

Jerusalem, May 30, 2001

The Hon. Shimon Peres, MK
Deputy Prime Minister and Minister of Foreign Affairs
Jerusalem

Dear Mr. Peres,

Re: **Building in the Palestinian Neighborhoods of East Jerusalem**
(Mayor Olmert's letter to you, dated April 23, 2001)

It is with considerable regret that I, as an Israeli and a Hebraiophile, address my Foreign Minister in a language other than Hebrew. However, since it is Mayor Olmert's letter, cited above (which was curiously addressed to you in English and widely distributed by the MFA) that has precipitated my own letter, there is little alternative but to follow the example set by Mr. Olmert.

The implications of the Olmert letter to Israel's credibility are so stark, and the thinking underlying it so threatening to vital Israeli national interests in Jerusalem, that the record needs be set straight. Please allow me to do so, by examining Mr. Olmert's claims and purported facts, in the order of their presentation.

Basic Data

- a. **“...in the eastern part of the city, amongst the Arab population, building since the unification of the city has risen in relation to building in the western part of the city”.**

Since 1967, the Israeli government has sponsored and subsidized the construction of more than 45,000 residential units for Israelis in East Jerusalem alone – in comparison with construction of 17,000 units in the Palestinian sector (of which less than 600 were government sponsored, the rest private initiative). The increase in the number of units among the Palestinians between 1967 and 1996 was 90% (to 23,969, and not 163%, as claimed by Olmert).¹ In 1967, there were 3.42 Israelis for each residential unit in West Jerusalem, 4.56 Palestinians per unit in the East. In 1999, there were 3.2 Israelis per unit (a marginal improvement) – and 7.08 Palestinians per unit in the east (a significant deterioration).

¹**Statistical Yearbook of Jerusalem**, 1996, Municipality of Jerusalem and the Jerusalem Institute of Israel Studies, Table x/14, pps. 214-220.

b. “The State of Israel ‘inherited’ from the Jordanian authorities a chaotic situation from the point of view of planning and building”.

In 1967, the Jordanian Municipality was app. 6 sq. km., but the area annexed by Israel in East Jerusalem was 70 sq. km., and included 27 rural villages previously not within the city. It is only in the context Israel’s policies to radically alter the demographic and geographic character of East Jerusalem that the Jordanian policies can be construed as “chaotic”.

In 1967, the municipal per capita allocation in West Jerusalem was app. \$500, and app. \$105 in Jordanian East Jerusalem. In 1996, the per capita expenditure made by the Jerusalem Municipality to the Palestinian sector grew to \$150 – and to \$900 per capita among Israelis. Israel indeed inherited a large gap between the level of services between the two parts of the city – and expanded that gap by means of grossly discriminatory budgeting. During the week that Mayor Olmert sent his letter to you, the Municipality approved its 600 million sheqel “Development Budget”, of which 8% was allocated to East Jerusalem, which contains half of the city’s area, and a third of it’s population. Now we know, whom is to be blamed, according to Mr. Olmert, for this discrepancy: the late King Hussein.

c. “...The Arab population lives under residential conditions appropriate to a village environment”.

The statement above is reminiscent of George Bernard Shaw’s quip: “Strange people these Americans. They compel the Negroes to shine their shoes, and then prove their inferiority by the fact they are all boot blacks”.

The Jerusalem municipality did not allow the Palestinians to maintain the “rural” character of their neighborhoods – it compelled them to do so by dictating blatantly discriminatory building rights. (And this was done without bothering to ask the Palestinian residents: since 1967, not one Palestinian has been on any of the planning boards of Jerusalem). This policy was hardly benign paternalism, but a calculated policy to “maintain the demographic balance” in the city by stifling Palestinian growth. It worked: the density of the Palestinian sector is low outside the homes (1.9 residential units per dunam, as opposed to 5.9 in the West) and intolerably high inside the homes (1.8 per room, as opposed to 1.1 in the West).² The Palestinians have been compelled to remain “wealthy” in land, and to become “impoverished” in floor space.

²Statistical Yearbook of Jerusalem, 1999, Municipality of Jerusalem and the Jerusalem Institute of Israel Studies, Table VI/20, p. 182.

