



## Breaking Ground in Jerusalem

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Some things are utterly predictable. The sun will always rise in the east, rain will always be wet, and US presidential candidates who promise to move the American embassy from Tel Aviv to Jerusalem always backtrack once they are in the White House.

If this year has taught us anything, however, it is that we must expect the unexpected. Today, the prospect of the US embassy moving to Jerusalem is more real than it has ever been. The implications of this move are significant and deserve serious attention.

Relations with Israel have always played a unique role in US politics: Israel represents a foreign policy issue, yet it is one with deep-rooted domestic political implications. This has pushed presidential candidates into a balancing act. While on the campaign trail, to appease pro-Israel donors, candidates have routinely promised to move the US embassy to Jerusalem. Once in office, however, when the concerns are no longer about winning votes and campaign contributions but on the national security of the United States, the commander-in-chief balks.

In 1995, Congress passed legislation calling on the president of the United States to move the embassy to Jerusalem. It also afforded the executive a national security waiver that would have to be renewed every six months. Since that time, every US president—Clinton, Bush, and Obama—has used that waiver to avoid complying with the legislation and relocating the embassy. This device allowed for elected congressional representatives to please pro-Israel interest groups while deflecting responsibility to the executive for carrying out the legislation—all the while giving him an exit ramp since national security is not supposed to be a political game. This convoluted strategy, however, depended on an executive who would elect to exercise the waiver. Today, there is a real possibility that the incoming administration of Donald J. Trump will not do so.

The non-recognition of Jerusalem as sovereign Israeli territory is one of the long-standing delicate dances of American foreign policy. While it is a matter of fact that the Israeli state has controlled all of Jerusalem since the war of 1967, the United States, along with most of the world, refuses to formally recognize this so as not to endanger relations with the 57 Arab and Muslim states that are home to 1.5 billion people.

A similar dance in American foreign policy is the One-China policy. Even though there is a separate government in Taiwan (or “on Taiwan,” as the American diplomatic parlance requires), and that the United States continues to sell it weapons for defense against the hostile mainland, Washington maintains that there is one China, that Taiwan is part of it, and that it is led by Beijing. This policy has formed the foundation of US-China relations since 1972.

Despite the importance of US-China relations, however, President-elect Donald Trump, even before getting into office, sent shockwaves through the American foreign policy community when he spoke on the phone with the president of Taiwan—an unprecedented move leading to the Chinese seeking clarification about the US position from the Obama White House.

The mercurial nature of Donald Trump, however, is not the only reason why, this time, an embassy move to Jerusalem might happen. Trends in both American and Arab politics make this more likely as well.

From what we can surmise, it seems the incoming Trump administration’s approach to Israel will be a dream come true for the Israeli right wing. It is important to note that the affinity between the Israeli right and the American right, however, has grown significantly in recent years, independent of Donald Trump. Both the Republican party and pro-Israel interest groups are increasingly reliant on conservative religious communities in the United States. For these constituencies, policy toward Israel—and specifically, support for Israel’s colonial ambitions in occupied Palestinian territory—is not a function of what is good for America but rather about the desires of the divine. Clearly, this is not the same Republican Party as that represented by former Secretary of State James A. Baker.

Along with the rightward movement in Republican party politics, moving the US embassy to Jerusalem is more feasible today because of a drift in Arab politics as well. Previously, the national security argument for avoiding an embassy move had been based on the notion that Arab and Muslim states, along with their publics, would be enraged. But there is no denying that the Arab world is different today. Never before has the issue of Palestine—historically a top priority—been lower on the international agendas of Arab governments than it is today. While there is no doubt that Palestine remains a key issue of concern among Arab publics, other regional issues like the situation in Syria or the conflict with Iran have become a prism through which Arabs now see the region and the world.

This is not to say that there would be no reaction from Arab or Muslim states and their citizens should the decision to move the embassy be taken. There is a real likelihood that this would serve as a radicalizing moment of recruitment for militant groups in the region who will direct their ire against the United States, Israel, and collaborating Arab regimes. Arab states, which are already in a fraught position, with their societies demanding more rights and freedoms from

aging autocrats who are constantly offering less, will feel the pressure to protest if only to defuse some anger. However, in a region where many Arab states, particularly Gulf countries, have been flirting with making their increased collaboration with Israel public, it is easy to see why the Americans would see the risks of moving the embassy as much more diminished today, in comparison with the past.

Israel has relished the opportunity to speak of its collaboration with the Gulf states as part of an axis against Iranian influence. This is also in part to drive a wedge between the Gulf Arabs and the Palestinians to further marginalize the stateless people Israel occupies. In turn, Gulf states have put up little protest to Israel's public embrace. Forcing the Gulf states to swallow the reality of an American embassy in Jerusalem would be quite an Israeli victory in this regard.

Beyond the general impact the embassy relocation would have on US relations with the Arab and Muslim worlds, it has also been avoided because of implications on Washington's policy regarding the Middle East peace process. The US position on Jerusalem dates back to Washington's initial support for the 1947 UN partition plan that designated Jerusalem as a *corpus separatum*, that is, not under the sovereignty of either the would-be Arab or would-be Israeli state. Historically, US policy views the resolution of the status of Jerusalem as part of an anticipated agreement between Israel and the Palestinians—before the United States can recognize the sovereignty of the city. Additionally, while the 1949 armistice line runs through Jerusalem and Israel continues to build illegal settlements in the parts of the occupied West Bank it unlawfully annexed into the Jerusalem municipality, the United States' position on Jerusalem has been that it is a final status issue on its own apart from the issue of settlements and borders. This is why a US embassy in West Jerusalem does not exist, even though the United States does not view that territory as occupied.

Israelis and Palestinians have both claimed Jerusalem as their historical and symbolic capitals. Moving the embassy would send the message that the United States is reversing the long-standing policy of non-recognition, which has underpinned US policy toward this aspect of the American-mediated peace process. It would be just one more step by the United States toward recognizing and supporting Israeli-created facts on the ground. Given the uniqueness and symbolism of Jerusalem, such changes in policy will make it even harder for Palestinian leaders to pretend that their national aspirations can be sought through a US-sponsored negotiation process.

Earlier this month, President Obama exercised the waiver to put off the embassy move, meaning that Donald Trump will have six months to decide—or during the first week of June, 2017. That week, of course, marks 50 years since Israel's supposedly temporary occupation of the West Bank, Gaza, and East Jerusalem began.

This might be the most significant fallout of an embassy move. For years, the Americans, the Israelis, and the Palestinian leadership have sought to pretend the two-state peace process was viable because they preferred that to confronting the alternatives, or as former Secretary of State Hillary Clinton put it, “a Potemkin process is better than nothing” (referring to the façade of a process, and not a real one). In reality, however, the two-state solution has long been dead, even though none of the players had the common decency to give it a proper burial. Perhaps the time for that groundbreaking ceremony is finally coming: the possibility of two states can then be interred below the cornerstone of the new American embassy in Jerusalem.