

BICOM Briefing

The US Embassy move

May 2017



USEmbassyJerusalem 

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US Embassy Jerusalem

Introduction

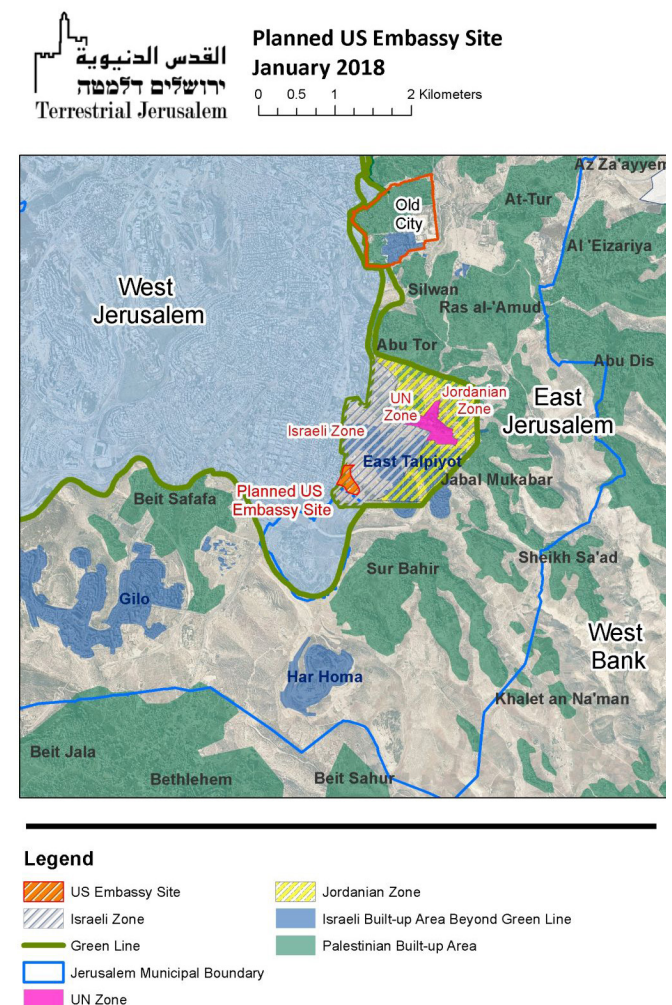
- *On 14 May, the US is due to formally move its embassy in Israel from Tel Aviv to Jerusalem.* US Secretary of the Treasury Steven Mnuchin is due to lead a 250 person strong delegation, including approximately 40 politicians, US President Donald Trump's daughter Ivanka, his son in law Jared Kushner, and Special Representative for International Negotiations Jason Greenblatt.
- *The Embassy move follows a December 2017 decision by Trump, in which he formally recognised Jerusalem as the capital of Israel.* His decision allowed the implementation of the 1995 US Jerusalem Embassy Act, which called for Jerusalem to be "recognised as the capital of the State of Israel," but whose implementation was deferred by every president since then.
- *Trump reaffirmed his administration's "support for the status quo at the Temple Mount,"* also known as Haram al Sharif, adding that the US was "not taking any position on any final status issues, including the specific boundaries of Israeli sovereignty in Jerusalem". He also said that "the United States would support a two-state solution if agreed to by both sides".
- The move was widely celebrated in Israel, with both government and opposition leaders seeing it as righting a historic anomaly in international diplomacy.
- *Jerusalem is the holiest place in the world for Jews,* being the site of the First and Second Jewish temples. Jews all over the world pray in the direction of Jerusalem and the trauma of Jerusalem's destruction (the second Temples was destroyed in 70 CE by the Romans) and the dream of its restoration is central in Jewish liturgy, culture and memory. In modern times the city is reckoned to have had a Jewish majority since the mid-19th Century. The Kotel (Western Wall), a retaining wall of the artificial mountain on which the Second Temple stood, in the Jewish Quarter of the Old City, is the holiest site in the world for Jews.
- *Jerusalem is also sacred for Muslims,* with the Al Aqsa Mosque, the third holiest mosque in the Islamic world (after those in Mecca and Medina) built on the former site of the Second Jewish Temple, alongside the iconic, golden Dome of the Rock. This area, known as the Temple Mount to Jews, is known Al Haram Al Sharif to Muslims. *The city is also revered by Christians around the world* and houses the Church of the Holy Sepulchre, the Station of the Cross and many other sites associated with the life and death of Jesus.
- *East Jerusalem is claimed by Palestinians as the future capital of a Palestinian state, and Trump's decision was heavily criticised by Palestinian Authority (PA) President Mahmoud Abbas.* In the months following the announcement the PA cut ties with the Trump administration with Abbas saying that "the decision has resulted in the United States being unable to serve as a mediator in future negotiations". A peace plan being developed by a US team led by Jared Kushner has yet to surface.
- *Trump's announcement was also criticised by the international community, including Britain.* UK Prime Minister Theresa May emphasised that the UK's position "on the status of Jerusalem is clear and long-standing: it should be determined in a negotiated settlement between the Israelis and the Palestinians, and Jerusalem should ultimately be the shared capital of the Israeli and Palestinian states". A UN General Assembly resolution criticising the US decision passed with the support of 22 out of 28 EU member states, including Britain.
- Since Trump's decision, leaders of a *number of other countries have announced plans or expressed interest in relocating their embassies to Jerusalem,* notably, Guatemala, Honduras, Paraguay, the Czech Republic, and Romania.

