

Why the Wording of Trump's Jerusalem Announcement Matters

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Brief Analysis

The challenge for the president is clear: acknowledge the de facto reality, but don't take a position on the city's final status.

The Trump administration has announced that the president will make a statement about Jerusalem on December 6, and his remarks may include some kind of affirmation that the city is Israel's capital. When it comes to peacemaking between Israel, the Palestinians, and Arab states, no issue is more sensitive than Jerusalem, so if the president wants to preserve the possibility of achieving the "ultimate deal," he should choose his words on the subject very carefully.

First, he should make clear that he is simply recognizing what the majority of the international community already accepts as fact: that at least part of the city will always be Israel's capital, whatever its final boundaries and status turn out to be. Washington and other governments have been doing business there with Israeli governments ever since Jerusalem was named as the new country's capital, shortly after the 1948 war and the dividing of the city. American presidents -- Democrats and Republicans alike -- have spoken at the parliament building in Jerusalem, and secretaries of state traditionally meet with the prime minister in his office there, as do their international counterparts.

In the 1967 war, Israel took control of the city's eastern half and significantly expanded its municipal boundaries.

Starting with the Camp David Accords in September 1978, the Israeli government agreed to negotiate Jerusalem's final disposition as part of permanent-status negotiations. Since then, every U.S. administration has declared that it would not take a position on the city's final status until Israelis and Palestinians negotiate the issue themselves. When Congress passed a law in 1995 mandating that the U.S. embassy be moved from Tel Aviv to Jerusalem, the Clinton administration negotiated to insert a national security waiver into the legislation. It did so not just to preserve a longstanding executive-branch policy, but also to permit the president to determine whether such a move would serve the U.S. interest of promoting peace and stability in the region. Congress has required subsequent administrations to act on these waivers every six months, and they have been extended every time, with each president -- including Trump -- determining that an expired waiver would allow the enemies of peace to exploit official U.S. recognition of Jerusalem, foment violence on this evocative issue, and disrupt U.S. peace efforts.

Has anything changed to alter this policy? A few things. First, no serious peace talks have been held since 2013-2014. Second, UNESCO and the UN General Assembly have been adopting highly politicized resolutions that elide historical Jewish links to the city, effectively challenging the core of the Jewish faith. For example, an assembly resolution adopted on November 30 calls on governments to respect "the historic status quo at the holy places of Jerusalem, including the Haram al-Sharif, in word and practice." Of course, the Haram is a sacred Muslim holy site that includes al-Aqsa Mosque, where the Prophet Muhammad is believed to have ascended to heaven, so naming it in a resolution is hardly out of order. But the site is also home to Judaism's holiest place, the Temple Mount, which the resolution does not mention at all -- a telling omission.

Not surprisingly, the UN's recent moves have created a backlash. One of Trump's campaign pledges was that he would take a stand on the Jewish connection to Jerusalem. Like many of his predecessors, he also declared that he would move the embassy to Jerusalem. Even so, he signed the legislative waiver in June and is apparently going to do so again, according to media reports of conversations with U.S. officials. In all likelihood, he continues to believe that Arab leaders may misinterpret an embassy move and perhaps undercut his administration's current peace efforts.

To soften the political blow of issuing another waiver and show that he is different from his predecessors, the president may be poised to declare that Jerusalem is Israel's capital. Yet the very reason that moving the embassy is delicate is because it would signal a definitive U.S. position on the city's ultimate status. If tomorrow's declaration leaves that same impression, then the president may undermine rather than preserve his hopes for a peace deal.

To avoid this outcome, he should make clear that his declaration is not about determining Jerusalem's final status or boundaries, and that such decisions must still be made through direct negotiations between Israelis, Palestinians, and Arabs (including Jordan, whose role regarding the holy sites was recognized as part of its peace treaty with Israel). In other words, he should simply recognize that Jerusalem will always be Israel's capital, even if claims about its exact contours can only be resolved through peace talks.

Drawing this distinction is essential. Because of the emotional lens through which all parties perceive Jerusalem, any decision can be misrepresented by extremists and produce violence. For example, when Israel unsealed a tunnel in the Old City in 1996, Yasser Arafat claimed that it would undermine the Haram's foundations. While completely untrue, his claim triggered rioting that went on for a week and claimed the lives of seventy Palestinians and seventeen Israeli soldiers. More riots erupted last summer after Israel installed metal detectors at the entrance to the Haram/Temple Mount. Authorities had made this seemingly logical move in response to the murder of two Israeli border policemen by terrorists who had smuggled arms into the site, and similar detectors had been installed at other major Muslim holy sites, including Mecca. Yet many Palestinians accused Israel of changing the Haram's status quo, and the resultant violence spurred authorities to remove the new security measures.

In short, no issue seems to put Arab leaders more on the defensive than Jerusalem. Because the administration needs these leaders to play a role in any renewed peace effort, it should avoid any moves that look like Washington is

preempting negotiations and adopting Israel's position on the city. The challenge for the president is clear: acknowledge the de facto reality, but don't take a position on final status.

David Makovsky is the Ziegler Distinguished Fellow at The Washington Institute and editor of its new interactive map site [Settlements and Solutions \(http://www.washingtoninstitute.org/policy-analysis/view/settlements-and-solutions\)](http://www.washingtoninstitute.org/policy-analysis/view/settlements-and-solutions). Dennis Ross, the Institute's counselor and William Davidson Distinguished Fellow, played a leading role in shaping the peace process under successive U.S. administrations. ❖

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