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US Congress Declares Jerusalem "the Undivided Capital of Israel"

Thereby endorsing "The Right Of Conquest" in Direct Violation of International Law & UN Resolutions

[Jerusalem: Endorsing The Right Of Conquest](#)

By Stephen Zunes

11 June, 2007

Fpif.org

In a flagrant attack on the longstanding international legal principle that it is illegitimate for any country to expand its territory by military means, the U.S. House of Representatives, by an overwhelming bipartisan majority, passed House Concurrent Resolution 152 congratulating Israel for its forcible "reunification of Jerusalem" and its victory in the June 1967 war.

The resolution, passed by a voice vote on June 5 – the 40th anniversary of the Israeli conquest of East Jerusalem and other Arab territories – states that U.S. policy should recognize that Jerusalem is "the undivided capital of Israel." There is no mention that Jerusalem – which has the largest Palestinian population of any city and which for centuries served as the commercial, cultural, education and religious center for Palestinian life – should also be recognized as the capital of a future Palestinian state.

The resolution was sponsored by House Foreign Affairs Committee chairman Tom Lantos (D-CA), widely recognized as the Democratic Party's chief foreign policy spokesman, and co-sponsored by such Democratic Party foreign policy leaders as Howard Berman (D-CA), Eliot Engel (D- NY), Robert Wexler (D-FL), Joseph Crowley (D-NY), and Middle East subcommittee chairman Gary Ackerman (D-NY).

Israel has formally annexed East Jerusalem and surrounding lands, unlike the rest of the West Bank, which is either under the control of Israeli military administration or the Palestine Authority. No government outside Israel recognizes this illegal annexation

or supports the idea of a Jerusalem united under exclusive Israeli sovereignty. International organizations and leaders of major religious bodies throughout the world have repeatedly stressed the importance of not allowing Israel's unilateral takeover to remain unchallenged.

UN Security Council resolutions 252, 267, 271, 298, 476 and 478 – passed without U.S. objections during both Democratic and Republican administrations – specifically call on Israel to rescind its annexation and other efforts to alter the city's legal status. Given that Article 5 of resolution 478 specifically calls on all UN member states not to recognize Israel's annexation efforts, the Democratic-controlled Congress is effectively calling on the Bush administration to put the United States in direct violation of the UN Security Council.

Who Controls Jerusalem?

Jerusalem has been conquered and re-conquered more than 37 times in its 3000-year old history. Yet, with the establishment over the past century of clear international legal principles forbidding such military conquests and of international organizations with enforcement mechanisms, there has been a persistent hope that the fate of Jerusalem could – along with other territories seized by the Israeli armed forces – be resolved peacefully and with deference to international law. UN Security Council resolution 242, long seen as the basis for Arab-Israeli peace, emphasizes the "inadmissibility of the

acquisition of territory by war.” Congress appears to think differently, however.

The bipartisan decision to pass a resolution celebrating Israel’s military conquest at a time when there is a growing consensus among Palestinians, Israelis, and the international community that a shared Jerusalem is imperative for a durable peace appears to have been **designed to undermine the peace process**. As M.J. Rosenberg, director of the Israel Policy Forum’s Washington Policy Center, observed, “Congress has a role to play in the Middle East...but that leadership is not expressed by resolutions celebrating a war but by using its authority to promote security for Israelis and Palestinians.”

Virtually no one would like to see Jerusalem return to its 1948-67 status, when it was divided by sentry posts, barbed wire, and snipers, with neither Israelis nor Palestinians able to cross to the other side. However, there are a number of other options, including making Jerusalem an international city as originally called for by the UN in 1947, creating a joint Israeli-Palestinian administration, or repartitioning the city but with full access by residents and visitors to both the Israeli and Palestinian sides.

For example, the Geneva Initiative – signed by such prominent Israeli officials as former Justice member and Oslo Accord architect Yossi Beilin, former Labor Party Leader Avram Mitzna and former Knesset speaker Avraham Burg (along with equally-prominent Palestinian leaders) – call for Jerusalem’s Jewish neighborhoods and holy sites to be under Israeli control and the Palestinian neighborhoods and Muslim and Christian holy sites to be under Palestinian control, a position that public opinion polls indicate a majority of both Palestinians and Israelis supports.

