

The Status of the Status Quo at Jerusalem's Holy Esplanade

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Executive Summary

With the Muslim holy month of Ramadan underway and Jewish high holidays soon to follow, tensions have started to rise, if only slightly, at the Holy Esplanade – the Temple Mount (har habayit) to Jews, the Noble Sanctuary (al-haram al-sharif) to Muslims. In mid-2014, it seemed the site might be the epicentre of the next Palestinian uprising, even a broader Jewish-Muslim clash. Israel believes 2015's relative calm is sustainable, if ministers and Knesset members refrain from pushing, as they did last year, to change the setup. Even if this proves correct during the holiday season, quiet is unlikely to endure. While Jewish Temple activism was crucial in sparking the last round of unrest, the religious salience of and political contestation around the Esplanade, especially among Jews but also Muslims, has been increasing for two decades. This has eroded the status quo arrangement that has mostly kept the peace since Israel captured East Jerusalem in 1967. Any further slippage must be prevented and the status quo braced.

Judaism's holiest site and Islam's third-most after Mecca and Medina, containing the Dome of the Rock and Al-Aqsa Mosque, is a microcosm of the Israeli-Palestinian conflict. It sees repeated violent upsurges that never decisively end, only fade; as a final-status issue in a stalemated peace process, its disposition remains unclear, a situation which Israel has exploited to expand control. Managed by an Israeli-Jordanian condominium, the site exemplifies political exclusion of Palestinians from what they consider their capital and the inability of their fractured national movement to defend it meaningfully. As a location that is both a paramount pillar of Judaism and centrally important in Islam, it invites Arab denial of Jewish history and connection to the Holy Land and Jewish rejection, especially within the religious camps, of Palestinian and Muslim ties. As the iconic national and religious symbol for both sides, it showcases the increasing weight of the Religious Zionist camp in Israel and Islamist voices among Palestinians.

Yet, the Esplanade also has its specificities. It is the sole place in the West Bank where Jordan has a formal role and where in Jerusalem Palestinians can organise with relative autonomy. Its sensitivity also amplifies events elsewhere. With memories still fresh of the second intifada, which Ariel Sharon set off by visiting with several hundred security personnel, many believe there is no quicker path to a major conflagration than violence there. It has been a focus of the Israeli right, especially Religious Zionist elements, which came to emphasise it after the 1993 Oslo Accords and Israel's 2005 Gaza withdrawal. Because it highlights violence potential, the fault lines of both societies and the failures of the diplomatic process, the Esplanade urgently requires attention.

This exigency, at the same time, could perhaps offer a hint of how to rejuvenate an exhausted peace process. This may sound counter-intuitive, as the site is one of the toughest final-status issues. In Israel, attachment to it is stronger than ever. On right and left, it beggars belief that in a Jewish state Jews face limitations on religious practice at their holiest site. For decades after 1967, Israel was content to leave in place a status quo under which entry of Jews was on Jordanian sufferance, and non-Muslim prayer was banned. Today, mainstream Religious Zionist authorities even encourage Jewish ascension; despite profound ultra-orthodox disagreement,

they have secular allies who believe Israel's sovereignty and freedom of worship ought not be abridged.

For Palestinians, increasing Jewish interest in and presence on the Esplanade portends the too familiar. From desecration of a number of mosques and other holy sites after the 1948 War to division of the Ibrahimi Mosque in Hebron to allow Jewish worship at the Cave of Machpela, Palestinians progressively have lost control over religious sites and national symbols. Jewish historical and religious sites in East Jerusalem have become foci of Israeli control, attracting a Jewish presence that securitises Arab surroundings and embitters residents. Many Palestinians believe their last stand is at Al-Aqsa, in a city already lost.

With deteriorating coordination and competing interpretations of the status quo that leave stakeholders to protect interests by precipitating crises – by stones, security forces or diplomacy – the status quo conceived in June 1967 may seem obsolete but remains the only consensus about the Esplanade. To shore up the site's stability, it must be shored up. This involves:

Access. The presence of religious Jews on the Esplanade became contentious only once Muslim access was greatly reduced. Access for all communities is the best way to ensure access for each.

Prayer. There should be no unilateral change in the prayer regime, the most explosive element of the status quo, so until Israel, Jordan and the Palestinians can agree on change, there should be no non-Muslim, including Jewish, prayer.

Archaeology, Public Works. Leaders on both sides should denounce the obsolete, dangerous claims made by their own publics: in Israel, that Jordanian maintenance work performed by an Islamic endowment that administers holy places is destroying Jewish artefacts; and among Palestinians and Jordanians and Arabs in general, that Israel is plotting to destroy Al-Aqsa Mosque.

Palestinian Participation. The status quo is an Israeli-Jordanian understanding that excludes Palestinians. The Jordanian body thus lacks credibility in East Jerusalem. Though formal Palestinian Authority (PA) participation would not be acceptable to Israel, a consultative entity of prominent Palestinian figures in Jerusalem could give it a degree of authority that could help stabilise the city.

A bolder vision would see the site as a jumping off point to reimagine what is needed to reach peace. This requires including marginalised groups and excluded issues, such as Israel's religious Zionists, Palestinian refugees, East Jerusalemites and Arab citizens of Israel. The Holy Esplanade is a venue for including the conflict's religious and narrative dimensions, whose importance has grown. Religious dialogue, within each society and faith and if and when possible between them, is vital for resolving the conflict, but also for managing the site in the interim.

Any deal, especially regarding the Esplanade, will be hard to forge or sustain without religious leaders' support. But with the high potential for violence, there is reason to start with basics, ensuring a stable environment so building blocks of a new process can be laid. With the peace process defunct, Israel's government willing to live without one, a major Gaza escalation always possible, the Palestinian national movement in shambles and a world distracted by a region aflame, calming the conflict's symbolic core is important.

Jerusalem/Brussels, 30 June 2015

The Status of the Status Quo at Jerusalem's Holy Esplanade

I. Introduction

The Holy Esplanade – the term this report uses to refer neutrally to what Jews call the Temple Mount and Muslims the Noble Sanctuary/Al-Aqsa – is at the epicentre of the Israeli-Palestinian conflict.¹ Some 220,000 Palestinians, despite a squabble over transportation, reached it from Israel and the West Bank on each of the first two Fridays of the current Muslim holy month of Ramadan.² Thus far there have been no significant clashes, a sharp difference from 2014, when the Esplanade was the focus of the aborted “Jerusalem Intifada” that began with an increase in Palestinian protests and Israeli limitations on Muslim access, then escalated with the kidnapping and murder of three Jewish youths in the West Bank and the revenge murder of a Palestinian teen in Jerusalem. The Gaza war in July-August, which turned 2014 into the bloodiest year of the Israeli-Palestinian conflict,³ led to more, and more intense,

¹ A small plaza (5sq.km) in Jerusalem's Old City, the Holy Esplanade is Judaism's holiest site and of great significance in Islam. In Jewish tradition, it contains the foundation stone of the world's creation, on which Abraham nearly sacrificed his son Isaac; it is where the First and Second Jewish Temples stood (destroyed in 586 BCE and 70 CE respectively). The only remnant of the ancient compound is the Esplanade's western retaining wall, known in Judaism as the “Kotel”, the Western/Wailing Wall (for the lamentations over the Temple destructions that occurred there), the central site of Jewish pilgrimage and prayer since the Esplanade itself long has been off-limits for theological reasons as explained on page 5 below. In the Islamic tradition Al-Aqsa (“The Furthest”) Mosque was Muhammad's destination on his night journey from Mecca aboard his winged horse, Al-Buraq (“Lightening”) – for which the western wall, to which the horse was tethered, is called “Al-Buraq”. From the same foundation stone on the Esplanade, Muhammad's journey took him to heaven and on to Mecca. In Islam, the entire Esplanade, not only its two main structures (Al-Aqsa Mosque and Dome of the Rock), are considered to have a mosque's sanctity, Sunni Islam's holiest after Mecca and Medina.

² Anadolu News Agency, 19 June 2015. This Ramadan, Israel is exceptionally allowing many more Palestinians than usual to enter Jerusalem to pray at Al-Aqsa. From the West Bank, this includes men over the age of 40 and women of all ages. In addition, 500 Gazans (out of a population of some 1.8 million who rarely obtain permission to enter Israel or visit Al-Aqsa) were admitted the first Friday of the month, but subsequent permits were canceled after Salafi-jihadis fired rockets at Israel from Gaza. Certain other facilitations in the West Bank were cancelled after attacks on Israelis there. While Palestinians from the West Bank are normally required to pass through Israeli military checkpoints to access Jerusalem, Israel this year announced its willingness to allow buses to run directly from West Bank cities; these, however have not run, because the Palestinian Authority (PA) is refusing to coordinate them, citing unwillingness to eject prohibited categories of would-be pilgrims and, in general, to serve as what it views as auxiliaries of the Israeli security apparatus. A Palestinian analyst found this demurrer disingenuous: “Security coordination with Israel is hardly a secret. If it's going to happen anyway, it might as well benefit the people”. Crisis Group interview, Jerusalem, 25 June 2015.

³ Gaza Emergency Situation Report, UN Office for the Coordination of Humanitarian Affairs – Occupied Palestinian Territory, 4 September 2014. Crisis Group Middle East Briefing N°42, *Toward a Lasting Ceasefire in Gaza*, 23 October 2014.

protest. Palestinian youths threw rocks and firecrackers; Israeli police replied with stun and smoke grenades and rubber bullets. While the violence subsided late in the year, city and site remain tense.⁴

It was no coincidence that the sharpest escalation occurred during last Ramadan and the Jewish high holidays – religious festivals in which the ancient Temple, and so today the Esplanade, figure prominently. Fearing violence at the site and its ramifications far beyond, the police imposed harsh limitations on access for adherents of both religions. For Palestinians, the measures seemed an alarming escalation, both for how many Muslim worshippers were excluded and in that Jews were permitted to ascend and circulate on the plateau alone, seemingly signalling a new access regime.⁵ On Fridays during Ramadan, tens of thousands of East Jerusalemites, forbidden from accessing the Al-Aqsa Mosque, prayed at checkpoints in the streets leading to the Old City; as in previous years, hundreds of thousands more in the West Bank were unable to get even that close. Hundreds were arrested and detained, but several times young Palestinians were able to penetrate the compound and use Al-Aqsa Mosque as cover from which to attack the police, who fired into the Mosque, damaging doors and windows.⁶

At other times, Jews and other non-Muslims were prevented as a security precaution from accessing the site, though the subsequent accusations by prominent Israelis of submission to Arab violence led the government to take even harsher measures against Palestinians, including by locking in stone-throwing Palestinian youths who had taken refuge in the Mosque while religious Jews toured the Esplanade.⁷ The spectacle was a particularly flagrant provocation for Palestinians, who fear Israel will temporally or spatially divide the Esplanade between Jews and Muslims as a step toward replacing the mosque with a Third Temple.⁸ By the last night of Ramadan, known as Laylat al-Qadr (Night of Power/Destiny), when in the absence of restrictions hundreds of thousands would pray at the mosque, thousands of Palestinians trampled barriers and torched the Israeli police station on the Esplanade.

After the Gaza war ended in August, the violence in Jerusalem diminished but did not end. Attacks continued, particularly by so-called lone wolves in vehicles. After the attempted assassination on 30 October of Rabbi Yehuda Glick, a prominent Temple activist, Israel punitively completely closed Muslim access to Al-Aqsa, including to elderly men, who are deemed so minor a security risk that their access to the site is hardly ever interdicted. East Jerusalemites declared a general strike, and Jordan, foreseeing an even more dramatic escalation, withdrew its ambassador from Israel and threatened to sever diplomatic relations.

⁴ During July-August alone, Israel police recorded over 12,000 stone-throwings and firebombings, as well as shooting of firecrackers at Israeli security and police forces, civilians and infrastructure (notably the light rail that links the city's eastern and western sides). Dozens of police were injured. Nadav Shragai, "The Capital of Terrorism", *Israel Hayom*, 7 November 2014.

⁵ At the height of the restrictions, particularly during Sukkot (7-17 October), Palestinian/Muslim women were blocked from entering the Esplanade as were men under 50 years old.

