



Israel's Systematic Breaches of the Status Quo of Jerusalem and The Consequential Erosion of Christianity: Between the Israeli Occupation and International Complicity Summary

1. Executive Summary:

The Status Quo governing the Holy Sites of Jerusalem constitutes a historically rooted and internationally recognized legal regime that regulates the rights, responsibilities, and access arrangements of different religious communities in Palestine. While it originated as a set of Ottoman-era arrangements, it has since been reaffirmed and embedded within the framework of international law, including through United Nations resolutions. Notably, UN General Assembly Resolution 181 affirmed the preservation of the Status Quo as part of the international legal order governing Jerusalem. **As such, the Status Quo is not merely a local or customary practice, but a binding legal framework that must be respected by all actors, including an occupying power.**

Although originally designed to regulate access to and use of specific religious sites, the Status Quo has evolved into a broader protective framework safeguarding key aspects of Christian and Muslim life in Jerusalem. It now underpins not only the administration of Holy Sites, but also the continued presence, rights, and institutional integrity of multiple ancient and indigenous religious communities in Palestine.

However, since the outset of its occupation and illegal annexation of Jerusalem, Israel adopted a policy of unilateral modifications to undermine the Status Quo, through administrative, legislative, and practical measures, which constitute clear violations of international law, and of its obligations as an occupying power, which prohibit it from altering the legal, demographic, or institutional character of the territory it occupies. Nevertheless, although Israel's occupation and subsequent annexation of East Jerusalem do not confer sovereignty, nor do they alter the city's legal status, Israel continued to take measures that undermine the Status Quo and assert its exclusive sovereign authority over Jerusalem.

At present, several urgent developments are accelerating this erosion of Jerusalem's Status Quo. These include recurring Israeli plans to impose taxation and administrative measures targeting church properties and institutions, which undermine their financial sustainability

and operational autonomy, and thus, their very ability to serve their communities and the overall Palestinian society. Israel's restrictions on freedom of worship continue to affect both Christian and Muslim communities, particularly during major religious observances, limiting access to Holy Sites and disrupting religious life. At the same time, demographic and social pressures that result from Israel's discriminatory laws and policies, including residency revocations, movement restrictions, and broader displacement policies, are contributing to the shrinking presence of Palestinian Christian and Muslim communities in Jerusalem. Additionally, Israeli policies related to heritage, archaeology, and urban planning increasingly assert unilateral control and an exclusive Jewish-Israeli narrative over Jerusalem's religious and historical sites, often in ways that disregard established custodianship arrangements under the Status Quo.

Israel's gradual erosion of this framework therefore carries far-reaching consequences on the fundamental rights of Palestinians, and on any future political solution. However, the consequences of eroding the Status Quo are especially grave for the already fragmented Palestinian Christianity in its indigenous land; **it directly threatens the viability and continuity of Palestinian Christian presence, not only in Jerusalem, but also across Palestine.**

In light of these developments, **urgent and coordinated action is required from both states and churches.** States must uphold their obligations under international law by refraining from recognizing or supporting unlawful measures that alter the status of Jerusalem or its Holy Sites, and by ensuring accountability for violations. They must also respect existing UN resolutions, including those affirming the international status of Jerusalem and prohibiting diplomatic recognition of Israeli sovereignty over the city. Churches, for their part, must reaffirm their commitment to international law by avoiding any actions that may legitimize violations of the Status Quo, while actively using their moral and institutional influence to advocate for its preservation. This includes supporting Palestinian Christian communities, safeguarding access to Holy Sites, and resisting policies that threaten the integrity of religious institutions.

Preserving the Status Quo is not solely a matter of protecting historic arrangements; it is essential to ensuring the continued religious, cultural, and communal diversity of Jerusalem. Its erosion risks irreversible consequences for the city's identity and for the presence of its indigenous Christian and Muslim communities. As such, safeguarding the Status Quo must be recognized as a shared international responsibility requiring immediate and sustained engagement.

I. Background

The Status Quo refers to historical rights governing Christian holy sites and institutions, formalized in the Ottoman firmans of 1852 and 1853 and later recognized by multiple international agreements. Over time, these arrangements became part of the legal and practical

framework of Palestine, extending beyond the management of holy places to encompass the daily life of Christian institutions, including taxation and essential services.

Although originally designed to regulate access to and use of religious sites, the Status Quo has evolved into an important safeguard for aspects of Christian and Muslim life in Jerusalem under Israeli occupation. Church institutions form an interconnected system that sustains the Christian presence while providing essential services to the wider community, regardless of religion. Income from church-owned properties, hotels, restaurants, and guest houses helps support schools, scholarships, hospitals, and parochial activities, as well as the maintenance of key religious sites such as the Church of the Holy Sepulchre. Together, these institutions play a crucial role in preserving both religious heritage and vital social services in Jerusalem and across Palestine.

In the context of ongoing Israeli occupation and annexation policies in Jerusalem, the Status Quo has taken on additional significance as one of the remaining frameworks that helps preserve the rights and presence of religious communities in the city. Protecting the historical arrangements governing holy sites and church institutions helps maintain Jerusalem's multi-religious character and safeguard the religious heritage and social services that have sustained Christian communities in Palestine for centuries.

By contrast, as this report lays out, Israel's gradual erosion of the Status Quo carries profound consequences for the very presence of Christianity in Jerusalem and across Palestine. The Status Quo has long functioned as a protective framework that allows Christian institutions to operate, maintain their properties, and sustain the social, educational, and religious networks that support Christian communities. Undermining these arrangements weakens the institutional foundations that have historically preserved Christian life in the region, placing at risk both the continuity of these communities and the heritage they safeguard.

