



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

## **Table of Contents**

<b>Table of Contents</b>	<b>0</b>
<b>I. Background</b>	<b>1</b>
<b>II. The Evolution of the Status Quo Under Multiple Frameworks</b>	<b>2</b>
1. The Status Quo and the Berlin Treaty of 1878	2
2. The Status Quo and the Corpus Separatum	4
3. UN and Bilateral Commitments	5
4. The Jordanian Custodianship and the Israeli Occupation	6
5. The 1980 Annexation Bill and the Status Quo	8
6. The Israeli Occupation and International Law	10
7. The Middle East Peace Process	13
8. Bilateral Israeli and Palestinian Arrangements with the Holy See	16
<b>III. Challenges to the Status Quo</b>	<b>17</b>
1. The Israeli occupation is a threat to the Status Quo	17
2. The Recognition of Jerusalem as Israel’s Capital and the Status Quo	19
<b>IV. Impacts of Eroding the Status Quo</b>	<b>21</b>
<b>V. Eroding the Status Quo Under International Law</b>	<b>23</b>
1. Reduction of the Status Quo to “Freedom of Access” and the Hollowing Out of Its Institutional Content	24
2. Forcible Transfer and Material Reconfiguration of Protected Areas and Holy Sites	25
3. Imposition of Taxes and Financial Measures on Protected Religious Institutions	26
4. Functional and Symbolic Transformation of Holy Sites and Religious Places	26
<b>VI. Saving the Status Quo: International Responsibility</b>	<b>27</b>
<b>VII. Conclusion</b>	<b>29</b>
<b>VIII. Recommendations</b>	<b>31</b>



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

### **I. Background**

The Status Quo refers to a system of historical rights and arrangements governing Christian holy sites and institutions in Jerusalem and Bethlehem. These arrangements were formalized through Ottoman *firmans* issued in 1852 and 1853, which sought to regulate disputes among Christian denominations regarding the use, maintenance, and administration of key holy places. Over time, the Status Quo became embedded in international legal and diplomatic frameworks, being recognized by major international agreements and successive governing authorities in Palestine. As a result, it developed into a long-standing legal and practical framework that protected the rights of Christian denominations and institutions, while ensuring stability in the management of some of the most sensitive religious sites in the world.

Beyond regulating access to and responsibilities within holy places, the Status Quo gradually expanded to encompass broader aspects of the daily life of Christian institutions. It helped safeguard historical privileges relating to taxation, property, and the operation of religious, educational, and charitable institutions. Convents, schools, hospitals, and guest houses operated by different churches became part of this protected framework, enabling Christian communities to sustain their religious, cultural, and social presence in Jerusalem and across Palestine.

Over time, the Status Quo evolved into an important protective mechanism not only for religious sites but also for the wider ecosystem of institutions that support Christian life in the region. Church properties and related economic activities, including hotels, restaurants, educational and social centers, and guest houses, generate income that helps finance essential services such as schools, scholarships, hospitals, and pastoral activities. These institutions serve both Christians and the wider Palestinian society regardless of religious affiliation, making them integral to the social fabric of Jerusalem and beyond.

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. By protecting the historical arrangements governing holy sites and church institutions, it contributes to

maintaining Jerusalem's multi-religious character and safeguarding 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 international agreements 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. The Evolution of the Status Quo Under Multiple Frameworks**

The Status Quo was initiated under the Ottoman administration,<sup>1</sup> on December 2, 1516, making it the oldest agreement still valid in Palestine. Originating in Ottoman-era decrees that codified rights and responsibilities among Christian denominations, namely to settle disputes between various Christian denominations over access and use of holy sites, such as the Church of the Holy Sepulchre in Jerusalem and the Nativity Church in Bethlehem, the Status Quo governing the holy sites of Jerusalem has evolved through a layered interplay of frameworks throughout centuries, each leaving its imprint on sustained access, administration, and worship rights. The Status Quo was sustained through successive rules in Palestine, including the British Mandate, Jordanian administration, and the Israeli occupation since 1967, and was addressed in political negotiations, bilateral and multilateral, as well as the UN frameworks, as follows:

### **1. The Status Quo and the Berlin Treaty of 1878**

A key Status Quo firman, the Ottoman Decree of 1757 "concerning rights, privileges and practices in certain Holy Places to which conflicting claims had been put forward,"<sup>2</sup> established that no changes would be made to such sites. This understanding was recognized by the Paris Treaty in 1856 and the Berlin Treaty of 1878.

---

<sup>1</sup> Sayegh, Selim (1971) *Le Statu Quo Des Lieux-Saints: Nature Juridique Et Portee Internationale*. Roma: Pontificia Universita' Lateranense. p 19.

<sup>2</sup> [ECF - Economic Cooperation Foundation: CCP Working Paper on the Holy Places - English \(1949\)](#)

The Berlin Treaty of 1878, a treaty signed between Great Britain, Germany, Austria, France, Italy, Russia, and Turkey “for the settlement of affairs in the East”, defined the relationship between European powers and the Ottoman Empire, which included Palestine. The treaty established that no changes would be made to the Status Quo of the Holy Sites “without the general consent of the Signatory Powers.”<sup>3</sup> Article LXII particularly establishes that “no alterations can be made in the Status Quo in the Holy Places”.<sup>4</sup>

In this historic setting and context, British troops entered Palestine in 1917. Then, the Status Quo also included Al Aqsa Mosque Compound, which the British authorities committed to maintain as a Muslim holy site, including the Buraq square, known as the “Wailing Wall”. The White Paper of November 1928 established that “It is legally the absolute property of the Moslem community and the strip of pavement facing it is Waqf property as is shown by documents preserved by the Guardian of the Waqf (the Palestine Government and His Majesty’s Government, having in mind the terms of Article 13 of the Mandate for Palestine, have taken the view that the matter is one in which they are bound to maintain status quo, which they have regarded as being, in the general terms, that the Jewish community have a right of access to the pavement for their devotions, but may bring to the Wall only those appurtenances of worship which were permitted under the Turkish regime”.<sup>5</sup>

Article 13 of the British Mandate of Palestine established that “All responsibility in connection with the Holy Places and religious buildings in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall construed as conferring upon the Mandatory authority to interfere with the fabric of management of purely Moslem sacred shrines, the immunities of which are guaranteed”.<sup>6</sup>

Despite multiple attempts made by Jewish representatives during the British Mandate in order to change the Status Quo, the authorities rejected them based on the understanding that such alteration would not just violate Muslim property rights, but it would also affect the overall purpose of the Status Quo. This was reaffirmed when the United Nations (UN) began discussing the idea of dividing Palestine. Comprehensive lists of holy sites for Christians, Muslims, and Jews were submitted to the UN General Assembly. 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.<sup>7</sup>

---

<sup>3</sup> PASSIA (2007) Documents on Jerusalem. Vol 1. PASSIA: Jerusalem. p 163.

<sup>4</sup> The American Journal of International Law (1908) “Treaty between Great Britain, Germany, Austria, France, Italy, Russia and Turkey for the Settlement of Affairs in the East: Signed at Berlin, July 13, 1878.” October, Vol. 2. No 4. Supplement: Official Documents. P 423.

<sup>5</sup> PASSIA (2007) p 158.

<sup>6</sup> The American Journal of International Law (1923) “British Mandate for Palestine”. July, Vol. 17, No. 3. Supplement: Official Documents. p 167.

<sup>7</sup> UN Conciliation Commission (1948) [Existing rights, historical practices & various UN studies & recommendations re. Holy places in Palestine - UNCCP's Cttee on Jerusalem - working paper - Question of Palestine](#)

## 2. The Status Quo and the *Corpus Separatum*

Under heavy pressure by the United States and the Zionist lobby, supported by the Soviet Union and by predominantly Catholic countries in Latin America, the UN General Assembly voted in favor of dividing Palestine through Resolution 181 of November 29, 1947.<sup>8</sup> The Resolution in itself represented a violation of the Palestinian right to self-determination, but it was still accepted decades later by the Palestinian leadership as a basis for the two-state solution, a political solution overwhelmingly endorsed by the international community.

The partition of Palestine established that Jerusalem, alongside Bethlehem and several villages around, equivalent to 1% of historic Palestine, would have a different status than the two states to be created. It was defined as a “*Corpus Separatum* under a special international regime which shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibility of the Administrating Authority on behalf of the United Nations”.<sup>9</sup>

The partition Resolution emphasized that “Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.”<sup>10</sup> The spirit of the *Corpus Separatum* was explained as allowing for freedom of movement and access. It also specified that “No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.”<sup>11</sup> Resolution 181, which represents the birth certificate of the State of Israel, makes clear that the Status Quo of the Holy Sites, as well as buildings used by religious orders, was not going to be altered.

Nevertheless, from the very beginning, the Zionist leadership sought to change the already beneficial terms of the UN Partition Resolution, conducting a campaign of attacks aimed at the ethnic cleansing of Palestinians across historic Palestine, including in Jerusalem, where by April 1948, one month before the withdrawal of the British troops from Palestine, Zionist militias were instructed to “occupy the neighbourhood and destroy all its houses”.<sup>12</sup> Several massacres were committed in and around the city to ensure the ethnic cleansing of its Palestinian population, including the village of Deir Yassin and the Semiramis Hotel in the Qatamon neighbourhood. By the end of this campaign, Zionist forces had succeeded in ethnically cleansing most of the Jerusalem district of its Palestinian, Christian, and Muslim population. Nevertheless, they had failed to occupy the Old City, which remained under Arab control. The areas occupied by Zionist militias in 1948 became West Jerusalem, while the areas that were saved from the Zionist attempts to occupy them in 1967 are referred to as East Jerusalem.

The outcome of the 1948 war did not nullify UN Resolution 181, including the Status Quo of the Holy Sites. Several important Christian and Muslim religious sites were left in the western parts of Jerusalem under Israeli control. They include the Muslim cemetery of Mamillah, the birthplace of St. John in Ein Karem, which includes at least three churches. Many sites that were exempted from taxes under Ottoman and British administrations were

---

<sup>8</sup> Kattan, Victor (2009) *From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict, 1891-1949*. London: Pluto Press. pp 146-168.

<sup>9</sup> Tannous, Izzat (1988) *The Palestinians*. New York. L.G.T. Company. pp 442-443.

<sup>10</sup> PASSIA (2007) *Documents on Palestine*. Vol. 1. Jerusalem: PASSIA. p 532.

