

The Struggle for Palestinian Workers' Rights in Israeli Settlements: The Case of Maan v. Zarfati Garage

Ethan Morton-Jerome

Abstract

This article focuses on the story of the Israeli union, Maan Workers Association, and Hatem Abu Ziadeh, a Palestinian man who works at Zarfati Garage in the settlement of Mishor Adumim. Maan assisted Abu Ziadeh in his desire to unionize the Palestinian workers in the garage and to demand their labor rights according to Israeli labor laws. The article follows the multiyear court case as the Zarfati Garage tried to break the union and fire Abu Ziadeh. After three and half years, the two sides signed a contractual agreement bringing an end to the labor dispute. In the context of Israel as an ethnocratic state, whereby there is an appearance of democracy, Palestinians are systematically discriminated against while the state privileges Israeli Jewish citizens. Maan's efforts are unique – a union that does not discriminate by religion, race, or nationality, but demands labor rights and equality for all exploited workers. The complexities of this account go beyond questions of law, labor rights, and court proceedings to larger issues concerning the future of a Palestinian state and what laws will govern people between the Mediterranean Sea and Jordan River.

Key words

Settlements; labor; union; Maan; one-state; annexation; labor law; labor courts; ethnocracy.

It was hot on the morning of 22 July 2014, in front of the Zarfati Garage located in Mishor Adumim, one of the largest settlement industrial zones in the West Bank. Assaf Adiv, the head of the Israeli union, Maan Workers Association, gave an inspired and emotional speech to the Palestinian workers of the garage.¹ Yearlong labor negotiations between Maan, who was representing the Palestinian workers, and the garage had stopped, and now the garage was in the process of firing the leader of the workers' committee, Hatem Abu Ziadeh. During the thirty-minute work break, the workers listened intently as Adiv discussed the many positive changes since June 2013, when Maan began representing the workers in negotiations with the owners of the garage. Adiv described how the workers had begun to receive more benefits, in accordance with Israeli labor laws. But during the previous month negotiations had stalled over the issue of compensation for past failures to give workers the benefits and pay required by law and over the garage's refusal to pay more than the minimum wage or to increase workers' pay based on experience and expertise. Now, with the garage trying to fire Abu Ziadeh, workers feared that the earlier gains could be lost, and those who had joined the union feared continued harassment. With Maan as their representative, the workers were in a much stronger position to stand up to the garage owners' intimidation, coercion, and exploitation. Adiv asked whether they wanted to stand together in solidarity with Abu Ziadeh and go on strike, providing details of what would be necessary to carry out such an action. All of them raised their hands in a moment of workers' solidarity.²

The decision by Palestinian workers at the Zarfati Garage, alongside the Israeli union Maan, to come together and strike in support of their coworker who was about to be fired came not only in the immediate context of tense and contentious labor negotiations with their employer. It also came within the complex and challenging environment produced by over half a century of Israeli military occupation of the West Bank and Gaza Strip which has deliberately and systematically destroyed any semblance of an independent Palestinian economy. In the



Figure 1. The workers of Zarfati Garage vote to go on strike, 22 July 2014. Photo by Ethan Morton-Jerome.

1980s, Yusif Sayigh described the economic situation for Palestinians as deliberate “pauperization” and “dependency-cum-dispossession.”³ Sara Roy has written of Israel’s policy of de-development in the Palestinian territories, a dual process of

dispossession of land, water, and ability to create an independent economy and of externalization, that is, a dependency of Palestinian labor on the Israeli labor market in order to survive under the conditions of a military occupation.⁴ Israel had created a system whereby, as Leila Farsakh writes, “Palestinian migrant workers in Israel were the main anchor of Palestinian economic growth, a growth that relied principally on access to Israel.”⁵ The Oslo agreements, notably the Paris Protocol, did not fundamentally change the structural relationship between the Israeli and Palestinian economies. Israel retained full control over imports, exports, and decisions on how many – and which – Palestinians could be employed in the Israeli labor market.⁶ With the collapse of the Oslo peace process and the outbreak of the Second Intifada, Farsakh describes Israeli actions toward the Palestinian economy as a shift “from domination to destruction.”⁷

To survive the military occupation’s deliberate destruction of the Palestinian local economy, Palestinians became dependent on employment within the Israeli economy. Palestinians from the occupied Palestinian territories began working in the Israeli economy soon after the 1967 war ended. Allowing Palestinians into the Israeli labor market was and remains an important strategy of the Israeli military to control and pacify the population.⁸ With the creation and expansion of Israeli settlements in the West Bank and Gaza Strip, Palestinians were hired for construction and eventually in the service industry, agriculture, and in settlement industrial zones. There have been long periods in which consistent numbers of Palestinians were employed in the Israeli economy and also periods of major fluctuation, yet the overall policies and the structure built to control the flow of Palestinian labor have remained largely the same.⁹ Fundamentally, Palestinian labor provides a cheap, compliant, and superexploited workforce for a growing capitalist economy that needs a “reserve army” of unemployed and underemployed workers.¹⁰

Superexploitation refers to the structural mechanisms that force compliance and submission of the worker both inside and outside of the workplace. Outside the workplace, these practices include a permit regime, checkpoints, home invasions, and arrest, and discrimination against non-citizens living under Israeli military rule. The approximately thirty thousand Palestinians employed on settlements thus experience superexploitation at the hands of settler employers and the everyday violence of military occupation.¹¹ The difficulty of work and life for these workers is further exacerbated by the reality that the Palestinian community views their work with skepticism and as bordering on treasonous. Work on settlements also contravenes Palestinian Authority (PA) law; no one has yet been arrested for working on the settlements, but they cannot seek assistance in any manner from the PA or any Palestinian labor union.¹²

In an economic environment where Israel welcomes and implements a race to the bottom, capitalist exploitation and denial of workers’ basic rights are standard. The ability of Palestinians from the West Bank to unionize and demand their labor rights is limited because they reside in areas under military occupation and work in places where they are not citizens. The most powerful Israeli union, the Histadrut, has never allowed Palestinians from the occupied territories to become members. Palestinian

unions are unable to advocate and organize in the Israeli economy, and there is also significant opposition to assisting Palestinians who work in the settlements.

