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THE LEGACY OF PALESTINE

**Protection of Christian  
Waqf Properties in  
Occupied Jerusalem**





# Protection of Christian Waqf Properties in Occupied Jerusalem

This position paper is implemented by PalVision as a part of its role to protect and preserve the Islamic and Christian Waqf in Jerusalem.

This paper is part of «IRTH project».

Implemented by



In partnership with



Funded by



European Union



February 2023

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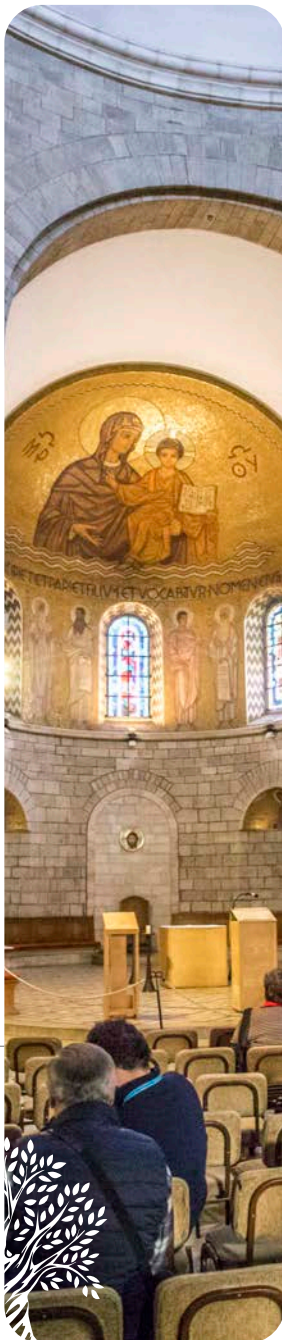
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## INTRODUCTION

Christian waqf properties constitute the majority of public waqf (endowments) in the Old City of Jerusalem, nearly 43 percent of the area (excluding the al-Haram area). Some Christian denominations also hold properties outside the walls of the Old City such as the Orthodox Church with endowments in Western Jerusalem constituting 17% of the area<sup>1</sup>. This makes these properties of high significance, and helps to understand the continuous endeavors by the Israeli Occupation Authorities to take over them, but also corruption deals and sales by the alleged legal guardians of these properties. Both are threatening the Christian presence in Jerusalem, which represents an integral part of its historical, religious, and cultural heritage. Accordingly, this position paper will, after addressing the status of Christian waqf in Jerusalem and the responsible parties for its management, highlight the main form of challenges facing these properties, and call upon the responsible parties to take the needed measures to protect both Palestinian Christians and their properties, and hold violators accountable.



## WHAT ARE CHRISTIAN WAQF (ENDOWMENTS)?

“Waqf” or Awqaf (plural.) can be defined as “a continuously usufruct-giving asset as long as its principal is preserved”<sup>2</sup>; it diverts the resources from individual consumption and ownership to productive assets to providing either usufruct or revenues for future utilization by individuals or groups depending on the “specification” of its use provided by the endower. The establishment of waqf in Jerusalem dates back to the Ayyubid period<sup>3</sup> (1187). During that period, waqf properties were either used for religious purposes, or for charitable functions with philanthropic goals, while Family waqf, which is currently considered a primary form of waqf, emerged at a later stage. Awqaf are also inalienable in perpetuity and prohibited from sale, gift, and inheritance<sup>4</sup>.

In general, Christian awqaf are regulated by the same basic framework as that of other endowments, in terms of the components, conditions, and types. Christian waqf can be public/charitable (khayrī) including for religious purposes - although some denominations list properties for religious service as a separate type of waqf, or family waqf (dhirī)<sup>5</sup>. Christian public endowments in the Old City of Jerusalem are largely employed for commercial uses (62%), and for residential uses (30%), while (4.7%) are allocated for educational purposes<sup>6</sup>.

