



# Thirsty for (the Right to) Water

The policy of not supplying water  
to the unrecognized Arab-Bedouin  
villages in the Negev

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## 1. Abstract

Numbering 73,000 people, residents of the unrecognized villages in the Negev have for decades suffered harsh discrimination in access to infrastructure and resources. The lack of access to water is one of the principal manifestations of this policy. Water allocated to unrecognized villages is insufficient, expensive and unsafe. Furthermore, residents are faced with a strict bureaucracy that limits water node allotments.

Water provision divides unrecognized villages into "connected" and "unconnected" communities. Over the past few years, connected localities have been allowed to independently link up to the national water company Mekorot's water nodes. Conversely, the unconnected communities do not have authorization to link up to the water grid and survive by purchasing water from private suppliers and storing it in metal tanks.

The issue of water in unrecognized villages was discussed a number of times via petitions to the Israeli Supreme Court. The first of two petitions presented in this report was filed in 2001

by a number of human right organizations and representatives of the Regional Council for the Unrecognized Villages, who complained about the villages' lack of access to water. The plaintiffs argued that withholding water violates Israel's own water law and denies residents of the unrecognized villages their basic right to human dignity and liberty, as well as the human right to water. Though the court ruled against the petition, by reinstating the Water Committee, its decision comprises a de-facto devolution of this issue to case-by-case treatment.

Previously, the Water Committee was an active body within the Authority for the Regulation of Bedouin Settlement in the Negev; today, it operates under the auspices of Israel's Water Authority. The committee receives individual applications from communities of ten families or more that seek access to a water node. Over time, it became evident that the committee was a strictly bureaucratic entity that rarely approved new connections to the water grid. Permits were typically conditioned upon entering into negotiation with the Israeli government over land ownership claims. Despite meeting the court's requirements, only 15.7% of applications to the Water

Committee were approved during its thirteen years of operation. Extended family 'N,' from the unrecognized village of Tel Arad, for instance, represents about 128 people from 15 different families. The family's appeals, over twenty in all, were summarily rejected.

A second petition surveyed in this report was filed in 2006 by representatives of six unrecognized villages. Following the rejection of their petition by the Water Committee and the District Court sitting as a de-facto "Water Court" the plaintiffs appealed to the Supreme Court. Their appeal was partially accepted, with the judges delegating final decisions about three villages to the Water Committee. The petition of the three remaining villages was rejected. Nonetheless, the Supreme Court recognized, for the first time, the right to water as a requisite for the "Basic Right to Human Dignity and Liberty". By so doing, the Supreme Court obligated the State to provide all citizens access to water. At the same time, however, the judges linked the state's prerogative to adjudicate land disputes with the provision of water to the unrecognized villages.

An additional matter discussed in the report, increasingly central to the lives of residents of unrecognized villages, is the cost of water. The Water Authority's "non-supplier" (i.e., not discounted for resale) rate for the unrecognized villages is the highest of Israel's domestic rates. Following significant price increases in 2010, the price of a cubic meter of water has more than doubled (NIS 9.05, before tax). Comparatively, urban residents pay only NIS 7.53 before tax, and residents of regional councils a mere NIS 4.48, before tax. Exorbitant rates for the unrecognized villages lead to monthly bills of tens of thousands of shekels, encumbering residents who are at times unable to pay.

In addition to these rates, water systems in the unrecognized villages are installed and maintained by the residents who are tasked with laying the pipes and maintaining their own water and sewage infrastructure. In contrast to other domestic users, whose maintenance expenses are included in their water bills, the residents of the unrecognized villages are required to pay additional fees for maintenance on top of already excessive rates. Hence, water rates for unrecognized villages are not only exceptionally high, but also unjustified.

Denial of sufficient access to water for a large segment of the population and the charging of exorbitant usage rates violate the international criteria concerning the Human Right to Water, enshrined by the General Assembly of the UN in the Convention on Economic, Social and Cultural Rights (CESCR). Insufficient and unsanitary water has left residents of the unrecognized villages in dire conditions. In a daily struggle for livelihood and health, they dwell on the brink of a humanitarian crisis.



A water tank in the unrecognized village of Al Arakib. Insufficient access to water is of the main problems encountered by residents of unrecognized villages.

Photography: Daniel A. Cherrin



## 2. Introduction

Approximately 73,000 citizens of Israel reside in unrecognized villages.<sup>1</sup> While most of these villages have existed for centuries, residents remain without access to running water in violation of their human rights.

In the past, the vast majority of villages had no access to the water grid; residents had to suffice with makeshift alternatives, such as the water tanks, tanker trailers, or collection of rainwater in underground cisterns (in Arabic: Araba). Today, following the Supreme Court rulings in accordance with Israel's Basic Law: Human Dignity and Liberty, as well as the human right to water, the State has been obligated to ensure minimal access to water. As a result, several villages have been allocated a Mekorot (Israel's National Water Company), water access node and are connected via the main transportation routes

<sup>1</sup> The number of residents in the unrecognized villages was obtained by subtracting the number of residents in the seven governmental planned towns from the overall number of Muslim residents in the Be'er Sheva district, as stated in the Annual report of the Israeli Central Bureau of Statistics 2013. See: [http://www.cbs.gov.il/shnaton64/st02\\_15x.pdf](http://www.cbs.gov.il/shnaton64/st02_15x.pdf) The actual number of residents in unrecognized villages may be higher as result of individuals' false registration as residents of these towns.



throughout the Negev. Nonetheless, access to water in the unrecognized villages remains problematic as residents are largely provided with insufficient, poor quality and over-priced water.

These three criteria – quality, quantity and price – constitute the basis of the internationally recognized human right to water as enshrined by the UN General Assembly and CESCR. Based on these criteria, we can categorically say that to this day, residents of the unrecognized villages have been deprived of their human right to water.

We support our argument using examples from villages that have been granted access to Israel's water grid. The width of access nodes allocated to unrecognized villages is typically one inch (2.54 cm) and consequently, this single, shared access pipe is insufficient to provide water to an entire village of tens of families. Some families, therefore, have limited or no access to running water. Families are therefore compelled to store water in tanks. Furthermore, unlike elsewhere in Israel, water quality is unregulated in the villages. Residents – rather than state authorities – install water infrastructure independently.

Ramifications of poor water quality on residents' health are unclear and have yet to be thoroughly researched. Despite these shortcomings, the billing rate for domestic use in the unrecognized villages is the highest in Israel, far exceeding rates in proximate towns and local councils. Unlike the surrounding localities, the price of water in the unrecognized villages does not include sewage services; residents must dig their own absorption pits to dispose of waste. Not surprisingly, the cost of water features centrally in each family's budget. Considering the fact that residents of the unrecognized villages suffer stark economic disparity with other sectors of society, exorbitant water prices comprise a significant barrier to access of this essential resource.