Some Palestinians in East Jerusalem indeed aspire to maintain the pastoral character of their neighborhoods, while others have blatantly urban aspirations. To Mayor Olmert “they are all alike”.

- d. **“The issue of land ownership in the Arab sector is also difficult and complex”.**

Indeed it is, since any attempt to deal with sensitive property issues must be carried out by authorities rooted in the political soil of the population, and accepted as legitimate by the consumer population. Israel can never possibly engage in a credible attempt to modernize the antiquated title system, even were it to display exemplary (and yet undisputed) good will. The rational planning of Jerusalem requires genuine powersharing in the city, by means of a national collective empowered to deal with the property and planning issues of its own community.

- e. **“Today we have in the short term... 20,000, and immediately available, at the stage of receiving a building permit, 6000 housing units”.**

The figure 20,000 is an inflated version of **the total theoretical capacity** for construction in East Jerusalem, if and when all existing and anticipated town plans are approved. Under ideal circumstances, the vast majority of these units will become available 10-20 years from now – and circumstances in Jerusalem are never ideal.

There are today no more than 4000 immediately available building permits, and in many of these cases the legal, economic and bureaucratic obstacles are such as to render them useless. By comparison, the Israeli sector has **built** an average of 2800 units a year during the last four years.³ The total potential – 4000 units - in the Palestinian sector would be exhausted in a year and a half of Israeli-paced construction.

- f. **“...the Municipality is proud of the new project preparing 6000 housing units for immediate availability in the northern part of the city...”**

The Beit Hanina-Shuafat Town Plan (3000B) was initiated 20 years ago and initially anticipated the construction of 18,000 units, compensation for massive expropriations in the area from local residents. This was pared down to 7500 for **“demographic reasons”**. There are immediately available no more than 700 building permits in Beit Hanina-Shuafat – the remaining 5600 existing on paper only. 10-20 years will pass before the first of these now theoretical permits become available.

³Ibid, Table X/12, p. 282.

g. “....master plans have been made for most of the area of the eastern part of the city”

Of the 70 sq. km. in East Jerusalem, 35% was expropriated (almost exclusively from Palestinians) for the construction of new Israeli neighborhoods. Of the remaining 45 km., 60% remains unplanned; of the planned areas, 40% is designated green open spaces, where any development is prohibited. Less than 8% of the lands of East Jerusalem are available for any kind of private sector Palestinian development – and the potential of most of this area has been exhausted.

For example: the short term potential in Beit Safafa is no more than 1300 (not 2900 as claimed by Mayor Olmert), 60 in Jabel Mukaber (not 250), 0 in A Sawana (not 450) etc.

According to latest official figures, there are 29,419 residential in the Arab neighborhoods of Jerusalem⁴, not 35,000 as claimed by Mr. Olmert.

h. “We are prepared to cooperate with any international body [and] government to bring to fruition the development and building plans ...in the Easter part of the city”.

The most dangerous road in Jerusalem is the Beit Hanina-KafrAq’b segment of the Jerusalem-Ramallah road: it is a mortal danger to the tens of thousand of children living along it. Two years ago, the Japanese government donated 7 million dollars (US) to the UN in order to repave and modernize the road – Olmert declined the offer lest this be interpreted as internationalization of the city. The money has not been spent – nor has the Municipality repaved the road out of its own resources. (But our national honor remains intact – at the expense of several pedestrian fatalities, mostly children).

Deviation from Legal and Public Norms and Summary

In paragraphs a. and b., Mr. Olmert describes the types of building violations, which allegedly characterize, respectively, the Jewish sector and the Arab sector. Mr. Olmert more than implies that construction crime in the Arab neighborhoods is more severe than that among Israelis. Before we deal with the substance of these claims, allow me to relate, with unfeigned astonishment, to the fact that such an assertion was even put into writing.

⁴**Ibid.** Table X/14, pps. 285-92.

Mr. Foreign Minister, can you **possibly** imagine any locally elected official in the United States – let’s take, for example, Mr. Olmert’s friend, Mayor Giuliani of New York – writing to the State Department about the statistical correlation between the ethnic origins of part of his constituency and the type, and severity of the crimes they commit (say: “Hispanics tend to crack, Jews to embezzlement”)???! . Can you possibly imagine the State Department distributing such an unthinkable document – regardless of the statistical substance of the claim? The fact that we, as Jews with our own laden history, are willing to entertain arguments which correlate between criminality and national identity is simply unconscionable.

