



PERSPECTIVES

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Moving the US Embassy to Jerusalem: Righting a Diplomatic Wrong

by Prof. Eytan Gilboa

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EXECUTIVE SUMMARY: Jerusalem has been the capital of the state of Israel since 1949. Most states, however – including the US – chose not to recognize Israel's capital and located their embassies in the Tel Aviv area. There has never been any reason to deny recognition of West Jerusalem as Israel's capital, either before or after the 1967 Six-Day War. The failure to recognize Israel's capital is thus a unique diplomatic anomaly. In election campaigns, successive American presidents have promised to transfer the US embassy from Tel Aviv to Jerusalem, but failed to live up to that commitment. Congress demanded recognition and transfer but to no avail. President Donald Trump dramatically changed this pattern by recognizing Jerusalem as Israel's capital and ordering that the US embassy be moved there.

Every sovereign country has the right to determine the location of its own capital, yet most countries in the world have denied Israel this right. When Israel was established, it was natural that the founders would establish the capital in Jerusalem. After all, Jerusalem was the capital of successive Jewish kingdoms for hundreds of years in Biblical times, ever since the reign of King David. Throughout centuries of exile, Jerusalem has occupied a major place in Jewish prayers. Jews have long yearned to return to Jerusalem and make it once again the capital of an independent Jewish State.

During the 1947-48 War of Independence, the first Israeli Prime Minister, David Ben-Gurion, made a special military effort to keep Jerusalem in Jewish hands. He was only partially successful. Israel kept control of the western section of the city but lost the eastern section to Jordan, including the Jewish Quarter and the Wailing Wall, the holiest Jewish site.

Immediately after Israel declared independence, several countries, including the US and the USSR, recognized the new state. In May 1949, Israel became a UN member. In December 1949, Israel declared the Western section of Jerusalem its capital and moved the Knesset, the presidency, the courts, ministries, and government agencies there.

There has never been any reason for the international community to deny recognition of West Jerusalem as Israel's capital. Between 1948 and 1967, Jerusalem was divided between Israel and Jordan, but Berlin was also a divided city. The political and diplomatic situation in Berlin was far more controversial than it was in Jerusalem, yet the US and most other countries had no difficulty recognizing East Berlin as the capital of East Germany.

All Israeli efforts to gain recognition for Jerusalem failed. Only sixteen countries, primarily from Latin America, located their embassies in the city: the Netherlands, Haiti, the Ivory Coast, Zaire, Kenya, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Panama, Uruguay, and Venezuela. Other states placed embassies in the Tel Aviv area. It is reasonable to assume that had the US established its embassy in Jerusalem, many other countries would have followed suit.

During the 1967 Six-Day War, Israel captured and later annexed East Jerusalem and unified the city. Since then, the capital's status has been one of the issues to be settled in Arab-Israeli negotiations. Apparently, nobody expected the conflict to persist for so many years.

After the 1973 Yom Kippur War, the Ivory Coast, Zaire, and Kenya severed diplomatic relations with Israel and closed their embassies in Jerusalem following a resolution by the Non-Aligned states. In 1980, the remaining countries closed their embassies following the Knesset's passage of the "Basic Law on Jerusalem, the Capital of Israel," which stated that the city would remain the "complete and united capital of Israel."

Since the 1993 Oslo peace process, the Palestinians have demanded that East Jerusalem be made the capital of their independent state.

In October 1995, the US Congress passed by overwhelming majorities (Senate 93-5, House 374-37) "The Jerusalem Embassy Act." It stated that Jerusalem should remain unified, that it should be recognized as Israel's capital, and that the US Embassy should be moved from Tel Aviv to Jerusalem by May 31, 1999. However, the law allowed the president to sign a waiver every six months on "national security" grounds. Presidents Bill Clinton, George W. Bush, and Barack Obama all invoked the waiver and failed to implement the law. They assumed that moving the embassy would compromise Palestinian-Israeli negotiations and stir violent protests against the US across the Muslim world.

During the 2016 presidential election campaign, then-candidate Donald Trump repeatedly promised to move the US embassy to Jerusalem. On June 5, 2017, the US Senate unanimously passed a resolution (90-0) that reaffirmed the 1995 Jerusalem Embassy Act and called upon the president to implement it.

On December 6, 2017, President Trump recognized Jerusalem as Israel's capital and instructed the State Department to prepare to move the US Embassy to Jerusalem. The Palestinians were furious and suspended contact with the US on Trump's pending peace plan. Many commentators and "experts" forecast widespread violent protests against the US in the Muslim world.

They were wrong. On February 23, 2018, Trump announced that the US Embassy would move to Jerusalem on May 14, 2018, to coincide with the seventieth anniversary of Israel's declaration of independence.

From the beginning of his term, Trump has aspired to build a legacy of bold and historically transformative events. The transfer of the US embassy to Jerusalem is one of those events. Trump wanted to demonstrate that he fulfills campaign promises and also wished to satisfy his political base – especially evangelical Christians, who have strongly and consistently insisted on recognition and the embassy transfer.

Trump also believes his move will rouse the stalled Palestinian-Israeli negotiations. This may yet occur, as Trump has indicated that Israel will have to make reciprocal concessions in return for the transfer of the embassy.

Several other states have now announced that they too will move their embassies to Jerusalem, including Guatemala, Honduras, Paraguay, the Czech Republic, and Romania. Others may follow the US example. Trump will be remembered as a determined president who, unlike his predecessors, had the courage to correct a longstanding diplomatic anomaly.

Prof. Eytan Gilboa is director of the Center for International Communication and a senior research associate at the Begin-Sadat Center for Strategic Studies.

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