
India, Jerusalem, and Trump: Policy Transition and Ramifications

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Jerusalem is no ordinary city since its status remains a key issue in the complex and convoluted Israeli-Palestinian conflict. Its history, religious significance, and political claims make Jerusalem one of the most contested sites in contemporary times. In many ways, it is the core problem. Despite international involvement and several United Nations (UN) resolutions, the issue has not been resolved. Both Israel and Palestine claim ownership of the city and want it to be the capital of their state. However, according to the UN Security Council (UNSC) Resolution 242, all the territories that came under Israeli occupation in the June War of 1967, including East Jerusalem, are recognised as illegal. The United Nations deems that the city of Jerusalem is a “final status issue to be determined through a comprehensive, just and lasting solution to be negotiated between the two sides concerned on the basis of relevant United Nations resolutions.”¹

The position of the conflicting parties, however, is not in tune with the United Nations. Israel declared Jerusalem as its capital through a proclamation adopted by the Knesset on January 23, 1950. All Israeli state institutions, including the Knesset, the Supreme Court and offices of all the ministries, except the Ministry of Defence, were subsequently

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transferred to Jerusalem and are currently located in the western part of the city. In 1980, the Israeli Knesset enacted the Jerusalem Law, declaring the united city of Jerusalem as the eternal capital of the Jewish state. Likewise, the Palestinian Declaration of Independence proclaimed by Yasser Arafat on November 15, 1988, designated East Jerusalem as the capital of Palestine. The Palestinian Liberation Organisation (PLO), through the 1988 proclamation, accepted the Green Line, the June 04, 1967, border, as the international border between Israel and

Palestine in accordance with UNSC Resolutions 181 and 242. This effectively meant that the PLO recognised West Jerusalem as part of Israel and claimed East Jerusalem, including the Old City, as the capital of the future state of Palestine.

The international community is divided on the issue and many do not recognise the Israeli claim over the city, while others dispute the Palestinian approach. Yet others, including India, support the position that the status of Jerusalem should be part of the final agreement between the conflicting parties as per the relevant resolutions of the United Nations. Since the 1967 War, the city has been under Israeli control but Jordan has the custodianship of the Muslim and Christian holy sites in the Old City. In response to the regional and international developments, Israel tried to formalise the annexation of East Jerusalem by adopting the Jerusalem Law in 1980 but the Palestinians contested this. The US and the international community rejected the Israeli move. The United Nations recognises Israeli control over East Jerusalem as illegal and terms it as “occupied territory.”

The political significance of Jerusalem emanates from its religious centrality to the three Abrahamic faiths. For Jews, it is the centre of faith and the holiest place on Earth. According to Jewish belief, the First and Second Temples that were destroyed in 586 BC and 70 AD by Babylonian and Roman invaders respectively housed the *sanctum sanctorum* and comprised the location for the foundation stone from which the world was created. In the Jewish quarter of the Old City lies the Western Wall/Wailing Wall which is the only existing remnant of the Second Temple, thus, making it the holiest site for faithful and practising Jews. For Muslims, the city is the third holiest site after Mecca and Medina. It was the first *qibla* (direction of prayer) as early Muslims faced toward Jerusalem during prayers until they were invoked to change the direction toward the Kaaba in 623 AD. According to Muslim belief, Jerusalem was the site for the nightly journey of Prophet Muhammad to the seven heavens, known as *m'eraj*. For the faithful, the Al-Aqsa Mosque, located in the Muslim Quarter of the Old City was the point from where the prophet ascended to heaven. For Christians, it is the Church of the Holy Sepulchre, where Jesus was crucified and where he lay buried. It is considered to be the site of Christ's resurrection. While the Holy Sepulchre is some distance away, the Western Wall and the Al-Aqsa compound are on the same elevated plateau and, according some accounts, the Dome of the Rock and Al-Aqsa Mosque were built on the ruins of the Second Temple. Thus, the place is termed by Jews as the Temple Mount and by Muslims as Haram al-Sharif, and is the site of contestation and conflict.

