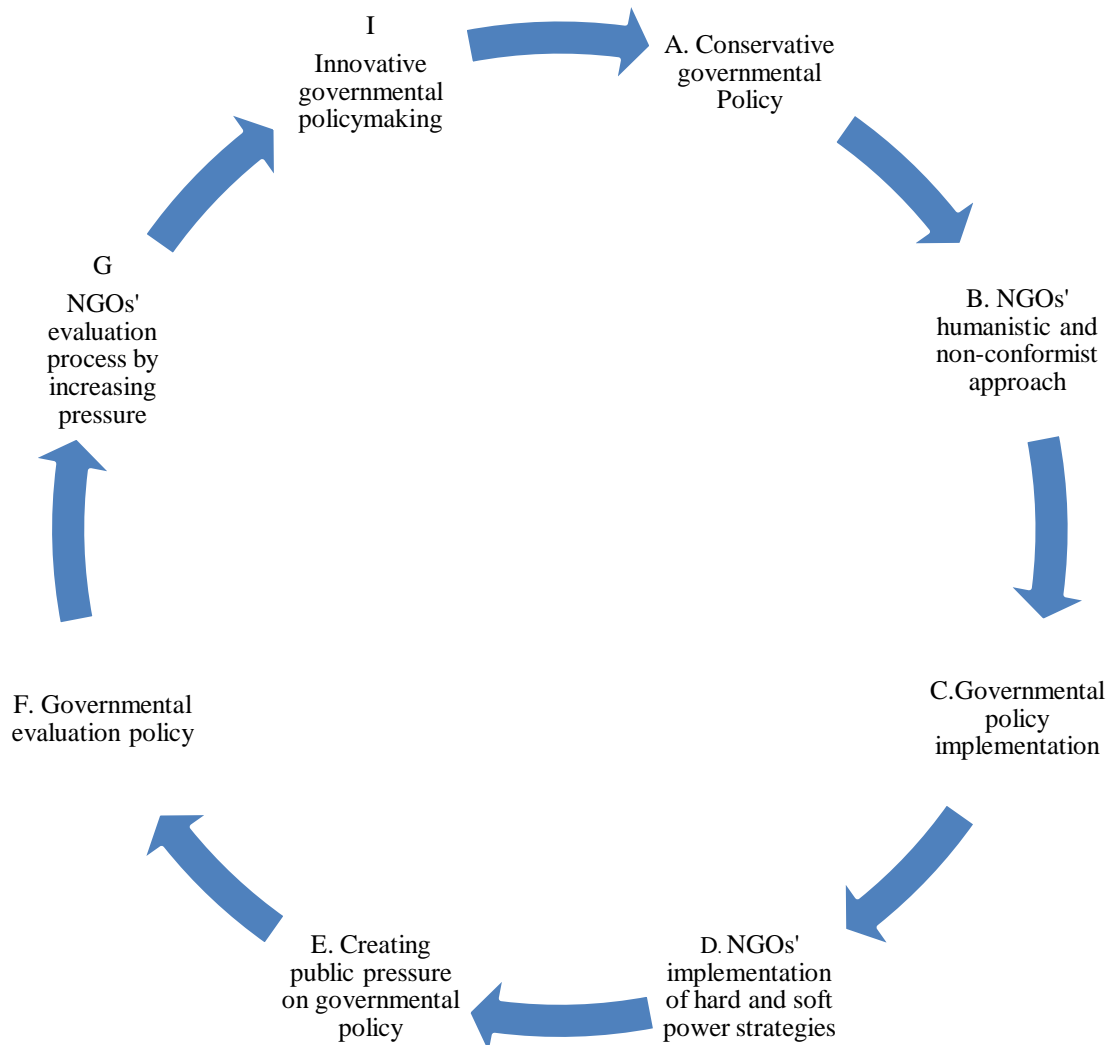
In terms of the political model, NGOs know how to use power in the public arena. The government tries to ignore court orders and international laws, but the NGOs are more proficient and committed to migration issues than the authorities. By exerting increasingly powerful pressure, they eventually cause the government to abandon its conservative approach and embark on innovative policies (Anderson, 2006).