Additionally, high rates and low accessibility generally precludes the use of water for agriculture, a prominent traditional occupation in the villages.

Several villages remain completely unconnected to the state water system, as their residents were not allocated water access nodes. Villages such as Sawawin, Umm Al-Hiran and Tel Arad, as well as remote locations on the outskirts of the 'connected'



A water pipe stretch all the way to the unrecognized village of Al-Makimen.

villages, must transport and store water in tanks for domestic and agricultural use (i.e., water for livestock or subsistence gardening). These villages face a daily struggle against insufficient access to water, poor water quality, and prohibitive rates for water acquisition and transportation.

This report explains the institutionalization of water supply to the unrecognized villages in the Negev over the past few years, elucidating long-standing Israeli policy to deny Arab Bedouin in

the Negev equal access to water. First, we survey the development of the right to water in Israel and the world from a theoretical and historical perspective. This right constitutes the legal and moral foundation for the State's obligation to provide water to all its citizens. We explore the extent to which Arab Bedouin residents of the unrecognized villages in the Negev actualize the right to water. We then discuss key court decisions concerning access to water and the procedural bureaucracy that sustains the water regime in the unrecognized villages.

### **3. The Right to Water – a theoretical and historical background**

The right to adequate water intertwines with other recognized human rights. International institutions and conventions recognize it as an inalienable human right, non-governmental organizations campaign for the recognition of the right to water and its actualization, and even companies and private water corporations – prominent players in the provision of water – have come to recognize this right. In this chapter, we briefly survey the development of the Human Right to Water, its institutionalization and main principles. We then elaborate on a number of cases in which Israeli authorities, albeit inexplicitly, acted in the spirit of this right.

The right to water was first mentioned as a plan of action in the UN Water Conference in Mar del Plata, Argentina, in 1977.<sup>2</sup>

<sup>2</sup> UN. (1977) .Report of The United Nations Water. Conference Mar del Plata. 14-25 March, 1977. New York.<http://www.refworld.org/pdfid/4538838d11.pdf>

The right to water also appears in Agenda 21, Protocol of the UN Conference on Environment & Development that took place in 1992 in Rio De Janeiro, Brazil.<sup>3</sup>

The right to water is articulated in General Comment number 15, which was adopted by the UN Convention on Economic, Social and Cultural Rights (CESCR) in November 2002. The General Comment stipulates a right to sufficient, safe, physically accessible and affordable water. The CESCR linked the right to water to the right to adequate standards of living and the right to enjoy physical and mental health of the highest quality.<sup>4</sup> Subsequently, in 2011, the UN General Assembly also recognized the right to safe drinking water and sanitation as a human right.<sup>5</sup>

<sup>3</sup> UN. (1992). Agenda 21. Proc. of United Nations Conference on Environment & Development, Brazil, Rio De Janeiro. UN, 1992.  
<http://www.un.org/esa/sustdev/documents/agenda21/english/Agenda21.pdf>

<sup>4</sup> The International Covenant on Economic, Social and Cultural Rights (2002). The right to water (arts. 11 and 12 of General Comment no. 15).  
[http://www.unhcr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/\\$FILE/G0340229.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/$FILE/G0340229.pdf)

<sup>5</sup> UN General Assembly. (2010). The human right to water and sanitation 64/292. Resolution adopted by the General Assembly on 28 July 2010. Sixty-fourth session. Agenda item 48.

General comment 15 to the UN-CESCR stipulates three basic state obligations, irrespective of circumstances:<sup>6</sup>

1. Availability – water must be provided in quantity that enables adequate living conditions according to World Health Organization (WHO) guidelines.
2. Quality – supplied water must be safe and free of microorganisms and chemicals that jeopardize human health.
3. Accessibility – the connection to water and water services must be indiscriminate, physically accessible and affordable to everyone.
  - a. Physical access – water services and supply must be located at a reasonable distance from every person's place of residence.
  - b. Affordable – Water must be provided at prices affordable to all.
  - c. Non-discrimination – states are legally obliged to provide water to the entire population, including the most vulnerable and peripheral segments of society.

<sup>6</sup> UN Economic and Social Council. (2003). Economic, Social and Cultural Rights. Report submitted to the 59th session of the Commission on Human Rights, by the Special Rapporteur on the Right to Food.



States are required to fulfill these conditions according to three principles of action: **respect** the right to water and not violate it by disconnecting residents as a means of punishment for illegal conduct or failure to meet water payments; **protect** the right to water by supervising the supply and quality of water resources from over use of contaminating activities; and **provide** adequate quantity of drinking water of suitable



A water convoy to the village of Tel Arad. States are obligated to provide water to the entire population, including those most vulnerable.

quality, including to remote areas and disadvantaged populations such as the poor, refugees and indigenous peoples. Furthermore, the state is required to invest to ensure full actualization of the right to water, inter alia through the development of water resources and infrastructure to reach the largest possible number of residents.<sup>7</sup> Recent developments in the recognition of the right to water as a human right were accompanied by widespread, intensive public activities by human rights and environmental non-governmental organizations. Amnesty International, Water Aid, Green Cross International and other organizations throughout the world have campaigned continuously to include the right to water in human rights protocols. These campaigns, undertaken under the title, "Water is a right," have accomplished much and gained the support of various committees and global institutions.<sup>8</sup> The momentum peaked last year when UNESCO declared 2013 the "International Year of Water Cooperation."<sup>9</sup>

<sup>7</sup> Langford, M. (2005). The United Nations Concept of Water as a Human Right: A New Paradigm for Old Problems? . *Water resources Development*, 21(2). 273-282.

<sup>8</sup> Bakker, K. (2007). The "Commons" Versus the "Commodity": Alter-globalization, Anti-privatization and the Human Right to Water in the Global South. *Antipode*, 39(3), 430-455.

<sup>9</sup> UNESCO. (2013). International Year of Water Cooperation Consultation

Further recognition of the human right to water has come from private corporations that deal with the provision of water. Over the past few years, many countries have undergone water supply privatization in which companies and corporations – both national and international– now manage water reservoirs. In Israel, such processes led to the establishment of regional and urban water corporations. The growing influence of private companies on the global water market, as well as harsh criticism of the transfer of vital resources to for-profit companies, forced private companies to discuss the right to water. In the World Water Forum, held in Kyoto in 2003, corporations declared their official recognition of the right to water as a basic human right. Similar statements were made following the annual meeting of the World Economic Forum in Davos.<sup>10</sup>

Meeting 22 January 2013.

[http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BPI/EPA/images/media\\_services/Director-General/ConceptPapersWater\\_consultation\\_IYWC-EN.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BPI/EPA/images/media_services/Director-General/ConceptPapersWater_consultation_IYWC-EN.pdf)

<sup>10</sup> See supra note 8.

