

## ARTICLE



# Sovereignty over Jerusalem

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 **Abstract**

The Palestinian position towards Jerusalem is in absolute contradiction to that of Israel. The indications are that both parties firmly hold on to their positions. The Israelis aim to unify the city as the capital of Israel and refuse to negotiate other options. The aim of Palestine is to establish Jerusalem as its capital, keeping the city open for worshippers from different faiths and religions. The strong Israeli position in negotiating the future of Jerusalem with the Palestinians is based on the changes made since they occupied the city, particularly the Israeli settlements constructed in the Palestinian population centres. Israel has succeeded in removing Palestinian features from West Jerusalem in particular. However, the Palestinian position is sustained by the international community, which neither recognises the Israeli transformation of Jerusalem nor acknowledges the city as the capital of Israel. In addition, United Nations resolutions have frequently condemned Israel for its activities in Jerusalem and also do not consider Jerusalem to be the capital of Israel. Some UN resolutions have demanded complete cessation of Israeli settlement activities and requested Israel to halt its deliberate acts aimed at changing the features of the city. Israel has imposed its position by force, while the Palestinian position is based on legitimacy and international support. Resolving the Israeli-Palestinian conflict without settling the issue of Jerusalem is not feasible. Considering the position of both parties, peace is unattainable in the region in the foreseeable future.

 **Keywords**

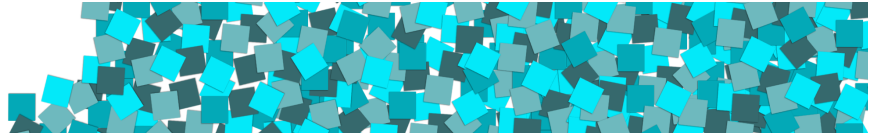
Jerusalem, sovereignty, Israel, Palestine

## INTRODUCTION

The issue of Jerusalem emerged in 1937, when the Peel Commission recommended partitioning Palestine into two states, Jewish and Arab, provided that the sacred sites remained under a British Mandate. The 1947 UN General Assembly Resolution 181, which divided Palestine into Arab and Jewish States, accentuated the international status of Jerusalem, taking into consideration the Islamic, Jewish and Christian interests in Palestine. After the establishment of Israel in 1948 and its occupation of Jerusalem, Israel considered the city its permanent capital and began building settlements, considered legitimate by consecutive Israeli governments. However, the Palestinians believe that

Jerusalem is the capital of their future state, and they continue condemning the Israeli settlement activities and the transformation of the city into a predominantly Jewish one.

Jerusalem has a significant status as it contains one of the holiest Islamic sites, the al-Aqsa mosque. However, it is part of the occupied Palestinian territories, and whatever is applied to the Palestinian cause (such as the illegitimacy of conquering land by military invasion, people's right to self-determination, illegitimacy of demographical and geographical changes made by the occupation forces) is also applied to the city of Jerusalem. International law does not recognise the use of force or military aggression to acquire land, and the Palestinian issue is considered a crucial element in the long-term conflict in the Middle East. UN resolutions preserve the legal character of the holy city as



an occupied territory, but initiatives of the international community trying to resolve the Israeli-Palestinian conflict have not addressed the sovereignty of Jerusalem, despite knowing that this issue represents the essence of the Middle East conflict.

This research includes two main parts. The first deals with the most important UN resolutions on Jerusalem and looks at the city within the Israeli-Palestinian peace process. The second part deals with the influential international stances taken towards Jerusalem by the United States and the European Union, in addition to the Arab League's position concerning the holy city.

## UNITED NATIONS RESOLUTIONS

The United Nations' position on Jerusalem is reflected in several resolutions<sup>1</sup> which were issued to resolve the conflict over the city. Some include the internationalisation of the city and others focus on its division. The Palestinians considered the UN resolutions unreasonable and unfair towards their right over Jerusalem as the future capital of the Palestinian state (Saleh, 2012). However, the United Nations confirmed that the Fourth Geneva Convention applies to all Palestinian territories, including Jerusalem.

Many resolutions have been issued by the UN and its special committees demanding Israel stop violation of international law in Jerusalem (Musallam, 1973). The UN resolutions have condemned the Israeli attacks against the Islamic and Christian holy sites and the expulsion of Palestinians from the city. International symposiums have repeatedly called for respect towards UN resolutions, which reflect the spirit of the international community and recognise the inalienable rights of the Palestinians, including the right to self-determination, the right of return and Jerusalem as their capital (Al-Farra, 2008).

