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## Insiders' Jerusalem - Publication of Givat Hamatos tenders

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# Insiders' Jerusalem

November 15, 2020

## [Givat Hamatos: the Rubicon Has Been Crossed](#)

**Tender terms/booklet has been published. Bidding has commenced.**

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## **What Just Happened?**

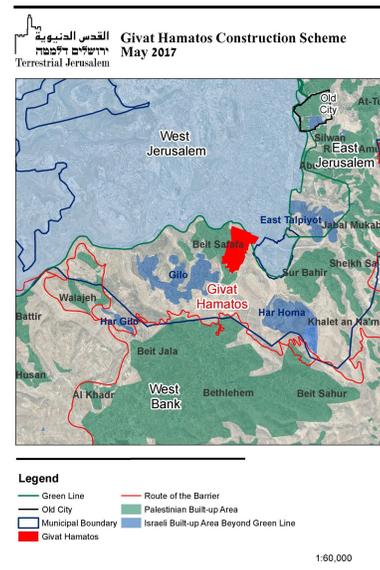
As we cautioned was imminent in our November 11 "Insiders' Jerusalem", the Israel Land Authority this morning [published](#) the [terms/booklet](#) for the tenders allowing for the construction at the East Jerusalem settlement of Givat Hamatos.

**The decision to proceed with the construction of Givat Hamatos is the most defiant and inflammatory settlement move in recent memory, and should be treated as such. The construction of Givat Hamatos will create a buffer, contributing to an effective seal between East Jerusalem and Bethlehem. In addition, Givat Hamatos will, for the first time, completely surround an East Jerusalem neighborhood, Beit Safafa, with Israel construction, making the implementation of the Clinton parameters in East Jerusalem impossible.**

**Givat Hamatos will have a devastating impact on the very possibility of a future two-state outcome.**

The terms of the [tender booklet](#) have been amended in two ways. The number of units that may be built has been raised by 180 units, from 1,077 units in the previous version to today's 1,257 units. In addition, the individual units are to be marketed to the public under a new format ("Reduced Price Housing") which has yet to be formally approved by the Land Authority Council. Consequently a caveat is attached to the tender: "Please note that the decision of the Land Authority Council regarding "Reduced Price "Housing" has not yet been signed, and consequently there may be changes in the terms of the tender, including its cancellation".

According to the text of the tender, developers may now submit their bids no later than noon on January 25, 2021 – five day after the inauguration in Washington (the tenders announcement says January 18, creating a confusion).



### Is the Timing of Publication Random?

No. The approval process of Givat Hamatos has for years been accompanied by unprecedented scrutiny and international opposition. For example, in October 2012, President Obama personally castigated Prime Minister Netanyahu for concluding the statutory approval of the plan, and in the ensuing years, key European states have carried out a sustained, coherent and resolute engagement with Israel in opposition to the scheme, both in public and behind closed doors.

The tenders and their terms could not have been published without Netanyahu's advanced knowledge and consent.

In addition, in recent days there has been extensive press coverage in Israel and abroad on the real prospects of the publication of the tenders, including two front page headlines in the November 12 edition of [Haaretz](#).

### What Happens Next?

Developers will submit their bids seeking to conclude contracts with the Israeli Government to construct segments of the 1,257 settlement units. Once the bids are unsealed, the Land Authority will be able to (but not compelled to) award the contracts to the best bidder. In the current case, the Lands Authority Council will need to extend its final approval to the new marketing format ("Reduced Price Housing") before the tenders are awarded and the contracts signed. Once the contracts with the developers are signed, and third-party rights are involved, the construction of the units becomes virtually inevitable.

### Can the Tenders be Stopped?

With some difficulty, but yes.

Now that Netanyahu has taken a highly visible and consequential step towards the construction of Givat Hamatos, it will be politically costly for him with his right-wing, settler base to reverse course and stop the process. That said, he can do so without appearing directly involved.

If the Lands Authority Council merely defers its final approval of the "Reduced Price Housing" format, or if the final date for the submission of bids is extended (a not uncommon practice with the Land Authority), the tender process can be suspended, and perhaps deferred indefinitely.

The suspension or deferral of the tender process will not be easy to achieve, and will in all likelihood be impossible without non-routine engagement by Israel's friends in the international community.

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## What Needs be Done?

Construction of Givat Hamatos will have a devastating impact on any future possible agreement. However, as important as it is to stop the tender process, the response to the tender announcement will have ramifications that go well beyond the immediate impact of the Givat Hamatos settlement.

On November 10, one week after the US elections, the Jerusalem Municipality granted building permits [allowing](#) for the construction of 96 residential units in the East Jerusalem settlement of Ramat Shlomo. The units are located within the boundaries of the plan Netanyahu announced for the 1600 unit expansion of Ramat Shlomo settlement during Vice President Biden's visit to Jerusalem in March 2010.

If proceeding with the construction of Givat Hamatos is an inflammatory move towards the next administration, the decision to build at this precise location in Ramat Shlomo is not far behind.

On November 11, Rob Malley and Phil Gordon published an incisive op-ed in the [New York Times](#): "Trump Still Has 70 Days to Wreak Havoc Around the World".

While the developments over Givat Hamatos and Ramat Shlomo are clear indications that Netanyahu is using the interregnum between the Trump and Biden administrations to wreak his own, Trump-sanctioned havoc, these are by no means the only devastating moves that can be taken before the inauguration.

The statutory approval of E-1 – another devastating settlement scheme that the international community has thwarted for decades - is imminent, and the Supreme Court case regarding the demolition of Khan al Ahmar and the displacement of its residents will take place on November 29.

Whether E-1 will be approved and Khan al Ahmar razed depends very much on the nature of the response to today's events regarding Givat Hamatos. Failure to engage with resolve on Givat Hamatos will make the approval of E-1 and the demolition of Khan al Ahmar all the more likely.