<sup>11</sup> *Ibid.* p 533.

<sup>12</sup> Pappé, Ilan (2006) *The Ethnic Cleansing of Palestine*. London: OneWorld. p 98.

also placed under Israeli control after 1948. The UN collected a list of around 60 Christian sites in West Jerusalem, including hospitals, schools, churches, cemeteries, and convents from virtually all Christian denominations with presence in Jerusalem.<sup>13</sup> One of the documents cited by the UN recognized that “the above-mentioned Christian institutions are not mere buildings but the core of a living community. They are part of the life of the 31,000 Christians who normally inhabit Jerusalem, and more specifically of the 24,000 who live outside (the city) walls”.<sup>14</sup>

Nevertheless, even before the creation of Israel, the Zionist movement considered the Churches to be a major source of land for their interests in colonizing Palestine. Before the Nakba, Zionist armed groups had already acquired lands in Jerusalem from the Greek Orthodox Patriarchate of Jerusalem,<sup>15</sup> which did not seem to be particularly concerned about dealing with a colonial enterprise opposed by their Arab Palestinian congregation. After the Nakba in 1948, Israel saw an opportunity to acquire more land using various tools, including expropriation. Such expropriation would entail church properties. In this sense, the Status Quo was an obstacle to the Israeli ambitions.

After the Nakba, the Christian population of Jerusalem dramatically decreased. Around 20,000 Christians from Jerusalem, virtually all those living outside the city walls, were forced to leave the city. Many of them became refugees in Jordan and Lebanon, while others became internally displaced as they were forcibly displaced from the west to the eastern part of the city. As such, there is a direct correlation between respecting the Status Quo, including religious institutions, and the Christian presence in Jerusalem.

### **3. UN and Bilateral Commitments**

On May 11<sup>th</sup>, 1949, Israel became a full member of the UN. It was done through resolution 273, which obtained 37 out of 58 votes. The resolution says “Noting furthermore the declaration by the State of Israel that it ‘unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations’; Recalling its resolutions of 29 November 1947 (Res. 181) and 11 December 1948 (Res. 194) and taking note of the declarations and explanations made by the representative of the Government of Israel before the ad hoc Political Committee in respect of the implementation of the said resolutions; the General Assembly, [...] Decides that Israel is a peace-loving State which accepts the obligations contained in the Charter and is able and willing to carry out those obligations; Decides to admit Israel to membership in the United Nations”.<sup>16</sup> One day later, Israel signed the Protocol of Lausanne, before representatives of the United States, France, and Turkey, reaffirming its commitments with the implementation of UN resolutions, including the right of return.<sup>17</sup>

By the time of the adoption of this Resolution, the UN member states had enough information about the ethnic cleansing plans of Israel against the people of Palestine, and the assassination of UN mediator Count Bernadotte in Jerusalem by Zionist terrorists in 1948.

---

<sup>13</sup> [Jerusalem/International regime - Trusteeship Council working paper - Question of Palestine](#)

<sup>14</sup> Ibid.

<sup>15</sup> Robson, Laura (2012) Colonialism and Christianity in Mandate Palestine. Texas: University of Texas Press. p 80.

<sup>16</sup> [Admission of Israel to membership in the United Nations.](#)

<sup>17</sup> Tannous, Izzat (1988) p 741.

The leader responsible for his assassination, Yitzhak Shamir (elected Prime Minister of Israel in 1983 and 1986) wrote in his memoirs that his group “believed that it was imperative for the plan to be shelved and Bernadotte removed from the arena”.<sup>18</sup> The plan Shamir was referring to included the internationalization of Jerusalem. Zionist groups’ attempts to take over 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. The long list includes the Dormition Abbey in Mount Zion, and the desecration of Christian and Muslim cemeteries for the sake of “selling stones and all types of marble”.<sup>19</sup>

Nevertheless, UN member states decided to declare Israel a “peace-loving” state. Israel, as it could have been easily concluded from its behaviour, never respected the UN Charter, let alone Resolutions 181 (two states) or 194 (right of return for Palestinian refugees). A few months after joining the UN, Israel declared Jerusalem to be its “eternal capital”, against the commitments it had previously made to the UN. It soon moved its parliament sessions to Jerusalem.<sup>20</sup>

Importantly, Israeli officials made bilateral commitments to several foreign officials to obtain their diplomatic recognition. One of the most important is known as the “Chauvel-Fischer Accords”, between Israel and France, where France submitted a list of religious sites and organizations under their protection that should not be forced to pay taxes, given the Status Quo. The Israeli government agreed to that, and France recognized Israel.<sup>21</sup>

#### **4. The Jordanian Custodianship and the Israeli Occupation**

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 as it remained “a key to the problem of Palestine and could not be treated separately”.<sup>22</sup> 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. Jordan’s position remains that sovereignty over East Jerusalem is Palestinian, though they reaffirm their special role in the holy sites.<sup>23</sup>

One of the most important elements of the Jordanian Custodianship is that it reaffirmed the Status Quo. With time, their role was also recognized by the main Christian denominations, notably the Greek Orthodox Patriarchate of Jerusalem.

On Sunday, June 4<sup>th</sup> of 1967, the Israeli government decided to approve launching the six-day war.<sup>24</sup> One day after, Israel conducted a war of aggression and occupied what was left of Palestine: Gaza and the West Bank, including East Jerusalem. Israel’s success led certain

---

<sup>18</sup> Shamir, Yitzhak (1994) *Summing Up: An Autobiography*. London: Weidenfeld and Nicolson. p 75.

<sup>19</sup> Raz, Adam (2020) *Loot: How Israel Stole Palestinian Property*. London: Verso. pp 161-165.

<sup>20</sup> Quigley, John (2016) *The International Diplomacy of Israel’s Founders: Deception at the United Nations in the Quest for Palestine*. New York: Cambridge University Press. p 142.

<sup>21</sup> [ACCORDS-CHAUVEL-FISCHER-FRANCE-ISRAEL.pdf](#)

<sup>22</sup> Braizat, Musa (1998) *The Jordanian Palestinian Relationship: The Bankruptcy of the Confederal Idea*. London. British Academic Press. p 89.

<sup>23</sup> [The Hashemite Custodianship of Islamic and Christian Holy Sites in Jerusalem - The Royal Hashemite Court](#)

<sup>24</sup> Shlaim, Avi (2014) *The Iron Wall: Israel and the Arab World*. London: Penguin Books. p 257.

officials to suggest the destruction of Al Aqsa Mosque and the expulsion of the people of the Old City, which was not approved at the time.<sup>25</sup> Nevertheless, the Israeli parliament approved legislation extending its sovereignty to East Jerusalem, effectively illegally annexing the city. Israeli diplomacy justified this by this was done, according to Israel's foreign minister Abba Eban, to "assure for the inhabitants of all parts of the city social, municipal and fiscal services, on a basis of equality and non-discrimination. This was the purport, this is the effect, of that legislation".<sup>26</sup> Regarding the Holy Sites, Eban claimed to the UN Secretary General that "The measures adopted relate to the integration of Jerusalem in the administrative and municipal spheres, and furnish a legal basis for the protection of the Holy Places in Jerusalem".<sup>27</sup>

In theory, part of the Israeli government wanted to give the impression that Jerusalem is a "multicultural and multi-religious city" under Israeli control, but the larger Israeli consensus was in contradiction with this position. According to the Israeli mayor of West Jerusalem in 1967, Teddy Kollek, the objective was to have an "Israeli-Jewish upper hand" in Jerusalem.<sup>28</sup>

In practice, Israel began to change the Status Quo of Jerusalem from the outset. They unilaterally expanded the boundaries of the Jerusalem Municipality, eliminated the Palestinian municipality in East Jerusalem, and exiled its mayor, among other measures.<sup>29</sup> Even Israel's justice minister Yaacob Shapira was clear in his position that this was against international law.<sup>30</sup> It certainly violated Israeli obligations and commitments. The UN Security Council approved Resolution 252 that deplored "the failure of Israel to comply with the General Assembly resolutions..." and states that it "considers that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status".<sup>31</sup> The UN Security Council had already referred to "the inadmissibility of the acquisition of territory by war" through Resolution 242 in 1967.<sup>32</sup>

According to the Palestinian legal scholar Henry Cattan, a Jerusalemite himself, "Israel's occupation and annexation of Jerusalem do not confer any rights on it, as the occupying power, and do not impair the legal status of the city, which falls to be determined in accordance with international law and the resolutions of the United Nations".<sup>33</sup> He also adopted the position that since Israel had already accepted, through its admission to the UN, that Jerusalem had a different status than the State of Israel, and that both west and east Jerusalem should be treated under the same status,<sup>34</sup> then, under this perspective, Israel had no right to make any changes to the Status Quo of the Holy Sites.

---

<sup>25</sup> Raz, Avi (2012) *The Bride and the Dowry: Israel, Jordan and the Palestinians in the Aftermath of the June 1967 War*. London: Yale University Press. p 53.

<sup>26</sup> Quigley (2016) p 212.

<sup>27</sup> Ibid.

<sup>28</sup> Klein (2008) p 57.

<sup>29</sup> Raz (2012).

<sup>30</sup> Raz (2012) pp 53-54.

<sup>31</sup> [Resolution 252 \(1968\) /](#)

[Resolution 242 \(1967\) /](#)

<sup>33</sup> Cattan, Henry (1981) Status of Jerusalem under International Law. In *Journal of Palestine Studies*, Volume 10 Number 3, 1981. p 14.

<sup>34</sup> Ibid.

This was not just the opinion of one Palestinian legal scholar; it reflected the consensus among the international community. Nevertheless, with the Israeli occupation of Jerusalem, the Status Quo began to gradually erode. The first major change to the Status Quo occurred a few days after the occupation of Jerusalem, when Israeli forces expelled the residents of the Mughrabi Quarter in Jerusalem, demolishing their homes to impose facts on the Al Buraq Area, property of the Muslim Waqf.<sup>35</sup> This later became the plaza of the “Wailing Wall”. Furthermore, in 1970, Israel allowed Ethiopian monks to occupy the Deir Al-Sultan area at the roof of the Church of the Holy Sepulchre, taking it over from the Coptic Church, for political considerations given the close relationships between Israel and Ethiopia, opposite to Egypt.<sup>36</sup>

## 5. The 1980 Annexation Bill and the Status Quo

In 1980, the Israeli parliament passed a basic law called “Jerusalem, Capital of Israel”. In the absence of a political constitution, basic laws have the status of a constitution under Israeli legislation. This law reaffirmed the Israeli position that Jerusalem, including the eastern part, “complete and united”, is the capital of Israel.<sup>37</sup> The same law established that “the Holy Places shall be protected against desecration, and any other violation, and against anything liable to violate the freedom of access of members of the various religions to the places sacred to them, or to offend their feelings towards those places.”<sup>38</sup> Nevertheless, it did not make any reference to the Status Quo. In this context, it was more about granting Jewish access to East Jerusalem rather than protecting Christian and Muslim access to their holy sites.

