

FOR IMMEDIATE RELEASE

CONTACT

Kristin Szremski

Assistant Director, Journal of Palestine Studies

202.836.8206; kristin@palestine-studies.org

Relocating the US Embassy to Jerusalem is Illegal, Reckless Provocation

Once again, the issue of relocating the U.S. embassy from Tel Aviv to Jerusalem has fueled speculation as the Trump administration considers the move ahead of a December 1 waiver deadline. Under the 1995 Jerusalem Embassy Act, the President is empowered to sign a waiver every six months designed to authorize postponing the decision for an additional six months, depending on regional and political circumstances. Palestinians have repeatedly expressed that moving the U.S. embassy to Jerusalem would be illegal under both international and U.S. law, threatening a fragile status quo and America's role as a mediator in any peace process.

During his campaign, Trump displayed unhindered partisan support for Israel, vowing to relocate the embassy and embrace Israeli settlement activity. However, as Trump's first waiver deadline approached, he gradually distanced himself from the campaign promise, and on June 1, 2017, he signed the waiver to postpone moving the embassy for six months. Nonetheless, the White House insisted in a statement at the time that "no one should consider this step to be in any way a retreat from the President's strong support for Israel and for the United States-Israel alliance." Ostensibly, the White House reasoned that "President Trump made this decision to maximize the chances of successfully negotiating a deal between Israel and the Palestinians."

But, six months later, the Palestinians and Israelis could not be farther from a deal nor has the Trump administration formally presented the parties with a peace proposal.

Earlier this week, Vice President Mike Pence said that the President is "actively considering when and how" to relocate the embassy. To date, the international community has not officially recognized Jerusalem as the capital of Israel, reserving this recognition until a negotiated peace agreement is reached with the Palestinians.

One of the alarming aspects of relocating the embassy is the site being considered, which was highlighted by Walid Khalidi in a **special report** on the ownership of the land in question originally published in the *Journal of Palestine Studies* in the Summer 2000 issue. The Site in question is Palestinian private and *Waqf* (religious trust) property stolen from its owners in 1967. Khalidi points out the move would recklessly violate U.S. and international law:

- The law of belligerent occupation applies to Jerusalem. Neither Israeli nor American laws have a bearing on the status of Jerusalem as an occupied city. Moving the embassy will not

change the fact that Israel is the occupier, would contradict the stand taken by every U.S. administration since 1967, and would violate international law and UN resolutions. These include 1980 UN Security Council resolution 478, which declared Israel's announcement of Jerusalem as its capital "null and void."

- On 18 January 1989 a Land Lease and Purchase Agreement was signed between Israel and the U.S., for land serving as a U.S. embassy site in what was known as the Allenby Barracks. Much of the land in this area belongs to Palestinian refugees, including privately owned and *Waqf* land. He notes: "With all that Jerusalem connotes, it is, to say the least, unbecoming for the United States' future embassy in that city to be built on land that is stolen property."
- On 21 July 1989, Francis A. Boyle of the University of Illinois wrote a memorandum on the legal implications of the lease agreement, arguing that the expropriation of *Waqf* or private property in Jerusalem was illegal; that the lease agreement itself was illegal; and that Congress was legally barred from providing funds for the implementation of the agreement.
- Relocating the embassy means endorsing the Israeli occupation of Jerusalem, and predetermining the fate of Jerusalem in a final status solution. This endorsement includes acceptance of Israel's illegally built settlements and the wholesale confiscation of Palestinian refugee property.

For these reasons, moving the embassy would gravely undermine the American standing in the region, especially since it contradicts and repudiates the commitments and assurances of all previous U.S. administrations since 1967. It comes at a time of great unrest in the Middle East, and threatens to further destabilize the region.