Innovative policy is held to have the following features: evaluation of current policy, flexibility, creativity, legislation of new laws and regulations, openness to environmental demands and change, and permissive and pro-active state conduct (Benshitrit and Czamanski, 2009; Bressers and Rosenbaum, 2000; Crow, 2007; Gates and Hill, 1995; Jandl, 2007; Schain, 2010; Stensaker, 2006; Stone, 2000; Zincone, 2006). All of these features are found in this case study, where the innovation resulted from NGO pressure and High Court orders rather than emanating from the Israeli authorities. Non-governmental organizations are extremely sophisticated in Israel, as they are in many other parts of the world, using diverse strategies to force the government to adopt innovative policies (Gates and Hill, 1995; Schain, 2010; Stone, 2000).

This case study demonstrates the extremely persuasive nature of Israeli NGOs, given the deeply conservative position of the Ministry of the Interior. Non-governmental organizations in other parts of the world usually employ soft power (Steinberg, 2011), but this case study illustrates the role of *hard power* as it is used to convince the government to adopt innovative immigration policies. The power of Israeli NGOs regarding immigration comes from the legal arena (hard power, direct strategies). This, in turn, empowers *soft power* strategies and makes the Israeli government more attentive, responsive, and sensitive to immigrants' and refugees' needs. The lesson of this case study can be applied to other government policy making. When governmental policy is unclear and execution of that policy is inconsistent, NGOs may be able to exert successful pressure on the government to implement innovative policymaking.

Innovation policy is presented in the following flow chart.

**Figure 1: The Political Process of Innovative Governmental Policymaking Regarding Immigration in Israel**



## Conclusions

Three conclusions can be drawn from this study. First, it can be said that government policy on illegal migrants in Israel is not well delineated and is only at the formative stage, which allows NGOs to exploit the lack of clarity to further their own agendas. Second, this case study can be explained in terms of two theories: the political model and network theory. The political model can account for the cohesive power relation between the Israeli government and the NGOs. Network theory describes the complicated relationship between NGOs and Israeli government based on brokering and negotiations facilitated by collaboration. Third, the NGOs coalition on migration is very professional and effective, being connected to international immigrant organizations, and exerts pressure through *hard power* and *soft power* strategies. All these factors contribute in persuading the Israeli government to adopt immigration policies that are more innovative, more flexible, and more sensitive to newcomers' needs.

## About the Authors:

**Yaffa Moskovich**, Ph.D., earned her doctorate at Bar Ilan University, Israel. She has worked in the School of Management, Zefat Academic College in Zefat, Israel since 2002. Currently, she is a senior lecturer and heads the Department of Behavioral Sciences at Zefat Academic College. Her expertise is in the field of political and organizational sociology. She is the author of a book about the Israeli Likud Party, *Disunity in Unity: Power Struggles inside the Likud Party from 1972–2002*, and of various articles. Her work involves organizational change, leadership in political parties, unions, NGOs, and multi-cultural group relationships. Dr. Moskovich is currently researching leadership in a kibbutz factory and group relations between Arab students and Jews in northern colleges in Israel. Dr. Moskovich can be reached at: [Mosko777@gmail.com](mailto:Mosko777@gmail.com).

**Adi Binhas**, Ph.D., earned her doctorate in political science at Bar Ilan University, Israel. She has worked in the School of Public Administration, Beit Beril Academic College in Kfar Saba, Israel since 2004. She currently heads the Department of Public Policy, the Department of Organizational Development, and the Department of Conflict Resolution in Bet Beril College. Her expertise deals with the effects of NGOs on public policy. Dr. Binhas' recent research has focused on NGOs, issues of immigration, and human rights. Dr. Binhas can be reached: [adibinhs@gmail.com](mailto:adibinhs@gmail.com)

## References

- Alitolppa-Niitamo, Anne. 2004. Somali Youth in the Context of Schooling in Metropolitan Helsinki: A Framework for Assessing Variability in Educational Performance. *Journal of Ethnic and Migration Studies*, 30(1): 81–106.
- Anderson, James E. 2006. *Public Policy Making*. Washington, D. C.: Library of Congress.
- Association for Civil Rights in Israel (ACRI). 2013. "Irgunei Zchuot Adam: R'shut HaOchlusin v'HaHagira M'vazeh et P'sak HaDin Sh'betel et Chok HaHistananut" [Human Rights Organizations: The Immigration and Migration Authority Scorn the Court Decision that Cancelled the Infiltration Law]. Accessed June 15, 2014 at <http://www.acri.org.il/he/28714>.