Article 6 of the law established that “The limits of Jerusalem include, for this Basic Law, the whole area described in the addendum to the declaration of the expansion of the limits of the Jerusalem municipality of 20 Sivan 5727 (June 28, 1967), that was issued under the Municipalities Ordinance. No powers concerning the limits of the Jerusalem Municipality area, including the area described in the addendum on the expansion of the area of the municipality of Jerusalem on 20 Sivan 5767 (June 28, 1967) that was issued under the Municipalities Ordinance, and all as was in force on the day of the beginning of Basic-Law: Jerusalem the Capital of Israel (Amendment No. 2), shall be transferred to a foreign political or governing power, or to another similar foreign authority, whether permanently or for a given period.”<sup>39</sup> This was a reaffirmation of the boundaries of the annexation of the city, as well as an attempt to make clear that it was not going to be returned to any other party, whether Jordan, Palestine, or the UN.

The law was unanimously rejected and condemned by the international community. UN Security Council Resolution 476 reaffirmed international principles, such as the inadmissibility of the acquisition of land through the use of force, and the status and religious dimension of the city, in addition to deploring “The persistence of Israel in changing the physical character, demographic composition, institutional structure and the status of the

---

<sup>35</sup> Emmet, Chad “The Status Quo Solution for Jerusalem” in *Journal of Palestine Studies*, Volume 26, Number 2, 1997. p 24.

<sup>36</sup> Sha’lan, Husayin “Jerusalem and the Copts” in *Journal of Palestine Studies*, Vol. 15, No. 4 (Summer, 1986).

<sup>37</sup> [BasicLawJerusalem.pdf](#)

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

Holy City of Jerusalem.”<sup>40</sup> The Resolution called to end the occupation,<sup>41</sup> and it “Reconfirm(ed) that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East”<sup>42</sup>. At the same time, the Resolution “Reiterates that all such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded in compliance with the relevant resolutions of the Security Council.”<sup>43</sup>

The Israeli Foreign Ministry responded by stating that “the future of Jerusalem will not be determined by discussions of this nature. United Jerusalem was, is, and will be the Capital of sovereign Israel and will never be divided”.<sup>44</sup> The claims made to the UN by Israeli diplomats Moshe Sharrett and Abba Ebban regarding Israel’s “respect” for the UN Charter and commitment to implement its resolutions were once again ignored by Israel. The statement repeated the claim that “the Government of Israel will continue to guarantee free access to all the holy places and freedom of worship to members of all faiths and religions as it has done since the city has been united under its sovereignty”,<sup>45</sup> once again refusing to recognize the Status Quo according to which religious life, including administrative matters, have been dealt with in Jerusalem for centuries before the State of Israel, or the Israeli occupation, were established.

This position was based on the Israeli basic law of “Protection of Holy Places”, that refers to protection from desecration and “freedom of access of the members of different religions to the places sacred to them or their feelings concerning those places”,<sup>46</sup> but openly ignores the Status Quo regime, contrary to the strict regulations that Ottoman, British and Jordanian rules had established in Jerusalem before the Israeli occupation.

Israel’s adoption on “illegal law” declaring Jerusalem Israel’s Capital, was a result of a process of several years, where Israel tested the capacity of the international community to normalize grave breaches of the law, through unlawful policies and practices against the UN Charter and UN Resolutions, including Israel’s refusal to accept the principle of two-states and the rights of the Palestinian refugees, in addition to sustaining an unlawful occupation of the Palestinian territory it occupied since 1967. The first reading of the basic law was conducted while peace negotiations were being concluded between Egypt and Israel (“Camp David Accords”), proving from the outset that Israel would use any peace process void of accountability measures as a smoke screen to commit further violations of international law.

Once the basic law was finally approved, the UN Security Council approved Resolution 478, reaffirmed Resolution 476, adding that the basic law “constitutes a violation of international

---

<sup>40</sup> [S\\_RES\\_476\(1980\)-EN.pdf](#)

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> PASSIA (2007) Documents on Jerusalem. Vol 2. “Israeli Foreign Ministry Statement Rejecting UN Security Council Resolution 476 (1980) on Jerusalem, 30 June 1980.” p 218.

<sup>45</sup> Ibid.

<sup>46</sup> [14: Protection of Holy Places Law Ministry of Foreign Affairs](#)

law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem”.<sup>47</sup> This was a reaffirmation that the international community never stopped considering the Israeli control of Jerusalem as anything but a belligerent occupation. The Resolution made a clear call upon all member states to accept it and for “Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City”.<sup>48</sup>

The Israeli response to the Resolution attacked any international attempts to implement international law in Palestine: “This Resolution will encourage extremism, blackmail and incitement to war in international relations”.<sup>49</sup> The Palestine Liberation Organization (PLO) referred to the annexation as “another link in the long chain of Israeli aggressions against the Palestinian people and their national soil. The move also constitutes an aggression against the Islamic and Christian religions.”<sup>50</sup> The Palestinian position linked the consequences that this annexation could have for Christianity and Islam in the city with the reality of the Palestinian people living under Israeli occupation, as they represent the indigenous followers of both religions.

Israel tried to erode the Status Quo Agreement and obligations from any discussions, including public statements, to make Israeli law the sole basis for any developments in Jerusalem. This exclusion has three main goals:

- 1) To consolidate the idea that all of Jerusalem was first and foremost a Jewish city, and will always remain so.
- 2) To prevent any other party than Israel from having sovereign rights over any site in Jerusalem.
- 3) To initiate a process of stripping the Churches of Jerusalem of properties that are vital for the continuation of the illegal colonial-settlement enterprise.

## **6. The Israeli Occupation and International Law**

From 1948 to 1980, Israeli diplomacy significantly changed its tone, from conciliatory promises and commitments to implementing facts on the ground and open defiance of international law. Nevertheless, Israeli policies in general have not changed since 1948. The ethnic cleansing of Palestine and the annexation of Palestinian land for the establishment and expansion of a Jewish state have systematically continued. Therefore, the Israeli annexation of Jerusalem cannot be considered to be a change of policy, but part of a comprehensive program to colonize historic Palestine.

Israeli arguments to justify the annexation of Jerusalem were more about form than substance (“freedom of access to holy sites”, “respect for all religions”), while, at the same time, they never mentioned the Status Quo of the Holy Sites. It was left to the arbitrariness of the occupation to implement the Status Quo or not. For example, Moshe Dayan, Israel’s Minister of Defence in 1967, did not refer to the Status Quo, but two weeks after the occupation of Jerusalem, he restored the Muslim control of Al Aqsa Mosque Compound through the

---

<sup>47</sup> [Resolution 478 \(1980\)](#) /

<sup>48</sup> Ibid.

<sup>49</sup> PASSIA (2007) p 221.

<sup>50</sup> PASSIA (2007) p 25.

Waqf.<sup>51</sup> This took place at the same time that other members of the Israeli cabinet were discussing the possibility of destroying Al Aqsa, as advocated by the Chief Rabbi of the Israeli Occupation Forces General, Shlomo Goren.<sup>52</sup> Another idea was suggested by Israel's first Prime Minister David Ben Gurion, to destroy "the Old City walls so that Jerusalem, modern and ancient, would become one city".<sup>53</sup> Through this model, they would have done in Jerusalem the same as what was done to Jaffa in 1948, which was transformed from being the economic heart of Palestine into a neighborhood of Tel Aviv.

Israel's policy around the Status Quo was centered on its exclusive sovereignty. Accepting the Status Quo of the Holy Sites would be considered by occupation authorities as if Israel were not the sole ruler over Jerusalem. However, the fact that Israeli authorities have tried to change the status of Jerusalem as a whole, including sites and buildings protected under the Status Quo agreement, does not mean that it has the right to do so, or that the rest of the international community agrees with what Israel is doing. An important example to understand the Israeli position on Jerusalem was the comprehensive report presented by the Permanent Mission of Israel to the UN regarding a massacre committed by Israeli occupation forces against Palestinian worshippers in Al Aqsa Mosque Compound on October 8th, 1990. The attack immediately killed 17 Palestinians<sup>54</sup> and left over 150 Palestinians injured.<sup>55</sup> This led to the approval of UN Security Council Resolutions 672 and 673, which reaffirmed that Jerusalem was under occupation.<sup>56</sup>

The Israeli report includes references to "The Status of the Temple Mount" as well as "The Temple Mount from a Legal, Historical and Political Perspective", changing the rightful name of the place. The report avoids the term 'Status Quo', emphasizes on the applicability of Israeli law in its place, and rejects the reference made in Resolution 672 on Jerusalem being under Israeli occupation, going back to the consistent Israeli talking points regarding Jerusalem: "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..."<sup>57</sup>

The systematic Israeli denial of the existence of occupation in Jerusalem contradicts the opinion of its own legal advisers in 1967, including the opinion of Israeli Justice Minister Yaacob Shapira.<sup>58</sup> The Israeli foreign ministry's opinion was not different. Israel knew that the Fourth Geneva Convention was applicable, given the legal status of the territory occupied by its forces. Instead, Israel made the political decision to ignore the subject as it was considered to be of "deep trouble".<sup>59</sup> Since then, Israel has tried to impose its narrative, void of any meaningful legal argument, to sustain its unlawful policies, as a belligerent occupation, including about the Status Quo of the Holy sites.

---

<sup>51</sup> Teveth, Shabtai (1972) Moshe Dayan. London: Weidenfeld and Nicolson. p 347.

<sup>52</sup> Segev, Tom (2007) 1967: Israel, the War and the Year that Transformed the Middle East. London; Abacus. p 540.

<sup>53</sup> Ibid.

<sup>54</sup> The number of Palestinian worshippers killed was later raised to 20 after some of the injured passed.

<sup>55</sup> [Al-Haram al-Shareef incidents - Al Haq report - SecGen report/Addendum - Question of Palestine](#)

<sup>56</sup> [Document Viewer](#)

<sup>57</sup> PASSIA (2007) p 238.