Protecting the Status Quo is therefore not solely a local or religious concern, but a responsibility of the international community. The framework itself was shaped and recognized through multiple international agreements, as described in this report, and has long been upheld as part of the broader effort to preserve Jerusalem's unique religious character. Safeguarding it requires an urgently renewed commitment from the members of the international community and Churches, to ensure that the legal and historical protections governing the city's holy sites and religious communities are respected. Without such efforts, the erosion of the Status Quo risks contributing to the further marginalization of Christian communities and the loss of an essential component of Palestine's indigenous religious components.

II. Multiple Frameworks of the Status Quo

The Status Quo has evolved to include multilayered legal, historical, and political frameworks that have governed it. From its origins under Ottoman rule to its codification in international treaties, the Status Quo established mechanisms to regulate religious rights and preserve the balance among different faith communities. Over time, successive authorities, including the

British Mandate, Jordanian custodianship, and Israeli occupation, have interacted with, challenged, or reinterpreted these arrangements, often triggering tensions between domestic control, international law, and the protection of collective religious and cultural rights. The following discussion traces key milestones, including UN resolutions, bilateral agreements, and legislative measures, highlighting how the Status Quo has evolved, is now being eroded, and has been contested within a shifting political and legal landscape.

1. The Status Quo and the Berlin Treaty of 1878

The Status Quo of the Holy Sites originated under Ottoman rule in 1516 as a framework to regulate disputes among Christian denominations over access to and use of key religious sites, including the Church of the Holy Sepulchre in Jerusalem and the Church of the Nativity in Bethlehem. It was later formalized through the Ottoman decree of 1757, which established that no changes could be made to the existing arrangements at these sites. This principle was subsequently recognized by international agreements, including the Paris Treaty of 1856 and the Berlin Treaty of 1878, which affirmed that any alteration to the Status Quo required the consent of the signatory powers.

The Status Quo framework continued during the British Mandate, which assumed responsibility for protecting holy places and preserving existing rights and access to religious sites. British authorities maintained the established arrangements, including recognition of the Al-Aqsa Mosque compound and the Buraq Wall area as Muslim religious property while allowing Jewish access for worship under the conditions set during Ottoman rule. Attempts to alter these arrangements by Zionist Jewish representatives were rejected, as they were considered to threaten both religious rights and the broader balance maintained by the Status Quo. When the United Nations later considered the partition of Palestine in 1947, the established framework and lists of recognized holy sites for Christians, Muslims, and Jews were also taken into account. In addition to the Status Quo of the Churches, it recognized Al Aqsa Mosque Compound and the Buraq Plaza (“Wailing Wall”) as Muslim holy sites.

2. The Status Quo and the *Corpus Separatum*

On November 29, 1947, the UN General Assembly adopted Resolution 181, which proposed the partition of Palestine into two states. While the resolution represented a violation of the Palestinian right to self-determination, it was later accepted by the Palestinian leadership as the basis for the two-state solution, a framework that has since been widely endorsed by the international community. The resolution established that Jerusalem, together with Bethlehem and several surrounding villages, comprising about 1% of historic Palestine, would not belong to either state but would instead form a *Corpus Separatum*, placed under a special international regime administered by the United Nations through the Trusteeship Council.

Resolution 181 emphasized that existing rights relating to holy places and religious institutions must be preserved. It explicitly stated that the “existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired,” and that no taxation would be imposed on holy sites that had previously been tax-exempt. With that, the Resolution affirmed

that the long-standing Status Quo arrangements governing holy sites and religious institutions would remain intact. As the Resolution that effectively paved the way for the creation of the State of Israel, it clearly established that these protections would continue under the new political framework.

The outcome of the 1948 war did not nullify Resolution 181 or the Status Quo arrangements. After the war, several important Christian and Muslim religious sites fell under Israeli control in the western part of Jerusalem. Many institutions that had been exempt from taxation under Ottoman and British administrations also came under Israeli authority. The United Nations compiled a list of around 60 Christian institutions in West Jerusalem, including hospitals, schools, churches, cemeteries, and convents from various denominations, recognizing that these sites were not merely buildings but essential components of a living Christian community in the city.

Following the Nakba of 1948, Israel pursued policies to acquire additional land through mechanisms such as expropriation, which increasingly targeted church-owned properties and institutions. In this context, the Status Quo arrangements became an obstacle to Israeli ambitions. At the same time, the Nakba had an immediate impact on Jerusalem's Christian population, which declined dramatically. Around 20,000 Christians¹, effectively all those living outside the Old City walls, were displaced and became refugees in neighboring countries or internally displaced within the city. This demographic shift highlighted the close relationship between the protection of religious institutions under the Status Quo and the continued presence of Christian communities in Jerusalem.

3. UN and Bilateral Commitments

On May 11, 1949, Israel was admitted as a member of the UN through General Assembly Resolution 273, after declaring that it accepted the obligations of the UN Charter and would implement previous UN resolutions, including Resolution 181 (the Partition Plan) and Resolution 194 concerning the right of return for Palestinian refugees. The following day, Israel reaffirmed these commitments by signing the Lausanne Protocol before representatives of the United States, France, and Turkey. Israel's admission, therefore, came with explicit expectations that it would respect international law and implement key UN decisions related to Palestine.

At the time of Israel's admission, however, UN member states were already aware of significant violence, ethnic cleansing, and displacement of Palestinians that had accompanied the creation of the state. During this period, Zionist militia groups' attempts of occupying the Old City had already materialized, heavily damaging Church buildings such as the Notre Dame across New Gate, and several religious institutions, both Christians and Muslims, had been desecrated and looted by Zionist militias, including the Dormition Abbey in Mount Zion, and the desecration of multiple Christian and Muslim cemeteries².