⁶ Joshua Mitnick, Nicholas Casey, "Jordan Accuses Israel of Attacking, Desecrating Al Aqsa Mosque", *Wall Street Journal*, 5 November 2014. Jordan said sparks from Israeli stun grenades set fire to the mosque's carpets; Israeli police attributed the fire to Arab protesters' firecrackers.

⁷ This happened especially during Sukkot, notably on 13 October 2015. Ir Amim Temple Mount Newsletter, no. 2, October 2014.

⁸ Crisis Group interview, Sheikh Raed Salah, Umm al-Fahm, May 2015.

U.S. intervention contained the crisis in November, when Secretary of State John Kerry convened a meeting between the Jordanian king and the Israeli prime minister, in which Benjamin Netanyahu promised to lower tensions.⁹ Since then, Israel has allowed Muslim access from Israel and Jerusalem for all ages, limited religious Jews (as indicated by external appearance and clothing) to small groups, and kept out virtually all ministers and Knesset members. Moreover, legislative efforts to change the Esplanade's status and activities permitted there have halted (though Israeli elections probably contributed to the parliamentary slowdown). Jordan found ways to prevent young Palestinians from penetrating the compound at night. In the wake of these changes, violence clearly decreased.

The return of the Jordanian ambassador to Tel Aviv in February 2015 signalled the resumption of what passes for normality in Jerusalem. And indeed, the relative tranquillity so far this year would indicate the same. But with new Knesset members looking to prove their bona fides, a hawkish government, mounting frustrations among Jerusalem's leaderless youth, increased dissatisfaction among Temple activists and Ramadan underway, the calm may be deceiving.

⁹ Jordan raised specific concerns, including Muslim access, restrictions on the entry of women and official Israeli denials of Muslim history at the site. Crisis Group interview, palace official, Amman, 17 March 2015. Kerry met separately with Palestinian President Mahmoud Abbas.

II. The Changing Status Quo

When Jerusalem, and with it the Holy Esplanade, passed from Ottoman to British hands at the end of World War I, the management of the holy sites remained more or less unchanged. Under British (1917-1948) and Jordanian (1948-1967) rule, the Waqf continued to administer daily affairs on the site.¹⁰ While non-Muslim prayer there was banned, as it had been for centuries,¹¹ Jews generally did not chafe at the prohibition.¹² Their attention focused on the adjacent Western Wall – the Esplanade's exterior retaining wall – where they prayed during the British period; under Jordanian rule, however, they were permitted to do so only via a cumbersome, rarely used coordination system.

After the 1967 War, when Israel occupied the West Bank of which the Old City of Jerusalem is part, Defence Minister Moshe Dayan left the Waqf in control of the Esplanade, to avoid what he feared could be a major conflagration with the Arab and Islamic world.¹³ Though Israel had conquered the territory and applied its laws in East Jerusalem, it in effect forbade Jewish worship within the Esplanade, in conformity with then established Jewish law and to keep the peace, directing Jews instead to pray at the Western Wall.¹⁴

¹⁰ Waqf (plural awqaf) is a generic term for an Islamic institution administering holy and charitable sites; the Holy Esplanade has been administered by one for centuries. Under the British, the Supreme Muslim Council, a local Jerusalem-based institution, assumed control. After the 1948 War, the Amman-based Jordanian Awqaf ministry took over.

¹¹ "Al-Aqsa Mosque Compound Targeted: Lurking Dangers between Politics and Prophecies", Palestinian Academic Society for the Study of International Affairs (PASSIA), Jerusalem, April 2015. Palestinians explain the non-Muslim prayer ban in two ways. Religiously, some say, the entire Esplanade, not just the structures on it, is a mosque (though non-Muslims are not uniformly banned from praying in mosques). In political terms, Sheikh Ikremah Sabri, former PA mufti and current head of the Islamic Higher Committee in Jerusalem, explained, "entry of Jews is allowed as visitors, not as worshippers. Jews call it the Temple Mount and say 'it is ours'. Of course we are not going to allow them onto one of our holy sites, let them pray there, and say it is theirs". Crisis Group interview, Jerusalem, 7 May 2014.

¹² In the 1850s, the Ottomans passed a decree allowing some non-Muslims to enter the site, albeit only with official approval, after some six centuries of exclusion. In response, the rabbinic establishment in Palestine passed an interdiction on Jewish ascent, based on the Jewish legal principle that Jews were forbidden from treading on the inner sanctum of the ancient Temples. Dotan Goren, "The Temple Mount Status Quo: Since When?", *NRG-Ma'ariv*, 16 November 2014. tinyurl.com/pzhbdgq. Temple activists argue this *halachic* ruling was motivated by a desire to avoid any possible clash with local Muslim residents or the Ottoman government. Crisis Group interview, Rabbi Yehuda Glick, Jerusalem, 17 July 2012.

¹³ Dayan ordered the Israeli army's chief rabbi, Shlomo Goren, to dismantle a small, improvised synagogue he had set-up on the Esplanade and overruled his suggestion to destroy the Dome of the Rock. Nadav Shragai, *Har Hamerivah* [Contention Mount] (Jerusalem, 1995), in Hebrew.

¹⁴ Government Decision 761, 20 August 1967. Temple activists point out that the purpose was to prevent public disorder at that time, not to make a principled, permanent decision. Arnon Segal, "How a Government Decision Was Invented", *Makor Rishon*, 24 May 2013. The rabbi of the Western Wall and the Holy Sites of Israel placed a sign, there to this day, saying Jewish law prohibits entry. Nevertheless, Israeli police have said explicitly that silent, motionless, individual prayer on the Esplanade is allowed, so long as it is invisible to observers.

The informal *modus vivendi* at the site, which became known simply as “the status quo”,¹⁵ was the product of tacit pragmatism, not a formal understanding, since Jordan and Israel officially remained at war; Israel applied its law to East Jerusalem in late June 1967 (a move not recognised internationally, though neither had been Jordan’s 1948 seizure of the territory), but Jordan maintained its claim to sovereignty. The arrangement left the Jordanian Waqf responsible for administering the site and Israel in charge of security and overall access. As now, the Islamic authorities regulated Muslim worship on the site; set the opening hours, dress code and rules of behaviour for non-Muslim visitors; and maintained and operated the hundred or so structures on the Esplanade.

Israel’s control was, and mostly remains, limited to policing around and within the plateau. Its security forces regulate and occasionally ban entry to the site in the interest of what Israel considers public order. Israel also holds the keys to the Mughrabi Gate, through which it allows access for Jews and other non-Muslim tourists from around the world, since August 2003 without Waqf approval.¹⁶ On occasion, it also has halted what it considers major breaches of the status quo by Palestinians and Jordan, such as uncoordinated major public works on the site. While this arrangement has remained relatively consistent over the past 48 years, it has often come under stress, particularly with regard to three main realms of contention: access to the Esplanade, non-Muslim prayer and archaeological excavations and public works.

A. *Initial Stability: 1967-1990s*

In the years after the 1967 War, the lack of immediate Jewish interest in ascending the Esplanade meant that the status quo functioned relatively smoothly. Under the rubric of “coordination”, Israel abided by Jordan’s barring of religious Jews it considered provocative,¹⁷ banned non-Muslim prayer in cooperation with the Waqf,¹⁸ and facilitated the entry of non-Muslim tourists to Al-Aqsa Mosque and the Dome of the Rock, for which the Waqf collected a small fee.

The Israel Antiquities Authority performed what one expert called “half-official supervision” of archaeology and maintenance work, meaning low-profile inspections of mosques and underground spaces to photograph and document work.¹⁹ Given the limited scale – the Waqf restored existing buildings and made only minor modifica-

¹⁵ A Jordanian official emphasised the arrangement is *de facto*: “We coordinate *de facto* to keep public order. We do not recognise Israeli rights there. According to international law the Esplanade is occupied by Israel, and as an occupier Israel must allow the responsible authority to act”. Crisis Group interview, diplomat, Tel Aviv, 9 March 2014.

¹⁶ Non-Muslim entry is allowed three-four hours per day, between Muslim prayer times. It is closed to non-Muslims Fridays (Muslim holy day), Muslim holidays and, since 2000, Saturdays.

¹⁷ Crisis Group interview, Jordanian diplomat, Tel Aviv, 9 March 2014.

¹⁸ This with one minor exception. Twice a year, on holidays linked to the ancient Temple, a tiny group of Jews prays in the *Mahkame* (court) building, which Israel seized in 1969 and uses as a Border Police station. Access to it, on the Esplanade’s Western Wall and thus considered in both Islamic and Jewish law as part of the sacred compound, is from outside the Esplanade.

¹⁹ Crisis Group interview, Adv. Shmuel Bercovicz, holy sites expert, Jerusalem, 14 May 2014.

tions, and only above the floor of the Esplanade – the government considered this level of supervision adequate.²⁰

There were, of course, controversies, a particularly notable one in 1981, when Israel tunneled under the Esplanade, accidentally it claimed; Waqf officials blocked the dig with cement.²¹ The unprecedented incident exacerbated mistrust among a Palestinian population and a Jordanian government already prone to suspicion about Israel's intentions regarding the Esplanade.

Very few religious Jews ascended to the Esplanade during this period, due to the prohibition in Jewish law on doing so for fear of treading on the ancient Temple's inner sanctuary, the Holy of Holies.²² Early Temple activists – those agitating to attribute greater centrality to the Temple in contemporary religious practice – instead focused on quietly laying the basis for their ultimate agenda of building a new Temple. They made detailed preparations, including fashioning the necessary ritual objects; studying long-neglected religious law with an eye to its application; and developing redemptory Temple-centered theologies.²³ Within the religious Zionist mainstream, a parallel, independent movement emphasised the lived reality of the Bible, which increased the salience of the physical site.²⁴

Over the next decades, the status quo held, despite occasional attacks and escalations. The security services foiled over a dozen attempts to blow up the mosque,²⁵ though in 1969, an Australian Christian evangelist torched it, and in 1982, an Israeli soldier opened fire in the Dome of the Rock, killing a Waqf official and injuring Muslim worshippers. With the first intifada (1987-1993), violence spread to the Esplanade, as Palestinians sometimes pelted Jews worshipping at the Western Wall. In

²⁰ Yitzhak Reiter, "The Status Quo on the Temple Mount/Haram al-Sharif under Israeli Rule (1967-2000)", in Yitzhak Reiter (ed.), *Sovereignty of God and Man: Sanctity and Political Centrality on the Temple Mount*, Jerusalem Institute for Israel Studies (Jerusalem, 2001), p. 313.

²¹ Crisis Group interview, former Waqf official, Jerusalem, September 2010. From the Western Wall tunnel that the Israeli religious affairs ministry was digging, it turned eastwards, toward the Al-Aqsa Mosque. The Waqf, seeing this as an attempt to destroy the Al-Aqsa compound, blocked the new opening. Reiter, op. cit., pp. 312-13.

²² Anyone disregarding the prohibition had little problem gaining access. Individual Jews who sought to quietly pray on the Esplanade in the 1970s usually could. Reiter, op. cit., p. 304.

²³ Traditional national-religious theology, based on the writings of Rabbi Avraham Yitzhak Ha-Cohen Kook (1865-1935), holds that the Third Temple will be built toward the end of the redemption process, after full Israeli sovereignty – and with it, Jewish sovereignty in accordance with Jewish law will be extended over the entire Land of Israel. Crisis Group Middle East Report N°147, *Leap of Faith: Israel's National Religious and the Israeli-Palestinian Conflict*, 21 November 2013, pp. 1-3. In contrast, the new theologies highlight belief that the Jewish people's authenticity flows from its connection to the Temple, an emphasis seen as necessary given public support for territorial withdrawal from Sinai after the 1979 Israeli-Egyptian peace treaty. Only by erecting the Temple, adherents believe, will Jews find their true purpose in working together for full redemption. The 1982 evacuation of Yamit in Sinai triggered an initial core group to adopt this logic, including Yamit's Rabbi Israel Ariel; the Oslo process led additional activists, notably former Likud Knesset Member Moshe Feiglin, to subscribe to this notion.