Now to the substance of the argument:

- Mr. Foreign Minister, I invite you to come to my own neighborhood in West Jerusalem, any day, any hour, and I will show you the rampant and large scale illegal building in any dwelling you may choose. (If you swear to secrecy, I will take you to the home of a senior municipal official who participated in drafting Mayor Olmert’s document: he added a whole floor illegally to his home, and was curiously not pursued by the Municipality).
- Between 1991 and 1997, 83% of all building violations were in West Jerusalem, 17% in the East. However 67% of all the administrative demolition orders issued, and 69% of those carried out, were in the Palestinian sector. 58% of the building violations detected in the Israeli sector led to an indictment; in 99% of the violations detected in the Palestinian sector the violators were indicted.
- The shocking events at the Versailles wedding hall provides ample evidence just how spurious Mayor Olmert’s arguments are concerning the severity of the respective building violations. There is no correlation whatsoever between the purported danger to public interest and the severity of the punishments meted out, and where. (We may fully anticipate the abuse of this tragedy. In short order we will hear a paternalistic claim that demolitions of homes in East Jerusalem selected exclusively on the basis aerial photography are “for the protection” of the residents, rather than a thinly veiled attempt to “show who is boss” and keep the Palestinian population figures low).
- Between 1991-1997, 89% of all the building permits issued were in the Israeli sector. Since 1967, one additional residential unit was built for each 3.06 new Israeli residents to the city; one such residential unit was built for each 8.28 additional Palestinian residents.

- The statistics detailed above clearly show that there are building offenders in East Jerusalem, as in the west of the city. Unlike Jewish residents of the city, however, Palestinian residents face a terrible dilemma: to live in extreme overcrowding, to leave the city, or to build illegally. The fourth option – to build legally – is almost completely impossible.

Despite this, the level of illegal construction in East Jerusalem is no higher than in the West, and probably lower. The same authorities who over the years systematically refrained from providing Palestinian residents of the city with the opportunity to enjoy minimal living conditions strictly enforce the law against those who, in their desperation, resort to illegal means in order to provide themselves and their families with a basic living environment.

- Mr. Olmert asserts that both the illegal building in East Jerusalem, and the failure of the attempts to engage the residents in preventing illegal building is inspired and organized by the PA. This has no basis in fact. On the contrary, it is the disingenuous politicization of genuine want and despair.

An example is in order. Since the outbreak of the intifada, the number of those requesting building permits from the municipality has dropped by 50%. The Municipality has “rewarded” these stalwarts by refusing to issue the form (Form No. 2) necessary to commence construction, even though the permit itself was issued and the fees paid. On the other side of town, Orient House grants \$30,000 mortgages to Jerusalem residents who build, but fearing fraud, make the loan contingent upon receiving a building permit from the Municipality. In the “**through-the-looking-glass**” reality of Jerusalem, Olmert’s municipality punishes the righteous few who get the permits from Israeli authorities – and the PA grants them incentives.

- The assertion that the residents of East Jerusalem are “loyal to Israel” is quite remarkable. If the implication is that the 210,000 residents are basically law abiding, this is indeed correct. But loyalty? The basic, underlying fact of 34 years of Israeli rule is that Israelis and Palestinian have shared space, but never a community, even tentative, much less a shared civic society. Israelis, including Mr. Olmert, have never viewed the residents of East Jerusalem as “Israelis of the Islamic persuasion”, nor have the Palestinians viewed themselves as Israelis in any regard whatsoever.

Until such time as Mr. Olmert expresses a willingness to examine this claim empirically by means of referendum, one can only examine the existing data: in January 1996, 25,000 Palestinians residents of Jerusalem participated in the PA elections (a 30% turnout). In November of 1998, 4,500 residents (a 6.5% turnout) participated in the elections for Olmert’s Municipality.

