

# The status quo at Al-Aqsa: What you need to know





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## WHERE TO BEGIN?

“The past is not dead,” wrote American novelist William Faulkner, “it is not even past.”

Nowhere is this insight more appropriate than at Al-Aqsa, the compound of buildings on Jerusalem’s Temple Mount, or Haram Al-Sharif (The Noble Sanctuary), which holds great significance for all three Abrahamic faiths. Events that took place more than a millennia ago, and the powerfully-held beliefs of billions of worshipers around the globe today, drive even the most mundane happenings at Al-Aqsa. However, what starts in Jerusalem does not stay in Jerusalem, and events at Al-Aqsa periodically send shock waves throughout the region and beyond.

The Al-Aqsa compound, or esplanade, approximately 146,000 square meters, and surrounded by a large wall, is located at the southeast corner of Jerusalem’s Old City. It is dominated by two monumental buildings, the Al-Aqsa Mosque on the south side of the esplanade and the golden-domed Dome of the Rock, the oldest surviving Islamic structure in the location, in the center.

Dozens of Islamic-era fountains, minarets and memorials dot the esplanade. There are 11 gates to Al-Aqsa, four of which are sealed.

The Jewish connection to the site reaches back to the First Temple, believed to have

been built by King Solomon in the 10th century B.C.E. and destroyed by Babylonia’s King Nebuchadnezzar II in 587 B.C.E.

The Second Temple, built in the first century B.C.E. to replace the first, was the focus of Jewish pilgrimage, devotion and ritual that was ended (but not forgotten) with its destruction by the Romans during the siege of Jerusalem in 70 A.D.

For Muslims, Al-Aqsa is the First Qibla, the divinely decreed direction in which believers first prayed before the revelation to Prophet Muhammad that saw it replaced with the Kaaba in Makkah. It is also the site of Prophet Muhammad’s ascent to heaven and, after the Grand Mosque in Makkah and the Prophet’s Mosque in Madinah, the third-holiest site in Islam.

The esplanade has been under Islamic governance since the 7th century, when the structure of the Al-Aqsa Mosque was built, with the sole exception of the Crusader conquest and rule of Jerusalem between 1099 and 1187 A.D.

There is no dispute among scholars that the Second Temple was indeed located at what is currently the Al-Aqsa/Temple Mount. The location of the First Temple is unknown, nor has any physical evidence of its existence been uncovered. That said, the term “Temple Mount” is based on fact, not myth. When



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**A view of the Al-Aqsa Mosque compound and its Dome of the Rock in Jerusalem's Old City taken from the Mount of Olives. AFP**

used in good faith, the term does not in any way undermine Muslims' rights and attachments to Al-Aqsa.

More importantly, the scientific truth regarding the precise location of the temples is entirely irrelevant. Just as the historicity of the precise locations of the Stations of the Cross in no way adds or detracts from the dearly-held beliefs of Christians regarding the Via Dolorosa, Jews have for millennia believed that this was the site of the temples, and without malicious intent.

No one should be called upon to believe in the faith of someone else. But equally, no one is entitled to deny or denigrate the belief of the other. In Jerusalem this is no trivial issue. Few things have had a more devastating impact on some Israelis' belief in the very possibility of resolving this conflict than the claim that "Your temples were never here. Look for them elsewhere" — a phenomenon that has been correctly dubbed "Temple Mount denial."

However, the obverse is no less true. There are some Israelis who claim that the Muslim attachment is a modern, artificial, fictitious construct, created exclusively to deny the Jewish claim to the land. This frenzy of mutual denial is pathological, and is currently driving much of the public discourse regarding Jerusalem's holy sites.

As in many matters relating to Al-Aqsa, even the use of the name is sensitive. Jews refer to the site as the Temple Mount, while for Christians it is the Mount Moriah associated with Abraham in the Bible. To some Muslims, the term "Al-Aqsa" describes only the mosque located on the southern boundary of the esplanade. To others, for whom the entire area is a mosque, the term applies to the entire esplanade. This report will abide by that approach.

The terms "Sacred Esplanade" or "Holy Esplanade" have been adopted for the site by some scholars<sup>1</sup> and the UN<sup>2</sup> as neutral terminology — designed not to offend any of the interested parties.

In short, the differing ancient memories associated with Al-Aqsa and the time-hallowed devotions they evoke are embedded in the contemporary conflict regarding Haram Al-Sharif/Temple Mount. This paper, however, takes as its starting point the current chapter of Al-Aqsa's history, which begins in June 1967.

