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What's at Stake at Jerusalem's Holy Esplanade?

Just days after a new Israeli government was sworn in, one of its most extreme members paid a provocative thirteen-minute visit to Jerusalem's Temple Mount/al-Aqsa Mosque complex. In this Q&A, Crisis Group expert Mairav Zonszein looks at what is behind this move and what it implies.

What happened in Jerusalem on 3 January to cause such a stir?

Israel's new government had barely taken its seat when one of its most far-right members, Itamar Ben Gvir, in one of his first official acts as national security minister, entered the Holy Esplanade (Haram al-Sharif/Temple Mount) under heavy security in what was a clear provocation directed at Palestinians and Muslims more broadly, and seemingly a move aimed at satisfying his base. As an opposition Knesset member, Ben Gvir had repeatedly visited the site, which Jews and Muslims alike deem sacrosanct, and had pledged to impose Israeli sovereignty there. Since assuming his ministerial position in late December 2022, he has refused to answer direct questions asking whether he intends to use his position to change what is known as the historical Status Quo at the site.

What is the significance of the Holy Esplanade?

As, respectively, Judaism's holiest site and Islam's third most holy after Mecca and Medina, the Temple Mount and Haram

al-Sharif (containing the Dome of the Rock and al-Aqsa Mosque) in the Old City of Jerusalem are a microcosm of the conflict not only between Israel and the Palestinians, but between Israel and the wider Arab and Muslim worlds. The site has seen repeated violent upsurges that never end decisively, only fade, with tensions simmering continuously. As a final-status issue in a stalemated peace process, its disposition remains unclear, and Israel has acted incrementally to expand Israeli control over the site.

In Jewish tradition, the Temple Mount is where the First and Second Jewish Temples (destroyed in 586 BCE and 70 CE, respectively) once stood. According to Jewish law and rabbinical authority in Israel, Jews are strictly forbidden from entering the site, as it is sacred ground. Since it is unknown exactly where the First and Second Temples stood, Jews are not supposed to go anywhere in the compound. The Western Wall, reputed to be the Second Temple's remaining wall, is the closest Jews are permitted to get to the site, and where they can, and do, habitually pray.

In the Muslim tradition, al-Aqsa (The Farthest) Mosque was Muhammad's destination on his night journey from Mecca on his winged horse, al-Buraq (Lightning). From the same foundation stone on the Esplanade, Muhammad's journey took him to heaven and back to Mecca. In Islam, the entire Esplanade, not only its two main structures (al-Aqsa and the Dome), are considered to have a mosque's sanctity.

Managed by an Israeli-Jordanian condominium, the Holy Esplanade exemplifies Palestinians' political exclusion from what they consider their capital and the inability of their fractured national movement to defend it meaningfully. As the iconic national and religious symbol for both peoples, it showcases the increasing weight of the religious Zionist camp in Israel and Islamist voices among Palestinians. It is the sole place in the West Bank where Jordan has a prominent role, and (along with the Old City's Damascus Gate) where Palestinian residents of Jerusalem can assemble culturally and politically with some autonomy. For Palestinians, it is the national symbol of their right as a people to self-determination in Palestine in general and Jerusalem specifically. For many Israelis, and religious nationalists in particular, it represents the return to Zion and the rejection of territorial compromise. (Jordan's role was long based on a verbal understanding, but in 2013, the Palestinian Authority signed an agreement allowing Amman to continue to administer the site. Jordan otherwise has no legal standing in the occupied territories, including East Jerusalem.)

Why did Ben Gvir visit the Holy Esplanade, and what is he proposing to change in Israeli policy?

Ben Gvir, who is head of Otzma Yehudit (Jewish Power), a party whose platform includes "restoring sovereignty and ownership over the Temple Mount" and "settling all parts of the Land of Israel", came into his new position with a clear agenda. The slogan of his election campaign was: "We are the landlords here", referring to the assertion of Jewish sovereignty and authority over all the land under Israeli control. He has built his career on showing up in areas

of friction between Israelis and Palestinians, such as Jerusalem's Sheikh Jarrah neighbourhood and mixed Arab-Jewish cities in Israel, and stoking violence. There is no more sensitive place in Israel-Palestine than the Holy Esplanade. He regularly visited the Temple Mount as a Knesset member and pledged to do so again as soon as he became a minister.

