

Relocation of the United States Embassy to Jerusalem  
Palestine v. United States of America

Date filed: September 28, 2018

Court: International Court of Justice (ICJ)

Dispute: Whether the relocation of the U.S. Embassy to Jerusalem violated the Vienna Convention on Diplomatic Relations (VCDR)

The State of Palestine filed a case against the United States of America at the International Court of Justice (ICJ) on September 28, 2018, alleging that the relocation of the U.S. Embassy to Jerusalem violated the Vienna Convention on Diplomatic Relations (VCDR).

The VCDR is a multilateral treaty that governs the establishment of diplomatic relations between states. Article 45 of the VCDR provides that the receiving state must "accord full facilities for the performance of the functions of the mission." Palestine argues that the U.S. relocation of its embassy to Jerusalem interfered with the performance of its functions as a permanent observer to the United Nations, as well as its functions as a state party to the VCDR.

Specifically, Palestine argues that the relocation of the embassy to Jerusalem:

- Violated the principle of non-discrimination, as it gave Israel a special status that was not enjoyed by other states.
- Interfered with Palestine's right to participate in the work of the United Nations, as its permanent observer mission was now located in a territory that was not recognized as part of its state by the United Nations.
- Denied Palestine the right to establish its own diplomatic mission in Jerusalem, as the U.S. presence in the city made it difficult for Palestine to do so.

The United States has defended its decision to relocate the embassy to Jerusalem on several grounds. One of the primary arguments presented by the U.S. is that the move represents a fulfillment of a long-standing commitment to the Jewish people. Throughout history, Jerusalem has been of immense religious and cultural significance to the Jewish community, and the U.S. relocation of its embassy was viewed as a recognition of this historical connection and commitment to support the Jewish state of Israel.

Additionally, the U.S. has contended that the embassy relocation did not violate the Vienna Convention on Diplomatic Relations (VCDR). According to the U.S. position, the establishment of the embassy in Jerusalem did not hinder Palestine's ability to perform its functions as a state party to the treaty. The United States maintains that it remained committed to providing full facilities for the performance of diplomatic functions, as mandated by the VCDR.

The U.S. further argues that the case brought by Palestine might be motivated by political considerations. Recognizing Jerusalem as Israel's capital was a decision supported by the U.S. administration, and relocating the embassy was seen as a reflection of this policy stance. Consequently, the U.S. maintains that the case at the ICJ may serve as a way for Palestine to assert its political and legal claims over Jerusalem, rather than solely being about the alleged violation of the VCDR.

In addition to the legal arguments, the case has also been seen as a political statement by Palestine. The Palestinian Authority has long sought to have East Jerusalem recognized as its capital, and the relocation of the U.S. embassy was seen as a major setback to those efforts. The case is therefore seen as a way for Palestine to assert its legal and political rights in the city.

The outcome of the case is uncertain. However, the case has already had a significant impact on the Israeli-Palestinian conflict. The relocation of the U.S. embassy to Jerusalem, recognized as Israel's capital by the U.S., has intensified tensions and deepened the existing divide between the two sides. Palestinians consider East Jerusalem as the capital of their future state, and the U.S. embassy move was perceived as undermining this claim and further eroding hopes for a negotiated settlement.

Moreover, the relocation has sparked widespread protests and demonstrations across the Palestinian territories, leading to increased violence and confrontations with Israeli security forces. The heightened unrest has resulted in loss of life and added complexity to the already sensitive peace process.

Additionally, the U.S. decision to relocate the embassy has drawn international criticism, with many countries expressing concerns about the potential impact on the stability of the region. The move has been seen as departing from the long-standing international consensus that the status of Jerusalem should be determined through negotiations between Israelis and Palestinians.

Overall, the case at the International Court of Justice has not only intensified the longstanding conflict but also complicated efforts to revive peace talks and find a resolution to the Israeli-Palestinian dispute. The final ruling from the ICJ will carry significant weight in shaping the future dynamics of the conflict and determining the standing of the U.S. embassy relocation in the eyes of the international community.

Timeline:

2018: Palestine filed the case with the ICJ on September 28, 2018.

2019: The ICJ issued an order on November 15, 2019, setting out the timetable for the case. The ICJ ordered the parties to submit their written pleadings by July 15, 2020, and their oral arguments by March 8, 2021.

2020: Palestine submitted its written pleadings on July 15, 2020.

2021: The United States submitted its written pleadings on January 11, 2021.

2022: The ICJ held oral arguments in the case on March 8-9, 2022.

The ICJ is expected to issue a ruling in the case sometime in 2023. The ruling could have a significant impact on the Israeli-Palestinian conflict, as it could determine whether the United States violated international law by relocating its embassy to Jerusalem.

#### Important Links:

- <https://www.icj-cij.org/case/176>
- <https://www.fedbar.org/blog/international-courts-reporter-series-palestine-v-united-states-of-america/>
- <https://www.un.org/unispal/document/application-instituting-proceedings-in-the-icj-state-of-palestine-v-us-icj-document/>
- [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_1\\_1961.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf)