



MOVING THE U.S. EMBASSY TO JERUSALEM

From Campaign Promise to Policy Challenge

■ ROBERT SATLOFF

If President Trump decides to honor his commitment to move the U.S. embassy in Israel from Tel Aviv to Jerusalem, he should act quickly—to consult with the Israeli government, to have his team assess the regional and local security implications and prepare appropriate responses, to engage key regional and international partners, and to define a plan to execute the logistical aspects of the relocation. Operationally, designating a Jerusalem hotel suite or rental property as the temporary official home of the U.S. ambassador and either setting up the ambassador's office within an existing U.S. government facility in Jerusalem or announcing the design and construction of a new U.S. embassy in the city would fulfill the president's promise. Both the residence and embassy should be in West Jerusalem, that part of the city Israel has controlled since 1948–49, to underscore that this move repairs a historic injustice dating to Israel's founding: that the United States has never formally recognized any part of Jerusalem as Israel's capital. All this should be done in the early weeks of the administration, well in advance of the June anniversary of the 1967 war, since delay would allow critics to marshal resources to impede the embassy relocation.

ROBERT SATLOFF is the executive director and holds the Howard P. Berkowitz Chair in U.S. Middle East Policy at The Washington Institute. An expert on Arab and Islamic politics, he has published widely on the Arab-Israeli peace process, the challenge of political Islam, and the need to revamp U.S. public diplomacy in the Middle East.

When he promised to move the U.S. embassy to Jerusalem, candidate Donald Trump joined a long list of presidential hopefuls to make this commitment. His postelection affirmation of that promise—combined with statements by top aides that he intends to implement that promise soon after inauguration—could put President Donald Trump in a category all his own.

Presidents of both parties who made and then broke this promise were evidently convinced that the relocation of America's main diplomatic mission in Israel from Tel Aviv to Jerusalem would ignite such outrage in Arab and Muslim-majority countries and trigger such violence among Palestinians themselves that the costs outweighed the benefits. Opponents of the embassy move have always cited this argument as though it were a self-evident truth. This analysis, however, takes ominous warnings by certain Middle East leaders at face value, builds on what is essentially a condescending view of Arabs and Muslims that assumes they will react mindlessly to incendiary calls to violence, and does not reflect a net assessment that includes the potential impact of subtle, creative, and at times forceful American diplomacy.

On one side of the ledger, any assessment of a move needs to account for its potential impact on U.S. interests throughout the region—in terms of diplomatic capital Washington needs to expend to address concerns of key states, how that effort consumes the time and energies of an administration grappling with multiple challenges in its early days, and the human, financial, and technical costs involved in mitigating the security contingencies raised by the move.

On the other side of the ledger, that assessment needs to place appropriate value not just on repairing a historic injustice but on the powerful signal broadcast to the Middle East—and the wider world—that a new administration is determined to chart a new course in the region, one in which fulfilling commitments to allies is a top priority. Of course, if an embassy relocation initiative is poorly conceived, poorly planned, and poorly executed, it may indeed provoke the violent response that some prophesy, but that outcome is not foreordained with such certainty that the costs necessarily outweigh the benefits.

Diplomatic History

It is important to recall the inconsistency in U.S. policy toward Jerusalem. When Harry Truman famously recognized Israel eleven minutes after its independence was announced, he extended only *de facto* recognition; Washington recognized Israel *de jure* in January 1949, shortly after Israel's first parliamentary election. At that time, *de jure* recognition affirmed U.S. acceptance of Israeli control over all Israel-held territory, including lands beyond those defined for the Jewish state in the 1947 UN partition resolution, with one exception—that portion of Jerusalem taken by Israel in its war for independence. Ever since, one of the most enduring facts of the U.S.-Israel relationship is that Washington has never formally recognized a single inch of Jerusalem to be part of Israel. (This was most recently underscored by the decision of the White House spokesman to amend the phrase "Jerusalem, Israel" in the published transcript of the eulogy President Obama delivered at Shimon Peres's funeral by deleting the word "Israel.")

