

Point of View No. 88

American-Palestinian Mutual Representation Immediate Decisions to Be Made¹

The Biden Administration is facing immediate and inevitable decisions regarding representation between the US and the Palestinians. While seemingly internal American matters, these are issues of great significance to Israel, who should express its interests and promote them. Read more below.

1. **President-elect Joe Biden and his designated Secretary of State, Tony Blinken**, will soon have to appoint a new Ambassador to Israel and formulate appropriate Letter(s) of Credence. This decision **will inevitably also require revisiting the interlinked issue of diplomatic representation between the US and the Palestinians** following the dramatic changes, which were initiated by the Trump Administration.
2. These seemingly technical matters may have **significant implications on the following**:
 - **The mandate of the US Embassy to Israel in Jerusalem**, which now integrates under one ambassadorship American diplomatic representation to Israel, to the PA in the West Bank and to Hamas-led Gaza. Note that both Israel and the US view Gaza as non-Israeli territory but also as part of the single political unit of the PA with the West Bank.
 - **The US Consulate in East Jerusalem**, which used to be designated to the PA.² It was downgraded under President Trump into **'The Palestinian Affairs Unit'** in the Embassy to Israel reporting to the Ambassador to Israel. Thereby, there is no longer separate diplomatic representation of the US to the PA.
 - The **General Delegation of the PLO to the United States** was shut down by President Trump. It has been in operation since 1994 following the Oslo Accords.
3. **The context for Biden's coming decision** has the following key elements:
 - **The existing agreements on diplomatic representation between US and the Palestinians had been irrelevant even before Trump** (see Reut policy paper from 2005 [here](#)). The Oslo Accords denied the PA from having various attributes of sovereignty during the five-year Interim Period (which ended in 1999!), including diplomatic representation. This is the reason why the PLO (and not the PA) is entrusted leads the diplomatic mission to the US and other countries, and also why the US Consulate in Jerusalem led the diplomatic representation to the PA (and not an embassy in Ramallah).
 - **The Biden administration supports the Two-State Solution** based on the principle of two-states-for-two-peoples. Since Presidents Clinton, Bush, Obama and Trump (with Netanyahu's support) endorsed a political horizon that includes a Palestinian state, Biden is likely to assume that a Palestinian state is a foregone conclusion, even if subject to some limitations.
 - However, **the current mandate of the US Embassy to Israel, defined by President Trump, may be seen as reflecting a notion of one-state** (the so-called 'One-State Solution') by

¹ The Reut Institute thanks Sam Levine of NYC for his contribution to this paper.

² **The consulates of Western countries** e.g. the US, France, Greece, Spain and the UK, were introduced to Jerusalem during the days of the Ottoman Empire as of the 17th century. They continued during the British Mandate and following the 1948 War when Jerusalem and Mandatory Palestine were divided between Israel and Jordan (except Gaza under Egyptian control).

integrating Israel and the Palestinians. Such inconsistency will be challenging to the Biden Administration.

- **The Biden Administration is likely to upgrade Palestinian diplomatic representation** to repair their downgrading by Trump. Clearly such talks are already unfolding.
 - **A Permanent Status Agreement is unlikely** in the foreseeable future because of the substantive gaps between the parties, the split between Gaza and the West Bank and internal opposition in Israel.
- 4. At this point, Israel must establish and promote its interests on the issue of Palestinian diplomatic representation with the goals of preserving and enhancing key achievements from the Trump Administration including:**
- To **strengthen the international recognition in Jerusalem as Israel's capital** and to bring more embassies to Jerusalem, especially the Abraham Accords countries of UAE, Bahrain, Sudan and Morocco;
 - To **resolve the diplomatic abnormality of the consulates in Jerusalem** that serve as de-facto embassies to the PA (For example, the wikipedia page of the French Consulate General says: "The Consulate's districts ... is independent from the Embassy of France in Tel Aviv and does not have official diplomatic relations with Israel." Namely, the French Consulate, situated right by the Kind David Hotel, does not speak to the Government of Israel!);
 - To consolidate the reality of the PA as diplomatic representative of the residents of the West Bank and Gaza (as opposed to the PLO that represents all Palestinians). Note: Israel is already working almost exclusively with the PA!
- 5. Guided by these overall goals, Reut suggests the following positions:**
- **American diplomatic representation to the PA**, likely to be reestablished by Biden, **should be located in a consulate or even an Embassy to the PA** located in the East Jerusalem neighborhood of Abu-Dis that was designated by the Trump Plan and by Prime Minister Netanyahu as part of the future Palestinian capital beyond the security barrier. A second-best option is to be situated in Ramallah.
 - If Biden then insists to **reopen the American Consulate in Jerusalem it should be designated to Jerusalemites only**, consistent with its original intention. This will create an important precedent for other consulates in Jerusalem e.g. Greece, France, the UK, etc., whose consulates should no longer serve as embassies to the PA.
 - **The Palestinian diplomatic mission in Washington**, likely to be reopened by Biden, **should represent the PA** (as opposed to the PLO), to reflect that the PA is the platform for Palestinian statehood. Effectively, the Chief of Mission should be the Ambassador of the PA. [Meanwhile, the PLO is a non-governmental organization that claims to represent citizens of other countries throughout the Middle East). Hence, a PLO-led delegation is out-of-date. President Trump ended that abnormality.]

End.