

Site Considered for US Embassy in Jerusalem Is Stolen Palestinian Private Property

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This article first published in December 2016 in the immediate wake of the US presidential elections sheds light on the ongoing crisis

Kellyanne Conway, President-elect Donald Trump's campaign manager, has stated that relocating the US embassy from Tel Aviv to Jerusalem is a "a big priority" for the incoming administration. She added: "It is something that our friend in Israel, a great friend in the Middle East, would appreciate and something that a lot of Jewish-Americans have expressed their preference for."

Meanwhile, in a passage that has since been removed from the online article, the *Times of Israel* has [reported](#) that the Trump transition team "has begun exploring the logistics of moving the US Embassy from Tel Aviv, and checking into sites for its intended new location," adding that the site being considered was formerly the location of the Allenby Barracks, the site of the British army's Jerusalem garrison during the Mandate.

However, as is revealed by **Walid Khalidi's** [special report](#) on the subject, originally published in the *Journal of Palestine Studies*, the site being considered is Palestinian private property stolen from its owners, including the waqf property of several families. He points out that the move would recklessly violate U.S. and international law and have the following impact:

- The law of belligerent occupation applies to Jerusalem. Neither Israeli nor American laws have a bearing on the status of Jerusalem as an occupied city. Moving the embassy will not change the fact that Israel is the occupier, would contradict the stand taken by every US administration since 1967, and would violate international law and UN resolutions. These include 1980 UN Security Council resolution 478, which declared Israel's announcement of Jerusalem as its capital "null and void."
- On 18 January 1989 a Land Lease and Purchase Agreement was signed between the Israel and U.S., for land serving as a US embassy site in what was known as the Allenby Barracks. Much of the land in this area belongs to Palestinian refugees, including privately owned and Waqf land. He notes: "with all that Jerusalem connotes, it is, to say the least, unbecoming for the United States' future embassy in that city to be built on land that is stolen property."
- On 21 July 1989, **Francis A. Boyle** of the University of Illinois wrote a

memorandum on the legal implications of the lease agreement, arguing that **the expropriation of waqf or private property in Jerusalem was illegal**; that the lease agreement itself was illegal; and that Congress is legally barred from providing funds for the implementation of the agreement.

- Relocating the embassy means endorsing the Israeli occupation of Jerusalem, and predetermining the fate of Jerusalem in a final status solution. This endorsement includes acceptance of Israel's illegally built settlements and the wholesale confiscation of Palestinian refugee property.

For these reasons, moving the embassy would gravely undermine the American role in the Middle East, especially since it contradicts and repudiates the commitments and assurances of all previous U.S. administrations since 1967. The implications of such a move for the position of the United States in the Middle East will be grave, including its adverse impact on the numerous Arab regimes that turn a blind eye to all the US does in support of Israel.

The impact inside Palestine and on Palestinians elsewhere is also likely to be great, whether in Jerusalem, the West Bank and Gaza Strip, or among the 1.2 million Palestinian citizens of the state of Israel. Finally, given how important the issue of Jerusalem is for Muslims around the world, and especially at a time when radical Islamist groups systematically exploit the Palestine issue, moving the US Embassy to Jerusalem will constitute a potentially explosive provocation.

Read the full Walid Khalidi Special Report [here](#).

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