²⁴ The so-called Bible Revolution – which inter alia urged intensive engagement with the reality of the Bible – was felt already in the 1980s in relatively liberal yeshivas; leading rabbis took their students to visit the Esplanade, though only along its circumference. The Holy of Holies could not possibly be located there, the argument goes, since the Esplanade was expanded by King Herod in the first century CE.

²⁵ None of the rabbis approached for approval gave it; nor did they report the conversations to the police. Nadav Shragai, "We Can Erase It, What Thinks the Rabbi?", *Haaretz*, 31 May 2007.

1990, some twenty Palestinians were killed and 150 wounded when Israeli police used live fire to disperse Palestinians who were throwing rocks onto Jewish worshippers below after rumors spread that Temple activists had planned to march and demonstrate at the Al-Aqsa Mosque.²⁶

B. *First Fractures (1992-2000)*

The Oslo process transformed the status quo in several ways, not least by the Palestinian Authority (PA) wresting a measure of control of the Waqf from Jordan.²⁷ This rendered coordination with Israel more complex, notably on public works and archaeology. In combination with more assertive settlement activity in East Jerusalem, the results were tragic. In September 1996, Israel opened, in the Old City's Muslim Quarter, the northern entrance to the Western Wall tunnels, which run underground along the outer (Western) Wall of the Esplanade.²⁸ This triggered mass protests in Jerusalem, the rest of the West Bank and Gaza; in the Old City alone, three Palestinians were killed and twenty Palestinians and eleven Israel police were injured.²⁹ In response, the Waqf froze coordination with the Israel Antiquities Authority, blocking even informal monitoring on the Esplanade.³⁰

The northern branch of Israel's Islamic movement, led by Sheikh Raed Salah, mobilised in response. With the PA not permitted to operate in Jerusalem per the Oslo Accords, Salah, an Israeli citizen, moved to fill the Arab leadership vacuum in the city. Having recently split from Israel's Islamic movement over its participation in the May 1996 Knesset elections – and in need of a pious cause to justify him doing so, according to a Palestinian-Israeli analyst³¹ – he adopted Al-Aqsa as the centre of his agenda. The northern branch launched a campaign accusing Israel of “scheming to destroy [Al-Aqsa] and build instead the Third Temple”.³²

²⁶ Fearing violence, the Israeli police had blocked the march. In the wake of what Israel called the “Temple Mount riots” and Palestinians “The Al-Aqsa Massacre”, the UN Security Council passed two resolutions that were critical of Israel and called for an investigation.

²⁷ In 1994, Yasser Arafat nominated Sheikh Ikrama Sabri as Mufti of Jerusalem. Sabri gradually wrested control of the Waqf offices at the Esplanade. Arafat also named a Jerusalemite, Hassan Tahboub, as Waqf affairs minister. This impinged on the role of the Jordanian Waqf, then led by Adnan Al-Husseini, but was reversed starting in 2004, when Jordan financed a major repair of the Dome of the Rock, initiated repairs of the Esplanade's southern wall and more assertively managed its own employees on the site. Dore Gold, *The Fight for Jerusalem: Radical Islam, the West and the Future of the Holy City* (Washington DC, 2007), p. 225. New Jordanian appointments soon followed: in mid-2006 Sheikh Mohammad Hussein replaced Sheikh Sabri as Mufti of Jerusalem, and in March 2007, Sheikh Azzam Tamimi became head of the Waqf Council. Crisis Group interview, Jordanian expert, Amman, July 2014.

²⁸ Netanyahu did not anticipate the controversy. The Waqf had initially, though quietly, consented to the opening, but withdrew its endorsement when the head of the police's Jerusalem district publicly announced it. Reiter, *op. cit.*, pp. 309-311.

²⁹ Reiter, “The Third in Sanctity, the First in Politics: al-Haram al-Sharif in the Eyes of Muslims”, in *op. cit.*, p. 166. In the West Bank more broadly and Gaza, dozens of Palestinians and fifteen Israelis were killed, including in firefights between PA police and the Israeli Defence Forces.

³⁰ Crisis Group interview, Adv. Shmuel Bercowicz, holy sites expert, Jerusalem, 14 May 2014.

³¹ Crisis Group interview, Palestinian-Israeli political analyst close to Islamic movement leadership, Umm al-Fahm, May 2014.

³² Crisis Group interview, Sheikh Raad Salah, Umm al-Fahm, May 2015.

In parallel, the northern branch worked to bolster the Muslim presence in Jerusalem's Old City and on the Esplanade. As movement restrictions into Jerusalem grew tighter on West Bankers and Gazans, Salah organised bus convoys of worshippers and shoppers to support the city's economy and holy places.³³ From 1999, the Islamic movement supplied the Waqf with money and labour to transform two subterranean spaces, the Marwani Mosque and Ancient Al-Aqsa Mosque,³⁴ into large prayer halls. In three consecutive nights during work on the former, some 10,000 tons of earth replete with artefacts, including Islamic and Jewish, were removed from under the Esplanade and discarded without study. The initial reaction of the Israeli government, scarred by the 1996 violence, was restrained.³⁵ When the details leaked, the Israel Antiquities Authority, Temple activists and civil society groups publicly accused the government of shirking responsibility and pushed for tighter monitoring of Waqf works at the site.

Also during this period, the Oslo process raised fears among religious groups, particularly the national-religious, that secular Israeli politicians would relinquish the Esplanade in a peace agreement.³⁶ In order to highlight the significance of the site in Judaism and raise the price of surrendering it, the Committee of Rabbis of Judea and Samaria declared in February 1996 that it would actively encourage ascension.³⁷ This position of relatively mainstream national-religious authorities gave broader legitimacy to a political mobilisation previously advocated by a handful of marginal religious groups.

Notwithstanding the termination of informal cooperation on archaeology, Israel-Waqf coordination kept the site relatively calm. The Waqf still tended to tolerate individual, silent Jewish prayer; tour guides, including Hebrew-speaking ones, continued using aids such as prayer books and images of the ancient Temple – paraphernalia that in the last few years have been banned as incendiary; activists were banned for religious or political demonstrations on the Esplanade and limited to ascending in small groups (usually no more than five), when either Israel or Jordan deemed it necessary, which, particularly after 1996, was most of the time. As during the first

³³ The movement organises daily convoys to support the Palestinian economy and brings Muslim worshippers to the Esplanade. Since establishment in 1996, it has fundraised for the city and its holy sites and helped preserve the Islamic presence there through prayer, study and maintenance. According to a Jerusalem expert, the convoys brought more than two million visitors to Jerusalem, 2001-2009. Mick Dumper, "Jerusalem's troublesome sheikh", *The Guardian*, 7 October 2009. For more details about the convoys, see Crisis Group Middle East Report N° 135, *Extreme Makeover (II): The Withering of Arab Jerusalem*, 20 December 2012.

³⁴ The declared aim in the Marwani Mosque was to open a modest ventilation window for the prayer hall; by the time work was completed, there were two new, large arches and a wide stairway allowing access to the hall. See map. Ancient Al-Aqsa [al-aqsa al-qadim] is also known as Lower Al-Aqsa [al-aqsa al-tahta]. *A Guide to Al-Aqsa Mosque/Al-Haram Ash-Sharif*, PASSIA (Jerusalem, 2014).

³⁵ When Temple activists requested the Supreme Court to prevent use of the spaces as prayer halls, the court accepted the attorney general's argument this almost certainly would lead to bloodshed. Reiter, *op. cit.*, p. 311.

³⁶ The 1993 Declaration of Principles on Interim Self-Government Arrangements provided for Jerusalem's future to be negotiated in the final status agreement. The 1994 Israel-Jordan peace treaty accorded Amman a "special role" in managing the "Muslim Holy shrines in Jerusalem", though it avoided mention of any specifics.

³⁷ Motti Inbari, *Jewish Fundamentalism and the Temple Mount: Who Will Build the Third Temple?* (Albany, NY, 2009), p. 2.

intifada, when stone throwing broke out, Palestinian males under a certain age (first 30, later 40) were prohibited from entering the compound, though implementation of this policy was infrequent compared with later periods.³⁸

C. *Status Quo's Unravelling (2000-current)*

The Esplanade's salience increased markedly in 2000, after the Camp David negotiations, when it emerged as one of the most prominent obstacles between Israel and the Palestine Liberation Organisation (PLO). It was in this environment that then-opposition head Ariel Sharon and six Likud Knesset members visited the Esplanade in a demonstrative gesture of control and in the process, sparked the second intifada. With the outbreak of fighting, the status quo went into abeyance. During the uprising's most violent period (2001-2003), Jews and other non-Muslims, by consensus of Israel and Jordan, were banned from the plateau; in parallel, Israel eliminated the PA's role at the Esplanade, restoring the Jordan Waqf by mid-2004. But even after the worst of the violence receded, the status quo was never the same again.

In August 2003, a few months after Sharon was re-elected prime minister, Israel restored Jewish and other non-Muslim access to the Esplanade. It did so without the agreement of Jordan, pushing aside the coordination of access that had been a central component of the status quo until 2000. This was the first of a series of steps that have led to acrimony and confrontation.³⁹

The change has been felt in ways big and small. In the absence of coordinating non-Muslim access to the Esplanade, the Waqf no longer collects entrance fees at the Israeli-controlled gate and permits only Muslims to enter the Dome of the Rock and Al-Aqsa Mosque atop the plateau.⁴⁰ The Hebrew-speaking guides, both Palestinian and Israeli, who used to wait for tourists at the entrance, have vanished; even Palestinian guides are rare. And in the absence of coordination, Jordan began to refer publicly to groups, particularly those with a Jewish religious appearance, as "[Jewish] settlers storming Al-Aqsa".⁴¹

More importantly, Israel completely controls access for Jews and non-Muslims. While the Waqf continues to work with the police to enforce the Jewish prayer ban, it can no longer determine the size of Jewish groups or the rate of their entry; nor can it veto the entry of specific activists it considers provocateurs. Israel at times has allowed Jews to enter in groups of ten to 30, even 50,⁴² including in army uniform,

³⁸ Israel calls the policy of limiting Muslim access to those of a certain age or gender "dilution". On some occasions, eg, Passover 2014, police completely seal off some gates and channel entrants to a small number, where they check individual ID cards. Crisis Group observation, Chain Gate, Qatanin Gate, 19 April 2014. On occasion, particularly Fridays, police collect ID cards from worshippers who appear aged between fifteen and 30, so that in the event of stone throwing, they will be easier to identify. During the past year, they also have collected women's cards.

³⁹ Then Internal Security Minister Tzachi Hanegbi claimed that Jordan initially expressed interest in reopening the Esplanade to non-Muslims in coordination with Israel, but after Amman acquiesced to Yasser Arafat's opposition, he proceeded without formal consent. Knesset Speech, 12 November 2014. www.youtube.com/watch?t=10&v=uQ3aRFjFQAI.

⁴⁰ The Waqf allows entry of exceptional non-Muslim groups with previous coordination.

⁴¹ Crisis Group interview, Jordanian diplomat, Tel Aviv, 9 March 2014.

⁴² By 2010, groups of up to twenty religious Jews were commonly ascending. Since 2011, the number has grown to 50. Knesset Member Uri Ariel, at Knesset Interior Affairs Committee, 15 June 2011. www.knesset.gov.il/protocols/data/html/pnim/2011-06-15.html. The Waqf complains that

which previously had been forbidden.⁴³ By 2012, senior figures – including high-ranking Knesset members, deputy ministers and ministers – not only were entering the compound, but had approached the Dome of the Rock itself, where they were filmed declaring Israeli sovereignty over the entire site.⁴⁴ Among Jewish visitors to the site, religious Zionists are most prominent, with some 12,000 entries per year (though that pales in comparison with the more than ten million annual Muslim entries).⁴⁵

That said, Israel itself has imposed restrictions on religious activists out of security concerns. It on occasion refuses entry to well-known Temple activists it considers provocative.⁴⁶ Prayer on the Esplanade, even moving one's lips silently, is cause for ejection if observed by the police or the Waqf.⁴⁷ Police checks are intrusive, and potentially inflammatory materials, such as Israeli flags, are confiscated. Israeli and Waqf security personnel keeping surveillance on religious visitors have multiplied. Religious activists resent the restrictions their government places on them, especially since some are themselves Knesset members or officials. With Israel having assumed sole responsibility for Jewish access, it has also had to accept sole responsibility for security decisions.

