

The United States' Declaration of Jerusalem as Capital of Israel and the Challenges of Israel-Palestine Conflict Resolution

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Abstract: This paper discussed the U.S. declaration of Jerusalem as the capital of Israel and its impact on the peaceful settlement of the dispute. It evaluated how the U.S. actions have shaped the international status of Jerusalem at present. The paper also discusses the new developments that have taken place in recent times following the U.S. declaration on Jerusalem. Its methodological section included the adoption qualitative documentary method leaning on conflict resolution construct as its analytical compass. There is no doubt, the declaration of Jerusalem as the capital of Israel by the United States of America was one done out of holistic consideration, which is still generating contestations of unreasonable substances.

Keywords: Jerusalem, Declaration, Challenges, Capital of Israel, Conflict Resolution

Introduction

Jerusalem is a well fenced old city. It has holy sites for religions such as Judaism, Christianity, and Islam and this is located around 247 acres or one square kilometer. Although the UN General Assembly has under UN trusteeship, it attributed the status of corpus separatum, or separated body, to Jerusalem through its in 1947 to divide the former British territory, which Israel has fought to reclaim from Jordan and Egypt, where some Palestinians also claim to have historical origin (CFR, 2022). This appears to be the very origin of the contested areas, leading to the lingering Israel-Palestine dispute of many years. From the onset, the UN fundamentally created this problem when it declared a two-state position for the contested territory – Arab and Jewish (even though Israel has won the territory over during the war) without definite framework for its appropriate division which has deepened the crisis for many years. The UN merely allowed the parties to negotiate and sort out the division mandate towards peaceful settlement, which rather resulted to series of disputes, disagreements and conflicts that even further escalated the imbroglio.

Israel declared its independence in 1948 and established its presence in most of the contested areas, including the West Bank and Gaza Strip, ahead of the Palestinians, who have long been displaced and scattered in other Middle East countries. The various international peace talks and UN Resolution 242 resulted in approving resettlement in the form of the return of many of the Palestinians to their 'acclaimed' homeland, otherwise referred by the major stakeholders as 'occupied Palestinian territory' (CFR, 2022). This return and reintegration process saw to the resettlement of many Palestinians as refugees supported through funding received from the major stakeholders. The funding has historically been used for social development of the areas and for creating job opportunities and building structures for self-governance. This was sustained until 1994 when the Palestinians declared their partial self-government and independence, under the name, the State of Palestine (Hindu, 2017). Palestinians have continued to benefit enormously from financial contributions and funding from the major stakeholders for their social welfare, social infrastructural development, security support, creating job opportunities, and improving self-governance structures.

The plot to partition Jerusalem was overtaken by Israel's declaration of its independence in 1948 and its success in withstanding the subsequent invasion by Arab powers. A peace accord of 1949 produced the Green Line mandate, in which Jerusalem was cut into two parts. Israel maintained its government in the western half of the Jerusalem city, while the other half was not occupied but barricaded with barbed wire (Dan and Nidal, 2017) (This is the major stakeholders refer to as – 'Occupied Palestinian Territory'). Although Jordan maintained control of Eastern Jerusalem, but with the Six-Day War in 1967 Israel overwhelmed Jordan and reclaimed the hold of the area which would later be contested by the returning Palestinians back to their acclaimed homeland 'Occupied Palestinian Territory' funded by the international financial assistance. In June 1967, Israel won a Six-Day War over Egyptian and Syrian forces and gained territorial control over the Sinai Peninsula and Gaza Strip from Egypt; the West Bank and East Jerusalem from Jordan; and the Golan Heights from Syria. Six years later, Israel subdued the Yom Kippur War or the October War, from Egypt and Syria (Natasha and Barak, 2009).

Almost one million people live in Jerusalem. Jewish populations mostly live in West Jerusalem and their population is up to 330,000. Palestinians, including their refugee camps and few other Jews occupy the Eastern part of Old city of Jerusalem. As many as 320,000 Arabs and 212,000 Jewish settlements are found in the Eastern part of Jerusalem. Many of the Palestinians living in Eastern Jerusalem do not recognize Israeli's sovereignty over the area and thus have only permanent residency and do not possess citizenship (Dan, 2017). Generally, those living in the Eastern Jerusalem have claimed that they are being marginalized in terms of distribution of public services which the authorities in the municipal release, and that they do not benefit adequately from social infrastructures being constructed. Many Palestinians see the policies of the Israeli government in the area as a means to subdue their own moves to occupy the place, and this has also contributed to the escalating conflict (Dan and Nidal, 2017).