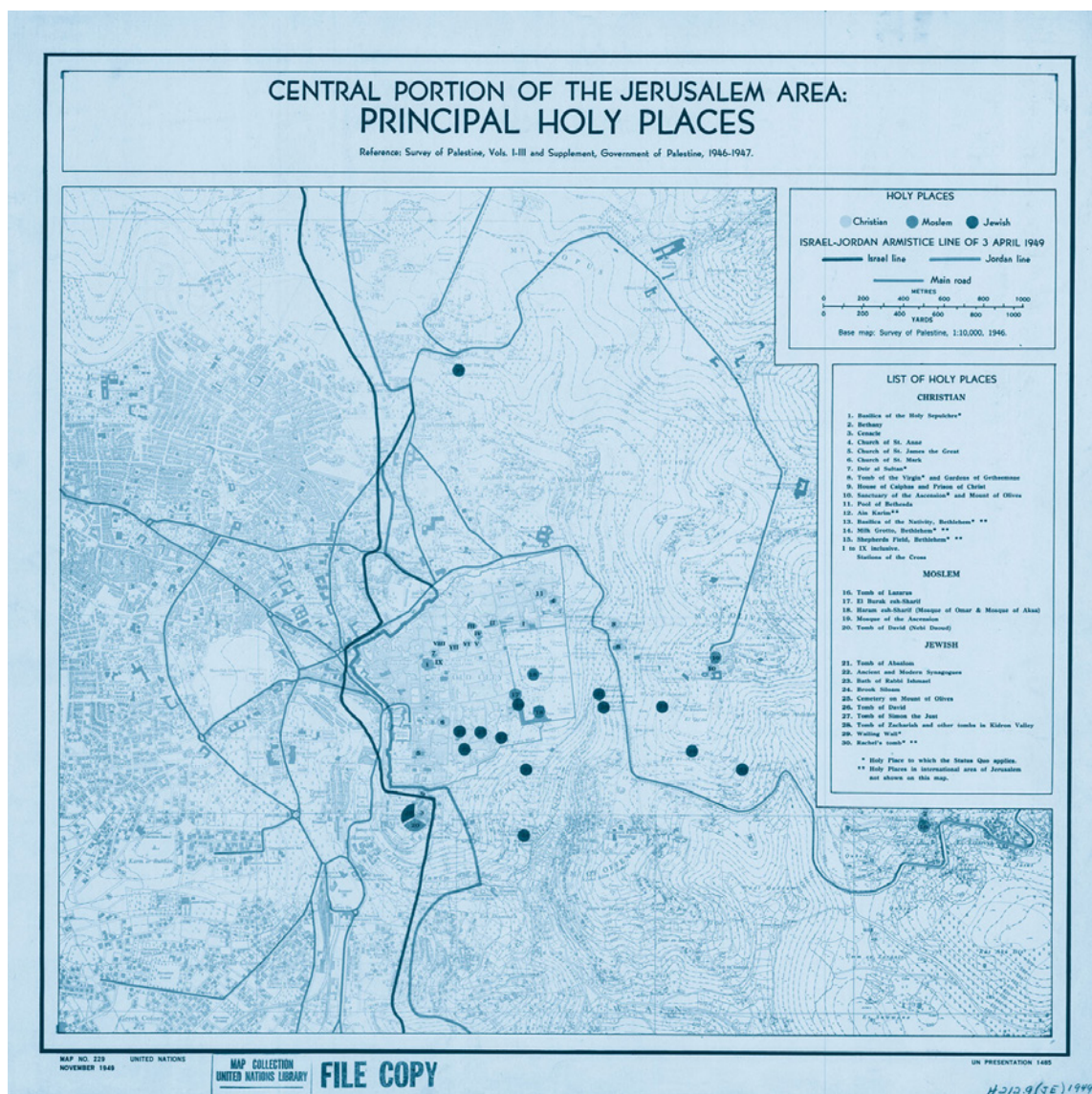
## **THE STATUS QUO, PRE-1967**

The term "status quo" when used in Jerusalem means different things in different contexts. It was first used in the 18th and 19th centuries when the Ottoman authorities issued a series of firmans, or edicts, that





*The status quo  
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## KEY INCIDENTS AT AL-AQSA MOSQUE A HISTORICAL OVERVIEW 1967-PRESENT

- In 1969, an Australian tourist Michael Rohan, believed to have been suffering from a mental illness, set fire to the structure of the Al-Aqsa Mosque. Violence ensued in Jerusalem and beyond.
- On April 11, 1982, Alan Harry Goodman, a 38-year-old recent Israeli immigrant went on a shooting spree at the Mount, killing two and injuring dozens. In court, Goodman claimed to be the "Messiah" and pleaded insanity. He was sentenced to life imprisonment.
- In 1979, after rumors spread that supporters of Rabbi Meir Kahane (National Security Minister Itamar Ben-Gvir's ultranationalist mentor) planned to pray on the Mount, approximately 2,000 Arabs gathered with "staves, rocks, and iron bars" and hurled stones at yeshiva students.
- In October 1990 during the Jewish holiday of Sukkot, the Temple Mount movement attempted to carry out a ceremony near to Al-Aqsa. Despite police assurances that the event would not be allowed, clashes erupted leaving more than 20 Palestinians dead. Rocks were hurled from the esplanade onto the worshipers at the Western Wall Plaza

below. The event came to be known as Majzarat Al-Aqsa (Al-Aqsa Massacre).