In practice, Israel soon departed from these commitments. Within months of joining the UN, it declared Jerusalem its "eternal capital" and moved parliamentary activity there, contradicting the

¹ Researcher's estimation

² Raz, Adam (2020) *Loot: How Israel Stole Palestinian Property*. London: Verso. pp 161-165

international framework envisioned in Resolution 181. At the same time, Israel made bilateral assurances to certain states in order to secure diplomatic recognition. One example was the Chauvel–Fischer agreement with France, in which Israel accepted protections for a list of French-linked religious institutions and holy sites under the Status Quo arrangements, including tax exemptions³. These commitments reflected the continuing international concern for protecting religious institutions and historical rights in Jerusalem.

4. The Jordanian Custodianship

The Hashemite family has had a role in the Muslim holy sites of Jerusalem since 1924, when it donated significant funds for the restoration of the Al Aqsa Mosque compound. The Jordanian role was reaffirmed in 1953 with a comprehensive restoration of the site. By the end of the 1948 war, Jordanian forces took control of the West Bank, including East Jerusalem. Jordan agreed that all of Jerusalem could remain under UN supervision and rejected West Jerusalem becoming Israel’s capital. Jordan’s position remains that sovereignty over East Jerusalem is Palestinian, though they reaffirm their special role in the holy sites⁴. One of the most significant aspects of the Jordanian custodianship over Jerusalem’s holy sites was its reaffirmation of the Status Quo arrangements. This role was also recognized by major Christian denominations, notably the Greek Orthodox Patriarchate of Jerusalem, reinforcing Jordan’s role in safeguarding the established balance governing religious sites.

Following the Six-Day War in 1967, the Israeli parliament adopted legislation extending Israeli law and administration to East Jerusalem, effectively annexing the city, in violation of international law. In practice, Israel began altering the Status Quo almost immediately. It unilaterally expanded the boundaries of the Jerusalem municipality, dissolved the Palestinian municipality in East Jerusalem, and exiled its mayor, among other measures. In response, the UN Security Council adopted Resolution 252, deploring Israel’s failure to comply with previous UN resolutions and declaring that all legislative and administrative measures aimed at changing the legal status of Jerusalem, including land and property expropriation, were invalid. This position was consistent with Resolution 242 of 1967, which reaffirmed the principle that the acquisition of territory by war is inadmissible.

Under international law, Israel’s occupation and annexation of Jerusalem do not grant it sovereignty over the city nor alter its legal status, which remains subject to determination in accordance with UN resolutions. Israel had already accepted, upon its admission to the United Nations, that Jerusalem held a distinct international status separate from the State of Israel. Despite this, the Status Quo began to erode under Israeli occupation. One of the earliest and most significant changes occurred shortly after 1967, when Israeli forces expelled the residents of the Mughrabi Quarter and demolished their homes to create the plaza adjacent to the Al-Buraq Wall, an area historically belonging to the Muslim Waqf, and now known as the “Wailing Wall” plaza.

5. The 1980 Annexation Bill and the Status Quo

³ [ACCORDS-CHAUVEL-FISCHER-FRANCE-ISRAEL.pdf](#)

⁴ [The Hashemite Custodianship of Islamic and Christian Holy Sites in Jerusalem - The Royal Hashemite Court](#)

In 1980, the Israeli parliament passed the Basic Law: *Jerusalem, Capital of Israel*. In the absence of a formal constitution, Israel's Basic Laws function as constitutional legislation. The law reaffirmed Israel's position that Jerusalem, "complete and united," including its eastern part, is the capital of the State of Israel. It also stated that the holy places would be protected from desecration and that freedom of access to religious sites would be guaranteed for members of all religions. However, the law did not refer to the historic Status Quo arrangements that had long governed the management and rights associated with the city's religious sites. In practice, the emphasis appeared to be less on preserving the established balance of religious rights and more on ensuring Israeli and Jewish access and exclusive control over sites in East Jerusalem.

The law further entrenched Israel's claim over the city by affirming the expanded municipal boundaries of Jerusalem established after the 1967 war. It declared that no authority over the city's territory could be transferred to any foreign political or governing power. Through this provision, Israel sought to solidify its unilateral annexation of East Jerusalem and prevent any future political arrangement that might place the city, or parts of it, under another authority or international administration.

The international community overwhelmingly rejected the law. The UN Security Council adopted Resolution 476, reaffirming the principle that the acquisition of territory by force is inadmissible and condemning Israel's continued efforts to alter the character, demographic composition, institutional structure, and legal status of Jerusalem⁵. The resolution declared that all legislative and administrative measures taken by Israel to change the status of the city were null and void and called on Israel to rescind them. Shortly afterward, Security Council Resolution 478 specifically condemned the Basic Law itself, stating that it violated international law and reaffirming that the Fourth Geneva Convention continued to apply to the occupied Palestinian territories, including Jerusalem. The resolution also called on states to withdraw their diplomatic missions from the city.

By ignoring the historic Status Quo framework in its basic law and in practice, and unlike previous administrations under Ottoman, British, and Jordanian rules, the Israeli legislation effectively replaced long-standing arrangements with unilateral Israeli law as the governing framework for Jerusalem. This shift aimed to consolidate the narrative of Jerusalem as an exclusively Jewish city, prevent any other authority from exercising sovereignty over sites within it, and create conditions that could facilitate further control over land and properties, including those belonging to and vital to Christian institutions in the city.

