

LÄNDERPROGRAMM
JORDANIEN

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What if the Hashemite guardianship over the holy sites in Jerusalem is seriously challenged?

The City of Peace

Jerusalem, one of the oldest cities in the world, had experienced at least 118 conflicts, countless attacks, two complete demolitions, and had been besieged 23 times, captured and recaptured 44 times in the last 4,000 years; people called it "the city of peace," but Jerusalem has been through everything but peace. No other city had been fought over like Jerusalem, the reason for that is because it is essential and sacred to the three major religions in the world: Judaism, Christianity and Islam. Jerusalem is not a strategic place nor does it have sufficient trading routes, but all three religions fought for the city. In Judaism, Jerusalem is considered the holiest place because of the Western Wall and the rock, where Abraham offered his son Isaac as a sacrifice to God and where David brought the sacred Ark of his people¹. In Islam, Jerusalem is the third holiest city, the Temple Mount, also known as Haram al-Sharif (the "Noble Sanctuary,") where the Dome of the Rock lies, is where Al-Aqsa mosque is located and they believed that is where Prophet Mohammad ascended to the heavens from, the "Night Journey"². In Christianity, Jerusalem is considered holy because it was where Jesus died and was resurrected and the temple is significant to them because of the role it played in Jesus' life³. The majority of the battles that occurred in Jerusalem were because of this temple and its religious significance.

Israeli-Palestinian Conflict

Four thousand years later, the "city of peace," is still in state of war. The decades long Israeli-Palestinian conflict could be understood depending on who is telling the story. What is known is that, the state of Israel was established by the help of the British government, who had control over Palestine then, at the expense of Palestine and its people. In 1947 the U.N recommended the partition of the British-mandate Palestine into two separate states, one for the Jews and the other for the Arabs⁴. The Jews accepted the partition but the Palestinians saw it as a great injustice and rejected it. This was the beginning of the on-going war between the Jews and Palestinians.

In May 1948, Israel declared independence and the British evacuated Palestine, which caused several neighboring Arab countries to declare war against the new state⁵. The war led to the destruction of some 500 Palestinian villages and about 700,000 Palestinians were driven out of their homes and some fled Palestine all in all.⁶ By this time, Jordan already had control over the West Bank and control over Jerusalem was split between Israel in the west and Jordan in the east⁷. In December 1948, the UN passed resolution 194 that stated, Palestinian refugees who wish to return to their homes should be permitted to do so and compensation should be made by the Israeli state for those who do not wish to return⁸. This resolution was never implemented and all those refugees were never compensated.

¹ Jerusalem's Religious Significance, Palestine-Israel Journal

² Huda, The City of Jerusalem in Islam

³ CBS, Christians of the Holy Land, p.1

⁴ Negar Katirai, History of the Israeli-Palestinian Conflict, p.1

⁵ Washington Report on the Middle East, The Origins of the Israeli- Palestinian Conflict, p.2

⁶ Ibid, p.2

⁷ Negar Katirai, History of the Israeli-Palestinian Conflict, p.2

⁸ Ibid, p.2

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Many of the refugees moved to neighboring countries like Jordan and Lebanon, most of them living in refugee camps. For the next 19 years on-going conflicts have become typical and by 1967 Israel occupied the remaining 22% of Palestine.⁹

The Six Day War

In June, the very same year, Israel gained control of territories which were controlled by Egypt, Syria and Jordan. The Israelis called it the "Six Day War" while the Palestinians called it "Al-Naksah," or "Setback," in which the Sinai Peninsula and Gaza strip were taken from Egypt, the Golan Heights from Syria and the West Bank and East Jerusalem from Jordan;¹⁰ However, Jordan had been given guardianship over the Holy sites in Jerusalem in 1924 by Palestinian leaderships. Israel began creating settlements in these occupied territories which Palestinians claimed to be violations of international law. In response to the war, the UN passed resolution 242 which called for the, "withdrawal of Israeli armed forces from territories occupied in the recent conflict."¹¹ In addition on October 10 1969, UNESCO also issued a resolution confirming the violations of Israel in Jerusalem and the West Bank.¹²

