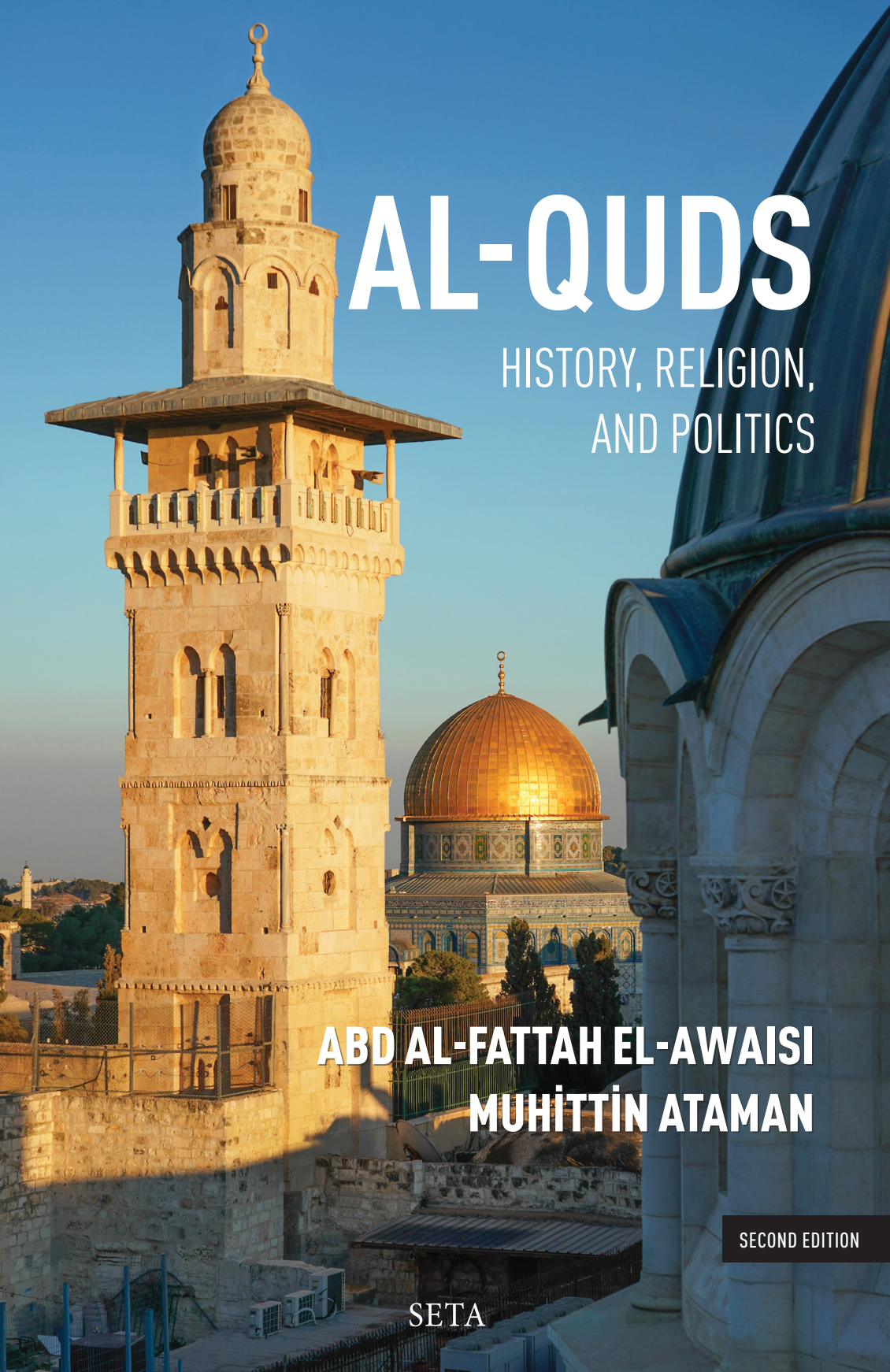

# AL-QUDS

## HISTORY, RELIGION, AND POLITICS

ABD AL-FATTAH EL-AWAISI
MUHİTTİN ATAMAN

SECOND EDITION

SETA

# AL-QUDS
## HISTORY, RELIGION, AND POLITICS

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EDITORS
Prof. Dr. Abd al-Fattah EL-AWAISI
Prof. Dr. Muhittin ATAMAN

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SETA Publications
Nenehatun Caddesi No: 66 GOP Çankaya 06700 Ankara Turkey
Tel:+90 312.551 21 00 | Fax :+90 312.551 21 90
www.setav.org | kitap@setav.org

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# FOREWORD

Since the end of the 19th century, the Middle East has been the target of global powers. The region, which was largely under the control of the Ottoman state as a political unit until the end of the First World War, was put under the mandate regime of different colonial states and was divided the region into many artificial states. From then onwards, controlling the region that hosts almost two thirds of the world's energy resources has been considered one of the main preconditions of global hegemony. All global powers have tried to develop their own regional strategies regarding the Middle East and to intervene in the internal affairs of the regional actors. Today, the Middle East is one of the most penetrated, vulnerable, and unstable regions in the world. Political clashes have dominated the modern or the post-Ottoman Middle East, the Palestinian issue being the most important. The status of the holy city of al-Quds (Jerusalem) is at the heart of the Palestinian question.

Al-Quds is at the heart of the Middle Eastern region and the center of various belief systems and cultures. There are many definitions and considerations of the city. One of the best definitions of al-Quds was made by Sezai Karakoç, a well-known poet

and thinker from Turkey. He describes al-Quds as a "city created in heaven and brought down to earth" and also as "the city of God and the city of all humanity." For Muslims, it is the first *qiblah* (the direction that should be faced when a Muslim prays), a blessed soil and the destination of all prophets. Al-Quds is the city of peace, mutual respect, and peaceful coexistence. It is not only the cradle of different civilizations but also the teacher of the history of humanity. Al-Quds, which was praised in three holy books, is a symbolic city for three main beliefs, namely Judaism, Christianity, and Islam.

For the last one thousand years, al-Quds had been under the control of Muslims and Arab Palestinians until the colonial powers occupied it in the wake of the First World War. It is not only the capital of Palestine and the home of Palestinians but also the third holy site for all Muslims. It was forcefully occupied first by the British, and then by the Israelis. According to the main principles of international law and many decisions of the United Nations, (Eastern) al-Quds still belongs to the Palestinians. However, with the help of the global powers, and the United States, in particular, the state of Israel continues to occupy the city.

As soon as the state of Israel was declared, it immediately occupied the western part of the city. The old and holy part (Eastern) of the city was occupied in 1967 after the Six-Day War. Since then, the UN and the world public opinion have considered Eastern al-Quds as part of the "occupied territories" by Israel. Even though the illegal fait accompli by Israel was stabilized, the world continues to discuss the city's future.

Major discussions about the fate of the city began with the Israeli and American policies since the 1980s. First, Israel declared the united al-Quds as the eternal capital of Israel in 1981. Then, the Trump Administration recognized this decision and transferred the American embassy from Tel Aviv to al-Quds. The UN Gen-

eral Assembly passed a resolution condemning Trump's decision. Only some small states forced by the U.S. followed the American initiative. The majority of states, Western and Eastern, continue to oppose the Israeli occupation and the American decision of transferring its embassy to al-Quds.

This timely and articulate book is composed of three parts, namely Historical and Religious Background, Theoretical and Legal Framework, and Political Developments and Current Problems, and ten articles explaining the religious, historical, legal, strategic, and political importance of the holy city of al-Quds. Authors from different parts of the world, Turkish, Arab, Palestinian, English, and Malaysian, made contributions to the volume and each of them reflected on a different perspective of the subject.

While the first article of the book focuses on the names of al-Quds and the origins of these names, the second article focuses on the city's religious significance. The third article analyzes the history of the city and the surrounding region. The fourth article proposes a theoretical and conceptual model derived from the Muslim experience. The fifth and sixth articles examine the status of Jerusalem in international law and in the Palestinian-Israeli question. The remaining four articles analyze positions of global and regional powers towards Trump's decision for the relocation of the American embassy to Jerusalem.

Considering the transformation process in the Middle East and the global transition, it is clear that the Palestinian-Israeli question and the issue of al-Quds will continue to dominate the agenda of the Middle East and global system. Recent regional developments such as Trump's decision regarding the future of Jerusalem and the solution proposal called the "Deal of Century" by the Trump Administration demonstrate that the holy city of al-Quds will continue to be discussed. This timely book will surely contribute to the discussion.

I want to thank the editors, Abd al-Fattah el-Awaisi and Muhittin Ataman, and the contributors of the book, who made this significant publication possible. I am sure that this book will make an eminent contribution to the understanding of the Palestinian-Israeli question and to the meaning of the holy city of al-Quds.

Prof. Dr. Burhanettin Duran
*SETA, General Coordinator*

# PROLOGUE

The controversial decision of U.S. President Donald Trump on December 6, 2017 to formally recognize the Holy City of al-Quds (Bayt al-Maqdis, Jerusalem) as the capital of Israel overturned decades of official U.S. policy. At the White House, President Donald Trump declared, "While previous presidents have made this a major campaign promise, they failed to deliver. Today, I am delivering." Trump described the move as "a long overdue step" to advance the Middle East peace process and added that "today, we finally acknowledge the obvious: that Jerusalem is Israel's capital. This is nothing more or less than a recognition of reality. It is also the right thing to do. It's something that has to be done."

This decision resulted in moving the United States embassy from Tel Aviv to Jerusalem on the eve of the Palestinian commemoration of 70 years of the *Nakbah* (Catastrophe) on May 15, 2018, during which the Palestinian people have been suffering persecutions, massacres, and ethnic cleansing. In addition, while the Israelis were celebrating the move of the American embassy on May 14, 2018, the Israeli soldiers massacred an additional 60 Palestinian civilians, including children and women, who were protesting peacefully against the Israeli occupation and its blockade of the Gaza Strip for more than a decade.

Not only is this decision against international law, but it is also in direct conflict with a number of resolutions by the United Nations Security Council (UNSC). Recognizing the united Jerusalem as the capital of Israel brings an end to the two-state solution, which the international community has been trying to achieve for a long time. Moreover, this action is happening as a practical step of the "Deal of the Century" which the Trump administration is trying to impose in the region, and at a time when there are serious problems over fragmentations and divisions in a number of Arab countries, and a serious internal split among the Palestinians.

The issue of al-Quds (Bayt al-Maqdis, Jerusalem) is not only a Palestinian one, but is also an issue for Muslims and all individuals who are concerned with justice and freedom. We argue that the cost of this ideological, political, and corporate decision of the Trump administration will be a very high and very serious one. Indeed, it might spark, in the coming years, not only unrest in the region but also might have a severe impact on global security and possibly lead to a global war.

In a time when the hegemon of the world, the United States, neglects the main principles of international order that was established by the U.S. itself, the future of the Middle East is more uncertain and vulnerable than ever. There is no regional and global power to stop the expansionist policies of the Trump administration in the U.S. and the Netanyahu government in Israel. Their arbitrary, unilateral and, therefore, illegal policies have been threatening not only the regional stability but also the protection of the global order. The American and Israeli decisions regarding al-Quds will pave the way for other regional and global powers to follow a similar path, ignore the rule-based global system, and maximize their national interests through power politics.

It is necessary to examine and criticize these illegal acts in order to prevent or discourage other states and other international

actors from following the same policy discourse. Also, it should be mentioned that these illegal and unilateral political moves are self-defeating in the medium- and long-run. Eventually, the main purpose of this edited volume is to provide a better understanding of the Holy City of al-Quds (Jerusalem) for politicians, intellectuals, academicians, students, and the general public. It also attempts to reveal the religious and historical significance of the city, the legal position and its place in international law and global politics, and the meaning of the illegal steps taken by both Israel and the U.S. We hope that the volume will make an important contribution to the academic and intellectual understanding of the city.

***

These serious developments require the urgent publication of many academic and intellectual works to address different dimensions of this delicate issue, which lies at the heart of most of the regional problems. In order to develop a better understanding of the issue of al-Quds and other related regional problems, it is necessary to produce inclusive materials about the city. Accordingly, at this critical time, we have designed this edited book to provide a better understanding of this core issue to intellectuals, academics, politicians, and the wider public interested in the Holy Land.

The book has been divided into three parts and ten chapters. The first part presents a historical and religious background of the Holy City. To better comprehend the historical associations of the three most well-known religious traditions, namely Judaism, Christianity and Islam, which still play a major role in the ongoing conflict, these associations must be understood better. Dr. Khalid El-Awaisi's chapter (Chapter One) "Whose Holy Land? The Meanings and Origins of the Names of Bayt al-Maqdis" begins with a discussion of the perceptions of Abraham, the most important figure associated with this land, whom all three faiths try to claim as

their own. Then, he traces the importance of the region through studying the names attached to it and their origins.

In Chapter Two, "Jerusalem, The Eternal Capital of Faith," Reverend Dr. Stephen Sizer theologically challenges the core idea of Christian Zionists about Jerusalem. In his relatively short but interesting piece, he concludes that "far from justifying, or even tolerating, an exclusive claim to Jerusalem, in the Hebrew and Christian Scriptures, God reveals that he expects Jerusalem to be a shared, inclusive city of faith, hope, and love." Dr. Sharif Amin Abu Shammalah presents an evaluation of this holy city from early centuries to our time in Chapter Three, "Bayt al-Maqdis: A Short History from Ancient to Modern Times."

The second part of the book establishes the theoretical and legal framework for interpreting political developments. In Chapter Four, "Bayt al-Maqdis: A Muslim Model for *Aman,*" Dr. Abd al-Fattah El-Awaisi develops and presents the forgotten model of Bayt al-Maqdis as a Muslim model for *Aman*, the principle of peaceful coexistence and mutual respect. Although this holy city is the most delicate issue of the dispute between the two conflicting parties, it is hoped that El-Awaisi's model will provide a better understanding for the world leaders who are trying to return peace to the region.

Dr. Berdal Aral analyzes the international legal status of al-Quds in Chapter Five "An International Legal Analysis of the Status of al-Quds (Jerusalem)." He concludes that "al-Quds is currently under the military occupation of Israel and, therefore, ought to be returned to the rightful owners of the city, who are the Palestinians." In Chapter Six, "The Status of al-Quds in the Palestinian-Israeli Peace Process," Dr. Abdulsalam Muala tries to address a core question: can the peace process continue while the problem of al-Quds exists? To address such a question, he examines the significance of al-Quds in the peace process, the reality

of the peace process within the international political context, and the balance of power between the parties in conflict, and the extension of the peace process.

The third part address the political developments and current problems by examining the reactions of regional and global actors to Trump's decision and his policy towards region. In Chapter Seven, "Official Arab Positions on the Trump Administration's Jerusalem Decision," Hossam Shaker analyzes the official Arab reactions to the American decision. To have a better understanding of the Arab positions, he first examines the international reactions, and the context and dimensions of the decision. In addition, he identifies the foundation of their official positions and studies the factors and determinants of the Arab positions. Dr. Mohammad Makram Balawi tries to explore the positions of the European Union (EU) and the EU countries such as Britain, Germany, and France, and Russia and China towards the American decision in Chapter Eight, "The Stances of Global Powers on the Relocation of the United States Embassy to al-Quds (Jerusalem)."

In Chapter Nine, Dr. Helin Sarı Ertem discusses the meaning of al-Quds for Turkey and Turkey's policy towards the Holy City. She first focuses on al-Quds under the Ottoman rule and the official position in the Ottoman state. Then, Sarı Ertem examines Turkey's policy discourses and practices towards al-Quds emphasizing humanitarian and developmental assistance. In the end, she assesses the challenges that Turkey has been facing while resisting the American and Israeli illegitimate policies such as the transfer of the capital of Israel to Jerusalem violating the main principles of international law. In Chapter Ten, "Malaysia's Stance towards Trump's Decision Regarding Bayt al-Maqdis," Dr. Mohd Roslan Mohd Nor and Muhammad Khalis Ibrahim examine Malaysia's stance, both state and non-state actors, towards the U.S. decision. Malaysia provides a good example of the Muslim state that has no political

problems with Israel, but still opposes the occupation of al-Quds by Israel due to the city's religious dimension. Malaysia, especially the current government of Mahathir Mohamad, is one of the most active countries playing an effective role in the Palestinian issue.

Ankara, May 15, 2019

Prof. Dr. Abd al-Fattah EL-AWAISI and
Prof. Dr. Muhittin ATAMAN

# ONE HISTORICAL AND RELIGIOUS BACKGROUND

# CHAPTER I

## WHOSE HOLY LAND? THE MEANINGS AND ORIGINS OF THE NAMES OF BAYT AL-MAQDIS

KHALID EL-AWAISI*

Bayt al-Maqdis, al-Quds, UrShalim, Yebus, Aelia, and the Holy Land mean different things to different people, i.e. the people of the three main faiths. Therefore, the holy city and the holy region around it carry symbolism for at least half of the world's population. For Jews, it is rich in significance since Moses ordered the Israelites to enter the Holy Land, and also as Jews trace their origin back to Abraham. For Christians, it is the land where Jesus walked and the place where he was crucified and resurrected, and houses their holiest place of worship. For Muslims, it is important not only because it has a bearing on Muhammad and is the destination of his Night Journey and the starting point of his ascension, but also because the earlier prophets lived there, and they established and rebuilt the al-Aqsa Mosque. Today, these historical and religious associations still play a major role in the ongoing conflict and to better comprehend the conflict these associations have to be better understood. Accordingly, no one can deny the spiritual attachment that exists between the people of these three

* Dr. Khalid El-Awaisi is assistant professor at the Department of History at the Social Sciences University of Ankara (ASBU).

faiths and this Holy Land and that it is the key to resolving the ongoing conflict.

The associations have been part of the shaping of the region's identity, just as its different names. The names may differ from time to time, but the place and its importance are still the same. The inhabitants of the region have attached different meanings to these names and have sought to own and monopolize them. Names of sites and places are initially given by their first inhabitants. Yet these names are sometimes replaced by entirely new ones, sometimes modified, at other times reduced or expanded, or in some cases completely forgotten. Over the centuries, they develop their own identities and are understood differently by different people. This is true not only for names, but also for the associations of these places, which are also perceived differently by different people. The competing religious and political claims over the Holy Land have made it a prime example of this. Studying the use of names and terms is essential if we wish to come to a clear conceptual understanding of the associations.

In history, too, each group creates its own narrative, which has led to distortions. The competing religious and political claims have tinted the narratives of this land; even modern archaeology is used as a tool to forge such narratives. The history of who had the first connection and who first settled there is at its heart. It is historically accepted that the Canaanites were the earliest to have settled in this land, as they are inferred to in the Bible. By contrast, Muslim Arabs who came in the seventh century are considered to be the latest group to have had an association with this land, preceded by Christians and Jews. Arabs believe that they are the descendants of the region's first inhabitants, the Canaanites, whereas Muslims consider themselves to be the inheritors of the legacy of the earlier religions, contending that they have superseded the religions of the

Jews and the Christians, just as the Christians see themselves as the inheritors of Judaism.

Trying to trace back the earliest connections with this land, one major figure comes up in the three faiths: Abraham. He is believed to have migrated and settled in this land and to have been buried there. Thus, this chapter will initially discuss the perceptions of Abraham, the most important figure associated with this land, whom all three faiths try to claim as theirs. Then it will trace the importance of the region through the names attached to it and the origins of these names.

## ABRAHAM, *THE MUSLIM*

One of the first contested figures in all three narratives is Abraham, who is considered the father of the three faiths. Both Jews and Arabs consider Abraham to be their biological progenitor. The Jews claim that he was the first Jew, and Jewish rabbinic traditions assert that he observed the Torah; "our father Abraham observed the entire Torah before it was given to Israel" (Mishnah, Kiddushin 14: 4). Additionally, they restrict God's promise to Abraham's descendants to the offspring of Isaac, excluding those from his other son, Ishmael. Christianity challenged the Jewish narrative of the promise to the gentiles and claimed that Christians are the rightful heirs to Abraham. Jesus's apostle Paul clearly tackles this issue, stating that Abraham is "the father of all those who have faith without being circumcised" (Roman 4: 11-12), thus changing the discourse from being born into a Jewish family to the acceptance of the Christian faith, through which one becomes the descendant of Abraham.[1]

The Qur'an, on the other hand, speaks of the connection of Abraham to this land as well as reflecting debates in the seventh century over this issue. It discusses the context for the claim that

[1] Jon Douglas Levenson, *Inheriting Abraham: The Legacy of the Patriarch in Judaism, Christianity, and Islam,* (Princeton University Press, Princeton: 2012), pp. 6-7.

Abraham was either a Jew or a Christian, and contests it rationally. The Qur'an in its third chapter (al-Imran) discusses this issue at length; it deals with the question when Judaism and Christianity emerged, affirming that they were subsequent to the revelation of the Torah and the Gospel; "O People of the Book! Why do you argue about Abraham, while the Torah and the Gospel were not revealed until long after him? Do you not understand?" (Qur'an 3: 65). Thus, Abraham who preceded the emergence of these religions cannot be a follower of subsequent religions. The Qur'an does not stop at this crucial point but follows on to question why Christians and Jews would argue about what they have no knowledge of and that they should stick with what they know. It further adds that those who have claim to Abraham and are nearest of kin to him are his real followers, the Prophet Muhammad and the true believers (Qur'an 3: 68). Thus, the descent is not important, what is important is following the message that he brought, which is part of a long chain of prophethood from Adam to Muhammad.[2]

The Qur'an goes on to assert that Abraham was neither a Jew nor a Christian but an upright (Hanif) *Muslim* (Qur'an 3: 67). But, how can Abraham be a Muslim, when Islam is perceived to have only started with Muhammad? The Qur'an disputes this understanding and asserts throughout that *Islam* is the religion of all the prophets of God and it is the only religion accepted by God (Qur'an 3: 19). It also declares that Muhammad was only the last in the chain of these earlier prophets of Islam (Qur'an 3: 144; 46: 9). Not only Abraham and his sons were thus Muslims (Qur'an 2: 128-133; 3: 67) but also Noah (Qur'an 10: 72), Moses (Qur'an 10: 84), the disciples of Jesus (Qur'an 3: 52), and even Solomon invited others to Islam (Qur'an 27: 30-31). The Qur'an invites people

[2] Levenson, *Inheriting Abraham: The Legacy of the Patriarch in Judaism, Christianity, and Islam,* pp. 8-9.

to the religion of Abraham "so follow the religion of Abraham" (Qur'an 3: 95) and that the term "Muslim" was known from the time of Abraham and even proceeded him (Qur'an 22: 78). What confuses minds today is the association of Islam with only Muhammad, or Muhammadans, which the Qur'an and Prophet Muhammad unequivocally rejected. Muhammad came with a *Shariah* that could be different in some of its laws from the *Shariah* of Moses, like Jesus came with a different *Shariah* from that of Moses, but it still is under the same umbrella of God's religion, Islam, which all prophets followed. The Qur'an mentions this; "for each of you We have ordained a Shariah (code of law)" (Qur'an 5: 48, see also Qur'an 42: 13).

The Qur'anic and the biblical coverage of the Journey of Abraham to the Holy Land is similar in its overall narrative. He moves from his home to this holy land, which the Qur'an declares as "a land blessed for all beings" (Qur'an 21: 71). Thus, this blessing proceeds the arrival of Abraham and Lot to this land. From the biblical narrative, we can infer that Abraham came to a land already inhabited and that he interacted with Melchizedek (Genesis 14). This King of Salem, Priest of the God Most High, was the ruler of the area where Abraham settled and according to the biblical narrative Abraham offered to pay a tenth of everything he had, thus acknowledging Melchizedek's sovereignty. Although not much is known about this figure, it is mentioned that he was a believer and worshipped God, the Most High. What these passages show is that the religious significance of this land preceded Abraham, and that it already had such significance for its inhabitants. The accounts of the Qur'an and the Bible allow us to trace the importance of this land to the times before Abraham. The best way to obtain a clear picture is to focus on the earliest names, as historical and archaeological evidence is scarce.

## URSHALIM

One of the first names related to this holy city is the name "UrSalim" or "UrShalim," which seems to have its roots in Semitic languages: in the Akkadian *Uru-Salim* and in the Syriac name *Urishlem*.[3] Its meaning is highly contested and the popular understanding that it means "city of peace" is not etymologically or philologically correct.[4] The first part *Uru* or *Yuru* is understood to mean "founded by" or "city of," while it is argued that Shalim or Salim could mean "whole or complete" or the name of a Canaanite Amorite deity, giving an Amorite origin to the name.[5] The Amorites were the original inhabitants of the land of Canaan, and acknowledged in the Bible as an offshoot of the Canaanites, who originally came from the Arabian Peninsula.[6]

The earliest record of this name is believed to have come from an Egyptian execration text, dating to the nineteenth century BC, where we encounter the forms *Rusalimum* or *Rosh-ramem (3wš3m-m)*.[7] A few centuries later, it was mentioned again in the Tell-Amarna tablets in the letters from chiefs of the Canaanites to the pharaoh of Egypt. These tablets refer to Urusalim and the land(s) of Urusalim a few times. The Bible uses the same name with reference to the period before the arrival of the Israelites (Joshua 10: 1, 3, 5; Judges 1: 7, 21). The name is mentioned again in the eighth

[3] James Montgomery, "Paronomasias on the Name Jerusalem", *Journal of Biblical Literature*, Vol: 49, No: 3, p. 277.

[4] Othmar Keel, *Jerusalem and the One God: A Religious History,* (Fortress Press, Minneapolis: 2017), p. 28.

[5] Hendricus Jacobus Franken, "Jerusalem in the Bronze Age", *Jerusalem in History,* ed. Kamil J. Asali, (Olive Branch Press, New York: 1990), p. 18. And see also: Kamil J. Asali, "Jerusalem in History: Notes on the Origins of the City and its Tradition of Tolerance", *Arab Studies Quarterly*, Vol: 16, No: 4, (1994), p. 38.

[6] Kamil J. Asali, "Jerusalem in History: Notes on the Origins of the City and its Tradition of Tolerance".

[7] Nadav Na'aman and Ramat Aviv, "Canaanite Jerusalem and its Central Hill Country Neighbours in the Second Millennium B.C.E.", *Ugarit-Forschungen*, Vol: 24, (1992), pp. 278-279.

century BC in Akkadian as "Ursaliimmu" and in a later century in Hebrew as *Yĕrûšālēm*. The Greek version of the name, which is attested from the fourth century BC, is *Hierousalēmēn*.[8] The name continues to live on as is evident in seventh-century Arabic usage, where the famous Arab poet al-A'sha uses it in his poetry in the form "Uri-Shalim."[9]

To summarize, UrSalim is the earliest documented name for the city, which was then modified in many different ways - which however sound all too similar. Today, Israel tries to claim it for itself as a Hebrew name, but the name existed long before the Israelites existed or came to this land, thus actually preceding them by many centuries. It is generally accepted that the first inhabitants of this land, the Canaanites, would have used it even before the nineteenth century BC.[10] The name "Yabus" or "Jebus" would have been introduced at a later period and is considered the second name for the city, since the Jebusites built the fortress of Zion in the city. The word was then later associated with Judaism and Zionism but is actually a Canaanite name meaning "hill" or "height."[11] The name "Bayt al-Maqdis" might be even much earlier, but there is no material evidence for how far it may be traced back.

## BAYT AL-MAQDIS

As for the name "Bayt al-Maqdis," it was the name preferred by the Prophet Muhammad and he used it constantly as is recorded in the Hadith traditions. It may be considered one of the most ancient names, as it was also used in other Semitic languages

[8] Othmar Keel, *Jerusalem and the One God: A Religious History,* (Fortress Press, Minneapolis: 2017), pp. 27-32.

[9] Abd al-Fattah El-Awaisi, *Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries,* (ALMI Press, Dundee: 2007), p. 86.

[10] Al-Hilu, *Taḥqiqāt Tārīkhiyah Lughawiyah fi al-Asmā' al-Jugrafiyah al-Suriyah: Istinādan lil-Jografin al-'Arab,* (Beisān, Beirut: 1999), p. 88.

[11] Kamil J. Asali, "Jerusalem in History: Notes on the Origins of the City and its Tradition of Tolerance".

such as Aramaic and Hebrew. Arabs before Islam were aware of this name as is implied in the poetry of one of the most famous Arab poets Imr'u al-Qays in the sixth century AD, where mention is made of a *Maqdisi* (Jerusalemite), that is, one coming from Bayt al-Maqdis.[12] In the seventh century then, following Prophet Muhammad's Night Journey, the Arabs of Makkah understood the name "Bayt al-Maqdis" to correspond to the city of Aelia, that is, Jerusalem. This name can be read as Bayt al-Maqdis or *Bayt al-Muqaddas*. It consists of two words, the first *Bayt* literally meaning in modern Arabic a house. It is used in the Qur'an on its own to refer to a place of worship, the Ka'bah, with the definite article "al," *al-Bayt* (Qur'an 2: 125, 127, 158; 106: 3; etc.). As for *al-Maqdis* or *al-Muqaddas*, it is derived from the passive participle of *qaddasa* from the trilateral root q-d-s (qāf-dāl-sīn), which carries many meanings: holy, pure, and blessed. However, the first is a noun and the second is an adjective. Thus, literally it means "the Holy House" or "the House of Holiness" - especially when the definite article "al" is used before the name. The claims that this name entered Arabic from the Hebrew *Beit HaMikdash* (the Sanctified House) are unfounded.

There are many similarities between Semitic languages and such an argument would need evidence to prove it. The name "Bayt al-Maqdis" or "Bayt al-Muqaddas" does not necessarily have this literal meaning, as it is common in that region to use *Bayt* for names; for example, *Bayt Lahm* (Bethlehem) is not translated literally into "the house of meat" in Arabic or "the house of bread" into Aramaic. It had an earlier form "Beit Lachama," referring to the Canaanite god *Lachmo*.[13] This type of composite name has been popular from

[12] I'mr'u al-Qays, *Dīwān 'Imr'u al-Qays*, (al-Maktab al-Islamī, 1st Edition, Beirut: 1998).

[13] Richard R. Losch, *The Uttermost Part of the Earth: A Guide to Places in the Bible* (Eerdmans Publishing, Michigan: 2005), p. 51.

the time of the Canaanites in the region.[14] It is part of the name of many ancient Canaanite cities in the Holy Land such as *Bayt Jibirin* (in Aramaic: *Beth Gabra*), *Bayt Hanina*, *Bayt Taffuh* (today Taffuh), *Bayt Dajan* (*Bīt Dagana* in Assyrian and Ancient Egyptian texts), *Bait Shean* (in modern Arabic Beisan), and Bayt Shemesh. Furthermore, the word for holiness existed in early Semitic languages and it is similar to the Arabic form. In Canaanite, it is *Qudšu* and in Ugaritic the name of *Qudshu (qdš)* similarly means "holiness" or "sanctuary."[15] Clermont-Ganneau suggests that the name is derived from the immemorial sanctity of the city and that the name "al-Muqaddas" or "al-Quds" is a reminiscence of a dedication of the sanctuary at Jerusalem to a Canaanite deity Kadish.[16]

Could the name "Bayt al-Maqdis" accordingly be the earliest name used by the Canaanites, as is the case with other cities they established in the Holy Land? Or could it be associated with the building of the first site of worship in the city? In the biblical narrative, it was King David who built an altar on the threshing floor he bought from Araunah the Jebusite and it was King Solomon who completed its building. Yet, even earlier it is also associated with Abraham when he first came to this land. In the Muslim narrative, the building of the Holy House took place in connection with the building of the Sacred House in Makkah. Prophet Muhammad was asked about the first places of worship on the Earth and he replied, *al-Masjid al-Haram* (the Sacred Mosque) and then *al-Masjid al-Aqsa* (al-Aqsa Mosque), the time period between the construction

[14] Al-Hilu, *Taḥqiqāt Tārīkhiyah Lughawiyah fī al-Asmā' al-Jugrafiyah al-Suriyah: Istinādan lil-Jografin al-'Arab,* pp. 138-139.

[15] William F. Albright, *Yahweh and the Gods of Canaan: A Historical Analysis of Two Contrasting Faiths*, (Eisenbruns, Indiana: 2001), p. 121. And see also: John Day, *Yahweh and the Gods and Goddesses of Canaan*, (Sheffield Academic Press, London: 2002), p. 62.

[16] George Adam Smith, *Jerusalem: The Topography, Economics and History from the Earliest Times to A.D. 70,* (Cambridge University Press, Cambridge: 2013), p. 270. See also: Charles Clermont-Ganneau, *Archaeological Researches in Palestine During the Years 1873-1874,* (Palestine Exploration Fund, London: 1899), p. 186.

of these two sites being forty years.[17] The Qur'an proclaims that the first house established for prayer was that in *Bakka* (Makkah) (Qur'an 3: 96). Muslim scholars have taken this to refer to the first building of the Ka'bah, the mosque of Makkah, at the time of the first human on Earth, Prophet Adam, and concluded that forty years later, the mosque of Bayt al-Maqdis was established.

The Ka'bah is known in the Qur'an as "al-Bayt," with the definite article "al" (Qur'an 2: 125, 127, 158; 106: 3; etc.). It is also encountered in the form *Baytī* (My [God's] House) (Qur'an 2: 125; 22: 26; etc.). In one verse it is clearly called *al-Bayt al-Haram,* the sacred house; "God has made the Ka'bah, al-Bayt al-Haram, an asylum of security for the people" (Qur'an 5: 97). What is intriguing is that the second mosque is known as *al-Bayt al-Muqaddas*, the Holy House. This takes us back to where the name Bayt al-Maqdis might have derived. The name "Bayt al-Maqdis" or "Bayt al-Muqaddas" does not necessarily have this literal meaning, as it is common in that region to use *Bayt* for names. To distinguish between the Ka'bah, which was called *al-Bayt* (the House) or *al-Bayt al-Haram*, al-Aqsa would have been called *al-Bayt al-Muqaddas* (the Holy House). This supports the argument that the name could have stemmed from the name first introduced by the initial builder of the mosque in the holy city, and the name thus, would have been given by a prophet or have a divine origin.

The use of Bayt al-Maqdis in the Muslim literature is not restricted to the mosque only. Within prophetic traditions, it is sometimes used in reference to the city and in other instances in refer-

[17] Muhammad Ibn Isma'il Al-Bukhārī, *Sahih al-Bukhārī: al-Musnad al-Sahih al-Mukhtasar min 'Umūr Rasul Allah Salā Allah 'Aliyh wa-Sallam wa-Sunnanih wa Ayyāmih*, (Thesaurus Islamicus Foundation, Vaduz: 2000), pp. 661, 676. See also: M Muslim, *Sahih Muslim: al-Musnad al-Sahih al-Mukhtasar min al-Sunnan bi-Naql al-'Adl 'An al-'Adl 'An Rasul Allah Salā Allah 'Aliyh wa-Sallam* (Thesaurus Islamicus Foundation, Vaduz: 2000), pp. 209-210.

ence to the wider holy region of *al-Ard al-Muqaddasah*.[18] The term "al-Ard al-Muqaddasah," which is mentioned in the Qur'an, stems from the same root of q-d-s, that is, holy, thus being the Holy Land. Prophet Muhammad used this name from the start of his prophethood, as Bayt al-Maqdis was his first *Qiblah*, which he faced daily during his prayers. Ibn Abbas, states that the *Qiblah* of Prophet Muhammad was towards Bayt al-Maqdis while in Makkah.

Prophet Muhammad's companions also used this name. After the Muslim conquest, Tamim Ibn Aws al-Dari was appointed by Caliph Umar as *Amir* (Prince) of Bayt al-Maqdis.[19] In addition, an endowment (*waqf*) attributed to Umar, the second caliph, survives on an engraving in the al-Umari Mosque in the village of Nuba northwest of Hebron, which bears the name Bayt al-Maqdis.[20] Moreover, other names were also in use in the seventh century such as the Roman name Aelia, which was used for a good few centuries.

## AELIA

Aelia, which became popular from the second century AD onwards, was the Roman name of the city and region, coming from the Latin name given by Emperor Hadrian (Publius Aelius Hadrianus) in AD 135.[21] The name "Aelia Capitolina" was not just given by the emperor but the first part was his own name, Aelius, and

[18] Abd al-Fattah El-Awaisi, *Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries.*

[19] Ibn 'Abd al-Barr (d. 1071 CE), *al-Istī'āb fī Ma'ifat al-Ashāb,* ed. A. Mu'awad and A. Abd al-Mawjūd, (Dār al-Kutub al-'Ilmiyah, Beirut: 2002), p. 82. See also: Ibn Tamīm al-Maqdisī, *Muthīr al-Gharām ilā Ziyārat al-Quds wal-Sham*, ed. A. al-Khatimī, (Dār al-Jīl, 1st Edition, Beirut: 1994), p. 319.

[20] Abu Sarah, "al-Nuqush al-'Arabiyah al-Islamiyah fi Khalil al-Rahman", (Master dissertation, Jordan University, Amman, 1993), pp. 3-7.

[21] Al-Hilu, *Taḥqiqāt Tārīkhiyah Lughawiyah fī al-Asmā' al-Jugrafiyah al-Suriyah: Istinādan lil-Jografīn al-'Arab,* p. 91.

the second part "Capitolina" refers to the Roman god(s).[22] Hadrian rebuilt the city in the third decade of the second century AD and established a new colony around it, where no Jew was allowed to reside. The colony or city district extended from south of Nablus to the north of Hebron, together with other city districts around it such as, among many others, Eleutheropolis to the south and Neapolis to the north.[23] In the seventh century, this name was used in Arabic in its Arabized version "Iliyaa'." The celebrated Assurance of Umar to the Christians of Bayt al-Maqdis used the name Aelia. In the text of the assurance recorded by al-Tabri, the name Aelia is mentioned five times; it was mostly used in the form "Ahl Iliyā'" (the people of Aelia), as well as "Iliyā'" on its own. In addition, some of the companions of Muhammad used the name Aelia. Sometimes the city was referred to as "Madinat Iliyā'," city of Aelia, the al-Aqsa Mosque was referred to as the "Mosque of Aelia," while the region was referred to as Aelia.[24]

The Umayyads continued to use the name Aelia in official documents and in poetry that have reached us from that period. The Umayyads from the time of Caliph Mu'awiyah minted coins bearing the name "Iliyā'" (Aelia) in Arabic.[25] Another medium that gives an accurate record of what names were used during the Umayyad reign comes from distance signs or markers – milestones – found on many major routes. These were mainly erected during the time of the fifth Umayyad Caliph 'Abd al-Malik Ibn

[22] Jodi Magness, *The Archaeology of the Holy Land: From the Destruction of Solomon's Temple to the Muslim Conquest*, (Cambridge University Press, Cambridge: 2012), p. 271.

[23] Michael Avi-Yonah, *The Holy Land: from the Persian to the Arab Conquest (536 B.C. to A.D. 640) A Historical Study,* (Baker Book House, Michigan: 1966), pp. 155-159. See also: Wilkinson, J. 1990, "Jerusalem under Rome and Byzantium", *Jerusalem in History*, ed. Kamil J. Asali, (Olive Branch Press, New York: 1990), p. 89.

[24]Abd al-Fattah El-Awaisi, *Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries,* pp. 112-113, 121-125.

[25] Abd al-Fattah El-Awaisi, *Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries,* pp. 124-125. See also: Nayef G. Goussous, *Ummayyad Coinage of Bilād al-Sham,* (Aquamedia, Amman: 1996), pp. 84-85.

Marwān (r. AH 66-86/AD 685-705). Some of the milestones dating back to his reign have survived to this day bearing the name "Aelia."[26]

Yet, as time went by this name steadily became less popular, with Bayt al-Maqdis and later al-Quds becoming more widely used. Some of the later generations of Muslims, *Tabeen*, encouraged the adoption of the name "Bayt al-Maqdis" instead of the Roman name "Aelia." One of those who discouraged the usage of the name "Aelia" and endorsed the use of the name "Bayt al-Maqdis" was the scholar Mu'awiyah ibn Salih, who would say, "Do not name Madinah, Yathrib nor Bayt al-Maqdis, Aelia." He adds the reason why it should not be used, stating that it is a name of one of the Roman emperors.[27] Another individual who promoted the use of the name "Bayt al-Maqdis" instead of Aelia was the controversial figure Ka'b al-Ahbar who was a Jewish convert to Islam, stating, "Do not say Aelia, but rather say Bayt Allah al-Muqadas."[28] He also gives a reason why it should not be called so, "Don't call Bayt al-Maqdis Aelia, call it by its name; Aelia is a name of the woman who built the city."[29] It is clear that Ka'b disliked the use of the name Aelia, which could be due to his Jewish background and to the impact of Hadrian on the Jews.

[26] Abd al-Fattah El-Awaisi, *Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries,* p. 125. See also: Max Van Berchem, *Matériaux pour un Corpus Inscriptionum Arabicarum: Jerusalem, Ville, Mémoires Publiés Par Les Membres De L'institut Français D'archéologie Orientale Du Caire*, (Imprimerie de L'institut Français D'archéologie Orientale, Cairo: 1992), pp. 19-21. For further: George Foucart, *Corpus Inscriptionum Arabicarum: Jerusalem, Mémoires Publiés Par Les Membres De L'institut Français D'archéologie Orientale Du Caire*, (Imprimerie de l'Institut Français D'archéologie Orientale, Cairo: 1922), p. 1.

[27] Ibn Tamīm al-Maqdisī, *Muthīr al-Gharām ilā Ziyārat al-Quds wal-Sham*, p. 211.

[28] Abu Bakr al-Wasiti, *Fadā'il al-Bayt al-Muqddas*, ed. I. Hasson, (The Magnes Press, Jerusalem: 1979), p. 21. See also: Ibn Tamīm al-Maqdisī, *Muthīr al-Gharām ilā Ziyārat al-Quds wal-Sham*, p. 211.

[29] Yaqut al-Hamawi, *Mu'jam al-Buldān*, ed. F.al-Jundī, (Dār al-Kutub al-'Ilmiyah, Beirut), p. 194.