6. The Israeli Occupation and International Law

Israel's policy regarding the Status Quo has been closely tied to its claim of exclusive sovereignty over Jerusalem. From the Israeli perspective, accepting the Status Quo arrangement governing the Holy Sites would be interpreted as a limitation on its exclusive authority and an implicit acknowledgment that it is not the sole ruler over the city. As a result, Israeli authorities have often approached the issue through the lens of sovereignty rather than through the legal framework governing occupation.

⁵ [S_RES_476\(1980\)-EN.pdf](#)

However, the fact that Israeli authorities have sought to alter the status of Jerusalem, including sites and buildings protected under the Status Quo agreement, does not grant them the legal right to do so, nor does it imply that the international community accepts these actions.

An important illustration of the Israeli perspective on Jerusalem can be found in the comprehensive report submitted by the Permanent Mission of Israel to the UN following the massacre committed by Israeli occupation forces against Palestinian worshippers in the Al-Aqsa Mosque compound on October 8, 1990. During this attack, 17 Palestinians were immediately killed, and more than 150 were injured. The incident led to the adoption of UN Security Council Resolutions 672 and 673, which reaffirmed that Jerusalem is occupied Palestinian territory.

The Israeli report refers to the site as “The Temple Mount” and includes sections titled “The Status of the Temple Mount” and “The Temple Mount from a Legal, Historical and Political Perspective,” thereby replacing the historically and legally recognized terminology associated with the site. Notably, the report avoids the term “Status Quo,” emphasizes the applicability of Israeli law in the area, and rejects the reference in Resolution 672 describing Jerusalem as under Israeli occupation. Instead, it reiterates Israel’s longstanding political position:

“Jerusalem is not, in any part, ‘occupied territory’; it is the sovereign capital of the State of Israel. Therefore, there is no room for any involvement on the part of the United Nations in any matter relating to Jerusalem.”

Despite this political position, Israel was aware that the Fourth Geneva Convention applied to the territories occupied by its forces. Rather than engaging with the legal implications of that framework, Israel made the political decision to avoid the issue, reportedly considering it to be a matter that would cause “deep trouble.” Since then, Israel has attempted to impose a narrative that lacks substantive legal grounding in order to justify policies arising from its belligerent occupation, including actions affecting the Status Quo of the Holy Sites.

Under international law, however, an occupying power does not have the authority to alter the legal status of the territory it occupies. For Israel, this rule applies to all aspects of governance, ranging from municipal administration and educational curricula to the regulation of Holy Sites and religious buildings.

7. The Middle East Peace Process

The Middle East Peace Process formally began in 1991 at the Madrid Conference, where Palestinian and Israeli delegations met publicly for the first time in negotiations facilitated largely by the United States. Israel participated under strict conditions, including refusing to discuss substantive issues such as the status of Jerusalem. During the conference, Israeli Prime Minister Yitzhak Shamir emphasized an exclusivist Zionist narrative claiming a unique historical and religious bond between the Jewish people and Jerusalem. In contrast, Palestinian representative Haidar Abdel Shafi presented Jerusalem as a city belonging to multiple faiths and peoples, rejecting Israel’s annexation of East Jerusalem as illegal under international law. The U.S. also provided assurances to the Palestinian delegation opposing Israel’s annexation of East Jerusalem and the extension of Israeli law and municipal boundaries there, which helped encourage Palestinian participation in the negotiations.⁶

⁶ [US Letter of Assurances on the Terms of the Peace, 1991 | JMCC](#)

Throughout the peace process, Israel consistently avoided substantive discussions on Jerusalem's status, though under the Oslo Accords, the issue was designated as a "final status" matter to be resolved in later negotiations. Limited references to Jerusalem appeared in the Israel–Jordan Peace Treaty, which acknowledged the special role of Jordan regarding Muslim holy sites. However, during later negotiations, such as the Camp David Summit, Israel maintained its position that Jerusalem should remain an undivided city under Israeli sovereignty, proposing limited Palestinian autonomy in certain neighborhoods and suggesting a Palestinian capital outside the city in Abu Dis. The Palestinian position, by contrast, called for East Jerusalem to serve as the capital of a future Palestinian state and emphasized the preservation of the historic Status Quo governing the Holy Sites. Negotiations also raised concerns among Christian communities in Jerusalem, whose church leaders reminded negotiators of their historic presence and rights protected under longstanding arrangements.

Further negotiations took place in the Taba Summit and were summarized in the Moratinos Paper, which suggested a potential compromise involving an open city with divided sovereignty between Israeli and Palestinian neighborhoods. Discussions also addressed arrangements for holy sites, though Israel resisted including references to the Status Quo. Later efforts, including the Annapolis Conference, explored ideas such as an international regime to govern the Old City of Jerusalem involving multiple regional and international actors.

Despite these initiatives, no final agreement was reached, and since then Israel has accelerated its exclusive control policy in Jerusalem and adopted additional legislative measures, such as the Basic Law: Referendum and the Basic Law: Israel – The Nation-State of the Jewish People, which further entrench Israel's claim to a "complete and united" Jerusalem as its capital and make territorial concessions more difficult, contributing to the effective death of the final status negotiations.