Our own Summary and Conclusions

I take little pleasure in the debunking of Mayor Olmert's "data", and would undoubtedly refrain from doing so were not vital national interests at stake:

1. As Foreign Minister in these difficult times, you, more than anyone else are responsible for Israel's credibility in the international arena. You would be well advised, in the future, to refrain from distributing materials produced by the Jerusalem Mayor's office without first having the Research Department of your Ministry examine the credibility of the data and claims. (The "spellcheck" seems to be functioning quite well over at the municipality – but on anything more substantive, caution is advised).
2. This is no mere matter of putting "a pretty face" to a less-than-pretty reality. Mr. Olmert's letter was sent to you in anticipation of the resumption of massive demolitions in East Jerusalem (two a week – an increase of hundreds of per cent in comparison to peak, pre-intifada years).

The fact that the Israeli government is basing decisions in matters of national interest on such transparent manipulations of the realities is serious, in and of itself. The fact that the Ministry of Foreign Affairs has become a conscious, or unwitting tool in the marketing of Mr. Olmert inflammatory policies by lending its imprimatur to this document is hardly less serious.

3. Ironically, Mr. Olmert's letter itself discloses the underlying political truth upon which the city is based. Only an elected official utterly detached from the realities of his city, who in no way views a third of its residents as his "constituency" in any sense of the word, can so utterly misrepresent the basic facts, the very web and weave of their lives. Both the subject under discussion and Mayor Olmert's attempt to deal with it lead to the same, inexorable conclusion: Israel's sovereignty over East Jerusalem is in large part fictitious. The complex nature of Israel's presence in East Jerusalem has far reaching implications, and policy cannot be based on self-serving fictions without the serious threat of disaster.
4. The seminal events of the last year regarding Jerusalem – the breaking of the taboo over discussing the city's future at Camp David, the outbreak of the Al Akza intifada, and the Clinton Plan – have created new realities in Jerusalem that cannot be ignored. Never since 1967 has the physical division, unofficial but obeyed by all, been sharper. Embodiments of Israeli authority are low key – if existing at all. The disparity in the atmospheric pressure between the West Bank, with all its turmoil, and the relative calm of Jerusalem only meters away, is stark.

Jerusalem today is a city with no status quo: a remarkably stable island in the surrounding upheaval, with the threat of destabilization ever present, just beneath the surface.

5. It is in this context that we encounter Mr. Olmert's letter, and all that it represents. It signifies an ideologically dogmatic attempt to restore some "lost paradise" – the Jerusalem genuinely united under Israeli rule that never existed in the first place. It is an attempt to force Jerusalem, by main strength, back into some mythical, virginal mold, back to an imaginary time when Kafr Aq'ab was like downtown Netanyahu, and rational discourse on the city still a mortal sin.

No act poses a greater threat to the stability of Jerusalem than a simplistic attempt to reassert Israeli authority in places it hasn't existed for years, and no threat provides greater incentive to the Palestinians, inside the city and out, to transpose the intifada into the city limits.

Implementation of Olmert's housing demolition campaign may well be the ultimate embodiment of the quip made by an American colonel in Vietnam: "We destroyed the city in order to save it".

6. The alternative to this approach is evident. It requires recognizing certain basics:
 - Jerusalem will not be redeemed by replacing harsh truths with data more appropriate to the "Flat Earth Society" than to credible governments.
 - The absence of a political process in no way absolves Israel from exercising a wise and steady hand in its dealings with Jerusalem. In the absence of a process that allows to deal with the ultimates, a Hippocratic oath is in order: "**Do no harm**".
 - Jerusalem's stability defies the logic of both Israeli and Palestinian national "mantras", and the attempt to revive the pre-Camp David myths can be done only at grave peril to the city and its stability.
 - A mayor who can so grossly distort the way a third of the residents of his city live, and who displays such a total lack of empathy with them, is not worthy of wielding the draconic powers of demolishing homes without a trial.
 - A society incapable of allowing its residents to live in dignity by building legally cannot harshly punish those who obtain that dignity by

means that are illegal, but in no way contrary to the substantive public interest.

- No Israeli interest is served by demolitions in East Jerusalem: regardless, they will be insufficient in number to solve the planning problems, or create a credible deterrent – and their only likely effect will be conflagration.

The conclusion of all this is clear and simple: the cardinal Israeli national interest in East Jerusalem requires prompt governmental intervention to prevent the resumption of the housing demolition campaign to which Mayor Olmert so fervently aspires.

Sincerely yours,

Daniel Seidemann, Adv.

cc. Mayor Ehud Olmert