Under an anachronistic quirk in U.S. policy, the official U.S. position is that Jerusalem's sovereignty is still governed by a section of the partition resolution that called for the creation of an international regime (termed *corpus separatum*) for the city and its holy sites. Importantly, none of the parties to the dispute support that approach: Israel declared the *corpus separatum* idea null and void in 1949; Jordan, which controlled the Old City of Jerusalem from 1949 to 1967, never endorsed it; and the current Arab litigant, the Palestine Liberation Organization, makes its own territorial claim to a substantial chunk of the city. As a result, U.S. officials have also cultivated a backup policy that says the question of Jerusalem's sovereignty should be resolved through negotiations.

None of this has stopped five U.S. presidents from visiting Jerusalem. Three of them spoke from the rostrum of Israel's parliament, the Knesset, in West Jerusalem, while all visited holy sites maintained and protected by Israel in formerly Jordan-held East Jerusalem. Still, the United States has never had a diplomatic facility in Jerusalem to represent America to the government or people of Israel.

The absurdity of current U.S. policy is even more extreme in that the United States does maintain a diplomatic facility in Jerusalem—a consulate-general—but it does not exist to represent America to Israel. As the official consulate-general website states, since the signing of the Oslo Accords in 1993, it “has served as the de facto representative of the United States government to the Palestinian Authority.”

This underscores the oddity and unbalance of current of U.S. policy—Washington lacks any formal diplomatic presence in the capital of its main democratic ally in the Middle East but does maintain a diplomatic presence in that ally’s capital for another political entity that claims territory within that city. It is incorrect, therefore, to say that U.S. policy has maintained steadfast neutrality on the question of Jerusalem; technically speaking, U.S. policy does tilt toward one side—the Palestinians. (The Jerusalem Embassy Act of 1995 was meant to address this problem, but Presidents Clinton, Bush, and Obama have consistently waived its provisions, citing their view that the law violates executive branch authority in foreign affairs.)

What Is Jerusalem?

The issue of relocating the U.S. embassy to Jerusalem is intimately connected to the question “what is Jerusalem?” In popular imagination, Jerusalem is the Old City, where about 40,000 Jews, Christians, and Muslims today live in the one square kilometer of territory bounded by the nearly five-hundred-year-old walls erected by Suleiman the Magnificent. This is where the main holy sites are located, from the Western Wall to the Church of the Holy Sepulchre to the al-Aqsa Mosque. But the Old City constitutes just a tiny fraction of a sprawling municipality that has evolved considerably in just the last few decades and today includes about 900,000 inhabitants.

Just since the 1947 UN partition resolution, Jerusalem has gone through the following political phases and changes in its municipal borders:

- Jerusalem as defined by the corpus separatum—100 square kilometers, which included a large area

that eventually got incorporated into what became known as the West Bank (e.g., Bethlehem)