8. Bilateral Israeli and Palestinian arrangements with the Holy See

When diplomatic relations were established between the Holy See and Israel in 1994 through the Fundamental Agreement between the Holy See and the State of Israel, Israel formally acknowledged the Status Quo governing Christian Holy Sites for the first time. Article 4 affirmed Israel's commitment to maintain and respect the Status Quo and the rights of Christian communities, while the Holy See reiterated the Catholic Church's commitment to the same arrangement. The agreement also included provisions for future negotiations on unresolved property, economic, and fiscal matters relating to Catholic institutions. While Israel could interpret these provisions as opening the door to discussions regarding Christian properties under its jurisdiction, the Holy See has consistently refrained from recognizing Israeli sovereignty over East Jerusalem and has maintained its long-standing position that the privileges of the Status Quo apply within the territory historically referred to as the Corpus Separatum, including Jerusalem and Bethlehem.

In 2000, the Holy See concluded its first bilateral agreement with the Palestine Liberation Organization, affirming that the future of Jerusalem should be resolved in accordance with

international resolutions and rejecting unilateral actions that alter the city's status. The agreement called for a "special statute" for Jerusalem that would be internationally guaranteed, ensuring freedom of religion, equality of the three monotheistic faiths, protection of the city's sacred character and heritage, and respect for the Status Quo governing Holy Sites. It also recognized Palestinians, regardless of religion, as equal members of Palestinian society. Later, in 2015, the Holy See formally recognized the State of Palestine, leading to a comprehensive agreement that reaffirmed Palestinian commitments to uphold the Status Quo of the Holy Sites, which entered into force in 2016.

III. Current Challenges to the Status Quo

This section examines the main challenges facing the Status Quo of the holy sites in Jerusalem under Israeli occupation. It focuses on how Israeli policies, legislation, and on-the-ground practices threaten the religious rights of Muslims and Christians, while highlighting attempts to alter the city's historical and demographic character to serve an exclusive Israeli control. The section also explores the impact of international recognition of Jerusalem as Israel's capital on the Status Quo, emphasizing that these measures not only violate international law but also jeopardize the continued presence and life of Palestinian and Christian communities, undermining the legal and historical framework that has maintained religious balance for decades.

1. The Israeli Occupation

The Israeli occupation poses a structural threat to the historic Status Quo governing the holy sites of Jerusalem. Israeli legislation, policies, and practices have consistently pursued the objective of consolidating Jerusalem as a Jewish and "undivided" capital of Israel. This objective fundamentally contradicts the purpose of the Status Quo, which was established to preserve the rights and privileges of all religious communities at the holy sites and to prevent unilateral changes by any governing authority. By definition, the Status Quo protects over 500 years of arrangements that are not meant to be altered at the discretion of a single state or political power.

Within this framework, attacks on the sanctity of the Al-Aqsa Mosque compound cannot be separated from pressures directed at Christian holy sites and institutions. The broader vision advanced by Israeli authorities and settler groups seeks to reshape the city in a way that reduces Muslim and Christian communities to a largely symbolic or folkloric presence - valued primarily for tourism and public diplomacy - rather than recognizing them as indigenous communities and rightful mandate-holders in the city's religious and historical heritage. Such an approach undermines the foundational premise of Jerusalem as a shared sacred space for multiple faiths.

At the international level, Israeli authorities frequently promote an image of the state as a protector of religious freedom and Christian heritage in Jerusalem. Official messaging often highlights scenes of open worship at holy sites, particularly during major Christian celebrations. However, these representations stand in stark contrast with the lived realities of many Palestinian Christians, who encounter movement restrictions, policing practices, and administrative barriers

that limit their ability to access their own holy places⁷. The gap between official narratives and conditions on the ground reflects a broader pattern in which symbolic inclusion is used to obscure the marginalization of the indigenous Christian community.

This pattern is reinforced by the expansion of settlements and the activities of settler organizations targeting Christian-owned properties in the Old City and surrounding areas. Despite public statements portraying Israel as a “guardian of Christianity,” its policies and legal frameworks have enabled the transfer or attempted takeover of church properties and lands. High-profile cases, including disputes surrounding properties near the Church of the Holy Sepulchre and areas around Jaffa Gate, illustrate the growing alignment between settler initiatives and state authorities. These developments threaten not only church assets, but also the demographic and political balance of the Old City.

A similar dynamic can be observed in the reclassification of land through state planning and heritage frameworks. Proposals to designate areas such as the Mount of Olives as Israeli national parks reflect a broader strategy of asserting control over land in occupied East Jerusalem under the guise of environmental protection and heritage preservation. Such measures often restrict Palestinian development and residency while facilitating Israeli territorial continuity, contributing to the displacement and dispossession of Palestinians, and are intended for demographic engineering towards a Jewish-Israeli majority of the city.

Archaeological and heritage projects have also become central tools in reshaping both the historical narrative and the physical landscape of Jerusalem. Israeli projects, such as the City of David in Silwan and excavations conducted beneath areas surrounding the Al-Aqsa Mosque, illustrate how archaeology is used to reinforce a singular Jewish historical narrative while marginalizing the city’s multi-religious heritage. These projects frequently complement planned settlement expansion on the one hand, and increased restrictions on Palestinian communities on the other.