## AL-QUDS

The name "al-Quds" was the latest name the city and the region acquired with a later addition to it, *al-Sharif*, meaning "the noble." The name itself, al-Quds or al-Kudus, comes from the same Arabic root as "Bayt al-Maqdis," and has the meaning of holiness attached. This is a later development, which can be traced back to the beginning of the third Muslim century/ninth century AD. Evidence of this change dates to the reign of Caliph al-Ma'mun, (ruled AH 197-218/AD 813-833), with the first record of its occurrence in the year AH 217/AD 832 when coinage bearing the new name "al-Quds" was minted.[30] The previous generations of Muslim mints had the Arabic form "Iliyā'." The new name immediately appeared in contemporary and later literature, becoming the most common name for people in the region, whilst Bayt al-Maqdis continued to be used in other regions of the Muslim world.[31]

## EPILOGUE

Bayt al-Maqdis that was established around al-Bayt al-Muqaddas, the Holy House, where believers would purify themselves from sin, had become a city where grave sins were committed, the killing of fellow humans. Since its establishment, it has been destroyed and rebuilt many times, with its name and identity changing from time to time. Its name has been changed repeatedly: *Bayt al-Maqdis, Ur-Shalim, Yabus, Aelia*, *al-Quds* were amongst the names it acquired over time. The holy city and its Holy Land is at the heart of the ongoing conflict and is *the* key to resolving it. Whose Holy Land

[30] Abd al-Fattah El-Awaisi, *Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries,* p. 141. See also: Yaakov Meshorer, "Coinage of Jerusalem under the Umayyads and the Abbāsids", *The History of Jerusalem: The Early Muslim Period 638-1099*, ed. Joshua Prawer, Haggai Ben-Shammai, (New York University Press, New York: 1996), p. 417.

[31] Abd al-Fattah El-Awaisi, *Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries,* pp. 147-148.

is it? And who should have sovereignty over it? How should it be governed? These are the questions we need to answer by going back in history and learning lessons from the past. In some sense, it is the same issue as that related to whom Abraham belongs to. If we delve into his life, we see Abraham, within the biblical tradition, accepting the sovereignty of the inhabitants of the land. Many examples testify to this; even when he wanted to bury his wife, he bought the land where he buried her, and did not take it by force with the claim that God had granted him this land.

From UrShalim that welcomed Abraham, it became an exclusive Aelia where some of Abraham's children were banned. They awaited the opportunity to take revenge, which was only possible a few centuries later and did so when the Persians took the Holy City in AD 614 and savagely massacred Christians. This was recorded by Antiochus Strategos, who writes that the Jews "rejoiced exceedingly, because they detested the Christians… they purchased Christians out of the reservoir; for they gave the Persians silver, and they bought a Christian and slew him like a sheep… the Jews were left in Jerusalem, they began with their own hands to demolish and burn such of the holy churches… How many of the people were bought up by the Jews and butchered."[32] When the Christians took back the city, they did the same to the Jews and massacred the Jews.[33] Only when Bayt al-Maqdis was reestablished under the Muslim rule did Jews and Christians coexist under the umbrella of an inclusive rule that allowed the sharing of the holiness of the Holy Land. As Armstrong argues, "When Caliph Umar conquered Jerusalem

[32] Frederick C. Conybeare, "Antiochus Strategos' Account of the Sack of Jerusalem in A.D. 614", *English Historical Review,* Vol: 25, (1910), pp. 508-509. See also: Francis Edward Peters, *Jerusalem: The Holy City in the Eyes of Chroniclers, Visitors, Pilgrims, and Prophets from the Days of Abraham to the Beginnings of Modern Times,* (Princeton University Press, Princeton: 2017), p. 172.

[33] Alfred J. Butler, *Arab Conquest of Egypt and the Last Thirty Years of the Roman Dominion*, (Clarendon Press, Oxford: 1902), p. 134.

from the Byzantines in AD 638, he was faithful to this inclusive vision. Unlike the Jews and Christians, Muslims did not attempt to exclude others from Jerusalem's holiness… Umar invited the Jews, who had been forbidden to reside permanently in Jerusalem for over 500 years to return to their holy city."[34] Following the first and second Muslim *Fath* (conquest) in the seventh and twelfth century, peaceful coexistence was reintroduced. This was interrupted twice, during the Crusades and the current Zionist occupation.

The Crusader and Zionist occupations are not but anomalies in the long, peaceful history of this Holy Land. The last century has seen one of the most brutal occupations of this land, starting with the British occupation in 1917, followed by the creation of a Zionist state in 1948. The whole region was forcibly given new names and identities. The names of "Jerusalem" and the areas around it such as "Palestine", "Syria" and "Jordan", which are mentioned daily in the press and in political discussion, are not the indigenous names for the locations they were thought to have represented. Jerusalem has become two Jerusalems: the eastern and the western. The Zionist state driven by fear, insecurity, and greed insists on Yerushalem as its "eternally unified capital," whereas it is the most divided city in the world.[35]

The United States' governments have encouraged the Zionist state on this issue over the years and the recent move of the American embassy to Jerusalem and the announcement of U.S. President Donald Trump that Jerusalem is the "eternal capital of the Jewish people," excludes others who have had a long connection with this land. The attempt to make it an exclusively Jewish Jerusalem will ultimately be defied as the city cannot be only Jewish.[36] In

[34] Karen Armstrong, "Sacred Space: The Holiness of Islamic Jerusalem", *Journal of Islamic Jerusalem Studies*, Vol: 1, No: 1, (1997), p. 14.

[35] Colin Chapman, *Whose Holy City? Jerusalem and the Israeli-Palestinian Conflict*, (Lion Hudson, Oxford: 2004), p. 224.

[36] Ibid., p. 197.

fact, comprehending the movement of history, it can be observed that the exclusive vision of occupiers deprives the Holy Land of its unique nature and will inevitably bring such occupations to an end. The longest stretch of rule by Muslims - over a millennium long - was based on the idea of inclusivity and to this day, churches and other religious sites are a testimony to their inclusive vision. Thus, the only way to a lasting peace is through an inclusive vision that allows everyone to share the holiness and *Barakah* (blessing) of this land, to coexist side by side, thus making it *everyone's Holy Land*.

## CHAPTER II

# JERUSALEM, THE ETERNAL CAPITAL OF FAITH

STEPHEN SIZER*

President Donald Trump's decision to recognize Jerusalem as the capital of Israel and move the U.S. embassy from Tel Aviv to Jerusalem, destroyed in the stroke of the pen any lingering illusions of a shared city, the two-state solution or an independent sovereign Palestine. Jewish and Christian Zionists regard Jerusalem as the exclusive, undivided and eternal capital of the Jewish state, justifying the annexation, segregation, and ethnic cleansing of Palestine.

Following the Arab-Israeli war of 1967 and the capture of Eastern Jerusalem, in June 1971, a conference took place in Jerusalem of over 1,200 Evangelical leaders from 32 different countries. Welcomed by David Ben Gurion, the conference was billed as "the first conference of its kind since AD 59." The capture of Jerusalem was portrayed as "confirmation that Jews and Israel still had a role to play in God's ordering of history" and that the return of Jesus was imminent.[37]

* Reverend Dr. Stephen Sizer is the former vicar of the Anglican parish of Christ Church, Virginia Water, in Surrey, England.

[37] "Prophets in Jerusalem", *Newsweek*, June 28, 1971.

The wider international community saw things rather differently. In protest of Israel's unilateral annexation of East Jerusalem and the West Bank, the United Nations passed Resolution 242, calling on Israel to withdraw its troops to the June 1967 borders and end the occupation. Refusing to recognize Jerusalem as the capital of Israel, the few remaining government embassies were closed and relocated to Tel Aviv. In 1980, however, the International Christian Embassy (ICEJ) was founded in Jerusalem, to express solidarity with Israel and to recognize a divine blessing in the 'Reunification' of Jerusalem under the Israeli sovereignty.

In 1997, the ICEJ also gave support to a full-page advert placed in the *New York Times* entitled, "Christians Call for a United Jerusalem." It was signed by 10 Evangelical leaders including Pat Robertson, the chairman of Christian Broadcasting Network and president of the Christian Coalition; Oral Roberts, the founder and chancellor of Oral Roberts University; Jerry Falwell, the founder of Moral Majority; Ed McAteer, president of the Religious Roundtable; and David Allen Lewis, president of Christians United for Israel.

The advert starts with the following sentences: "We, the undersigned Christian spiritual leaders, communicating weekly to more than 100 million Christian Americans, are proud to join together in supporting the continued sovereignty of the State of Israel over the holy city of Jerusalem. We support Israel's efforts to reach reconciliation with its Arab neighbors, but we believe that Jerusalem, or any portion of it, shall not be negotiable in the peace process. Jerusalem must remain undivided as the eternal capital of the Jewish people."[38]

Ironically, this claim flatly contradicts the Hebrew and the Christian scriptures which envisage Jerusalem to be an inclusive city of peace for all who acknowledge the one true God. In Psalm

[38] "Christians Call for a United Jerusalem", *New York Times*, April 18, 1997.

87, for example, we have a beautiful picture of a shared Jerusalem, an international and inclusive city where residency rights are determined by God on the basis of faith not race. "He has founded his city on the holy mountain. The LORD loves the gates of Zion more than all the other dwellings of Jacob. Glorious things are said of you, city of God: "I will record Rahab and Babylon among those who acknowledge me –Philistia too, and Tyre, along with Cush– and will say, 'This one was born in Zion.' "Indeed, of Zion it will be said, "This one and that one were born in her, and the Most High himself will establish her." The LORD will write in the register of the peoples: This one was born in Zion." As they make music they will sing, "All my fountains are in you." (Psalm 87)

As Colin Chapman has observed, "This is a message which must have challenged many nationalistic prejudices."[39] And one might add –still does. The Prophet Isaiah's vision of Jerusalem is also an inclusive one. In Isaiah 2, for example, we learn that people of many different nations will come to Jerusalem and put their faith in God and walk in his ways. One of the glorious consequences of this is that Jerusalem will become associated with the end of war, and with peace and reconciliation between the nations (Isaiah 2: 3-5).

The image of Jerusalem found in the New Testament is of a new inclusive city built by God –one in which there is no darkness– and where the gates are never shut but open to people of all nations. "I saw the Holy City, the new Jerusalem, coming down out of heaven from God, prepared as a bride beautifully dressed for her husband… I did not see a temple in the city, because the Lord God Almighty and the Lamb are its temple. The city does not need the sun or the moon to shine on it, for the glory of God gives it light, and the Lamb is its lamp. The nations will walk by its light, and the kings of the earth will bring their splendor into it. On no day will

[39] Colin Chapman, *Whose Holy City?: Jerusalem and the Israeli-Palestinian* Conflict, (Lion Hudson, Oxford: 2004), p. 30.

its gates ever be shut, for there will be no night there. The glory and honor of the nations will be brought into it. Nothing impure will ever enter it, nor will anyone who does what is shameful or deceitful, but only those whose names are written in the Lamb's book of life" (Revelation 21: 2, 22-26).

In this one all-consuming vision, God's people now embrace all nations, God's land encompasses the whole Earth, and God's holy city has become the eternal dwelling place of all who remain faithful –literally the Bride of Christ (Revelation 21: 9).

Far from justifying, or even tolerating, an exclusive claim to Jerusalem, in the Hebrew and Christian Scriptures, God reveals that he expects Jerusalem to be a shared, inclusive city of faith, hope, and love. Indeed, the Scriptures reveal a glorious future for Jerusalem, one that impacts and benefits the entire world. The vision is of an inclusive and shared Jerusalem in which all nations are blessed. Perhaps this is why, when Jesus rebuked the religious leaders for exploiting the international visitors to the temple, he quoted from Isaiah, "For my house will be called a house of prayer for all nations" (Isaiah 56: 7, cf. Matthew 21: 13).

But today, we have to live with the reality of a Jerusalem that is associated with apartheid and racism, with exclusive claims that can only be sustained by oppression and injustice, by military occupation, the denial of human rights, the disregard for international law, denial of access to religious sites, and freedom of expression. Living between Jerusalem past and Jerusalem future, what is our religious responsibility in the present? Following the decision of the U.S. president to recognize Jerusalem as the capital of Israel, the patriarchs and the heads of churches in Jerusalem wrote an open letter to Donald Trump.[40] The letter included this assertion, "Our

[40] "Churches React to Donald Trump's Proclamation on Jerusalem", Churches Together in Britain and Ireland, ctbi.org.uk/churches-react-to-donald-trumps-proclamation-on-jerusalem/, (Accessed on January 24, 2019).

solemn advice and plea is for the United States to continue recognizing the present international status of Jerusalem. Any sudden changes would cause irreparable harm. We are confident that, with strong support from our friends, Israelis and Palestinians can work towards negotiating a sustainable and just peace, benefiting all who long for the Holy City of Jerusalem to fulfil its destiny. The Holy City can be shared and fully enjoyed once a political process helps liberate the hearts of all people, that live within it, from the conditions of conflict and destructiveness that they are experiencing."

On Palm Sunday, when Jesus entered Jerusalem on a donkey, it is recorded, "As he approached Jerusalem and saw the city, he wept over it and said, 'If you, even you, had only known on this day what would bring you peace –but now it is hidden from your eyes'" (Luke 19: 41-42).

I believe God continues to weep not only over Jerusalem, but for all his children in the Middle East, as well as those who from a distance, promote a theology of war and conquest in his name. It is a very long way from the simple teaching of Jesus who promised "Blessed are the peacemakers for they shall be called children of God" (Matthew 5: 9). May God give us the courage and strength to fulfil this role which is needed more now than ever before.[41]

[41] For a longer article on the status of Jerusalem see "The Battle for Jerusalem" which is based on a chapter from my book *Zion's Christian Soldiers*.

# CHAPTER III

# BAYT AL-MAQDIS: A SHORT HISTORY FROM ANCIENT TO MODERN TIMES

SHARIF AMIN ABU SHAMMALAH*

History represents a natural approach to understanding the reality and the interactions of the present. And in the case of a city such as Jerusalem *al-Quds*, also historically known as *Bayt al-Maqdis*, its present's correlation to history is clearly manifest. The city, with its deeply rooted heritage, its religious stature, its holy status, its political uses, its alternation between various sovereign states, and its overall unique experience make the awareness of its history an urgent need.

This chapter provides a focused presentation of the development of the city's history in its various periods starting from the emergence of the city until it was declared by the United States as the capital of "Israel," the Zionist occupation state. The chapter summarizes the history of the city in order to show who owned the Holy City and who brought peace and stability or violence and chaos to the city.

* Dr. Sharif Amin Abu Shammalah is the chief executive officer of the Al-Quds Foundation, Malaysia.

## THE GENESIS AND BEGINNINGS

Though there are signs that Palestine was inhabited by humans thousands of years ago, the archaeological evidence indicates that the emergence of al-Quds dates back to the ancient Bronze Age (3200-2000 BC) when the Arab Canaanites, the Jebusites in particular, founded al-Quds as a city-state, like many Canaanite cities, dozens of which appeared in Palestine during that period.

In the 19th century BC, Allah's prophet Abraham (pbuh) arrived in the city conveying the call of monotheism (*Tawhid*) and the message of Islam. It is likely to be the territory indicated in the glorious Qur'an: "And We (Allah, SWT) delivered him (Abraham) and Lot to the land which We had blessed for the worlds" (21: 71). It is commonly understood in the classic sources that the blessed land is Bayt al-Maqdis; Abraham's migration to the city was a prologue to the era of prophets in Bayt al-Maqdis. Abraham settled there and had prophet children and grandchildren, such as Ismail, Isaac, Jacob, and Joseph (pbut), whose prophet careers were associated with its history.[42]

## THE ERA OF DAVID AND SOLOMON

As we briefly write this history of the Holy City, it is important to notice the Hebrew Bible's hegemonic narrative on the details of this era despite all flaws that undermine its historicity and historical credibility. Moreover, these accounts were written and compiled far away from their historical theater and centuries after the events took place. However, it is regrettable that some Western historiographical works founded their pillars on these biblical narrations

[42] For details see: Muhsen Saleh, *The Road to Al-Quds: A Historical Study in the Islamic Experience on the Land of Palestine since the Eras of Prophets until the End of the 20th Century*, (Al-Zaytouna Center for Studies and Consultation, 5th Edition, Beirut: 2012). محسن صالح، الطريق إلى القدس، دراسة تاريخية في رصيد التجربة الإسلامية على أرض فلسطين منذ عصور الأنبياء وحتى أواخر القرن العشرين، (بيروت، مركز الزيتونة للدراسات والاستشارات، ط٥، 2102).

without sufficient examination, scrutiny, or auditing. It was also followed by an archaeological school shaped by religious and colonialist motives as it literally began its scholarship from the accounts of the Hebrew Bible. Thus, its mission has become to attribute every site or place in Palestine to biblical scripts and to conduct research with a biblical eye and without the due methodology and objectivity. Therefore, its results have been distorted and politicized to the point of being infallible.

The Israelites exited Egypt under the leadership of Moses escaping the persecution of the Pharaoh (approximately in the 13th century BC), then entered the Holy Land under the leadership of one of their prophets, Joshua, or Jehoshua (Hebrew: *Yehoshuʿa*) the son of Nun, after forty years of wandering in the desert. Then, in the 10th century BC, David (pbuh) appeared, as one of the Israelite prophets and able leaders. He managed to conquer Bayt al-Maqdis, which became part of his dominion. David was succeeded by his son Solomon (pbuh). It may be said that the reign of David and Solomon in Bayt al-Maqdis during the 10th century is the most obvious Israelite era in the area, and it is estimated between 70 to 80 years that represent the golden age of the Islamic rule in the sense of its ideological concept in Bayt al-Maqdis before the Muslim conquest.[43]

As for urbanization and development, biblically informed studies imagine it as a capital of a great and magnificent united monarchy. According to the latter, David's era witnessed the emergence of what is allegedly called the "City of David," i.e. Bayt al-Maqdis, with fortresses, palaces, warehouses, and a marvelously constructed huge temple with elaborate architectural details.[44]

[43] Muhsen Saleh, *The Road to al-Quds: A Historical Study in the Islamic Experience on the Land of Palestine since the Eras of Prophets until the End of the 20th Century*, pp. 27-30.

[44] Karen Armstrong, *Jerusalem: One City, Three Faiths*, (Ballantine Books, New York: 1997). كارين أرمسترونج، القدس مدينة واحدة عقائد ثلاثة، ترجمة: فاطمة نصر، محمد عناني، (القاهرة، سطور، ١٩٩٨).

However, some archaeological studies, that are methodologically liberated from the authority of the Hebrew Bible's script, indicate that Bayt al-Maqdis, "during the 10th and 9th centuries BC was a little modest town with mainly some administrative buildings, i.e. in certain times in the 10th and 9th centuries BC, a new town was established to accommodate public (administrative) buildings but without sufficient residential area. But it is unlikely to be a capital of an important state such as the one described in the biblical script regarding the unified kingdom of Israel. Noteworthy, ancient Jerusalem largely resembles the rest of Palestinian towns in the 10th and 9th centuries BC."[45] These findings and other serious studies delineate the extent of exaggerations that cannot be assumed in accounts of the history of the holy city. It is clear that political and ideological tendencies contributed to the spread of such narratives without being subject to the standard academic methodology.

## COLLAPSE: BETWEEN BABEL AND PERSIA

Solomon (pbuh) passed away in 923 BC.[46] His monarchy split, after his death, into two small monarchies; one of them, known as Israel, which fell apart within two centuries whereas the other one, known as Judah and including Bayt al-Maqdis, continued and lasted longer until it showed signs of corruption and weakness and was exposed to invaders.

[45] Margaret Steiner, "Expanding Frontiers: The Development of Jerusalem in the Iron Age", *Jerusalem in Ancient Times between the Old Testament and History*, ed. Thomas L. Thompson and Salma al-Khadra al-Jayyousi, (Center for Arab Unity Studies, Beirut: 2003), pp. 115-116.

مارغريت شتاينر، حدود متوسعة: تطور أورشليم في عصر الحديد، في: القدس أورشليم العصور القديمة بين التوراة والتاريخ، تحرير: توماس ل. تومبسون، سلمى الخضراء الجيوسي، ترجمة: فراس السواح، (بيروت، مركز دراسات الوحدة العربية، 3002)، ص 511-611.

[46] Zafarul Islam Khan, *Ancient History of Palestine from the First Jewish to the Last Crusade*, (Lebanon: Dar al-Nafaes, 1992), pp. 45-46.

Late in the 6th century BC, the king of Babylon Nebuchadnezzar, invaded, besieged the city, exiled the ruling class to Babylonia in Iraq, and appointed a subordinate to govern the city. Later, when this appointed governor rebelled, Nebuchadnezzar returned and exiled the rest of the population to Babylonia. Thus, that monarchy collapsed completely by 586 BC concluding the independent Israelite rule of Bayt al-Maqdis. Centuries later, the Jewish presence in the city took the shape of a religious class that ruled by proxy on behalf of various empires and states that alternated in controlling the city.

The Babylonian hegemony did not last very long; it was terminated by the Persian Empire lead by Qurush II who allowed the Jews of Babylonia to move to Bayt al-Maqdis as a reward for supporting him in his war against Babylonia in 539 BC. They settled there without full autonomy but as local agents of Persia.

## GREECE AND ROME

In 332 BC, Alexander the Great occupied Palestine, as part of his campaign in the area; he treated the Jews in the same manner as the Persians did, leaving them as a ruling class in Bayt al-Maqdis on behalf of the Greeks. The process of Hellenizing the city started whereby the city acquired a Greek character in architecture, language, culture, literature, systems, and lifestyle.[47] After the anti-Hellenistic revolution of the Maccabees triumphed, the Jews were allowed to practice their own rituals side by side with the Hellenistic-oriented inhabitants of Bayt al-Maqdis.

The Greek period continued until 63 BC when the Roman commander Pompey besieged Bayt al-Maqdis, demolished its walls, seized the city, and preserved the rule of the Jewish Maccabean family under the Roman hegemony. In 40 BC, Persia attacked Palestine

[47] Ziad Muna, *Introduction to the Ancient History of Palestine*, (Beesan Publishers and Distributers, Damascus: 2000), p. 110. زياد منى، مقدمة في تاريخ فلسطين القديم، (دمشق: بيسان للنشر والتوزيع، ٢٠٠٠)، ص ١١٠.

and also preserved the Maccabean rule there. The Persian dominance, however, did not last long as the Romans waged war again, regained control of the city, and installed Herod, the Idumaean, as a king in 37 BC.

During the Roman reign that continued until AD 325, the city witnessed two revolts against the Romans and both were suppressed with extreme violence. In AD 66, Jews revolted against the Roman rule, but the Roman commander Titus managed to put this revolt down by AD 70, stormed the city after a strong siege, launched a spree of killing, looting and burning, and destroyed the temple built by Herod by leveling it to the ground.[48]

In AD 132, the Jews revolted again against the Romans and Emperor Hadrian sent a large army that put down the revolt in AD 135. The army destroyed and plowed Bayt al-Maqdis, killed and captivated a large number of Jews, and subsequently prevented them from dwelling in or inhabiting the city or even approaching it. On its ruins a new city called Aelia Capitolina, after the first name of Emperor Hadrian, was erected. Later on, the city came to be known as Aelia.[49]

## AL-QUDS IN THE CHRISTIAN ERA

The ascension of Constantine the Great to the throne of the Roman Empire in AD 306 was a foreteller of a new stage in the history of al-Quds and the world. Under his reign, Christianity was recognized as a formal faith via the Edict of Milan issued in AD 313.[50]

[48] John Wilkinson, "Jerusalem under Rome and Byzantium: 63 BC -637 AD", *Jerusalem in History*, ed. Kamil J. Asali, (Jordan University, Amman: 1992), pp. 95-128. جون ولكنسون، القدس تحت حكم روما وبيزنطة ٦٣ ق.م – ٦٣٧ ب.م، في: القدس في التاريخ، ترجمة كامل العسلي، (عمان، الجامعة الأردنية، ١٩٩٢)، ص٩٥-١٢٨.

[49] Muhsen Saleh, *The Road to Al-Quds: A Historical Study in the Islamic Experience on the Land of Palestine since the Eras of Prophets until the End of the 20th Century*, p. 39.

[50] 'Ali 'Ukasha et al., *Greeks and Romans*, (Al-Amal Publishers and Distributors, 1st Edition, Irbid: 1991), pp. 205-211. علي عكاشة وآخرون، اليونان والرومان، (إربد، دار الأمل للنشر والتوزيع، ط١، ١٩٩١)، ص٢٠٥-٢١١.

As for al-Quds, the edict's consequences resulted in getting rid of all pagan symbols and idols which were replaced with a wave of Christianizing culture and architecture as the city had become the heart of Christendom. Constantine and his mother Helena erected many buildings and historical monuments, the most important of which was the Church of the Holy Sepulcher while the queen erected the so-called *Via Dolorosa*, "Way of Grief," in Bayt al-Maqdis.

It is noteworthy that since the city fell in the hands of Babylonians (586 BC) until the end of the Byzantine reign (AD 637), that is to say for nearly 12 centuries, a number of states such as Persia, Greece, Rome, and Byzantium governed the city alternately. This period witnessed several cultural and political upheavals and violent events endured by the city and its inhabitants.

## THE EARLY ISLAMIC ERA

Since the emergence of Islam in Mecca, Bayt al-Maqdis was present in the Muslim imagination as the first *Qibla* of their prayers which continued for a year and a half after *Hijrah.* Prophet Muhammad's miraculous *Israa*, his Night Journey to the city, and *Mi'raj*, his ascension to Heaven from there, represent the Muslim peak spiritual and physical attachment to Bayt al-Maqdis and its al-Aqsa Mosque. Referring to the numerous pieces of evidence from the Glorious Qur'an and the traditions and practices of the Prophet (pbuh) that indicate the status of the city, its stature, the great reward of traveling there, and praying in its mosque, its virtue as a safe haven from the Apocalypse, and its status as the site of the demise of all falsehood, we can appreciate the zealous spirit that enticed early Muslims to conquer the city which was given a top priority. The first caliph, Abu-Bakr al-Siddeeq, wrote to his commander in Iraq, Khalid ibn al-Waleed, urging him, "rush (with your army) to support your brethren in the Levant. To acquire one village around al-

Quds, by Allah's providence, is better to me than a whole *rostaaq*,[51] a fertile region of villages and groves, in Iraq."[52]

The conquest of Bayt al-Maqdis was completed in the year AH 16 after the conquering armies had besieged the city for four months during which battles took place and exhausted both sides. Thus, the city's commanders and its patriarch, Sophronius, realized that Muslims are not giving up the city; so, they retreated and requested peace stipulating that the Muslim Caliph Omar bin al-Khattab comes in person and grants them the peace covenant, a unique situation given only to Bayt al-Maqdis amongst all cities conquered in that era - a clear indication of the city's high stature and importance. The caliph accepted their request, and granted the city a peace covenant that has since been known as the "Omar Covenant." His covenant grants immunity for their lives, properties, and churches against inhabitation and demolition.[53] This makes the Muslim conquest of Bayt al-Maqdis very different from the conquests by previous nations which were mostly characterized by destruction and architectural and cultural eradication.

As for what some sources mention that the Omar Covenant stipulates banning Jews from inhabiting Bayt al-Maqdis, it is clear that it is an addition and not an authentic text, as it differs from the

[51] *Rastaaq* signifies a region that includes numerous groves and villages. Sometimes it is pronounced as "rozdaaq." See: Mustafa 'Abd al-Kareem Khateeb, *Mu'jam al-Mustalahat wa al-Alqab al-Tarikhiyyah*, (Glossary of Historical Terms and Titles), (Mu'ssasat al-Risalah, 1st Edition, Beirut: 1996), p. 210 مصطفى عبد الكريم خطيب، معجم المصطلحات والألقاب التاريخية، (بيروت، مؤسسة الرسالة، ط١، ١٩٩٦م)، ص٢١٠

[52] Abu al-Ma'aali al-Musharraf ibn al-Marji ibn Ibrahim al-Maqdissi, *Fadha'il Bayt al-Maqdis*, (Virtues of Bayt al-Maqdis), ed., Ayman Nasr al-Deen al-Azhari, (Dar al-Kutub al-'Ilmiyya, 1st Edition, Beirut: 2002), p. 67.

[53] Ahmad al-Ya'qoubi, *Tarikh al-Ya'qoubi* (The al-Ya'qoubi History), ed. Abd al-Ameer Muhanna, (Sharikat al-A'lami for Publications, 1st Edition, Beirut: 2001), p. 37. أحمد بن أبي يعقوب بن جعفر بن واضح المعروف باليعقوبي، تاريخ اليعقوبي، تحقيق: عبد الأمير مهنا، (بيروت، شركة الأعلمي للمطبوعات، ط١، ٢٠٠١)، ج٢، ص٣٧.

general trend of peace treaty models of the time and it might have been added for political or religious reasons.[54]

Although the period that Caliph Omar ibn al-Khattab spent in Bayt al-Maqdis was short, he was very interested in renewing the al-Aqsa Mosque, removing the rubble and dirt of previous eras, and restoring what could be considered as the first Muslim *musalla* (praying place) in al-Aqsa Mosque at the front of the shrine that is oriented toward *Qibla*. It was characterized by its simplicity like the Prophet's Mosque at the time.

A number of *Sahaba*, the Prophet's companions, and many of their followers, *Tabi'un*, settled in the city of Bayt al-Maqdis. The city began to attract visitors wishing to make a pilgrimage to the al-Aqsa Mosque and seeking its blessings. Visitors' presence grew more active with time and stability.

With the advent of the Umayyad caliphate, Bayt al-Maqdis received great attention for religious and political reasons. The city's sanctity and its high Islamic stature gave the Umayyad dynasty a lot of prestige in the Muslim world; thus, the Umayyad dynasty translated this attention, since the reign of their first caliph, Mu'awiyah ibn Abi-Sufyan, by accepting the homage of the Muslim public to Bayt al-Maqdis at the beginning of each caliph's reign. The Umayyad caliphs were keen to visit and stay in the city or install an Umayyad prince as its governor, and the city saw a number of reconstruction projects. Although the Umayyads claimed Damascus as the capital of their dynasty, the Damascus–Bayt al-Maqdis axis was very active and effective and the caliph Sulayman ibn 'Abd al-Malik considered transferring the capital of the caliphate to Bayt al-Maqdis, but changed his mind.

[54] For a detailed discussion in this matter, see: 'Abd al-Fattah Muhammad El-Awaisi, *Introducing Islamic Jerusalem*, (Al Maktoum Institute Academic Press, UK: 2007), pp. 69-74.

Throughout the Umayyad period, especially during the reign of ʻAbd al-Malik ibn Marwan (AH 65-86/AD 685-705), al-Aqsa Mosque witnessed a monumental construction renaissance and projects that continued to exist to this day. The most important of its features is the Dome of the Rock, which emerged as an architectural monument commemorating the Prophet's Night Journey, *Israa*, and his ascension to heaven, *Mi'raj*, and protecting the honored Rock. The Dome of the Rock became a symbol of al-Aqsa Mosque and Bayt al-Maqdis and a place of pride for Muslims in the city which was notoriously famous for its great churches and large buildings. As for what had been once said that the construction of the Dome was meant to distract Muslims from the pilgrimage to Mecca, it is a dismissed argument that was alleged by the Shiite historian, al-Ya'qoubi, out of political bias.

Also, the sanctuary area of al-Aqsa Mosque was configured and constructed by building its southeastern part, now known as the Marwani *Musalla*. Moreover, the central masjid was built in the place of the masjid established by Caliph Omar in the southern part to be larger and finer so as to accommodate the growing numbers of worshipers, visitors, scholars, and the devoted. Large gates and beautiful domes such as the spacious Dome of *al-Silsilah* (chain) were erected to provide shade for people and to provide rest for governors and caliphs when they visit al-Aqsa.[55]

The fall of the Umayyad dynasty and the assumption of the caliphate by their opponents, the Abbasids, did not affect the stature of the city, its stability, and its role as one of the important urban centers of teaching, learning, knowledge, and jurisprudence and

[55] For an in-depth account of this period and its details, see: Sharif Abu Shammalah, *The Urban and Architectural Development of al-Quds in the Early Islam (16-132 AH/637-750 AD): A Historical and Analytical Study*, (Unpublished Ph.D. Dissertation, Malaya University, Kuala Lumpur, 2015). شريف أبو شمالة، التطور العمراني والمعماري لمدينة القدس في صدر الإسلام (١٦-١٣٢هـ/٦٣٧-٧٥٠م) دراسة تاريخية تحليلية، (جامعة ملايا، أطروحة دكتوراة غير منشورة، ٢٠١٥).. And see also: Abd al-Fattah Muhammad El-Awaisi, *Introducing Islamic Jerusalem*, pp. 69-74.

holiness in the Muslim world. The classical biographical sources are rife with the names of scholars, teachers and students from Bayt al-Maqdis or who came to Bayt al-Maqdis from other regions, as well as their academic works.

This first Islamic period of Bayt al-Maqdis, nearly five centuries (AH 16-492), is one of the richest stages of the Islamic history of Bayt al-Maqdis and the prelude of the city's long reign with Islam. But the city's conditions worsened at the end of the Islamic Caliphate, as it had clearly witnessed weakness, strife, and discord during its latest decades and the caliphate had turned nominal and ineffective. A number of conflicting mini-states emerged which reflected negatively on Bayt al-Maqdis in the late centuries of its first Islamic period. Bayt al-Maqdis was disputed by the Fatimids and the Seljuks or among the Seljuks themselves. None of these mini-states were able to protect the city from the coming crusades that occupied it by means of horrible carnage, eliminated its character and existence, and took over its role.

## BAYT AL-MAQDIS UNDER THE CRUSADER OCCUPATION

At the end of the 5th century AH/11th century AD, the crusader armies moved from Europe towards the Mashriq with the direct incitement of the Catholic Church and clerics under the pretense of ridding the Holy Sepulcher from infidels (Muslims). However, the economic objectives and colonial ambitions of these campaigns' leaders were too clear to be hidden under religious pretenses. The Crusader hordes invaded the Muslim lands led by European princes and knights, taking advantage of the state of weakness of the conflicting Muslim states and emirates.

The Crusaders arrived at Bayt al-Maqdis, which was under Fatimid control, and besieged it for forty days until they were able to enter, in AH 492/AD 1099. According to the accounts of the

Crusader historians, for three days they killed all those who were in the city, whether they were residents or people who fled to the city seeking protection until corpses of the victims filled all streets and alleys, estimated by some sources at 70,000, and movement within the city became very difficult. In turn, al-Aqsa Mosque witnessed a horrible chapter in its history when thousands of people fled to it hoping that its sanctity would spare their lives but the Crusaders slaughtered them there.

Over the corpses of Bayt al-Maqdis's population, a cruel phase in the history of the Holy City began and spanned nearly ninety years. This is, however, a short period if compared to the city's ancient history. It began with the ethnic cleansing of its inhabitants, triggering a killing spree, the resettlement of the European invaders in the city, and the changing of its social and topographical structures. Thus, the Latin "Kingdom of Jerusalem" was erected in Bayt al-Maqdis.[56] Al-Aqsa Mosque was turned into Crusader facilities. They turned the Dome of the Rock into a church called "Church of the Holy of Holies" and raised a huge golden cross over it. The Templar Knights, who were among the most extreme and fiercest Crusader groups, turned the Qibli (southern) Mosque into houses, offices, and warehouses. They also turned the southern eastern part of al-Aqsa (*Marwani Musalla*) into a stable for their horses and named it "Solomon's Stables."

The news of the fall of Bayt al-Maqdis in the hands of the Crusaders was very tragic for Muslims, and they felt the great loss. The lesson they received was painful and they realized the internal reasons for their defeat, i.e. their division and the strife amongst themselves led to the loss of Bayt al-Maqdis. Although from the beginning of the Crusader invasion the jihad and liberation move-

[56] See: Fulcher of Chartres, *A History of the Expedition to Jerusalem, 1095-1127, Chronicle of the First Crusade, against the Infidels*, (Shorouk Publishing House, Cairo: 2001), pp. 135-139 فوشيه الشارتري، تاريخ الحملة الى بيت المقدس، ترجمة: قاسم عبده قاسم، (القاهرة، دار الشروق، ٢٠٠١)، ص١٣٥-١٣٩.

ment did not stop, it began to make a difference with the integration of Muslim's intellectual, social, political, and military forces. Jihad became more powerful, effective and organized in the era of 'Imad Ad-Din Zanki, his successor Nur Ad-Din Zanki, and then Salah Ad-Din the Ayyubid who completed the path of jihad and built on the achievements of his predecessors. In particular, he pursued a strategy of unifying Muslim forces along the axis of the Levant-Egypt. Thus, the liberation and restoration of Bayt al-Maqdis was completed by AH 583/AD 1187.[57]

## AL-QUDS UNDER THE AYYUBID AND MAMLUK REIGNS

The liberation of Bayt al-Maqdis by Sultan Salah Ad-Din (Saladin), the Ayyubid, was a rebirth of the city. It came after a series of victories by the Muslim armies against the crusader forces, particularly the great victory in the battle of Hattin (AH 583/AD 1187), which was followed by the siege of the Holy City until he entered it after he granted the besieged crusader population a covenant of security in the same year. The Muslim conquerors treated the Crusaders with great tolerance and allowed them to leave the city safely unlike what the Crusaders 90 years before.[58]

Salah Ad-Din restored the city's Muslim character; he especially removed the changes precipitated by the Crusaders in the al-Aqsa Mosque, its premises, and buildings. It is noteworthy and interesting to know that Nur Ad-Din Zanki had prepared a beautiful and perfectly made wooden *minbar* (pulpit) to be installed in the al-Aqsa Mosque when it is liberated. Since Zanki was martyred before

[57] Muhsen Saleh presents a useful summary of this stage and its various aspects from an Islamic perspective. See: Muhsen Saleh, *The Road to al-Quds: A Historical Study in the Islamic Experience on the Land of Palestine since the Eras of Prophets until the End of the 20th Century*, pp. 87-116.

[58] See: Ibn Shaddad, *al-Nawadir al-Sultaniyyah wa al-Mahasin al-Yusufiyyah*, (al-Khanji Bookshop, Cairo: 1994), p. 135 ابن شداد، النوادر السلطانية والمحاسن اليوسفية، (القاهرة، مكتبة الخانجي، ١٩٩٤) ، ص١٣٥.

the liberation of Bayt al-Maqdis, Salah Ad-Din carried the wooden *minbar* and installed it in al-Aqsa Mosque.[59] Since then it had been known as the "*minbar* of Salah Ad-Din" and had remained in use until 1969 when a Zionist Australian bigot set it ablaze. Salah Ad-Din exerted an obvious effort in fortifying the city, renewing its walls, erecting public buildings, hospitals, and Sufi *ribats*, i.e. small fortifications. The sultan also established several endowments to sustain these institutions, a tradition that was continued by several Ayyubid sultans that succeeded him.

However, this situation did not last long. Under the reign of King Issa, the city's walls were demolished fearing the Crusaders' invasion! Thus, many of its inhabitants deserted it. And as a result of the acrimonious conflicts within the Ayyubid dynasty and out of advancing narrow personal interests, King al-Kamil the Ayyubid handed over Bayt al-Maqdis to the Crusaders amid strong condemnation from the Muslim world. Muslims then took it back for a short time at the hands of King al-Nassir the Ayyubid, but he returned it again to the Crusaders. Finally, the city returned to Muslims in AH 642/AD 1229.

When the Mamluks assumed the sultanate, succeeding the Ayyubids, they dedicated a great deal of attention to Bayt al-Maqdis as a holy city. So, it stood out again as an effective urban learning center that became rife with religious institutions, schools, and civil facilities. Al-Aqsa Mosque had its share of facilities and reconstruction projects. A water supply network was established to bring water from al-Aroub spring to the mosque. Several schools were established in al-Aqsa such as *al-Madrasah al-Ashrafiyya* and *al-Madrasah al-Tankaziyya*; many of these institutions still exist in modern day al-Quds. Under the Mamluk reign, the city became

[59] Taj al-Din Shahanshah ibn Ayyub, Muntakhabat min Kitab al-Tarikh li Sahib Hamah. In: *Seerat Salah ad-Din*, (al-Manar Publishing House, Cairo: 2000), pp. 234-235. تاج الدين شاهنشاه بن أيوب، منتخبات من كتاب التاريخ لصاحب حماة، في: سيرة صلاح الدين، (القاهرة، دار المنار، ٢٠٠٠م)، ص٢٣٤-٢٣٥.

one of the most important centers of academic excellence as it was a destination that attracted numerous scholars, teachers, and students from various regions.[60]

Late in the Mamluk reign, the political, economic, and religious situation deteriorated in the city and in many cities under their rule to the extent that Muslim pilgrims from Egypt and Maghreb were unable to visit Bayt al-Maqdis due to the chaos and turmoil.

## AL-QUDS IN THE OTTOMAN ERA

While the Mamluk state was enduring deterioration and decline, the Ottoman state was expanding, strengthening, and becoming more effective. It inherited the rule of Bayt al-Maqdis after dislodging the Mamluk authority in the Levant in the aftermath of their defeat in the battle of Marj Dabiq in AD 1516. The Ottoman reign in Bayt al-Maqdis spanned four centuries with a very promising onset for the city that received an unmistakable attention from the early Ottoman sultans.

Sultan Suleiman the Magnificent had undertaken several construction and development projects that benefited the city and al-Aqsa Mosque such as replacing the mosaics around the walls of the Dome of the Rock with blue Kashani tiles and renovating the Dome's windows and doors. The reconstruction campaign included the dome of al-Silsilah, as well as other facilities of al-Aqsa. Over the course of five years (AD 1536-1540), the great wall of the city was erected, which is still the same today. The city had been without walls for more than three centuries since they were demolished by King Issa the Ayyubid in AD 1219. The city's water supply prob-

[60] See: Kamil Jamil 'Asali, "Madrasahs, Learning Institutions and 'Ulama in Palestine (5th to 12th Centuries AH)", *The Franco-Islamic Conflict over Palestine*, ed. Hadia Dajani Shakeel, in Arabic, (The Institute for Palestine Studies, Beirut: 1994), pp. 501 onwards. كامل العسلي، **المدارس ومعاهد العلم والعلماء في فلسطين (القرن الخامس إلى الثاني عشر للهجرة)**، في: هادية دجاني شكيل (محرر)، الصراع الإسلامي الفرنجي على فلسطين، (بيروت، مؤسسة الدراسات الفلسطينية، ١٩٩٤)، ص ٥٠١ وما بعدها.

lem received special attention; large sums of money were allocated for the construction and maintenance of water facilities such as canals, ponds and cisterns, as well as charitable and educational institutions such as the *Takiyyah* (hospice) of Khaski Sultan and *al-Rasasiyyah Madrasah*.[61]

The city witnessed a long period of Ottoman reign enjoying political stability and economic prosperity as well as an academic and architectural renaissance. It even attracted numerous Jews that fled the inquisition courts in Spain and the Ottomans treated them with tolerance and lenience. However, this state of stability, prosperity, and scholarly activity was affected by the Ottoman decline as a result of the 18th century wars. Furthermore, the documents reveal corruption and the mismanagement of numerous *waqfs* endowed by the early Ottoman sultans or by the Mamluk sultans.