### 3.1. The Right to Water in Israel

Israeli water law does not make clear mention of access to water as a human right. Nonetheless, statements in this spirit can be found in official documents of various State authorities. These touch upon components of the right to water and recognize the overall principle of the right to water.

Section three of the Israeli Water Law (1959) defines the individual right to water: "each person is entitled to receive water and use it in accordance with the instructions of this law."<sup>11</sup> Israel recognizes the human right to water as a statutory right afforded to the individual by proxy via domestic water law. Yet the right to water has never been granted independent legal status.

The human right to water was first recognized in Israel in 2011 by the Supreme Court sitting as a court of civil appeal (herein, CA) case 9535/06, Abdullah Abu Musaed, et al. v. Water Commissioner & Israel Lands Administration. A panel of Supreme Court judges, headed by Justice Ayala Procaccia, ruled

<sup>11</sup> Israeli Water Law 1959,  
<http://energy.gov.il/LegislationLibrary/WaterLaw.pdf>

that the right to water falls within the bounds of Israel's Basic Law: Human Dignity and Liberty. By so doing, the court recognized the constitutional right to water.<sup>12</sup> In addition, the court referred to international principles of the right to water and argued that although Israel had not ratified these principles, they should still guide Israel's legislative documents as customary law.<sup>13</sup>

Additional mention was made in the spirit of CESCR General Comment 15 addressing the issue of appropriate water rates. General Comment 15 asserts that states must guarantee the affordability of water to all consumers. The price of water should, therefore, be reconciled with users' financial means. Israel's position in this regard can be gleaned from the decision of the Knesset's Finance Committee (March, 2014), stating that financial aid must be provided to populations with difficulties meeting water use rates. This would ensure the cost of water

<sup>12</sup> CA 9535/06, Abdullah Abu Musaed, et al. vs. Water Commissioner & Israel Lands Administration, decision given 5.6.2011. See: <http://elyon1.court.gov.il/files/06/350/095/r07/06095350.r07.htm>

<sup>13</sup> See supra note 12, section 26.

did not jeopardize disadvantaged communities' ability to access adequate water.<sup>14</sup>

Additionally, in a discussion of the Knesset's Finance Committee (2011) on the matter of connecting the unrecognized villages Umm Al-Hiran and Tel Arad to the water grid, Committee Chair MK Carmel Shama-Hacohen recognized the foundation of the human right to water de-facto by stating that the legal status of a place of residence must not diminish a citizen's right to water. "You live there for fifty years," he stated. "Legal, illegal, you must be given [access to] water. [...] As long as you are there, like any other Israeli citizen, water must reach your home." The discussion concluded with an agreement that the committee would recommend connecting the villages to the water grid. This recommendation, however, remains unfulfilled.<sup>15</sup>

<sup>14</sup> The Knesset's Finance Committee decision from 4.3.2014, regulations of Water and Sewage Corporations (standards for a reduced cost eligibility), see: [www.knesset.gov.il/protocols/data/rtf/ksafim/2014-03-04-01.rtf](http://www.knesset.gov.il/protocols/data/rtf/ksafim/2014-03-04-01.rtf) Last visited: 6.4.2014.

<sup>15</sup> Protocol of the Knesset Finance Committee, 8.2.2011, <http://www.knesset.gov.il/protocols/data/html/kalkala/2011-02-08-04.html>

These references demonstrate that while Israel never formally legislated the human right to water, the state recognizes this right and its principles in practical terms. The state proves time and again that it recognizes its obligation to provide water to all citizens irrespective of the legal status of their place of residence.



## **4. The water regime in the unrecognized villages – a snapshot**

This chapter surveys the water situation in the unrecognized villages, the daily barriers faced by the residents and water supply mechanisms available to these villages. The chapter is divided according to the level of accessibility to water – villages afforded a connection to the central water grid are dubbed 'connected'; those lacking connection are denoted 'unconnected.'

### **4.1. The 'connected' – one village, one pipe**

Arab Bedouin residents of unrecognized and recently recognized villages are provided water through direct connection to Mekorot access nodes located along central traffic routes in the Negev, including Road(s) 40, 25, 60 and 31. Such connections are enabled pending approval of the Water Authority and Water Committee (see below). Awarded villages are connected to a lone pipe, one inch in diameter (2.54 cm), which comprises an entire community's only access to the grid. Hundreds of users may be expected to share this single access point.<sup>16</sup>

<sup>16</sup> An identical connection is installed at nearly every home in Israel's suburbs and agricultural and communal settlements.

The lengths of pipe that connect the houses to the access points range from hundreds of meters to kilometers, depending on the distance of the village from the main road and access node. Residents bear both the technical and financial burden of any requisite infrastructure, including the plastic pipes linking residences to the access node. Costs of material, labor and maintenance are borne solely by the residents.

As of early 2011, the 73,000 residents of the unrecognized villages are served by a mere 300 water access nodes.<sup>17</sup> With narrow connecting pipes and limited capacity, this limited infrastructure rarely fulfills the needs of the communities. Consequently, water pressure is low throughout most of the day and cannot meet regular household demand. In order to cope with the situation, able residents may install water storage containers on their rooftops. Such containers are filled overnight, when village water consumption is low, providing water for domestic use throughout the day. Furthermore, with pipes generally spread out across the ground, water

<sup>17</sup> Bass-Spector, S. (2011). Health and environmental issues in the unrecognized villages in the Negev, The Knesset Research and Information Center, pp.2, on-line: <https://www.knesset.gov.il/mmm/data/pdf/m02809.pdf>.

temperatures are dramatically affected by prevailing weather conditions.

It is noteworthy that even in 'connected' villages, prohibitive installation and maintenance costs prevent families residing on the outskirts of the village and beyond from connecting to the grid. The situation of such families is more akin to that of the 'unconnected' villages described below.



A water access node on Road 25, near the unrecognized village of Khasham Zaneh. Similar points are spread along main transportation routes in the Negev.

## **4.2. The 'unconnected' - water transportation and storage**

A number of Arab Bedouin villages in the Negev suffer even worse conditions as they remain without a connection to the water grid. To satisfy their needs, residents of these villages are compelled to transport and store water in tanks. This extremely expensive and time-consuming system supplies water of poor quality. Water purchased to fill the tanks is from a private supplier. The tanks are shuttled to the access nodes by heavy tractor or truck. Access points are often over crowded, with customers forced to wait in line for extended periods in order to fill their tanks. Water is stored in metal tanks and containers for days on end, exposed to inclement weather and accumulation of algae. Resulting unsanitary conditions, characteristic of stagnant water, comprise a health risk to local residents.<sup>18</sup>

<sup>18</sup> Almi, O. (2006). Water Discipline: Water, the State and the Unrecognized Villages. Report by Physicians for Human Rights Israel, pp. 34. See: [http://www.phr.org.il/uploaded/articlefile\\_1164626037675.pdf](http://www.phr.org.il/uploaded/articlefile_1164626037675.pdf)

The aforementioned transportation of water entails significant expenses, including purchasing or leasing of vehicles suitable for transporting containers, freight fees, lost wages and/or labor for water transportation. Inclusive costs of water may exceed tens of shekels per cubic meter, significantly higher than rates paid by all other domestic user in Israel.



