

FACTS AND FIGURES

Severe Water Shortages in Kufr 'Aqab: Adalah Petitions Israeli Supreme Court

Adalah - The Legal Center for Arab Minority Rights in Israel

Adalah Petitions Israeli Supreme Court over Severe Water Shortages in Kufr 'Aqab, the Palestinian Neighborhood in Occupied East Jerusalem. The petition, filed on behalf of 204 residents, argues that the Israeli authorities' failure to provide a continuous and adequate water supply undermines the petitioners' right to health, as well as their right to life and bodily integrity.

Today, 19 August 2024, Adalah – The Legal Center for Arab Minority Rights in Israel, petitioned the Israeli Supreme Court, demanding the immediate provision of a regular, continuous, and adequate water supply to Kufr 'Aqab. The petition was filed on behalf of 204 residents of Kufr 'Aqab, the largest Palestinian neighborhood in East Jerusalem.

(See HCJ 44918-08-24 *Zgayar v. The Government Water and Sewage Authority* (in Hebrew) at www.adalah.org/uploads/uploads/Petition_Kufr_'Aqab_water.pdf)

Israel annexed Kufr 'Aqab in 1967, in clear violation of international law, and incorporated it into the jurisdiction of the Jerusalem Municipality, thereby applying Israeli law. Today, the approximately 100,000 residents of Kufr 'Aqab lack reliable access to water. Although Kufr 'Aqab falls within the Jerusalem Municipality, it does not receive water from the municipal supplier, Hagihon Company. Instead, it is supplied by the Palestinian Water Authority, similar to other Palestinian

Editor's Note

JQ is reprinting the press release of Adalah's petition, with their permission. The original is available online at www.adalah.org/en/content/view/11156 (accessed 20 August 2024).

communities in the occupied West Bank, which purchases water from the Israeli national water company, Mekorot.

Since mid-May, supply of water to Kufri 'Aqab sharply deteriorated resulting in a water crisis. In May, residents received an average of just 12 hours of water per week. As of mid-July, residents were supplied with a weekly average of only a day and a half to two and a half days of water.

The petition, filed by Adalah's Legal Director, Dr. Suhad Bishara, argues that the inadequate water supply to the residents of Kufri 'Aqab infringes upon their fundamental human rights. The failure to provide a continuous and adequate supply of water undermines the petitioners' right to health, as well as their right to life and bodily integrity.

The right to water is recognized in international human rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. The UN Committee on Economic, Social and Cultural Rights has emphasized in General Comment 15 that *"The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements."*

The right to an adequate water supply is also enshrined in Israeli law and has been upheld by the Israeli Supreme Court on various occasions.

The petition outlines the residents' ongoing and relentless struggle to secure water for essential needs, including drinking, bathing, cooking, cleaning, and hygiene. Due to the lack of running water for most days of the week, households, schools, clinics, and other facilities are compelled to purchase water from private sources. The privately purchased water is then pumped to rooftops using electric pumps and stored in large plastic tanks. This method not only costs more than ten times the standard rate set by the Israeli Water Authority and the national water company, Mekorot, but also involves unregulated and potentially hazardous practices. Supported by research and World Health Organization (WHO) guidelines, the petition highlights that storing water in plastic containers poses significant health risks.

The petition follows multiple correspondences from Adalah since June 2024 that flagged the issue and demanded immediate action from the Jerusalem Municipality, the Water Authority, and Mekorot. In a letter dated 27 June 2024, Israel's Water Authority responded that the water supply is managed by the Palestinian Water Authority and noted that Mekorot is making efforts to maintain the agreed-upon water quantities. The petition argues that this response indicates the Water Authority's awareness of the crisis, but shows a disregard for its legal obligations to ensure a continuous, adequate, and reasonably priced water supply as required by law.

Adalah added: "The water crisis in Kufri 'Aqab during the height of summer clearly demonstrates Israel's systematic violation of Palestinians' fundamental rights.

For decades, Israel has consistently failed to meet its obligations as an occupying power to provide water to Palestinians in the occupied Palestinian territory, and at times has even deliberately prevented access to these essential resources. Even in territories Israel considers to be within its jurisdiction, such as Kufr ‘Aqab – which was unlawfully annexed by Israel in 1967 – Israel evades its responsibility under both international and its own domestic laws for the most basic necessity for survival: water. Israeli authorities are fully aware of the crisis and refuse to act, forcing Palestinians to resort to hazardous and unsafe practices that jeopardize their health.”