<sup>58</sup> Raz (2012) p 53.

<sup>59</sup> ["The Geneva Convention – deep trouble" | Akevot](#)

According to Israeli historian Menachem Klein, upon the occupation of East Jerusalem, Israelis preferred not to consider Palestinians as part of a nation, but as individuals from different religions, who, therefore, did not deserve to be treated as a collective. Klein suggests that “Israel perceived the Palestinians in Jerusalem as having a religious identity, Muslim or Christian, which together with the Jews made up the Jerusalem mosaic, which had a hierarchy. The Jews had two advantages over the Christians and Muslims. First, the Jews were not just a religious community but also a nation; second, the Jewish people were the sovereign rulers of the territory.”<sup>60</sup> This allowed Israel to normalize the violations that were being committed against the Palestinian people in general, in a perspective similar to the one of the Balfour Declaration that stripped Palestinians of their right to self-determination. This is a pattern that can be observed in Israeli responses to UN reports and resolutions: Israel, according to their own narrative, is not occupying other people but “returning” to their “ancestral land and city” that had been occupied by others. This, in itself, represents one of the foundational arguments, according to the Israeli narrative, to justify manifestly unlawful policies.

However, what is more relevant in this context is not only the large amount of UN resolutions and international obligations violated by Israel, but the fact Israel simply decided to ignore the entirety of international law frameworks by repeating talking points regarding “freedom of religion” and “biblical rights”, as well as other claims that the 1967 war was a “defensive war”, even though it was factually established that Israel initiated the attack. However, even if one were to entertain the denialist Israeli interpretations of the legal status and historically inaccurate Israeli arguments to sustain its control over East Jerusalem and its Holy sites, under no circumstance does the occupying power, in this case Israel, have the right to change the status of the territory it occupies. This rule applies to all aspects of life, from the Municipality and educational curriculum, to the Status Quo of the Holy Sites and religious buildings.

The Fourth Geneva Convention provides that: “The Occupying Power does not have unlimited authority in its pursuit of the legitimate purposes for law-making, as provided for in Article 64(2). Its exercise of legislative powers, whether they involve suspension, repeal or enactment of laws, is limited in particular, by the following constraints: a) The provisions must be ‘essential’ (...) b) Prohibition of depriving the population of the benefits of the convention (...) c) Prohibition of making permanent or long-lasting changes (...)”.<sup>61</sup> Under point (c), it is explained that “The Occupying Power does not have the competence to enact provisions that fundamentally alter the institutional structure of the territory or that create long-term consequences that would prejudice the future exercise of government discretion by the returning Power. This restriction protects the distinct social and political identity of the occupied territory, recognizing that it is for the population of the occupied territory to determine its political, economic, and social order, based on its own practices and procedures of governance.”<sup>62</sup>

---

<sup>60</sup> Klein, Menachem (2008) Jerusalem as an Israeli Problem – A Review of Forty Years of Israeli Rule over Arab Jerusalem. In *Israel Studies*, Vol. 13, No. 2 (Summer 2008). p 59.

<sup>61</sup> [IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949 - Commentary of 2025 Article | Article 64 - Penal legislation: General observations | Article 64](#)

<sup>62</sup> Ibid.

The occupying power annexing a territory it occupies is strictly forbidden under the Convention, making clear that “the Occupying Power does not become an ordinary government.”<sup>63</sup> The legal status of Israel in Jerusalem is nothing but that of an occupier that is not allowed to change the existing rules and legislation, but simply to administer the occupied territory for a limited period of time for the benefit of the occupied population. Therefore, any state that engages with Israel on a basis other than that of an occupying power in Jerusalem stands in clear violation of its obligations under the Fourth Geneva Convention. In addition, Article 43 of the Hague Convention establishes that “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country”.<sup>64</sup>

## 7. The Middle East Peace Process

In 1991, at the Madrid Conference, Palestinian and Israeli delegations engaged, for the first time, in direct negotiations aimed at achieving peace, in a multilateral setting. Israel imposed several conditions in order to attend, including rejecting any discussions relevant to ‘subjects of substance’, Jerusalem being one of them. Nevertheless, the negotiations constituted an opportunity to present the vision that each side had for a comprehensive solution, including on Jerusalem. Israeli PM Shamir emphasized the Zionist exclusivist perspective regarding Jerusalem:

“We are the only people who have lived in the Land of Israel without interruption for nearly 4,000 years; we are the only people, except for a short Crusader kingdom, who have had an independent sovereignty in this land; we are the only people for whom Jerusalem has been a capital; we are the only people whose sacred places are only in the Land of Israel (...) No nation has expressed its bond with its land with as much intensity and consistency as we have. For millennia, our people repeated at every occasion the cry of the Psalmist: "If I forget thee, Jerusalem, may my right hand lose its cunning." For millennia, we have encouraged each other with the greeting, "Next year in Jerusalem." For millennia, our prayers, literature, and folklore have expressed a powerful longing to return to our land. Only Eretz-Israel, the Land of Israel, is our true homeland. Any other country, no matter how hospitable, is still a diaspora, a temporary station on the way home”.<sup>65</sup>

Certainly, PM Shamir appealed to an alleged Biblical right, one that, under this logic, is more prominent than international law. Nevertheless, his historical perspective was full of flaws, disregarded the indigenous people of Palestine, and failed to explain why the rest of the world should adopt his version of biblical events, or that it should be accepted as facts by Christians, Muslims, and the international community.

On the other side, Palestinian representative Haidar Abdel Shafi delivered the Palestinian position, which stood in utter opposition to the exclusive approach of PM Shamir:

---

<sup>63</sup> Ibid.

<sup>64</sup> [IHL Treaties - Hague Convention \(IV\) on War on Land and its Annexed Regulations, 1907 - Regulations: Art. 43](#)

<sup>65</sup> [ECF - Economic Cooperation Foundation: Madrid Conference - Israeli PM Shamir's Opening Speech - English \(1991\)](#)

“Jerusalem, ladies and gentlemen, that city which is not only the soul of Palestine, but the cradle of three world religions, is tangible even in its claimed absence from our midst at this stage. It is apparent, through artificial exclusion from this conference, that this is a denial of its right to seek peace and redemption. For it, too, has suffered from war and occupation. Jerusalem, the city of peace, has been barred from a peace conference and deprived of its calling. Palestinian Jerusalem, the capital of our homeland and future state, defines Palestinian existence, past, present, and future, but itself has been denied a voice and an identity. Jerusalem defies exclusive possessiveness or bandage. Israel’s annexation of Arab Jerusalem remains both clearly illegal in the eyes of the world community and an affront to the peace that this city deserves.”<sup>66</sup>

The United States, which organized the Madrid Conference, had delivered a letter of assurances to the Palestinian delegation stating that the “U.S. is opposed to the Israeli annexation of East Jerusalem and extension of Israeli law on it and the extension of Jerusalem’s municipal boundaries”.<sup>67</sup> It was based on this, and other commitments expressed by Washington, that the Palestinian side agreed to enter into the negotiation process.

Through the years of the Peace Process, Israel constantly avoided discussing the status of Jerusalem. Nevertheless, it agreed that, under the Oslo Agreement of 1993, it would be referred to as a “final status issue”, meaning that the status of Jerusalem, east and west, would have to be resolved through negotiations between Israelis and Palestinians. Such negotiations rarely took place when they were supposed to. Only in the peace agreement with Jordan in 1994 did Israel have to include a reference to Jerusalem, but once again, omitting any reference to the Status Quo of the holy sites. The agreement provided:

“Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines”.<sup>68</sup>

This statement only guaranteed that in the event of final status negotiations with the Palestinian side, Israel would honour the recognition of Jordan’s role. This effectively never took place. When final status negotiations were conducted at the Camp David Summit in July 2000, the Jordanian role was not even mentioned. Israel demonstrated no interest in including references to the Status Quo in the negotiations, always emphasizing its sovereignty over an “undivided” Jerusalem. The Israeli and Palestinian positions can be summarized as follows:

Israel:

- Sovereignty over Jerusalem remains under Israeli control as an undivided city.
- Palestinians would enjoy autonomy in certain neighbourhoods of the periphery.
- The Palestinian capital would be located to the east of Jerusalem in Abu Dis.
- Certain parts of the Old City, such as Al Aqsa Mosque compound, could enjoy a special regime under Israeli sovereignty.
- No mention of the Status Quo of the Holy Sites.

Palestine:

---

<sup>66</sup> [interactive encyclopedia of the palestine question – palquest | speech of haydar abd al-shafi at the madrid conference](#)

<sup>67</sup> [US Letter of Assurances on the Terms of the Peace, 1991 | JMCC](#)

<sup>68</sup> [j120jo941026peacetreatyisraeljordan.pdf](#)

- Separation of sovereignty between East and West Jerusalem, whether under an open city or a divided city.
- The Palestinian capital will be in East Jerusalem.
- Respect for the historic Status Quo of the Holy Sites.

In the context of the Camp David negotiations, the Palestinian delegation informed Church officials about proposals for Palestinians to accept certain control over the Muslim and Christian quarters of the Old City, while leaving the Armenian quarter, alongside the Jewish quarter, under full Israeli control. This prompted the patriarchs of the Orthodox, Armenian, and Latin Churches to send a letter to the heads of the US, Israeli, and Palestinian delegations, demanding that the Armenian and Christian quarters remain together under any agreement. Furthermore, they reminded the parties that “Local Christians have been represented by their ecclesiastical institutions here for centuries, and have enjoyed special privileges that were codified by the Status Quo provisions as much as by custom and tradition over many centuries. As you deliberate over those issues that impact the Holy City of Jerusalem, we trust you will not forget or overlook our age-long presence here”.<sup>69</sup>

Negotiations were also conducted in Taba (January 2001), where several agreements were reached, but none of them was signed. The agreements were summarized in the “Moratinos Paper”, where it was agreed that Jerusalem would be an open city with Palestinian sovereignty in the Palestinian neighbourhoods and Israeli sovereignty in Jewish areas, including settlements in East Jerusalem, while Palestinians would be compensated with lands, and the issue of Palestinian properties in West Jerusalem would be discussed. Regarding the Holy Sites, Israel did not agree to adding a reference to the Status Quo in general, but the delegations were close to reaching an agreement over Al Aqsa Mosque compound.<sup>70</sup>

Since then, Israel escalated its measures against the Palestinian presence in Jerusalem, sending a clear message regarding its position if negotiations were to be resumed, including shutting down the Orient House, an informal PLO headquarters in Sheikh Jarrah. Between November 2007 and January 2009, there was an attempt to reach an agreement through the “Annapolis” process, facilitated by the United States. Under this process, the terms were similar to those of the Taba summit, though negotiations included an idea about setting a new regime in the Old City of Jerusalem governed by an international organization composed of Israel, Palestine, the United States, Saudi Arabia, Jordan, Egypt, and the Holy See.<sup>71</sup>

Since then, no final status negotiations between Israelis and Palestinians have taken place. Nevertheless, Israel attempted to make it more difficult to reach an agreement. In 2014, the Israeli parliament approved a basic law called “Referendum”, stating that in case of the government of Israel reaching an agreement, or deciding to, where “the law, jurisdiction and administration of the State of Israel shall no longer apply to territory in which they currently apply”, it could only be conducted by the approval of at least 80 out of 120 members of the Israeli parliament, or by national referendum.<sup>72</sup> In 2018, the basic law “Israel – The Nation

---

<sup>69</sup> PASSIA (2007) p 108.