Among the equally applied conditions is proof of ownership, and restrictions on the sale or exchange of properties registered as waqf, unless under specific conditions to which the designated court should approve to, and another waqf with the same principle should be bought to replace the old one<sup>7</sup>. Furthermore, all Christian denominations agree on the “need to adhere to the conditions of the endower in a manner that does not lead to legal or religious violations”<sup>8</sup>.

1) Ibrahim, Ali, Endangered Ownership of Christian Waqf Properties in Jerusalem, November 2017, <https://alquds-city.com/index.php?s=articles&id=577>

2) Kahf, Monzer. “Financing the Development of Awqaf Property,” March 1998. [http://monzer.kahf.com/papers/english/FINANCING\\_AWQAF.pdf.P4](http://monzer.kahf.com/papers/english/FINANCING_AWQAF.pdf.P4)

3) Tamari, S, “Waqf Endowments in the Old City of Jerusalem,” Chapter 25; Page 493 <https://yplus.ps/wp-content/uploads/202101/Tamari-Salim-Waqf-Endowments-in-the-Old-City-of-Jerusalem-Changing-Status-and-Archival-Sources.pdf>

4) Haitham Suleiman, “Conflict over Waqf property in Jerusalem; Disputed jurisdictions between civil and Shari’a

Courts,” Electronic Journal of Islamic and Middle Eastern Law, Vol.3, 2015, University of Zurich, p.98, <https://www.zora.uzh.ch/id/eprint/1125301/Conflict%20over%20Waqf%20property%20in%20Jerusalem.pdf>

5) Hunaiti, A., (July 2022), Legal status of Christian Endowments, The Legal Framework of Islamic and Christian Endowments in the Holy City of Jerusalem, Palvision, P42.

6) Tamari, S, “Waqf Endowments in the Old City of Jerusalem,” Chapter 25; Page 502 <https://yplus.ps/wp-content/uploads/202101/Tamari-Salim-Waqf-Endowments-in-the-Old-City-of-Jerusalem-Changing-Status-and-Archival-Sources.pdf>

7) Hunaiti, A., (July 2022), Legal status of Christian Endowments, The Legal Framework of Islamic and Christian Endowments in the Holy City of Jerusalem, Palvision, p.43

8) Ibid.



The significance of waqf became more apparent as Jerusalem fell under more foreign regimes, most notably under the Israeli occupation. Conventionally, Waqf can be used to protect the transfer of property to a party other than the custodians as they are valid only if established irrevocably and in perpetuity. Consequently, they have a higher threshold than privately-owned properties when it comes to transfer, sale, seizure, and dissolution of property. During the British Mandate, Palestinians used waqf properties as a buffer against the sale of land to the Jews, while between 1967 - when Jerusalem was occupied by Israel, and 1990, (90) new properties were registered as waqf<sup>9</sup>.

## MANAGEMENT OF CHRISTIAN ENDOWMENTS:

Since 1917, both the Islamic and Christian endowments in Jerusalem have been placed under the custodianship of the Hashemite Kingdom of Jordan to safeguard the city's historic status quo, unaffected by Jordan's 1998 disengagement from the West Bank<sup>10</sup>. It currently exercises its administrative authority over waqf institutions through the Ministry of Waqf in Amman<sup>11</sup>, and through the Royal Commission for Jerusalem Affairs. The Palestinian Authority, formed in 1994, bears the responsibility of coordination and communication with the Hashemite Kingdom, through the Palestinian President, currently Mahmoud Abbas, and through "the Higher Presidential Committee of church affairs in Palestine"<sup>12</sup>.

Nevertheless, Christian endowments, which are directly managed by churches, enjoy more independence than Islamic ones in terms of adhering to Jordanian laws in organizing their religious legal systems, as part of the Hashemite custodianship. The only exception is the Orthodox Church; the primary organizing law of the Patriarchate is Jordanian and was recalled in the 2013 text of the agreement between King Abdullah II and President Abbas<sup>13</sup>, and further commended by the Greek Patriarch<sup>14</sup>.

