

Jerusalem: U.S. Recognition as Israel's Capital and Planned Embassy Move

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December 8, 2017

Via a presidential document that he signed after a speech on December 6, 2017, President Trump proclaimed “that the United States recognizes Jerusalem as the capital of the State of Israel and that the United States Embassy to Israel will be relocated [from Tel Aviv] to Jerusalem as soon as practicable.” A December deadline for a presidential decision under the Jerusalem Embassy Act of 1995 (P.L. 104-45) and plans for Vice President Pence to travel to the region apparently precipitated the timing of the President’s decision.

Despite his proclamation on the planned embassy relocation, the President ultimately did sign a waiver (on national security grounds) in response to the December deadline. So long as the embassy has not officially opened in Jerusalem, the waiver is required every six months under P.L. 104-45 to prevent a 50% limitation on spending from the general “Acquisition and Maintenance of Buildings Abroad” budget. This limitation would otherwise apply in the following fiscal year.

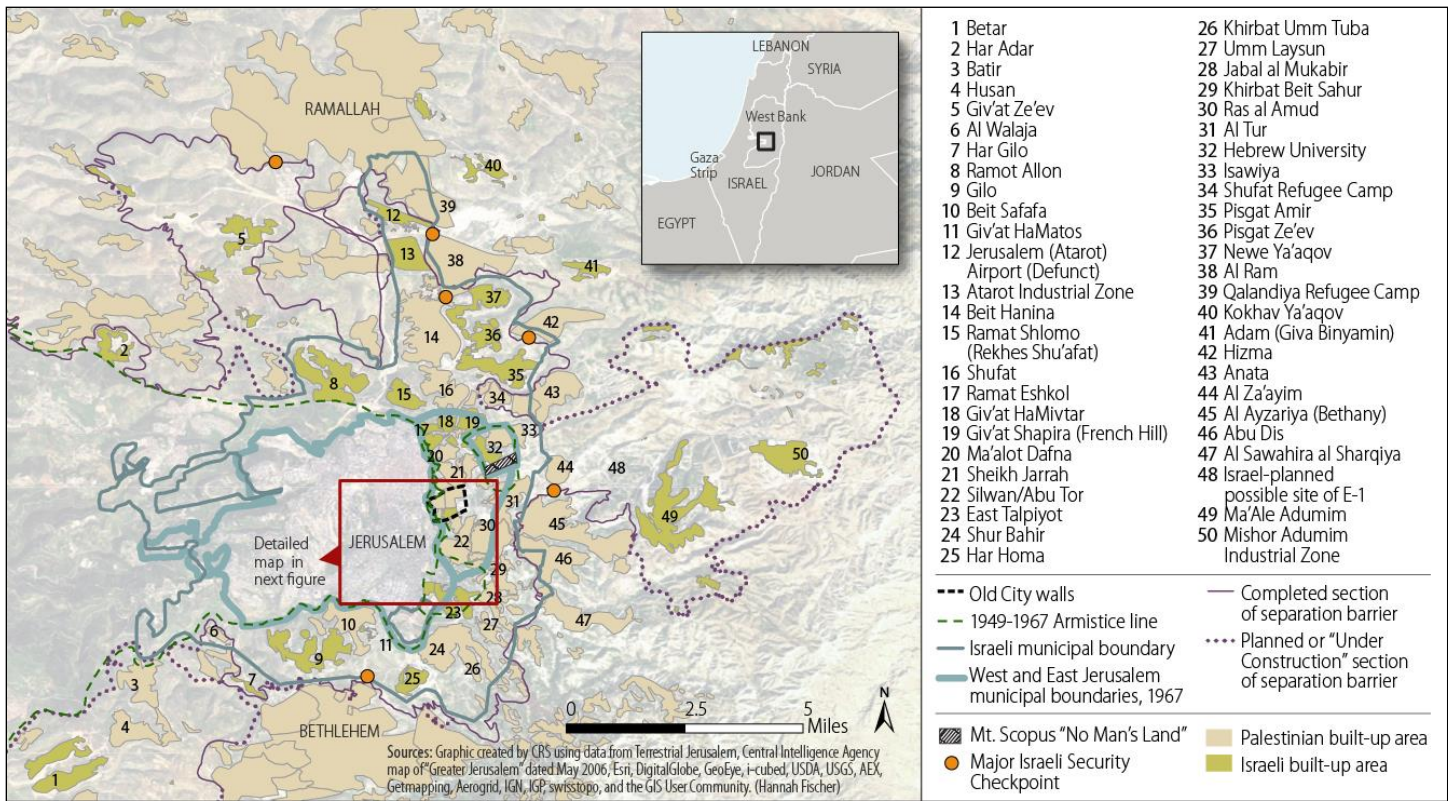
In making his decision, President Trump departed from the decades-long U.S. executive branch practice of not recognizing Israeli sovereignty over any part of Jerusalem. The western part of Jerusalem that Israel has controlled since 1948 has served as the seat of its government since shortly after its founding as a state. Israel officially considers Jerusalem (including the eastern part it unilaterally annexed after the 1967 Arab-Israeli war, while also expanding the city’s municipal boundaries—see **Figure 1**) to be its capital. Palestinians envisage East Jerusalem as the capital of their future state.