He was as good as his word, heading to the site within a week of taking up his position, despite threats from Hamas, warnings by Israeli opposition parties and, reportedly, a request by Prime Minister Benjamin Netanyahu for a delay – although he could not have gone without Netanyahu's approval. Ben Gvir's visit appeared to have the primary objective of satisfying his political base while sending a message to the Palestinians and the Arab and Muslim worlds that the Holy Esplanade belongs to Israel.

Ben Gvir describes Israel's standing policy toward the Holy Esplanade, which includes a Jewish prayer ban, as "racist" against Jews and speaks of the need to implement "equal rights" for Jewish Israelis at the site. In the run-up to elections in 2020, Ben Gvir explicitly asked Netanyahu to agree in principle to Jewish prayer on the Temple Mount, but Netanyahu rejected this demand at the time. The fact that Netanyahu agreed to appoint Ben Gvir – whose positions and proclivity for disruptive, violent activism the new Israeli premier knows well – as national security minister arguably signals a de facto shift in Israeli policy, Netanyahu's assurances notwithstanding.

Ben Gvir's demand during the negotiations over government formation not only to give him the national security minister's post but also to expand its powers so that he could dictate policy to the police commissioner increases his ability to effect that policy shift. Although the new government's (nonbinding) guiding principles include a clause that refers generally to maintaining the status quo at holy sites, they also contain a clause stating that the "Jewish people have an exclusive and inalienable right to all parts of the Land of Israel", including therefore all parts of East Jerusalem based on this government's political ideology. With the

police now under Ben Gvir's authority, and a police force that already uses excessive force against Palestinians in occupied East Jerusalem, the situation is becoming explosive.

What is the “historical Status Quo”?

The Status Quo at the Haram al-Sharif/Temple Mount compound is an informal arrangement reached between Israel and Jordan in the aftermath of the 1967 war (based on an arrangement during Ottoman times), which put the Jordanian-run Jerusalem Islamic Waqf (Muslim endowment) in charge of administering the site and setting rules of conduct, and Israel in charge of security and overall access. Muslims can pray at al-Aqsa and the Dome of the Rock on top of the Esplanade; Jews at the structure's Western Wall. Under this setup, Israel oversees security along the site's perimeter while the Waqf is in principle responsible for security on the Esplanade itself. Israel, however, has always retained the prerogative to exert its authority when it chooses regarding access, maintenance and deployment of its forces. At certain times, for example in the first half of both 2021 and 2022, Israeli forces repeatedly entered al-Aqsa Mosque and fired tear gas and rubber bullets at Palestinians who had gathered to pray.

According to the Status Quo, Muslims are allowed to visit the site and pray, while non-Muslims are allowed only to visit, at specific times, with prayer and the entry of religious objects forbidden. Non-Muslim entry is permitted three to four hours per day, between Muslim prayer times. The site is closed to non-Muslims on Fridays (the Muslim holy day), Muslim holidays and, since 2000, on Saturdays. At times, Israel restricts entry of certain Jews it deems dangerous to security, but it has also limited Muslim access on many occasions, also for what it argues are security reasons. As an occupying power, Israel's regular denial of Muslim access to the site is part and parcel of travel restrictions it imposes on Palestinians throughout the occupied territories hoping to reach Jerusalem, as well as non-Palestinian Muslims, who are often barred from visiting Israel. (For more background, see Crisis Group Middle East

Report N°159, *The Status of the Status Quo at Jerusalem's Holy Esplanade*.

How has the Status Quo changed in recent years?

The meaning of the historical Status Quo has always been open to interpretation due to its tacit, informal nature. It has more or less held for decades, though there have been periods of crisis, spawned not only by violent confrontations but also various changes regarding maintenance, public works, access and so forth, and a gradual erosion, as reflected in growing instances of Jews praying at the site. A major turning point happened in the aftermath of the Second Intifada in 2000, which was set off by the visit by then-Prime Minister Ariel Sharon to the Esplanade. It led to a breakdown in the fragile coordination between Israel and Jordan, with Israel assuming total control over access for Jews and non-Muslims.

