

The Real Costs of Moving the U.S. Embassy to Jerusalem

By [Zaha Hassan](#)

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During his meeting with the Israeli prime minister last week, President Trump told reporters that moving the US embassy from Tel Aviv to Jerusalem will only cost US taxpayers \$250,000 rather than the billion-dollar price tag he claims was originally proposed. This “bargain” likely refers to the costs of temporarily housing the embassy at the current site of the offices of the US consulate in Jerusalem. Unloading a moving truck and replacing some signage is no groundbreaking. For a man who likes to boast about his real-estate deals and construction projects, converting the consulate to an embassy appears anti-Trumpian.

But the issue is not the cost; it’s about location, location, location. And that location is occupied territory.

Where the US establishes its embassy in Israel is an important statement about where the US sees borders being drawn between Israelis and Palestinians. It also foreshadows the coming “ultimate deal” that the Trump administration will soon unveil.

Trump’s Decision

Initially, the Trump administration played down the decision to move the US embassy, saying there would be no practical effect. US passports would continue to leave blank the country of birth for US citizens born in Jerusalem. The US was not taking a position on final status issues, including the specific boundaries of Israeli sovereignty in Jerusalem. President Trump said in his December speech, “[t]hose questions are up to the parties involved.”

But is the US taking a position now? Can the US still profess to be neutral in the Israel-Palestine conflict and have its embassy in territory occupied by Israel in 1967?

Today, the city of Jerusalem—East and West—is recognized internationally as a subject for final-status negotiations between Israelis and Palestinians. Under international law, no part of Jerusalem is legally part of Israel’s sovereign territory. In fact, when Israel announced that Jerusalem was its “undivided” capital in 1980—meaning that it claimed the territory of East Jerusalem it occupied in 1967 along with West Jerusalem—the international community swiftly condemned the action as a flagrant violation of international law. The few countries that had diplomatic missions in Jerusalem removed them pursuant to UN Security Council Resolution 478.

Had the president decided to relocate the US embassy to West Jerusalem and recognized East Jerusalem as the capital of the future state of Palestine, he might have been able to argue that he was acting consistent with US policy and international consensus around the

two-state solution. Instead, President Trump has chosen to relocate the embassy to a site that confirms Palestinians' worst fears and supports Israel's maximalist designs over the entire city.

History of a Place

Before the creation of the state of Israel, the area where the US embassy will be relocated was public property belonging to the government of Mandatory Palestine. After the 1949 Armistice Agreement between Israel and Jordan, the area in question became a sort of buffer zone—a “No Man's Land”—between Israeli and Jordanian troops. Israeli troops held West Jerusalem while Jordanian troops were in charge of East Jerusalem. Although each side had its interests in the No Man's Land, neither controlled it.

In 1967, the Israeli military occupied the West Bank, including East Jerusalem and the No Man's Land. UN Security Council Resolution 242, which forms the basis for the two-state solution and its “land for peace” framework, emphasized the inadmissibility of the acquisition of territory by war and affirmed that Israel must withdraw from territories it occupied during the conflict—and that included the No Man's Land.

So why didn't the Trump administration just find a location in West Jerusalem that might have allowed it to constructively deny that the embassy move was meant to recognize Israeli sovereignty over all of Jerusalem? The answer, unlike the 1949 Armistice line, isn't as easy to pinpoint.

Trump's Motives

Perhaps the U.S. president fully supports Israeli sovereignty over all Jerusalem and he wanted to take effective action to foreclose Palestinian claims to a capital in Jerusalem. Or perhaps it was all politics. The president may have made a calculation that bolstering his support among evangelicals and with pro-Israel donors like Sheldon Adelson was necessary in light of the way Robert Mueller's investigation seems to be closing in on him and the head of his Mideast peace team, Jared Kushner. Locating the US embassy in East Jerusalem would support the idea of an “undivided Jerusalem,” which evangelicals and pro-Israel donors demand.

Or maybe Trump's intentions were not meant to be prejudicial at all. After all, it's difficult to come by vacant land suitable for a US embassy and its security requirements in West Jerusalem, and the site previously identified in the western part of the city is mired in its own legal controversy. Most of the property at the proposed West Jerusalem embassy site is privately owned by Palestinians—some of whom are US citizens—and the Muslim authority responsible for religious endowments, the *Waqf*. Building on a site illegally confiscated from its owners in order to build a US embassy would open up potential legal challenges in the US by the Palestinian-American owners. So, changing the signage of the US consulate offices in occupied Jerusalem may have been the path of least resistance for the Trump administration.

The president has indicated that he may attend the ribbon-cutting for the opening of the embassy in Jerusalem on May 14, a date meant to coincide with Israel's seventieth anniversary but is also the anniversary of when the state of Israel forced 750,000 Muslim and Christian Palestinians from their homes and villages to create a Jewish majority in the new country. To add insult to injury, the opening is likely to coincide as well with the

start of the Muslim holy month of Ramadan.

Though Trump may think he got the US embassy in Jerusalem for a steal, the price in terms of US credibility, Israel-Palestine peace, and regional stability couldn't be higher.

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Zaha Hassan is a Middle East Fellow at New America. She is a human rights lawyer and former coordinator and senior legal advisor to the Palestinian negotiating team during Palestine's bid for UN membership (2010-2012).

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