Transporting water to the unrecognized village of Sawawin. Water supplied this way is unsanitary and expensive.

## **5. 'Judging Water' – legal discussions regarding the water regime in unrecognized villages**

A number of debates took place in Israel's judicial system regarding the water situation in the unrecognized villages. Behavioral and policy changes often derived from Supreme Court decision in response to petitions filed by the residents. In order to understand how a population of 73,000 is denied equitable access to water, the contributing legal and bureaucratic processes must be examined. The following section details the petitions and verdicts, and their ramifications on the allocation of water to the unrecognized villages in the Negev.

### **5.1. High Court of Justice case 3586/01: The Regional Council for the Unrecognized Villages vs. the Minister of National Infrastructure**

The first and principal petition among the various legal discussion to deal with the water problem in the unrecognized villages was filed with Israel's Supreme Court in 2001 by representatives of seven villages: Abu Tlul – Al-Shahabi, Derijat, Umm Mitnan (Abu Krinat), Umm Batin (which since then was

recognized by the state), Wadi Al-Na'am and Al-Rara. The petition was filed by Adalah, The Legal Center for Arab Minority Rights in Israel, in cooperation with the Regional Council for the Unrecognized Villages, The Galilee Society, 'The 40 Association' and Physicians for Human Rights.<sup>19</sup>

The petition asked the court to order the connection of the unrecognized villages to the national water grid and ensure that the various Israeli water authorities – the Minister of National Infrastructure, Mekorot, the Minister of Agriculture and the the Water Authority Commissioner – provide residents of the villages with access to water equal to other localities in Israel.

The petition presented the situation of water accessibility in the plaintiffs' villages: the vast distances from water access nodes, exposure to the elements resulting in the over heating of pipes in the summer and cold water and mud in the winter, and the severe health ramifications wrought by insufficient and unsanitary drinking water.

<sup>19</sup> HCJ 3586/01, the Regional Council for the Unrecognized Villages vs. the Minister of National Infrastructure,  
<http://adalah.org/admin/DownLoads/SPics/3591737.pdf>



The plaintiffs' demand for connection relied on three legislative components: the right to water, the right to equality, and the right to human dignity and liberty.

The right to water is based on Israel's water law, which defines water in Israel as a public benefit to be afforded to the entire populace. As such, the provision of water is not conditioned on the type of settlement or habitation of the individual (section 39 of the petition). The closing argument of the petition asserted that lack of access to water comprises a direct violation of the basic right to human dignity. Regular and continuous access to running water is a minimal precondition for life; the lack thereof may therefore damage one's ability to secure adequate living standards.

Although the court ruled against the plaintiffs, the petition led to a substantial bureaucratic shift regarding water issues. In their decision, the judges concluded that "the proper way to realize the rights of residents in the unrecognized villages to water supply is through the submission of individual localized requests."<sup>20</sup> The Water Committee was thereby reinstated as the authority responsible for processing private requests for water supply.

<sup>20</sup> Decision in HCJ case 3586/01, 16.2.03, see: <http://adalah.org/Public/file/3586v.pdf>

### **5.1.1. The Water Committee**

The Water Committee was first established in the 1990s under the auspices of the Ministry of Agriculture, but soon stopped meeting and its work was discontinued. Following the court decision in 2005, stipulating that the proper way to regulate water access to unrecognized villages is through individual requests, the committee was reinstated. In the interim, the committee had moved from the Ministry of Agriculture to the Authority for the Regulation of Bedouin Settlement in the Negev. Since 2011, the committee has operated under the jurisdiction of Israel's Water Authority.

Today, the committee's formal role is to respond to claims regarding water allocation in the unrecognized villages. The committee handles requests made by alliances of ten families or more in accordance with the Supreme Court decision. The committee, which convenes once a month, discusses the merits of requests and makes a recommendation to the Water Authority to approve or deny the request.<sup>21</sup>

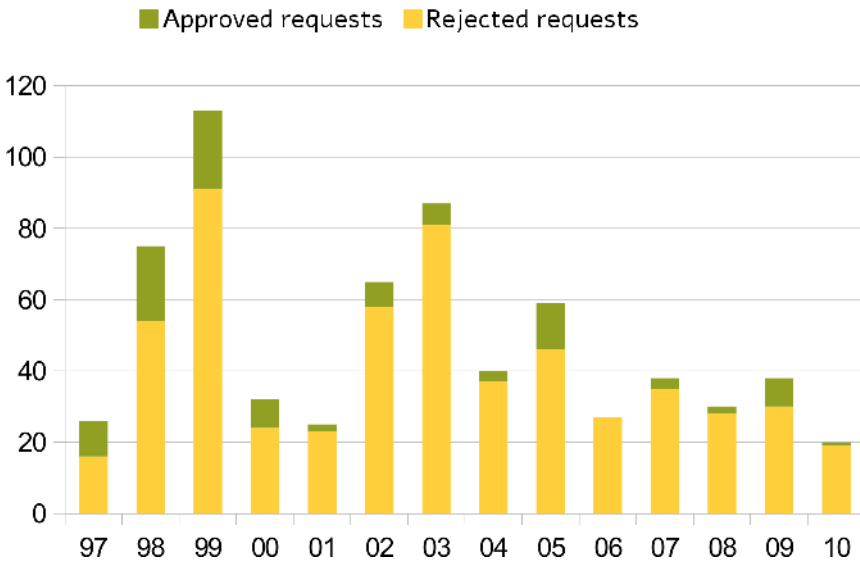
<sup>21</sup> See *supra* note 17, pp. 9-11.

Over the years, the Water Committee's makeup, its criteria and the paltry number of approvals have been the subject of harsh criticism.