<sup>70</sup> [Middle East Report, Nr. 3: Middle East Endgame II: How a Comprehensive Israeli-Palestinian Peace Settlement Would Look](#) p 33.

<sup>71</sup> PLO summary of the negotiations.

<sup>72</sup> [BasicLawReferendum.pdf](#)

State of the Jewish People” was approved, which established that the only people who can exercise the right to self-determination in the lands controlled by Israel are the Jews, as well as that “the complete and united Jerusalem is the capital of Israel”.<sup>73</sup>

## **8. Bilateral Israeli and Palestinian Arrangements with the Holy See**

Israel recognized the Status Quo of the Holy Sites for the first time, upon the establishment of its diplomatic relations with the Holy See in 1994. Article 4 of the fundamental agreement between both sides provides: “The State of Israel affirms its continuing commitment to maintain and respect the ‘Status Quo’ in the Christian Holy Places to which it applies and the respective rights of the Christian communities thereunder. The Holy See affirms the Catholic Church’s continuing commitment to respect the aforementioned “Status Quo” and the said rights. However, the Holy See agreed to negotiate with Israel over “unsettled and disputed” issues regarding properties. Article 10 of the agreement says, “The Holy See and the State of Israel will negotiate in good faith a comprehensive agreement, containing solutions acceptable to both Parties, on unclear, unsettled and disputed issues, concerning property, economic and fiscal matters relating to the Catholic Church generally, or to specific Catholic Communities or institutions.”<sup>74</sup>

This element could entail different interpretations by Israel. It could mean the opening of an opportunity to address Christian properties protected by the Status Quo in Jerusalem, as part of Israel. However, the Holy See never recognized Israeli sovereignty over East Jerusalem and kept a systematic position regarding the privileges of the Status Quo in the areas of the “*Corpus Separatum*”, which includes Jerusalem and Bethlehem. Therefore, it can be understood that this agreement, when it comes to properties, could be applied to Catholic properties in places like Nazareth, Jaffa, and Haifa, but not in Jerusalem or Bethlehem.

In 2000, the Holy See and the PLO signed their first bilateral agreement. They agreed that a solution to Jerusalem should be based on international resolutions and that unilateral decisions that would alter the status of Jerusalem should not be accepted. According to their agreement, this solution should be based on a “special statute for Jerusalem, internationally guaranteed”, including “freedom of religion and conscience for all; the equality before the law of the three monotheistic and their institutions and followers in the city; the proper identity and sacred character of the City and its universally significant religious and cultural heritage; the Holy Places, the freedom of access to them and of worship in them; the Regime of “Status Quo” in those Holy Places where it applies; Recognizing the Palestinians, irrespective of their religious affiliation, are equal members of Palestinian society”.<sup>75</sup> Article 4 of the agreement specifically says “The regime of the ‘Status Quo’ will be maintained and observed in those Christian Holy Places where it applies”.<sup>76</sup> In 2015, the Holy See recognized the State of Palestine, leading to renewed negotiations for a comprehensive agreement that reaffirmed the Palestinian commitment to respecting the Status Quo of the Holy Sites. The agreement was implemented by January 2016.<sup>77</sup>

---

<sup>73</sup> [BasicLawNationState.pdf](#)

<sup>74</sup> Ibid.

<sup>75</sup> [Basic Agreement between the Holy See and the Palestine Liberation Organization](#)

<sup>76</sup> Ibid.

<sup>77</sup> [January 2, 2016 - AFP: Historic Vatican accord with Palestine takes effect](#)

### **III. Challenges to the Status Quo**

The Status Quo of Jerusalem's holy sites is under increasing pressure in the context of the ongoing Israeli occupation. Since 1967, Israel has steadily expanded its control over the city, imposing administrative, legal, and physical measures that have altered access and authority over key sites. These pressures have been compounded by the international recognition of Jerusalem as Israel's capital, a move that further consolidates unilateral claims over a city sacred to multiple faiths. Together, these developments threaten the delicate balance that has long allowed Christian, Muslim, and Jewish communities to coexist, putting at risk not only religious freedoms but also the very historical presence of Christianity and other minority communities in the city.

#### **1. The Israeli occupation is a threat to the Status Quo**

With the exception of the establishment of diplomatic relations between Israel and the Holy See, Israel has been reluctant to even mention the term "Status Quo". Israel's diplomatic pattern was initially centered around accepting international resolutions and, later on, it switched to openly confronting them; however, in both cases, the end result was the same. As Israeli legislation, policies, and practices demonstrate, their goal is for Jerusalem to become a Jewish city and the "undivided" capital of Israel. This goal by itself contradicts the whole purpose of the Status Quo, which is to guarantee rights that are not up to a particular government or state to change.

For this reason, and under this Israeli logic, the attacks against the sanctity of the Al Aqsa Mosque compound cannot be separated from the attacks committed against Christian sites. Furthermore, the scheme planned for Jerusalem by the Israeli occupation and settler groups is one where Christians and Muslims may only have a folkloric presence for tourism and public relations purposes, but not one where Christianity and Islam are truly portrayed as rightful co-owners of the city, natives to it.

For example, during Easter 2025, the Israeli Foreign Ministry hosted a delegation inside the Church of the Holy Sepulchre, delivering messages of respect for religious freedoms: "from this land where people of all faiths gather and worship freely, we send blessings of peace to all celebrating Easter around the world".<sup>78</sup> However, at the same time that this line was being released, thousands of Palestinian Christians in Jerusalem were being banned from entering the Old City, and were being assaulted by Israeli occupation forces. The event at the Church, which was full of foreigners largely brought into Jerusalem by Israeli tour operators, provided Israel with an opportunity to claim that Jerusalem is a place where freedom of religion is respected. Nevertheless, a simple examination of the Church during the celebration is sufficient to understand the magnitude of the Israeli restrictions against the indigenous Palestinian congregations.

In 2025, the Israeli Prime Minister Benjamin Netanyahu referred to Israel as a "guardian of Christianity", while his government approved plans to expand illegal colonial-settlement

---

<sup>78</sup> <https://x.com/Israel/status/1913601784041398635?s=20>

expansion on Christian lands, including a whole new settlement in Beit Sahour.<sup>79</sup> The connection between Israeli settler groups taking over Christian properties, including in cases where the Status Quo could be affected, such as in the Old City of Jerusalem, and the support of Israeli government officials to such take-overs has been proven over the years. A manifest example is the Israeli settlers' takeover of the St. John's Hospice in April 1990, a property of the Greek Orthodox Patriarchate across the Church of the Holy Sepulchre, turning it into the largest Jewish settlement outside the Jewish quarter. The Heads of Churches responded by closing the Holy Sepulchre for the first time in 800 years, and stating that "this government-backed settlers' action continues to provoke almost daily violent incidents in and around the area containing the Holy Sepulchre and the centers of church governance, and has occasioned the provocative presence of numerous armed men in the same restricted area. Consequently, freedom of access to the Holy Sepulchre and freedom of worship within it have been threatened".<sup>80</sup> Similar incidents are taking place in Jaffa Gate of the Old City, where at the entrance of the Christian Quarter in Jerusalem's Old City, two historic hotels that belong to the Greek Orthodox Church are under the threat of takeover by settler groups.<sup>81</sup>

Another significant development is what may take place in Mount of Olives, where the Israeli Occupation has plans to turn this large Christian holy site into an Israeli national park.<sup>82</sup> There are five "Israeli national parks" in occupied East Jerusalem, all of which are tools of dispossession and displacement by the Israeli occupation. As established by Israeli human rights organization B'tselem, "the establishment of the parks promotes an agenda of ensuring a Jewish majority in Jerusalem, creating a contiguous bloc of lands with no Palestinian population, and expanding the Jewish presence in East Jerusalem."<sup>83</sup>

Meanwhile, the creation of the "City of David" in Silwan and the opening of tunnels beneath Al Aqsa Mosque compound represent another threat to the Status Quo of this holy Muslim place, as well as for the landscape and reality of Jerusalem.<sup>84</sup> Israeli organization Emek Shaveh has described the organization behind it: "The Elad Foundation exploits archaeology in Silwan, with the support of the government, in order to justify Israeli settlements in East Jerusalem and in so doing undermines efforts to reach a political solution to the prolonged conflict over Jerusalem."<sup>85</sup> The tunnels beneath Al Aqsa Mosque compound are part of a larger Israeli plan to Judaize the city, highlighting its importance for Jewish history while diminishing the rights, history, and narratives of other faiths over centuries. Israel seeks to control the narrative over such sites to reinforce "a Jewish religious narrative, one that talks about a yearning for the Temple Mount while ignoring the non-Jewish chapters of the site's story."<sup>86</sup>

It would be impossible to separate the settlement projects of the "City of David" and the Tunnels from the overall Israeli campaign to change the Status Quo of Al Aqsa Mosque compound, which goes to the extent of calling for the destruction of Al Aqsa Mosque and its

---

<sup>79</sup> [Beyond the New Settlement in Beit Sahour "Yatziv": A Multilayered System of Land Confiscation, Seizures, Blanket Building Bans and Demolition Orders – Balasan Initiative For Human Rights](#)

<sup>80</sup> PASSIA (2007) p 56.