Historic claims over the city too are a significant bone of contention. For Jews, the city of Jerusalem is the eternal capital of the Jewish state since the Hebrew communities settled in the area and established the Jewish Kingdom as early as the 10th century BC. For Muslims, the city of Jerusalem is part of the *waqf* property and cannot be transferred or relocated. The city had remained under Muslim sovereignty and control since the Army of Caliph Umar captured it in 637 AD, except during the

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Crusade period (1099-1187), until the end of Ottoman rule in 1917. After the Allied forces captured it during World War I, the city came under the British mandate in 1922. In 1948, with the end of the British mandate and declaration of the state of Israel, Egypt, Transjordan, Syria, Iraq and Lebanon invaded the area, leading to a war between the Arabs and Israel, and before

the armistice agreements could be signed in 1949, the western part of the city came under Israeli control, while Jordan's Arab Legion captured the eastern part of the city. In 1950, Jordan annexed East Jerusalem. The situation altered in 1967 when Israel captured the eastern part of the city and the city of Jerusalem came completely under Israeli control.

US Policy on Jerusalem

The US policy on Jerusalem has evolved with time. In 1947, the US supported the idea of Jerusalem as a *corpus separatum*, that is, an internationally administered city, belonging neither to the Jews nor Muslims. Both Arabs and Jews opposed this. Later, in 1950, the US modified its position in favour of "limited internationalisation" in the wake of Israel's declaration of west Jerusalem as its capital, but it was rejected by both the conflicting parties.² The US was again forced to reconsider its position on Jerusalem in the aftermath of the June War and it abandoned the idea of the internationalisation of the Jerusalem and adopted the policy that the future of the city should be decided between the conflicting parties. This remained the US policy even after the passing of the Jerusalem Embassy Act (JEA) of 1995 that demanded the recognition of the undivided city of Jerusalem as the capital of Israel.

In the wake of the 1993 Oslo Accords signed by the PLO and Israel under US mediation, whereby Jerusalem was put under the category of

matters to be decided through “permanent status negotiations,”³ the US Congress passed the JEA. According to the JEA, the US recognised that:

- Jerusalem should remain an undivided city in which the rights of every ethnic and religious group are protected;
- Jerusalem should be recognised as the capital of the State of Israel; and
- The United States Embassy in Israel should be established in Jerusalem no later than May 31, 1999.⁴

However, the JEA also provided for a presidential waiver, for the suspension of its implementation for a period of six months, with the option to extend it for an additional six months before the end of the existing suspension period, if the President “determines and reports to Congress in advance that such suspension is necessary to protect the national security interests of the United States.”⁵ This waiver was subsequently signed by successive US Presidents, Bill Clinton, George W. Bush and Barack Obama, thus, preventing the change in the US stand and relocation of the US Embassy from Tel Aviv to Jerusalem. The US, maintained a consulate office in Jerusalem but the embassy was not moved from Tel Aviv “so as not to preempt” the permanent status agreement and not jeopardise the US’ claim to be a “neutral mediator.”⁶

Trump’s Move to Shift the US Embassy

On December 06, 2017, in a speech from the White House, President Donald Trump announced a new approach to resolve the conflict between Israel and the Palestinians, saying that in the spirit of the JEA of 1995 “it is time to officially recognise Jerusalem as the capital of Israel.”⁷ He also stated, “Consistent with the Jerusalem Embassy Act, I am also directing the State Department to begin preparation to move the American Embassy from Tel Aviv to Jerusalem.”⁸ The President, by making this

announcement, was not only making a change in the US policy toward Jerusalem but also undoing the approach adopted by his predecessors. Nonetheless, he is doing it on the basis of the Congressional provision made in the JEA. It means that the Trump Administration is shifting the tactics to deal with the ineffective and stalled Middle East peace process. This is why President Trump began his speech by stating, “We cannot solve our problems by making the same failed assumptions and repeating the same failed strategies of the past. Old challenges demand new approaches.”⁹

