# PERPETUATING THE ARMENIAN PRESENCE IN THE HOLY LAND

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**Category:** Opinions

**By Prof. Z. S. Andrew Demirdjian**, Los Angeles, 23 May 2023

***A concerted effort to preserve our heritage is a vital link to our cultural, educational, aesthetic, inspirational, and economic legacies - all of the things that quite literally make us who we are.*** **Steve Berry**

Since 2021, a plethora of articles have been written filled with indignation at Archbishop Nourhan Manougian for leasing out Armenian Patriarchate land in Jerusalem to an Israeli businessman for 99 years.

In my opinion, enough has been written about Manougian's betrayal of the Armenian nation and church, enough has been said to vilify the man who has perhaps made a conscious or an unconscious error. However, not enough has been proposed to find ways to preserve Armenian historical lands in order to perpetuate the presence of Armenians in the Holy Land.

Thus far, the preponderance of the energy has been directed at pointing out the blunders committed by Manougian and the ex-Rev. Baret Yeretsian (the former Director of the Patriarchate Real Estate Department and Manougian's former right-hand man). But, unfortunately, the problem persists of the possibility of losing valuable Armenian land in Jerusalem.

Denouncing, insulting, punishing, not recognizing Manougian or defrocking Yeretsian does not solve the festering problem of the potential loss of valuable Armenian property in one of the most historical places of Christendom.

I will make research-based suggestions to save a valuable piece of land called Goveroun Bardez (Cows' Garden) from the risk of losing it from the portfolio of Armenian sacred properties in Jerusalem.

The definition of the problem is obvious. There is the risk of losing one of the most valuable properties the Armenian Patriarchate of Jerusalem has in its custody when the lease expires. One likely risk is the loss through eminent domain (discussed in *The Risk of Leasing Out Armenian Patriarchate of Jerusalem Land,* Keghart, September 9, 2021).

According to the following popular legal phrase, possession is nine-tenths of the law; anecdotally, this means ownership is easier to maintain if one has possession of something and difficult to enforce if a person does not. So, the risk of losing the Armenian land is very high at the end of the lease period and especially when a structure has been built on the site owned by someone else.

Another risk would be sell out when within 99 years when supposedly no Armenians will be living in the Armenian Quarter of Jerusalem. The people experience a similar fate that invariably befalls animals:  If the habitat goes, extinction follows! This is also true with humans. Therefore, we should always keep our territorial foothold in the Holy Land.

Once the Armenian Quarter of Jerusalem had a vibrant population; it mainly consisted of the survivors of the Armenian Genocide. Talented and renowned artisans, artists, writers, journalists, etc., lived there for many years. Armenians of Jerusalem are highly educated.

Mainly due to the Israeli-Palestinian conflicts, Armenians immigrated to Western countries. Presently, there is a nucleus of under 2, 000 people who live there, who are waiting in the wings to immigrate if conditions continue to be unbearable for Armenians for working and living in Israel.

Given the contention that we all want to preserve our presence in the Armenian Quarter of Jerusalem, how can we realize that mission?

After a careful study of some cases and the laws governing commercial property lease in Israel, I came up with three major ways we may regain control of the leased property from legal, monetary, and moral perspectives:

Legal Maneuvering - Contrary to the general belief, early termination of a commercial lease is possible. Regardless of the reasoning, a landlord or a tenant can negotiate a commercial lease that is not expiring soon and is no longer fulfilling his or her needs.

The general belief is that the legal nature of a commercial lease contract can be binding and is cast in stone, but many people are not aware that they may have the ability to negotiate the early termination of the lease if an option does not contractually exist and if no structure (e.g., a hotel) has been yet built on the land.

Any option to terminate is often accompanied by penalties. Sometimes these additional costs are negotiated in an "Early Termination Lease Clause". In the absence of a pre-existing early termination rights, tenants or landlords can attempt to negotiate what is known as "Lease Buyout." In other words, there is monetary compensation for breaking a lease agreement before its expiration date.