It is on record that in 1967 Israel captured East Jerusalem, West Bank and Gaza Strip and consequently annexed and occupied the areas, but it did not occupy West Bank as it remained under military hold with Palestinian Authority in place running a partial self-government in the area (Hindustan Times, 2020). UN Security Council Resolution 242 was a major instrument of contention and escalated the conflict as it "mandated that both Israelis and Palestinians must co-share the areas and live in peace within secure and recognized boundaries," whether they liked it or not. It further mandated that Israel should withdraw their military forces in the area despite having won over the territories in the Six-Day war in 1967 (Natasha and Barak, 2009). This is the foundation upon which the Palestinians struggle and fight to control West Bank, Gaza and East Jerusalem (Hindustan Times, 2020).

In 1980, Israel's Parliament, the Knesset, declared Jerusalem as Israel's capital. Israel has historically been in firm control of city of Jerusalem, until the 1993 Oslo Peace Accords (whose outcome was informed by UN Res. 242), and which was endorsed by the both parties, Israel and Palestinian Liberation Organization (PLO) mandated that any claim or control of Jerusalem would only have to be negotiated between the parties and the outcome would determine the permanent status of Jerusalem regarding its control. On this note, Palestinian refugees were accorded right of return and resettlement in the eastern area of the city with security put in place (Dan and Nidal, 2017).

The United States, under the leadership of President Donald Trump recognized Jerusalem as the capital city of Israel on December 6, 2017, making U.S. the first country in the major stakeholders to take such bold diplomatic step (U.S. Department of State, 2020). In 1995, the U.S. Congress moved a motion in which it declared its interest and sought action to recognize Jerusalem as capital of Israel as well as to move its embassy from Tel Aviv to Jerusalem. This was signed under Jerusalem Embassy Act of 1995. Following Trump's recognition in 2017, actions were finalized which saw to the successful movement of U.S. Embassy to Jerusalem on 14 May 2018 (U.S. Department of State, 2020).

The recognition of Jerusalem clearly showed that Trump's government vigorously pursued U.S. policy on Israel-Palestine peaceful settlement by taking important actions to actualize the decisions approved by the U.S. Congress in 1995 which no other U.S. President has had courage to dispense relevant actions upon. Hence, along with its recognition of Jerusalem, the U.S. also maintained recognition of Israel's sovereignty and control of Golan Heights, which is also part of areas which Israel has contested even since 1967. The U.S. also pronounced that it has reversed its earlier position on Israeli settlements in the West Bank and therefore stated that the occupation of the West Bank by Israelis does not really violate any international law (Landler, 2017; Pappas, 2017; Human Rights watch, 2021).

The U.S. Recognition of Jerusalem and Peaceful Settlement of the Israel-Palestine Dispute

It should be noted that U.S. policy toward Israel has been built around peace and security between Israel and its neighbours (especially Palestinians) in the region. The U.S. support towards Israel's security is rooted in a defense cooperation and the 10-year, \$38 billion Memorandum of Understanding (MOU) signed by the both countries in 2016 (U.S. Department of State, 2020). Based on this agreement, for every year, the U.S. allocates \$3.3 billion in Foreign Military Financing and \$500 million for cooperative programs for missile defense. U.S. conducts military exercises and exchange programmes with Israel, contributes to their weapons development, and supports Israel in its counterterrorism campaign, thus helping to subdue regional threats. Generally, these policies have made it possible for the U.S. to ensure adequate peace and security since its pronouncements and recognition of Jerusalem as capital city of Israel, despite outburst of the major stakeholders that the U.S. actions will polarize international peace process and escalate the conflict in the already overstretched region.

The criticisms of the major stakeholders over the declaration have been overwhelming though. President Trump's statement, according to UN Secretary General António Guterres, "would endanger the hope of peace for Israelis and Palestinians." According to Mr. Guterres, the issue of Jerusalem's final status must be settled through two parties engaging in direct negotiations. Such talks "must cater for the genuine interests of both the Israeli and Palestinian sides" (BBC News, 2017). The EU Foreign Secretary Federica Mogherini stated that U.S. declaration "has a very fragile context and worrying potential impact, which could potentially send the international community backwards to even darker times than the present times.

