

# The Inevitable Bi-national Regime

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The occupation of the territories in 1967 resulted from military action, but the military element quickly became secondary, while the “civilian” component, -settlements, -became the dominant factor, subjugating the military to its needs and turning the security forces into a militia in the service of the Jewish ethnic group. Eventually, settlements themselves were no longer as meaningful as they once had been.

In the 1970s and 1980s, the very fact of building and populating settlements at any given spot in the territories played a vital role in the creation of political facts accomplis. Those who planted the settlements in the Katif Block in the Gaza strip, or in the heart of Samaria and northern Judea, assumed that the Palestinians would forever remain submissive; otherwise, how could one explain the logic of establishing Jewish islands in the heart of Arab populations? The settlers argued that from the very beginning, Zionism flew in the face of reality. It succeeded, they said, precisely because it ignored reality. Therefore, the demographic and geographic arguments used against the settlers evaporated in the fervor of their fantasies.

## Settlements as museum exhibits

Sometime in the late 1980s, the settlements crossed the critical threshold beyond which continued demographic and urban growth were assured. Settler leaders successfully set up a powerful lobby that straddled the Green Line. And thus the legal and physical infrastructure, making the de facto annexation of the territories possible was firmly in place. From that point on, the number of settlements, and even the size of their population, became immaterial because the apparatus of Israeli rule was perfected to such a degree that the distinction between Israel proper and the occupied territories—and between settlements in the West Bank and Gaza Strip and Jewish communities inside Israel—was totally blurred. Similarly, the takeover of land ceased to be chiefly for the purpose of settlement construction and became primarily a means of constricting the movements of the Palestinian populace and of appropriating their physical space.

In the new paradigm the settlements no longer have importance as instruments of spatial control. The separation barrier/wall and its gates, the “sterile roads,” and a myriad of military regulations have taken the place of the settlements as symbols of Zionism.

Nevertheless, most settlements, large and small alike, have continued squandering public resources on a colossal scale while falsely claiming to be “foci of Zionist ideological endeavor” and necessary for security. Forty years after the establishment of the first settlement, “the settlement”—like the kibbutz and the moshav and like the tower-and-stockade colonies of the pre-state era—became just another exhibit in the museum of Zionist antiquities. The age of ideology is over and erecting settlements, as well as dismantling them, has become an

outdated pastime with no real impact on political developments, except as a symbol and a mobilizing device for both right and left.

The attempt to mark the settlements—and the settlers—as the major impediment to peace is a convenient alibi, obfuscating the involvement of the entire Israeli body politic in maintaining and expanding the regime of coercion and discrimination in the occupied territories, and benefiting from it.

By the late 1980s, after two decades of occupation, Israeli control of the territories beyond the Green Line has become quasi-permanent, differentiated from sovereign rule only vis-à-vis the Palestinian residents: As far as Israeli citizens and their range of interests are concerned, the annexation of the territories is a *fait accompli*. Defining the territories as “occupied” is, in fact, an attempt to depict it as a temporary condition that will end “when peace comes,” and is designed to avoid resolving, “in the meantime”, immediate dilemmas. The term is a crutch for those who seek optimistic precedents, allowing them to believe that just as all occupations end, this one will too. This linguistic choice thereby contributes to the blurring and obfuscation of the reality in the territories, thus abetting the continuation of the status quo.

### **Quasi stable status quo**

The continuation of the status quo creates a quasi-stable situation: the Jewish community, a loose framework of cultures and ethnic tribes in constant tension, is held together by enmity to the Palestinian “Other”, and by a determination to rule them. The unity vis-à-vis the outside world enables it to maintain control and to successfully implement a strategy of fragmentation of the Palestinian community.