Despite the international uproar and the United Nations General Assembly resolution against the US plan, the Trump Administration has moved ahead with its plans to relocate the US Embassy from Tel Aviv to Jerusalem. In a press statement released on February 23, 2018, the US Department of State said that coinciding with the 70th anniversary of the foundation of Israel in May, “the United States plans to open a new US Embassy in Jerusalem.”¹⁰ According to the statement, the embassy will temporarily function out of the US Consulate General in Jerusalem located in the Arnona neighbourhood, and will be expanded by the end of 2019 and will function from the same location until the construction of a permanent embassy building, which will be a “longer-term undertaking.”¹¹

The move is intended to fulfill the campaign promise made to his supporters constituting American evangelical and Jewish groups. Trump believes that through this move, he can achieve an “ultimate deal” to resolve the Israeli-Palestinian conflict that will lead to lasting peace.¹² However, even if ultimately Jerusalem is accepted as the capital of Israel, in the given circumstances, the change in the tactics is a poor decision on the part of the Trump Administration, as it undermines the US position as a “neutral mediator” in the Middle East peace process and the two-state solution.¹³ Further, it has reignited the Israeli-Palestinian conflict that appeared to have become a less important issue due to bigger and

more urgent crises. Reportedly, the move has the potential to spark violence and civil disobedience in Palestine and in the larger Arab-Islamic world, as Jerusalem is a sensitive issue among Muslims.¹⁴ Israel, thus, was the only country where the move was welcomed wholeheartedly.¹⁵

While opinion is divided on the wisdom behind the move, there is ambiguity in Trump's speech as it leaves the question of the final status of Jerusalem open to negotiations between the two conflicting parties. While recognising the united Jerusalem as the capital of Israel, the statement reiterates the US position that it is not "taking a position of any final status issues, including the specific boundaries of Israeli sovereignty in Jerusalem, or the resolution of contested borders."¹⁶ The wording of the statement seems to have been deliberately kept vague and open for interpretation, subject to negotiations and the final status agreement.¹⁷

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International and Arab-Islamic Response

Notwithstanding the ambiguity, Trump's speech has opened a Pandora's Box and evoked a strong international response. Russian President Vladimir Putin expressed "deep concern" about the move, while the Chinese Ministry of Foreign Affairs expressed worry about the destabilising effect of the move and reiterated the Chinese stand to support the Palestinian right to establish a state, with East Jerusalem as its capital. The UK, France, Germany and European Union too termed the Trump decision as detrimental to peace and security in the region and reiterated their stated positions.¹⁸ The Palestinian reaction was critical of

the move and President Mahmoud Abbas said that with this decision, the US has disqualified itself from being a mediator in the peace process.¹⁹ Iran, Turkey, Saudi Arabia, Egypt and other Islamic countries too came out strongly in opposition of the move and stated that it is not acceptable. Israel, on the other hand, applauded the Trump's decision and called it long overdue.²⁰

The issue was raised in the United Nations Security Council by Egypt on December 18, 2017, with a draft resolution stating “that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void, and must be rescinded in compliance with relevant resolutions of the Security Council.”²¹ However, the US chose to veto the resolution and it was rejected. The vote followed a briefing by the Special Coordinator for the Middle East peace process, Nickolay Mladenov, who underlined the growing tensions in Israel, Palestine and the larger region due to the US decision and reiterated the position of the United Nations that “Jerusalem is a final status issue that must be resolved through direct negotiations between the two parties on the basis of the relevant Security Council and General Assembly resolutions, taking into account the legitimate concerns of both the Palestinian and the Israeli sides.”²²

Later, on December 23, the issue was raised by Yemen in an emergency UN General Assembly meeting. The UN General Assembly (UNGA) overwhelmingly passed a resolution condemning the US decision to recognise Jerusalem as the capital of Israel and move the US Embassy from Tel Aviv to Jerusalem. The resolution was passed with 128 countries voting in favour, 9 against, and 35 abstentions. It declared, “Any actions intended to alter Jerusalem’s character, status or demographic composition” as null and void.²³ It further called upon all countries “to refrain from establishing embassies in the Holy City” and demanded “they work to reverse the ‘negative trends’ imperiling a two-

State resolution of the Israeli-Palestinian conflict.”²⁴ Before the vote, Washington had issued a veiled threat to all countries that if they voted against the US, they would have to face the consequences. Following the voting in the UNGA, the US representative in the United Nations, Nikki Haley, warned that the US would cut financial support to the United Nations and countries supporting the resolution.