- In September 1996, Netanyahu opened the Western Wall tunnel that had been excavated immediately adjacent to the Al-Aqsa compound. The Tunnel Uprising (Habbat Al-Nafaq) ensued. The clashes that took place over the next five days claimed the lives of almost a hundred Palestinians and 17 Israelis and was the first incident of violence between Israeli and Palestinian security forces since the 1993 Oslo Accords.
- On Sept. 28, 2000, then-opposition leader Ariel Sharon made a highly publicized visit to Al-Aqsa. The following day, violent clashes erupted after Friday prayers and quickly spread to the rest of the West Bank and Gaza in what became known as the Second Intifada.
- In early May 2021, the sacred Islamic prayers of Lailat Al-Qadr during Ramadan were immediately followed by Jerusalem Day, when Israel celebrates what it views as the liberation of the city. The potential for violence was discussed openly. As the traditional ultra-nationalist and right-wing Jerusalem Day March approached the Old City, Netanyahu canceled the event. By then it was too late, and a short time later Hamas fired rockets into Israel.
- Subsequent events in Jerusalem and Al-Aqsa have triggered yet another round of violence.

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Israel briefly enforced extra security measures at Lions Gate, Al-Aqsa compound in 2017 following an attack on Israeli police by three Arab Israelis on July 14. AFP

related to the fact that different Christian denominations laid claims to the same holy site or parts thereof. In the late 19th century, the term was expanded to contain 11 holy sites disputed within and between different faiths (not only Christian.) These locations were ultimately codified by the 1949 UN Conciliation Commission for Palestine, which included two sites (the Western Wall/ Al-Buraq and Rachel's Tomb) claimed both by Muslims and Jews. Prior to 1967, the term "status quo" was never used in regard to Al-Aqsa. Given the deep devotion of both Jews and Muslims to Haram Al-Sharif/Temple Mount, why was the site not listed and governed by the status quo?

Since the 15th century (at the latest) there was a rabbinic prohibition of Jews setting foot on the Temple Mount. After the destruction of the Second Temple, Jews considered themselves to be in a state of ritual defilement. There are a number of circumstances in life that cause an individual to enter a state of ritual impurity, such as being in the presence of a dead body. One was forbidden to enter the Temple Mount until purified, and in some cases this can be achieved only by means of the ash of a red heifer sacrificed at the temple.

Since the destruction of the temple, all are presumed to be impure by virtue of having been in the presence of the deceased, without any means of purification. Consequently, rabbinic authorities have customarily decreed that all Jews are forbidden to ascend the Mount until the temple is rebuilt, and

sacrifices resume. This in turn led to a blanket prohibition on ascending the Mount, lest its sanctity be defiled. This halakha, or rabbinic ruling, continues to be accepted by the vast majority of rabbis to this day.

During the Ottoman period and commencing in the 16th century (and sporadically prior to that) non-Muslims were not permitted to enter the Al-Aqsa esplanade. In 1856, in the wake of the Crimean War, the Mount was opened to visits by non-Muslim visitors — a step which prompted the rabbis to reconfirm their ruling prohibiting Jewish entry to the Mount.

Consequently, during the British Mandate, when there were numerous committees regarding access and control of the holy sites in Jerusalem and its environs, there were no specific demands or requests from the pre-state Jewish community in regard to the Mount. The fulfillment of the dream to return to the Temple Mount was deferred until the coming of the Messiah, at some undetermined point in the future. At the time, the locus of the conflict between Muslims and Jews was at the Western Wall/ Al-Buraq — not Al-Aqsa.

In the absence of specific conflicting demands regarding Al-Aqsa, the use of the term "status quo" was simply irrelevant. But all of this changed in 1967.

## HOW WAS THE STATUS QUO BORN?

On June 7, 1967, the third day of the Six Day War, Israel's Defense Minister Moshe Dayan

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briefly visited the Mount hours after it was taken by Israeli troops. Upon arrival, Dayan saw Israeli flags flying atop the mosques, and barked: “Take those down and never put them up again. We don’t need a holy war.” Yet minutes later, Dayan went on camera and declared: “The Jewish People has returned to its most sacred sites, and we will never take leave of them again.”<sup>3</sup>

To complete the picture, in the background the chief rabbi of the Israel Defense Forces heralded the event by blowing the shofar (the ram’s horn blown on the Jewish New Year). The stunned officials of the Jordanian-appointed Jerusalem Waqf and Al-Aqsa Mosque Affairs Department had no choice but to silently observe.

Many of the elements in this staged scene portended what emerged in the weeks and months to come, an arrangement that came to be known as the status quo. Dayan, the quintessential secular Israeli, spontaneously displayed an awareness of the sensitivity of the site, and its unparalleled significance to the Arab and Muslim worlds. He immediately saw that Israel needed to exercise restraint, and not aggressively impose Israeli sovereignty over the Mount. But he also waxed poetic, describing the event as one of almost Biblical proportions, vowing that Israel would never cede its rule over the Mount.

Despite the apparent contradictions, for many, Dayan’s decision to show restraint on that day was long seen as one of the wisest decisions made by Israel in 1967. Such restraint is, however, no longer on the agenda.