Bayt al-Maqdis continued under the Ottoman reign until Ibrahim Pasha took over the city for a short period (AD 1831-1841) that was full of turmoil and revolts. During this decade, the people suffered from the Egyptian rule until the city returned to the Ottoman dominion after the withdrawal of the Egyptian army of Ibrahim Pasha. At the time, the city received a new wave of stability and care, represented by the sultans' patronage for several renovation and maintenance projects of the Dome of the Rock, which cost the state treasury a lot; the courtyards of al-Aqsa also saw a number of new Ottoman buildings.[62]

The political and military circumstances of that period provided a wide door for Western foreign intervention in Bayt al-Ma-

[61] See: Kamil Jamil 'Asalai, "Al-Quds under the Ottoman Rule 1516-1831", *Al-Quds fi Al Tarikh* (Jerusalem in History), ed. Kamil Jamil 'Asali, (Jordan University, Amman:1992), pp. 233 onwards. -١٥١٦ **القدس تحت حكم العثمانيين**، كامل جميل العسلي ١٨٣١، في: كامل جميل العسلي (محرر)، القدس في التاريخ، (عمان، الجامعة الأردنية، ١٩٩٢)، ٢٣٣ وما بعدها.

[62] 'Arif al-'Arif, *Tarikh Al-Quds* (The History of Jerusalem), (Dar el-Ma'aref, Kahire: 2002), pp. 117-118. عارف العارف، **تاريخ القدس**، (القاهرة: دار المعارف، ٢٠٠٢)، ص١١٧-١١٨.

qdis. Thus, the city became an arena of competition between the Western powers which opened their consulates under the pretext of protecting the Christian communities. These are the consulates that will play a dangerous role in bringing Jewish migration to the city and undertaking its protection, especially the British consulate which was opened in 1839, followed by the consulates of Prussia, France, America, Austria, and Russia.[63]

This stage of the city's history and the subsequent rapid and successive developments are particularly important since they are directly and effectively related to all subsequent developments, especially with regard to the empowerment of the Zionist project in Bayt al-Maqdis (al-Quds) and Palestine. In 1872, the al-Quds *Sanjaq* was separated from the state of Syria and made an independent *mutasarrifate* (governorate) directly linked to the Cabinet in Istanbul.[64] This administrative situation came as part of preventive measures taken by the Ottoman government to protect in a more effective manner the city from foreign influence, especially the greedy Zionist ambitions in al-Quds and Palestine.

The Ottoman state, in its last decade in Palestine, was aware of the dangers threatening Palestine and the Holy City, but its movement to confront these dangers was shackled by European pressures and corruption in the administrative apparatus. Although the Ottoman government placed many protection restrictions, they were not effective as Zionist Jews managed to continue their migration and expansion in al-Quds. In fact, the Zionist movement tried to obtain an official Ottoman approval giving them the land of Palestine. The Zionist leader Theodor Herzl met with Ottoman Sultan Abdulhamid II offering to solve the financial problems that were

[63] 'Adil Manna', *Tarikh Filasteen fi Awakher al-'Ahd al-Othmani*, (History of Palestine in the Late Ottoman Era), (Institute for Palestine Studies, Beirut: 2003), p. 159. عادل مناع، تاريخ فلسطين في أواخر **العهد العثماني**، (بيروت: مؤسسة الدراسات الفلسطينية، ٢٠٠٣)، ص ١٥٩.

[64] 'Adil Manna', *Tarikh Filasteen fi Awakher al-'Ahd al-Othmani*, p. 197.

endured by his government. However, the sultan took a decisive stand rejecting these offers and pledging to keep the holy city.[65]

## AL-QUDS UNDER THE BRITISH OCCUPATION

The First World War broke out in 1914, and the Ottoman state entered the war beside their German allies against Britain and France. While the British forces were fighting to wrest Palestine from the Ottoman Empire, the British Foreign Secretary Arthur Balfour issued, on November 2, 1917, the famous "Balfour Declaration" pledging to establish a national home for Jews in Palestine.[66] Al-Quds fell in the hands of the British and General Allenby entered the city on December 9, 1917.

The fall of al-Quds had a great moral and historical significance due to its religious stature. Its fall into British hands ended a long historical period of nearly 1,300 years, in which it was an important Muslim city, except for the short period of the Crusader occupation. A new phase began under the British rule whose policies and purposes – both overt and covert - became rapidly evident, especially with the leakage of the Balfour Declaration.

Britain initially ran al-Quds through a British military governor, and it was evident that the British practice and undertaking were to enable the Zionist movement to usurp the land of Palestine and in its heart, al-Quds. That, in turn, called on the people of al-Quds, who felt betrayed, to declare their discontent and fight a battle to preserve their sanctities and protect the city from the aggression of Zionist activity. Demonstrations broke out and disturbances took place in the city. The British occupation authorities confronted them with great violence, declared martial law, and imprisoned the city youth and

[65] Ishaq Rabah, *Tarikh al-Quds 'abr al-'Usur* (History of Jerusalem through the Ages), (Kunouz al-Ma'rifa Publishers, Amman: 2010), p. 250. إسحق رباح، تاريخ القدس عبر العصور، (عمان، كنوز المعرفة، ٢٠١٠)، ص٢٥٠.

[66] Zafarul-Islam Khan, *Palestine Documents*, (Pharos Media & Publishing, New Delhi: 1998), p. 64.

leaders. They were tried before military courts that issued them harsh sentences varying between imprisonment and execution.[67]

In 1920, Britain replaced the military governor with a civilian administration and appointed Herbert Samuel, a British Zionist, as the first high commissioner to Palestine, who went on to further the project of establishing a national homeland for the Jews in Palestine. The Hebrew language became the official language, opening the door for the Zionists to migrate in order to multiply their numbers. They erected Jewish settlements on the mountains of al-Quds, took control of the city's economy, and Britain gave them large areas of the city including land for the construction of the Hebrew University in 1925. They also transferred the important Zionist institutions to al-Quds.

The Zionist project, in its essence, is a colonial project with its physical, political, and economic dimensions as was the Crusaders' project eight centuries before. But disguising themselves under a religious cloak, both projects, included a necessity to give themselves an imagined legitimacy and, thus, justification. Hence, Bayt al-Maqdis and its sanctuaries became a clear target to further both projects. While the Crusaders raised the slogan of "Liberating the Holy Sepulcher," the Zionists made their slogan "The Return to the Holy City and land of Promise" in order to carry out their own colonial program.

After the first decade of the British mandate (occupation), challenging the feelings of Muslims and their sanctuaries became relatively easier. This reached a peak in 1929 by trying to change the status quo beside the Western wall of the al-Aqsa Mosque, the al-Buraq Wall. Muslims have exclusively possessed its adjacent road throughout history, i.e. Jews may not introduce or claim anything there. However, Jews came in with chairs, tables, and drapes to take over the Wall. They exclaimed, "The wall is ours." In response to

[67] 'Arif al-'Arif, *Tarikh al-Quds*, pp. 139-142.

this move, an insurgency broke out in defense of the wall's Muslim identity and the al-Aqsa Mosque, known as the "al-Buraq Revolution." In the wake of this revolt, an international committee came to examine the issue of the al-Buraq Wall (1930) and concluded with important findings that the ownership of the wall belongs exclusively to Muslims.[68]

After the failure of the long-lived Palestinian attempts to reach a settlement with the British mandate to stop the Zionist threat, the Great Palestinian Revolution (1936-1939) erupted, and al-Quds participated actively under the leadership of the *mujahid* 'Abd al-Qadir al-Hussyni, with the great support of al-Quds Mufti Hajj Amin al-Hussyni, who exerted great efforts in combating the Zionist project in political and revolutionary ways and preserving the city and its sanctuaries, especially the blessed al-Aqsa Mosque, which witnessed two projects of maintenance and reconstruction under his reign.

It remains to be mentioned that the last Zionist-biased episodes of that difficult period were the United Nations Resolution 181 (November 29, 1947), which divides Palestine into a Jewish state and an Arab state and expropriated al-Quds from its owners to be a *corpus separatum*, i.e. a separated body, under an international regime administered by the United Nations.[69] The decision was rejected by the Palestinians due to its violation of their right to self-determination and granting their country and sanctuaries to other parties.

## AL-QUDS UNDER THE ZIONIST OCCUPATION

Before passing the UN Partition Plan and prior to Britain's announcement of its intention to withdraw from Palestine in May 1948, the Zionist movement, under the auspices of Britain, had completed the

[68] See: The International Committee Report to the League of Nations in 1930, published by the Institute for Palestine Studies.تقرير اللجنة الدولية المقدم إلى عصبة الأمم (عام 1930، (بيروت، منشورات مؤسسة الدراسات الفلسطينية).

[69] Zafarul-Islam Khan, *Palestine Documents*, p. 261.

formation of its large, highly-armed, and well-trained army. And as the UN partition decision was formally passed, the Zionist forces embarked on a war of ethnic cleansing, that ended up with occupying 78 percent of the area of Palestine and displacing more than 750,000 of its population. As for al-Quds, in addition to the terrible massacre of its neighboring village Deir Yassin, they managed to occupy the western neighborhoods of the city, which amounted to 84 percent of the city's municipal area, expelled their Palestinian population and seized their property and luxury homes. With the signing of the 1949 truce between the Jordanian and Zionist sides, the city became divided into two parts: West al-Quds under the Zionist control, while the Arabs retained East al-Quds (including the Old City and al-Aqsa Mosque) under the Jordanian sovereignty.[70]

In 1967, Israel unilaterally waged war again, occupying the rest of Palestine and parts of three neighboring Arab countries, and completed the control of the entire city of al-Quds by occupying its eastern part. Immediately after storming the eastern part of the city, the Israeli bulldozers demolished the historic Magharibah neighborhood (Moroccan Quarter), adjacent to the western side of al-Aqsa Mosque, including its endowments, mosques, schools, and *zawiya*s. Thus, the sidewalk of the al-Buraq Wall was turned into a large plaza so as to hold Jewish celebrations and rituals. This can be considered one of the biggest measures of Judaization of the Holy City and aggression on its cultural heritage, together with tragedy of displacing the population of the neighborhood.[71]

[70] For detailed accounts on the Zionist occupation of al-Quds, the formation of "West Al-Quds" and what happened to the Arab properties and possessions, see a collection of well-researched studies in: Salim Tamarai, ed., *al-Quds 1948: al-Ahya' al-'Arabiyyah wa Maseeruha fi Harb 1948* (Jerusalem 1948: Arab Neighborhoods and Their Fate in the 1948 War), (Institute for Palestine Studies, Beirut: 2002). سليم تماري (محرر)، القدس ١٩٤٨: الأحياء العربية ومصيرها في حرب ١٩٤٨، (بيروت، مؤسسة الدراسات الفلسطينية، ٢٠٠٢).

[71] Michael Dumber, *Siyasat Israel tijah Al Awqaf Al Islamiyyah fi Filasteen 1948-1988* (The Israel Policy towards Muslim Endowments in Palestine 1948-1988), (Institute for Palestine Studies, Beirut: 2002). مايكل دمبر، **سياسة إسرائيل تجاه الأوقاف الإسلامية** في فلسطين ١٩٤٨-١٩٨٨، (بيروت، مؤسسة الدراسات الفلسطينية، ١٩٩٢).

The international community called on Israel to withdraw from the territories it occupied during the 1967 War, including al-Quds, as stated in the UN Security Council Resolution 242 (passed in November 1967),[72] but Israel did not abide by it. In 1980, the Zionist state declared a basic (constitutional) "Jerusalem law" that deems the occupied al-Quds as the "eternal and indivisible" capital of Israel. The UN Security Council rejected this law via Resolution No. 478 of 1980, which states that the application of this Israeli law is considered a breach of international law. The UN Security Council also declared the "Jerusalem law" null and void internationally and called on Israel to nullify it. Finally, the council called upon the member states of the UN that had established embassies there to withdraw their diplomatic missions from the Holy City.[73] All UN member states committed themselves to this resolution.

Israel has proceeded with its plan to Judaize al-Quds by following a series of settler, colonial, and Judaization policies that affected the city and its social, cultural, and political structure. The boundaries of the al-Quds municipality were amended to implement its policy of controlling as much land as possible with as few Palestinians as possible. The Israeli occupation embarked on erecting foundations for Jewish neighborhoods in East al-Quds establishing a series of settlements surrounding the Holy City from all sides to settle Jewish settlers there imposing new geographic and demographic realities and creating a demographic imbalance.[74]

As for the population, Israel considered the Palestinians in al-Quds to be "residents, not citizens," and they are treated in accordance with the Israeli residence law which gives the Israeli minister

[72] Zafarul-Islam Khan, *Palestine Documents*, p. 296.

[73] Ibid., pp. 365, 366.

[74] Ibrahim Abu-Jabir et al., *Qadiyyat al-Quds wa Mustaqbaluha fi al-Qarn al-Hadi wa al-'Ishreen*, (Al-Quds Cause and Its Future in the 21st Century), (Middle East Studies Center, Amman: 2001), pp. 89-90.إبراهيم أبو جابر وآخرون، **قضية القدس ومستقبلها في القرن الحادي والعشرين**، (عمان، مركز دراسات الشرق الأوسط، ٢٠٠١).

of the interior extensive powers to withdraw identification documents. During the previous period, Israel revoked the status of more than 14,500 inhabitants from al-Quds, nullified their identification/residence cards, and continued to impose laws and conditions aimed at emptying the city of its Palestinian population. In 1998, Israel issued the "Center of Life" law, which stipulates that every documented Palestinian from al-Quds who has a home or work outside of the city, will have his residence/identification status and documents revoked, he and his family will be denied education and healthcare, and they will be driven out of "Jerusalem." Excessive taxes have also been imposed to suffocate the Palestinian economy and force Palestinians in al-Quds to leave their shops and neighborhoods and move elsewhere.

In order to restrict the population under occupation, Israel had adopted a policy of house demolitions and reduction of Palestinian reconstruction activities. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Israel has issued more than 14,000 demolition orders between 1988 and 2014. The pace of house demolitions had increased to 1,236 buildings during the period (2000-2015), displacing thousands of Palestinian families. In contrast, the policy of confiscating Palestinian lands and establishing or enlarging settlements has been firmly on the agenda of successive Israeli governments.

Since 1967, the Jordanian Ministry of *Awqaf* (endowments) has continued to manage the affairs of the al-Aqsa Mosque until the present day. However, this did not prevent aggressions against the mosque. The occupation forces confiscated the keys of *Bab al-Magharibah*, the Maghrebi Gate, immediately after they occupied the city and put it under restricted control. In 1969, a Zionist Australian bigot attempted to set al-Aqsa Mosque ablaze which led to the burning of the *minbar* of Salah Ad-Din, which was mentioned above, and large parts of the Qibli Mosque were also burnt.

In the wake of this aggression, the Organization of the Islamic Conference was subsequently formed (currently known as the Organization of Islamic Cooperation). The long list of aggressions includes taking over some of al-Aqsa Mosque facilities and such as the first massacre of al-Aqsa (1990); the breaking into al-Aqsa by large numbers of Zionist extremists and politicians which was enough to ignite the al-Aqsa Intifada (2000) when Israeli Prime Minister Ariel Sharon entered it. As the danger of breaking into al-Aqsa by Jewish extremists increased, a popular movement was established in al-Quds known as the Murabits, women and men who committed themselves to be present in al-Aqsa Mosque on a daily basis and for long hours to confront the intrusion peacefully.

## RECENT DEVELOPMENTS

In July 2017, the Israeli occupation regime installed electronic gates at the entrances of al-Aqsa Mosque to increase control, a process that was faced by decisive popular rejection, and the people of the city rallied at the gates in what became known as the uprising of Bab al-Asbaat, the door of the tribes. They applied great pressure until their will triumphed and the occupation authorities removed the electronic gates. The success of this uprising, which came in the context of a continuous and growing aggression by the occupation, represented a great moral boost to the people of the city.

Among the grave assaults against al-Aqsa Mosque are the excavations and tunnels beneath the mosque and surrounding it. The excavations began in the early years of the occupation of the city and continue to this day. These excavations are undertaken by extremist religious organizations and biblical archeological schools. They weakened and continue to weaken the foundations of al-Aqsa Mosque.[75]

[75] Sharif Abu Shammalah, *al-Quds wa al-Aqsa fi Qabdhat al-Tahweed* (Al-Quds and al-Aqsa Mosque in the Grip of Judaization), (Al-Quds Foundation, Kuala Lumpur: 2017). (شريف أبوشمالة، **القدس والأقصى في قبضة التهويد**، (ماليزيا، مؤسسة القدس، ٢٠١٧.

As we document this difficult period of life in al-Quds under the constant aggression of the occupation, we must acknowledge with admiration the steadfastness of the city's population and their adherence to their city, despite severe restrictions and constraints, poor economic conditions, and the practices of the occupation and its agents (the Zionist settlement organizations, etc.) such as seducing inhabitants with money and facilitations so as to leave their homes in exchange for prices that exceed - dozens of times - the real value of their real-estate assets. The inhabitants, however, have remained steadfast, despite the lack of official Palestinian backing.

Politically, the first Palestinian uprising (1987-1993) represented a popular lever for the al-Quds cause, but it was directly affected when the Fatah-led Palestine Liberation Organization (PLO) indulged in secret negotiations with Israel which culminated with signing the Oslo Accords in 1993 that gave the PLO a self-rule over some of the occupied territories (The West Bank and the Gaza Strip without al-Quds and without the settlements), while the issue of al-Quds was deferred to the final status negotiations.[76] The Palestinian Authority did not make a real effort to preserve al-Quds or strengthen its steadfastness. The PLO's political ceiling does not exceed demanding "East al-Quds" as the capital of the (future) Palestinian state within the June 4, 1967 borders.

Two years after the Oslo Accords, the Congress of the United States, the sponsor of the agreement, passed a law recognizing al-Quds as the capital of Israel and calling on the U.S. president to transfer the U.S. embassy to Israel from Tel Aviv to al-Quds, while allowing the U.S. president to postpone its implementation

[76] This stage has not taken place as of yet (2019). On the status of al-Quds in the Oslo agreement, see: 'Imad Yusuf et al., *al-In'ikasat al-Siasasiyyah li Ittifaq al-Hukm al-Thati al-Filisteeni Ghazza-Ariha Awwalan* (Political Consequences of Palestinian Autonomy Accord Gaza-Jericoh First), (Middle East Studies Center, Amman: 1995), pp. 29-36. عماد يوسف وآخرون، **الانعكاسات السياسية لاتفاق الحكم الذاتي الفلسطيني غزة-أريحا** (أولا، (عمان: مركز دراسات الشرق الأوسط، ١٩٩٥).

every six months. Since then, U.S. presidents postponed moving their embassy. Then, current U.S. President Donald Trump, under the apparent influence of the Zionist lobby in the United States, announced, on December 6, 2017, his decision to recognize Jerusalem as the capital of Israel and ordered the transfer of the U.S. embassy from Tel Aviv to al-Quds.

Trump's decision was met with global, official and popular rejection. Several protest rallies were convened across the world, the UN General Assembly held an emergency meeting, and the majority (128 votes) of member states approved a resolution rejecting the U.S. decision, which is a clear violation of the international law and an aggression against the city of al-Quds and its status. However, the United States has maintained its decision and the U.S. embassy has been moved to al-Quds coinciding with the commemoration of the 70th anniversary of the Palestinian people's Nakba in May 2018.

The above text is a brief history of Bayt al-Maqdis. It covers various historical eras, their interactions, and how these eras influenced each other, which is evident in the late periods that left their marks on the city's present. We can note that the city itself is characterized by great energy that grants it life and vitality, time and again, after each adversity. Its recent history stands witness to a high state of unrelenting resistance, which gives great hope that the city and its cause are both too solid to be Judaized, liquidated, forgotten, or forsaken.

# TWO

# THEORETICAL AND LEGAL FRAMEWORK

# CHAPTER IV

# BAYT AL-MAQDIS: A MUSLIM MODEL FOR *AMAN*

ABD AL-FATTAH EL-AWAISI*

## INTRODUCTION

Bayt al-Maqdis (Islamicjerusalem) is claimed as a sacred space by three of the world's major monotheistic faiths: Judaism, Christianity, and Islam.[77] For the author, as a Muslim scholar from Bayt al-Maqdis, when he thinks of Bayt al-Maqdis, he thinks of several concepts including those of hope and justice. Indeed, one could argue that "history has proved that there can never be peace nor stability without justice. The road to peace starts in Bayt al-Maqdis and the solution to its current issue is the key to a just peace in

* Dr. Abd al-Fattah El-Awaisi is a professor of International Relations at the Social Sciences University of Ankara (Turkey).

[77] "Islamicjerusalem (one word) is a new terminology in English for a new concept, which may be translated into the Arabic language as Bayt al-Maqdis. It can be fairly and eventually characterized and defined as a unique region laden with a rich historical background, religious significances, cultural attachments, competing political and religious claims, international interests and various aspects that affect the rest of the world in both historical, contemporary, and future contexts. It has a central frame of reference and a vital nature with three principal intertwined elements: its geographical location (land and boundaries), its people (population), and its unique and creative inclusive vision, to administer that land and its people, as a model for multiculturalism, cultural engagement, and *Aman* (peaceful coexistence and mutual respect)." See the original definition of Dr. Abd al-Fattah El-Awaisi is a professor of International Relations at the Social Sciences University of Ankara (Turkey)

the region."[78] As Karen Armstrong argues in her paper at the First International Academic Conference on Bayt al-Maqdis Studies in 1997, "From the very earliest days, it seems the cult of Jerusalem was inextricably bound up with the quest for social justice. Thus, in the Hebrew Bible, prophets and psalmists repeatedly reminded their people that Jerusalem could not be a holy city of *Shalom* (of peace) unless it was also a city of *Tseddeq* (of justice)."[79] Late Michael Prior adds that "the lesson of history is that it cannot belong exclusively to one people or to only one religion. Jerusalem should be open to all, shared by all. Those who govern the city should make it 'the capital of humankind'."[80]

However, this article is not a study of the Muslim history or politics/theology of Bayt al-Maqdis, but an examination of its history to develop a Muslim model for *Aman* (peaceful coexistence and mutual respect) as an example of non-Western contributions. In other words, instead of examining the general history of this Holy Land, the objective of this article is namely to develop and present this forgotten model of Bayt al-Maqdis as a Muslim model for *Aman*.

Moreover, the aim of this article is to present this Muslim model to intellectuals, academics, politicians, and the wider public interested in this Holy Land. It is hoped that this model could set the scene to advance the current research on the Muslim contributions to this important topic at this critical time in the 21st century; to enrich our understanding of this region; to address some of the sensitive, important, and key issues on the subject; and open up and promote intellectual, academic and political debates and understandings of this Muslim model to shed light on new lines of explanation.

[78] Abd al-Fattah El-Awaisi, "The Significance of Jerusalem in Islam: An Islamic Reference", *Journal of Islamic Jerusalem Studies*, Vol: 1, No: 2, (1998), p. 47.

[79] Karen Armstrong, "Sacred Space: The Holiness of Islamicjerusalem", *Journal of Beytülmakdis (Islamic Jerusalem) Studies,* Vol: I, No: I, (1997), p. 7.

[80] Michael Prior, "Christian Perspectives on Jerusalem", *Journal of Islamicjerusalem Studies*, Vol: 3, No: 1, (1999), p. 17.

Although Bayt al-Maqdis is the most delicate issue of dispute between the current two conflicting parties, it is hoped that this model will provide a better understanding for the world leaders who are trying to return peace to the region. However, this may be a provocative and challenging issue for those in academic and political establishments who are interested in the region and who may not accept these results/findings on the basis that it goes beyond their political agenda and attachments, or for those who cannot go along with innovation and new ideas. Indeed, to advance such knowledge, understanding, and approaches is to challenge long-established traditionalist and Orientalist claims.

For these reasons, the author did not embark on his research with a defined model for *Aman* (peaceful coexistence and mutual respect). Instead, his findings/results have emerged in the course of his examination and analysis of the data collected systematically throughout the process of his research, in particular his critical analytical study of Umar's Assurance of *Aman* to the People of Aelia (Bayt al-Maqdis).[81] This means that this model was developed from the author's long research on this assurance.

## THE MODEL

The first Muslim *Fath* (conquest) of Bayt al-Maqdis was a fundamental landmark event which reshaped the relationships between the people of diverse faiths and cultures who inhabited the region. The arrival of Umar Ibn al-Khattab in the region –five years after the death of Prophet Muhammad in AH 16/637 CE– marked the beginning of a new and distinguished phase in the relations between the followers of the three great Semitic faiths, Judaism, Christianity, and Islam. Instead of continuing to implement the

[81] Abd al-Fattah El-Awaisi, "Umar's Assurance of Safety to the People of Aelia (Islamicjerusalem): A Critical Analytical Study of the Historical Sources", *Journal of Islamic Jerusalem Studies*, Vol: 3, No: 2, (2000).

Byzantines' exclusionist policy, Umar, as the head of the Muslim state, not only rejected the idea of excluding others who would like to live in the region, he was categorically proactive in establishing a new policy and system. Armstrong argues that "the Muslims had established a system that enabled Jews, Christians, and Muslims to live in Jerusalem together for the first time."[82]

The arrival of Umar in the region also marked the start of a golden age and the beginning of a new era in which Bayt al-Maqdis became a common and open space for everyone and a model for *Aman*. This model was based not only on fostering the culture of diversity, plurality, and implementing recognition of others, but on determining their rights, duties, and treatment as a means to encourage and establish a peaceful coexistence between the different communities in Bayt al-Maqdis.

During his historical visit, Umar laid down the foundation of fostering diversity and plurality in Bayt al-Maqdis in the form of what is well-known in history as *al-Ahd al-Umariyya* or Umar's Assurance of *Aman* to the People of Aelia (Bayt al-Maqdis, Islamicjerusalem), which is regarded as being a major turning point in both historic, juristic, and international relations terms. Not only did he recognize and appreciate others' presence in Bayt al-Maqdis, he accepted them and offered a framework to show that it could be shared with them. Indeed, as well as respecting and determining non-Muslim rights, he also took practical steps to grant them protection, safety and security for their rights, lives, and properties. He granted them freedom and enabled them to become citizens and members of the Bayt al-Maqdis society, without interference in their culture and religious life. In short, Umar not only identified, he also accommodated the presence and needs of his diverse citi-

[82] Karen Armstrong, *A History of Jerusalem: One City, Three Faiths,* (HarperCollins Publishers, London: 1996), pp. 246, 233.

zens and established a system to protect their rich cultural diversity, identities, and belongings.

Umar's model for a multicultural Bayt al-Maqdis was based on the core Muslim teachings, the Qur'an and *Sunnah*, which consider diversity and plurality as part of the design of the universe and to be the basis of everything apart from God. The author argues that the first step in establishing a model for peaceful coexistence and mutual respect is to identify and recognize diversity and plurality. In respect of their cultural, religious, or gender differences, the Qur'an addresses humans and reminds them that they belong to the same family, "O humankind! We created you all from a single pair of a male and a female" (Qur'an, 49: 13). In another verse, the Qur'an says, "If God had so willed, He could surely have made you all human one single community (nation)" (Qur'an, 5: 48). From this point of reference, He "made you into nations and tribes." The main purpose for this creation is "so that you should get to know one another (*li ta'arafu*)" (Qur'an, 49: 13), not that you may despise one another. On the other hand, the unique region of Bayt al-Maqdis can be argued as the model place where this one family can live together.

DIAGRAM 1: BAYT AL-MAQDIS A MUSLIM MODEL FOR *AMAN*

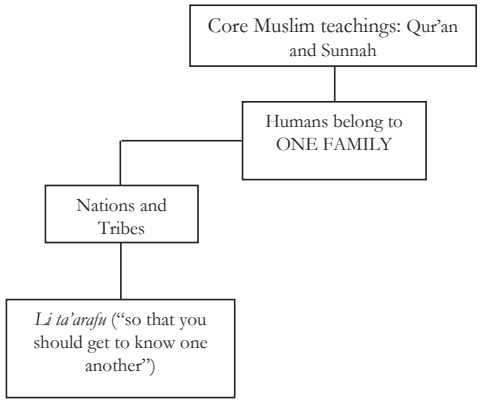
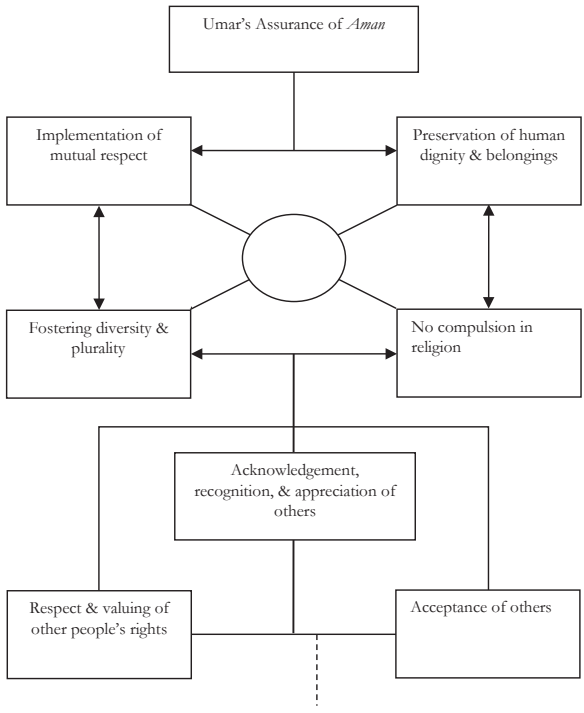


DIAGRAM 2: BAYT AL-MAQDIS, A MUSLIM MODEL FOR *AMAN*




Moreover, the methodology of *tadafu'*, the concept of *'adl*, and the principle of non-exclusion, [83] together not only emphasize the recognition of others but also take great care to preserve the dignity of humans and what belongs to them as prescribed in the Muslim core teaching sources. Preserving human dignity is a very central issue in Muslim thought and attitude.[84] The explicit and sharp declaration of Umar to his governor of Egypt, Amr Ibn al-As, that "how could you have enslaved people, when their mothers have born them free,"[85] is a very clear example of this thought.

[83] Abd al-Fattah El-Awaisi, *Introducing Islamicjerusalem*.

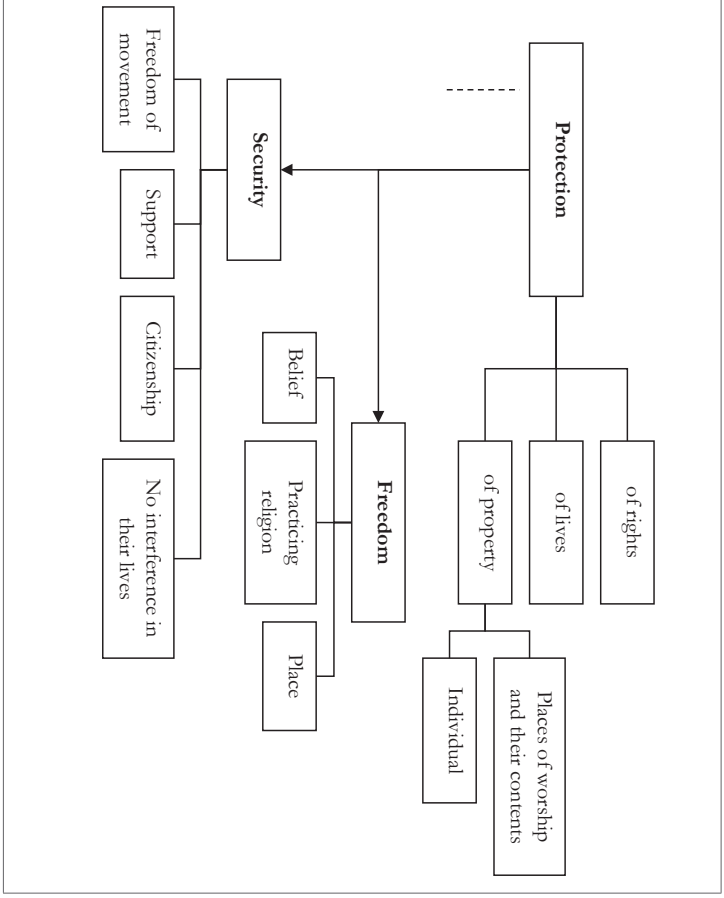
[84] Ibid.

[85] Abu al-Faraj Abd al-Rahman Ibn Ali Ibn al-Jawzi, *Sirat wa Manaqb Amir al-Mu'minin Umar Ibn al-Khattab,* (Dar al-Da'wah al-Islamiyyah, Cairo: 2001), p. 89.

By establishing this model, one can argue that Umar's aim was to preserve the human dignity of the people of Bayt al-Maqdis in status and rights regardless of their culture, religion, race, and gender. This clearly manifested itself in the personal liberty, freedom, and equality granted to the people of Bayt al-Maqdis in Umar's Assurance of *Aman*. Moreover, one may argue that this understanding and attitude to preserving human dignity and the recognition of others led Umar to implement the principles of mutual respect.

**Leading to:**

DIAGRAM 3: BAYT AL-MAQDIS, A MUSLIM MODEL FOR *AMAN*



## THE MANAGEMENT OF DIVERSITY IN BAYT AL-MAQDIS

One of the most important elements for this model's success was how the state and its established power and authority managed the diverse society of Bayt al-Maqdis. The foundations for managing the future relations between the three faiths were laid down during that historical visit in the form of Umar's Assurance of *Aman* to the people of Aelia. Although this was a practical application of the core Muslim teachings, the Qur'an and *Sunnah*, it was the major outcome of the first Muslim *Fath* of Aelia. Indeed, it was the practical management initiative to implement the new vision for the region. In addition, it formed the cornerstone of managing and implementing the new vision where Umar granted the people of Aelia an Assurance of *Aman* for themselves, their properties, their churches, and their religion. Indeed, Umar's Assurance of *Aman* is an important reference text and a theoretical framework which laid down the foundation principles and the essential criteria to establish and manage a multicultural society in Bayt al-Maqdis for the first time. It introduced, defined, and legislated the status and rights of non-Muslims in Bayt al-Maqdis and ensured a peaceful coexistence between the different communities there.

On this basis, Umar not only implemented this theoretical framework but demonstrated his protection practically during his first visit to Bayt al-Maqdis. Among the early events during this visit, which emphasized his keenness to protect non-Muslim holy places, was Umar's refusal to pray either in the Church of the Holy Sepulcher or its atrium when he was visiting the place and was invited to do so by Patriarch Sophronious. Abu-Munshar[86] quoting Eutychius, Sa'id Ibn al-Batriq, reconstructed the content of the conversation between Umar and the patriarch. Umar's justification for his refusal

[86] Maher Abu-Munshar, *Islamic Jerusalem and Its Christian: A History of Tolerance and Tensions*, (I. B. Tauris, London: 2007), p. 110.

was "if I prayed inside the Church, it would have been lost by you and would have slipped from your power; for after my death the Muslims would take it away from you, together saying that 'Umar prayed here'." According to this account, it seems that Umar was not satisfied that his verbal explanation might be enough to convince the Muslims following his death not to change the church into a mosque. Umar wrote Sophronious a decree which read, "The Muslims shall not pray on the stairs, unless it is one person at a time. But they shall not meet there for a congregational prayer announced by the prayer call."[87] Moreover, Umar also succeeded during his visit in establishing mutual respect with the people of Bayt al-Maqdis. Sophronious trusted Umar with the Christians' holiest shrine when he entrusted him with the keys of the Church of the Holy Sepulcher. In addition to establishing this mutual respect, Sophronious secured the protection of the Church from intra-Christian dispute. According to this account, Umar passed the keys to one of his companions, Abd Allah Ibn Nusaibah.[88]

All the changes introduced by Umar were essential steps towards implementing his new vision, policy, and system. However, certain aspects relating to Bayt al-Maqdis were not altered. For example, this area was not chosen as the capital.[89] In addition, there was no thought of making Muslims the majority in Bayt al-Maqdis. Karen Armstrong argues that Muslims were the minority in Bayt al-Maqdis until the Crusader period.[90] A young Malaysian postgraduate student, Fatimatulzahra Abd al-Rahman, examined Armstrong's argument and presented an interesting discussion which concluded

[87] Ibid.

[88] Although this account was not mentioned in any early sources, Abu-Munshar's satisfaction with its authenticity is based on the fact that the keys are still in the hands of the al-Nusaibah family. See: Maher Abu-Munshar, *Islamic Jerusalem and Its Christian: A History of Tolerance and Tensions*, pp. 111-112.

[89] Abd al-Fattah El-Awaisi, *Introducing Islamicjerusalem*.

[90] Karen Armstrong, "Sacred Space: The Holiness of Islamicjerusalem", pp. 14-15.

that this was the case.[91] One can argue that the main issue for Muslims at that time was not to change its demographical population by excluding non-Muslims and transferring Muslims from Arabia to settle in Bayt al-Maqdis so they would become the majority. Indeed, this matter highlights the unique nature of this model where the subject of majority and minority was not the issue. The main concern was to establish a new vision for Bayt al-Maqdis, which would lead to a peaceful coexistence and mutual respect between the different communities in the region.

## THE INCLUSIVE VISION OF BAYT AL-MAQDIS UNDER MUSLIM RULE

What prevented Muslims from doing all this was their vision of Bayt al-Maqdis. If Makkah and Madinah were exclusive areas for Muslims, Bayt al-Maqdis was made by Muslims into an inclusive, multireligious, and multicultural region where all traditions and cultures could live in peace and harmony under the Muslim rule. According to one verse in the Qur'an, Bayt al-Maqdis is "the land which We have given *Barakah* for everyone in the universe" (Qur'an 21: 71). This is the main vision of Bayt al-Maqdis –an inclusive not an exclusive one. Karen Armstrong argues that Umar Ibn al-Khattab was "faithful to the Islamic inclusive vision."[92] Unlike the Jews and Christians, Muslims did not attempt to exclude others from (Islamic) Jerusalem's holiness and, instead of excluding these religions, "Muslims were being taught to venerate them." In addition, Armstrong argues,

> From the first, Muslims showed that the veneration of sacred space did not have to mean conflict, enmity, killing … and exclusion of

[91] Fatimatuzzahra Abd Rahman, "Political, Social and Religious Changes in Islamic Jerusalem from the First Islamic *Fath* until the End of Umayyad Period (637 to 750 CE): An Analytical Study", (Unpublished Master's dissertation, al-Maktoum Institute for Arabic and Islamic Studies, Dundee, 2004), p. 55.

[92] Karen Armstrong, "Sacred Space: The Holiness of Islamicjerusalem", p. 14.

> others … From the start, the Muslims developed an inclusive vision of [Islamic] Jerusalem which did not deny the presence and devotion of others but respected their rights and celebrated plurality and co-existence. This inclusive vision of holiness is sorely needed by the people of [Islamic] Jerusalem today.[93]

This Muslim vision for Bayt al-Maqdis was to establish peace and stability in the area. To achieve this goal, one could argue that sovereignty is necessary. However, it is the Muslim vision of inclusion that is important, and not having sovereignty over the region and its people –although that too is important. However, sovereignty (*siyadah*) over territory and people does not mean ownership (*milkiya*) as it does not give the right of the ruling power to confiscate individual ownership of property or to own individuals. As quoted by Aminurraasyid Yatiban, the late Wahbah al-Zuhayli,[94] a Syrian prominent scholar, argues that "[s]overeignty gives the legal power to the state to take any suitable action regarding the land under its authority, such as introducing certain regulations. It does not have the right to abandon the individual ownership of private land, unless to be used for public necessity but also with compatible value of compensation."[95] Indeed, sovereignty only gives power to administer the well-being of the people and safeguard their territory. In short, Umar used his power to reshape a good relationship between the different communities establishing Bayt al-Maqdis as a model for peaceful coexistence and mutual respect.

One can argue that sovereignty alone does not lead to peace, security, and stability. Without the vision coming first, there will never be peace or security and stability. It is the inclusive nature of the vision that allows people to live in peace, even if this is a

[93] Ibid., p. 18-19.

[94] Wahbah al-Zuhayli, *al-Fiqh al-Islami wa Adillatuh*, (Dar al-Fikr, 4th edition, Beirut: 2002), p. 6331.

[95] Aminurraasyid Yatiban, *The Islamic Concept of Sovereignty: Islamicjerusalem during the First Islamic Conquest as a Case Study*, (Unpublished Master's dissertation, al-Maktoum Institute for Arabic and Islamic Studies, Dundee, 2003).

Muslim vision and those living under the vision are not all Muslims. Generally, during the Muslim rule, people in Bayt al-Maqdis enjoyed safety, peace, security, stability, and prosperity –with the exception of the period of the Crusades (1099-1198 CE). Indeed, Bayt al-Maqdis enjoyed, in particular, the special care of the Caliphs and the Muslim rulers. In addition to being a spiritual and political center, Bayt al-Maqdis was also a cultural, learning and teaching center from which a large number of scholars graduated. Scholarly activities took place on a wider scale and at various levels, and schools, mosques, and hospitals were founded.[96]

## BAYT AL-MAQDIS: A REGION OF HOPE, PEACE, AND STABILITY

Bayt al-Maqdis represents a region of hope, peace, and stability for Muslims as it was the region of hope for Prophet Abraham. When his people in his home country tried to kill him, he was ordered to migrate to the land of hope, Bayt al-Maqdis. Once again, when Prophet Muhammad lost hope of any support in Makkah and its surrounding area, he was taken by night to the land of hope, Bayt al-Maqdis. Since then, Bayt al-Maqdis has always been a symbol of hope for Muslims. Even with all the turmoil and troubles in the region, it still represents for contemporary Muslims the land of hope for the future.

For non-Muslims, the first Muslim *Fath* of Bayt al-Maqdis put an end to centuries of instability, religious exclusion, persecution, and colonial rule. When Muslims came to Bayt al-Maqdis, the first thing they did was to solve the existing religious and social problems by establishing peace between the inhabitants of that region. Before the first Muslim *Fath*, Aelia had been a closed and insular region, mainly for the Byzantine Christians. Indeed, it was very much an exclusive region, i.e. just for the locals and the Byzantines. Bayt al-Maqdis, on

[96] Abd al-Fattah El-Awaisi, *Introducing Islamicjerusalem*.

the other hand, was not an exclusive region during the Muslim rule but an inclusive one. The first Muslim Fath liberated Christians from the persecution of the Byzantine occupiers; rid the Jews from the Byzantine oppression; restored their presence to that region after an absence of five hundred years;[97] enabled all the communities to live side by side peacefully for the first time after a long history of conflict; and provided the grounds for establishing Bayt al-Maqdis as a model for peaceful coexistence and mutual respect.