The year 1979 was specifically important to the Israelis because that was when the Camp David Accords was created, the first peace treaty signed by an Arab country, Egypt, who was also the first to recognize Israel as a state.¹³ The Camp David Accords used resolution 242 as a reference to their peace treaty; it called for the withdrawal of Israeli forces in the Sinai Peninsula and withdrawal in the West Bank and Gaza with-

in a five year transitional period, in which they could also talk about the introduction of a Palestinian government.¹⁴ The accord also included meetings to resolve the "Palestinian question," with Jordan's participation, however Jerusalem was never mentioned.¹⁵ The reason for this could be that, the accord was open to interpretation, thus both parties could have interpreted it in a way that serves their purpose.¹⁶

Oslo I

It was only in the year 1993 that Israel and Palestine came to an "agreement," when both countries signed the Declaration of Principles, also known as the Oslo Accords I, which was supposed to end the century old conflict between the two countries. The declaration did not include political borders which are to separate the two countries, but it did include recognition of both countries and their right to live side by side peacefully.¹⁷ The agreement also allowed residents of Jerusalem to participate in self-rule elections, however some Israelis pointed out that, "Palestinians to be elected to the council and being able to vote could jeopardize Israel's claim to control a unified Jerusalem."¹⁸ In addition, it could be argued that, the declaration is vague towards which Jerusalem it is referring to in which would remain outside the authority of the elected council;¹⁹ was it East Jerusalem? The old city of Jerusalem, which included the holy places? Or was it West Jerusalem? Some may argue that this vagueness was intentional and that the declaration was more in favor of Israel, but either way it is clear

⁹ Washington Report on Middle East Affairs, The Origins of the Israeli-Palestinian Conflict, p. 2

¹⁰ Negar Katirai, History of the Israeli-Palestinian Conflict, p.3

¹¹ Ibid, p.3

¹² UNESCO, Resolutions and Decisions Adopted by the Executive Board at its 83rd session, p.21

¹³ Negar Katirai, History of the Israeli-Palestinian Conflict, p.4

¹⁴ CNN Library, Camp David Accords Fast Facts

¹⁵ Ibid

¹⁶ Sawsan Ramahi, Jordan and Jerusalem's Islamic sanctuaries, p.4

¹⁷ Eyal Benvenisti, The Israeli-Palestinian Declaration of Principles: A Framework for Future Settlement, p.1

¹⁸ Sawsan Ramahi, Jordan and Jerusalem's Islamic sanctuaries, p.3

¹⁹ Ibid, p.5

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that, till today, the issue of Jerusalem has not yet been settled.

Although the Declaration of Principles also called for the withdrawal of Israeli troops in the Gaza Strip and the Jericho area, it was too ambiguous to know which areas were defined²⁰. Thus, in May 1994, Palestine and Israel have reached yet another agreement, the "Cairo Agreement," which called for the withdrawal of Israeli troops in about 60% of the Gaza Strip, excluding the Jewish settlements and surrounding areas, and the West Bank.²¹ By July, Palestinian leader, Yasser Arafat returns to Gaza to become the new head of Palestinian self-rule Authority (PA.)²² Three months later, a peace treaty between Jordan and Israel was signed. The treaty called for the recognition and respect of both states to live side by side in peace. The treaty specified that Israel respect the current role assigned to Jordan concerning Jerusalem's holy sites, and both parties have the freedom to access these religious places.²³ It also emphasizes that, "neither party will impose discriminatory taxes or restrictions on the free movement of persons and vehicles from its territory to the territory of the other."²⁴

The Abbas-Abdullah Agreement

King Abdullah II of Jordan and Palestinian President Abbas, constructed a legal agreement entitled "Cooperation for the protection of Jerusalem and the holy sites," which reaffirms the status of King Abdullah as the custodian of the holy sites in Jerusalem, specifically Al-Haram al-Shariff.²⁵ When Jordan was given guardianship over the Holy sites in Jerusalem, Jordan pledged to pro-

tect, maintain and renovate the holy sites, in addition, to supervise and manage endowment property in accordance with the laws of Jordan.²⁶ This agreement was accepted and recognized by the Palestinian Liberation Organization and the PA until Palestine is able to manage its own affairs as an independent state.²⁷ Although the agreement is limited to religious areas, Israel will need to avoid violating the legal agreement, given its peace treaty with Jordan.