Today, the ideological right in Israel, including several members of the current Benjamin Netanyahu cabinet, view Dayan’s failure to exercise untrammelled sovereignty over the Mount as the biggest blunder that Israel had made since 1948, and a defiant rejection of God’s will. They seek the reversal of this decision by fully and unapologetically exercising Israeli sovereignty over Al-Aqsa. Many, for whom the very *raison d’être* of the Netanyahu government is to assert Israeli sovereignty on the Mount, threaten to leave the coalition if the government fails to do so.<sup>4</sup>

## WHAT IS THE STATUS QUO?

There is no universally accepted definition of the status quo at Al-Aqsa.

In 1967, the post-war reality dictated the creation of a *modus vivendi* that would prevent or significantly reduce the potential of violence regarding the site. The issue was and remains so “radioactive,” that no definition of the status quo has ever been put in writing, and consequently there are starkly different interpretations of its meaning.

That said, observing the nature of the

evolving understandings in 1967 and thereafter reveals a common denominator.

Ironically, it was Netanyahu (at the not-too-subtle behest of US Secretary of State John Kerry) who best defined this core understanding in 2015 when he said: “Muslims pray at the Temple Mount; non-Muslims visit the Temple Mount.” (It was a testimony to the sensitivity regarding the issue that Netanyahu made the statement close to midnight, and only in English, fearing that it might anger his political base.)<sup>5</sup>

Based on observations I have made during the past decades, I believe the following definition describes the status quo at Al-Aqsa as it is broadly understood:

“Al-Aqsa is exclusively a place of worship for Muslims, which is open to the dignified and respectful visits of non-Muslims, in coordination with the autonomous Jordanian Waqf, and in accordance with the customary decorum at the site.”

## HAS THE STATUS QUO BEEN EFFECTIVE?

The status quo has proved to be a generally effective mechanism that has maintained the integrity of Al-Aqsa, and reduced tensions. However, it is only a provisional arrangement, which periodically fails to achieve these goals. The status quo does not negate the fact that since 1967 Al-Aqsa has been under Israeli occupation, with all that entails. This 56-year period has been punctuated by episodes of tension and violence, some with devastating impact.

There are a number of specific categories of events that raise tensions and, at times, lead to outbreaks of violence.

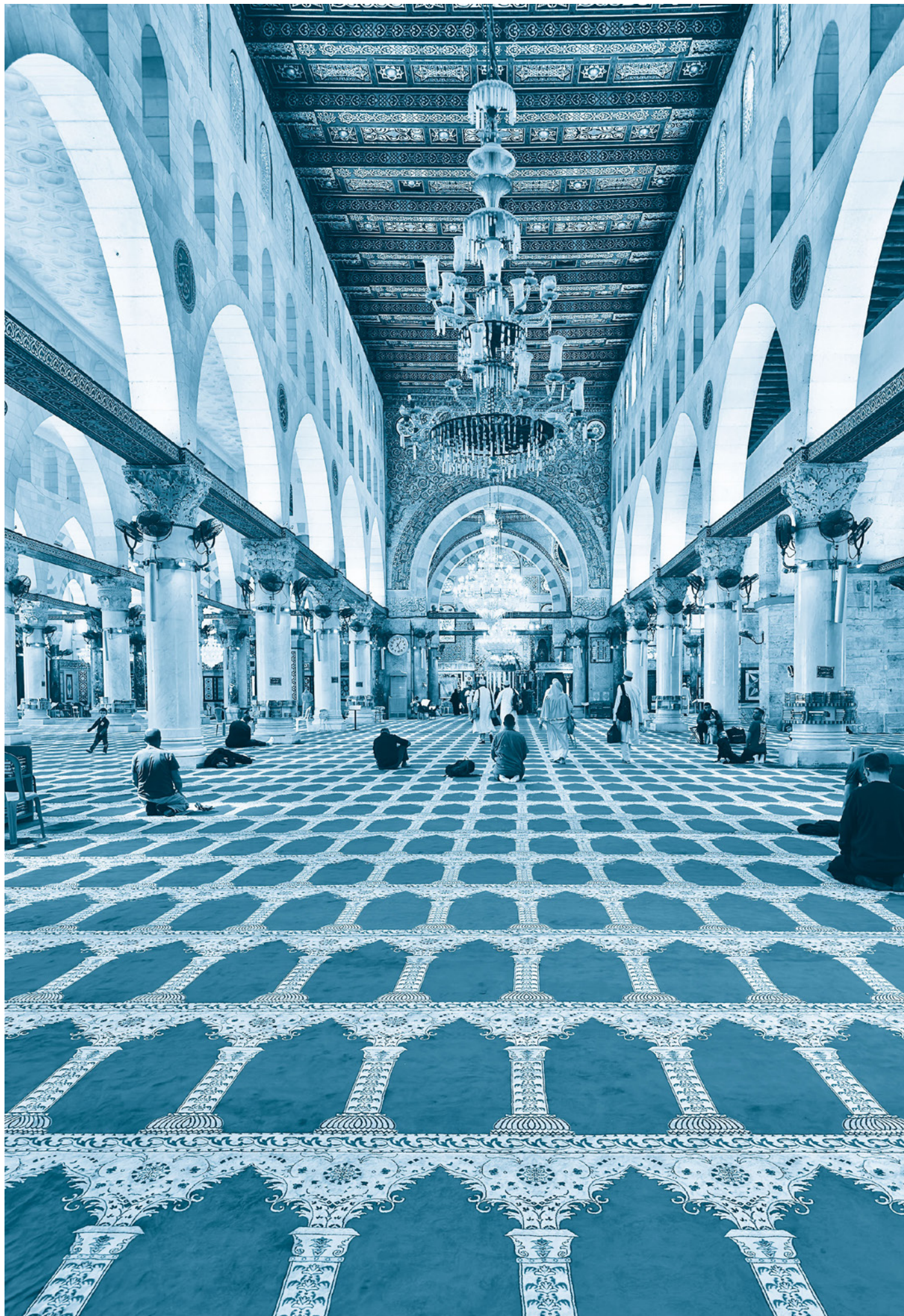
a) Jewish and Muslim liturgical calendars: Tensions tend to rise during the respective holidays of each faith, and exponentially so when Eid Al-Adha and Passover are celebrated on the same dates.