Jewish sources, for example, show that the Jews of Syria were "patiently awaiting" the arrival of the Muslim armies because they were groaning under the rule of the tyrannical Byzantines and suffering cruel oppression in the fifth, sixth, and early seventh centuries CE.[98] The Jewish response to the first Muslim *Fath* of Bayt al-Maqdis was "characterized as generally positive,"[99] because it terminated the Byzantine rule and liberated the Jews from their oppressors. Indeed, the Jews returned to Bayt al-Maqdis only when the Muslims took over and opened it up to all nations. The Jews had been excluded by the Romans (Hadrian) in 135 CE, but the Muslims brought them back after 500 years to establish peace between the three Abrahamic faiths, Islam, Christianity and Judaism. For the first time in history, these three faiths managed to live together under the new vision of Bayt al-Maqdis.[100]

After the second *Fath* of Bayt al-Maqdis by Salah al-Din in 1187 CE, two new quarters were created within the walls of the Old City: the Maghribi Quarter and the Jewish Quarter with the Sharaf

[97] Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, p. 420. See also: Amnon Cohen, *Jewish Life under Islam: Jerusalem in the Sixteenth Century*, (Harvard University Press, USA: 1984), p. 14.

[98] Ben Zeev (Abu Zuaib), *Ka'ab al-Ahbar: Jews and Judaism in the Islamic Tradition,* (Jerusalem: 1976), p. 35.

[99]Abd Allah Al-Sharif, "Mawqif Yahud al-Sham min *al-Fatih* al-Islami", *Majalat Jami'at Umm al-Qura li Ulum al-Shari'a wa al-Lugha al-Arabia wa Adabiha*, Vol: 16, No: 28, (Shawwal 1424 AH/2004), p. 526.

[100] Abd al-Fattah El-Awaisi, *Introducing Islamicjerusalem*.

Quarter in-between. In short, the Muslim *Fath* of Bayt al-Maqdis made it possible for Jews to return to the region. Both Umar and Salah al-Din invited Jews to settle in Bayt al-Maqdis. When Islam ruled in that part of the world, both after the first Muslim *Fath* in the time of Umar Ibn Khattab and after the second liberation by Salah al-Din, the different traditions managed to live in harmony and peace with one another.

The Christians of Aelia also greatly welcomed the first Muslim *Fath*.[101] This could be argued as being related to the new vision of Bayt al-Maqdis which provided Christians with the respect which would lead to good treatment, peace, security, and stability. Runciman argues that Orthodox Christians "finding themselves spared the persecution that they had feared and paying taxes that, in spite of the *Jizya* demanded from the Christians, were far lower than in the Byzantine times, showed small inclination to question their destiny."[102] In addition, Runciman quotes Jacobite Patriarch of Antioch, Michael the Syrian, who stated that God "raised from the south the children of Ishmael (Muslims) to deliver us from the hands of the Romans."[103] Moreover, Butler quotes Ibn al-Ibri who stated that Christians were optimistic towards the Muslims, "God of vengeance delivered us out of the hand of the Romans by means of the Arabs. Then although our Churches were not restored to us, since under Arab rule each Christian community retained its actual possession, still it profited us not a little to be saved from the cruelty of the Romans and their bitter hatred against us."[104]

[101] Maher Abu-Munshar, *Islamic Jerusalem and its Christian: A History of Tolerance and Tensions*, pp. 105-109.

[102] Steven Ranciman, *A History of the Crusades* (Cambridge Academic Press, Cambridge: 1987), pp. 20-21.

[103] Ibid.

[104] Butler, *Arab Conquest of Egypt and the Last Thirty Years of the Roman Dominion*, p.158.

Karen Armstrong argues that it was not surprising that Nestorian and Monophysite Christians welcomed the Muslims and found them preferable to the Byzantines.[105] The Muslim sources also record a letter sent to the Muslim army, when Abu Ubayda camped in *Fahl* in the Jordan Valley: "O Muslims, we prefer you to the Byzantines, although they are of our own faith, because you keep faith with us and are more merciful to us and refrain from doing us injustice and your rule over us is better than theirs, for they have robbed us of our goods and our homes." [106]

Crusade historians such as William of Tyre and Michael Foss,[107] argue that for 372 years, since the first Muslim *Fath* in 637 until 1009 CE (al-Hakim ruling), Christians practiced their religion freely.[108] Moreover, Bayt al-Maqdis for the Christians was an open and safe region to travel to.[109] In addition, both Christians and Jews were employed by the Muslim authority in Bayt al-Maqdis in all positions. Ahmad Ibn Tulun, the local Turkish commander, who established an independent state in Egypt away from the Abbasid Caliphate from 868-904 CE, appointed a Christian as a governor of Bayt al-Maqdis. He also allowed a new Jewish sect to establish itself in the region.[110] Al-Maqdisi described the situation of both Christians and Jews in Bayt al-Maqdis before the beginning of the Crusader period as "[e]verywhere the Christians and Jews have the upper hand."[111]

[105] Karen Armstrong, *A History of Jerusalem: One City, Three Faiths*, p. 232.

[106] Muhammad Ibn Abd Allah al-Azdi, *Tarikh Futuh al-Sham*, (Mu'assasat Sijil al-Arab, Cairo: 1970), p. 111.

[107] Maher Abu-Munshar, *Islamic Jerusalem and Its Christian: A History of Tolerance and Tensions*, pp. 125-127.

[108] William of Tyre, *A History of Deeds Done beyond the Sea*, (E.A. Babcock Octagon Books, New York: 1976), pp. 89-93.

[109] Michael Foss, *People of the First Crusades,* (Caxton, London: 2002), p. 29.

[110] Karen Armstrong, *A History of Jerusalem: One City, Three*, pp. 254-255.

[111] Abu Abd Allah Muhammad al-Maqdisi, *Ahsan al-Taqasim Fi Ma'rift al-Aqalim,* (Brill, 2nd edition, Leiden: 1909), p. 167.

One might argue that the Muslims' devotion to Bayt al-Maqdis is not a result of colonialist aims or a desire to expand their rule, nor is it based on false racist nationalist claims. On the contrary, the nature of Bayt al-Maqdis and its special qualities constitute the fundamental reason for their concern for it. Umar's Assurance of *Aman* not only rejected the notion of the supremacy of one people or race over the others but presented Bayt al-Maqdis as a model both for peaceful coexistence and mutual respect, and for conflict resolution. One of the main characteristics of Bayt al-Maqdis is its competing political and religious claims; it could be argued that it should be presented as a model for conflict resolution through constructive argumentation methodology as a means for a 'constructive dialogue' and positive negotiation with its conflicting parties.[112] The adoption of this constructive dialogue methodology would open the way for conflict resolution.

The Muslims demonstrated that this model could even work in conflict situations and areas where there had been long centuries of war and exclusion. Even at a later stage, Salah al-Din was very faithful and committed to this inclusive vision. During the negotiations in the third Crusade, Salah al-Din replied to King Richard I (the Lionheart) of England in October 1191 CE by acknowledging the Christian rights in Bayt al-Maqdis, asserting the Muslim rights and refuting Richard's claim that Muslims were invaders. In his reply, he stated "Bayt al-Maqdis is ours as much as it is yours."[113]

What was the basis of that original peace and stability? It was the concept of *'adl* (justice). Justice is a prerequisite for peace and stability. The formula which has been produced on the peace process negotiations for the current conflict in West Asia (Middle East)

[112] Abd al-Fattah El-Awaisi, *Introducing Islamicjerusalem*.

[113] Baha' al-Din Ibn Shaddad, *Sirat Salah al-Din al-Ayoubi: aI-Nawadir al-Sultaniyya wa al-Mahasin al-Yusufiyya*, (Dar al-Manar, Cairo: 2000), p. 152. See also: Donald P Little, "Jerusalem under the Ayyubids and Mamluks", *Jerusalem in History,* ed. Kamil J. Asali, (Scorpion Publishing, Essex: 1989), p. 179.

in the last decade is based on the Arab and the Palestinian point of view of "Peace for Land," and on the Israeli point of view, "Peace for Security." Neither viewpoint is an appropriate formula. The exchange of land will not bring peace and security. In addition, imposing security will not bring peace. The formula based on his understanding of the history of the region should be that neither peace nor security will be established without justice. So, the formula should be 'Peace for Justice' which will lead to preserving human dignity and mutual respect. In other words, justice is necessary before peace can be achieved.

## BAYT AL-MAQDIS: THE KEY TO WAR AND PEACE IN THE REGION

With the peace among the different faiths and cultures during the Muslim rules, stability was the obvious result; and the whole region witnessed this very clearly. Indeed, Bayt al-Maqdis had always held the key to war and peace in the region. Whenever it has been blessed with peace, the whole region has enjoyed peace, security, and stability. In another words, to achieve global peace and stability, it is necessary to have peace and stability in Bayt al-Maqdis. Peace and stability in that region would bring about global peace and stability. Until this is achieved, the entire world will not rest. Indeed, Bayt al-Maqdis acts as a center for peace and for conflict in the world. Some might argue that this may be true for the Muslim world but not for the rest of the world. The formula is clearly a global one. In the past, why did the farmers leave their land in Europe to go and fight during the Crusader period? Today, for example, when there is a conflict in that region, everyone pays the price of that war in one way or another: more taxes, higher petrol prices, etc. In short, settling the issue of Bayt al-Maqdis in a way that ensures justice and restores the rights of its people holds the key to world peace and regional stability.

## CONCLUSION

In the seventh century, and in particular, during the first Muslim *Fath* of Bayt al-Maqdis, the land of hope provided the world with the famous document known as Umar's Assurance of *Aman* to the people of Aelia (Bayt al-Maqdis). This fundamental landmark of hope established a new system to manage diversity, laid the foundations for future relations, and led to reshaping the relationships between people of diverse faiths who inhabited the region, namely, Jews, Christians, and Muslims. Indeed, Umar's Assurance was the jewel of the first Muslim *Fath* of Aelia, and the beacon for developing Bayt al-Maqdis's unique and creative vision, nature, and model. This marked the beginning of a new and distinguished era of safety, peace, stability, security, progress, development, and prosperity. With his global feeling and a local touch, Umar was trying to resolve a local conflict with an international approach. In other words, he was "thinking globally" and "acting locally." In short, Umar's global vision and local focus presented Bayt al-Maqdis as a model for peaceful coexistence and mutual respect.

Umar therefore successfully created, developed, and managed a new multicultural environment in Bayt al-Maqdis where differences among its people were not only acknowledged and recognized but accepted, respected, valued, and protected. Bayt al-Maqdis provides and promotes a climate of religious and cultural engagement[114]

[114] For this article, multiculturalism –as a process, a particular way of thinking, and about change– provides the important context for much of what we do, while cultural engagement has to be our response to it. Indeed, cultural engagement consists of intellectual, emotional, and behavioral components which cultivate the positive attitude towards others. Moreover, cultural engagement is a two-way traffic and an invitation to identify a common ground through which coexistence can happen. The end product of cultural engagement is peaceful coexistence in an environment of mutual understanding and respect. In short, cultural engagement is clearly the way to address the challenges of multiculturalism and produce a positive response, which helps the society to challenge alternative perspectives on multiculturalism and difference. In addition, cultural engagement is essential to contest the notion of a "clash of civilizations" and address the absence of understanding between cultures –which often amounts to mutual incomprehension– and the associated climate of suspicion.

and dialogue, mutual respect and diversity, and social justice. It also encourages, supports, and contributes to fostering a multicultural ethos of mutual cultural understanding and respect, and a common understanding between different communities and individuals at all levels.

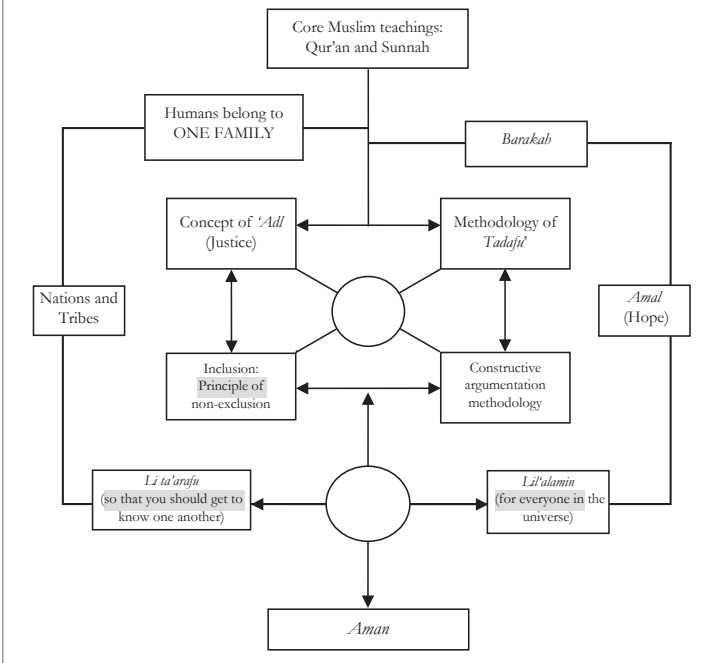
One can argue that the differences between cultures, communities, and religions should give strength to the society as a whole. Indeed, different cultural lenses which people from diverse backgrounds bring to their society should enrich their experiences and add to their pursuit for a common ground. In examining Umar's Assurance as a whole, it was seen that Muslims were not afraid of recognizing the needs of others and dealing with them. On the contrary, they discovered and established a model where they saw how practically fostering a culture of diversity, plurality, and mutual respect of differences was a positive and strong opportunity rather than a threat.

In this critical time of the 21st century, and in particular through serious scholarly findings, the land of hope is representing itself in a modern fashion as a model for peaceful coexistence and mutual respect. Indeed, our understanding of Bayt al-Maqdis as a model for peaceful coexistence and mutual respect with all its intertwined elements, nature, and characteristics, as developed and presented in this article, could be seen as a Muslim contribution in the twenty-first century to establishing a new agenda and a new frame of reference for safety, peace, stability, security, progress, development, and prosperity in the region under the Muslim rule.

Indeed, several supporting pieces of evidence have been provided to support the author's central argument that Bayt al-Maqdis under the Muslim rule is not exclusive but inclusive and should be opened up "to everyone in the universe (*lil'alamin*)" (Qur'an, 21: 71), "so that you should get to know one another (*li ta'arafu*)" (Qur'an, 49: 13), not that you may despise one another. It gives the

world a model of a common and open space in which people from different backgrounds can live together in peaceful coexistence and mutual respect. Indeed, under the Muslim rule it is not closed and insular, but a center in which diversity and pluralism thrive through mutual respect and coexistence. This unique global common space of openness and *Barakah* has made Bayt al-Maqdis an ideal Hope (*Amal*) region where the one human family can make *li ta'arafu*, live together in *Aman* and enjoy this *Barakah*.

**DIAGRAM 4: BAYT AL-MAQDIS, A MUSLIM MODEL FOR *AMAN***




In conclusion, Bayt al-Maqdis (Islamicjerusalem) was created by Muslims as an inclusive, multireligious, and multicultural region where all traditions and cultures could live in peace and stability. Indeed, its uniqueness is highlighted through its vision which presents a model for *Aman* (peaceful coexistence and mutual re-

spect). It also offers a way for people from different religious and cultural backgrounds to live together in an environment of multiculturalism and religious and cultural engagement, diversity, and mutual respect. Indeed, under the Muslim rule it was not closed and limited, but a center in which the richness of cultural diversity and pluralism thrived in a spirit of mutual respect and coexistence. It was the model of common space in which people from different backgrounds lived in peace together. This was the nature, identity, and vision of Bayt al-Maqdis in the past during the Muslim rule. When the Muslim rule returns back to this Holy Land in the future, Bayt al-Maqdis will serve, once again, as a model for peaceful coexistence and mutual respect.

# CHAPTER V

# AN INTERNATIONAL LEGAL ANALYSIS OF THE STATUS OF AL-QUDS (JERUSALEM)

BERDAL ARAL*

## AL-QUDS UNDER THE BRITISH CONTROL

The status of al-Quds (Jerusalem)[115] did not feature as a problem between 1517-1917 when the area was under the undisputed sovereignty of the Ottoman Empire. However, al-Quds –and the surrounding areas put into the 'Mandate for Palestine' by the British– fell to British troops following the Ottoman defeat in the First World War. Accordingly, the Ottoman armies were forced to evacuate the largely Arab territories of the empire to be supplanted by the invading troops in 1917. It was also in 1917 that the British announced the ominous Balfour Declaration of 1917 which promised to establish a 'national home' for Jews in Palestine although 90 percent of the inhabitants of the area, which was later designated as "Mandatory Palestine," were Arabs. Britain reigned over Jerusalem as the "military occupant" between 1917-1922 and then as

* Dr. Berdal Aral is professor of international relations at Istanbul Medeniyet University, Department of International Relations.

[115] In this study, I employ the term "al-Quds," as has been commonly used in the Arab and Muslim world for centuries, to designate the city known in the dominant international narrative as "Jerusalem." The word "Jerusalem" will be used if and when the context so requires. The word "al-Quds" could be translated into English as the "Holy One," or, more specifically, the "Abode of Holiness."

mandatory administrator (1922-1947) under the sponsorship of the League of Nations (founded in 1919). This means, then, that when the British took control of Jerusalem for thirty years did not necessarily establish the British *sovereignty* over Jerusalem.[116]

The mandatory regime in Palestine was no different in kind from other mandatory regimes established in the Arab Middle East after the First World War. The substance and goals of these mandatory regimes were enunciated in Article 22 of the Covenant of the League of Nations: "Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."

This injunction was apparently premised on the idea that Palestine, as in the case of other mandated territories in the Middle East such as Iraq, Syria, and Jordan, would be granted independence based on the principle of self-determination. This meant that the community which constituted the numerical majority in a given territory and had not attained independence, as in the case of, say, the Arab majorities in Iraq and Syria, would be eventually accorded independence. No doubt, the overwhelming majority of the inhabitants of the Mandatory Palestine in 1922 (88 percent) were Arabs (most of them Muslim) which suggests that, under international law, it was *only* the Arab majority of Palestine which, in the 1920s, had the rightful claim to form a state.

The British mandatory regime which prevailed in Palestine between 1922-1948 had been given, by the League of Nations, the

[116] Antonio Cassese, "Legal Considerations on the International Status of Jerusalem", *The Human Dimension of International Law: Selected Papers*, ed. Antonio Cassese, et al., (Oxford University Press, Oxford: 2008), p. 273.

right of administration in this area. This meant that sovereignty in the Mandatory Palestine would have to be restored to the Palestinian Arabs once the British, as the mandatory, left the region. The whole episode of the Jewish immigration into Palestine in the 1920s, 1930s, and 1940s mostly under the protection of the British administration against the wishes of the indigenous population was doubtless a breach of the avowed goals of the mandatory regimes, a violation of the self-determination principle, and a manifestation of bad faith. This, in my view, is the broader context within which the status of al-Quds ought to be assessed in the context of international law.

In the preamble of "The Palestine Mandate," which is the specific international text, issued in 1922, regulating the governing principles of the British mandate in Palestine,[117] it is said that, like other Arab territories put under mandatory regimes, the mandate for Palestine is accorded to Britain "for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations." In this document, no mention is made of the status of al-Quds (Jerusalem). Suffice to note, however, that Article 13 and 14 of the text give legal pledges about the protection of the Holy Sites and religious buildings in Jerusalem (al-Quds) and the rest of Palestine as well as the right of communities to freely exercise their religion inside the sites and buildings of faith. Al-Quds continued to remain as an undivided city as part of Palestine during the mandatory period. The city served as the main center of administration from the early 1920s up until the end of the British mandate in 1948.

As it became apparent that the British mandatory authorities could no longer control the interminable tension between the Arabs and Jews in Palestine as well as the escalation of the Zionist

[117] "The Palestine Mandate", Lillian Goldman Law Library, http://avalon.law.yale.edu/20th_century/palmanda.asp, (Accessed on January 10, 2019)

terror against the British officials, when the latter began to impose some restrictions on Zionist activities in the later stages of the mandatory rule, it decided to wash its hands of the Palestinian imbroglio by delegating the problem to the United Nations (UN) General Assembly in 1947. The assembly, dominated by the Western group of states with a miniscule of presence from Asia and Africa, then adopted a plan (the Partition Plan) by two thirds majority on November 29, 1947, to partition Palestine.[118] The plan granted 56.5 of the Mandatory Palestine to the Jews, although they formed only one third of its inhabitants, 43 percent to the Arabs although they constituted two thirds majority, and Jerusalem was designated as a *corpus separatum*, meaning that it would become an international city under the trusteeship of the UN. Not surprisingly, this sinister plan was strongly opposed by Palestinian Arabs. While Britain was not necessarily enthusiastic about the UN General Assembly's proposal, it nonetheless did not seek to obstruct its acceptance in the assembly and thus opted for abstention when the votes were cast. All of the then existing Muslim states, alongside Cuba, Greece, and India, voted against the motion.[119] The Arab states considered the plan as a flagrant violation of the UN Charter and denounced it as an illegal and immoral document. They, therefore, argued that the Arab world was not bound by Resolution 181.[120]

[118] "Resolution No. 181, Resolution adopted on the Report of the *Ad Hoc* Committee on the Palestinian Question", United Nations, https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/88/IMG/NR003888.pdf?OpenElement, (Accessed on January 10, 2019).

[119] "How They Voted: United Nations General Assembly Resolution 181", United Nations General Assembly, http://www.theicenter.org/sites/default/files/resources/icenternov_29_un_general_assembly_resolution_181.pdf. (Accessed on January 10, 2019). For the resolution see: "UN General Assembly Resolution No. 181", United Nations General Assembly, https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/88/IMG/NR003888.pdf?OpenElement, (Accessed on January 10, 2019).

[120] Antonio Cassese, "Legal Considerations on the International Status of Jerusalem", p. 274.

Legally speaking, not only was it not a binding decision, but the Partition Plan also suffered a number of procedural and substantive defects. To begin with, according to the Charter of the UN, the UN General Assembly is not mandated to adopt binding legislation; this meant that, although this body is conferred by Article 10 of the UN Charter (1945) the power to "discuss any questions or any matters within the scope of the present Charter," it could only do so in the form of "recommendations to the Members of the United Nations."[121] Even if one assumes that the recommendations of the General Assembly on the mandated territories "bore more weight that any ordinary resolution" since this UN body was given special duties on mandated territories,[122] this would still fall short of rendering the resolution binding.

Secondly, Resolution 181 was the product of enormous pressure exerted by the U.S. and the Zionist lobbies around the world which in some cases was tantamount to coercion, especially against small states. That the motion was twice deferred because of the failure of the Zionists and their supporters to obtain the required majority in the assembly, demonstrates the degree of pressure, threat, and intimidation confronted by many delegations and their governments. This resolution was thus tainted by the existence of "threats" against targeted states which was prohibited by Article 2(4) of the UN Charter. This article holds that "[a]ll Members shall refrain in their international relations from the threat or use of force."

Thirğdly, Resolution 181 was against the principle of self-determination in two respects: first, self-determination was then and still is in principle based on majority rule. Even in 1947, which represents a high time for Jewish immigration into Palestine, two

[121] "Charter of the United Nations", United Nations, https://treaties.un.org/doc/publication/ctc/uncharter.pdf, (Accessed on January 10, 2019).

[122] Antonio Cassese, "Legal Considerations on the International Status of Jerusalem", p. 274.

thirds of the inhabitants of Palestine were Arabs -1,325,000 Arabs versus 630,000 Jews. Yet, the plan awarded the minority Jews (one third of the entire population) with 56.5 percent of Palestine[123] as opposed to the mere 43 percent awarded to the Palestinian Arabs. Second, the Arab majority of Palestine was adamantly opposed to the partition plan. The imposition of an unwanted plan against the wishes of the great majority of the people within a territorial unit is an awesome infringement of the self-determination principle.

## THE DIVISION OF AL-QUDS

On the day when Britain withdrew from Palestine on May 14, 1948, the Zionists proclaimed the founding of the state of Israel. Immediately, the neighboring Arab armies, poorly equipped and trained and small in number, attacked the new state. As a consequence of the first Arab-Israeli war of 1948-49, Israel defeated the Arab armies and enlarged its territory beyond that which was foreseen in the Partition Plan. Indeed, at the time when the armistice agreement was signed in 1949, the western part of al-Quds and parts of Mandatory Palestine, such as Haifa, Safed, and Tiberias, that had been allocated for the would-be Arab state, had fallen into the hands of the Zionist state. As a result, Israel came to control 78 percent of the entire landmass of mandatory Palestine.

After seizing the western part of al-Quds during the 1948-49 War, Israel asserted that it was no longer bound by the Partition Plan, claimed legal title over the area without however officially annexing it and sought to assimilate the city into Israel proper. Indeed, after capturing the western part of al-Quds, the Zionist state gradually extended its jurisdiction into the area and moved some of the public buildings into it. Israel has since endeavored to change the demographic, administrative, and juridical character of the

[123] Overall, the Jewish lands were more fertile than the lands allotted to Palestinian Arabs.

western part of al-Quds to an extent which could only be described as *de facto* annexation. The eastern part of al-Quds (alongside the West Bank), meanwhile, was militarily seized by Jordan during the 1948-49 War in order, *inter alia*, to pre-empt the area's absorption by Israel. Although Resolution 181 was not fully implemented in practice due to its denunciation by Palestinian Arabs and to Israel's additional capture of territory, it was never repealed by the UN General Assembly. This suggests that Israel cannot legally extend its sovereignty over any parts of al-Quds and all the rest of the territories which it seized outside of areas allocated in the original partition plan for Jews, including West Bank and Gaza and those areas such as Safed, Haifa, Tiberias, Jaffa, which are today claimed as part of Israel.

When justifying its military seizure of the western part of al-Quds, Israel alleged that it acted in self-defence against Jordan because the latter had occupied the eastern part of al-Quds at the initial stages of the war. Even if we assume that in occupying the western part of al-Quds, Israel acted in self-defence against Jordan, this did not confer Israel the right of sovereignty over the western part of the city. The right of self-defence entitles a state only to repel, by force, an armed attack threatening its independence and territorial integrity. The right of self-defence is not a legal ground for obtaining additional territory. Under the UN Charter system, wars of whatever origins and nature are not considered as a legal, and thus, an acceptable instrument of sovereignty claims. This is the case even if the territory did not have a proper sovereign previously.[124] The UN Charter is a colossal roadblock against the territorial ambitions of aggressive states. Therefore, Jordan's *de facto* control of Eastern al-Quds after 1948 could not legally give Israel the right to enjoy sovereignty in the area even if one assumes that Israel acted

[124] Antonio Cassese, "Legal Considerations on the International Status of Jerusalem", p. 280.

in self-defence against Jordan. The heart of the matter is, as Cassese states, that "neither Jordan nor Israel ever acquired sovereignty over Jerusalem."[125]

Even after seizing the western part of al-Quds by force during the 1948-49 War and alleging that it was no longer bound by the Partition Plan, Israel conceded that no final status of the city could be determined without the approval of the UN.[126] Combined with this commitment, the UN Security Council and General Assembly have for decades adopted scores of resolutions which cautioned Israel not to change the status of Jerusalem.

With some exceptions, the then existing states started to recognize Israel after the Zionists declared independence in 1948. This did not however suggest that states recognizing Israel also recognized Israeli sovereignty over the areas going beyond those which were apportioned for it in the Partition Plan. Besides, there is no evidence to suggest that the Israeli claim over the western part of al-Quds, based on *de facto* military occupation, has been internationally recognized as giving it the right of sovereignty over this area.[127] Zionists and their supporters have claimed that the UN recognized the sovereignty of Israel over West Jerusalem and Jordan over East Jerusalem by virtue of its silence between 1952 and 1967. This is far from the truth because the UN's failure to protest the parties could only be explained away by the inability of the UN bodies to get rid of the political stalemate blocking decision. The UN's silence alone cannot transform *de facto* control over a piece of land into *de jure* authority.[128]

[125] Ibid.

[126] Ibid., p. 277.

[127] John Quigley, "The Legal Status of Jerusalem under International Law", *The Turkish Yearbook of International Relations*, Vol: 24, (1994), p. 21.

[128] Antonio Cassese, "Legal Considerations on the International Status of Jerusalem", p. 281.

## THE ANNEXATION OF AL-QUDS BY ISRAEL

Another war between Israel and its Arab neighbors broke out when the former attacked Egypt in June 1967 triggering the Six-Day War. Jordan joined the war in support of Egypt as part of a previous agreement envisioning collective self-defence in case of an armed attack by Israel. The Zionist state defeated all of its adversaries within a few days and broadened its territories threefold. Consequently, the entire Palestine, including East Jerusalem, fell into Israel's hands. The Israeli seizure of the eastern part of al-Quds was the result of its own aggression. Nonetheless, this did not deter Israel from immediately taking measures to assimilate this area into Israel. Israel issued a series of legislations after 1967 to extend its jurisdiction into the eastern part of al-Quds. The UN viewed this broadening of Israeli jurisdiction as a *de facto* annexation which was a patent breach of the laws of war and territory. Accordingly, this Israeli move was condemned by the UN. It is known that, there is a clear prohibition of international law for the belligerent occupant to avoid replacing its law with that prevailing previously in an occupied territory. Thus, international legal norms caution occupying states *a fortiori* against annexing territories seized by military force.

The UN Security Council Resolution 242 also confirmed this interpretation by calling on Israel to withdraw from the occupied territories which it seized in the 1967 war, including East Jerusalem. Even if one assumes that Israel acted in self-defence against Jordan, this still does not change the international legal rules which consider the seizure of territory by force as illegal and demand its return to the rightful holders of the title. Thus, the UN considers Israeli presence in East Jerusalem as an instance of belligerent occupation. This, in turn, suggests that Israel cannot legally obtain sovereignty over the eastern part of al-Quds.

However, the Zionist state continued to betray the collective will of international society and international institutions, like the

UN, in the 1980s. Indeed, the Israeli parliament enacted a Basic Law on July 30, 1980, which declared that "Jerusalem, complete and united, is the capital of Israel."[129] This was a clear manifestation of Israel's intent to extend its sovereignty into both western and eastern parts of al-Quds by annexing the eastern side as it had done through a series of *fait accompli* with regard to the western side. Both the Security Council and the General Assembly of the UN condemned the new legislation and declared that it was devoid of any legal effect. For instance, the Security Council Resolution No. 478 of August 20, 1980, adopted with 14 votes in favor and the U.S. abstaining, held in Paragraph 3, that the Security Council *determines* that all legislative and administrative measures and actions taken by Israel, the occupying power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith.[130]

As a result of the fundamental changes that came about in the nature and composition of international society after the acceptance of the UN Charter, as well as in the normative features of international law, the *principle of effectiveness* which was based on the legal endorsement of situations that came about through brute force has been replaced by the *principle of legality*. Hence both the treaty law as well as the customary international law rule out the possibility of Israel benefiting from the fruits of its military aggression and thus gaining sovereignty over al-Quds.[131] For instance, the Friendly Relations Declaration of 1970, adopted by consensus in the UN General Assembly, draws on the inadmissibility of territo-

[129] "Basic Law: Jerusalem, Capital of Israel", The Knesset, https://www.knesset.gov.il/laws/special/eng/basic10_eng.htm, (Accessed on January 10, 2019).

[130] "UNSCR Resolution 478: Territories Occupied by Israel", United Nations Security Council, http://unscr.com/en/resolutions/doc/478, (Accessed on January 12, 2019).

[131] Antonio Cassese, "Legal Considerations on the International Status of Jerusalem", p. 286.

rial gains based on military aggression. Indeed, according to Principle I, "No territorial acquisition resulting from the threat or use of force shall be recognized as legal."[132]

For decades, Israel has been persistently seeking to alter the demographic and physical characteristics, *inter alia*, of the eastern part of al-Quds (and the rest of West Bank). The whole canopy of Israel's perverse manipulations in this part of the city is to marginalize the Palestinians' presence so that they are supplanted en masse by Jews. As of February 2019, about 700,000 Jews have established themselves as colonial settlers in more than 200 illegal settlements in the eastern part of al-Quds and the West Bank. Undoubtedly, this is a flagrant breach of international law, in particular, the Fourth Geneva Convention of 1949[133] which, in Article 49, reads, "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive."[134] The terms of Article 47, meanwhile, should serve as a restraint against any Israeli attempt at the partial incorporation or annexation of the eastern part of al-Quds into Israel:

[132] "Resolution No. 2625 (XXV): Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations", United Nations, https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/348/90/IMG/NR034890.pdf?OpenElement, (Accessed on January 13, 2019).

[133] The Geneva Conventions of 1949 and their Additional Protocols (1977). The texts can be accessed via: "The Geneva Conventions of 1949 and their Additional Protocols", International Committee of the Red Cross, https://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm, (Accessed on January 13, 2019). Specifically, for the Fourth Geneva Convention, see: "Convention (IV) Relative to the Protection of Civilian Persons in Time of War", International Committee of the Red Cross, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380?OpenDocument, (Accessed on January 13, 2019).

[134] "Convention (IV) Relative to the Protection of Civilian Persons in Time of War", International Committee of the Red Cross, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380?OpenDocument (Accessed on January 13, 2019).

> Protected persons who are in occupied territory shall not be deprived…of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

The UN bodies have adopted numerous resolutions since 1967 which held that the Fourth Geneva Convention is, *inter alia*, applicable to the occupied East Jerusalem and warned Israel not to alter the demographic, physical, and administrative structure of the city. This is a position which was reaffirmed by the International Court of Justice in its advisory opinion, in 2004, on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*.[135] In the said case, the court maintained that the Fourth Geneva Convention is applicable in any occupied territory in the event of an armed conflict arising between two or more High Contending Parties. Israel and Jordan were parties to the Fourth Convention when the 1967 armed conflict broke out. The court accordingly finds that the convention is applicable in the Palestinian territories which before the conflict lay to the east of the 1949 Armistice Demarcation line established between Israel and Jordan (The Green Line) and which were occupied during that conflict by Israel, there being no need for any enquiry into the precise prior status of these territories.

In 1988, Jordan renounced its legal claim to the West Bank and East Jerusalem which it had annexed in 1950. Soon after, the Palestinian National Council adopted the declaration of Palestinian independence on November 15, 1988. The capital of the new state would be al-Quds. This proclamation was warmly received by the UN General Assembly which, in December 1988, with over-

[135] "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory Advisory", International Court of Justice, https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf, (Accessed on January 13, 2019).

whelming majority, reaffirmed the Palestinian right of sovereignty in the territories occupied by Israel in 1967.[136]

The Oslo "peace" process which began in 1993 was a turning point in the history of the Palestinian drama. At least some Palestinians and most of the international actors hoped that the process would lead to some degree of accommodation between Israel and the Palestinians in the 1990s. The whole rationale of mutual negotiations between Israel and the PLO[137] was premised on the idea of a gradual realization of a Palestinian state in return for the Palestinians' recognition of Israel. Prior to and during the negotiations, the United States and Israel exerted enormous pressure on the Palestinian delegation to forego, allegedly temporarily, certain rights which the Palestinians possessed. The Palestinian representatives bowed before this pressure in the name of "pragmatism." According to the Declaration of Principles, signed in 1993 (Oslo I/Washington Agreement),[138] the Palestinian side had to content itself with autonomy for a few years, rather than independence, before the final status negotiations commenced. Under the terms of the agreement, the issue of Palestinian sovereignty was hence adjourned alongside other key issues, such as the return of refugees, illegal Jewish settlements, and Jerusalem (al-Quds). Hence,

[136] "A/RES/43/177: Question of Palestine", United Nations Security Council, http://www.un.org/documents/ga/res/43/a43r177.htm, (Accessed on January 13, 2019).

[137] Palestine Liberation Organization.

[138] The international agreements that make up the body of texts constituting the legal ingredients of the Oslo peace process, are as follows: "Declaration of Principles on Interim Self-Government Arrangements (the Oslo Agreement)", UNHCR Refworld, http://www.refworld.org/docid/3de5e96e4.html, (Accessed on January 14, 2019). See also: "Gaza-Jericho Agreement/Annex IV: Protocol on Economic Relations between the Government of the State of Israel and the PLO, Representing the Palestinian People", ProCon.org, https://israelipalestinian.procon.org/sourcefiles/1994ParisProtocol.pdf, (Accessed on January 14, 2019). For further information: "Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip", Economic Cooperation Organization, https://ecf.org.il/media_items/624, (Accessed on January 14, 2019) and see: "The Wye River Memorandum", United Nations Peacemaker, https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20PS_981023_The%20Wye%20River%20Memorandum.pdf, (Accessed on January 14, 2019).

the text did not contain anything substantial on the future status of al-Quds other than stating that Israel and the Palestinians would begin to negotiate its permanent status after the expiry of an interim period (1996).[139]

After signing the agreement in 1993, Israel constantly violated the terms and spirit of Oslo I and the succeeding implementing documents emanating from Oslo I by continuing to build illegal settlements in the eastern part of al-Quds (and the rest of West Bank); to commit massive human rights violations against Palestinians; to arbitrarily demolish Palestinian homes in al-Quds; and to impose further restrictions for access to Muslim religious sites. Under the Vienna Convention on the Law of Treaties (1969), states that are parties to a treaty are under an obligation to fulfil their obligations in good faith. Israel was apparently acting in bad faith by disabling the proper execution of Oslo agreements. Not surprisingly, the Oslo "peace" process, conducted under the domineering shadow of a U.S. ever leaning towards the Zionist state, effectively ended in 2000. The Oslo "peace" process turned out to be another nail in the coffin of Palestinian aspirations for independent statehood and an end to the Israeli occupation, at least inside the 1967 boundaries.

## THE TRUMP DECISION

The controversy over the status of al-Quds became more heated when, during the presidency of Donald Trump, the U.S. recognized

[139] Under Article 5 of the Declaration of Principles on Interim Self-Government Arrangements (Oslo I):

"2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people representatives."

"3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest". See: "Declaration of Principles on Interim Self-Government Arrangements (the Oslo Agreement)", UNHCR Refworld, http://www.refworld.org/docid/3de5e96e4.html, (Accessed on January 14, 2019).

Jerusalem as the capital of Israel and moved the U.S. embassy from Tel Aviv to Jerusalem in 2018. This ignominious decision and the United States' subsequent diplomatic manoeuvring as part of this new posture are in conflict with the existing norms of international law in a number of ways. First, under international law, a state is not permitted to enjoy the benefits of its conquest.[140] The UN Charter explicitly holds that states are not given the licence to use force in their international relations. Besides, as enshrined in the Resolution on the Definition of Aggression (1974), "No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful."[141] Under the law of occupation, an occupying power is not legally authorized to annex the territory in order to put it under its sovereignty. Although the defeated sovereign loses its *de facto* control of an occupied territory, it continues to maintain *de jure* sovereignty. This is a well-established norm of international law and suggests that the act of military occupation is a temporary state of affairs which is incapable of conferring sovereignty to an occupying power.[142] With this provocative and dangerous move, the U.S. is apparently endorsing an instance of territorial change brought about by the illegal use of force; thus, it has chosen to reward aggression. Secondly, the U.S. is also enjoining other states, particularly those that have "special" relations with it, to follow in the footsteps of its arbitrary action.

Not surprisingly, this U.S. provocation is almost universally condemned by the world community, including the UN General Assembly, the European Union, and the Organization of Islamic

[140] Victor Kattan, "Why U.S. Recognition of Jerusalem Could Be Contrary to International Law", *Journal of Palestine Studies*, Vol: XLVII, No: 3 (2018), p. 72.

[141] "Resolution No. 3314 (XXIX): Definition of Aggression", United National General Assembly, http://www.un-documents.net/a29r3314.htm, (Accessed on January 15, 2019).

[142] Shawan Jabarin, "The Occupied Palestinian Territory and International Humanitarian Law: A Response to Peter Maurer", *International Review of the Red Cross*, Vol: 95, No: 890, (2013), pp. 420-421.

Cooperation which voiced their objections to any changes in the status quo prior to the 1967 war. This U.S. position is also in conflict with scores of the UN resolutions adopted since 1967, including a number of Security Council resolutions which it also supported, that cautioned Israel against making any territorial changes to the boundaries existing before the Six-Day War of 1967.

## CONCLUSION

Any sensible student of international law that locates oneself in the norms of international law, such as the law of territory, use of force, law of treaties, self-determination, law of war, and the principle of good faith, will immediately recognize that al-Quds, complete and undivided, belongs to the Palestinians. The same student of international law, even if forced to trace the Palestinian tragedy in the footsteps of international legal *practice*, which has too often reflected the crude realities of power politics, by looking into the decision-making process in the UN, would in all probability likewise conclude that al-Quds (Jerusalem) does not belong to Israel. This study hopefully demonstrates to all those that have not been bewitched by the illusions caused by the Zionist distortions and demagogy, which undeniably exerts discursive hegemony in the international media, institutions, and intellectual circles, that al-Quds is currently under the military occupation of Israel and, therefore, ought to be returned to the rightful owners of the city, who are the Palestinians.

More specifically, based on the UN resolutions on Palestine adopted by the Security Council and the General Assembly through the years, Israel is under an obligation to refrain from claiming sovereignty over any parts of al-Quds (western or eastern). The Jewish settlements in parts of al-Quds and the change of population composition in favor of Jews in the area do not constitute grounds for extending Israeli territorial entitlements here. Illegal

Jewish settlements, coercive population transfers, agonizing checkpoints, confiscations of Palestinian property, the construction of a wall traversing the West Bank and stealing land, *inter alia*, from al-Quds, and the Zionist state's claim of sovereignty and its annexation policies vis-à-vis al-Quds are all illegal. Neither parts of Jerusalem today belong to Israel, which is a natural concomitant of the prohibition of the use of force in international relations which has been recognized as a norm of *jus cogens* from which no derogation is permitted. It is also a natural corollary of the inadmissibility of the acquisition of territory through military occupation.

The post-Ottoman history of Palestine could be perceived as a testimony to the brutality, barbarism, and aggression of Zionism and the Zionist state. Neither history nor international law could possibly vindicate the Zionist case on account of its relentless crimes against the Palestinian people and humanity. The fact that most of the Palestinians were forcibly thrown out of their homeland does not deprive them of the right of self-determination leading to independent statehood.[143] As reaffirmed by the Refugee Convention (1951) and the Fourth Geneva Convention (1949), under international law, all of the nearly seven million Palestinian refugees have a right to return to their homeland.

