

The Trump Plan Threatens the Status Quo at the Temple Mount/Haram al-Sharif

Ofer Zalberg

Ofer Zalberg is a Senior Analyst in the International Crisis Group's Arab-Israeli Project. He leads a religious peacebuilding work stream, working primarily with prominent conservative, right-leaning religious authorities, Jewish and Muslim.

Apart from its many other faults and its overall one-sidedness, and despite its authors' claims to the contrary, the U.S. plan for Israel-Palestine, unveiled at the end of January, proposes perilous changes to the historical status quo at Jerusalem's Holy Esplanade.

The 14-hectare (35-acre) compound, known to Jews as the Temple Mount and to Muslims as al-Haram al-Sharif, is Judaism's holiest site and Islam's third-most sacred after Mecca and Medina. For Palestinians, it is the most valued and holiest site in the occupied territories. Together with the rest of the Old City and East Jerusalem it is the most potent symbol of Palestinian nationalism, which has been occupied by Israel since June 1967. Contemporary Zionism, unlike the overtly atheist early Zionism, similarly accords it great importance. The site, which is home to both Al-Aqsa Mosque and the Dome of the Rock, is currently supervised by Jordan's Islamic Waqf in line with the Peace Treaty signed between Jordan and Israel in October 26th, 1994, and a 2013 agreement between Jordan and the Palestinian Authority on Jerusalem's Holy Sites.

According to an unwritten Ottoman-era arrangement from 1852, known as status quo, and per that arrangement, Muslims pray at the site, while non-Muslims are only allowed entry as tourists.

In its plan, titled Peace to Prosperity, the Trump administration pays lip service to this arrangement, saying "the status quo at the Temple Mount/Haram al-Sharif should continue uninterrupted". Despite this, it calls for three major changes that would, in practice, undo the centuries-old arrangement completely: transferring the site to Israeli sovereignty, rescinding Jordan's custodianship over it, and ending the ban on non-Muslim prayer.

The plan aims to end the possibility of Palestinian or Muslim control over the site, merely promising to guarantee Muslim worshippers' free access to it. It also seemingly attempts to do away with Jordan's custodianship of the compound, making no mention of it, a move that flies in the face of Israel's commitment in the 1994 Israel-Jordan peace treaty to "give high priority to the Jordanian historic role in these shrines". The plan instead describes Israel as a custodian of Jerusalem's holy sites.

The plan calls for freedom of worship at the Holy Esplanade, saying: "[p]eople of every faith should be permitted to pray on the Temple Mount/Haram al-Sharif, in a manner that is fully respectful to their religion, taking into account the times of each religion's prayers and holidays, as well as other religious factors". This seemingly benign notion - that there

ought to be freedom of worship at the site - masks an attempt to make a major alteration to the historical status quo.

Regardless of what freedom of worship means in practice - separate times for Jewish and Muslim devotions, separate spaces within the site for Jewish and Muslim prayer, or side-by-side prayer - the mere possibility of separate prayer times triggers visceral Palestinian fears that Al-Aqsa Mosque will one day undergo a forced partitioning akin to the one imposed on Hebron's Ibrahimi Mosque by Israeli authorities in 1994. The Trump plan's call for Israel to have sovereignty over the site and allow Israeli Jews to pray at it ignores the nationalist importance of the site for Palestinians: no Palestinian leader has ever expressed willingness to give Israel sovereignty over the most important Palestinian national symbol.

Trump Plan Lays the Ground for New Governance Parameters

The Trump plan is unlikely to ever serve as the basis for negotiations between Israel and the Palestinians, let alone a comprehensive peace deal. The Palestine Liberation Organization and Hamas refused to engage with it long before its announcement. Some Arab states made somewhat supportive statements about it right after its publication, but these were soon overtaken by a chorus of disapproval from around the world. The Arab League and the Organization of Islamic Cooperation also rejected the plan in early February.

The plan can still cause considerable damage, however. Israelis could invoke it as setting forth new default parameters for how the site will be governed in the absence of an Israeli-Palestinian deal.

Following the Muslim world's rejection of the plan's attempt to alter the status quo at the Holy Esplanade, U.S. Ambassador to Israel David Friedman sought to clarify Washington's stance on the issue. "The status quo, in the manner that it is observed today, will continue absent an agreement to the contrary," he [said](#) at a media briefing. "So there's nothing in the [...] plan that would impose any alteration of the status quo that's not subject to agreement of all the parties."

In theory, Friedman's remarks provide some clarification, suggesting Washington will insist that any change allowing for non-Muslim prayer should occur only as part of an Israeli-Palestinian peace agreement. In practice, however, his comments leave room for ambiguity as "the status quo, in the manner that it is observed today" - in both Jordanian and Palestinian eyes - is already an eroded version of the historical arrangement.