On July 11, 1908, the Basic Law of the Turkish Revolution was enacted, it introduced through Article 111 the establishment of distinct councils for each denomination or Qaza (district). The provision further specified the council's powers, namely, the administration of endowment matters through ensuring the allocation of revenues of waqf, and abiding by the conditions set by the endower or the philanthropic cause it serves<sup>15</sup>.

In 2014, Jordan granted Christian denominations, through the Christian Denomination Councils Law No.(28), the power to establish its own "ecclesiastical courts" to manage internal affairs and cases within its jurisdiction, including endowments. There are 11 officially recognized denominations<sup>16</sup>, each with its own ecclesiastical courts and laws binding to members and laity belonging to that church<sup>17</sup>.

The hierarchy governing each Christian denomination is different and goes beyond the custodianship of Jordan. For instance, in the case of the Catholic denomination the "supreme public guardian" of waqf is the Roman Pontiff who serves as the head state of the Vatican City<sup>18</sup>. While in the case of the Orthodox Church, the Patriarch is the supreme administrator, who is internally chosen by the holy Synod, provided that they then inform the Jordanian Prime minister, through the Interior Minister of Affairs<sup>19</sup>.

In other words, managing Christian endowment is complex as it involves multiple parties with varying responsibilities that differ across each denomination.

9) Suleiman, H., (2015) "Conflict over Waqf property in Jerusalem; Disputed jurisdictions between civil and Shari'a Courts," Electronic Journal of Islamic and Middle Eastern Law, Vol.3, University of Zurich, p.104, <https://www.zora.uzh.ch/id/eprint/1125301/Conflict%20over%20Waqf%20property%20in%20Jerusalem.pdf>

10) The Royal Aal Al-Bayt Institute for Islamic Thought, (2020) THE HASHEMITE CUSTODIANSHIP OF JERUSALEM'S ISLAMIC AND CHRISTIAN HOLY SITES 1917–2020 CE. [https://www.aalbayt.org/wp-content/uploads/202007/WhitePaper\\_Jerusalem\\_3rdEd\\_web.pdf](https://www.aalbayt.org/wp-content/uploads/202007/WhitePaper_Jerusalem_3rdEd_web.pdf)

11) Suleiman, H., "Conflict over Waqf property in Jerusalem; Disputed jurisdictions between civil and Shari'a Courts," Electronic Journal of Islamic and Middle Eastern Law, Vol.3, 2015, University of Zurich, p 104 <https://www.zora.uzh.ch/id/eprint/1125301/Conflict%20over%20Waqf%20property%20in%20Jerusalem.pdf>

12) الرئيس: سنبقى يداً واحدة للحفاظ على القدس وأراضي الأوقاف فيها [https://content.ecf.org.il/files/M00950\\_JordanPLOJerusalem2013English.pdf](https://content.ecf.org.il/files/M00950_JordanPLOJerusalem2013English.pdf)

13) [https://content.ecf.org.il/files/M00950\\_JordanPLOJerusalem2013English.pdf](https://content.ecf.org.il/files/M00950_JordanPLOJerusalem2013English.pdf)

14) The Royal Aal Al-Bayt Institute for Islamic Thought, (2020) THE HASHEMITE CUSTODIANSHIP OF JERUSALEM'S ISLAMIC AND CHRISTIAN HOLY SITES 1917–2020 CE. Page 75 [https://www.aalbayt.org/wp-content/uploads/202007/WhitePaper\\_Jerusalem\\_3rdEd\\_web.pdf](https://www.aalbayt.org/wp-content/uploads/202007/WhitePaper_Jerusalem_3rdEd_web.pdf)