The “Divide and Rule” strategy is a notorious device of colonial power except that here it is implemented in the 21st century, in an era that perceives imperialist traditions as a disgraceful chapter in the history of the western world. The Palestinian people have been fragmented, over the last three generations, into splinters. They have not merely been crushed by force but also have taken upon themselves split identities and have surrendered to agendas, dictated to them: the Palestinian Authority ostensibly represents the Palestinian people but, actually, represents only the Palestinian splinter that lives in the West Bank and is struggling, through the “peace process”, to get better conditions for merely one quarter of the entire Palestinian nation. The residents of East Jerusalem want only to be left alone and not to be forced (“out of patriotism”) to forego the privileges they enjoy as Israeli residents; in the debate over detaching peripheral Arab neighborhoods, the residents of East Jerusalem support continued annexation to Israel. The Palestinian Israelis (“Israeli Arabs”) are fighting for recognition as a “national minority” and demand equal individual and collective rights within the Israeli polity. They do not tie their struggle to the struggle of their brethren who live on the other side of the separation fence/wall. The Palestinian Israelis are fighting for “Equality” and “Citizen Rights” whereas the Palestinians in the occupied territories are fighting for “Self Determination”. The Hamas activists in the Gaza Strip are not interested in the implications of their rhetoric on the interests of the entire Palestinian nation. And those in the Diaspora continue to carry around the keys to the homes they left in 1948 and to dream about “The Return.”

The process of splitting up into sub-communities has not yet reached its consummation, and the political, economic and security constraints are deepening the entrenchment of the divided identities, which slowly assume separate cultural and even linguistic characteristics.

Over the generations the Zionist enterprise, whose development challenged the Palestinian Arab community, and thus helped its unification into a distinct national group, became the dominant force under whose fist the Palestinian community has been shattered.

### **Process of Palestinian fragmentation**

Fragmentation became the major tool of Israeli control, to preserve their rule over Israel/Palestine from the river to the sea. Fragmentation serves them as insurance against the “demographic threat” when, very soon, the Palestinians achieve a numerical majority in the region. The ruling Jewish community will continue, even when it becomes a minority, to force this split on the Palestinians with the usual carrots and sticks, dictating the agenda, presenting threats, imposing collective punishments and bribery. This will preserve and even deepen the lack of coordination, the conflicting interests of the splintered Palestinian communities and insure the dominance of the internally fragmented but externally cohesive Jewish community over the fragmented Palestinians, thus sustaining the status quo.

In the 1960s and 1970s, the policy of fragmentation was aimed at the small minority of “Israeli Arabs.” Now it is being put into practice in the most sophisticated fashion against five million Palestinians, attracting almost no attention. It is not accidental that Israeli propaganda has no interest in stressing the achievements of the fragmentation; On the contrary, Israel aims the bogey of “existential threat” against a monolithic adversary, to rally against “the dark forces of Islamo-fascism.” In this, they are unwittingly assisted by leftist circles and the “Peace Camp” that remain steadfast to the romantic notion about a cohesive Palestinian people, united in its struggle for freedom, They are joined by Palestinian spokesmen who view talk about the success of fragmentation as hostile propaganda. Even those who are informed and knowledgeable are surprised when the extent of the fragmentation process is brought to their attention. Attention is diverted to marginal issues, and various competing organizations are supporting each fragmented group, pursuing different agendas and clamoring for attention, thus exacerbating the fragmentation, and increasing the confusion. The paradox is that serious attempts to deal with separate Palestinian agendas, which purport to challenge the status quo, are actually strengthening it.

The high profile of “international relations” and the diplomatic discourse is the most glaring example. Useless negotiations and lengthy expert discussions on “core issues” are going on decade after decade without any change in the stale arguments and counter arguments, while the reality is transformed and the “peace process” serves as a curtain behind which divide-and-rule is entrenched.

### **A unique concept of sovereignty**

The traditional Zionist stance of denying the very existence of a Palestinian nation cannot serve as a response to the Palestinian demand for self determination in the occupied territories. Still the Israelis seek to limit their conception to a mere quarter of Palestinians, those who live in the West Bank. For them they have invented a unique concept of a “state”: its “sovereignty” will be scattered, lacking any cohesive physical infrastructure, with no direct connection to the outside world, and limited to the height of its residential buildings and the depth of its graves. The airspace and the water resources will remain under Israeli control. Helicopter patrols, the airwaves, the hands on the water pumps and the electrical switches, the registration of residents and the issue of identity cards, as well as passes to enter and

leave, will all be controlled (directly or indirectly) by the Israelis. This ridiculous caricature of a Palestinian state, beheaded and with no feet, future, or any chance for development, is presented as the fulfillment of the goal of symmetry and equality embodied in the old slogan, “two states for two peoples.” It is endorsed, even by staunch supporters of “Greater Israel”, and the traditional “peace camp” rejoices in its triumph.