What follows is an account of the case of Hatem Abu Ziadeh and his coworkers at the Zarfati Garage, who became the first Palestinians working on an Israeli settlement to unionize.¹³ It also illuminates the difficulties that these workers, alongside Maan, had to navigate when demanding labor rights on a West Bank settlement. Their story must be understood in light of a political structure of discrimination and inequality under which Palestinians under Israeli rule, whether citizens or non-citizens, must live. This has been evident from the establishment of the state of Israel and was reaffirmed in law with passage of the “Nation-State Law” in the summer of 2018.¹⁴ Israel’s ethnocratic political structure allows non-citizen Palestinians to take their case to Israeli courts, to demand equality in the workplace, and to ask for representation by an Israeli union.¹⁵ Yet, it clearly discriminates against them in all sectors, including employment, policing, law, and the courts. Even as Palestinians can take advantage of particular aspects of a democratic system, Israel’s settler-colonial regime is focused on expanding into, controlling, and dominating the West Bank. In light of the structural discrimination against Palestinians, Maan represents itself as a union that does not discriminate by religion, race, or nationality, but demands labor rights and equality for all exploited workers. This particular case focuses on Abu Ziadeh and his coworkers employed on a settlement, Maan as labor union, and the Israeli judicial and disciplinary apparatus of Israeli settler employers, police and military, courts, and judges. As will become evident, the complexities go beyond questions of law, labor rights, and court proceedings to larger issues of structural inequalities of an ethnocratic state, Israeli’s military strategies to pacify the occupied Palestinian population, and the incremental Israeli settler colonial dispossession. These issues bring forth fundamental questions about the future of Palestine, with a deepening crisis with the Palestinian Authority and their inability to protect Palestinians, provide adequate employment, and negotiate a two-state solution, while Israeli right-wing politics become more popular, with growing calls for annexation. Maan provides an alternative voice, based on working class mobilization against capitalist exploitation and a political framework of equal rights for all people between the Mediterranean Sea and Jordan River.

Labor Law in the Settlements

Fundamental to Maan, Abu Ziadeh, and his coworkers’ demands were equality and fair treatment alongside their Israeli coworkers. Since the occupation of the West Bank in 1967, two different sets of laws applied to Palestinian and Israeli workers on the settlements. Palestinians were, supposedly, subject to Jordanian labor law from 1965 and Israeli military orders.¹⁶ Military orders also govern Israeli workers in settlements, as does legislation that applies on a personal basis to Israeli residents of the settlements, and collectively bargained agreements that govern labor relations

for Israeli employees on both sides of the Green Line.¹⁷ Although Israeli civil law is not applied beyond the 1967 borders unless stipulated by military orders, Israeli employers and employees in the settlements act on the mutual understanding that Israeli civil law applies to them.¹⁸

In October 2007, the Israeli High Court of Justice (HCJ) ruled that Palestinians who work in Israeli settlements are entitled to the same rights as their Israeli coworkers. The HCJ used the principle of equality in the workplace to justify the change in labor laws that were used by the Israeli employers. Until that time the courts had generally followed official Israeli government policy with regard to labor laws, which was to keep in place the local laws that existed prior to the occupation — in the case of the West Bank, Jordanian law. The 2007 HCJ ruling came on a lawsuit brought by Palestinian workers, assisted by the Israeli NGO Worker’s Hotline (Kav LaOved), against the Givat Zeev settlement municipality in 1995. After twelve years, it proceeded from the Jerusalem Regional Labor Court to the National Labor Court (NLC), and finally to the HCJ.¹⁹

In December 1997, the Jerusalem Regional Labor Court ruled that Israeli labor law should apply to Palestinian employees in the settlements. The settlement municipality appealed the decision, with four Israeli settler companies joining the appeal to the NLC.²⁰ The Israeli attorney general also submitted a brief advocating for continuation of the government policy that Israeli civil law does not apply in the settlements. The attorney general argued that the most important factors in determining which law should apply were the location of employment and the residency of the employees; in this case, both were the West Bank and, therefore, Jordanian law and Israeli military orders should apply.²¹ Alternatively, the attorney general suggested that the court could determine “choice of law” by considering “points of contact,” including the national identities of the employer and employee, the work calendar and religious or national holidays observed, the currency used for paying salaries, whether Israeli tax payments were deducted from the worker’s salary, and the use of Arabic or Hebrew in the workplace.²² The 2003 NLC ruling vacated the Jerusalem Regional Labor Court’s ruling and, rather than underscore uniformity of law in the workplace, concurred with the attorney general that the most important factors were the location of the worksite and the residency of the workers. The NLC did add that, in some cases, it was possible that “certain Israeli law provisions could be applied if public policy considerations deem such application necessary.”²³ The NLC ruling meant that all of the cases that were part of the lawsuit needed to return to the Jerusalem Regional Labor Court and that each judge should rule according to the specifics of the case, keeping in mind “public policy considerations.”²⁴

Worker’s Hotline appealed the NLC’s decision to the HCJ rather than return to the Jerusalem Regional Labor Court. In contrast to the NLC, and in keeping with the Jerusalem Regional Labor Court decision, the HCJ used the principle of equality in the workplace to justify the application of Israeli law. The HCJ attempted to clarify its 2007 ruling by noting that a key provision in Israeli law is that terms of employment cannot be discriminatory and, therefore, different terms of employment

are prohibited.²⁵ What the HCJ did was, in fact, unprecedented, applying “Israeli labor law to the territory of settlements,” something that neither the Israeli military nor the Knesset had ever done.²⁶ By bringing Palestinians who work in the settlements under Israeli labor law, the HCJ, following in the decades long “creeping annexation,” erased the legal distinction between Israel and the territories occupied in 1967 and produced a single, undifferentiated jurisdiction.²⁷

In terms of labor rights for Palestinians employed in the settlements, though, the HCJ ruling was considered a significant victory. However for court rulings to have a real impact there must be enforcement, and numerous reports by local and international NGOs and the Israeli government comptroller office clearly document systematic lack of enforcement and blatant exploitation of Palestinian employees.²⁸ Settler employers know that neither Israeli government officials nor the military will intervene on behalf of Palestinian workers and so they treat their employees as they choose.

Zarfati Garage Workers Organize

It was in this new legal situation that Hatem Abu Ziadeh decided to look for assistance for himself and his fellow workers at the Zarfati Garage. The garage is one of over three hundred businesses located in Mishor Adumim industrial zone, which together employ several thousand Palestinians.²⁹ In spring 2013, Abu Ziadeh contacted several lawyers to see if anything could be done to help the Palestinian workers employed at the garage. Although the 2007 HCJ ruling stated that Palestinian workers employed on the settlements fall under Israeli labor law, Zarfati Garage was refusing its Palestinian workers from the West Bank the legal minimum salary and benefits. The treatment of these workers stood in sharp contrast to other garage workers with Jerusalem IDs or Israeli citizenship, who received full labor rights and benefits. Abu Ziadeh contacted Maan and, after initial conversations with Assaf Adiv, many workers met and decided to join the union so that it would represent them in negotiations with the garage.³⁰

