



Jerusalem's Legal and Historical Status Quo

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Overview

Jerusalem's status quo is a compilation of historical and legal arrangements that preserve the possession and division of holy sites in Jerusalem and Bethlehem, forbidding any alterations to their status. This incorporates agreements about the administration of the sites, the powers and rights of various denominations in these places, tax arrangements, and the custodianship of these sites.

Custodianship refers to the special role held by the Hashemite Kings since 1917, who are entrusted with preserving this status quo, by protecting the sites, ensuring their accessibility to worshippers, and securing their independence from state interference. In recent times, they have done this by advocating for the upholding of the status quo on an international political stage. For example, HM King Abdullah II of Jordan referenced this in a speech at the UN's 78th General Assembly, and through his active contributions to the restoration of Holy sites, such as the Church of the Holy Sepulchre in 2016.

Recently, there has been an increase in threats to Christian and Muslim communities in Jerusalem, including in the form of infringements on the right to religious freedom, including access to religious sites, land disputes, and violence against Christians. The status quo has therefore become a particularly important framework to ground these rising threats in what they represent as part of a wider violation of this historically-established legal agreement.

Historical Basis

The arrangements, decrees and other legal agreements which govern the status quo and the Hashemite's custodianship date back centuries, and have repeatedly re-affirmed since 1852:

- 1) In 1852, when the Ottoman Sultan issued the Status Quo Decree, which defined the property and mandate of the various Christian denominations in Jerusalem;
- 2) In the 1856 Treaty of Paris, and the 1878 Treaty of Berlin with the Ottoman Empire, where Western powers recognised the Status Quo Decree and agreed to its full implementation;
- 3) Between 1917 and 1924, when the Jordanian monarchy were repeatedly acknowledged as custodians of Jerusalem's Holy Sites;
- 4) In June 1967, when then-Defence Minister Moshe Dayan recognised Al-Aqsa Mosque as a purely Muslim property and



that only Muslims have the right to pray on site;

5) In the 1994 Wadi Araba Peace Agreement, in which Israel and Jordan recognised Jordan's custody over the Muslim and Christian holy sites and property in Jerusalem under article 9;

6) In April 2013, when the Palestine Liberation Organisation affirmed the custody of Jordan over Jerusalem's Muslim and Christian holy sites and religious property.

International Recognition

This unique framework has also been recognised on the international political stage, including by:

- **The United Nations**, which has repeatedly underlined Jerusalem's legal and historical status quo, such as in UNESCO's decision adopted in the 197th session of the Executive Board in 2015, which strongly condemned Israeli illegal measures against freedom of worship and re-affirmed Israel's obligation to respect the pre-1967 status quo;
- **The EU and League of Arab States**, who issued the Sharm El-Sheikh declaration affirming the Status Quo in 2019;
- **International ambassadors and heads of state**, including President Joe Biden, who earlier this year expressed his gratitude to King Abdullah II, thanking him in a joint press conference for his unique role as custodian of the Holy Sites in Jerusalem;
- **International Religious leaders**, such as Pope Francis and the Archbishop of Canterbury, who have called for the religious sites in Jerusalem to be protected;
- **Religious Leaders in Jerusalem**, such as the Greek Orthodox Patriarch of Jerusalem, Theophilos III, who in 2021 reiterated that access to and use of Al-Aqsa Mosque is an exclusive right for Muslims and that any violation on the Mosque or on Muslim worshippers is considered as aggression on the freedom of worship.

Importance of Status Quo in Addressing Recent Threats

The importance of re-affirming the Status Quo is increasingly urgent in light of recent violations which have threatened Muslim and Christian communities and their religious sites.

Examples of these violations include:

- **Restrictions on freedom of religion for Christian and Muslim worshippers**: According to Sheikh Azzam Khatib, director of Islamic Waqf in Jerusalem, thousands of Muslims are denied free access to Haram al-Sharif in Jerusalem during Ramadan. Restrictions have also become a trend for Christian ceremonies. Attendance for the Holy Fire Ceremony at the Holy Sepulchre Church was restricted to 1,800 in 2023, down from 10,000 in years past, in a decision heavily criticised by the Heads of Churches.
- **Land Disputes and Acquisition of Property**: Contested land deals and property acquisition have threatened to displace Christian communities in Jerusalem or acquire Church property. For example, in what the Armenian Patriarch describes as the 'greatest existential threat of its 16-century history', the oldest Armenian diaspora in the world risks being displaced in a contested land deal with a Jewish Australian-Israeli developer signed in 2021.
- **Hate Crimes and Violence**: Attacks by radical Israeli groups have been steadily increasing in recent years, with physical and verbal abuse against Christian clergy reportedly becoming a daily occurrence and escalating during Christian holidays.