Holy of the Holies

Understanding the agreement above is important given the recent escalations occurring in Jerusalem today. For the first time since 1967, Israel ordered a full closure of Al-Aqsa mosque on October 30, in response to the shooting of the American-Israeli religious activist, Yehuda Glick, who led a campaign for the Jews to be allowed to pray in the compound, where the Al-Aqsa mosque is located.²⁸ This development could have been triggered by the kidnapping of three Israeli teens in June, who were murdered and buried by Palestinians, who were thought to be members of Hamas, and the death of 16-year-old Mohammad Abu Khdeir in July, who was kidnapped and brutally murdered by six Israeli teens.²⁹ The closing of Al-Aqsa left Jordan, its guardian, in tension with Israel. This was the beginning of yet another resolution and agreement violated by Israel. Not only did Israel violate the peace treaty with Jordan and the agreement of custodianship but Israel also refused to comply with many UN resolutions passed regarding Jerusalem. The closing of Al-Aqsa mosque is in violation of many UN resolutions, one of many would be resolution 476 which states, "all legislative and administrative measures and actions taken by Israel, the occupying Power, which pur-

²⁰ BBC, 1993 Declaration of Principles

²¹ Negar Katirai, History of the Israeli-Palestinian Conflict, p.6

²² Ibid, p.6

²³ King Hussein Government website, Treaty of Peace Between The Hashemite Kingdom of Jordan And The State of Israel

²⁴ Ibid

²⁵ Sawsan Ramahi, Jordan and Jerusalem's Religious Sanctuary, p.8-9

²⁶ Ibid, p.9

²⁷ Ibid

²⁸ Ahmad Melham, Could Jerusalem's youth revolt into an uprising, p.1

²⁹ Raja Shehadeh, The Meaning of Mohamed Abu Khdeir's Murder

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port to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention.³⁰ King Abdullah knew just how serious this action was as tensions rose in the streets of Jordan among its citizens, where the majority of its people are Palestinians but were given Jordanian citizenships in 1949,³¹ not including the two million Palestinian refugees living in Jordanian camps.³² The following day, the mosque re-opened, but only to Muslim worshippers, who are over 50-years-old, this caused even more tensions as several thousands of Jordanians protested against the closing of Al-Aqsa mosque, which they knew was a violation of their peace treaty with Israel.³³ Protestors demanded that the government close the Israeli embassy in Jordan and revoke the peace treaty between Jordan and Israel.³⁴ The Jordanian government, including Jordan's Ambassador in Tel Aviv, Walid Obeidat, warned Israel of its actions and the consequences it may bear and demanded Israel to re-open the mosque or Jordan would have to take legal and diplomatic actions to stop the violation themselves.³⁵ The ambassador also warned Israel of the 1,060 new settlements in East Jerusalem, which is a violation of international law and the Fourth Geneva Convention.³⁶ Article 49 of the Fourth Geneva Convention states, "The occupying power shall not deport or transfer parts of its own population into the territories it occupies," since Israel is a party to the Geneva Conventions it is bound to its obligations.³⁷

This issue could not have come at a worse time for Jordan, since it had just joined the

U.S-led war air strikes in Syria against the Islamic State in September. Jordan does not only have to deal with the problems of the extremists now, but also try to deal with Jerusalem diplomatically and calmly. In a speech on November 2nd King Abdullah stated, he would confront "through all available means, Israeli unilateral policies and measures in Jerusalem and preserve its Muslim and Christian holy sites."³⁸ In protest to the closing and clashes at Al-Aqsa mosque the king withdrew Jordan's Ambassador from Tel Aviv on November 5th and called to the UN to hold Israel accountable for its actions.³⁹ To the Jordanians along with the Jordanian citizens, who are originally Palestinian, this statement and withdrawal was not enough. Israel has already violated over 28 resolutions and nothing has been done to punish these violations.⁴⁰ The head of Jordan's Muslim Brotherhood, who called on the government to revoke the peace treaty, stated that the recalling of the Jordanian ambassador is a "futile measure" and does not change anything, he specified that their fight is over Al-Aqsa mosque and not in Iraq or Syria, against the IS.⁴¹

Israel's Prime Minister, Benjamin Netanyahu responded assuring, that the site will remain open to Muslim worshippers and there were no plans to close it. In a cabinet meeting he said the status quo of the Temple Mount will be maintained and that Israel has no plans to harm or destroy the site, he added, "They (Islamic extremists) are using verbal and physical violence in an effort to exclude Jews from going up to the Temple Mount. We will not allow this to happen; neither will we alter the worship arrangements and the access to the Temple Mount