An overwhelming bipartisan majority of the U.S. House of Representatives, however, in a clear rebuke of such initiatives, insists that the entire city be under exclusive Israeli control.

This led to protests by more moderate voices in the House. As Rep. David Price (D-NC) put it in the floor debate prior to the vote, since “the idea of an undivided Jerusalem under sole Israeli sovereignty has not been part of any serious peace proposal . . . in the last several years,” the resolution thereby “undermines U.S. efforts to secure the trust of all sides in the search for peace.” Rep. Lois Capps (D-CA) observed how “it has long been understood that a permanent agreement about the Palestinian areas of Jerusalem will be left to final-status negotiations. . . . I think we tread on dangerous territory when Congress adopts positions that run counter to issues that have yet to be negotiated.” Rep. Earl Blumenauer (D-OR) was among those noting the irony of the House passing what many would label a pro-Israel resolution that “would place Congress out of step with large parts of the Israeli political spectrum.”

The United States, like all other nations with diplomatic representation in Israel, has its embassy in Tel Aviv pending resolution of the status of Jerusalem.

However, the Lantos resolution calls on President Bush to unilaterally move the U.S. embassy to Jerusalem prior to a peace settlement, despite the president’s recognition, like that of his predecessors, that doing so would sabotage U.S. diplomatic efforts and needlessly evoke enormous hostility throughout the Islamic world. In the eyes of the Democratic-controlled Congress, there is nothing to negotiate: Israel is the undivided capital of Israel by right of conquest.

Israel’s Occupation

Whatever the position of the U.S. Congress might be, however, the fact remains that the residents of East Jerusalem never voluntarily ceded sovereignty to Israel through a referendum or other methods; their part of the city was seized by military force. By any definition, this constitutes a military occupation.

To this day, Israeli occupation forces patrol the streets and engage in ongoing human rights abuses against residents who oppose Israeli rule continue. The Israeli government has confiscated or destroyed homes and other property belonging to longstanding Muslim and Christian residents of the city. Several UN bodies, along with Amnesty International, Human Rights Watch and other reputable human rights organizations have frequently cited Israel for its ongoing violations of the Fourth Geneva Convention in East Jerusalem and surrounding areas. **Despite this, the House resolution commends Israel for having “respected the rights of all religious groups” during its 40-year occupation.**

Meanwhile, the Bush administration, like the Clinton administration, has refused to raise any objections to Israeli occupation forces banning access by most Palestinians to the schools, hospitals, businesses, and cultural venues of Palestine’s largest city. This ban has caused enormous suffering to the population. And just as the Jordanians refused to allow Israeli Jews to visit their holy sites in the Old City when the Hashemite Kingdom controlled East Jerusalem between 1948 and 1967, Israel now severely restricts access by Palestinian Muslims and Christians from the Gaza Strip or the rest of the West Bank from visiting their holy sites in the Old City.

Despite the resolution’s claims to the contrary, those of us who have actually been to Jerusalem in recent years recognize that it is hardly a unified city. One hardly ever sees any Israelis other than soldiers and journalists in Palestinian residential

neighborhoods or business districts. During our recent visit, my Israeli cab driver from the airport refused to take me to my hotel in the Palestinian half of the city, instead dropping me off at the pre-1967 dividing line and insisting I get an Arab cab for the remaining ten blocks of my trip.

Unlike the U.S. Congress, the Israeli Knesset did not pass a resolution celebrating the 40th anniversary of the conquest. Indeed, Israel's elected institutions tend not to commemorate their wars except to honor their dead. As with Israel's war on Lebanon last summer, Congress is willing to offer near-unanimous support for policies for which the Israelis themselves are willing to engage in serious self-criticism.

Indeed, the congressional resolution celebrating the humiliating defeat of Arab armies will likely only increase anti-American sentiment throughout the Arab world.

That victory brought hope to many Israelis that, with the leverage made possible by its conquest of Arab lands, and Israeli withdrawal could be exchanged for a permanent peace agreement with its Arab neighbors. Congress, however, has it made clear in a bipartisan fashion that the most important part of the occupied territories is not subject to negotiation.