Supervision of archaeology and public works also has changed since the second intifada. From the time the fighting started until 2006-2007, when maintenance work led the Waqf to lay a pipeline within the Esplanade, the Israel Antiquities Authority did not regularly enter the site. But after complaints from Israeli groups about destruction of antiquities during that project, it increased its supervision.⁴⁸ Authority

Israel – by allowing large groups to enter that the Waqf does not have the capacity to supervise – creates the impression it has no role on the Esplanade. Crisis Group interview, Arab diplomat, Tel Aviv, 22 September 2014.

⁴³ Knesset Member Uri Ariel, at Knesset Interior Affairs Committee, *op. cit.*

⁴⁴ The Dome of the Rock is on the Esplanade's upper plateau, where the Holy of Holies more likely was located.

⁴⁵ Ex-Knesset Member David Tsur, then chair of the Subcommittee on the Topic of Ascension of Jews to the Temple Mount, reported to the Interior Committee, 23 June 2014, that some 9,000 Israelis enter per year, a calculation that counts all visitors once per year, regardless of how many times they ascend. www.knesset.gov.il/protocols/data/rtf/pnim/2014-06-23-01.rtf.

⁴⁶ Dozens of Crisis Group observations confirm that while Israeli Jews who are not visibly religious enter like any non-Muslim tourist visiting the site, religious Jews experience a meticulous and guarded treatment: at the entry booth, they are often made to wait until soon before closing to shorten their visit (usually some fifteen minutes); are checked more thoroughly to ensure they are not carrying prayer texts or other ritual objects; are escorted by Waqf officials and Israeli police; are led on a specific route from which they may not stray; and, mostly, only a single group is permitted to enter at a time, adding to considerable wait times.

⁴⁷ The Supreme Court ruled in 1993 that non-Muslim prayer there is permissible, but under Jordanian pressure, the Israeli government declared that it "has not implemented the Court's judgment". Reiter, "The Third in Sanctity", in *op. cit.*, p. 171. Police have also blocked attempts to lay down what would be the Third Temple's cornerstone, to sacrifice a lamb on the esplanade during Passover and to film and publicise prayers. Until 2012, quiet group prayer took place on rare occasions south of the Gate of Mercy, directly in front of the Dome of the Rock. www.youtube.com/watch?v=r72Ojpw5U8c.

⁴⁸ The complaints led to a 2007 report by the state comptroller that the Israeli Antiquities Authority had been relying exclusively on reports from the police, who have no archaeological training, to judge developments; that the government knew Israeli planning and construction laws were not followed, but took no action; and that the attorney general had refused to pursue any incident referred to him. The report was leaked to the foreign press. "[Legal] Opinion: The Question of Works at the Temple Mount", 14 September 2010. On file with Crisis Group. In July 2012, Attorney General Weinstein clarified that all Israeli laws (including specifically the antiquities and planning laws)

supervisors began to patrol and photograph the Esplanade daily; trucks and tractors were forbidden in principle (not always in practice), which limited projects to those doable with small non-mechanical tools; and the Ministerial Committee for Holy Sites increased its oversight. While an Israeli archaeological expert described these changes to the status quo as “good but insufficient”,⁴⁹ Jordanian officials unsurprisingly complain that they make maintenance work a major challenge.⁵⁰

Meanwhile, Israel's Separation Barrier, the construction of which started in 2003, has intensified longstanding constraints on West Bankers' access to Jerusalem. Access for East Jerusalemites and Israel's Palestinian citizens has been limited as well; early in the post-2003 period, Israeli authorities blocked specific individuals on the basis of security assessments, but over time, as violent protests increased, the government has found it more effective to reduce overall Muslim access through its “dilution” policy.⁵¹ It blocked Muslim entry to the Esplanade only three days in 2003-2012, but 30 days in 2013-2014, and with increasingly expansive age restrictions.⁵²

The lack of coordination at the Esplanade has led to several diplomatic crises between Israel and Jordan since 2003. In 2004, there was a controversy over the Mughrabi Gate and, more generally, whether gates themselves, and the paths leading to them, should be considered to fall within or outside the Esplanade.⁵³ That year, torrential rains damaged the Mughrabi Bridge, the ramp leading to the Mughrabi Gate. Israel quickly demolished the old bridge and installed a temporary wooden one on more or less the same footprint. It also prepared a more ambitious plan for a longer, larger bridge from the Esplanade to the edge of the Old City near the Dung Gate. This was in part to facilitate access for Jews, in part to connect it to the City of David, an archaeological park operated by an Israeli settler organisation in the adjacent

should apply at the holy site. Hezki Ezra, “Weinstein: The Temple Mount is a Part of Israel”, *Arutz 7*, 17 July 2012.

⁴⁹ Crisis Group interview, Adv. Shmuel Bercovicz, holy sites expert, Jerusalem, 14 May 2014. He added that construction still does not require permits from those he considers the relevant Israeli authorities; the Israel Antiquities Authority does not patrol at night; and their entry to underground spaces requires at least three-months coordination; and Jerusalem municipal construction supervisors do not enter the Esplanade daily. A foreign ministry official involved in managing the Esplanade was more positive: “Cooperation regarding the conservation of antiquities is very good today. Amman passes requests to us, which go through different institutions within the Israeli bureaucracy. They complain that sometimes the requests get stuck in one or another phase for too long, and indeed there are those in Israel who try to stall and delay. But overall it works. There are admittedly things that we miss – like recently when digs to repair a pipe led to much larger works than planned – but these are the exception rather than the rule”. Crisis Group interview, Jerusalem, 6 March 2014.

⁵⁰ Crisis Group interview, Jordanian diplomat, Tel Aviv, 9 March 2014. The Waqf repeatedly has been denied equipment it considers essential; eg, Israel repeatedly refused Jordanian requests for electrical generators. (They were later supplied as compensation on an unrelated issue.) Crisis Group interviews, foreign affairs ministry official involved in managing the Esplanade, Jerusalem, 6 March 2014; Mustafa Abu Sway, Waqf Council member, Jerusalem, 12 June 2014.

⁵¹ See fn. 37 above.

⁵² Commissioner Yossi Pariente, head of the police Jerusalem district, at the Knesset Interior Affairs Committee, 23 June 2013. www.knesset.gov.il/protocols/data/rtf/pnim/2014-06-23-01.rtf. “In the past East Jerusalemites rejoiced when they celebrated their 30th birthday [so could enter the Esplanade]. Then the limit was raised, and we celebrated our 40th birthdays. Now it is the 50th birthday”. Crisis Group interview, Prof. Mustafa Abu Sway, Jerusalem, 12 June 2014.

⁵³ The Israeli position is that the entrances themselves are not part of the compound and so fall under Israeli control. The Waqf insists that all entrances – and specifically the entire Mughrabi ascent – is part of the compound itself.

Arab neighbourhood of Silwan. Palestinian protests were to little avail, but after Jordan objected strongly, Israel shelved the plan. Despite the Jerusalem municipality city engineer's injunction forbidding use of the temporary bridge because of its susceptibility to collapse or fire, it remains in use today.⁵⁴

These material changes have been paralleled by other developments no less real or dangerous. As Palestinians and Muslims have felt their control of the Esplanade slipping, they increasingly have denied the legitimacy of Jewish rights there as well as of any Jewish historical link with it. Senior officials have denied not only the Temple's existence, but also any Jewish historic presence in Jerusalem.⁵⁵ This sharply contradicts positions the Waqf has taken when the political situation was less contentious.⁵⁶ National-religious rabbis and sitting Israeli politicians have in recent years done the same in reverse, denying the sanctity of the site to Muslims.⁵⁷

⁵⁴ The bridge was reinforced and fireproofed in 2012. Daniel Seidmann, "The Events Surrounding the Mugrabi Gate – 2007: A Case Study", unpublished report for the Jerusalem Old City Initiative, June 2007, on file with Crisis Group.

⁵⁵ For instance. PA Waqf and Religious Affairs Minister Mahmoud Habbash said Jews "have no right" to either Jerusalem or Al-Aqsa. palwatch.org/main.aspx?fi=859 quoting Wafa, 31 October 2014. President Abbas partly echoed this: "It is our sacred place, al-Aqsa is ours, this Noble Sanctuary is ours. [Israeli settlers] have no right to go there and desecrate it". *Times of Israel*, 17 October 2014. Sheikh Ikremah Sabri, former PA mufti and current head of the Islamic Higher Committee in Jerusalem, went much further: "We don't recognise any role for Jews at Al-Aqsa. Jews have been digging tunnels in Jerusalem and Palestine since the eighteenth century. They operated through the British Archaeological School. And haven't found anything – not a thing – connected to Judaism in Jerusalem. Jews have no historical connection to Jerusalem". Crisis Group interview, Jerusalem, 7 May 2014.

⁵⁶ For instance in 1925, the Waqf stated in tourist booklets that the "identification of the site with Salomon's Temple was beyond dispute". Temple activists make much of this document. Crisis Group interview, Rabbi Yehuda Glick, Jerusalem, 17 July 2012. Sheikh Ikremah Sabri, former PA mufti and current head of the Islamic Higher Committee in Jerusalem, dismissed it: "This is not recognised by us. It is not a religious book. It was an informational pamphlet, not a holy book. Maybe one of the employees at the time made a mistake". Crisis Group interview, Jerusalem, 7 May 2014.

⁵⁷ Rabbis claimed to Crisis Group that the Al-Aqsa Mosque was built purely for political reasons as part of a geopolitical contest well after Muhammad's lifetime, and that according to some Muslim traditions, it is unclear that the real Al-Aqsa Mosque is in Jerusalem. Crisis Group interviews, national-religious rabbis, May 2014-March 2015. See also "IDF's chief rabbi: Temple Mount is of no religious significance to Islam", *The Jerusalem Post*, 28 November 2014.

III. Socio-religious Trends

These changes at the Esplanade are in no small part the result of social and religious changes in Israel. First and foremost, the Oslo process, final status negotiations and the 2005 withdrawal of settlers and soldiers from Gaza have pushed the Temple to the forefront. They strengthened the fears, particularly in orthodox circles, that the government would compromise over the Esplanade, and the divine plan would not unfold gradually, leading some Jews to advocate accelerating it by erecting a Temple. Calls for imposing Israeli sovereignty and allowing full freedom of worship have amplified these changes in the religious sphere. Palestinians and other Arabs consider these developments, actual and inchoate, as proof of their long suspicion Israeli settlements and archaeological digs near the Esplanade would someday bring a drastic alteration of the status quo.

A. Societal and Political Trends in Israel

1. Changes in religious activism, rulings and practice

The Temple is central in Jewish liturgy and rabbinic texts. Orthodox Jews of all stripes agree on its centrality; as a national-religious rabbi put it, the Temple symbolises the utopian (ie, not imminent) apex of a process of human, social and spiritual betterment.⁵⁸ Religious Zionists and the ultra-orthodox share a belief that it should be reconstructed and its ritual practices resumed, but there are sharp and significant differences among them about when and how and whether, prior to that, Jews should ascend to and pray on the grounds of the Esplanade.

There are three basic perspectives on the question among religious Jews. The most activist and visible of the streams wants to build the Third Temple immediately.⁵⁹ Despite its small size – a few hundred ardent activists out of perhaps a few thousand adherents⁶⁰ – it includes different theologies and groups.⁶¹ As a rule, they

⁵⁸ “The Temple is a national symbol, not in the abstract sense like a flag but in that it stands at the actual place our forefathers prayed. But its deepest inner meaning, sanctity, is more impenetrable. It is the essence of all moral and spiritual ideals including the relationship with God, a healthy and repaired society, repaired ethics, the proper relation to the world and to other nations. The entire point of the process of redemption is to bring about the realisation and revelation of all these ideals in their fullest”. Crisis Group interview, Rabbi Shai Siminovski, Kedumim, 29 April 2015.