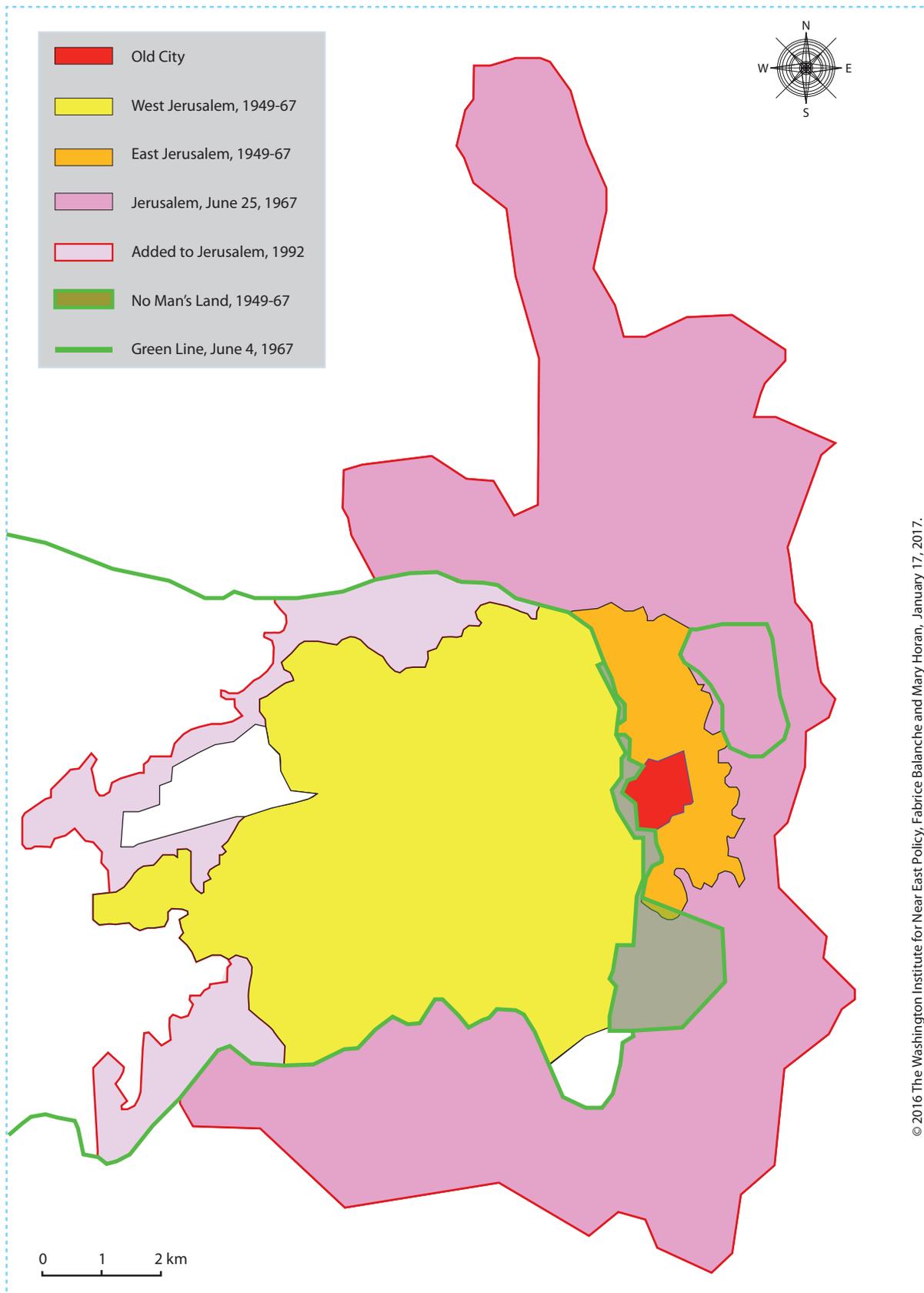
- Israel-held Jerusalem between 1949 and 1967 (known as West or Jewish Jerusalem)—38 square kilometers
- Jordan-held Jerusalem between 1949 and 1967 (known as East or Arab Jerusalem)—6 square kilometers, encompassing the Old City and its immediate environs
- Post-1967 Jerusalem—when Israel added 70 square kilometers north, east, and south of the city to the combined prewar cities of West and East Jerusalem, totaling 108 square kilometers in the expanded municipality
- Jerusalem after the 1993 expansion—whereby a territorial addition, drawing totally from land in pre-1967 Israel so as to have no political/diplomatic implications, extended Jerusalem’s municipal boundaries to 126 square kilometers
- Jerusalem as a result of the construction of Israel’s security barrier in the early 2000s—with the barrier, a counterterrorism tool, snaking both along and through the municipal boundaries and producing a de facto separation within the city in which about 60,000 Arab residents are effectively cut off from Jerusalem on the barrier’s east side

It is apparent, then, that Jerusalem’s municipal boundaries have evolved over time, giving the term “united and undivided city” a certain malleability (see map).

The Embassy Move and U.S. Policy

The provocative aspect of “the embassy move” is not really its relocation from a building inside the municipal boundaries of Tel Aviv to a building inside the municipal boundaries of Jerusalem. Rather, the points of contention are (1) precisely where inside the 126 square kilometers of current-day Jerusalem will the United States move its embassy and (2) what U.S. policy statement will accompany the announcement of the move.

Municipality of Jerusalem, 1949–2017



© 2016 The Washington Institute for Near East Policy, Fabrice Balanche and Mary Horan, January 17, 2017.