As to whether Jerusalem should become a *corpus separatum*, i.e. an internationalized city governed by the UN, is a matter for the Palestinians themselves. Such a plan could only be legally permissible if this is consented to by the Palestinians because, under international law, it is only the Palestinians that have the rightful claim to sovereignty in the whole of al-Quds.[144]

[143] John Quigley, "The Legal Status of Jerusalem under International Law", p. 21.

[144] Ibid., p. 22.

# CHAPTER VI

# THE STATUS OF AL-QUDS IN THE PALESTINIAN-ISRAELI PEACE PROCESS

ABDULSALAM MUALA*

## INTRODUCTION

The Madrid peace conference launched the negotiating track to resolve the Arab/Palestinian-Israeli conflict in 1991. When the Palestine Liberation Organization and the Israeli government signed the Oslo Accord, the history of the peace process began. The Oslo Accord involved a set of understandings, one of which was to postpone considering the core conflict issues,[145] of which al-Quds was the most salient.[146] This step reflected the desire of the Israelis,[147] and the Palestinian chief negotiator accepted this due to weak personality as well as his position. However, the process remains in place, and no reasonable progress has been made towards finding a resolution for the seemingly intractable Palestinian-Israeli conflict.

* Dr. Abdulsalam Muala is a Palestinian freelance researcher based in the West Bank. He holds a PhD degree from the Universiti Utara Malaysia (UUM), Malaysia.

[145] Burhan Dajani, "An Alternative to Oslo," *Journal of Palestine Studies*, Vol: 25, No: 4, (1996), p. 5.

[146] Hatem Abdulkadir, "24 Years after Oslo Accord: Jerusalem and the Dagger of Judaization", *Aljazeera*, September 13, 2017.

[147] Lior Lehrs, "Jerusalem on the Negotiating Table: Analyzing the Israeli-Palestinian Peace Talks on Jerusalem (1993–2015)", *Israel Studies*, Vol: 21, No: 3, (2016), p. 194.

The status of al-Quds in the current peace process requires casting more light on the recent developments and on further discussion. Not only because the status of al-Quds was suspended during the initial peace talks, but because also the city occupies a prominent position in the Israeli-Palestinian conflict because of the high symbolic meanings it has for both parties to the conflict and the potential impacts that the city carries with it for the peace process. It seems that a linkage exists between the marginalization of al-Quds in the peace process and the intractability facing the process. For that reason, highlighting such a relationship is critical. Additionally, the matter not only concerns delaying the consideration of al-Quds in the peace process, but also the situation of the city is clearly worsening day by day.

To break down this problematic issue, the chapter offers an answer to the key question: is it possible that the peace process can continue while the problem of al-Quds exists? In other words, will al-Quds remain marginalized and face pain while the peace process keeps running? This is neither an ordinary nor a simple question because of the complications associated with the issue, and the matter requires paying more attention to the multifaceted issue before answering the question.

Searching for the status of al-Quds in the peace process requires exploring the reality of the process first; otherwise, the attempt to seek an answer to that question would be useless given the ambiguity of the objectives pursued by the peace process. Accordingly, paving the way for the answer will start by highlighting two concerns. The first section of the chapter deals with the locus of al-Quds in the peace process, trying to understand the connotations of neglecting it in the initial agreements and what this neglect means. Comprehending the status of al-Quds in the peace process helps in diagnosing the nature of the process and in predicting its potential trends given the vital position of al-Quds in the conflict.

The second section of the chapter tries to recognize the reality of the peace process, its problematic beginning, the nature of the context in which it is located, and then, exploring the extent to which the peace process seems able to achieve the desired goals. It examines whether the process seeks a fair solution to the conflict, or it just plays a functional role for achieving other objectives, and how all of these will reflect on the nature of the peace process, on the one hand, and the status of al-Quds in the peace process, on the other. In light of the enlightenment resulting from discussing these two concerns, the question will be answered in the third section of the chapter.

## THE LOCATION OF AL-QUDS IN THE PEACE PROCESS

Al-Quds has a highly symbolic value for both parties to the conflict. Therefore, searching for a peaceful solution between the two sides necessitates settling the status of that symbol. Such a step will form a cornerstone for the comprehensive settlement of the conflict because the parties to the conflict will have to agree upon the most complicated issues.[148] Otherwise, the situation will worsen. Al-Quds provokes more intense emotions than any other place on Earth because of its heritage and meaning to the parties involved in the conflict and to others.[149] This necessarily means that the disputant parties carry intense emotions. Accordingly, if these are not taken into consideration while searching for a peaceful solution, the situation will become more complicated. The matter not only has a slim chance of reaching a peaceful solution, but also points out the reality of the Israeli position whereby Israel insists on dealing with the al-Quds question according to its own point of view. Because of

[148] Ibid., p. 179.

[149] "Background Paper on the Status of Jerusalem", World Council of Churches, https://bit.ly/2slb3Z7, (Accessed on January 15, 2019).

that, al-Quds did not gain a position in the peace process that was equal to its position as an Islamic symbol and as one of the two major perspectives feeding the conflict. The Israelis have determined the perspectives of the issues relative to al-Quds, and, as a result, al-Quds remains off the peace process' agenda.

A review of the Palestinian-Israeli peace process, which has extended more than 25 years, shows that the parties have involved the al-Quds question into the negotiating agenda in only two concise occasions: from July 2000 to January 2001, and in the talks of 2008.[150] In the first round, the former Israeli Prime Minister Ehud Barak urged the Israeli negotiators to avoid discussing the issue of al-Quds until the last possible moment.[151] The marginalization of al-Quds in the peace process reflects plainly the dominant Israeli perspective over the Palestinian, Arab, and Muslim perspective. This means that the base upon which the peace process rests is imbalanced and provides monitors with an initial impression of the nature of the peace process, its trends and expected destiny.

Some researchers opine that delaying the consideration of the al-Quds question, the borders of Israel, and the Palestinian refugees in 1948 from the initial peace talks represents a fruitful extension of efforts to find a creative formula aimed at neutralizing the significant impediments that prevent the solution through an agreement.[152] Such a vision is inspired from an approach that believes that it is important to remove the most problematic issues of the conflict from the peace talks temporarily to ease reaching a solution to the less problematic issues.[153] Those solutions are seen as paving the way

[150] Lior Lehrs, "Jerusalem on the Negotiating Table", pp. 179-180.

[151] Dennis Ross, *The Missing Peace,* (Farrar, Straus, and Giroux, New York: 2004), p. 612.

[152] Shiri Landman, "Barriers to Peace: Protected Values in the Israeli-Palestinian Conflict*", Barriers to Peace in the Israeli-Palestinian Conflict*, ed. Yaacov Bar-Siman-Tov, (The Jerusalem Institute for Israel Studies, Jerusalem: 2010), p. 136.

[153] Lior Lehrs, "Jerusalem on the Negotiating Table", pp. 194-195.

for reaching a solution for the complicated issues later on. Despite the reasonability of such thinking at first glance, other related circumstances may lead to overall negative results.[154] Consequently, this approach needs to be a multifaceted one.

Conversely, other researchers approach the matter in a different way. They emphasize the necessity of discussing the most problematic issues first as an application of one of the principles of negotiations.[155] These will provide time, money, and the efforts to be expended on discussing the less problematic issues before clashing with the solid wall that the most problematic issues create. However, assessing the conduct of the Israelis who desired to postpone consideration of the problem of al-Quds depends on an argument that takes into account both these two approaches and does not neglect either of them.

The approach for delaying the consideration of the al-Quds question in the initial peace talks could reflect reasonable diligence, especially because a theoretical base for doing so exists in the literature. If this is so, then duty necessitates freezing the position of al-Quds until a suitable time arrives to put it on the table, as long as postponing this issue aims at facilitating a solution to the conflict. Accordingly, did Israel engage in such logic or did Israel merely begin racing against time to change the circumstances on the ground relative to al-Quds to tighten its grip on the city? And do such procedures ease the talks around Jerusalem in the future or make them more complicated?

The actual Israeli policy towards al-Quds discloses the nature of the Israeli intentions towards the city. The Israeli settlement activities in al-Quds have focused since 1967 on controlling the eastern

[154] Ibid., p. 195.

[155] Yaacov Bar-Siman-Tov, "Overcoming Barriers to Resolving the Israeli Palestinian Conflict", *Barriers to Peace in the Israeli-Palestinian Conflict*, ed. Yaacov Bar-Siman-Tov, (The Jerusalem Institute for Israel Studies, Jerusalem: 2010), p. 369.

quarters inhabited by the Palestinians. Israel started by demolishing the neighborhood of Maghreb (Moroccan Quarter) and expelling Palestinians living there in a step aimed at consolidating the presence of Jewish settlers in this sector to prevent the possibility of dividing the city in the future. These activities were synchronized with the announcement by the Israeli government that the united al-Quds is considered the capital of Israel. The step that followed was the transfer of government offices to the city and expanding the authority of the municipality of al-Quds and its services.[156] Notably, the Israeli settlement works in al-Quds and the imposition of the policy of *fait accompli* that began in 1967 did not stop when the peace process was launched. Instead, it increased plainly in a way that contradicted any trend aimed at finding a peaceful solution to the Palestinian-Israeli conflict.

From 1967 to 1987, Israel destroyed 540 Palestinian homes in al-Quds, in the five years following the signing of the Oslo Accord it destroyed another 101 houses,[157] and from 2000 to 2012, approximately 1,124 Palestinian buildings were demolished in al-Quds.[158] The Israeli authorities did so claiming that no authorizations existed for such buildings. In fact, successive Israeli governments have limited construction in neighborhoods inhabited by Palestinians to a minimum. This was based on a policy that the percentage of the Palestinians living in al-Quds, which amounted to 28.8 percent in 1967, should never be allowed to grow.[159] Hence, every new con-

[156] Michael Dumper, "Israeli Settlement in the Old City Jerusalem", *Journal of Palestine Studies*, Vol: 21, No: 4, (1992), pp. 32, 39. See also: Rashid Khalidi, "Transforming the Face of the Holy City: Political Massages in the Built Topography of Jerusalem", *Journal of Palestine Studies*, No: 4, (1999), p. 25.

[157] Rashid Khalidi, "Transforming the Face of the Holy City: Political Massages in the Built Topography of Jerusalem", p. 27.

[158] "Means of Judaization of the city of Quds", Palestinian News & Info Agency, https://bit.ly/2F5dWGD (Accessed on February 15, 2019).

[159] Meir Margalit, *Seizing Control of Space in East Jerusalem*, (Sifrei Aliat Gag, Palestine: 2010), p. 44.

struction in the region, even those seen as an expression of the natural growth of the Palestinian inhabitants of al-Quds, is considered illegal in the eyes of the Israelis and surely will be soon destroyed. Consequently, when the Palestinians attempt to make additions to their homes, either on the land they own next to their homes or on their roofs, the Israeli authorities demolished them completely.

In contrast, pockets of Jewish settlement have developed in recent years that have never received Israeli building permits, but unsurprisingly the authorities have not exercised their authority to stop the construction or demolition of what has been built.[160] Thus, the facts suggest that the delaying of the consideration of the al-Quds question in the peace process did not reflect diligence in seeking the best ways to reach the peace. Rather, the Israelis used the delays to shift the discussion of its dilemma to the future and, while doing so, to change the facts on the ground in order to enhance its control of al-Quds.

On the other hand, delaying the consideration on the most problematic issues did not in reality accelerate reaching a solution for the less problematic issues. At the end, the so-called peace process has lasted for more than 25 years without making a reasonable difference and no indication exists that the conflict will soon be settled. Therefore, postponing the issue of al-Quds did not reflect positively on the peace process. Further, it is clear that the issues postponed from the initial consideration form the core causes of the conflict and neglecting them has meant that conditions did not ripen for fair solutions. Hence, doubts around the peace process will increase. Accordingly, it seems that delaying the core conflict issues including the al-Quds question represents an opportunity to escape from the real commitments necessitated by the peace pro-

[160] Meir Margalit, *Seizing Control of Space in East Jerusalem*, p. 80. See also: Rashid Khalidi, "Transforming the Face of the Holy City: Political Massages in the Built Topography of Jerusalem", p. 27.

cess.[161] In a way, this harmonizes with the position of the Zionist movement towards al-Quds.

The founder of the Zionist movement, Theodor Herzl, said fifty years before the establishment of Israel, "If Quds is ever ours, and if I were still able to do anything about it, I would begin by cleaning it up. I would clear out everything that is not sacred [for Jews]… burn all the non-sacred ruins."[162] These words formed a road map for the Judaization efforts adopted by the successive Israeli governments from 1948 until now, which were aimed at changing the features of the city whether it was in the reality or in the international media.[163] Judaization simply means an attempt to erase the history of al-Quds that had been recorded through 10,000 years[164] and which was produced by different peoples, groups, and religions, and then projecting that Jews were the only people who had lived there. Obviously, the Judaization efforts that Israel has tried to impose in an arbitrary way in al-Quds stand in opposition to the rights of the Palestinians, Arabs, Muslims who have had their own history there - which is longer than the history of the Jews.

The exclusion of al-Quds does not only indicate the desire to hide the face of the civilizational battle through isolating al-Quds from its wide historical, geographical, and spiritual extension. This isolation also represents an aggression against history and targeting the diverse human heritage, which has left its mark on the neighborhoods and roads of al-Quds throughout the centuries. It represents an attempt to surround al-Quds, isolating it from the West Bank to make it easy to dominate the city forever according to the Jewish perspective.

[161] Edward Said, "The Status of Quds and the Future of the Peace Process", *Journal of Palestine Studies*, Vol: 22, No: 85, (2011), p. 16.

[162] Mohsen Moh'd Saleh, *The Suffering of Jerusalem and Holly Sites under the Israeli Occupation*, (Al-Zaytouna Centre for Studies & Consultations, Bierut: 2011), p. 17.

[163] Edward Said, "The Status of Quds and the Future of the Peace Process", p. 15.

[164] Ibid., p. 12.

Israel initiated the annexation procedures for al-Quds as soon as it occupied the city in 1967 and then executed the decision in 1980.[165] Such procedures made the status of al-Quds seem totally different than the status of the West Bank. Consequently, it will be difficult to apply the procedures on al-Quds that are applied to the West Bank according to the developments necessitated by the peace process. Therefore, the peace process did not reflect positively on al-Quds. Moreover, the peace process provides a suitable cover for successive Israeli governments to continue the Judaization works, tightening their grip on the city, as well as deciding its self-determination unilaterally.

## THE REALITY OF THE PEACE PROCESS

In light of the intractability facing the peace process and the exclusion of the core conflict issues including al-Quds from the initial peace talks, it is reasonable that the monitors start searching to determine the reality of the peace process and verifying whether it can, according to the associated circumstances, achieve a solution to the conflict. Needless to say, substantial issues impact the effectiveness of the peace process and the expected outcomes. An analysis of such issues helps in exploring the trend of the process and its problematic launch. Consequently, it will be easy to determine whether those issues positively impact the endeavors that the peace process tries to achieve, and whether the peace process is a real one or it is just used functionally to achieve other goals.

### 1. THE INTERNATIONAL POLITICAL CONTEXT

Obviously, the international political context helps to determine the nature of the peace process, because separating the local po-

[165] Azem Bishara, Alon Margalit, and Martin Clutterbuck, *Displacement and the 'Jerusalem Question': An Overview of the Negotiations over East Jerusalem and Developments on the Ground,* (Norwegian Refugee Council Background Report, Oslo: 2015), p. 4.

litical interactions anywhere in the world from the international political context is difficult.[166] This is particularly so, if the partial issue is a matter of interest on the international level as the Palestinian-Israeli question is.

The international political system comprises the wider context in which the repercussions of a local and regional scramble appear. The system keeps control of the outcomes of such scrambles given the wide overlap between the local, regional, and international levels.[167] The conflict in Palestine has been embodied in the international reactions from when it began to the present. When Britain occupied Palestine in 1918, efforts aimed at establishing a national home for Jews had accelerated as a reflection of the declaration made by the British Minister of Foreign Affairs Arthur Balfour in 1917. He promised to support the endeavors aimed at establishing a homeland for the Jewish people in Palestine, which was actually fulfilled after the end of the Second World War.[168] This is an important indicator and emphasized the nature of the conflict in Palestine and the parties involved and its international extensions.

Some researchers believe that the Palestinian-Israeli peace process represents a status that exceeds the mutual frame of the parties to the conflict. Hence, its mission will exceed the objective of resolving the Palestinian-Israeli conflict toward establishing new political, economic, and security arrangements in the region.[169] Neither the force of the parties nor their stances will determine the des-

[166] Louis Kriesberg, "Negotiating Conflict Transformations", *Handbook of International Negotiation Interpersonal, Intercultural, and Diplomatic Perspectives*, ed. Mauro Galluccio, (Springer International Publishing, Switzerland: 2015), p. 109.

[167] Abdulsalam Darweesh, "The Impact of the Imbalance in the Terms of the Palestinian-Israeli Negotiations on Finding a Solution to the Palestinian Issue", (Master Thesis, An-Najah National University of Faculty of High Studies, Nablus, 2013), p. 150.

[168] Louis Kriesberg, "Changing Conflict Asymmetries Construct Constructively", *Dynamics of Asymmetric Conflict: Pathways Toward Terrorism and Genocide,* Vol: 2, No: 1, (2009), p. 17.

[169] Abdullah Turkumani, "Obstacles to the Arab-Israeli Peace and Its Prospects", *Bredband.net*, https://bit.ly/2Jskl0D, (Accessed on January 24, 2019).

tiny of the conflict because they are just a part of the actors dealing with the conflict.[170] The chances of the success of the peace process in the current Middle East do not correlate only with the will of the parties to the conflict but also with that of several other factors. As much as the control of the Middle East is a subject of an international gamble, disputes and settlements are part of a larger question of the determination or assertion of international hegemony.[171]

In light of what has been mentioned, cognizance of the reality of the international political system and its relationship with Israel, on the one hand, and verifying whether the peace process can penetrate the international political context, on the other hand, helps in comprehending why the peace process faces a deadlock. Such a step becomes more important in light of the point of view that the international political context forms one of the impediments that prevent reaching a solution to the Palestinian-Israeli conflict.[172] That means that the Palestinian-Israeli peace process represents a partial game within a more complicated environment. Consequently, the scramble in Palestine reflects, in fact, the international political reality and its trends. It is not expected that the peace process can achieve outcomes to contradict that reality.

## 2. THE BALANCE OF POWER BETWEEN THE PARTIES TO THE CONFLICT

The levels of force between the conflicting parties determine the shape of the relations between them, and, in case they decide to adopt a negotiating option to resolve their disputes, the relative

[170] Hamza Al-Smadi, "PLO Political Experience: From the Armed Resistance to the Peaceful Settlement 1964-2006", (Master Thesis, An-Najah National University Faculty of High Studies, Nablus, 2008), p. 87.

[171] Burhan Galion, "The Fate of the Arab-Israeli Political Settlement after Forty Years of the 1967 War," *Journal of Palestine Studies*, Vol: 18, No: 70, (2007), p. 5.

[172] Herbert C. Kelman, "Creating the Conditions for Israeli-Palestinian Negotiation", *Journal of Conflict Resolution*, Vol: 26, No: 1, (1982), p. 45.

balance of power plays a major role of reaching a solution. Many scholars consider that a balance of power between conflicting parties plays a crucial role in reaching a negotiated solution.[173] Thus, successfully solving a conflict by peaceful means seems to be the result of the existence of a balance of power between the parties, and, when the balance of power is absent, then searching for negotiated solutions will be useless because the objective base to launch a peace process does not exist yet.

Force is a pioneering concept in the field of conflict resolution and is a factor that is firmly present in negotiating processes.[174] When the parties to a conflict have reasonable levels of power, this will give the negotiating process the wanted momentum. A negotiating option will be suitable when one party cannot impose its will on the other party or use the unilateral procedures to solve the conflict, as each party is able to stop any unfair agreement.[175] Accordingly, it is of importance to examine the truth of the Palestinian-Israeli peace process because the process lacks the fundamental basis for success represented in a relative balance of power between the parties to the conflict.

There are plain hints that illuminate the reality of force of both parties to the conflict and in favor of Israel in particular. Israel dominates the land under negotiation, controlling the peace talks agenda, an obvious example of which was the postponing of the al-Quds

[173] Alain Plantey and Frances Meadows (trans), *International Negotiation in the Twenty-first Century*, (Taylor and Francis Group, New York: 2007), p. 26. See also: Nina Burkardt, Berton Lee Lamb, and Jonathan G. Taylor, "Power Distribution in Complex Environmental Negotiations: Does Balance Matter", *Journal of Public Administration Research and Theory*, Vol: 7, No: 2, (1997), p. 247. For further readings: Robin L. Pinkley, Margaret A. Neale, and Rebecca J. Bennett, "The Impact of Alternatives to Settlement in Dyadic Negotiation", *Organizational Behavior and Human Decision Processes*, Vol: 57, No: 1, (1994), p. 100.

[174] Burkardt, Lamb, and Taylor, "Power Distribution", p. 250.

[175] I. William Zartman, *Negotiation and Conflict Management: Essays in Theory and Practice,* (Taylor and Francis Group: New York: 2008), p. 100. See also: Burkardt, Lamb, and Taylor, "Power Distribution", p. 251.

question. Since the international political order stands beside Israel, Israel and the United States seem to dominate the peace process.[176]

Obviously, such an unfair distribution of force between the parties to the conflict will reflect negatively on the outcomes of the peace process - one of which is represented in postponing the consideration of the core issues of the conflict including the question of al-Quds. The Israelis, who recognized the benefits of this imbalance, started to invest in preventing the Palestinians from gaining sources of power. From a position of power, the Israelis demanded that the Palestinians stop using violence (resisting the occupation) and fight the Palestinian factions who refuse to accept that position. The Palestinian negotiators accepted such Israeli demands because they could not oppose the Israeli desires. That means that the Palestinian negotiators dealt with the peace process in accordance with the requirements of the Israeli vision. Accordingly, how would the peace process be able to achieve Palestinian goals and assure their rights?

The Israelis continued their endeavors to gain more power and to progress militarily. For example, former Israeli Prime Minister Yitzhak Rabin (1992-1995) remarked on the necessity of developing and enhancing the striking force of the Israeli army to be able to execute its duties, denoting that keeping a strong army served as warranty to continuing the peace process.[177] Obviously, the peace process reflects the Israeli perspective of the logic of force, not the logic of justice. As long as the Israeli side is the strongest, Israel will only accept the results of the peace process that favor its position, without any consideration of the interests of the Palestinian side.

[176] Edward Said, "The Status of Quds and the Future of the Peace Process", p. 15.

[177] Fayez Sara, *The Israeli Army: Background, Reality, and Future,* (Emirates Centre for Strategic Studies and Research Strategic Studies, 1st Edition, Abu-Dhabi, 1999), p. 37.

This is a result of the imbalance of power between the two parties, and the way in which each is dealing with the power factor.

## 3. THE EXTENSION OF THE PEACE PROCESS

The unjustified extension of the peace process indicates a lack of seriousness and commitment needed for such a process, which calls for the scrutiny of its roles and the objectives that it seeks to achieve. The theoretical legacy of negotiation has determined that the timing of the negotiating process is one of the firm principles of the negotiation process.[178] The time frame means that an obvious beginning and an obvious end exist to the negotiation process. This is an important parameter that controls the peace process and prevents it from being used as a tool to gain time to achieve other goals, especially by the stronger party. Time manipulation is one of the world's most widely known negotiating tactics,[179] and the time frame discloses the extent to which the parties are committed to the principles of negotiation.

The time factor is an important component of a conflict, as conflict reactions do not stop, whilst the associated transformations are always changing. Because the parties to a conflict are diametrically opposite, change will be in favor of only one of the parties while the other will be affected negatively in general. Additionally, the strong party is the one that can employ the track of the changes in its favor for subjective and objective reasons.

The opportunity in unequal conflicts remains open to the strong party to exploit the time factor to enhance its negotiating gains.[180]

[178] Frank R. Pfetsch, *Negotiating Political Conflicts*, (Palgrave Macmillan, New York: 2007), p. 10.

[179] Ilai Alon and Jeanne M. Brett, "Perceptions of Time and Their Impact on Negotiations in the Arabic Speaking Islamic World", *Negotiation Journal*, Vol: 23, No: 1, (2007), p. 56.

[180] Karin Aggestam and Annika Bjorkdahal, "Just Peace Postponed: Unending Peace Processes & Frozen Conflicts", (JAD-PbP Working Paper Series, Finland: 2011), p. 6.

Thus, setting a time limit for the peace process would mean putting an end to the ability of the strong party to invest in the process. Researchers have stressed that the Israeli negotiating strategy was based on prolonging the negotiations while ignoring the Palestinian core demands.[181] Others have said that the historical record since 1967, and especially since the Oslo Accords in 1993, makes it clear that the longer the peace process lasts, the more Israel will benefit from its unrestrained power in the results of the negotiations by determining facts on the ground.[182]

Former Israeli Prime Minister Yitzhak Shamir agreed to join the Madrid Peace Conference in late 1991 and to engage in negotiations with the Arab states to gain the time provided by the peace process to achieve the goal of a greater Israel.[183] Accordingly, the unjustified extension of the peace process has been an additional reason for the failure of the process and has further demonstrated its lack of seriousness and revealed its functional roles, far from being careful to arrive at a reasonable solution to the conflict between the parties.

In light of the discussion about the three items above, no substantive basis exists for the success of the ongoing peace process between the Palestinians and the Israelis. If there is success, then that will be the result of Israel employing the peace process as a public relations game to polish its image. At the same time, the peace process provides a recipe that removes the embarrassment

[181] Iyad Barghouti, "Palestinian-Israeli Negotiations: An Objective in Themselves", *The International Spectator: Italian Journal of International Affairs*, Vol: 26, No: 1, (2011), p. 15.

[182] Jerome Slater, *Global Studies, The Collapse of the Palestinian-Israeli Peace Process: Where Is the Problem,* (Emirates Centre for Strategic Studies and Research, Abu-Dhabi: 2002), p. 32.

[183] Shlomo Brom, "The Oslo Accord and the Impossible Peace, Israeli Views and Assessments: The Oslo Process in Balance 20 Years Later", (The Institute of Palestine Studies, Beirut), p. 3.

from the international system supporting Israel, which would serve as cover for that dubious support.

Needless to say, the peace process may reflect two main matters. The first is the presumed peace process that aims at reaching a just solution to the conflict, while the other is represented in the endeavors to exploit the peace process to pursue other goals. In light of the extrapolation of the nature of the process, the uncovering of the circumstances of its launch, and the tracing of its tracks, it turns out that the second reflects what is happening on the ground, and, therefore, the marginalization of al-Quds expresses this fact.

## CAN THE PEACE PROCESS CONTINUE AS LONG AS THE PROBLEM OF AL-QUDS EXISTS?

At first glance, the answer seems obtainable and does not require much effort, but it becomes more complicated in light of the ambiguity of the peace process. This requires answering the question in the light of two assumptions. The first considers the ongoing peace process aimed at reaching a genuine solution to the conflict, and, therefore, the process is real. The second is based on the fact that the process plays a functional role that is irrelevant to the search for peace. Otherwise, it is difficult to address the question correctly.

Based on the above, it is unreasonable, according to the first assumption, that the peace process will continue at a time when the question of al-Quds is being marginalized because of its high symbolism for Palestinians, Arabs, and Muslims. Moreover, the unjustified extension of the peace process is contrary to the theoretical concepts of negotiation as determined by the relevant literature, as explained above. Therefore, no justification exists for the continuation of the current peace process, and it should have stopped a long time ago. As the process has lasted for so long without sig-

nificant results, this would confirm the credibility of the view that the peace process is a false process. The term "false process" is not arbitrary but has a clear rooting in the literature of negotiations. "False negotiations" refer to the negotiation process in which one party is engaged while it has no intention of reaching an agreement with the other party.[184] Thus, the negotiating process is used as an umbrella to achieve other objectives, which to a great extent applies to the Palestinian-Israeli peace process.

There are reasons that push toward false negotiations. One party may see that it can reap greater benefits by delaying the reaching of an agreement with its negotiating partner indefinitely or by anticipating external changes that will improve its bargaining position when they occur. Some false negotiations have taken place already when there are hidden targets that the negotiator looks for.[185] In the case of false negotiations, it is interesting to note that the party that is conducting this type of negotiation is keen to maintain the negotiating process and does not try to stop it because this would lead to more bad trends.[186]

The falsity of the Palestinian-Israeli peace process provides a basis for answering the question in another way. Accordingly, it can be said clearly and confidently: yes, the peace process will continue in the light of the exclusion of al-Quds from the circle of talks and the continuation of its suffering as long as it is a false and unrealistic process. Not only that, but it is likely to continue for many years to come if the rules of the game remain the same.

In light of this analysis, it sounds easy to link the fact that the peace process is extended, and that al-Quds is excluded from the primary debate, both of which point to the lack of seriousness in

[184] Edy Glozman, Netta Barak-Corren, and Ilan Yaniv, "False Negotiations: The Art and Science of Not Reaching an Agreement", *Journal of Conflict Resolution*, Vol: 59, No: 4, (2015), p. 672.

[185] Glozman, Barak-Corren and Yaniv, "False Negotiations".

[186] Ibid.

reaching solutions for the conflict. The headline of that linkage is the falsity of the ongoing peace process. When knowing that the prolongation of the peace process and the exclusion of al-Quds from the initial peace talks represent the Israeli will, then we can venture to understand what Israel aims to achieve from such a process.

## CONCLUSION

The significance of al-Quds in the peace process does not reflect its great symbolic status among the Palestinians, Arabs, and Muslims. This indicates that a clear imbalance exists in the foundations of this process, which calls for clarifications on the nature of the ongoing peace process and the extent to which Israel seems serious about reaching a solution for the conflict that addresses its core causes. The attempt to explore the reality of the peace process has not led to results that encourage saying it is qualified to fulfil the tasks normally undertaken by peace operations.

Such an attempt has focused on three main headlines, where the context in which the peace process is running has revealed that it is unlikely that it will succeed in achieving the objectives expected because such a development would contradict the nature of the context. On the other hand, the force levels of both parties to the peace process are also not conducive for making gains in the peace process because peace operations are based on the principle of the relative balance of power between the parties, which is missing in this situation.

In light of the above, and as a result of the lack of seriousness of the Israeli side, the peace process has lasted for a length of time not necessitated by a peace process in normal circumstances. This unjustified extension has thus added another negative dimension to this miserable process. The foregoing indicate that the current peace process has not met the required conditions

to be a worthy process to achieve its goals. These conditions will continue to dominate it despite the marginalization of the al-Quds question and continued suffering of the Palestinian people. What is happening on the ground does not reflect a serious search for peace, does not proceed from the foundations of fairness, and does not even meet the theoretical perceptions of how best to search for peace.

# THREE POLITICAL DEVELOPMENTS AND CURRENT PROBLEMS

# CHAPTER VII

# OFFICIAL ARAB POSITIONS ON THE TRUMP ADMINISTRATION'S JERUSALEM DECISION

HOSSAM SHAKER*

At the end of 2017, U.S. President Donald Trump made a decision regarding the city of Jerusalem that had a severe impact on the Palestinian-Israeli issue overall and initiated an even worse stage of the U.S. bias towards the Israeli occupation 25 years after the launch of the "Middle East peace process," which has done nothing to give the Palestinian people their legitimate rights in determining their future and establishing an independent sovereign state.

Trump's decision challenged the international community as it included a deviation from the set standards and obligations regarding the Palestinian-Israeli issue and frustrated the Arab and Islamic world because of the implications on the issue of Jerusalem. Accordingly, the decision was essentially a new test for the official Arab positions and their interplay with events that occur in the wake of crises, predicaments, and transformations in the Arab world.

## THE U.S. DECISION AND INTERNATIONAL REACTIONS

Donald Trump's election to the presidency of the United States in 2017 marked a shift in the U.S. foreign policy, including that

* Hossam Shaker is a writer, researcher, and media consultant based in Vienna and Brussels.

which pertains to the Palestinian-Israeli issue. During his election campaign, Trump promised to move the U.S. embassy to Jerusalem, a move his predecessors refused to make despite the passing of the Jerusalem Embassy Act.

On December 6, 2017, before the end of his first year in the White house, Trump made his decision despite the potential repercussions and detriment to the future of the "peace process." He announced his official recognition of a united Jerusalem as the capital of Israel and the plan to move the U.S. embassy from Tel Aviv to Jerusalem shortly thereafter.[187] The embassy was opened with a grand ceremony on May 14, 2018. The Trump administration took a step that previous administrations avoided despite the passing of the 1995 act that, based on the recognition of Jerusalem as the capital of Israel, called for the move of the U.S. embassy from Tel Aviv no later than 1999. However, preceding presidents regularly signed waivers delaying the relocation.

The relocation of the U.S. embassy five months after the announcement coincided with the Great March of Return on the 70th anniversary of the Nakba, fueling the event with particular anger. The U.S. administration chose this day in particular to relocate the embassy and celebrate its opening: the occasion of the Nakba Day, or the Israeli "independence day," while the Israeli military forces killed peaceful Palestinian protestors in the Gaza Strip. The bloody scenes overwhelmed the embassy celebration and drew a lot of media coverage between the massacre and the embassy opening, which caused a lot of criticism of the U.S. administration's move and the behavior of the Israeli military.

[187] "Presidential Proclamation Recognizing Jerusalem as the Capital of the State of Israel and Relocating the United States Embassy to Israel to Jerusalem", White House, https://www.whitehouse.gov/presidential-actions/presidential-proclamation-recognizing-jerusalem-capital-state-israel-relocating-united-states-embassy-israel-jerusalem, (Accessed on January 24, 2019). See also: "Statement by President Trump on Jerusalem", White House, https://www.whitehouse.gov/briefings-statements/statement-president-trump-jerusalem/, (Accessed on January 24, 2019).

Trump's decision did not find any substantial support in the world and was met with rejection, criticism, and reservation by the international community, including Western countries. Protests were held all over the world denouncing it. Individual articulations at the international level and the isolation of the U.S. position regarding the issue indicated that the White House did not find any major foreign positions in favor of its decision aside from that of Israel.[188]

Trump's decision was widely rejected in the Arab and Muslim world and caused protests and popular events condemning the decision. Arab and Muslim capitals criticized the decision while it was also opposed and disapproved by the international community. In fact, UN Secretary General Antonio Guterres remarked that "Jerusalem is a final status issue that must be resolved through direct negotiations between the two parties on the basis of the relevant Security Council and General Assembly resolutions, taking into account the legitimate concerns of both the Palestinian and the Israeli sides." He also maintained that, "there is no alternative to the two-state solution…living side-by-side in peace, security and mutual recognition, with Jerusalem as the capital of Israel and Palestine, and all final status issues resolved permanently through negotiations."[189]

The European Union (EU) rejected the U.S. decision in a foreign affairs meeting held in Brussels on December 11, 2017, and the High Representative of the European Union for Foreign Affairs and Security Policy Federica Mogherini rebuffed Israeli Prime Minister Benjamin Netanyahu's call for the EU recognition of Jerusalem as the capital of Israel despite talks they had before the

[188] "Support for President Trump's Decision to Recognize Jerusalem as Israel's Capital", White House, https://www.whitehouse.gov/briefings-statements/support-president-trumps-decision-recognize-jerusalem-israels-capital/, (Accessed on January 24, 2019).

[189] "SG/SM/18814: Secretary-General Calls Jerusalem 'a Final Status Issue' That Must Be Resolved through Direct Talks, Stressing There Is No Alternative to Two State Solution", United Nations, https://www.un.org/press/en/2017/sgsm18814.doc.htm, (Accessed on January 25, 2019).

meeting.[190] Similarly, the U.K. Prime Minister Theresa May released a statement in which she said, "We disagree with the U.S. decision to move its embassy to Jerusalem and recognize Jerusalem as the Israeli capital before a final status agreement."[191] German Chancellor Angela Merkel asserted in a tweet after the announcement of the decision that the German government "does not support this position because the status of Jerusalem can only be negotiated within the framework of a two-state solution."

French President Emmanuel Macron called the U.S. move "regrettable" and called for efforts to "avoid violence at all costs," asserting "the attachment of France and Europe to the two-state solution, Israel and Palestine living side by side in peace and security…"[192] The French position was reinstated numerous times, including when French Minister of Europe and Foreign Affairs Jean Yves Le Drian made a statement following the opening of the embassy in Jerusalem in which he said "France disapproves of the American decision to transfer the United States embassy in Israel from Tel Aviv to Jerusalem, as President Macron has reaffirmed on several occasions. This decision contravenes international law and in particular the UN Security Council and General Assembly resolutions." The minister continued saying that "international law is unambiguous on the status of Jerusalem: it must be determined through negotiations, like all internationally agreed parameters, in order to achieve a just and lasting solution, namely with two states living side by

[190] "Statement by HR/VP Federica Mogherini on the announcement by US President Trump on Jerusalem", European Union External Action, https://eeas.europa.eu/headquarters/headquarters-homepage/36910/statement-hrvp-federica-mogherini-announcement-us-president-trump-jerusalem_en, (Accessed on January 25, 2019).

[191] "PM statement on US decision to move embassy to Jerusalem: 6 December 2017", United Kingdom Government Digital Service, https://www.gov.uk/government/news/pm-statement-on-us-decision-to-move-embassy-to-jerusalem-6-december-2017, (Accessed on January 25, 2019).

[192] "Macron Says Trump's Jerusalem Move 'Regrettable' as France Warns Citizens", *The Local*, December 7, 2017.

side in peace and security, with Jerusalem the capital of both states. This is what the law says and this is the purpose of our efforts to promote peace in the Middle East."[193]

On December 22, 2017, days after the Trump's announcement, the United Nations General Assembly (UNGA) voted on the "status of Jerusalem." Turkey and Yemen had presented the draft resolution A/ES-10/L.22 on behalf of the Arab group of countries and the Organization of Islamic Cooperation (OIC). The majority of member states –128 countries– voted in favor of the resolution while 9 voted against, 35 abstained, and 21 did not attend. The resolution reaffirms the UNGA and the Security Council's previous relevant resolutions, rejects the U.S. decision, and "affirms that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void…"[194]

Correspondingly, the Arab League Summit held in Dhahran on April 15, 2018, concluded by affirming "the illegality and illegitimacy of the U.S. decision to recognize Jerusalem as capital of Israel, and categorically reject[ed] recognition of Jerusalem as the capital of Israel, whereas East Jerusalem will remain the capital of the State of Palestine; and warn[ed] of taking any actions that would alter the current legal and political status of Jerusalem which shall result in serious implications on the entire Middle East."[195]

[193] "International law unambiguous on Jerusalem status – Minister", Embassy of France in Reykjavik, Iceland, https://is.ambafrance.org/International-law-unambiguous-on-Jerusalem-status-Minister, (Accessed on January 25, 2019).

[194] "A/ES-10/L.22: Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory", United Nations General Assembly, https://undocs.org/en/A/ES-10/L.22, (Accessed on January 27, 2019).

[195] "S29/(18/04)/39-D (0202): Dhahran Declaration", The Council of the League of Arab States at the Summit Level, http://www.lasportal.org/ar/summits/Documents/%D8%A7%D9%84%D8%AA%D8%B1%D8%AC%D9%85%D9%87%20%D8%A7%D9%84%D8%A7%D9%86%D8%AC%D9%84%D9%8A%D8%B2%D9%8A%D9%87%20%D9%84%D8%A7%D8%B9%D9%84%D8%A7%D9%86%20%D8%A7%D9%84%D8%B8%D9%87%D8%B1%D8%A7%D9%86.pdf, (Accessed on January 25, 2019).

In addition, Turkish President Recep Tayyip Erdoğan, as the OIC term president, called for an extraordinary meeting in Istanbul that convened on May 18, 2018, to discuss the U.S. position on Jerusalem and the bloody developments in Palestine (i.e. the massacre of the Great Return March). The OIC meeting embraced the Dhahran Declaration and reiterated the rejection of the illegal decision of the president of the United States to recognize al-Quds as the so-called capital of Israel, the occupying power; rejected the decision as legally null and void, and in violation of international legitimacy resolutions; and considered it an assault on the historical, legal, natural and national rights of the Palestinian people and a deliberate attempt to undermine all peace prospects, threatening international peace and security. The OIC members condemned the inauguration of the U.S. embassy in al-Quds and considered it an act of provocation and hostility against the Muslim Ummah, Palestinian national rights, and a flagrant violation of international law and an assault on the international order, including the UN, that further emboldens Israel, the occupying power, to step up its illegal and criminal actions against the Palestinian people.[196] The final communique of the Istanbul summit also "reaffirm[ed] our position that al-Quds shall remain the eternal capital of Palestine and that the inauguration of the U.S. embassy in al-Quds neither alters the legal status of the occupied City, nor legitimizes its illegal annexation by Israel, the occupying power."[197]

The Arab League's ministerial meeting held in Cairo on February 1, 2018, adopted Resolution 8222 under the title "Arab Moves to Counteract U.S. Administration Decision on Jerusalem." De-

[196] "Final Communique of the Seventh Extraordinary Islamic Summit Conference in Response to the Grave Developments in the State of Palestine", Republic of Turkey Ministry of Foreign Affairs, http://www.mfa.gov.tr/olaganustu-iit-zirvesi-nihai-bildirisi.en.mfa, (Accessed on January 28, 2019).