Given the centrality of Jerusalem to any comprehensive peace settlement, U.S. policy has made it extremely difficult for a lasting peace settlement to be implemented. As Rep. Price observed, "the only thing likely to fully guarantee Jerusalem as the permanent capital of Israel is the official, international recognition of Israel's neighbors and the entire international community -- and this recognition is unlikely so long as Palestinian claims to their own capital and sacred city are denied."

What the U.S. Public Thinks

Public opinion polls in the United States show that, unlike most of their congressional representatives, a sizable majority of Americans supports a shared Jerusalem. And fortunately, despite the backing of both the Republican and Democratic leadership, there have been signs that this dangerous and reactionary policy initiative is not universally supported within Congress either. Julie Schumacher Cohen of Churches for Middle East Peace observed that the failure of the resolution to get more than fourteen co-sponsors and the avoidance of a roll call vote "may reflect a lack of confidence in the outcome of such a vote and Congressional weariness with resolutions like these that do not help move the peace process forward and undermine U.S. diplomatic efforts." Similar resolutions regarding Jerusalem passed by Congress in previous years received even greater bipartisan support.

There is more at stake here than Israeli-Palestinian peace. It is very dangerous, in this era of American military dominance, for such a large majority of Congress to go on record challenging the principles enshrined in the UN Charter that international boundaries be recognized on the basis of law, not the force of arms.

The American public must not allow the Democratic Party, given control of Congress by the voters last November, to squander its mandate by supporting resolutions that not only undermine the rights of Palestinians and the long-term security interests of Israel and the United States, but also undermine important and longstanding principles of international law.

Stephen Zunes is Middle East editor for Foreign Policy in Focus. He is a professor of Politics at the University of San Francisco and the author of *Tinderbox: U.S. Middle East Policy and the Roots of Terrorism* (Common Courage Press, 2003.)

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[110th CONGRESS House Bills]

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**110th CONGRESS
1st Session
H. CON. RES. 152**

Relating to the 40th anniversary of the reunification of the City of Jerusalem.

IN THE HOUSE OF REPRESENTATIVES

May 22, 2007

Mr. Lantos (for himself, Ms. Ros-Lehtinen, Mr. Ackerman, Mr. Wexler, Mr. Sherman, Mr. Crowley, Mr. Engel, Mr. Klein of Florida, Mr. Berman, Mr. Faleomavaega, and Mr. Burton of Indiana) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Relating to the 40th anniversary of the reunification of the City of Jerusalem.

Whereas June 2007 marks the 40th anniversary of the Six Day War and the reunification of the city of Jerusalem;

Whereas Israel has, since its founding, sought peace with its Arab neighbors;

Whereas in the weeks leading up to the Six Day War, Israel's neighbors, without provocation, called for and implemented a blockade of Israel's critical outlet to the Red Sea, ordered United Nations peace-keeping forces out of the Sinai desert, massed their forces with apparent hostile intent in the Sinai and in the Golan Heights, and publicly threatened to destroy Israel;

Whereas in six days of war, Israel defeated those forces seeking its destruction and reunited the city of Jerusalem which had been artificially divided for 19 years;

Whereas Jerusalem has been the focal point of Jewish religious devotion and the site of a continuous Jewish presence for over three millennia, with a Jewish majority since at least 1896;

Whereas Jerusalem is also a holy city for the Christian and Muslim faiths;

Whereas the vibrant Jewish population of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city, and Israeli citizens of all faiths as well as Jews of all nationalities were denied access to holy sites in eastern Jerusalem, including the Old City, in which the Western Wall and the Church of the Holy Sepulchre are located;

Whereas this year marks the 40th year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected;

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104-45), which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel; and

Whereas it is the policy of the United States to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

That Congress--

(1) congratulates the citizens of Israel on the 40th anniversary of the Six Day War in which Israel defeated enemies aiming to destroy the Jewish State;

(2) congratulates the residents of Jerusalem and the people of Israel on the 40th anniversary of the reunification of that historic city;

(3) commends those former combatant states of the Six Day War, Egypt and Jordan, who in subsequent years had the wisdom and courage to embrace a vision of peace and coexistence with Israel;

(4) commends Israel for its administration of the undivided city of Jerusalem for the past 40 years, during which Israel has respected the rights of all religious groups;

(5) reiterates its commitment to the provisions of the Jerusalem Embassy Act of 1995 and calls upon the President and

all United States officials to abide by its provisions; and (6) urges the Palestinians and Arab countries to join with Israel in peace negotiations to resolve the Arab-Israeli conflict, including realization of the vision of two democratic states, Israeli and Palestinian, living side-by-side in peace and security.