The committee is comprised of representatives of the Authority for the Regulation of Bedouin Settlement in the Negev, Israel's national water company 'Mekorot', the Water Authority, the Environmental Regulatory Commission (the Green Patrol), the Office of the Prime Minister, the Ministry of the Interior, the Israeli Defense Forces (IDF) and a representative of the public. The organization Physicians for Human Rights has criticized the fact that a committee dealing with the issue of water, requisite for proper hygiene and prevention of disease, lacks a single representative of the Ministry of Health or other body that consults on the health needs of the unrecognized villages. The participation of the IDF was particularly questioned.<sup>22</sup>

<sup>22</sup> Knesset Finance Committee discussion regarding the allocation of water to the villages of Umm al Hiran and Tel Arad, 16.2.03. See: <http://www.knesset.gov.il/protocols/data/html/kalkala/2011-02-08-04.html>

An additional critique, mentioned in the Abu Musaed appeal discussed below, argued that the Water Committee had over stepped its official capacity by issuing decisions rather than recommendations (See section 5.2).



Approval of requests submitted to the Water Committee from 1997 – 2010 (source: Bass-Spector, 2011)<sup>23</sup>.

A decade after the committee was reinstated, it is evident that despite population growth and water austerity in the

<sup>23</sup> See supra note 17, pp. 9-11; Supra note 2, page 10.

unrecognized villages, the Water Committee is reluctant to approve any additional water connections. Data published in a report by the Knesset Research and Information Center and presented to the Knesset's Internal Affairs and Environment Committee on January 30<sup>th</sup>, 2011, shows that from 1997 – 2010 the Water Committee rejected 81.78% of requests, approving only 15.7%. The remaining 2.52% of requests submitted were never even discussed. It is noteworthy that since 2006, only a select few requests have been approved. In 2006, no request was approved and in 2010, the committee found only one request worthy of approval.

**M.N., a resident of Tel Arad<sup>24</sup>**

M.N., a 57-year-old farmer, lives on the east side of the unrecognized village of Tel Arad. The village is located 5 kilometers north of Road 31 and the military base Nahal-Tov. The village is home to 90 people from 15 families.

Unconnected to an access node, water is delivered to the village via metal containers that are filled some three kilometers from the village. Due to the large number of people in the area and the small number of water access points, the tanks must be filled nearly every day. Residents use tractors to transport containers of about 4-4.5 cubic meters. The process takes approximately two hours, including travel to the access point, waiting in line, filling the tank and commuting back to the village. The charge per cubic meter at the filling point is about 15 NIS.

<sup>24</sup> Interview with M.N., a resident of Tel Arad, held on, held 22.9.2013.

A farmer who maintains livestock including sheep, camels and donkeys, M.N. requires more water than the typical domestic user.

The family has been in communication with the Water Committee for several years, submitting 23 connection requests thus far. All have been rejected. In addition, M.N. has maintained regular correspondence with governmental bodies such as the State Comptroller and the Ombudsman.

The Water Committee has explained its repeated rejections of the village's requests, claiming that Tel Arad is located on state lands in proximity to a military firing zone. Furthermore, it was argued that a family that resides next to M.N. is already connected to the water grid. Despite the fact that 90 percent of the families remain unconnected, the committee maintains that there is no water supply problem in the village.



A trailer delivering water to the unrecognized village of Sawawin. In thirteen years of operation, the Water Committee approved only 15.7% of requests submitted for consideration.

## **5.2. Civil Appeal 9535/06, the Abu Musaed case (the six villages)**

An additional petition dealing with the supply of water to unrecognized villages was filed in 2006 by representatives of six villages: Umm Al-Hiran, Tel Arad, Tla'a Rashid, Tel Al-Malah, Katamat and Al-Rara. The petition was filed as an appeal following the Water Committee's rejection of the residents'



requests for a water access point, as well as the decision of the District Court, sitting as Israel's Water Court, which failed to overturn the recommendations of the Water Committee. The appellants disputed the committee's conduct, arguing that it had not supported its recommendation vis-à-vis the Commissioner of the Water Authority and that the committee had functioned in practice as an authoritative, rather than an advisory, body.

Following the reinstatement of the Water Committee, six representatives of unrecognized villages requested their communities be connected to the national water grid. Each of the six requests represented an alliance of at least 10 families, with the largest one, by Tel-Arad, representing 40 families. In total, the requests were made on behalf of 128 families. The Water Committee recommended denying all six requests. The residents then appealed to Israel's Water Court, which holds the formal status of a District Court, where their requests were again denied. Israel's Supreme Court, sitting as the Court for Civil Appeals, represented the villagers' last chance.



Installation of water system in the village of Tel Arad. The residents are forced to use alternative methods to address the lack of access to water.

The petitioners argued that the Water Committee had not considered the right to water or the water sector, but rather the overall issue of regulating Bedouin settlement in the Negev. One of the notices issued by the Authority for the Regulation of Bedouin Settlement in the Negev, under whose auspices the Water Committee operates, stated that the applying villages are



A pipe installed by residents of the unrecognized village Awajan. Residents of the unrecognized villages are not provided infrastructure or sewage services. They install, manage and operate the requisite plumbing infrastructure themselves.

situated on unregulated lands. The Authority also mentioned that some of the requests had been made on behalf of a family in possession of vacant lots fit for development in one of the seven Bedouin governmental planned towns. The plaintiffs argued that by exploiting bureaucratic processes, the committee had exceeded its mandate in order to pressure the villagers to relocate into towns.

Furthermore, the plaintiffs argued that their right to water had been violated; their "punishment," they argued, had led to unsanitary conditions that jeopardize the health of all of the residents, including children and the elderly. A lack of water may cause dehydration, compromise sanitation and increase the risk of colon infections among the residents.

Additional criticism directed against the Water Committee addressed the discrepancy between its official authority and its de-facto role. The committee was formed as an advisory body to the Commissioner of the Water Authority, who is authorized to approve or reject requests for water connections. The plaintiffs argued that the committee was essentially deciding whether or not to approve requests, with the Commissioner merely rubber-stamping its recommendations. This was evidenced, the residents argued, in that they had never received an official response from the Commissioner regarding their requests. Replies were signed either by the Water Committee or the Authority for the Regulation of Bedouin Settlement in the Negev.<sup>25</sup>

<sup>25</sup> See supra note 12; Supra note 8, page 7.

The petition was partially accepted; a panel of judges, headed by Justice Ayala Procaccia, instructed the Water Committee to reconsider the appeals of the Katamat, Umm Al-Hiran and Tel Arad representatives. As for the remaining three – Tel Al-Malah, Tla'a Rashid and Al-Rara – the judges accepted the Water Committee's recommendation and rejected the villages' appeals to be connected to the water grid. With regards to the criticism against the committee's considerations, the judges agreed in principle with the committee that land disputes should be considered amidst requests for water connections. In her decision, Justice Procaccia writes:

"The factor of illegal settlement, the need to handle this phenomenon and the existence of alternatives for legal settlement are all relevant and worthy considerations upon judging an individual request to be connected to a water source (section 42 of the decision)."<sup>26</sup>

<sup>26</sup> See supra note 12, section 42.