Maan is exceptional in that it is willing to accept Palestinian workers employed in settlements if they ask to join.³¹ In contrast to the largest Israeli and Palestinian unions, Histadrut and the Palestinian General Federation of Trade Unions (PGFTU), both of which hold nationalist perspectives, Maan takes a different position:

It is the obligation of trade unions and civil society organizations in Israel to take a principled stand against the violation of the rights of Palestinian workers . . . ignoring these workers is a betrayal of the principle of solidarity, based on the oath to protect every worker regardless of religion, nationality, citizenship, gender, color, or political affiliation.³²

Established in the late 1990s, Maan has organized Jewish workers in Israel, assisted Palestinian workers in East Jerusalem, and, with the Zarfati Garage case, Palestinians in the settlements.³³

On 25 June 2013, Maan sent a letter to the garage management officially

declaring that thirty-nine workers had joined the union and that it would represent them in collective bargaining.³⁴ The garage management initially rejected the letter and ignored Maan's demands. In July, Maan demanded that management begin negotiations, otherwise the workers would begin a strike.³⁵ With pressure mounting, the garage management responded to Maan two days before the strike was set to begin and agreed to start negotiations.³⁶ The garage's owners and union representatives met seven times during the following eleven months, and the workers began to receive the benefits stipulated by Israeli law, such as minimum wage, insurance, vacation pay, pension, and compensation for transportation to and from work. Although Maan demanded merely that the workers receive the labor rights due them according to Israeli law, negotiations were difficult. One year after the workers had unionized, two main issues remained unresolved. First, there were the past debts – that is, all the years that the workers were not paid the minimum wage in addition to the other benefits provided for by Israeli law. Second, the garage was only paying the minimum wage; Maan argued that workers should receive increased salaries according to experience, seniority, and expertise. Negotiations stalled, and it was unclear what would happen next.

On 21 July 2014, the management sent a letter to Abu Ziadeh. They informed him of a meeting to take place two days later, at which, ostensibly because reorganization at the garage meant that his work would no longer be needed, he would be fired. The letter was not sent to Abu Ziadeh's union representative at Maan, as required by law, and Abu Ziadeh quickly contacted Adiv for advice. Maan argued that the garage management was unfairly targeting Abu Ziadeh because of his leadership position as head of the workers' committee and demanded that the company retract its letter. The following day, the garage again requested that Abu Ziadeh attend a meeting with the garage owners on 23 July. In response to what Maan perceived as a clear threat that Abu Ziadeh would be fired, Adiv met with workers on 22 July during their morning break, as detailed above. It was obvious to the workers that if Abu Ziadeh, who had worked at the garage for seventeen years, could be fired, then all of them were vulnerable; thus, the workers unanimously agreed to strike. The garage management, caught off guard, demanded that the workers return to their stations at 11:30 am, when their break ended, and called the police.

When the police arrived, they demanded that the workers either return to work or leave the premises on the basis of a military order for the West Bank stating that no more than ten people can gather together for political purposes without a permit.³⁷ Most of the workers left for home, and nine stayed back to man a picket line outside the garage. The following day, nine workers and a Maan employee, Yoav Tamir, returned to protest outside of the garage. Members of the Manufacturers Committee for Mishor Adumim arrived, carrying Israeli flags, and verbally threatened the workers and Tamir. Tamir called the police. When they arrived, instead of protecting the workers, they arrested Tamir for inciting the workers. He was taken to the police station and was only released after signing a statement promising not to enter Mishor Adumim

for two weeks.³⁸ The same thing happened the next day; this time, it was Adiv who was detained for incitement of the workers. When Adiv demanded evidence of the illegality of his actions and that he be afforded his legal rights, the police released him. Maan petitioned the Jerusalem Regional Labor Court for a hearing, arguing that the garage was trying to fire Abu Ziadeh to break the union and stop negotiations.

The Securitization of Labor

The workers' strike took place at a time of broader conflict. Growing tensions and violence since May 2014 eventually led to a war against the Gaza Strip in July.³⁹ While the Israeli military were focused on the Gaza Strip and the West Bank did not see the bombing and full-scale assault that occurred in Gaza, tensions were extremely high in the West Bank, accompanied by a major increase in Israeli military presence there that impacted the environment at settlement workplaces. As a licensed garage for the Israel Defense Forces, Zarfati's largest customer is the Israeli military. Given the increase in military activity, the garage was particularly busy during the summer of 2014. The co-owner and day manager, Morris Tzarfati, a high-ranking reservist in the military, was called up for service during that time. The garage was under pressure with the increased workload, and its owners were especially upset that workers would threaten a strike in the middle of Israel's war on Gaza. Throughout the labor dispute, the garage management argued that it was the victim of an illegal action by the union that, by going on strike, was taking advantage of the war in Gaza and the increased tensions in an attempt to harm the garage.

Maan filed a complaint against Zarfati Garage with the Jerusalem Regional Labor Court, and as the case headed to the labor court, the other workers returned to their jobs on 27 July. At the hearing, the garage owners brought a major accusation against Abu Ziadeh that surprised both him and Maan. The garage owners accused Abu Ziadeh of sabotaging a military vehicle on 10 July, and argued that Abu Ziadeh had participated in political protests and was a security threat.⁴⁰ These would have been major accusations under any circumstances, but because they were brought during a period of intensified conflict, the court took the allegations particularly seriously. Yet when the judge asked whether the garage owners had reported the sabotage incident to the police, it indicated that it had not done so. The garage owners also admitted that Abu Ziadeh had continued to work at the garage until 22 July, when the strike had started. The judge demanded evidence of the sabotage and a police complaint within twenty-four hours. The next day, 28 July, the garage submitted the complaint to the police. Of course, the delay in reporting the alleged incident raised serious questions regarding the legitimacy of the complaint against Abu Ziadeh. Why had the garage allowed Abu Ziadeh to continue working for more than two weeks after the supposed incident of sabotage? Why had the garage not mentioned the incident in the letter sent to Abu Ziadeh on 21 July? Why had the garage not gone to the police with a complaint until after the judge demanded some form of proof?