15) Der Matossian, B. (n.d.). The Young Turk Revolution Its Impact on Religious Politics of Jerusalem (1908/1912-). Institute for Palestine Studies. Page 25, Retrieved from [https://www.palestine-studies.org/sites/default/files/jq-articles/40\\_The\\_Young\\_Turk\\_11\\_0.pdf](https://www.palestine-studies.org/sites/default/files/jq-articles/40_The_Young_Turk_11_0.pdf)

16) Jordan Embassy, Jordan 2021 International Religious Freedom Report, page.4 <https://jo.usembassy.gov/wp-content/uploads/sites/34/JORDAN-2021-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

17) Hunaiti, A., (July 2022), Legal status of Christian Endowments, The Legal Framework of Islamic and Christian Endowments in the Holy City of Jerusalem, Palvision, p.41

18) Hunaiti, A. (2022) Legal status of Christian Endowments, The Legal Framework of Islamic and Christian Endowments in the Holy City of Jerusalem, Palvision, p.45

19) Legislative and Opinion Bureau, Law No. (27) for the year (1958) the law of the Greek Orthodox Patriarchate of Jerusalem, Chapter Six, Article 18. Retrieved from [https://www.unifr.ch/orthodoxia/de/assets/public/files/Dokumentation/Synodality/Jerusalem\\_Statutes.pdf](https://www.unifr.ch/orthodoxia/de/assets/public/files/Dokumentation/Synodality/Jerusalem_Statutes.pdf)



## THE DE-ARABIZATION OF CHRISTIAN CHURCHES IN JERUSALEM

Since Ottoman Rule, Palestinian Christians have been systematically and through legal legislation excluded from being a part of the councils with authority to manage church affairs including endowments. This is most notable in the case of the Orthodox Church. Up until the year 1534, the Patriarchs of Jerusalem were Arab Orthodox clergy indigenous to the land<sup>20</sup>. Then, the Greek monk Germanus the Peloponnesian founded “The Brotherhood of the Holy Sepulcher”, which became the permanent administrative body of the Orthodox Church consisting of Metropolitans, Archbishops, Bishops, Archimandrites, Hieromonks, etc., and exists until this day. During the time of as a Patriarch that lasted 30 years, Germanus passed a law that stipulated non-Greeks cannot be elevated to the level of bishop, he even ensured that his successor is Greek<sup>21</sup>. Today, the Patriarch is unfortunately still Greek, and although there are Palestinian bishops, they are either excluded from the Brotherhood and the Synod or sent away to serve in Greece<sup>22</sup>.

Laws during the successive ruling periods in Palestine continued to support the role of the Greek in general and the Patriarch in specific, strengthening the exclusive management of endowments among other things by the Patriarch while advancing the lack of representation of Palestinians in councils and committees responsible for deciding on Church affairs, thus sustaining what is referred to by some as “the national orthodox issue”<sup>23</sup>.

The aforementioned provision (article 111) of the Basic Law of the Turk Revolution, was viewed by the Arab Orthodox as an opportunity to reclaim power from the Greeks, yet many of their demands were not taken into account by the central government in Istanbul. Instead, the accepted changes - formally declared in (an ottoman decree in 1910) - mostly supported the Brotherhood of the Holy Sepulcher<sup>24</sup>.

In 1958, the Greek Orthodox Patriarchate of Jerusalem Law (Law No.27 of 1958), based on Jordanian legislation, gave the Patriarch supreme administrative powers to form the council in accordance with his own interests, decide on the status and type of services of the different positions of Orthodox clergymen, and manage all kinds of waqf properties directly affiliated with the Patriarch in the Synod, including the disposing of waqf<sup>25</sup>. According to Article 27, the Patriarch’s removal or dismissal requires the approval of (a) two-thirds of the members of the Holy Synod (b) Two-thirds of the married priests who have the right to participate in the election of the Patriarch, provided that the concluded decision is communicated to the Jordanian Prime Minister and Minister of Interior for final approval<sup>26</sup>.