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[This is un-flipping-believable](#)

A testament to just how tight the zionist stranglehold is on our government - and glaring proof that our so-called democracy is an abysmal failure.

"Money" has no value - people do.

qrswave | Tue, 2007-06-12 20:08

[They must be joking](#)

Hahaha...really funny...however courage and wisdom of Zionist puppets in Egypt and Jordan will prove to be main reason for their miserable fall. They are actually making a deal with a devil to protect them from their own people. But little they know that the devil is the greatest traitor of all. Now tell me how can you blame Arabs for extreme contempt they have for US regime. They actually fell short of awarding the state of Israel a Nobel prize for peace. Ooo Americans do you not see who are your true masters. What is yet necessary for you to open your eyes. God save us.

"Let there be Light!"

Traveller | Tue, 2007-06-12 20:16

[Traitors](#)

Looks like there's really no law, so do whatever you like!

What are ya gonna do? Nuke me?

Grim Reality | Tue, 2007-06-12 22:32

[United We Stand, Divided We Fall!](#)

Nobody can serve to Masters as we know from the bible, and the best thing you can say about the US Congress is that it is so biblical that it does not even try!

It is united in its support of Israel, and it would indeed earn it the highest respect but for one small detail: It is not an Israeli political institution!

However, why concentrate on petty detail when you can easily correct the mess: In the name of transparency ask the Congress collectively to fight for the interests of Israel in Israel rather than in the US!

There are two major advantages of this: The congress men and women will be closer to the real issues by living there than by just being flown over a couple of times every year, and from an American point of view, if that is allowed, it would create space for a new generation of politicians, who would pay attention to US interests!

Just a suggestion....

Made Brani | Wed, 2007-06-13 01:34

[Traveller.. taking a fall for zionist propaganda?](#)

I just read your comments on this post, but couldn't really understand from where they came. What you say seems to imply that Egypt and Jordan's official or even unofficial positions are in support of this last move by the US Congress to declare Jerusalem "unified" and possible "capital" of "Israel". Either you are totally misinformed (which I doubt) or you yourself are falling for the Zionist trap of making you unleash your anger towards Arab states rather than the common Zionist enemy which works in order to have the US Congress produce such resolutions. Neither Egypt nor Jordan are beyond criticism..., but certainly not in the context of Zionist resolutions passed by a Zionist US Congress that is on the payroll of the Zionist Israel lobby. I cannot speak for Jordanians because I am not a Jordanian, but never forget that there isn't an Egyptian family that hasn't lost a loved one because of Israel... and always remember that despite anything you see or hear..., Egyptians will never forget the price Egypt paid since the establishment of the Israeli entity in our region of the world. It is not always clever to let yourself get drawn into a war as happened in 1967 to "blessed" Abdel Nasser. Where it not for him, East Jerusalem (among others) might not be occupied today.

Cherifa Sirry | Wed, 2007-06-13 05:00

[I am not falling for Zionists](#)

For me anyone in Arab world who gets US endorsement is a traitor and Zionist proxy because US will never support anyone who is not working for Zionist interests.

"(3) commends those former combatant states of the Six Day War, Egypt and Jordan, who in subsequent years had the wisdom and courage to embrace a vision of peace and coexistence with Israel;"

"Let there be Light!"

Traveller | Wed, 2007-06-13 13:17

[Wisdom of Egypt and Jordan](#)

is that Arabs should accept the fraudulent right of so-called jews to have their Zionist state in the holy land. I wonder Cherifa would Egypt have same attitude if Sinai is still under Israeli rule. Its easy to say recognize Israel when you have your country intact and supported with US bribery for leaving Israel alone. Say that to Palestinians who are left with no country, no land, no olive trees, no dignity, no liberty to walk in their birth places. Rest of Arabs are sick of their extended refugee presence and yet they can not even agree on having a full economic boycott of the Zionist state. And you are telling me not to be angry on Arab states. Why wouldn't I be angry when there is more boycott out of Arab world than in ME. And Egypt advocates recognition of Israel and acceptance of treacherous peace agreements made only to give more time to the Zionist state to demolish more Palestinian homes.

