



## Fact Sheet

# Jerusalem declared as “Israel’s Capital” by President Trump

### America’s Violation of the International Position

President Trump recognized Jerusalem as the capital of Israel on Wednesday 6 December 2017, and initiated the process of relocating the U.S. Embassy to the city from Tel Aviv. This is an unprecedented move that violates numerous International laws as well as dozens of United Nations resolutions:

### International Law

- The areas of the West Bank, including East Jerusalem that came under Israeli control in 1967 and were included in Israel’s municipal areas for Jerusalem, are universally acknowledged to be occupied territory, where international humanitarian law is applicable.<sup>i</sup>
- Raed Jarrar, Amnesty International USA: *“No country in the world recognizes Israel’s annexation of East Jerusalem, making the decision to confer US recognition deeply troubling. Not only does this decision contribute to undermining the international rule of law, it also shows a total disregard for mass human rights violations that Palestinians are facing as a result of Israel’s annexation policies.”*<sup>ii</sup>
- In 1980, Israel passed a law declaring Jerusalem the “complete and united” capital of Israel – a move that is in total violation of international law, and has been repeatedly condemned by the international community through various UN Security Council resolutions.



## United Nations and UNESCO Resolutions

- There have been **15 United Nations** resolutions made condemning Israeli annexation of Jerusalem since the 1967 conflict. Please see the full list in *Appendix 1*.
- The **UN General Assembly** has passed **7** resolutions since 1967 (2253, 36/15, 55/130, 10/14, 60/104, 70/89, and 71/96) condemning the annexation of Jerusalem by Israel, in violation of the Geneva Convention. Full list in *Appendix 2*.
- **UNESCO** has passed **6** resolutions criticizing the annexation (150, 159, 184, 192, 196 and 202). Full list in *Appendix 3*.
- Notably, United Nations Security Council Resolution 478 condemned Israel's attempted annexation of East Jerusalem in 1980 as a violation of international law.<sup>iii</sup>
- In October 2016, UNESCO passed a resolution denying Jewish link to Al-Aqsa Mosque and described Israel as an "occupying power."<sup>iv</sup>

## International Response from World Leaders<sup>v</sup>

- French President, Emmanuel Macron: *"The US plan [to relocate its embassy] is worrying"*
- EU Foreign Policy Chief, Federica Mogherini: *"The EU believes that any decision...to change Jerusalem's status will have severe consequences"*
- Turkey's president, Recep Tayyip Erdogan: *"Jerusalem is a red line for Muslims"*
- Iraqi Prime Minister, Haider Al-Abadi: *"We don't accept the relocation of the US embassy to Jerusalem. This will lead to negative repercussions"*
- Jordanian King Abdullah II: *"There will be dangerous consequences"*
- Tunisian Foreign Ministry: *"Jerusalem's historical and legal status must be preserved"*
- UN Secretary-General António Guterres: *"Jerusalem is a final-status issue that must be resolved through direct negotiations between the two parties on the basis of the relevant Security Council and General Assembly resolutions, taking into account the legitimate concerns of both the Palestinian and the Israeli sides"*<sup>vi</sup>



- Palestinian prime minister, Rami Hamdallah: this change in American policy *"destroys the peace process"*<sup>vii</sup>
- Prime Minister Theresa May: *"unhelpful in terms of prospects for peace in the region"*<sup>viii</sup>

### **Religious Sanctity**

Jerusalem has long been a place of tolerance and coexistence for Abrahamic religions, as recently reiterated by Pope Francis: *"Jerusalem is a unique city, which is sacred for Jews, Christians and Muslims, who venerate the holy sites of their respective religions, and has a special vocation for peace."*

However, Trump's decision threatens to change this concept. Pope Francis has added his voice to warnings that this move will have dangerous repercussions: *"I cannot hide my deep concern for the situation that has been created in the last few days, and at the same time, I offer a heartfelt appeal for the commitment of all to respect the status quo of the city in conformity with the pertinent UN resolutions."*<sup>ix</sup>

### **Implications on the Peace Process**

The international community – except Israel and the US - is united in saying the recognition of Jerusalem as the capital of Israel is disastrous for any future hope of reviving meaningful peace talks. The status of Jerusalem is a pivotal issue that diplomats and peacemakers said must be agreed between Israel and Palestine in negotiations. The role of the US as a mediator in the region has been severely compromised.