⁵⁹ Arnon Segal, a prominent Temple activist, said he was ready to reconstruct the Temple “immediately”, and the Temple Institute had already built an altar. Netal Bandel, “Arnon Segal Wants to Build the Temple Already Yesterday”, *Kipa*, 28 November 2013. “Demanding Ascension of Jews to the Temple Mount: A Façade for an Extremist Ultra-nationalist Act to Change the Status Quo”, Ir Amim Position Paper, 3 April 2014. On file with Crisis Group.

⁶⁰ Crisis Group interview, Israeli analyst, December 2014. “Temple movement activists are only a small percentage of the national religious public”. Yizhar Be’er, “Dangerous Liaison: The Dynamics of the Rise of the Temple Movements and Their Implications”, Ir Amim and Keshev, 1 March 2013, p. 24. The Gaza withdrawal was traumatic for many Religious Zionists and sparked a rise in Temple activism. Crisis Group interviews, Jerusalem, July-August 2014. “The expulsion made me realise that the Temple is the heart of the Jewish people. We cannot function adequately without it. We need it. We need it now”. Crisis Group interview, national-religious Gush Katif evacuee, southern Israel, August 2014.

⁶¹ The most comprehensive survey of these theologies is Motti Inbari, op. cit. Most groups follow the writings of Jewish thinker Shabtai Ben Dov (1924-1978), a member of the Stern Gang, an extremist Zionist group during the British mandate. Ben Dov called for Jews to immediately be pro-

de-emphasise *halacha* (Jewish law as developed and codified since the first century CE) and the authority of its main interpreter, the rabbinic establishment, because *halacha* became a dominant feature only after destruction of the Second Temple and its replacement by the synagogues as a venue for worship and Jewish texts. These activists seek a theocratic state that would revert to Judaism's original sacrificial practices and renew the Sanhedrin – a special court that convened on the Esplanade in the days of the Temple – as its judicial authority, rendering rabbis superfluous.⁶²

The much larger second stream is composed of the national-religious mainstream, some 600,000 Israelis, roughly 10 per cent of Israel's population.⁶³ Unlike the activist stream, which disdains rabbinic rulings, it tends to consider rabbinic rulings on clearly religious matters decisive – which is why the change in rabbinic attitudes in the wake of the Oslo Accords is of paramount importance. Whereas 30 years ago, rabbis of the religious Zionist camp categorically rejected Jewish ascension, today they are split on the question, though they remain united in opposition to moving ahead to construct the Third Temple.⁶⁴ A May 2014 poll, reflective of Crisis Group's fieldwork, indicated that 75 per cent of national religious Jews support ascension of Jews to the Temple Mount.⁶⁵

For now, actual ascension lags behind the rabbinic support and the media attention it has generated, but given these changes, the size of this community and the continuing inroads ascension is making into its mainstream, tensions are all but guaranteed to increase.⁶⁶ In previous decades, Palestinian Muslims did not see the presence per se of religious Jews on the Esplanade as threatening. Today the latter ascend with the intention of praying and occasionally succeed; they also loudly proclaim, including on the Esplanade itself, Israeli sovereignty, have fashioned the implements necessary for Temple worship and built models of the site that replace the mosques with a Temple – all reported in the Arabic press.

The third stream, Israel's ultra-orthodox rabbinic authorities, including the most senior, firmly opposes entering the Esplanade. It believes that the Third Temple will descend in its final form from heaven; simply entering the Esplanade before then, let

active in advancing redemption; unlike Kook, he applied the same logic to rebuilding a Temple. "We want the state budget to include a 'Temple construction' budget line". Crisis Group interview, Michael Poah, Jewish Leadership Research Director, Jerusalem, 2 June 2014. On the groups espousing these theologies, see Yizhar Be'er, *op. cit.*

⁶² Keen on increasing their numbers but also aware that virtually all other religious Jews defer to rabbinic rulings, the activist groups "try to avoid running afoul of the rabbis". Crisis Group interview, Michael Poah, Jewish Leadership Research Director, Jerusalem, 2 June 2014. In an attempt to bridge this gap, which renders recruiting very difficult, Temple activists have established an embryonic rabbinic court. Arnon Segal, "The Torments of Occupation", *Makor Rishon*, 13 June 2014. <http://tinyurl.com/qxrdlz5>.

⁶³ See Crisis Group Report, *Leap of Faith*, *op. cit.*

⁶⁴ Rabbi Tzvi Yehuda Kook (1891-1982), a central authority for the national-religious, is often cited by his pupils as saying, "with respect to the Temple, we are Satmer [an ultra-orthodox denomination]". Crisis Group interview, national-religious rabbi, Jerusalem, 5 March 2014. For a detailed look at three main sub-currents among the national-religious core, see Crisis Group Report, *Leap of Faith*, *op. cit.* The "Torani" core, one-third of the national-religious public, is split three ways on ascension: "Line" yeshivas tend to oppose it; "Tkuma" rabbis support it; and the Central sub-current, the biggest, is divided.

⁶⁵ "Overwhelming majority in religious Zionism in favour of ascension to the Temple Mount", *Makor Rishon*, 23 May 2014. <http://tinyurl.com/knkabs6>.

⁶⁶ Crisis Group interview, national-religious rabbi, Jerusalem, 5 March 2014.

alone constructing a Temple, transgresses religious laws and is punishable by death at God's hands. There are few cracks in this consensus among this community, which, like the national-religious, form roughly 10 per cent of Israeli society. Knowledgeable ultra-orthodox observers argue that change on this matter would take generations; though some authorities have voiced different views in recent years, they remain rare exceptions.⁶⁷

Moreover, the state's chief rabbinate, largely controlled by the ultra-orthodox, publicly reaffirms on virtually every Jewish pilgrimage festival that ascension is prohibited.⁶⁸ The matter has become political fodder: over the past two years, as religious Zionists and the ultra-orthodox increasingly have clashed over state policies,⁶⁹ ultra-orthodox politicians became more aggressive, vocally reminding the large part of the Jewish Israeli public that does not define itself as religious but respects rabbinic rulings that ascension is, at best, highly controversial.

2. Sovereignty and freedom of worship

Religious Zionists looking to further change the reality on the Esplanade have found allies in compatriots, on right and left, who fault the government for failing to implement its sovereign prerogatives and guarantee full freedom of worship for non-Muslims. Such criticism, usually put forward by the national-religious, has traction with secular Israelis as well.

Much of the right, secular and religious alike, disapproves the restraint at Judaism's holiest site.⁷⁰ Whereas previous conquerors of Jerusalem destroyed or transformed sites belonging to other religions, Israel today is yet to implement its own Supreme Court ruling that Israel, as the sovereign on the Esplanade, must fully apply its laws there.⁷¹ Knesset members have pushed for Jewish rights on the Esplanade on this basis.⁷² Court rulings thus far have failed to change government policy,

⁶⁷ Crisis Group interview, ultra-orthodox activist, Jerusalem, June 2014. The few junior ultra-orthodox rabbis who support ascension are condemned by peers and pay a high social cost. Crisis Group interviews, ultra-orthodox rabbi, Bnei Brak, May 2014. Nadav Shragai, "Ultra Orthodox Prohibition on Entering Temple Mount Splinters", *Haaretz*, 8 July 2008.

⁶⁸ These are Sukkot, Passover and Shavuot, when Jews in the Kingdom of Judah made a pilgrimage to the Temple.

⁶⁹ These include the state financial support for yeshivas and drafting ultra-orthodox into the Israeli army. Ultra-orthodox politicians threatened to cut funding to settlements, supported by the national-religious, and vociferously attacked its redemption theology.

⁷⁰ A national-religious Knesset member said, "our objective should be to prevent the erosion of Israeli sovereignty and to strengthen the Temple's centrality in Israeli education". Crisis Group interview, Knesset Member Zvulun Kalfa, Jewish Home, Jerusalem, 16 May 2014.

⁷¹ The Supreme Court ruled in 1993 (2725/93 and 4044/93) that the police must allow non-Muslims to pray on the Esplanade unless there is a concrete alert suggesting that prayer would trigger public disorder. Police reaction essentially has been to argue that there is such an alert every day, without making the specific assessment the Supreme Court ordered.

⁷² Former Knesset Member Orit Struck said, "we must make it clear that we have sovereignty over Jerusalem A situation in which there is some type of foreign sovereignty over the Temple Mount is untenable". Mazal Mualem, "Israeli MK [Member of Knesset]: Israel Must Reaffirm Sovereignty over Jerusalem", *Al-Monitor*, 30 October 2014. Knesset Member Yuli Edelstein said, "I understand that sometimes, one needs to take into account considerations of the public peace. I do not see such considerations as making us less sovereign on the Temple Mount. But I will not give up on the right of MKs to ascend the Mount". Gil Ronen, "Knesset Speaker: Temple Mount Solution 'by Next Year'", *Arutz 7*, 5 August 2013.

but Temple activists continue to press.⁷³ An unprecedented Knesset plenary on Israeli sovereignty over the Esplanade on 25 February 2014 produced no policy shift but did spark mass protests on the Esplanade and in East Jerusalem and Amman. It also provoked Jordan's parliament to call on the government in a non-binding resolution to end diplomatic relations with Israel.

On the liberal side of the political spectrum, the notion of freedom of worship resonates deeply.⁷⁴ Since 1993, the Supreme Court has ruled repeatedly that Israeli Jews have the right to pray at the site.⁷⁵ It went further in 2006, holding that there cannot be blanket infringements of that right – on the claim that prayer would cause public disorder – and that bans must be assessed daily.⁷⁶

Knesset Member Hilik Bar, secretary general of the centre-left Labour Party, co-sponsored, in mid-2014, a bill enhancing Jewish worship rights because, he said, “there is no moral justification for preventing Jews from praying at our holiest site”.⁷⁷ Likud Knesset Member (now Culture Minister) Miri Regev, his co-sponsor, spoke of the need to instruct the police to allow non-Muslims to worship freely irrespective of the consequences for “public disorder”.⁷⁸ The religious affairs ministry announced it would publish prayer rules to regulate “worship rights” for Jews and Muslims on the Esplanade.⁷⁹ Though none of these initiatives came to fruition – the bill never came to a vote, and an official in the prime minister's office brushed away the would-be prayer regulations⁸⁰ – they have kept the issue in the news, generating extensive coverage in the Palestinian and general Arab media.

B. *Palestinian and Arab Reactions*

As the social and religious change in Israel accelerated, so too did the sense of threat among Palestinians and Arabs to their foremost national and religious symbol.⁸¹

⁷³ “Secular activist crusades for religious access to the Temple Mount”, *The Times of Israel*, 25 December 2014.

⁷⁴ “Even [the liberal Chief Justice Dorit] Beinisch says we should be allowed to pray at the Temple Mount and that the police violate the law!” Crisis Group interview, Rabbi Yehuda Glick, Jerusalem, 17 July 2012.

⁷⁵ See fn. 71.

⁷⁶ Supreme Court ruling 4776/06.

⁷⁷ Bar withdrew his support within three days under heavy pressure from his party. Crisis Group interview, Hilik Bar, Jerusalem, 25 May 2014. The chairwoman of the leftist Meretz Party, Knesset Member Zehava Galon, said that as part of a final status agreement Jews should be allowed to enter and pray at the Temple Mount. Israel Radio noon news, 25 February 2014.

⁷⁸ “Law Proposal: Equality of Civil-Religious Status for Jews and Arabs at the Temple Mount”, 23 June 2014. www.knesset.gov.il/privatelaw/data/19/2564.rtf.

⁷⁹ Elhanan Glatt, religious affairs ministry general director, at the Knesset Interior Affairs Committee, 9 May 2013. knesset.gov.il/protocols/data/rtf/pnim/2013-05-08.rtf.

⁸⁰ “Last time I checked it was not [then Deputy Religious Affairs Minister] Eli Ben Dahan who leads this government but the prime minister. It won't happen”. Crisis Group interview, Jerusalem, 7 April 2014.