The EU remained apprehensive that such move could escalate tensions around the holy places and in the region because what happens in Jerusalem matters to the whole region and the entire world (BBC News, 2017). The Guardian News (December 6, 2017) had reported that on a regional level, Trump's declaration of Jerusalem as Israel's capital may further destabilize an already volatile region. The powerful Turkish president, Recep Tayyip Erdoğan, said the US was "plunging the region and the world into a fire with no end in sight". The Arab countries that border Israel – Egypt, Jordan, Lebanon and Syria – have all condemned Trump's move in its declaration of Jerusalem as the capital of Israel.

However, despite all the criticisms, Trump's decisive move and United States' relocation of its embassy from Tel Aviv to Jerusalem appears to have calmed the situation with little or no serious negative actions taken by majority of the 'offended' Arab nations. In fact, since Trump's declaration of Jerusalem, major escalations of the conflict in West Bank, Gaza Strip, Golan Heights and Jerusalem have been controlled thus defying the general theory that Trump's action was a gateway to increasing conflicts and breakdown of the peace process. Although the region has not completely been free from its fragility generally. In the first place, the U.S. relocation of its embassy from Tel Aviv to Jerusalem in May 2018 was highly predicted to stimulate, but this did not happen.

Particularly, predictors stated that such move will trigger the ‘third intifada’ – Palestinian uprising, but that did not happen (Youssef, 2019). The prediction of unprecedented risks of security fracture in flashpoints of the Israeli-Palestinian conflict areas also failed to be fulfilled, thus raising some important concerns as to whether U.S. declaration of Jerusalem has actually promoted peace and greater security in the region. The major developments that have contained violent conflicts to a significant extent in the restive region following the U.S. declaration of Jerusalem are discussed under the following subheads.

U.S Restrictions on Its Financial Aid to Palestinians

The U.S. Congress expresses deep concerns that the U.S. bilateral aid could be diverted to Palestinian terrorist groups (UNRWA, 2014). These concerns have therefore raised the question of scrutinizing U.S. funds to Palestinian State through legislative oversight and imposing some restrictions where necessary especially when suspicions are raised by the Congress. Hence, in early March 2018, the U.S. Congress pushed through the Taylor Force Act to cancel restrictions on bilateral ESF (including ESF-OCO) in annual budget dating back from FY2015. The Congress this action is to discourage some PLO/Palestinian Authority payments ‘for acts of terrorism.’

The U.S. Congress maintains that the PLO/Palestinian Authority makes payments to some Palestinians (and/or their families) who have been jailed or tried over acts of terrorism by Israel. They maintain that the PLO/Palestinian Authority engages in these actions simply because the U.S. has always provided funds that clear their debts, hence, most funds received are diverted towards settling or compensating families of those found to have committed acts of terrorism. It is therefore believed that any bilateral assistance directly benefitting the Palestinian Authority could indirectly support such payments (Abrams, 2018). Then-Secretary of State Rex Tillerson said, "Attaching payments as appreciation of violence or killings is something the American people could never embrace or understand," during his appearance before the House Foreign Affairs Committee in June 2017. (Tillerson, 2017) According to the CRS (2018), Palestinians acknowledge that certain payments are made to perpetrators of "heinous assaults" or to relatives of those perpetrators.

The cuts in U.S. funding definitely introduced significant changes on different forms of assistance to the Palestinians. It has generally reduced the volume of funds being thrown around by the Palestinian Authority in fighting in the contested areas.

Barrier Imposed by Israel at West Bank and Gaza Strip

Israel implemented a policy to restrict unauthorized crossings on Palestinians and refugees living in the eastern Jerusalem. In implementing this policy, Israel built a long fence to make barricade that divides the Israeli areas from the Palestinian areas over its controlled areas in the West Bank and Gaza Strip in 2018. However, Palestinians could still be allowed movement with authorized travel permit. Also the restriction did not include those moving on humanitarian services. This allows medical officials, patients and their caregivers, and genuine businessmen to obtain permit and travel approvals into Israel controlled areas (CFR, 2014).