In response to the 28 July police complaint, Abu Ziadeh was summoned to the Mishor Adumim police station for questioning. The police took away his work permit, without which he could no longer enter Mishor Adumim. A hearing for the accusations of sabotage of a military vehicle was scheduled for nine months later, in April 2015. Abu Ziadeh was released from the police station only after posting bail of one thousand shekels. Although the garage could provide no physical evidence that Abu Ziadeh had sabotaged the vehicle, the accusation alone was enough for his permit to be revoked.⁴¹ It was unclear who had ordered that the permit be revoked – the garage owners or the police – and so Maan filed a petition with the HCJ to rectify the situation. More than three months later, on 30 November, the attorney general acknowledged that it was not clear why the permit had been revoked and ruled that it should be returned. In December 2014, the Israeli police determined that there was no evidence that Abu Ziadeh had sabotaged a military vehicle, and closed the case against him.⁴²

On 7 December 2014, Abu Ziadeh's case was heard in the Jerusalem Regional Labor Court.⁴³ The judge appointed to Abu Ziadeh's case, Sarah Breuner Israzda, was relatively new to the labor court, and her inexperience was evident during the hearing. The lawyer for the garage owners dominated the four-hour proceedings as the judge sat passively. The lawyer used his imposing physical presence, along with his loud, dramatic voice, to try to intimidate Abu Ziadeh, Adiv, and Maan's lawyer, attorney Aya Bartenstein. His facial expressions, body language, and tone when addressing the judge, Bartenstein, and the witnesses were variously racist, misogynist, and dismissive. Afterward, I learned from several others in attendance that the lawyer's performance was completely normal for such cases. The consensus was that the lawyer's arrogant attitude and behaviors were a typical part of the settler persona (he was representing a settlement business) and that it was rare for anyone to openly question such posturing.

The garage's owners clearly sought to intimidate and discredit Abu Ziadeh and Adiv. Most importantly, the lawyer for the garage owners argued that the letter to Abu Ziadeh on 21 July concerned the garage's reorganization and, therefore, Abu Ziadeh's firing was not connected to his leadership position with the Maan workers' committee. The garage's lawyer argued that, from its perspective, Maan started an illegal strike in the middle of a war to take advantage of the vulnerability of the garage because the military was its largest client. Furthermore, the garage had been inundated by emails from international unions and activists, which they believed was unjustified harassment.⁴⁴ They also argued that, within the Mishor Adumim industrial zone, they had some of the best relations with Palestinians and were an example of coexistence.

The garage owners also brought new evidence in the form of two letters from an Israeli Defense Force officer that stated that the military did not want Abu Ziadeh to work in the garage because of security concerns.⁴⁵ The letters were used to bolster the owners' argument that Abu Ziadeh was a security threat and a dangerous activist who could not be allowed back in the garage. As evidence of the danger Abu Ziadeh presented to the garage, they provided a picture of him wearing a kufiya at a demonstration in Tel Aviv. The garage owners used the picture to suggest that Abu

Ziadeh was a political activist and a threat to Israel, interpreting the kufiya as an accessory worn by terrorists. The lawyer for Zarfati also argued that Maan was a discriminatory organization because it only worked for Palestinians. He maintained that Maan was a political organization, not a legitimate union, and that it tried to cause conflict in the settlements, attempting to take advantage of Palestinian workers to serve its own nefarious goals. The garage owners did not recognize Maan as the legal representative of the workers and therefore claimed that they did not need to negotiate with the union. Management would talk directly with the workers and did not need Maan's interference.

The accusation that the union was discriminatory was easily refuted since Maan represents both Israeli Jews and Palestinians in Israel and Palestinians in the West Bank who work on settlements. Adiv and Bartenstein reminded the judge that, on 30 November, the attorney general had recognized that "Hatem Abu Ziadeh will be permitted to enter the Mishor Adumim Industrial Area for employment at the Zarfati Garage," and that "the temporary restraining order keeping him from entering the areas of Israeli settlement in Judea and Samaria has been rescinded."⁴⁶ They also clarified that the picture of Abu Ziadeh wearing a kufiya was posted on the Maan website, and that Abu Ziadeh had received a permit to join other workers on a May Day march, the event at which the photo was taken. Bartenstein concluded by affirming that the union was indeed the legal representative of the workers.

The judge's decision, issued two weeks later, was critical of Maan and Abu Ziadeh. The judge argued that Abu Ziadeh should have attended the meeting that the garage requested in the 21 July letter. She blamed Maan for telling Abu Ziadeh not to attend the meeting and for starting a strike without attending the meeting. Second, she agreed with the garage that the potential firing was not connected with Abu Ziadeh's leadership position in the union. She further blamed Maan for causing a crisis during the war and stated her belief that the union was using Abu Ziadeh for their own purposes. Although the case concerning the accusation of sabotage had been closed, she said of Abu Ziadeh, "His testimony was unreliable in our eyes."⁴⁷ Critical to the future of the case and most important for the future work of Maan in the settlements, the judge did confirm that Maan was the legal representative for the workers who had signed up to join the union. This position allowed Maan to continue to represent the workers in negotiations – stalled since June 2014. Finally, the judge wrote that, because Abu Ziadeh did not attend the meeting with the garage management on 23 July 2014, he had not, from a legal perspective, been fired. The courtroom was not, she wrote, the proper place to adjudicate this dispute and, before any other negotiations could occur, the two sides needed to hold that meeting.

Soon after Judge Israzda's decision, Maan submitted an appeal, to take the case to the National Labor Court. The garage management and Abu Ziadeh, along with the lawyers for each side, finally met on 26 January 2015, and completed Abu Ziadeh's firing. Now that Abu Ziadeh was officially fired, Maan filed another petition in the Jerusalem Regional Labor Court to protest what the union believed was Abu Ziadeh's illegal firing.

New Venue, New Judge

The judge for the new suit, Eyal Avrahami, was completely different from Judge Israzda, both in terms of familiarity with workers' issues and in courtroom presence. When Abu Ziadeh's case began, he was the vice president of the Jerusalem Regional Labor Court, and in December 2015, he became its president. The judge clearly managed the atmosphere and direction of courtroom proceedings, and the lawyer for the garage behaved in a completely different manner, eschewing the outbursts and drama that he displayed in the December 7 hearing. It was clear that Avrahami's goal from the beginning was for the two parties to come to a negotiated settlement. He was also clear about the law and, in the first hearing, told the lawyers for both sides that he believed strongly in the right of workers to unionize.⁴⁸ Within the first five minutes of each of three successive court hearings over which the new judge presided, he asked either the lawyers or Adiv and the owner of the garage to meet privately in his office. The hope was that through discussions with the judge, in his office and without court record, the two sides would be able to come to an agreement. The union's lawyers did not budge, however, asserting that Abu Ziadeh should return to work, while the garage held that "no force on earth" could make them accept Abu Ziadeh back.⁴⁹

After the first hearing with Judge Avrahami, there was a high level of excitement among Abu Ziadeh's supporters. They believed that the facts were on their side and that, as long as the judge remained unintimidated by the garage's owners and lawyer, recognized the lack of evidence regarding accusations that Abu Ziadeh was a security threat, and was not swayed by the garage's connection to the Israeli military, then justice would prevail and Abu Ziadeh would eventually return to work at the garage. From Maan's perspective, the garage was not telling the truth and was using tactics of intimidation to force Abu Ziadeh out of work and delegitimize the union. But despite the enthusiasm about the new judge and certainty about the strength of Abu Ziadeh's case, the outcome was never clear. Until the very end, the garage owners held firm to their position that Abu Ziadeh could not return to the garage.