In terms of “where,” four options are possible:

- Inside the 38 square kilometers of pre-1967 Israel-held Jerusalem: this option addresses the historic injustice of America’s failure to recognize any sovereign Israeli presence in Jerusalem since the country’s founding.
- Inside the 6 square kilometers of pre-1967 Jordan-held Jerusalem: this option would be viewed as effectively validating Israel’s claim to sovereignty over the Old City, what Arabs traditionally call al-Quds, including its Muslim and Christian holy sites, and would be the most internationally provocative move.
- Outside the Old City but inside the formerly West Bank territory added to the Jerusalem municipal boundaries after 1967: this option would validate Israel’s hold to territory claimed by the Palestinians and would likely provoke a firm Palestinian response but less global reaction from Arab and Muslim capitals than the Old City option.
- Inside the post-1993 expanded boundaries of Jerusalem: this option is the most vanilla alternative, but it has the least symbolic significance for all parties.

Given these options, the United States would be wise to choose the first, relocating the U.S. embassy to a parcel inside pre-1967 Israel-held Jerusalem. This option has the benefit of righting a nearly seventy-year-old wrong; it corrects a decision made by the Truman administration following the 1948–49 war not to recognize any part of Jerusalem as legitimately part of Israel; and it has no direct impact on negotiations to resolve disputes arising from the 1967 war. In other words, depending on how the United States depicts the move, there is no necessary reason why anyone—Palestinians, other Arabs and Muslims, or other parties—should take offense at an embassy move to this territory, especially if Washington clarifies that the status quo is otherwise unchanged on other key elements of U.S. policy.

Indeed, that principle should form the basis of the U.S. policy statement that accompanies an announce-

ment of the embassy move. Specifically, such a statement should include the following six points:

- The move of the U.S. embassy from Tel Aviv to Jerusalem is sixty-nine years overdue. Given that American administrations of both parties have done official business with the government of Israel in Jerusalem for seven decades and that five presidents have held official meetings with Israeli prime ministers in Jerusalem going back to the early 1970s, it is right and proper that America’s main diplomatic mission to Israel be situated in the city Israelis have considered their capital from the founding of the state. The United States hereby recognizes it as such.
- The United States appreciates that Israel has agreed, through its international commitments, that the permanent status and borders of the city of Jerusalem will be determined through negotiations. The relocation of the U.S. embassy to a site within the city of Jerusalem should not be viewed as prejudging the outcome of those negotiations. The United States will support whatever arrangements for the permanent status of the city that emerge from direct negotiations between the parties concerned. Also, as a witness to the Jordan-Israel peace treaty, the United States appreciates Israel’s recognition of Jordan’s special role in Muslim holy shrines in Jerusalem and Israel’s commitment to give high priority to Jordan’s historic role in these shrines in negotiations on the permanent status of Jerusalem.
- Pending the outcome of those negotiations, the U.S. embassy will operate as normal embassies do, on behalf of all residents of the municipality of Jerusalem who wish to take advantage of its services. The performance of regular and ordinary administrative functions (e.g., registering births and deaths) should not be viewed as prejudging the outcome of those negotiations.
- In addition, the United States will continue to maintain a consulate-general in Jerusalem as its de facto representative to the Palestinian Authority. The operation of that facility also should not

be viewed as prejudging the outcome of permanent-status negotiations.

- The United States supports the maintenance of the status quo in terms of the Holy Sites in the Holy City. The relocation of the embassy has no bearing on the status of the Holy Sites and should not be used as an excuse or explanation for changing the status quo. Moreover, since the embassy relocation has no bearing on the status of the Holy Sites, it is the view of the United States that UNSCR 478 and related resolutions, which call on member states to withdraw diplomatic missions from “the Holy City of Jerusalem,” should not apply to the establishment of all diplomatic missions in Israel’s capital and do not apply to the relocation of the U.S. embassy.
- Consonant with these principles, the United States calls on all member states of the United Nations to join in establishing their embassies to Israel in the city of Jerusalem.

A supporting fact sheet accompanying the embassy relocation announcement should include a statement that, once the new U.S. embassy is operating, those who use the services of the U.S. embassy in Jerusalem will have their official documents refer to “Jerusalem, Israel.” Those who use the services of the consulate-general will have their documents stamped “Jerusalem.”

