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The Recognition of Jerusalem as the Capital of Israel

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In an historic announcement on December 6, 2017, the United States recognized Jerusalem as the capital of Israel. The first country to recognize Israel after its declaration of independence in 1948 was also the first to formally recognize Jerusalem as its capital. Throughout the world, and particularly in the Middle East, religious and nationalist movements have challenged the validity of states and borders defined in the past. Therefore, there is more than symbolism in this move by President Trump, who inter alia based the recognition on the ancient connection of the Jewish people to its capital.

As expected, President Trump's announcement evoked both expressions of support and waves of protest. The Muslim and Arab world, divided for many years, found in the President's announcement something to divert attention from the frustration, despair, and disappointment caused by the failure of the awakening called the "Arab Spring." The announcement boosted reconciliation efforts between the Palestinians' two ideological-geographical sectors, as it was easy for all parties involved to unite around the subject of Jerusalem. In Israel, the debate intensified between supporters of concessions in Jerusalem and Judea and Samaria for the sake of full peace with the Palestinians, and those who proclaim the unquestioned right of the Jewish people to all these places. And in the European Union, two member states prevented a joint statement by foreign ministers criticizing the announcement.

However, it seemed that although many had heard and/or read the declaration, they had skipped a key sentence or were ignoring its significance. Trump said: "Today, we finally acknowledge the obvious: that Jerusalem is Israel's capital. This is nothing more, or less than a recognition of reality." The reality that was partly described by the President himself is that all the official institutions of the State of Israel are located in the western part of the city. However, Israel also applied Israeli law to the land that was annexed to Jerusalem in 1967, including East Jerusalem and surrounding villages and refugee camps. A partial response to any charge that the President avoided the reality that was created in the city after 1967 was given by Trump when he said: "We are not taking a position on any final status issues, including the specific boundaries of the Israeli sovereignty in Jerusalem, or the resolution of contested borders. Those questions are up to the parties involved."

Trump's words were intended to placate the Palestinians, as he explicitly stated that the American position on the boundaries of Israeli sovereignty had not changed, and indirectly said that American recognition of Jerusalem's status as Israel's "capital" only applied to that part of the reality that is not disputed by the Palestinians and Arab states. These words should have also cooled the reactions of many Israelis in the various political camps who rejoiced at the declaration, but both inside and outside Israel the more modest meaning was ignored. Some in Israel even compared the statement to the century-old Balfour Declaration, recognizing the Jewish people's right to a national home in the Land of Israel – although the two are only identical in one aspect: the recognition by a leading power of the Jewish people's right to a national home, and the recognition of the Jewish state's right to determine its own capital.

President Trump's announcement prompted harsh surprising reactions, beyond what might have been expected, particularly since it is not clear if they are based on an accurate reading of his text. Some of the reactions came from leaders and foreign policy decision makers around the world, who specifically referred to a change in the status quo in Jerusalem, allegedly deriving from the announcement itself. The reactions were surprising because some of them came from the representatives of countries who recognize the reality cited by Trump and conduct themselves in this reality exactly like the United States. The President of the State of Israel hosts heads of state and their representatives at his residence in Jerusalem, as does the Prime Minister. Heads of state have given speeches at the Knesset in Jerusalem, including President of Egypt Anwar Sadat. Foreign ambassadors, who are obliged to submit their credentials to the sovereign power of the country to which they are assigned, do so at the President's residence in Jerusalem. Official institutions, such as most government ministries and the Knesset, were moved to Jerusalem a short time after Israel declared its independence, and since the time of Israel's second President, his official residence has been in Jerusalem. The United States President stated that he recognizes this reality, and by doing that is not changing the status quo that has existed since the establishment of the state in 1948. He noted that he had given instructions to start preparations for moving the US embassy to Jerusalem, although he did not indicate a timetable.