This Law is still applicable until this day and can be considered a main pillar in the enablement of challenges Christian properties face, specifically, illegal sale and lease deals due to the Patriarch’s abuse of these supreme powers to act in a contrary manner to that of Palestinian Christians as people in a relentless battle to protect their land from a prolonged occupation, including excluding them from administrative councils of the Patriarchate.

## CHALLENGES FACING CHRISTIAN ENDOWMENTS IN OCCUPIED JERUSALEM.

### Internal challenges; Usurpation deals (Illegal sale or transfer of property).

While laws can vary among the different Christian denominations, there is a consensus on the prohibition of the sale or exchange of endowments<sup>27</sup>; only a long-term lease for purposes of investment is permitted<sup>28</sup>. Yet, the latter has proven to be problematic and even threatening to Palestinian’s steadfastness in Jerusalem, as it equates in most cases to selling. This is specifically true among the Orthodox Church property, which holds the biggest share of endowments in the Old City and is a clear manifestation of the struggle within the ecclesiastical hierarchy where an intentional elimination of Palestinians from the council and managing church affairs - as opposed to the supreme powers given to the Patriarch and the Brotherhood - still persists.

20) Hawaweeny, R. (n/d), An Historical Glance at the Brotherhood of the Holy Sepulcher 1893. Page 4 Retrieved from <http://www.najim.net/brotherenglish.pdf>

21) Ibid

22) The senior ruling body of the Greek Orthodox Patriarchate of Jerusalem and the Brotherhood of the Holy Sepulcher.

23) Hanaiti, A. (2022) Legal status of Christian Endowments, The Legal Framework of Islamic and Christian Endowments in the Holy City of Jerusalem, Palvision, page 44

24) Der Matossian, B., (n/d) The Young Turk Revolution Its Impact on Religious Politics of Jerusalem(19081912-). [https://www.palestine-studies.org/sites/default/files/jq-articles/40\\_The\\_Young\\_Turk\\_11\\_0.pdf](https://www.palestine-studies.org/sites/default/files/jq-articles/40_The_Young_Turk_11_0.pdf)

25) Hunaiti, Ahmed, Legal status of Christian Endowments, The Legal Framework of Islamic and Christian Endowments in the Holy City of Jerusalem, July 2022, p.44.

26) Legislative and Opinion Bureau, Law No. (27) for the year (1958) the law of the Greek Orthodox Patriarchate of Jerusalem, Retrieved from: [https://www.unifr.ch/orthodoxia/de/assets/public/files/Dokumentation/Synodality/Jerusalem\\_Statutes.pdf](https://www.unifr.ch/orthodoxia/de/assets/public/files/Dokumentation/Synodality/Jerusalem_Statutes.pdf)

27) Hunaiti, A. (July 2022), Legal status of Christian Endowments, The Legal Framework of Islamic and Christian Endowments in the Holy City of Jerusalem, p. 4648-

28) Haniyeh, Mahmoud. «الرسالة نت». «الكنيسة» لصفحات 'الكنيسة' بالقدس. Al-Resalah, December 30, 2017. بالوثائق.. غطاء سياسي لصفحات «الكنيسة» بالقدس - الرسالة نت





The Land on which the Israeli Knesset stands is originally a Christian waqf and belongs to the Orthodox Patriarchate of Jerusalem. In 1952, it was leased to the Israeli authorities for a period of 99 years with the automatic renewal as listed in the contract; marking the first breach of endowment laws. Currently, the Land Israel Fund is attempting to request its lease for 999 years<sup>29</sup>.

In 2004, the right-wing settler organization Ateret Cohanim claimed to have leased Church properties from the previous Greek Orthodox Patriarch Irenaeus I, for a period of 99 years. These properties were the Petra and Imperial Hotel at Bab Al-Khalil including the 27 shops inside the Hotel buildings<sup>30</sup>. These historical buildings enjoy a strategic location as they overlook Omar Ibn Al-Khattab's Square from the south and the entire Old City (including Al-Aqsa Mosque and the Church of the Holy Sepulcher) from the Eastern Side. Due to local resentment, the Patriarch was dismissed on May 7, 2005, and since then, efforts to nullify the deal became relentless<sup>31</sup>.