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IN10838

Figure I. Greater Jerusalem

Note: All locations and lines are approximate.

The President stated in his speech that he was not taking a position on "specific boundaries of the Israeli sovereignty in Jerusalem," but leaving the city's final status to Israeli-Palestinian negotiations. He did not explicitly mention Palestinian aspirations regarding Jerusalem. He also called on all parties to maintain the "status quo" arrangement at holy sites, including the Temple Mount/Haram al Sharif. Apparently echoing past statements, the President said that the United States would support a two-state solution if both sides agree to it.

For more background on Jerusalem and U.S. policy, see CRS Report RL33476, *Israel: Background and U.S. Relations*, by (name redacted)

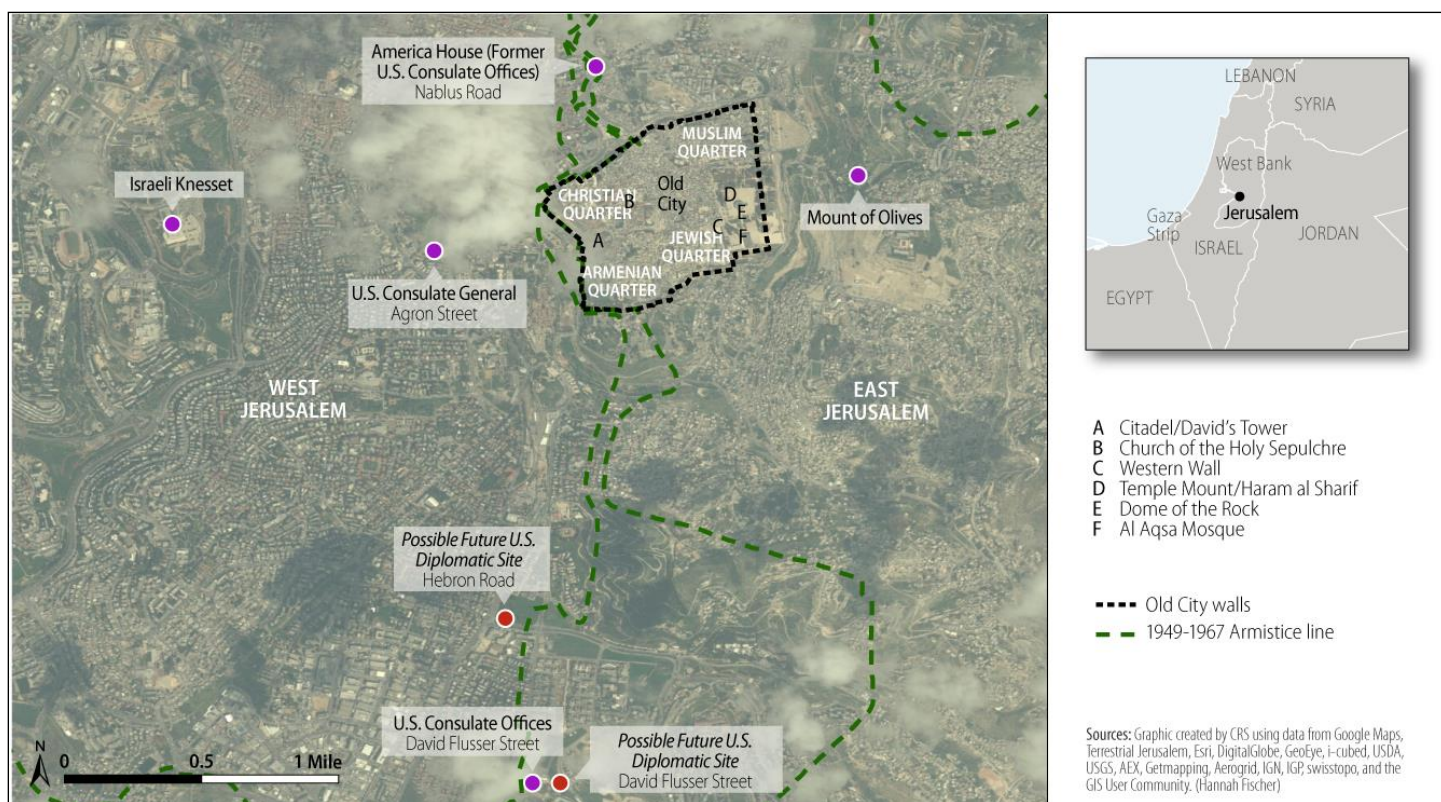
U.S. Policy Questions and Options for Congress