The NLC delivered its decision on the appeal on 21 April 2015. In a powerful rebuke, the NLC ruled that Judge Israzda's decision was to be vacated. With the exception of her ruling that Maan was the legal representative of the workers, the NLC found her decision to be no longer applicable. The labor dispute, including Abu Ziadeh's firing, was to continue in Judge Avrahami's court.⁵⁰ It was a major victory for Maan and Abu Ziadeh.

During the last hearing before Judge Avrahami would write his decision, held on 12 May 2015, both sides gave testimony as lawyers questioned several witnesses. The garage owners did not waver from their previous strategies, even though their main arguments had been disproven or discredited. The judge was supposed to rule on the labor dispute within three months of the 12 May hearing, but nothing came during the summer. In the fall, violence in the West Bank and in Israel increased, sparking fears of a third intifada. As the parties awaited the ruling, it was natural to wonder if and how current events would affect the judge. With almost daily headlines of

uncoordinated attacks by Palestinians, would the judge demand that the garage allow Abu Ziadeh to return to work? The prevalence of security concerns in Israeli society cannot be overstated, regardless of the context.⁵¹ Would a judge rule against a settler business in favor of a Palestinian worker if the former claimed that the latter was a security threat?

After nine months, Judge Avrahami gave his ruling on 17 February 2016. It was a complete repudiation of the garage. Avrahami wrote of the accusations against Abu Ziadeh, “justifications changed several times, and there was no legitimacy to them. This opens up questions as to the real reasons for the basis of calling for a hearing and the basis for the termination.”⁵² Most importantly, the judge wrote, “Because of the determination to harm him in his work in the union, *he must return* to his initial role [in the garage]. This demand is in light of the importance of the right to organize for all of workers and the need to protect workers.”⁵³

The garage owners appealed the decision, thereby preventing Abu Ziadeh from going back to work. On 5 April 2016, the NLC in Jerusalem held an appeal hearing. Again, the garage would not budge; Abu Ziadeh was not going to return to work. When the hearing ended, I overheard the lawyer for the garage comment to a journalist, “We will go bankrupt before we allow Abu Ziadeh to return.” Having already received all of the evidence and court protocol, the hearing before the panel of three judges did not take long. Again, as we left the courthouse, both the outcome of the appeal and when it would come were uncertain. Thus, I was completely surprised to receive a phone call that same evening. The NLC had made an immediate decision that Judge Avrahami’s ruling stood and that there was no reason for them to change any part of his decision. Once again, the court repudiated the garage owners for their actions against Abu Ziadeh and the union and criticized their shoddy arguments.

On 18 April 2016, the parties returned to the Jerusalem Regional Labor Court to finalize the case. Morris Tzarfati and his lawyer behaved completely differently. They politely said hello to Abu Ziadeh and shook his hand; it was as if the nearly two years of accusations that Abu Ziadeh was a security threat had never happened. It was agreed that Abu Ziadeh would return to work on 12 May and negotiations with Maan would begin again on 17 May. After nearly a year of negotiations, Maan and Zarfati Garage signed a comprehensive labor agreement on 14 February 2017.⁵⁴ The Palestinian workers received back pay and annual wage increases, and the agreement created mechanisms for settling future disputes between the ownership and the workers. It was a major victory for Maan, Abu Ziadeh, and the Palestinian workers at the garage.

Conclusion

The Israeli High Court decision in 2007 brought a major shift in law and legal rights for Palestinian workers in the settlements. By applying Israeli labor law beyond where Israeli civil law is currently enforced and into the settlements, the HCJ made a decision that the Israeli Knesset had resisted since 1967. The HCJ ruling provided

the basis for the first judge in Abu Ziadeh's case to rule that Maan was the legal labor representative for the Palestinian workers, as well as for Judge Avrahami to ensure that Abu Ziadeh be returned to work and that a formal labor contract be signed between the garage owners and Maan. The Jerusalem Regional Labor Court and the National Labor Court based their judgments on the 2007 HCJ decision and Israeli civil labor laws; for Palestinians employed in the settlements, the effect was as if they were working inside Israel, even though they physically were working in occupied territory.

The HCJ's decision is a violation of the international law governing the treatment of occupied territories by an occupying power and further erodes any distinction between the settlements and "Israel proper." The ruling follows a historic pattern of settler colonialism in the West Bank, and serves the Israeli political planners' strategy to surround Jerusalem with settlements.⁵⁵ The expropriation of the land in 1974 eventually led to what is the largest settlement industrial zone, Mishor Adumim, and more than thirty-eight thousand Israeli residents now live in the adjacent settlement of Ma'ale Adumim.⁵⁶ The settlements were created through violent dispossession of the land, but the Israeli HCJ provided a veneer of legal legitimacy of the settlements through the argument of equal treatment of Palestinian workers.⁵⁷ The HCJ ruling in 2007 and the subsequent unionization efforts are further steps in a process whereby violence and dispossession, followed by liberalism's ideal of equality, further a creeping annexation of the West Bank.

With the Oslo process fading and more than a decade of analysts arguing that the two-state solution is not viable, some have argued for a transition to a new strategy, shifting from a focus on state-building to one that demands rights.⁵⁸ Undoubtedly, Maan's political stand – that is, to advocate for workers "regardless of nationality, religion, gender, or the color of their skin" – is radical in the context of Palestine/Israel.⁵⁹ Maan is also closely tied with Israeli socialist party Da'am, which seeks to "embrace solutions that connects the two nations and is based on democracy, human rights, pluralism, economic equality, and solidarity."⁶⁰

A strategy for demanding labor rights in the settlements must also contend with the fact that Palestinian employment on the settlements has always been a contentious issue within the Palestinian community. In 2010, PA president Mahmud 'Abbas signed a law making any economic relationship with the settlements, including employment, illegal.⁶¹ Additionally, the boycott, divestment, and sanctions movement (BDS) calls for a complete boycott of the settlements.⁶² Maan has not shied away from the complexities and controversies that come with unionizing Palestinian workers in the settlements. In defending the work of Maan in the settlements, Assaf Adiv writes:

The more such worker organizations expose the exploitation of Palestinians in Israeli businesses, the more they expose the character of the occupation. Thus they show the Israeli public the significance and implications of the occupation, raising awareness about these workers as they struggle for their basic rights.⁶³

The question remains whether exposing exploitation through the labor courts and unionizing the workers are worth the long-term price for Palestinians who live under a regime that treats Jews and Palestinians unequally. Israel's economic structure has, since 1967, systematically pauperized, de-developed, and destroyed any independent Palestinian economy in the West Bank and Gaza Strip, forcing Palestinians there to work in the Israeli economy in order to survive.