Those who still rely on Resolution 181 of the United Nations General Assembly from 1947 (the partition plan) to justify their opposition to Trump's move should be reminded that according to the resolution, ten years were allotted for the creation of a "separate entity" ("corpus separatum") for Jerusalem; this period ended on September 30, 1958. Others, like High Representative of the European Union for Foreign Affairs and Security Policy Federica Mogherini, rely on Resolution 478 of the Security Council, adopted in 1980 following Israel's passage of the Jerusalem Law. According to the resolution, members of the UN were called on not to recognize this law or other Israeli actions that

changed the character and status of Jerusalem. The United States itself abstained from voting, and in addition, Trump declared that there was no intention to change the status quo. However, if the United States does indeed implement the President's intention to move its embassy to Jerusalem, it could breach the resolution, as it called on states that had located their embassies in Jerusalem to move them. Resolution 478 itself did not refer to the reality in which UN members that recognize Israel and have diplomatic relations with it do so in Jerusalem, and certainly did not call for a change in this reality, wherever the embassies are situated.

Why was this US announcement made now? And how will President Trump's declaration affect the political process between Israel and the Palestinians?

Regarding the timing, Trump presumably wished to fulfill his campaign promise to move the United States embassy to Jerusalem, and was in a dilemma when faced with signing a postponement of this measure, required by American law every six months. As for the second question, Trump himself explained that even though his predecessors had refrained from moving the embassy since Congress had passed the law embassy in 1995, peace between Israel and Palestine was no nearer. At the same time, the President has stated that he remains committed to promote a peace agreement and would do everything in his power to achieve peace; he has also declared his desire to achieve the "ultimate deal" between the Palestinians and Israel, and mentioned a plan or initiative to be presented to both sides. In the wake of the announcement, opponents of the President's statement, including the Palestinian negotiators, have rejected the US as an honest broker. On the Israeli side, some contend that the United States would now demand concessions to the Palestinians "in return for" the recognition of Jerusalem as Israel's capital. In any event, the role of the United States in the rounds of talks between Israel and its Arab neighbors has been controversial since 1973, but both sides without exception have asked Washington for assistance to close the gaps in their positions at various stages of the negotiations. Demonstrations of anger and burning the American flag will not change the reality that the only international element with a degree of influence on Israel's positions in the negotiations with its neighbors is the American administration.

Following the President's announcement there were limited demonstrations among Arabs in Israel, in East Jerusalem, and in the territories. A Salafist organization in Gaza fired rockets towards Israel. In the course of actions taken by Israel to curb the demonstrations near the Gaza border and in the response to the rocket fire, four Palestinians were killed. In other areas people were injured, but overall, the restrained responses of the IDF and the Israel Police helped keep the demonstrations under control. At this stage, it is not clear whether the harsh criticisms of Trump's declaration will lead to a new wave of lone attacks. Larger demonstrations were held in many cities in the Arab and Muslim world.

The forthcoming visit to the region by United States Vice President Mike Pence will likely prolong the wave of demonstrations and protests, but at this stage it seems that in the absence of any concrete move to transfer the American embassy from Tel Aviv to Jerusalem, the protests will die down, and with them the danger of violent actions. The customary reduction in political and diplomatic activity as the calendar year draws to a close could also help cool the heated sentiments.

If indeed there is an American or any other initiative that could serve as the basis for renewed political negotiations between Israel and the Palestinians, its chances of success depend only minimally on US recognition of Jerusalem as Israel's capital. The contents of the initiative, the internal political situation in Israel and among the Palestinians, the personal status of the leaders on both sides, and the situation in the Middle East and the international arena will all exert far greater influence. Moreover, while Israeli expressions of satisfaction with the American President's move are justified, if the leaders of the neighboring Arab states that are considered US allies – Egypt, Jordan, and Saudi Arabia – analyze his words carefully, they will understand that they contain nothing that contradicts the Arab Peace Initiative.

Apart from expressing gratitude to the US President, Israel has a role beyond keeping the territory quiet, particularly if there is an American initiative to renew negotiations that refer to Jerusalem, be the initiative toward a full permanent settlement or partial agreements with the final objective of two states for two peoples. Israel can adopt a policy that helps strengthen President Trump and promotes his moves.