⁸¹ Developments in Palestinian society, Israel and the wider Middle East have fuelled changes in the Palestinian and Muslims spheres as well that are beyond the scope of this report. For instance, a Palestinian Muslim said, “when I ascended as a child, it was allowed to eat and drink on the plaza. We did not treat it as holy except within the Al-Aqsa Mosque and the Dome of the Rock, but today Islamic sanctity has spread to the entire area. Smoking is forbidden today on the entire compound, though in the past it was allowed. I remember doing barbeque there”. Arnon Segal, “Muhammad No Longer Comes to the Mountain”, *Makor Rishon*, 21 March 2014. Today Palestinians treat the

Three kinds of reactions have emerged to defend Al-Aqsa, as Palestinians refer to the entire compound.

First, many Palestinians with Israeli citizenship have been mobilised by Israel's Islamic movement, primarily its northern branch.⁸² In recent years, the movement has intensified its activities on the Esplanade by organising especially women and elderly men, known generically as *al-murabitun* (guardians of Islamic holy places). Citizenship affords them certain legal protections not enjoyed by Palestinian residents of East Jerusalem or the Occupied Territories; gender and age give them practical advantages, as the Israeli police tend to treat them less roughly than young men. They heckle and on rare occasion block religious Jews who ascend the upper plateau near the Dome of the Rock.⁸³ The *murabitun* used to sit primarily at the southern part of the Esplanade, near the Mughrabi Gate, through which religious Jews and all non-Muslims enter, but in mid-2014, as their numbers grew, they expanded to positions all along the route used by religious Jews. Israeli authorities have limited certain women's entry for fear of violence and banned three Islamist activist groups supporting them.⁸⁴

The second grouping is composed of young Palestinians, mostly from East Jerusalem, known as *shabab al-aqsa* (Al-Aqsa Youth). In mid-2014, they threw stones and firecrackers at police on and around the Esplanade as the Gaza war raged, the Israeli response intensified, and the perception of threat to Al-Aqsa ran high. A Palestinian civil society leader portrayed them as Old City residents – “some Fatah, some Hamas, some unaffiliated, some thugs” – who spontaneously reflect the popular sense of offence and indignity at Israel's actions on and around the Esplanade.⁸⁵ A Palestinian analyst commented:

entire compound, not only the structures on it, as a mosque and refer to the Esplanade more frequently as “Al-Aqsa” than as “Al-Haram Al-Sharif”. For details, see Yitzhak Reiter, *Jerusalem and its Role in Islamic Solidarity* (Palgrave, 2008).

⁸² The Israeli government considers Sheikh Salah, head of the northern branch, a major menace due to leadership of the “Al-Aqsa is in danger” campaign, which it sees as an incitement; channelling of Gulf funds to at times aggressive activists on the Esplanade [*murabitun*]; and theological hostility to the State of Israel (whose elections, for example, he instructs followers to boycott). Officials have for years said unabashedly they are doing their best to imprison him. Crisis Group interview, foreign affairs official involved in managing the Esplanade, Jerusalem, 6 March 2014. In April 2015, he was sentenced to seven months in jail for incitement.

⁸³ Participants in such groups reportedly receive a monthly stipend of 1,300 to 1,500 NIS (approximately \$350-400). Crisis Group interview, East Jerusalemite Islamist, Jerusalem, 22 October 2014.

⁸⁴ “I thank Netanyahu for this crisis. My phone keeps ringing with people asking how they can help financially and by volunteering to the study groups”. Crisis Group interview, Sheikh Kamal Rayan, Al-Aqsa association chairman, Kafr Qassem, 18 September 2014. “There are men and women studying Quran on the courts of Aqsa. They prevent settlers from praying. These men and women are chased by the police and the border police”. Crisis Group interview, Sheikh Ikremah Sabri, former PA mufti, current head of the Islamic Higher Committee in Jerusalem, Jerusalem, 7 May 2014. Gili Cohen and Nir Hasson, “Israel bans Islamist groups urging Temple Mount unrest”, *Haaretz*, 12 January 2015.

⁸⁵ Crisis Group interview, Jerusalem, 4 June 2015. Israeli and Jordanian officials claim Hamas organises the youths; Jordanian diplomat, Tel Aviv, 2 November 2014; Israeli foreign affairs official involved in managing the Esplanade, Jerusalem, 22 October 2014. That claim is likely exaggerated, though Hamas has a visible presence on the Esplanade, as evidenced by the occasional unfurling of its flag. With Israeli policing constrained and contentious, the site offers a relatively hospitable venue for the movement. Many Palestinian activists say police treat Hamas relatively lightly to divide the protest movement. Crisis Group interview, NGO leaders, Jerusalem, June 2015.

The speed with which the *shabab* start throwing stones is a reflection of their weakness. The encirclement of and encroachment on Al-Aqsa is palpable. They feel that things could slip out of their control at any second, so they turn the slightest slippage into a major drama, as a way to create some sort of minimal deterrence.⁸⁶

Thirdly, PA President Mahmoud Abbas in 2012 proposed to replace the prohibition on visits/pilgrimages by Muslims to Jerusalem – decreed with the intention of denying legitimacy to the Israeli occupation⁸⁷ – with one that allows, even encourages visits to Al-Aqsa in order to deter Israeli changes.⁸⁸ Some, like Sheikh Yusuf al-Qaradawi and the northern branch of Israel's Islamic movement, believe this would imply acceptance of Israel's control, but a PA official was dismissive: "Visiting a prisoner does not mean you are collaborating with the prison guard".⁸⁹ In June 2014, prominent Muslim scholars and intellectuals took a tendentious position as a compromise, ending the ban for Palestinians from all countries and for Muslims from outside the Muslim world, while maintaining it for Arabs and Muslims from Muslim countries.⁹⁰ These calls have generated minor change, and some additional high-level religious and political leaders publicly support Abbas's stance.⁹¹ Overall, however, they are yet to have much impact.

⁸⁶ Crisis Group interview, Jerusalem, June 2015.

⁸⁷ He did this on 28 February 2012, during an Arab League summit in Doha, Qatar. In April 2012, visits to support "the beleaguered Muslim community in Jerusalem" by senior Islamic figures – most notably the Grand Mufti of Egypt, Sheikh Ali Goma, and Jordan's Prince Ghazi – broke a 45-year taboo in parts of the Islamic world. Also visiting that month were Jordan's Prince Hashem, Habib Ali Al-Jifri, an influential Sufi priest from Yemen, and delegations from Bahrain and Jordan. Tom Heneghan, "A Palestinian plan to attract Muslims back to Al-Aqsa", Reuters, 19 June 2012. The *fatwa* banning pilgrimage was issued by Sheikh Qardawi and others at the beginning of the second intifada. www.inminds.com/boycott-fatwas.html#qar.

⁸⁸ The PA's grand mufti of Jerusalem and Palestine, Mohammad Hussein, issued a ruling in 2012 allowing every Muslim to make a pilgrimage. A prominent member of the southern branch of Israel's Islamic movement explained: "I and many others oppose the ruling that prohibits Muslims from coming to Al-Aqsa because it is 'normalisation'. The prohibition in my view is both religiously wrong and politically self-defeating. First, from the religious perspective, it contradicts the principle that the three mosques [in Mecca, Medina and Jerusalem] should be visited. Some go as far as saying you cannot complete the Hajj without visiting Al-Aqsa. Why prevent Muslims from doing this? Secondly, politically, what protects the Al-Aqsa Mosque is not a small group of activists but the massive presence of Muslims from here and abroad. The mosque does not belong to Palestinians alone but to the Muslim nation (*umma*) in its entirety. We should have thousands and tens of thousands come here". Crisis Group interview, Sheikh Kamal Rayan, Al-Aqsa Association chairman, Kafr Qassem, 18 September 2014. Some local Islamic leaders hope to mobilise some of these foreigners in confrontational *murabit*-style activism against religious Jews who seek to alter the status quo. Crisis Group interview, Islamic leader, Jerusalem, October 2014.

⁸⁹ Crisis Group interview, PA official, Ramallah, June 2014. An Islamist activist explained: "This debate revolves around who we should take as our authority [*marjaiyya*] on this issue. Is it Qaradawi, as Sheikh Salah and Hamas argue, or are we each our own *marjaiyya*, as the Jordanian king, President Abbas and other Islamic scholars argue"? Crisis Group interview, Jerusalem, 3 September 2014.

⁹⁰ "Muslim scholars end ban on visiting Al Aqsa Mosque under occupation", *The Jordan Times*, 28 July 2014.

⁹¹ Nir Hasson, "Jerusalem tourism gets lifeline from unlikely source: Muslim visitors", *Haaretz*, 7 April 2015. There is an increase particularly in the number of Turkish pilgrims, who cite new religious rulings in support of pilgrimage. Crisis Group interview, Elsa Grugenon, expert on Muslim pilgrimage to Al-Aqsa, Jerusalem, June 2014. In September 2014, the Kuwaiti foreign minister prayed

Jordan's role has been more palpable. Its custodianship of Al-Aqsa – as reflected in the 1994 peace treaty with Israel and a March 2013 agreement with the PLO⁹² – is seen in Amman as a central pillar of the monarchy's legitimacy. When, in November 2014, Jordan watched Israel deny Muslim access to the Esplanade, possibly – so the kingdom believed – in preparation for changing the status quo, it recalled its ambassador from Tel Aviv, after not doing so during the Gaza war just months before, when more than 2,100 Palestinians were killed. A palace official explained that “instability at Al-Aqsa harms internal Jordanian security and King Abdullah's standing. We managed the Arab Spring with barely any protests of more than 800 participants. But an escalation at Al-Aqsa could bring out 80,000”. But with Jordanian and Palestinian agendas often diverging, Palestinians not infrequently complain that Jordan is not doing enough to protect their interests.⁹³

at Al-Aqsa. The Saudi Secretary General of the Organisation of Islamic Cooperation (OIC), a former minister, visited Al-Aqsa on 5 January 2015. The OIC named Jerusalem “Capital of Islamic Tourism” for 2016. “Saudi leader of Islamic states bloc to visit East Jerusalem”, *i24news*, 2 January 2015.

⁹² The 1994 Israel-Jordan treaty states: “Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status [with the Palestinians] will take place, Israel will give high priority to the Jordanian historic role in these shrines”. The March 2013 agreement refers to the State of Palestine's sovereignty in East Jerusalem, albeit under Israeli occupation, and the Hashemite Kingdom of Jordan's custodianship of the holy sites. Text at tinyurl.com/oue76yc. Jordan wanted the agreement because it believed the UN General Assembly's recognition of Palestine created a new legal reality that required a reaffirmation of existing understandings. Crisis Group interview, Jordanian diplomat, Tel Aviv, 9 March 2014.

⁹³ Crisis Group interviews, Amman, March 2015, Jerusalem, May-June 2015.

IV. Stabilising the Status Quo

The active governmental stakeholders – Israel, Jordan and the U.S. – claim to want to ensure continuation of the status quo, but given the status quo's murky origin, it is often unclear what each means. Prime Minister Netanyahu, after his summit with King Abdullah in November 2014, said he was committed to the status quo, by which he apparently meant the situation on the Esplanade before the mid-year escalation.⁹⁴ King Abdullah seems to want to return at least to the pre-2000 reality, with Jordan taking on the partial responsibilities the PA then had but subsequently lost. There are small but significant differences between the two versions of the status quo, chiefly regarding access and oversight of public works, though changes in narrative, a senior Jordanian official argued, are as important as any administrative detail: "Israel increasingly relates to Arabs as tenants who will ultimately be evicted instead of as rightful owners".⁹⁵

The erosion of the status quo sets a dangerous precedent and, if only for that reason, the slippage of the past several years should be reversed. Israel, therefore, should restore the arrangement to what it was before Israel abrogated it in 2003. This would mean, above all, giving Jordan a role in deciding who can and cannot enter the Esplanade. While Jordanian officials say they can live with the current situation there, they fear what the changes portend.⁹⁶

However, given the social and political changes in Israel, that appears unfeasible. The March 2015 elections brought the champions of Temple activism into the coalition as ministers. While they themselves are less likely to act confrontationally toward their own government's policy of restraint at the site,⁹⁷ younger politicians may seek to outflank and embarrass them to win support from the national-religious public and beyond. More broadly, Israel's religious right in general and Temple activists in particular are less willing than ever to accept limitations on Jewish access and worship. To stabilise the situation, even tentatively, three main challenges of managing the site will have to be addressed.