Should there be a provision like a lease buyout in the lease agreement, then the problem of early termination is solved. The Armenian Diaspora can raise the funds to pay the penalty for the lease termination.

Unfortunately, without the benefit of reviewing the contract, we would not know the exact terms and conditions of the lease agreement.

In the event the lease contract is devoid of any lease buyout clause, then we need to unleash our great Armenian attorneys to argue against the legality of the lease contract on the grounds that Manougian did not represent the Sts. James Brotherhood of Jerusalem, the Armenian Church or the Armenian nation in signing the lease agreement. As a result, his signature is not binding.

Legally, we have to prove that any agreement between Manougian and the Jewish businessman from Australia, Danny Rubinstein, is not binding because the land belongs to all Armenians who oppose the lease in question --just like the Wailing Wall in Jerusalem belongs to all Jews --

regardless of their geographical location.

Since 1974, Israel has legal procedures institutionalized for breaking a lease.

Armenian can also hire Israeli attorneys who handle international cases. There are those who specialize in international commercial lease.

An Armenian national treasure like that parcel of land belongs to all Armenians. Manougian should have consulted both our spiritual and social/political leaders before signing the lease contract. Therefore, the lease agreement should be null and void. It is easily said than done, but we have to try even the improbable to succeed.

Monetary Compensation - A lease agreement in Israel according to *Israeli Contract Law-1973*, is considered a contract in Israel and it is a legal document in which private parties are allowed to create their own law in a legal way just like it is done in the US. Israel is a relatively new state. For nation building, Jews have patterned their real estate laws after the United States laws. There is a very little difference in real estate laws between the two countries.

In the United States as well as in Israel, in the contract the two, the landlord (the lessor) and the tenant (the lessee), impose obligations upon themselves in exchange for a benefit. These obligations could be a mandate to do or to give something, or not to do something. As a rule, the counter benefit is usually money in New Israeli Shekel when one of the parties to the contract breaks the lease agreement as in early termination of the lease.

While lease buyout is compulsory if early lease termination is wanted, offering Monetary Compensation is subject to a voluntary renegotiation for the breaking of the lease agreement with Mr. Rubinstein.

For Rubinstein's  kind gesture of allowing the Armenians  to break the lease, a token of appreciation in the form of $500,000 or another appropriate amount to be raised by the Diaspora and given to this man as an "honorarium" or for a token of appreciation.

The success of court results would depend on how competent our attorneys defending our case are. There are a number of very knowledgeable and experienced attorneys out there who would be willing to help the Armenian people as a community service.

Moral Obligation - Armenian leaders should make an appeal to  Rubinstein's sense of moral obligation as a decent human being to put an end to this turmoil caused by the lease, which is distressing the nation and distracting them from other urgent matters, like the security of 120,000 Armenians stranded and "marooned" in their own ancestral land.

In return, Rubinstein should be assured that his legacy will be established in the hearts and minds of all Armenians around the world. The Republic of Armenia should grant him an honorary citizenship, or even erect a statue of this man in Yerevan or in the Armenian Quarter of Jerusalem as a righteous

Jew who chose to be compassionate rather than pursue egoistic monetary goals.

In addition to offering him an honorarium, we should approach this gentleman to morally do the right gesture of cancelling the agreement on the grounds that Manougian did not represent the Armenian nation, who seems to be secretly selling the Brooklyn Bridge.

Even if Manougian did not sign the lease agreement, he would still be responsible for the unfortunate deal as the spiritual leader of the Armenian Patriarchate of Jerusalem. Blaming or defrocking Yeretsian won't exonerate Manougian.

In the absence of any clause of early termination of the lease, perhaps we should use both Monetary Compensation as well as appeal to his sense of Moral Obligation strategies by making him feel that he would also be benefiting from the termination of the lease contract.