Large segments of the Israeli “Peace Camp”, who staunchly believe in “Partition of the Land” as a meta-political tenet, are gratified; they believe that they won the ideological, historical, debate with the Right. Now they can load the entire Palestinian tragedy on an entity that comprises less than 10% of the area of historic Palestine. Moreover it is supposed to offer a solution to all refugees outside Palestine “who can return to the Palestinian mini-state”, and also provide remedy to the Israeli –Palestinians who can achieve their collective rights in the Palestinian State. Indeed, a cheap and convenient solution; after all, it is seemingly based on the venerable model of the “national conflict” and the classic solution of two states for two peoples.

But how did it come to pass that Ariel Sharon, Ehud Olmert and Binyamin Netanyahu, scions of the “Nationalist Camp” became champions of the “Palestinian Nation-State”? What brought those who believed that there is only one legitimate collective entity—and the Palestinians are merely terrorist gangs—to declare that the conflict is national and therefore the solution is partition between “two nation states”? This was caused by the Palestinians who by launching the al-Aqsa intifada compelled the Israelis to realize that they are irrepressible and cannot be ignored or deported. The intifada forced the Israelis, for the first time in their history, to delineate the geographic limits of their expansion, construct fences and roadblocks and abandon populated areas that could upset the demographic balance. The remaining areas, fragmented and non-viable, can be declared as a Palestinian state.

### **Erasing from consciousness**

This realization came at a steep price for intercommunal relations. The violent events of the intifada brought the Jewish-Israeli public to a crossroads in relation to their neighbors-enemies. For the first time since the tragic encounter began more than a century ago, the Jews turned their backs to the Palestinians, erasing them from their consciousness, imprisoning them behind impenetrable walls. The Jews became willing to congregate in a ghetto and pray that the Mediterranean might dry up or a bridge be built to connect them with Europe. This mentality is manifested in two, recently constructed, architectural monuments whose symbolism transcends their functional value: The gigantic separation barrier/wall and the colossal Ben Gurion air terminal. The former is meant to hide the Palestinians and erase them from Israeli consciousness and the latter serves as an escape gateway.

Ostensibly this is not new: The Jewish public has always alienated and disregarded the Arabs. But it was an intimate disregard, similar to a person’s approach to his own shadow; one can ignore it but never be rid of it. The process of mental disengagement is a continual one, but there is no doubt that the emergence of suicide bombers hastened it. There could not be any intimate regard for a culture that nurtures such a monstrous phenomenon, and the Palestinians were thereby complicit in bringing about the divorce imposed upon them. Racist right-wing circles exploit the situation and turn diffuse emotions into a practical plan for “transfer” (or expulsion) and denial of civil rights; human rights activists beg for resistance to the injustices and meet with indifference; political movements thrive on erasing the Arabs from

Israeli awareness; and those who caution that (it is all an illusion, that) millions of human beings cannot be erased, are treated with hostility. The Israeli right shows contempt toward the Arab “rabble” and believe that it is possible to control them by tricks and threats, and the Israeli left plays with theoretical peace plans and refrains from involvement in the daily hardship of the Palestinian population; everybody joins in chanting the slogan: “we are here and they are there”.

### **Durable status quo**

The conclusion that Israel will continue to manage the conflict by fragmenting the Palestinians is realistic. The status quo will endure as long as the forces wishing to preserve it are stronger than those wishing to undermine it, and that is the situation today in Israel/Palestine. After almost half a century, the Israeli governing system known as “the occupation”—which ensures full control over every agent or process that jeopardizes the Jewish community’s total domination and the political and material advantage that it accumulates— has become steadily more sophisticated through random trial and error an unplanned response to some genetic code of a supplanting settler society.

This status quo, which appears to be chaotic and unstable, is much sturdier than the conventional description of the situation as “a temporary military occupation” would indicate. Precisely because it is constitutionally murky and ill defined, its ambiguity supports its durability: it is open to different and conflicting interpretations and seems preferable to apocalyptic scenarios, therefore persuasive.