- Benshitrit, Gilat and Daniel Czamanski. 2009. Immigration and Home Ownership: Government Subsidies and Wealth Distribution Effects in Israel. *Housing, Theory and Society*. 26(3): 210–230.
- Bressers, Hans and Walter A. Rosenbaum. 2000. Innovation, Learning and Environmental Policy: Overcoming a Plague of Uncertainty. *Policy Study Journal*, 28(3): 523-539.
- Caselli, Marco. 2010. Integration, Participation, Identity: Immigrant Associations in the Province of Milan. *International Migration*, 48(2): 58-78.
- Chavez, Cesar. 2002. *Mi Raza Primero! Nationalism, Identity, and Insurgency in the Chicano Movement in Los Angeles, 1966–1978*. Berkeley, CA: University of California Press.
- Clegg, Stewart R., David Courpasson, and Nelson Philips. 2006. *Power and Organizations*. London, UK: Sage.
- Crow, Robert. 2007. Educational and Immigration Aspects of Innovation. *Canada-United States Law Journal*, 32(1): 165-192.
- Dunn, William N. 2008. *Public Policy Analysis*. Washington, D. C.: Library of Congress.
- Dye, Thomas R. 2013. *Understanding Public Policy*. Washington, D.C.: Library of Congress.
- Engbersen, Godfried and Joanne van der Leun. 2001. The Social Construction of Illegality and Criminality. *European Journal on Criminal Policy and Research*, 9(2):51–70.
- Gates, Scott and Jeffery Hill. 1995. Democratic Accountability and Governmental Innovation in the Use of Non-profit Organizations. *Policy Study Review*, 14(4): 37-148.
- Glaser, Barney and Anselm Strauss. 1967. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Chicago, IL: Aldine.
- Glick, Henry R. and Scott P. Hays. 1991. Innovation and Renovation in State Policymaking: Theory and Evaluation of Living Will Laws. *Journal of politics*, 53(3): 835-850.
- Guarnizo, Luis E., Alejandro Portes, and William Haller. 2003. Assimilation and Transnationalism: Determinants of Transnational Political Action among Contemporary Migrants. *American Journal of Sociology*, 108(6): 1211–1248.
- Guarnizo, Luis E., Arturo I. Sanchez, and Elizabeth M. Roach. 1999. Mistrust, Fragmented Solidarity, and Transnational Migration: Colombians in New York City and Los Angeles. *Ethnic and Racial Studies*, 22(2): 367–396.
- Gutierrez, David G. 1995. *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity*. Berkeley, CA: University of California Press.
- Hamer, Magali Chelphi-den and Valentina Mazzucato. 2010. The Role of Support Networks in the Initial Stages of Integration: The Case of West African Newcomers in the Netherlands. *International Migration*, 48(1): 31-57.

Hotline for Migrant Workers (HMW). Accessed June 15, 2013 at <http://www.hotline.org.il/Hebrew/index.htm>.

Howlett, Michael and M. Ramesh. 2003. *Studying Public Policy*. New York, NY: Oxford University Press.

Immigration and Population Authority. 2013. "Report of Foreign Workers in Israel, July, 2013." Accessed September 10, 2013 at <http://www.piba.gov.il/Pages/default.aspx>.

Jandl, Michael. 2007. Report: Innovative Concepts for Alternative Migration Policies. *Journal of Ethnic and Migration Studies*, 33(1): 181-184.

Janesick, Valerie J. 2000. "The Choreography of Qualitative Research Design." Pp. 379-399 in Norman K. Denzin and Yvonna S. Lincoln (Ed). *Handbook of Qualitative Research*. Thousand Oaks, CA: Sage.

Kawar, Leila. 2011. Legal Mobilization on the Terrain of the State: Creating a Field of Immigrant Rights Lawyering in France and the United States. *Law and Social Inquiry*, 36(2): 354-387.

Kimmerling, Baruch. 1995. *Midinah v'Hevrah: Socialogiat HaPolitica* [State and Society: The Sociology of Politics]. Ra'anana, Israel: Open University.

Klijn, Erik Hans, Johnnes Koppenjan, and Maria Franciscus. 2000. Public Management and Policy Networks: Foundation of a Network Approach to Governance. *Public Management*, 2(2): 135-158.

Lipsky, Michael. 1980. *Street Level Bureaucracy: Dilemmas of the Individual in Public Service*. New York, NY: Russell Sage Foundation.