The conflict of sovereignty over Jerusalem clearly appeared after the issuing of UN General Assembly Resolution 181, in 1947, which suggested the partition of Palestine into two states, Arab and Jewish, with Jerusalem remaining under international trusteeship (Thorpe, 1984). This was the first UN resolution dealing with the Palestinian issue. Under this resolution, an international trusteeship council was to be established as the administrative authority on behalf of the United Nations in Jerusalem (Qaddumi, 2012). The trusteeship council was authorised to appoint a governor for Jerusalem who would be accountable to the council, to be selected on the basis of their special qualifications and skills, regardless of nationality, as it would be

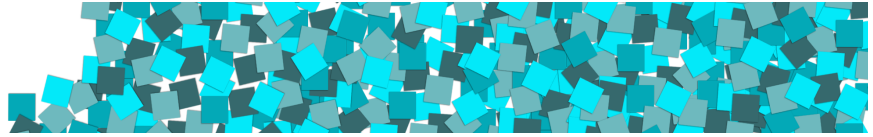
the person representing the United Nations, so communicating directly with the international community and dealing with foreign affairs issues. The governor could permit and prevent visitors entering the city, build new sites for worshippers from different faiths, and also resolve the differences between all parties in Jerusalem, but could not be a citizen of either state: neither Jewish nor Palestinian (Al-Kamli, 2012).

The UN Security Council resolutions on Jerusalem in 1948 varied between calls for cessation of strikes, truce and cease-fire, including disarmament of both parties, and preservation of holy sites and protection for freedom of worship. However, those calls were violated then and later. The UN documentation commission prepared a project, based on the partition resolution 181, to establish operational procedures for the situation in Jerusalem. The project was presented to the UN General Assembly at its fourth session in 1949. It divided the city into Arab and Jewish areas. Each party would administer its area and maintain the city as a neutral and disarmed zone, not being the capital for either party. The project also called for formation of a general council for the entire zone and development of a special system for the holy sites. However, the holy places located outside Arab and Jewish areas were to be supervised by a representative from the United Nations (Qaddumi, 2012).

Following its establishment in 1948, Israel confirmed, in a letter to the UN Secretary General, its readiness to implement UN Resolution 181. This decision revealed Israel's implicit recognition of UN sovereignty over Jerusalem and that the conflict with the Palestinians would only be solved through the United Nations. Nonetheless, the Israeli approval of the UN resolution only lasted for a short time, with the Israeli Knesset issuing a resolution in 1950 to transfer the capital of Israel from Tel Aviv to Jerusalem (Qaddumi, 2012).

After the 1967 War and the Israeli occupation of Gaza and the West Bank, including East Jerusalem, the UN General Assembly took the lead by adopting resolutions concerning Jerusalem, while the Security Council delayed its resolutions. The General Assembly issued its first resolution, No. 2253 on 4 June 1967, affirming its concern over the Israeli procedures in East Jerusalem aimed at introducing demographic changes in the city. Then the UN Security Council issued its first resolution concerning Jerusalem, No. 252 on 21 May 1968, which condemned Israel for not abiding by the General Assembly resolutions. The Security Council's well-known resolution, No. 242, issued on 22 November 1967, did not mention Jerusalem. Moreover, the Security Council Resolutions 250 and 251, issued in 1968, only requested Israel to stop military parades in the city. Therefore, the first Security Council objective resolution

1 UN Official Website, Documentation Centre, [www.un.org/documents](http://www.un.org/documents)



on Jerusalem was No. 252 issued a year after the Israeli occupation of East Jerusalem.

The resolution stressed a just and durable peace in the city, rejecting land confiscation through military raids and considering Israeli activities, including occupying Palestinian land and properties, illegitimate, and confirmed that such transformation of the city did not change its legal status. The resolution called on Israel to stop all activities which were intended to change the status of Jerusalem. In July 1969, the United Nations adopted Resolution 267, demanding Israel implement Resolution 252. Later, in September 1969, UN Resolution 271 was issued to condemn the crime of Denis Michael Rohan, an Australian Jew, who set fire to the al-Aqsa mosque in Jerusalem. This resolution demanded Israel abide by the Fourth Geneva Convention and recognise the Islamic Council and its plan to maintain and repair the Islamic holy sites (Mslet, 2006). Another UN resolution, No. 298, was issued in September 1971 in support of the previous resolutions and considered the Israeli demographic and geographic transformation of Jerusalem illegitimate (Shaban, 2012).