<sup>81</sup> [The battle to remain Palestinian in Jerusalem's Christian Quarter | Features | Al Jazeera](#)

<sup>82</sup> [The new national park threatening Jerusalem's Christian community](#)

<sup>83</sup> [Old Bogus National Park | B'Tselem](#)

<sup>84</sup> [Finding David: Unlawful Settlement Tourism in Jerusalem's so-called 'City of David'](#)

<sup>85</sup> [visitors\\_info\\_web\\_eng.pdf](#) p 2.

<sup>86</sup> [Politics-and-Arch-2017-Eng-Web.pdf](#) p 13.

replacement with a Jewish temple.<sup>87</sup> Not only are they involved in the forcible displacement of the native Palestinian population of the city, particularly in Silwan and the Old City, but also in creating an inciting narrative that encourages attacks against the Status Quo. This is similar to the narrative imposed by the early Zionist movement before the Nakba, which promoted the cause of a Jewish state among Christian Zionist circles in the United Kingdom and other places, based on biblical mythology rather than international law. This was referred to as “the ‘restoration’ of the Jewish people to what was regarded as their ancient homeland: Palestine”<sup>88</sup>.

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 was the exile of Jerusalem mayor Rawhi Al Khatib<sup>89</sup> as well as of Muslim religious leader and scholar Sheikh Abdel Hamid Al Sayigh<sup>90</sup> and Anglican pastor Elia Khoury<sup>91</sup>. Most recently, the revocation of the Jerusalem ID of civil society advocate Salah Hammouri<sup>92</sup>, 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 a further proof of that point.<sup>93</sup> Israeli claims that under its control, Jerusalem enjoys “freedom of religion” are baseless and factually incorrect. In reality, Israel considers Churches to be owners of vast properties that could be, or must be, absorbed in Israel’s settler project, and, in the same logic, Israel targets Christians as part of the Palestinian people, the indigenous people of the land that, since 1948, has been subjected to continuous ethnic cleansing and annexation.

## **2. The Recognition of Jerusalem as Israel’s Capital and the Status Quo**

Since the illegal annexation of Jerusalem, Israel has sought international recognition of Jerusalem as Israel’s Capital, including by establishing diplomatic missions in Jerusalem. In reality, the only diplomatic missions in Jerusalem that are legitimate under international law are the general consulates that have operated for years before the creation of Israel in Palestine. Several of them, including France, Italy, Belgium, Spain, Turkey, the Holy See, and Greece, are linked to the Status Quo arrangements. Others, such as Sweden and the United Kingdom, have a special relationship with Protestant Christian communities established in Palestine since the XIX century, and even without physical presence in the Church of the Holy Sepulchre, Mount of Olives or the Nativity Church, they have several institutions, since the Ottoman period, that have enjoyed the benefits of the Status Quo agreement, including schools and medical organisations.

The approval of UN Security Council Resolution 478 regarding the illegality of the annexation and calling upon all countries to withdraw their embassies from Jerusalem would not have been voted without taking the Status Quo arrangements as a consideration. The Holy

---

<sup>87</sup> [EXPLAINER: What Are the Temple Movements and Why Should We Be Worried? - Ir Amim](#)

<sup>88</sup> Raheb, Mitri (2023) Decolonize Palestine: The Land, The People, The Bible. New York: Orbis Books. p

<sup>89</sup> [National Guidance Committee \(1967\)](#)

<sup>90</sup> [Israels Deportation Policy.pdf](#)

<sup>91</sup> [Episcopal News Service: Press Release # 79172](#)

<sup>92</sup> [Salah Hammouri: A Case Study of the Occupation and Western Complacency | Institute for Palestine Studies](#)

<sup>93</sup> [The Orient House and its Ordeals.pdf](#)

See itself strongly opposed the Israeli annexation. In a letter to the Security Council on June 30, 1980, the Holy See announced its position. Its strongly worded document said, “Jerusalem cannot be reduced to mere ‘free access for all the holy places.’ Concretely it is also required: (1) That the overall character of Jerusalem as a sacred heritage shared by all three monotheistic religions be guaranteed by appropriate measures; (2) That the religious freedom in all its aspects be safeguarded for them; (3) That the complex of rights acquired by the various communities over the shrines and the centres for spirituality, study and welfare be protected; (4) That the continuance and development of religious, educational and social activity by each community be ensured; (5) That this be actuated with equality of treatment for all three religions; (6) That this be achieved through an ‘appropriate juridical safeguard’ that does not derive from the will of only one of the parties interested.”<sup>94</sup>

Therefore, the recognition of Jerusalem as Israel’s capital not only violates the basic principles of international humanitarian law that strictly forbid the annexation of an occupied territory, but also the framework upon which Christianity can survive as a prominent and dynamic part of the city and the rest of Palestine. Recognizing Jerusalem as Israel’s capital means recognizing the “legal” framework imposed by the Israeli occupation, which includes a supremacist and exclusivist perspective over the city. This is the official perspective declared in Israeli basic laws on Jerusalem as its capital, as well as the infamous Israeli nation-state law.

For this purpose, the support that Israel has been able to gather from right-wing governments, supposedly close to the Christian faith, highlights ideological distortions rather than constructive policies, aligned with international legitimacy. For example, the US justification for its recognition of Jerusalem as Israel’s capital, stated: “The Trump Administration supports the Status Quo at Jerusalem’s holy sites”.<sup>95</sup> Nevertheless, the recognition, in violation of UNSC Resolution 478, was only applauded by Israel, and was made in opposition to the principles of the Status Quo. In fact, when US Vice President Mike Pence addressed the Israeli parliament explaining the recognition, he linked it only to Jewish history: “President Donald Trump made history. He righted a 70-year wrong; he kept his word to the American people when he announced that the United States of America will finally acknowledge Jerusalem is Israel’s capital [...]. The Jewish people’s unbreakable bond to this sacred city reached back more than 3,000 years. It was here, in Jerusalem, on Mount Moriah, that Abraham offered his son, Isaac, and was credited with righteousness for his faith in God”.<sup>96</sup> Vice President Pence made a statement full of biblical references, where the Palestinian people were dehumanized and only Jewish history was acknowledged. He went as far as stating: “We stand with Israel because we believe in right over wrong, in good over evil, and in liberty over tyranny”.<sup>97</sup> Who is “wrong”, “evil” and promotes “tyranny” other than the Palestinian people under Vice - President’s Pence’s explanation of US’s support for Israel?

Likewise, the justification of other countries to recognize Jerusalem as Israel’s capital negates the rights of the Palestinian people and is fully focused on Israeli and Zionist positions. In

---

<sup>94</sup> PASSIA (1997) p 49.

<sup>95</sup> [President Donald J. Trump Keeps His Promise To Open U.S. Embassy In Jerusalem. Israel – The White House](#)

<sup>96</sup> [Remarks by Vice President Mike Pence in Special Session of the Knesset – The White House](#)

<sup>97</sup> Ibid.

addition to the United States, Guatemala, Kosovo, Honduras, Papua New Guinea, Paraguay, and Fiji maintain embassies in Jerusalem. The justifications made by each one of them, particularly Guatemala, Honduras, and Paraguay, were in severe detriment to the Status Quo arrangements, in addition to their blatant violation of international law.

Guatemala referred to Jerusalem as “the eternal capital of Israel”,<sup>98</sup> a talking point repeated by Honduras.<sup>99</sup> In the case of Paraguay, it reopened an embassy in Jerusalem, in the middle of the genocide in Gaza. No references were made to the Palestinian people or to international law. The Paraguayan president Santiago Peña said “Israel is going to win, and the countries (that) are standing next to Israel, we are going to win”.<sup>100</sup> Based on its behaviour and statements, “victory” for Israel means the freedom to continue its colonial-settler enterprise, blatantly violating international law and UN resolutions, setting dangerous precedents for the future of a multilateral world order. This is precisely what countries recognizing Jerusalem as Israel’s capital have been doing.

In addition to the countries that moved their embassies, three EU member states opened diplomatic representations in “Jerusalem-Israel”, namely Hungary,<sup>101</sup> Czech Republic<sup>102</sup> and Slovakia.<sup>103</sup> Others have opened honorary consulates in “Jerusalem” accredited to the Israeli foreign ministry, including Austria,<sup>104</sup> Bulgaria<sup>105</sup> and Serbia.<sup>106</sup>

The recognition of Jerusalem as Israel’s capital, or any step aimed at recognizing Israeli sovereignty over Jerusalem, is a reaffirmation that Israel’s illegal annexation and other policies conducted in the occupied Palestinian territory, including the deliberate erosion of the Status Quo agreement, are going to be normalized by the international community. In doing so, such countries have not just contributed to undermining Christian life in Jerusalem, but have also set harmful precedents for the future of international law and the entire UN system.

#### **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

---

<sup>98</sup> [Guatemala opens Jerusalem embassy, two days after US | The Times of Israel](#)

<sup>99</sup> [Honduras becomes 4th country to open embassy in Jerusalem | The Times of Israel](#)

<sup>100</sup> [Paraguay reopens its embassy in Jerusalem, handing Israel a rare diplomatic victory | AP News](#)

<sup>101</sup> [Hungary raises flag over new embassy branch in Jerusalem | The Times of Israel](#)

<sup>102</sup> [Branch Office in Jerusalem | Embassy of the Czech Republic in Tel Aviv](#)

<sup>103</sup> [Home | Slovak Institute in Jerusalem](#)

<sup>104</sup> [Austrian Representations – BMEIA - Außenministerium Österreich](#)

<sup>105</sup> [Bulgaria opens Honorary Consulate General in Jerusalem - Българска национална телевизия](#)

<sup>106</sup> [Honorary Consuls of Republic of Serbia in Israel | Ministry of Foreign Affairs](#)

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 eroding. 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" from church-owned properties, including guest houses, 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<sup>107</sup>. 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<sup>108</sup>. 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 in 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, and educational and health institutions, and interfaith coexistence.