b) Real or perceived violations of the sanctity of the site: A recent example is Israel’s 2017 abortive attempt to install metal detectors at the gates to the Mount.<sup>6</sup>

c) Provocations: The Mount is a magnet for nationalist or religious extremists and a place where politicians go to consolidate their political base. It also attracts people with mental disabilities or illnesses seeking to act out apocalyptic fantasies.

Maintaining the status quo is not merely about following the rules. It requires constant vigilance and communication among the stakeholders — which includes Israel, the Jordanian Waqf and the Palestinian Authority — and leaders who act in good faith and make courageous decisions. Regrettably, in recent years, the lack of trust among the stakeholders has been one of the major causes of a serious erosion of the status quo.









Although the right of non-Muslims to respectfully visit the Mount is one of the pillars of the status quo, it does not apply to every visit under all circumstances.

When Minister of Internal Security Gilad Erdan visited the Mount in 2017 after two Israeli policemen were shot dead,<sup>7</sup> his visit was not a violation because under international law the occupying power is entitled to intervene on an occasion when public safety is at stake.

On the other hand, since the formation of the current Netanyahu government Israel's Minister of National Security Itamar Ben-Gvir has made two visits to the Mount, neither of which could have taken place without the knowledge and consent of Netanyahu, and which cannot be construed as compatible with any good-faith interpretation of the status quo.

Ben-Gvir's visit in January 2023, described by the Israeli newspaper Haaretz as "just one more irresponsible provocation,"<sup>8</sup> appeared to some to have less to do with piety than with the humiliation of Arabs and Muslims. It was a clear, albeit unspoken message: "We Jews are not your guests. We're the landlord, and you're the tenants. I am here to collect the rent. Be grateful you haven't been evicted — yet."

The key difference between past visits and the current ones is clear. Past visits were in accordance with the decorum at a Muslim place of worship. Today, many visits are an

**Israel's right, including several members of the current PM Benjamin Netanyahu's cabinet, views Israel's former Defense Minister Moshe Dayan's oversight on Mount sovereignty as a major post-1948 mistake. AFP**

intentional display of Israeli triumphalism, viewed by Muslims, not without reason, as a humiliating violation of the decorum and sanctity of Al-Aqsa.

## **THE STATUS QUO IS NOT STATIC**

The status quo is in a constant state of flux, as the following representative examples demonstrate.

The Jewish and Israeli presence on the Al-Aqsa esplanade:

Visits to the Mount by non-Muslims are limited to certain days (Sunday through Thursday) and certain hours of the day (generally four hours in the morning, and one hour in the early afternoon.) Such visits are generally suspended during Islamic holidays and the final 10 days of Ramadan, unless these coincide with the Jewish holiday.

There is only one entrance to the Mount, the Mughrabi Gate, through which non-Muslims may enter the esplanade. The other 10 gates are exclusively for Muslim worshippers. The Israeli police check visitors before they enter the gate, and Waqf guards do so immediately inside.

In 1967 the Temple Mount Movement, also known as the Temple Mount Faithful, was founded with the aim of building a third Jewish temple on the Mount. Initially a small, fringe group, since then it has become more mainstream, and much more powerful, and as a result the number of Jewish visitors has

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steadily increased.<sup>9</sup>

In the years following the 1967 war, there was a tacit agreement that the Waqf bore responsibility for maintaining order on the Mount itself, with the Israeli police present at the gates located on the perimeter. The small police post located on the esplanade was the only permanent police presence. Generally, it was the Waqf guards who dealt with security on the Mount. In extremis, when the disturbances got out of hand, Israeli police were dispatched to the Mount to restore order.

Matters changed significantly in 2003. In the wake of the outbreak of the Second Intifada (triggered by the clashes at Al-Aqsa on Sept. 29, 2000) non-Muslim visitors were barred from entering the site for almost three years, and Al-Aqsa was accessible only to Muslims.<sup>10</sup>

In 2003, after Israel and Jordan failed to reach agreement on the manner in which the Mount would be re-opened to non-Muslims, Israel acted unilaterally. The arrangements it put in place were significantly different than those prior to 2000.<sup>11</sup> What and how significant these changes are is the subject of vehement debate.