## Appendices

### Appendix 1 – UN Resolutions

Source: <http://www.aljazeera.com/news/2017/12/resolutions-occupied-east-jerusalem-171206081326131.html>

1. **Resolution 242:** November, 22, 1967, the unanimously adopted resolution called on Israel to withdraw its armed forces from territories occupied in the 1967 conflict.
2. **Resolution 250:** April 27, 1968, asked Israel not to hold a military parade in Jerusalem.
3. **Resolution 251:** May 2, 1968, condemned Israel for holding the military parade in Jerusalem.
4. **Resolution 252:** May 21, 1968, asked Israel to cancel all activities in Jerusalem, and condemned the occupation of any land through armed aggression. It also demanded Israel "desist from taking any further action which tends to change the status" of the city.
5. **Resolution 267:** July 3, 1969, confirmed resolution 252, reaffirming that "acquisition of territory by military conquest is inadmissible".
6. **Resolution 271:** September 15, 1969, condemned the extensive damage caused by arson to the Holy Al Aqsa Mosque, a building under the military occupation of Israel. It called on Israel to observe the provisions of the Geneva Conventions and "refrain from causing any hindrance to the discharge of the established functions of the Supreme Muslim Council of Jerusalem", including "its plans for the maintenance and repair of the Islamic Holy Places" within the city.
7. **Resolution 298:** September 25, 1971, confirmed in "the clearest possible terms" that all actions taken by Israel to change the status of Jerusalem, such as land confiscation, were illegal.
8. **Resolution 465:** March 1, 1980, demanded Israel to stop the planning and construction of settlements in territories occupied since 1967, including Jerusalem. It also called on Israel to "dismantle the existing settlements".
9. **Resolution 476:** June 30, 1980, reaffirmed the "overriding necessity for ending the prolonged occupation of Arab territories occupied by Israel since 1967" and reiterated that all measures which had altered the status of Jerusalem were "null and void" and had to be rescinded.



10. **Resolution 478:** August 20, 1980, condemned in "the strongest terms" the enactment of Israeli law proclaiming a change in status of Jerusalem. The resolution called on all states "that have established diplomatic missions" in Jerusalem to withdraw them from the city.
11. **Resolution 672:** October 12, 1990, expressed alarm at the violence which claimed more than twenty Palestinian lives at the al-Aqsa Mosque on October 8, 1990. The resolution condemned the acts of violence committed by Israeli security forces and referred to Israel as an "occupying power".
12. **Resolution 1073:** September 28, 1996, expressed concern about developments in Jerusalem relating to Israel's opening of an entrance to a tunnel near the al-Aqsa Mosque, which resulted in a number of civilian deaths, and called for "the safety and protection of Palestinian civilians to be ensured".
13. **Resolution 1322:** October 7, 2000, denounced the visit made by Israeli opposition leader, Ariel Sharon, to the al-Aqsa Mosque and the "subsequent violence there and at other holy places" which resulted in more than 80 Palestinian deaths.
14. **Resolution 1397:** March 12, 2002, called on Palestinian and Israeli leaders to resume the peace process through negotiations regarding a political settlement.
15. **Resolution 2334:** December 23, 2016, condemned Israel's construction of settlements in all territory occupied since 1967, including East Jerusalem. The UNSC emphasised it would not recognise any changes to the pre-1967 conflict lines, and stressed that the "cessation of all Israeli settlement activities is essential for salvaging the two-State solution".

