

Hundreds of Arab Bedouin are without Water, Because of Political Considerations

By Adel Badir*

In a well-governed country which provides for the welfare of its citizens, the state supplies water to citizens as a basic necessity. However, in Israel in 2006, this commodity is supplied according to political considerations. Hundreds of Arab Bedouin families are living in the Naqab (Negev) in terrible conditions without infrastructure, and even without the supply of drinking water. According to a study commissioned by the Ministry of Health, this fact exposes most of these families to serious illnesses, including cholera, dysentery and typhus.

This reality was created by a decision made by the Water Commissioner around two years ago not to connect unrecognized villages in the Naqab to the water network. An appeal against this decision was submitted (by Adalah) to the Water Tribunal, headed by Judge Ron Shapira. However, two months ago, for invalid reasons, Judge Shapira decided to reject the appeal.

An examination of how the Water Commissioner arrived at this decision reveals a long chain of errors, first and foremost the fact that the decision was not actually made by the body authorized by law to do so – the Water Commissioner. In reality, the decision was made by the Water Committee, which did not give the reasons for the decision. Further, this committee is only supposed to offer recommendations. This fact demonstrates that the Commissioner's decision, if it can be regarded as a decision, is not independent and does not include any explanations, as required by law.

However, this is only part of the problem. In fact, there exists reasonable suspicion that the considerations that guided the Water Committee in offering its recommendations to the Water Commissioner were political considerations, extraneous to the request regarding the supply of water. This claim is based on the fact that the Water Committee is a body subordinate to the "Bedouin Development Authority" (BDA). Anyone familiar with the current reality in the Naqab knows that the BDA is a governmental body that has worked since its inception to expel Arab Bedouin citizens living in unrecognized villages in the Naqab from their lands, and to force them to relocate to permanent communities in which the infrastructure is "neglected," to put it mildly. It goes without saying that there is broad opposition to this policy.

The denial of the right of residents of the unrecognized villages in the Naqab to be supplied with water in appropriate quantity and quality constitutes a violation of a constitutional right, based on the right to dignity and minimal conditions of existence, as well as the right to health. These rights cannot be made conditional on the implementation of any policy. Such conditionality is arbitrary and gives priority to a discriminatory government policy over the right to life. Thus, the Water Commissioner's decision is a tool in the hands of the government, which seeks to uproot the Arab Bedouin citizens who live in the unrecognized villages in the Naqab through the non-supply of basic services, such as clean drinking water.

It is worth noting that there are dozens of private ranches (or “individual settlements”) in the Naqab, spanning thousands of dunams, on which individual Jewish families are living. These ranches were built without the approval of the planning authorities, but have nonetheless been supplied by the state with water and modern infrastructure, which is far more sophisticated than anything the Arab Bedouin can even hope to obtain.

An appeal was recently submitted to the Supreme Court (by Adalah) against the decision of the Water Tribunal. The appeal aims to compel the Water Commissioner to supply drinking water to hundreds of Arab Bedouin citizens in the Naqab. The right to water is a basic right, explicitly grounded in law (Article 3 of the Water Law – 1959). In addition, it is based on the right to dignity and to minimal living conditions, as well as the right to health.

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