Fundamental to an ethnocratic state is an appearance of democracy, even while the foundation of the state privileges one ethnic group within all arenas, including the economy, law, culture, and politics.⁶⁴ Palestinians who have citizenship in Israel are treated as second-class citizens. The Nation-State Law in 2018 made de jure what had been de facto, that is, the supremacy of Jewish citizens in Israel.⁶⁵ Still, as the account of the Zarfati Garage illustrates, the HCJ ruling of 2007 does represent a fundamental shift in labor law in the settlements for Palestinians. Palestinian workers and Maan were able to use this ruling, which held that employees in the same workplace must be treated equally and, therefore, subject to Israeli law, to demand their labor rights. Judge Avrahami, along with the National Labor Court, ruled in favor of Maan and Abu Ziadeh, demanding that he return to work and confirming that Maan was the legal representative for the workers.

The success of the unionization efforts was extremely difficult for the union; it needed to raise funds through an international campaign in order to pay lawyers, and Abu Ziadeh had to wait during the two years to return to work.⁶⁶ Though Abu Ziadeh won his case and Maan can now represent Palestinian workers, has anything changed structurally between the Israeli government and Palestinians under the Israeli regime? Sfarid wrote in 2005, "Palestinian limited success perfects the occupation and makes it sustainable; moreover, by lodging petitions to the Israeli court, human rights lawyers act as PRs of occupation: they promote the notion that Palestinian residents have a resort to justice."⁶⁷ Despite questioning the long-term impact of advocating for Palestinians in Israeli courts, Sfarid continues his work; likewise, Maan will continue to fight for the labor rights of Palestinian workers in the settlements, East Jerusalem, and Israel. As Adiv wrote in 2019:

Our starting assumption is that these workers are entitled to labor rights and human rights, whatever may be the status of the political conflict or the future of the Occupied Territories. We are engaged in this effort under almost impossible conditions as part of our commitment to a democratic agenda of equal rights for all and to the struggle to end the Occupation and apartheid system built in the West Bank.⁶⁸

In 2019 and 2020, Maan expanded its work and now represents Palestinian workers in another company in the Mishor Adumim Industrial Zone in the West Bank and in the Atarot Industrial Zone in East Jerusalem.⁶⁹

With the failure of the Oslo process, the end of any possibility for a two-state solution, demands for annexation by the Israeli right, and growing interest in a one-state solution, Maan offers a clear example of a rights-based approach demanding

equality for all workers between the Mediterranean Sea and Jordan River. It is only part of what is necessary: citizenship based on equal rights for all citizens and which does not discriminate by religion, ethnicity, and race. In the long-term, the question remains whether Israelis and Palestinians see the efforts of Maan as a viable starting point of action for working class people in both communities in the universal struggle for equality, human rights, and economic justice.

Ethan Morton-Jerome completed his PhD in Anthropology from the University of Arkansas in 2018. His fieldwork and dissertation focused on Palestinian labor in West Bank settlements.

Endnotes

- 1 In October 2020, Workers Advice Center (WAC)–Maan changed its name to Maan Workers Association and is now “one of four general workers associations in Israel.” See: “MAAN–Workers Association – The New Name of the Union Reflects a New Stage in Its Development,” 26 November 2020, online at eng.wac-maan.org.il/?p=2492 (accessed 28 December 2020).
- 2 I observed this gathering in front of the Zarfati Garage and the beginning of the workers’ strike as part of my fieldwork from February 2013 – May 2016.
- 3 Yusif Sayigh, “The Palestinian Economy under Occupation: Dependency and Pauperization,” *Journal of Palestine Studies* 15, no. 4 (Winter 1986): 46–67.
- 4 Sara Roy, “The Gaza Strip: A Case of Economic De-Development,” *Journal of Palestine Studies* 17, no. 1 (Autumn 1987): 56–88; Sara Roy, “De-Development Revisited: Palestinian Economy and Society since Oslo,” *Journal of Palestine Studies* 28, no. 3 (Spring 1999): 64–82.
- 5 Leila Farsakh, *Palestinian Labor Migration to Israel: Labor, Land, and Occupation* (Abingdon, UK: Routledge, 2005), 388.
- 6 Sara Roy argues that the peace process actually made the economic situation worse with the increasing use of closures by the Israeli military and the ongoing fragmentation of the Palestinian economy, in particular the separation between the West Bank and Gaza Strip. Sara Roy, “De-Development Revisited,”: 64-82. Farsakh focuses on the colonial nature of the occupation and how it continued through the Oslo peace process. Leila Farsakh, “The Political Economy of Israeli Occupation: What Is Colonial about It?” *MIT Electronic Journal of Middle East Studies* 8 (Spring 2008): 41–58.
- 7 Leila Farsakh, “From Domination to Destruction: The Palestinian Economy under the Israeli Occupation,” in *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in the Occupied Palestinian Territories*, ed. Adi Ophir, Michal Givoni, and Sari Hanafi (New York: Zone Books, 2009), 379–402.
- 8 Shlomo Gazit, *The Carrot and the Stick: Israel’s Policy in Judaea and Samaria, 1967–68* (Virginia: BookCrafters, 1995).
- 9 Farsakh, *Palestinian Labor Migration*.
- 10 Emmanuel Farjoun, “Palestinian Workers in Israel: A Reserve Army of Labor,” *Khamsin 7* (1980): 107–43; Joost Hiltermann, “Worker’s Rights during the Uprising,” *Journal of Palestine Studies* 19, no. 1 (Autumn 1989): 83–91.
- 11 The figures for Palestinians employed on the settlements are only estimates. The Israeli military, which issues work permits, does provide exact numbers, but there are thousands more who work without permits. Workers in the agricultural and construction sectors experience seasonal and contractual fluctuations.
- 12 Law no. 4 (2010), article 4. The Palestinian Legislature had not met since 2007, so the law was signed through presidential decree on 26 April 2010. Palestinian unions cannot assist workers who are employed in the settlements because they fall under full Israeli military jurisdiction.
- 13 Maan had tried to unionize Palestinian workers in the four settlement companies but were unsuccessful in finalizing an agreement to represent the workers with the companies where they were employed. Assaf Adiv, *WAC-MAAN – A Decade of Organizing Palestinian Workers in the West Bank Settlements* (Tel

Aviv: WAC-MAAN, June 2019): 31.