Laying the Groundwork

A logical rationale for the embassy relocation and a well-drafted announcement statement are necessary but not sufficient; they do not constitute a plan. The Trump administration needs to do considerable work before it can put an embassy relocation plan into motion.

Consult with Israel. This process begins with discreet discussion between personal representatives of President Trump and Prime Minister Binyamin Netanyahu to determine whether Israel truly wants the embassy relocation and how high a priority it is for

Israel, especially relative to other items on the bilateral agenda. Such a discussion would also seek to elicit Israel’s assessment of the likely responses of key Arab states and Israeli thinking on the policy context for the potential embassy move. Given the sensitive politics surrounding Jerusalem, this discussion will only have meaning if undertaken via a private channel between close confidants of the two principals. The Israeli side is unlikely ever to say it doesn’t welcome the embassy move, but U.S. officials should be attuned to signals that Israel would prefer a slower timetable than the Trump administration may have in mind.

Evaluate regional security impact of embassy move. Such an effort would entail recalling previous episodes of anti-American violence triggered by misinformation (or disinformation), such as the attacks on U.S. embassies in Libya and Pakistan based on false reports of U.S. involvement in the 1979 Mecca mosque takeover. This assessment of the potential implications of an embassy move should extend to U.S. interests far away from the Arab-Israeli arena. The potential for anti-American clerics to distort whatever step the United States takes on the embassy relocation—“Crusaders and Zionists Are Ransacking al-Aqsa” would not be a surprising headline in Karachi, for example—is not by itself a reason to forgo the move, but the United States needs at least to prepare for the possible fallout. Washington also needs to assess the potential for less violent but still problematic responses by certain countries—e.g., the harassment or expulsion of U.S. diplomats, the closing of U.S. diplomatic facilities—and to prepare appropriate responses.

Evaluate local security impact of embassy move. In addition, the administration needs to undertake a thorough assessment of the local security implications of an embassy move and what would be required to mitigate related security problems. This should recognize that most U.S. embassy personnel (and their families) currently reside in the Tel Aviv/Herzliya area and that it would take several years to complete the move of staff and dependents to the Jerusalem region; that Jerusalem poses a more

challenging environment to protect U.S. diplomats; and that historically Jerusalem has seen considerably more, and more lethal, terrorist incidents than the Tel Aviv area. U.S. officials will be mindful of past episodes of violence fueled by willful misrepresentation about Jerusalem construction projects, such as the 1996 Hasmonean tunnel incident, which led to dozens of Israeli and Palestinian fatalities.

Inform key Arab/Muslim capitals; put embassy discussion in context of broader discussions of U.S. policy. If, after discreet discussion with Israel and the regional and local security assessments, the administration decides to proceed with the embassy relocation, the next step should be a broad but urgent series of private, high-level meetings with key Arab and Muslim partners. Especially important are Egypt, home to Al-Azhar, the center of authoritative Sunni Islamic learning; Jordan, the former controlling power in the Old City, which still has treaty rights in the Holy Sites; Saudi Arabia, which governs Islam's two most important religious shrines, at Mecca and Medina, and whose views on Islam-related issues carry significant weight; and Morocco, whose monarch is chairman of the Jerusalem Committee of the Organization of Islamic Cooperation. Also significant are Indonesia, the world's most populous Muslim-majority country, and Turkey, whose president often claims to speak on behalf of Muslim concerns internationally. Many of these countries also have clout—directly and indirectly—through international broadcast media whose depiction of the embassy move will have an impact on popular opinion through Arab and Muslim societies.

In consultations with key Arab and Muslim countries, key points to underscore are that moving the embassy to a site in the part of Jerusalem that Israel has controlled since 1949 repairs a decades-old injustice in U.S. policy, has no bearing on the status quo of the Holy Sites, and does not prejudice the outcome of eventual negotiations over the city's final status and borders. Moreover, it is useful for U.S. envoys to unfurl maps showing that the embassy relocation has no bearing on the Old City and its holy sites and to point out that it only rectifies the imbalance of hav-

ing a diplomatic facility in the city for Palestinians but none for Israelis.