Following Israel's occupation of East Jerusalem in 1967, which unified the city under its sovereignty, several UN resolutions were issued demanding Israel reverse its policies and stop its illegal activities. Despite the international community's condemnation of these violations, Israel continued to impose 'facts on the ground' as impediments towards any international initiative or peaceful solution in Jerusalem (Al-Ashaal, 2011).

Since 1995, several UN resolutions have not been put into effect because of a US veto against draft resolutions submitted to the Security Council. The US used the veto on 17 May 1995, 7 March 1997 and 21 March 1997 against draft resolutions condemning Israel and confirming that its occupation of Jerusalem was illegal and calling for an end to the Israeli confiscation of land in Jerusalem, considering such activities violations of the Fourth Geneva Convention. The US vetoed these resolutions even though it accepted similar resolutions that were combined with new articles calling for political settlements and negotiation between the two parties. Since then, the US has adopted the same policy. Accordingly, Security Council resolutions have only called for cessation of incitement, terrorist activities, and violence, taking into consideration the Israeli security requirements and condemning the violent actions that take place in Jerusalem, regardless of the perpetrator or the motivations behind the actions (Shaban, 2012).

Since its occupation of Jerusalem, Israel has built many settlements, annexed areas from the West Bank and attempted to take control of Muslim holy sites (Abu-Amer, 2009). Israel accelerated its activities to create new 'facts on the ground' by building settlements, opening tunnels, and putting up the so-called 'apartheid wall' in order to reach its objective, in 2020, of expanding Jerusalem as the great capital of Israel (Qaddumi, 2012). The United Nations

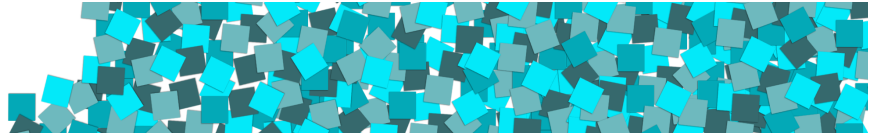
committee on exercising Palestinian inalienable rights expressed deep concern over Israeli policies to legitimise the settlements in the city. The committee affirmed the illegality of construction and expansion of settlements in the occupied Palestinian territories, including Jerusalem, according to Article 49 of the Fourth Geneva Convention, the UN resolutions, and the advisory opinion of the International Court of Justice on the apartheid wall in 2004 (Al-Quds Newspaper, 2012).

## ANALYTICAL PERSPECTIVE

The UN General Assembly Resolution 181 placed Jerusalem under international trusteeship to develop the city, as it includes holy sites for Muslims, Christians and Jews. The internationalisation was to include the entire city, including the Old Quarter, and the surrounding villages that were identified on a map attached to the partition resolution. However, the international trusteeship was not established because Arabs and Muslims opposed the internationalisation of Jerusalem. They believed that Jerusalem was an occupied Palestinian city and thus internationalising it was equivalent to denial of Palestinian ownership of the city. In addition, the city had known stability and been a sanctuary during the time it was ruled by the Arabs. In contrast, Israel accepted the internationalisation of the city, until it seized it by military means and then declared Jerusalem as its eternal capital, refusing any calls for internationalisation. Israel's standpoint was based on alleged historical rights over the city (Abdul-Salam, 2012).

Israeli forces occupied West Jerusalem in 1948 and occupied the East in 1967. In 1980, Israel declared the entire city as its only capital. This action was considered a challenge for the international community and a violation of the principles of international law that all the countries had agreed to respect (Dugard, 2011). Israel was taking such actions to gradually secure its sovereignty over Jerusalem as a *fait accompli* (Palestinian Media Centre, 2012). Later in 1980, the UN Security Council adopted Resolution 478, which strongly criticised Israel for considering Jerusalem its capital, stating it was inadmissible (Al-Quds International Association, 2007)

Some UN resolutions asserted the inadmissibility of the occupation of territories by force and the invalidity of Israeli annexation of Jerusalem, thereby warning Israel against any geographical or demographical changes in the city. Other resolutions considered Israeli activities in Jerusalem as aggressive acts that jeopardised the peace process in the Middle East. Furthermore, international law restricts Israel as an occupier state from making changes to the legal system in the occupied territories, except as required by temporary security requirements, with the provision that the occupier should not confiscate or destroy private prop-



erty. According to the Fourth Geneva Convention, the occupation authorities must maintain the unity of the occupied territories, minimising changes to its nature as much as possible (Al-Ashaal, 2011).