Since that time, while the Waqf has continued to coordinate with the police to enforce the Jewish prayer ban, it no longer determines the size of Jewish groups or the rate of their entry; nor can it veto the entry of specific activists it considers provocateurs. This change led gradually to larger Jewish groups entering, sometimes in army uniform; at various times, high-ranking Knesset members and religious ministers have used their visits to send a political message. In 2022, a record number of Jews visited the site, including 2,626 on 29 May, Jerusalem Day; 6,000 over the course of September during the Jewish High Holidays; and a total of 50,000 over the course of the year. Israel's limitations on Muslim access, what it calls its “dilution policy”, have increased in tandem.

Among the most significant changes in the Status Quo is the slow and steady erosion of the Jewish prayer ban. The politicisation of the Temple Mount issue by Likud politicians over the last decade, along with the growing popularity of the religious Zionist camp in Israel, has made visiting the site a major part of the right-wing agenda in Israel. Jewish access to and prayer on the Temple Mount used to be

a fringe phenomenon. Today, however, it has become relatively normalised. Increasingly, Jews pray at the site with varying degrees of openness (sometimes whispering, sometimes vocally, sometimes swaying or bowing) in direct violation of the Status Quo. While at times Israeli police eject Jews who pray at the site, on many occasions they do not, and there have been numerous occasions on which Jews have even entered the site under police protection and prayed in plain view of Waqf guards, who have no power to eject them unless in coordination with Israeli police. While the Waqf used to tolerate some silent Jewish prayer over the years, open prayer has become the de facto reality. Such practices undermine the delicate Status Quo; they are also a way for a small group of right-wing Israelis to use a hot-button religious issue to advance a maximalist political agenda in Israel and the occupied Palestinian territories.

Smaller, less conspicuous moves also continue to erode the Status Quo. These include the removal of a metal sign at the entrance to the site in 2022 that had been there for decades, a warning to Jews by Israel's Chief Rabbi that entry is religiously forbidden due to its sacredness. (The sign was restored in early 2023.) A year earlier, Prime Minister Naftali Bennett issued a statement affirming freedom of worship for both Jews and Muslims at the site, before revoking it in the face of criticism.

These developments are best understood in the context of Israeli policies, among them evictions and home demolitions, police brutality, and the expansion of settlement inside occupied East Jerusalem. The previous major escalation in May 2021 in Jerusalem came following the eviction of Palestinian residents from the Sheikh Jarrah neighbourhood, where Ben Gvir, then still a Knesset member, had erected a makeshift "parliamentary office", repeatedly carrying out overt provocations during Ramadan. At the same time, Israel placed restrictions on Palestinians congregating in the Damascus Gate area. In May 2022, the inflammatory annual Jerusalem Flag March saw thousands of Israelis marching through the Old City's

Muslim Quarter under heavy security, at times chanting "Death to Arabs", and forcing Palestinians to shut down their businesses.

What sort of response did Ben Gvir's January visit to the Temple Mount elicit?

Ben Gvir's thirteen minutes at the site consumed Israeli and international media for days. In Israel, the Sephardic Chief Rabbi, Yitzhak Yosef, criticised the move in a letter to Ben Gvir, stating that, "As a minister representing the government of Israel, you should be acting according to Chief Rabbinate instructions, which have long forbidden visiting the Temple Mount".

The Palestinian Authority called the visit a provocation, an attempt to change the historical and legal realities on the ground, and a violation of all pre-existing norms, values, agreements and international law as well as Israel's commitment made to the U.S. government. Hamas called it a blatant act of aggression and the "continuation of the occupation's aggression against our sanctities and its war on our Arab identity". Holding foreign powers, specifically Europe and the U.S., responsible for the incident by granting Israel complete impunity, the movement warned that "tensions are brewing and it is only a matter of time before the situation explodes".