[197] Ibid.

spite the overlapping of several detailed points in the document, most of the document reaffirms the previous position of Trump's announcement and reestablishes what was stated after the decision. Moreover, the document "reaffirms adherence to peace as a strategic option and to the resolve of the Arab-Israeli conflict pursuant to the Arab Peace Initiative of 2002." It indirectly indicates the rejection of the "deal of the century" as it states that "peace with Israel and normalization of relations have to be preceded by an end to its occupation of the Palestinian and Arab territories occupied since 1967, recognition of the State of Palestine and the inalienable rights of the Palestinian people, *inter alia*, the right to self-determination and the right of return and compensation for the Palestinian refugees and a just solution to their question according to the Arab Peace Initiative of 2002 and General Assembly Resolution 194 (1948); as well as rejection of any deals or initiatives to resolve the conflict contrary to the international terms of reference of the Middle East Peace Process."[198]

In most of its points, the resolution expresses positions and supports the official Palestinian pursuits, especially the international recognition of the State of Palestine. However, the document lacks the suggestion of certain Arab moves that may pressure the U.S. administration or the international community, instead calling for action with international actors to establish an international multilateral mechanism, under the umbrella of the United Nations to sponsor the peace process, including the call for the convening of an international conference to relaunch a credible time-bound peace process, on the basis of international legitimacy resolutions,

[198] "C01/E(18/02)/16-R(0113): Arab Moves to Counteract U.S. Administration Decision on Jerusalem", The Council of the League of Arab States, http://www.lasportal.org/ar/councils/lascouncil/Documents/%D8%AA%D8%B1%D8%AC%D9%85%D8%A9%20%D8%A7%D9%84%D9%82%D8%B1%D8%A7%D8%B1%20208222.pdf, (Accessed on January 28, 2019).

the principle of land for peace, and the two-state solution on the borders of June 4, 1967.[199]

Nonetheless, it "emphasizes the right of the Palestinian people to exercise all forms of anti-occupation struggle in accordance with the provisions of international law, including the people's peaceful resistance and mobilization of the necessary supportive Arab endeavors."[200] The document disregards the question of normalization with the occupation and underlines that the boycott of the Israeli occupation and its colonial regime is one of the most viable and legitimate means of resistance, termination, and enforcement of the two-state solution and the peace process. It calls upon all states, institutions, enterprises, and individuals to boycott and to stop all forms of transactions with the Israeli colonial occupation regime and its illegal settlements on the occupied Palestinian territories, *inter alia*, banning import of or investment in their products, either directly or indirectly due to their violation of international law, and to continue cooperating with international bodies to establish the database of enterprises dealing with Israeli settlements, pursuant to relevant Human Rights Council resolutions.[201] What is noteworthy is that the Dhahran Summit, known as the "Jerusalem Summit" which was held two months after the ministerial meeting that resulted in Resolution 8222, did not mention the document in its declaration.

## THE FOUNDATION OF THE OFFICIAL ARAB POSITIONS

The foundation of the Arab positions about the Trump's decision regarding Jerusalem and the relocation of the U.S. embassy is cen-

[199] "C01/E (18/02)/16-R (0113): Arab Moves to Counteract U.S. Administration Decision on Jerusalem", The Council of the League of Arab States.

[200] Ibid.

[201] Ibid.

tered on the following elements: the rejection of the decision and the assertion of its illegitimacy and confliction with the "peace process"; the refusal to recognize Jerusalem as Israel's capital and the insistence that East Jerusalem shall remain the capital of Palestine; the emphasis of the importance of complete and permanent peace in the Middle East as a strategic option and commitment to the 2002 Arab Peace Initiative; the increase of the number of states opposing the U.S. decision and keeping other states from following suit; and the call for expanding international recognition of the State of Palestine and East Jerusalem as its capital.

What is made apparent from the foundations of the common Arab position is that they do not give the impression of subscription to the critical and provocative nature of the U.S. action. The official Arab positions were consistent in their discourse, e.g. the commitment to peace as a strategic option, the use of diplomatic terminology, and the maintenance of a calm disposition. This was what Secretary General of the Arab League Ahmed Aboul Gheit referred to in his opening speech in the February 2018 ministerial meeting when he mentioned the "long-term" action in dealing with the implications of the U.S. decision.[202]

The foundations of the Arab positions do not include any definite procedures or practical measures for punishment, protest, or even escalation with the United States, such as the withdrawal of Arab ambassadors from Washington or the suspension of communication with the U.S. administration for example, except for the position of the Palestinian Authority (PA) which rejected the U.S. sponsorship of negotiations, which had come to a halt many years

[202] *Kalimat al-ijtimaa' al-musta'naf li majlis jami'at ad-duwal al-'arabiya 'ala al-mustawa al-wizari fi dawratihigheir al-'adiyahawli'lan al-wilayat al-mutahida al-amrikiai'tirafihabilquds 'asima la dawlat al-ihtilal al-isra'iliwanaqlsafaratihailayha* ["The speeches of the resumed extraordinary ministerial Arab League meeting regarding the United States' announcement of its recognition of Jerusalem as the capital of Israel and the relocation of its embassy"], (Cairo: 2018), p. 11.

ago anyway. Rather than outdoing the measures taken by international organizations, the official Arab response merely reiterated the initial positions. In contrast, the extraordinary Islamic summit in Istanbul included practical steps like taking a stance against any countries that follow Washington's suit and relocating their embassies to Jerusalem as well as other punitive or cautionary measures against any states, institutions, or officials that may recognize Jerusalem as Israel's capital[203] –without direct pressure on the United States itself. What is taken into account is that the Islamic summit convened only four days after the opening of the embassy in Jerusalem and the massacre carried out by the Israeli army in the Gaza Strip, causing a global uproar.

The official Arab positions, like their European counterparts, refrained from making any straightforward statements regarding the fact that the U.S. decision substantively undermined the political settlement based on the Madrid Conference of 1991, the Oslo Accords, and the Middle East Quartet. They merely warned against violating the foundations and determinants of the settlement but continued to stress their commitment to the Arab Peace Initiative. Official Arab parties do not seem to want to acknowledge the collapse of a project they have preached about for nearly three decades and that has been considered the only Arab strategic option because doing so would create a void and signify the failure of their approach. This would then create the need for alternative options, like an uprising, resistance, armed struggle, and the imposition of deterrent action against the Israeli occupation, that conflict with official Arab orientations including those of the PA itself.

In addition, the abundance of common indications in the media of the disparity between the official Arab positions and the

[203] "Final Communique of the Seventh Extraordinary Islamic Summit Conference in Response to the Grave Developments in the State of Palestine", Republic of Turkey Ministry of Foreign Affairs.

content of the political communication of high-level Arab officials was striking. What furthers the importance of these indications is that Trump's decision does not seem to have had a negative impact on the Arab relations with the United States or even on the normalization of the Arab relations with Israel. It is critical, therefore, to understand how international and regional parties, particularly Israel and the United States, interpreted the Arab positions against Trump's decision. In this regard, one must also take into account the messages sent by the Israeli media to give the impression that the U.S. move was not met with any substantial opposition by the Arab capitals, regardless of the credibility of these messages.

Irrespective of the credibility of what is revealed in numerous media reports, the official Arab positions on the Jerusalem dossier and the Palestinian issue in general involve a complex dilemma that is exposed by the comparison between some of the official and unofficial statements and their connotations behind the scenes and the normalization of relations between some Arab capitals and Israel through explicitly friendly gestures.[204]

Previous estimates that prevented the U.S. administrations - prior to that of Trump - from taking a step such as this included concerns regarding the potential wave of public anger moving the American embassy to Jerusalem may cause and the political effects it may have on the course of the "peace process." What was seen after Trump's decision in December 2017 and the relocation of the embassy in May 2018 is that angry protests throughout the Arab and Muslim world did in fact erupt but retreated within a number of days and did not prompt any substantial reactions or political responses. The PA itself did not appear to want another uprising/intifada in the West Bank and remained committed to security arrangements with the Israeli apparatuses, which likely

[204] As seen during the visits of key Israeli officials including Netanyahu to Gulf capitals and in some of the gestures made during the February 2019 Warsaw Conference.

restricted the chances of resurrecting public demonstrations pressuring the occupation in light of the constraints already imposed by the Israeli authorities. However, in the Gaza Strip, the Great Return March was able to create a momentum and overtook the opening of the U.S. embassy in Jerusalem, especially with the massacre carried out by the Israeli army against the peaceful protestors on the same day, May 14, 2018, which also marked the 70th anniversary of the Nakba.

Although Trump's decision was, as expected, met with Palestinian, Arab, and Muslim rejection, international opposition, and popular anger prompting public protests and demonstrations all over the world, the Arab and Islamic criticisms of and opposition to the U.S. move did not result in serious measures or "punitive" procedures except for the warning of other states against following the footsteps of the United States and the announcement of the PA of its refusal of the U.S. sponsorship of negotiations with Israel, which halted years ago anyway.

Many Arab remarks were critical of the "weak reactions" of the Arab states after the announcement of the decision including the statement of Iraqi Foreign Minister Ibrahim al-Jaafari on December 10, 2017, in which he lamented "the weakness of the Arab decision because it was below the required level and did not rise to the size of the threat facing" the Holy City (Jerusalem) and "called on the Arab countries to take more political and economic measures that would protect Jerusalem."[205]

## THE CONTEXT OF THE DECISION

The U.S. decision on Jerusalem came with changes in the U.S. policy towards the Palestinian-Israeli issue that had already been

[205] "FM reserves on the decision of the Arab foreign ministers regarding al-Quds", Iraqi Ministry of Foreign Affairs, https://www.mofa.gov.iq/en/news/22570/fm-reserves-on-the-decision-of-the-arab-foreign-ministers-regarding-al-quds, (Accessed on January 28, 2019).

anticipated in the Trump era for he had been clearer than any of his predecessors about his bias towards Israel during his election campaign. The decision followed years of stumbling negotiations between the PA and Israeli governments and an impasse in any prospective political settlement, which led to the continuation of the transitional stage of the Oslo Accords and prevented agreement regarding the final status. Jerusalem was considered the main challenge in the negotiations, which essentially resulted in the collapse of the Camp David negotiations between the Israelis and the Palestinians in the summer of 2000 and led to the Al-Aqsa Intifada at the end of September of the same year.

While the occupation exacerbates in the West Bank, the Judaization of Jerusalem accelerates and the de facto occupation of Area C (based on the Oslo Accords), which is of strategic value, is brutally being imposed, the PA wagers on international organizations, the strengthening of the legal status of Palestine, and the pursuit of Israeli occupation in international courts. However, the wager has yet to bear any substantial fruit, while the PA's ability to undertake the international legal pursuit of Israel and the seriousness of the repercussions, pressure, and punitive measures by the latter are questionable. Nonetheless, the PA still rejects the options of another intifada and the resumption of armed struggle. This indicates the chronic impasse the PA is in and the weakness of the options it has in confronting the occupation of Eastern Jerusalem and the West Bank, which impacts its ability to confront the Trump administration's decisions.

It does not help that the U.S. decision was issued during a moment of political weakness for the Palestinians and the decline of the prioritization of the Palestinian issue in the official Arab scene. The chronic impasse that afflicts Arab common action has worsened, especially with the emergence of newer setbacks like the Gulf crisis that began in May 2017; the continuation of various crises in

Arab relations; wars and conflicts; and the clash with Iran. These setbacks and increasing internal and regional crises in the Arab political and media rhetoric gave the impression of a rearrangement of the map of alliances serving the interests of Israel.[206]

There is another context to the Trump decision represented in the reality on the ground in Jerusalem where Israeli endeavors center around forcibly changing the city's identity, landmarks, and demography. This gives the decision a great deal of importance particularly to Israel in its pursuit of determining the city's future and excluding the city from negotiations in order to establish its status as the "eternal, unified capital" of Israel. Successive Israeli governments adopted persistent settlement policies and increased pressures on the Palestinian demographic component of Jerusalem in order to change the essential demography of the city, especially in the eastern part. Difficult and unjust conditions were imposed on the lives of the Jerusalemites but were not successful overall in definitively clearing East Jerusalem of Palestinian presence.

Grave and challenging situations in Jerusalem have uncovered the ability of Jerusalemites to create momentum and overcome the will of the occupying government, straining coercive measures affecting the city. This was evidenced, for example, by two historical events: the 2017 Lions' Gate uprising, which unveiled a great deal of popular rejection of the occupation and the latent effectiveness of the Palestinian popular force that remains sustainable in the face of the occupation; and the 2019 Gate of Mercy uprising. The occupation faces difficulties in its efforts to uproot the Palestinians from certain areas in Jerusalem and the West Bank, as shown by the inhabitants of the Bedouin village

[206] "Benjamin Netanyahu: Arab States Agree with Me", *CNN*, January 27, 2018.

of Khan al-Ahmar[207] who clung to it despite the miserable living conditions imposed on them by the occupation in its unwavering effort to uproot them. Khan al-Ahmar exposed the two sides of the coin in the reality on the ground in Jerusalem between the sway of the occupation and the popular Palestinian insistence on challenging it and their relative ability to hinder it.

The Palestinian popular conditions on the ground in Jerusalem and the West Bank remain a factor that cannot be ignored due to its ability to shock the occupation and its supporters, especially with the experiences of the last intifada and popular resistance and demonstrations. Into the bargain is Jerusalem's potential ability to elicit Arab and Islamic public anger that could curb any impulses intending to reinforce occupation in Jerusalem due to its distinguished position in Arab and Islamic hearts and minds.

## THE DIMENSIONS OF THE DECISION

The U.S. decision regarding Jerusalem has dimensions that surpass the city and its importance, for it resulted very clearly in the Trump administration's resolution of dossiers pertaining to the Palestinian-Israeli issue in accordance with the "deal of the century." It also portrayed Washington's great bias towards the Israeli position regardless of the consequences it will have on the balance of the conflict.

The decision also surpassed the terms of the Quartet and the traditional rhetoric for political settlement since the Madrid Conference and the Oslo Accords. This is what referred "the fate of Jerusalem" to "final status negotiations." The Trump administration's move may essentially signify the exclusion of Jerusalem from the negotiations and settle its subordination to the occu-

[207] "Project Uprooting and Exacerbation of Apartheid: The Issue of the Red Khan", The City of al-Quds, http://alquds-online.org/items/1119, (Accessed on January 28, 2019).

pation in one form or another without the partial or symbolic apportionments of East Jerusalem to future Palestinian presence through subsequent procedural arrangements or negotiations. Thus, the decision signifies Trump's disengagement with the two-state solution called for by the Quartet, which explains the EU's rejection despite the indecisiveness of the Central and Eastern European capitals that suggest that they too may relocate their embassies to Jerusalem.

Besides, the decision does not appear to be isolated from other decisions and steps the Trump administration has taken concerning the Palestinian-Israeli issue such as the reduction of the U.S. aid to the United Nations Relief and Works Agency (UNRWA), which caused the agency an unprecedented financial crisis; the attempt to impose a partial definition of Palestinian refugees that does not include their descendants; complacency with and participation in settlement expansion; the expansion of the U.S. administrations' criminalization of the Palestinian resistance both within the United States and internationally; decreasing funding for the PA and stipulating that the families of martyrs and prisoners receive nothing; attempting to establish the "Judaization of the state" with the passing of the discriminative Knesset basic law, "Israel as the Nation-State of the Jewish People," of 2018.

Ahmed Aboul Gheit touched on this complex orientation, explaining, "We have all observed indications that the issue is not solely about Jerusalem, but also the U.S. position on the final status overall and the extent of the [United States'] commitment to the two-state solution as a method of ending the conflict between the Israelis and the Palestinians. We have followed, with great concern and distress, the U.S. decision to reduce its contribution to the UNRWA's budget by 65 million dollars, notwithstanding the fact that its contribution comprises a third of the agency's budget. It

is no secret that this approach poses a threat to the refugee issue, which is one of the main issues of the final solution."[208]

In addition to this problem, the United States' insistence on encouraging the Arab, especially the Gulf, normalization with Israel was made very clear during the Warsaw Conference (February 2019), which was under direct U.S. auspices and attended by Netanyahu and many Arab officials. These developments and positions, in their entirety, suggest that the U.S. administration during the Trump era seeks to unilaterally impose its approach to the Palestinian issue as a reality and, in doing so, supersedes the terms of the "peace process" and the Quartet as well as the conventions of the U.S. sponsorship of negotiations.

Washington's decision was the clearest declaration of this new orientation, but Washington waited to present the "deal of the century" despite the previous messages it relayed regarding its intention to initiate it on different occasions. This implies that the Trump administration is facing difficulty in introducing its project openly, officially, and thoroughly as an all-in-one package due to considerations such as the absence of a Palestinian party willing to accept it; expected Palestinian and Arab opposition; the sensitivity of the project to neighboring countries, especially Jordan; and the possibility of unwillingness on the part of Arab capitals close to Washington to receive the deal in the absence of a Palestinian cover and Arab alignment with them.

Because the "Deal of the Century" was not publicized clearly as a complete package, the concerted steps and positions give the impression that the United States basically seeks to impose at least

[208] *Kalimat al-ijtimaa' al-musta'naf li majlis jami'at ad-duwal al-'arabiya 'ala al-mustawa al-wizari fi dawratihigheir al-'adiyahawli'lan al-wilayat al-mutahida al-amrikiai'tirafihabilquds 'asima la dawlat al-ihtilal al-isra'iliwanaqlsafaratihailayha* ["The speeches of the resumed extraordinary ministerial Arab League meeting regarding the United States' announcement of its recognition of Jerusalem as the capital of Israel and the relocation of its embassy"], (Cairo: 2018), p. 11.

some of the features of the endeavor partially or gradually as shown by the Jerusalem, refugee, and settlement dossier; the explicit supersession of the terms of the two-state solution; and Arab-Israeli normalization that does not stipulate the solution of the Arab-Israeli conflict based on the Peace Initiative, which was illustrated by the positions of subsequent Arab summits. In fact, the normalization is escalating despite the continuance of the occupation and apparently without consideration of the Palestinian issue.

Through its furtherance of this approach, the United States imposes a challenge to the Palestinian arena that appears to be subject to political and financial pressures, the instability of an official Arab sponsor, and the increasing preoccupation of certain Arab states with normalization with Israel. Exacerbating this predicament is the internal division in the Palestinian political arena that separates the leaderships of Ramallah and Gaza. Although they both oppose the "Deal of the Century," the latter have not developed a uniting Palestinian strategy of confrontation. All the efforts to unify the Palestinian position and create a unifying national consensus and a single government have stumbled, which further complicates the situation while also preventing the availability of a prospective Palestinian partner to the "deal" in order to eliminate the possibility of an internal Palestinian consensus on it.

## FACTORS AND DETERMINANTS OF THE ARAB POSITIONS

It is obvious that official Arab positions on the U.S. decision regarding Jerusalem were not formed in isolation of the following factors and determinants. The first is the position of each Arab state in general towards the Palestinian-Israeli issue, and the relative exclusiveness of its positions. The second factor is the particularity of the concerned state's relations with the United States in general and the Trump administration in particular, including whether the state

is dependent on U.S. financial support or whether there are alliance or defense ties.[209]

Third, the Arab state's approach to the publicized normalization and confidential communication and meetings with Israel; any escalation in the response to the U.S. step regarding Jerusalem does not appear consistent with the Arab capitals' approach to the normalization that was exhibited before the decision and whose practical steps followed it. What is significant in this regard is that this perpetual normalization is not a tactical option but a symbol of a political course that is based on a certain logic and has a certain rhetoric which may surpass the Arab prioritization of the Palestinian-Israeli issue and its dossiers for the sake of strengthening ties with Israel without any moral reservations.[210]

The general orientation of the Arab positions and the extent of its cohesion in the face of the decision, which either raise or lower expectations; this also applies to Islamic countries that may encourage the position of the Arab state in question. The Palestinian position, particularly that of the PA, on the dossier, as it remains a factor behind the official Arab positions; however, the Arab satisfaction with the mere announcement of support for the official Palestinian position and its efforts show a dependent and lax response that denies obligations that are expected to be fulfilled by the Arab state. What exacerbates the resulting predicament is the

[209] For example, Cairo and Washington have had distinct relations since the 1979 Camp David Accords, the rise of Egyptian Defense Minister Abdelfattah al-Sissi to power after defeating the democratic experiment, and the Saudi leadership's narrow margins of discretion after the October 2018 Khashoggi murder case.

[210] Omani Foreign Minister Yusuf bin Alawi bin Abdullah illustrated this during his participation in the Manama Dialogue on October 27, 2018, stating "Israel is one of the countries in the region… Maybe it is time that Israel had the same privileges and duties as other countries." He added, "Our priority is to put an end to the conflict and move to a new world," and that "Oman is relying on the United States and efforts by President Donald Trump in working toward the 'deal of the century'." Retrieved from: Katie Paul, "Oman Says Time to Accept Israel in Region, Offers Help for Peace", *Reuters*, October 27, 2018.

limitedness of the PA's options for facing the increasing challenges afflicting the Palestinian-Israeli issue.

The level of escalation on the ground in Palestine, as the severity of developments exemplified in popular uprisings and the Israeli military campaigns affects the official Arab positions to some degree. In this regard, the developments that involved the Great Return March and the massacre carried out by the Israeli army combined with the global reactions seem to have impacted the extraordinary OIC meeting in a way that relatively overtook the Arab summit in Dhahran. Furthermore, the outbreak of the al-Aqsa Intifada and the resulting brutal Israeli military campaigns led to the curbing of the wave of extensive normalization that had begun between a number of Arab countries and Israel in the second half of the 1990s.

The general direction of international positions towards the U.S. decision that, for a whole year, appeared isolated and did not coincide with the positions of important capitals; in fact, what lightened the impact of the decision was its unilaterality and the reluctance of the European and Western countries to adopt it as well as its relative isolation in international organizations as shown by the UNGA's vote. The impact of certain domestic and regional issues, crises, and tensions coupled with the relative decline of the Palestinian-Israeli issue as a priority in the Arab arena and the rise of new priorities on the map of conflicts and disputes including Syria, Iraq, Yemen, Libya, and tensions with Iran. The status and influence of the state within the Arab scene; here, we refer to the relative weight of the Egyptian and Saudi positions, for example, in the absence of the past roles of Iraq, Syria, Libya, and Yemen.

The level of general popular interplay with the Palestinian-Israeli issue in general and the Trump decision in particular in the concerned Arab state as well as the Arab and Muslim world, which Arab decision makers must take into consideration; the decision

prompted anger in Arab and Muslim societies that was expressed through protests and public events in some countries as well as on social media. However, this interaction included only some Arab countries due to the permission or the lack thereof of popular demonstrations and protests by authorities, and was short-lived, thus weakening its impact especially with the lack of serious political will throughout the Arab world to confront the decision or pressure Israel.

The level of domestic democracy; parliamentary life; public, political, and media freedoms; and the effectiveness of civil society in the Arab state; the absence of these elements limit the state's margins of discretion. Furthermore, Kuwait and Jordan, for example, have shown the effect of having a parliamentary life, active political parties or groups, and an active civil society. This was evidenced by their reactions to the Trump decision as well, which allowed for the integration of popular and official positions and alleviated the state or the political regime from full accountability.

## ARAB POSITIONS ON THE PALESTINIAN-ISRAELI ISSUE AND THEIR IMPACT ON THE INTERPLAY WITH TRUMP'S DECISION

There is no doubt that the U.S. decision stirred the general moral position of the Arab states towards the Palestinian issue even if it had experienced various changes[211] and relative demotions. However, in recent years, especially since Trump's election to presidency, there have been transformations in the Arab scene that exceeded expectations. These include the rapid transformations in the Saudi approaches to certain domestic and regional dossiers and the effects

[211] Jeffrey Goldberg, "Saudi Crown Prince: Iran's Supreme Leader 'Makes Hitler Look Good'", *The Atlantic*, https://www.theatlantic.com/international/archive/2018/04/mohammed-bin-salman-iran-israel/557036/, (Accessed on January 28, 2019). See also: "Israeli Evangelical Leader Reveals What MBS Told Him in Historic Meeting", *Middle East Observer*, https://middleeastobserver.net/israeli-evangelical-leader-reveals-what-mbs-told-him-in-historic-meeting-english-subs/, (Accessed on January 28, 2019).

on the Gulf and the Arab spheres caused by Riyadh's regional influence. According to visitors, delegations, and third parties, Riyadh has made several manifestations suggesting a fundamental change in regional policy orientation. Furthermore, the media rhetoric has redrawn the map of potential "enemies and allies" in a way that suits Israel, which is why the latter has been "heralding" a Gulf and Arab transformation in its favor on the basis that "Iran is a common enemy" – the same basis that was used as a justification for the Warsaw Conference.

Meanwhile, Egypt has maintained relatively close ties with Israel, but it is an Arab state that has had fixed peace agreements with the latter aiming to produce various strategic and political strategies for over four decades. This protects its role in the Palestinian arena and its relations with parties to the Palestinian scene, including the PA and Hamas. Additionally, the Palestinian-Israeli issue has traditionally been among the priorities of Egyptian national security, especially due to geographic proximity. Among Cairo's challenging dossiers is the possibility of the supersession of its regional role through the establishment of direct Gulf and Arab relations with the Israelis; the impact of the new U.S. orientations on the tension in Palestine that may potentially lead to an intifada or confrontations with regional repercussions; and the consequences of the "deal of the century" on Egypt, especially in regards to the future of the Gaza Strip.

Jordan, however, will remain directly concerned with the Palestinian-Israeli issue from numerous standpoints given the relative overlap of the ties and fates of the west and east banks of the Jordan River. Depending on the Jordanian role in Jerusalem, which includes the endowment management of al-Aqsa Mosque and the symbolic custodianship of the holy sites, the collapse of the two-state project concurs with the Palestinian and Jordanian concerns about the "alternative homeland" endeavors traditionally promoted

by the Likud under the leadership of Netanyahu and the rightist Israeli parties. Although it does not seem rational that the "Deal of the Century" would supersede the Jordanian and the Palestinian roles, Amman's official and covert positions reveal a cautiousness towards the United States' approach to the Palestinian-Israel issue. After the announcement of the decision, Jordan witnessed staggering public demonstrations opposing the former under what seemed like implicit official sponsorship. Later, King Abdullah II announced that his country is paying the price for its position,[212] citing the ensuing exacerbating economic difficulties that commentators interpreted as the blocking of support for Amman because of its reception of the "deal" and as a way to pressure it to change its position on Jerusalem.

Overall, this case revealed the limitedness of the United States' ability to impose its project regarding the Palestinian-Israeli issue due to the absence of the necessary receptiveness on the part of regional parties as well as the challenge of securing an international cover for it. However, the case also revealed the economic cost inflicted on the PA and Jordan as direct or indirect pressure.

## PALESTINIAN AND ARAB INTERPLAY WITH THE EUROPEAN AND INTERNATIONAL POSITIONS

The Arab positions moved within an Islamic and international context opposing the U.S. move, which was made clear in the OIC meeting and by the positions of the EU, the African Union (AU),

[212] Mahmoud Al Abed, "Jordan Paying Economic Price for Its Unrelenting Political Stands –King", *The Jordan Times*, January 31, 2018. See also, in a meeting with journalists in Amman in June 2018, King Abdullah II said, "The regional impact and our regional political positions have affected the kingdom, not to mention that the role Jordan plays does not please everyone –and this is one of the challenges we are faced with." Many, including Jordanian writer and political analyst Fahad al-Khitan, who attended the meeting and made statements about it, interpreted the king's allusion as pertaining to the pressure to impose the "Deal of the Century" and the punitive measures taken against Jordan for its position on Jerusalem. Retrieved from: Moaz Freihat, "Does Jordan Pay for Its Regional Positions", *Al Hurra*, June 5, 2018.

and other international bodies as well as the UNGA's meeting. Ultimately, the U.S. position was unaided and isolated by the international community to a great degree and opposed the positions of previous U.S. administrations. Despite official Arab criticism and Arab and Muslim action, the official Arab reaction did not entail any substantial practical measures to confront the decision, even if there was mention of punitive measures against states that expressed willingness to relocate their embassies to Jerusalem.

It appears that the PA was not interested in or ready for the angry public reactions or the encouragement of popular let alone armed resistance following the announcement of the decision although it suggested during the Arab League's ministerial meeting a clause in favor of the Palestinian people's right to exercise anti-occupation struggle and popular resistance based on international law. (This clause was issued in the document of the Arab League's Resolution 8882 entitled "Arab Moves to Counteract U.S. Administration Decision on Jerusalem.") On the ground, however, Palestinian President Mahmoud Abbas has tenaciously rejected the option of another intifada for years, unlike former president Yasser Arafat who had encouraged it as an alternative to negotiations after the failure of Camp David in 2000 and the intensification of Israeli provocation in al-Aqsa Mosque. In fact, the al-Aqsa Intifada broke out with the participation of the PA and Fateh; and field developments carried on for years even after the mysterious death of Arafat.

However, after the announcement of Trump's decision and all that it entails, the PA and certain Arab parties wagered on the restoration of balance in international positions towards the decision and the Palestinian-Israeli issue. This was portrayed in repeated futile attempts to persuade Europe, which remained committed to the terms of the Quartet and the two-state solution, to play a more efficient role and take on international leadership indepen-

dent from the United States through a multilateral mechanism for managing negotiations under the cover of the UN.[213]

It was apparent that the EU and active European parties' abstention from following Washington's position does not mean that Europe is interested in embarking on an escalatory confrontation with the decision or even addressing the Trump administration's policy towards the Palestinian issue directly. The European consensus about the rejection of the U.S. move, as shown by the December 2017 foreign affairs meeting whose outcomes Netanyahu tried to influence, does not imply that Europe or the centers of European foreign policy's influence are keen on escalating with Washington. The most that can be expected is a calm and calculated opposition that avoids clashes with the U.S. policy. Europe maintained its approach up to the Warsaw Conference which saw the absence of the UN and the symbolic, or modest, attendance of the EU. The irony is that the Arab attendance was unprecedently vast and encompassed friendly gestures of normalization in spite of the fact that the conference was at the level of foreign ministers and included Netanyahu as the foreign minister of his government.

This generally demonstrates that the European position contributed to the U.S. policy's deprivation of a sufficient international cover, especially with the absence of a Russian and Chinese cover. However, that does not mean that Europe is ready to provide a safety net to the Palestinian-Israeli issue in the long run or compensate for the U.S. disregard for the two-state solution, especially with the increase of attempts to impose occupation on the ground and the Trump administration's efforts to introduce endeavors to eliminate the Palestinian-Israeli issue altogether through the "deal of the century." Also, the various discrepancies

[213] "President Abbas Calls for Holding International Peace Conference, Multilateral Mechanism to Sponsor Negotiations", WAFA (Palestinian News and Info Agency), http://english.wafa.ps/page.aspx?id=7crxNEa108560754192a7crxNE, (Accessed on March 25, 2019).

and tensions between the U.S. and the EU, or between certain capitals, regarding different dossiers forced the Europeans to refer back to their direct interests in the perturbed relations with Washington such as mutual trade disputes based on the U.S. protective measures, military agreements within the North Atlantic Treaty Organization (NATO), and the U.S. withdrawal from the Paris Agreement on climate change, etc.

## REJECTION WITHOUT ESCALATION

Official Arab positions rejected Trump's decision but without escalating with Washington, thus giving the impression that the Arab states are not interested in confronting or clashing with the U.S. administration or even taking direct escalatory measures with Israel. As a matter of fact, several published press reports claim that there is preexisting willingness to accept the decision on the part of Arab states close to the United States, which concords with new regional alignments that include normalization with Israel. Despite the difficulty of verifying the accuracy of such claims, there was evidence prompting questions regarding the seriousness of some Arab positions criticizing Trump's decision.

Furthermore, ensuing developments indicated the formation of regional alignments during the publicized visits and meetings between the Gulf States and Israel, representing the highest wave of normalization since the mid-1990s. The Warsaw Conference also displayed an Arab - particularly the Gulf - alignment with Israel under the pretext of new priorities such as confronting Iran. It was obvious that the U.S. and Israeli leaderships are keen on reinforcing these courses to give the impression that the Palestinian-Israeli issue, including the issue of Jerusalem, is no longer a priority to the Arab states heading in this direction and that the worsening policies of the Israeli occupation on the ground in Jerusalem and the West Bank along with the murder of Palestinians in the Gaza Strip do

not prevent the new normalizing alignment and its friendly and intimate gestures.

Overall, what these developments confirm is that the U.S. decision, despite the criticism and opposition it was met with by Arab and the Gulf states, has not affected the relations between Arab capitals and Washington or normalization with Israel. In fact, the normalization has experienced a strong, albeit somewhat cautious, revival since the relocation of the embassy.[214] Nonetheless, the Gulf positions themselves do not seem consistent in the normalization approach as a series of Kuwaiti positions openly split from it notwithstanding the participation of the Kuwaiti deputy foreign minister in the Warsaw Conference. But these normalizing alignments do not require the readiness of the concerned Arab parties to subscribe to the United States' semi-opaque "Deal of the Century," especially in the absence of an endorsing Palestinian partner.

On the other hand, the official Arab positions have been relatively lax in their opposition and were outdone by other regional roles, as proven by the rapid Turkish response to the event and the positions of Iran, Malaysia, and Indonesia. Ankara was quick to call for an OIC meeting regarding this issue, reflecting the importance of Jerusalem and the Palestinian-Israeli issue to the Muslim world even if the meeting's outcomes did not meet expectations.

Although much rhetoric and various statements made by the Arab states, both individually and collectively, expressed the refusal to acknowledge Jerusalem as the capital of Israel and relocate their embassies, the Arab world continues to experience chronic internal criticism for its single, stereotypical reaction consisting of official speeches and statements and wagering on international resolutions, giving the impression that there are no alternative options and sig-

[214] The cautiousness is seen, for example, in concerted leaks concerning high-level Arab-Israeli meetings that have neither been confirmed nor denied, in the nature of the publicized official visits of Israeli visits to Gulf countries, and so on.

nifying weakness and indiscretion, or the decline of a political will that seeks to curb the policies and procedures of Israeli occupation.

The dilemma is not limited to the absence of practical measures that can pressure Israel and impact policies that support it but includes the inclination of Arab states to normalize relations with Israel despite their usual denunciation of its occupation policies and violations, thus exhibiting a duality that prompts suspicion and analysis. On the other hand, internal crises in the Arab world in recent years have indicated that rivalry and conflict between Arab countries sometimes extend to escalation, hostility, the utilization of direct methods of struggle, and various systematic punishments including military confrontation. This prompts suspicion regarding the seriousness of the official Arab positions, whose rejection of the Israeli occupation and policies endorsing it seems too lax in comparison.

## AFTER THE DECISION

The Trump administration paid no heed to preexisting warnings when it issued its decision and proceeded to acknowledge Jerusalem as Israel's capital and relocate its embassy. It virtually reneged on the declared terms of the "peace process" and the Quartet. That, however, is not all, for it took measures to exercise pressure on the Palestinian people such as reducing aid to the UNRWA; encouraging the Arab-Israeli normalization; and expanding the criminalization of Palestinian resistance on the international level, as was the case when it sought to pass a resolution condemning Hamas in the UNGA on December 6, 2018.

The Trump administration made a move that the previous U.S. presidents avoided. Through the decision, Trump effectively and practically undermined the process of political settlement of the Palestinian issue in accordance with the bases it was built on in the last decade of the 20th century, started a new era that supersedes

the process or recreates it on disordered bases, and overtook the two-state solution with the terms set by the Quartet during the presidency of George W. Bush.

It does not seem that the unilaterality of Washington's position will prevent it from making any more impulsive moves. What promotes this is that the Trump administration is still preparing to launch the "Deal of the Century," which is likely to be an attempt to eliminate the Palestinian-Israeli issue altogether as an alternative to the previous "peace process" in a manner that may supersede the international community endorsing the two-state solution in accordance with the Quartet.

As evidenced by the decision, the Trump administration's orientations are essentially overturning the "Middle East peace process" or rendering it futile after the conclusion of the issue of Jerusalem, one of the most important results of the negotiations. As a result, Trump's move caused a standoff for the parties concerned with the continuation of the Quartet's promises, the two-state solution, and the granting of hope to the Palestinian people for the future of the "peace" option and negotiations involving the EU and certain Arab states. The PA seems to be directly disadvantaged by the collapse of the Quartet's plan, which was supposed to render it an independent state whose capital is East Jerusalem.

The Trump decision caused a stir in the extensive settlement rhetoric. The concerned parties clearly did not find an interest in announcing the collapse of the "peace process" or the Quartet. As such, the EU, the Arab League, the PA, and certain Arab capitals continued calling for or depending on the "peace process" before the decision although the enforcement of serious negotiations and conclusive effective agreements would not happen without a decisive U.S. role.

What makes matters worse for the Palestinians is that the United States and Israel disregard the priority of resolving the Palestin-

ian issue that was presented in the Arab Peace Initiative as a stipulation for normalization. If anything, normalization is increasing especially with Gulf states while the Israeli government relentlessly inflicts occupation on the ground, including in Jerusalem, with the issuance of "Israel as the Nation-State of the Jewish People" just weeks after the relocation of the U.S. embassy.[215]

The nature of relations between the key Arab countries and the United States, particularly the Trump administration, do not give the impression that there is Arab political will to thwart Washington's endeavors or even a readiness to challenge its policies and decisions. This puts the Palestinian-Israeli issue in a vulnerable position without a capable supporter it can rely on to confront the great challenges of this period, especially with the abandonment of alternative options for negotiation. Indeed, the nature and axes of current regional alignments, or alignments in formation, ascribed by Israel and the Gulf rhetoric to the priority of "confronting Iran as a mutual enemy," based on new principles, only complicate the situation further.

[215] Hossam Shaker, "English the Knesset: A Parliamentary Vote to Occupy History and the Future", *MEMO (Middle East Monitor)*, https://www.middleeastmonitor.com/20180721-the-knesset-a-parliamentary-vote-to-occupy-history-and-the-future/, (Accessed on February 25, 2019).

# CHAPTER VIII

# THE STANCES OF GLOBAL POWERS ON THE RELOCATION OF THE UNITED STATES EMBASSY TO AL-QUDS (JERUSALEM)

MOHAMMAD MAKRAM BALAWI*

## INTRODUCTION

An efficient superpower is a clever superpower and one way of being so, is to minimize its enemies and increase the number of its allies and friends. Imposing its will on others is not the only practice to stay on the top of nations; in most cases a superpower concentrates power through negotiations with small powers, states and non-state actors, in order to cooperate rather than to contradict its policies.

The current president of the United States, Donald Trump, made a move to relocate his country's embassy to al-Quds (Jerusalem), which openly contradicts with the UNSC resolutions. He did not reflect enough on the implication of this decision on the image of his country which has invested a lot in building its soft power. Nor has he considered the destructive impact of his decision on the institutions that sustain the world order such as the United Nations, and that it might lead it, eventually, to crumble. Trump even ignored the concerns of his Arab, Muslim, and most importantly

* Dr. Mohammad Makram Balawi is a Palestinian writer and academic based in Istanbul, and the president of the Asia Middle East Forum.

European allies who already suffer from the backlash of corruption and instability in Africa and the Middle East in the form of waves of illegal immigrants crossing the Mediterranean. This might not only put tremendous pressure on the already worsening European economy, but also cause social and political reactions that will boost right-wing radicalism, and carry it into power, reminding Europeans of a bleak era of their history. Other global powers such as Russia and China did not endorse the American move either. Although their motives could defer, they seem to share the same concerns with rest of the world.

This article attempts to analyze and to understand the reactions of major global powers, namely the European Union (EU), the major EU countries, Russia and China, to the American move to transfer its embassy from Tel Aviv to al-Quds. It also tries to reveal the reasons behind their policies in some detail.

## 1. POSITIONS OF THE EUROPEAN UNION AND MAJOR EUROPEAN COUNTRIES

Although the European Union (EU) represents most of the European countries, still each state has its own foreign policy which might not necessarily match with the EU's declared international positions. Thus, it is deemed important to know the organization's position as well as the position of the major European countries such as Britain, Germany, and France, and those countries whose policies are different and more independent.

### THE POSITION OF THE EUROPEAN UNION

Donald Task, the president of the EU, declared in December 2017, that the position of the EU on the al-Quds issue remains unchanged. The EU is firmly committed to a two-state solution and the position of the Holy City is to be decided through negotiations between the Israelis and the Palestinians. The EU ambassador to Israel, Emanuele

Giaufret, in the same month, affirmed in an interview with the Israeli TV station Channel 7 that the EU embassy will remain in Tel Aviv. He stressed that the EU will not follow the example of U.S. President Donald Trump and will adhere to the UN resolutions in this regard, and that the fate of Jerusalem should be decided through negotiations between the Israelis and the Palestinians. Jerusalem, he said, is an important and a sensitive issue for all religions and has to be dealt with carefully. The EU has warned of the negative consequences of any unilateral steps to change the status of Jerusalem.[216]

## THE POSITION OF THE UNITED KINGDOM

One of the earliest British reactions on the relocation of the American embassy in Israel from Tel Aviv to Jerusalem, was indicated by the British Prime Minister Theresa May when she said in December 2017, that Britain "disagrees with the U.S. decision to move its embassy to Jerusalem and recognize Jerusalem as the Israeli capital before a final status agreement." The British spokesman confirmed by saying, "The British embassy to Israel is based in Tel Aviv and we have no plans to move it."[217] Britain, as it is declared, was not convinced to change its position on the way the Palestinian-Israeli conflict should be resolved. Al-Quds is one point of disagreement among many issues - albeit the most important one - that both sides have to resolve by negotiation not by coercion, as the Trump administration is currently doing.

The British cannot fully contradict the strong American ally or force it to abide with the related principles of international law, regardless of the dangers they foresee laying ahead. After all, the U.S. is the leader of NATO and the backbone of the Western world, and

[216] Nitsan Keidar, "Our Embassy Will Remain in Tel Aviv", *Israel National News*, December 5, 2017.

[217] Toi Staff, "Theresa May: UK Will Not Move Its Embassy to Jerusalem", *The Times of Israel*, (May 14, 2018).

ignoring this fact might amount to suicide. The British position acknowledges that the American move is against international law, still it is willing to deal with the new situation as a fact. This approach indicates that Britain is verbally refusing but in practice is helping the Americans to create a new fact on the ground, through normalizing the situation.[218]

Accordingly, the UK Middle East Minister Alistair Burt rejected the request of the British Palestinian Policy Council to "boycott and refuse to work in the new embassy, according to an account from an attendee." The Foreign Office confirmed his position and declared that "while the UK does disagree with the move, diplomats and other representatives will attend meetings at the embassy going forward."[219]

## THE POSITION OF GERMANY

Germany's reaction in this regard, seems to be stronger than the British one. In terms of verbal expression, Foreign Minister Sigmar Gabriel called the decision "pouring oil onto the fire."[220] Germany even lobbied against the move. All those European countries who had expressed a desire to move their embassies, such as the Czech Republic and Austria, were persuaded by Germany to ponder over their decision, and not to act unilaterally contrary to the European Union. Tom Sandell, the founding director of the European Coalition for Israel in Brussels, believes that Merkel's move comes to save the Iran nuclear deal of which he said Germany is in favor.[221]

[218] Dania Akkad, "EXCLUSIVE: UK Will Use US Embassy in Jerusalem Despite Condemning Move", Middle East Eye, https://www.middleeasteye.net/news/exclusive-after-boycotting-opening-uk-attend-meetings-us-embassy-, (Accessed on February 25, 2019).

[219] Ibid.

[220] Allison Williams, "Berlin Condemns Trump's Jerusalem Decision", *Handelsblatt*, July 12, 2017.

[221] Chris Tomlinson, "Merkel Told EU Leaders to Not Move Embassies to Jerusalem", *Breitbart*, December 7, 2018.