In fact, most resolutions on Jerusalem fall within Article 103 in Chapter VII of the UN Charter, which confirms that UN members have to carry out their obligations under the Charter before other obligations under international agreements. This means the Security Council resolutions are binding to all state members and these obligations take priority over other obligations. Accordingly, Israel's obligations towards the UN Charter should be respected and have priority over Israeli domestic commitments, particularly with reference to Article 25 of the Charter which states that UN member states must accept and implement Security Council resolutions. Thus, UN Security Council Resolution 242, on the withdrawal of the Israeli forces from the territories occupied in 1967, including East Jerusalem, should be implemented by Israel (Qaddumi, 2012).

UN resolutions have condemned Israeli illegal activities in Jerusalem and demanded the eradication of administrative and legal procedures that affect the historical status of the city, including confiscation of land and deportation of Palestinians. The resolutions called for Jewish settlements in Jerusalem to be dismantled, and for displaced Palestinians to be allowed to return to Jerusalem. However, Israel succeeded in excluding any role for the United Nations, singled out the Palestinian Authority, and imposed its strategy by force. This is contrary to international law. In fact, the UN resolutions concerning Jerusalem are unequivocal as they consider it an occupied Arab territory (Faour, 1995). They confirm the illegitimacy of Israeli measures that changed the geographical and demographic status in the city and consider Israeli sovereignty in Jerusalem as a violation of the Geneva Conventions of 1949 (Al-Ashaal, 2011). These resolutions asserted the invalidity of Israel unifying Jerusalem and carrying out these activities in the city (Hussein, 2012).

UN resolutions on Jerusalem cannot be implemented due to Israeli rigidity and rejection and their not being bound to chapter seven of the UN Convention. Successive Israeli governments have refused to receive any international investigation committee on issues on Palestine and Jerusalem. Israel refused to receive the Jewish judge Richard Goldstone and his committee regarding the attacks on Gaza in 2008/2009 and also refused to receive the Jewish professor Richard Falk, the UN Special Rapporteur, to investigate human rights violations in the occupied Palestinian territories. Since 1970, Israel has prevented the UN permanent committee of the Palestinian people's rights from investigating Israeli acts in the occupied territories, including Jerusalem. Thus, the UN resolutions on Jerusalem were undermined and ignored by Israel (Shaban, 2012).

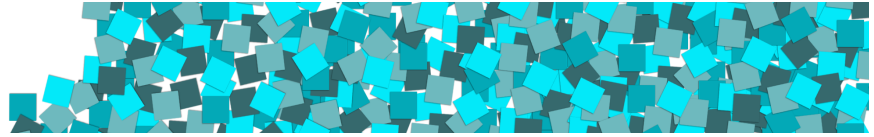
## JERUSALEM IN THE ISRAELI-PALESTINIAN PEACE PROCESS

The United States implemented a strategy allowing Israel to present itself as an influential state in the Middle East that is able to normalise its relations in full cooperation with Arab countries in the region. This is because Israel is a close ally and protects US interests in the region. The Camp David peace agreement between Egypt and Israel was signed, in 1978, after extensive negotiations in the aftermath of the 1973 War. Other peace agreements were signed with Arab countries, but the most important was the Oslo Agreement signed between Israel and the Palestinians after tough negotiations held in Oslo in 1993 (Abdul-Salam, 2012).

The matter of Jerusalem was brought up repeatedly by the Palestinian negotiating team ever since initial negotiations began, although the Israeli team insisted on excluding residents of Jerusalem from being members of the Palestinian delegation at the Madrid Peace Conference in 1991. The disagreement over bringing up the issue of Jerusalem and its Palestinian residents continued during the secret negotiations in Oslo in 1993. Later, both parties agreed to postpone the issue of the city to the final stage of negotiations, on condition that the Palestinian economic, social, cultural and educational institutions functioning in the city would be maintained (Nofal, 2010).