---

<sup>107</sup> The Balasan Initiative for Human Rights: [Urgent Appeal to UN Special Procedures on the Imminent Threats on the Remaining Palestinian Christian Presence on Both Sides of the Green Line due to Israel's Ongoing Breaches of International Humanitarian & Human Rights Law](#) (August 2025)

<sup>108</sup> Ibid

Another aspect is access to holy places and freedom of worship. Palestinian Christians from the West Bank and the 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. Eroding the Status Quo Under International Law**

Israel's unilateral actions to modify the Status Quo regime governing the holy sites in Jerusalem,<sup>109</sup> whether by narrowing its scope, reinterpreting it, or treating it as a mere administrative arrangement, constitute a grave violation of international law.<sup>110</sup> The Status Quo is not a local or internal historical arrangement; rather, it is an internationally recognized legal regime of a contractual and institutional nature, entrenched in treaties and agreements that prescribe collective conditions for any amendment. Under international humanitarian law, East Jerusalem is occupied territory, and the occupying power is obliged to respect the laws and arrangements in force before the occupation, including religious and institutional systems that form part of the Status Quo.<sup>111</sup>

From an international human rights perspective, the Status Quo safeguards collective religious and cultural rights, encompassing freedom of religion, participation in cultural life, and the principle of non-discrimination.<sup>112</sup> Undermining this regime, such as prioritizing a Torah-centric narrative over the rights of other religious communities, reduces these protections to political or administrative discretion and constitutes an infringement on these rights.<sup>113</sup>

Under international criminal law, systematic alterations to protected religious arrangements, especially when part of a public policy aimed at exclusion or the re-engineering of the religious and cultural sphere, may contribute to the constitutive elements of persecution as an international crime.<sup>114</sup> The Geneva Conventions reinforce this protection by treating

---

<sup>109</sup> [oikoumene.org/sites/default/files/2024-08/WCC-EAPPI\\_leaflet\\_StatusQuo-web-2024.pdf](https://oikoumene.org/sites/default/files/2024-08/WCC-EAPPI_leaflet_StatusQuo-web-2024.pdf)

<sup>110</sup> [Resolution 478 \(1980\) - Territories occupied by Israel | UNSCR](#)

<sup>111</sup> [oikoumene.org/sites/default/files/2024-08/WCC-EAPPI\\_leaflet\\_StatusQuo-web-2024.pdf](https://oikoumene.org/sites/default/files/2024-08/WCC-EAPPI_leaflet_StatusQuo-web-2024.pdf)

<sup>112</sup> [Freedom of religion or belief](#)

<sup>113</sup> [Freedom of religion or belief](#)

<sup>114</sup> [The Practical Guide to Humanitarian Law](#)

interference with the continuity or structure of religious institutions as a breach of treaty obligations,<sup>115</sup> which remains unlawful regardless of attempts to recharacterize the regime or deny its international status.

At the level of international responsibility, third states' acceptance of unilateral modifications or their treatment as a *fait accompli* violates the principle of non-recognition of unlawful situations and undermines the collective protection of the holy sites.<sup>116</sup> The International Court of Justice (ICJ) confirms that legal arrangements of an international character cannot be altered unilaterally, and that the international community bears the responsibility to preserve and respect these arrangements.<sup>117</sup>

### **1. Reduction of the Status Quo to “Freedom of Access” and the Hollowing Out of Its Institutional Content**

A prominent violation lies in reducing the Status Quo regime to a matter of freedom of access or individual worship, while disregarding its legal and institutional dimensions related to custodianship, administration, ownership, and the continuity of historical arrangements. Under international humanitarian law, the occupying power may not reinterpret existing laws in a manner that strips them of their substance or alters their core functions, as this constitutes an indirect modification of the prevailing legal system.<sup>118</sup>

Within international human rights law, this reduction represents a fundamental infringement of collective rights, as it transforms the right to religion from a collective and institutional right into an isolated individual practice, thereby undermining the right of religious communities to manage their own affairs and preserve their cultural identity.<sup>119</sup> This approach also entails indirect discrimination when applied selectively.

From an international criminal law perspective, the systematic hollowing out of religious institutions' powers may form part of broader policies aimed at weakening a protected collective presence, potentially amounting, in certain circumstances, to religious or cultural persecution.

The Geneva Conventions prohibit interference with the institutional structure of protected religious institutions and do not permit the substitution of formal access guarantees for full respect of the comprehensive legal regime governing these institutions.<sup>120</sup> Such a reduction constitutes a breach of the core of the protection afforded.

---

<sup>115</sup> [6.1.1. Crime against peace, war crime, or crime against humanity | European Union Agency for Asylum](#)

<sup>116</sup> [A\\_HRC\\_WG.6\\_15\\_ISR\\_2 FOR PROCESSING.doc](#)

<sup>117</sup> [Israel's continued occupation of Palestinian territory 'unlawful': UN world court | The United Nations Office at Geneva](#)

<sup>118</sup> [IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949](#)

<sup>119</sup> [Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief | OHCHR](#)

<sup>120</sup> derived from Articles 27 and 46 of GCIV, [IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949](#)

International responsibility also arises where states or international organizations adopt a “freedom of access” discourse detached from the Status Quo, thereby legitimizing its erosion and normalizing its violation.<sup>121</sup>

The ICJ has affirmed that the protection of religious and cultural rights in occupied territories is not achieved through formalistic standards, but through respect for the existing legal and institutional framework in its entirety.<sup>122</sup>

## **2. Forcible Transfer and Material Reconfiguration of Protected Areas and Holy Sites**

This violation manifests in the forcible displacement of Palestinians and the material reconfiguration of areas surrounding holy and protected sites, including demolition, removal, and spatial reorganization. Under international humanitarian law, the forcible transfer of the civilian population and the destruction of property in occupied territory are prohibited unless required by imperative military necessity, a condition not applicable to measures aimed at re-engineering religious or symbolic space.<sup>123</sup>

From the standpoint of international human rights law, these practices violate the right to housing, family life, attachment to place, and participation in cultural life, and disproportionately affect Palestinians as a protected group.<sup>124</sup>

Within international criminal law, forcible transfer and extensive destruction of property may amount to war crimes and, when carried out as part of a public policy, may constitute crimes against humanity.<sup>125</sup> The criminal character of these acts is heightened when they target the surroundings of holy sites to redefine their identity or demographic environment.

The Geneva Conventions expressly prohibit forcible transfer, destruction of property, and collective punishment, and afford special protection to protected persons and to property of a religious and cultural character.<sup>126</sup>

International responsibility is further engaged where states accept the outcomes of such material transformations or treat reconfigured sites as a permanent legal reality, thereby entrenching an unlawful situation.

The ICJ has emphasized that displacement and destruction in occupied territories cannot produce lawful legal effects, and that the duty of non-recognition applies to their consequences.<sup>127</sup>

---

<sup>121</sup> [Legal Consequences Arising from the Policies and Practices of Isr. in the Occupied Palestinian Territory, Including East Jerusalem \(Advisory Opinion\) \(I.C.J.\) | International Legal Materials | Cambridge Core](#)

<sup>122</sup> [Advisory Opinion of 19 July 2024 | INTERNATIONAL COURT OF JUSTICE](#)

<sup>123</sup> Geneva Convention IV, Art. 49

<sup>124</sup> [“All My Dreams Have Been Erased”: Israel’s Forced Displacement of Palestinians in the West Bank | HRW](#)

<sup>125</sup>1. ICJ statement on unlawful deportation, extensive destruction of property and collective punishment as “grave breaches”

2. (war crimes) of Geneva Conventions and under customary IHL.

3. Rome Statute definitions of war crimes and crimes against humanity (forced deportation/transfer).  
Article 7 & Article 8 of Rome Statute

<sup>126</sup> [IHL Treaties - Hague Convention for the Protection of Cultural Property, 1954](#)

<sup>127</sup> [Summary of the Advisory Opinion of 19 July 2024 | INTERNATIONAL COURT OF JUSTICE](#)

### 3. Imposition of Taxes and Financial Measures on Protected Religious Institutions

The imposition of taxes, fines, and coercive financial measures on religious institutions protected under the Status Quo framework is prohibited.<sup>128</sup> Under international humanitarian law, religious institutions in occupied territories enjoy special protection and may not be subjected to financial or economic measures that undermine their ability to function or continue their activities, except within narrow limits justified by temporary administrative necessity.<sup>129</sup>

From an international human rights law perspective, such measures violate the right to property, freedom of religion, and the autonomy of religious institutions, and often entail indirect discrimination when applied selectively to Palestinian or non-Jewish institutions.<sup>130</sup>

Within international criminal law, widespread confiscation or systematic financial coercion may constitute a war crime if not justified by military necessity, and may contribute to a pattern of economic persecution targeting a protected group.<sup>131</sup>

The Geneva Conventions prohibit pillage, confiscation, and economic exploitation of protected property, and affirm that protection extends to religious endowments and institutions against financial pressures threatening their existence.<sup>132</sup>

International responsibility also arises where third states treat such taxation regimes as lawful or refrain from challenging them, thereby normalizing unlawful practices.<sup>133</sup>

The jurisprudence of the ICJ confirms that economic measures contributing to the entrenchment of unlawful control over occupied territory are incompatible with international law and must not be recognized.<sup>134</sup>

### 4. Functional and Symbolic Transformation of Holy Sites and Religious Places

This violation is evident in the functional or symbolic transformation of holy sites, whether through altering their use, reframing them within exclusive narratives, or integrating them

---

<sup>128</sup> International humanitarian law prohibits unlawful appropriation or destruction of protected property in occupied territory, including institutions dedicated to religion, charity and education, except where rendered absolutely necessary by military operations. This rule protects such institutions against coercive financial measures that amount to economic exploitation or confiscation, [Occupied territory](#)

<sup>129</sup> Article 53 of the Fourth Geneva Convention

<sup>130</sup> [Business-and-human-rights-in-the-opt-interactive-1587981596.pdf](#)

<sup>131</sup> The Rome Statute and customary IHL frame pillage and organized exploitation of occupied territory as prohibited acts, [IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949 - Commentary of 1958 Article | Article 154 - Relation to the 1899 and 1907 Hague Conventions | Article 154](#)

<sup>132</sup> [IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949 - Commentary of 2025 Article | Article 33 - Principle of individual responsibility and prohibitions of collective punishment, intimidation, terrorism, pillage and reprisals](#)

<sup>133</sup> [Business and Human Rights in Occupied Territory](#)

<sup>134</sup> [Advisory Opinion of 19 July 2024 | INTERNATIONAL COURT OF JUSTICE](#)

into sovereign or tourism projects of a political nature.<sup>135</sup> Under international humanitarian law, interference with the character or function of religious sites in occupied territories is prohibited, as it undermines the special protection afforded to them.

