Ambassador Kurtzer is Leaving Tel Aviv. Who Will Go to Gaza?

US Ambassador to Israel, Daniel Kurtzer, has completed his term. Since the US has not officially recognized Jerusalem as the capital of Israel, US Embassy to Israel is located in Tel Aviv.

In contrast, the US commissioned diplomat to the Palestinian Authority (PA) resides in and works from West Jerusalem.

The Re'ut institute contends that the rationale behind this reality is no longer valid. It is time for all diplomatic representatives to the PA to be stationed in Gaza or Ramallah.

What is the Issue?

Why are there no diplomatic missions to the Palestinian Authority (PA)?

- **In Oslo**, Israel refused to allow the PA attributes of statehood prior to the Permanent Status Agreement (see article IX of the Interim Agreement). Accordingly, foreign missions, such as embassies and consulates, may not be established in the West Bank or Gaza.

Why are there foreign diplomatic missions in Jerusalem?

- **UN Resolution 181** ("The Partition Plan" 11/29/47) stated that Jerusalem will be established as a "Corpus Separatum" administered by the UN. According to UN Resolution 194 (12/11/1948), the permanent status of Jerusalem is to be determined in an agreement.
- **Therefore**, most countries have not recognized Jerusalem as the Capital of the State of Israel, and as a result, most diplomatic missions to Israel are located in Tel Aviv.
- **However**, many countries have political and religious interests in Jerusalem, and therefore maintain diplomatic missions in the city. The political status of these missions, dating back to the days of the Ottoman Empire before World War I, was reinforced in Resolutions 181 and 194.

So why do the representatives in Jerusalem serve as diplomatic missions to the PA?

- Since '67, diplomatic missions in Jerusalem provide consular services to Palestinians and residents of Jerusalem.
- Since the establishment of the PA in '94, these missions have become quasi-embassies to the PA, i.e. Contacts with the PA are conducted through these missions, and the consuls function as de-facto ambassadors to the PA.
- There is no formal recognition by Israel of the status of the consulates. Nonetheless, the GOI facilitates their activity through de-facto recognition of their diplomatic status and immunity; allowing them free movement between Jerusalem, Gaza and the West Bank; and supplying Palestinians with entry permits to Jerusalem for the purpose of maintaining contact with these missions.

Why is that Important? Why Now?

- The presence of foreign missions in Jerusalem alongside the absence of official diplomatic missions to the PA has both practical and symbolic significance regarding the status of Jerusalem, the political status of the PA and the end of Israel's responsibility over Gaza.
- The establishment of consulates or embassies to the PA in Ramallah, and the cessation of all special arrangement for Palestinian access to the consulates in East Jerusalem will:
  
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Diminish Palestinian presence and strengthen the neutral status of foreign missions in the city;

Strengthen the political and sovereign status of the PA in accordance with the Second Phase of the Roadmap, in which a Palestinian State with Provisional Borders (PSPB) is to be established;

Emphasize the political and diplomatic severance of Gaza from Israel, and therefore will promote Israel's claim to ending its responsibility over Gaza.

Furthermore.

- **Inversion of positions towards a Palestinian state:** In the past, the Palestinians demanded a state (even with provisional borders) and Israel opposed this demand. Currently, since 2/05, the Palestinians oppose the establishment of a PSPB while Israel strives to preserve the structure of the Roadmap, which is based on the establishment of such a state.

- Therefore, the establishment of a PSPB may have to withstand Palestinian resistance.

- Moreover, Israel already has an interest in strengthening the powers and responsibilities of the PA. This interest was manifested in PM Sharon's recognition in the Palestinian people's right to a state (address to the UN 9/15/05); in Israel's decision to negotiate the Roadmap with the PA and not with the PLO; and in Israel's claims regarding Palestinian responsibility over Gaza.

**Policy Options**

In order to instigate the establishment of diplomatic missions and annul the status of the consulates in Jerusalem as diplomatic missions to the PA, Israel may take the following measures:

- Announcing unilateral waiving of Israel's rights according to the Interim Agreement, which prevents the establishment of diplomatic missions to the PA (Article IX-5-a to the Interim Agreement).

- Requesting foreign countries to establish diplomatic missions in Ramallah and Gaza.

- Restoring the rationale behind their mission: protection of special interests in Jerusalem.

- Limiting free movement of diplomats between Israel and Gaza, which is now foreign territory.

- Preventing access of Palestinians from Gaza and the West Bank to Jerusalem for the purpose of receiving consular services.

For additional sources see the Re'ut Institute website: [www.reut-institute.org](http://www.reut-institute.org):

- About upgrading Palestinian statehood see Concepts: "Upgrading the Political Status of the Palestinian Authority" and "Upgrading the Sovereign Status of the Palestinian Authority"; "Point of View": "Sharon's address to the UN – Laying the foundation for the Palestinian Nascent State" and "Is it time to Upgrade the Political Status of the Palestinian Authority?"

- About the Disengagement Plan and the issue of Responsibility see Terms: "Disengagement Plan"; Concepts: "Responsibility";

- About the sequence of the Israeli-Palestinian political process see "Early Fundamental Warning": "The Palestinian State – The Inversion" and "The Roadmap leads to a Political Deadlock."

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