Over the years, Israel has increasingly allowed Jewish prayer and imposed greater limitations on the Waqf's independence. Growing numbers of religious Jews have visited the site under escort of Israeli Police and Border Police, many of whom are part of Temple Mount movements - activist groups seeking to promote Jewish worship at and Israeli control over the holy site with the ultimate aim of erecting a Third Temple.

They make up a small minority of Israeli Jews, but the Israel Police has given them significant leeway, tolerating low-profile prayer as well as discreet study of religious texts and conduct of rites of passage, while blocking open and loud prayer.

With Waqf support, Palestinians have regained control over three sections of the compound, turning them into prayer halls. This happened most recently at [a building near Bab al-Rahma](#) which was shut down by the Israeli authorities in 2003. Palestinians and Jordanians nevertheless deem the overall changes a net negative, claiming the present reality at the site deviates from the status quo.

In light of all this, it is clear that there are major differences between committing to a purported current status quo and the historical arrangement. Tellingly, Public Security Minister Gilad Erdan, who is responsible for police policies at the holy site, has seemed to publicly [encourage](#) ongoing Jewish prayer at the site, in contravention of the prayer ban.

Increased Chances of Violence in Jerusalem

Temple activists are already invoking the plan's language to argue for doing away with the non-Muslim prayer ban. For example, within two days of the plan's release, Students for the Temple Mount [launched](#) a media campaign titled "The Time Has Come: Sovereignty and Freedom of Worship at the Temple Mount for Jews Now!", quoting the Trump plan's statement in support of Jewish prayer.

There are many reasons to reject the plan, including its departure from international norms, its blatant bias, and its treatment of Palestinians in Israel as second-class citizens. But the positions it espouses on Jerusalem's Holy Esplanade, the most sensitive site in the occupied territories, present a particular danger.

By calling into question the status quo and legitimizing exclusivist Israeli positions, it risks making any future resolution even more elusive. It empowers forces working to shatter the ban on non-Muslim worship on the site and increases the possibility of another episode of nationally or religiously motivated violence in Jerusalem.

The U.S. had been assertively seeking backing for its plan, including from Arab states. Should President Trump be re-elected in November, his administration may well embark on a more sustained effort to gain such support. Those hoping for a peaceful and sustainable resolution of the Israeli-Palestinian conflict should not merely withhold their support for it as a basis for negotiations but actively oppose it.

Meaningful Negotiations Prerequisite for Changes to Status Quo

Meanwhile, there is [wide and growing support among Israelis](#) - right and left, religious and secular – for the notion that Israel should have sovereignty at the site and that Jews should be able to pray at it as part of a final-status agreement. Israel's ultra-Orthodox, the

exception which underlines the rule, importantly remain steadfast in their opposition because Jewish law, as they interpret it, forbids entry to the site.

But some of the most prominent voices on this issue among Israel's secular and religious liberals seem to have concluded that they cannot defend continuation of the status quo, which bans non-Muslim prayer at what Jews consider their holiest site, as part of a rights-based, end-of-claims, final-status peace agreement. Using that argument, even Zehava Galon, the dovish former Meretz chairperson, has publicly [supported](#) lifting the ban in the context of a peace agreement.

Palestinians, virtually unanimously, remain adamantly opposed. Though several Palestinian Muslim leaders [indicated](#) to the International Crisis Group in 2015 that once the site was no longer illegally occupied and Muslims managed it, the Muslim Waqf could allow Jews to pray there as part of a two-state agreement or in one constitutional state, broad-based Palestinian opposition to non-Muslim prayer at the site is steadfast. Indeed, Israel's unilateral, heavy-handed policies at the esplanade during the last two decades have given the Palestinians ample reason to deepen their objection to such ideas. Israel's unilateral promotion of Jewish prayer at the site now further inhibits the prospect of Palestinian acceptance of it.

The time for discussing any alterations to the status quo, including the ban on non-Muslim prayer, will come when meaningful Israeli-Palestinian negotiations resume. The parties could then draw on knowledgeable religious authorities from both sides. The 1994 treaty calls on the parties to act *together* to promote freedom of religious worship at places of historical and religious significance. But unilaterally imposing any change at this national and holy site, whose continued occupation by Israel is a source of deep Palestinian grievance, would dramatically exacerbate hostility between the parties, further deepening the intractability of the issue itself as well as that of the broader conflict.

Ofer Zalzberg, The Trump Plan Threatens the Status Quo at the Temple Mount/Haram al-Sharif, *Palestine-Israel Journal*, Vol. 25, No. 1&2, 2020.