In a concurring opinion, Justice Arbel accepted the principle according to which a citizen's violation of the law is to be taken into account in consideration of his rights. "The rule that 'a sinner will not be rewarded,'" Arbel stated, "means that in the review of one's claims for rights, violations of the law will be considered."<sup>27</sup> Nonetheless, adding a reservation to the ruling, Justice Procaccia explained that in decisions concerning access to water, urgency must also be considered:

"The scope of defense for the right to water varies, balancing with contradicting principles that stem from the circumstances [...]. The greater and more essential the need for water is [...], the more weight will be given to the right to water. [...] The more the right to water is actualized in its basic meaning, [...] the heavier contrasting interest and values will be weighed (section 24 of the decision)."<sup>28</sup>

<sup>27</sup> See supra note 12, Justice Arbel's concurring opinion.

<sup>28</sup> See supra note 12, section 24.

Justice Procaccia also recognized the human right to water as a basic right:

"...access to water sources for human usage falls within the purview of the right to minimal dignified existence. Water is essential for any human being and one cannot live without sufficient access to this basic necessity. As such, the right to water must be regarded within the right to a dignified human existence, which is constitutionally protected by the Basic Law: Human Dignity and Liberty (section 23 of the decision)."<sup>29</sup>

In essence, Justice Procaccia's ruling adopts the argument presented by the representatives of the unrecognized villages in the High Court of Justice petition from 2001, according to which restricting access to water leads to living conditions and as such violates the Basic Law: Human Dignity and Liberty. While the decision strengthens the support of the right to water as precondition to the actualization of Basic Law: Human

<sup>29</sup> See *supra* note 12, section 23.

Dignity and Liberty, it fails to articulate the parameters of the minimum access to water to which every citizen is entitled. Furthermore, the decision adopts the stance that a human right may be denied by the state in order to advance law enforcement in other realms, such as land ownership.



Water transport to Umm Al-Hiran. Despite recognizing the human right to water, the panel of Supreme Court judges rejected the residents' appeal for the allocation of water access points.

The decision demonstrates the way the judicial system, in cooperation with bureaucratic mechanisms, advances the State's



image as a liberal and enlightened political body while simultaneously upholding discriminatory and racist policies. The Supreme Court therefore enshrines the right to water as a basic right, but concurrently sustains the status quo, by which the Water Committee may exploit its control over water resources an infrastructure in order to forcibly urbanize the Bedouin of the unrecognized villages. The precedent set by the decision with regards to the status of the right to water therefore remains symbolic and devoid of practical significance.

## **6. Collection of water taxes and price rates in unrecognized villages**

Unrecognized villages are billed collectively at the 'non-supplier user' rate. The following section elaborates on water rates and collection methods.

### **6.1. The price of water**

In 2010, the Water Authority implemented the Water Corporations reform, which encouraged the corporate privatization of water utilities by local authorities and municipalities. The reform was to lead to the management of closed and independent water and sewage sectors to avoid the transfer of funds from the water sector and other municipal services. The reform was later expanded to include regional councils.

As a result of the reform, the majority of domestic users began paying for water through such corporations. In return for gravity system services, the latter manage the water sector by selling water purchased from Mekorot to private consumers at an inflated rate. Conversely, residents of the unrecognized

villages – who reside in areas without an official municipal authority – pay their bills directly to Mekorot. These residents are probably the only private users who receive water directly from Mekorot and are dubbed, 'non-supplier users.'

Since the reform was introduced, Israel has seen a gradual increase of 30% in water prices. Rates have been adjusted according to the actualized costs of water and sewage service provision by private utilities.<sup>30</sup>

Within the overall rates increase, the water rate for unrecognized villages rose by double-digit percentages despite the fact that these residents have no sewage infrastructure. According to bills collected in the villages, the price of water at the beginning of 2010 was approximately NIS 4.34 per cubic meter. Later, according to the rate book of the Water Authority (July 2011), the rate had already increased to NIS 5.36 per cubic

<sup>30</sup> State Comptroller (2012), Annual Report 63a – water rates, pp. 241-284  
<http://old.mevaker.gov.il/serve/contentTree.asp?bookid=624&id=0&contentid=12798&parentcid=undefined&bctype=12797&sw=1280&hw=730>

meter.<sup>31</sup> In September 2012, the rate was raised to NIS 9.00,<sup>32</sup> and twice again in 2013 to NIS 9.34<sup>33</sup> and a peak price of NIS 9.425.<sup>34</sup> The price was finally reduced by 5% in January 2014 to NIS 9.05 before tax (NIS 10.67, inclusive).<sup>35</sup> These changes reflect an overall increase of over 100% in prices of water per cubic meter in only three years. Furthermore, as illustrated in Figure 2 below, residents of the unrecognized villages endured greater rate increases than domestic users in cities throughout Israel.

<sup>31</sup> Water and Sewage rate book – rates for local providers' consumers and corporations – 1.7.2011, <http://www.water.gov.il/Hebrew/Rates/2011/water-prices-20.7.2011.pdf>

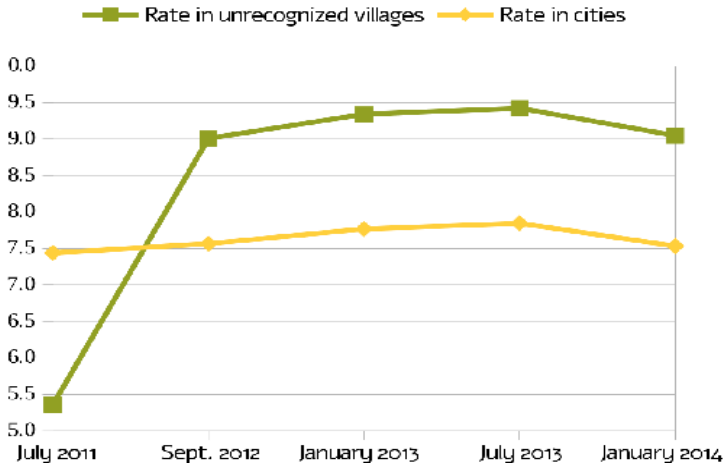
<sup>32</sup> Water and Sewage rate book – rates for local providers' consumers and corporations – 1.9.2012, <http://www.water.gov.il/Hebrew/Rates/DocLib9/prices-1.9.2012.pdf>

<sup>33</sup> Water and Sewage rate book – rates for local providers' consumers and corporations – 1.1.2013, <http://www.water.gov.il/Hebrew/Rates/DocLib1/prices-1.1.13.pdf>

<sup>34</sup> Water and Sewage rate book – rates for local providers' consumers and corporations – 1.7.2013, <http://www.water.gov.il/Hebrew/Rates/DocLib1/water-prices-1.7.13.pdf>

<sup>35</sup> Water and Sewage rate book – rates for local providers' consumers and corporations – 1.1.2014, <http://www.water.gov.il/Hebrew/Rates/DocLib1/prices-books-1.1.14.pdf>

### Comparison of water rate fluctuations



By and large, the rate for 'non-supplier users' collected from the residents of the unrecognized villages is the highest among all of private consumer rates. By comparison, the price of water in regional councils amounts to NIS 4.48 before tax and without sewage services. In cities, the comparable price is NIS 7.53 including sewage services.