<http://www.cbsnews.com/stories/2006/02/01/world/main1265902.shtml>

This is where I got my anger and what the hell is divided Jerusalem if its surrounded by the Zionist state and how does that change anything if its allegedly called to be united. In reality it does not change anything if they call it united or divided because it is invaded same as Baghdad. I am not saying that it is smart to jump into wars if its not absolutely necessary but my anger is on Arab leaders and stupid people who believe they are patriotic.

"Let there be Light!"

Traveller | Wed, 2007-06-13 19:33

[Re: Wisdom of Egypt & Jordan](#)

First of all, please don't put Egypt and Jordan in the same basket. You don't seem to be aware that Jordan betrayed Egypt and Syria "royally" in 1973.

You say:

“Wisdom of Egypt and Jordan

is that Arabs should accept the fraudulent right of so-called jews to have their Zionist state in the holy land”

Egypt accepted Israel in exactly the same manner Israel says it accept the Palestinians. Do you see what I mean? Do you honestly think that there is one Egyptian who can stand the Israelis or Israel? If so, I can guarantee you that you don't understand Egypt. Signing a “peace” agreement was Egypt's way of getting its land and resources back so that the country

could rest after a huge Naksa. If you think that Israelis happily signed a “peace” treaty with Egyptians, you are royally mistaken. They regard Camp David as one of their biggest mistakes because Israel wants to re-occupy the Sinai.

Please read the following from **Oded Yinon’s "A Strategy for Israel in the Nineteen Eighties"**:

The loss of the Suez Canal oil fields, of the immense potential of the oil, gas and other natural resources in the Sinai peninsula which is geomorphologically identical to the rich oil-producing countries in the region, will result in an energy drain in the near future and will destroy our domestic economy: one quarter of our present GNP as well as one third of the budget is used for the purchase of oil.⁹ The search for raw materials in the Negev and on the coast will not, in the near future, serve to alter that state of affairs.

(Regaining) the Sinai peninsula with its present and potential resources is therefore a political priority which is obstructed by the Camp David and the peace agreements. The fault for that lies of course with the present Israeli government and the governments which paved the road to the policy of territorial compromise, the Alignment governments since 1967. The Egyptians will not need to keep the peace treaty after the return of the Sinai, and they will do all they can to return to the fold of the Arab world and to the USSR in order to gain support and military assistance. American aid is guaranteed only for a short while, for the terms of the peace and the weakening of the U.S. both at home and abroad will bring about a reduction in aid. Without oil and the income from it, with the present enormous expenditure, we will not be able to get through 1982 under the present conditions and we will have to act in order to return the situation to the status quo which existed in Sinai prior to Sadat's visit and the mistaken peace agreement signed with him in March 1979.

Israel has two major routes through which to realize this purpose, one direct and the other indirect. The direct option is the less realistic one because of the nature of the regime and government in Israel as well as the wisdom of Sadat who obtained our withdrawal from Sinai, which was, next to the war of 1973, his major achievement since he took power. Israel will not unilaterally break the treaty, neither today, nor in 1982, unless it is very hard pressed economically and politically and Egypt provides Israel with the excuse to take the Sinai back into our hands for the fourth time in our short history. What is left therefore, is the indirect option.

I ask you Traveller, would you have the same attitude towards Egypt if you were an Egyptian? Where are you from anyway? Besides, you seem to conveniently omit that the entire Arab world (except for Hezbollah and Syria) have full relations now with Israel. Indeed, they are unofficial..., but they are full.

You state:

“Its easy to say recognize Israel when you have your country intact and supported with US bribery for leaving Israel alone.”