## **Appendix 2 – UN General Assembly Resolutions**

Source: <http://www.aljazeera.com/news/2017/12/resolutions-occupied-east-jerusalem-171206081326131.html>

1. **Resolution 2253:** July 4, 1967, expressed concern at Israel's attempts to change the status of Jerusalem and called for "all measures already taken" to be rescinded and no further such action.
2. **Resolution 36/15:** October 28, 1981, determined that Israel's transformation of Jerusalem, including historical, cultural and religious sites, constituted a "flagrant violation of the principles of international law". Such acts, the resolution stated,



- "constitute a serious obstruction to achieving a comprehensive and just peace in the Middle East".
3. **Resolution 55/130:** February 28, 2001, demanded that Israel cooperate with a special committee set up to "investigate Israeli practices affecting the human rights of Palestinian people and other Arabs" in the occupied territories. The resolution expressed "grave concern" about the situation in Jerusalem "as a result of Israeli practices and measures ... [especially] the excessive use of force ... which has resulted in more than 160 Palestinian deaths".
  4. **Resolution 10/14:** December 12, 2003, requested the International Court of Justice to provide an advisory opinion on the legal consequences of Israel's construction of a wall in the "Occupied Palestinian Territory, including in and around East Jerusalem".
  5. **Resolution 60/104:** January 18, 2006, requested the Special Committee, "pending complete termination of the Israeli occupation", continue to investigate Israeli actions in "the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories" since 1967.
  6. **Resolution 70/89:** December 15, 2015, condemned the continuation of Israeli occupation of the Occupied Palestinian Territory, including East Jerusalem, as a violation of international law. The resolution also denounced Israel's "unlawful construction" of a wall inside occupied territories, including "in and around East Jerusalem".
  7. **Resolution 71/96:** December 23, 2016, reaffirmed that the Geneva Convention, relative to the protection of civilians during conflict, was applicable to the "Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967".





### **Appendix 3 – The United Nations Educational, Scientific and Cultural Organisation (UNESCO) Resolutions**

Source: <http://www.aljazeera.com/news/2017/12/resolutions-occupied-east-jerusalem-171206081326131.html>

1. **150:** November 27, 1996, stated the "Old City of Jerusalem" was inscribed on the endangered world heritage list, and labelled Israel's opening of an entrance to a tunnel near the al-Aqsa Mosque "an act which has offended religious sensibilities in the world".
2. **159:** June 15, 2000, expressed concern at "the measures which continue to impede the free access of Palestinians to Jerusalem".
3. **184:** April 2, 2010, expressed "deep concern" regarding Israeli archeological works, including excavations, at the al-Aqsa Mosque compound in Jerusalem. The resolution stated the works "contradict UNESCO decisions and conventions".
4. **192:** January 13, 2014, criticised Israel's "continuous, [and] intrusive" archeological demolitions, excavations and works in East Jerusalem.
5. **196:** May 22, 2015, stated "deep regret" at Israel's "refusal to implement previous UNESCO decisions concerning Jerusalem" and called for the deployment of a permanent expert to East Jerusalem "to report on a regular basis about all the aspects covering all UNESCO fields of competence in East Jerusalem".
6. **202:** November 18, 2017, expressed regret at Israel's refusal to "implement the UNESCO request ... to appoint a permanent representative to be stationed in East Jerusalem", and stressed the "urgent need to implement the UNESCO reactive monitoring mission to the Old City of Jerusalem and its Walls".

<sup>i</sup> <https://www.amnesty.org/en/latest/news/2017/12/usa-recognition-of-unified-jerusalem-undermines-palestinians-human-rights/>

<sup>ii</sup> <https://www.amnesty.org/en/latest/news/2017/12/usa-recognition-of-unified-jerusalem-undermines-palestinians-human-rights/>

<sup>iii</sup> <https://unispal.un.org/DPA/DPR/unispal.nsf/0/DDE590C6FF232007852560DF0065FDDB>

<sup>iv</sup> <http://aa.com.tr/en/info/infographic/8021>

<sup>v</sup> <http://aa.com.tr/en/info/infographic/8046>

<sup>vi</sup> <https://www.nytimes.com/2017/12/06/world/europe/trump-jerusalem-pope.html>

<sup>vii</sup> <https://www.nytimes.com/2017/12/06/world/europe/trump-jerusalem-pope.html>

<sup>viii</sup> <https://www.nytimes.com/2017/12/06/world/europe/trump-jerusalem-pope.html>

<sup>ix</sup> <https://www.ft.com/content/8cdeb02a-da73-11e7-a039-c64b1c09b482>