Lukes, Steven. 1974. *Power: A Radical View*. London, UK: Macmillan.

Massey, Douglas S. 2001. "Theory of Migration." Pp. 9828-9834 in Neil J. Smelser and Paul B. Baltes (Ed). *International Encyclopedia of the Social and Behavioral Sciences*. Amsterdam, The Netherlands and New York, NY: Elsevier/Pergamon.

Mazzucato, Valentina. 2005. Ghanaian Migrants' Double Engagement: A Transnational View of Development and Integration Policies. *Global Migration Perspectives*, 48(2): 32-50.

Nachmias, David, Ori Arbel-Ganz, and Assaf Medani. 2011. *Midiniut Tziburit b'Yisrael* [Public Policy in Israel]. Ra'anana, Israel: Open University.

Natan, Gilad. 2009. *Mahagrim Ovdim v'Korbanot HaSahar b'Anashim: Midiniut HaMimshalah v'P'ilut Reshut HaHagira* [Labor Migrants and Victims of Human Trafficking: Government Policy and Immigration Authority Action]. Jerusalem, Israel: The Knesset, The Center for Research and Information.

Nissenkorn, Avi. 2002. Ovdim Zarim – Hatzorech L'Shinui [Foreign Workers – The Need for Change]. *Hevrah: Hayarchon Hasocialisti L'inyanei Hevratim, Kalkala'im v'Hevratim* [Society: The Socialist Journal of Social, Economic, Political, and Cultural Affairs], 3(3): 55-70.

- Pfeffer, Jeffrey. 1981. *Power in Organizations*. Boston, MA: Pitman.
- Pfeffer, Jeffry and Gerald R. Salancik. 1978. *The External Control of Organization*. New York, NY: Harper and Row.
- Samuel, Yitzhak. 2005. *The Political Game*. New Brunswick, NJ and London, UK: Transaction Publishers.
- Schain, Martin A. 2010. Managing Difference: Immigrant Integration Policy in France, Britain, and the United States. *Social Research*, 77(1): 205-236.
- Semyonov, Moshe, and Tamar Lerental. 2005. "Avodat Mahagrim b'Yisrael: Mikorot v'Totzaot" [Migrant Labor in Israel: Sources and Outcomes]. Pp. 27-39 in Zvi Bereli, Daniel Gutman, and Tuvia Prilling (Ed), *Nosim b'T'hiya Yisraelit, Kerch 1* [Topics in Israeli Revival, Volume 1]. Sde Boker, Israel: Yitzchak Ben-Zvi Memorial and The Ben-Gurion Institute for Israel Research - Ben Gurion University Press.
- Steinberg, Gerald. M. 2011. NGOs, the UN and the Politics of Human Rights in the Arab-Israel Conflict. *Israel Journal of Foreign Affairs*, 19(1): 73-88.
- Stensaker, Bjørn. 2006. Governmental Policy, Organizational Ideals and Institution Adaptation in Norwegian Higher Education. *Studies in Higher Education*, 31(1): 43-56.
- Stone, Diane. 2000. Nongovernmental Policy Transfer: The Strategies of Independent Institutes. *Governance*, 13(1): 45-70.
- Strauss, Anselm C. and Juliet M. Corbin. 1990. *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. London, UK: Sage Publications.
- Winders, Donald J. 2011. Representing the Immigrant Social Movements, Political Discourse, and Immigration in the U.S. South. *Southeastern Geographer*, 51(2): 596-614.
- Workers' Hotline (WH). Accessed June 15, 2013 at: <http://www.kavlaoved.org.il>
- Yishai, Yael. 2008. Hevrah Ezrachit b'Tahalich Hashchadah? [Civilian Society in Process of Elimination?] *Hevrah Ezrachit v'HaSector HaShlishi b'Yisrael* [Civilian Society and Third Sector in Israel], 2(2):7-28.
- Zabar, Galia. 2008. *Lo Banu K'dei l'Hishaer* [We Didn't Come to Stay]. Tel Aviv, Israel: Tel Aviv University Press.
- Zabar Ben-Yehoshua, Naama. 1999. *Mechkar Eichuti b'Hora'ah v'Limudim* [Qualitative Research in Teaching and Learning]. Tel Aviv, Israel: Modan.
- Zincone, Giovanna. 2006. The Making of Policies: Immigration and Immigrants in Italy. *Journal of Ethnic and Migration Studies*, 32(3): 345-375.