Where will the Embassy be located?

- A site on David Flusser Street, in the Arnona neighbourhood – currently housing the Consular Section of the US Consulate-General in Jerusalem – will become the temporary embassy site. In the longer term, the Embassy is expected to be built on the large adjacent site of the Diplomat Hotel, which was bought by the US in 2014.
- The current Consular Section and Diplomat Hotel are located in a Jewish area of Jerusalem continuously controlled by Israel since 1948-49 and not claimed by the Palestinians. Approximately half of the current consular facility is located within sovereign Israel, while the rest is located in the “Israeli Zone” of a small pocket on the seam line that was divided into a UN Zone, Israeli Zone, and Jordanian zone after the signing of the 1949 Armistice Agreement and which the international community does not treat as disputed or occupied. (see map). The Diplomat Hotel itself was built within this Israeli zone before the 1967 war.
- At this stage, the transformation of the Consulate into the Embassy will be primarily symbolic, including a changing of the sign and the move of the Ambassador and his secretary. Estimates suggest that construction works to fully equip the Embassy will continue over next six years.
- The Embassy in Jerusalem will not replace the existing building in Tel Aviv – a large, heavily fortified building on the Tel Aviv beach front. An official announcement stated that the “Embassy Branch Office in Tel Aviv” will continue to provide the same consular and visa services it provided before while the Embassy in Jerusalem will provide passport issues and renewals as well as US visa services, alongside other consular services. All immigrant visas and all federal benefits for individuals living in Israel, the West Bank and Gaza will only be processed at the Embassy in Jerusalem.

Embassies and consulates in Jerusalem: then and now

- Although Jerusalem does not currently house any foreign embassies (most of which are in Tel Aviv or the surrounding area), several consulate-generals handling diplomatic relations with the PA are located in the city. These include those of the UK, Turkey, Belgium, Spain, Sweden and the EU, which are located in the eastern part of Jerusalem, while those of France, Italy, Greece and the US are located in the western part of the city.
- Since Israel’s establishment in 1948, a number of countries have located their embassies in Jerusalem. These included the Netherlands, Haiti, Ivory Coast, Democratic Republic of the Congo (then Zaire), Kenya, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Panama, Uruguay and Venezuela.



Map used with permission of Terrestrial Jerusalem.

- *This changed following two events.* The first was the 1973 Yom Kippur War, after which the Ivory Coast, Zaire and Kenya severed relations with Israel as a result of a decision by the Non-Aligned Movement in Algiers in September 1973. The remaining countries closed their Jerusalem embassies in 1980, 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". The UN Security Council condemned the Basic Law as a violation of international law and called upon member states to remove their diplomatic missions from Jerusalem.