## **WHO DETERMINES WHO MAY OR MAY NOT ENTER THE MOUNT?**

Since 1967, every visiting foreign dignitary — heads of state, (three) popes, foreign ministers, and so on — has been accompanied by Israeli security only to the entrance to the gates of Al-Aqsa, where Waqf officials and guards took over.

The one memorable exception occurred shortly after the signing of the UAE-Israel normalization agreement. In November 2020 a group of Emirati businesspeople, men and women, visited Al-Aqsa. They entered through the Mughrabi Gate, which is designated for the entry of non-Muslim visitors, but without precedent they were escorted by the Israeli police. The Waqf had not been informed of the visit. Enraged Palestinian worshippers summarily ejected the visitors and since then, no such visits have taken place.<sup>12</sup>

When it comes to other visitors, currently it is the Israeli police posted at the gates of the esplanade who determine who is allowed access. The Waqf insists that, prior to 2000, it was their prerogative to decide, and it was they who decided which “troublemakers” would be denied access. Israel denies this. In all likelihood, the decisions were made ad hoc and on a daily basis by means of on-site coordination between the two sides.

Regardless, today there are Jewish Temple Mount activists who regularly visit the site, who prior to 2000 would have been

barred.<sup>13</sup> The Waqf has no say in the matter and views this as part of a systematic Israeli effort to undermine its authority, in violation of the status quo.

Entrance fees. Until 2000, the Waqf collected entrance fees from non-Muslim visitors, which allowed the visitors to enter the Al-Aqsa Mosque, the Dome of the Rock, and the Museum of Islam. After the site was unilaterally reopened by Israel, the collection of entry fees was not restored. Visitors no longer pay, and are not allowed to enter these three structures. This change has deprived the Waqf of a major part of its income, which had previously been essential to maintaining the site under its authority.

Policing and public safety at Al-Aqsa. As noted, before 2000 the routine practice was that Israeli police were present at the gates and on the perimeter of the Mount, with Waqf guards maintaining order inside the gates and on the plaza. Today, however, there is a constant Israeli police and border police presence on the Mount itself. For years, the police force viewed its role as maintaining the fragile equilibrium on the Mount and worked pragmatically with the Waqf to achieve that. In recent years, and under pressure from Israeli political elements, the police have become increasingly partisan, acting in concert with the Temple Mount Movement and tending to engage more aggressively with the Waqf and Muslim worshippers, in a manner that would have been unimaginable in the past.<sup>14</sup>

The ramifications of this development are quite significant. Not long ago, the Palestinians of East Jerusalem viewed Al-Aqsa as one of their few “safe spaces,” the least occupied place in East Jerusalem. Today, it is perceived as one of the most occupied places. There is a widespread sense among the Palestinians of East Jerusalem that the character and sanctity of Al-Aqsa are being violated, and their fears are not baseless.

The nature of Jewish visits to Al-Aqsa. As noted, the number of Jewish visitors to the Mount has risen significantly over the past decade. That said, it is not so much the number of those visits that matters as the nature of them.

For example, in the 1970s, hundreds of Jews, many of them religious, would visit the Museum of Islam daily. The visits were uneventful, with no police or Waqf escorts needed. Today, the police allow only one or two small Jewish groups to visit the Mount at the same time. These groups are always accompanied by a police detail and by Waqf guards.

In the past, Jewish visitors acted “in accordance with the decorum of the site.” Today, many Jewish visitors to the Temple Mount appear to comport



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themselves not as guests, but as proprietors who are trying incrementally to take possession of their birthright.

A former senior police officer, who several years ago was the commander of the Holy Site Unit, recently said: “On my watch, I would allow no one who even advocated changing the status quo to enter the Mount.” Today, many Temple Mount visitors leave no doubt that changing the status quo is (at the very least) precisely what they desire, and their visits express that very clearly.

On Sept. 17, 2023, hundreds of Jewish settlers forced their way into the Al-Aqsa complex with the tacit support of Israeli forces, an act that was quickly condemned by countries including Saudi Arabia, the UAE and Egypt.<sup>15</sup> Similar incursions took place on Oct. 4, the fifth day of the week-long Jewish holiday Sukkot, during which groups of ultranationalists reportedly carried out “provocative tours” of the complex.<sup>16</sup>

Access to the Mount on Muslim and Jewish holidays. It has always been the case that tensions on the Mount rise during holiday periods, whether Jewish or Muslim. The police and intelligence bodies are called upon to assess the risks and decide whether or not to keep the Mount open to Jewish visitors in spite of the tensions. Invariably, the final decision is taken at the highest levels, often by the prime minister.

When the potential for violence was high, the Mount would usually be closed to the visits of non-Muslims, until those tensions abated. Today, however, the guiding principle is to keep the Mount open for visits by Jews at all costs. On occasion, the police even decide to suspend or limit access to Muslims during these visits.<sup>17</sup> This creates the impression that Al-Aqsa is being transformed from a Muslim place of worship into a shared Muslim-Jewish site, something that would signal the end of the status quo as we know it.