The 1993 Oslo Declaration of Principles provided that final negotiation issues between Israel and the Palestinians would include the outstanding issues of Jerusalem, Palestinian refugees and Israeli settlements. This means the issue of Jerusalem was deferred to a later stage of the negotiation process (Abdul-Hadi, 2007). Legally, this was an Israeli and Palestinian commitment not to implement any measures in Jerusalem that would oppose the agreement. Later, decisions were taken by Israeli authorities that involved confiscating land and changing the geographical and demographical nature of Jerusalem. In this context, some scholars differentiate between sovereignty and religious law of the city, as Israel and the US try to give special status to Jordan to supervise the Islamic holy sites, but this cannot give Jordan sovereignty over Jerusalem since it is an occupied Palestinian city (Abdul-Salam, 2012).

The position of Israel was completely opposed to that of Palestine in the final stage of the peace process. Meanwhile, Israel continues its confiscation of land, construction of settlements and insists on its sovereignty over Jerusalem. Israel has introduced new political terms such as Undivided Jerusalem, Eternal Capital of Israel, and Greater Jerusalem. Since the signing of the Oslo Agreement, Israel has confiscated more land under various pretexts, expanding Jerusalem and bringing it under full Israeli control, imposing a de facto situation in Jerusalem, preventing the Palestinian negotiating team from finding anything to ne-



gotiate over. However, the Palestinians insist that it is the capital of their future Palestinian state. Leaders of the Palestinian Authority propose that Jerusalem contains two capitals, one for the Palestinians and another for Israelis, with special arrangements for holy sites (Nowfal 2010).

## INFLUENTIAL INTERNATIONAL POSITIONS

### The United States

The position of the United States on Jerusalem differs from other countries in the world due to its preconception of the conflict and its bias in favour of Israel's position (Al-Shanty, 1997). The US position can be summarised as follows:

#### Firstly: The Importance of Jerusalem

The United States considers Jerusalem a sacred city for the three main religions in the world, Islam, Judaism, and Christianity, which includes the world's most holy sites. From a legal perspective, the US believes that East Jerusalem was occupied by Israel in 1967. Therefore, it is subject to the occupier's military law, but no changes should be made in the city that could affect its legal status. Consequently, the changes made by Israel are illegal and do not represent a legal precedent for the final permanent status of the city. The US has been interested in keeping the city united with joint Arab and Israeli supervision over holy sites. However, the US believes that sovereignty over Jerusalem cannot be discussed before multilateral negotiations between Israel and Arab countries take place in the final stage of negotiations: any arrangement should be reached through direct negotiations based on UN Resolution 242 and the principle of land swap where possible. Hence, the US position does not examine the sovereignty over Jerusalem and leaves this matter to be negotiated through the peace process despite all parties agreeing that East Jerusalem is under Israeli occupation (Abdulah, 1990).

#### Secondly: Jerusalem is the Undivided Capital of Israel

President Reagan's Administration abstained, in 1980, from voting on UN Security Council Resolutions 476 and 478, resolutions which condemned Israel for declaring Jerusalem its undivided capital and considered this declaration a violation of international law. Although East Jerusalem was considered an occupied territory, the Reagan Administration decided to move the US embassy to Jerusalem and regard the city as the undivided capital of Israel, which would in effect mean its sovereignty over the entire

city. This step earned Reagan great support from Israelis. This was a significant transformation of US policy towards the conflict in the Middle East. In 1992, during the Bush Administration, the US Congress stressed the importance of preserving an undivided Jerusalem under Israeli sovereignty, with the right of access to the city for worshippers from different religions (Hussein, 2008).

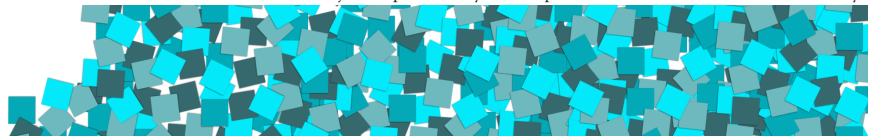
#### Thirdly: Congress Decision to move the US Embassy to Jerusalem

The US Congress passed a decision on 13 October 1995 to move the US embassy to Jerusalem, based on the fact that every state in the world has a capital and Jerusalem is the capital of Israel. The Congress decision was due to the Israeli interest in making Jerusalem its capital, with the Israeli presidential headquarters, the Knesset, the Supreme Court and other social and cultural institutions being located in the city. Another pretext given by the Congress was that while the city had been divided from 1948 to 1967, with Israelis not allowed to visit the holy sites in the eastern part it later became an undivided city under the Israeli authorities (Abdul-Salam, 2012) For the Palestinians, this decision is unacceptable and a breach of international law. In addition, each country has the right to choose its capital city as long as it is in the national territory. According to UN resolutions, Jerusalem is an occupied Palestinian city, and therefore the occupiers cannot claim sovereignty over the city under any circumstances. According to international law, confiscating land is prohibited, thus Israeli activities and legal presence in Jerusalem are not to be taken for granted (Faour, 1995).