The Arab countries, especially Saudi Arabia, Egypt and Jordan were at the forefront of international reactions condemning the US decision. Despite the strategic ties between the US and Saudi Arabia, and close personal equations between President Trump and his family with the al-Sauds, the Saudi Royal Court issued a statement expressing “great disappointment” at the announcement. It stated, “The Kingdom expresses its denunciation and deep regret that the [Trump] Administration has taken this step, as it represents a great bias against the historic and permanent rights of the Palestinian people in Jerusalem, which have been affirmed by the relevant international resolutions and have been recognised and supported by the international community.”²⁵ Saudi Arabia also took the lead in mobilising the Arab and international response and emphasised to the states the significance of resisting such a move by the US as it would imperil the Palestinian and Muslim rights over the Holy City. Riyadh, along with Ankara, Cairo and Tehran, was also instrumental in the passing of the General Assembly resolution condemning the move.

India and Jerusalem

India’s position on the Israeli-Palestinian conflict has evolved with time. Until 1992, when India established full diplomatic relations with Israel, the Indian position was based on a zero-sum approach. Due to domestic compulsions, and wary of the Arab reaction, India did not establish relations with Israel for 42 years after it recognised Israel in 1950. New Delhi supported the establishment of the sovereign, independent and united state of Palestine based on the relevant UN resolutions

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and articulated the need to achieve the two-state solution through peaceful negotiations. With changing times and growing friendly relations with Israel, India has become more nuanced in its position, while continuing to support the Palestinian rights, and simultaneously becoming attuned to Israeli sensitivities, thus, abandoning the zero-sum approach.

On the question of Jerusalem too, the Indian position has evolved. Until a few years ago, Indian statements recognised the Palestinian claim to East Jerusalem as the capital of the future state of Palestine. For instance, during his visit to Ramallah in October 2015, President Pranab Mukherjee, in one of his speeches, said, “India supports a negotiated solution, resulting in a sovereign, independent, viable and united State of Palestine with *East Jerusalem* as its capital (emphasis added).”²⁶ This position continued even after Prime Minister Modi came to power.²⁷ However, gradually, it underwent revision and in the recent statements of the Indian leadership, most noticeably during the May 2017 visit of the Palestinian President Mahmoud Abbas to New Delhi, the reference to “East Jerusalem as the capital of the state of Palestine” was dropped. This means that India does not support claims by either side on the city of Jerusalem and takes a completely neutral position. Minister of State for External Affairs, M. J. Akbar, on March 22, 2018, reiterated this position in the Rajya Sabha, when it was raised by a member. This was in tune with the Indian stand that “the solution to the Palestinian issue should be based on relevant UN Resolutions resulting in a sovereign, independent, viable and united State of Palestine living within secure and recognised borders, side by side at peace with Israel.”²⁸

India has diplomatic missions in both Israel and Palestine. The Indian Embassy in Tel Aviv was opened after normalisation of relations

in 1992 while, after the establishment of the Palestinian National Authority in 1996, India opened a mission in Palestine, first, in the Gaza Strip which was later relocated to Ramallah. After President Trump announced the decision to relocate the US Embassy in Tel Aviv to Jerusalem, India clarified its position. The Ministry of External Affairs issued a press statement on December 07, 2017, saying that India's position on Palestine is independent and consistent. "It is shaped by our views and

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interests, and not determined by any third country."²⁹ Later, India voted in favour of the UNGA Resolution condemning the US announcement to move the embassy to Jerusalem on December 21. In a statement in the Lok Sabha on January 03, 2018, the government stated, "India has voted in favor of a resolution co-sponsored by Turkey and Yemen on Status of Jerusalem brought at UNGA on December 21, 2017."³⁰ Subsequently, when the issue was raised in the Rajya Sabha on March 22, Akbar clarified that India considers this to be an issue between Israel and Palestine and that it should "be decided in the final status negotiations"³¹