Maintenance, construction and excavations. Since 1967, the Waqf has been responsible for routine maintenance on the Mount. At times, it carried out major construction projects, such as the building of the underground Marwani Mosque.<sup>18</sup> The work was done with the discreet cooperation of the relevant Israeli authorities. However, in recent years, Israel has not permitted the Waqf to carry out works that would have not required “approval” in the past. Now, Israel often demands “concessions” from the Waqf in exchange for approval of routine activities.<sup>19</sup> This is viewed by the Waqf as another attempt to undermine its authority and to aggressively demonstrate “who’s in charge.”

Israel’s intentions on the Mount

From time to time, fears surface that Israel plans to destroy or damage the structures

on the Temple Mount/Haram Al-Sharif, but nothing could be less likely. Israel and all of its governments, past and present, have always known and never doubted that the physical safety of Al-Aqsa is a vital national interest. Any harm would be universally condemned, creating an unprecedented wave of rage toward Israel in the Arab and Muslim world, and have a devastating impact on Israel’s assertions that Jerusalem can only be safe and secure under its sovereignty.

That said, since 1967 there have been a handful of plots by extreme nationalist-religious terror cells to blow up the mosques.<sup>20</sup> Today, calls to do so, while remaining rare, have become more frequent.

Israel’s security and intelligence community — the Shabak, police, Mossad, and others — have so far succeeded in thwarting such plots, and the possibility of a recurrence is taken very seriously. Israeli security and intelligence consider this to be a priority of the highest order and have devoted large resources to the surveillance of individuals and potential terror cells.

As a state Israel has never had any intention of creating a “temporal division” on the Mount, but various factions of the Temple Mount Movement openly aspire to transform Al-Aqsa from a Muslim place of worship, open to visits by others, into a shared Jewish-Muslim site, such as the Ibrahimiyyah Mosque/Tomb of the Patriarchs in Hebron.

The site had been a mosque for 700 years until the 1967 war, after which Israel transformed it into a shared site, with Jewish prayer allowed at certain times of the day. Subsequently the tomb/mosque has witnessed some of the bloodiest events between Israelis and Palestinians, most prominently the 1994 massacre of Muslim worshipers by a Jewish settler, Baruch Goldstein.<sup>21</sup>

Israel has consistently announced that it has no intention of changing the status quo on the Mount in any way, openly rejecting the idea of a temporal division. However, the Palestinians in East Jerusalem and the West Bank remain unconvinced, asserting that Israel is already in effect implementing temporal division.<sup>22</sup>

These suspicions are quite understandable. As noted above, of late the police have on occasion barred Muslims from entering the esplanade or limited access to certain age groups while Jewish visitors were on the site.<sup>23</sup> On those occasions, a de facto temporal division did indeed take place.

One of the most incendiary issues relating to Al-Aqsa is, however, based on a false fear that Israel is carrying out excavations beneath the Mount.

Since the beginning of the 20th century,



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**Israeli police clashed with Palestinians at Al-Aqsa mosque, Jerusalem, on May 5, 2022, following a visit by Jewish group, sparking renewed tensions. AFP**

there have been widespread rumors to the effect that Jews are engaged in excavations designed to undermine the foundations of the mosques and cause their collapse, and to unearth archaeological evidence to establish the superiority of Jewish rights on the Mount.<sup>24</sup>

Although without substance, this is a very powerful myth, leading to accusations that are often accompanied by blatantly antisemitic imagery.<sup>25</sup>

That said, there have been, and there continue to be, episodes that understandably stoke such fears.

During the 1980s, for example, a group of East Jerusalem settlers who were involved in the construction of the Western Wall tunnel,<sup>26</sup> outside but adjacent to the Temple Mount esplanade, discovered the entrance to shafts that lead from the tunnel several meters below today's ground level, with the exit at the Al-Aqsa esplanade. The Waqf guards quickly noticed and sealed the shafts with concrete, and they remain sealed to this day.<sup>27</sup>

Currently there are large-scale excavations taking place in what is known as the Western Wall Plaza, situated immediately outside Al-Aqsa on the west side of the Western Wall, and under the buildings in the surrounding Muslim Quarter. This is a highly

problematic manifestation of the agenda of East Jerusalem's settlers that has not been adequately addressed. These excavations are a fact, and they need to be challenged. However, the perimeter of the Al-Aqsa esplanade has not been breached, and the excavations are near, but not under the mosque.<sup>28</sup>

Regardless, such activities feed a suspicion that needs to be addressed and debunked. It is eminently possible for a religious war to break out as the result of such rumors.

## **WHAT UNDERLIES THE DISPUTES REGARDING THE STATUS QUO?**

Most of these disputes have a common denominator, and they derive from one of the most important and sensitive issues of the Israeli-Palestinian conflict: who is sovereign in Jerusalem, in general, and at Al-Aqsa in particular.