While the succeeding and current Patriarch, Theophilos III claims to be undertaking measures to reverse the deal and challenge the Jerusalem district court's decision to give these Christian properties to Israeli settlers, he himself is allegedly involved in a large number of transfer, sale, and long-term leasing deals, and some sources<sup>32</sup> claim that he renewed the leasing contract after taking the reign.

The number of estimated deals "sealed" between the church, specifically its Patriarch and head council, and the Israeli occupation authorities is alarming. It is said that there are 22 deals that account for more than 400 thousand dunums, encompassing significant archaeological sites such as the Roman amphitheater in Sebastia and the Hebron Gate. They were "sold" or "leased" for a low price that did not exceed a hundred million dollars<sup>33</sup>.

## LOCAL EFFORTS TO COMBAT THIS ISSUE:

Silencing attempts against those who speak up on the issue are common. Palestinian Archbishops like Atallah Hanna and Manuel Musalam faced salary cuts due to their activism, and political stance from the Israeli occupation, and opposing the actions of endowment selling and leasing<sup>34</sup>.

As previously mentioned, there is no ecclesiastical custom to hold the patriarch accountable, except by his own council, which is made up of people who owe allegiance to him, and therefore holding him accountable becomes far-fetched.

Attempts by the Palestinian Christian community to hold the current Greek Patriarch, Theophilos III accountable, for failing to protect Christian properties included protests rejecting his entrance to local churches during holiday ceremonies/masses.



Image source: Ahmad Gharabli/AFP via Getty Images

29) Hunaiti, A., (July 2022), Legal status of Christian Endowments, The Legal Framework of Islamic and Christian Endowments in the Holy City of Jerusalem, Palvision, P47

30) Nassar, T. "Israeli Court Awards Jerusalem Church Properties to Settlers." The Electronic Intifada, July 3, 2020. Retrieved from <https://electronicintifada.net/blogs/tamara-nassar/israeli-court-awards-jerusalem-church-properties-settlers>.

31) Ibid.

32) El-Laham, N. لماذا لا تطرد السلطة والاردن بطريك اليونان الروم الارثوذكس ؟, Maan News, 2017 <https://www.maannews.net/articles/920665.html>

33) Haniyeh, M. "الرسالة نت". بالوثائق... غطاء سياسي لصفقات «الكنيسة». Al-Resalah, December 30, 2017. «الكنيسة» بالقدس. "الرسالة نت بالقدس - الرسالة نت

34) Palestine Chronicle, "Archbishop Atallah Hanna Reportedly Fired for Anti-Occupation Stance.", December 5, 2016. <https://www.palestinechronicle.com/archbishop-atallah-hanna-reportedly-fired-for-anti-occupation-stance-2/>.



On a higher level of accountability efforts, a request was made to the Public Prosecution in Ramallah, to investigate the Greek Patriarch Kyrios Theophilos III, against the background of the leakage of lands and ecclesiastical property. Yet, they refused under the pretext of “opposing the principle”<sup>35</sup>. In addition, a number of local committees were formed throughout the years dedicated to waqf protection and Arabizing the Orthodox Church.

The impact of these usurpation deals transcends that on Palestinian Christians alone, it threatens the overall steadfastness of Palestinians in Jerusalem. It also undermines binding international law such as the status quo arrangements, and decisions on the need to protect the historical, cultural, and religious heritage of Jerusalem, as well as the basic rights of the occupied population.