The following questions are prominent in the debate over the President's decision:

- How might it affect security and political interactions among Israelis and Palestinians, and Arab governments and publics in neighboring states?
- How might it affect the security of U.S. personnel, installations, and citizens abroad, especially in the Middle East?
- How might it affect ongoing efforts by the Administration to mediate Israeli-Palestinian peace negotiations with the involvement of Arab states such as Saudi Arabia, Egypt, and Jordan? (Jordan has a special custodial role over Jerusalem's holy sites, as acknowledged by Israel and the Palestinians.)
- How might it affect U.S. policy in the region more broadly?

Some Members of Congress have expressed their support for President Trump's decision, while others have voiced opposition or warned about possible negative consequences. Congress could consider a number of legislative and oversight options. With regard to the planned embassy move, these could include funding, timeframe and logistics, progress reports, and security for embassy facilities and staff. Past media reports have identified a number of sites owned or leased by the U.S. government in Jerusalem—including the existing Consulate General that deals with the Palestinians—as possible venues for an embassy (see **Figure 2**).

Figure 2. Jerusalem: U.S. Sites and Other Selected Sites



Note: All locations and lines are approximate.

International Reactions

While Israeli officials welcomed the President's decision, reactions from other international **actors**—including key Arab and European countries—were mostly negative. Several governments' officials have warned that recognizing Jerusalem as Israel's capital and preparing for an embassy move could lead to the collapse of the Israeli-Palestinian peace process and to violence, and some have asserted that it goes against international law or political consensus. In joining other Palestinian leaders who denounced the decision, Palestine Liberation Organization Chairman and Palestinian Authority President Mahmoud Abbas said it represented a U.S. withdrawal "from undertaking the role it has played over the past decades in sponsoring the peace process." Palestinian factions have united to announce general strikes and protests, with thousands turning out in Jerusalem, the West Bank, and the Gaza Strip, and some protests in other Muslim-majority countries. Clashes with Israeli security forces have ensued, and Hamas has called for a new uprising (or *intifada*). As of December 8, there are reports of one Palestinian death and up to 200 injuries.

Background and Assessment

As a candidate, Trump pledged to move the embassy to Jerusalem. Nevertheless, on June 1, 2017, President Trump signed a waiver that suspended the P.L. 104-45 spending limitations for six months, following the precedent of previous Presidents. Reportedly, the leaders of Jordan and Egypt had warned of negative consequences for the region, at a time when the Administration was starting consultations with key Arab states about a possible peace process initiative. In a statement accompanying the President's June 1 waiver, the White House said that "the question is not if that [embassy] move happens, but only when."

Observers debate how the President's December decision might complicate an anticipated 2018 relaunch of Israeli-Palestinian talks. Some commentators surmise that the Administration probably expects Arab leaders to continue their support for a U.S.-led peace process, despite their initial negative reactions in public, because of their widely reported interest in working with the United States and Israel to counter Iran's influence in the region.

Whether Arabs will move toward or away from supporting the peace process may depend on various factors. These could include the popular Palestinian and larger Arab reaction to announced changes in U.S. policy, and the extent to which Arabs believe that their ability to counter Iran is tied to cooperation on the peace process. A separate issue is whether Arab support would be sufficient to engage Palestinian officials in a new diplomatic initiative, given the difficulties with past initiatives and questions regarding Palestinian leadership overall and divided rule in the West Bank and Gaza.

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