Armenia's Holy Land "homeland" belongs to all Armenians. Therefore, the Republic of Armenia and especially the Diaspora has a vested interest in keeping the Armenian Quarter intact for future generations.

Manougian may be right that within 25 years there won't be any Armenians living in Jerusalem. Sooner or later Judaism might take over the entire Holy Land and the Armenian population will further dwindle to nothingness.

Nevertheless, we should not lose our properties in the Armenian Quarter. We can use it as a shrine for Armenians around the world to visit for religious pilgrimage just as the Muslims all over the world go to Mecca to make a pilgrimage at the Ka'aba.

Most Armenians have undying devotion to the birthplace of Christ. Condemning, penalizing, cursing, shaming Manougian does not solve the problem. Instead, we should direct our time, effort, and energy at finding ways to perpetuate the Armenian presence in the Holy Land by preserving all of the real estate properties in the Armenian Quarter.

Armenians are convinced Manougian has committed an unforgivable blunder in leasing Armenian land without consultation. Even if he had to delegate the real estate transaction to someone else for not feeling equal to the task, he would still be responsible for the act for delegation does not absolve responsibility. So, belaboring that point is counterproductive.

A hotel built in a religious or a densely residential area such as in the Armenian Quarter would not be appropriate for hotels usually attract dope dealers, prostitutes, and other undesirables.

Through legal maneuvering, monetary compensation, or by appealing to the moral obligation of Mr. Rubinstein, we stand a good chance to save the Goveroun Bardez as the heritage of the Armenian generations to come and as the future housing project that may be built for local Armenians as well as for Armenian pilgrims.

For many Armenians, a pilgrimage to the Holy Land would be a lifetime experience, especially to the

historical Armenian Quarter of Jerusalem. Therefore, it is incumbent upon every Armenian to help in saving the Armenian Patriarchate of Jerusalem heritage and historical sites from being swindled by egocentric individuals.

Since the Armenian Patriarchate of Jerusalem is located in the present-day Israel, Israel-Armenia Friendship Connection (IAFC) is the right idea. We should also enlist the Israeli government's assistance in trying to perpetuate our Armenian presence there rather than get in a negative relationship with the leaders of the host country. It would be better to use diplomacy rather than show Armenian hatred toward them for assisting Azerbaijan criminally win the 44-Day War in 2020.

# Comments

**Mesrob** – 2023-06-06 14:48:08
Dr. Demirdjian is knowledgeable, intelligent, and extremely patriotic. Unfortunately, he doesn't know Israeli-Zionist-Jewish settler mentality. Although numerous times the UN has declared Israel's occupation of Jerusalem (Old City) illegal, in the past 75 years Israel has illegally grabbed more and more Jerusalem real estate which doesn't belong to it. The enabler, of course, is Prof. Demirdjian's government in Washington which is the plaything of the Zionist lobby. I know I am not saying anything most people don't know, including Prof. Demirdjian's current and past presidents going back to Harry Truman.

**Michael S. Benlian** – 2023-06-06 10:42:51
For an outsider the article seems interesting as well as convincing. For those who are more familiar with the reality of this issue strongly and clearly reject the assumptions and the probability of the outcome suggested: a) To reverse the contract is an impossibility b) To sugar coating the "Honorability" of Mr. Rubenstein is an extreme "NAIVITY". c) To collect money from the diaspora to pay back for the penalties "accrued" is an impossible dream. d) To put trust in the Jewish state is like telling the killer "You have done a great job Thank you for killing my people and supporting the enemy just this past year." Now then, if the ass falls in the ditch, he will never take that path again. I am sure you know the equivalent of that expression in Armenian ..... (Repeating the same ..nouyne. HIMAROUTYOUNE). Similarly, " You fool me once, shame on you. You fool me twice, shame on me." So, haven't we learned enough? Prof. Demirdjian, I will keep reading your articles, and I hope others will read the comments and the feelings of others. Meantime, let's build the military power in Armenia. Thank you.