The volatile status quo survives due to the combination of several factors:

1. Fragmentation of the Palestinian community and incitement of the remaining fragments against each other.
2. Mobilization of the Jewish community into support for the occupation regime, which is perceived as safeguarding its very existence.
3. Funding of the status quo by the “donor countries”.
4. The strategy of the neighboring states which gives priority to bilateral and global interests over Arab ethnic solidarity.
5. Success of the propaganda campaign known as “negotiations with the Palestinians,” which convinces many that the status quo is temporary and thus they can continue to amuse themselves with theoretical alternatives to the “final-status arrangement.”
6. The silencing of all criticism as an expression of hatred and anti-Semitism; and abhorrence of the conclusion that the status quo is durable and will not be easily changed.

### **Internal changes**

One must not surmise that the status quo is frozen; on the contrary, actions taken to perpetuate it bring about long term consequences. Cutting off Gaza is not a temporary but a quasi permanent situation which will affect the future of the Palestinian people. The severance of Gaza from the West Bank creates two separate entities, and Israel can record another victory in the fragmentation process: 1, 5 million Palestinians are on their way to achieve a

caricature of a state that encompasses 1.5% of historic Palestine where 30% of their people reside.

The West Bank canton, whose area is rapidly shrinking due to massive settlement activity, is considered the heart of the Palestinians under occupation. However, it is experiencing rapid political and economic developments that resemble those experienced by Israeli-Palestinians after 1948, with obvious differences due to historical circumstances and population size. It seems that many West Bankers have genuinely grown tired of the violence that led them to disaster [DL1] t , which forces the Israelis to relate to their non-violent struggle and to their community's accumulation of economic and socio-cultural power.

All these and other changes in the status quo, are significant yet internal, and take place under the umbrella of Israeli control that can speed them up or slow them down, according to its interests. However, without the sanction, or at least the indifference of external powers, the status quo would not endure. Massive financial contributions free Israel from the burden of coping with the enormous cost of maintaining the control over the Palestinians and create a system of corruption and vested interests. The artificial existence of the PA in itself perpetuates the status quo because it supports the illusion that the situation is temporary and the "peace process" will soon end it.

### **Economic disparity**

Usually the emphasis is on the political and civil inequality and the denial of collective rights that the model of partition—or the model of power sharing—is supposed to solve. But the economic inequality, the greater and more dangerous inequity , , which characterizes the current situation, will not be reversed by either alternative. There is a gigantic gap in gross domestic product per capita between Palestinians and Israelis—which is more than 1:10 in the West Bank and 1:20 in the Gaza Strip—as well as an enormous disparity in the use of natural resources (land, water). This gap cannot endure without the force of arms provided so effectively by the Israeli defense establishment, which enforces a draconic control system. Even most of the Israelis who oppose the "occupation" are unwilling to let go of it, since that would impinge on their personal welfare. All the economic, social and spatial systems of governance in the occupied territories are designed to maintain and safeguard Israeli privileges and prosperity on both sides of the "Green Line", at the expense of millions of captive, impoverished Palestinians.

One must therefore seek a different paradigm to describe the state of affairs more than forty years after Israel/Palestine became one geopolitical unit again, after nineteen years of partition. The term "de facto bi-national regime" is preferable to the occupier/occupied paradigm, because it describes the mutual dependence of both societies, as well as the physical, economic, symbolic and cultural ties that cannot be severed without an intolerable cost. Describing the situation as de facto bi-national does not indicate parity between Israelis and Palestinians—on the contrary, it stresses the total dominance of the Jewish-Israeli nation, which controls a Palestinian nation that is fragmented both territorially and socially. No paradigm of military occupation can reflect the Bantustans created in the occupied territories, which separate a free and flourishing population with a gross domestic product of almost 30 thousand Dollars per capita from a dominated population unable to shape its own future with a GDP of \$1,500 per capita. No paradigm of military occupation can explain how half the occupied areas ("area C") have essentially been annexed, leaving the occupied population

with disconnected lands and no viable existence. Only a strategy of annexation and permanent rule can explain the vast settlement enterprise and the enormous investment in housing and infrastructure, estimated at US\$100

### **History of bi-national-partition dilemma**

The bi-national versus partition dilemma is not new to either national movement. The Palestinians, who rejected the 1947 UN partition resolution, stated in their National Covenant, that Palestine “is one integral territorial unit”. This principle evolved in the 1970s to the concept of “democratic non-sectarian (or secular) Palestine “. In 1974 PLO political thinking began to grapple with the idea of partition. The formula endorsed was the Phased Plan: “We shall persevere in realizing the rights of the Palestinian People to return, and to self determination in the context of an independent national Palestinian state in any part of Palestinian soil, as an interim objective, with no compromises, recognition, or negotiation”. In 1988 this strategy was changed through negotiations to the present formula of partition along the 1967 armistice lines,. Thus, Palestinian acceptance of the partition option is only two decades old.