Despite the high rates paid by the unrecognized villages, residents remain without essential services including provision of plumbing infrastructure and collective disposal of sewage.

About 21.2% of the rate set by water corporations goes to 'operation' components, namely, the development and strengthening of the corporation's infrastructure. In addition, 13.9% of the overall rate is allocated for 'disposal of sewage.' Hence, about 35.1% of the payment to the water corporation is allocated for disposal of sewage and infrastructure services.<sup>36</sup> As noted, residents of Bedouin unrecognized villages receive no sewage or infrastructure service, and actually must install, manage and operate their own water and sewage infrastructure. Nonetheless, they are charged the highest rates for water in Israel.

The management and operation of the water system in the villages include installation of pipes from the water access node to the village, as well as the individual pipes that connect each household; supervision over the quality of the pipes; pipe repair; and installation of water meters. Furthermore, residents must treat their own sewage through the use of absorption pits. Spanning the distance between the water access nodes and the village, these expenses add significantly to residents' already high water bills.

<sup>36</sup> See *supra* note 30.

The Israel Water Authority's reforms set a standard household water quota based upon the number of people in a home. The minimal allocation of water per person, set at seven cubic meters, rises according to the overall number of users. When usage extends beyond the predetermined quota, the price also rises. As the pricing for water in the unrecognized villages does not include a recognized quota, all households of the community charged the same starting rate per cubic meter irrespective of family size. As an average village household consists of six people, provision of a minimum water quota would significantly decrease families' water expenses.

### **Water prices in shekels, by type of residence**

Type of residence	Price per cubic meter within the minimum quota (pre-tax)	Price per cubic meter above the minimum quota (pre-tax)	Price including installation of pipe infrastructure	Price including sewage services
Municipality	7.53	12.12	Included	Included
Regional council	4.48 <sup>37</sup>	8.76	Included	Not included
Unrecognized village	9.05	9.05	Not included	Not included

<sup>37</sup> The price was taken from the third section of the Israel's Water Authority

Finally, in the High Court of Justice case 5249/13<sup>38</sup> submitted by Adalah, it was argued that at many of the water access nodes allocated to unrecognized villages, there are significant discrepancies between water meters installed by Mekorot, according to which the bills are determined, and parallel meters installed by the residents in order to monitor their own water usage. Examples provided in the petition assert that Mekorot inflates reported monthly usage by 150-400 cubic meters. For instance, a gap of 200 cubic meters was registered between the meters at the connection point of Wadi Al-Na'am. This translates to an additional NIS 1,872 that the community is required to pay.

water price book, dated 1.1.2014, "The price of water provided by local suppliers," item entitled 'water for domestic or any other use.' An 18% tax rate was deducted from the original price.

<sup>38</sup> HCJ 5249/13 Ahmad Alriadi vs. Mekorot Company.



From the outset, residents of the unrecognized villages pay the highest price for water in Israel. The rate itself, however, is merely the beginning. To the price of water, residents must add the expenses of laying infrastructure and treating sewage. Exacerbating the burden, one must also include dubious charges from Mekorot for hundreds of cubic meters of water not received. Together, these expenses make the price of water in the unrecognized villages significantly higher than that paid by all other Israeli citizens for domestic use.



Water access node in the village of Rakhame. The residents of unrecognized villages pay the highest rate for domestic use water in Israel.

## **6.2. Communal billing**

Generally, Israeli households are billed individually for water. In contrast, unrecognized villages are billed collectively for all water provided via a shared access node. Mekorot's water meters are situated inside fenced areas adjacent to main transportation arteries, which are not necessarily in proximity to the villages. Water bills are tallied according to such meters and registered to the individual in charge of a community's water, who is responsible for collecting usage fees from everyone that utilizes this shared access point.

Administration of the local water consumption and bill is done voluntarily. The role includes division of the bill between families, collection of payments, supervision of water infrastructure (to minimize losses), and all ongoing communication with Mekorot. The scope of this role varies between communities and may require tens of hours of work each month.

That the collection of water fees is done collectively – at times encompassing an entire village – while the bill itself is

registered to a single person is a source of tension between residents. The dire financial situation of the unrecognized villages, in addition to excessive water fees, results in many families failing to make payments. Such debts often lead to entire villages being disconnected from their water supply. Furthermore, as the debt is registered against a single agent, the responsible person is presented with a serious predicament. While he does not want to accumulate debt or allow the village to be disconnected from water, nor may he wish to withhold water from any particular family. Furthermore, when a number of households share a single water meter, disputes regarding the division of payment and accrual of debt due to high prices of water become common.

An additional outcome of the practice of collective billing is that residents are denied water rights and discount options. The Knesset's Finance Committee<sup>39</sup> instructed that citizens with special needs – including people with disabilities and from low socio-economic status – would be awarded rebates. Due to

<sup>39</sup> Knesset Finance Committee decision from 4.3.2014 - Water and Sewage Corporations regulations (standards for discount eligibility).

[www.knesset.gov.il/protocols/data/rtf/ksafim/2014-03-04-01.rtf](http://www.knesset.gov.il/protocols/data/rtf/ksafim/2014-03-04-01.rtf) Last surveyed, 6.4.2014.

collective billing, eligible residents of unrecognized villages are denied such discounts.

**M.A. - Al-Rara<sup>40</sup>**

M.A. is a resident of Al-Rara, which is located south of Road 31. The water access node allocated to the village, which services 28 families, is adjacent to the road seven kilometers away. Residents were required to lay all of the required pipes, across this vast and hilly landscape, at great personal cost. Other on-going expenses are incurred to maintain pipes against rupture. The longer a pipe is, the more likely it is to leak. Explaining his role M.A. said, "Once a week, I walk along the path of the pipes to locate leaks."

The water bill on M.A.'s name, based on the 'non-supplier' rate, reaches around NIS 20,000 per month. On the 8<sup>th</sup> of each month, M.A. posts each family's itemized charges in the local store. Residents provide their share throughout the month and M.A. transfers the payment to Mekorot. In charge of collecting the

<sup>40</sup> Interview with M.A., a resident of Al-Rara, held on 22.9.2013.

money, M.A. must deal with the lack of organization and families who are unable to meet their payments. "In order to collect the money, you have to be a strong man," says M.A. "If someone doesn't pay, I loan the missing amount myself to meet the payment. It happened more than once that I had to close the water tap. When it gets to water, I function as a cop, judge, bookkeeper and maintenance person. I devote full days to this every month."