Every Israeli government since 1967 has asserted exclusive Israeli sovereignty in Jerusalem. In the eyes of the Palestinians, the rest of the Arab and Muslim worlds, and international law, Al-Aqsa is subject to Israeli occupation, not to Israeli sovereignty. The two views are contradictory and mutually incompatible. But reality demanded a *modus vivendi*, and each side has adopted positions

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**Israeli minister Itamar Ben-Gvir's controversial visit to Al-Aqsa mosque compound in January 2023, sparked Palestinian anger and US concern over status quo. AFP**

that allow for pragmatic arrangements, without waiving their principal beliefs.

Israel basically said to itself: “We are indeed the sovereign power but given the importance of Al-Aqsa to Arabs and Muslims, constant international attention, and the potential volatility of the site, Israel will exhibit self-restraint. It is in the Israeli national interest that we extend autonomy to the Waqf, and not aggressively exercise our sovereign rights.”

The Waqf approached things in this manner: “We are under Israel’s occupation. They are not sovereign. It is our sacred duty to protect Al-Aqsa from the occupier, even if our authorities are limited. Without recognizing the legitimacy of Israeli rule, we will pragmatically engage with Israeli authorities as may be necessary to maintain the Muslim character of Al-Aqsa and to mitigate the damage inflicted by occupation.”

These two differing positions allowed for the creation of an unspoken middle ground, where pragmatic arrangements were made, without either side being required to betray its fundamental position.

Routinely, there were daily discussions between the Waqf and the bureaucratic (rather than political) Israeli authorities, primarily the police. When tensions or fundamental questions arose, or when violence erupted, the interaction took place at the most senior levels, between the king

of Jordan and the prime minister of Israel, often with a high-level mediator, such as Secretary of State John Kerry.

Consequently, Israel invariably claims exclusive sovereignty, and that the Waqf can do nothing without its generosity. In their eyes, the status quo is an example of Israel’s unilaterally interpreted self-restraint. The Waqf basically is saying: “We are the ultimate authority at Al-Aqsa and are at liberty to do whatever we wish on the Mount. Regrettably, we are under Israeli occupation. The right of Israel to intervene is limited to those rare situations when the occupier is allowed to intervene by international law. Israel is intentionally trying to usurp our authority and make us subservient to Israeli rule.”

Israel’s “You can’t do anything without our consent” clashes with the Waqf’s “We can do anything we wish, and it’s none of your business.”

The current situation at Al-Rahma Gate at the eastern perimeter of the esplanade is a good example. The gate has been sealed for centuries, and the building that is attached to the gate was also sealed by Israel in 2003, purportedly for being run by the Northern Wing of the Islamic Movement in Israel.

When Israel allowed its reopening a few years ago, the Waqf started to convert the structure into a mosque. Israel did not and does not allow it, basically saying: “There wasn’t a mosque there in 1967, so turning

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this into a mosque is a violation of the status quo. Since we are sovereign, you cannot do anything without our permission.”

The Waqf retorts: “You are an occupier, and we are the occupied. You have no say in this matter, and no authority under international law. We alone will decide.”

Over the past year, there has been a standoff, accompanied by periodic demonstrations and skirmishes with the police, with officers walking into the building wearing shoes in an attempt to “prove” that it is not a mosque.<sup>29</sup>

In the past, such a matter would have been solved discreetly. Today Al-Rahma has become a symbol, and the whole matter is at a potentially incendiary impasse.

## CONCLUSIONS

Even under routine circumstances, matters relating to the status quo at Al-Aqsa can be ignored only at great peril. Currently, the situation is far from routine. With tensions already running high in Israel, the occupied West Bank and Gaza and on Israel’s borders, the possibility of an eruption of violence at Al-Aqsa is higher than usual. This is a situation that demands cool heads and steady hands.

While there are ongoing discussions among the stakeholders — Israel, the Jordanian Waqf, and the Palestinians in East Jerusalem and the West Bank — the erosion of the status quo has not been reversed. In recent years Netanyahu has become more dismissive of

Muslim concerns regarding Al-Aqsa, and more attentive to his national religious base. The Muslim character of Al-Aqsa is still challenged, and the Israeli presence remains more aggressive, all of which creates a potentially incendiary disequilibrium.

Left unattended, there will likely be more cycles of violence at and in relation to Al-Aqsa/Temple Mount. Such incidents have historically undermined regional stability. Today, outbreaks of violence will challenge those states that have normalized relations with Israel and undermine the efforts of those currently in negotiations. Today, revitalizing the status quo will no doubt be difficult, but far less costly than what will be required if there is an outbreak of violence.

While it is indeed possible that events at Al-Aqsa might jeopardize normalization, there is an obverse correlation whereby normalization creates new opportunities. By constructively engaging Israel on these issues, Arab League states can harness normalization in order to secure and enhance the sacred integrity of Al-Aqsa as a Muslim place of worship.

While a permanent status agreement may not be immediately possible at this point in time, the de-occupation of Palestine can begin here and now. There is no better place to begin than at Al-Aqsa, and no better mechanism with which to begin than a renewed and robust status quo.

**Palestinian Muslim men perform the morning Eid al-Fitr prayer near the Dome of Rock at the Al-Aqsa Mosque compound, Islam's third most holy site, to mark the end of the fasting month of Ramada. AFP**

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