### The European Union

Taking into consideration the significance of Jerusalem for European countries, their positions differ on this issue. However, there is a shared stance among EU countries based on their reluctance to acknowledge Jerusalem as the capital of Israel, and their affirmation of the need to solve the conflict through negotiations between the two parties. The EU position on Jerusalem cannot be separated from its general attitude towards the Arab-Israel conflict (Al-Sharq News, 2010), and its approach towards Jerusalem is encouraging in comparison with the US position. The EU as a whole emphasises the need to establish a Palestinian state with East Jerusalem as its capital, but individual European countries maintain different positions (Abu-Hasna, 2012).

Most European countries supported UN Resolution 181. They neither accepted the illegal Israeli activities there nor considered Jerusalem as its capital. European countries supported UN Security Council Resolution 242, unanimously adopted by the Security Council, which demanded Israeli withdrawal from territories it occupied by



military force in 1967, including East Jerusalem. The resolution required Israel stop activities that would influence the outcome of the final status negotiations on Jerusalem. Nonetheless, the position of European countries changed following a statement made by the secretariat of the Vatican on 6 November 1969, which called for the Pope not to recognise the international status of the city. The statement affirmed the special religious status of Jerusalem under international trusteeship and the appropriate protection of holy sites. It also stated that representatives of the Jewish, Christian, and Muslim communities residing in the city should administer the Old Quarter, the historical site, under Israeli supervision. This was a major shift in Europe's position on Jerusalem (Nofal, 2012).

There have been gradual changes in this position, particularly after the Euro-Arab dialogue which followed the 1973 War. In 1978, a joint statement was released by a General Committee of Dialogue, which demanded immediate cessation by Israel of any action that would lead to geographical or demographical changes in the occupied territories, including Jerusalem. The countries of the European Community issued the Venice Statement in 1980, emphasising the importance of Jerusalem for all parties. The Statement refused any unilateral initiative aiming at changing the status of Jerusalem, and stated that Israel should end the occupation of Palestinian territories, including the city. Some Arab countries considered the European position a major advance, while others believed it was not strong enough, especially regarding Jerusalem (Abu-Hasna, 2012).

The position of most European countries reverted after the Madrid peace conference in 1991. This was a result of Israeli inflexibility in dealing with the demands of the EU and the US rejection of any role for the EU in the peace process. The Israelis and Palestinians had also deferred the issue of Jerusalem to the final stage of negotiations, so the EU stance was that its status should be determined through negotiations and not unilaterally by either party. In 1995, the Europeans refused to participate in an Israeli celebration held in Jerusalem titled "Jerusalem, three thousand years". Representatives of the EU said that European participation in such a celebration could be interpreted as support for Israeli policy toward the city (Abu-Hasna, 2012).

The European Union criticised the construction of Israeli settlements in Jerusalem and refused to recognise it as the capital of Israel. It also continued to criticise Israeli activities there and called for an immediate halt to their provocative actions, especially the demolition of Palestinian houses and expulsion of their owners. A statement issued by the Presidency of the EU in July 2009 further criticised Israel for its actions in Jerusalem as contrary to

international law, saying they should be halted immediately, as they coincided with an increase in Israeli settlements that could jeopardise any chance for peace (Anba Moscow, 2012). The statement warned the Israeli authorities of their unfair and unacceptable actions towards Palestinian families in Jerusalem (Nofal, 2012).