- 14 On the Nation-State Law, see Adalah, “Israel’s Jewish Nation-State Law,” 20 December 2020, online at adalah.org/en/content/view/9569 (accessed 27 December 2020). Adalah has also compiled the most comprehensive list of Israel’s discriminatory laws. See Adalah, “The Discriminatory Laws Database,” 25 September 2017, online at www.adalah.org/en/content/view/7771 (accessed 29 December 2020). For an account of Israel’s early decades, see Shira Robinson, *Citizen Strangers: Palestinians and the Birth of Israel’s Liberal Settler State* (Stanford, CA: Stanford University Press, 2013).
- 15 Oren Yiftachel argues that Israel is an ethnocratic state, whereby there are democratic features but, fundamentally, Israel exercises “a non-democratic rule for and by a dominant ethnic group.” Yiftachel’s analysis of Israel as an ethnocratic regime illustrates the fundamental hierarchy in Israeli society that benefits Jewish citizens and discriminates against Palestinians. Oren Yiftachel, “Democracy or Ethnocracy? Territory and Settler Politics in Israel/Palestine,” *Middle East Report* 207 (Summer 1998): 11.
- 16 In 1976, Israel began to use military orders to amend Jordanian labor law. In 1982, order no. 967, Employment of Workers in Certain Locations (Judea and Samaria), stipulated that Israeli minimum wage law was to be applied inside the settlements. Military order no. 967 has been amended periodically by other military orders as the minimum wage in Israel has increased. In 2007, the geographic area in which Israeli employers were required to pay the Israeli minimum wage was expanded beyond specific settlement borders to include all of Area C.
- 17 Amir Paz-Fuchs and Yaël Ronen, “Occupational Hazards: Labor Law in the Occupied Territories,” *Berkeley Journal of International Law* 30 (2012): 599. These regulations were created in 1981 with Military order no. 892, the Order on Administration of Municipal Councils. Most important is the fact that Annex 6 within the order makes clear that “the Code applies Israeli legislation (listed in the annexes) only in the settlements and only with respect to Israeli residents of the settlements.” Since Palestinians cannot be residents of the settlements, they are excluded. Paz-Fuchs and Ronen, “Occupational Hazards,” 601.
- 18 As Paz-Fuchs and Ronen observe, “The settlements and their adjacent industrial areas are socially and politically perceived by many Israelis as incorporated within Israel.” Amir Paz-Fuchs and Yael Ronen, “Integrated or Segregated? Israeli-Palestinian Employment Relations in the Settlements,” in *Normalizing Occupation: The Politics of Everyday Life in the West Bank*, ed. Marco Allegra, Ariel Handel, and Erez Maggor (Indianapolis, IN: Indiana University Press, 2017), 173.
- 19 For further details on this case, see: Tobias Kelly, *Law, Violence, and Sovereignty among West Bank Palestinians* (Cambridge: Cambridge University Press, 2006); Paz-Fuchs and Ronen, “Occupational Hazards”; and Paz-Fuchs and Ronen, “Integrated or Segregated?” The National Labor Court acts as the court of appeals for the Regional Labor Court. A National Labor Court decision can be appealed to the High Court of Justice.
- 20 The Zarfati Garage along with three other employers that had received similar rulings joined the appeal. Paz-Fuchs and Ronen, “Occupational Hazards,” 588.
- 21 Kelly, *Law, Violence, and Sovereignty*, 74–77.
- 22 Paz-Fuchs and Ronen, “Occupational Hazards,” 591.
- 23 Michael Karayanni, “Choice of Law under Occupation: How Israeli Law came to Serve Palestinian Plaintiffs,” *Journal of Private International Law* 5 no.1 (2009): 38.
- 24 Karayanni, “Choice of Law,” 38.
- 25 Kav LaOved (Worker’s Hotline) v. National Labor Court, HCJ 5666/03, decided 10 October 2007. Translation online at versa.cardozo.yu.edu/opinions/kav-laoved-v-national-labour-court (accessed 29 December 2020).
- 26 Paz-Fuchs and Ronen, “Occupational Hazards,” 622.
- 27 Michael Hudson, “The Scars of Occupation: An Eye-Witness Report,” *Journal of Palestine Studies* 9, no. 2 (1980): 32–49. Paz-Fuchs and Ronen, “Integrated or Segregated?”
- 28 Examples include Bill Van Esveld, Ripe for Abuse: Palestinian Child Labor in Israeli Agricultural Settlements in the West Bank (Human Rights Watch, 13 April 2015); Noga Kadman, *Employment of Palestinians in Israel and the Settlements: Restrictive Policies and Abuse of Rights* (Kav LaOved, 2012); State Comptroller, Israeli Government, “State Comptroller Report Chapter Seven: Industrial Zones in Judea and Samaria and the Rural Sector,” trans. by Connie Hackbarth, 2012;