The disputed borders of Jerusalem

- *The decision to move the Embassy is considered controversial due to the disputed borders of the city*, with both Israelis and Palestinians claiming Jerusalem as their capital. The 1947 UN plan to partition Mandatory Palestine into a Jewish state and an Arab state proposed for a "Special International Regime for the City of Jerusalem," whose borders extended as far south as Bethlehem. After that plan was rejected by the Arab side, the city was fought over by Israeli and Jordanian forces and was eventually divided. During the war, the Jordanian army, the "Arab Legion," captured what became known as "East Jerusalem", (including the Old City and its holy sites). Jews were expelled from the Old City - whose synagogues were subsequently destroyed - and prevented from accessing the Western Wall. Following the 1967 Six-Day War, during which Israel captured East Jerusalem and reunited the city, Israel expanded the municipal borders and proclaimed Jerusalem to be the "undivided, eternal capital of Israel". It allowed Jordanian governed religious authorities to maintain control of Muslim holy sites and granted permanent residency rights to the Palestinians in East Jerusalem.
- *While West Jerusalem is de-facto recognised as Israeli territory, the two sides disagree over the future of the eastern*

part of the city, including the Old City. Israel's primary governmental institutions are in West Jerusalem, including the Knesset, Prime Minister's Office, Supreme Court and Foreign Ministry. The Palestine Liberation Organisation (PLO) demands the formerly Jordanian controlled eastern part of the city – including the Old City – as the capital of a future State of Palestine. The international community has accepted the de-facto application of Israeli law in West Jerusalem and sees the eastern part as occupied, believing final borders should be agreed by the two sides through negotiations.

- *The Israeli-Palestinian Declaration of Principles, signed between Israel and the PLO in September 1993, leaves question of Jerusalem open.* Article V declares that the permanent status of the city is one of the issues to be agreed by both parties in bilateral negotiations.
- *While many Israelis oppose any division of Jerusalem, Israel has offered to share the sovereignty of Jerusalem with the Palestinians in peace negotiations.* In 2000, then-Prime Minister Ehud Barak offered to cede Arab neighbourhoods of East Jerusalem, including the Muslim Quarter of the Old City, and to give the Palestinians custodianship over the Muslim holy places on the Temple Mount. This was rejected by then-PLO Chairman Yasser Arafat. In 2008, Prime Minister Ehud Olmert offered to put the Old City and its surrounding area under joint management by a special committee consisting of representatives from five nations (Saudi Arabia, Jordan, Palestine, the US and Israel), but Abbas did not respond.
- *The official UK policy on the status of Jerusalem is that it should be the shared capital of both sides* in a way that is agreed through bilateral negotiations and navigates Israeli and Palestinian sensitivities, without causing serious security and logistical problems.

What may happen next?

- *The issue of Jerusalem has been a trigger for violence many times in the history of the Israeli-Palestinian conflict;* most recently in July 2017, following the murder of two Israeli Police Officers, Hael Sathawi and Kamil Shanan, next to the Lions Gate in Jerusalem's Old City. The attack resulted in the evacuation and temporary closure of the Temple Mount, the installation of security cameras and metal detectors, and violent clashes between police and thousands of Palestinian protestors. The Trump announcement in December 2017 triggered further demonstrations in Jerusalem and the West Bank, though not on the scale that some had feared.
- *A combination of other factors could increase the chances of violence.* The Embassy move comes the day before Nakba Day, when Palestinians will mark the 70th anniversary of Israel's establishment, which they refer to as the Nakba (catastrophe). This year these commemorations, which have historically led to clashes between Palestinians and the IDF, also coincide with the beginning of the Muslim holy month of Ramadan, during which religious tensions typically rise. Israel will mobilize hundreds of police and security forces to secure the opening ceremony, which will be attended by many Israeli dignitaries, and to contain demonstrations by Palestinians living in East Jerusalem.
- *These events also come during heightened tension along the Gaza border,* where Hamas and other terrorist operatives have hijacked peaceful demonstrations marching for the so-called "Right of Return," in order to try and destroy the border fence and infiltrate Israel. While attendances have ranged from 5,000-40,000, Hamas hopes that on Friday 18 May it will be able to bring 100,000 people to the border. Forty-two Palestinians have been killed by Israeli fire on the Gaza border since 30 March. Israel also faces heightened tension on its northern border following clashes with Iranian forces in Syria.
- *There also remains considerable speculation around a much-heralded Trump peace plan that has been in the works for over a year.* Following the Israeli achievement of

receiving recognition of Jerusalem as its capital, some argue that the administration has positioned itself strongly to demand some Israeli concessions. While few details have leaked of the plan, Israeli papers reported last week that it would include Israel ceding four neighbourhoods in East Jerusalem to the PA: Jabel Mukabar, Isawiya, Shuafat and Abu Dis.

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