³⁰ United Nations, Security Council Resolution 476

³¹ IRIN Middle East, MIDDLE EAST: Palestinian refugee numbers/whereabouts

³² UNRWA, Where we work- Jordan

³³ Suleiman Al-Khalidi, Jordanians protest against Israel, urge end to peace treaty

³⁴ Ibid

³⁵ Jordan Times, UNESCO condemns Israeli violations in 'occupied Palestine'

³⁶ Ibid

³⁷ Geneva Conventions IV, Article 49 (6), 1949

³⁸ Tom Perry, Jerusalem tension leaves Jordan more exposed to Mideast turmoil

³⁹ Tovah Lazaroff, Netanyahu speaks with Jordan's King Abdullah, calls for end of Temple Mount violence and incitement

⁴⁰ It is Apartheid, List of international law violations by the state of Israel

⁴¹ AFP- The Times of Israel, Jordan's Muslim Brotherhood chief urges to end to Israel peace treaty

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[for Muslims] that has been customary for decades.⁴² President Abbas agreed with Netanyahu to calm things in Jerusalem, but he pointed out how important and sacred Al-Aqsa mosque is to them and any assault on it would be unacceptable.⁴³ However they too, do not want an escalation thus their position called for calming the situation.

King Abdullah, to assure tranquility in Jerusalem, hosted a trilateral meeting with the U.S Secretary of State, John Kerry and Prime Minister Netanyahu, with President Abdel Fattah Al Sisi joining them by phone, on November 13th.⁴⁴ During the meeting, Netanyahu re-assured them that the status quo in Jerusalem will not alter and that Israel respects Jordan's custodianship over the holy sites located there. Talks of establishing a Palestinian State was also raised during the meeting, solutions like a two-state formula within the pre-1967 lines, with East Jerusalem as its capital, was suggested by the King and called on the U.S and all stakeholders to work harder to address this.⁴⁵ The king stated that, there is no other option but to establish the envisioned Palestinian state, if the Israeli State cooperated. Both Israel and Jordan agreed to de-escalate the situation in Jerusalem, since the unrest in annexed East Jerusalem has spread to occupied areas like, the West Bank, raising fears of another uprising.⁴⁶ Most of the unrest had not yet been stabilized because of Israel's decision to settle at least 200 more houses in East Jerusalem,⁴⁷ breaking yet another UN resolution and the Fourth Geneva Convention. This decision raised even more tension and caused an attack on a west Jerusalem synagogue,

where two armed Palestinians killed four rabbis and a police officer.⁴⁸

Jerusalem is divided, the west being Jewish and the east being Arab, this type of segregation fuels the undying fire swallowing Jerusalem. This cycle of violence between the Israelis and Palestinians can only be settled if Israel respects international law and the UN resolutions, in order to bring peace to both states and its neighboring countries. Neighboring countries, along with Israel and Palestine need to work together to come up with a long-term solution that recognizes Palestine as a state and enables its people to exercise their rights, just as the Israelis do. Furthermore, if Israel does not respect the role of Jordan's King Abdullah as guardian of the Holy sites in Jerusalem, it could be understood, by certain circles in Jordan, that the monarch will not be able to fulfill what the Muslims expect the King to do. Bearing in mind that, according to a recent survey done by Pew Research Center, a fairly high percentage of the Jordanian population sympathizes with Islamist groups,⁴⁹ this might have dangerous repercussions. Sympathizers of radical Islamists might become tempted to question the King's role as guardian of the Holy sites in Jerusalem and look for alternatives to the Hashemite monarchy in this respect. In the worst case, this might not only support political Islam in general but support radical Islamist groups close to Al-Qaida or even the so-called Islamic State, who indeed would be more than willing to exercise guardianship over the Holy sites in Jerusalem. It goes without saying that this would not only be problematic for Jordan, but for Israel as well.

⁴² Ariel Ben Solomon and Tovah Lazaroff and Khaled Abu Toameh, Jordan's King Abdullah: We will use all available means to defend Jerusalem

⁴³ Ibid

⁴⁴ Merza Noghay & AFP, King meets Kerry, Netanyahu for talk on Jerusalem tension

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Rob Pinfold, Synagogue axe attack: why has violence surged in Jerusalem

⁴⁹ For details see: Pew Research Global Attitudes Project - Muslim Publics Divided on Hamas and Hezbollah
<http://www.pewglobal.org/2010/12/02/muslims-around-the-world-divided-on-hamas-and-hezbollah/>