In this sense, the Israeli occupation itself represents a systemic threat to the Status Quo. Its political and ideological framework seeks to transform Jerusalem into an exclusively Jewish city, where challenges to this narrative may result in administrative sanctions, legal prosecution, or even exile, measures that have affected several civil society leaders and clergy. One of the most prominent examples of this was the exile of Jerusalem mayor Rawhi Al Khatib⁸ as well as of Muslim religious leader and scholar Sheikh Abdel Hamid Al Sayigh⁹ and Anglican pastor Elia Khoury¹⁰. Most recently, the revocation of the Jerusalem ID of civil society advocate Salah Hammouri¹¹ shows the extent of Israeli control over Palestinians in the city. The closure of hundreds of Palestinian institutions in Jerusalem, including the Orient House and the Chamber of Commerce, is further proof of that point.¹²

⁷ BIHR: [“The Myth of Religious Freedoms: Israel Increases Restrictions on Palestinian Christians during Holy Week”](#)

⁸ [National Guidance Committee \(1967\)](#)

⁹ [Israels Deportation Policy.pdf](#)

¹⁰ [Episcopal News Service: Press Release # 79172](#)

¹¹ [Salah Hammouri: A Case Study of the Occupation and Western Complacency | Institute for Palestine Studies](#)

¹² [The Orient House and its Ordeals.pdf,](#)

Claims that Jerusalem under Israeli control enjoys full “freedom of religion” therefore fail to reflect the reality. In practice, church institutions are often viewed primarily as holders of extensive land and property that can be absorbed into settlement expansion, while Palestinian Christians are targeted as part of the wider Palestinian population, an indigenous community that has faced decades of ethnic cleansing, displacement, annexation policies, and demographic pressure since 1948.

2. The Recognition of Jerusalem as Israel’s Capital

Since the illegal annexation of Jerusalem, Israel has sought international recognition of the city as its Capital, including by encouraging states to establish diplomatic missions there. Under international law, however, the only legitimate diplomatic missions in Jerusalem are the general consulates that operated in Palestine before the creation of Israel. Several of these, such as those of France, Italy, Belgium, Spain, Turkey, Greece, and the Holy See, are historically linked to the Status Quo arrangements governing Christian institutions and holy sites. Other countries, including Sweden and the United Kingdom, have longstanding ties to Protestant communities and institutions established in Palestine since the nineteenth century, many of which have also benefited from the protections associated with the Status Quo.

International opposition to Israel’s annexation of Jerusalem has also been shaped by concerns over preserving the Status Quo. UN Security Council Resolution 478, which declared the annexation illegal and called on states to withdraw their embassies from Jerusalem, reflected the importance of safeguarding the city’s religious character and the historical rights of its communities. The Holy See strongly opposed the annexation, emphasizing that Jerusalem must remain a shared sacred heritage for the three monotheistic religions and that the rights of religious communities, including their institutions and activities, must be protected through an appropriate legal framework that does not depend on the authority of a single power.

Recognizing Jerusalem as Israel’s capital, therefore, not only violates international law prohibiting the annexation of occupied territory, but also undermines the framework that has historically helped sustain Christian life in the city and across Palestine. Such recognition implicitly endorses the legal and political system imposed by the Israeli occupation, which is reflected in Israeli basic laws declaring Jerusalem as Israel’s capital and in the nation-state law. These measures promote an exclusivist vision of the city that disregards its multi-religious and multicultural character.

Several countries have nevertheless moved their embassies to Jerusalem or opened diplomatic representations there, including the United States, Guatemala, Honduras, Kosovo, Paraguay, Papua New Guinea, and Fiji, while others have established diplomatic offices linked to Israel in the city. These decisions often echo Israeli narratives while ignoring Palestinian rights and international law. By recognizing Jerusalem as Israel’s capital or taking steps that imply Israeli sovereignty over the city, these states risk normalizing Israel’s illegal annexation and contributing to the gradual erosion of the Status Quo, with serious consequences for Christian institutions, Palestinian rights, and the integrity of the international legal order.

IV. Impacts of Eroding the Status Quo

Israel's gradual alteration of the historic Status Quo governing Jerusalem's holy places has had significant political, social, and demographic consequences, particularly for the Palestinian Christian community. Indeed, eroding the Status Quo can have detrimental impacts on Palestinian Christianity, the first Christian denomination in the world, in the land where Christianity emerged.

The Status Quo, an arrangement developed during the Ottoman period to regulate rights and responsibilities among religious communities at key holy sites, has long served as a delicate framework for coexistence and protection of religious institutions in the city. However, policies implemented by Israel in Jerusalem have increasingly challenged this arrangement, both directly through administrative or legislative measures and indirectly through broader changes to the city's political and demographic landscape. These changes affect not only access to holy sites but also the viability of the historic Palestinian Christian presence in the city.

One major impact has been on church institutions and properties. Israel's administrative measures, taxation attempts, unlawful property claims, and legal challenges have periodically targeted church lands and assets, raising significant concerns among Christian leaders that historic rights protected under the Status Quo are gradually being eroded. Israel's repeated attempts to impose taxes on church properties in Jerusalem signal a troubling shift in longstanding historical and political arrangements, i.e., the Jerusalem Status Quo, which has traditionally exempted churches and church-affiliated institutions from taxation. However, in recent years, Israel's Jerusalem Municipality has repeatedly tried to impose municipal taxes, "Arnona," on church-owned properties, including guest houses and schools, among others. The first attempt to tax the churches was in 2018, when the Jerusalem Municipality announced plans to collect approximately 650 million shekels in taxes from church-owned properties not used for worship, including schools, guesthouses, and clinics. This marked the first major attempt to revoke the historic tax-exempt status of churches under the longstanding Status Quo. Upon serious objections by church leaders, including the first-time closure of the Holy Sepulcher Church to protest, Israel put its plans on hold. Israel attempted to impose taxes on the church again in June 2024, as the Jerusalem Municipality issued warning letters and initiated legal actions demanding payment of municipal taxes on properties owned by Christian institutions outside of worship use. Church leaders publicly denounced these measures and considered a deliberate effort to undermine the Christian presence and violate the centuries-old Status Quo agreements, directly impacting their ability to deliver religious, educational, social, health, and charitable activities.