### An Israeli threat:

In addition to Israel, the occupying power, benefiting from the almost-complete absence of power by Palestinian Christians over the management of their endowments in occupied Jerusalem, it further exercises its own settler-colonial measures of control against their properties. These include the confiscation of Waqf by:

- Declaring the territory on which the waqf stands as a “security zone” for military use.
- Declaring the waqf as abandoned property (*matrūka*) if the mutawalli or caretaker is an absentee, under Israeli law.
- Declaring the endowed property, a “state land” (*mīrī*), and accordingly consider it an “improper waqf (*waqf ghayr saḥīḥ*).<sup>36</sup>

These measures are imposed within a settler-colonial context that aims at appropriating lands in occupied territories through systematically applying laws and zoning policies aimed at altering the geographic and demographic status of Jerusalem in contravention of applicable international law in the context of occupation.

An example of this is the recently frozen settlement scheme that was intended to be implemented by the Israeli Nature and Parks Authority (INPA) in the Mount Olive area, as part of the “Jerusalem Walls National Park” project that began in the 1970s. It threatens 12 Christian historic sites (mainly churches) belonging to the Orthodox, Armenian, and Catholic denominations, as well as several endowments and private properties. INPA plans on confiscating 68 acres (275 dunums), with a large area declared as “state land”<sup>37</sup>. The freezing of the decision came as a result of local protests and objections, represented mainly but not merely in a joint letter submitted by the head and Patriarchs of the above-mentioned churches to the Environmental Protection Minister of the Israeli occupation authorities; Tamar Zandberg<sup>38</sup>.

However, as past experiences have proven time and again, freezing a decision - in this case an appropriation decision- often means waiting for a more suitable time to execute their settler-colonial scheme, or implement it in a more subtle and gradual way. Khalil al-Tafkaji, director of maps at the Jerusalem-based Arab Studies Society, stated that the park project is in fact part of the “Henry Kendall zoning plan” that was proposed during the British Mandate era in Palestine. It aims to “make the western slopes of the Mount of Olives green areas that prevent Palestinian construction on them”.<sup>39</sup>

Furthermore, Israeli jurisdiction discriminates against Palestinians and would invest in all its resources to rule in favor of Israeli settlers, as is the case concerning Christian endowments, whether it’s the Magistrates’ court court, the High court of Justice, etc. The rulings are almost always in favor of Israeli settlers, or the occupation authorities. For years, the Israeli occupation authorities have been trying to pass a law at the Knesset that would grant the Israeli government the right to confiscate lands leased to it or to renew lease contracts for the period it deems appropriate without the owner’s consent<sup>40</sup>.

The Israeli occupation authorities have an obligation under IHL to respect the laws enforced in the territory it exercises power over<sup>41</sup>, in this case, it includes first, the endowment legal framework, that branches out from

35) Ibid.

36) Tamari, S., “Waqf Endowments in the Old City of Jerusalem,” Page 8 (pdf)/ 497 (book) <https://yplus.ps/wp-content/uploads/202101/Tamari-Salim-Waqf-Endowments-in-the-Old-City-of-Jerusalem-Changing-Status-and-Archival-Sources.pdf>

37) Ali, T. “Jerusalem Churches Fight New Settlement Plan.” Al-Monitor, March 11, 2022. <https://www.al-monitor.com/originals/202203/jerusalem-churches-fight-new-settlement-plan>

38) “Park Plan on Mount of Olives Suspended after Churches’ Protest.” Vatican News, February 22, 2022. <https://www.vaticannews.va/en/church/news/202202-park-plan-on-mount-of-olives-suspended-after-churches-protest.html>

39) Ali, T. “Jerusalem Churches Fight New Settlement Plan.” Al-Monitor, March 11, 2022. <https://www.al-monitor.com/originals/202203/jerusalem-churches-fight-new-settlement-plan>

40) Hadadin, Munther. “رد حدادين على خروب.” Raseen, November 27, 2016. <http://www.raseen.com/art.php?id=175466b574171a7afc2c2a23b797e470b95ecd7>

41) Article 43 to the Hague Regulations





the Status Quo recognized as “binding international law”, second, ecclesiastical laws with local consensus and practice from decades ago. Furthermore, according to the Hague Regulations (Article 56), the property of municipalities and of institutions [churches in this case] dedicated to religion, charity, and education, the arts and sciences, even when State property, shall be treated as private property. As a result, it is prohibited to seize or destroy such property.<sup>42</sup> (emphasis added.)