Although there were concerns regarding delays in issuing approvals for travel permit, as some observers claim that the Israel security forces failed to promptly approve up to 34% of travel applications from Palestinians seeking medical attention outside Gaza in early 2019. It was claimed that the delay or non-approval for those wounded during demonstrations along the fences separating Israel and Gaza is 82 percent. However, between January and September 2019 an estimated 462 Palestinians moved through the Erez crossing into Israel for each day, and this was an improvement from other years. Indeed, the move not to easily allow wounded fighters into its territory for treatment later became a powerful disincentive as such greatly dissuaded many militant fighters and civilians from fomenting crisis and uprisings (Human Rights Watch, 2021).

Israeli also blocked the movement and delivery of some construction materials to Gaza, in order to stop them from being used for military objectives which could involve constructing tunnels. Moreover, it not only Israel that imposed bans and barriers to prevent terrorism in its areas, Egypt had earlier imposed bans on the movement of people and goods at its border with Gaza at Rafah. Between January and September, 2019, a roughly 12,026 Palestinians passed on each month in both directions, which was also a big improvement from other years.

Building More Settlements

In 2019, Israeli administration promoted its housing programme in which estimated 5,995 units of houses in West Bank settlements, excluding East Jerusalem, will be built. In 2018, the housing plan contained about 5,618 units. Again, people that have settlements in Gaza enjoyed about 12 hours of power supply for each day in 2019 which was about double of what they received in 2018. The Human Rights Watch (2021) reported that Israeli authorities pulled down 504 Palestinian structures including houses that had no construction permits in 2019. It was claimed that it was very difficult for the Palestinians to obtain permits to construct their buildings in East Jerusalem, or in most of the areas in 60% of West Bank where Israel maintains exclusive government control (Area C).

Meanwhile, the UN identified that 46 Palestinian communities were unlawfully positioned and faced ‘high risk of forcible transfer.’ Although the extant International law forbids an occupying power from damaging property unless such actions are absolutely necessary for ‘military operations.’

The house demolitions had contributed to the displacement of more Palestinians, up to 642 persons in 2019 as against 472 in 2018. However, Israel increased its efforts to authorize and approve more legal buildings, housing schemes, security, social infrastructure, administrative services, education, and healthcare for more than 642,867 settlers residing in settlements in the West Bank, including East Jerusalem (Human Rights Watch, 2021).

Reduction in Terror Attacks from Palestinians Fighters

Essentially, the U.S. declaration of Jerusalem as the capital of Israel has been significant. Above other considerations, there is growing attention that the terrorist attacks launched by the Palestinians over the years have declined considerably following the U.S. declaration of Jerusalem as the capital of Israel. The Table below highlights series of rocket and mortar attacks on the Israelis.

Table 1.1: Number of Attacks from Palestinian Fighting Forces, 2009-2020

Year	Rockets Attacks	Mortar Attacks
2009	142	100
2010	115	78
2011	373	242
2012	1,956	32
2013	32	12
2014	2,975	271
2015	33	-
2016	15	-
2017	21	25
2018	278	71
2019	163	-
2020	133	-

Source: Jewish Virtual Library (2020a) “Rocket & Mortar Attacks against Israel by Date.”

<https://www.jewishvirtuallibrary.org/palestinian-rocket-and-mortar-attacks-against-israel>

The table above shows that the number of rocket attacks launched by Palestinian terrorist fighters has increased considerably from 142 in 2009 to 1,956 attacks in 2012. In addition, the number of attacks further increased to the highest levels in 2014 when about 2,975 rocket attacks were recorded. On the other hand, mortar attacks were at the highest levels in 2011 and 2014 with about 242 and 271 attacks respectively.

More importantly, the table shows that the number of rockets and mortar attacks from Palestinian fighters decreased significantly following the election of President Donald Trump in 2016 whose Middle East Policies as well as U.S. policy on the Israeli-Palestinian dispute helped to contain the deplorable security situation in the region.

Conclusion

Particularly, the declaration of Jerusalem as the capital city of Israel has contributed towards restoring peace in the restive region. To this end, the said declaration by the USA under the indefatigable and giant administration Donald Trump, strongly characterized

the strong ties binding the nation of Israel and the USA, especially in the context 21st century international politics of territoriality. Hence, the two states solution based proposal by some stakeholders would become a circumstance of undefined mirage.

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