More broadly, altering the Status Quo contributes to demographic and socio-economic pressures that accelerate the decline of the Palestinian Christian population in Jerusalem. The Status Quo is directly tied to the Church's ability to provide vital services to its communities, notably important in Jerusalem, with Israel upholding systematic restrictions on Palestinian residency rights, family reunification, housing, and economic opportunities, at times, filling the gap of the role of governments. The inability of Churches to continue to deliver such services would result in increasing indirect forcible displacement of the already frail presence of Palestinian Christians. The shrinking Christian presence is not only a demographic issue but also a cultural and historical one: **Palestinian Christians have been an integral part of Jerusalem's**

social fabric for centuries, serving as custodians of religious presence, traditions, educational and health institutions, and interfaith coexistence.

Another aspect is access to holy places and freedom of worship. Palestinian Christians from the West Bank and Gaza Strip often face permit regimes, movement restrictions, and checkpoint controls that limit their ability to reach churches in Jerusalem, particularly during important religious periods such as Easter and Christmas. While the Status Quo historically ensured open access to sacred sites, these restrictions undermine the ability of Palestinian Christian communities to maintain regular religious life and connection with their spiritual centers. The resulting fragmentation weakens ties between Jerusalem's churches and the wider Palestinian Christian population that has traditionally formed part of their congregations.

Finally, the erosion of the Status Quo risks undermining the multi-religious character of Jerusalem itself. Christian churches have repeatedly emphasized that the protection of the Status Quo is essential to preserving the delicate balance among religious communities and safeguarding the universal significance of the city for Christianity, Islam, and Judaism. When these arrangements are altered unilaterally, the result is the erasure of the centuries-old history of Christian and Islamic faith, sites, and communities. For Palestinian Christians, altering the Status Quo signals an uncertainty that threatens not only their access to holy sites but also their continued presence in the city that has historically served as a central part of their religious and communal identity

V. International Law

Israel's unilateral modifications to the Status Quo of Jerusalem's holy sites constitute a clear violation of international law, as the Status Quo is an internationally recognized legal regime, not merely a local custom. These actions, whether through reinterpretation, narrowing, or administrative control, directly undermine the collective religious and cultural rights of Palestinians, including freedom of religion, participation in cultural life, and the principle of non-discrimination.

Under international humanitarian law, East Jerusalem is occupied territory, and the occupying power is obliged to respect existing laws and religious arrangements. Systematic interference may amount to persecution or other international crimes. Reducing the Status Quo to mere "freedom of access" strips communities of institutional protections, weakening their ability to manage their affairs and preserve their cultural identity.

Violations also appear in forced displacement, demolition, and spatial reconfiguration around holy sites, which breach humanitarian and human rights law and may constitute war crimes or crimes against humanity, particularly when part of broader policies aimed at altering demographic or symbolic realities¹³. Coercive financial measures, such as taxes or fines on protected religious institutions, also violate international law and may constitute economic persecution.

Moreover, the functional and symbolic transformation of holy sites threatens freedom of religion and cultural identity, depriving communities of control over their historic and religious spaces and potentially amounting to systematic persecution under international criminal law.

¹³ [UN experts warn against the irreversible 'de-Palestinisation' of Jerusalem](#)

International responsibility arises when states fail to challenge these unlawful changes, and the International Court of Justice has affirmed that protection of holy sites requires respect not only for their physical preservation but also for their full legal and symbolic status under international law.

VI. Saving the Status Quo

The Advisory Opinion of the International Court of Justice (ICJ) on “Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”, released on July 19, 2024, includes a reference to Israeli activities against the right to worship. It says **“Israel’s restrictions on movement impede access of Palestinians in the West Bank and the Gaza Strip to places of worship in East Jerusalem. Evidence before the Court indicates that restrictions such as checkpoints and area closures during holy days have prevented Palestinians from attending religious rituals [...]. Further, the Committee on Economic, Social and Cultural Rights has emphasized that the impediments to access religious sites, especially in East Jerusalem, impair the enjoyment of the freedom of religion on an equal footing.”**¹⁴

This is significant on several accounts. First of all, the ICJ, building on several UN resolutions and reports, has concluded that Israel’s main argument to justify its control over the holy sites (“freedom of access”) is nothing but a talking point used for the purpose of normalizing its illegal occupation. The other important point is that the ICJ concluded that Israel’s “continued presence in the Occupied Palestinian Territory is unlawful”,¹⁵ calls upon Israel to put an end to its presence in the Occupied Territory as soon as possible as a matter of obligation, and that it must end its settlement activities and withdraw its settlers.¹⁶ **This does not just reaffirm that Israel has no right to change the conditions of the Status Quo, but that its whole presence in Occupied East Jerusalem is unlawful.**

Furthermore, the court also concluded that **“all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory”**.¹⁷ This reaffirms that no state, including the Holy See, should engage with Israel as the sovereign power in Occupied East Jerusalem. The ICJ presented a similar conclusion concerning “the international organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory.”¹⁸ This should serve as a guideline for Churches worldwide in order to know how to deal with Israel as the illegal occupying power in East Jerusalem, including organizations such as the Israeli Ministry of Tourism, the Israeli Antiquities Authority, Israeli Ministry of Interior and other government representatives. This

¹⁴ [Advisory Opinion of 19 July 2024](#) pp 58-59.

¹⁵ Ibid. p 78.

¹⁶ Ibid. p 79.

¹⁷ Ibid.

¹⁸ Ibid.

applies, for example, to the presence of Israeli officials in official religious ceremonies, which should not receive the protocol privileges of the sovereign government.