## The Arab League

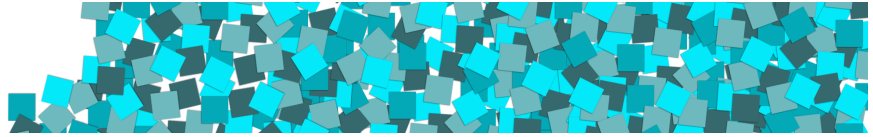
Arab countries vehemently rejected UN Resolution 181 because it divided Palestine and placed Jerusalem under International trusteeship. However, Jordan annexed the West Bank in 1950 and imposed new realities in East Jerusalem considering it part of the Jordanian Kingdom, rejecting any international sovereignty over the city. Jerusalem was divided between Jordan and Israel with neither of them having international legitimacy over the city. In 1967, Israel occupied the Gaza Strip, the West Bank and East Jerusalem and declared the city its undivided capital, transferring government institutions to the city. Israel promised to ensure protection of the holy sites and to give access to worshippers, but applied Israeli law throughout the city (Qaddumi, 2012).

Arab states rejected the Israeli occupation of Jerusalem<sup>2</sup>. However, despite the official Arab position of condemning the Israeli activities and attacks against the Islamic holy sites, they failed to undertake effective action to curtail these attacks (Arabic News, 2012). The Arab League repeatedly confirmed that Arab states would not, under any circumstances, recognise the legitimacy of the occupation or actions taken by Israel which were designed to change the legal status and geographical or demographical composition of the city (Shaban, 2012). In addition, the Arab League has regularly demanded actions by the international community to stop Israeli actions against Islamic sites and to bring forward a solution to the issue of Jerusalem through negotiations (Nofal, 2012).

## CONCLUSION

Palestinians are determined to remain in Jerusalem and to preserve its historical and religious status. Arab states and the Muslim world in general support the Palestinian position. They consider UN Resolution 181 as a starting point for the establishment of an independent Palestinian state. The same resolution led to establishment of the state of Israel in 1948, but the annexation of Jerusalem in 1967, which gave Israel full control over the city, is considered a challenge to international legitimacy and contrary to the

2 The 24<sup>th</sup> Arab Summit in Qatar in 2013 released a declaration appealing to the Palestinian people to continue to resist Israeli occupation and establish an independent Palestinian state with sovereignty and its capital in East Jerusalem.



provisions of international law. UN resolutions condemned the annexation, called for Israel to dismantle settlements in the city, and considered invalid all the administrative and legislative Israeli actions to change the legal status of Jerusalem.

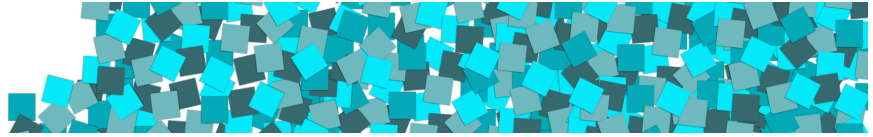
The international community has come up against violations of international law by Israel, since it defies UN resolutions and refuses to negotiate its claim of Jerusalem as its eternal capital. Though not complying with UN resolutions, Israel is supported by the US as a permanent member of the UN Security Council, which is continuing to thwart any new resolution on Jerusalem, and claims that the issue can only be resolved through the peace process. Though the US tries to show impartiality in some of the issues concerning Jerusalem, its policy is characterised by favouritism towards Israel. In the meantime, the European Union considers the city has a special legal and political status as outlined in UN Resolution 18. It

believes that achieving a peaceful solution to the Israeli-Palestinian conflict would bring an end to the political and religious concerns of both parties over the city. Thus, there is potentially a greater role for EU diplomatic action in the Middle East. Yet the political discourse of Arab countries towards Jerusalem remains unchanged, imbued with rhetorical statements that are full of moral and compassionate appeals to the international community and the world to save Jerusalem.

Taking into consideration the Islamic, Jewish and Christian interests in Palestine, along with UN resolutions, peace initiatives, and the Israeli and Palestinian positions on Jerusalem, it is possible that both parties could reach a solution if Israel were to comply with UN Resolution 181. This would give Jerusalem a special legal and religious status under the supervision of the international community, which would be a major contribution towards sustainable peace in the Middle East. ■

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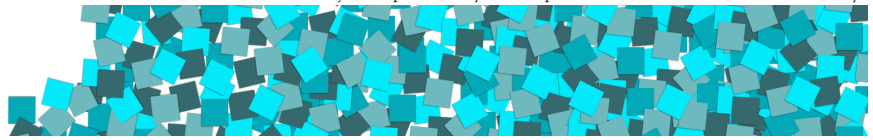
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## ■ *About the author*

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