U.S. envoys will be asked whether the Trump administration continues to support a two-state solution to the Israeli-Palestinian conflict (the answer should be yes, as long as it is the product of direct negotiations between the parties) and whether it agrees with Secretary of State John Kerry's recommendation that Jerusalem serve as the capital of both states (the answer should be vague, deferring to whatever the parties agree as the outcome of their negotiations).

Arab leaders will listen politely and may even say they themselves will not stoke popular opposition to the move but that they cannot allow themselves to lag behind public opinion. In most cases, that will be code for the fact that each Arab leader has something higher on his agenda he hopes to hear from Washington. For the Saudis, that will be a renewed American commitment to counter Iranian negative behavior in the region; for the Moroccans, that will be a more sympathetic view of Rabat's policy toward Western Sahara; for the Egyptians, that will be vocal U.S. backing for its crackdown on political opposition or a U.S. promise to secure renewed Saudi economic support; for the Jordanians, it will be goodwill to be banked for the next round of discussions on loan guarantees or foreign aid.

The Trump administration should not suggest or imply that its support for items important to these Arab partners constitutes a quid pro quo for their quiet backing on the embassy issue, which is a sovereign decision of the United States. But in evaluating U.S. policy toward those issues, it is useful for the Trump team to point out that the embassy move does reflect something that all these countries should appreciate—a reaffirmation of America's commitment to allies and its willingness to take bold steps to give meaning to those alliances. More generally, to the extent U.S. envoys can signal a renewed commitment to broader U.S. leadership in the region, the more likely Arab leaders will be willing to use means at their disposal to rein in obstreperous elements in their societies eager to stoke popular outrage at the embassy move.

Inform Palestinian leadership, articulate expectations of restraint. With the Palestinians, Washington needs to adopt a different approach. While the talking points remain the same as with other Arab and Muslim countries, both the body language and the accompanying positions will change. U.S. officials should approach Palestinian president Mahmoud Abbas with the statement that the relocation is happening and that he and the Palestinian Authority have an interest in preventing, not provoking, violence from which only radicals, especially Hamas, can benefit. While Washington should not expect Abbas to applaud the move, the Trump administration should expect Abbas, his PA government, his Fatah party, and PA and Fatah media outlets not to purposefully misstate the facts, misrepresent the relocation as an “American-Israeli takeover of al-Aqsa,” or urge mass protest that has the potential to turn violent.

On this issue, U.S. officials should be firm and direct—the future of the U.S.-Palestinian relationship, including the continued provision of economic aid, will depend on how the Palestinian leadership comports itself in presenting the facts of the embassy relocation to the Palestinian people and responding with restraint. This also includes not implementing threats Palestinian officials have made in the past to speed up the “internationalization” of their conflict with Israel by pursuing membership in additional international organizations. To soften the message, Trump envoys should reaffirm U.S. support for the eventual creation, through direct negotiations, of an independent Palestinian state side-by-side with Israel and signal that failure to adopt a constructive approach toward the embassy relocation would ensure that Abbas does not receive an invitation to visit the new president in the White House.

Throughout, Trump administration officials should recognize that context matters. If the peaceful relocation of the embassy is a top U.S. priority, then it would be unwise to exacerbate local tensions by adopting provocative positions on related issues, such as embracing the most aggressive forms of settlement expansion. The more the new administration projects the message that it remains committed to a negotiated solution to the Israeli-Palestinian conflict, the

more likely Palestinian officials will be in a position to mitigate the risks of the embassy relocation.

Engage friends and allies around the world. In addition to these consultations, the Trump administration should speak discreetly with European, Asian, African, and Latin American allies, to explain the particulars of its plan, put it in the context of broader U.S. policy, and urge other countries to consider relocating their own embassies to Jerusalem. One place to begin is with the eighteen countries that maintained their embassies in Jerusalem during some period between 1967 and 1980, when the UN Security Council called on them to relocate out of the city, including the Netherlands, four African countries, and thirteen Central and South American countries. Also, France, Turkey, and Britain, like the United States, maintain consultates in Jerusalem that officially serve as representative offices to the PA, without having any diplomatic representation in the city for Israel. The Trump team should make a special push to convince them to join the United States in repairing that injustice.