## CONCLUSION:

While all Palestinians are under the threat of forced expulsion, displacement, and land/property appropriation, Christians as a current minority<sup>43</sup>, are under a critical threat of losing their right to exist in Jerusalem, their heritage, and their right to self-determination. Violations against Christian endowments are also harming the heritage of Jerusalem as a city inscribed on the World Heritage List, hence should be indivisible. Lastly, as an occupied population, Israel is prohibited from making any change to the occupied territories, as it advances attempts of annexation. Similarly, the management of Christian waqf properties should be ensured to be in harmony with the binding law and consensus organizing them or amending those in need, all while ensuring accountability.



42) IHL database, Article 56 Hague Regulations <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/regulations-art-56#:~:text=56,Art.,be%20treated%20as%20private%20property>.

43) In 1922, the Christian population accounted for 25% of the population in Jerusalem, today they constitute less than 2%.





## **THEREFORE, WE PALVISION RECOMMEND THE FOLLOWING:**

### **Call on King Abdullah II, as the custodian of Jerusalem's Holy sites to;**

- Collaborate with local Palestinian committees such as “the Orthodox Central Council” to inquire into the documented cases of infringing the status quo and the ecclesiastical laws that were put to protect Christian holy sites and waqf properties.
- Take serious measures against those involved in mismanaging Christian properties, including leasing them to Israeli settler organizations.
- Amend the Greek Orthodox Patriarchate of Jerusalem Law No.27 of 1958 in a manner that enables Palestinians to be part of the administrative bodies of the church, namely the Brotherhood of the Holy Sepulcher and the holy Synod, and to be permitted to be elected as Patriarchs, while nullifying any other discriminatory law against them.

### **Call on Jordan legislative bodies, and the Minister of Foreign Affairs and Expatriates to;**

- Pay special attention to the terminologies used in legal regulations or when referring to the Orthodox Church in general; it is not “Greek”, it is just Orthodox.
- Represent Palestinian Christians in international forums and arenas, in accordance with the Hashemites custodianship function, on Christian endowment matters<sup>44</sup>.

### **Call on the Palestinian Authority to;**

- Take a serious political stance and even recommend the replacement of the Patriarch if needed.
- Activate the Legislative Council and adhere to both the Christian Quota, and the enactment of punitive laws against violators of Christian endowments laws, and the principle of protection.

### **Call on UN member states to;**

- Condemn all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, that aims to change the legal and demographic status of Jerusalem and deem them invalid.
- Refrain from direct financing, favoring, or facilitating settler-colonial activities such as the National Park in Jerusalem that works towards confiscating Palestinian lands and properties in general, and Christian properties in specific.
- Provide support, including financial, to local Palestinian communities that are relentlessly working to protect their properties on a legal and societal level.
- Pressure both the Palestinian Authority and the Hashemite Kingdom of Jordan to abide by their responsibilities and invest in advancing protection mechanisms concerning Christian waqf in Jerusalem.

### **Call on the Greek government to:**

- Refrain from financially supporting proposed actions by the current administrative body of the Orthodox Church that involve benefiting settler-organizations and impose sanctions on those proven of involvement.



44) The Royal Aal Al-Bayt Institute for Islamic Thought, (2020) THE HASHEMITE CUSTODIANSHIP OF JERUSALEM'S ISLAMIC AND CHRISTIAN HOLY SITES 1917–2020 CE. page 77 [https://www.aalabayt.org/wp-content/uploads/202007//WhitePaper\\_Jerusalem\\_3rdEd\\_web.pdf](https://www.aalabayt.org/wp-content/uploads/202007//WhitePaper_Jerusalem_3rdEd_web.pdf)









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