

The Pregnant Road

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Negotiations are underway between the state and the owners of land in Jatt and Baka al Garbiyeh over compensation for 800 dunams that have been expropriated for the Trans-Israel Highway. As the road approaches both villages, it heads suddenly east, instead of north. The residents call it the "pregnant road." They believe the reason for the odd twist in the right of way is to avoid expropriating land from Jews, and particularly to prevent Jatt and Baka al Garbiyeh from growing westward. Their appeals to change the route, to the High Court of Justice and to the committee headed by the director general of the Transport Ministry, have been rejected. All that's left is their struggle for compensation.

None of this is mentioned explicitly in the compensation negotiations. Everyone knows that's how proper government procedure works: dealing directly with only the relevant matters, whether legal or administrative. But beneath the surface the discussions have historic significance.

The story of the right of way and the compensation is connected, by the Arabs, to terrible discrimination against them in the planning of industrial zones along the highway, all of which fall inside Jewish local or regional councils. That ties into the great land expropriations of the 1950s, and of course the whole thing is mixed with the traumatic memory of 1948. No wonder communication between the sides is full of mistrust and mutual recriminations.

As in any big real estate deal, this one also has its intermediaries and brokers. The highway is "owned" by Derekh Eretz, a huge real estate corporation owned by the Arison Group (Bank Hapoalim) and Lev Levayev (Africa-Israel), which received the franchise for paving and operating the toll road. Derekh Eretz, which stands to make a fortune from the road, partly in state subsidies, has a loyal envoy on the ground: the state-owned Trans-Israel

Highway Corp., whose purpose is to acquire and expropriate land needed for the highway.

The main losers are the simple Arab farmers who earn their livelihood from the small plots handed down from generation to generation.

The farmers organized, established a steering committee, collected funds for a small budget and hired a lawyer. And there are the political intermediaries: local and regional authority heads from Arab towns and villages, director generals, and bureau heads in Jerusalem, including the prime minister's bureau chief. Because of the potentially explosive nature of the negotiations, even the Iron Valley police are involved. Both sides, by the way, praise the police for their positive contribution.

The Arab farmers describe what they call the routine methods of the Trans-Israel Highway Corp. They say that the company's handling of every stretch of the road always starts with deliberate delays in the negotiations over the land compensation. When the land is about to be handed over to Derekh Eretz so they can begin paving, the Trans-Israel Highway Corp. suddenly steps in with a flurry of activity, threatening the landowners that the work is about to begin and if they don't sign the compensation deal, their land will be taken without any compensation.

The compensation deal is usually a vaguely worded contract about an exchange of land. Then, after their land is turned into a road, the Trans-Israel Corp., the Israel Lands Administration and other government agencies involved in transferring land rights, start dragging their feet. Therefore, the farmers are now suing for a detailed agreement, in advance, for every alternative dunam.

The Trans-Israel Highway claims that it avoids using the law that grants it the authority to take land by force within two months of the expropriation declaration, that it is negotiating in good faith, and that it is offering generous compensation.

The problem, say the company's executives, is that just when they approach the end of a negotiation, an Arab public figure steps in and sabotages the deal to win some headlines.

A week ago, some of the Jatt farmers signed their contract for alternative land. But a meeting yesterday between the Baka al Garbiyeh representatives and the director general of the Prime Minister's Office, broke up acrimoniously. The representatives of the farmers refused to sign a memorandum of intent that was

given to them and the PMO refused to postpone taking over the land until the legal work is done clarifying the ownership of the land being offered as an alternative.

The establishment claims the alternative land reserves being offered are large enough and allow for an agreement. That may be true. But if the highway builders and the government's representatives don't recognize that this story has an historic undercurrent, and insist on using their powers to vanquish the other side, pushing the farmers into a corner, they will be paving the road to a new, even bigger - and unnecessary - explosion.