A. *Security and Access*

In the wake of the Abdullah-Netanyahu summit, convened by Secretary of State Kerry in Amman, Israel and Jordan agreed to each implement steps to calm the situation and resumed some coordination. Israeli authorities reduced the size of groups of religious Jews permitted to enter, limiting them to five initially and currently to fifteen. These entries are processed so slowly that many who wait for hours are never

⁹⁴ He said, "since the days of Abraham, the Temple Mount has been the holiest site for our people, and with this, the Temple Mount is also the most sensitive kilometre on earth Alongside our determined stance for our rights, we are determined to maintain the status quo for all the religions in order to prevent an eruption". "Netanyahu: We will preserve status quo on Temple Mount", *Ynet*, 2 November 2014.

⁹⁵ Crisis Group interview, Amman, June 2015.

⁹⁶ A second official also used the ownership metaphor: "The owner gets to decide who enters the house and who doesn't. Israel sees itself as the owner". Crisis Group interview, Amman, June 2015.

⁹⁷ "Some provocateurs were ejected from politics and others were promoted to ministerial positions, which will restrain them". Crisis Group interview, adviser to Israeli prime minister, Jerusalem, 27 May 2015.

admitted. Also, with a few exceptions, religious ministers and Knesset members are de facto banned.⁹⁸

In parallel, policing of Islamist activists at and around the Esplanade became tighter; Israel has increased surveillance, and the Waqf prevents them from sleeping at the site, which had enabled them to circumvent access restrictions.⁹⁹ The main challenge today is for Israeli police stationed at the Mughrabi Gate and patrolling the Esplanade, who are still targeted for stone-throwing, as are Jewish visitors who pray or take other provocative action, especially on Jewish holidays. But the root causes of tension still fester. Palestinians, convinced that erosion of the status quo will continue, resent religious Jews' presence on the Esplanade more than ever. An Islamist activist in East Jerusalem said, "a *kippa* [Jewish skullcap] has come to mark the Jewish project of dividing the Esplanade".¹⁰⁰

Israel and Jordan have restored their working relationship and staved off an even greater escalation in 2014 but remain mistrustful.¹⁰¹ Especially sharp are differences about who rightfully controls access to the Esplanade.¹⁰² Amman has informally pledged not to abuse the veto it in effect had under the pre-2000 status quo by excluding all religious Jews, but Israel is not willing to restore its previous role. Given the prominence of the Esplanade in Israeli discourse today, including among prominent politicians, it is unthinkable that the Israeli government would accord Jordan a role in determining which Jews are permitted to enter.

Coordination of access, however, should not be elevated to an end in and of itself. The goal, rather, should be smooth and secure access, which – perhaps counter-intuitively – would best be guaranteed by ensuring it for both communities simultaneously. For the most part since 1967, Jewish and Muslim access was not mutually exclusive or dangerous, nor need it be today, so long as each community does not be-

⁹⁸ Crisis Group observations, November 2014-May 2015.

⁹⁹ Besides banning two non-profits organising *murabitun*, Israel increased police in East Jerusalem by hundreds. The Waqf has also become energetic, reverting to the more robust practices before mid-2014. "At the end of Friday prayers, when the police typically are pelted with stones, the [police] force waits as long as possible before reacting, because we want the Waqf to deal with it. Recently they have begun to do so". Crisis Group interview, foreign ministry official involved in managing the Esplanade, Jerusalem, 6 March 2014. A Jordanian diplomat affirmed that the Waqf prevents stone throwing at the police: "We want the Waqf to stop it. But we don't accept the Israeli view that the youth are the cause of the problem. That's a narrow legalistic view; what they do is a reaction to provocations". Crisis Group interview, Tel Aviv, 9 March 2014.

¹⁰⁰ Crisis Group interview, East Jerusalemite Islamist, Jerusalem, 22 October 2014.

¹⁰¹ "After a challenging summer, the current situation, which is much more if not fully calm, demonstrates that the two main stakeholders knew how to act responsibly. The overall sense is of an achievement, a sustainable achievement. We achieved it in spite of provocateurs from both sides. And the 'we' is important". Crisis Group interview, adviser to the Israeli prime minister involved in management of the Esplanade, Jerusalem, 27 May 2015.

¹⁰² Jordanian officials say they told their Israeli counterparts that the policy can revert to its pre-2000 state if Israel prevents religious Jews and soldiers in uniform from ascending. Crisis Group interview, Jordanian diplomat, Tel Aviv, 9 March 2014. Israel objects to such exceptions, particularly of religious Jews. Crisis Group interview, foreign ministry official involved in managing esplanade, Jerusalem, 6 March 2014. An expert with strong contacts in the Jordanian government said Jordan was willing to go further and commit not to abuse its veto power: it explicitly communicated to Israel that it would not stop allowing religious Jews altogether to enter and would not arbitrarily prevent the entry of prominent Jewish activists. Israel rejected the resumption of coordination, suspecting Jordan's idea of abuse of the veto power is different than its own. Crisis Group interview, Amman, July 2014.

lieve that the other's comes at its expense. The Israeli government accordingly should reject the recommendation of the Knesset subcommittee for the Rights of Jews at the Temple Mount, which in June 2014 advocated blocking access to the site for Muslims whenever there is violence against Jews.

Instead, the government should identify and ban individual Jewish and Muslim provocateurs. For Palestinians, that is difficult to accept, as it leaves it to Israel to decide who is a troublemaker. The system would be more stable were Israel to do so in cooperation with the Waqf, more stable yet were a Palestinian consultative body to the Waqf formed, as described below. But the immediate situation will be most unstable if Israel reverts to "diluting" Palestinian presence, leaving Muslims to pray at checkpoints as Jews circulate freely on the Esplanade.

B. *Prayer*

Israel continues to comply with the status quo regarding Jewish prayer and has refrained from changing the ban without Jordan's consent.¹⁰³ According to media reports, at least twice in 2013-2014 it asked permission for Jews to pray in a small section of the site, and Jordan refused.¹⁰⁴

Moving forward, the ban on Jewish and other non-Muslim prayer should be amended only by consensus of the main stakeholders, including Jordan, Israel and the PLO.¹⁰⁵ This could take the form of an agreement specifically on the Esplanade; alternatively, the Esplanade could be part of a package deal that regulates the status of the many contested religious sites (Christian, Muslim and Jewish) between the Mediterranean Sea and the Jordan River. But in the absence of such an accord, the Esplanade should not be singled out for unilateral and necessarily forcible change. This would not be perceived as fair to those with their own religious claims, or smart policy, given the inflammatory potential. In the meantime, each side – first itself, then together – should begin intra-religious dialogue in preparation for eventual direct talks, as previously recommended by Crisis Group and explained below.¹⁰⁶

The sensitivity of Jewish prayer at the site is so great that the police should enforce the ban not only in the moment, as now, but also post-facto. Temple activists often film their worship – nearly always purposeful and provocative violations – and upload them on the internet. These postings are widely shared by Arabs, Muslims and others as evidence that this element of the status quo already has been overturned.¹⁰⁷

¹⁰³ In the words of the head of the police's Jerusalem district, Yossi Pariente, "the police is the sole authority responsible for security on site. The Waqf is responsible for prayer arrangements and objects for its reasons to Jewish worship". Pariente, at Knesset Interior Affairs Committee, 9 May 2013. www.knesset.gov.il/protocols/data/rtf/pnim/2013-05-08.rtf.

¹⁰⁴ Assaf Gabor, "Jordan Rejected an Israeli Request for Prayer on Temple Mount", *NRG-Ma'ariv*, 12 November 2013; 7 AM News, Israel Radio, 25 February 2014.

¹⁰⁵ An Arab diplomat in close contact with Amman about the Esplanade said Jordan at some point could allow Jewish prayer there – but only were it to have full control over the site to make clear that the prayer was at its discretion, not an external imposition. Even in that case, it would be informal practice, not open policy. Crisis Group interview, Amman, July 2014.

¹⁰⁶ Crisis Group Middle East Reports N° 119, *Back to Basics: Israel's Arab Minority and the Israeli-Palestinian Conflict*, 14 March 2012; *Leap of Faith*, op. cit.

¹⁰⁷ By mid- to late-2014, most East Jerusalemites interviewed by Crisis Group believed that Israel allowed Jews to pray at the Esplanade and that the struggle over this issue was over. Crisis Group interviews, Jerusalem, August-September 2014.

Given how far the tremors can be felt from the Esplanade in the social media age, Israel should ensure its policy is properly implemented, well understood and not distorted by those seeking to undermine stability.

C. *Public Works and Archaeology*

Public works and archaeology are particularly difficult and controversial to manage because they (especially the latter) are part of the clash between the two sides' narratives. Israeli and Arab leaderships privately admit the adequacy of the current arrangement regarding construction, archaeology and maintenance on the Esplanade, but neither communicates that openly to its public. Indeed, public communications of political and religious figures are often quite destructive.

Israeli officialdom considers it has sufficient oversight to protect the country's antiquities but rarely says so.¹⁰⁸ Government policy is to make the Esplanade what an official called "a non-issue", so representatives do not speak about it publicly, even to commend their own policy.¹⁰⁹ For Jordan, complaining about heightened Israeli control would make it appear unable to defend its interests.¹¹⁰

Palestinian concerns about Israeli activities are more difficult to mitigate, because they stem from the broader political situation and Israel's overall policy, even though Arab claims often focus directly, and all but certainly incorrectly, on the notion that Israel is digging under the Esplanade. Motivating this fear is Israel's use of archaeology to establish and publicise the Jewish connection to the Land of Israel, particularly around the Esplanade and within adjacent Palestinian neighbourhoods. Particularly in the Muslim Quarter and Silwan, a Palestinian neighbourhood that abuts the southern edge of the Old City, archaeological activity has led to property damage, displacement of residents and heavily securitised Israeli control. Palestinians thus see archaeology and public works in general, and around the Esplanade in particular, as strengthening Jewish claims and endangering the safety and stability of their local and national infrastructure.

These fears are the context in which the notion that Israel is digging under the Esplanade has become an article of faith among Palestinians, though no credible evidence has been produced.¹¹¹ Palestinian archaeologists and administrators with access to all areas under Waqf control privately acknowledge that Israel is not digging¹¹² – though the Israeli government's support for nearby digs run by settler non-

¹⁰⁸ The police tightly monitor the subterranean space between the Marwani and the Ancient Al-Aqsa Mosques, to ensure there is no repeat of the illicit works of the 1990s. Crisis Group interview, Adv. Shmuel Bercowicz, holy sites expert, Jerusalem, 14 May 2014.

¹⁰⁹ "We can't address this in a manner which would be acceptable to everyone. Given how potent this is, our strategy is to draw as little attention as possible and make it a non-issue". Crisis Group interview, foreign affairs official involved in managing the Esplanade, Jerusalem, 6 March 2014.

¹¹⁰ Crisis Group interview, East Jerusalemite with strong contacts in Amman, Jerusalem, 15 March 2015.

¹¹¹ An activist with the northern branch of the Israel Islamic Movement explained: "We are not allowed to enter and see the excavations conducted [by Israel] immediately outside the Esplanade. We hear digging noises nearby when we are in the subterranean mosques". Crisis Group interview, Jerusalem, 10 June 2014.

¹¹² "There are no digs under al-Aqsa. Do you think I would be sitting here talking to you if I thought Israel was digging under al-Aqsa? I would be there trying to block them any way I can". Crisis Group

profit groups, its apparent subterfuge in illegally doing so,¹¹³ and its opacity of planning heighten suspicions among a population primed to believe the worst by both the political climate and its media.¹¹⁴

Indeed all sides are prisoners of their nationalist narratives, fears and political risk-aversion. Neither the Israeli nor Palestinian leadership has confronted the provocateurs in its midst who make false claims – not Palestinians who argue that Al-Aqsa is in imminent danger of destruction due to subterranean excavations, nor Temple activists who claim Palestinians and Muslims are regularly damaging Jewish antiquities.¹¹⁵ In addressing this issue, each side should focus first and foremost on its own public, not by limiting freedom of speech but by making clear that the inflammatory claims are untrue. The Israeli government could tell its people that it has so improved its monitoring that large-scale damage to antiquities cannot occur. It could also confer privately and regularly with prominent figures, including rabbis, who exert influence over provocateurs.