Executing the Move

Timing the embassy relocation is also significant, requiring considerations such as these:

- Once a broad series of consultations commences, it will be difficult to maintain secrecy. The relocation should be publicly announced as soon as possible after the consultations are satisfactorily concluded. Consultations, therefore, need to be brief, intense, and virtually simultaneous. Otherwise, opponents of the new U.S. policy will have time to gather their resources and put obstacles in its way.
- The relocation cannot be divorced from broader Trump administration initiatives in the Middle East. This includes policy pronouncements on the Iran nuclear deal, the Middle East peace process, the campaign against the Islamic State, and the future of Syria. As important as the embassy relocation may be, the Trump administration should not make the rest of its Middle East policy wait long for clarity and closure on the Jerusalem issue. Indeed, it

is important for the new administration to have a clear vision of these policy issues ready for its high-level meetings with key Middle East allies and be willing to engage with its regional partners on those matters, which are likely to be far higher on their list of national security priorities.

- The Israeli government may have an interest in connecting the embassy relocation to June 2017 ceremonies commemorating the fiftieth anniversary of the Six Day War, highlighting what in Israeli terminology is the “unification of Jerusalem.” Such linkage, however, runs against the grain of the argument that the relocation repairs an injustice dating to Israel’s founding in 1948–49. It also runs the risk of making Arab and Muslim restraint more difficult.

Taken together, these considerations suggest that if the Trump administration chooses to proceed with the embassy relocation, it should announce and execute the decision as early as possible—allowing adequate time for private consultations and other preparations but well before June 2017. To paraphrase British statesman Harold Macmillan, if the United States waits too long, events will intervene.

The logistics of relocating an embassy to a new city can be complicated. In reality, this involves not one diplomatic facility but two—an embassy and an ambassador’s residence.

In traditional diplomatic protocol, the ambassador’s residence is the most “official” diplomatic site. In terms of the Jerusalem issue, the residence is the easiest place to make a symbolic change, given that past practice provides a ready solution. For many years, the U.S. government has leased a suite in a major hotel in West Jerusalem for the ambassador’s use while in the city. As part of the embassy relocation announcement, the U.S. Department of State should immediately designate such a suite (or a rental property elsewhere in West Jerusalem) as the ambassador’s new and official, if temporary, residence. This “reflagging operation” should be highlighted with a full-blown ribbon-cutting ceremony, including the raising of the American flag at the hotel and the affixing of a plaque at the hotel’s entrance. At the same time, State Department officials

should begin the process of securing an appropriate ambassadorial residence in the city.

In terms of the embassy itself, several options exist:

- To announce the embassy relocation and begin the multiyear process of designing and constructing a new embassy facility, perhaps on the empty 7.8-acre site that was leased in 1989 by the State Department in the Talpiot neighborhood of pre-1967 West Jerusalem.
- To announce the relocation and install the U.S. ambassador—at least symbolically—in a temporary office in an existing U.S. diplomatic facility in Jerusalem, most likely the new consulate facility in Arnona, also in pre-1967 West Jerusalem. The existing embassy in Tel Aviv would continue its current operation as an “embassy annex,” pending the design and construction of a new facility in pre-1967 West Jerusalem.
- To announce the relocation and swiftly move as much of current embassy operations as possible to an existing U.S. diplomatic facility in Jerusalem.

Given the logistical complexities, bureaucratic headaches, and security complications, choosing the “fast move” option would not be wise. Indeed, the Trump administration sends the same political message at much less potential cost with one of the two slower options.

There is at least one additional option: redesignate the existing consulate-general as the U.S. embassy and relocate the consulate-general to an alternative site. Some will suggest this is a good opportunity to move the consulate to a site in formerly Arab-held East Jerusalem, which Palestinians claim for their capital and where it may be more appropriate for the United States to maintain diplomatic representation to the PA. (The United States leases such a site, formerly housing consular offices, on Nablus Road.) However, this option is likely to trigger political pushback from the Israeli government, since it will be interpreted as a sign of U.S. support for Palestinian claims inside Jerusalem, thereby sending confounding messages about the meaning of the embassy move itself. Better to shelve this option and leave the Agron Road site as it is.