He said, "Merkel called the Romanian president, Klaus Iohannis, to convince him not to relocate his country's embassy to Jerusalem, [and] prompted Sandell to go public."[222] Josef Braml of the German Council on Foreign Relations, deems likely, that Germany will not take further steps in pressurizing the United States on the issue of Jerusalem, given the list of concerns that are still to be addressed such as the economy, the position on Iran, which are more important than Jerusalem to Germany. "Of course, we've heard lawmakers express some consternation, rhetorically, but they wouldn't risk their economic relationship with the U.S. They will save their influence for more critical moments such as when business relationships are in danger,"[223] he said.

## THE POSITION OF FRANCE

President Macron made clear in many incidents that France stands by international law and regrets the American decision to locate its embassy to Jerusalem. He confirmed where France stands on the issue, stressing that France will eventually move its embassy to West Jerusalem after the status of the city is decided through negotiation between the Israelis and the Palestinians. He reiterated that the status of the city is a matter of international security, criticizing the American move by describing it as "regrettable." Macron said, "France and Europe are attached to a two-state solution - Israel and Palestine - living side by side in peace and security within recognized international borders with Jerusalem the capital of both states."[224]

It is reported that the French President Emmanuel Macron has told Israel's prime minister that President Trump's decision

[222] Benjamin Weinthal, "Merkel Urged EU Countries Not to Move Embassies to Jerusalem", *The Jerusalem Post*, December 4, 2018.

[223] Allison Williams, "Berlin Condemns Trump's Jerusalem Decision".

[224] John Irish, "France's Macron Regrets Trump's 'Unilateral' Jerusalem Decision", *Reuters*, December 6, 2017

of recognizing the united Jerusalem as the capital of Israel is a "threat to peace." He asked the Israeli prime minister to halt the settlement construction in the West Bank and Jerusalem, which could be the first step to break the impasse with Palestinians.[225] He said that "the relocation of the U.S. embassy in Israel to Jerusalem led to 'people dying' and did not advance peace." Although Macron stressed France's "commitment to the security of Israel," he said he was worried about the threats to the peace process, while condemning any violence against civilians, stressing the European countries' concerns over "Israel's use of live fire during the Palestinian mass protests along the Gaza border." Macron and May are expected to bring up the violent escalation in Gaza and urge Israel to act with restraint.[226]

Macron justified France's position on Jerusalem to members of the CRIF, the umbrella organization of the French Jewish organizations, saying, "If France followed this path (American), it would lose its role as [a neutral] facilitator, which is the useful role for this region." France would not risk its role as an interlocutor between Israelis and Palestinians, as this might marginalize France in an issue it considers vital to the French and European interests. It is worth mentioning that France hosted a conference in 2016 "to boost international support for a two-state solution based on pre-1967 lines."[227]

## THE POSITIONS OF OTHER EUROPEAN COUNTRIES

Although most of the EU countries expressed their concerns against the American move, it was not a unanimous European

[225] Noor Nanji, "Macron Tells Netanyahu: 'I Disapprove of Trump's Decision on Jerusalem'," *The National*, December 10, 2017.

[226] Noa Landau, "Macron to Netanyahu: Jerusalem Embassy Move Led to People Dying, Didn't Promote Peace", *Haaretz*, June 5, 2018.

[227] Tovah Lazaroff, "Macron: France Will 'One Day' Recognize West Jerusalem as Israel's Capital", *The Jerusalem Post*, March 8, 2018.

stand. Hungary, the Czech Republic, and Romania blocked a joint EU statement criticizing the relocation of the U.S. embassy to Jerusalem, with coordination with Israel. The Israelis discern the European attempt led by France and other European countries as an attempt to "to present to the U.S. a common position against the move, and to embarrass and isolate the Trump administration." Hungary, the Czech Republic, and Romania announced that they object to the statement and made it impossible to reach the consensus needed to publish it.[228]

## 2. THE POSITION OF RUSSIA

Russia declared a position on the relocation of the American embassy to Jerusalem similar to that of the Europeans. The Kremlin declared that Trump's decision to move the U.S. embassy in Israel to Jerusalem could aggravate the conflict between the Israelis and the Palestinians.[229] Mikhail Bogdanov, the deputy foreign minister, said Russia will shift its embassy from Tel-Aviv to Jerusalem, only after the Israelis and the Palestinians settle all issues. Russia's official stance recognizes "West Jerusalem as the capital city of Israel and East Jerusalem as the capital city of the would-be Palestinian state. Only after that, we will make a decision on our embassy move."[230]

Sergey Lavrov, the minister of foreign affairs of the Russian Federation, stressed that all issues concerning the Palestinian-Israeli conflict can only be resolved through direct dialogue between the leaders of the opposing sides. He said, "Russia has many times suggested hosting a platform for such a dialogue. Our proposal is still

[228] Barak Ravid, "Scoop: EU Statement Opposing U.S. Embassy Move Is Blocked", *Axios*, https://www.axios.com/hungary-czech-romania-block-eu-statement-against-embassy-move-jerusalem-6b85f6bb-8861-4dab-8473-e542196d1368.html, (Accessed on February 25, 2019).

[229] Dmitry Solovyov, "Kremlin: U.S. Embassy Move to Jerusalem May Further Worsen Israel-Palestinian Relations", *Reuters*, December 6, 2017.

[230] "Russia's Embassy in Israel Might Be Moved Only After Decision on Jerusalem -Diplomat", *TASS News,* June 30, 2018.

on the table."[231] Russian ambassador to Palestine Haidar Aghanin expressed, on his part, his country's concerns over the relocation of American embassy and said "it was no longer acceptable that only one country sponsors the peace process."[232]

## 3. THE POSITION OF CHINA

Chinese foreign ministry spokesperson Geng Shuang expressed worry over the "potential flare-up of regional tensions and warned 'all parties' not to trigger new contradictions in the region."[233] Geng Shuang said that the status of Jerusalem has always been a sensitive and complicated issue, and in the core of the Palestinian-Israeli dispute. Jerusalem, as Geng stated, touches emotional stings of various religions. It is universally agreed upon to seek a final solution for this issue, through dialogue. Geng concluded the Chinese support efforts to handle the Palestinian-Israeli conflict in accordance with the relevant UN resolutions, and support the Palestinians in "building an independent, full sovereignty state along the 1967 borders with East Jerusalem as its capital." Geng, called on all parties to "uphold an objective and just position and contribute to the early resumption of negotiations between Palestine and Israel for the benefit of regional peace and stability."[234]

At the 3rd Palestinian-Israeli Symposium in Beijing, Chinese Foreign Minister Wang Yi met with the representatives of Palestine and Israel, and stressed that all parties when solving the status of

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[232] "Moving US Embassy to Jerusalem Violates International Law, Says Russia", *WASA*, http://english.wafa.ps/page.aspx?id=3hx9PRa97467121224a3hx9PR, (Accessed on February 25, 2019).

[233] Charlotte Gao, "What's China's Stance on Trump's Jerusalem Decision?", *The Diplomat*, https://thediplomat.com/2017/12/whats-chinas-stance-on-trumps-jerusalem-decision/, (Accessed on February 26, 2019).

[234] Geng Shuang, "Foreign Ministry Spokesperson Geng Shuang's Regular Press Conference on December 7, 2017", Ministry of Foreign Affairs of the Republic of China, https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1517747.shtml, (Accessed on February 26, 2019).

Jerusalem, should implement international consensus and achieve peaceful coexistence. He said that China's propositions on Jerusalem, are summed up in four points. The first is acknowledging and respecting that Jerusalem is a holy site of the three religions. Second, only by fair and impartial consideration of the interests of all parties can we reach a solution acceptable to all parties. Therefore, according to Wang Yi, it is important to uphold fairness and justice for this issue is a ruler measuring the conscience of mankind. Third, the status of Jerusalem should be settled according to international consensus through negotiations. Fourth, the Palestinians and the Israelis need to respect each other's right to exist, and should avoid taking actions that will lead to further deterioration of the situation, and should take measures to restore and maintain the peace and stability of Jerusalem.[235]

## CONCLUSION

For Europeans the Jerusalem issue might, at any moment, ignite a religious war that would exasperate the situation in the Arab world which already emitted millions of refugees, due to the aftershocks of the Arab Spring, especially in Syria. Any new war could mean millions of additional immigrants and a complete destabilization of the whole region including an anticipated effect on power supply and its prices, which would be damaging for the European economy.

Europeans, especially those prone to the potential of refugee waves and those with economic interests in the Middle East region such as the Western European countries, foresee a very serious impact of the American move on peace and stability, which may hamper European economies and lead to further decline in

[235] Wang Yi, "Wang Yi Talks about the Status of Jerusalem", Ministry of Foreign Affairs of the Republic of China, https://www.fmprc.gov.cn/mfa_eng/wjb_663304/zzjg_663340/xybfs_663590/gjlb_663594/2868_663663/2870_663730/t1522091.shtml, (Accessed on February 27, 2019).

the international role and the emergence of Islamic radicalism and international terrorism. Yet, due to many strategic and historical facts, European countries are unable to confront practically the American decision and confined themselves to verbal reactions. The British response, in particular, is weaker than the German and French ones, being more attached, traditionally, to the Americans. The French government is more vocal on the issue. Germany, on the other hand, being the most affected by any destabilization in the Middle East which may lead to the rise of rightist powers in local politics and the loss of ground of the current ruling elite, has made further steps as lobbying against the decision. Nonetheless, this issue, is not at the top of Germany's priority list, and Germany is not ready to jeopardize its relations with the United States, while there are far more important issues such as the Iran nuclear deal, the economy, and the Russian threat, still pending.

Ostensibly, the Europeans want to distance themselves from the unbalanced American policy in this regard. Yet, scrutinizing the European position would lead one to a different conclusion, altogether. Although the EU carefully observes activities in the West Bank and Jerusalem, including the building of illegal settlements, the demolishing of Palestinian homes, annexing Palestinian land, and violating Palestinian basic human rights, it fails to do anything tangible to compel Israel to adhere to the basic principles of international law, and tends to give Israel more time to prolong the process of annexing what is left of the Palestinian land.

Soon enough, there will be no remaining land for the Palestinians to have their state on, and the whole European approach of resolving the conflict built on two-state-solution will turn into an empty rhetoric and the need for a Palestinian capital will be out of question. This approach that postpones the problem, will manage only in accumulating more anger and feeling of insult in the hearts of all those who see the Israeli occupation of the Holy City as an act

of aggression on their faith, and will open the door for catastrophic future confrontations.

As for other global powers such as Russia and China who are not directly affected by the implication of the event, their moves lay a good foundation for bartering in future negotiations on any breach of law by these powers. American actions undermined its moral authority pertaining to the rule of law, international peace, and human rights. Countries like China and India with problems of their own, will have a free hand to purse their interests when needed, in ways that might be seen as controversial, based on the simple fact that it was done before by the United States.

As for Russians, the move of the U.S. embassy to Jerusalem might not be as bad as it is for the Europeans. The Russians, in fact, might see it as a chance to clear their image with regard to Ukraine and the failed attempt on the life of Sergi Skripal, the Russian double spy, and his daughter in Britain last year. Russia is not the only one who breaks international law, after all. The United States, which lectures everyone - including Russia - on democracy and peace, ignored the international law. Moreover, the Russians see Jerusalem as a chance to reintroduce themselves as mediators, especially after the Americans lost their role through their bizarre stance. Russia would like to expand in the vacuum created by the U.S. and to find a foothold in this strategically important region and break their isolation, after the conflict with Ukraine.

The Chinese have different reasons for their position that stresses adherence to the principles of international law and resolving the conflict through negotiations. China is very keen on maintaining peace and stability in this region that represents the other end of its multi-billion-dollar silk road project and wants to create conditions that safeguard its future investments in the region.

It is unlikely that the current policies of the countries discussed in this chapter, will considerably affect the American or Israeli po-

sitions on Jerusalem. Unless major economic, security, or military deterioration occurs in the region that will drastically harm the interest of these two countries, Israel will benefit from the American move, and utilize it to consolidate its power over the occupied city and Judaize what has remained of it. Other countries will be soon inclined to follow the American footsteps, unless they feel the pinch of repercussions by Arab and Muslim countries and of the countries who do not approve of the U.S. policy.

# CHAPTER IX

# UNDERSTANDING TURKEY'S POSITION ON AL-QUDS, THE NOBLE CITY

HELIN SARI ERTEM*

## INTRODUCTION

The fate of al-Quds al-Sharif, widely known as "the Noble City",[236] has been one of the world's most contentious issues. When I saw the city in 1998, as a young university student, I was amazed by its beauty and profoundness. However, this beauty and profoundness were not able to hide the city's years-long loneliness and suffering under the shadow of the everlasting clashes between the Palestinians and the Israelis, claiming ownership. Turkey deeply feels the pain of this city, which was under its rule for centuries. In the end, it is the place where our grandfathers from Anatolia were freely traveling to or settling a hundred years ago as part of their "motherland." We inherited from them a longing and love of al-Quds.[237]

Maybe for that reason, al-Quds reminds me of Atilla İlhan's well-known poem, which claims, "separation too is included in

* Assist. Prof. Dr. Helin Sarı Ertem, Istanbul Medeniyet University, Department of International Relations.

[236] Also known as Kudüs, Jerusalem, Beytülmakdis, Bayt al-Maqdis.

[237] Dilan Onur, "Biraz Hasret, Biraz Sevdadır Kudüs", 5N1Kudüs, http://5n1kudus.com/yazi/biraz-hasret-biraz-sevdadir-kudus, (Accessed on February 05, 2019).

love and those who are separated are still beloved."[238] Although it has been more than a century since Turkey lost al-Quds physically, its love for this city, in particular, and Palestine, in general, has never ended. Thus, despite the territorial break-off and the physical remoteness of the geography, the city is not lost or forgotten by Turkey psychologically, and it is not as far as the current maps indicate.

Within such a context, this chapter aims to analyze the main dynamics behind Turkey's devotion to al-Quds and the policies by Ankara to relieve this city's problems and enable it to achieve a permanent, rightful status as the capital of an independent Palestine. To this end, the article first focuses on the meaning of the city for Turkey in religious, historical, and cultural terms, which are strongly affected by Turkey's Islamic identity and the Ottoman past. The paper, then, examines Turkey's position on al-Quds as part of its comprehensive Palestine policy. While doing so, it takes into account various systemic, regional and local dynamics that affect Turkey's discourse and practice regarding the Palestine issue. The paper exposes the insufficient support from the international and regional actors, accompanied by the tangled realpolitik of the Middle East, as the prominent factors that limit Turkey's position. Despite that, in accordance with its wider claim of "being the supporter of all oppressed peoples," Turkey continues to vocalize the rights of the Palestinians in the strongest way possible and to send a significant amount of foreign aid to Palestine despite the international and regional pressure to obstruct these efforts. Turkey's determination will certainly encourage the Palestinians in their cause to achieve an independent state of their own, with East al-Quds as the capital.

[238] Atilla İlhan is a well-known Turkish poet. See: Atilla İlhan, *Ayrılık Sevdaya Dâhil*, (Bilgi Yayınevi, Ankara: 1993), p. 77.

## AL-QUDS UNDER THE OTTOMAN RULE AND ITS MEANING FOR TURKEY

Al-Quds is one of the oldest cities of the world with a history dating back 6,000 years. All three monotheistic religious traditions, namely Islam, Christianity, and Judaism, have various holy sites in this city, especially on the eastern part. The old city, in the east of al-Quds, is divided into different neighborhoods inhabited by the members of the abovementioned faiths. For Muslims, the city is defined as one of the prominent centers of the Islamic civilization and the eternal capital of Palestine. Therefore, it is an inalienable cause for all Muslims.[239] After Mecca and Medina, al-Quds is considered to be the third divine city of the Muslims, and the holder of a variety of religious and cultural heritage sites. The most important one among them is Masjid al-Aqsa, in other words Haram al-Sharif.

Masjid al-Aqsa, which means the farthest masjid to Mecca, is a 144-acre estate, containing the *Qubbat al-Sakhra*, where Prophet Muhammed is believed to have taken his miraculous journey to heaven, and the Qiblah Mosque, where he performed his prayers after the *Mi'raj* (Night Journey). *Qubbat al-Sakhra* (Dome of the Rock), on the other hand, is the place that contains the *Hajar al-Muallaq* (Floating Stone), which is claimed to be the place where Prophet Abraham tried to sacrifice his son and where Prophet Muhammed stepped for beginning the *Mi'raj*. When Caliph Umar conquered the city in AD 638, he first identified the whole area where the *Mi'raj* is believed to have taken place and constructed the Qiblah Mosque that became the first *qiblah* and the third *masjid* of the Muslims.[240]

Apart from its Muslim identity, which takes root from the early years of Islam, al-Quds gains significance for Turkey as the legacy

[239] For details see: Abdul Latif Tibawi, *Jerusalem: Its Place in Islam and Arab History*, (Institute for Palestine Studies, Beirut: 1969).

[240] Fahir Armaoğlu, *Filistin Meselesi ve Arap-İsrail Savaşları (1948-1988)*, (Türkiye İş Bankası Kültür Yayınları, Ankara: 1994), p. 110.

of the 400-year-long Ottoman rule in this region. In fact, the city's religious meaning for contemporary Turkey is almost inseparable from the historical and cultural meaning that it gained during the Ottoman rule. The region, which was called by the Ottomans *Arz-ı Filistin* (Palestine), came under the Ottoman rule in 1516 by Sultan Selim's defeat of the Mamluks in Syria and Egypt, and his succession to the caliphate. The Ottomans ruled Palestine by dividing it into three parts, namely Akka, Nablus, and al-Quds. With a new regulation in the Damascus Province in the 1880s, al-Quds was administered separately, while Akka and Nablus were ruled as part of the Beirut Province.[241] The Ottomans ruled the non-Muslims of the region through the guidance of the sharia law. This was in accordance with the practices of the previous Muslim rulers of the city.

The Ottomans certainly attached great significance to this city. After Sultan Selim, the Ottoman rulers such as Sultan Suleiman, Sultan Murat IV, Sultan Abdulmajid, Sultan Abdulaziz, and Sultan Abdulhamid II constructed various mosques, madrasahs, hospices, bridges, bathhouses, bazaars, fountains and aqueducts, all of which were owned by different Ottoman *waqfs* (endowments), but did not all survive to this day. The city walls, gates, and the castle, which were restored by Sultan Suleiman, are among the other remnants of the Ottoman era. During the reconstruction of the city gates, Sultan Suleiman is believed to have written on the Halil Gate "*Lâ ilâhe illâllah, Ibrahim Halilullah*," which means "There is no deity but God; Abraham is his friend." For some historians, these words were chosen to express the multicultural character of the city and Sultan Suleiman actually aimed to show that al-Quds belongs to all three monotheistic faiths.[242] During their rule in the region, the Ottomans constructed at least 15 mosques and *masjids*

[241] M. Lutfullah Karaman, *Uluslararası İlişkiler Çıkmazında Filistin Sorunu*, (İz Yayıncılık, Istanbul: 1991), pp. 14-15.

[242] Ayça Örer, "Bir Osmanlı Şehri Kudüs", *Gerçek Hayat*, December 18, 2017.

inside the city walls, including the al-Quds Castle Minaret, the Red Minaret, and the Bilal bin Rabah, Rusasi, and Mevlevi Mosques. Sultan Suleiman and Kasım Pasha Fountains, as well as the Sultan Bathhouse are also among the Ottoman buildings that can be seen today. Another remnant of the Ottoman era, the Haseki Sultan Hospice, has also preserved its soul and has been serving food to the poor of al-Quds for the last 462 years. The restoration of Masjid al-Aqsa and Qubbat al-Sakhra were conducted by the Ottomans during the eras of Sultan Abdulmajid and Abdulaziz, while al-Quds owes many of its roads and bazaars to Sultan Abdulaziz.

Although the city holds some of the oldest holy sites of the Jews, such as the Wailing Wall, the Jewish communities' interest in the city, and Palestine in general, gradually increased especially with the World Zionist Congress in 1897, after which leaders like Theodore Herzl began looking for the ways of establishing a country for the Jews. Before that, the region received a relatively limited number of Jewish immigrants, some of whom were given shelter by the Ottomans after escaping from the oppression of the Catholic Spanish Empire in the 15th century. By the beginning of the 20th century, the number of Jewish migrants moving to Palestine from around the world had increased and laid the groundwork for the future clashes with the Arab inhabitants of the region. In 1917, entire Palestine went under the British mandate and al-Quds was named as the capital of Palestine. As a result, the Ottomans, who were in a deep crisis at the time of World War One, lost their physical bond with the region.

Britain, which took Palestine from the Ottoman Empire, prepared the basis of a Jewish state through the 1917 Balfour Declaration, which is perceived as the main catalyser of the Nakbah. *Nakbah* literally means "catastrophe" in Arabic and symbolizes the saddening mass exodus of at least 700,000 Palestinians especially after May 14, 1948, when Israel was declared as an independent

state. Under the heavy reaction of the Palestinians to the declaration of the state of Israel in 1948, al-Quds was divided into two: the west part was left to Israel and the east part was given to the control of Jordan. With the war of 1967, however, the whole city was occupied by Israel and in 1980, the city, which is defined as "Arabs' symbol of honor,"[243] was unilaterally declared as the capital of Israel.

The problematic legal status of the city has come to the agenda once again, after U.S. President Donald J. Trump's recognition of the city as Israel's capital in December 2017 and the move of the American embassy from Tel Aviv to al-Quds in May 2018. This has created huge frustration to the Palestinians and the majority of the international community and most countries, which condemned this highly provocative decision by the U.S. administration. For the former, the United States' latest moves aim to establish a *fait accompli* on the status of al-Quds and on many other issues of this chronic conflict. The Turkish government gave a strong reaction both to the U.S. decision and the violence of Israel following the relocation of the American embassy. Declaring a national mourning for the 60 Palestinians who lost their lives during the protests, Ankara expelled the Israeli ambassador in Ankara and called the Organization of Islamic Cooperation (OIC) for an emergency meeting. As the rotating presiding country, Turkey attached great significance to using the OIC efficiently to consolidate Muslim nations and carried the issue to the UN immediately. However, this has never been an easy task.

## TURKEY'S CURRENT POSITION ON AL-QUDS: DISCOURSES AND PRACTICES

Aiming to increase the awareness on the Palestinian issue and the difficult conditions that the Palestinians are living in, Turkey tries

[243] Cengiz Çandar, *Direnen Filistin*, (May Yayınları, Istanbul: 1976), p. 101.

with every mean to be the voice of al-Quds at the international platforms and shows a great effort to consolidate the support of the Muslim world for this holy city. In the end, the unfair treatment of the Palestinians by Israel addresses people's moral compass and requires taking sides with the Palestinians.[244] At the 2nd Conference of the Association of Parliamentarians for al-Quds held on December 14, 2018, with the theme of "Al-Quds: The Eternal Capital of Palestine," Turkish President Recep Tayyip Erdoğan stated, "the al-Quds cause is not just the cause of a handful of Muslims in Palestine. Al-Quds is the honor, dignity and holy site of all the Muslim world of 1.7 billion people. This cause is the common cause and common issue of us all." Underlining that "al-Quds is a red line for Muslims," he added, "defending al-Quds means defending humanity, peace, justice, and liberty. That is why we have been defending this cause in the strongest way possible."[245]

In parallel with the statements above, Turkey continues to express its views on Palestine in various international platforms, including the UN. At the annual meetings of the UN General Assembly, President Erdoğan keeps mentioning the suffering of Palestine to turn the attention of the international community to this problem, increase its worldwide awareness, and consolidate the Muslims worldwide around this cause. In his last statement at the UN Headquarters in September 2018, Erdoğan once again criticized the negligence of the UN Security Council on the oppressed people of the world, stated that Turkey would continue to stand by

[244] See: Mete Çubukçu, *Bizim Filistin: Bir Direnişin Tarihçesi*, (Metis, Istanbul: 2002), p. 12.

[245] "Al-Quds Is the Common Cause of Us All", Presidency of the Republic of Turkey, https://www.tccb.gov.tr/en/news/542/ 100118/-al-quds-is-the-common-cause-of-us-all-, (Accessed on February 5, 2019).

the Palestinians, and asked the international community to protect the legal and historical status of al-Quds.[246]

Turkey's emotional bond with al-Quds, as well as the whole of Palestine, is shared by a wide spectrum of the political scene at home[247] and this commonality strengthens Turkish officials' pro-Palestinian decisions. Many intellectuals support the idea that what we are talking about is actually "the extortion of a nation's right for self-determination and a human rights problem that must be defended by everyone."[248] Similarly, the majority of the Turkish population think that the Palestinians are in a rightful fight to protect their motherland. For them, this is an aggrieved nation, oppressed, and expatriated from their territories.[249] Especially since 1948, the Palestinians have been losing their lands acre by acre and are deprived of a state while being imprisoned in-between walls and barriers that prevent them from living humanely with the necessary food and water supplies, employment, and education services as well as sufficient health care.

Due to Israel's political and economic violence, the Palestinians are suffering from high unemployment, food and water scarcity, and poor health conditions, which gets worse by the ideological and physical division in Palestine between Fatah and Hamas. Today, the poverty threshold in Palestine is around 30 percent and 40 percent of the population between the age of 15 and 29 are unemployed.[250] Gaza, the West Bank, and al-Quds are isolated from each other through walls, barriers and checkpoints, which makes

[246] "Erdogan at UN: Turkey Stands with Palestinians, World Must Protect Jerusalem", *Haaretz*, September 25, 2018.

[247] Erkan Ertosun, *Filistin Politikamız: Camp David'den Mavi Marmara'ya*, (Kaknüs Yayınları, Istanbul: 2013), p. 96.

[248] Oral Çalışlar, "Filistin! Ah Filistin!", *Posta*, May 16, 2018.

[249] Mete Çubukçu, *Bizim Filistin: Bir Direnişin* Tarihçesi, pp. 169-170.

[250] "Youth, Peace and Security", *Palestinian Central Bureau of Statistics (PCBS) Press Release*, http://www.pcbs.gov.ps/portals/_pcbs/Press Release/Press_En_10-8-2017-youth-en.pdf, (Accessed on February 5, 2019).

the Palestinians become heavily dependent on Israel and foreign aid. At this point, Turkey comes forward as one of the main aid suppliers to Palestine.

Turkey ranks as the 6th biggest donor country among the world development assistance providers and the biggest donor country considering the humanitarian aid supply/GNP. It attaches great significance to Palestine, while making its aid policy plans, which are a part of a wider vision, prioritizing sustainable development and removal of poverty on the global level. Official and semi-official institutions such as the Turkish Red Crescent (*Türk Kızılayı*), the Turkish Cooperation and Coordination Agency (TİKA), the Disaster and Emergency Management Authority (AFAD) as well as some NGOs such as the İHH Human Relief Foundation are the key actors that help Turkey transfer its aid and assistance to the region both in kind and in cash. Food products, hygiene, and health supplements are the top aid materials being sent from Turkey in kind.

In 2017, Palestine ranked third among the countries most benefiting from Turkey's bilateral official development assistance. The amount of bilateral official development assistance sent by Turkey to Palestine is 40.6 million dollars, half of which was supplied by TİKA.[251] According to Bülent Korkmaz, TİKA's former program director for Palestine, since 2005, TİKA brought into action more than 500 projects, which were shaped according to the most vital needs of the Palestinians.[252] This is basically to improve the socioeconomic conditions of the Palestinians, including the inhabitants of East al-Quds. Turkish-led projects cover various areas, including health, technical assistance, water supply,

[251] Online interview with Gökhan Umut from TİKA on May 22, 2018. See also: "Turkish Development Assistance Report 2017", TİKA, https://www.tika.gov.tr/upload/2019/Turkish%20Development%20Assistance%20Report%202017/ Kalkinma2017EngWeb.pdf, (Accessed on February 5, 2019).

[252] "TİKA'dan Gazze'ye 1 Milyon Dolarlık Acil Yardım", *Anadolu Ajansı*, May 18, 2018.

school constructions, and scholarships. TİKA's Korkmaz underscores that with these projects, they aim to help the survival of an independent Palestine, which returns to the 1967 borders with East al-Quds as the capital, and as he notes, "this strengthens the resistance of Palestine against the occupation."[253]

A similar support comes from the Turkish NGOs, which organize rallies and aid campaigns to turn the attention to the rights and needs of the Palestinians. In December 2017, 6 large NGOs from Turkey gathered the support of more than 100 small NGOs and organized a rally called "Freedom for al-Quds and Peace for Humanity."[254] Similarly, through a rally on May 17, 2018, more than 350 Turkish NGOs protested the U.S. declaration of al-Quds as the capital of Israel and the violence of the Israeli state against the Palestinians that followed.[255]

Turkey's practices for Palestine are being shaped by another factor as well. For Turkey, what Israel has been trying to do, other than oppressing the Palestinians and debarring them from their basic human rights, is to erase the Islamic legacy in al-Quds and this, in fact, is a "cultural genocide."[256] Considering the issue of al-Quds a "national cause," it attaches great significance to the preservation and restoration of the Muslim and Ottoman heritage sites there to prevent the destruction of the city's spiritual identity. Within this context, in addition to TİKA, it is worth mentioning about the activities of the institutions such as the Presidency for Turks Abroad and Related Communities (YTB), the Yunus Emre Institute (YEE), and the Presidency of Religious Affairs (DİB). Among the activities

[253] Ibid.

[254] "Ankara'da 'Kudüs'e Özgürlük, İnsanlığa Barış' Mitingi", *NTV Haber*, December 17, 2018.

[255] "Sivil Toplum Kuruluşları Platformundan Kudüs Protestosu", *Haberler.com*, May 17, 2018.

[256] "Cumhurbaşkanı Erdoğan: Kudüs'teki İslam Mirasının İzlerini Silemeyeceksiniz", *Anadolu Ajansı*, December 14, 2018.

led by all these institutions, are educational and cultural projects, as well as architectural conservations and restorations.

The restoration of the Masjid al-Aqsa region, and various other shops and houses in the old town of al-Quds are some of TİKA's projects to safeguard the cultural heritage in al-Quds. The YTB, on the other hand, conducts a project called the "Palestinian Documents in the Ottoman Archives," which aims at revealing the land registrations and ownership certificates in al-Quds so as to allow the Palestinians to benefit from them when applying to courts for their property rights.[257] The YTB also provides free material for Turkish courses given by the Palestinian NGOs and foundations. Similarly, the Yunus Emre Turkish Cultural Center (YETKM), which works in al-Quds since 2013, organizes cultural activities in this city as well as in Ramallah ranging from film screening to photograph exhibitions, from symposiums to music and poem performances. To this day, the Yunus Emre Turkish Cultural Centers, which are part of the YEE, have given Turkish courses to 5,000 people in Palestine. For İbrahim Furkan Özdemir, the director of YETKM in al-Quds, "culture is the only thing that the Palestinians are holding on to survive" and for that reason, the YEE helps Palestinians to organize their own cultural events in addition to introducing them to the Turkish culture.[258]

Another actor, which works to increase the domestic and foreign awareness on the Palestinian cause, is the Presidency of Religious Affairs (DİB). On a regular basis, DİB organizes conferences to discuss significance of al-Quds for the Muslim world and expresses the Palestinians' rightfulness. The DİB strongly encourages touristic visits from Turkey to this holy city and tries to make Masjid al-Aqsa a part of the visits of Muslims performing

[257] Online interview with Meryem Uzer from YTB's International Students' Department on May 10, 2018.

[258] Online interview with İbrahim Furkan Özdemir of YEE on May 28, 2018.

Hajj and Umrah worships.[259] As a result, the number of touristic visits from Turkey to al-Quds seems to have increased to a certain extent and reached around 50,000 people a year.[260] For the DİB, strengthening Turkey's visibility in the region will help the city to reach its freedom as soon as possible.[261] This approach is in accordance with Turkey's rising trade volume with Palestine, which has almost doubled in the last decade and reached 92.4 billion dollars by 2017.[262] The Turkey-Palestine Business Council, which was founded under the Foreign Economic Relations Board of Turkey (DEİK), is in utmost effort to improve the financial and economic relations between the two countries and encourages Turkish businessmen to increase their investments in Palestine.

## LIMITS AND CHALLENGES OF TURKEY'S AL-QUDS AND PALESTINE POLICIES

The difficulties that are faced by Turkey while putting its Palestine and al-Quds policies into practice are driven by systemic and regional circumstances, in which the U.S. as a global power, the UN as the biggest international organization, and Saudi Arabia, Egypt and the United Arab Emirates (UAE) as regional powers play significant roles. Of course, the oppressive policies of Israel itself are the leading obstacle before Turkey.

In the post-9/11 atmosphere, policies otherizing Islam and the Muslims expanded in the Western world, namely the U.S., and

[259] "Kudüs, Filistin Devletinin Ebedi Başkentidir", *TRT Diyanet*, January 31, 2018.

[260] "İsrail'in Uygulamaları Türklerin Kudüs'e Gidişini Engelleyemedi", *TRT Haber*, July 25, 2018.

[261] "Diyanet İşleri Başkanı Erbaş, Filistin Direnişinin Sembolü Fevzi el Cuneydi'yi Kabul Etti", Diyanet İşleri Başkanlığı, https://www.diyanet.gov.tr/tr-TR/Kurumsal/Detay/11221/diyanet-isleri-baskani-erbas-filistin-direnisinin-sembolu-fevzi-el-cuneydiyi-kabul-etti, (Accessed on February 5, 2019).

[262] "Filistin: Türkiye ile Ticaret", T.C. Ekonomi Bakanlığı, https://www.ekonomi.gov.tr/portal/faces/home/ disIliskiler/ulkeler/ulke-detay/Filistin/html-viewer ülkeler, (Accessed on February 5, 2019).

this has mounted the traditional American support given to Israel. Parallel to that, the right-wing political parties, especially Likud, have begun to play a much more dominant role in the Israeli politics. With the increasing tension in the Middle East triggered first by the post-9/11 atmosphere and then by the Arab Uprisings, the possibility of a two-state solution for the Palestinian-Israeli conflict, which is supported by Turkey as well, has begun to fade away. The changing circumstances that have sped up with the Syrian civil war have almost precluded an atmosphere of dialogue between Turkey and Israel, which were in a close relationship during the 1990s, especially in the military and economic spheres.

Although the UN granted Palestine a non-member observer state status in 2012, this has been far from the desired outcome for the Palestinians. Despite its shortcomings, the country continues its efforts to be an internationally recognized independent state and Turkey is one of the countries that back Palestine strongly in this cause. With a liberal internationalist approach, Ankara often criticizes the current structure of the international institutions such as the UN, because of the heavy dominance of the great powers at the Security Council. For Turkey, the current world order and the global justice system have many deficiencies, which directly influence the problems experienced by the Palestinians. It is worth reminding here that as a permanent UN Security Council member, the U.S. has used its veto power at least 44 times to this day to prevent a common action against Israel regarding its policies on Palestine.

Making the Palestinian-Israeli conflict one of its top priorities, Turkey owes a great amount of its popularity in the Middle East to defending the Palestinians on the international platforms and this creates a huge tension with Israel and the U.S. as well as with some regional actors. Underlining the injustice of the current international system towards the Palestinians, President Erdoğan often condemns the Israeli treatment of the Palestinians

and presents himself as the defender of this oppressed nation. Erdoğan's scolding of Israel at the 2009 Davos Summit and his accusation of Israel "knowing well how to kill"[263] and calling it a "terrorist state"[264] in 2012 due to its military operations in Gaza were among Ankara's severe reactions against Tel Aviv in favor of the Palestinians. Nevertheless, nothing ruined the Turkish-Israeli relations as much as the "Mavi Marmara crisis" in 2010, in which the Israeli military forces launched an operation against an aid convoy, organized by a number of NGOs including the İHH, and martyred 10 Turkish civilians who were on board the Mavi Marmara aid flotilla.[265] The two could reach a compromise only after the strong encouragement of the Obama administration, which did not want to see its two significant allies, namely Turkey and Israel, being at odds with each other.

The Trump administration, on the other hand, has a relatively different approach to the issue, preferring very sharp and provoking policies in favor of Israel, such as the aforementioned declaration of al-Quds as the capital of Israel and the transfer of the U.S. embassy from Tel Aviv to this city. President Trump, who is getting ready for the 2020 presidential elections, recognized Israel's so-called annexation of the Golan Heights - and possibly in a near future he will recognize some settlements in the West Bank - which can be considered as further actions aiming to create a *fait accompli* to prevent an independent Palestinian state. Talking at the summit of the OIC, President Erdoğan condemned the latest U.S. decisions and underlined that Turkey would never allow the legitimization of

[263] "Recep Erdogan Storms out of Davos after Clash with Israeli President over Gaza", *The Guardian*, January 30, 2009.

[264] "Turkey's Erdogan Calls Israel a 'Terrorist State', *Reuters*, November 19, 2012.

[265] For a detailed analysis of the Mavi Marmara crisis in terms of Turkey's crisis management strategies, see: Tuğçe Kafdağlı Koru, "Insights of the Mavi Marmara Confrontation: Analysing the Turkish Crisis Management Process", *Analyzing Foreign Policy Crises in Turkey: Conceptual, Theoretical and Practical Discussions*, ed. Fuat Aksu and Helin Sarı Ertem, (Cambridge Scholars Publishing, Cambridge: 2017), pp. 83-112.

the Israeli occupation of the Golan Heights, pointing out the same Turkish approach for al-Quds, whose unsolved status is also being bypassed by the U.S. in favor of Israel.[266]

Despite the above, the current power distributions in world politics oblige Turkey to pursue a careful diplomacy regarding its relations with all significant global and regional actors. The traditional Turkish foreign policy approach in the Middle East is based on a balance policy, which requires the preservation of a certain level of dialogue with all actors of the regional power struggle.[267] As a result of that policy, Turkey has never cut its relations with Israel in economic terms and reached a compromise with it even in the severe crises like Mavi Marmara. Ironically, Ankara is quite aware of the fact that the only way for Turkey to reach the Palestinians is to preserve a certain level of relations with Tel Aviv. For that reason, cutting all ties with Israel will not ease the situation of the Palestinians, but worsen it, as Tel Aviv is in full control of the foreign aid being sent to the region. The Turkish aid institutions often criticize Israel's attempts to prevent or minimize the supply of humanitarian aid to the region. Medical supplies shipped from Turkey, for instance, often wait as a result of the Israeli authorities at the Israeli harbors for weeks.

The fluctuating relations with the regional powers such as Saudi Arabia, Egypt, and the UAE also have a decreasing effect on the full practice of Turkey's policies for Palestine. Turkish institutions and NGOs, for instance, are quite critical about Egypt's arbitrary actions regarding the control of the Rafah Gate, which has become the only non-Israeli border of Palestine after the last occupations. Putting forward security reasons, Egypt opened this gate only 17

[266] "Son Dakika: Cumhurbaşkanı Erdoğan'dan Golan Tepeleri Yorumu: Asla İzin Vermeyiz, Veremeyiz", *Hürriyet*, March 22, 2019.

[267] On the main dynamics of Turkey's Palestine policy and its relations with Israel, see: Tarık Oğuzlu, "Türk Dış Politikasında Filistin Sorunu", *Arafitaki Filistin*, ed. Süleyman Seydi and Can Deveci, (Maya Akademi, Ankara: 2014), p. 451.

times in 2017. Saudi Arabia, on the other hand, also seems uncomfortable with Turkey's cooperation with Qatar to supply aid to Palestine. As is known, Egypt and Saudi Arabia are the two significant members of the Sunni Arab block in the Middle East against the Iran-led Shiite block. In the strong tension between these blocks, Palestine is turned into a center of power struggle and Turkey is forced to choose sides. The general tendency of the Sunni Arab block is to prevent any Turkish dominance on the Palestine issue, which it perceives as a problem of the Arab world.

As a result, despite taking part at the international platforms such as the OIC, Muslim countries are away from being strongly united around the common ideal of helping the Palestinian independence. Because of that, Turkey needs to deal both with regional and international challenges and find an optimum solution both for itself and for the Palestinians. This difficult task obliges a multidimensional approach that takes into consideration the complex political atmosphere of the Middle East and the international balances of power. Preserving a strong Turkish awareness on the significance of al-Quds, in particular, and Palestine, in general, will increase Turkey's capacity to overcome the foreign challenges it faces while defending a fair solution for the Palestinians. For that reason, Turkey's efforts to keep the issue at the top of the home and foreign political agenda is of vital importance.

## CONCLUSION

Under the heavy pressure of regional and international politics, which are mainly shaped by interests rather than values, it is a difficult task for the countries to back the oppressed nations of the world such as the Palestinians. For more than a hundred years, Palestinians are in pursuit of establishing their own state and living freely on their territories in humane conditions. Turkey is one of the leading countries, which gives support to the Palestinians in

their pursuit of independence. With its deep meaning for Muslims, which takes root from its Islamic and Ottoman identities, al-Quds plays a significant role in Turkey's solid and determined support for Palestine. Besides taking sides with this oppressed nation, which is deprived of the necessary means to make its outcry be heard globally, Turkey shows its utmost effort to hold its ties with Palestine in general and al-Quds in particular, so as to preserve its bond of love with this region.

In fact, Turkey with the policies it conducts for Palestine aims to increase the physical dimension of this bond, which, due to its emotional strength, has not disappeared despite a hundred-year-old territorial separation. Turkey's support for Palestine, ranging from humanitarian aid and development assistance to cultural and educational projects, and restorations, aims to make a visible contribution to the socioeconomic life in Palestine. And as Palestine's Ambassador to Ankara Faed Mustafa has recently underscored, they make this contribution by clearly putting Palestinians' needs first.[268] However, neither regional nor international actors fully ease Turkey's efforts due to diverging interests and feelings of rivalry. Despite that, Turkey is determined to support the Palestinians in their cause to establish an independent state with East Jerusalem as their capital. This is a difficult but valuable mission.

[268] "Mahmud Abbas'tan Eski TİKA Koordinatörüne Başarı Madalyası", *Anadolu Ajansı*, March 13, 2019.

# CHAPTER X

# MALAYSIA'S STANCE TOWARDS TRUMP'S DECISION REGARDING BAYT AL-MAQDIS

MOHD ROSLAN MOHD NOR* AND
MUHAMMAD KHALIS IBRAHIM**

## INTRODUCTION

Bayt al-Maqdis is a territory that has always been in dispute due to the prolonged crisis of the land ownership between Palestine and Israel. From an Islamic perspective, Bayt al-Maqdis is an important territory due to its status as a Holy Land to the Muslims as therein lies the al-Aqsa Mosque, which is the third holiest mosque after Masjid al-Haram and Masjid al-Nabawi.[269] This warrants much attention from Muslim countries specifically towards Bayt al-Maqdis.[270]

Malaysia, even though being geographically far away from Palestine, pays close attention and shows its attentiveness to the tur-

* Dr. Mohd Roslan Mohd Nor is associate professor at the University of Malaya (UM), Malaysia.