Likewise, Jordanian and Palestinian officials have not publicly refuted accusations that Israel is digging under the Esplanade – indeed they themselves sometimes make them¹¹⁶ – in part because they believe that the alarmist declarations are an effective deterrent against Israel,¹¹⁷ but more because of the expected political backlash.¹¹⁸ While many Palestinians disagree with Sheikh Raad Salah's religious politics and vituperative language, they appreciate him for standing up to Israel and supporting the city's Arab economy and Muslim holy places.¹¹⁹ In the context of occupation and use of archaeology as weapon in a war of narratives, no Palestinian leader wants to defend Israel, but the persistent and spurious charges that Israel is out to destroy Al-Aqsa have an inflammatory and dangerous effect.

Israel has rebuffed suggestions that it permit regular external monitoring to verify denial of digging, because it believes the charges are the product of incitement, not a sincere assessment of the evidence.¹²⁰ Even in the absence of international monitoring, however, the Waqf and Palestinian experts still can (and do) regularly visit sites around the Esplanade to confirm there is no tunnelling.

interview, former Waqf official, Jerusalem, 10 June 2014. Crisis Group interview, Palestinian archeologist working with the Waqf, Jerusalem, June 2012.

¹¹³ Fake documents were used in some of the transactions; the court ruled that at least one deal had been based on a false deposition. "Inheritance of the late Ahmed Yassin Musa el-Abbasi et al against Development Authority et al", TA 895/91. Meron Rapaport, "Shady Dealings in Silwan", *Ir Amim*, May 2009.

¹¹⁴ Crisis Group interview, Palestinian media expert, Jerusalem, 12 April 2015.

¹¹⁵ Aryeh Eldad, "Don't Give Up the Holiest Place of All", *Israel Hayom*, 2 November 2014.

¹¹⁶ Jordanian Foreign Minister Nasser Judeh said at the meeting of the Jerusalem Committee of the OIC, "Israeli authorities are carrying out systematic destruction of Islamic sites, such as the excavations under Al-Aqsa Mosque and inside Haram al Sharif compound". "FM Outlines efforts to protect Jerusalem against Israeli policies", *Jordan Times*, 19 January 2014.

¹¹⁷ Crisis Group interview, Jordanian diplomat, Tel Aviv, 2 November 2014.

¹¹⁸ Crisis Group interview, former Waqf official, Jerusalem, 6 February 2015.

¹¹⁹ On Palestinian attitudes toward Salah, see Crisis Group Report, *Extreme Makeover (II)*, op. cit., pp. 19-20.

¹²⁰ During the Mughrabi Bridge controversy, Israel permitted a Turkish delegation to visit and installed a camera showing 24/7 where the work was taking place. A foreign ministry official involved in managing the Esplanade left the door open to an exceptional one-time visit in the event of an extraordinary escalation. Crisis Group interview, Jerusalem, 6 March 2014.

V. Conclusion

Today's challenges at the Holy Esplanade differ from those in years and decades past. In the 1990s, a single political decision, to open the Western Wall tunnels, triggered events that contributed much to the breakdown of the monitoring and coordination mechanisms that had kept the status quo functional. The system, gradually restored in the late 1990s, unravelled again with the second intifada and was never fully re-established, though certain elements remain in force.

The original status quo arrangement was a product of its time: a tacit accord to prevent a regional escalation in the wake of the 1967 War and to temporarily manage a piece of territory by freezing its administration in place. However in the intervening decades, both societies and especially Jewish religious practices have changed. The outdated arrangement is still minimally workable but will exact mounting costs from both leaderships, particularly in Israel, which will have more and more trouble containing escalations.

The best strategy is to complement the existing status quo arrangement with additional building blocks. This starts first, particularly given the paralysis of the political process, with each side getting its own house in order. For Arabs, it would be useful to have the Jordanian-controlled Waqf Council share information and coordinate activity with prominent Palestinians in Jerusalem, both religious and political. A consultative body could be created expressly for this purpose. Israel would disapprove of a forum for organised Arab activity in the city and certainly oppose consultations with parties such as the northern Islamic Movement and Hamas, which would have to be represented in some way lest the body be rendered ineffective.¹²¹ Jordan itself would not be keen on close coordination with a body that included these two Islamist groups, though it is open, in principle, to some cooperation with a Jerusalemite Palestinian committee.¹²² The events of 2014 demonstrated the problems for all of a situation in which there is no effective Arab leadership in the city. Everyone would benefit from an authentic, credible address with which to communicate, particularly at crisis moments.

There is much that Israel can do as well. It should curtail the substantial presence in schools of non-profits advocating immediate construction of a Temple and cut the limited state funding it gives them.¹²³ The government also should go beyond simply restraining itself at the site. Led by the prime minister himself, it should acknowledge that Knesset activism contributed to the 2014 escalation and take a public stand against both unilaterally changing the ban on non-Muslim prayer and excluding Palestinians from the Esplanade. Given the counter-currents within the Netanyahu government,

¹²¹ Crisis Group interview, foreign affairs official involved in managing the Esplanade, Jerusalem, 6 March 2014.

¹²² Crisis Group, Jordanian palace official, Amman, 17 March 2015.

¹²³ The organisation with the broadest education reach, the Temple Mount Institute, conducts educational activities about the Temple with some 50,000-60,000 youths annually, notably guided school and youth movement visits at its permanent exposition, during which visitors go through the key *halachic* rulings which support the avant-garde approach. Crisis Group interview, David Schwartz, Temple Mount Institute executive director, Jerusalem, July 2012. For details on state support to such organisations, see Yizhar Be'er, *op. cit.*

it is important that Israel's actual policy is understood. It should not be left to security officials to justify what are really political decisions.¹²⁴

In parallel, religious dialogue – within each society and faith itself, and if and when possible, between them – will be vital, not only for someday reaching an ultimate resolution, but also for managing the site in the interim. More immediately, religious leaders on both sides should help de-escalate tensions. The chief rabbinate's repeated condemnations of ascension are significant, but many of the national-religious follow different authorities. National-religious rabbis should consider, for instance, speaking out publicly against particularly controversial acts, such as Knesset members ascending the Esplanade to the immediate vicinity of the Dome of the Rock. That would calm the situation and render Jewish access in general less threatening. It would have an additional benefit as well: such a rabbinical group could serve as an address for Jewish-Muslim coordination.¹²⁵

Political exigencies may prevent Palestinian leaders from acknowledging the Temple's existence, but it would be a significant first step for Muslim leaders to condemn Temple denial and affirm a Jewish connection to the city.

In time, a dialogue process could lead to the kind of mutual recognition that will be essential for a durable resolution of the conflict. These matters are too weighty for political leaders to bear the burden alone. Palestinian leaders need the support of religious personalities throughout the Arab and Islamic world, just as Israeli leaders need the rabbis.

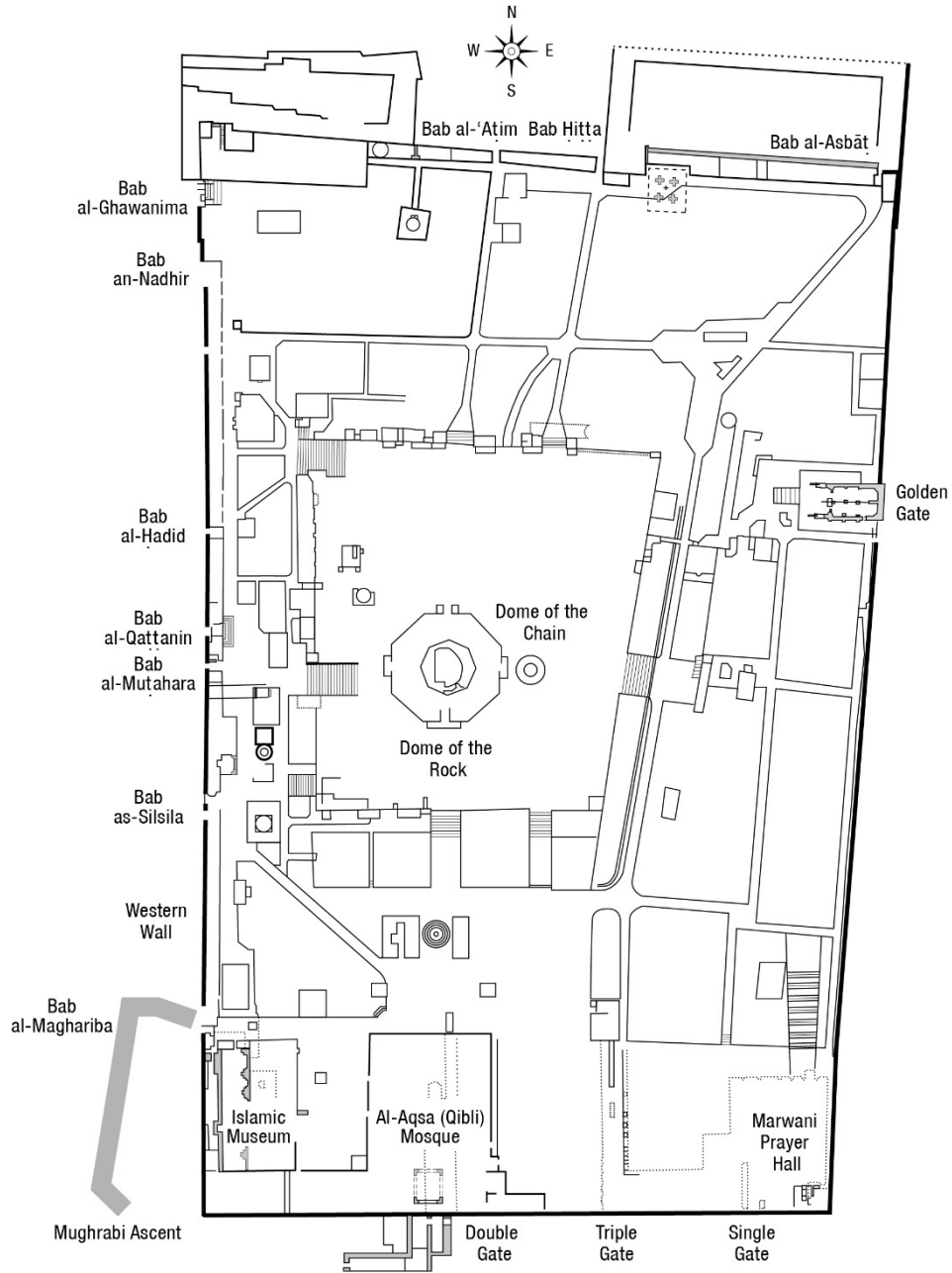
The late King Hussein of Jordan suggested extending the current interim arrangement ad infinitum under the chapeau of divine sovereignty – assigning sovereignty to God while leaving mundane matters to Israelis, Jordanians and Palestinians. But the earthly have much to work out before they can even begin to talk about codifying this or any other formula.

Jerusalem/Brussels, 30 June 2015

¹²⁴ For example Hafi Amos, "Police Chief Danino: The Temple Mount is an Existential Threat no less than any Bomb", *NRG-Ma'ariv*, 14 January 2015. Yonatan Urich, "[Police's Jerusalem district's] Pariente: If Engagement with Temple Mount Will Subside, Calm Will Return to Jerusalem", *NRG-Ma'ariv*, 13 November 2014.

¹²⁵ A prominent settler national-religious rabbi expressed interest in the idea. Crisis Group interview, Jerusalem, 15 January 2015. Another positive step would be a statement by prominent national-religious and ultra-orthodox rabbis indicating that they have no intention to limit or otherwise constrain Muslim worship on the Esplanade or at the Al-Aqsa Mosque.

Appendix A: Map of the Holy Esplanade



Map redrawn by Crisis Group, based on a map in Gideon Avni and Jon Seligman, *The Temple Mount 1917-2001: Documentation, Research and Inspection of Antiquities*, 2001. Courtesy of the Israel Antiquities Authority.