As such, it is a responsibility and an obligation for the international community to adopt a position that Israel is the occupying power maintaining an unlawful occupation, and that any changes it makes to the Status Quo agreement will not be tolerated. This would be a form of protecting ancient religious communities that have fallen under repeated attacks by the Israeli occupation, including government ministries, occupation forces, and settler organizations. Failure to make Israel recognize and implement the Status Quo agreement will not only have a catastrophic effect on Christian and Muslim institutions in the city, but also will further undermine the prospects of a rules-based comprehensive political solution to end the Israeli occupation.

VII. Recommendations

States

- States must ensure full compliance with their obligations under international law, including the authoritative findings of the International Court of Justice in its Advisory Opinion 2024, by refraining from recognizing as lawful the situation arising from Israel's unlawful presence in the Occupied Palestinian Territory and from rendering any aid or assistance that would sustain it. In this context, states should avoid any actions that may normalize or imply recognition of Israeli sovereignty over Occupied East Jerusalem or other parts of the occupied Palestinian territory, including sensitive areas such as the Baptism Site (Al-Maghtas) and the Bethlehem region. This requires, for sites in the oPt, refraining from engagement or coordination with Israeli governmental bodies, such as the Ministry of Foreign Affairs, Ministry of Tourism, the Antiquities Authority, the Presidency, the Prime Minister's Office, or any entities involved in the administration of occupied territories, on matters relating to access, governance, or representation within these areas.
- States must also uphold their obligations under United Nations Security Council Resolution 478 by refraining from establishing or maintaining diplomatic missions in Jerusalem. Any recognition of Jerusalem as Israel's capital, or the placement of diplomatic representations therein (beyond historic consulates predating 1949), undermines the international legal framework governing the city and contributes to the erosion of the Status Quo.
- States must work with a broad coalition of states to suspend Israel's membership of the UN until it is judged by the UNGA to be again in compliance with its Charter obligations and fully respects IHL and all human rights conventions to which it is a signatory.
- States should pursue coordinated action within multilateral frameworks, including the United Nations General Assembly, to ensure Israel's compliance with its obligations under the UN Charter and international law. This includes holding Israel accountable to the commitments made upon its admission to the United Nations, notably respect for the

UN Charter, adherence to the international status of Jerusalem as envisaged under the *Corpus Separatum*, and the preservation of the Status Quo governing the Holy Sites.

- States must take steps to identify and prevent forms of support, financial, commercial, trade, diplomatic, military, logistical, or other, that aid or assist the maintenance of Israel's unlawful occupation of Palestinian territory, in violation of international law.
- States must ensure that any future political settlement, whether based on a two-state framework along the 1967 borders, a partition-based approach, or a single democratic state, fully respects the established rights and privileges of religious communities as enshrined in the *Corpus Separatum*.

Churches

- Churches must reaffirm their commitment to international law by actively using their moral, diplomatic, and institutional leverage to exert pressure on both their respective governments and Israeli authorities to uphold it. In doing so, they should explicitly recognize that the Status Quo Agreement constitutes an integral part of the applicable international legal framework and reflects the obligations incumbent upon an occupying power. Accordingly, churches must refrain from any actions or engagements that may legitimize or normalize violations of international law, as such conduct not only contradicts their core principles but also contributes to the erosion of the Status Quo itself.
- Churches should acknowledge the significant moral, financial, and political leverage they possess and deploy it in meaningful support of protecting the Status Quo, which effectively protects churches in Palestine and their communities. This includes taking concrete measures to oppose policies that threaten the sustainability of Christian institutions, such as proposed taxation measures targeting church properties, and advocating firmly against their implementation. In parallel, churches should promote and invest in the resilience of Palestinian Christian communities by actively supporting local businesses in Jerusalem, including in the Old City, and strengthening their economic presence and capacity to remain rooted in the city. Through such actions, churches can translate solidarity into tangible protection and empowerment of the communities they seek to serve.
- Churches should engage with Israel strictly within the framework of its status as an occupying power in Jerusalem and in all territories occupied since 1967, including the Old City. In this regard, they must avoid any actions that could be construed as legitimizing Israel's illegal annexation or sovereign claims over these areas. This entails limiting coordination or engagement with Israeli governmental authorities to what is strictly necessary within the context of occupation, and refraining from interactions with institutions such as the Ministry of Foreign Affairs, Ministry of Tourism, the Antiquities Authority, the Presidency, or the Prime Minister's Office on matters related to access, administration, or representation in occupied territories. Such an approach is essential to maintaining consistency with international law and safeguarding the integrity of the Status Quo.
- Churches should ensure that all ceremonial protocols in occupied territory fully respect international law and the Status Quo by refraining from granting Israeli officials privileges that imply sovereign authority. This includes avoiding protocol breaches, such as assigning

Israeli representatives to positions reserved for local religious or civic authorities, which carry symbolic implications of recognition and undermine established arrangements governing the Holy Sites.

- In managing access to Holy Sites, churches must coordinate exclusively with the competent religious authorities in accordance with long-standing legal and institutional frameworks. Access to the Al-Aqsa Mosque Compound should be arranged through the Islamic Waqf (Awqaf), while access to the Church of the Holy Sepulcher must remain under the authority of the respective churches, in line with the Status Quo. Such coordination is essential to preserving both legal integrity and interreligious balance.
- Churches should prioritize dealing with Palestinian tour operators and guides when organizing pilgrimages or visits in occupied territory, recognizing their adherence to the sensitivities and requirements of the Status Quo. In contrast, reliance on operators licensed through Israeli governmental structures risks reinforcing regulatory frameworks that may contribute to their erosion.