Within international human rights law, such a transformation erodes freedom of religion and cultural identity and excludes religious communities from spaces that form an integral part of their collective existence.<sup>136</sup>

From an international criminal law perspective, the systematic targeting of holy sites may fall within acts of persecution or attacks against religious and cultural heritage, particularly when carried out as part of a public policy.<sup>137</sup>

The Geneva Conventions strengthen this protection by prohibiting any assault on or alteration of protected religious sites, regardless of administrative or symbolic justifications.<sup>138</sup>

States bear the responsibility not to recognize unlawful functional or symbolic transformations, and not to contribute to their entrenchment through discourse, cultural cooperation, or tourism initiatives.

The ICJ has affirmed that the protection of holy sites extends beyond preventing their physical destruction to safeguarding their legal and symbolic function within the existing legal regime.<sup>139</sup>

## **VI. Saving the Status Quo: International Responsibility**

Saving the Status Quo of Jerusalem, which necessarily entails saving the remaining Palestinian Christian presence across Palestine, is directly tied to the respect of International Law. The Advisory Opinion of the 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 policies against the right to worship. It states that “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.”<sup>140</sup>

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

---

<sup>135</sup> [IHL Treaties - Additional Protocol \(I\) to the Geneva Conventions, 1977 - Article 53](#)

<sup>136</sup> [Making Freedom of Religion or Belief a Lived Reality: Threats and Opportunities | United Nations](#)

<sup>137</sup> The *Rome Statute* (ICC) specifically lists intentional attacks against religious buildings and cultural property as war crimes. This reinforces that systematic targeting can fall under persecution/war crimes, [Issue Update: Protection of Religious Sites during Armed Conflict](#)

<sup>138</sup> [IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949](#)

<sup>139</sup> [Advisory Opinion of 19 July 2024 | INTERNATIONAL COURT OF JUSTICE](#)

<sup>140</sup> [Advisory Opinion of 19 July 2024](#) pp 58-59.

the holy sites (“freedom of access”) is an integral policy of its unlawful occupation. The other important point is that the ICJ concluded that Israel’s “continued presence in the Occupied Palestinian Territory is unlawful”,<sup>141</sup> calls upon Israel to put an end to its presence in the occupied Palestinian territory without delay, as a matter of obligation, and that it must end its settlement activities and withdraw its settlers.<sup>142</sup> Applied to the Status Quo, not only does this ruling reaffirm Israel’s unlawful alteration of the conditions of the Status Quo, but it also confirms that its whole presence in Occupied East Jerusalem is unlawful.

Furthermore, the ICJ 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”.<sup>143</sup> This makes clear that no state, including the Holy See, should deal with Israel as the sovereign power in Occupied East Jerusalem. The ICJ presented a similar conclusion concerning “The international organizations, including the UN, 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.”<sup>144</sup> This should serve as a guideline for Churches worldwide 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 applies, for example, with regard to the presence of Israeli officials in official religious ceremonies, which shall never receive the protocol privileges of the sovereign government.

Ending the Israeli occupation, in line with international law, would protect the Status Quo Agreement, given the commitments of Palestine, as the sovereign government, and Jordan, through its custodianship of Holy Sites, with the Status Quo agreement and its norms, including taxation of religious institutions. However, until ending the unlawful Israeli occupation as mandated by international law, it is a responsibility for the international community to make clear to Israel, the occupying power, that no changes will be tolerated to the Status Quo agreement. This is a tangible 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.

The current ongoing attempts to find an alternative to international law and the UN system, such as President Trump’s “Board of Peace,” can be considered as a result of the failure of the international community to hold Israel accountable for its systematic violations of international law, UN resolutions, and signed agreements. Placing the choice between holding Israel accountable and perpetuating its impunity, several Western powers have opted for the latter, undermining the very principles of the rules-based international order. In doing so, they have also undermined the multicultural identity of Jerusalem, including its Christian presence, a subject that some of them still claim to care about.

---

<sup>141</sup> Ibid. p 78.

<sup>142</sup> Ibid. p 79.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

## VII. Conclusion

Since the Balfour Declaration in 1917, which deprived the indigenous people of Palestine of their right to self-determination, attempts at changing the identity of Palestine escalated, including by ethnic cleansing and annexation. The Nakba of 1948 and the subsequent occupation of 1967 have been part of the same schemes of dispossession, aiming at imposing a supremacist regime in historic Palestine that would perpetuate the denial of the Palestinian people's right to self-determination.

In this context, eroding the Status Quo agreement and its arrangements represents another tool to achieve the same goals. Turning Churches into empty buildings with a folkloric presence, while diminishing the amount of Church-owned properties, serves the purpose of presenting Israel as a state that facilitates "freedom of movement" into religious sites, while building up the idea of Jerusalem as an exclusive Jewish city, the "eternal and undivided capital of Israel". Disregarding the Christian and Muslim identity of the city, including by violating the sanctity of the Al Aqsa Mosque compound, is part of the same policy.

Overall, religious institutions serve a community that is considered by the State of Israel to be the enemy. Palestinians, both Christians and Muslims, have been part of such institutions for centuries, and today remain one of the last places where Palestinians can exercise their identity within the city. This has been taking place despite Israeli assurances and commitments to respect the identity of Jerusalem and the role of such institutions.

On October 11, 1993, in the context of the Oslo Agreement, Israeli foreign minister Shimon Peres delivered a letter to Norwegian foreign minister Johan Holst, confirming that "all the Palestinian institutions of East Jerusalem, including the economic, social, educational and cultural, and the holy Christian and Muslim places, are performing an essential task for the Palestinian population (...) Needless to say, we will not hamper their activity; on the contrary, the fulfilment of this important mission is to be encouraged".<sup>145</sup> Nevertheless, this commitment, in addition to the commitments of 1948 to respect the status of Jerusalem and implement Resolution 181, were systematically violated.

The Israeli commitment was not only about religious institutions. However, when on August 10<sup>th</sup>, 2001, Israeli forces raided the Orient House in the Sheikh Jarrah neighbourhood of Jerusalem, the unofficial PLO offices in the occupied city,<sup>146</sup> it was clear that the letter delivered by Israel, reassuring the continuation of the work of Palestinian, Christian, and Muslim institutions in East Jerusalem, did not have meaningful validity in practice. Since the closure of the Orient House, dozens of Palestinian institutions have been closed in East Jerusalem, and further threats and obstacles have been imposed over Christian and Muslim organizations, including schools. Attempts at imposing the Israeli curriculum and/or censoring the Palestinian curriculum represent another violation of Israeli obligations as the occupying power. Furthermore, over the past months, it has escalated its attacks against UNRWA and other international organizations in the city. The goal, once again, is clear: To negate the Palestinian, Christian, and Muslim identity of the occupied city and reinforce one single identity: an Israeli Jewish one.

---

<sup>145</sup> PASSIA (2007) p 250.

<sup>146</sup> [The Center of Palestinian Political Presence in Jerusalem](#)

Threats against the Status Quo of the holy sites have been a pattern since the outset of Israel's occupation. However, they have particularly escalated under Benjamin Netanyahu: from opening the tunnels beneath Al Aqsa Mosque compound in 1996, to having government officials encouraging the desecration of Al Aqsa since 2009, through the funding of extremist organizations calling for the replacement of the same place with a Jewish temple,<sup>147</sup> to also allow government officials to escalate attacks against Christian institutions and partnering with settler organizations, including by providing protection, and trying to change the landscape of Jerusalem. Israeli occupation forces, granting impunity to the perpetrators of daily attacks against Christian sites and clergy, also contribute to the same purpose.

Over decades, the international community has failed to fulfil its due obligations in Palestine. They have tended to ignore systematic Israeli violations of international law, using as an excuse either the need to focus on the "peace process" or the need to enhance diplomatic relations for the benefit of peace. In reality, they have just strengthened the Israeli position, contributing to the erosion of the Status Quo agreement and arrangements in Jerusalem. Even the UN guiding principles for effective mediation are clear by stating "consistency with international law and norms contributes to reinforcing the legitimacy of a process and the durability of a peace agreement".<sup>148</sup> Palestine cannot continue to be treated as an exception to international norms.

The Status Quo agreement is part of international law, and it is a responsibility of the occupying power to respect it and facilitate its implementation rather than diminish it. There is a clear correlation between Israeli occupation and colonial-settler policies on the one hand, and attempts at ending the arrangements that have facilitated Christian life in Jerusalem, as well as protected Christian and Muslim holy sites, for centuries, on the other hand. Instead of encouraging such violations by enhancing diplomatic relations, it is a responsibility for all States to take concrete measures in order to ensure that such blatant violations of international law are ended. This should particularly be the case in Jerusalem, a city with global importance and the centre of the three monotheistic religions.

Latin Patriarch Emeritus of Jerusalem, Msgr. Michel Sabbah wrote: "Justice consists in recognizing and respecting the dignity and rights of every person and of every people, and consequently in giving them what is rightfully theirs."<sup>149</sup> The rights of the Palestinian people, as well as the rights of the Churches and the Muslim Awqaf, are well protected under international law, including under the Status Quo agreement. The future of Jerusalem depends on the ability of the international community to uphold its obligations and ensure that justice prevails, from ending the unlawful Israeli occupation and implementing the inalienable Palestinian right to self-determination, to the preservation of the Status Quo agreement and its arrangements.

---

<sup>147</sup> [Fact Sheet: Israeli Government Support for the Extremist Temple Mount Movement | Important Events | Resources | The Institute for Middle East Understanding \(IMEU\)](#)

<sup>148</sup> [dpa\\_msu\\_guidance\\_english\\_web.pdf](#) p 16.

<sup>149</sup> Sabbah, Michael (2005) Pastoral Letters of H. B. Msgr. Michel Sabbah, Latin Patriarch of Jerusalem: On the occasion of the Golden Jubilee of his Ordination to the priesthood. Beit Jala: Latin Patriarchate Press. p 134.

## VIII. Recommendations

As this report demonstrates, the preservation of Jerusalem's Status Quo is an urgent international responsibility. Protecting the Status Quo requires immediate and coordinated action from the international community, including states, religious institutions, and churches, to ensure that the historic presence of Christian and other minority communities is not irreversibly diminished. Only through collective engagement can the guarantees of access, worship, and custodial authority at Jerusalem's holy sites be upheld for future generations.

### 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<sup>150</sup>, 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, when it comes to 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 Palestinian 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 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 maintaining of Israel's unlawful occupation of Palestinian territory, in violation of international law.

---

<sup>150</sup> [Ibid. ICJ Advisory Opinion \(July 2024\)](#)

- 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, who 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 its erosion.



**MARCH 2026**