My country is very far from being intact and it is not supported by US bribery. The bribes don't reach the country or the people. My country is definitely not leaving Israel alone. This comment is for the short sighted. This being said, I will also say that there are times where I wish that my country would take a different stand and take concrete action against Israel... like a few days ago when Israel shot and killed 2 Egyptian young girls for no reason in Rafah. Egyptian media didn't even report the event. This upsets me..., but knowing the Egyptian people and knowing the situation in Egypt... I know why the story was not reported. The Egyptians are so sick of Israel that there would be a major problem among the people and in the country... and that is exactly one of the objectives of Israel. Read again Oded Yinon's paper above. They explained very clearly how they will indirectly provoke Egypt into breaching the peace agreement so that they could take Sinai back. Why should Egypt walk into Israeli traps the way the Lebanese are for example?? Just look at Lebanon now. Despite all the very wise warnings of Hassan Nasrallah and the Lebanese opposition, the Lebanese walked right into the trap set up for them by the Israelis and Americans. Why do you want Egypt to make the same mistake?

Your Anger:

You have all the right to be angry at the Arabs in general...and you are not alone in that feeling. I was pointing out to you the specific occasion of the US Congress resolution on Jerusalem. They totally failed to handle the Palestinian issue. If you speak Arabic: al 3arab Garab... Not only did they fail to boycott Israeli products, but the Arab states who have unofficial relations with Israel are the ones who have the best economic relations with Israel. As far as Egypt is concerned, the biggest market of the Middle East, Israel suffers from never having been able to “normalize” relations with Egypt and develop a market there. From direct experience, I can tell you that after Egyptian territories were returned, some Israeli products started showing up in our shops. There was a “made in Israel” label. Egyptians were disgusted... and we didn't buy anything. Slowly, the “made in Israel” tags were removed and just replaced by the country of origin number “729”... But we still didn't buy because we were well aware of that number too. Until today, Israel's main complaint with Egypt is its inability to “normalize” (Tatbeeq) and Israel was looking forward to selling on the Egyptian market.

You state:

“And Egypt advocates recognition of Israel and acceptance of treacherous peace agreements made only to give more time to the Zionist state to demolish more Palestinian homes.”

The fact is that it's the only policy that has worked so far. Nothing else has worked in getting back any Palestinian or Arab rights. Israel thrives on conflict... and Israel depends on conflict to be able to continue its livelihood. After the entire Arab world accused Egypt of “treason” for Camp David, the entire Arab world (except for Hezbollah and Syria) have followed Egypt's steps... with the difference that they didn't get 1/8th of the deal Egypt got. The deal Sadat had gotten for the Palestinians is something they now dream of. **Am I factually saying anything wrong here?** Please compare what Sadat had gotten for the Palestinians and what they are getting today.

<http://www.cbsnews.com/stories/2006/02/01/world/main1265902.shtml>

Excuse me..., but why are you getting your new from cbs? Moubarak could have called on Hamas to recognize Israel, but do you have an Arabic source for calling on Hamas to disarm?? That would astonish me very much... Hamas has its political wing under Ismail Haniye and it has its separate military wing that no one can disarm. Also how could anyone call on Hamas to respect peace deals with Israel?? I am not aware that Hamas has any peace deals with Israel. This is Zionist crap talk. Why would you ever get your info on the Arab/Israeli conflict from cbs anyway???

This having been said you need to remember the context of this situation:

Hamas chose to get into politics. Hamas made this choice on its own. Once Hamas got democratically elected, Hamas had to start doing the work of the government... and to do so, it had to communicate. But Hamas couldn't because it doesn't speak to Israel and Israel certainly wasn't happy to see Hamas win the election... and declared it wouldn't talk to it until Hamas recognized it. For communication sake, Hamas and Fath formed a unity government in which the Palestinian government acknowledges Israel, but the Hamas component doesn't. Hamas wants to enter the political arena with Israel and the US... but can't manage to talk to anyone.

Finally, to care for your country before you care for the rest of the Middle East is patriotic. It is not stupid as you mention. What is stupid is to believe in ideals which are unachievable given a certain context. Moreover, which country in the Middle East gave as much as Egypt gave the Middle East? Be it money (when Egypt had money), academics, professionals, workers, soldiers, art, music, film industry... you name it...

I wonder where you are from

Cherifa Sirry | Thu, 2007-06-14 02:00

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