Condemnations also came from outside Israel-Palestine, including from governments with close ties to Israel, and most critically, Jordan, which issued a demarche, summoning Israel's ambassador to protest the move and warn that it would lead to further escalation. A spokesperson for the U.S. embassy in Israel and a White House National Security Council statement cautioned against any steps that could undermine the Status Quo. The United Arab Emirates, which is halfway into a two-year term on the UN Security Council (where it is informally representing the Arab world), and permanent member China both called for a Council meeting on the visit; held on 5 January, it affirmed the need to preserve the Status Quo. At the meeting, Ambassador Robert Wood, a senior diplomat at the U.S. mission to the UN

in New York, reiterated U.S. opposition to any “unilateral actions that depart from the historic status quo”. Egypt, Saudi Arabia, Turkey and others all issued censorious statements. Yet while the force of these condemnations marks a departure from the immediate past, it is doubtful they will amount to more than rhetoric. Thus far, no state has done more than issue statements. Israel, meanwhile, insists Ben Gvir’s visit did not violate the Status Quo.

What are radical Temple Mount groups proposing that could trigger even graver tension?

The amalgam of groups making up the Temple Mount Movement has long advocated for allowing Jewish prayer and greater access for Jews to the site. Every year, some of these groups, chief among them one called Returning to the Mount, make an official request to be allowed to sacrifice a lamb at the site as part of the “Passover sacrifice”, an anachronistic Biblical ritual of slaughter on Passover eve that only a tiny group of religious radicals pursues. While they have never received approval to do so at the site, they have come physically closer over the last decade. In 2018, the police greenlighted the ritual in the Archaeological Park, just metres away from the Western Wall. In April 2022, Israeli police arrested several Jews who tried to carry out the ritual sacrifice on the Temple Mount. With Ben Gvir just days into his new ministerial role, the group has already submitted a request for Passover of 2023. A populist, Jewish supremacist nationalist, Ben Gvir, whose wife is a Temple Mount activist, is closely aligned with these groups’ agenda. With larger groups of Jews already entering the site and praying, permitting the sacrifice of a lamb there would stoke fears among Palestinians and Muslims that Israel plans to divide the holy site, as it did Hebron’s Ibrahimi Mosque in 1994 after centuries of Muslim-only worship and control.

What steps can be taken to avert violence and maintain stability?

To restore and maintain a measure of calm at the site, Crisis Group has consistently called on

Israel to make a renewed commitment, along with Jordan, to the historical Status Quo there, primarily by keeping Jewish activists from carrying out provocations. In a 2016 briefing, *How to Preserve the Fragile Calm at Jerusalem’s Holy Esplanade*, Crisis Group called on Israeli and Jordanian leaders to re-empower the Jerusalem Islamic Waqf to administer access to the site and to include the Palestinians as a participant in any arrangements there. Before 2000, Israel rarely restricted the entry of entire groups of Muslims based on age and gender, and the *Waqf’s* prominent stature made it much more tolerant of visits by religious Jews: its palpable influence led many Muslims to consider their interests protected, lessening concerns that religious Jews at the site would leverage their presence to harm al-Aqsa’s integrity. In other words, a Jewish presence can better be secured in agreement and by respecting the *Waqf* authority, rather than by advancing it as an overtly political statement of sovereignty.

Despite a set of understandings in 2014 between Netanyahu, then also prime minister, and King Abdullah of Jordan, according to which both sides committed themselves to taking steps to prevent provocations and violence at the site, Israel has effected unilateral changes to the Status Quo that are likely to be escalatory and lead to a security deterioration. By appointing a far-right Jewish activist as national security minister in charge of the police force – indeed, by granting him expanded authority over the police commissioner (which Ben Gvir demanded and Netanyahu conceded), Netanyahu is veering even further away from these commitments.

There cannot be any doubt that he and his government are playing with fire. What is happening should be a source of urgent concern for the Biden administration and Israel’s other supporters.

The views represented in this report do not necessarily reflect the views of the members of the USMEP’s International Board and Senior Advisors.