** Muhammad Khalis Ibrahim holds a Master's degree from the University of Malaya (UM), Malaysia.

[269] Mohd Roslan Mohd Nor, "Konflik Israel-Palestin dari Aspek Sejarah Moden dan Langkah Pembebasan dari Cengkaman Zionis", *Journal of Al-Tamaddun*, Vol: 5, (2010), p. 83.

[270] Mohd Roslan Mohd Nor and Ruzanah Mohd Rozi, (2016). "Penglibatan Liga Arab dalam Konflik Palestin-Israel", *Journal of al-Tamaddun*, Vol: 11, No: 2, (2016), pp. 39-48.

bulent state. Malaysia is a sovereign state and is always seen as an example for other Muslim countries. This is due to it being a free country that does not side with any world superpower as well as being a competent nation in terms of development and progress. Malaysia's uniqueness also shines in its diversity in culture and religion and the ability to sustain balance and national harmony.

Even though Malaysia is small in size as compared to other Muslim nations, it is not lagging behind in playing its own role in the international arena, especially when it comes to turbulent countries. For example, Malaysia's membership in the UN and the OIC has become a place to show its official stance on international issues. The statement of Malaysia's Prime Minister Mahathir Mohammad at the UN Conference in September 2018 clearly stated Malaysia's principles and attitudes regarding the issues of Palestine, the Rohingya ethnic group, and other humanitarian issues.[271] Other than stating its stance firmly, Malaysia's role in the international arena can also be seen through its material contributions from the nation's government. As an example, the Ministry of Women, Family and Community Development through the National Welfare Foundation established the Palestine Donation Fund to help Palestinians who are in dire need of assistance to continue their daily lives.[272]

In essence, Malaysia's stance or initiatives at the international level is not subject to the government or the state actors only. Instead, non-state actors such as political parties, non-governmental organizations, and individuals also play a role, especially through donations in many forms to nations that are in need. If seen in

[271] Manathir Mohamad, "Teks Ucapan Penuh Dr Mahathir di UNGA ke-73", *BH Online*, https://www.bharian.com.my/berita/nasional/2018/09/479255/teks-ucapan-penuh-dr-mahathir-di-unga-ke-73, (Accessed on February 23, 2019).

[272] Oleh Zanariah Abd Mutalib, "YKN tubuh Tabung Derma Palestin", *BH Online*, https://www.bharian.com.my/berita/nasional/2018/07/447438/ykn-tubuh-tabung-derma-palestin, (Accessed on February 23, 2019).

general, a government's official stance on important issues at a global level will be followed suit with the utmost support from non-state actors.[273] This scenario shows that there is a balance between state actors and non-state actors in Malaysia which complements the nation's role in the international stage, especially with humanitarian issues.

Based on this premise, the symbiotic role taken by state and non-state actors in Malaysia can be observed on international issues, specifically like the crisis in Palestine. Therefore, this article tries to discuss Malaysia's stance towards the recent developments in the region by focusing on the discussion of the decisions made by the United States (U.S.) with regards to Jerusalem. This article will look into Malaysia's stance which is represented by state and non-state actors towards the United States' decisions during President Donald Trump's administration, specifically after President Trump announced the united Jerusalem as the capital of Israel.

## 1. STATE AND NON-STATE ACTORS IN MALAYSIA

As with other nations, there are entities in Malaysia that could be categorized as state and non-state actors. Before discussing any deeper, it is vital to state beforehand the operational definition of the two terms. Principally, state actors refer to an individual or a group of individuals which have power in determining policies for a nation. It also refers to whichever entity is supported directly by the government. In contrast, non-state actors are individuals and structured organizations that are free and are not bound by the government.[274] They include entities such as civil organizations, individuals, the media, private companies, and private entities.

[273] Tarikh Kemaskini, "PAS Sarawak sokong pendirian tegas kerajaan terhadap atlet Israel", *BH Online*, http://www.bernama.com/state-news/beritabm.php?id=1688944, (Accessed on February 23, 2019).

[274] "Non-State Actors", ESCR-Net, https://www.escr-net.org/resources/non-state-actors, (Accessed on February 23, 2019).

Different from state actors, non-state actors do not have the authority to determine the state's policies directly. This is because non-state actors do not have the political authority and legitimacy, unlike state actors. Having said that, non-state actors have a role to play as instigators that are able to influence policy-making, which is controlled by state actors, at certain levels. Function-wise, non-state actors, especially NGOs and civil bodies, are mostly seen as playing their role as agents of check and balance, and as instigators towards a particular issue. As a result, non-state actors are more prone to taking a vocal and radical stance in voicing an issue as compared to state actors who take a more diplomatic and protocol-based approach.

As anywhere else, both state and non-state actors in Malaysia have their roles to play according to their capacities. In this matter, the area of contribution for state actors is more focused on the nation's stance and policies. For instance, the Malaysian government through its Ministry of Foreign Affairs has the power to put in place foreign policies according to the national principles and interests. This includes Malaysia's policy of not recognizing the Israeli state as a nation since it was established in 1948.[275] The effects of not recognizing Israel can be seen through recent developments relating to Malaysia's stance towards Israel like in the rejection of Bayt al-Maqdis as the capital city of Israel and not allowing Israeli athletes to compete in the World Para Swimming Championship in Kuching, Sarawak.[276]

[275] Oleh Mohd Anwar Patho Rohman et al., "Malaysia tetap tak iktiraf Israel", *BH Online*, https://www.bharian.com.my/berita/nasional/2018/04/407127/malaysia-tetap-tak-iktiraf-israel, (Accessed on February 24, 2019).

[276] Daripada Ahmad Zaini Kamaruzzaman, "Malaysia iktiraf Baitulmaqdis ibu kota Palestin", *BH Online*, https://www.bharian.com.my/berita/nasional/2017/12/363093/malaysia-iktiraf-baitulmaqdis-ibu-kota-palestin, (Accessed on February 24, 2019). See also: Sofian Baharom, "Tetap tidak benarkan atlet Israel masuk –PM", *Utusan Online*, http://www.utusan.com.my/berita/nasional/tetap-tidak-benarkan-atlet-israel-masuk-pm-1.819589, (Accessed on February 24, 2019).

## 2. THE TRUMP ADMINISTRATION'S DECISIONS RELATING TO BAYT AL-MAQDIS

President Trump promised the Jewish and pro-Israeli lobbies and ultra-nationalist power circles during his election campaign that he would take significant steps if he became president. As soon as he came to power, Trump made two decisions regarding the Palestinian-Israeli issue, namely declaring the united Bayt al-Maqdis as the capital of Israel and moving the American embassy from Tel Aviv to Bayt al-Maqdis.

### DECLARING BAYT AL-MAQDIS AS THE CAPITAL OF ISRAEL

On December 6, 2017, Trump made a declaration that caused global dispute and turmoil. Through his statement issued by the White House, Trump officially declared the united Bayt al-Maqdis as the capital for Israel. In his statement, Trump emphasized, "But today, we finally acknowledge the obvious: that Jerusalem is Israel's capital. This is nothing more, or less, than a recognition of reality. It is also the right thing to do. It's something that has to be done."[277]

Trump's official statement regarding the declaration of Bayt al-Maqdis as the state capital of Israel can be seen from several points of view. First, what is the rationale that drove Trump to state something that would surely cause polemic and turmoil especially among the Muslim communities? In his statement, he stated that the declaration of Bayt al-Maqdis as under the ownership of Israel is a step towards a resolution to the Palestinian-Israeli conflict. Trump tried to provide the rationale behind his decision in the following words, "I've judged this course of action to be in the best interests of the United States of America and the pursuit of peace

[277] "Statement by President Trump on Jerusalem", *The White House Press Statements & Releases*, https://www.whitehouse.gov/briefings-statements/statement-president-trump-jerusalem/, (Accessed on February 24, 2019).

between Israel and the Palestinians. This is a long-overdue step to advance the peace process and to work towards a lasting agreement. Israel is a sovereign nation with the right like every other sovereign nation to determine its own capital. Acknowledging this as a fact is a necessary condition for achieving peace."[278]

It is here that the authors see that there lies a fallacy in the rationale that drives Trump to make such a declaration. The justification of declaring Israel's ownership over Bayt al-Maqdis is against the logic of "reaching a peace between Israel and Palestine." For seven decades, the conflict between the two nations revolves around land ownership, even more so the ownership of Bayt al-Maqdis. Recognizing Bayt al-Maqdis as the state capital of Israel will only bring victory to one side, which is Israel, and in turn deny the interests of Palestine.

Second, Trump's declaration can be seen in relation to its background aspects. If looked at in detail, the sudden decision announced by Trump is plagued by internal U.S. factors. According to Farrell,[279] it is actually driven by promises made by Trump to pro-Israeli politicians and lobbies if he were to win in the U.S. presidential elections back in 2016. Trump's decision was also taken to fulfil popular demands from conservatives and evangelical Republicans who are Trump's strong supporters, thus holding on to the principle of being inclined towards Israel in the dispute of Bayt al-Maqdis's status. Other than that, Trump's controversial step was to win the hearts of lobbyists and the Jewish elites in the U.S. who contributed a lot to the Republican Party during the electoral campaign in 2016. Among them is Sheldon Adelson, a millionaire from Las Vegas, who contributed 82 million dollars to ensure the victory of the Republicans.[280] Therefore, Trump's recognition is a pragmatic

[278] Ibid.

[279] Stephen Farrell, "Why Is the U.S. Moving Its Embassy to Jerusalem?", *Reuters*, May 7, 2018.

[280] Chris McGreal, "Sheldon Adelson: The Casio Mogul Driving Trump's Middle East Policy", *The Guardian*, June 8, 2018.

act to fulfil his promises during the electoral campaign and to win the hearts of those with interests.

Aside from that, the declaration of Bayt al-Maqdis as being owned by Israel can be analyzed from a standpoint of its implications. In essence, the implications of such a declaration can be divided into two: implications for the stability of West Asia, and towards the U.S. itself. From the first aspect, Trump's decision in general will bring a negative impact on the stability of Palestine and Israel. It is well-known that the Palestinian-Israeli conflict has been prolonged for seven decades due to Israel's constant breach of the peace treaties. Declaring Bayt al-Maqdis as the state capital of Israel will not only make the process of peace slower, it has also added fuel to the flame that is already burning. It has raised people's anger and discontentment especially for the people of Palestine. Protests have been rallied up, and there are possibilities of war between Palestine and Israel which destabilizes the relations between the two sides.

From the second aspect, the implications of Trump's declaration open up a possibility of changing the orientation of U.S. foreign policy, especially towards the Middle East and Palestine. According to Trump, "In 1995, Congress adopted the Jerusalem Embassy Act, urging the federal government to relocate the American embassy to Jerusalem and to recognize that that city - and so importantly - is Israel's capital… Yet, for over 20 years, every previous American president has exercised the law's waiver, refusing to move the U.S. embassy to Jerusalem or to recognize Jerusalem as Israel's capital city… Therefore, I have determined that it is time to officially recognize Jerusalem as the capital of Israel."[281]

If referring to the statement above, it is understood that the decision to acknowledge Bayt al-Maqdis as the state capital of Israel shows the difference in the attitude of the U.S. during the Trump's

[281] "Statement by President Trump on Jerusalem", The White House Press Statements & Releases.

administration as compared to previous administrations. One can say that what Trump has declared is just a continuation of policies and stances which were already observed by the U.S. leadership since the early stages of Israel's existence. But what is clear from the above statement is that Trump has taken a more drastic approach and blatantly declared Israel's ownership over Bayt al-Maqdis, which is different from previous leaders who did not take the confrontational road when it came to Bayt al-Maqdis. However, the biggest implication of Trump's declaration is the moving of the U.S. embassy from Tel Aviv to Bayt al-Maqdis, which will be discussed in more detail in the next part.

## THE MOVE OF THE U.S. EMBASSY FROM TEL AVIV TO BAYT AL-MAQDIS

Starting from the declaration of Bayt al-Maqdis's status, Trump stated his wish to move the U.S. embassy in Israel from Tel Aviv to Bayt al-Maqdis. In the same statement he said "consistent with the Jerusalem Embassy Act, I am also directing the State Department to begin preparation to move the American embassy from Tel Aviv to Jerusalem. This will immediately begin the process of hiring architects, engineers, and planners, so that a new embassy, when completed, will be a magnificent tribute to peace."[282] The moving of the U.S. embassy in Israel from Tel Aviv to Bayt al-Maqdis signaled that there is a special relationship between Trump and Prime Minister of Israel Benjamin Netanyahu. On another aspect, this has raised a question regarding the future prospects of peace negotiations between Palestine and Israel.[283]

The relocation of the U.S. embassy in Israel from Tel Aviv to Bayt al-Maqdis was ordered to be executed on May 14, 2018.

[282] Ibid.

[283] David M. Halbfinger, Isabel Kershner and Declan Walsh, "Israel Kills Dozens at Gaza Border as U.S. Embassy Opens in Jerusalem", *NY Times*, May 14, 2018.

Trump's decision on that date was very controversial as it signaled the 70th anniversary of the official establishment of the modern Israeli state (May 14, 1948.) The choice of this particular date looks to be a symbolic celebration of the 70th anniversary of the nation's establishment, which to this day is still disputed. This makes the perspective of the people of Israel and Palestine towards the relocation of the U.S. embassy to Bayt al-Maqdis different. If Israelis see the relocation as only a matter of relocating to another location, the Palestinians see it as a form of denial towards the seven-decade-long hope for Palestine's freedom.[284]

In discussing the move of the U.S. embassy in Israel, it is important to look at the scenarios that accompany the move as well. If the Israelis celebrate May 14, 2018 as the day of their nation's establishment, Palestinians, on the other hand, consider the date as the "Day of Disaster" because it signified the start of the land ownership conflict between the two sides. Consequently, Palestinians, especially those who live in the Gaza Strip, have held a peaceful campaign to commemorate 70 years of sadness known as the "Great Return March" (GRM). The GRM refers to a campaign or a massive movement of Palestinians returning to their homeland peacefully, demanding their land back which was taken away 70 years ago. Starting on March 30, 2018 and targeting the important date of May 15, 2018, the campaign was joined by thousands of Palestinians marching to the Gaza Strip-Israeli border. Throughout the GRM campaign, there were many attacks from the Israelis towards the Palestinian protesters. For instance, Israeli soldiers were reported to be attacking Palestinians randomly using live ammunition, hand grenades, and tear gas.[285]

[284] Ibid.

[285] "Gaza Protests: All the Latest Updates", *AlJazeera*, November 12, 2018.

Looking at the above scene, it is understood that the process of moving the U.S. embassy from Tel Aviv to Bayt al-Maqdis is plagued with conflict between the Palestinians and the Israeli security forces. Other than commemorating the "Day of Disaster," the GRM movement is also motivated by opposing the opening of the U.S. embassy in Bayt al-Maqdis as ordered by Trump.[286] This matter has prolonged the Palestinian protest towards Israel and the U.S. to another phase. Harsh reactions from the Israelis made the conflict between the two sides even more tense; to this day it is nearly a year since the protest began. As of January 2019, attacks are still being carried out by Israelis towards protesting Palestinians. From the beginning of the Gaza-Israel conflict, Trump's cabinet did not respond positively in controlling the tensions in the area. Instead, the U.S. used its veto power to reject the UN Security Council's draft which urged restraint in the conflict and investigations regarding the dispute between Palestine and Israel at the Gaza-Israel border.[287]

## 3. MALAYSIA'S STANCE TOWARDS TRUMP'S DECISION

As one of the leading non-Arab Muslim countries in South East Asia, Malaysia has been very sensitive towards the Palestinian-Israeli issue and the position and the future of Bayt al-Maqdis. Accordingly, Malaysia became one of the first states condemning Trump's decisions. Both official institutions and non-state actors strongly criticized Trump's decisions. All actors warned the U.S. administration that its decisions will threaten the global peace and stability due to its violation of the main principles of international law.

[286] David M. Halbfinger, Isabel Kershner and Declan Walsh, "Israel Kills Dozens at Gaza Border".

[287] AFP and Khaled Abu Toameh, "US Blocks UN Resolution Condemning Israel for Deaths in Gaza Clashes", *Times of Israel*, April 1, 2018.

## MALAYSIAN STATE'S STANCE TOWARDS TRUMP'S DECISION

The American recognition of Bayt al-Maqdis as the capital city of Israel is clearly rejected by Malaysia's premier. Malaysia's sixth Prime Minister Najib Razak made his rejection clear not long after the declaration. He emphasized, "This week when we are shocked by the U.S. decision to recognize one of the Muslim Holy Lands, Baitulmaqdis (Jerusalem), as the capital city of Israel, I am certain that as Muslims we will never be able to accept this… We will forever harshly condemn the proposal of making Baitulmaqdis the state capital of Israel."[288]

In general, Trump's decision to recognize Bayt al-Maqdis as the state capital of Israel not only caused criticism from Muslim countries, it also garnered criticism from the UN Security Council three days after the declaration. It then was followed by support from 128 members out of the 193 UN members that voted to reject the U.S. decision to recognize Israel's ownership over Bayt al-Maqdis.[289] In this matter, Malaysia is one of the nations that rejected the American decision on the status of Bayt al-Maqdis.

Trump's polemic was met with Malaysia's stance that is clearly not in favor of anything that can threaten peace and stability in Palestine. As an example, then Deputy Prime Minister Ahmad Zahid Hamidi gave a stern response to the threats given by the U.S. even before the voting at the UN. According to Zahid, Malaysia will not budge from protecting Bayt al-Maqdis even though the U.S. has made several threats including to retract its finan-

[288] Oleh Irwan Shafrizan Ismail, "Malaysia tolak Baitulmaqdis jadi ibu negara Israel –Najib", *BH Online*, https://www.bharian.com.my/berita/nasional/2017/12/360084/malaysia-tolak-baitulmaqdis-jadi-ibu-negara-israel-najib, (Accessed on February 24, 2019).

[289] "128 undi tolak AS iktiraf Baitulmaqdis", *BH Online*, https://www.bharian.com.my/dunia/amerika/2017/12/366279/128-undi-tolak-iktiraf-baitulmaqdis, (Accessed on February 24, 2019).

cial assistance from nations which supported the UN's resolution draft regarding the status of the city. In this case, Malaysia showed its objectivity on the Palestinian-Israeli issue even though it is exposed to the possibility of creating tensions in its relations with the U.S.: "…we have to differentiate diplomatic relations and trade relations with other relations, because this case (Jerusalem) is a specific stance."[290] Through another statement, Zahid also stressed that "Malaysia has to move collectively with support from other nations and the international community. It is certain that many reject this action from the U.S. and Israel. It is time that the international community joined together to put pressure on the U.S. and Israel, so they know that they cannot oppress Palestinians anymore."[291]

In regard to the conflict between Palestine and Israel, generally Malaysia holds on to the stance that a negotiation based on the framework of settlement of the two nations is the best way to achieve peace. The former Deputy Foreign Minister of Malaysia Reezal Merican Naina Merican stresses, "The U.S. decision was condemned by the international community; therefore, we do not want to give the image of the same decision, the best way is to give an opportunity for negotiations through a bilateral settlement framework between the Palestine and Israel."[292] Based on this premise, Malaysia rejects the United States' decision which acknowledges Bayt al-Maqdis as being under the ownership of Israel because

[290] Oleh Rohaniza Idris, "Malaysia tidak berganjak pertahankan Baitulmaqdis", *BH Online*, https://www.bharian.com.my/berita/nasional/2017/12/366200/malaysia-tidak-berganjak-pertahankan-baitulmaqdis, (Accessed on February 24, 2019).

[291] Oleh Zanariah Abd Mutalib, "Palestin tetap dibela –TPM", *BH Online*, https://www.bharian.com.my/berita/nasional/2017/12/365691/palestin-tetap-dibela-tpm, (Accessed on February 23, 2019).

[292] Oleh Nazura Ngah et al., "Parlimen: Malaysia tak terburu-buru isu Baitulmaqdis", *BH Online*, https://www.bharian.com.my/berita/nasional/2018/03/396751/parlimen-malaysia-tak-terburu-buru-isu-baitulmaqdis, (Accessed on February 23, 2019).

it is a form of deviation from the peace plan based on a two-state solution framework.

The consistency of state actors toward Israel is very clear with the latest decision under the new government in Malaysia lead by the *Pakatan Harapan* (PH) coalition. As mentioned before, the seventh (current) Prime Minister Mahathir Mohammad stressed that the government will not allow athletes from Israel to compete in the 2019 World Para Swimming Championships in Kuching that will take place from July 29 to August 4. In this regard, Mahathir stressed that "we will not allow them… If they come, then it is an offence."[293] As a result of this, Malaysia has been withdrawn from the championships' hosting rights. Nevertheless, this has shown that Malaysia has a very clear foreign policy when it comes to Israel. He also said that the government will maintain its firm stance on this issue as protest over the continued oppression of the Palestinian people which have been denied their rights for many years.

## MALAYSIAN NON-STATE ACTORS' STANCE TOWARDS TRUMP'S DECISION

In Malaysia, the U.S. decision to acknowledge Bayt al-Maqdis as the state capital of Israel and the relocation of the U.S. embassy has warranted reactions from non-state actors. In general, non-state actors are in agreement regarding the U.S. decision on Bayt al-Maqdis. On this matter, civil bodies and NGOs were the most vocal in voicing their protest. For example, on December 8, 2017, the Malaysian Youth Council made an official statement condemning the declaration of Bayt al-Maqdis as the state capital of Israel. According to its president Mua'amar Ghadafi Jamal Wira Jamaludin, Trump's declaration clearly shows that the U.S. is behind

[293] "Malaysia Will Not Allow Israeli Athletes to Compete Locally", *New Strait Times*, January 10, 2019.

the prolonged conflict between Palestine and Israel. According to Jamaludin,

> The announcement of Baitulmaqdis (Jerusalem) as the state capital of Israel by the United States President Donald J. Trump showed America's true colors as the mastermind behind the prolonged conflict. His announcement not only made the peace process more complicated between Palestine and Israel, but also created tensions in the Arab region and Muslim countries…The relocation of the U.S. Embassy to Baitulmaqdis (Jerusalem) is an act of provocation because it deliberately fueled dispute towards Palestinians.[294]

Several humanitarian NGOs, especially those involved in voluntarism work in Palestine, also showed their protest towards Trump's decision on the status of Bayt al-Maqdis. On December 15, 2017, a peaceful rally was held after Friday prayers by over 20 organizations including Citizens International, Aman Palestine, Malaysia al-Quds Foundation, Malaysia Amal Foundation, and Penang Muslim League. The director of Citizens International, Mohideen Abdul Kader, said the fight to oppose Israeli occupation is an obligation for Muslims and it must be opposed to the very last bit. "Trump's declaration is nonsensical and is against international decisions which are with us in opposing Israel. The Palestinian issue is not only about Islam, but it is a humanitarian issue and we cannot even once compromise with the U.S. or Israel."[295]

On December 22, 13 Islamic NGOs, which are based in Kelantan, held a solidarity rally at a mosque in Kubang Kerian, Kelantan to oppose the U.S decision of making Bayt al-Maqdis the state capital of Israel. Among the NGOs involved were *Persatuan*

[294] Mua'amar Ghadafi Jamal Datuk Wire Jamaludin, "Kenyataan Media: Majlis Belia Malaysia (MBM) Menolak Sekeras-Kerasnya Pengumuman BaitulMaqdis Sebagai Ibu Negara Israel", *Belia.Org*, http://belia.org.my/wp/2017/12/08/kenyataan-mbm-pengumuman-baitul-maqdis-sebagai-ibu-negara-israel/, (Accessed on February 23, 2019).

[295] Oleh Siti Sofia Md Nasir, "Bantahan terhadap Israel di Masjid Kapitan Keling", *BH Online*, https://www.bharian.com.my/berita/wilayah/2017/12/363850/bantahan-terhadap-israel-di-masjid-kapitan-keling, (Accessed on February 23, 2019).

*Pengguna Islam Kelantan* (PPIK), *Pertubuhan Permuafakatan Majlis Ayahanda Malaysia*, *Persatuan Sukan Boksing Negeri Kelantan*, *Persatuan Orang Kota Bharu*, and *Biro Aduan Masyarakat Malaysia*. The rally gathered more than 500 people to show their full support towards the Palestinians. The President of the PPIK Mohd Fared Abdul Ghani said the U.S. decision is uncalled for since other than being against the UN resolution, it ensues anger from Muslims all over the world.

> This rally is a symbol of solidarity among Muslims towards the fate of our brothers and sisters in Islam who are being oppressed in Palestine. Baitulmaqdis (Jerusalem) is the place where the third most important mosque of Muslims is. However, Trump's actions are seemingly more vicious in wanting to take away Baitulmaqdis (Jerusalem) as the right of Palestinians. I believe that this rally is a form of unity of Muslims in defending Palestine.[296]

Other than NGOs, several political parties in Malaysia also voiced protests specifically towards the relocation of the U.S. embassy in Israel from Tel Aviv to Bayt al-Maqdis. The Youth Chief of Malaysian Islamic Party (*Parti Islam Se-Malaysia*, PAS) Muhammad Khalil Abdul Hadi in an official statement explained that the official relocation of the U.S. embassy to Bayt al-Maqdis is a "starting switch" to dispute and international clashes which are potentials for war. "Baitulmaqdis (Jerusalem) is not only violated as a right of the Muslims and its peoples, the actions of the Uncle Sam state are also violating the rights of the Palestinian people. Provocations like this will only ensue tensions and instability in the Middle East and worsen the conflicts that are already in place."[297] At the same time, People Justice Party (*Parti Keadilan Rakyat*, PKR) leader, Saifud-

[296] "Pemuda UMNO berkumpul bantah Trump", Utusan Online, http://www.utusan.com.my/berita/nasional/ngo-pemuda-umno-berkumpul-bantah-trump-1.578118, (Accessed on February 23, 2019).

[297] Ustaz Muhammad Khalil Abdul Hadi, "Kecam Pemindahan Amerika ke Baitulmaqdis", *BeritaPas.Org*, https://berita.pas.org.my/kecam-pemindahan-kedutaan-amerika-ke-baitulmaqdis/, (Accessed on February 23, 2019).

din Nasution Ismail, is also on the same page in giving a response regarding the relocation of the U.S. embassy to Bayt al-Maqdis by saying that the act brings potential bad implications to the stability of the region, its security, and in reaching a solution towards the Palestine-Israel conflict.[298]

## 4. UNDERSTANDING MALAYSIA'S STANCE TOWARDS TRUMP'S DECISION

If observed closely, state and non-state actors in Malaysia have displayed unison in their stance towards Trump's decision regarding Bayt al-Maqdis. Both state and non-state actors rejected the decision acknowledging Bayt al-Maqdis as the state capital of Israel and the relocation of the U.S. embassy.

In general, the basis of the rejection of both state and non-state actors towards the decision regarding Bayt al-Maqdis is based on the premise that the decision is against what is agreed by the UN. The rejection of Trump's decision and the UN's decision can be understood on two dimensions. First, Bayt al-Maqdis is a heritage city under the protection of UNESCO based on its immensely important standing in the three religious traditions, namely Islam, Christianity, and Judaism.[299] With that, the whole of Bayt al-Maqdis must be protected, and its security cannot be jeopardized just to meet one party's preferences. Second, the majority of the UN members that voted on December 22, 2017, rejected the U.S. decision to acknowledge Bayt al-Maqdis as the state capital of Israel. The UN, as stated by Sani,[300] is like a 'world government' based on

[298] "PKR kecam kekejaman Israel ke atas rakyat Palestin", *Malaysiakini*, https://www.malaysiakini.com/news/425033, (Accessed on February 23, 2019).

[299] "Statement by the Director-General of UNESCO on the Old City of Jerusalem and Its Walls, A UNESCO World Heritage Site", *UNESCO*, https://whc.unesco.org/en/news/1568, (Accessed on February 23, 2019).

[300] Sani, M. A. M. (2012), *Amerika Syarikat dan Keseimbangan Kuasa Global pada Era Pasca-Perang Dingin, 1989-2000*, (Penerbit Universiti Utara Malaysia, Kedah: 2012).

its role that centralizes and gathers nations from all over the world. In its function, the UN is the most legitimate entity in determining a decision which includes the interests of its member nations. In other words, the U.S. continuing its acknowledgement of Israel's ownership of Bayt al-Maqdis even though it is rejected by the majority of the UN members lays the groundwork for a rift between the U.S. and the UN.

Other than that, both state and non-state Malaysian actors see Bayt al-Maqdis as not only a district which should be governed by the Palestinians geographically, but also see that the city is very important and meaningful to the Muslims in general. This is because Bayt al-Maqdis is a stopping place for the Prophet (pbuh) in his travel *Isra' wa al-Mi'raj* (Ascension and Night Journey).[301] Other than that, the city hosts Masjid al-Aqsa which is the third holiest mosque after Masjid al-Haram and Masjid al-Nabawi. Based on the statements and stances of state and non-state actors, it can be said that Malaysia's defense of Palestine and its opposition to the declaration of Bayt al-Maqdis as being under the ownership of Israel is based on religious reasons and humanitarian and regional security purposes.

If compared, we can understand that non-state actors are more vocal and radical in voicing their opposition towards Trump's decision regarding Bayt al-Maqdis. This is clear through the NGOs who organized rallies, marches, and submitted memorandums to the U.S. embassy. State actors, on the other hand, are more moderate and softer in their intonation even when opposing the U.S. decision. This can be understood when looking at the characteristics of both actors. According to what has been discussed, state actors have the legitimacy to form policies and represent the nation in discussing any matters on a global lev-

[301] Abd al-Fattah El-Awaisi, "The Significance of Islamic Jerusalem in Islam: An Islamic Reference", *Journal of Islamic Jerusalem Studies*, Vol: 1, No: 2, (1998), pp. 47-71.

el. If seen through its foreign policies perspective, Malaysia has good relations with the U.S. in terms of trade. The attitude of Malaysia or the statements it has made towards the U.S. decision have to take into account the balance between stating its stance objectively and its need to maintain a good relationship with the United States. Here lies the rationality of why a state actor, or the Malaysian government specifically, is not seen to be as vocal as non-state actors in voicing their rejection. Meanwhile, non-state actors do not attach any importance on preserving a good relationship with the U.S. This gives them a bigger stage for them to be vocal in voicing their objection.

## CONCLUSION

Malaysia is one of the countries which is very close to the aspirations of the fight for Palestine and its freedom. Relating to the issue of Bayt al-Maqdis's status and the relocation of the U.S. embassy from Tel Aviv to Bayt al-Maqdis, state and non-state actors in Malaysia have shown their uncompromised attitude and stance based on their own capacities. Hence, the decision from the U.S. to acknowledge Bayt al-Maqdis as the state capital of Israel has led to criticism and condemnation from many Malaysian political parties. The authors are of the opinion that this seems to portray the U.S., which has been seen as the mediator for peace between Palestine and Israel, as no longer being capable of playing the mediating role because it has shown that it prefers one side to the other – namely Israel. Therefore, it is vital that coalitions of Muslim countries such as the OIC and the Arab League take their own stance in coming up with solutions in the disputes and conflicts that carry the fate of Arab countries, in general, and Bayt al-Maqdis, in specific, for the sake of the eventual future freedom of the Holy Land.

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# AUTHORS

**Muhittin Ataman**

Dr. Muhittin Ataman is a professor of International Relations at Ankara Social Sciences University, Department of International Relations, where he teaches International Relations and Middle Eastern Politics. After graduating from Ankara University, he received his Master's degree from the University of Central Oklahoma and his PhD from the University of Kentucky. He has taught at Abant Izzet Baysal University and Ankara Yıldırım Beyazıt University for two decades. Dr. Ataman worked at the Higher Educational Council of Turkey as secretary general of the Inter-University Board, as coordinator of the international office, and as advisor to the president of YOK between 2012 and 2014. Since 2011, he has been working at SETA, Foundation for Political, Economic and Social Research, where he is now director of foreign policy research. Since 2014, Dr. Ataman is a regular contributor on foreign policy issues to different programs on the TV channel *TRT Haber* (TRT News). Since 2017, he has been contributing to the newspaper *Daily Sabah*. Dr. Ataman has published many articles about Turkish foreign policy, Middle Eastern politics, and international politics in some of the leading English, Turkish, and Arabic academic journals, and has edited several books including *Dünya* Çatışma *Bölgeleri ve Alanları I-II (World Conflict Zones and Areas, I and II)*, *Küresel Güç ve Refah (Global Power and Wealth),* and *July 15 Coup Attempt in Turkey*. He is the editor-in-chief of the journal *Insight Turkey*, one of the leading journals on Middle Eastern politics, and of *Ortadoğu Yıllığı* (Middle Eastern Annual).

**Abd al-Fattah El-Awaisi**

Dr. Abd al-Fattah El-Awaisi is a professor of International Relations, a fellow of the Royal Historical Society (UK), and the founder of the Field of Inquiry of Islamicjerusalem *Beytülmakdis* Studies. He has been teaching and researching for 33 years at different Arab, British, Malaysian, and Turkish universities. He currently works at the Social Sciences University of Ankara and is a distinguished visiting professor at the Universiti Utara Malaysia (UUM). Dr. El-Awaisi has an excellent record of research publications in both English and Arabic. Some of his publications have been translated into French, Malay, Turkish, and Indonesian. He has encouraged and supported the development of a number of academic knowledge-based thoughts and ideas through his supervision of a good number of master dissertations and PhD theses. Moreover, he has participated and presented academic papers at many international academic conferences. In addition, he has established a number of international academic projects, such as the Field of

Inquiry of Islamicjerusalem *Beytülmakdis* Studies, which he founded in 1994; the annual International Academic Conference on Islamicjerusalem Studies, which he has chaired since 1997; and the academic refereed journal *Journal of Islamicjerusalem Studies*, where he has been the editor-in-chief since 1997. One of his major achievements is his contribution to knowledge in the form of a number of theories and models in the field of International Relations. Examples of the former include his new geopolitical theory, the *Barakah* Circle Theory of Islamicjerusalem, and his *Aman* (Peaceful Co-Existence and Mutual Respect) Theory. He has received a number of awards, including the Stirling Council Provost's Civic Award for 1999 (UK); the Special Award for Innovation in 2007 (UK); and recently, the Islamic World Istanbul "Science" Award (2018). Dr. El-Awaisi is an energetic scholar and visionary, and an accomplished and innovative academic, who has dedicated his life to education and knowledge as a base for human development with a passionate and grittier commitment to progressive education, research, and community welfare.

**Berdal Aral**

Dr. Berdal Aral completed his PhD research with a thesis entitled "Turkey and International Society from a Critical Legal Perspective" in 1994 at the University of Glasgow, Scotland. His main areas of interest, both in research and teaching, include international law and human rights. He has written three books in Turkish, namely *The Right of Self-Defence under International Law* (1999); *Collective Rights as Third-Generation Human Rights* (2010); and *From Global Security to Global Hegemony: The UN System and the Muslim World* (2016). He has published articles, both in English and Turkish, on the aforementioned topics and on Turkish foreign policy. Dr. Aral currently teaches at the Department of International Relations at Istanbul Medeniyet University.

**Helin Sari Ertem**

Dr. Helin Sari Ertem is an assistant professor of International Relations at Istanbul Medeniyet University, Turkey. She received her Master's degree in 1999 from the Department of Journalism at City, University of London, UK. Between 1999 and 2003, she worked as a broadcast journalist. In 2010, she received her PhD on International Relations from Marmara University, Turkey. Since then, Dr. Sari Ertem has been giving lectures, and writing and editing books, book chapters, and articles on various foreign policy issues. Her academic interests include Turkish and American foreign policies, Middle East affairs, and the identity-security relationship. She has co-edited the following books: *Analysing Foreign Policy Crises in Turkey: Conceptual, Theoretical and Practical Discussions* (Cambridge, 2017); *GCC-Turkey Relations: Dawn of a New Era* (Cambridge, 2015); and *Turkish Foreign Policy in the 2000s: Opportunities, Risks and Crises* (printed in Turkish) (Istanbul, 2015).

**Khalid El-Awaisi**

Dr. Khalid El-Awaisi is a graduate of the pioneering field of Islamicjerusalem Studies where he received his PhD from the University of Aberdeen (2006). His main specialization is the historical geography of Beytülmakdis/Islamicjerusalem and the geographical interpretations of the Qur'an. He has taught at a number of Turkish and British universities and was appointed the director of the Centre of Islamicjerusalem Studies in the UK (2007-2011). Currently, he is an assistant professor at the Department of Islamic History at the Social Sciences University of Ankara (ASBU), and teaches in the field of Beytülmakdis/Quds Studies in the postgraduate programs.

**Sharif Amin Abu Shammala**

Dr. Sharif Amin Abu Shammala is a Palestinian researcher who holds a PhD in the history and civilization of al-Quds from the University of Malaya, Malaysia. He has published several books and articles. His research focus is Palestine and issues pertaining to al-Quds. He received the 2012 Ministry of Youth and Sports Award (Palestinian Youth Innovation Award) in the category of Islamic Thought. He is currently the chief executive officer of the Al-Quds Foundation Malaysia and a member of the Board of Directors of the Palestinian Center for History and Documentation. Abu Shammala is also the editor-in-chief of *al-Aqsa Online Encyclopedia* (*Aqsapedia.net*).

**Stephen Sizer**

Revd. Dr. Stephen Sizer is the former vicar of the Anglican parish of Christ Church, Virginia Water, in Surrey, England. In 2004, he was awarded a PhD by Oak Hill College and Middlesex University. His thesis examined the historical roots, theological basis, and political consequences of Christian Zionism in Britain and the USA beginning in1820. Revd. Sizer is the founder and director of Peacemaker Trust.

**Abdulsalam Muala**

Dr. Abdulsalam Muala is a Palestinian freelance researcher based in the West Bank who holds a PhD degree from the Universiti Utara Malaysia (UUM), Malaysia. He has two books in the process of publication: *Unlocking the Palestinian-Israeli Negotiations: A Critical Review of Contemporary Literature and Methodologies* (in English) with Springer Publishing; and *Barriers to Reach a Negotiated Solution to the Palestinian-Israeli Conflict* (in Arabic) with the Arab Center for Research and Policy Studies.

**Hossam Shaker**

Hossam Shaker is a researcher, author, and a consultant in media, public relations, and mass communication for a number of organizations in Europe. He has an interest in the analysis of European and international affairs, as well as social and media issues. Shaker resides in Vienna.

**Mohammad Makram Balawi**

Dr. Mohammad Makram Balawi is a Palestinian academic and writer based in Istanbul. He is the founder and president of the Asia Middle East Forum, a public diplomacy organization that aims at bridging the gap between Asian countries and the Middle East, with special emphasis on advocacy of the Palestinian cause. In 2012, Dr. Makram Balawi co-founded the al-Quds Foundation Malaysia and worked as its managing director. He also founded a Malaysian coalition for advocating and supporting the al-Quds cause called "Save al-Quds Campaign" that consists of about 50 organizations. He holds a PhD in postcolonialism from the International Islamic University Malaysia. He is a prolific writer who is best known for his writings on Asian Relations and the Palestinian cause.

**Mohd Roslan Mohd Nor**

Dr. Mohd Roslan Mohd Nor is an associate professor at the Department of Islamic History and Civilization, Academy of Islamic Studies, University of Malaya, Malaysia. He was the deputy director (Research & Development) at the Academy of Islamic Studies between 2012 and 2019. Prior to that, he served as the head of the Department of Islamic History and Civilization, at the same academy. Dr. Roslan's broad academic interests involve Islamicjerusalem Studies, the Middle East, Islam and multiculturalism, Muslim affairs, religious studies, and civilization. He has published several academic articles in international refereed journals. Dr. Roslan participated in the "Study of the United States Institutes - Religious Pluralism and Public Presence," University of California Santa Barbara (2010), and has been a visiting scholar at different institutions such as the Al-Maktoum Institute, Scotland (2009) and Minzu University, Beijing (2012-2013). He was a recipient of the 2018 MAPIM-KPT (then Ministry of Higher Education) award for a book published in the social sciences category. He also received the prestigious award Anugerah Akademik Negara (AAN) 2018 in the book category for *The Significance of Islamicjerusalem in Islam* (University of Malaya Press, 2017).

**Muhammad Khalis Ibrahim**

Muhammad Khalis Ibrahim was a postgraduate student at the Department of Islamic History and Civilization, Academy of Islamic Studies, University of Malaya, Kuala Lumpur, Malaysia. His Master's degree was about modern Turkish history and politics. Muhammad Khalis has published his research in academic journals such as *International Journal of West Asian Studies*, *UMRAN-International Journal of Islamic and Civilizational Studies*, *Online Journal of Research in Islamic Studies*, and *MANU-Jurnal Pusat Penataran Ilmu & Bahasa*. He also has an article in the forthcoming issue of *AKADEMIKA-Journal of Southeast Asia Social Sciences and Humanities* (indexed in the Web of Science). Ibrahim has presented his work in several international conferences and is now planning to pursue a doctoral degree focused on the Turkish foreign policy towards Western Asia.

The controversial decision of U.S. President Donald Trump to formally recognize the Holy City of al-Quds (Jerusalem) as the capital of Israel overturned decades of official U.S. policy. This decision resulted in moving the American embassy from Tel Aviv to Jerusalem on the eve of the Palestinian commemoration of 70 years of the *Nakbah* (Catastrophe) on May 15, 2018, during which Palestinians have been suffering persecutions, massacres, and ethnic cleansing. Not only is this decision against international law, but it is also in direct conflict with a number of resolutions by the UN Security Council. It brings an end to the two-state solution, which the international community has been trying to achieve for a long time. Moreover, this action is a practical step of the "Deal of the Century" which the Trump administration is trying to impose in the region.

These developments require urgent publications to address different dimensions of this delicate issue, which lies at the heart of most of the regional problems. In order to develop a better understanding of this issue and other related regional problems, it is necessary to produce inclusive materials about the city. Accordingly, at this critical time, we have designed this edited book to provide a better understanding of this core issue to intellectuals, academics, politicians, and the wider public interested in the Holy Land.

MUHİTTİN ATAMAN • ABD AL-FATTAH EL-AWAISI • KHALID EL-AWAISI
STEPHEN SIZER • SHARIF AMIN ABU SHAMMALAH • BERDAL ARAL
ABDULSALAM MUALA • HOSSAM SHAKE • MOHAMMAD MAKRAM BALAWI
HELIN SARI ERTEM • MOHD ROSLAN MOHD NOR • MUHAMMAD KHALIS IBRAHIM

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