The private water system in Al-Rara. Residents of unrecognized villages complain about the significant discrepancy between Mekorot's water meter and their own.

## **7. Conclusion - Water policy in unrecognized villages and the human right to water**

This report surveys water supply in the unrecognized villages of the Negev within the context of the human right to water. The right to water is a basic right of existential significance; it is meant to ensure that every individual has viable access to safe and affordable water. International conventions emphasize the rights of minorities and indigenous people who live in remote areas to equal access to potable water. Nonetheless, as far as the unrecognized villages are concerned, the report illustrates that the right to water is not guaranteed to all citizens of Israel. Many residents continue to experience grave challenges in accessing sufficient water to meet their needs.

Placement of water access nodes on main transportation routes impedes the ability of remote unrecognized villages to access water. As mentioned, an important element of the right to water is that access be guaranteed at a reasonable distance. Israel's limited scope of distribution compels villages to transport water great distances at their own expense. The residents of Al-Rara,

as demonstrated, must transport water over seven kilometers via their own pipes.

Among other aspects, the right to water includes assured access to drinking water that meets the safety standards of the World Health Organization. In Israel, the Ministry of Health is responsible for the supervision of water quality. Yet water consumed in the unrecognized villages remains unsupervised by any public body. The Ministry of Health eschews this duty; it conducts no tests on water quality in the independent systems, including water stored in containers for days at a time. Despite the well-documented risks involved in constraining water, the ministry is silent on the issue of water allocation to the villages. Water continues to be transferred along lengthy routes from Mekorot access points, with increased risk of compromising its quality. As such, in contravention of the principles of the human right to water, the state neglects its role and by so doing, jeopardizes the wellbeing of the residents of the unrecognized villages.

This report presented the dramatic increases in the 'non-supplier' water rate collected from the residents of

unrecognized villages, a population recognized to be one of the most disadvantaged in Israel. This rate, which has doubled since 2010, is the highest for domestic use in the country. Further, these price increases have not been accompanied by any improvement in water services; Mekorot continues to deny plumbing infrastructure to the unrecognized villages. The residents must lay their own pipes and they have no central sewage system. Furthermore, the method of billing and operation has not changed proportionally to the sharp price increase. Comparatively, water rates for urban consumers and residents of regional councils are lower and include both water infrastructure and sewage services.

Discriminatory pricing for a population lingering in dire economic straits, like the Bedouin community, comprises a de-facto barrier in access to water. Section 44 of General Comment 15 of the UN Committee of Economic, Social and Cultural Rights (2002) specifically obliges states to ensure fair water rates, proportionate to residents' financial abilities:



"Violations of the obligation to respect follow from the State party's interference with the right to water. This includes, inter alia: [...] discriminatory or unaffordable increases in the price of water [...]." <sup>41</sup>

States are obligated to respect the right to water as basic, independent and unconditional. States are forbidden from withholding access to water as a method of punishment. In the unrecognized villages, these conditions are not upheld. Both the water committee and judicial system in Israel have linked the right to water to the land conflict between the state and Bedouin population. In the discussions of CA Abu Musa'ed, the judges justified considering the allocation of water access points within Israel's efforts to regulate Bedouin settlement in the Negev. By so doing, the judges paved the way for actors such as the Water Committee and Authority for the Regulation of Bedouin Settlement to operate antagonistically concerning the right to water.

<sup>41</sup> See *supra* note 4.

Considering Israel's long standing policies of forced urbanization and concentration of the Bedouin population into contrived towns, and based on the outline of the so-called Praver Plan, the Supreme Court has effectively authorized public authorities to use water as leverage to force residents to capitulate to the demands of the State. This is evidenced by the exceptionally low rate of approvals given by the Water Committee to residents of the unrecognized villages. Indeed, the committee has found in favor of a mere 10% of appeals to date.

Access to water is a basic and fundamental right. Water is the essence of life, an irreplaceable resource held in trust by the State for the benefit of its citizens. Using this resource as a method for implementing policies of population concentration, destruction of villages and displacement is immoral and inappropriate. When the state conditions access to water upon fulfillment of arrangements that have nothing to do with the issue of water, it endangers lives, violates UN conventions and operates in contravention to basic human morality.

In CA Abu Musa'ed, it was argued that while the human right to water as articulated in the UN Convention on Economic, Social

and Cultural Rights is not yet ratified by Israel, it still guides interpretation of the law. Examining the content of the Convention against the reality in unrecognized villages, however, suggests that the state is in violation of the vast majority of the convention's principles, as well as its obligation to provide water to all its citizens. As far as the Bedouin population is concerned, Israel does not respect the right to water. In fact, it proactively stifles the residents' access to water by making it difficult for them to connect to the grid and abdicating its responsibility to ensure actualization of the right to water.

## 8. Recommendations

- The state must connect all of the unrecognized villages to the water grid and minimize the usage of alternatives such as water tanks;
- Israel's Water Authority must adjust water rates to take into account, inter alia, the limited services provided to the villages and additional expenses incurred by the residents;
- The Ministry of Health must conduct regular tests and effectively supervise the quality of water consumed in unrecognized villages;
- Mekorot must conduct a detailed accounting of residents provided water through its access nodes and identify those eligible for discounted rates, similarly to other localities throughout Israel;
- Mekorot must thoroughly investigate residents' repeated complaints about the gap between the company's water meters and the private meters installed by the residents;
- Authorities must separate access to water from any other issues, including territorial disputes;
- The precedent set by CA Abu Musaed must pave the way for the incorporation of the human right to water within Israel's Basic Law: Human Dignity and Liberty, in accordance with General Comment 15 of the UN Convention on Economic, Social and Cultural Rights. The state must connect all of the unrecognized villages to the water grid and minimize the usage of alternatives such as water tanks;

- Israel's Water Authority must adjust water rates to take into account, inter alia, the limited services provided to the villages and additional expenses incurred by the residents;
- The Ministry of Health must conduct regular tests and effectively supervise the quality of water consumed in unrecognized villages;
- Mekorot must conduct a detailed accounting of residents provided water through its access nodes and identify those eligible for discounted rates, similarly to other localities throughout Israel;
- Mekorot must thoroughly investigate residents' repeated complaints about the gap between the company's water meters and the private meters installed by the residents;
- Authorities must separate access to water from any other issues, including territorial disputes;
- The precedent set by CA Abu Musaed must pave the way for the incorporation of the human right to water within Israel's Basic Law: Human Dignity and Liberty, in accordance with General Comment 15 of the UN Convention on Economic, Social and Cultural Rights.

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