Until the mid 1940s, the Zionist officially defined its ultimate national objectives exclusively by the general formula of the transformation of Palestine (Eretz Israel) into an independent entity with an overwhelming Jewish majority. The ultimate objective of all national movements, the creation of a sovereign state, was implied in Zionist self-identification as a national liberation movement. However, the debate on the merits of emphasizing that ultimate objective continued throughout the history of the Zionist movement. The official leadership concentrated on formulating intermediate political objectives and those changed according to political conditions. These objectives (in chronological order) were: a national home, unrestricted immigration and the creation of a Jewish majority, “organic Zionism” (i.e., settlement and an independent Jewish economic sector); power-sharing (“Parity”) with the Arabs (irrespective of size of population); a bi-national state; a federation of Jewish and Arab cantons; partition. Only in the early 1940s the Zionists openly and officially raised the demand for a sovereign Jewish state. The territorial objectives of the Zionist movement were also ambiguous. The agreement to the partition of Palestine (1936, 1947) was accepted by many as merely a phase in the realization of the Zionist aspirations, but also (by some) as a fundamental compromise with the Palestinian national movement.

During the Mandate period the bi-national idea was acceptable to the Zionist establishment, including Haim Weizman and David Ben-Gurion. However, one must remember that the Jews were a minority and the demand for a Jewish state was impudent; power sharing, and even parity, sounded better. Also, a federation of cantons could have evened out the huge Arab demographic lead. The choice between bi-nationalism and partition was made twice: in 1936 the Peel Commission rejected the Cantonization Plan of the Jewish Agency and chose partition; in 1947 the UN General Assembly voted for partition and rejected the minority plan for a federal state.

Only a marginal group of Jewish intellectuals considered the bi-national state as the only way to avoid endless bloody conflict. They sought to emulate the Swiss model, accentuated the principle of parity but did not elaborate the details. Indeed, there was no need for such elaboration since both the Palestinians and the Zionists rejected the bi-national idea, and most Jews considered it treason. Hashomer Hatzsair movement adopted some elements of

the bi-national model, but the establishment of the State in 1948 called off the initiative. The opinion that the realization of Zionism can only be achieved by a sovereign Jewish state triumphed, and those who dare to challenge this precept are considered traitors.

After the 1967 war the Israeli political Right played with the concept of bi-nationalism, in the shape that suited its ideology (the Autonomy Plan). Likud ideology rejected the "transitory" nature of Israeli occupation but its belief in "Greater Israel" clashed with the demographic reality, and liberal circles in Likud (led by Menachem Begin) struggled with the famous dilemma: a Jewish or democratic state? Begin's answer was based on the (failed) system known to him in Eastern Europe after WW1—non-territorial, cultural and communal autonomy for ethnic minorities under the League of Nations minority treaties. Begin's Autonomy Plan had been modified in the Camp David (1978) accords and territorial components were added. The Oslo model used many components (with major changes) of Begin's Autonomy Plan, and the Oslo accords can be viewed as bi-national arrangements, because the territorial and legal powers of the Palestinian Authority are intentionally vague; the external envelope of the international boundaries, the economic system, even the registration of population, remained under Israeli control. Moreover, the complex agreements of Oslo necessitated close cooperation with Israel which, considering the huge power disparity between the PA and Israel, meant that the PA was merely a glorified municipal or provincial authority. So, in the absence of any political process, a de-facto bi-national structure, was willy-nilly, entrenched.

### **Description, not prescription**

It is no longer arguable; the question is not if a binational entity be established but rather what kind of entity will it be. The historical process that began in the aftermath of the 1967 War brought about the gradual abrogation of the partition option, if it ever existed. Hence, bi-nationalism is not a political or ideological program so much as a de facto reality masquerading as a temporary state of affairs. It is a description of the current condition, not a prescription.