Response from Churches

The Patriarchs and Heads of Churches in Jerusalem have been consistent in their calls for the status quo to be upheld. In 1994, when political negotiations were underway between the Palestinians and Israelis under auspices of the United States, the Patriarchs and Heads of the Local Christian Churches in Jerusalem issued "the Meaning of Jerusalem for Christians" statement on the status of the city. The churches' position was reiterated in the 2006 Status of Jerusalem statement.

In response to recent issues, religious leaders on the ground have mobilised to increase international awareness of the



violations of the status quo, for example, by doubling efforts of diplomatic engagement on the ground, issuing briefings on particular issues facing Christian communities, assisting with journalist coverage, and sharing instances of violations on social media.

The World Council of Churches has also taken steps to monitor and report on these violations by creating the Ecumenical Accompaniment Programme in Palestine and Israel in 2002, following on a letter and appeal from local church leaders to create an international presence. Over the years, no less than 2000 Ecumenical Accompaniers have served, documenting and reporting on the violations, including in Jerusalem as well as engaging in advocacy that promotes justice, peace, freedom of worship for all religions; and equal access during the religious holidays of Easter, Ramadan, and Pesach.

Church Leaders Speak Against Violence and Tampering with the Status Quo

The Churches support of the status quo, opposing any attempts to interfere with Jerusalem's legal status is made evident by their repeated statements calling for dialogue, respect for religious pluralism, and cessation of violence:

- "We call upon the overseeing government authorities to exercise policies of religious tolerance, restraint of force, and de-escalation of conflict." – Statement on the outbreak of violence in Jerusalem (2 April 2022).
- "The [Orthodox] Patriarchate has affirmed its complete rejection of the violence practiced by the police against worshipers and the unethical behavior conducted by police personnel at the checkpoints, especially those located in the vicinity of the Patriarchate headquarters and the Church of the Holy Sepulchre." – Orthodox Church condemns Israeli police attacks during Holy Fire Saturday (23 April 2022).
- "We are requesting an urgent dialogue with us, the church leaders, so as to deal with the challenges presented by radical groups in Jerusalem to both the Christian community and the rule of law, and to ensure that no one has to live under threat of violence or intimidation." - Statement on the current threat to Christian presence in the Holy Land (13 December 2021).

Solidarity Statements from the World Council of Churches

These calls have been echoed by the World Council of Churches:

- "Tensions and tragedies of this city [Jerusalem], holy to Jews, Christians and Muslims, are a reminder both of the need for all parties to continue to work intensively for a just peace in Israel and Palestine." - WCC deeply concerned about increased violence in Jerusalem and the West Bank (28 January 2023).
- WCC "urges justice for Muslims during their holy month of Ramadan. The inhumane and crowded conditions at the checkpoints on Fridays during Ramadan pain us all." - WCC provides resource to help people push for unimpeded access to Jerusalem during Easter celebrations (13 March 2023).
- "It is imperative to uphold the rights of all people and to prevent any forced displacements, ensuring the preservation of the diverse cultural and religious tapestry that defines Jerusalem and Palestinian territories." - Reverend Jerry Pillay, General Secretary. The World Council of Churches calls for upholding the rights of the Armenian community in Jerusalem (29 December 2023).

Future Vision

The vision Church leaders have cast for Jerusalem's future is clear: the city is holy to three religions and two peoples and must remain united. The city's future must be predicated on respect for the human right to freedom of worship and conscience for all, both individuals and religious communities. All citizens, residents, and pilgrims must have free access at all times, in peace or in war, and all inhabitants of the city must be treated equally before the law and in accordance with international resolutions. This extends to ensuring the rights of property ownership, custody, and worship—which the different churches have acquired throughout history—to be retained by the same communities.

To ensure this, the status quo should be re-affirmed and recognised as a vital safeguard not only to the Christian community, but to the multi-religious, multi-ethnic, and multi-cultural character of Jerusalem itself.



**World Council
of Churches**



The World Council of Churches' Ecumenical Accompaniment Programme in Palestine and Israel (WCC-EAPPI) was created in 2002, based on an appeal from local church leaders to create an international presence in the country. Since then, the programme provides a continuous presence of 25-30 Ecumenical Accompaniers (EAs), with a vision of just peace for all people in the Holy Land.

For three months, EAs accompany local communities, offering protective presence, collecting documentation, and witnessing daily struggles and hopes – be it for shepherds in the Jordan Valley, school children at risk of settler harassment, people passing through checkpoints in the separation barrier, or communities under threat of demolition.

The WCC-EAPPI works intentionally together with people of all faiths and no faith, in the conviction that God is God of all creation, and the source of all human efforts towards love, justice, and peace.

For contact details and more information, please visit: www.eappi.org

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