The Indian position emanates from various factors. Firstly, it is based on the legality of the issue. According to the UNSC Resolution 242, East Jerusalem is under Israeli occupation and the final status of Jerusalem should be decided according to the relevant United Nations Resolutions and based on negotiations between Israel and Palestine. India adheres to this position. Other factors, including the domestic political situation, friendly relations with Israel and Arab-Islamic countries, its interests in the Middle East, the historical position of support to the Palestinian cause, and its evolving global standing have shaped the Indian position. A significant Muslim population, strong public opinion in support of

New Delhi wishes to maintain its historical support to the Palestinian people, but also wants to be friends with Israel—implying that India cannot appear to take sides and, hence, in consideration of the legal status of Jerusalem, it opposed the US decision, despite warnings from the Trump Administration of negative consequences for countries going against the US.

Palestine, friendly relations with the Arab and Islamic countries and strategic interests in the Gulf prevent it from supporting Israel, despite flourishing multi-linear relations with it. At the same time, the growing convictions about its standing in the changing international politics and flourishing ties with Tel Aviv have nudged India to moderate its position favouring Palestine.

India, US and the Middle East

The US has a strong presence in the Middle East and is a *de facto* regional player. However, since the Arab Spring, the US has faced difficult policy choices

and, arguably, the unwillingness of Barack Obama to take decisive action compromised the US influence. The Obama Administration took time to respond to the internal developments in Egypt, Syria, Libya, Yemen and Iraq and adopted a passive attitude towards the demands for change.³² At the same time, it did not come to the rescue of close allies such as Hosni Mubarak.³³ Later, it went ahead and signed a nuclear deal with Iran—the Joint Comprehensive Plan of Action (JCPOA)—an ambitious regional player, even at the cost of offending historical strategic partners such as Israel and Saudi Arabia. While economic and political considerations overwhelmingly influenced the policy dilemma, this contributed to the decline of the US' influence in the Middle East.³⁴

The US' reluctance to intervene, though it could not completely avoid involvement, led to a breakdown in the regional order and also helped change the balance of power among the regional players. Unarguably,

the waning US appetite for involvement in the Middle East³⁵ allowed Iran, a regional actor, and Russia and China, two extra-regional powers, to expand their influence.³⁶ In fact, Moscow's intervention in Syria has the potential to revive the Russian involvement in the affairs of the Middle East and is reminiscent of the heyday of the Cold War period when the region had become a theatre of conflict between the two superpowers.³⁷

The Trump Administration came with an objective to undo the policy paralysis of the Obama Administration. To fulfill the promise of "Make America Great Again," among other things, Trump proposed to revive the Middle East peace process and deliver an "ultimate deal." Right from the early days of his Presidency, the Middle East has been a priority of Trump. With much fanfare, the President appointed his son-in-law, Jared Kushner, as Senior Advisor in the White House and allocated him the responsibility to resolve the Israeli-Palestinian conflict. Kushner went on a tour of the Middle East and met Israeli and Saudi leaders. The President also chose to visit Saudi Arabia and Israel as his first international trip in May 2017, and upon his return, argued that with the help of regional friends, the US was going to deliver the promised ultimate deal that would resolve the decades-long conflict.³⁸

Though the contours of the much talked "ultimate deal," never became clear, the decision to recognise Jerusalem as the capital of Israel and move the US Embassy to Jerusalem has to be seen within this context. Nonetheless, the reaction of the regional players, both those an immediate party to the conflict (Palestine) and the neighbours who will be

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significantly affected (Jordan), indicated that they are not onboard the Trump Administration's plan. Except for Israel, all the regional countries, including US friends such as Saudi Arabia and Egypt, were not only surprised by the announcement, they took the lead to counter the move in the UN. The US announcement has been largely seen as partisan and unilateral with an objective to create facts on the ground that will

ultimately force the Palestinian leadership to accept *de facto* realities. The Palestinian reaction indicates otherwise and the statement from Abbas underlines that they no longer feel that the US can be a neutral mediator in the conflict. This means that extra-regional players such as Russia and China and regional players such as Iran can leverage greater influence on the Palestinian leadership, leading to further diminishing of the US role. At the same time, it would be wrong to presume that Russia or China will, in the near future, replace the US as the leading external power in the region.

For India, these are important developments. New Delhi wishes to maintain its historical support to the Palestinian people, but also wants to be friends with Israel—implying that India cannot appear to take sides and, hence, in consideration of the legal status of Jerusalem, it opposed the US decision, despite warnings from the Trump Administration of negative consequences for countries going against the US. Notably, India decided not to abstain during the vote, against the expectations of Tel Aviv and Washington. It went with the overwhelming majority of 128 countries that condemned the US decision. This means that despite the growing affinity with the US and convergence of interests on many international issues, especially in South and Southeast Asia, India is not going to align its

international relations and foreign policy with Washington. In the past, New Delhi was arguably influenced by Washington to modify its position on foreign policy matters, especially on India-Iran relations. Nevertheless, as has been argued by scholars, India's position on bilateral and multilateral matters related to Iran was only partially influenced by the US. India was willing to divert from its traditional position only in cases where it did not have any fundamental disagreements with the US position.³⁹

The US decision on Jerusalem underscored the fact that despite the Israeli-Palestinian conflict being on the back-burner, due to bigger or more immediate conflicts such as in Syria and Iraq, the issue remains central to the regional affairs.

The Indian vote in the UNGA underscores the traditional Indian position of maintaining strategic autonomy in its foreign policy and underlines that India's Middle East policy is not determined by its relations with the US or any other country, but is rather based on its own foreign policy calculations, and its interests in the region. Traditionally, the core of Indian interests in the region have revolved around energy security, Indian expatriates in the Gulf, and bilateral trade. However, with the advent of Narendra Modi, investments and security cooperation have emerged as two other priorities of India in engaging with the countries of the Middle East.⁴⁰ This means that India will take into account the position of regional countries, especially Saudi Arabia and the UAE, which have emerged as its core partners in the Persian Gulf, in taking a stand on regional affairs. It is also clear that on the Israeli-Palestinian conflict, it is willing to accommodate Israeli sentiments only to the extent where it does not violate the international legal position and is not fundamentally different from the Indian stand on the conflict. The Indian reaction to the US decision on Jerusalem underlines that India is keen to maintain friendly relations with Israel and gives due importance to its ties with

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the US, but when it comes to regional matters, its policy will be determined by its own interests.

Conclusion

Despite the fast changing regional geopolitics, the US remains the leading superpower with the ability to influence outcomes in regional affairs. Indian interests and stakes in the Middle East cannot remain immune to

the US' policy decisions, especially if the Trump Administration decides to significantly alter Washington's terms of engagement with the regional states. Therefore, New Delhi will have to closely monitor the US' moves and decide on its action on a case-to-case basis. This was visible in the Indian reaction to the Jerusalem move. It showed that even though India continues to work toward strengthening relations with Israel, it remains committed to the Palestinians' right to statehood and their developmental needs. The US decision on Jerusalem underscored the fact that despite the Israeli-Palestinian conflict being on the back-burner, due to bigger or more immediate conflicts such as in Syria and Iraq, the issue remains central to the regional affairs. While New Delhi cannot afford to ignore the US in the Middle East, it also cannot afford to ignore the centrality of the Israeli-Palestinian conflict. Hence, India will have to play its cards with dexterity to remain neutral and keep away from regional conflicts, while being mindful of its relations with regional adversaries, especially Israel, Saudi Arabia, Iran, and Turkey. The emerging geopolitical dynamics with the growing Russian and Chinese involvement in the regional affairs too cannot be ignored. In the coming times, India will have to work with regional adversaries, and existing and emerging extra-regional powers, to create a regional balance of power, which is crucial to safeguard its interests in the region.

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