

Recognising Jerusalem: Unilateralism, International Law, and the Trump White House

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What ramifications and when? The recognition of Jerusalem as the natural capital for the State of Israel by US President Donald J. Trump was promised by the buffoonish steward of the empire. Delivering on it was not necessarily expected – US presidents, keen on courting pro-Israeli groups, had been promising to do so for years.

Overthrowing the shackles of convention is something Trump believes is a valuable substitute for good sense. Ruffle feathers, dirty assumptions, and hope that it catches. One such convention is the steadfast refusal on the part of states to recognise Jerusalem as the Israeli capital in any de jure sense.

From the White House, Trump claimed he had “judged this course of action to be in the best interests of the United States of America, and the pursuit of peace between Israel and the Palestinians.” Such best interests evidently did not include Palestinians as such, but was “nothing more or less than a recognition of reality”.

This is a reality born of brute force rather than guiding law. In the case of the latter, it is without any distinct foundation, unless intangible spirits are accorded corporeal dimensions. [UN Resolution 181](#), passed by the UN General Assembly on November 29, 1947, deemed the city “a *corpus separatum* under a special international regime”.

Subsequent moves based around the force of arms were made in contravention of the resolution, though these never had the blessing of international law: Israel claimed West Jerusalem during the Arab-Israeli War of 1948; Jordan assumed control of East Jerusalem in 1950.

The Six-Day War of 1967 saw Israel seize the eastern portion of the city, an act that generated a string of finger pointing resolutions from the UN Security Council. Resolution 267 (Jul 3, 1969), confirming resolution 252 (May 21, 1968) reaffirmed the position that “acquisition of territory by military conquest is inadmissible”.

Since then, the internal assumptions of the Israeli state have been unmistakable: legalise domination and legitimise control over the Holy City. The Knesset, in [1980](#), decided to treat Jerusalem’s status as an internal matter. “Jerusalem, complete and united, is the capital of Israel.” The UN [Security Council](#) gave a different serve, calling on all states “that have established diplomatic missions” in Jerusalem to withdraw them.

Israeli Prime Minister [Benjamin Netanyahu](#) had certainly scored a coup, calling the move a “genuine milestone in the glorious history of this city.” The US Congress, heavily lobbied by

AIPAC and then Israeli opposition leader Netanyahu, did much the same in 1995, passing legislation requiring the move of the US embassy to Jerusalem. This measure effectively compelled administrations to sign a [waiver](#) every six months delaying the move.

Trump, in refusing to issue another waiver, delighted local political punters. The [Republican Jewish Coalition](#) was so thrilled at the move from the White House, it took out an advertisement in the *New York Times* congratulating the President for “courageously recognizing Jerusalem as Israel’s Eternal Capital.”

Such moves are given the deceptive, even dangerous clothing of spiritual, immutable eternity. Ever ready for the pulp fiction narrative, Trump would tweet that the city “has been the focus of our hopes, our dreams, our prayers for three millennia.”

In the at times unsteady world of international law and deliberation, the approach to Jerusalem has generally been stable: refuse to acknowledge any one claim to sovereignty over the city in favour of an international administration or accept an outcome drawn from a peace process.

The tangible outcome of the declaration is hard to say, though its message is unmistakable, treading with disdain on Palestinian assumptions that East Jerusalem be the capital of any future state. It accords primacy to Israeli supremacy, and, importantly, the status of Judaism. The status of the city, intended to be the subject of future discussion as outlined in the 1993 Israel-Palestinian peace accords, is directly brought into question by Trump’s move. This is the nature of unilateral punchiness writ large.

Allies have been left stunned; Islamic states are waving their fists with threatening promise, more concerned with the reactions of their own populaces than anything else. To predetermine the outcome of the fate of the Holy City, claims [Mouin Rabbani](#) with some colour, “would constitute an act of premeditated political pyromania with unforeseen local, regional and global consequences.”

Mahmoud Abbas of the Palestinian Authority has been put in a particularly difficult situation, caught between having to take a frothily angered stand (Palestinian figures are clamouring for [three days of rage](#)), but also what can be made of an essentially moribund peace process.

“This,” he rightly notes, “is a reward to Israel.”

Inflammatory outcomes are also promised with typical relish. Sheikh [Ahmed al-Tayeb](#), imam of Egypt’s al-Azhar mosque, claimed Trump’s move would incite “the feelings of anger among all Muslims and threatens world peace. The gates of hell will be opened in the West before the East.”

Most strikingly is the notion that unilateralism is tolerable, even desirable, when it comes to matters Israeli. When other states, without Israeli consultation, choose to recognise anything Palestinian, even in terms of a nominal status, unilateral conduct becomes a matter for abuse and derision.

Short of not packing the diplomatic bags and upping stakes from Tel Aviv to Jerusalem, governments will maintain stony faces and deem such moves complicating, conditioned by

a good degree of apocalyptic rhetoric against the US-Israel alliance. But over the years, the Palestinians have retreated into the recesses of a consciousness numbed by international rivalries among Muslim states. They are no longer the poster boys and girls of revolutionary justice.

From the war in Syria to the conflict in Yemen, states of various shades of Islam are shoring up allies and rivalries with murderous consistency. Such continuing disunity is exactly what Israel, and its US backers, will be hoping for, letting the babble over Jerusalem slide into its own eternity.

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