- Selwa Alenat, *Palestinian Workers in Israeli West Bank Settlements* (Kav LaOved, 2009); Marco Rettig, *Palestinian Workers under Israeli Economic Oppression: The Case of Settlement Workers* (LAW – Palestinian Society for the Protection of Human Rights and the Environment, 2000); Yehezkel Lein, *Builders of Zion*, (B’Tselem, 1999).
- 29 Ma’ale Adumim Economic Development Company website, online at www.parkedom.co.il/ (accessed 29 December 2020).
 - 30 Adiv, *WAC-MAAN – A Decade of Organizing*, 40–41.
 - 31 Maan does not actively recruit Palestinian workers on the settlements. They do organize and assist workers when Palestinians approach them and ask for assistance.
 - 32 Adiv, *WAC-MAAN – A Decade of Organizing*, 51.
 - 33 See Maan’s website for additional information on various projects and work they have undertaken, online at eng.wac-maan.org.il/?page_id=8 (accessed 29 December 2020).
 - 34 WAC-MAAN, “Achievement for Palestinian Workers – Zarfati Garage Agrees to Start Negotiations with WAC MAAN – Planned Strike Canceled,” 1 August 2013, online at eng.wac-maan.org.il/?p=712 (accessed 29 December 2020).
 - 35 According to Israeli labor laws, a union must give fifteen days’ notice to the company before beginning a strike.
 - 36 WAC-MAAN, “Achievement for Palestinian Workers.”
 - 37 Military order no. 101 says that ten or more people cannot assemble for political purposes. Assaf Adiv reminded the police that this was not a political gathering but had to do with a labor dispute and, therefore, the order was not relevant. The police still demanded that the workers leave or return to work.
 - 38 WAC-MAAN, “Police of WB Settlement Maaleh Adumim Detain Director of WAC-Maan Labor Organization, Assaf Adiv,” 24 July 2014, online at eng.wac-maan.org.il/?p=1044 (accessed 29 December 2020). Author interview with Assaf Adiv, 30 July 2014; author interview with Yoav Tamir, 10 February 2015.
 - 39 Two significant incidents were seen as igniting the violence during this period. First, on 12 June, three Israeli teenagers were kidnapped in the West Bank and killed. Israel sent thousands of soldiers to search for the teenagers, invading several Palestinian cities and putting up roadblocks especially in and around Hebron. Second, on 2 July, Palestinian teenager Muhammad Abu Khdeir was kidnapped by Israeli Jews and burned to death in East Jerusalem.
 - 40 For further details and analysis, see Niv Hachlili, “How to Stop Palestinians Unionizing: Security, Security, Security,” *+972 blog*, 28 January 2015, online at 972mag.com/how-to-stop-palestinians-unionizing-security-security-security/101949/ (accessed 29 December 2020).
 - 41 Berda describes the bureaucratic system of the permit regime and how easy it is to have one’s permit revoked and complicated to have it reinstated. Yael Berda, *Living Emergency: Israel’s Permit Regime* (Stanford Press, 2017).
 - 42 Author interview with Assaf Adiv and Yoav Tamir, 7 December 2014.
 - 43 Sarah Breuner Isazda, *Jerusalem Regional Labor Court Protocol 48364-07-14*, 7 December 2014.
 - 44 In September, Maan began an international campaign asking unions to send emails to the garage and to the Ministry of Labor in support of Abu Ziadeh and Maan and in opposition to the garage’s actions. According to Maan, seven thousand emails were sent during the following months. WAC-MAAN, “Zarfati Workers Stand Firm, Morale Boosted by 7,000 Emails from Unionists across the Globe,” 5 August 2014, online at eng.wac-maan.org.il/?p=1079 (accessed 29 December 2020).
 - 45 It was later clarified that the letters were written in response to a report submitted by the garage and, therefore, were not valid. The police had dropped the vehicle sabotage case, and the attorney general said that Abu Ziadeh should receive his permit back.
 - 46 WAC-MAAN, “A Big Gain for Palestinian Workers Organizing in the Settlements,” 2 December 2014, online at eng.wac-maan.org.il/?p=1181 (accessed 29 December 2020).
 - 47 Israzda, *JRLC Protocol 48364-07-14*, 8.
 - 48 I discussed the proceedings with Maan’s lawyers, Moran Svorai and Amir Basha, after the hearing had ended.
 - 49 Assaf Adiv and Maan’s lawyers for the case reported this quote to me from the negotiations that took place with the garage owners and the judge.
 - 50 Assif Adiv, “Israel’s National Labor Court: WAC-Maan Is the Representative Workers’ Union at Zarfati Garage in West Bank,” 21 April 2015, online at eng.wac-maan.org.

- il/?p=1284 (accessed 29 December 2020).
- 51 David Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories* (New York: SUNY Press, 2002). Kretzmer discusses the challenges faced by the Israeli HCJ, particularly when issues of security are central to court cases. See also Lisa Hajjar, *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza* (Berkeley: University of California Press, 2005).
 - 52 Eyal Avrahami, *Jerusalem Regional Labor Court Protocol 42848-02-15*, 17 February 2016, 6.
 - 53 Avrahami, *JRLC Protocol 42848-02-15*, 8 (emphasis added).
 - 54 WAC-MAAN, “WAC-Maan Signs a Groundbreaking Collective Agreement for Palestinians at Mishor Adumim’s Zarfati Garage,” 19 February 2017, online at eng.wac-maan.org.il/?p=1822 (accessed 29 December 2020).
 - 55 When Ma’ale Adumim was inaugurated in 1979, an Israeli official commented, “We are putting the settlements all around Jerusalem so there will never be any question of whether it is part of Israel.” Edward Cody, “Israeli Settlements: A Link to Jerusalem,” *Washington Post*, 14 August 1979. Weizman writes on the planning and construction of Ma’ale Adumim under the direction of Minister of Agriculture Ariel Sharon and architect Thomas Leitersdorf. Eyal Weizman, *Hollow Land: Israel’s Architecture of Occupation* (United Kingdom, Verso, 2012).
 - 56 By 2017, Maale Adumim’s population was 37,817, according to Btselem, online at www.btselem.org/settlements/statistics (accessed 30 May 2021).
 - 57 Hundreds of Jahalin Bedouins were expelled and, “a substantial portion of the village lands of Abu Dis, al-‘Eizariyah, at-Tur, ‘Anata, and ‘Issawiya are included within the jurisdiction area of Ma’ale Adumim.” See Nir Shalev, *The Hidden Agenda: The Establishment and Expansion Plans of Ma’ale Adummim and their Human Rights Ramifications* (Bimkom and B’tselem, December 2009), 49.
 - 58 Tareq Baconi, “Israel’s Annexation Plan, a New Era in Palestinian Resistance,” *New York Review of Books*, 2 July 2020; George Bisharat, “Maximizing Rights: The One State Solution to the Palestinian-Israeli Conflict,” *Global Jurist* 8, no. 2 (2008); Seth Anziska and Tareq Baconi, *The Consequences of Conflict Management in Israel/Palestine* (Norwegian Peacebuilding Resource Centre, January 2016).
 - 59 WAC-MAAN, “About,” online at eng.wac-maan.org.il/?page_id=8 (accessed 29 December 2020).
 - 60 “About Da’am,” online at en.daam.org.il/?page_id=25 (accessed 29 December 2020). Da’am is a small political party and has never reached the necessary threshold to send a representative to the Knesset in any of the elections since its founding in 1995.
 - 61 Since the decree, no Palestinian who works in the settlements has been charged with breaking the law.
 - 62 The BDS campaign calls for withdrawing support from Israel and applying pressure to it through full boycott, divestment, and sanctions of Israeli institutions, representatives, and companies, including those based in settlements.
 - 63 WAC-MAAN, “Factory Owners at West Bank Settlement Mishor Adumim Threaten Violence against Striking Palestinian Workers, Police Arrest WAC-MAAN Coordinator,” 23 July 2014, online at eng.wac-maan.org.il/?p=1039 (accessed 29 December 2020).
 - 64 Oren Yiftachel, *Ethnocracy: Land and Identity Politics in Israel/Palestine* (Philadelphia: University of Pennsylvania, 2006).
 - 65 See: Adalah, “Discriminatory Laws Database”; and Adalah, “Israel’s Jewish Nation-State Law.”
 - 66 When Hatem was not allowed to return to his employment with Zarfati, he worked as a taxi driver in the Ramallah area.
 - 67 Michael Sfar, “The Human Rights Lawyer’s Existential Dilemma,” *Israel Law Review* 38, no. 3 (2005): 168.
 - 68 Adiv, *WAC-MAAN – A Decade of Organizing*, 3.
 - 69 Maan provides updates of its efforts on its website (www.wac-maan.org.il/) and its Facebook page (www.facebook.com/WacMaan/).